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STATE OF MINNESOTA

SIXTY-NINTH SESSION - 1976

NINETY-THIRD DAY

SAINT PAUL, MINNESOTA, THURSDAY, MARCH 18, 1976

The House convened at 11:00 a.m. and was called to order by the Speaker.

Prayer was offered by the Chaplain.

The roll was called, and the following members were present:

Abeln	Doty	Kahn	Neisen	Sieben, H.
Adams, L.	Eckstein	Kaley	Nelsen	Sieben, M.
Adams, S.	Eken	Kelly, R.	Nelson	Sieloff
Albrecht	Enebo	Kelly, W.	Niehaus	Simoneau
Anderson, G.	Erickson	Kempe, A.	Norton	Skoglund
Anderson, I.	Esau	Kempe, R.	Novak	Smith
Arlandson	Evans	Ketola	Osthoff	Smogard
Beauchamp	Ewald	Knickerbocker	Parish	Spanish
Begich	Faricy	Knoll	Patton	Stanton
Berg	Fjoslien	Kostohryz	Pehler	Suss
Berglin	Forsythe	Kroening	Peterson	Swanson
Biersdorf	Friedrich	Kvam	Petraleso	Tomlinson
Birnstihl	Fudro	Laidig	Philbrook	Ulland
Braun	Fugina	Langseth	Pleasant	Vento
Brinkman	George	Lemke	Prahl	Voss
Byrne	Graba	Lindstrom	Reding	Wenstrom
Carlson, A.	Hanson	Luther	Rice	Wenzel
Carlson, L.	Haugerud	Mangan	St. Onge	White
Carlson, R.	Heinitz	Mann	Samuelson	Wieser
Casserly	Hokanson	McCarron	Sarna	Wigley
Clark	Jacobs	McCauley	Savelkoul	Williamson
Clawson	Jaros	McCollar	Schreiber	Zubay
Corbid	Jensen	McEachern	Schulz	Speaker Sabo
Dahl	Johnson, C.	Menning	Schumacher	
Dean	Johnson, D.	Metzen	Searle	
DeGroat	Jopp	Moe	Setzefandt	
Dieterich	Jude	Munger	Sherwood	

A quorum was present.

Kalis was excused. Vanasek was excused until 11:45 a.m. Volk was excused until 3:00 p.m.

The Chief Clerk proceeded to read the Journal of the preceding day. On the motion of Esau the further reading was dispensed with and the Journal was approved as corrected.

REPORTS OF CHIEF CLERK

Pursuant to Rules of the House, printed copies of H. F. No. 2072 and 2280 and S. F. Nos. 2254, 2362, 454, 1188, 1841, 674, 2208, 2223, 1627, 1976, 1876, 354 and 864 have been placed in the members' files.

REPORTS OF STANDING COMMITTEES

Johnson, C., from the Committee on Education to which was referred:

S. F. No. 407, A bill for an act relating to education; providing for kindergarten and pilot second level preschool assessment programs; appropriating money.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert the following:

“Section 1. [DECLARATION OF POLICY.] The legislature finds that health and educational growth and development screening performed no later than the end of the kindergarten year is necessary to plan educational programs which provide equal opportunity for all children. The legislature further finds that such screening is currently available in some communities of the state through programs established jointly by the state departments of health and welfare and through independent programs established by local school districts. The purpose of this act is to encourage local school boards to utilize the technical assistance and cooperative efforts of the departments of education, health and welfare in combination with the planning and resource capabilities of local school districts to develop health and educational growth and development screening programs for kindergarten and preschool children.

Sec. 2. [DEVELOPMENT OF SCREENING CRITERIA.] No later than July 15, 1976, the department of education in cooperation with the department of health and other appropriate agencies shall have established criteria for the purpose of assisting local districts in the development of health and educational growth and development screening programs for kindergarten and preschool children. The criteria shall include: identification of and coordination with existing screening services and resources; appropriateness of proposed screening procedures with respect to available school services and resources, and the age and particular needs of the children to be screened; and, determination of a process by which results of the screening procedure can be used when necessary to refer certain children for additional health and educational growth evaluation. The results of the screening procedure shall be used by school districts to develop appropriate educational programs for the early elementary years.

Sec. 3. [DEMONSTRATION PROJECTS.] By September 1, 1976, local school districts may apply to the state board of education to receive funding in an amount not to exceed \$15 per child estimated to be screened, for purposes of implementing health and educational growth and development screening procedures for the 1976-1977 school year. On or before September 30, 1976, the state board of education shall approve or disapprove district applications in accordance with the criteria established pursuant to section 2. No district shall charge fees for the screening service unless such fees are authorized by the state board of education at the time the application is approved. These screening grants shall be distributed as equally as possible among districts of varied size and location and shall include funding for proposals submitted by districts with access to established screening programs as well as districts where screening services are currently not available.

Sec. 4. [APPLICATION OF FUNDS.] The sum of \$300,000 is appropriated from the general fund to the state board of education for purposes of funding the demonstration projects authorized pursuant to this act. The appropriation shall be divided as equally as possible between districts located within the seven county metropolitan region and districts located outside the metropolitan region. The state board shall approve applications and grant funding pursuant to this act only to the extent that funds are available.

Sec. 5. [EFFECTIVE DATE.] This act shall be effective the day following final enactment.”

Further, amend the title as follows:

Line 3, delete “pilot second level preschool assessment”.

Line 4, delete “programs” and insert “preschool health and educational growth and development screening”.

With the recommendation that when so amended the bill do pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 2657, A bill for an act relating to game and fish; increasing certain license fees; amending Minnesota Statutes 1974, Sections 98.46, Subdivisions 2, 4, 5, 7, 8, 9, 14, 15, 16, 17, and 19; and 101.44; repealing Minnesota Statutes 1974, Section 84.14, Subdivisions 1, 2, 3, 4 and 6.

Reported the same back with the following amendments:

Page 1, after line 24 insert:

"Sec. 2. Minnesota Statutes 1974, Section 98.46, is amended by adding a subdivision to read:

Subd. 2a. The commissioner of natural resources may issue Minnesota sportsman licenses. The licenses shall be issued to residents only. The fee for licenses shall be \$16.

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."*

Page 2, line 27, delete "1974" and insert ", 1975 Supplement".

Page 3, after line 18, insert "(7) To take, transport, purchase and possess for sale unprocessed turtles and tortoises within the state, \$25;"

Page 3, line 19, delete "(7)" and insert "(8)".

Page 3, line 22, delete "(8)" and insert "(9)".

Page 3, line 22, delete "\$150" and insert "\$50".

Page 3, line 24, delete "(9)" and insert "(10)".

Page 3, line 28, delete "(10)" and insert "(11)".

Page 6, line 3, after "deer" strike the comma and insert "and".

Page 6, line 3, after "bear" strike ", or timber wolf, any or all of".

Page 6, line 4, strike "them,".

Page 6, line 6, strike "\$50.25" and insert "\$60".

Page 6, line 7, after "deer" strike the comma and insert "and".

Page 6, line 7, after "bear" strike ", or timber wolf, any or all of".

Page 6, line 8, strike "them,".

Page 6, line 11, after "bear" strike "or timber wolf, or both".

Page 8, delete line 32.

Page 9, delete line 1 and insert:

"Sec. 14. Minnesota Statutes 1974, Section 85.05, Subdivision 2, is amended to read:

Subd. 2. [PERMITS FOR MOTOR VEHICLES.] (a) Except as provided in clauses (b), (c), (d) and (e) of this subdivision, no motor vehicle shall enter or be permitted to enter any state park, state monument, state recreation area or state wayside over 50 acres in area unless it has affixed to its windshield in the lower right corner thereof a permit which is provided for hereinafter. The commissioner of natural resources shall procure permits in such form as he shall prescribe for each calendar year which by appropriate language shall grant permission to use any state park, state monument, state recreation area or state wayside over 50 acres in area. Permits for each calendar year shall be provided and placed on sale before October 1 next preceding, and may be affixed and used on or at any time after said date until the end of the calendar year for which issued. Such permits in each category shall be numbered consecutively for each year of issue. A fee of (\$3) \$5 shall be charged for each *resident permit issued and a fee of \$8 shall be charged for each nonresident permit issued*, except that permits of appropriate special design may be sold individually at (\$1) \$1.50 covering the use of state parks, state monuments, state recreation areas or state waysides under such conditions as the commissioner may prescribe for a designated period of not more than two days. The fee collected shall be deposited in the state park development account in the state treasury. Such permits shall be issued by such employees of the division of parks and recreation as the commissioner of natural resources may designate in writing and as hereinbefore provided.

(b) The commissioner shall issue without charge an employee's motor vehicle permit to any state employee who, for the purpose of performing official duties, must enter places where park stickers are required. The employee shall display his employee's permit on his motor vehicle in the same manner as state park stickers are displayed. A motor vehicle displaying only an employee's permit may not enter a place where park stickers are required if the vehicle is used for purposes other than those authorized by this clause (b).

(c) The commissioner shall issue without charge a motor vehicle permit to any individual of the age of 65 years or over who furnishes satisfactory proof of age. Such permit or the decal evidencing its issuance shall be valid only when displayed upon the vehicle owned and occupied by the person to whom issued.

(d) No state park permit is necessary for entry of a motor vehicle into a state park, state monument, state recreation area, or state wayside, on one day each calendar year which the commissioner may designate as state park open house day for the purpose of acquainting the public with state parks, monuments, recreation areas, and waysides. The commissioner shall announce the date of state park open house day at least 30 days in advance of the open house.

(e) No state park permit is necessary, nor shall any fee, including a parking fee, be charged, for entry of a motor vehicle into that part of Fort Snelling state park commonly known as Fort Snelling Memorial Chapel island.

Sec. 15. [APPROPRIATION.] *In those years a firearms deer hunting season is held, a minimum of \$300,000 shall be appropriated from the game and fish fund for deer habitat improvement programs from the increase in deer hunting license receipts provided pursuant to this act. Any unexpended balance in this appropriation at the end of each fiscal year shall not cancel but shall be reappropriated in the following and subsequent fiscal years and available for deer habitat improvement programs."*

Page 9, line 2, delete "Sections 1 through 12 are" and insert "This act is".

Page 9, line 2, after "to" insert "all big game".

Page 9, line 3, after "issued" insert "for 1976 and subsequent big game seasons and all other licenses and permits for licensing years commencing".

Page 9, line 3, delete "Section 13 is".

Page 9, delete line 4.

Renumber the sections accordingly.

Further amend the title as follows:

Page 1, line 2, delete "game and fish" and insert "natural resources".

Page 1, line 2, after "certain" insert "permit and".

Page 1, line 3, after the semicolon insert "authorizing the issuance of Minnesota sportsman licenses; appropriating money;".

Page 1, line 4, after "Sections" insert "85.05, Subdivision 2;".

Page 1, line 4, delete "5,".

Page 1, line 5, after "17" delete "and" and insert a comma.

Page 1, line 5, after "19" insert ", and by adding a subdivision".

Page 1, line 5, delete "repealing Minnesota".

Page 1, delete lines 6 and 7 and insert "and Minnesota Statutes, 1975 Supplement, Section 98.46, Subdivision 5."

With the recommendation that when so amended the bill do pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Brinkman from the Committee on Financial Institutions and Insurance to which was referred:

S. F. No. 1570, A bill for an act relating to insurance; providing that the same priorities of security for payment of basic economic loss benefits apply to school buses as to non-commercial motor vehicles under the Minnesota no fault insurance act; amending Minnesota Statutes 1974, Section 65B.47, Subdivision 1.

Reported the same back with the recommendation that the bill do pass.

The report was adopted.

Brinkman from the Committee on Financial Institutions and Insurance to which was referred:

S. F. No. 1753, A bill for an act relating to financial institutions; requiring insurance for accounts in credit unions and savings associations; requiring a certificate of approval; amending Minnesota Statutes 1974, Section 51A.23 by adding subdivisions; and Chapter 52 by adding a section.

Reported the same back with the following amendments:

Page 2, line 14, delete "*subdivision*" and insert "*act*".

With the recommendation that when so amended the bill do pass.

The report was adopted.

Mr. Brinkman from the Committee on Financial Institutions and Insurance to which was referred:

S. F. No. 1764, A bill for an act relating to safe deposit companies; exempting savings associations from licensing and bonding requirements; deleting a limitation on examination fees; amending Minnesota Statutes 1974, Sections 55.06, Subdivision 1; and 55.095.

Reported the same back with the following amendments:

Page 2, delete lines 19 and 20 and insert the following:

“Sec. 3. [CITATION.] *Sections 3 to 18 shall be known and may be cited as the “Minnesota life and health insurance guaranty association act”.*”

Sec. 4. [SCOPE, PURPOSE AND CONSTRUCTION.] *Subdivision 1. [SCOPE.] The Minnesota life and health insurance guaranty association act applies to direct life insurance policies, health insurance policies, annuity contracts, and contracts supplemental to life and health insurance policies and annuity contracts issued by persons authorized at any time to transact insurance in this state. The Minnesota life and health insurance guaranty association act shall not apply to:*

(a) *Any policies or contracts or part thereof under which the risk is borne by the policyholder;*

(b) *Any policy or contract or part thereof assumed by an impaired insurer under a contract of reinsurance, other than reinsurance for which assumption certificates have been issued;*

(c) *Any policy or contract issued by an assessment benefit association operating under Minnesota Statutes, Chapter 63, or a fraternal beneficiary association operating under Minnesota Statutes, Chapter 64A;*

(d) *Any subscriber contract issued by a nonprofit health service plan corporation operating under chapter 62C.*

Subd. 2. [PURPOSE.] *The purpose of the Minnesota life and health insurance guaranty association act is to protect policyowners, death benefit certificate holders, insureds, beneficiaries, annuitants, payees, and assignees of life insurance policies, health insurance policies, annuity contracts, and supplemental contracts, subject to certain limitations against failure in the performance of contractual obligations due to the impairment of the insurer issuing such policies or contracts. To provide this protection, (a) an association of insurers is created to enable the guaranty of payment of benefits and of continuation of coverages, (b) mem-*

bers of the association are subject to assessment to provide funds to carry out the purpose of the Minnesota life and health insurance guaranty association act, and (c) the association is authorized to assist the commissioner, in the prescribed manner, in the detection and prevention of insurer impairments.

Subd. 3. [CONSTRUCTION.] The Minnesota life and health insurance guaranty association act shall be liberally construed to effect the purpose under subdivision 2, which shall constitute an aid and guide to interpretation.

Sec. 5. [DEFINITIONS.] Subdivision 1. For the purposes of the Minnesota life and health insurance guaranty association act, the following terms shall have the meanings given them in this section.

Subd. 2. "Account" means any of the three accounts created under section 6, subdivision 1.

Subd. 3. "Annuity contracts" means contracts subject to Minnesota Statutes, Chapter 61A or 64A wherein the policyowner agrees to make payments to the insurer at the beginning of the contract period and the insurer agrees to make payments thereafter to the insured for a specified period of time or until the insured's death.

Subd. 4. "Association" means the Minnesota life and health insurance guaranty association created under section 6. The association shall not be considered a state agency for purposes of chapters 16 and 43.

Subd. 5. "Contractual obligation" means any obligation under covered policies.

Subd. 6. "Covered policy" means any policy or contract within the scope of the Minnesota life and health insurance guaranty association act under section 4, subdivision 1.

Subd. 7. "Direct life insurance" means life insurance generally, except annuity contracts, under Minnesota Statutes, Chapter 61A or 64A, credit life insurance under chapter 62B, and death benefit certificates under Minnesota Statutes, Chapter 64A.

Subd. 8. "Health insurance" means accident and sickness insurance under Minnesota Statutes, Chapter 62A and credit accident and health insurance under Minnesota Statutes, Chapter 62B.

Subd. 9. "Impaired insurer" means (a) an insurer which, after the effective date of the Minnesota life and health insurance guaranty association act, becomes insolvent and is placed under an order of liquidation, rehabilitation, or conservation by

a court of competent jurisdiction, or (b) an insurer determined by the commissioner, after the effective date, to have become unable or potentially unable to fulfill its contractual obligations.

Subd. 10. "Member insurer" means any person authorized to transact in this state any kind of insurance to which the Minnesota life and health insurance guaranty association act applies under section 4, subdivision 1.

Subd. 11. "Premiums" means direct gross insurance premiums and annuity considerations written on covered policies, less return premiums and considerations thereon and dividends paid or credited to policyholders on such direct business. Premiums do not include premiums and considerations on contracts between insurers and reinsurers. As used in section 9, premiums are those for the calendar year preceding the determination of impairment.

Subd. 12. "Person" means any individual, corporation, partnership, association or voluntary organization.

Subd. 13. "Resident" means any person who resides in this state at the time the impairment is determined and to whom contractual obligations are owed.

Sec. 6. [CREATION OF ASSOCIATION.] Subdivision 1. [NATURE OF ASSOCIATION.] There is created a nonprofit legal entity to be known as the Minnesota life and health insurance guaranty association. All member insurers shall be and remain members of the association as a condition of their authority to transact insurance in this state. The association shall perform its functions under the plan of operation established and approved under section 10, and shall exercise its powers through a board of directors established under section 7. For purposes of assessment, the association shall establish three accounts:

- (a) The health insurance account;
- (b) The life insurance account; and
- (c) The annuity account.

Subd. 2. [SUPERVISION BY COMMISSIONER OF INSURANCE.] The association shall be under the immediate supervision of the commissioner of insurance and shall be subject to the insurance laws of this state.

Sec. 7. [BOARD OF DIRECTORS.] Subdivision 1. [COMPOSITION OF BOARD.] The board of directors of the association shall consist of nine members serving terms as established in the plan of operation under section 10. Two-thirds of the members of the board shall be selected by the member insurers subject to the approval of the commissioner, with the remaining one-

third appointed by the commissioner from the public sector. Vacancies on the board shall be filled for the remaining period of the term in the manner described in the plan of operation. To select the initial board of directors, and initially organize the association, the commissioner shall give notice to all member insurers of the time and place of the organizational meeting. At the organizational meeting, each member insurer shall be entitled to one vote in person or by proxy. If the board of directors is not selected within 60 days after notice of the organizational meeting, the commissioner may appoint the initial members.

Subd. 2 [REPRESENTATIVE SELECTION.] In approving selections or in appointing members to the board, the commissioner shall consider, among other things, whether all member insurers are fairly represented.

Subd. 3. [COMPENSATION.] Members of the board may be reimbursed from the assets of the association for reasonable and necessary expenses incurred by them as members of the board, but shall not otherwise be compensated by the association for their services.

Sec. 8. [POWERS AND DUTIES OF THE ASSOCIATION.]
Subdivision 1. [IMPAIRED DOMESTIC INSURER.] If a domestic insurer is an impaired insurer, the association

(a) may, prior to an order of liquidation or rehabilitation, and subject to any conditions imposed by the association other than those which impair the contractual obligations of the impaired insurer and approved by the impaired insurer and the commissioner, guarantee or reinsure, or cause to be guaranteed, assumed, or reinsured, the covered policies of the impaired insurer and shall make or cause to be made prompt payment of the contractual obligations of the impaired insurer which are due and owing;

(b) shall, after entry of an order of liquidation or rehabilitation, subject to any conditions imposed by the association and approved by the commissioner, guarantee, assume, or reinsure, or cause to be guaranteed, assumed, or reinsured, the covered policies of the impaired insurer, and shall make or cause to be made prompt payment of the contractual obligations of the impaired insurer which are due and owing.

Subd. 2. [IMPAIRED FOREIGN OR ALIEN INSURER.] If a foreign or alien insurer is an impaired insurer under an order of liquidation, rehabilitation, or conservation, the association shall, subject to any conditions imposed by the association and approved by the commissioner, guarantee, assume, or reinsure or cause to be guaranteed, assumed, or reinsured, the covered policies of residents, and shall make or cause to be made prompt payment of the impaired insurer's contractual obligations which are due and owing to residents.

Subd. 3. [LIENS.] (a) In carrying out its duties under subdivisions 1, clause (b), and 2, the association may request that there be imposed policy liens, contract liens, moratoriums on payments, or other similar means and such liens, moratoriums, or similar means may be imposed if the commissioner

(1) finds that the amounts which can be assessed under the Minnesota life and health insurance guaranty association act are less than the amounts needed to assure full and prompt performance of the impaired insurer's contractual obligations, or that the economic or financial conditions as they affect member insurers are sufficiently adverse to render the imposition of policy or contract liens, moratoriums, or similar means to be in the public interest, and

(2) approves the specific policy liens, contract liens, moratoriums; or similar means to be used.

(b) Before being obligated under subdivisions 1, clause (b), and 2, the association may request that there be imposed temporary moratoriums or liens on payments of cash values and policy loans. The temporary moratoriums and liens may be imposed if approved by the commissioner.

Subd. 4. [FOREIGN JURISDICTION COVERAGE.] The association shall have only excess liability under this section for any covered policy of a foreign or alien insurer whose domiciliary jurisdiction or state of entry provides protection, by statute or regulation, for residents of this state which is substantially similar to that provided by the Minnesota life and health insurance guaranty association act for residents of other states.

Subd. 5. [ADVISORY FUNCTION.] The association may, upon the request of the commissioner, render assistance and advice to him concerning rehabilitation, payment of claims, continuations of coverage, or the performance of other contractual obligations of any impaired insurer.

Subd. 6. [STANDING.] The association shall have standing to appear before any court in this state with jurisdiction over an impaired insurer concerning which the association is or may become obligated under these provisions. The standing shall extend to all matters germane to the powers and duties of the association, including proposals for reinsuring or guaranteeing the covered policies of the impaired insurer and the determination of the covered policies and contractual obligations.

Subd. 7. [ASSIGNMENT; SUBROGATION.] (a) The association may require an assignment to it by any payee, policy or contract owner, beneficiary, insured, or annuitant to their rights under the covered policy to the extent of benefits received under the provisions of the Minnesota life and health insurance guaranty association act as a condition precedent to the receipt of any rights or benefits conferred by these provisions upon the

person. The association shall be subrogated to these rights against the assets of any impaired insurer.

(b) The subrogation rights of the association under this subdivision shall have the same priority against the assets of the impaired insurer as that of the person entitled to receive benefits.

Subd. 8. [EXTENT OF LIABILITY.] The contractual obligations of the impaired insurer for which the association becomes liable shall be only as great as the contractual obligations of the impaired insurer would have been in the absence of an impairment, unless the obligations are reduced as permitted by subdivision 3; the association shall have no liability with respect to any portion of a covered policy or policies to the extent that the death benefit coverage on any one life exceeds an aggregate of \$300,000.

Subd. 9. [POWERS OF ASSOCIATION.] The association may:

(a) Enter into contracts necessary or proper to carry out these provisions and their purposes.

(b) Sue or be sued, including taking legal actions necessary or proper for recovery of unpaid assessments under section 9.

(c) Borrow money to effect the purposes of the Minnesota life and health insurance guaranty association act. Any notes or other evidence of indebtedness of the association not in default shall be legal investments for domestic insurers and may be carried as admitted assets.

(d) Employ or retain persons necessary to handle the financial transactions of the association, and perform other necessary or proper functions.

(e) Negotiate and contract with any liquidator, rehabilitator, conservator, or ancillary receiver to carry out the powers and duties of the association.

(f) Take legal action as may be necessary to avoid payment of improper claims.

(g) Exercise, for the purposes of the Minnesota life and health insurance guaranty association act and to the extent approved by the commissioner, the powers of a domestic life or health insurer, but in no case may the association issue insurance policies or annuity contracts other than those issued to perform the contractual obligations of the impaired insurer.

Sec. 9. [ASSESSMENTS.] Subdivision 1. [ASSESSMENT BY BOARD.] For the purpose of providing the funds

necessary to carry out the powers and duties of the association, the board of directors shall assess the member insurers, separately for each account, at such times and for such amounts as the board finds necessary. The board shall collect the assessments after 30 days written notice to the member insurers before payment is due.

Subd. 2. [CLASSES OF ASSESSMENTS.] There shall be three classes of assessments, as follows:

(a) Class A assessments shall be made for the purpose of meeting administrative costs and other general expenses not related to a particular impaired insurer;

(b) Class B assessments shall be made to the extent necessary to carry out the powers and duties of the association under section 8 with regard to an impaired domestic insurer;

(c) Class C assessments shall be made to the extent necessary to carry out the powers and duties of the association under section 8 with regard to an impaired foreign or alien insurer.

Subd. 3. [FORMULA FOR DETERMINATION.] (a) The amount of any class A assessment for each account shall be determined by the board. The amount of any class B or C assessment shall be divided among the accounts in the proportion that the premiums received by the impaired insurer on the policies covered by each account bear to the premiums received by the insurer on all covered policies.

(b) Class A and class C assessments against member insurers for each account shall be in the proportion that the premiums received on business in this state by each assessed member insurer on policies covered by each account bear to premiums received on business in this state by all assessed member insurers.

(c) Class B assessments for each account shall be made separately for each state in which the impaired domestic insurer was authorized to transact insurance at any time, in the proportion that the premiums received on business in the state by the impaired insurer on policies covered by the account bear to premiums received in all states by the impaired insurer. The assessments against member insurers shall be in the proportion that the premiums received on business in each state by each assessed member insurer on policies covered by each account bears to premiums received on business in the state by all assessed member insurers.

(d) Assessments for funds to meet the requirements of the association with respect to an impaired insurer shall not be made until necessary to implement the Minnesota life and health insurance guaranty association act. Classification of assessments under subdivision 2, and computation of assessments under this subdivision shall be made with a reasonable degree of accuracy.

Subd. 4. [ABATEMENT OR DEFERMENT.] The association may abate or defer, in whole or in part, the assessment of a member insurer if, in the opinion of the board, payment of the assessment would endanger the ability of the member insurer to fulfill its contractual obligations. The total of all assessments upon a member insurer for each account shall not, in any one calendar year, exceed two percent of the insurer's premiums in this state on the policies covered by the account.

Subd. 5. [ADDITIONAL ASSESSMENT.] In the event that an assessment against a member insurer is abated, or deferred, in whole or in part, because of the limitations set forth in subdivision 4, the amount by which such assessment is abated or deferred may be assessed against other member insurers in a manner consistent with the basis for assessments set forth in this section. If the maximum assessment, together with the other assets of the association, does not provide in any one year an amount sufficient to carry out the responsibilities of the association, the necessary additional funds shall be assessed as soon thereafter as permitted by the Minnesota life and health insurance guaranty association act.

Subd. 6. [REFUND.] The board may, by an equitable method as established in the plan of operation under section 10, refund to member insurers, in proportion to their contributions to particular accounts, the amount by which the assets of the account exceed the amount the board finds necessary to carry out during the coming year the obligations of the association with regard to that account, including assets accruing from net realized gains and income from investments. A reasonable amount may be retained in any account to provide funds for the continuing expenses of the association and for future losses if refunds are impractical.

Subd. 7. [CERTIFICATE OF CONTRIBUTION.] The association shall issue to each insurer paying an assessment under the Minnesota life and health insurance guaranty association act a certificate of contribution, in a form prescribed by the commissioner, for the amount paid. All outstanding certificates shall be of equal dignity and priority. A certificate of contribution may be shown by the insurer in its financial statement as an admitted asset in the form and for the amount and period of time as the commissioner may approve.

Sec. 10. [PLAN OF OPERATION.] *Subdivision 1. [ADOPTION AND AMENDMENT.] (a) The association shall submit to the commissioner a plan of operation and amendments thereto necessary or suitable to assure the fair, reasonable, and equitable and administration of the association. The plan of operation and amendments thereto shall be effective upon approval in writing by the commissioner.*

(b) If the association fails to submit a suitable plan of operation within 180 days after the effective date of the Minnesota

life and health insurance guaranty association act or if at any time thereafter the association fails to submit suitable amendments to the plan, the commissioner shall, after notice and hearing, adopt and promulgate reasonable rules as necessary or advisable to effectuate the provisions of the Minnesota life and health insurance guaranty association act. The rules shall continue in force until modified by the commissioner or superseded by a plan submitted by the association and approved by the commissioner.

Subd. 2. [COMPLIANCE.] All member insurers shall comply with the plan of operation.

Subd. 3. [CONTENTS.] The plan of operation shall:

(a) Establish procedures for handling the assets of the association;

(b) Establish the amount and method of reimbursing members of the board of directors;

(c) Establish regular places and times for meetings of the board of directors;

(d) Establish procedures for maintaining records of all financial transactions of the association, its agents, and the board of directors;

(e) Establish the procedures for making selections for the board of directors and submitting them to the commissioner;

(f) Establish additional procedures for assessments under section 9;

(g) Establish procedures for employing or retaining persons necessary to handle the financial transactions and other necessary and proper functions of the association; and

(h) Contain additional provisions necessary or proper for the execution of the powers and duties of the association.

Subd. 4. [DELEGATION OF POWERS AND DUTIES.] The plan of operation may provide that any or all powers and duties of the association, except those under section 8, subdivision 9, clause (c), and section 9, are delegated to another organization which performs or will perform functions similar to those of this association in two or more states. The organization shall be reimbursed for any payments made on behalf of the association and paid for its performance of any association function. A delegation shall take effect only with the approval of both the board of directors and the commissioner, and may be made only to an organization which extends protection substan-

tially as favorable and effective as that provided by the Minnesota life and health insurance guaranty association act.

Sec. 11. [DUTIES AND POWERS OF THE COMMISSIONER.] (a) *The commissioner shall*

(1) *Notify the board of directors of the existence of an impaired insurer within three days after a determination of impairment is made or he receives notice of impairment.*

(2) *Upon request of the board of directors, provide the association with a statement of the premiums in the appropriate states for each member insurer.*

(3) *When an impairment is declared and the amount determined, serve a demand upon the impaired insurer to make good the impairment within a reasonable time. Notice to the impaired insurer shall constitute notice to its shareholders. The failure of the insurer to promptly comply with the demand shall not excuse the association from performance under the Minnesota life and health insurance guaranty association act.*

(b) *The commissioner may suspend or revoke, after notice and hearing, the certificate of authority to transact insurance in this state of any member insurer which fails to pay an assessment when due or to comply with the plan of operation. As an alternative, the commissioner may levy a forfeiture on any member insurer which fails to pay an assessment when due. Such forfeiture shall not exceed five percent of the unpaid assessment per month, but no forfeiture shall be less than \$100 per month.*

(c) *Any action of the board of directors or the association may be appealed to the commissioner by any member insurer within 30 days of the action being appealed. Any final action or order of the commissioner shall be subject to judicial review in a court of competent jurisdiction.*

(d) *The liquidator, rehabilitator, or conservator of any impaired insurer may notify all interested persons of the effect of the Minnesota life and health insurance guaranty association act.*

Sec. 12. [PREVENTION OF IMPAIRMENTS.] *To aid in the detection and prevention of insurer impairments,*

(a) *The board of directors may, upon majority vote, notify the commissioner of information indicating that a member insurer may be unable or potentially unable to fulfill its contractual obligations.*

(b) *The board of directors may, upon majority vote, request that the commissioner order an examination of any member in-*

urer which the board believes may be unable or potentially unable to fulfill its contractual obligations. The commissioner may conduct the examination. The examination may be conducted as a national association of insurance commissioners examination or by persons the commissioner designates. The cost of the examination shall be paid by the association and the examination report treated as are other examination reports. In no event shall the examination report be released to the board of directors of the association prior to its release to the public, but this shall not excuse the commissioner from his obligation to comply with clause (c). The commissioner shall notify the board of directors when the examination is completed. The request for an examination shall be kept on file by the commissioner, but shall not be open to public inspection prior to the release of the examination report to the public and shall be released at that time only if the examination discloses that the examined insurer is unable or potentially unable to meet its contractual obligations.

(c) The commissioner shall report to the board of directors when he has reasonable cause to believe that any member insurer examined at the request of the board of directors may be unable or potentially unable to fulfill its contractual obligations.

(d) The board of directors may, upon majority vote, make reports and recommendations to the commissioner upon any matter germane to the solvency, liquidation, rehabilitation or conservation of any member insurer. The reports and recommendations shall not be considered public documents.

(e) The board of directors may, upon majority vote, make recommendations to the commissioner for the detection and prevention of insurer impairments.

(f) The board of directors may, at the conclusion of any insurer impairment in which the association carried out its duties or exercised powers under the Minnesota life and health insurance guaranty association act, prepare a report on the history and causes of the impairment, based on the information available to the association, and submit the report to the commissioner.

Sec. 13. [DELEGATION BY COMMISSIONER.] The commissioner may delegate powers conferred on him by law for the purposes of the Minnesota life and health insurance guaranty association act.

Sec. 14. [MISCELLANEOUS PROVISIONS.] Subdivision 1. [CONSTRUCTION.] Nothing in the Minnesota life and health insurance guaranty association act shall be construed to reduce the liability for unpaid assessments of the insureds of an impaired insurer operating under a plan with assessment liability.

Subd. 2. [RECORDS.] Records shall be kept of all negotiations and meetings in which the association or its representa-

tives are involved to discuss the activities of the association in carrying out its powers and duties under section 8. Records of negotiations or meetings shall be made public only upon termination of a liquidation, rehabilitation, or conservation proceeding involving an impaired insurer, termination of the impairment of the insurer, or order of a court of competent jurisdiction. Nothing in this subdivision shall limit the duty of the association to render a report of its activities under section 15.

Subd. 3. [ASSOCIATION AS CREDITOR.] For the purpose of carrying out its obligations under the Minnesota life and health insurance guaranty association act, the association shall be deemed to be a creditor of the impaired insurer to the extent of assets attributable to covered policies reduced by any amounts to which the association is entitled as subrogee pursuant to section 8, subdivision 7. All assets of the impaired insurer attributable to covered policies shall be used to continue all covered policies and pay all contractual obligations of the impaired insurer as required by the Minnesota life and health insurance guaranty association act. Assets attributable to covered policies, as used in this subdivision, is that proportion of the assets which the reserves that should have been established for the policies bear to the reserve that should have been established for all policies of insurance written by the impaired insurer.

Subd. 4. [DISTRIBUTION TO STOCKHOLDERS.] No distribution to stockholders of an impaired insurer shall be made until the total amount of assessments levied by the association with respect to such insurer have been fully recovered by the association.

Subd. 5. [UNFAIR TRADE PRACTICE.] It shall be a prohibited unfair trade practice for any person to make use of the protection afforded by the Minnesota life and health insurance guaranty association act in the sale of insurance.

Sec. 15. [EXAMINATION OF THE ASSOCIATION; ANNUAL REPORT.] The association shall be subject to examination and regulation by the commissioner. The board of directors shall submit to the commissioner, before May 1 each year, a financial report for the preceding calendar year in a form approved by the commissioner and a report of its activities during the preceding calendar year.

Sec. 16. [TAX EXEMPTIONS.] Subdivision 1. [STATE FEES AND TAXES.] The association shall be exempt from payment of all fees and taxes levied by this state or its subdivisions, except taxes levied on real property.

Subd. 2. [FEDERAL AND FOREIGN STATE TAXES.] The association may seek exemption from payment of all fees and taxes levied by the federal or any other state government or any subdivisions thereof.

Sec. 17. [IMMUNITY.] There shall be no liability on the part of and no cause of action shall arise against any member

insurer or its agents or employees, the association or its agents or employees, members of the board of directors, or the commissioner or his representatives, for any action taken by them in the performance of their powers and duties under the Minnesota life and health insurance guaranty association act.

Sec. 18. [STAY OF PROCEEDINGS; REOPENING DEFAULT JUDGMENTS.] *All proceedings in which the impaired insurer is a party in a court in this state shall be stayed 60 days from the date that an order of liquidation, rehabilitation or conservation is final to permit legal action by the association on any matters germane to its powers or duties. The association may apply to have a judgment under a decision, order, verdict, or finding based on default set aside by the court that made the judgment and shall be permitted to defend against the suit on the merits.*

Sec. 19. Minnesota Statutes 1974, Section 60B.17, is amended by adding a subdivision to read:

Subd. 7. [COORDINATION OF ACTIVITIES WITH GUARANTY ASSOCIATIONS.] *The rehabilitator shall coordinate his activities with those of each guaranty association having an interest in the rehabilitation and submit a report detailing how coordination will be achieved to the court for its approval within 30 days following his appointment, or within the time the court, in its discretion, may establish.*

Sec. 20. Minnesota Statutes 1974, Section 60B.25, is amended to read:

60B.25 [POWERS OF LIQUIDATOR.] *The liquidator shall report to the court monthly, or at other intervals specified by the court, on the progress of the liquidation in whatever detail the court orders. The liquidator shall coordinate his activities with those of each guaranty association having an interest in the liquidation and submit a report detailing how coordination will be achieved to the court for its approval within 30 days following his appointment, or within such other time period as the court, in its discretion, may establish. Subject to the court's control, he may:*

(1) Appoint a special deputy to act for him under sections 60B.01 to 60B.61 and determine his compensation. The special deputy shall have all powers of the liquidator granted by this section. The special deputy shall serve at the pleasure of the liquidator.

(2) Appoint or engage employees and agents, actuaries, accountants, appraisers, consultants, and other personnel he deems necessary to assist in the liquidation without regard to chapter 15.

(3) Fix the compensation of persons under clause (2), subject to the control of the court.

(4) Defray all expenses of taking possession of, conserving, conducting, liquidating, disposing of, or otherwise dealing with the business and property of the insurer. If the property of the insurer does not contain sufficient cash or liquid assets to defray the costs incurred, the liquidator may advance the costs so incurred out of the appropriation made to the insurance division. Any amounts so paid shall be deemed expense of administration and shall be repaid for the credit of the insurance division out of the first available moneys of the insurer.

(5) Hold hearings, subpoena witnesses and compel their attendance, administer oaths, examine any person under oath and compel any person to subscribe to his testimony after it has been correctly reduced to writing, and in connection therewith require the production of any books, papers, records, or other documents which he deems relevant to the inquiry.

(6) Collect all debts and moneys due and claims belonging to the insurer, wherever located, and for this purpose institute timely action in other jurisdictions, in order to forestall garnishment and attachment proceedings against such debts; do such other acts as are necessary or expedient to collect, conserve, or protect its assets or property, including sell, compound, compromise, or assign for purposes of collection, upon such terms and conditions as he deems best, any bad or doubtful debts; and pursue any creditor's remedies available to enforce his claims.

(7) Conduct public and private sales of the property of the insurer in a manner prescribed by the court.

(8) Use assets of the estate to transfer coverage obligations to a solvent assuming insurer, if the transfer can be arranged without prejudice to applicable priorities under section 60B.44.

(9) Acquire, hypothecate, encumber, lease, improve, sell, transfer, abandon, or otherwise dispose of or deal with any property of the insurer at its market value or upon such terms and conditions as are fair and reasonable, except that no transaction involving property the market value of which exceeds \$10,000 shall be concluded without express permission of the court. He may also execute, acknowledge, and deliver any deeds, assignments, releases, and other instruments necessary or proper to effectuate any sale of property or other transaction in connection with the liquidation. In cases where real property sold by the liquidator is located other than in the county where the liquidation is pending, the liquidator shall cause to be filed with the register of deeds for the county in which the property is located a certified copy of the order appointing him.

(10) Borrow money on the security of the insurer's assets or without security and execute and deliver all documents necessary to that transaction for the purpose of facilitating the liquidation.

(11) Enter into such contracts as are necessary to carry out the order to liquidate, and affirm or disavow any contracts to which the insurer is a party.

(12) Continue to prosecute and institute in the name of the insurer or in his own name any suits and other legal proceedings, in this state or elsewhere, and abandon the prosecution of claims he deems unprofitable to pursue further. If the insurer is dissolved under section 60B.23, he may apply to any court in this state or elsewhere for leave to substitute himself for the insurer as plaintiff.

(13) Prosecute any action which may exist in behalf of the creditors, members, policyholders, or shareholders of the insurer against any officer of the insurer, or any other person.

(14) Remove any records and property of the insurer to the offices of the commissioner or to such other place as is convenient for the purposes of efficient and orderly execution of the liquidation.

(15) Deposit in one or more banks in this state such sums as are required for meeting current administration expenses and dividend distributions.

(16) Deposit with the state board of investment for investment pursuant to chapter 11, all sums not currently needed, unless the court orders otherwise.

(17) File any necessary documents for record in the office of any register of deeds or record office in this state or elsewhere where property of the insurer is located.

(18) Assert all defenses available to the insurer as against third persons, including statutes of limitations, statutes of frauds, and the defense of usury. A waiver of any defense by the insurer after a petition for liquidation has been filed shall not bind the liquidator.

(19) Exercise and enforce all the rights, remedies, and powers of any creditor, shareholder, policyholder, or member, including any power to avoid any transfer or lien that may be given by law and that is not included within sections 60B.30 and 60B.32.

(20) Intervene in any proceeding wherever instituted that might lead to the appointment of a receiver or trustee, and act as the receiver or trustee whenever the appointment is offered.

(21) Enter into agreements with any receiver or commissioner of any other state relating to the rehabilitation, liquida-

tion, conservation, or dissolution of an insurer doing business in both states.

(22) Exercise all powers now held or hereafter conferred upon receivers by the laws of this state not inconsistent with sections 60B.01 to 60B.61.

(23) The enumeration in this section of the powers and authority of the liquidator is not a limitation upon him, nor does it exclude his right to do such other acts not herein specifically enumerated or otherwise provided for as are necessary or expedient for the accomplishment of or in aid of the purpose of liquidation.

Sec. 21. Minnesota Statutes 1974, Section 60B.30, is amended by adding a subdivision to read:

Subd. 4. [FRAUDULENT TRANSFERS TO AFFILIATES.] Any distribution, other than stock dividends paid by the insurer on its capital stock, made by the insurer to an affiliate which controlled it during the five years preceding the filing of a successful petition for rehabilitation or liquidation under sections 60B.01 to 60B.61 shall be deemed fraudulent and may be avoided by the receiver; except that:

(a) No distribution shall be recoverable if the insurer shows that when paid, it was lawful, reasonable, and that the insurer did not know, and could not reasonably have known, that the distribution might adversely affect the ability of the insurer to fulfill its contractual obligations;

(b) Any person who was an affiliate that controlled the insurer at the time the distributions were paid shall be liable only up to the amount of distributions he received. Any person who was an affiliate that controlled the insurer at the time the distributions were declared shall be liable up to the amount of distributions he would have received if they had been paid immediately. If two persons are liable with respect to the same distribution, they shall be jointly and severally liable;

(c) The maximum amount recoverable under this subdivision shall be the amount needed in addition to all other available assets of the insurer to pay its contractual obligations;

(d) If any person liable under clause (b) is insolvent, all its affiliates that controlled it at the time the dividend was paid shall be jointly and severally liable for any resulting deficiency in the amount recovered from the insolvent affiliate.

Sec. 22. Minnesota Statutes 1974, Section 60B.46, Subdivision 1, is amended to read:

60B.46 [DISTRIBUTION OF ASSETS.] Subdivision 1. Payments to creditors. Under the direction of the court, the liquidator shall pay dividends in a manner that will assure the proper recognition of priorities and reasonable balance between the expeditious completion of the liquidation and the protection of unliquidated and undetermined claims, including third party claims. Distribution of assets in kind may be made at valuations set by agreement between the liquidator and the creditor and approved by the court. *The court may take into consideration the contributions of the respective parties, including guaranty associations, shareholders, and policyowners, and any other party with a bona fide interest, in making an equitable distribution of the ownership rights of the insurer. No distribution to stockholders of the insurer shall be permitted by the court unless the total amount of assessments levied by guaranty associations with respect to such insurer have been repaid.*

Sec. 23. Subdivision 1. *For the purpose of this section the term "financial institution" means any bank, savings and loan, credit union, or other entity offering checking account services whether chartered by the state or federal government.*

Subd. 2. *Any financial institution, prior to opening a checking account shall require the applicant, in writing, to:*

(1) *Provide his full name, residence address, residence telephone number, and identification number assigned pursuant to Minnesota Statutes, Section 171.07. If the applicant does not have such an identification number then a driver's license number from another state or any identification number given by the federal or any state government which can be used to identify the applicant may be used; and*

(2) *Answer whether within the past three years he has:*

(a) *had a checking account closed other than voluntarily by the applicant;*

(b) *had checks returned for nonsufficient funds or account closed, which have not subsequently been honored;*

(c) *been convicted of an offense involving the use of checks.*

If any of the inquires are answered in the affirmative the financial institution shall make further reasonable inquiries to determine if a checking account should be opened. Nothing in this subdivision shall prohibit a financial institution from requiring disclosure of additional information.

Subd. 3. *A financial institution shall, upon request, disclose all transactions and balances of an account whereon a check has been drawn and dishonored for reasons of nonsufficient funds or account closed:*

(1) *To the payee or any subsequent holder who presents the check, such disclosure to be limited to the period of time commencing seven days before and ending seven days after the date of issue; and*

(2) *To a law enforcement officer or a prosecuting attorney investigating an alleged violation of this section, such disclosure to be limited to the period of time commencing 30 days before and ending 30 days after the date of issue.*

Subd. 4. Any payee or subsequent holder may recover from a financial institution for damages caused to him by the failure of the financial institution to substantially comply with subdivisions 2 or 3 of this section.

Subd. 5. A financial institution shall, at the time of closing a checking account, notify the customer of the same by personally serving a notice on the customer or by sending a notice to the customer by certified mail, return receipt requested.

Sec. 24. Minnesota Statutes 1974, Section 609.535, Subdivision 1, is amended to read:

609.535 [ISSUANCE OF WORTHLESS CHECK.] Subdivision 1. [DEFINITIONS.] *As used in this section:*

(1) "Credit" means an arrangement or understanding with the drawee for the payment of the check or other order for the payment of money to which this section applies.

(2) "Drawee" means the bank upon which the check is drawn.

(3) "Drawer" means the person whose name appears on the check as the primary obligor; whether the actual signature be that of himself or of a person authorized to draw the check in his behalf.

(4) "Issue" or "to issue a check" or any similar term includes issuing a check for goods or services, or for any other transfer wherein a check is exchanged, except as provided in subdivision 5 of this section.

Sec. 25. Minnesota Statutes 1974, Section 609.535, Subdivision 2, is amended to read:

Subd. 2. [ACTS CONSTITUTING.] (WHOEVER ISSUES) *No person shall issue any check or other order for the payment*

of money which, at the time of issuance, he intends shall not be paid (, IS GUILTY OF A MISDEMEANOR). (IN ADDITION, RESTITUTION MAY BE ORDERED BY THE COURT.)

Sec. 26. Minnesota Statutes 1974, Section 609.535, Subdivision 3, is amended to read:

Subd. 3. [PROOF OF INTENT]. Any of the following is evidence sufficient to sustain a finding that the person at the time he issued the check or other order for the payment of money, intended it should not be paid:

(1) Proof that, at the time of issuance, he did not have an account with the drawee; or

(2) Proof that, at the time of issuance, he did not have sufficient funds or credit with the drawee and that he failed to pay the check or other order within five business days after (MAILING) receipt of notice of (NONPAYMENT OR) dishonor (AS PROVIDED IN THIS SUBDIVISION); or

(3) Proof that, when presentment was made within a reasonable time, the issuer did not have sufficient funds or credit with the drawee and that he failed to pay the check or other order within five business days after (MAILING) receipt of notice of (NONPAYMENT OR) dishonor (AS PROVIDED IN THIS SUBDIVISION).

Notice of (NONPAYMENT OR) dishonor shall be sent, pursuant to section 336.3-508, by the payee or holder of the check or other order to the maker or drawer by certified mail, return receipt requested, to the address (OF RECORD. REFUSAL BY THE MAKER OR DRAWER OF THE CHECK TO ACCEPT CERTIFIED MAIL NOTICE SHALL NOT CONSTITUTE A DEFENSE THAT NOTICE WAS NOT RECEIVED) printed on the check or given at the time of issuance, and a copy of this notice shall be mailed at the same time to the drawee. If the notice to the maker is returned undelivered, notice shall be deemed to have been received by the maker or drawer on the first date of attempted delivery. The notice may state that unless the check is paid in full within five business days after receipt of the notice of dishonor, the payee or holder of the check or other order will or may refer the matter to the proper authorities for prosecution under this section.

Any payee or holder of a check or other order which has been dishonored for reasons of nonsufficient funds or account closed shall not be civilly or criminally liable for giving the notice permitted herein.

Sec. 27. Minnesota Statutes 1974, Section 609.535, is amended by adding a subdivision to read:

Subd. 3a. Any person violating this section may be sentenced as follows:

(1) *To imprisonment for not more than 30 days, to payment of a fine of not more than \$100, or both, if the aggregate amount of the checks or other orders for the payment of money are less than \$100;*

(2) *To imprisonment for not more than 90 days nor less than 30 days or to payment of a fine of not more than \$300 nor less than \$100, or both, if the aggregate amount of the checks or other orders for the payment of money are between \$100 and \$300;*

(3) *To imprisonment for not more than five years nor less than six months or to payment of a fine of not more than \$5,000 nor less than \$500, or both, if the aggregate amount of the checks or other orders for the payment of money are between \$300 and \$2,500; or*

(4) *To imprisonment for not more than ten years nor less than three years or to payment of a fine of not more than \$10,000 nor less than \$3,000, or both, if the aggregate amount of the checks or other orders for the payment of money exceeds \$2,500.*

In any prosecution under section 609.535, the checks or other orders for the payment of money issued by the defendant in violation of this section within any six month period may be aggregated and the defendant charged accordingly in applying the provisions of this section. 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 and his checks or other orders for the payment of money may be aggregated pursuant to this clause. The election to aggregate checks or other orders for the payment of money within any six month period and to charge the defendant accordingly under this section shall not bar any prosecution of the defendant on the nonaggregated checks or other orders for the payment of money by the defendant during that same six month period.

Sec. 28. Minnesota Statutes 1974, Section 609.535, is amended by adding a subdivision to read:

Subd. 3b. In addition to any criminal penalty under this section, restitution may be ordered by the court.

Sec. 29. Minnesota Statutes 1974, Section 609.535, is amended by adding a subdivision to read:

Subd. 3c. If a person institutes or causes to be instituted a prosecution for violation of this section and thereafter fails to cooperate fully in the prosecution of the defendant, the court

having jurisdiction, on motion of the prosecution attorney and after notice to the person and an opportunity to be heard, may order the person to pay the county in which the prosecution was commenced all costs of the prosecution including a reasonable amount for the time spent on the matter by the prosecuting attorney.

Sec. 30. Minnesota Statutes 1974, Section 609.535, is amended by adding a subdivision to read:

Subd. 6. [PAYMENT NO DEFENSE.] After the time period provided by subdivision 3 payment of a dishonored check or other order for the payment of money shall not constitute a defense against charges brought under this section, nor shall such payment or an offer of payment be admissible as evidence.

Sec. 31. Minnesota Statutes 1974, Chapter 549, is amended by adding a section to read:

[549.20] In any action for payment on a check, or in case of restitution ordered by the court pursuant to section 609.535, which check has been dishonored for reasons of nonsufficient funds or account closed and which check is not honored or the underlying obligation is not otherwise settled within five business days after the drawer's receipt of notice of dishonor, the court shall award to the plaintiff if he is the prevailing party or to the complainant if such complaint has led to a conviction under section 609.535, the sum of \$10 or ten percent of the amount of such check, whichever is greater in addition to any other relief granted.

Sec. 32. [EFFECTIVE DATE.] *This act is effective on the date of its final enactment."*

Further, strike the title and insert:

"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 1974, Sections 55.06, Subdivision 1; 55.095; 60B.17 by adding a subdivision; 60B.25; 60B.30 by adding a subdivision; 60B.46, Subdivision 1; 609.535, Subdivisions 1, 2 and 3, and by adding subdivisions; and Chapter 549, by adding a section."

With the recommendation that when so amended the bill do pass.

The report was adopted.

Brinkman from the Committee on Financial Institutions and Insurance to which was referred:

S. F. No. 1780, A bill for an act relating to credit unions; allowing credit unions to permit draft withdrawals by their members; amending Minnesota Statutes 1974, Section 52.04.

Reported the same back with the following amendments:

Page 1, line 6, delete "1974" and insert ", 1975 Supplement".

Page 2, line 10, after "Administration" and before ";" insert "*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*".

Amend the title as follows:

Page 1, line 4, delete "1974" and after ";" insert "1975 Supplement,".

With the recommendation that when so amended the bill do pass.

The report was adopted.

Sieben, H., from the Committee on Governmental Operations to which was referred:

H. F. No. 2339, A bill for an act relating to licensed occupations; establishing a policy for the regulation of occupations; transferring responsibility for the provision of staffing and administrative services; clarifying reporting responsibilities; prescribing a procedure for complaint review; granting licensing boards additional powers relating to injunctive relief, subpoenas and continuing education; prescribing duties of the board of health relating to human services occupations, creating advisory councils; merging the licensed practical nursing board into the board of nursing; transferring employees and moneys; appropriating money; amending Minnesota Statutes 1974, Sections 125.182, Subdivision 3; 125.183, by adding a subdivision; 125.184, as amended; 125.185, as amended; 125.187; 144.955; 144.959; 147.021, Subdivision 1; 147.06; 147.13; 147.18; 147.23; 148.05; 148.06, Subdivision 1; 148.07, as amended; 148.10; 148.211, Subdivision 2; 148.241, Subdivision 1; 148.291, Subdivision 3; 148.57; 148.59; 148.90, as amended; 148.91, Subdivisions 1 and 3; 148.97, Subdivision 6; 148.98; 150A.04, Subdivision 5; 150A.06, Subdivision 1; 150A.08, Subdivision 4; 150A.09, Subdivision 3; 151.06, Subdivision 4; 151.10; 151.13; 151.14; 151.19; 151.25; 151.27; 155.02, Subdivision 7a; 155.03, Subdivision 2; 155.06, Subdivision 3; 155.09, Subdivisions 1, 4 and 5; 155.11, Subdivision 2; 155.14; 155.16; 155.18, Subdivision 1; 155.20, Subdivision 2; 156.01, Subdivision 5; 156.02, Subdivision 2; 156.03; 156.07; 156.072, Subdivisions 2 and 3; 156.081, Subdivision 1; 156.14; 214.06; 270.47; 326.08, Subdivision 1; 326.11,

Subdivision 6; 326.15; 326.22, as amended; 326.23; 326.241, as amended; 326.242, Subdivisions 8 and 9; 326.33, Subdivisions 2 and 3; 326.331; 326.332, Subdivision 1; 326.334, Subdivisions 1 and 3; 326.54; 326.543; 326.544; 326.545; 326.546; 341.05, as amended; 341.06; 341.07; 341.08; 341.12; 341.13; 341.15; 386.63, Subdivisions 2 and 3; 386.64; 386.65, Subdivisions 1 and 2; 386.67; Chapter 214, by adding sections; Minnesota Statutes, 1975 Supplement, Sections 125.183, Subdivision 3; 144.952, by adding a subdivision; 147.01; 147.02, Subdivision 1; 147.05; 148.03; 148.181; 148.191; 148.211, Subdivision 1; 148.261, Subdivision 1; 148.29, Subdivision 2; 148.291, Subdivision 1; 148.299; 148.52; 148.54; 148.60; 148.95; 150A.02, Subdivision 1; 150A.03, Subdivision 2; 151.03; 151.07; 153.02; 153.03; 153.04; 153.13; 154.22; 154.23; 155.05; 155.06, Subdivision 1; 155.08; 156.01, Subdivision 1; 214.04; 214.07; 270.41; 270.42; 326.03, Subdivision 1; 326.04; 326.05; 326.06; 326.08, Subdivision 2; 326.09; 326.10; 326.11, Subdivisions 1 and 5; 326.12; 326.13; 326.14; 326.17; 326.33, Subdivision 1; 326.541; 326.542; 341.01; 341.04; 341.10; 341.11; 386.63, Subdivision 1; 386.66; 386.68; repealing Minnesota Statutes 1974, Sections 144.956; 144.958; 144.965; 145.861; 145.862; 145.863; 145.864; 148.06, Subdivision 2; 148.281, Subdivision 2; 148.291, Subdivision 2; 148.55; 148.94; 148.97, Subdivision 2; 148.99, Subdivision 1; 150A.04, Subdivisions 1, 2, 3 and 4; 150A.07; 150A.08, Subdivision 2; 150A.09, Subdivision 2; 151.09; 153.10; 156.01, Subdivision 4; 326.08, Subdivision 3; 326.11, Subdivision 3; 326.16; 386.63, Subdivision 6; 386.65, Subdivision 2; Minnesota Statutes, 1975 Supplement, Sections 145.865, Subdivision 1; 145.866; 148.211, Subdivision 3; 148.231, Subdivision 3; 148.291, Subdivision 4; 148.297, Subdivision 2; 148.55; 326.11, Subdivisions 2 and 4; 386.695; 386.696; and 386.70, Subdivisions 3, 4, 5 and 6.

Reported the same back with the following amendments:

Page 3, line 1, delete the comma and insert "*and*".

Page 3, line 2, delete "*and hearing officer*".

Page 4, line 28, delete "*Legal and*".

Page 5, line 4, delete the new language.

Page 5, line 5, delete "*consistency and competency*".

Page 5, line 8, after the period insert "*Notwithstanding the foregoing, the attorney general shall not be precluded by this section from assigning other attorneys to service a board if necessary in order to insure competent and consistent legal representation.*".

Page 6, line 5, delete "*An executive*".

Page 6, delete lines 6 to 11 and insert "*The executive secretaries serving the remaining boards shall be hired by those boards, and shall be in the unclassified civil service. Boards not requiring a full time executive secretary may employ such services on a part time basis. To the extent practicable the sharing of part time executive secretaries by boards being serviced by the same department is encouraged.*".

Page 6, line 12, delete "secretary and other".

Page 6, line 13, after "for" insert "*executive secretaries of the boards and*".

Page 6, line 18, after the period insert "*If necessary, a board may hire part time, temporary employees to administer and grade examinations.*".

Page 6, line 21, delete "[FEES.]" and insert "[FEES; RENEWALS.] Subdivision 1. [ASSESSMENT OF FEES.]".

Page 7, after line 4, insert:

"Subd. 2. [LICENSE RENEWALS.] *Notwithstanding any law to the contrary, each health-related and non-health related licensing board shall promulgate rules providing for the renewal of licenses. The rules shall specify the period of time for which a license is valid, procedures and information required for renewal, and renewal fees to be set pursuant to subdivision 1.*"

Page 9, line 32, after "communication" insert "*on a form prepared by the attorney general*".

Page 10, line 19, delete "empowered".

Page 10, line 20, delete "shall" and insert "*is empowered to*".

Page 10, line 23, after "or" insert "*, if the board determines,*".

Page 11, line 3, after "if" insert "*after investigation*".

Page 11, line 10, after the period insert "*Before the designee of the attorney general or the executive secretary may direct the holding of a disciplinary hearing, he shall have considered the recommendations of the consulted board member.*".

Page 11, line 17, after the period, insert: "*Nothing in this section shall preclude the board from scheduling, on its own motion, a disciplinary hearing based upon the findings or report of the board's executive secretary, a board member or the designee of the attorney general assigned to the board. Nothing in this section*

shall preclude a member of the board or its executive secretary from initiating a complaint.”.

Page 11, line 19, after “it” insert “relating to its lawful regulation activities”.

Page 12, line 17, after “to” insert “regulate or”.

Page 13, line 1, after “skills” delete the remaining language.

Page 13, line 2, delete “requirement of 50 clock hours per year”.

Page 13, line 5, after the period, delete the remaining language.

Page 13, delete all of line 6.

Page 14, line 5, delete “undertake” and insert “wherever possible delegate”.

Page 14, line 6, after “activities” delete “or it may delegate”.

Page 14, line 7, delete “this function”.

Page 15, after line 30, insert the following sections:

“Sec. 9. Minnesota Statutes, 1975 Supplement, Section 125.03, Subdivision 1, is amended to read:

Subdivision 1. The term “teachers” for the purpose of (CERTIFICATION) *licensure*, means and includes (ANY AND ALL) persons employed in a public school as members of the instructional and supervisory staff such as superintendents, principals, supervisors, classroom teachers, and librarians.

Sec. 10. Minnesota Statutes 1974, Section 125.04, is amended to read:

125.04 [QUALIFIED TEACHER DEFINED.] A qualified teacher is one holding a valid (CERTIFICATE) *license*, as hereinafter provided, to perform the particular service for which he is employed in a public school.

Sec. 11. Minnesota Statutes 1974, Section 125.05, Subdivision 1, is amended to read:

125.05 [BOARD TO ISSUE LICENSES.] Subdivision 1. [QUALIFICATIONS.] The authority to (CERTIFY) *license* teachers as defined herein is vested in the (TEACHER STANDARDS AND CERTIFICATION COMMISSION) *board of teaching* but based solely on criteria and qualifications approved by

the state board of education. The authority to (CERTIFY) *license* superintendents and principals is vested in the state board of education. (CERTIFICATES) *Licenses* shall be issued to such persons as the (COMMISSION) *board* finds to be physically competent and morally fit to teach. Qualifications of teachers and other professional employees shall be determined by the (COMMISSION) *board* under the rules which it promulgates. (CERTIFICATES OF QUALIFICATIONS OF TEACHERS) *Licenses* shall be issued by the commissioner and the commissioner shall issue (CERTIFICATES) *licenses* to any qualified blind graduates of a school of education.

Sec. 12. Minnesota Statutes 1974, Section 125.05, Subdivision 2, is amended to read:

Subd. 2. [EXPIRATION AND RENEWAL.] Each (CERTIFICATE) *license* shall bear the date of issue. (CERTIFICATES) *Licenses* shall expire and be renewed in accordance with rules promulgated by the (COMMISSION) *board*. Renewal requirements for the renewal of a (CERTIFICATE) *license* shall include the production of satisfactory evidence of successful teaching experience for at least one school year during the period covered by the (CERTIFICATE) *license* in grades or subjects for which the (CERTIFICATE) *license* is valid or the completion of such additional preparation as the (COMMISSION) *board* shall prescribe.

Sec. 13. Minnesota Statutes 1974, Section 125.06, is amended to read:

125.06 [APPLICANTS TRAINED IN OTHER STATES.] When a (CERTIFICATE) *license* to teach is authorized to be issued to any holder of a diploma or a degree of a Minnesota state college, or of the University of Minnesota, or of a liberal arts college, or a technical training institution, such (CERTIFICATE) *license* may also, in the discretion of the (COMMISSION) *board of teaching* be issued to any holder of a diploma or a degree of a teacher training institution of equivalent rank and standing of any other state, granted by virtue of the completion of a course in teacher preparation essentially equivalent in content to that required by such Minnesota state college or the University of Minnesota or a liberal arts college in Minnesota or a technical training institution as preliminary to the granting of a diploma or a degree of the same rank and class.

Sec. 14. Minnesota Statutes 1974, Section 125.08, is amended to read:

125.08 [TEACHERS' LICENSES, FEES.] Each application for the issuance, renewal, or extension of a (CERTIFICATE) *license* to teach shall be accompanied by a processing fee in an amount set by the (COMMISSION) *board of teaching*

by rule. Except as otherwise provided in this section, such fee shall be paid to the commissioner, who shall deposit them with the state treasurer, as provided by law, and report each month to the commissioner of finance the amount of fees collected. The fee as set by the (COMMISSION) *board* shall be nonrefundable for applicants not qualifying for a (CERTIFICATE) *license*, provided however, that the fee shall be refunded by the state treasurer in those cases in which the applicant already holds a valid unexpired (CERTIFICATE) *license*.

Sec. 15. Minnesota Statutes 1974, Section 125.09, Subdivision 1, is amended to read:

125.09 [SUSPENSION OR REVOCATION OF LICENSES.] Subdivision 1. [GROUNDS FOR REVOCATION.] The (COMMISSION) *board of teaching* may, on the written complaint of the board employing a teacher, (OR OF THE SUPERINTENDENT OF SCHOOLS WHERE SUCH TEACHER IS EMPLOYED,) or of a teacher organization, (OR OF A TEACHER IN A DISTRICT WHERE NO TEACHER ORGANIZATION EXISTS,) or of (THE COMMISSIONER) *any other interested person*, which complaint shall specify the nature and character of the charges, suspend or revoke such teacher's (CERTIFICATE OR) *license to teach for any of the following causes:*

- (1) Immoral character or conduct;
- (2) Failure, without justifiable cause, to teach for the term of his contract;
- (3) Gross inefficiency or willful neglect of duty; or
- (4) Failure to meet (RECERTIFICATION) *relicensure* requirements; or
- (5) Fraud or misrepresentation in obtaining a (CERTIFICATE) *license*.

Sec. 16. Minnesota Statutes, 1975 Supplement, Section 125.11, is amended to read:

125.11 [RECORDING OF LICENSES; DISTRICT SUPERINTENDENT.] No person shall be accounted a qualified teacher until such person has filed for record with the district superintendent where such person intends to teach a (CERTIFICATE) *license*, or certified copy thereof, authorizing such person to teach school in such district school system.

Sec. 17. Minnesota Statutes 1974, Section 125.12, Subdivision 1, is amended to read:

125.12 [EMPLOYMENT; CONTRACTS, TERMINATION.] Subdivision 1. [TEACHER DEFINED.] A superintendent, principal, supervisor, and classroom teacher and any other professional employee required to hold a (CERTIFICATE) *license* from the state department shall be deemed to be a "teacher" within the meaning of this section.

Sec. 18. Minnesota Statutes 1974, Section 125.13, Subdivision 1, is amended to read:

125.13 [EXCHANGE TEACHERS.] Subdivision 1. A person holding a (CERTIFICATE) *license* and contract to teach in a Minnesota public school and assigned by the employing district to teach elsewhere is an exchange teacher.

Sec. 19. Minnesota Statutes 1974, Section 125.17, Subdivision 1, is amended to read:

125.17 [TEACHER TENURE ACT; CITIES OF THE FIRST CLASS; DEFINITIONS.] Subdivision 1. [WORDS, TERMS, AND PHRASES.] Unless the language or context clearly indicates that a different meaning is intended, the following words, terms, and phrases, for the purposes of the following subdivisions in this section shall be defined as follows:

(a) [TEACHERS.] The term "teacher" includes every person regularly employed, as a principal, or to give instruction in a classroom, or to superintend or supervise classroom instruction, or as placement teacher and visiting teacher. Persons regularly employed as counselors and school librarians shall be covered by these sections as teachers if (CERTIFICATED) *licensed* as teachers or as school librarians.

(b) [SCHOOL BOARD.] The term "school board" includes a majority in membership of any and all boards or official bodies having the care, management, or control over public schools.

(c) [DEMOTE.] The word "demote" means to reduce in rank or to transfer to a lower branch of the service or to a position carrying a lower salary or compensation.

Sec. 20. Minnesota Statutes 1974, Section 125.182, Subdivision 2, is amended to read:

Subd. 2. "Teacher" means a supervisor, classroom teacher, or other similar professional employee required to hold a (CERTIFICATE) *license* from the state department of education."

Page 16, line 2, strike "teacher standards and certification" and insert "*teaching*".

Page 16, line 7, after "*board*" insert "*of teaching*".

Page 16, line 23, strike "certification" and insert "*licensure*".

Page 16, line 28, after "fees;" insert "*the selection and duties of an executive secretary to serve the board;*"

Page 17, line 7, after "*board*" insert "*of teaching*".

Page 17, line 14, after "*board*" insert "*of teaching*".

Page 17, line 21, after "*board*" insert "*of teaching*".

Page 17, line 26, delete "*standards*".

Page 17, line 29, delete "*standards*".

Page 17, line 31, delete "*standards*".

Page 18, line 1, strike "certification" and insert "*licensure*".

Page 18, line 3, delete "*standards*".

Page 18, line 5, strike "certification" and insert "*licensure*".

Page 18, line 7, delete "*standards*" and after "*board*" insert "*of teaching*".

Page 18, line 11, delete "*standards*".

Page 18, line 12, strike "certificates" and insert "*licenses*".

Page 18, line 13, strike "certificates" and insert "*licenses*".

Page 18, line 14, delete "*standards*" and after "*board*" insert "*of teaching*".

Page 18, line 15, strike "certificates" and insert "*licenses*".

Page 18, line 16, strike "certificates" and insert "*licenses*".

Page 18, line 17, delete "*standards*" and after "*board*" insert "*of teaching*".

Page 18, line 18, strike "certificates" and insert "*licenses*".

Page 18, line 18, after "125.09" insert "*and section 5 of this act*".

Page 18, line 20, delete "standards" and after "board" insert "of teaching".

Page 18, line 23, delete "standards".

Page 18, line 27, delete "standards".

Page 18, line 31, delete "standards" and after "board" insert "of teaching".

Page 18, line 32, strike "certificated" and insert "licensed".

Page 19, line 2, strike "certificate" and insert "license".

Page 19, line 3, delete "standards".

Page 19, line 5, strike "certificated" and insert "licensed".

Page 19, line 8, delete "standards".

Page 19, line 11, delete "standards".

Page 19, line 12, delete "standards".

Page 19, line 16, delete "teacher standards and".

Page 19, line 17, delete "certification" and insert "of teaching".

Page 20, line 8, strike "teacher standards and certification" and insert "teaching".

Page 20, after line 13, insert:

"Sec. 27. *The revisor of statutes shall change the references to "teacher standards and certification commission" or "board of teacher standards and certification" or "commission" wherever they appear in chapters 121 to 129 and 214, to "board of teaching" or "board", as appropriate.*"

Page 22, lines 5 to 12, reinsert the stricken language.

Page 26, line 3, after the period, insert "The board may by rule establish fees for the renewal of licenses and permits authorized by this chapter. The board may assess a charge, to be set by rule, for the delinquent payment of a fee."

Page 30, line 23, strike "may" and insert "shall".

Page 30, line 23, strike the comma.

Page 30, line 24, strike "discharge, and fix the compensation of".

Page 30, line 25, strike everything after "secretary".

Page 30, line 26, strike "prescribed by the board." and delete "*The executive secretary shall not*".

Page 30, line 27, delete "*be a member of the board.*" and strike "The secretary shall receive a".

Page 30, strike line 28.

Page 30, line 29, strike everything before the period.

Page 35, line 15, after "the" strike "first day".

Page 35, strike line 16.

Page 35, line 17, strike "as herein provided" and insert "*date of expiration of their licenses*".

Page 35, line 23, strike "an annual".

Page 35, line 23, after "renewal" insert "*of their*".

Page 35, line 23, strike "The".

Page 35, line 24, delete "*executive secretary*".

Page 35, line 24, strike "SHALL, 30 DAYS OR".

Page 35, strike lines 25 to 30.

Page 38, line 12, after "in" insert "*professional*".

Page 38, line 14, before "during" insert "*, and one of the five shall have had at least two years executive or teaching experience in practical nursing education*".

Page 39, line 4, strike ", a nurse to hold office for a term of five".

Page 39, strike line 5.

Page 39, line 6, strike "expiration of the former term".

Page 39, line 22, delete "DIRECTOR" and insert "SECRETARY".

Page 39, line 26, strike "may" and insert "*shall*".

Page 39, line 27, strike "as hereinafter provided who".

Page 39, line 28, delete "shall" and strike "not be a member of the board".

Page 40, line 2, strike "148.285" and insert "148.299".

Page 40, line 5, strike "148.285" and insert "148.299".

Page 40, line 8, strike "148.285" and insert "148.299".

Page 40, line 22, strike "148.285" and insert "148.299".

Page 40, after line 25, insert:

"The board shall appoint an advisory task force on nursing education consisting of 11 members for the purposes of advising the board on matters pertaining to career progression and the approval and operation of nursing programs, assisting with surveys of nursing programs, collecting nursing education data and providing liaison between the board and nursing education. Three members shall be either an administrator or supervisor in one of the following types of agencies at the time of appointment and throughout his term: hospital, nursing home or community nursing service. The remaining eight members shall be either an administrator or faculty member in one of the following types of educational programs at the time of appointment and throughout his term: nursing assistant program, practical nursing program preparing for licensure, professional nursing program preparing for licensure, or advanced nursing program for licensed practical or registered nurses. The task force shall expire and the compensation and removal of members shall be as provided in section 15.059."

Page 41, line 4, delete "FEE".

Page 43, line 12, strike "148.285" and insert "148.299".

Page 47, after line 20 insert:

"Sec. 54. Minnesota Statutes 1974, Section 148.32, is amended to read:

148.32 [LICENSES; DENIAL, REVOCATION, REFUSAL.] All licenses to practice midwifery heretofore or hereafter issued by the board of medical examiners must be (ANNUALLY) renewed and a fee (OF \$1 BE) paid for each renewal *as set by the board*. Licenses may be revoked, suspended, conditioned, limited, qualified or restricted, or renewals refused by the board for unprofessional or dishonorable conduct, or neglect to make proper returns to health officers of births, deaths, puerperal fever, and other contagious diseases.

A license to practice midwifery is suspended if (1) a guardian of the person of a licensee is appointed by order of a probate court pursuant to sections 525.54 to 525.612, for reasons other than the minority of the licensee; or (2) the licensee is committed by order of a probate court pursuant to sections 253A.01 to 253A.21 or 526.09 to 526.11. The license remains suspended until the licensee is restored to capacity by a court and, upon petition by the licensee, the suspension is terminated by the board after a hearing.”.

Page 51, line 9, strike “Before April 1”.

Page 51, line 10, strike “each year, each authorized” and insert “A licensed”.

Page 51, line 12, strike “in default of which the board”.

Page 51, line 14, strike “may revoke the license of any”.

Page 51, line 15, strike the existing language and delete the new language.

Page 51, lines 16 to 23, strike the old language and delete the new.

Page 51, line 24, strike everything before the period and insert “in order to renew his license as provided by board rule”.

Page 52, line 7, strike the existing language.

Page 52, line 8, strike “from time to time require.”.

Page 54, line 12, strike “of two years”.

Page 54, line 13, strike everything before the period and insert “as set by the board”.

Page 56, after line 20, insert:

“Sec. 66. Minnesota Statutes, 1975 Supplement, Section 148.67, is amended to read:

148.67 [EXAMINING COMMITTEE.] The board of medical examiners shall appoint an examining committee in carrying out the provisions of this law, regarding the qualifications and examination of physical therapists. The examining committee shall consist of five members, citizens and residents of the state of Minnesota, composed of three physical therapists, one licensed and registered doctor of medicine in the general practice of medicine, and one professor or associate or assistant professor from a course in physical therapy accredited by the state board of

medical examiners. *The committee shall expire, and the terms, compensation and removal of members shall be as provided in section 15.059.*"

Page 59, after line 20, insert a section to read:

"Sec. 72. Minnesota Statutes 1974, Section 150A.09, Subdivision 1, is amended to read:

150A.09 [ANNUAL REGISTRATION OF LICENSE.] Subdivision 1. [RENEWAL INFORMATION AND PROCEDURE.] On or before the (FIRST DAY OF JANUARY EACH YEAR) *license expiration date* every licensed dentist and dental hygienist shall transmit to the *executive* secretary of the board, (UPON A FORM PRESCRIBED BY THE BOARD, HIS SIGNATURE, OFFICE ADDRESS OR ADDRESSES, THE NUMBER OF HIS LICENSE CERTIFICATE, WHETHER SUCH LICENSEE HAS BEEN ENGAGED DURING THE PRECEDING YEAR IN THE ACTIVE PRACTICE OF DENTISTRY OR DENTAL HYGIENE, WHETHER WITHIN OR WITHOUT THE STATE, AND) such (OTHER) pertinent information as may be required by the board, together with the fee established by the board and (, IN DEFAULT OF PROVIDING SUCH INFORMATION OR PAYMENT OF SUCH FEE, THE BOARD MAY, UPON HEARING AND UPON 30 DAYS' NOTICE, SUSPEND THE LICENSE OF THE DENTIST OR DENTAL HYGIENIST DURING SUCH DEFAULT, BUT THE PROVIDING OF SUCH INFORMATION AS REQUESTED BY THE BOARD AND THE PAYMENT OF SUCH FEE ON OR BEFORE THE DATE OF HEARING, WITH AN ADDITIONAL SUM EQUAL TO THAT OF THE RENEWAL FEE, SHALL EXCUSE THE DEFAULT AND THE SUSPENSION, PROCEEDING SHALL THEREUPON TERMINATE. THE BOARD MAY COLLECT SUCH FEE BY CIVIL ACTION). At least 30 days before (JANUARY 1) *a license date expiration*, the board shall cause a written notice stating the amount and due date of the fee and the information to be provided by the licensee, to be sent to (EVERY) *the* licensed dentist and dental hygienist."

Page 60, after line 13, insert a section to read:

"Sec. 75. Minnesota Statutes, 1975 Supplement, Section 151.06, Subdivision 1, is amended to read:

151.06 [POWERS AND DUTIES.] Subdivision 1. The board of pharmacy shall have the power and it shall be its duty:

- (1) To regulate the practice of pharmacy;
- (2) To regulate the manufacture, wholesale, and retail sale of drugs or medicines within this state;

(3) To regulate the identity, labeling, purity, and quality of all drugs and medicines dispensed in this state, using the United States pharmacopoeia and the national formulary, or any revisions thereof, or standards adopted under the federal act as the standard;

(4) It may, by its duly authorized representative, enter and inspect any and all places where drugs or medicines are sold, vended, given away, compounded, dispensed, manufactured, wholesaled or held; it may secure samples or specimens of any drug or medicine after paying or offering to pay for such sample; it shall be entitled to inspect and make copies of any and all records of shipment, purchase, manufacture, quality control, and sale of drugs or medicines provided, however, that such inspection shall not extend to financial data, sales data, or pricing data;

(5) To examine and (REGISTER) *license* as pharmacists all applicants whom it shall deem qualified to be such;

(6) To deny, suspend, revoke, or refuse to renew any registration or license required under chapter 151, to any applicant or registrant or licensee upon any of the following grounds:

(a) Fraud or deception in connection with the securing of such license *or registration*;

(b) In the case of a pharmacist, conviction in any court of a felony;

(c) In the case of a pharmacist, conviction in any court of an offense involving moral turpitude;

(d) Habitual indulgence in the use of narcotics, stimulants, or depressant drugs; or habitual indulgence in intoxicating liquors in a manner which could cause conduct endangering public health;

(e) Unprofessional conduct or conduct endangering public health;

(f) Gross immorality;

(g) Employing, assisting, or enabling in any manner an unlicensed person to practice pharmacy;

(h) Conviction of theft of drugs, or the unauthorized use, possession, or sale thereof;

(i) Violation of any of the provisions of this chapter or any of the rules or regulations of the state board of pharmacy;

(j) In the case of a pharmacy license, operation of such pharmacy without a pharmacist present and on duty;

(k) In the case of a pharmacist, physical or mental disability which could cause incompetency in the practice of pharmacy;

(7) To employ necessary assistance and make rules for the conduct of its business;

(8) To perform such other duties and exercise such other powers as the provisions of the act may require;

(9) For the purposes aforesaid it shall be the duty of the board to make and publish uniform rules and regulations not inconsistent herewith for carrying out and enforcing the provisions of this chapter.”.

Page 60, line 25, strike “registration” and insert “*licensure*”.

Page 60, line 28, strike “registered” and insert “*licensed*”.

Page 60, line 30, strike “registration” and insert “*licensure*”.

Page 61, after line 19, insert sections to read:

“Sec. 79. Minnesota Statutes 1974, Section 151.101, is amended to read:

151.101 [INTERNSHIP.] The board may (REGISTER) *license* as an intern any natural person who has satisfied the board that he is of good moral character, not physically or mentally unfit, and who has successfully completed the educational requirements for intern (REGISTRATION) *licensure* prescribed by the board. The board shall prescribe standards and requirements for internship training but may not require more than one year of such training.

The board in its discretion may accept internship experience obtained in another state provided the internship requirements in such other state are in the opinion of the board equivalent to those herein provided.

Sec. 80. Minnesota Statutes 1974, Section 151.11, is amended to read:

151.11 [REGISTERED ASSISTANT PHARMACIST TO CONTINUE IN CERTAIN CASES.] It shall be lawful for all persons duly registered as assistant pharmacists prior to January 1, 1930, to (CONTINUE TO) act as (SUCH) a *licensed assistant pharmacist* and nothing herein shall prevent such persons from taking the examination for pharmacists upon proper application and payment of the examination fee.

Sec. 81. Minnesota Statutes 1974, Section 151.12, is amended to read:

151.12 [RECIPROCITY; LICENSURE FEE.] The board may in its discretion grant (REGISTRATION) *licensure* without examination to any pharmacist licensed by the board of pharmacy or a similar board of another state which accords similar recognition to licensees of this state; provided, the requirements for (REGISTRATION) *licensure* in such other state are in the opinion of the board equivalent to those herein provided. The fee for (REGISTRATION) *licensure* shall be in such amount as the board may determine (NOT EXCEEDING THE SUM OF \$100) *by rule*."

Page 61, line 23, strike "registered" and insert "*licensed*".

Page 61, line 24, strike "annually".

Page 61, line 26, after the period insert: "*The board may promulgate by rule a charge to be assessed for the delinquent payment of a fee.*".

Page 61, line 29, strike "every renewal" and insert "*license*".

Page 61, line 29, strike the comma and insert a period.

Page 61, strike all of line 30.

Page 62, line 19, strike "council" and insert "*task force*".

Page 62, line 22, strike "Members of the".

Page 62, strike all of lines 23 to 32, and insert "*The task force shall expire, and the compensation and removal of members shall be as provided in section 15.059.*".

Page 63, line 27, strike "registration" and insert "*licensure*".

Page 64, after line 27, insert sections to read:

"Sec. 87. Minnesota Statutes 1974, Section 151.37, Subdivision 5, is amended to read:

Subd. 5. Nothing in this chapter shall prohibit the sale to, or the possession of, a legend drug by (REGISTERED) *licensed* drug wholesalers, (REGISTERED) *licensed* manufacturers, registered pharmacies, any licensed hospital or bona fide hospitals wherein animals are treated or licensed pharmacists and licensed practitioners while acting within the course of their practice only.

Sec. 88. Minnesota Statutes 1974, Section 151.37, Subdivision 6, is amended to read:

Subd. 6. Nothing in this chapter shall prohibit the possession of a legend drug by an employee or agent of a (REGISTERED) *licensed* manufacturer, (REGISTERED) *licensed* drug wholesaler, or registered pharmacy, while acting in the course of his employment.

Sec. 89. Minnesota Statutes 1974, Section 151.40, is amended to read:

151.40 [POSSESSION AND SALE OF HYPODERMIC SYRINGES AND NEEDLES.] It shall be unlawful for any person to possess, have under his control, manufacture, sell, furnish, dispense, or otherwise dispose of hypodermic syringes or needles or any instrument or implement which can be adapted when acting in the course of their practice or employment: licensed practitioners, registered pharmacies and their employees or agents, (REGISTERED) *licensed* pharmacists, licensed doctors of veterinary medicine or their assistants, registered nurses, registered medical technologists, medical interns (REGISTERED) *licensed* drug wholesalers; their employees or agents, licensed hospitals, licensed nursing homes, bona fide hospitals where animals are treated, licensed morticians, syringe and needle manufacturers, their dealers and agents, persons engaged in animal husbandry, clinical laboratories, persons engaged in bona fide research or education or industrial use of hypodermic syringes and needles provided such persons cannot use hypodermic syringes and needles for the administration of drugs to human beings unless such drugs are prescribed, dispensed, and administered by a person lawfully authorized to do so, persons who administer drugs pursuant to an order or direction of a licensed doctor of medicine or of a licensed doctor of osteopathy duly licensed to practice medicine.”.

Page 64, line 31, strike “examiners and”.

Page 64, line 32, strike “registration”.

Page 65, line 25, strike “registration” and insert “*licensure*”.

Page 66, line 4, strike “registered” and insert “*licensed*”.

Page 66, line 5, strike “certificate” and insert “*license*”.

Page 66, line 9, strike “registration” and insert “*licensure*”.

Page 66, line 14, strike “certificate of registration” and insert “*license*”.

Page 66, line 19, strike “registered” and insert “*licensed*”.

Page 66, line 20, strike "on or before July 1 of each year".

Page 66, after line 22, insert sections to read :

"Sec. 94. Minnesota Statutes 1974, Section 153.07, is amended to read:

153.07 [CANCELATION OF REGISTRATION.] The board after hearing may by majority vote revoke any (CERTIFICATE ISSUED BY IT AND CANCEL THE REGISTRATION) *license* of any podiatrist who has been convicted of violation of the provisions of section 153.08. The board may after hearing by majority vote revoke the (CERTIFICATE AND CANCEL THE REGISTRATION) *license* of any person when the court records of any state or territory within the United States, or the federal court records, or the record of any court of jurisdiction in any foreign country, show that such person has been found guilty of a criminal offense. The board may after hearing by majority vote revoke (THE CERTIFICATE AND CANCEL THE REGISTRATION) *license* of any person whose (REGISTRATION) *license* was granted upon mistake of material fact. The board may subsequently, but not earlier than one year thereafter, by unanimous vote, (REISSUE ANY CERTIFICATE AND REGISTER) *license* anew any podiatrist whose (CERTIFICATE) *license* was revoked (AND WHOSE REGISTRATION WAS CANCELED) by the board.

Sec. 95. Minnesota Statutes 1974, Section 153.08, is amended to read:

153.08 [UNPROFESSIONAL CONDUCT.] The board may after hearing refuse to issue a (CERTIFICATE) *license* to any person, or may revoke the (CERTIFICATE AND CANCEL THE REGISTRATION) *license* of any person (REGISTERED) *licensed* under the provisions of this chapter, who after investigation shall be found by a majority vote of the board guilty of grossly unprofessional and dishonest conduct. The words "unprofessional and dishonest conduct" shall be held to mean, within the provisions of this chapter :

- (1) The willing betrayal of a professional secret;
- (2) Having professional connection with, or lending the use of one's name to, an (UNREGISTERED) *unlicensed* podiatrist, or having professional connection with anyone who has been convicted in court of any criminal offense;
- (3) Being guilty of offenses involving moral turpitude, habitual intemperance, or being habitually addicted to the use of morphine, opium, cocaine or other drugs having a similar effect, or for using, selling, or giving away any substance or compound

containing alcohol or drugs for other than legal and legitimate purposes;

(4) Practice of podiatry with any type of business establishment other than an approved hospital or medical clinic or accredited college or university, or private office or association with another podiatrist or medical practitioner; providing that any podiatrist may practice with any existing business establishment where podiatry is presently being practiced;

(5) Violation of any of the provisions of this chapter.

Sec. 95. Minnesota Statutes 1974, Section 153.09, is amended to read:

153.09 [SUSPENSION OF LICENSURE.] The board may revoke or suspend for an indefinite period, but not less than six months, the (CERTIFICATE OF REGISTRATION) *license* of any person found guilty under the provisions of section 153.08.

Sec. 96. Minnesota Statutes, 1975 Supplement, Section 153.-15, is amended to read:

153.15 [OFFENSES; PENALTIES.] Any person who shall unlawfully obtain (REGISTRATION) *licensure* under this chapter, whether by false or untrue statements contained in his application to the board or by presenting to the board a fraudulent diploma, certificate, or license, or one fraudulently obtained, shall be deemed guilty of a misdemeanor; (AND, UPON CONVICTION THEREOF, PUNISHED BY A FINE OF NOT LESS THAN \$25 NOR MORE THAN \$100 OR BY IMPRISONMENT FOR NOT LESS THAN 30 NOR MORE THAN 90 DAYS;) and any person not being lawfully authorized to practice podiatry in this state and (REGISTERED) *licensed* as aforesaid, who shall advertise as a podiatrist in any form, or hold himself out to the public as a podiatrist, or who shall attempt to mislead any person or the public into assuming that he or she is licensed, or who, not being duly licensed to practice medicine, osteopathy, or chiropractic in this state, shall offer to diagnose or treat the ailments of the human foot, or who shall diagnose or treat the ailments of the human foot by medicinal, mechanical, or surgical means, shall be guilty of a misdemeanor; (AND, UPON CONVICTION THEREOF, FOR EACH OFFENSE, PUNISHED BY A FINE OF NOT LESS THAN \$25 NOR MORE THAN \$100 OR BY IMPRISONMENT FOR NOT LESS THAN 30 NOR MORE THAN 90 DAYS;) provided, that the simple sale of shoes, appliances or similar devices including arch supports and the adjustment thereof, or the sale of heel pads, cushions or other devices shall not be considered the practice of podiatry; however the adjusting of, or the addition of corrective wedging of said shoes, appliances or similar devices for correction of feet ailments except as provided above shall be by prescription of a

licensed practitioner under the terms of this chapter. Provided, however, that no appliance prescribed by a podiatrist for the prevention, correction or relief of foot ailments or troubles shall be in any manner altered, adjusted or readjusted by any person other than licensed practitioner of podiatry.

It shall be unlawful for any person, firm, or corporation to publish directly or indirectly or circulate any fraudulent, false, or misleading statements as to the skill or method of practice of any person or operator in the practice of podiatry, or in any way to advertise podiatry as to be practiced without pain, or to advertise in any manner with a view to deceiving the public, or to claim superiority over other podiatrists, or to publish reports of cases or certificates of same in any advertising media, or to advertise as using any anaesthetic, drug, formula, material, medicine, method, or system, or to advertise free podiatry services or examinations, or to advertise any amount as a price or fee for the service of any person engaged in the practice of podiatry. Any licensed (AND REGISTERED) podiatrist may announce by way of a professional card containing only the name, title, degree, office location, office hours, telephone number, and residence address and telephone number, if desired, and if he limits his practice to a specialty he may announce it, but such card shall not be greater in size than eight column inches, and such information may be inserted in public print when not more than two columns in width and four inches in depth; outdoor or similar signs shall not exceed 12 by 18 inches and the text limited to the above qualifications. It shall not be considered unprofessional or unlawful to conduct an educational campaign to give information as to the practice of podiatry, providing such campaign is first approved by the board. Any person violating any of the provisions of this section as it relates to advertising shall be guilty of a misdemeanor.”.

Page 66, after line 31, insert a section to read:

“Sec. 98. Minnesota Statutes 1974, Section 154.04, is amended to read:

154.04 [PERSONS EXEMPT FROM COMPLIANCE.] The following persons are exempt from the provisions of this chapter while in the proper discharge of their professional duties:

(1) Persons authorized by the law of this state to practice medicine, surgery, osteopathy, and chiropractic;

(2) Commissioned medical or surgical officers of the United States army, navy, or marine hospital service;

(3) Registered nurses, *licensed practical nurses* and nursing aids performing services under the direction and supervision of a registered nurse, provided, however, that no additional compensation shall be paid for such service and patients who are so attended shall not be charged for barbering;

(4) Persons practicing beauty culture, *provided, however, that persons practicing beauty culture shall not hold themselves out as barbers or, except in the case of manicurists, practice their occupation in a barber shop.*"

Page 71, line 20, strike "Such".

Page 71, strike lines 21 to 23.

Page 72, line 32, strike "Renewal".

Page 72, line 32, after "license" insert "*renewal periods and*".

Page 74, after line 7, insert a section to read:

"Sec. 112. Minnesota Statutes 1974, Section 155.15, is amended to read:

155.15 [LICENSES; DISPLAY, RENEWAL.] Every holder of a license granted by the board, as provided in this chapter shall display it in a conspicuous place in his place of business. All licenses shall expire (DECEMBER 31 OF THE YEAR IN WHICH ISSUED) *on the date each year as set forth, unless renewed as herein provided.* The holder of a license issued by the board shall (ANNUALLY, ON OR BEFORE DECEMBER 31,) renew his license and pay the renewal fee *as prescribed by the board.* If such license is not renewed on or before (DECEMBER 31 OF THE YEAR IN WHICH IT IS ISSUED) *the designated date,* such licensee shall pay a penalty (OF \$1, IN ADDITION TO THE RENEWAL FEE OF AN OPERATOR'S LICENSE AND \$2,) in addition to the renewal fee of a (MANAGER-OPERATOR'S OR MANICURIST'S) license.

In the event that such renewal shall be applied for more than (ONE YEAR) *3 months* subsequent to the expiration date of the last license, then such applicant shall be required to take an examination in the same manner as if no license had ever been issued."

Page 76, after line 2, insert a section to read:

"Sec. 115. Minnesota Statutes 1974, Section 155.19, is amended to read:

155.19 [SERVICES EXCEPTED; EMERGENCY.] Nothing in this chapter shall prohibit services in cases of emergency where compensation or other reward is not received, nor in domestic service, nor services by persons authorized and licensed under the laws of this state to practice medicine, surgery, dentistry, podiatry, osteopathy, chiropractic, or barbering. This section shall not be construed to authorize any of the persons so exempted to wave the hair, or to color, tint, or bleach the hair, in any manner. *This section shall not be construed to permit a barber to practice barbering in a beauty shop.*"

Page 78, line 16, strike the headnote and insert “[LICENSE RENEWAL.]”.

Page 78, line 22, strike “register with the board before March 1 each”.

Page 78, lines 23 to 31, strike the existing language and delete the new language.

Page 78, line 32, strike “which the license fee is due.” and insert “*periodically renew his license in a manner set by the board. Renewal*”.

Page 79, line 1, after the period insert: “*The board may assess a charge for delinquent payment of a renewal fee.*”.

Page 79, lines 2 to 10, strike the existing language and delete the new language.

Page 79, line 15, strike “for annual”.

Page 79, line 16, strike “registration”.

Page 79, line 23, strike “for annual”.

Page 79, line 24, strike “registration”.

Page 83, after line 20, insert sections to read:

“Sec. 129. Minnesota Statutes, 1975 Supplement, Section 270.48, is amended to read:

270.48 [LICENSURE OF QUALIFIED PERSONS.] The board shall (CERTIFY) *license* persons as possessing the necessary qualifications of an assessing official. Different levels of (CERTIFICATION) *licensure* may be established as to classes of property which assessors may be certified to assess at the direction of the board. Every person, except a local or county assessor, regularly employed by the assessor to assist in making decisions regarding valuing and classifying property for assessment purposes shall be required to become (CERTIFIED) *licensed* within three years of his date of employment or June 1, 1975, whichever is later. (CERTIFICATION) *Licensure* shall be required for local and county assessors as otherwise provided in sections 270.41 to 270.53.

Sec. 130. Minnesota Statutes 1974, Section 270.50, is amended to read:

270.50 [EMPLOYMENT OF LICENSED ASSESSORS.] Commencing June 15, 1975, no assessor shall be employed who

has not been (CERTIFIED) *licensed* as qualified by the board, provided the time to comply may be extended after application to the board upon a showing that (CERTIFIED) *licensed* assessors are not available for employment. The board may (CERTIFY THAT) *license* a county or local assessor who has not received the training, but possesses the necessary qualifications for performing the functions of his office by the passage of an approved examination or may waive the examination if such person has demonstrated competence in performing the functions of his office for a period of time the board deems reasonable. The county or local assessing district shall assume the cost of training of its assessors in courses approved by the board for the purpose of obtaining the assessor's (CERTIFICATE) *license* to the extent of course fees, mileage, meals and lodging, and recognized travel expenses not paid by the state. If the governing body of any township or city fails to employ an assessor as required by sections 270.41 to 270.53, the assessment shall be made by the county assessor.

A town shall pay its assessor \$20 for each day the assessor is attending approved courses or taking the examination. In addition, the town shall pay its assessor \$10 for each approved course successfully completed and \$20 upon his (CERTIFICATION) *licensure*. The maximum payable to an assessor for successful completion of courses and (CERTIFICATION) *licensure* shall not exceed \$50.

In the case of townships organized after the effective date of this act except towns located in counties enumerated in section 391.01 or which have elected a county assessor system in accordance with section 273.055, the board shall allow the town adequate time to employ a (CERTIFIED) *licensed* assessor.

Sec. 132. Minnesota Statutes 1974, Section 270.51, is amended to read:

270.51 [PREVIOUSLY ACCREDITED ASSESSORS.] All assessors previously accredited by the commissioner of revenue shall be considered as qualified under sections 270.41 to 270.53 and shall be so (CERTIFIED) *licensed*."

Page 84, line 14, strike "as defined".

Page 84, line 15, strike "for purposes of Laws 1973, Chapter 638".

Page 85, line 25, strike "certificates of registration" and insert "*licenses*".

Page 85, line 26, strike "bylaws and".

Page 87, line 22, strike "registered" and insert "*licensed*".

- Pages 89 and 90, delete all of subdivision 4.
- Page 90, line 3, strike "5" and insert "3".
- Re-number subdivisions in sequence.
- Page 90, line 4, strike "certificate".
- Page 90, line 5, strike "before June 30 of the year of expiration" and insert "*license*".
- Pages 90 and 91, delete all of subdivision 7.
- Page 92, line 18, strike everything after "board."
- Page 93, line 5, strike "registrant" and insert "*licensee*".
- Page 95, line 32, delete "REGISTERED AND".
- Page 97, line 24, strike "certificates" and insert "*licenses*".
- Page 98, line 3, strike "certificate" and insert "*license*".
- Page 98, line 30, strike "on May 1 of".
- Page 98, line 31, strike "each year" and strike "within 30 days for one year".
- Page 99, line 2, strike "on or before June 30 of the year".
- Page 99, line 3, strike "in which issued, such" and insert "*before its expiration, the*".
- Page 99, strike lines 5 and 6.
- Page 99, line 8, strike "certificate" and insert "*license*".
- Page 99, line 25, delete "AND CERTIFICATES".
- Page 101, after line 27, insert sections to read:
- "Sec. 155. Minnesota Statutes, 1975 Supplement, Section 326.18, is amended to read:

326.18. [BOARD, DUTIES, OFFICERS, EXAMINATIONS.] A majority of the board shall constitute a quorum. The board shall elect one of its number as chairman, another as vice chairman, and another as secretary and treasurer, who shall hold their respective offices for a term of one year and until their successors are elected. The affirmative vote of four members of the board shall be considered as the action of the board. The board

shall enforce the standard of general education; the standard of special education in the science and art of accounting; the standard of moral character and general public experience, as prescribed in sections 326.17 to 326.23, in all examinations conducted thereunder. The board shall make rules and regulations for the conduct of applicants' examinations and the character and scope of such examinations, the method and time of filing applications for examinations and their form and contents, and all other rules and regulations proper to carry into effect the purposes of sections 326.17 to 326.23. All such examinations shall be conducted by the board of accountancy. The time and place of holding examinations shall be advertised for not less than three consecutive days in one daily newspaper published in each of the counties where the examinations are to be held, and not less than 20 days prior to the date of each examination. The examinations shall take place as often as may be convenient in the opinion of the board. The board may make further rules and regulations, including but not limited to rules of professional conduct, pertaining to corporations practicing public accounting which it deems consistent with or required by the public welfare.

The board shall keep records of its proceedings, an accurate list of all applications made, (CERTIFICATES) *licenses* issued, (CERTIFICATES REGISTERED,) and (CERTIFICATES) *licenses* revoked, and shall keep proper financial records in which there shall be entered a complete statement of the cash receipts and disbursements. *The board shall issue to each person who meets the initial requirements of a certified public accountant a certificate to that effect, and shall maintain a record of that issuance.*

It shall adopt and provide itself with a seal with a band inscribed "Certified Public Accountant, State of Minnesota," with the coat of arms of Minnesota in the center, which seal shall be affixed to each certificate issued or registered under sections 326.17 to 326.23. All records of the board shall be open to the inspection of the public at the office of its secretary.

Sec. 156. Minnesota Statutes 1974, Section 326.19, is amended to read:

326.19 [LICENSURE; QUALIFICATION OF ACCOUNTANT.] Subdivision 1. [LICENSES, TO WHOM GRANTED.] No (CERTIFICATE) *license* for a certified public accountant shall be granted, except as provided herein or in subdivisions 2 and 3, to any person other than one who is over the age of 18 years and of good moral character and who shall have completed at least three years of public accounting experience (1) as a staff employee of a certified public accountant or public accountant or (2) as an auditor in the office of legislative auditor or state auditor, an auditor in the division of cooperative accounting, state department of agriculture, or as an auditor or examiner with any other agency of government, which experience, in the opinion of the board is equally comprehensive and

diversified or (3) as a self-employed public accountant or as a partner in a firm of public accountants or (4) in any combination of the foregoing capacities, and who shall have successfully passed an examination in such subjects as the board may prescribe in its rules. No person qualifying under this section shall be permitted to take such examination unless he shall have completed the above experience requirements. This subdivision shall expire July 1, 1976.

Subd. 2. [LICENSES; GRANTING; EXAMINATION.] The (CERTIFICATE) *license*, certified public accountant, shall be granted to any person:

- (a) Who has attained the age of 18 years; and
- (b) Who is of good moral character; and
- (c) Who holds:

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

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

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

- (iv) evidence of having completed two or more years of study with passing grade average or above from a college or university that is fully accredited by the North Central Association of Colleges and Secondary Schools, or an equivalent accrediting association, or whose credits are acceptable to the University of Minnesota for admission to graduate study, or an area vocational-technical school, a Minnesota licensed private

vocational school which fulfills the requirements of sections 141.21 to 141.36, or who has in the opinion of the board at least an equivalent education, providing at least five years experience of the type specified in subdivision 4, has been completed; or

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

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

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

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

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

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

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

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

(b) Shall be the holder of a degree or certificate of certified public accountant or chartered accountant, or the equivalent

thereof, issued in any foreign country, provided that the requirements for such degree or certificate are equivalent to those herein provided for the (DEGREE OR CERTIFICATE) *license* of certified public accountant in this state.

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

Subd. 4. [QUALIFYING EXPERIENCE FOR EXAMINATION AND GRANTING OF LICENSE.] Qualifying experience for subdivisions 2 and 3 shall include public accounting experience (1) as a staff employee of a certified public accountant or public accountant, a firm of certified public accountants or public accountants, or a corporation formed for the practice of public accounting; or (2) as an auditor in the office of the legislative auditor or state auditor, or as an auditor or examiner with any other agency of government, which experience, in the opinion of the board is equally comprehensive and diversified; or (3) as a self-employed public accountant or as a partner in a firm of public accountants; or (4) in any combination of the foregoing capacities.

Sec. 157. Minnesota Statutes 1974, Section 326.20, is amended to read:

326.20 [RENEWAL.] Subdivision 1. [LICENSE RENEWAL OF CERTIFIED PUBLIC ACCOUNTANTS.] Every holder of a certified public accountant certificate issued by the board, if he is engaged, or intends to be engaged, in public practice within this state at any time during a calendar year shall (OBTAIN A REGISTRATION CARD FOR SUCH YEAR) *renew his license as prescribed by the board.*

The board shall, in December of each year, upon application made by any holder of an unrevoked Minnesota certificate *and license* as a certified public accountant (ISSUE A REGISTRATION CARD) *renew the license* which shall be good (UNTIL DECEMBER 31 OF THE NEXT SUCCEEDING YEAR,) *for a period prescribed by the board* unless the said certificate or *license* shall sooner be revoked. Interim (REGISTRATION CARDS) *licenses* shall be issued to individuals who have satisfied the provisions of sections 326.17 to 326.23 within the year.

Subd. 2. [LICENSURE OF PARTNERSHIPS.] Every partnership in which one or more certified public accountants of this state is a partner, if it is engaged, or intends to be engaged, in public practice within this state at any time during a calendar year shall register with the state board of accountancy for such year. Upon application made upon the affidavit of a general partner of such partnership who is a certified public accountant of this state in good standing, the board shall, in De-

member of each year, issue a (REGISTRATION CARD) *license* which shall be good (UNTIL DECEMBER 31 OF THE NEXT SUCCEEDING YEAR) *for a period prescribed by the board*, unless the said (REGISTRATION) *license* shall sooner be revoked. Interim (REGISTRATION CARDS) *licenses* shall be issued to partnerships who have satisfied the provisions of this subdivision. The application shall confer upon the board the consent of the partnership, and of the general partner making the application, to the board's jurisdiction over the acts of the partnership and its partners or agents within the state.

Subd. 3. [UNREGISTERED PRACTICE.] It shall be unlawful for any certified public accountant or any partnership containing one or more certified public accountants to engage in public practice within this state unless such certified public accountant or partnership is duly (REGISTERED) *licensed* as provided by this section. A partnership shall be deemed in public practice within this state if it performs professional accounting services for a fee. A certified public accountant shall be deemed in public practice within this state if he performs professional accounting services for a fee within this state.

Sec. 158. Minnesota Statutes 1974, Section 326.21, is amended to read:

326.21 [HOLDER OF LICENSE, HOW STYLED.] Any person who has received from the state board of accountancy a certificate (OF HIS QUALIFICATIONS) *and license* to practice as a certified public accountant shall be known and styled a certified public accountant; and no other person who has not received (SUCH) *a certificate and license* shall assume such title of certified accountant, or the abbreviation C.P.A., or any other words, letters, or abbreviations tending to indicate that the person so using the same is a certified public accountant. No partnership shall style itself as a firm of certified public accountants unless (1) all partners resident in this state are certified public accountants of this state and (2) all managers in charge of offices maintained in this state are certified public accountants of this state and (3) all partners, wherever situated, are certified public accountants of one of the states or territories or of the District of Columbia and (4) the partnership is duly (REGISTERED) *licensed* under section 326.20. No corporation, other than one duly (REGISTERED) *licensed* under the laws of this state shall style itself as certified public accountants, or use the abbreviation C.P.A. in connection with its corporate name."

Page 101, line 31, delete "EXAMINATION AND".

Page 101, line 32, delete "CERTIFICATE" and insert "LICENSE AND RENEWAL".

Page 102, line 9, strike "an annual registration card" and insert "*a license*".

Page 102, line 10, after "annual" insert "*renewal*".

Page 102, line 25, strike "registration" and insert "*license*".

Page 103, line 6, strike "registrations" and insert "*licenses*".

Page 103, line 10, strike "certificate or registration" and insert "*license*".

Pages 104 and 105, delete all of Subdivision 3.

Page 105, line 10, strike "one year from the date of".

Page 105, line 11, strike "issuance" and insert "*in a manner as provided by the board*".

Page 110, after line 26, insert a section to read:

"Sec. 170. Minnesota Statutes 1974, Section 326.333, is amended to read:

326.333 [INFORMATION AND MATERIAL ACCOMPANYING APPLICATION.] Each such application shall be accompanied by:

(1) A surety bond executed by a company authorized to do business in the state of Minnesota wherein the applicant shall be principal, with sureties to be approved by the commissioner of public safety, to the state of Minnesota, in the penal sum of \$5,000, upon the condition that applicant and each of applicant's employees shall faithfully observe all the laws of Minnesota and of the United States, including sections 326.331 to 326.339, and shall pay all damages suffered by any person by reason of the violation of any such law by applicant or by the commission of any wilful and malicious wrong by any such applicant in the course of the conduct of such business. Action upon such bond may be brought by any person so aggrieved not later than within two years of the act complained of;

(2) For each person signing the application the verified certificates of at least five citizens not related to the signer who have known the signer for more than five years, certifying that the signer is of good moral character;

(3) Two photographs and a full set of fingerprints for each person signing the application;

(4) A duly acknowledged certificate evidencing the fact that at least one of the persons signing the application for private detective has been regularly employed as a detective by a licensed detective agency or has been a member of the United

States government investigative service, a sheriff or member of a city police department of a rank or grade of sergeant or higher, or equivalent occupation, for a period of not less than three years;

(5) An acknowledged certificate evidencing the fact that at least one of the persons signing the application for protective agent has been regularly employed as a detective or has been a member of the United States government investigative service, a sheriff or member of a city police department of a rank or grade higher than that of patrolman, or equivalent part time occupation or special training, for a period of not less than three years; or has completed a course prescribed by the state police officers training board."

Page 111, line 9, after "office" insert "*for at least 20 days*".

Page 111 and 112, delete all of section 133.

Page 116, line 4, strike "an annual" and insert "*a*".

Page 116, line 15, strike "such annual license" and insert "*the*".

Page 116, line 21, strike "an annual" and insert "*a license*".

Page 117, lines 19 to 24, strike the old language and delete the new language.

Page 119, after line 7, insert sections to read:

"Sec. 182. Minnesota Statutes 1974, Section 386.61, Subdivision 2, is amended to read:

Subd. 2. "(REGISTERED) *Licensed* abstracter" means any official, person, firm or corporation obtaining (CERTIFICATES OF REGISTRATION) *licenses* pursuant to the terms of sections 386.61 to 386.76; and includes (1) present duly qualified and acting registers of deeds not now prohibited by law from making abstracts; (2) any person, firm or corporation engaged in the business of making abstracts of title and issuing certificates showing ownership of, or interest in, or liens upon any lands in the state of Minnesota, whether registered or not.

Sec. 184. Minnesota Statutes, 1975 Supplement, Section 386.62, is amended to read:

386.62 [LICENSE REQUIRED.] No official, person, firm, association or corporation shall advertise or otherwise represent, directly or indirectly, that any abstract of title to any lands in the state of Minnesota, whether registered or not, is made, compiled or issued by a registered, licensed, bonded or of-

ficial abstracter without first obtaining a (CERTIFICATE OF REGISTRATION) *license* pursuant to the provision of sections 386.61 to 386.76.”.

Page 120, line 14, strike “; and it may retain”.

Page 120, line 15, strike “administrative or legal counsel, if deemed necessary”.

Page 120, line 31, delete “CERTIFICATE OF”.

Page 120, line 32, delete “REGISTRATION” and insert “LICENSE”.

Page 121, line 1, strike “certificate of registration” and insert “*license*”.

Page 121, line 20, strike “certificate of registration” and insert “*license*”.

Page 121, line 24, strike “certificate of registration” and insert “*license*”.

Page 122, line 26, delete “REGISTERED” and insert “LICENSED”.

Page 122, line 26, strike “registered” and insert “*licensed*”.

Page 122, line 29, strike “registered” and insert “*licensed*”.

Page 123, line 4, strike “registered” and insert “*licensed*”.

Page 123, after line 15, insert sections to read:

“Sec. 192. Minnesota Statutes 1974, Section 386.69, is amended to read:

386.69 [LICENSES; CONTENTS, TERM.] (THE CERTIFICATES) *Licenses* issued by said board under the provisions hereof shall recite that such bond or insurance policy has been duly filed and approved, and (SUCH CERTIFICATES) *the license* shall authorize the official, person, firm or corporation named in it to engage in and carry on the business of an abstracter of real estate titles in the county in which said official, person, firm or corporation is authorized to make abstracts. The (CERTIFICATE) *license* shall be issued for (THE TERM OF ONE YEAR, AND EXPIRES ON JULY 1 OF EACH YEAR, AND SHALL BE RENEWABLE ANNUALLY, AS OF SUCH DATE, IN EACH SUCCEEDING YEAR) *a period as determined by the board, and shall thereafter be renewed upon conditions prescribed by the board.*

Sec. 193. Minnesota Statutes, 1975 Supplement, Section 386.70, Subdivision 1, is amended to read:

386.70 [DENIAL, SUSPENSION AND REVOCATION OF LICENSES; INVALIDATING BONDS.] Subdivision 1. The board may by order deny, suspend or revoke any (CERTIFICATE) *license*, may censure an abstractor holding a (CERTIFICATE) *license* or may hold and declare a bond or insurance policy insufficient and invalid if it finds (1) that the order is in the public interest, and (2) that the applicant or abstractor holding the (CERTIFICATE) *license* or, if the holder of the certificate is a firm or corporation, any officer, director, partner, employee or agent thereof:

(a) Has filed an application for a license which is incomplete in any material respect or contains any statement which, in light of the circumstances under which it is made, is false or misleading with respect to any material fact;

(b) Has engaged in a fraudulent, deceptive or dishonest practice;

(c) Is permanently or temporarily enjoined by any court of competent jurisdiction from engaging in or continuing any conduct or practice involving any aspect of the real estate business;

(d) Has failed to reasonably supervise his employees or agents so as to cause injury or harm to the public;

(e) Has been convicted of a felony;

(f) Has been habitually careless or inattentive to business;

(g) Has failed to employ competent abstracters; or

(h) Has violated or failed to comply with any provision of sections 386.61 to 386.76 or any rule or order hereunder.

Sec. 194. Minnesota Statutes, 1975 Supplement, Section 386.71, is amended to read:

386.71 [LICENSED ABSTRACTERS, ACCESS TO PUBLIC RECORDS.] Except as provided in Laws 1974, Chapter 435, Section 3.11 (c), (REGISTERED) *licensed abstracters shall have access* during ordinary office hours to the public records in the office of the register of deeds in the county in which such abstractor is authorized to function, to make such memoranda, microfilm, photostats, photographs, or notations from the records thereof as may be necessary for the purpose of making or compiling abstracts, continuations thereof, or issuing certificates showing ownership of, or interest in, or liens upon any

lands in the state, whether registered or not, and the compiling, posting, copying and keeping up their abstract books, indices, or other records necessary to carry on or perform the duties and functions of a (REGISTERED) *licensed* abstracter, provided that such access during ordinary office hours shall in no manner hinder or interfere with the public officer in the performance of his official duties.

Sec. 195. Minnesota Statutes 1974, Section 386.72, is amended to read:

386.72 [ABSTRACTER'S CERTIFICATE AS PRIMA FACIE EVIDENCE] Any abstract of title, continuation thereof or certificate showing ownership of, or interest in, or liens upon any lands in the state of Minnesota, whether registered or not, certified to be true and correct by any (REGISTERED) *licensed* abstracter under the signature and seal of such abstracter, shall be received by the courts of this state as prima facie evidence of the existence or nonexistence of records, the content and filing indicated on such abstract, continuation thereof or certificate hereinbefore described.

Sec. 196. Minnesota Statutes 1974, Section 386.73, is amended to read:

386.73 [REGISTERS OF DEEDS, MAY EMPLOY LICENSED ABSTRACTERS.] Nothing herein shall prohibit any register of deeds who does not hold a certificate of authority pursuant to the provisions hereof from employing a (REGISTERED) *licensed* abstracter and issuing abstracts pursuant to sections 386.61 to 386.76.

Sec. 197. Minnesota Statutes 1974, Section 214.01, Subdivision 1, is amended to read:

214.01 [DEFINITIONS.] Subdivision 1. The words defined in this section for purposes of (SECTIONS 214.01 AND 214.04 TO 214.06) *this chapter* have the meanings given them unless the context clearly requires otherwise.

Sec. 198. Minnesota Statutes, 1975 Supplement, Section 214.01, Subdivision 2, is amended to read:

Subd. 2. "Health related licensing board" means the board of examiners of nursing home administration established pursuant to section 144.952, the board of medical examiners created pursuant to section 147.01, the board of nursing created pursuant to section 148.181, the board of chiropractic examiners established pursuant to section 148.02, (THE BOARD OF LICENSED PRACTICAL NURSING CREATED PURSUANT TO SECTION 148.29,) the board of optometry established pursuant to section

148.52, the board of (EXAMINERS OF PSYCHOLOGISTS) *psychology* established pursuant to section 148.90, the board of dentistry established pursuant to section 150A.02, the board of pharmacy established pursuant to section 151.02, the board of podiatry (EXAMINERS AND REGISTRATION) established pursuant to section 153.02, and the (VETERINARY EXAMINING) board of *veterinary medicine*, established pursuant to section 156.01.

Sec. 199. Minnesota Statutes, 1975 Supplement, Section 214.09, Subdivision 3, is amended to read:

Subd. 3. [COMPENSATION.] Members of the boards shall be compensated at the rate of \$35 per day spent on board activities, *when authorized by the board*, plus expenses in the same manner and amount as received by state employees. Members who are full-time state employees or employees of the political subdivisions of the state shall not receive the \$35 per day (, BUT THEY SHALL SUFFER NO LOSS IN COMPENSATION OR BENEFITS FROM THE STATE OR A POLITICAL SUBDIVISION AS A RESULT OF THEIR SERVICE ON THE BOARD) *if the major part of their activities occur during normal working hours for which they are also compensated by the state or political subdivision. A board member who is an employee of the state or political subdivision shall suffer no loss in compensation or benefits as a result of their service on the board. Members who are state employees or employees of the political subdivisions of the state may receive the expenses provided for in this subdivision unless the expenses are reimbursed by another source.*"

Page 124, line 5, after the period insert "*The commissioner of finance shall transfer to the appropriate department or board funds appropriated in respect to powers, duties, personnel or services which are transferred by this act.*"

Page 124, delete lines 21 to 32.

Page 125, delete lines 1 to 15, and insert:

"Sec. 202. [REVISOR'S INSTRUCTIONS.] *In the next and subsequent editions of Minnesota Statutes the revisor of statutes shall substitute the terms "licensed teacher", "licensure" or similar appropriate terminology respecting licensure of teachers, for the terms "certified teacher", "certification" in respect to teachers, and similar terminology relating to teacher certification.*"

Renumber the sections.

Page 125, line 17, after "Sections" insert "*125.09, Subdivisions 2 and 3,*"

Page 125, line 17, after "144.958;" insert "144.96;"

Page 125, line 18, after "2;" insert "148.08, Subdivision 1;"

Page 125, line 18, delete "148.231,"

Page 125, line 19, delete "Subdivision 3; 148.281, Subdivision 2;"

Page 125, line 20, after "148.55;" insert "148.58;"

Page 125, line 23, after "153.10;" insert "153.11; 154.065, Subdivision 6;"

Page 125, line 27, after "3;" insert "148.231, Subdivision 3; 148.261, Subdivision 2;"

Page 125, line 28, after "148.55;" insert "326.10, Subdivision 4;"

Page 125, line 28, after "4;" insert "326.242, Subdivision 8; 326.334, Subdivision 3;"

Page 125, line 31, before "This" insert "Section 5, subdivisions 1 and 2, of this act shall be effective July 1, 1977. The remainder of"

Page 125, line 16, after "[REPEALER]" underscore rest of line.

Page 125, lines 17-30 underscore.

Page 125, line 32, delete "in statute or rule".

Page 126, line 1, after "fees" insert ", license renewal".

Page 126, line 2, delete "are" and insert "were enforced or promulgated pursuant to sections of Minnesota Statutes which are amended or"

Page 126, line 6, after "effect" insert ", to the extent not inconsistent with this act,"

Page 126, line 8, after the period, insert "Notwithstanding the preceding sections, a licensing board may continue to use until July 1, 1977, procedures for the review and investigation of complaints and the holding of disciplinary hearings which were in effect on June 30, 1976, to the extent the procedures are consistent with chapter 15. A certificate or registration granted to a person by a licensing board shall remain in force until its scheduled expiration unless revoked or suspended. After the expiration the person, if he qualifies, shall be issued a license pursuant to this act."

Further amend the title:

Page 1, line 9, delete "and" and insert a comma.

Page 1, line 9, after "education" insert "and other matters".

Page 1, line 13, after "nursing;" insert "making miscellaneous changes in practice acts for various licensed occupations; adopting the standard terms "licensure" and "license" for occupational licensing boards;".

Page 1, line 15, after "Sections" insert "125.04; 125.05, Subdivisions 1 and 2; 125.06; 125.08; 125.09, Subdivision 1; 125.12, Subdivision 1; 125.13, Subdivision 1; 125.17, Subdivision 1;".

Page 1, line 16, delete "Subdivision" and insert "Subdivisions 2 and".

Page 1, line 22, after "3;" insert "148.32;".

Page 1, line 26, delete the second "Subdivision" and insert "Subdivisions 1 and".

Page 1, line 27, after "151.10;" insert "151.101; 151.11; 151.12;".

Page 1, line 28, after "151.27;" insert "151.37, Subdivisions 5 and 6; 151.40; 153.07; 153.08; 153.09; 154.04;".

Page 1, line 31, after "155.14;" insert "155.15;".

Page 1, line 31, after "Subdivision 1;" insert "155.19;".

Page 1, line 35, after "156.14;" insert "214.01, Subdivision 1;" and after "214.06;" insert "214.09, Subdivision 3;".

Page 1, line 35, after "270.47;" insert "270.50; 270.51;".

Page 1, line 36, after "326.15;" insert "326.19; 326.20; 326.21;".

Page 1, line 39, after "Subdivision 1;" insert "326.333;".

Page 1, line 39, after "326.334," delete "Subdivisions" and insert "Subdivision".

Page 1, line 40, delete "and 3".

Page 2, line 1, after "341.15;" insert "386.61, Subdivision 2;".

Page 2, line 2, after "386.67;" insert "386.69; 386.72; 386.73;".

Page 2, line 2, delete "Subdivisions" and insert "Subdivision" and delete "and 2".

Page 2, line 4, after "Sections" insert "125.03, Subdivision 1; 125.11;"

Page 2, line 9, after "148.60;" insert "148.67;"

Page 2, line 11, after "151.03;" insert "151.06, Subdivision 1;"

Page 2, line 12, after "153.13;" insert "153.15;"

Page 2, line 13, after the second "Subdivision 1;" insert "214.01, Subdivision 2;"

Page 2, line 14, after "214.07;" insert "214.09, Subdivision 3;"

Page 2, line 14, after "270.42;" insert "270.48;"

Page 2, line 18, after "326.17;" insert "326.18;"

Page 2, line 19, after "341.11;" insert "336.62;"

Page 2, line 20, after "386.68;" insert "386.70, Subdivision 1; 386.71;"

Page 2, line 21, after "Sections" insert "125.09, Subdivisions 2 and 3;"

Page 2, line 21, after "144.958;" insert "144.96;"

Page 2, line 23, delete "148.281, Subdivision 2" and insert "148.08, Subdivision 1"

Page 2, line 24, after "148.55;" insert "148.58;"

Page 2, line 27, after "153.10;" insert "153.11; 154.065, Subdivision 6;"

Page 2, line 33, after "3;" insert "148.261, Subdivision 2;"

Page 2, line 34, after "148.55;" insert "326.10, Subdivision 4;"

Page 2, line 35, after "4;" insert "326.242, Subdivision 8; 326.334, Subdivision 3;"

With the recommendation that when so amended the bill do pass.

The report was adopted.

Fugina from the Committee on Higher Education to which was referred:

S. F. No. 360, A bill for an act relating to education; directing the higher education coordinating commission to sponsor a quarterly meeting for representatives of certain boards and agencies dealing with higher education; amending Minnesota Statutes 1974, Chapter 136A, by adding a section.

Reported the same back with the following amendments:

Page 1, line 11, delete "QUARTERLY" and insert "ANNUAL".

Page 1, line 12, delete "commission" and insert "board".

Page 1, line 13, delete "a quarterly" and insert "an annual".

Page 1, line 13, after "meeting of" insert "member".

Page 1, line 14, delete "commission" and insert "board".

Page 1, line 16, delete "college" and insert "university".

Page 1, line 22, delete "commission" and insert "board".

Page 1, line 23, delete "college" and insert "university".

Page 2, line 3, delete "a".

Page 2, line 4, delete "quarterly" and insert "an annual".

Page 2, line 5, delete "commission" and insert "board".

Page 2, line 9, delete "commission" and insert "board".

Further amend the title:

Page 1, line 3, delete "commission" and insert "board".

Page 1, line 3, delete "a".

Page 1, line 4, delete "quarterly" and insert "an annual".

Page 1, line 4, after "for" insert "member".

With the recommendation that when so amended the bill do pass.

The report was adopted.

Vento from the Committee on General Legislation and Veterans Affairs to which was referred:

The following appointments as reported in the Journal for February 25, 1976:

ETHICAL PRACTICES BOARD

Mr. Roger Noreen

Mr. Harold Chase

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

Vento moved that the report of the Committee on General Legislation and Veterans Affairs relating to the appointments of Mr. Roger Noreen and Mr. Harold Chase to the Ethical Practices Board be adopted. The motion prevailed and the report was adopted.

CONFIRMATION

Vento moved that the House, having advised, do now consent to and confirm the appointments of Mr. Roger Noreen, 1684 James Road, Mendota Heights, Dakota County, effective February 18, 1976, for a term expiring April 29, 1976, and Mr. Harold Chase, 124 Bedford Street S.E., Minneapolis, Hennepin County, effective February 18, 1976, for a term expiring April 29, 1978. The motion prevailed and the appointments were confirmed.

SECOND READING OF HOUSE BILLS

H. F. Nos. 2676, 2677, 2678 and 2339 were read for the second time.

SECOND READING OF SENATE BILLS

S. F. Nos. 1570, 1753, 1764, 1780 and 360 were read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Esau, Jopp and Wigley introduced:

H. F. No. 2679, A bill for an act relating to elections; prohibiting fund raising during certain times; amending Minnesota Statutes, 1975 Supplement, Chapter 210A, by adding a section.

The bill was read for the first time and referred to the Committee on General Legislation and Veterans Affairs.

Kvam, Pleasant, Kaley, Forsythe and DeGroat introduced:

H. F. No. 2680, A bill for an act relating to economic development; providing assistance to certain employers of the handicapped or senior citizens; providing an appropriation.

The bill was read for the first time and referred to the Committee on Health and Welfare.

Adams, S., introduced:

H. F. No. 2681, A bill for an act relating to counties; repealing the authority of a county board to require that the office of the county attorney shall be a full time position; repealing Minnesota Statutes 1974, Section 388.21.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Pehler and McCarron introduced:

H. F. No. 2682: A bill for an act relating to public employment labor relations; legislative review of certain wage agreements; amending Minnesota Statutes 1974, Section 179.74, Subdivision 5.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Norton, for the Committee on Appropriations, introduced:

H. F. No. 2683, A bill for an act relating to claims against the state; appropriating moneys for the payment thereof.

The bill was read for the first time and laid over one day.

PROGRESS REPORTS ON CONFERENCE COMMITTEES

Pursuant to Joint Rule 13, McCarron reported on the progress of H. F. No. 943, now in Conference Committee.

Pursuant to Joint Rule 13, Menning reported on the progress of H. F. No. 1057, now in Conference Committee.

Pursuant to Joint Rule 13, Clawson reported on the progress of H. F. No. 1199, now in Conference Committee.

CONSENT CALENDAR

S. F. No. 2284, A bill for an act relating to the counties of Nobles and Rock; authorizing the acquisition of real estate for the operation of television translator systems.

The bill was read for the third time and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 125, and nays 0, as follows:

Those who voted in the affirmative were:

Abeln	DeGroat	Johnson, C.	McEachern	Schumacher
Adams, L.	Dieterich	Johnson, D.	Menning	Searle
Adams, S.	Doty	Jopp	Metzen	Setzepfandt
Albrecht	Eckstein	Jude	Moe	Sherwood
Anderson, G.	Eken	Kahn	Munger	Sieben, H.
Anderson, I.	Enebo	Kaley	Neisen	Sieben, M.
Arlandson	Erickson	Kelly, R.	Nelsen	Sieloff
Beauchamp	Esau	Kelly, W.	Nelson	Simoneau
Begich	Evans	Kempe, A.	Niehaus	Skoglund
Berg	Ewald	Kempe, R.	Norton	Smith
Berglin	Faricy	Ketola	Novak	Smogard
Biersdorf	Fjoslien	Knickerbocker	Parish	Spanish
Birnstihl	Forsythe	Knoll	Patton	Stanton
Braun	Friedrich	Kostohryz	Pehler	Suss
Brinkman	Fudro	Kroening	Peterson	Swanson
Byrne	Fugina	Laidig	Petrafaso	Ulland
Carlson, A.	George	Langseth	Philbrook	Vento
Carlson, L.	Graba	Lemke	Prahl	Voss
Carlson, R.	Hanson	Lindstrom	Reding	Wenstrom
Casserly	Haugerud	Luther	Rice	Wenzel
Clark	Heinitz	Mangan	St. Onge	White
Clawson	Hokanson	Mann	Samuelson	Wieser
Corbid	Jacobs	McCarron	Savelkoul	Wigley
Dahl	Jaros	McCauley	Schreiber	Zubay
Dean	Jensen	McCollar	Schulz	Speaker Sabo

The bill was passed and its title agreed to.

S. F. No. 1636, A bill for an act relating to insurance; clarifying license requirements for persons who enter into, acquire or hold insurance premium finance agreements; amending Minnesota Statutes 1974, Section 59A.03, Subdivision 1.

The bill was read for the third time and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 128, and nays 0, as follows:

Those who voted in the affirmative were:

Abeln	Adams, S.	Anderson, G.	Arlandson	Begich
Adams, L.	Albrecht	Anderson, I.	Beauchamp	Berg

Berglin	Ewald	Kempe, A.	Nelson	Sieben, H.
Biersdorf	Faricy	Kempe, R.	Niehaus	Sieben, M.
Birnstihl	Fjoslien	Ketola	Norton	Sieloff
Braun	Forsythe	Knickerbocker	Novak	Simoneau
Brinkman	Friedrich	Knoll	Osthoff	Skoglund
Byrne	Fudro	Kostohryz	Parish	Smith
Carlson, A.	Fugina	Kroening	Patton	Smogard
Carlson, L.	George	Laidig	Pehler	Spanish
Carlson, R.	Graba	Langseth	Peterson	Stanton
Casserly	Hanson	Lemke	Petraleso	Suss
Clark	Haugerud	Lindstrom	Philbrook	Swanson
Clawson	Heinitz	Luther	Prahl	Tomlinson
Corbid	Hokanson	Mangan	Reding	Ulland
Dahl	Jacobs	Mann	Rice	Vento
Dean	Jaros	McCarron	St. Onge	Voss
DeGroat	Jensen	McCauley	Samuelson	Wenstrom
Dieterich	Johnson, C.	McCollar	Sarna	Wenzel
Doty	Johnson, D.	McEachern	Savelkoul	White
Eckstein	Jopp	Menning	Schreiber	Wieser
Eken	Jude	Metzen	Schulz	Wigley
Enebo	Kahn	Moe	Schumacher	Zubay
Erickson	Kaley	Munger	Searle	Speaker Sabo
Esau	Kelly, R.	Neisen	Setzepfandt	
Evans	Kelly, W.	Nelsen	Sherwood	

The bill was passed and its title agreed to.

S. F. No. 2051 was reported to the House.

There being no objection, S. F. No. 2051 was continued on the Consent Calendar for one day.

S. F. No. 2030, A bill for an act relating to elections; providing for the affidavits of candidacy of candidates for judicial office; amending Laws 1975, Chapter 5, Section 12, Subdivision 1.

The bill was read for the third time and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 125, and nays 0, as follows:

Those who voted in the affirmative were:

Abeln	Byrne	Enebo	Heinitz	Ketola
Adams, L.	Carlson, A.	Erickson	Hokanson	Knickerbocker
Adams, S.	Carlson, L.	Esau	Jacobs	Kostohryz
Albrecht	Carlson, R.	Evans	Jaros	Kroening
Anderson, G.	Casserly	Ewald	Jensen	Kvam
Anderson, I.	Clark	Faricy	Johnson, C.	Laidig
Arlandson	Clawson	Fjoslien	Johnson, D.	Langseth
Beauchamp	Corbid	Forsythe	Jopp	Lemke
Begich	Dahl	Friedrich	Jude	Lindstrom
Berg	Dean	Fudro	Kahn	Luther
Berglin	DeGroat	Fugina	Kaley	Mangan
Biersdorf	Dieterich	George	Kelly, R.	Mann
Birnstihl	Doty	Graba	Kelly, W.	McCarron
Braun	Eckstein	Hanson	Kempe, A.	McCauley
Brinkman	Eken	Haugerud	Kempe, R.	McCollar

McEachern	Parish	St. Onge	Sieloff	Ulland
Moe	Patton	Sarna	Simoneau	Vento
Munger	Pehler	Savelkoul	Skoglund	Voss
Neisen	Peterson	Schreiber	Smith	Wenstrom
Nelsen	Petrafeso	Schulz	Smogard	Wenzel
Nelson	Philbrook	Schumacher	Spanish	White
Niehaus	Pleasant	Searle	Stanton	Wieser
Norton	Prahl	Setzepfandt	Suss	Wigley
Novak	Reding	Sherwood	Swanson	Zubay
Osthoff	Rice	Sieben, M.	Tomlinson	Speaker Sabo

The bill was passed and its title agreed to.

S.F. No. 1996, A bill for an act relating to counties; authorizing county boards to furnish board and certain other services to prisoners in county jails; amending Minnesota Statutes, 1975 Supplement, Section 387.20, Subdivision 6.

The bill was read for the third time and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 130, and nays 0, as follows:

Those who voted in the affirmative were:

Abeln	Dieterich	Jopp	Moe	Searle
Adams, L.	Doty	Jude	Munger	Setzepfandt
Adams, S.	Eckstein	Kahn	Neisen	Sherwood
Albrecht	Eken	Kaley	Nelsen	Sieben, H.
Anderson, G.	Enebo	Kelly, R.	Nelson	Sieben, M.
Anderson, I.	Erickson	Kempe, A.	Niehaus	Sieloff
Arlandson	Esau	Kempe, R.	Norton	Simoneau
Beauchamp	Evans	Ketola	Novak	Skoglund
Begich	Ewald	Knickerbocker	Osthoff	Smith
Berg	Faricy	Knoll	Parish	Smogard
Berglin	Fjoslien	Kostohryz	Patton	Spanish
Biersdorf	Forsythe	Kroening	Pehler	Stanton
Birnstihl	Friedrich	Kvam	Peterson	Suss
Braun	Fudro	Laidig	Petrafeso	Swanson
Brinkman	Fugina	Langseth	Philbrook	Tomlinson
Byrne	George	Lemke	Pleasant	Ulland
Carlson, A.	Graba	Lindstrom	Prahl	Vento
Carlson, L.	Hanson	Luther	Reding	Voss
Carlson, R.	Haugerud	Mangan	Rice	Wenstrom
Cassery	Heimitz	Mann	St. Onge	Wenzel
Clark	Hokanson	McCarron	Samuelson	White
Clawson	Jacobs	McCauley	Sarna	Wieser
Corbid	Jaros	McCollar	Savelkoul	Wigley
Dahl	Jensen	McEachern	Schreiber	Williamson
Dean	Johnson, C.	Menning	Schulz	Zubay
DeGroat	Johnson, D.	Metzen	Schumacher	Speaker Sabo

The bill was passed and its title agreed to.

SPECIAL ORDERS

S. F. No. 2173 was reported to the House.

Kahn moved to amend S. F. No. 2173 as follows:

Page 1, line 8, strike "8" and insert "7".

Page 2, strike lines 31 and 32.

Page 3, strike lines 1 to 6.

Page 3, line 16, strike "their" and insert "its".

Page 3, line 19, strike "to".

Page 6, line 2, after "may" insert a colon.

Page 6, after line 10, insert "Sec. 8. [EFFECTIVE DATE.] This act shall be effective the day following final enactment."

The motion prevailed and the amendment was adopted.

S. F. No. 2173, A bill for an act relating to Minnesota culture; preserving and presenting Minnesota folklife; creating center for study of Minnesota folklife; creating position of state folklorist in the historical society; prescribing powers and duties of the state folklorist.

The bill was read for the third time, as amended, and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 116, and nays 4, as follows:

Those who voted in the affirmative were:

Adams, L.	Doty	Kaley	Neisen	Sherwood
Albrecht	Eckstein	Kelly, R.	Nelsen	Sieben, H.
Anderson, G.	Enebo	Kelly, W.	Nelson	Sieben, M.
Anderson, I.	Erickson	Kempe, A.	Niehaus	Simoneau
Arlandson	Esau	Kempe, R.	Norton	Skoglund
Beauchamp	Ewald	Ketola	Novak	Smith
Begich	Faricy	Knickerbocker	Osthoff	Smogard
Berg	Fjoslien	Knoll	Parish	Spanish
Berglin	Forsythe	Kostohryz	Patton	Stanton
Biersdorf	Fudro	Kroening	Pehler	Swanson
Birnstihl	Fugina	Laidig	Petrafeso	Tomlinson
Braun	George	Langseth	Philbrook	Ulland
Byrne	Graba	Lemke	Pleasant	Vento
Carlson, A.	Hanson	Lindstrom	Prahl	Voss
Carlson, L.	Haugerud	Luther	Reding	Wenstrom
Carlson, R.	Heinitz	Mangan	Rice	Wenzel
Casserly	Hokanson	Mann	St. Onge	White
Clark	Jacobs	McCarron	Samuelson	Wigley
Clawson	Jaros	McCollar	Sarna	Zubay
Corbid	Jensen	McEachern	Savelkoul	Speaker Sabo
Dahl	Johnson, C.	Menning	Schulz	
Dean	Johnson, D.	Metzen	Schumacher	
DeGroat	Jude	Moe	Searle	
Dieterich	Kahn	Munger	Setzepfandt	

Those who voted in the negative were:

Abeln Eken Kvam Wieser

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

H. F. No. 2002 was reported to the House.

Osthoff moved that H. F. No. 2002 be continued on Special Orders for one day. The motion prevailed.

H. F. No. 2154 was reported to the House.

Sieben, H., moved that H. F. No. 2154 be continued on Special Orders for one day. The motion prevailed.

H. F. No. 2186 was reported to the House.

Biersdorf moved to amend H. F. No. 2186, as follows:

Page 2, line 11, after "Section" strike "30" and insert "31".

The motion prevailed and the amendment was adopted.

H. F. No. 2186, A bill for an act relating to public safety; highway patrol; authorizing the commissioner of public safety to maintain certain aircraft; 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, 1975 Supplement, Section 16.753.

The bill was read for the third time, as amended, and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 123, and nays 7, as follows:

Those who voted in the affirmative were:

Abeln	Byrne	Enebo	Hokanson	Knoll
Adams, L.	Carlson, A.	Erickson	Jacobs	Kostohryz
Adams, S.	Carlson, L.	Esau	Jaros	Kreening
Albrecht	Carlson, R.	Ewald	Jensen	Kvam
Anderson, I.	Cassery	Faricy	Johnson, C.	Laidig
Arlandson	Clark	Fjoslien	Johnson, D.	Langseth
Beauchamp	Corbid	Forsythe	Jopp	Lemke
Begich	Dahl	Friedrich	Jude	Lindstrom
Berg	Dean	Fudro	Kahn	Luther
Berglin	DeGroat	Fugina	Kaley	Mangan
Biersdorf	Dieterich	George	Kelly, W.	Mann
Birnstihl	Doty	Graba	Kempe, A.	McCarron
Braun	Eckstein	Hanson	Kempe, R.	McCauley
Brinkman	Eken	Heinitz	Ketoia	McCollar

McEachern	Parish	Samuelson	Sieloff	Vento
Menning	Patton	Sarna	Simoneau	Wenstrom
Metzen	Pehler	Savelkoul	Skoglund	Wenzel
Moe	Peterson	Schreiber	Smith	White
Munger	Petrafeso	Schulz	Smogard	Wieser
Neisen	Philbrook	Schumacher	Spanish	Wigley
Nelsen	Pleasant	Searle	Stanton	Williamson
Neison	Prahl	Setzepfandt	Suss	Zubay
Niehaus	Reding	Sherwood	Swanson	Speaker Sabo
Novak	Rice	Sieben, H.	Tomlinson	
Osthoff	St. Onge	Sieben, M.	Ulland	

Those who voted in the negative were:

Anderson, G.	Haugerud	Knickerbocker	Norton	Voss
Clawson	Kelly, R.			

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

H. F. No. 1938 was reported to the House.

Enebo moved that H. F. No. 1938 be re-referred to the Committee on Judiciary. The motion prevailed.

S. F. No. 1624 was reported to the House.

Kroening moved to amend S. F. No. 1624, as follows:

Page 1, after line 26, insert a new section to read:

"Sec. 2. Minnesota Statutes 1974, Section 462.431, is amended to read:

462.431 [INTEREST IN PROJECT FORBIDDEN.] No commissioner or employee of an authority shall acquire any interest, direct or indirect, in any project or in any property included or planned to be included in any project, nor shall he have any interest, direct or indirect, in any contract or proposed contract for materials or services to be furnished or used in connection with any project, provided an authority shall not be prohibited from employing any of its public housing tenants, from providing housing in any of its housing projects to any of its employees who may qualify for such public housing, nor from selling to any employee a residence financed under Section 235 of the National Housing Act, Section 507 of the Housing and Urban Redevelopment Act of 1965, or similar programs for housing for low or moderate income families and further provided an employee or commissioner is not prohibited from purchasing a principal residence in any project if the authority or any instrumentality thereof is not the owner of the residence. "Principal residence" means the place where the employee or commissioner lives for more than six months of the year and includes a single family structure and a residential unit in a condominium or cooperative housing project. No commissioner or employee of an authority

after his employment has ceased, shall knowingly act as agent or attorney for anyone other than the authority in connection with any judicial or other determination, contract, claim, controversy, charge, accusation, arrest, or to the particular matter involving a specific party or parties in which the authority is a party or has a direct and substantial interest and in which he participated personally and substantially as an officer or employee, through decision, approval, disapproval, recommendation, the rendering of advice investigation, or otherwise, while so employed. No person having been so employed, within one year after his employment has ceased, shall appear personally before any court or governmental department or agency as agent or attorney for anyone other than the authority in connection with any proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, or other particular matter involving a specific party or parties in which the authority is a party or directly and substantially interested, and which was under his official responsibility as an officer or employee of the authority at any time within a period of one year prior to the termination of such responsibility. This section shall not apply to the deposit of any funds of an authority in any bank in which a member of any authority shall have an interest if such funds are deposited and protected in accordance with Minnesota Statutes 1949, Chapter 118. If any commissioner or employee of an authority previously owned or controlled an interest, direct or indirect, in any property included or planned to be included in any project, or presently has such interest, he immediately shall disclose such interest in writing to the authority, and such disclosure shall be entered upon the minutes of the authority. Whoever violates any provision of this section shall be punished by a fine of not less than \$50 nor more than \$1,000, or by imprisonment for not more than three months, or both."

Renumber the remaining sections.

Amend the title in line 6 after "authority;" by inserting "permitting officers and employees of a municipal housing and redevelopment authority to purchase a principal residence in a housing and redevelopment district;"

Further amend the title in line 9 after "6;" by inserting "462.431;"

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll being called, there were yeas 82, and nays 39, as follows:

Those who voted in the affirmative were:

Abeln	Anderson, G.	Beauchamp	Berg	Brinkman
Adams, L.	Anderson, I.	Begich	Birnstihl	Byrne

Carlson, L.	Haugerud	Lindstrom	Petrafeso	Smogard
Carlson, R.	Hokanson	Mangan	Prahl	Stanton
Casserly	Jacobs	Mann	Reding	Suss
Clark	Jaros	McCarron	Rice	Swanson
Corbid	Jensen	McCollar	St. Onge	Tomlinson
Dieterich	Johnson, C.	McEachern	Samuelson	Vento
Doty	Johnson, D.	Menning	Sarna	Voss
Eckstein	Jude	Metzen	Schulz	Wenstrom
Eken	Kahn	Moe	Schumacher	Wenzel
Enebo	Kelly, R.	Mung	Sherwood	White
Faricy	Kelly, W.	Nelson	Sieben, H.	Wieser
Fudro	Knoll	Osthoff	Sieben, M.	Speaker Sabo
Fugina	Kroening	Parish	Simoneau	
George	Langseth	Patton	Skoglund	
Hanson	Lemke	Pehler	Smith	

Those who voted in the negative were:

Albrecht	Evans	Kempe, A.	McCauley	Schreiber
Biersdorf	Ewald	Kempe, R.	Nelsen	Searle
Braun	Fjoslien	Ketola	Niehaus	Setzepfandt
Carlson, A.	Forsythe	Knickerbocker	Novak	Sieloff
Clawson	Friedrich	Kostohryz	Peterson	Ulland
Dean	Heinitz	Kvam	Philbrook	Wigley
Erickson	Jopp	Laidig	Pleasant	Zubay
Esau	Kaley	Luther	Savelkoul	

The motion prevailed and the amendment was adopted.

S. F. No. 1624, A bill for an act relating to housing and redevelopment; permitting coinciding terms of office for city council members of a municipality who are appointed commissioners of a municipal housing and redevelopment authority; redefining powers of local housing and redevelopment authorities in carrying out legislation; amending Minnesota Statutes 1974, Sections 462.425, Subdivision 6; and 462.475, Subdivision 1; repealing Minnesota Statutes 1974, Section 462.501, Subdivision 1.

The bill was read for the third time, as amended, and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 125, and nays 2, as follows:

Those who voted in the affirmative were:

Adams, L.	Byrne	Eckstein	George	Kelly, R.
Adams, S.	Carlson, A.	Eken	Hanson	Kelly, W.
Anderson, G.	Carlson, L.	Enebo	Haugerud	Kempe, A.
Anderson, I.	Carlson, R.	Erickson	Hokanson	Kempe, R.
Arlandson	Casserly	Esau	Jacobs	Ketola
Beauchamp	Clark	Evans	Jaros	Knickerbocker
Begich	Clawson	Ewald	Jensen	Knoll
Berg	Corbid	Faricy	Johnson, C.	Kostohryz
Berglin	Dahl	Fjoslien	Johnson, D.	Kroening
Biersdorf	Dean	Forsythe	Jopp	Kvam
Birnstihl	DeGroat	Friedrich	Jude	Laidig
Braun	Dieterich	Fudro	Kahn	Langseth
Brinkman	Doty	Fugina	Kaley	Lemke

Lindstrom	Neisen	Philbrook	Setzepfandt	Swanson
Luther	Nelsen	Prahl	Sherwood	Tomlinson
Mangan	Nelson	Reding	Sieben, H.	Ulland
Mann	Niehaus	Rice	Sieben, M.	Vento
McCarron	Norton	St. Onge	Sieloff	Voss
McCauley	Novak	Samuelson	Simoneau	Wenstrom
McCollar	Osthoff	Sarna	Skoglund	Wenzel
McEachern	Parish	Saveikoul	Smith	White
Menning	Patton	Schreiber	Smogard	Wieser
Metzen	Pehler	Schulz	Spanish	Wigley
Moe	Peterson	Schumacher	Stanton	Zubay
Munger	Petrafeso	Searle	Suss	Speaker Sabo

Those who voted in the negative were:

Albrecht Pleasant

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

Anderson, I., moved that the House recess subject to the call of the Chair. The motion prevailed.

RECESS

RECONVENED

The House reconvened and was called to order by the Speaker.

There being no objection the order of business reverted to Reports of Standing Committees.

REPORTS OF STANDING COMMITTEES

Sieben, H., from the Committee on Governmental Operations to which was referred:

S. F. No. 551, A bill for an act relating to correctional facilities; providing for the establishment of minimum standards for facility management and physical condition; providing the powers and duties of the commissioner of corrections; amending Minnesota Statutes 1974, Sections 241.021, Subdivision 1; and 641.26.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert in lieu thereof the following:

"Section 1. Minnesota Statutes 1974, Section 241.021, Subdivision 1, is amended to read:

241.021 [LICENSING AND SUPERVISION OF INSTITUTIONS AND FACILITIES.] Subdivision 1. [SUPERVISION OVER CORRECTIONAL FACILITIES FOR DETENTION

AND CONFINEMENT.] (1) The commissioner of corrections shall (INVESTIGATE THE WHOLE SYSTEM OF CORRECTIONAL INSTITUTIONS IN THE STATE, ESPECIALLY PRISONS AND JAILS, AND EXAMINE THEIR CONDITION AND MANAGEMENT) *inspect all correctional facilities throughout the state, whether public or private, established and operated for the detention and confinement of persons detained or confined therein according to law except to the extent that they are inspected or licensed by other state regulating agencies. He shall promulgate, by January 1, 1977, pursuant to chapter 15, rules establishing minimum standards for these facilities with respect to their management, operation, physical condition, and the security, safety, health, treatment and discipline of persons detained or confined therein. Notwithstanding the provisions of sections 15.0412 and 15.0413, these rules shall not take effect until April 15, 1977. To assist in the development of standards for jails and lockups the commissioner shall pursuant to section 15.059, subdivision 6, appoint a citizens advisory task force of nine persons, which shall include representatives of the criminal justice system, including the Minnesota sheriff's association, the association of Minnesota counties, and county boards. The commissioner shall have access to the buildings, grounds, books, records, staff and to persons detained or confined in these facilities. He may require the officers in charge of (ANY SUCH INSTITUTION) these facilities to furnish (SUCH) all information and statistics (AS) he (MAY DEEM) deems necessary, upon (BLANKS) forms furnished by him.*

(2) *Any state agency which regulates, inspects, or licenses certain aspects of correctional facilities shall, insofar as is possible, ensure that the minimum standards it requires are substantially the same as those required by other state agencies which regulate, inspect, or license the same aspects of similar types of correctional facilities, although at different correctional facilities.*

(3) *Nothing in this section shall be construed to limit the commissioner of corrections' authority to promulgate rules establishing standards of eligibility for counties to receive funds under sections 401.01 to 401.16, or to require counties to comply with operating standards the commissioner establishes as a condition precedent for counties to receive that funding.*

(4) *When the commissioner finds that any facility described in clause (1) of this subdivision, except foster care facilities for delinquent children and youth as provided in subdivision 2, does not conform to the minimum standards established by law or by the commissioner, he shall promptly notify the chief executive officer and the governing board of the facility of the deficiencies and order that they be remedied within a reasonable period of time. The commissioner may by written order restrict the use of any facility which does not substantially conform to minimum standards to prohibit the detention of any person therein for more than 72 hours at one time. When the commissioner is satis-*

fied that satisfactory progress towards substantial compliance with minimum standard is being made, he may, at the request of the appropriate officials of the affected facility supported by a written schedule for compliance, grant an extension of time for a period not to exceed one year. (HE SHALL EXAMINE ALL PLANS FOR NEW JAILS AND LOCKUPS, OR FOR REPAIRS AT AN ESTIMATED COST IN EXCESS OF THE LIMITS SET BY SECTIONS 641.21, 642.01, AND 642.02, BEFORE THE SAME ARE ADOPTED BY THE COUNTY OR OTHER MUNICIPAL BOARD, AND HAVE AN ADVISORY SUPERVISION OVER ALL SUCH INSTITUTIONS. UPON THE REQUEST OF THE GOVERNOR, HE SHALL SPECIALLY INVESTIGATE ANY PENAL OR REFORMATORY INSTITUTION AND REPORT ITS CONDITION; AND FOR THIS PURPOSE HE IS HEREBY AUTHORIZED TO SEND FOR PERSONS AND PAPERS, ADMINISTER OATHS, AND TAKE TESTIMONY WHICH HE SHALL CAUSE TO BE TRANSCRIBED AND INCLUDED IN HIS REPORT.)

Sec. 2. Minnesota Statutes 1974, Section 241.021, Subdivision 3, is amended to read:

Subd. 3. [REVOCATION OF LICENSE.] When after due notice and hearing the commissioner of corrections (SHALL DETERMINE) *determines* that any facility described in subdivision 2 does not substantially conform to reasonable standards therein provided or is not making satisfactory progress toward compliance therewith, he may, with the consent of the judge of the district court, issue his order revoking the license of (SUCH) *that* facility. After revocation of its license, (SUCH) *that* facility shall not be used for the care and training of delinquent children (AND YOUTH), or for their detention (FOR MORE THAN 48 HOURS AT ONE TIME) until (SUCH) *its* license is renewed.

Sec. 3. Minnesota Statutes 1974, Section 641.21, is amended to read:

641.21 [JAILS, ADVICE AS TO CONSTRUCTION.] When any county board determines to erect a new jail, or to repair an existing one at an expense of more than (\$2,000) *\$5,000*, it shall pass a resolution to that effect, and transmit a copy thereof to the commissioner of corrections, who, within 30 days thereafter, shall transmit to (SUCH) *that* county board (SUCH) *the* advice and suggestions in reference to the construction thereof as he deems proper.

Sec. 4. Minnesota Statutes 1974, Section 641.26, is amended to read:

641.26 [CONDEMNATION OF JAILS.] When the jail of any county is insecure or otherwise unfit for use, the judge of the district court therein, on the recommendation of the grand

jury or of his own motion, may issue his written order condemning it; or, when the commissioner of corrections shall adjudge any county jail insecure or otherwise unfit for use, he may, with consent of the judge of the district court, issue his written order condemning it. After condemnation (SUCH) *that* jail shall not be used for the detention of any prisoner (FOR MORE THAN 24 HOURS AT ONE TIME, EXCEPT PENDING PRELIMINARY EXAMINATION, OR WHILE COURT IS IN SESSION,) until the order of condemnation is rescinded.

Sec. 5. Minnesota Statutes 1974, Section 642.01, is amended to read:

642.01 [LOCKUPS, ESTABLISHMENT.] The governing body of any city may purchase, build, or lease, maintain and regulate, one or more lockups for the detention of persons charged with offenses against its ordinances and bylaws, or for the confinement of persons sentenced to imprisonment for violation of (SUCH) *these* ordinances and bylaws (; AND,) . Under regulations prescribed by (SUCH) *the* governing body, (IT) *the lockup* may be used for temporary detention of any prisoner under arrest. No (SUCH) purchase or lease, and no plans for building (ANY SUCH) *a* lockup(;), or no (SUCH) plans for repairing (ANY SUCH) *a* lockup at an expense of more than (\$1,000) \$5,000 shall be finally adopted until the same (SHALL HAVE) *has* been approved by the commissioner of corrections (, AND). No contract for (SUCH) erection or repair shall be valid unless the suggestions and advice of the commissioner (SHALL) have been filed with the clerk of (SUCH) *the* municipality before its execution.

Sec. 6. Minnesota Statutes 1974, Section 642.02, Subdivision 1, is amended to read:

642.02 [CONSTRUCTION, REPAIR; PRESENCE OF JAILER.] Subdivision 1. [APPROVAL, STANDARDS REQUIRED.] The commissioner of corrections shall not approve any plan for the construction of a lockup, or repairs to an existing lockup at an estimated cost of more than (\$1,000) \$5,000, unless (SUCH) *the* plan meets the standards established by (RULE AND REGULATION) *the commissioner's rules*.

Sec. 7. *This act is effective on July 1, 1976.*"

Further, amend the title as follows:

Page 1, line 7, delete "Subdivision 1" and insert "Subdivisions 1 and 3".

Page 1, line 8, delete "and 641.26" and insert "641.21; 641.26; 642.01; and 642.02; Subdivision 1".

With the recommendation that when so amended the bill do pass.

The report was adopted.

Sieben, H., from the Committee on Governmental Operations to which was referred:

S. F. No. 1238, A bill for an act relating to Lincoln county; authorizing Lincoln county to perform or contract for the performance of weather modification activities.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert:

"Section 1. [DEFINITIONS.] Subdivision 1. For the purposes of sections 1 to 16, the terms defined in this section have the meanings given them.

Subd. 2. "Weather modification" means any activity performed in connection with placing or attempting to place any substance in the atmosphere or clouds within the atmosphere, including fog, with the intention of and for the purpose of producing artificial changes in the composition, motions and resulting behavior of the atmosphere or clouds within the atmosphere, including fog.

Subd. 3. "Person" means any person, firm, association, organization, partnership, company, corporation, private or public, county, city, trust or other public agency.

Subd. 4. "Operation" means the performance of weather modification activities entered into for the purpose of producing, or attempting to produce, a certain modifying effect within one geographical area over one continuing time interval not exceeding one year.

Subd. 5. "Commissioner" means the commissioner of agriculture.

Sec. 2. [SOVEREIGN RIGHT CLAIMED BY STATE.] It is declared that the state of Minnesota claims its sovereign right to use for the best interest of its residents the moisture contained in the clouds and atmosphere within its sovereign state boundaries.

Sec. 3. [COMMISSIONER; POWERS AND DUTIES.] Subdivision 1. [POWERS.] The commissioner of agriculture may:

(a) pursuant to Minnesota Statutes, Chapter 15, adopt rules necessary to implement the license and permit program established pursuant to sections 1 to 16;

(b) enter into contracts or memoranda of agreement and do all things necessary to cooperate with the United States government, and to qualify for, accept and disburse any private grant intended for the administration of sections 1 to 16;

c) cooperate with other states to jointly carry out research and planning in weather modification;

(d) advise persons, groups, and local units of government on weather modification and distribute informational material relating to weather modification and review and comment on all county programs of weather modification; and

(e) carry on research related to weather modification including evaluation of the effects of weather modification activities within the state by staff members, or by contract. Evaluation of weather modification programs shall, if practical and within limits of available funding, include components of economic and environmental analysis which delineate the economic and environmental implications of the programs.

Subd. 2. [DUTIES.] The commissioner of agriculture shall:

(a) utilize to the extent possible the facilities and technical resources of public and private institutions in the state;

(b) by rule adopted pursuant to Minnesota Statutes, Chapter 15, require persons engaged in weather modification to submit reports of their activities and operations and any other information deemed necessary;

(c) on or before January 15 of each year, submit a report to the legislature and governor describing the weather modification operations within the state during the preceding year and the social, economic and environmental impact of the operations. The report shall also include recommendations for legislative action and any other information useful to the legislature.

Sec. 4. [COUNTY PROGRAMS OF WEATHER MODIFICATION.] Counties may, only after approval of the commissioner and subject to the requirements of sections 1 to 16, conduct programs of weather modification and levy taxes therefor, not in excess of limitations provided by law. Counties may participate in and conduct programs with the state or jointly with other states. No program may be conducted within the county without prior approval by the county board.

Sec. 5. [LICENSES.] Subdivision 1. No person shall engage in weather modification without a license issued by the commissioner. Applications for weather modification licenses shall be on forms prescribed and furnished by the commissioner. The

commissioner shall issue licenses only to applicants who demonstrate good character, adequate education and sufficient competence in the field of meteorology and cloud physics to engage in weather modification and who pay a fee of \$100. If the applicant is an organization, the competence must be demonstrated by the individuals who are to supervise and conduct the weather modification. The license shall be valid for one year. The commissioner may waive the license fee in situations he deems appropriate.

Subd. 2. The commissioner may renew a license annually if the applicant has the qualifications necessary for issuance of an original license and pays a fee of \$100.

Subd. 3. The moneys collected as fees shall be deposited with the state treasurer in the general fund.

Sec. 6. [SUSPENSION; REVOCATION; REFUSAL TO RENEW LICENSE.] The commissioner may, subject to the provisions of chapter 15, suspend, revoke or refuse to renew a license for any one or any combination of the following causes:

- (1) Incompetency;
- (2) Dishonest practice;
- (3) False or fraudulent representation in obtaining a license or permit under sections 1 to 16 or rules promulgated thereunder;
- (4) Failure to comply with any of the provisions of sections 1 to 16 or of rules promulgated thereunder; or
- (5) Aiding other persons who fail to comply with any of the provisions of sections 1 to 16 or rules promulgated thereunder.

Sec. 7. [INVESTIGATION.] The commissioner may investigate any operation or research and development activities of any person applying for a license and of any person holding or claiming to hold a license or permit.

Sec. 8. [PERMITS.] Subdivision 1. No person shall conduct an operation without a permit issued by the commissioner. Applications for permits shall be on forms prescribed and furnished by the commissioner. Permits shall be issued only to applicants who hold a valid weather modification license, pay a fee of \$100 and furnish proof of financial responsibility pursuant to subdivision 2. Prior to conducting an operation, the permittee shall publish notice of the operation as the commissioner shall require and shall give written notice to the county boards of the counties over which the operation is to be conducted and counties

contiguous thereto. The permit shall be valid for one year or until the operation terminates, whichever first occurs.

Subd. 2. The applicant shall demonstrate to the satisfaction of the commissioner that he has the ability to respond to damages for liability which might reasonably result from the operation for which the permit is sought.

Subd. 3. The fees collected for permits shall be deposited with the state treasurer in the general fund.

Subd. 4. To the extent the commissioner deems necessary, emergency weather modification operations for the purpose of controlling fire, frost, sleet, hail, fog, or wind shall be exempt from the permit requirements.

Subd. 5. The commissioner may renew a permit annually if the applicant has the qualifications necessary for issuance of an original permit and pays a fee of \$100.

Sec. 9. [SUSPENSION; REVOCATION AND REFUSAL TO RENEW PERMIT.] Subdivision 1. The commissioner may, subject to chapter 15, suspend or revoke a permit if it appears that the permittee no longer has the qualifications necessary for the issuance of an original permit or has violated any provision of sections 1 to 16 or of any rules promulgated thereunder.

Subd. 2. The commissioner may, subject to chapter 15, refuse to renew a permit if it appears from the operational records and reports of the permittee that an original permit would not be issuable for the operation, or if the permittee has violated any provision of sections 1 to 16 or of any rules promulgated thereunder.

Sec. 10. [MODIFICATION OF PERMIT.] Subdivision 1. The commissioner may revise the conditions and limits of a permit if:

(a) The permittee is given notice and a hearing, pursuant to chapter 15, on whether there is a need for the revision and the commissioner finds that a modification of the conditions and limits of a permit is necessary to protect the public health, safety or welfare, or the environment.

(b) If it appears to the commissioner that an emergency situation exists or is impending which could endanger the public safety, health or welfare, or the environment, the commissioner may, without prior notice or a hearing, immediately modify the conditions and limits of a permit, or order temporary suspension of the permit. The order shall include notice of a hearing to be held pursuant to chapter 15 within ten days thereafter on the

question of permanently modifying the conditions and limits, continuing the suspension of the permit, removing the changes or lifting the suspension.

Subd. 2. Failure to comply with an order temporarily suspending an operation or modifying the conditions and limits of a permit shall be grounds for immediate revocation of the permit and of the license of the person controlling the operation.

Subd. 3. The permittee shall notify the commissioner of any emergency which can reasonably be foreseen, or of any existing emergency situations which might be caused or affected by the operation. Failure by the permittee to so notify the commissioner may be grounds, at the discretion of the commissioner, for revocation of the permit and of the license of the person controlling the operation.

Sec. 11. [PENALTY FOR VIOLATIONS.] Any person violating any of the provisions of sections 1 to 16 or of any rule promulgated thereunder is guilty of a misdemeanor, and each day such violation continues constitutes a separate offense.

Sec. 12. [JUDICIAL REVIEW.] All final administrative decisions of the board are subject to judicial review pursuant to the provisions of Minnesota Statutes, Chapter 15. The proceedings for judicial review shall be commenced in the district court of the county in which the party applying for review resides. If such party is not a resident of Minnesota, the venue shall be in the district court of Ramsey county.

Sec. 13. [IMMUNITY.] Nothing in sections 1 to 16 shall be construed to impose on the state, or its officers and employees any responsibility or liability for any injury caused by activities undertaken under sections 1 to 16 by persons granted licenses or permits under sections 1 to 16 or exempt from the permit requirement.

Sec. 14. [LIABILITY.] Subdivision 1. An operation or research and development activity conducted under the license and permit requirements of sections 1 to 16 or exempt from them is not an ultrahazardous or an abnormally dangerous activity.

Subd. 2. Dissemination of weather modification agents into the atmosphere or clouds within the atmosphere, including fog, by a licensee or a person exempt from the license and permit requirements of sections 1 to 16, acting within the scope of the permit or exemption, shall not in itself give rise to a cause of action.

Subd. 3. Except as expressly provided in sections 1 to 16, nothing in sections 1 to 16 shall prevent any person adversely affected by a weather modification operation or research and development activity from recovering damages resulting from

intentional harmful actions or negligent conduct by a person conducting the weather modification operation or research and development activity.

Subd. 4. Failure to obtain a license and permit, when required by sections 1 to 16, before conducting an operation or operational activities when one knows the operation or activities constitute a violation of the conditions or limits of permits, shall constitute negligence per se and shall give rise to liability for all harm caused thereby.

Subd. 5. Other than in legal actions charging failure to obtain a license and permit, the fact that a person holds a license or was issued a permit under sections 1 to 16, or that a person has complied with the rules made by the commissioner pursuant to sections 1 to 16, is not admissible as a defense in any legal action which may be brought under this section against such person.

Sec. 15. [INJUNCTION.] The commissioner may, in addition to the other remedies provided in sections 1 to 16, apply to a district court having venue and jurisdiction, for an injunction to restrain repetitious violations of the provisions of sections 1 to 16 and of any rule promulgated thereunder.

Sec. 16. [WEATHER MODIFICATION ADVISORY COUNCIL.] To advise him in the discharge of his responsibilities under sections 1 to 15, the commissioner shall appoint a weather modification advisory council to consist of 11 members. The council shall be subject to the provisions of Minnesota Statutes 1974, Section 15.059.

Sec. 17. [APPROPRIATION.] The sum of \$49,000 is appropriated to the commissioner from the general fund for the following purposes:

- (a) To cover administrative costs;
- (b) To cover the cost of hiring personnel or consultants to promulgate the rules relating to weather modification prescribed by sections 1 to 16; and
- (c) To begin developing an evaluation system for determining downwind effects of weather modification activities.

Notwithstanding Minnesota Statutes, Section 16A.28, or other law, this appropriation shall not lapse but remain available for expenditure until the purposes for which the appropriation was made have been accomplished or abandoned."

Further, delete the title in its entirety and insert:

“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; appropriating money.”

With the recommendation that when so amended the bill do pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Kelly, W., from the Committee on Taxes to which was referred:

S. F. No. 819, A bill for an act relating to taxation; providing for public financing in political campaigns; increasing the tax credit for political contributions; amending Minnesota Statutes 1974, Section 290.06, Subdivision 11.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert the following:

“Section 1. Minnesota Statutes, 1975 Supplement, Section 290.06, Subdivision 11, is amended to read:

Subd. 11. [CONTRIBUTIONS TO POLITICAL PARTIES AND CANDIDATES.] (EFFECTIVE FOR TAXABLE YEARS COMMENCING AFTER DECEMBER 31, 1973,) in lieu of the credit against taxable net income provided by section 290.21, subdivision 3, clause (e), a taxpayer may take credit against the tax due under chapter 290 of 50 percent but not more than \$12.50 of his contributions to a political party, *as defined in section 10A.27, subdivision 4, and a candidate*. A married couple, filing jointly, may take a similar credit of not more than \$25. (HOWEVER, THE TAXPAYER MAY TAKE A CREDIT FOR CONTRIBUTIONS OF NO MORE THAN \$5 IN THE CASE OF AN INDIVIDUAL RETURN OR \$10 IN THE CASE OF A JOINT RETURN FOR CONTRIBUTIONS TO A POLITICAL PARTY.) For purposes of this subdivision, “candidate” means a candidate as defined in section 10A.01, subdivision 5. The department of revenue shall provide on the first page of the Minnesota tax form an appropriate provision for the credit provided by Laws 1974, Chapter 470.

This credit shall be allowed only if the contribution is verified in the manner the commissioner of revenue shall prescribe.

Sec. 2. Minnesota Statutes 1974, Section 10A.12, Subdivision 5, is amended to read:

Subd. 5. Notwithstanding subdivision 1, any association may, if not prohibited by law, transfer to its political fund money from

that part of its treasury financed by dues or membership fees. *Upon written request to the treasurer of the political fund, any member of an association shall thereafter be refunded that portion of his membership dues or fees intended for political purposes, within 30 days of transfer thereof to the fund, but not more frequently than semi-annually.* Pursuant to section 10A.20, the source of the dues or membership fees must be disclosed if an aggregate amount in excess of \$50 of any member's dues, membership fees and voluntary contributions are transferred to the political fund within one year.

Sec. 3. Minnesota Statutes 1974, Chapter 10A, is amended by adding a section to read:

[10A.261] Nothing in this chapter shall be construed as abridging the right of an association to communicate with its membership.

Sec. 4. Minnesota Statutes 1974, Section 10A.27, is amended to read:

10A.27 [ADDITIONAL LIMITATIONS.] Subdivision 1. No political committee, political fund, or individual, except a political party or the principal campaign committee of a candidate shall make expenditures on behalf or in opposition to the opponent of a candidate, or transfer funds to the principal campaign committee of a candidate, *in any year* in an amount in excess of (TEN PERCENT OF THE AMOUNT THAT MAY BE SPENT BY OR ON BEHALF OF THAT CANDIDATE AS SET FORTH IN SECTION 10A.25) \$200 *in the case of candidates for governor and lieutenant governor running jointly, attorney general, secretary of state, state auditor, or state treasurer, and \$100 in the case of a candidate for the senate or house of representatives.*

Subd. 2. No political party shall make expenditures on behalf of a candidate or transfer funds to the principal campaign committee of a candidate in an amount in excess of (50) *five* percent of the amount that may be spent by or on behalf of (THAT) *a candidate for statewide office or ten percent of the amount that may be spent by or on behalf of a candidate for legislative office* as set forth in section 10A.25.

Subd. 3. Expenditures by a political party on behalf of candidates of that party generally, without referring to any of them specifically in any advertisement published or posted, on any broadcast, or in any telephone conversation, if that conversation mentions three or more candidates, shall not be subject to the limitations of section 10A.25, subdivision 2, *or this section.*

Subd. 4. For the purposes of this section, a political party includes a political party's organization within congressional

districts, counties, legislative districts, municipalities, wards, and precincts, (AND ANY LEGISLATIVE BODY) collectively.

Subd. 5. Nothing in this chapter shall limit expenditures by a political committee, political fund, or individual which are made without the authorization or consent, express or implied, of a candidate or his agent, provided the political committee, political fund, or individual complies with the provisions of section 10A.17.

Sec. 5. Minnesota Statutes 1974, Section 10A.31, is amended to read:

10A.31 [DESIGNATION OF INCOME TAX PAYMENTS.]
 Subdivision 1. Effective with the taxable years beginning after December 31, (1973) 1975, every individual whose income tax liability after personal credit for the taxable year is (\$1) \$2 or more may designate that (\$1) \$2 shall be paid into the state elections campaign fund. In the case of a joint return of husband and wife having an income tax liability of (\$2) \$4 or more, each spouse may designate that (\$1) \$2 shall be paid.

Subd. 2. The taxpayer may designate that the (\$1) \$2 be paid into the account of a political party or into the general account.

Subd. 3. The commissioner of the department of revenue shall on the first page of the income tax form notify the taxpayer of his right to allocate (\$1) \$2 of his taxes ((2) \$4 if filing a joint return) to finance the election campaigns of state candidates. The form shall also contain language prepared by the commissioner which permits the taxpayer to direct the state to allocate the (\$1) \$2 (or (\$2) \$4 if filing a joint return) to (ONE OF THE FOLLOWING): (i) one of the major political parties; (ii) (THE NAME OF) any minor political party provided that (IF) a petition is filed to qualify as a minor political party (IT BE FILED) by June 1 of that taxable year; (AND) or (iii) (DISTRIBUTION TO) all qualifying candidates as provided by this section.

Subd. 4. All moneys designated by individual taxpayers for the state elections campaign fund shall be credited to the appropriate account in the general fund of the state and shall be annually appropriated for distribution as set forth in subdivisions 5, 6 and 7.

Subd. 5. ((A)) In each fiscal year (, 10 PERCENT OF) the moneys in each account shall be set aside for candidates for statewide office (.) as follows:

((B) OF THE AMOUNT SET ASIDE IN CLAUSE) (a) (, 40) 21 percent shall be distributed to the candidates for governor and lieutenant governor jointly; (24) 3.6 percent shall be

distributed to the candidate for attorney general; and (12) 1.8 percent each shall be distributed to the candidates for secretary of state, state treasurer and state auditor. If there is no nominee of that party for one of the offices, the share set aside for that office shall be distributed to the other statewide candidates of that party in the same proportions as the original amount.

((C)) (b) Within two weeks of the certification by the state canvassing board of the results of the primary election, the state treasurer shall distribute available funds in each account, other than the general account, of the state elections fund to the appropriate candidates who are to appear on the ballot for the general election as prescribed in (CLAUSES) clause (a) (AND (B)).

((D)) (c) Within two weeks of the certification by the state canvassing board of the results of the general election, the state treasurer shall distribute the available funds in the general account in the same proportions as provided in clause ((B)) (a), in an equal amount to each candidate who received at least five percent of the vote cast in the general election for the office for which he was a candidate.

Subd. 6. (a) In each of the fiscal years during the period in which the state senate serves a four year term which commences after April 13, 1974, (20) $23 \frac{1}{3}$ percent of the moneys in each account shall be set aside for candidates for state senate. In each of the fiscal years during the period in which the state senate serves a two year term, (AND IN 1975 AND 1976, 30) 35 percent of the moneys in each account shall be set aside for candidates for state senate.

(b) The amount set aside in clause (a) shall be distributed in equal shares to each of the candidates for state senate of that party.

(c) Within two weeks of the certification by the state canvassing board of the results of the primary election, the state treasurer shall distribute available funds in each account, other than the general account to the appropriate candidates who are to appear on the ballot for the general election as prescribed in clauses (a) and (b).

(d) Within two weeks of the certification by the state canvassing board of the results of the general election, the state treasurer shall distribute the available funds in the general account in an equal amount to each candidate who received at least ten percent of the votes cast in the general election for the office for which he was a candidate.

Subd. 7. (a) In each of the fiscal years during the period in which the state senate serves a four year term which commences after April 13, 1974, (40) $46 \frac{2}{3}$ percent of the moneys

in each account shall be set aside for candidates for state representatives. In each of the fiscal years during the period in which the state senate serves a two year term, (AND IN 1975 AND 1976, 30) 35 percent of the moneys in each account shall be set aside for candidates for state representatives.

(b) The amount set aside in clause (a) shall be distributed in equal shares to each of the candidates for state representative of that party.

(c) Within two weeks of the certification by the state canvassing board of the results of the primary election, the state treasurer shall distribute available funds in each account, other than the general account, to the appropriate candidates who are to appear on the ballot for the general election as prescribed in clauses (a) and (b).

(d) Within two weeks of the certification by the state canvassing board of the results of the general election, the state treasurer shall distribute the available funds in the general account in an equal amount to each candidate who received at least ten percent of the votes cast in the general election for the office for which he was a candidate.

Sec. 6. *If any provision of this act is declared unconstitutional, the entire act is void.*

Sec. 7. *This act is effective January 1, 1977 and shall apply to 1976 income tax returns filed in 1977."*

Further, amend the title as follows:

Line 2, delete "providing for public".

Delete lines 3 to 6 and insert "providing for an increased income tax checkoff, redistribution of moneys in the elections campaign fund, and limitations on political contributions; amending Minnesota Statutes 1974, Sections 10A.12, Subdivision 5; 10A.27, and by adding a subdivision; and 10A.31; and Chapter 10A, by adding a section; and Minnesota Statutes, 1975 Supplement, Section 290.06, Subdivision 11.

With the recommendation that when so amended the bill do pass.

The report was adopted.

SECOND READING OF SENATE BILLS

S. F. Nos. 551 and 819 were read for the second time.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 1997, A bill for an act relating to the operation of state government; providing for aids to education, tax levies and the distribution of tax revenues; changing the funding of special education, adult vocational education and secondary vocational education to a current funding basis; granting certain powers and duties to school districts, the commissioner of education, and the state board of education; establishing a uniform financial accounting and reporting system for Minnesota school districts; requiring the provision of special education on a shared time basis to nonpublic school pupils; appropriating money; amending Minnesota Statutes 1974, Sections 120.17, by adding a subdivision; 120.73, Subdivision 1; 120.74, Subdivision 1; 121.21, by adding a subdivision; 122.45, Subdivisions 2 and 3a; 124.212, by adding a subdivision; 124.32, as amended; Chapter 124, by adding sections; Minnesota Statutes, 1975 Supplement, Sections 122.23, Subdivision 15; 122.45, Subdivision 1; 124.04; 124.17, Subdivisions 1 and 2; 124.212, Subdivision 8a; 124.271, Subdivision 2; 124.43, Subdivision 1; 124.561, Subdivision 3, and by adding a subdivision; 124.562, Subdivision 2; 124.563, Subdivision 3, and by adding a subdivision; 124.564; 124.565, Subdivision 2; 124.611, Subdivisions 1 and 2; 275.125, Subdivisions 2a, 4, 5, 8, 9, and 14; repealing Minnesota Statutes 1974, Sections 122.54 and 275.39.

PATRICK E. FLAHAVEN, Secretary of the Senate

Graba moved that the House refuse to concur in the Senate amendments to H. F. No. 1997, that the Speaker appoint a Conference Committee of 5 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two Houses. The motion prevailed.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 1382, A bill for an act relating to transportation; authorizing the commissioner of administration to acquire vehicles for the car pooling of state employees; removing, restricting or clarifying certain laws which discourage use of shared ride commuter vans to transport employees to and from work; providing certain incentives; appropriating money; amending Minnesota Statutes 1974, Chapter 221, by adding a section; and Sections 16.85, Subdivision 1; and 65B.47, Subdivisions 1 and 2; and Minnesota Statutes, 1975 Supplement, Sections 65B.43, Subdivision 12; 221.011, Subdivision 22; repealing Minnesota Statutes 1974, Section 16.755.

PATRICK E. FLAHAVEN, Secretary of the Senate

Fugina moved that the House refuse to concur in the Senate amendments to H. F. No. 1382, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two Houses. The motion prevailed.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 2326, A bill for an act relating to highway traffic regulations; driving restrictions on certain juveniles; repealing Minnesota Statutes 1974, Section 169.131.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Fudro moved that the House concur in the Senate amendments to H. F. No. 2326 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 2326, A bill for an act relating to highway traffic regulations; driving restrictions on certain juveniles; repealing Minnesota Statutes 1974, Section 169.131.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question being taken on the repassage of the bill and the roll being called, there were yeas 119, and nays 0, as follows:

Those who voted in the affirmative were:

Abeln	Doty	Kaley	Neisen	Sherwood
Adams, L.	Eckstein	Kelly, R.	Nelsen	Sieben, H.
Adams, S.	Eken	Kelly, W.	Nelson	Sieben, M.
Albrecht	Erickson	Kempe, A.	Niehaus	Sieloff
Anderson, G.	Esau	Kempe, R.	Novak	Simoneau
Anderson, I.	Evans	Ketola	Osthoff	Skoglund
Arlandson	Ewald	Knickerbocker	Parish	Smith
Beauchamp	Faricy	Knoll	Patton	Smogard
Begich	Fjoslien	Kroening	Pehler	Spanish
Berg	Forsythe	Laidig	Peterson	Suss
Berglin	Friedrich	Langseth	Petraleso	Swanson
Biersdorf	Fudro	Lemke	Philbrook	Tomlinson
Birnsthil	Fugina	Lindstrom	Prahl	Ulland
Braun	George	Luther	Reding	Vento
Brinkman	Graba	Mangan	Rice	Voss
Byrne	Hanson	Mann	St. Onge	Wenstrom
Carlson, A.	Heinitz	McCarron	Samuelson	Wenzel
Carlson, L.	Hokanson	McCauley	Sarna	White
Carlson, R.	Jacobs	McCollar	Savelkoul	Wieser
Clark	Jaros	McEachern	Schreiber	Wigley
Corbid	Johnson, C.	Menning	Schulz	Williamson
Dahl	Johnson, D.	Metzen	Schumacher	Zubay
Dean	Jopp	Moe	Searle	Speaker Sabo
Dieterich	Jude	Munger	Setzpfandt	

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 2463, A bill for an act relating to highway traffic regulations; defining terms; authorizing flashing lights on certain vehicles; authorizing certain vehicles to be equipped with a flashing amber lamp and to display the lighted lamp under certain conditions; amending Minnesota Statutes 1974, Sections 169.01, by adding a subdivision; and 169.64, Subdivision 3, and by adding a subdivision.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Kvam moved that the House concur in the Senate amendments to H. F. No. 2463 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 2463, A bill for an an act relating to highway traffic regulations; defining terms; authorizing flashing lights on certain vehicles; authorizing certain vehicles to be equipped with

a flashing amber lamp and to display the lighted lamp under certain conditions; amending Minnesota Statutes 1974, Sections 169.01, by adding a subdivision; and 169.64, Subdivision 3, and by adding a subdivision.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question being taken on the repassage of the bill and the roll being called, there were yeas 127, and nays 0, as follows:

Those who voted in the affirmative were:

Abeln	Eken	Kelly, R.	Nelson	Sieben, M.
Adams, L.	Enebo	Kelly, W.	Niehaus	Sieloff
Adams, S.	Erickson	Kempe, A.	Norton	Simoneau
Albrecht	Esau	Kempe, R.	Novak	Skoglund
Anderson, G.	Evans	Ketola	Osthoff	Smith
Anderson, I.	Ewald	Knickerbocker	Parish	Smogard
Arlandson	Faricy	Kostohryz	Patton	Spanish
Beauchamp	Fjoslien	Kroening	Pehler	Stanton
Begich	Forsythe	Kvam	Peterson	Suss
Berg	Friedrich	Laidig	Petraleso	Swanson
Berglin	Fudro	Langseth	Philbrook	Tomlinson
Biersdorf	Fugina	Lemke	Pleasant	Ulland
Birnstihl	George	Lindstrom	Prahl	Vanasek
Braun	Graba	Luther	Reding	Vento
Brinkman	Hanson	Mangan	Rice	Voss
Byrne	Haugerud	Mann	St. Onge	Wenstrom
Carlson, A.	Heinitz	McCarron	Samuelson	Wenzel
Carlson, L.	Hokanson	McCauley	Sarna	White
Carlson, R.	Jacobs	McCollar	Savelkoul	Wieser
Clark	Jaros	McEachern	Schreiber	Wigley
Clawson	Johnson, C.	Menning	Schulz	Williamson
Corbid	Johnson, D.	Metzen	Schumacher	Zubay
Dean	Jopp	Moe	Searle	Speaker Sabo
Dieterich	Jude	Munger	Setzepfandt	
Doty	Kahn	Neisen	Sherwood	
Eckstein	Kaley	Nelsen	Sieben, H.	

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 1675, 1935, 2210 and 2226.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 1675, A bill for an act relating to public indebtedness; revising and clarifying provisions as to manner of sale and execution of obligations; designation of paying agents; cremation of obligations; payment of grant anticipation certificates;

use of investment income from proceeds; administration of debt service funds; refunding; method of payment and interest rate on special assessments and obligations payable from special assessments; amending Minnesota Statutes 1974, Sections 48.15, by adding a subdivision; 124.05, Subdivisions 3 and 4; 138.17, Subdivision 1; 429.061, Subdivision 2; 429.091, Subdivisions 1, 3, and 4; 471.56, Subdivisions 1 and 3; 475.51, Subdivision 6, and adding a subdivision; 475.52, Subdivision 1; 475.55; 475.553, Subdivisions 1, 2, 3, and 5; 475.60, Subdivisions 2 and 3; 475.61, Subdivision 5; 475.65; 475.66; and 475.67, Subdivisions 7 and 12; and repealing Minnesota Statutes 1974, Section 475.553, Subdivision 4; and Minnesota Statutes, 1975 Supplement, Section 471.561.

The bill was read for the first time and referred to the Committee on Rules and Legislative Administration.

S. F. No. 1935, A bill for an act relating to education; environmental curriculum; providing for the inclusion of food production studies as part of environmental education; amending Minnesota Statutes 1974, Section 126.111.

The bill was read for the first time and referred to the Committee on Education.

S. F. No. 2210, A bill for an act relating to Red River watershed; authorizing watershed districts which are members of the lower Red River watershed management board to levy a tax; authorizing the management board to institute certain projects; allowing the board to enter certain intergovernmental agreements.

The bill was read for the first time.

Kelly, W., moved that S. F. No. 2210 and H. F. No. 2356, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 2226, 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 1974, Sections 116A.01, Subdivisions 1 and 2, and by adding a subdivision; 116A.16; 116A.17, Subdivision 2; and 116A.24, Subdivision 3; and Minnesota Statutes, 1975 Supplement, Sections 116A.01, Subdivisions 1a and 4; and 116A.20, Subdivisions 2 and 6.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to the Conference Committee on H. F. No. 1997:

Graba; Johnson, C.; Adams, S.; Vento and Berg.

The Speaker announced the appointment of the following members of the House to the Conference Committee on S. F. No. 499:

Prahl, Anderson, G., and Stanton.

SPECIAL ORDERS, Continued

S. F. No. 2161 was reported to the House.

Begich moved to amend S. F. No. 2161, as follows:

Page 2, after line 17, insert a new section to read as follows:

“Sec. 3. This act will also allow communities to authorize on sale liquor to licensed establishments for one day only, Sunday, July 4, 1976.”

Renumber the remaining section.

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

S. F. No. 2161, A bill for an act relating to intoxicating liquor; authorizing temporary short term on-sale licenses for certain charitable festivals.

The bill was read for the third time and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 95, and nays 29, as follows:

Those who voted in the affirmative were:

Abeln	Biersdorf	Clawson	Fudro	Jude
Adams, L.	Birnstihl	Dahl	George	Kahn
Adams, S.	Braun	Dean	Hanson	Kaley
Anderson, I.	Brinkman	Dieterich	Haugerud	Kelly, R.
Arlandson	Byrne	Eckstein	Hokanson	Kelly, W.
Beauchamp	Carlson, A.	Eken	Jacobs	Ketola
Begich	Carlson, L.	Enebo	Jaros	Knickerbocker
Berg	Cassery	Farcy	Johnson, C.	Knoll
Berglin	Clark	Friedrich	Johnson, D.	Kostohryz

Lemke	Moe	Petraleso	Sieben, H.	Ulland
Lindstrom	Munger	Philbrook	Sieben, M.	Vanasek
Luther	Neisen	Rice	Sieloff	Vento
Mangan	Nelson	St. Onge	Simoneau	Voss
Mann	Niehaus	Samuelson	Skoglund	Wenzel
McCarron	Norton	Sarna	Smith	White
McCauley	Novak	Savelkoul	Smogard	Wieser
McCollar	Osthoff	Schreiber	Spanish	Williamson
McEachern	Patton	Schumacher	Stanton	Zubay
Metzen	Pehler	Setzepfandt	Suss	Speaker Sabo

Those who voted in the negative were:

Albrecht	Ewald	Kroening	Parish	Searle
Carlson, R.	Fjoslien	Kvam	Peterson	Sherwood
Doty	Fugina	Laidig	Pleasant	Swanson
Erickson	Heinitz	Langseth	Prahl	Wenstrom
Esau	Jopp	Menning	Reding	Wigley
Evans	Kempe, R.	Nelsen	Schulz	

The bill was passed and its title agreed to.

S. F. No. 10, A bill for an act relating to certain commercial transactions; amending provisions of the uniform commercial code governing secured transactions and related provisions; amending Minnesota Statutes 1974, Chapter 336, by adding sections; and Sections 336.1-105; 336.1-201; 336.2-107; 336.5-116; 336.9-102; 336.9-103; 336.9-104; 336.9-105; 336.9-106; 336.9-203; 336.9-204; 336.9-205; 336.9-301; 336.9-302; 336.9-304; 336.9-305; 336.9-306; 336.9-307; 336.9-308; 336.9-312; 336.9-313; 336.9-318; 336.9-401; 336.9-402; 336.9-403; 336.9-404; 336.9-405; 336.9-406; 336.9-407; 336.9-501; 336.9-502; 336.9-504; and 336.9-505; repealing Minnesota Statutes 1974, Section 336.9-408.

The bill was read for the third time and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 128, and nays 1, as follows:

Those who voted in the affirmative were:

Abeln	Carlson, L.	Faricy	Jude	Luther
Adams, L.	Carlson, R.	Fjoslien	Kahn	Mangan
Adams, S.	Casserly	Forsythe	Kaley	Mann
Albrecht	Clark	Friedrich	Kelly, R.	McCarron
Anderson, G.	Clawson	Fudro	Kelly, W.	McCauley
Anderson, I.	Corbid	Fugina	Kempe, A.	McCollar
Arlandson	Dahl	George	Kempe, R.	McEachern
Beauchamp	Dean	Graba	Ketola	Menning
Begich	Dieterich	Hanson	Knickerbocker	Metzen
Berg	Doty	Hangerud	Knoll	Moe
Berglin	Eckstein	Heinitz	Kostohryz	Munger
Biersdorf	Eken	Hokanson	Kroening	Neisen
Birnsthil	Enebo	Jacobs	Kvam	Nelsen
Braun	Erickson	Jaros	Laidig	Nelson
Brinkman	Esau	Johnson, C.	Langseth	Niehaus
Byrne	Evans	Johnson, D.	Lemke	Norton
Carlson, A.	Ewald	Jopp	Lindstrom	Novak

Osthoff	Rice	Setzepfandt	Spanish	Wenzel
Patton	St. Onge	Sherwood	Stanton	White
Pehler	Samuelson	Sieben, H.	Suss	Wieser
Peterson	Sarna	Sieben, M.	Swanson	Wigley
Petrafeso	Savelkoul	Sieloff	Ulland	Williamson
Philbrook	Schreiber	Simoneau	Vanasek	Zubay
Pleasant	Schulz	Skoglund	Vento	Speaker Sabo
Prahl	Schumacher	Smith	Voss	
Reding	Searle	Smogard	Wenstrom	

Those who voted in the negative were :

Parish

The bill was passed and its title agreed to.

S. F. No. 2373 was reported to the House.

McEachern moved to amend S. F. No. 2373 as follows:

Page 6, beginning on line 14, strike all of Section 4.

Page 10, beginning on line 12, strike all of Section 6.

Page 11, beginning on line 6, strike all of Section 7.

Page 12, beginning on line 11, strike all of Section 8.

Page 14, beginning on line 29, strike all of Section 11.

Page 23, beginning on line 4, strike all of Section 20.

Renumber the remaining sections accordingly.

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll being called, there were yeas 81, and nays 44, as follows:

Those who voted in the affirmative were:

Albrecht	Beauchamp	Biersdorf	Braun	Carlson, L.
Anderson, I.	Begich	Birnstihl	Brinkman	Carlson, R.

Clawson	Hanson	Lemke	Philbrook	Smogard
Corbid	Heinitz	Mangan	Pleasant	Spanish
Dahl	Hokanson	Mann	Prahl	Suss
DeGroat	Jacobs	McCollar	Reding	Swanson
Eckstein	Johnson, D.	McEachern	St. Onge	Vanasek
Enebo	Jopp	Menning	Samuelson	Wenstrom
Erickson	Jude	Metzen	Sarna	Wenzel
Esau	Kelly, W.	Neisen	Schreiber	White
Evans	Kempe, A.	Nelsen	Schulz	Wieser
Ewald	Knickerbocker	Niehaus	Searle	Wigley
Faricy	Knoll	Novak	Setzepfandt	Williamson
Fjoslien	Kroening	Osthoff	Sherwood	
Forsythe	Kvam	Parish	Sieben, H.	
Friedrich	Laidig	Patton	Sieben, M.	
Fudro	Langseth	Peterson	Smith	

Those who voted in the negative were:

Abeln	Casserly	Haugerud	Luther	Sieioff
Adams, L.	Clark	Jaros	McCarron	Simoneau
Adams, S.	Dean	Johnson, C.	McCauley	Skoglund
Anderson, G.	Dieterich	Kahn	Munger	Ulland
Arlandson	Doty	Kaley	Nelson	Vento
Berg	Eken	Kelly, R.	Pehler	Voss
Berglin	Fugina	Kempe, R.	Petraleso	Zubay
Byrne	George	Kostohryz	Rice	Speaker Sabo
Carlson, A.	Graba	Lindstrom	Schumacher	

The motion prevailed and the amendment was adopted.

Haugerud offered an amendment to S. F. No. 2373.

POINT OF ORDER

Lindstrom raised a point of order pursuant to Rule 3.9 that the Haugerud amendment was out of order. The Speaker ruled the point of order well taken and the amendment out of order.

S. F. No. 2373, A bill for an act relating to estates; clarifies aspects of the law concerning administration of estates; harmonizes relevant registered land law with probate code; modifies document verification requirements; changes notice requirement; eliminates de novo appeals from probate court; authorizes the probate court to waive inheritance tax liens in supervised administrations; eliminates notice to attorney general for certain charitable devises; amending Minnesota Statutes 1974, Sections 524.1-310; 524.3-505; 524.3-908; 524.3-1003; 524.3-1007; 524.3-1201; 525.72; amending Minnesota Statutes, 1975 Supplement, Sections 501.79, Subdivision 2; 508.68; 524.1-401; 524.3-301; 524.3-306; 524.3-310; 524.3-403; 524.3-603; 524.3-801; 524.3-803; 524.3-806; 524.3-910; 524.3-1204; 524.4-204; and 525.31.

The bill was read for the third time, as amended, and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 124, and nays 1, as follows:

Those who voted in the affirmative were:

Abeln	Dahl	Jaros	Mann	Prahl
Adams, L.	Dean	Johnson, C.	McCarron	Reding
Adams, S.	DeGroat	Johnson, D.	McCauley	Rice
Albrecht	Dieterich	Jopp	McCollar	St. Onge
Anderson, G.	Eckstein	Jude	McEachern	Samuelson
Anderson, I.	Eken	Kahn	Menning	Sarna
Arlandson	Enebo	Kaley	Metzen	Savelkoul
Beauchamp	Erickson	Kelly, R.	Moe	Schreiber
Begich	Esau	Kelly, W.	Munger	Schulz
Berg	Evans	Kempe, A.	Neisen	Schumacher
Berglin	Ewald	Kempe, R.	Nelsen	Searle
Biersdorf	Faricy	Ketola	Nelson	Setzepfandt
Birnstihl	Fjoslien	Knickerbocker	Niehaus	Sherwood
Braun	Forsythe	Knoll	Novak	Sieben, H.
Byrne	Friedrich	Kroening	Osthoff	Sieben, M.
Carlson, A.	Fudro	Kvam	Parish	Sieloff
Carlson, L.	Fugina	Laidig	Patton	Simoneau
Carlson, R.	George	Langseth	Pehler	Skoglund
Casserly	Hanson	Lenke	Peterson	Smith
Clark	Heinitz	Lindstrom	Petraffeso	Smogard
Clawson	Hokanson	Luther	Philbrook	Spanish
Corbid	Jacobs	Mangan	Pleasant	Stanton

Suss	Ulland	Wenstrom	Wieser	Zubay
Swanson	Vanasek	Wenzel	Wigley	Speaker Sabo
Tomlinson	Vento	White	Williamson	

Those who voted in the negative were:

Voss

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

S. F. No. 2155, A bill for an act relating to United Hospital District, Staples, Minnesota; authorizing the issuance of general obligation bonds of the district without the consent of the governing bodies of the municipalities included in the district; excluding the bonds from the net debt of the district; and excluding taxes levied for the payment of the bonds from certain levy limitations.

The bill was read for the third time and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 125, and nays 4, as follows:

Those who voted in the affirmative were:

Abeln	DeGroat	Jude	Metzen	Setzepfandt
Adams, L.	Doty	Kahn	Moe	Sherwood
Adams, S.	Eckstein	Kaley	Munger	Sieben, H.
Albrecht	Eken	Kelly, R.	Neisen	Sieben, M.
Anderson, G.	Enebo	Kelly, W.	Nelsen	Sieloff
Anderson, I.	Erickson	Kempe, A.	Nelson	Simoneau
Arlandson	Esau	Kempe, R.	Niehaus	Skoglund
Beauchamp	Evans	Ketola	Norton	Smith
Begich	Ewaid	Knickerbocker	Novak	Smogard
Berg	Fjoslien	Knoll	Parish	Spanish
Berglin	Forsythe	Kostohryz	Peterson	Suss
Biersdorf	Friedrich	Kroening	Petraleso	Swanson
Birnstihl	Fudro	Kvam	Philbrook	Tomlinson
Braun	Fugina	Laidig	Pleasant	Ulland
Brinkman	George	Langseth	Prahl	Vanasek
Byrne	Graba	Lemke	Reding	Vento
Carlson, A.	Hanson	Lindstrom	Rice	Voss
Carlson, L.	Haugerud	Luther	St. Onge	Wenstrom
Carlson, R.	Heinitz	Mangan	Samuelson	Wenzel
Casserly	Hokanson	Mann	Sarna	White
Clark	Jacobs	McCarron	Savelkoul	Wieser
Clawson	Jaros	McCauley	Schreiber	Wigley
Corbid	Johnson, C.	McCollar	Schulz	Williamson
Dahl	Johnson, D.	McEachern	Schumacher	Zubay
Dean	Jopp	Menning	Searle	Speaker Sabo

Those who voted in the negative were:

Dieterich	Faricy	Osthoff	Patton
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The bill was passed and its title agreed to.

S. F. No. 1047 was reported to the House.

Arlandson moved to amend S. F. No. 1047, the unofficial engrossment, as follows:

Page 10, strike lines 3 and 4.

Page 14, line 20, delete "*The five members shall be*".

Page 21, line 17, strike "executive officer of the department" and insert "*commissioner*".

Page 24, line 13, strike "at the".

Page 24, line 14, strike "state capitol".

Page 28, line 25, strike "and constituted under Laws of Minnesota".

Page 28, line 26, strike "1925, Chapter 426, is hereby continued".

Page 28, line 31, strike "Laws 1973, Chapter 638" and insert "*Section 214.02*".

Page 39, lines 24 through 32; and page 40, lines 1 through 4, delete Sec. 68, and renumber the following sections.

Page 46, line 22, after "*Subdivision 2;*" insert "*352.03, Subdivision 3;*".

Page 46, line 24, delete "1975" and insert "1976".

Further, amend the title as follows:

Page 2, line 12, after "*Subdivision 2;*" insert "*352.03, Subdivision 3;*".

The motion prevailed and the amendment was adopted.

Savelkoul moved to amend S. F. No. 1047, the unofficial engrossment, as follows:

Page 6, line 22, reinstate the stricken "Any Appointment".

Page 6, lines 23 and 24 reinstate the stricken language.

Page 6, line 25, reinstate the stricken "replaced".

Page 6, line 26, reinstate the stricken "and shall retain the same stated".

Page 6, line 28, reinstate the stricken language.

Page 6, lines 28 and 29, delete "*, and filling of vacancies*".

The motion prevailed and the amendment was adopted.

Jensen was excused for the remainder of today's session.

S. F. No. 1047, A bill for an act relating to the organization and operation of state government; providing for membership terms, compensation, removal of members, and filling of membership vacancies of certain state boards, commissions, committees, councils, authorities, the housing finance agency and the tax court; eliminating obsolete language; amending Minnesota Statutes 1974, Sections 3.922, Subdivision 2; 3.924; 3.927; 10A.-02, Subdivision 2; 15.50, Subdivision 1, and by adding a subdivision; 15A.081, Subdivision 1; 16.71, Subdivision 1, and by adding a subdivision; 16.823, Subdivisions 2 and 3; 35.02; 40.03, Subdivisions 1 and 3, and by adding a subdivision; 43.03, Subdivision 1, and by adding a subdivision; 85A.01, Subdivisions 1 and 4, and by adding a subdivision; 105.71, Subdivisions 1 and 3, and by adding a subdivision; 116.02, Subdivisions 1, 2 and 4; 116C.-03, Subdivision 2, and by adding a subdivision; 116E.02, Subdivisions 1 and 4, and by adding a subdivision; 121.02, Subdivision 1, and by adding a subdivision; 136.12; 136.61, Subdivision 1, and by adding a subdivision; 136A.02, Subdivision 1, and by adding a subdivision; 136A.26; 139.01; 139.02; 144.01; 144.04; 175.006, Subdivision 1, and by adding a subdivision; 179.72, Subdivisions 1 and 2, and by adding a subdivision; 182.664, Subdivision 1, and by adding a subdivision; 216A.03, Subdivision 1, and by adding a subdivision; 238.04, Subdivision 2, and by adding a subdivision; 241.045, Subdivision 3, and by adding a subdivision; 250.05, Subdivisions 2 and 3, and by adding a subdivision; 256.975, Subdivision 1, and by adding a subdivision; 271.01, Subdivision 2, and by adding a subdivision; 275.551; 299B.05, Subdivision 3, and by adding a subdivision; 352.03, Subdivisions 1, 2 and 3, and by adding a subdivision; 363.04, Subdivision 4, and by adding a subdivision; 414.01, Subdivisions 3 and 6a, and by adding a subdivision; 462A.04, Subdivision 1, and by adding a subdivision; 490.15; 626.842; Chapter 15, by adding a section; repealing Minnesota Statutes 1974, Sections 3.922, Subdivision 3; 10A.02, Subdivision 6; 16.823, Subdivision 5; 43.03, Subdivision 3; 121.02, Subdivision 2; 136.16; 136.61, Subdivisions 2 and 4; 136A.02, Subdivision 4; 175.006, Subdivision 3; 216A.03, Subdivision 2; 238.04, Subdivisions 4 and 5; 241.045, Subdivision 5; 271.01, Subdivision 3; 299B.05, Subdivision 2; 363.04, Subdivision 6; 462A.04, Subdivisions 2, 3 and 5.

The bill was read for the third time, as amended, and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 128, and nays 0, as follows:

Those who voted in the affirmative were:

Abeln	Eckstein	Kaley	Neisen	Sieben, H.
Adams, L.	Eken	Kelly, R.	Nelsen	Sieben, M.
Adams, S.	Enebo	Kelly, W.	Nelson	Sieloff
Albrecht	Erickson	Kempe, A.	Niehaus	Simoneau
Anderson, G.	Esau	Kempe, R.	Norton	Skoglund
Anderson, I.	Evans	Ketola	Novak	Smith
Arlandson	Ewald	Knickerbocker	Osthoff	Smogard
Beauchamp	Faricy	Knoll	Patton	Spanish
Begich	Fjoslien	Kostohryz	Pehler	Stanton
Berg	Forsythe	Kroening	Peterson	Suss
Berglin	Friedrich	Kvam	Petrafeso	Swanson
Biersdorf	Fudro	Laidig	Philbrook	Tomlinson
Birnstihl	Fugina	Langseth	Pleasant	Ulland
Braun	George	Lemke	Prahl	Vanasek
Brinkman	Graba	Lindstrom	Reding	Vento
Byrne	Hanson	Luther	Rice	Voss
Carlson, A.	Haugerud	Mangan	St. Onge	Wenstrom
Carlson, L.	Heinitz	Mann	Samuelson	Wenzel
Carlson, R.	Hokanson	McCarron	Sarna	White
Casserly	Jacobs	McCauley	Savelkoul	Wieser
Clark	Jaros	McCollar	Schreiber	Wigley
Clawson	Johnson, C.	McEachern	Schulz	Williamson
Corbid	Johnson, D.	Menning	Schumacher	Zubay
Dean	Jopp	Metzen	Searle	Speaker Sabo
DeGroat	Jude	Moe	Setzepfandt	
Doty	Kahn	Munger	Sherwood	

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

S. F. No. 1411 was reported to the House.

Carlson, L., moved that S. F. No. 1411 be re-referred to the Committee on Financial Institutions and Insurance.

A roll call was requested and properly seconded.

The question was taken on the motion and the roll being called, there were yeas 24, and nays 82, as follows:

Those who voted in the affirmative were:

Adams, L.	Doty	Kempe, A.	Parish	Simoneau
Berglin	Eckstein	Luther	Prahl	Wenstrom
Byrne	Faricy	McCollar	Reding	White
Carlson, L.	George	Menning	Schumacher	Williamson
Carlson, R.	Hanson	Nelsen	Sieben, M.	

Those who voted in the negative were:

Abeln	Anderson, I.	Berg	Brinkman	Eken
Adams, S.	Arlandson	Biersdorf	Carlson, A.	Enebo
Albrecht	Beauchamp	Birnstihl	Clark	Erickson
Anderson, G.	Begich	Braun	DeGroat	Esau

Evans	Kahn	Lindstrom	Philbrook	Spanish
Ewald	Kaley	Mann	Pleasant	Suss
Fjoslien	Kelly, R.	McCarron	St. Onge	Ulland
Friedrich	Kelly, W.	McEachern	Sarna	Vento
Fudro	Kempe, R.	Metzen	Savelkoul	Voss
Graba	Ketola	Munger	Schreiber	Wenzel
Heinitz	Knickerbocker	Neisen	Schulz	Wieser
Hokanson	Kostohryz	Niehaus	Searle	Wigley
Jacobs	Kroening	Norton	Setzepfandt	Zubay
Jaros	Kvam	Novak	Sieben, H.	Speaker Sabo
Johnson, C.	Laidig	Pehler	Sieloff	
Jopp	Langseth	Peterson	Smith	
Jude	Lemke	Petrafeso	Smogard	

The motion did not prevail.

S. F. No. 1411, A bill for an act relating to education; agreements when school district has insufficient funds to pay orders; increasing the maximum permissible interest rate to eight percent per year; amending Minnesota Statutes 1974, Section 124.06.

The bill was read for the third time and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 96, and nays 29, as follows:

Those who voted in the affirmative were:

Abeln	Enebo	Kelly, W.	Nelsen	Skoglund
Adams, L.	Erickson	Kempe, A.	Niehaus	Smith
Adams, S.	Esau	Kempe, R.	Norton	Spanish
Albrecht	Evans	Ketola	Osthoff	Stanton
Anderson, I.	Ewald	Knickerbocker	Pehler	Suss
Arlandson	Fjoslien	Knoll	Peterson	Swanson
Beauchamp	Friedrich	Kostohryz	Petrafeso	Tomlinson
Begich	Fudro	Kroening	Philbrook	Ulland
Biersdorf	Graba	Kvam	Pleasant	Vento
Birnstihl	Haugerud	Laidig	Prahl	Voss
Braun	Heinitz	Langseth	Rice	Wenzel
Brinkman	Hokanson	Lemke	St. Onge	Wieser
Carlson, A.	Jacobs	Lindstrom	Sarna	Wigley
Casserly	Johnson, C.	Mann	Savelkoul	Williamson
Clark	Johnson, D.	McCarron	Schreiber	Zubay
Corbid	Jopp	McCauley	Schulz	Speaker Sabo
Dahl	Jude	McEachern	Searle	
Dean	Kahn	Metzen	Setzepfandt	
DeGroat	Kaley	Munger	Sieben, H.	
Dieterich	Kelly, R.	Neisen	Sieloff	

Those who voted in the negative were:

Anderson, G.	Doty	Hanson	Novak	Sieben, M.
Berg	Eckstein	Jaros	Parish	Simoneau
Berglin	Eken	Luther	Patton	Smogard
Byrne	Faricy	McCollar	Reding	Wenstrom
Carlson, L.	Fugina	Menning	Schumacher	White
Carlson, R.	George	Moe	Sherwood	

The bill was passed and its title agreed to.

S. F. No. 840 was reported to the House.

McCarron moved to amend S. F. No. 840, the unofficial engrossment, as follows:

Page 1, line 15, delete "*elect one of two procedures. He may*".

Page 1, line 23, delete "*In the alternative, the aggrieved person may follow*".

Page 1, delete line 24.

Page 1, line 25, delete "*private action*".

Page 8, line 10, after "*practice*" insert "*, upon withdrawal of the complaint from the department of human rights,*".

Page 8, delete lines 11 to 18.

Page 8, line 19, delete "*(b)*" and insert "*(a)*".

Page 8, line 25, delete "*(c)*" and insert "*(b)*".

Page 8, line 31, delete "*(d)*" and insert "*(c)*".

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll being called, there were yeas 76, and nays 44, as follows:

Those who voted in the affirmative were:

Adams, S.	Eken	Jude	Novak	Sieloff
Albrecht	Enebo	Kalcy	Osthoff	Simoneau
Anderson, G.	Erickson	Knickerbocker	Peterson	Smogard
Anderson, I.	Esau	Kostohryz	Petrafeso	Spanish
Begich	Ewald	Kroening	Pleasant	Swanson
Biersdorf	Fjoslien	Kvam	Reding	Vento
Birnstihl	Forsythe	Lemke	St. Onge	Voss
Braun	Friedrich	Mann	Samuelson	Wenstrom
Byrne	Fudro	McCarron	Sarna	Wenzel
Clark	Graba	McCauley	Savelkoul	Wieser
Clawson	Haugerud	McCollar	Schreiber	Wigley
Corbid	Heinitz	McEachern	Schulz	Zubay
Dean	Hokanson	Menning	Schumacher	
DeGroat	Jacobs	Metzen	Searle	
Doty	Johnson, C.	Nelsen	Setzepfandt	
Eckstein	Jopp	Niehaus	Sherwood	

Those who voted in the negative were:

Abeln	Berg	Carlson, R.	George	Kahn
Adams, L.	Berglin	Casserly	Hanson	Kelly, R.
Arlandson	Carlson, A.	Dieterich	Jaros	Kempe, A.
Beauchamp	Carlson, L.	Farcy	Johnson, D.	Kempe, R.

Ketola	Moe	Philbrook	Skoglund	Ulland
Knoll	Nelson	Prahl	Smith	White
Laidig	Norton	Rice	Stanton	Williamson
Lindstrom	Patton	Sieben, H.	Suss	Speaker Sabo
Luther	Pehler	Sieben, M.	Tomlinson	

The motion prevailed and the amendment was adopted.

S. F. No. 840, A bill for an act relating to the department of human rights; creating a private right of action to enforce the provisions of the human rights act in certain cases; amending Minnesota Statutes 1974, Section 363.06, Subdivision 1; and Chapter 363, by adding a section.

The bill was read for the third time, as amended, and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 122, and nays 3, as follows:

Those who voted in the affirmative were:

Abeln	Doty	Kaley	Nelson	Sieben, M.
Adams, L.	Eken	Kelly, R.	Niehaus	Sieloff
Adams, S.	Enebo	Kempe, A.	Norton	Simoneau
Albrecht	Erickson	Kempe, R.	Novak	Skoglund
Anderson, G.	Esau	Ketola	Osthoff	Smogard
Anderson, I.	Ewald	Knickerbocker	Patton	Spanish
Arlandson	Faricy	Knoll	Pehler	Stanton
Beauchamp	Fjoslien	Kostohryz	Peterson	Suss
Begich	Forsythe	Kroening	Petraleso	Swanson
Berg	Friedrich	Kvam	Philbrook	Tomlinson
Berglin	Fudro	Laidig	Pleasant	Ulland
Biersdorf	Fugina	Lemke	Prahl	Vanasek
Birnstihl	George	Lindstrom	Reding	Vento
Byrne	Graba	Luther	Rice	Voss
Carlson, A.	Hanson	Mangan	St. Onge	Wenstrom
Carlson, L.	Haugerud	Mann	Samuelson	Wenzel
Carlson, R.	Heinitz	McCarron	Sarna	White
Casserly	Hokanson	McCauley	Savelkoul	Wieser
Clark	Jacobs	McCollar	Schreiber	Wigley
Clawson	Jaros	McEachern	Schulz	Williamson
Corbid	Johnson, C.	Menning	Schumacher	Zubay
Dahl	Johnson, D.	Metzen	Searle	Speaker Sabo
Dean	Jopp	Moe	Setzpfandt	
DeGroat	Jude	Neisen	Sherwood	
Dieterich	Kahn	Nelsen	Sieben, H.	

Those who voted in the negative were:

Braun	Eckstein	Smith
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The bill was passed, as amended, and its title agreed to.

S. F. No. 1825, A bill for an act relating to crimes; prohibiting altering or removing a manufacturer's identification mark on personal property; providing penalties; amending Minnesota

Statutes, 1975 Supplement, Section 609.52, Subdivision 2; repealing Minnesota Statutes 1974, Section 609.655.

The bill was read for the third time and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 125, and nays 0, as follows:

Those who voted in the affirmative were:

Abeln	DeGroat	Johnson, D.	Neisen	Sherwood
Adams, L.	Dieterich	Jopp	Nelsen	Sieben, H.
Adams, S.	Doty	Jude	Nelson	Sieben, M.
Albrecht	Eckstein	Kaley	Niehaus	Sieloff
Anderson, G.	Eken	Kelly, R.	Norton	Simoneau
Anderson, I.	Enebo	Kempe, A.	Novak	Skoglund
Arlandson	Erickson	Kempe, R.	Osthoff	Smith
Beauchamp	Esau	Ketola	Patton	Smogard
Begich	Evans	Knickerbocker	Pehler	Spanish
Berg	Ewald	Knoll	Peterson	Stanton
Berglin	Faricy	Kostohryz	Petraleso	Suss
Biersdorf	Fjoslien	Kvam	Philbrook	Swanson
Birastihl	Forsythe	Laidig	Pleasant	Tomlinson
Braun	Friedrich	Lemke	Prahl	Ulland
Brinkman	Fudro	Lindstrom	Reding	Vanasek
Byrne	Fugina	Luther	Rice	Vento
Carlson, A.	George	Mangan	St. Onge	Voss
Carlson, L.	Graba	Mann	Samuelson	Westrom
Carlson, R.	Hanson	McCarron	Sarna	Wenzel
Cassery	Haugerud	McCauley	Savellkoul	White
Clark	Heinitz	McCollar	Schreiber	Wieser
Clawson	Hokanson	McEachern	Schulz	Wigley
Corbid	Jacobs	Menning	Schumacher	Williamson
Dahl	Jaros	Metzen	Searle	Zubay
Dean	Johnson, C.	Moe	Setzpfandt	Speaker Sabo

The bill was passed and its title agreed to.

S. F. No. 749 was reported to the House.

Lindstrom moved to amend S. F. No. 749, the unofficial engrossment, as follows:

Page 1, line 14, strike "*comprehensive*" and insert "*preliminary*".

Page 1, line 15, insert a period after the word "*applicant*" and strike the balance of line 15.

Page 1, strike all of lines 16, 17 and 18 and "*with the city or county*" on line 19 and insert in lieu thereof the following: "*The application shall be in the form prescribed by the Bureau of Criminal Apprehension and with such additional information as the governing body of the city or county having jurisdiction over the license may require. If the governing body of the city or county having jurisdiction, or the Bureau on its own initiative*

shall determine that a comprehensive background and investigation of the applicant is necessary, it may conduct the investigation itself or contract with the bureau for the investigation."

Page 1, line 22, strike "*Results of any*".

Page 1, line 23, strike "*investigation shall be filed with the bureau, and*".

The motion prevailed and the amendment was adopted.

S. F. No. 749, A bill for an act relating to intoxicating liquor; investigation of certain license applicants; amending Minnesota Statutes 1974, Section 340.13, by adding a subdivision.

The bill was read for the third time, as amended, and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 120, and nays 6, as follows:

Those who voted in the affirmative were:

Abeln	Dieterich	Jude	Moë	Schumacher
Adams, L.	Doty	Kahn	Munger	Searle
Adams, S.	Eckstein	Kaley	Neisen	Setzepfandt
Albrecht	Eken	Kelly, R.	Nelsen	Sherwood
Anderson, G.	Enebo	Kelly, W.	Nelson	Sieben, H.
Anderson, I.	Erickson	Kempe, A.	Niehaus	Sieben, M.
Arlandson	Esau	Kempe, R.	Norton	Skoglund
Beauchamp	Evans	Ketola	Novak	Smith
Begich	Ewald	Knickerbocker	Parish	Smogard
Berg	Faricy	Knoll	Patton	Spanish
Berglin	Fjoslien	Kostohryz	Pehler	Stanton
Braun	Forsythe	Kroening	Peterson	Suss
Brinkman	Friedrich	Kvam	Petrafeso	Swanson
Byrne	Fugina	Laidig	Philbrook	Tomlinson
Carlson, A.	George	Langseth	Pleasant	Ulland
Carlson, L.	Graba	Lemke	Prahl	Voss
Carlson, R.	Hanson	Lindstrom	Reding	Wenstrom
Casserly	Haugerud	Luther	Rice	Wenzel
Clark	Heinitz	Mangan	St. Onge	White
Clawson	Hokanson	Mann	Samuelson	Wieser
Corbid	Jacobs	McCarron	Sarna	Wigley
Dahl	Johnson, C.	McCollar	Savelkoul	Williamson
Dean	Johnson, D.	Metzen	Schreiber	Zubay
DeGroat	Jopp	Menning	Schulz	Speaker Sabo

Those who voted in the negative were:

Biersdorf	McCauley	Sieloff	Simoneau	Vanasek
Birnstihl				

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

George was excused for the remainder of today's session.

H. F. No. 1735 was reported to the House.

Berglin moved to amend H. F. No. 1735, as follows:

Page 1, line 6, delete "Laws 1975, Chapter 13, Section 42" and insert "Minnesota Statutes, 1975 Supplement, Section 473.249".

Page 1, line 8, delete "Sec. 42."

Page 1, line 10, delete "1" and insert "473.121".

Page 1, line 11, delete "1 to 42" and insert "473.121 to 473.249, and for the purpose of carrying out other responsibilities of the council as provided by law".

Page 1, line 12, strike "seven-thirtieths" and insert "three-tenths".

Page 1, line 14, delete "Minnesota Statutes,".

Page 1, delete lines 16 to 19 and insert a section to read:

"Sec. 2. Minnesota Statutes 1974, Chapter 473, is amended by adding a section to read:

[473.164] [PAYMENT OF METROPOLITAN COUNCIL COSTS.] *Subdivision 1. Each metropolitan commission shall annually reimburse the council for costs incurred by the council in the discharge of its responsibilities relating to the commission. The costs may be charged against any revenue sources of the commission as determined by the commission.*

Subd. 2. On or before May 1 of each year, the council shall transmit to each metropolitan commission an estimate of the costs which the council will incur in the discharge of its responsibilities related to the commission in the next budget year including, without limitation, costs in connection with the preparation, review, implementation and defense of plans, programs and budgets of the commission. Each commission shall include the estimates in its budget for the next budget year and may transmit its comments concerning the estimated amount to the council during the budget review process. Prior to December 15 of each year, the amount budgeted by each commission for the next budget year may be changed following approval by the council. During each budget year, the commission shall transfer budgeted funds to the council in advance when requested by the council.

Subd. 3. At the conclusion of each budget year, the council, in cooperation with each metropolitan commission, shall

adopt a final statement of costs incurred by the council for each commission. Where costs incurred in the budget year have exceeded the amount budgeted, each commission shall transfer to the council the additional monies needed to pay the amount of the costs in excess of the amount budgeted, and shall include the sum in its next budget. Any excess of budgeted costs over actual costs may be retained by the council and applied to the payment of budgeted costs in the next year."

Further, amend the title as follows:

Line 3, delete "under certain circumstances".

Line 3, after the semicolon insert "providing for the reimbursement of costs of the council relating to metropolitan commissions;"

Delete line 4 and insert "Minnesota Statutes 1974, Chapter 473, by adding a section; Minnesota Statutes, 1975 Supplement, Section 473.249, Subdivision 1."

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll being called, there were yeas 68, and nays 54, as follows:

Those who voted in the affirmative were:

Beauchamp	Eckstein	Langseth	Pehler	Skoglund
Begich	Eken	Lemke	Petrafeso	Smith
Berg	Fudro	Lindstrom	Prahl	Spanish
Berglin	Fugina	Mangan	Reding	Stanton
Brinkman	Graba	Mann	Rice	Swanson
Byrne	Hokanson	McCollar	St. Onge	Tomlinson
Carlson, A.	Jacobs	McEachern	Sarna	Ulland
Carlson, L.	Jaros	Moe	Schreiber	Vento
Carlson, R.	Johnson, D.	Munger	Schulz	Volk
Casserly	Kahn	Neisen	Schumacher	Voss
Clark	Kelly, R.	Nelson	Setzepfandt	Williamson
Corbid	Kelly, W.	Norton	Sieben, H.	Speaker Sabo
Dahl	Knoll	Parish	Sieben, M.	
Dieterich	Kostohryz	Patton	Simoneau	

Those who voted in the negative were:

Abeln	Doty	Jude	Metzen	Sieloff
Adams, L.	Erickson	Kaley	Niehaus	Smogard
Adams, S.	Esau	Kempe, A.	Novak	Suss
Albrecht	Evans	Kempe, R.	Osthoff	Vanasek
Anderson, G.	Ewald	Ketola	Peterson	Wenstrom
Anderson, I.	Fjoslien	Knickerbocker	Philbrook	Wenzel
Arlandson	Forsythe	Kvam	Pleasant	White
Biersdorf	Friedrich	Laidig	Samuelson	Wieser
Braun	Hanson	Luther	Savelkoul	Wigley
Clawson	Heinitz	McCauley	Searle	Zubay
DeGroat	Jopp	Menning	Sherwood	

The motion prevailed and the amendment was adopted.

H. F. No. 1735, A bill for an act relating to the metropolitan council; providing for a levy; providing for the reimbursement of costs of the council relating to metropolitan commissions; amending Minnesota Statutes 1974, Chapter 473, by adding a section; Minnesota Statutes, 1975 Supplement, Section 473.249, Subdivision 1.

The bill was read for the third time, as amended, and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 71, and nays 54, as follows:

Those who voted in the affirmative were:

Beauchamp	Fudro	Mangan	Reding	Smogard
Berg	Fugina	McCarron	Rice	Spanish
Berglin	Graba	McCollar	St. Onge	Stanton
Brinkman	Hanson	McEachern	Sarna	Swanson
Byrne	Hokanson	Moe	Schreiber	Tomlinson
Carlson, A.	Jacobs	Munger	Schulz	Ulland
Carlson, R.	Jaros	Neisen	Schumacher	Vento
Cassery	Johnson, D.	Nelsen	Setzepfandt	Volk
Clark	Kahn	Nelson	Sherwood	Voss
Corbid	Kelly, R.	Norton	Sieben, H.	Williamson
Dahl	Kelly, W.	Parish	Sieben, M.	Speaker Sabo
Dieterich	Knoll	Patton	Sieloff	
Eken	Kostohryz	Pehler	Simoneau	
Enebo	Langseth	Petrafeso	Skoglund	
Faricy	Lindstrom	Prahl	Smith	

Those who voted in the negative were:

Abeln	Clawson	Heinitz	Lemke	Savelkoul
Adams, L.	DeGroat	Jopp	Luther	Searle
Adams, S.	Doty	Jude	Mann	Suss
Albrecht	Eckstein	Kaley	Menning	Vanasek
Anderson, G.	Erickson	Kempe, A.	Metzen	Wenstrom
Anderson, I.	Esau	Kempe, R.	Niehaus	Wenzel
Arlandson	Evans	Ketola	Novak	White
Begich	Ewald	Knickerbocker	Osthoff	Wieser
Biersdorf	Fjoslien	Kroening	Peterson	Wigley
Braun	Forsythe	Kvam	Philbrook	Zubay
Carlson, L.	Friedrich	Laidig	Pleasant	

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

S. F. No. 1499 was reported to the House.

Vento moved to amend S. F. No. 1499 as follows:

Strike everything after the enacting clause and insert the following:

"Section 1. Minnesota Statutes 1974, Section 10A.01, Subdivision 2, is amended to read:

Subd. 2. "Administrative action" means an action (OF A NON-MINISTERIAL NATURE) by any official, board, commission or agency of the executive branch *to make rules*. "Administrative action" *does not include the application or administration of those rules, except in cases of rate setting, power plant siting and others specified by the commission.*

Sec. 2. Minnesota Statutes 1974, Section 10A.01, Subdivision 5, is amended to read:

Subd. 5. "Candidate" means an individual who seeks nomination for election or election to any statewide office or legislative office, other than a federal office for which candidates are required to report under federal laws. The term candidate shall also include *an individual who seeks nomination for election or election to supreme court and district court (JUDGES) judgeships of the state.* An individual shall be deemed to seek nomination for election or election if he has taken the action necessary under the law of the state of Minnesota to qualify himself for nomination for election or election to an office, has received contributions or made expenditures in excess of \$100, or has given his consent, implicit or explicit, for any other person to receive contributions or make expenditures in excess of \$100 with a view to bringing about his nomination for election or election to an office.

Sec. 3. Minnesota Statutes 1974, Section 10A.01, Subdivision 11, is amended to read:

Subd. 11. "Lobbyist" means any:

(a) Individual who is engaged for pay or other consideration or is authorized by another person to spend money for the purpose of attempting to influence legislative or administrative action by communicating with public officials;

(b) Officially designated (REPRESENTATIVES) *representative* of any person or association which has as a major purpose the influencing of legislative or administrative action who attempt to influence an action by communicating with public officials; or

(c) Individual *acting on his own behalf* who spends more than \$250, not including traveling expenses and membership dues, in any year for the purpose of attempting to influence legislative or administrative action by communicating with public officials:

"Lobbyist" does not include *any*:

(a) (A) Public official or employee of the state or any of its political subdivisions or public bodies acting in his official capacity;

(b) (PARTIES AND THEIR REPRESENTATIVES) *Party or his representative* appearing in a proceeding before a state board, commission or agency of the executive branch unless the board, commission or agency is (ACTING IN A NON-MINISTERIAL CAPACITY) *taking administrative action*;

(c) (INDIVIDUALS) *Individual* in the course of selling goods or services to be paid for by public funds; (OR)

(d) News media or their employees or agents (, BUT ONLY WHILE) acting in the ordinary course of business of publishing or broadcasting news items, editorials or other comments or paid advertisements which directly or indirectly urge official action;

(e) Paid expert (WITNESSES) *witness* whose testimony is requested *either* by the body before which (THEY ARE) *he is* appearing or one of the parties to a proceeding, but only (WHILE ACTING IN THE ORDINARY COURSE) *to the extent* of preparing or delivering testimony;

(f) *Stockholder of a family farm corporation as defined in section 500.24, subdivision 1, who does not spend over \$250, excluding travel expenses, in any year in communicating with public officials; or*

(g) *Officer or employee of any corporation, cooperative, partnership, or other business who is not engaged as or officially designated as its lobbyist and who spends not over five hours in any month or not over \$250 excluding travel time and expense in any year in communicating with public officials.*

Sec. 4. Minnesota Statutes 1974, Section 10A.01, is amended by adding a subdivision to read:

Subd. 19. "Office holder" means an individual who holds any statewide or legislative office, except a federal office for which candidates are required to report under federal laws, state supreme court justice or district court judge.

Sec. 5. Minnesota Statutes 1974, Section 10A.02, Subdivision 1, is amended to read:

10A.02 [STATE ETHICS COMMISSION.] Subdivision 1. There is hereby created a state ethics commission composed of six members. The members shall be appointed by the governor with the advice and consent of three-fifths of both the senate and the house of representatives acting separately. Failure by

either house to confirm the appointment of a commission member within 45 legislative days after his appointment shall be deemed to be a refusal to advise and consent and his appointment shall terminate immediately after 45 legislative days or non-confirmation, whichever is earlier. One member shall be a former state legislator from a *major* political party different from that of the governor; one member shall be a former state legislator from the same political party as the governor; two members shall be persons who have not been public officials, held office in a political party other than precinct delegate, or been elected to public office for which party designation is required by statute in the three years prior to the time of their appointment; and the other two members shall not support the same political party. No more than three of the members of the commission shall support the same political party.

Sec. 6. Minnesota Statutes 1974, Section 10A.02, Subdivision 8, is amended to read:

Subd. 8. The commission shall: (a) Report at the close of each fiscal year to the legislature, the governor and the public concerning the action it has taken, the names, salaries, and duties of all individuals in its employ and the money it has disbursed. The commission shall include and identify in its report any other reports it has made during the fiscal year. It may indicate apparent abuses and offer legislative recommendations;

(b) Prescribe forms for statements and reports required to be filed under sections 10A.01 to 10A.34 and make the forms available to persons required to file them;

(c) Make available to the persons required to file the reports and statements a manual setting forth the recommended uniform methods of bookkeeping and reporting;

(d) Develop a filing, coding and cross-indexing system consistent with the purposes of sections 10A.01 to 10A.34;

(e) Make the reports and statements filed with it available for public inspection and copying by the end of the second day following the day on which they were received. Any person may copy a report or statement by hand or by duplicating machine and the commission shall provide duplicating services at cost for this purpose. No information copied from reports and statements shall be sold or utilized by any person for any commercial purpose;

(f) *Notwithstanding the provisions of section 138.163*, preserve reports and statements for a period of (SIX) five years from the date of receipt;

(g) Compile and maintain a current list and summary of all statements or parts of statements pertaining to each candidate; and

(h) Prepare and publish reports as it may deem appropriate.

Sec. 7. Minnesota Statutes 1974, Section 10A.02, Subdivision 11, is amended to read:

Subd. 11. Any hearing or action of the commission concerning any complaint or investigation shall be confidential and all information obtained by the commission shall be privileged until the commission makes a finding that the commission believes there is or is not probable cause to conclude that a violation of Laws 1974, Chapter 470 (OR OTHER CAMPAIGN LAWS) has occurred. Any person, including any member or employee of the commission, violating the confidentiality provisions of this subdivision shall be guilty of a gross misdemeanor. *The commission shall make a finding within 30 days of receipt of a written complaint unless a majority of the commission agrees to extend the time limit.* After determination of its findings the commission shall report any finding of probable cause to the appropriate law enforcement authorities.

Sec. 8. Minnesota Statutes 1974, Section 10A.04, Subdivision 4, is amended to read:

Subd. 4. The report shall include (ALL) *such information (REQUIRED ON) as the commission 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 commission, 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 (OR), 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. 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. 9. Minnesota Statutes 1974, Section 10A.04, is amended by adding a subdivision to read:

Subd. 4a. If in any reporting period the lobbyist's reportable disbursements total not over \$100 and no honorarium, gift, loan, item or benefit equal in value to \$20 or more was given or paid to any public official, a statement to that effect in lieu of the report may be filed for that period. The unreported disbursements shall be included in the report for the following period, unless the total for that period, including the carryover, is not over \$100. The October 15 report shall include all previously unreported disbursements, even though the total for the year is not over \$100.

Sec. 10. Minnesota Statutes 1974, Section 10A.09, Subdivision 5, is amended to read:

Subd. 5. A statement of economic interest required by this section shall be on a form prescribed by the commission. The individual filing shall provide the following information:

(a) His name, address, occupation and principal place of business;

(b) The name of each business with which he is associated and the nature of that association; and

(c) A listing of all real property within the state, excluding homestead property, in which he has a fee simple interest, a contract for deed or an option to buy, whether direct or indirect, and which interest is valued in excess of \$2,500. The filing shall indicate *the street address and the municipality (, IF ANY) or the section, township, range and approximate acreage, whichever applies*, and the county wherein the property is located.

Sec. 11. Minnesota Statutes 1974, Section 10A.14, Subdivision 2, is amended to read:

Subd. 2. The statement of organization shall include:

(a) The name and address of the political committee or political fund;

(b) The names and addresses of the supporting associations of a political fund;

((C) THE GEOGRAPHIC AREA IN WHICH IT WILL OPERATE AND THE PURPOSE OF THE POLITICAL COMMITTEE OR POLITICAL FUND;)

((D) THE NAME, ADDRESS AND POSITION OF THE CUSTODIAN OF BOOKS AND ACCOUNTS;)

((E)) (c) The name and address of the chairman, the treasurer, and any (OTHER PRINCIPAL OFFICERS INCLUDING) deputy treasurers (, IF ANY);

((F) THE NAME, ADDRESS, OFFICE SOUGHT, AND PARTY AFFILIATION, IF ANY, OF EACH CANDIDATE WHOM THE COMMITTEE OR POLITICAL FUND IS SUPPORTING, OR, IF THE COMMITTEE OR POLITICAL FUND IS SUPPORTING THE ENTIRE TICKET OF ANY PARTY, THE NAME OF THE PARTY;)

((G) A STATEMENT AS TO WHETHER THE COMMITTEE OR POLITICAL FUND IS A CONTINUING ONE;)

((H)) (d) A listing of all depositories or safety deposit boxes used; and

((I)) (e) A statement as to whether the committee is a principal campaign committee.

Sec. 12. Minnesota Statutes 1974, Section 10A.19, Subdivision 1, is amended to read:

10A.19 [PRINCIPAL CAMPAIGN COMMITTEE.] Subdivision 1. Every candidate shall designate and cause to be formed a single principal campaign committee *which shall be responsible for reporting contributions and authorized expenditures on behalf of the candidate.*

Sec. 13. Minnesota Statutes 1974, Section 10A.20, Subdivision 1, is amended to read:

10A.20 [CAMPAIGN REPORTS.] Subdivision 1. (EVERY) *The treasurer of (A) every political committee (OR) and political fund shall begin to file the reports required by this section in (ANY) the first year it receives contributions or makes expenditures in excess of \$100 and shall continue to file until the committee or fund is terminated.*

Sec. 14. Minnesota Statutes 1974, Section 10A.20, Subdivision 2, is amended to read:

Subd. 2. The reports shall be filed with the commission (BY THE FOLLOWING DATES:)

((A) IN YEARS IN WHICH ANY CANDIDATE BEING SUPPORTED DOES NOT STAND FOR ELECTION:)

((1) JANUARY 7; AND)

((2) JULY 7;)

((B) IN YEARS IN WHICH ANY CANDIDATE BEING SUPPORTED DOES STAND FOR ELECTION:)

((1) JANUARY 7;)

((2) JULY 7;)

((3) FIVE) *on or before January 7 of each year, and in each year in which the name of the candidate being supported is on the ballot, ten days before* (ANY) the primary (ELECTION IN WHICH THE CANDIDATE STANDS FOR ELECTION;)

((4) FIVE DAYS BEFORE ANY) *or special primary and general or special election* (IN WHICH THE CANDIDATE STANDS FOR ELECTION; AND)

((5) 30 DAYS AFTER THE LAST ELECTION IN WHICH A CANDIDATE STANDS FOR ELECTION;)

((C) IN SPECIAL OR SPECIAL PRIMARY ELECTIONS IN WHICH A CANDIDATE STANDS FOR ELECTION:)

((1) 30 DAYS BEFORE THE ELECTION; AND)

((2) FIVE DAYS BEFORE THE ELECTION).

If a scheduled filing date falls on a Saturday, Sunday or legal holiday, the filing date shall be the next regular business day.

Sec. 15. Minnesota Statutes 1974, Section 10A.20, Subdivision 3, is amended to read:

Subd. 3. Each report under this section shall disclose:

(a) The amount of liquid assets on hand at the beginning of the reporting period;

(b) The name(,) *and* address (AND EMPLOYER, OR, IF SELF-EMPLOYED, OCCUPATION) of each person, political committee or political fund who has made one or more contributions to or for the political committee or political fund including the purchase of tickets for dinners, luncheons, rallies, and similar fund raising events within the year in an aggregate amount or value in excess of \$50 for legislative candidates and in excess of \$100 for statewide candidates, together with the amount and date of the contributions, and the aggregate amount of contributions within the year (OF) *from* each contributor so disclosed. The lists of contributors shall be in alphabetical order;

(c) The total sum of individual contributions made to or for the political committee or political fund during the reporting period and not reported under clause (b);

((D) THE NAME AND ADDRESS OF EACH POLITICAL COMMITTEE, POLITICAL FUND OR CANDIDATE FROM WHICH THE REPORTING COMMITTEE OR FUND RECEIVED, OR TO WHICH THAT COMMITTEE MADE, ANY TRANSFER OF FUNDS, TOGETHER WITH THE AMOUNTS AND DATES OF ALL TRANSFERS. THE LISTS SHALL BE IN ALPHABETICAL ORDER;)

((E) (d) Each loan to or from any person within the year in an aggregate amount or value in excess of \$100, together with the (FULL NAMES) *name* and (MAILING) address, (OCCUPATIONS) *occupation* and the principal (PLACES) *place* of business, if any, of the lender or (ENDORSEES, IF ANY,) *any endorser* and the date and amount of the (LOANS) *loan*;

((F) (e) Each receipt in excess of \$100 not otherwise listed under clauses (b) to ((E) (d));

((G) (f) The total sum of all receipts by or for the political committee or political fund during the reporting period;

((H) (g) The name(,) *and* address (,) OCCUPATION AND THE PRINCIPAL PLACE OF BUSINESS, IF ANY,) of each person to whom expenditures have been made by the political committee or political fund or on its behalf within the year in an aggregate amount in excess of \$100, the amount, date and purpose of each expenditure and the name and address of, and office sought by, each candidate on whose behalf the expenditure was made;

((I) (h) The sum of individual expenditures (WHICH IS) not otherwise reported under clause ((H) (g));

((J) THE NAME, ADDRESS, OCCUPATION AND THE PRINCIPAL PLACE OF BUSINESS, IF ANY, OF EACH PERSON TO WHOM AN EXPENDITURE FOR PERSONAL SERVICES, SALARIES, AND REIMBURSABLE EXPENSES IN EXCESS OF \$100 HAS BEEN MADE, AND WHICH IS NOT OTHERWISE REPORTED, INCLUDING THE AMOUNT, DATE AND PURPOSE OF THE EXPENDITURE;)

((K) THE SUM OF INDIVIDUAL EXPENDITURES FOR PERSONAL SERVICES, SALARIES AND REIMBURSABLE EXPENSE WHICH IS NOT OTHERWISE REPORTED UNDER (J);)

((L) (i) The total expenditures made by the political committee or political fund during the reporting period;

((M)) (j) The amount and nature of (DEBTS AND OBLIGATIONS) *any debt or obligation* owed by or to the political committee or political fund, and (A CONTINUOUS REPORTING OF THEIR DEBTS AND OBLIGATIONS AFTER THE ELECTION UNTIL THE DEBTS AND OBLIGATIONS ARE EXTINGUISHED;)

((N) THE AMOUNT AND NATURE OF) *any written contract, promise or agreement* (, IN WRITING, WHETHER OR NOT LEGALLY ENFORCEABLE,) to make a contribution or expenditure; *and*

((O)) (k) *For principal campaign committees only:* The name of each person, committee or political fund, which has been authorized by the treasurer to make expenditures on behalf of the candidate and the nature and amount of each authorized expenditure.

Sec. 16. Minnesota Statutes 1974, Section 10A.20, is amended by adding a subdivision to read:

Subd. 12. The commission shall notify any person who fails to file a statement required by this section. A person who knowingly fails to file the statement within seven days after receiving notice from the commission is guilty of a misdemeanor.

Sec. 17. Minnesota Statutes 1974, Section 10A.21, Subdivision 1, is amended to read:

10A.21 [REPORTS TO COUNTY AUDITOR.] Subdivision 1. All reports or statements that must be filed with the commission by the principal campaign committee of legislative candidates shall (ALSO) be *duplicated and filed by the commission* with the county auditor of each county in which the legislative district lies *within 72 hours of the date the report or statement is required to be filed or, if the report or statement is delinquent, within 72 hours of the time the report is actually filed.*

Sec. 18. Minnesota Statutes 1974, Section 10A.23, is amended to read:

10A.23 [CHANGES AND CORRECTIONS.] Any material changes in information previously submitted and any corrections to a report or statement shall be reported in writing to the commission within ten days following the date of the event prompting the change or the date upon which the person filing became aware of the inaccuracy. The change or correction shall identify the form and the paragraph containing the information to be changed or corrected. Any person who wilfully fails to report a material change or correction is guilty of a gross misdemeanor.

Sec. 19. Minnesota Statutes 1974, Section 10A.25, Subdivision 3, is amended to read:

Subd. 3. Notwithstanding subdivision 2, clause (a), a candidate for the endorsement for the office of lieutenant governor at the convention of a political party may spend \$30,000 or five percent of the amount in subdivision 2, clause (a) (, PRIOR TO THE TIME OF) *to seek* endorsement. This (MONEY) *amount* shall be in addition to the (MONEY) *amount* which may be expended pursuant to subdivision 2, clause (a).

Sec. 20. Minnesota Statutes 1974, Section 10A.25, Subdivision 6, is amended to read:

Subd. 6. In a year in which (A CANDIDATE DOES NOT STAND FOR ELECTION) *an election does not occur for an office held or sought*, no expenditures shall be made and no obligations to make expenditures shall be incurred by a candidate or *officeholder* or by a political committee, political fund or individual which makes expenditures with the authorization, express or implied, and under the control, direct or indirect, of the candidate or *officeholder* or his agents which shall result in the aggregate expenditure on behalf of the candidate or *officeholder* in that year of an amount in excess of 20 percent of the amount of the aggregate expenditure permitted by subdivision 2. Expenditures permitted by this subdivision shall be in addition to expenditures permitted by subdivision 2.

Sec. 21. Minnesota Statutes 1974, Chapter 10A, is amended by adding a section to read:

[10A.261] *Nothing in chapter 10A shall be construed as abridging the right of an association to communicate with its members.*

Sec. 22. Minnesota Statutes 1974, Section 10A.27, Subdivision 3, is amended to read:

Subd. 3. Expenditures by (A) *the state or local committee of any political party on behalf of candidates of that party generally, without referring to any of them specifically in any advertisement published (OR), posted, (ON ANY) or broadcast, or (IN) any sample ballot or telephone conversation (, IF THAT CONVERSATION MENTIONS) listing three or more (CANDIDATES) persons whose names are to appear on the ballot*, shall not be allocated to any candidate or subject to the limitations of section 10A.25, subdivision 2.

Sec. 23. Minnesota Statutes 1974, Section 10A.27, is amended by adding a subdivision to read:

Subd. 5. Nothing in chapter 10A shall be construed as limiting expenditures by a political committee, political fund, or individual which are made without the written authorization of the candidate, provided that the political committee, political fund, or individual is in compliance with the provisions of section 10A.17, subdivision 5.

Sec. 24. Minnesota Statutes 1974, Section 10A.30, Subdivision 2, is amended to read:

Subd. 2. Within the state elections campaign fund account there shall be maintained (SEPARATE ACCOUNTS) a separate account for the candidates of each political party and a general account.

Sec. 25. Minnesota Statutes 1974, Section 10A.31, Subdivision 3, is amended to read:

Subd. 3. The commissioner of the department of revenue shall on the first page of the income tax form notify the taxpayer of his right to allocate \$1 of his taxes (\$2 if filing a joint return) to finance the election campaigns of state candidates. The form shall also contain language prepared by the commissioner which permits the taxpayer to direct the state to allocate the \$1 (or \$2 if filing a joint return) to (ONE OF THE FOLLOWING): (i) one of the major political parties; (ii) (THE NAME OF) any minor political party (PROVIDED THAT IF) for which a petition is filed to qualify as a minor political party (IT BE FILED) by June 1 of that taxable year; (AND) or (iii) (DISTRIBUTION TO) all qualifying candidates as provided by this section.

Sec. 26. Minnesota Statutes 1974, Section 10A.31, Subdivision 5, is amended to read:

Subd. 5. ((A) IN EACH FISCAL YEAR, 10 PERCENT OF THE MONEYS IN EACH ACCOUNT SHALL BE SET ASIDE FOR CANDIDATES FOR STATEWIDE OFFICE.)

((B) OF THE AMOUNT SET ASIDE IN CLAUSE (A), 40 PERCENT SHALL BE DISTRIBUTED TO THE CANDIDATES FOR GOVERNOR AND LIEUTENANT GOVERNOR JOINTLY; 24 PERCENT SHALL BE DISTRIBUTED TO THE CANDIDATE FOR ATTORNEY GENERAL; AND 12 PERCENT EACH SHALL BE DISTRIBUTED TO THE CANDIDATES FOR SECRETARY OF STATE, STATE TREASURER, AND STATE AUDITOR. IF THERE IS NO NOMINEE OF THAT PARTY FOR ONE OF THE OFFICES, THE SHARE SET ASIDE FOR THAT OFFICE SHALL BE DISTRIBUTED TO THE OTHER STATEWIDE CANDIDATES OF THAT PARTY IN THE SAME PROPORTIONS AS THE ORIGINAL AMOUNT.)

(C) WITHIN TWO WEEKS OF THE CERTIFICATION BY THE STATE CANVASSING BOARD OF THE RESULTS OF THE PRIMARY ELECTION, THE STATE TREASURER SHALL DISTRIBUTE AVAILABLE FUNDS IN EACH ACCOUNT, OTHER THAN THE GENERAL ACCOUNT, OF THE STATE ELECTIONS FUND TO THE APPROPRIATE CANDIDATES WHO ARE TO APPEAR ON THE BALLOT FOR THE GENERAL ELECTION AS PRESCRIBED IN CLAUSES (A) AND (B).)

(D) WITHIN TWO WEEKS OF THE CERTIFICATION BY THE STATE CANVASSING BOARD OF THE RESULTS OF THE GENERAL ELECTION, THE STATE TREASURER SHALL DISTRIBUTE THE AVAILABLE FUNDS IN THE GENERAL ACCOUNT IN THE SAME PROPORTIONS AS PROVIDED IN CLAUSE (B), IN AN EQUAL AMOUNT TO EACH CANDIDATE WHO RECEIVED AT LEAST FIVE PERCENT OF THE VOTE CAST IN THE GENERAL ELECTION FOR THE OFFICE FOR WHICH HE WAS A CANDIDATE.) *In each calendar year the moneys in each party account and the general account shall be allocated to candidates as follows:*

(a) *16 percent for the offices of governor and lieutenant governor jointly;*

(b) *9.6 percent for the office of attorney general;*

(c) *4.8 percent each for the offices of secretary of state, state auditor and state treasurer;*

(d) *in each calendar year during the period in which state senators serve a four year term, 20 percent for the office of state senator and 40 percent for the office of state representative;*

(e) *in each calendar year during the period in which state senators serve a two year term, and in 1975 and 1976, 30 percent for the office of state senator and 30 percent for the office of state representative;*

(f) *all candidates of one party for the state senate and state house of representatives whose names are to appear on the ballot in the general election shall share equally in the funds allocated to their respective offices from their party account, except that any candidate may refuse his share, which shall then be divided equally among the remaining candidates of his party for the same office.*

If a candidate elects to refuse moneys from the state elections campaign fund, he shall not be subject to the expenditure limitations imposed by section 10A.25 or limited in the amount he may contribute to his own campaign.

Sec. 27. Minnesota Statutes 1974, Section 10A.31, Subdivision 6, is amended to read:

Subd. 6. ((A) IN EACH OF THE FISCAL YEARS DURING THE PERIOD IN WHICH THE STATE SENATE SERVES A FOUR YEAR TERM WHICH COMMENCES AFTER APRIL 13, 1974, 20 PERCENT OF THE MONEYS IN EACH ACCOUNT SHALL BE SET ASIDE FOR CANDIDATES FOR STATE SENATE. IN EACH OF THE FISCAL YEARS DURING THE PERIOD IN WHICH THE STATE SENATE SERVES A TWO YEAR TERM, AND IN 1975 AND 1976, 30 PERCENT OF THE MONEYS IN EACH ACCOUNT SHALL BE SET ASIDE FOR CANDIDATES FOR STATE SENATE.)

((B) THE AMOUNT SET ASIDE IN CLAUSE (A) SHALL BE DISTRIBUTED IN EQUAL SHARES TO EACH OF THE CANDIDATES FOR STATE SENATE OF THAT PARTY.)

((C)) Within two weeks (OF THE) *after* certification by the state canvassing board of the results of the primary (ELECTION), the state treasurer shall distribute *the* available funds in each *party* account, (OTHER THAN THE GENERAL ACCOUNT TO THE APPROPRIATE CANDIDATES WHO) *as certified by the commissioner of revenue on September 15, to the candidates of that party who have signed the agreement as provided in section 10A.32, subdivision 3, and whose names are to appear on the ballot (FOR) in the general election (AS PRESCRIBED IN CLAUSES (A) AND (B)) according to the allocations set forth in subdivision 5. If there is no candidate of a party for any one office designated in subdivision 5 in any year in which that office appears on the ballot, the allocation for that office shall be distributed to all other candidates of that party in proportion to their shares as set forth in subdivision 5.*

((D) WITHIN TWO WEEKS OF THE CERTIFICATION BY THE STATE CANVASSING BOARD OF THE RESULTS OF THE GENERAL ELECTION, THE STATE TREASURER SHALL DISTRIBUTE THE AVAILABLE FUNDS IN THE GENERAL ACCOUNT IN AN EQUAL AMOUNT TO EACH CANDIDATE WHO RECEIVED AT LEAST TEN PERCENT OF THE VOTES CAST IN THE GENERAL ELECTION FOR THE OFFICE FOR WHICH HE WAS A CANDIDATE.)

Sec. 28. Minnesota Statutes 1974, Section 10A.31, Subdivision 7, is amended to read:

Subd. 7. ((A) IN EACH OF THE FISCAL YEARS DURING THE PERIOD IN WHICH THE STATE SENATE SERVES A FOUR YEAR TERM WHICH COMMENCES AFTER APRIL 13, 1974, 40 PERCENT OF THE MONEYS IN EACH ACCOUNT SHALL BE SET ASIDE FOR CANDI-

DATES FOR STATE REPRESENTATIVES. IN EACH OF THE FISCAL YEARS DURING THE PERIOD IN WHICH THE STATE SENATE SERVES A TWO YEAR TERM, AND IN 1975 AND 1976, 30 PERCENT OF THE MONEYS IN EACH ACCOUNT SHALL BE SET ASIDE FOR CANDIDATES FOR STATE REPRESENTATIVES.)

((B) THE AMOUNT SET ASIDE IN CLAUSE (A) SHALL BE DISTRIBUTED IN EQUAL SHARES TO EACH OF THE CANDIDATES FOR STATE REPRESENTATIVE OF THAT PARTY.)

((C) WITHIN TWO WEEKS OF THE CERTIFICATION BY THE STATE CANVASSING BOARD OF THE RESULTS OF THE PRIMARY ELECTION, THE STATE TREASURER SHALL DISTRIBUTE AVAILABLE FUNDS IN EACH ACCOUNT, OTHER THAN THE GENERAL ACCOUNT, TO THE APPROPRIATE CANDIDATES WHO ARE TO APPEAR ON THE BALLOT FOR THE GENERAL ELECTION AS PRESCRIBED IN CLAUSES (A) AND (B).)

((D)) Within two weeks (OF THE) *after* certification by the state canvassing board of the results of the general election, the state treasurer shall distribute the available funds in the general account, as *certified by the commissioner of revenue on November 15 and according to the allocations set forth in subdivision 5, in (AN) equal (AMOUNT) amounts to (EACH CANDIDATE) all candidates for each statewide office who received at least five percent of the votes cast in the general election for that office, and to all candidates for legislative office who received at least ten percent of the votes cast in the general election for the specific office for which (HE WAS A CANDIDATE) they were candidates.*

Sec. 29. Minnesota Statutes 1974, Section 10A.31, is amended by adding a subdivision to read:

Subd. 8. Within one week after certification by the state canvassing board of the results of the primary, the commission shall certify to the state treasurer the name of each candidate who has signed the agreement as provided in section 10A.32, subdivision 3, and the amount he is to receive from the available funds in his party account.

Sec. 30. Minnesota Statutes 1974, Section 10A.31, is amended by adding a subdivision to read:

Subd. 9. Within one week after certification by the state canvassing board of the results of the general election, the commission shall certify to the state treasurer the name of each candidate who is qualified to receive funds from the general account,

together with the amount he is to receive from the available funds in the general account.

Sec. 31. Minnesota Statutes 1974, Section 10A.31, is amended by adding a subdivision to read:

Subd. 10. Within one week after all the tax returns have been processed, the commissioner of revenue shall certify to the commission the amount accumulated in each account since the previous certification. Within one week thereafter, the commission shall certify to the state treasurer the amount to be distributed to each candidate according to the allocations as provided in subdivision 5. As soon as practicable thereafter, the state treasurer shall distribute the amounts to the candidates.

Sec. 32. Minnesota Statutes 1974, Section 10A.32, is amended to read:

10A.32 [LIMITATIONS UPON THE STATE ELECTION CAMPAIGN FUND.] Subdivision 1. No candidate shall be entitled to receive from the state elections campaign fund an amount greater than the total amount of expenditures which may be made by *him* or on *his* behalf (OF THE CANDIDATE) under sections 10A.25 and 10A.27. *The amount by which the expenditure limit is exceeded shall be distributed to all other candidates of the same party whose shares do not exceed their expenditure limits in proportion to their shares as set forth in section 10A.31.*

Subd. 2. No candidate shall be entitled to receive from the state election campaign fund an amount greater than the total amount actually expended by *him* or on *his* behalf (OF THE CANDIDATE DURING HIS CAMPAIGN) in the year of the election. *If the report required to be filed on or before January 7 in the year following the general election indicates that the amount received by the candidate is greater than the amount expended on his behalf, the treasurer of his principal campaign committee shall refund to the state treasurer an amount equal to the difference. The refund in the form of a check or money order shall be submitted with such report and the commission shall forward the refund to the state treasurer.*

Subd. 3. As a condition of receiving any funds from the state elections campaign fund, any candidate, prior to receipt of the funds, shall agree by stating in writing to the commission on or before September 1 that expenditures on his behalf shall not exceed the expenditure limits as set forth in section 10A.25 and that his principal campaign committee shall not accept contributions (EXCEEDING) for the period beginning with the registration of his principal campaign committee and ending December 31 of the election year which exceed 105 percent of the difference between the amount which may legally be expended by *him* or on *his* behalf (OF THAT CANDIDATE), and the amount which (THE CANDIDATE) *he* receives from the state elections

campaign fund. Any amount by which his total contributions exceed 105 percent of the difference shall be refunded to the state treasurer. The refund in the form of a check or money order shall be submitted in the same manner as provided in subdivision 2.

For the purposes of this subdivision only, the total amount to be distributed to each candidate is his share of the total estimated funds in his party account as provided in subdivision 3a, plus the total amount estimated as provided in subdivision 3a to be in the general account and set aside for that office divided by the number of candidates whose names are to appear on the general election ballot for that office. If the amount actually received by the candidate is greater by reason of a lesser number of qualifying candidates sharing in the funds in each account, and his contributions thereby exceed 105 percent of the difference, the agreement shall not be considered violated.

Subd. 3a. The commissioner of revenue shall certify to the commission on or before the last day for filing for office his estimate of the total to be accumulated in each account in the state elections campaign fund after 100 percent of the tax returns have been processed. Within seven days after the last day for filing for office the secretary of state shall certify to the state treasurer and the commission the name, address, office sought, and party affiliation of each candidate. Within seven days thereafter the commission shall estimate the minimum amount to be received by each candidate who qualifies as provided in section 10A.31, subdivisions 6 and 7, and notify all candidates on or before August 15 of the applicable amount.

Subd. 4. If a political party for whose candidates funds have been accumulated in the state elections campaign fund does not have a candidate for (STATEWIDE) any office (, STATE REPRESENTATIVE OR STATE SENATOR), the moneys (WHICH WOULD BE USED FOR DISTRIBUTION TO THAT CATEGORY OR CATEGORIES) shall be (TRANSFERRED TO THE GENERAL) maintained in that account until the year of the next general election. If in two successive general election years that political party does not have a candidate for any office, the accumulated funds shall be transferred to the general fund.

Sec. 33. Minnesota Statutes 1974, Sections 10A.01, Subdivision 14; 10A.14, Subdivision 3; and 10A.22, Subdivisions 2 and 8, are repealed.

Sec. 34. This act is effective the day following final enactment."

And further, to amend the title as follows:

Page 1, line 6, after "statements;" insert "providing for distribution of moneys in the state elections campaign fund;".

Page 1, line 7, after "1974," insert "Chapter 10A, by adding a section;"

Page 1, line 8, strike "7, 10".

Page 1, line 9, strike "5."

Page 1, line 10, after "Subdivision 4" and before the semicolon, insert ", and by adding a subdivision" and strike "10A.07, Subdivision 1;"

Page 1, line 12, after "Subdivision 2;" insert "10A.14, Subdivision 2;"

Page 1, line 14, strike "10A.22."

Page 1, line 15, strike "Subdivision 5;" and after "Subdivisions 3" and before "6" strike the comma and insert "and".

Page 1, line 16, strike "and 7" and after "Subdivision 3" and before the semicolon insert ", and by adding a subdivision".

The motion prevailed and the amendment was adopted.

Vento moved to amend S. F. No. 1499, as amended, as follows:

Page 3, line 31, after "officer" and before "or" insert ", member".

Page 5, after line 3, insert a new section to read:

"Sec. 6. Minnesota Statutes 1974, Section 10A.02, Subdivision 5, is amended to read:

Subd. 5. The commission shall appoint an executive director who shall be in the unclassified service. The commission may also employ and prescribe the duties of other permanent or temporary employees in the unclassified service as may be necessary to administer sections 10A.01 to 10A.34, subject to appropriation. The executive director and all other employees shall serve at the pleasure of the commission. (ALL ADMINISTRATIVE SERVICES SUCH AS SUPPLIES, OFFICE SPACE AND FURNISHINGS, PAYROLL PREPARATION AND ACCOUNTING SERVICES SHALL BE PROVIDED TO THE COMMISSION BY THE SECRETARY OF STATE.) Expenses of the commission shall be approved by the chairman or such other member as the rules of the commission may provide and the expenses shall then be paid in the same manner as other state expenses are paid."

Renumber the following sections.

Page 10, line 4, after "*January*" delete "7" and insert "31".

Page 12, after line 26, insert a new section to read:

"Sec. 16. Minnesota Statutes 1974, Section 10A.20, is amended by adding a subdivision to read:

Subd. 3a. The reports of a principal campaign committee of a legislative candidate required by this section shall list in a prominent place on the first page of every report each county in which the legislative district lies."

Renumber the following sections.

Page 15, line 5, after "*expenditures*" and before "*by*" insert "*on behalf of a candidate*".

Page 15, line 27, delete "*for*" and strike "*a petition is filed to*".

Page 15, line 28, strike "*qualify as a minor political party*" and strike "*by June 1 of*".

Page 15, line 29, strike "*that taxable year*" and insert "*qualifies under the provisions of subdivision 3a of this section*".

Page 15, line 30 after "*by*" and before "*this*" insert "*subdivision 7 of*".

Page 15, after line 30, insert a new section to read:

"Sec. 26. Minnesota Statutes 1974, Section 10A.31, is amended by adding a subdivision to read:

Subd. 3a. A minor political party qualifies for inclusion on the income tax form as provided in subdivision 3 if a candidate of that party filed for any office in the preceding general election, or if a petition on behalf of that party is filed as provided in section 10A.01, subdivision 13, by June 1 of the taxable year."

Renumber the following sections.

Page 17, line 10, after "*percent*" and before "*for*" insert "*each*"; delete "*office*" and insert "*offices*" and delete "*30 percent*".

Page 17, line 11, delete "*for the office of*".

Page 17, line 16, delete everything after "*account*".

Page 17, line 17, delete the entire line.

Page 17, line 18, delete everything before the period.

Page 17, after line 22, insert the words: "*Moneys from any party account refused by any candidate shall be distributed to all other candidates of that party in proportion to their shares as provided in this subdivision. Moneys from the general account refused by any candidate shall be distributed to all other qualifying candidates in proportion to their shares as provided by this subdivision.*".

Page 20, line 15, after "*Subd. 10.*" delete "*Within one week after all*" and insert "*In the event that on November 15 less than 98 percent of*".

Page 20, line 17, after "*commission*" and before "*the*" insert "*on December 7*".

Page 20, line 23, after "*candidates.*" insert "*Any moneys accumulated after the final certification shall be maintained in the respective accounts for distribution in the next general election year.*".

Page 20, line 31, after "*which*" and before "*the*" insert "*the allocation exceeds*".

Page 20, line 32, after "*limit*" delete "*is exceeded*".

Page 21, line 9, after "*January*" delete "*7*" and insert "*31*".

Page 21, line 16, after "*treasurer*" and before the period insert the words "*for deposit in the general fund of the state*".

Page 21, line 24, after "*with*" and before "*the*" insert "*January 1 of the election year or*".

Page 21, line 25, after "*committee*" and before "*and*" insert "*, whichever occurs later,*".

Page 22, line 3, after "*is*" and before "*his*" insert "*calculated to be*".

Page 22, line 20, delete "*the state treasurer and*".

Page 22, line 22, after "*candidate*" and before the period insert "*who has filed with that office his affidavit of candidacy or petition to appear on the ballot. The auditor of each county shall certify to the commission the same information for each candidate who has filed with that county his affidavit of candidacy or petition to appear on the ballot*".

Page 23, line 4, after "fund" and before the period insert "of the state".

And further, to amend the title as follows:

Page 1, line 9, reinstate "5,".

Page 1, line 13, after "adding" strike "a".

Page 1, line 14, strike "subdivision" and insert "subdivisions".

The motion prevailed and the amendment was adopted.

Laidig, Carlson, A., and Ulland moved to amend S. F. No. 1499, as amended, as follows:

Page 2, after line 19, insert a new section to read:

"Sec. 3. Minnesota Statutes, 1974, Section 10A.01 is amended by adding a subdivision to read:

Subd. 8. *'Illegal contribution' means: Any contribution defined by Subd. 7 which is received while the Legislature is in session except for any period when the Legislature is in recess.*"

Renumber the remaining sections.

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll being called, there were yeas 30, and nays 92, as follows:

Those who voted in the affirmative were:

Adams, S.	Esau	Heinitz	McCauley	Schreiber
Albrecht	Evans	Jopp	Nelsen	Searle
Carlson, A.	Ewald	Kaley	Niehaus	Sieloff
Dean	Fjoslien	Knickerbocker	Peterson	Ulland
DeGroat	Forsythe	Kvam	Pleasant	Wigley
Erickson	Friedrich	Laidig	Savelkoul	Zubay

Those who voted in the negative were:

Abeln	Brinkman	Eckstein	Jaros	Lemke
Adams, L.	Byrne	Eken	Johnson, D.	Lindstrom
Anderson, G.	Carlson, L.	Enebo	Jude	Luther
Anderson, I.	Carlson, R.	Fariely	Kahn	Mann
Arlandson	Casserly	Fudro	Kelly, R.	McCarron
Beauchamp	Clark	Fugina	Kelly, W.	McCollar
Begich	Clawson	Graba	Ketola	McEachern
Berg	Corbid	Hanson	Knoll	Menning
Berglin	Dahl	Haugerud	Kostohryz	Metzen
Birnstihl	Dieterich	Hokanson	Kroening	Moe
Braun	Doty	Jacobs	Langseth	Munger

Neisen	Philbrook	Schumacher	Spanish	Voss
Nelson	Prahl	Setzepfandt	Stanton	Wenstrom
Norton	Reding	Sherwood	Suss	Wenzel
Novak	Rice	Sieben, H.	Swanson	White
Osthoff	St. Onge	Sieben, M.	Tomlinson	Speaker Sabo
Parish	Samuelson	Simoneau	Vanasek	
Patton	Sarna	Skoglund	Vento	
Pehler	Schulz	Smogard	Volk	

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

Vento moved to amend S. F. No. 1499, as amended by the second Vento amendment, as follows:

Page 17, after the new language inserted after line 22 insert the following:

“Beginning with calendar year 1977 and applying to taxable year 1976, the allocations from the state elections campaign fund shall be: 21 percent for the offices of governor and lieutenant governor filing jointly; 3.6 percent for the office of attorney general; 1.8 percent each for the offices of secretary of state, state auditor, and state treasurer; in each calendar year during the period in which state senators serve a four year term, 23 1/3 percent for the office of state senator and 46 2/3 percent for the office of state representative; and in each calendar year during the period in which state senators serve a two year term, 35 percent each for the offices of state senator and state representative.”.

The motion prevailed and the amendment was adopted.

Adams, S. moved to amend S. F. No. 1499, as amended, as follows:

Page 15, line 6, delete *“written”*.

Page 15, line 17, after *“candidate”* insert *“or his agent”*.

The motion prevailed and the amendment was adopted.

Wigley was excused for the remainder of today's session.

S. F. No. 1499, A bill for an act relating to the conduct of public officials and campaigns for public office; defining “lobbying”; redefining “lobbyist” and certain other terms; providing for the filing of certain reports and statements; providing penalties; amending Minnesota Statutes 1974, Sections 10A.01, Subdivisions 2, 5, 7, 10 and 11, and by adding a subdivision; 10A.02, Subdivisions 1, 5, 8 and 11; 10A.04, Subdivision 4; 10A.07, Subdivision 1; 10A.09, Subdivision 5; 10A.11, Subdivision 6; 10A.14, Subdivision 2; 10A.19, Subdivision 1; 10A.20, Subdivisions 1, 2,

and 3, and by adding a subdivision; 10A.21, Subdivision 1; 10A.22, Subdivision 5; 10A.23; 10A.25, Subdivisions 3, 6 and 7; 10A.27, Subdivision 3; repealing Minnesota Statutes 1974, Sections 10A.01, Subdivision 14; 10A.14, Subdivision 3; 10A.20, Subdivision 4; 10A.22, Subdivisions 2 and 8.

The bill was read for the third time, as amended, and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 126, and nays 0, as follows:

Those who voted in the affirmative were:

Abehn	Eckstein	Kelly, R.	Nelson	Sieben, M.
Adams, L.	Eken	Kelly, W.	Niehaus	Sieloff
Adams, S.	Enebo	Kempe, A.	Norton	Simoneau
Albrecht	Erickson	Kempe, R.	Novak	Skoglund
Anderson, G.	Esau	Ketola	Osthoff	Smith
Anderson, I.	Evans	Knickerbocker	Parish	Smogard
Arlandson	Ewald	Knoll	Patton	Spanish
Beauchamp	Faricy	Kostohryz	Pehler	Stanton
Begich	Fjoslien	Kroening	Peterson	Suss
Berg	Forsythe	Kvam	Petrafeso	Swanson
Berglin	Friedrich	Laidig	Philbrook	Tomlinson
Biersdorf	Fudro	Langseth	Pleasant	Ulland
Braun	Fugina	Lemke	Prahl	Vanasek
Byrne	Graba	Luther	Reding	Vento
Carlson, A.	Hanson	Mangan	Rice	Voss
Carlson, L.	Haugerud	Mann	St. Onge	Wenstrom
Carlson, R.	Heinitz	McCarron	Samuelson	Wenzel
Casserly	Hokanson	McCauley	Sarna	White
Clark	Jacobs	McCollar	Savelkoul	Wieser
Clawson	Jaros	McEachern	Schreiber	Williamson
Corbid	Johnson, C.	Menning	Schulz	Zubay
Dahl	Johnson, D.	Metzen	Schumacher	Speaker Sabo
Dean	Jopp	Moe	Searle	
DeGroat	Jude	Munger	Setzepfandt	
Dieterich	Kahn	Neisen	Sherwood	
Doty	Kaley	Nelsen	Sieben, H.	

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

Forsythe was excused for the remainder of today's session.

S. F. No. 1957 was reported to the House.

Swanson moved to amend S. F. No. 1957 as follows:

Page 3, line 1, delete "*may have*" and insert "*, with the written consent of the recipient, shall be allowed*".

Page 3, line 2, after "*to*" insert "*all*".

Page 3, delete lines 3 to 6.

Page 3, line 7, delete "*Access to the records shall be*".

Page 3, line 10, after the semicolon insert "or".

Page 3, line 11, after "necessary" insert a period and delete the rest of the line.

Page 3, delete lines 12 and 13.

Page 3, line 17, delete "Access to the".

Page 3; delete lines 18 to 22 and insert "Notwithstanding any other law to the contrary, a vendor of medical care shall not be subject to any civil or criminal liability for providing access to medical records to the commissioner of public welfare pursuant to this section.

Subd. 4. No person shall be eligible for medical assistance unless he has authorized in writing the department of public welfare to examine all personal medical records developed while receiving medical assistance for the sole purpose of investigating whether or not a vendor has submitted a claim for reimbursement, cost report or rate application which he knows to be false in whole or in part.

Subd. 5. Medical records obtained by the commissioner of public welfare pursuant to this section are confidential data, as defined in Minnesota Statutes, Section 15.162, Subdivision 2a."

Page 4, line 2, delete "resulted" and insert "result".

Lindstrom moved to amend the Swanson amendment as follows:

In Subd. 5 of the amendment, delete "confidential" and insert "private".

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

The question recurred on the Swanson amendment, as amended. The motion prevailed and the amendment, as amended, was adopted.

S. F. No. 1957, A bill for an act relating to medical assistance for the needy; prohibiting false claims for reimbursement; making certain vendors ineligible for reimbursement; providing access to certain medical records for verification of claims; providing for a penalty; amending Minnesota Statutes 1974, Sections 256B.064; 256B.27; Chapters 256B and 609, by adding sections; Minnesota Statutes, 1975 Supplement, Sections 256B.12 and 609.52, Subdivision 2.

The bill was read for the third time, as amended, and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 128, and nays 0, as follows:

Those who voted in the affirmative were:

Abeln	Doty	Kelly, R.	Nelsen	Sieben, H.
Adams, L.	Eckstein	Kelly, W.	Nelson	Sieben, M.
Adams, S.	Eken	Kempe, A.	Niehhaus	Steloff
Albrecht	Enebo	Kempe, R.	Norton	Simoneau
Anderson, G.	Erickson	Ketola	Novak	Skoglund
Anderson, I.	Esau	Knickerbocker	Osthoff	Smith
Arlandson	Evans	Knoll	Parish	Smogard
Beauchamp	Ewald	Kostohryz	Patton	Spanish
Begich	Faricy	Kroening	Pehler	Stanton
Berg	Fjoslien	Kvam	Peterson	Suss
Berglin	Friedrich	Laidig	Petraleso	Swanson
Biersdorf	Fudro	Langseth	Philbrook	Tomlinson
Birnstihl	Fugina	Lemke	Pieasant	Ulland
Braun	Graba	Lindstrom	Prahl	Vanasek
Byrne	Hanson	Luther	Reding	Vento
Carlson, A.	Haugerud	Mangan	Rice	Volk
Carlson, L.	Heinitz	Mann	St. Onge	Voss
Carlson, R.	Hokanson	McCarron	Samuelson	Wenstrom
Casserly	Jacobs	McCauley	Sarna	Wenzel
Clark	Jaros	McCollar	Savelkoul	White
Clawson	Johnson, C.	McEachern	Schreiber	Wieser
Corbid	Johnson, D.	Menning	Schulz	Williamson
Dahl	Jopp	Metzen	Schumacher	Zubay
Dean	Jude	Moe	Searle	Speaker Sabo
DeGroat	Kahn	Munger	Setzpfandt	
Dieterich	Kaley	Neisen	Sherwood	

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

There being no objection the order of business reverted to Messages from the Senate.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 2009, A bill for an act relating to the city of Eveleth; firemen's pensions therein; amending Laws 1935, Chapter 208, Section 11, as added.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Begich moved that the House concur in the Senate amendments to H. F. No. 2009 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 2009, A bill for an act relating to the cities of Chisholm, Eveleth and Duluth; police and firemen's pensions and survivor benefits therein; amending Laws 1935, Chapter 208, Section 11, as added; and Laws 1975, Chapter 127, Section 2.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question being taken on the repassage of the bill and the roll being called, there were yeas 115, and nays 9, as follows:

Those who voted in the affirmative were:

Abeln	Dieterich	Kempe, R.	Nelsen	Sieben, M.
Adams, L.	Doty	Ketola	Nelson	Sieloff
Anderson, G.	Eckstein	Knickerbocker	Norton	Simoneau
Anderson, I.	Eken	Knoll	Novak	Skoglund
Arlandson	Enebo	Kostohryz	Osthoff	Smith
Beauchamp	Ewald	Kroening	Parish	Smogard
Begich	Faricy	Kvam	Patton	Spanish
Berg	Fjoslien	Laidig	Pehler	Stanton
Berglin	Fudro	Langseth	Petrafeso	Suss
Biersdorf	Fugina	Lemke	Philbrook	Swanson
Birnstihl	Graba	Lindstrom	Pleasant	Tomlinson
Braun	Hanson	Luther	Reding	Ulland
Brinkman	Hokanson	Mangan	Rice	Vanasek
Byrne	Jacobs	Mann	St. Onge	Vento
Carlson, A.	Jaros	McCarron	Samuelson	Volk
Carlson, L.	Johnson, C.	McCauley	Sarna	Voss
Carlson, R.	Johnson, D.	McCollar	Savelkoul	Wenstrom
Casserly	Jude	McEachern	Schreiber	Wenzel
Clark	Kahn	Menning	Schulz	White
Clawson	Kaley	Metzen	Schumacher	Wieser
Corbid	Kelly, R.	Moe	Setzepfandt	Williamson
Dahl	Kelly, W.	Munger	Sherwood	Zubay
Dean	Kempe, A.	Neisen	Sieben, H.	Speaker Sabo

Those who voted in the negative were:

Albrecht	Esau	Haugerud	Niehaus	Searle
Erickson	Evans	Jopp	Peterson	

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 2010, A bill for an act relating to the city of Eveleth; increase in police pensions; amending Laws 1965, Chapter 636, Section 8, as added.

PATRICK E. FLAHAVER, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Begich moved that the House concur in the Senate amendments to H. F. No. 2010 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 2010, A bill for an act relating to the cities of Eveleth and Duluth; increase in police pensions in the city of Eveleth; police survivor benefits in the city of Duluth; amending Laws 1965, Chapter 636, Section 8, as added; and Laws 1953, Chapter 91, Section 11, Subdivision 1, as amended.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question being taken on the repassage of the bill and the roll being called, there were yeas 125, and nays 0, as follows:

Those who voted in the affirmative were:

Abeln	DeGroat	Kahn	Moe	Sherwood
Adams, L.	Dieterich	Kaley	Munger	Sieben, H.
Adams, S.	Doty	Kelly, R.	Neisen	Sieben, M.
Albrecht	Eckstein	Kelly, W.	Nelsen	Sieloff
Anderson, G.	Eken	Kempe, A.	Nelson	Simoneau
Anderson, I.	Enebo	Kempe, R.	Niehaus	Skoglund
Arlandson	Erickson	Ketola	Norton	Smith
Beauchamp	Esau	Knickerbocker	Novak	Smogard
Begich	Evans	Knoll	Osthoff	Spanish
Berg	Ewald	Kostohryz	Parish	Stanton
Berglin	Faricy	Kroening	Patton	Suss
Biersdorf	Fjoslien	Kvam	Peher	Swanson
Birnstihl	Fudro	Laidig	Petraleso	Tomlinson
Braun	Fugina	Langseth	Philbrook	Ulland
Brinkman	Graba	Lemke	Pleasant	Vanasek
Byrne	Hanson	Lindstrom	Reding	Vento
Carlson, A.	Haugerud	Luther	St. Onge	Volk
Carlson, L.	Heinitz	Mangan	Samuelson	Voss
Carlson, R.	Hokanson	Mann	Sarna	Wenstrom
Cassery	Jacobs	McCarron	Savelkoul	Wenzel
Clark	Jaros	McCauley	Schreiber	White
Clawson	Johnson, C.	McCollar	Schulz	Wieser
Corbid	Johnson, D.	McEachern	Schumacher	Williamson
Dahl	Jopp	Menning	Searle	Zubay
Dean	Jude	Metzen	Setzepfandt	Speaker Sabo

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 525, A bill for an act relating to state government; creating a department of transportation; prescribing its duties and responsibilities; transferring the functions of some state departments; appropriating money; amending Minnesota Statutes 1974, Sections 43.09, Subdivision 2a; and 360.017, Subdivision-1; repealing Minnesota Statutes 1974, Sections 4.20; 161.03; and 360.014.

PATRICK E. FLAHAVEN, Secretary of the Senate

Hanson moved that the House refuse to concur in the Senate amendments to H. F. No. 525, that the Speaker appoint a Conference Committee of 5 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two Houses. The motion prevailed.

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee, consisting of 3 members of the Senate, on the amendments adopted by the Senate to the following House File:

H. 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 serve at the pleasure of the governor; eliminating obsolete language; amending Minnesota Statutes 1974, Sections 16.01; 16A.01, Subdivision 2; 17.01; 45.02; 45.15; 84.01, Subdivision 2; 116.03, Subdivision 1; 161.03, Subdivision 1; 175.001, Subdivision 1; 179.02; 196.02, Subdivision 1; 216A.06; 241.01, Subdivision 1; 245.03; 268.12, Subdivision 1; 270.02, Subdivision 2; 298.22, Subdivision 1; 299A.01, Subdivision 1; 360.014, Subdivision 2; 362.09, Subdivision 1; and 363.04, Subdivision 1.

The Senate has appointed as such committee Messrs. Schaaf, Brown and Stokowski.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to the Conference Committee on H. F. No. 1382:

Fugina, Petrafeso and Adams, L.

The Speaker announced the appointment of the following members of the House to the Conference Committee on H. F. No. 525:

Hanson, Pehler, Knickerbocker, Petrafeso and Beauchamp.

Anderson, I., moved that the House recess subject to the call of the Chair. The motion prevailed.

RECESS

RECONVENED

The House reconvened and was called to order by the Speaker.

Eken, Fudro, Graba, McCauley, Menning and Suss were excused for the remainder of today's session.

There being no objection the order of business reverted to Reports of Standing Committees.

REPORTS OF STANDING COMMITTEES

Norton from the Committee on Appropriations to which was referred:

H. F. No. 1876, A bill for an act relating to transportation; providing for rail transportation improvements throughout the state; creating the Minnesota rail line improvement fund; authorizing the development of a state plan for rail transportation and a feasibility study of rail line acquisition by the state or by a political subdivision of the state; appropriating money.

Reported the same back with the following amendments:

Page 2, line 1, after "agency" insert "or the department of transportation 30 days after the effective date that such department may be established by law".

Page 2, line 9, delete "FUND" and insert "ACCOUNT".

Page 2, line 10, delete "fund" and insert "account".

Page 2, line 13, delete "fund" and insert "account".

Page 3, line 18, delete "fund" and insert "account".

Page 4, line 11, delete "fund" and insert "account".

Page 4, line 15, delete "fund" and insert "account".

Page 4, line 19, after "lines" insert "of that company".

Page 6, line 17, after "state" insert "for the biennium ending June 30, 1977,".

Page 6, line 19, delete "None of the moneys expended".

Page 6, delete line 20.

Further, amend the title:

Page 1, line 4, delete "fund" and insert "account".

With the recommendation that when so amended the bill do pass.

The report was adopted.

Norton from the Committee on Appropriations to which was referred:

H. F. No. 1901, A bill for an act relating to education; authorizing the establishment of a pilot higher education extension center to serve downtown St. Paul and its surrounding area; appropriating money.

Reported the same back with the following amendments:

Page 3, line 32, after "colleges," insert "\$113,288".

Page 4, line 7, after "board," insert "\$45,000".

With the recommendation that when so amended the bill do pass.

The report was adopted.

Norton from the Committee on Appropriations to which was referred:

H. F. No. 1984, A bill for an act relating to agriculture; establishing a family farm security program to encourage loans for farm real estate; appropriating money; amending Minnesota Statutes 1974, Sections 48.24, Subdivision 5; and 290.08, by add-

ing a subdivision; Minnesota Statutes, 1975 Supplement, Section 290.01, Subdivision 20; and 290.09, Subdivision 4.

Reported the same back with the following amendments:

Page 1, line 15, delete "15" and insert "10".

Page 1, delete line 17 and insert "*purposes of sections 1 to 10 the terms defined in this section have the*".

Page 2, line 4, after "and" insert "*may be*".

Page 2, line 5, before "loan" insert "*seller's*".

Page 2, line 13, delete "Loan" and insert "*Seller's loan*".

Page 2, line 16, delete "7" and insert "10".

Page 2, line 32, after "*insurance*" insert "*, as defined in Minnesota Statutes, Section 60A.02, Subdivision 3,*".

Page 3, lines 1 and 2, delete "*as defined in Minnesota Statutes, Section 60A.02, Subdivisions 1 and 3*".

Page 3, delete lines 11 and 12 and insert "*to 10. He shall also provide*".

Page 3, line 13, delete "board" and insert "*council*".

Page 3, delete lines 16 and 17, and insert "*1 to 10*".

Page 3, line 31, delete "*officer*" and insert "*director*".

Page 6, line 27, delete "*and shall accept applications from prospective*" and insert a period.

Page 6, delete lines 28 to 32.

Page 7, delete lines 1 to 4 and insert "*Proceeds from the sale of a parcel of property obtained by the state pursuant to this subdivision shall be paid into the special account authorized in section 15, subdivision 1, to the extent that funds from the special account were disbursed according to the terms of the family farm security loan guarantee. Proceeds in excess of the amount disbursed from the special fund shall be paid into the general fund.*".

Page 7, line 10, delete "*provided*" and insert "*approved*".

Page 8, line 16, after "*interest*" insert "*, including payment adjustment to the extent that it is applied to interest,*".

Page 8, delete lines 20 to 25.

Page 10, line 16, delete "*this act*" and insert "*sections 1 to 10*".

Page 15, line 29, delete "*and payment adjustment*" and insert "*, including payment adjustment to the extent that it is applied to interest,*".

Page 15, line 32, delete "*5, 6, 7 and 8*" and insert "*1 to 10*".

Page 18, after line 9, insert:

"Sec. 14. Minnesota Statutes 1974, Section 290.08, is amended by adding a subdivision to read:

Subd. 23. The interest, including payment adjustment to the extent that it is applied to interest, earned by the seller of the property on a family farm security loan that is guaranteed by the commissioner of agriculture under the provisions of sections 1 to 10 of this act."

Page 18, line 23, delete "*10*" and insert "*9*".

Page 19, line 20, after the period insert "*The sum of all outstanding family farm security loans guaranteed by the commissioner at any time shall not exceed ten times the amount of money in the special account created in this subdivision.*"

Page 19, line 21, delete "*Interest accrued from the investment of funds*".

Page 19, line 22, delete "*from the special account is annually appropriated, and*".

Page 19, line 23, after "*of*" insert "*\$300,000*".

Page 19, line 27, delete "*\$56,000*" and insert "*\$74,300 for the biennium ending June 30, 1977*".

Renumber sections in sequence.

With the recommendation that when so amended the bill do pass.

The report was adopted.

Norton from the Committee on Appropriations to which was referred:

H. F. No. 1985, A bill for an act relating to appropriations; appropriating funds for seminars for local governmental officials.

Reported the same back with the following amendments:

Page 1, after line 10, insert a new section:

“Sec. 2. The state planning agency shall have the authority to conduct training activities for local and regional government officials and the public in general as is necessary to the implementation of its functions and responsibilities. The state planning agency may charge fees to the participants necessary to cover the agency costs for such activities. All such fees received shall be paid into the state treasury and reappropriated to the state planning agency. The agency shall be authorized to make disbursements for expenses relating to such activities for which the fees are paid.”.

With the recommendation that when so amended the bill do pass.

The report was adopted.

Norton from the Committee on Appropriations to which was referred:

H. F. No. 2215, A bill for an act relating to aeronautics; appropriating and transferring money for construction of hangers.

Reported the same back with the recommendation that the bill do pass.

The report was adopted.

Norton from the Committee on Appropriations to which was referred:

H. F. No. 2364, A bill for an act relating to appropriations; converting certain standing appropriations to direct appropriations; abolishing other standing appropriations; appropriating money; amending Minnesota Statutes 1974, Sections 9.061, Subdivision 5; 97.482, Subdivision 2; 638.08; and Laws 1971, Chapter 121, Section 2, as amended; repealing Minnesota Statutes 1974, Sections 7.07; 138.821; Minnesota Statutes, 1975 Supplement, Sections 123.937; 144.146, Subdivision 2; Laws 1973, Chapter 768, Section 23; and Laws 1975, Chapter 433, Section 20.

Reported the same back with the following amendments:

Page 3, line 31, delete “12,000,000” insert “5,500,000”.

Further, amend the title:

Page 1, line 9, delete “138.821” and insert “136.821”.

With the recommendation that when so amended the bill do pass.

The report was adopted.

Norton from the Committee on Appropriations to which was referred:

H. F. No. 2467, A bill for an act relating to the organization and operation of state government; codifying various provisions formerly contained as riders in appropriation acts; amending Minnesota Statutes 1974, Sections 3.755; 16A.28; 16A.72; 38.02, Subdivision 1, and by adding a subdivision; 121.26; 125.08; 136.06; 136.11, Subdivisions 1 and 2, and by adding subdivisions; 136.13; 136.62, by adding a subdivision; 137.02, Subdivision 3, and by adding subdivisions; 138.01; 144.169, by adding a subdivision; 158.04; 158.05; 158.08; 161.142, Subdivision 6; 161.201; 167.45; 171.26; 173.231; 241.27, by adding a subdivision; 243.44; 245.61; 245.65, Subdivision 1; 246.02, Subdivisions 2 and 4; 248.07, Subdivision 8; 252.27, Subdivision 1; 254A.08, Subdivision 3; 256.01, Subdivision 8; 256.011; 260.311, Subdivision 5; 299D.03, Subdivision 6; 299D.04; 352B.02, Subdivision 1; Chapters 134, 136, 137, 138, 139, 161, 242, 245, and 246, by adding sections; Minnesota Statutes, 1975 Supplement, Sections 16.02, Subdivision 16; 136A.121, Subdivision 3; 139.10, by adding subdivisions; 243.09, Subdivision 3; 252.24, Subdivision 4; 260.251, Subdivision 1a; 268.08, Subdivision 5; repealing Minnesota Statutes 1974, Sections 136.821; 161.241, Subdivision 5; 161.261, Subdivision 3; 167.40; 299D.03, Subdivision 4; Laws 1969, Chapter 157, Section 2; Laws 1973, Chapter 768, Section 23; and Laws 1975, Chapter 433, Section 20.

Reported the same back with the following amendments:

Pages 3 and 4, delete all of section 3.

Pages 18, 19 and 20, delete all of section 24.

Page 20, delete lines 8 to 25.

Page 20, line 28, delete "5" and insert "4".

Pages 23 and 24, strike all of sections 33 to 36.

Page 27, line 14, strike "17" and insert "7".

Pages 30 and 31, delete all of section 50.

Page 33, line 28, strike "State Hospital" and insert "*nursing home*".

Page 36, line 4, delete "*maids*" and insert "*domestic servants*".

Page 36, line 7, delete “, unless the maid or” and insert a period.

Page 36, strike lines 8 to 10.

Page 36, line 24, delete “administration” and insert “personnel”.

Page 38, line 31, reinstate “The board of directors of an activity center”.

Page 38, line 32, reinstate the stricken language.

Page 39, reinstate lines 1 to 6.

Page 41, line 2, after “for” insert “a portion of”.

Page 41, line 3, delete “appropriate state matching money from” and insert “remaining portion from state”.

Page 41, line 4, delete “state”.

Renumber the sections in sequence.

Further amend the title as follows:

Line 6, delete “16A.28;”.

Line 10, delete “Subdivision 3, and”.

Line 11, delete “subdivisions” and insert “a subdivision”.

Line 14, delete “243.44;”.

Line 20, delete “139,”.

Delete all of line 23.

Line 24, delete “subdivisions;”.

With the recommendation that when so amended the bill do pass.

The report was adopted.

Norton from the Committee on Appropriations to which was referred:

S. F. No. 1097, A bill for an act relating to health; providing for pilot programs for dental care for senior citizens; establish-

ing means of administration; subsidizing premiums to cover cost of services; appropriating money.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert:

"Section 1. [ESTABLISHMENT OF PILOT PROGRAMS.] There are established two pilot programs to provide dental care for senior citizens including nursing home residents. One pilot program shall be established in the metropolitan area, composed of Hennepin, Ramsey, Anoka, Washington, Dakota, Scott, and Carver counties; and one pilot program shall be established in other areas of the state.

Sec. 2. [ADMINISTRATION; STAFF.] For purposes of administration, the program shall be under the supervision of the department of public welfare for the state of Minnesota, which shall select an organization of senior citizens, hereinafter referred to as the senior organization, to perform advisory functions including identification of potentially eligible participants. The organization selected must be a nonprofit service corporation representing and operating for the benefit of senior citizens.

Sec. 3. [DELIVERY OF SERVICES.] Subdivision 1. [CONTRACT FOR DENTAL SERVICES.] The department of public welfare shall contract for the delivery of dental services according to the terms of sections 1 to 6 with qualified providers of dental care.

Subd. 2. [REVIEW OF PERFORMANCE.] The department of public welfare and licensed dentists shall monitor the program. The monitoring shall include, but not be limited to, the following elements: extent and quality of dental service delivered, data concerning number of participants in the program and cost effectiveness. A comprehensive evaluation of the pilot program shall be performed by the department of public welfare and the senior organization.

Sec. 4. [ELIGIBILITY FOR BENEFITS.] Subdivision 1. [IDENTIFICATION OF PARTICIPANTS.] The senior organization shall assist in the identification of a cross section of senior citizens potentially eligible for participation in the program. The department of public welfare shall determine individual eligibility of persons in the identified group. The department may require relevant identifying information from the participants and compile statistics and records of the information.

Subd. 2. [FULL SUBSIDY.] The full cost of the program shall be paid by the department of public welfare, within the availability of funds appropriated for that purpose for individuals who:

- (a) Are aged 62 or over; and
- (b) Have an annual net income not in excess of \$3,900 if single or \$4,875 if married; and
- (c) Are not eligible for dental care services or reimbursement through any other program.

Subd. 3. [HARDSHIP SUBSIDY.] Persons aged 62 or over having incomes in excess of the maxima set in subdivision 2 may, with the consent of the department, be eligible for full subsidy if they have demonstrated special financial hardship.

Subd. 4. [NURSING HOME RESIDENTS.] Not less than ten percent of those participating shall be residents of nursing homes.

Sec. 5. [COVERAGE.] Subdivision 1. [SERVICES PROVIDED.] Services to be made available to members of the program shall include:

- (a) routine examinations,
- (b) x-rays,
- (c) emergency treatment for relief of pain,
- (d) restorative services,
- (e) oral surgery, including preoperative and postoperative care,
- (f) surgical and nonsurgical periodontics,
- (g) endodontics, including pulpal therapy and root canal filling, and
- (h) prosthetics, provided that all dentures shall be permanently identified during fabrication.

Subd. 2. [PAYMENTS COVERED.] The cost of the treatment, equal to 80 percent of the usual, customary, and reasonable fee of the treating dentist, will be paid by the department of public welfare, with no deductible amount. Participants shall be responsible for any remaining balance.

Sec. 6. [OUTSIDE FUNDING.] The department of public welfare, with the assistance of the senior organization, shall investigate the availability of funding from sources including Title III Older Americans Act through the council on aging of the metropolitan council, the state council on aging, and foundation

support. The department of public welfare and the senior organization may solicit and accept in behalf of the program established pursuant to sections 1 to 6 contributions, gifts, and grants from these or any other sources.

Sec. 7. [APPROPRIATIONS.] There is appropriated from the general fund in the state treasury a sum of \$400,000 to the department of public welfare for the purposes of this act. Notwithstanding Minnesota Statutes, Section 16A.28 or any other law relating to the lapse of an appropriation, the appropriation made by this section shall not lapse but shall continue until fully expended."

With the recommendation that when so amended the bill do pass.

The report was adopted.

Sieben, H., from the Committee on Governmental Operations to which was referred:

H. F. No. 2040, A bill for an act relating to nursing homes; establishing an office of nursing home complaints; appropriating money.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert:

"Section 1. [144A.51] [DEFINITIONS.] Subdivision 1. For the purposes of sections 1 to 6 of this act, the terms defined in this section have the meanings given them.

Subd. 2. "Administrative agency" or "agency" means any division, official, or employee of a state or local governmental agency, but does not include:

- (a) Any member of the senate or house of representatives;
- (b) The governor or his personal staff;
- (c) Any instrumentality of the federal government of the United States; or
- (d) Any court or judge.

Subd. 3. "Director" means the director of the office of health facility complaints.

Subd. 4. "Health care provider" means any professional licensed by the state to provide medical or health care services who does provide the services to a resident of a health facility.

Subd. 5. "Health facility" means a facility or that part of a facility which provides hospital or nursing care to five or more persons. Health facility does not include a facility or that part of a facility which is not subject to licensure as a hospital or nursing home pursuant to chapters 144 or 144A.

Subd. 6. "Resident" means any resident or patient of a health facility, or the guardian or conservator of a resident or patient of a health facility, if one has been appointed.

Sec. 2. [144A.52] [OFFICE OF HEALTH FACILITY COMPLAINTS.] Subdivision 1. The office of health facility complaints is hereby created in the department of health. The office shall be headed by a director appointed by the board of health. The director shall report to and serve at the pleasure of the board of health.

The commissioner of health shall provide the office with office space, administrative services and secretarial and clerical assistance.

Subd. 2. The director may appoint a deputy director, personal secretary and other personnel as necessary to discharge the responsibilities of his office. Any deputy director or personal secretary shall serve at the director's pleasure and shall be in the unclassified service. All other employees of the office shall be classified employees of the department of health.

Subd. 3. The director may delegate to members of his staff any of his authority or duties except the duty of formally making recommendations to the legislature, administrative agencies, health facilities, health care providers, and the board of health.

Subd. 4. The director shall attempt to include on his staff persons with expertise in areas such as law, health care, social work, dietary needs, sanitation, financial audits, health-safety requirements as they apply to health facilities and any other relevant fields.

Sec. 3. [144A.53] [POWERS AND DUTIES OF DIRECTOR.] Subdivision 1. [POWERS.] The director may:

(a) Promulgate by rule, within the limits set forth in subdivision 2, the methods by which complaints against health facilities, health care providers or administrative agencies are to be made, reviewed, investigated, and acted upon; provided, however, that he may not charge a fee for filing a complaint;

(b) Recommend legislation and changes in rules to the board of health, legislature, governor, administrative agencies or the federal government;

(c) Investigate, upon a complaint or upon his own initiative, any action or failure to act by an administrative agency, a health care provider, or a health facility;

(d) Request and receive access to relevant information, records, or documents in the possession of an administrative agency, health care provider or a health facility which he deems necessary for the discharge of this responsibilities;

(e) Enter and inspect, at any time, governmental premises within the control of an administrative agency or a health facility provided that the director shall not unduly interfere with or disturb the activities of a resident unless the resident consents;

(f) Recommend that the board of health issue a correction order pursuant to section 144.653 or any law which supersedes that section;

(g) Assist residents of health facilities in the enforcement of their rights under Minnesota law; and

(h) Work with administrative agencies, health facilities, health care providers and organizations representing consumers on programs designed to provide information about health facilities to the public and to health facility residents.

Subd. 2. [COMPLAINTS.] The director may receive a complaint from any source concerning an action of an administrative agency, a health care provider, or a health facility. He may require a complainant to pursue other remedies or channels of complaint open to the complainant before accepting or investigating the complaint.

The director shall keep written records of all complaints and his action upon them. After completing his investigation of a complaint, he shall inform the complainant, the administrative agency having jurisdiction over the subject matter, the health care provider and the health facility of the action taken.

Subd. 3. [RECOMMENDATIONS.] If, after duly considering a complaint and whatever material he deems pertinent, the director determines that the complaint is valid, he may recommend that an administrative agency, a health care provider or a health facility should:

(a) Modify or cancel the actions which gave rise to the complaint;

(b) Alter the practice, rule or decision which gave rise to the complaint;

(c) Provide more information about the action under investigation; or

(d) Take any other step which the director considers appropriate.

If the director requests, the administrative agency, a health care provider or health facility shall, within the time specified, inform the director about the action taken on his recommendation.

Subd. 4. [REFERRAL OF COMPLAINTS.] If a complaint received by the director relates to a matter more properly within the jurisdiction of an occupational licensing board, the office of consumer services or any other governmental agency, the director shall forward the complaint to that agency and shall inform the complaining party of the forwarding. The agency shall promptly act in respect to the complaint, and shall inform the complaining party and the director of its disposition. If a governmental agency receives a complaint which is more properly within the jurisdiction of the director, it shall promptly forward the complaint to the director, and shall inform the complaining party of the forwarding. If the director has reason to believe that any official or employee of an administrative agency or health facility has acted in a manner warranting criminal or disciplinary proceedings, he shall refer the matter to the board of health, department of public welfare, an appropriate prosecuting authority, or other appropriate agency.

Sec. 4. [144A.54] [PUBLICATION OF RECOMMENDATIONS; REPORTS.] Subdivision 1. Except as otherwise provided by this section, the director may determine the form, frequency, and distribution of his conclusions and recommendations. The director shall transmit his conclusions and recommendations to the board of health and the legislature. Before announcing a conclusion or recommendation that expressly or by implication criticizes an administrative agency, a health care provider or a health facility, the director shall consult with that agency, health care provider or facility. When publishing an opinion adverse to an administrative agency, a health care provider or a health facility, he shall include in the publication any statement of reasonable length made to him by that agency, health care provider or health facility in defense or explanation of the action.

Subd. 2. In addition to whatever other reports the director may make, he shall, at the end of each year, report to the board of health and the legislature concerning the exercise of this functions during the preceding year. The board of health may, at any time, request and receive information, other than resident records, from the director.

Subd. 3. In performing his duties under this act, the director shall preserve the confidentiality of resident records. He may release a resident's records with the written approval of the resident who is the subject of the records.

Sec. 5. [HEALTH DEPARTMENT COMPLAINT TEAM.] It is the intent of the legislature that the complaint team of the department of health be superseded by the office of health facility complaints and that funds currently allocated to the com-

plaint team by the department of health be transferred to the director of health facility complaints.

Sec. 6. [ADVISORY COMMITTEE.] The director of health facility complaints shall appoint a 15 member task force to advise the director in the establishment of the office under this act. The appointment, compensation and term of office of the task force shall be governed by the provisions of section 15.059, subdivision 6.

Sec. 7. [APPROPRIATION.] The sum of \$ is hereby appropriated from the general fund to the director of health facility complaints for the purposes of this act.

Sec. 8. [EFFECTIVE DATE.] Section 2, subdivision 1, is effective the day after final enactment. The remainder of this act is effective upon appointment of the director of health facility complaints."

With the recommendation that when so amended the bill do pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Sieben, H., from the Committee on Governmental Operations to which was referred:

H. F. No. 2666, A bill for an act relating to the operation of state government; raising salaries for certain executive branch employees, constitutional officers, judges and judicial branch employees; limiting possible increases for certain executive branch employees; amending Minnesota Statutes 1974, Sections 15A.081, by adding a subdivision; 15A.083, as amended; 43.062, Subdivision 3; 43.067; and 241.045, Subdivision 4; and Minnesota Statutes, 1975 Supplement, Section 15A.081, Subdivision 1; repealing Minnesota Statutes 1974, Sections 15A.081, Subdivisions 1a and 4; 43.066; 43.069 and 487.05.

Reported the same back with the following amendments:

Page 1, line 25, delete "\$44,000" and insert "\$41,000".

Page 1, line 26, delete "39,600" and insert "36,900".

Page 2, line 18, delete "36,000" and insert "34,000".

Page 2, line 19, delete "32,400" and insert "30,600".

Page 2, line 26, delete "39,000" and insert "37,000".

Page 2, line 27, delete "35,100" and insert "33,300".

Page 2, line 29, delete "\$32,000" and insert "\$30,000".

Page 2, line 30, delete "28,800" and insert "27,000".

Page 3, line 3, delete "43,000" and insert "40,000".

Page 3, line 4, delete "38,700" and insert "36,000".

Page 3, line 8, delete "39,000" and insert "36,000".

Page 3, line 9, delete "35,100" and insert "32,400".

Page 3, line 16, delete "41,000" and insert "39,000".

Page 3, line 17, delete "36,900" and insert "32,400".

Page 4, line 15, delete "43,000" and insert "40,000".

Page 4, line 16, delete "38,700" and insert "36,000".

Page 4, line 28, delete "26,000" and insert "28,600".

Page 4, line 30, delete "41,000" and insert "39,000".

Page 4, line 31, delete "36,900" and insert "32,400".

Page 5, line 7, delete "39,000" and insert "37,500".

Page 7, line 26, delete "49,000" and insert "45,000".

Page 7, line 27, delete "46,000" and insert "42,000".

Page 7, line 28, delete "36,000" and insert "32,000".

Page 7, line 29, delete "32,500" and insert "29,400".

Page 7, line 30, delete "31,500" and insert "27,500".

Page 7, line 31, delete "31,500" and insert "27,500".

Page 8, line 8, delete "46,000" and insert "44,000".

Page 8, line 9, delete "45,000" and insert "43,000".

Page 8, line 28, after "following" insert "annual".

Page 8, line 28, delete "annually".

Page 10, line 7, before "The" insert "Compensation for".

Page 10, line 8, strike "RECEIVE AS COMPENSATION HIS" and insert "be the".

Page 10, after line 20, insert:

"Sec. 2. Minnesota Statutes 1974, Chapter 8, is amended by adding a section to read:

[8.065] [DEPUTY AND ASSISTANT ATTORNEYS GENERAL; ASSIGNMENTS.] *Notwithstanding any other provision of law, the attorney general may assign all deputy and assistant attorneys general authorized by statute to such state agencies as he deems necessary to the proper conduct of the legal business of the state.*

Sec. 3. *No public employee or official, except an employee of the university of Minnesota, shall receive a salary greater than that paid to the governor, nor shall any additional compensation be paid in an amount greater than the compensation paid to the governor. Contracts for salary and compensation in effect on the effective date of this act that conflict with this section may continue until their term of expiration but the conflicting provision may not be extended thereafter.*

Sec. 4. Subdivision 1. *Notwithstanding any other law, ordinance, resolution or provision in a home rule charter to the contrary, all political subdivisions shall expend funds for expenses incurred in travel by employees or elected or appointed officials only in accordance with rules established by the commissioner of personnel to govern expenses incurred by state employees.*

Subd. 2. *Any travel by an employee or elected or appointed official of a political subdivision which is in excess of 50 miles beyond the state of Minnesota and which is paid for by public funds shall be given prior written approval by the governing body of the political subdivision. Any travel by a state employee, or appointed official, which is in excess of 50 miles beyond the state of Minnesota and which is paid for by public funds shall be given prior written approval by the agency, official or governing body designated in law as having responsibility for the conduct of the agency within which the employee or appointed official is employed or serves; except that employees of the house of representatives and senate shall be governed by the rules of their respective body. In an emergency or when prior written approval is not possible, the travel shall be reported to the appropriate governing body or official within 36 hours of return."*

Further amend the title:

Page 1, line 7, after "1974," insert "Chapter 8, by adding a section;"

With the recommendation that when so amended the bill do pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Berg from the Committee on Local and Urban Affairs to which was referred:

S. F. No. 2078, A bill for an act relating to metropolitan revenue distribution; changing the method of computing the taxable valuation of certain governmental units; amending Minnesota Statutes 1974, Section 473F.08, Subdivision 2.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1974, Section 473F.02, Subdivision 7, is amended to read:

Subd. 7. “Population” means the most recent estimate of the population of a municipality made by the metropolitan council and filed with the commissioner of (FINANCE) *revenue*. The council shall annually estimate the population of each municipality as of a date which it determines and, in the case of a municipality which is located partly within and partly without the area, the proportion of the total which resides within the area, and shall promptly thereafter file its estimates with the commissioner of (FINANCE) *revenue*.

Sec. 2. Minnesota Statutes 1974, Section 473F.02, Subdivision 11, is amended to read:

Subd. 11. “Locally raised revenues” means the total money receipts of a municipality, including those of its constituent agencies, boards, commissions, and other bodies, from all sources and for all purposes, reduced by the expenses, including a reasonable allowance for depreciation of capital assets, incurred in the operation by the municipality of facilities for the production or sale of electricity, water, gas, heat, or telephone service, except that locally raised revenues shall not include:

(a) Revenues derived from the operation of municipal liquor stores;

(b) Public grants, as defined in subdivision 17, except that for purposes of this subdivision the amount prescribed by clause (2) of subdivision 17 shall be multiplied by 10;

(c) Grants or gifts from private persons, unless made by an entity exempt from ad valorem taxation in an amount which does not exceed the ad valorem tax which would have been payable

by the entity during that year for the benefit of the recipient if the exemption did not exist; and

(d) The proceeds of any indebtedness incurred by the municipality.

The state auditor shall certify the locally raised revenues of each municipality for each year to the commissioner of (FINANCE) *revenue* not later than September 1 of the subsequent year. If the fiscal year of a municipality ends on a date other than December 31, the certification shall relate to the fiscal year which ended in the calendar year preceding that in which the certificate is required to be made, and references in sections 473F.01 to 473F.13 to the locally raised revenues of a municipality in a specified year shall be deemed to refer to the fiscal year ended in the specified calendar year.

Sec. 3. Minnesota Statutes 1974, Section 473F.02, Subdivision 12, is amended to read:

Subd. 12. "Market value" of real property within a municipality means the "actual market value" of real property within the municipality, determined in the manner and with respect to the property described for school districts in section 475.53, subdivision 4, except that no adjustment shall be made for property on which taxes are paid into the state treasury under gross earnings tax laws applicable to common carrier railroads. For purposes of sections 473F.01 to 473F.13, the equalization aid review committee shall annually make determinations and reports with respect to each municipality which are comparable to those it makes for school districts under section 124.212, subdivision 10, in the same manner and at the same times as are prescribed by the subdivision. The (AUDITOR OF EACH COUNTY AND THE) commissioner of revenue shall annually determine (AND CERTIFY TO THE COMMISSIONER OF FINANCE), for each municipality, information comparable to that required (OF EACH OF THEM) by section 475.53, subdivision 4, for school districts, as soon as practicable after it becomes available. The commissioner of (FINANCE) *revenue* shall then compute the market value of property within each municipality.

Sec. 4. Minnesota Statutes 1974, Section 473F.06, is amended to read:

473F.06 [INCREASE IN ASSESSED VALUATION.] On or before (NOVEMBER 20) *September 1* of (1972) 1976 and each subsequent year, the auditor of each county in the area shall determine the amount, if any, by which the assessed valuation determined in (THAT) *the preceding year pursuant to section 473F.05*, of commercial-industrial property subject to taxation within each municipality in his county exceeds the assessed valuation in 1971 of commercial-industrial property subject to taxation within that municipality. If a municipality is located in two

or more counties within the area, the auditors of those counties shall certify the data required by sections 473F.04 and 473F.05 to the county auditor who is responsible under other provisions of law for allocating the levies of that municipality between or among the affected counties. That county auditor shall determine the amount of the net excess, if any, for the municipality under this section, and certify that amount under section 473F.07. Notwithstanding any other provision of sections 473F.01 to 473F.13 to the contrary, in the case of a municipality which is designated on July 24, 1971, as a redevelopment area pursuant to Section 401(a) (4) of the Public Works and Economic Development Act of 1965, P.L. 89-136, the increase in its assessed valuation of commercial-industrial property for purposes of this section shall be determined in each year subsequent to the termination of such designation by using as a base the assessed valuation of commercial-industrial property in that municipality in the year following that in which such designation is terminated, rather than the assessed valuation of such property in 1971. *The increase in assessed valuation determined by this section shall be reduced by the amount of any decreases in the assessed valuation of commercial-industrial property resulting from any court decisions, court related stipulation agreements, or abatements for a prior year, and only in the amount of such decreases made during the twelve month period ending on June 30 of the current assessment year, where such decreases, if originally reflected in the determination of a prior year's valuation under section 473F.05, would have resulted in a smaller contribution from the municipality in that year. An adjustment for such decreases shall be made only if the municipality made a contribution in a prior year based on the higher valuation of the commercial-industrial property.*

Sec. 5. Minnesota Statutes 1974, Section 473F.08, Subdivision 2, is amended to read:

Subd. 2. The taxable value of a governmental unit is its assessed valuation, as determined in accordance with other provisions of law, subject to the following adjustments:

(a) There shall be subtracted from its assessed valuation, in each municipality in which the governmental unit exercises ad valorem taxing jurisdiction, an amount which bears the same proportion to 40 percent of the amount certified in that year pursuant to section 473F.06 in respect to that municipality as the total *preceding year's* assessed valuation of commercial-industrial property which is subject to the taxing jurisdiction of the governmental unit within the municipality bears to the total *preceding year's* assessed valuation of commercial-industrial property within the municipality;

(b) There shall be added to its assessed valuation, in each municipality in which the governmental unit exercises ad valorem taxing jurisdiction, an amount which bears the same proportion to the area-wide base for the year attributable to that

municipality as the total *preceding year's* assessed valuation of residential property which is subject to the taxing jurisdiction of the governmental unit within the municipality bears to the total *preceding year's* assessed valuation of residential property of the municipality.

Sec. 6. Minnesota Statutes 1974, Section 473F.08, Subdivision 3, is amended to read:

Subd. 3. On or before (NOVEMBER 30) *October 15* of (1972) 1976 and each subsequent year, the county auditor shall apportion the levy of each governmental unit in his county in the manner prescribed by this subdivision. He shall: (a) Determine (THAT PORTION OF THE LEVY WHICH BEARS THE SAME PROPORTION TO THE TOTAL LEVY AS THE AMOUNT SET FORTH IN SUBDIVISION 2, CLAUSE (B), BEARS TO THE TAXABLE VALUE OF THE GOVERNMENTAL UNIT) *the area-wide portion of the levy for each governmental unit by multiplying the nonagricultural mill rate of the governmental unit for the preceding levy year times the distribution value set forth in section 473F.08, subdivision 2, clause (b); and*

(b) Determine (THE EXCESS OF THE LEVY OVER THAT PORTION OF THE LEVY DETERMINED PURSUANT TO CLAUSE (A)) *the local portion of the current year's levy by subtracting the resulting amount from clause (a) from the governmental unit's current year's total levy.*

Sec. 7. Minnesota Statutes 1974, Section 473F.08, Subdivision 7, is amended to read:

Subd. 7. On or before January 1 of (1973 AND) each (SUBSEQUENT) year, the (ADMINISTRATIVE AUDITOR) *commissioner of revenue* shall certify to the state treasurer the amount of that portion of the levy made by each governmental unit set forth in subdivision 3, clause (a). Each county treasurer shall remit (ALL) *50 percent of the total real and personal property tax (PAYMENTS) levies* computed pursuant to subdivision 5 to the state treasurer not later than 20 days before the times prescribed by chapter 276, for the apportionment and distribution of tax revenues by county treasurers *of the May settlement and the remaining one half shall be remitted on or before December 31.* The state treasurer shall deposit (SUCH) *these* payments to the credit of the area-wide tax account, which is hereby created. Marginal expenses incurred by the state treasurer under this section, and all refunds of tax receipts paid into the account, shall be paid from the account, and all interest earned on moneys in the account shall be credited to the account, and the distributions under subdivision 8 shall be adjusted proportionately to reflect expense payments and interest income and reduced to reflect the payment of each refund in amounts

proportionate to the distributions received in the year the tax was paid.

Sec. 8. Minnesota Statutes 1974, Section 473F.08, Subdivision 8, is amended to read:

Subd. 8. The state treasurer shall apportion and distribute amounts received by him pursuant to subdivision 7 to the county treasurer having jurisdiction of each governmental unit entitled thereto as shown by the certification to him in accordance with subdivision 7. The apportionment and distribution shall be made in the manner and not later than (TEN) *fifteen* days before the times prescribed by chapter 276, for the apportionment and distribution of tax revenues by county treasurers *after the receipt of the payments from the county treasurers*. Each county treasurer shall include the amounts thus received in his distributions pursuant to chapter 276. Amounts necessary for distributions, refunds and payment of administrative expenses under sections 473F.01 to 473F.13 are hereby appropriated.

Sec. 9. Minnesota Statutes 1974, Section 473F.12, Subdivision 2, is amended to read:

Subd. 2. On September 1 of (1971 AND) each (SUBSEQUENT) year, the commissioner of (FINANCE) *revenue* shall estimate the total amount available for distribution to municipalities from the municipal equity account during the subsequent calendar year. The amount so estimated shall be the sum of the estimated balance in the account on November 15 of the year in which the estimate is made, the estimated deposits to the credit of the account thereafter through November 15 of the subsequent year, and interest earned by the fund over the 12 month period. The amount to be distributed to each qualifying municipality shall be the amount determined in accordance with subdivision 3, except that (a) if the sum of the amounts so determined differs from the total amount estimated to be available for distribution, the amount of the distribution to each municipality shall be adjusted proportionately, and (b) the amount to be distributed to each qualifying municipality, after any adjustment prescribed by clause (a), shall not be less than \$9, or, if the total amount estimated to be available for distribution is less than \$40 millions, that proportion of \$9 which equals the proportion which the total amount estimated to be available for distribution bears to \$40 millions, multiplied by the population of the municipality residing within the area as determined in the year preceding that in which the estimate is made. To the extent that the distributions to any municipality or group of municipalities are adjusted pursuant to clause (b), the distributions to all other municipalities shall be adjusted proportionately in amounts sufficient to make the total of the distributions to all municipalities equal the total amount estimated to be available for distribution. The commissioner of (FINANCE) *revenue* shall notify the governing body of each qualifying municipality of the amount so determined with respect to that municipality before September 20.

Sec. 10. Minnesota Statutes 1974, Section 473F.12, Subdivision 4, is amended to read:

Subd. 4. On or before each of the dates June 15 and November 15 (OF 1972 AND) each (SUBSEQUENT) year, the commissioner of (FINANCE) *revenue* shall issue his warrant in favor of the treasurer of each qualifying municipality in an amount equal to one half the amount determined by the commissioner of (FINANCE) *revenue* to be due the municipality in that year under the terms of subdivision 2. There is hereby appropriated from the municipal equity account, to each municipality entitled to payments authorized by this section, sufficient moneys to make such payments.

Sec. 11. Minnesota Statutes 1974, Section 473F.13, Subdivision 1, is amended to read:

473F.13 [CHANGE IN STATUS OF MUNICIPALITY.]
Subdivision 1. If a qualifying municipality is dissolved, is consolidated with all or part of another municipality, annexes territory, has a portion of its territory detached from it, or if newly incorporated, the secretary of state shall immediately certify that fact to the commissioner of (FINANCE) *revenue*. The secretary of state shall also certify to the commissioner of (FINANCE) *revenue* the current population of the new, enlarged, or successor municipality, if determined by the municipal commission incident to consolidation, annexation, or incorporation proceedings. The population so certified shall govern for purposes of sections 473F.01 to 473F.13 until the metropolitan council files its first population estimate as of a later date with the commissioner of (FINANCE) *revenue*. If an annexation of unincorporated land occurs without proceedings before the municipal commission, the population of the annexing municipality as previously determined shall continue to govern for purposes of sections 473F.01 to 473F.13 until the metropolitan council files its first population estimate as of a later date with the commissioner of (FINANCE) *revenue*.

Sec. 12. Minnesota Statutes 1974, Section 473F.13, Subdivision 2, is amended to read:

Subd. 2. The amount of each distribution from the municipal equity account shall reflect the status of municipalities as certified to the commissioner of (FINANCE) *revenue* on September 1 of the year preceding that in which the distribution is made. If the status of a municipality thereafter changes before the distribution is made, the distribution shall be made to the successor municipality or municipalities. If there are two or more successors, the distribution shall be apportioned among them in accordance with section 414.067.

Sec. 13. *In the next edition of Minnesota Statutes, the revisor of statutes shall substitute the words "commissioner of*

revenue" for the words "administrative auditor" wherever they appear in chapter 473F.

Sec. 14. *Minnesota Statutes 1974, Sections 473F.02, Subdivision 6; 473F.03; 473F.07, Subdivision 2; and 473F.08, Subdivision 9, are repealed.*

Sec. 15. *This act is effective for taxes levied in 1976 and payable in 1977 and all subsequent years."*

Further delete the title in its entirety and insert:

"A bill for an act relating to metropolitan revenue distribution; providing that the commissioner of revenue shall perform administrative functions; changing settlement dates and the method of computing the taxable valuation of governmental units; amending Minnesota Statutes 1974, Sections 473F.02, Subdivisions 7, 11 and 12; 473F.06; 473F.08, Subdivisions 2, 3, 7 and 8; 473F.12, Subdivisions 2 and 4; 473F.13, Subdivisions 1 and 2; repealing Minnesota Statutes 1974, Sections 473F.02, Subdivision 6; 473F.03; 473F.07, Subdivision 2; and 473F.08, Subdivision 9."

With the recommendation that when so amended the bill do pass and be re-referred to the Committee on Taxes.

The report was adopted.

Kelly, W., from the Committee on Taxes to which was referred:

H. F. No. 2122, A bill for an act relating to taxation; imposing a use tax on certain vehicles owned by foreign business and providing transportation services in the state; amending Minnesota Statutes 1974, Chapter 297A, by adding a section.

Reported the same back with the following amendments:

Page 2, delete lines 2 and 3.

With the recommendation that when so amended the bill do pass.

The report was adopted.

Kelly, W., from the Committee on Taxes to which was referred:

S. F. No. 1997, A bill for an act relating to taxation; credits on tax on fermented malt beverages; amending Minnesota Statutes 1974; Section 340.47, Subdivisions 2 and 2a.

Reported the same back with the recommendation that the bill do pass.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 1876, 1901, 1984, 1985, 2215, 2364, 2467 and 2122 were read for the second time.

SECOND READING OF SENATE BILLS

S. F. Nos. 1097 and 1997 were read for the second time.

REPORT FROM THE COMMITTEE ON RULES AND
LEGISLATIVE ADMINISTRATION

Pursuant to Rule 1.9, Anderson, I., for the Committee on Rules and Legislative Administration, designated the following bills as a Special Order to be acted upon immediately following H. F. No. 2269 on the Special Order for March 18, 1976.

H. F. No. 2203; S. F. Nos. 1273, 2033, 1920, 357, 1874, 2318, 1296, 1792, 1740, 454, 1976, 1051, 1973 and 1039.

SPECIAL ORDERS, Continued

H. F. No. 2269 was reported to the House.

There being no objection, H. F. No. 2269 was continued on Special Orders for one day.

H. F. No. 2203 was reported to the House.

Petrafeso moved to amend H. F. No. 2203, as follows:

Page 4, line 1, after "average" insert "daily".

The motion prevailed and the amendment was adopted.

Sieloff moved to amend H. F. No. 2203, as follows:

Page 4, line 2, after "rates" insert "for similar care".

The motion prevailed and the amendment was adopted.

Vanasek moved to amend H. F. No. 2203, as follows:

Page 5, line 12, strike "January" and insert "July".

Page 5, line 13, strike "1977" and insert "1976".

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

H. F. No. 2203, A bill for an act relating to medical assistance for the needy; establishing guidelines for reimbursement of medical services furnished by nursing homes; prescribing certain responsibilities for the department of public welfare.

The bill was read for the third time, as amended, and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 104, and nays 15, as follows:

Those who voted in the affirmative were:

Abeln	Dahl	Kempe, A.	Nelson	Sieben, H.
Adams, L.	Dean	Kempe, R.	Norton	Sieben, M.
Adams, S.	Dieterich	Ketola	Novak	Sieloff
Anderson, G.	Doty	Knickerbocker	Osthoff	Simoneau
Anderson, I.	Eckstein	Knoll	Parish	Skoglund
Arlandson	Enebo	Kostohryz	Patton	Smith
Beauchamp	Evans	Kroening	Pehler	Smogard
Begich	Faricy	Laidig	Petrafaso	Swanson
Berg	Fjoslien	Langseth	Philbrook	Tomlinson
Berglin	Fugina	Lemke	Prahl	Ulland
Biersdorf	Hanson	Lindstrom	Reding	Vanasek
Birnstihl	Haugerud	Luther	Rice	Vento
Braun	Hokanson	Mangan	St. Onge	Volk
Byrne	Jacobs	McCarron	Samuelson	Voss
Carlson, A.	Jaros	McCollar	Sarna	Wenstrom
Carlson, L.	Johnson, C.	McEachern	Savelkoul	Wenzel
Carlson, R.	Johnson, D.	Metzen	Schreiber	White
Casserly	Jude	Moe	Schulz	Wieser
Clark	Kahn	Munger	Schumacher	Williamson
Clawson	Kelly, R.	Neisen	Setzepfandt	Speaker Sabo
Corbid	Kelly, W.	Nelsen	Sherwood	

Those who voted in the negative were:

Albrecht	Esau	Jopp	Mann	Pleasant
DeGroat	Friedrich	Kaley	Niehaus	Searle
Erickson	Heinitz	Kvam	Peterson	Zubay

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

S. F. No. 1273, A bill for an act relating to fair campaign practices; permitting corporations to conduct non-partisan voter registration campaigns and provide meeting facilities to political parties and candidates; authorizing the state ethics commission to issue and publish certain advisory opinions; amending Minnesota Statutes 1974, Section 10A.02, Subdivision 12; and Minnesota Statutes, 1975 Supplement, Section 210A.34, by adding a subdivision.

The bill was read for the third time and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 119, and nays 0, as follows:

Those who voted in the affirmative were:

Abeln	DeGroat	Kaley	Nelson	Sieben, H.
Adams, L.	Dieterich	Kelly, R.	Nelson	Sieben, M.
Adams, S.	Doty	Kelly, W.	Niehaus	Sieloff
Albrecht	Eckstein	Kempe, A.	Novak	Simoneau
Anderson, G.	Enebo	Kempe, R.	Parish	Skoglund
Anderson, I.	Erickson	Ketola	Patton	Smith
Arlandson	Esau	Knickerbocker	Pehler	Smogard
Beauchamp	Evans	Knoll	Peterson	Spanish
Begich	Ewald	Kostohryz	Petrafaso	Stanton
Berg	Faricy	Kroening	Philbrook	Swanson
Berglin	Fjoslien	Kvam	Pleasant	Tomlinson
Biersdorf	Friedrich	Laidig	Prahl	Ulland
Birnstihl	Fugina	Langseth	Reding	Vanasek
Braun	Hanson	Lemke	Rice	Vento
Byrne	Haugerud	Lindstrom	St. Onge	Volk
Carlson, A.	Heinitz	Luther	Samuelson	Voss
Carlson, L.	Hokanson	Mangan	Sarna	Wenstrom
Carlson, R.	Jacobs	Mann	Savelkoul	Wenzel
Casserly	Jaros	McCollar	Schreiber	White
Clark	Johnson, C.	McEachern	Schulz	Wieser
Clawson	Johnson, D.	Metzen	Schumacher	Williamson
Corbid	Jopp	Moe	Searle	Zubay
Dahl	Jude	Munger	Setzepfandt	Speaker Sabo
Dean	Kahn	Neisen	Sherwood	

The bill was passed and its title agreed to.

Anderson, I., moved that the remaining bills on Special Orders for today be continued on Special Orders for Friday, March 19, 1976, immediately following the Consent Calendar. The motion prevailed.

There being no objection the order of business reverted to Reports of Standing Committees.

REPORTS OF STANDING COMMITTEES

Norton from the Committee on Appropriations to which was referred:

H. F. No. 2169, A bill for an act relating to torts; defining the state's liability for torts.

Reported the same back with the following amendments:

Page 1, line 6, after "provided" insert "by law".

Page 1, line 6, after "state" delete "is" and insert ", its agents, and employees are".

Page 1, line 21, delete "malfeasance".

Page 1, line 22, delete "in office or".

Page 2, line 10, after "state" insert "and its employees acting within the scope of their employment".

Page 3, after line 8, insert the following:

“(h) Any claim for benefits or compensation provided under a program of public assistance or public welfare, except where expressly required by federal laws in order for the state to receive federal grants-in-aid.

(i) Any claim based on the failure of any person to meet the standards needed for a license, permit, or other authorization issued by the state or its agents.

(j) Any claim based on the loss, damage, or destruction of property of a patient or inmate of a state institution.”.

Page 4, line 2, after “of the state” insert:

“or, in the case of a claim against the university of Minnesota, to the person designated by the regents of the university as the university attorney,”.

Page 5, line 14, delete “The procurement of such insurance constitutes a”.

Page 5, delete lines 15 to 18.

Page 5, after line 31, add a new section 7 as follows:

“Sec. 7. [JUDGMENT AS BAR.] The judgment in an action under this act shall constitute a complete bar to any action by the claimant, by reason of the same subject matter, against the employee of the government whose act or omission gave rise to the claim.”.

Page 6, line 13, after “general” insert “or the person designated as the university attorney, as the case may be”.

Page 6, after line 13, add a new section as follows:

“Sec. 10. [FUNDING.] Subdivision 1. [REQUEST FOR FUNDS.] Any state department or agency or the university of Minnesota, state universities, or community college incurring a tort claim judgment or settlement obligation or whose employees acting within the scope of their employment incur such obligation may seek payment of same through funds in the general contingent account by submitting a written request to the commissioner of finance. The request shall contain a description of the tort claim precipitating the request, specify the amount of the obligation and be accompanied by copies of judgments, settlement agreements or other documentation relevant to the obligation for which the department, agency, university or college is seeking payment.

Subd. 2. [TRANSFER OF FUNDS.] Upon receipt and review of a request as provided in subdivision 1 the commissioner of finance shall transfer the fund necessary to pay the department, agency, university or college. The transfer shall be in accord with the provisions of Minnesota Statutes, Section 3.30, and such transfer may be made to any entity entitled under this act to the payment of tort claim judgments or settlement obligations.

Subd. 3. [REPORT TO LEGISLATURE.] On January 1 and July 1 of each year, the commissioner of finance shall transmit to the legislature and the chairmen of the house appropriations and senate finance committees thereof copies of all requests in the preceding six months together with a report on the transfers made with respect to each request.”.

Page 6, after line 24, insert the following:

“Sec. 13. [STATE’S DUTY; WARNINGS.] Except as specifically recognized by or provided in section 15, the state owes no duty of care to render or maintain units of the outdoor recreation system safe for entry or use by others. For the purposes of sections 13 through 16 the term “outdoor recreation system” shall have the meaning given it in section 86A.04.

Sec. 14. [STATE’S LIABILITY.] Except as specifically recognized by or provided in section 15, the state by establishing, constructing, operating and maintaining the outdoor recreation system or by allowing any person to use the same does not thereby:

(a) Extend any assurance that the premises are safe for any purpose;

(b) Confer upon such person the legal status of an invitee or licensee to whom a duty of care is owed; or

(c) Assume responsibility or incur liability for any injury to person or property caused by an act or omission of such persons.

Sec. 15. [STATE’S LIABILITY; NOT LIMITED.] Nothing in sections 13 through 16 limits in any way any liability which otherwise exists for conduct which, at law, entitles a trespasser to maintain an action and obtain relief for the conduct complained of.

Sec. 16. [LAND USER’S LIABILITY.] Nothing in sections 13 through 16 shall be construed to relieve any person using any unit of the outdoor recreation system from any obligation which he may have in the absence of sections 13 through 16 to exercise care in his use of said system and in his activities there-

in, or from the legal consequences of the failure to employ such care.

Sec. 17. [APPROPRIATION.] There is appropriated to the attorney general from the general fund the sum of \$200,000 for the fiscal year ending June 30, 1977. The personnel complement for the attorney general's office shall be increased by seven."

Renumber the sections accordingly.

Further amend the title as follows:

Line 3, after "torts" insert "; appropriating money".

With the recommendation that when so amended the bill do pass.

The report was adopted.

Norton from the Committee on Appropriations to which was referred:

H. F. No. 2218, A bill for an act relating to the department of public welfare; providing for funding for detoxification programs; amending Minnesota Statutes 1974, Section 254A.08, Subdivision 3.

Reported the same back with the following amendments:

Page 1, line 20, after "(WELFARE)" insert "*Notwithstanding any other provision of law, funding up to 85 percent provided by the state shall be effective through December 31, 1976. Effective January 1, 1977*".

Page 1, line 20, after "percent" insert "*shall be*".

With the recommendation that when so amended the bill do pass.

The report was adopted.

Norton from the Committee on Appropriations to which was referred:

S. F. No. 1530, A bill for an act relating to wild animals; establishing the expiration date of all game and fish licenses as the last day of February; authorizing the commissioner of natural resources to provide for the issuance of more than one game or fish license to a person during any licensing year; providing for distribution of game and fish licenses on consignment; estab-

lishing an issuing fee for such licenses; requiring sub-agents to be bonded; authorizing county auditors to retain a four percent commission on all license fees including surcharges; authorizing the commissioner of natural resources to issue regulations regulating to sub-agencies; amending Minnesota Statutes 1974, Sections 98.45, Subdivision 1; and 98.50, Subdivisions 1, 2, 3 and 5.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1974, Section 98.45, Subdivision 1, is amended to read:

98.45 [REQUIREMENT.] Subdivision 1. Except as specifically permitted in chapters 97 to 102, no person may take, buy, sell, transport, or possess any protected wild animals of this state or any aquatic plants without first procuring a license therefor as provided in section 98.46 or in section 98.48. Every license is issued for (THE CALENDAR) *a year beginning on the first day of March* and is void after the last day of the open season or the lawful time within that year during which the acts authorized may be performed. No license to take beaver or otter may be issued to any person after the third day of the open season provided therefor for that year. Except as provided in this section, no license to take deer with firearm may be issued after the first day of the regular rifle season, and all license agents shall return all stubs and unsold license blanks to the county auditor on the (SECOND) *first business day following the first day of such season*. A resident who is discharged from the military or naval forces of the United States, or any active reserve or component thereof, during the regular season for taking deer by firearm or within ten days before its commencement, may be issued, at any time during the firearm deer season and upon a showing of his official discharge paper, a license to take deer with firearm. Only one license of each kind, except *as authorized by order of the commissioner adopted pursuant to section 97.53 and except* the non-resident short term angling license, may be issued to a person in any (CALENDAR) *licensing year*. No license may be transferred except as expressly authorized.

Sec. 2. Minnesota Statutes 1974, Section 98.50, Subdivision 1, is amended to read:

98.50 [ISSUANCE.] Subdivision 1. County auditors are hereby appointed agents of the commissioner for the sale of licenses to take big and small game and fish, and to trap fur-bearing animals, and to harvest wild rice, to residents of the state, and to take big and small game and fish, to nonresidents of the state. Each county auditor may appoint sub-agents within his county or within adjacent counties to sell such licenses, and upon such appointment the auditor shall notify the commissioner

forthwith of the name and address of the sub-agent. Such appointments may be revoked by the auditor at any time (AND HE MAY REQUIRE SUCH SECURITY OF THE AGENT AS HE DEEMS ADVISABLE), and he shall revoke any agency upon demand of the commissioner. *The auditor shall require each sub-agent to furnish a surety bond in favor of the county in an amount at least equal to the value of all license blanks consigned to that sub-agent. Such bond is to be acquired in accordance with section 6 hereof.* The county auditor shall be responsible for all license blanks issued to, and license fees received by, his agents, except in a county to which Laws 1951, Chapter 381, applies, or in a county wherein the county auditor does not retain fees paid for such license purposes. In such county the responsibility imposed above upon the county auditor is imposed upon the county.

Sec. 3. Minnesota Statutes 1974, Section 98.50, Subdivision 2, is amended to read:

Subd. 2. The commissioner may require county auditors to furnish such additional corporate surety bonds as in his opinion may be required to secure the state, in addition to the auditor's official bond. The commissioner shall prescribe rules and regulations setting up such accounting and procedural requirements as he may deem necessary to assure the efficient handling of licenses and license fees, and all county auditors and other agents shall strictly comply therewith. *The commissioner may by order adopted pursuant to section 97.53 establish such standards and other requirements for the establishment and revocation of sub-agencies as he may deem necessary to assure the efficient distribution of licenses throughout the state, and all county auditors shall strictly comply therewith.*

Sec. 4. Minnesota Statutes 1974, Section 98.50, Subdivision 5, is amended to read:

Subd. 5. Any resident desiring to sell the licenses referred to in subdivision 1 may either purchase for cash or obtain on consignment *license* blanks from a county auditor (AT THE AUDITOR'S OPTION DESCRIBED IN SUBDIVISION 1) in groups of not less than five non-resident, and ten resident license blanks. *In addition to the basic license fee, he shall (BE ENTITLED TO A DISCOUNT OF SEVEN PERCENT FROM THE PRICE ESTABLISHED BY LAW ON CASH PURCHASES AND SIX PERCENT ON CONSIGNMENTS) collect a fee for issuing each license in the amount of \$.75 for the license to take deer and \$.50 for all other licenses.* In selling such licenses, he shall be deemed an agent of the county auditor and the commissioner, and he shall observe all rules and regulations promulgated by the commissioner for the accounting for and handling of such licenses.

The county auditor shall promptly deposit all moneys received from the sale of licenses with the county treasurer, and shall

promptly transmit such reports as may be required by the commissioner, together with his warrant on the county treasurer for (90) 100 percent of the surcharge imposed by section 97.482 plus 96 percent of the price to the licensee, exclusive of said surcharge and the issuing fee, for each license sold or consigned by him and subsequently sold to a licensee during the accounting period. The county auditor shall retain as his commission (THREE) four percent of all license fees (FOR LICENSES SOLD FOR CASH AND RESALE, FOUR PERCENT OF ALL LICENSE FEES), excluding issuing fees for licenses consigned to sub-agents (, AND TEN PERCENT OF ALL LICENSE FEES). In addition, for licenses sold for cash directly to the licensee, the auditor shall collect the same issuing fee as a sub-agent. Unsold license blanks in the hands of any agent shall be redeemed by the commissioner if presented for redemption within the time prescribed by the commissioner therefor. Any license blanks not presented for redemption within the period prescribed shall be conclusively presumed to have been sold, and the agent possessing the same or to whom they are charged shall be accountable therefor. The commissioner shall collect the same issuing fee as a sub-agent for licenses sold directly through a license distribution center operated by the department of natural resources. The issuing fees so collected by the commissioner shall be credited to the game and fish fund.

Sec. 5. *The provisions contained in section 4 of this act apply to licenses issued for licensing years beginning on March 1, 1977, and thereafter. All licenses issued for the calendar year 1976 shall be deemed to have been issued for a period ending on the last day of February, 1977.*

Sec. 6. Minnesota Statutes 1974, Section 98.50, is amended by adding a subdivision to read:

Subd. 10. (a) *A written application shall be made by each sub-agent to the appropriate county auditor in a manner approved by the commissioner, who shall require the applicant to deposit with the state treasurer, securities of the United States government or the state of Minnesota or to execute and file a bond, with a corporate surety approved by the commissioner, to the appropriate county auditor and to the state of Minnesota in an amount to be fixed by the commissioner and approved by the attorney general and which shall be conditioned for the payment when due of all license fees, penalties and accrued interest arising by reason of any delinquent money which may be due to the appropriate county auditor and the state of Minnesota for said fees. The bond shall cover all places of business within the state where license fees are received by the sub-agent.*

(b) *When the surety upon any bond issued pursuant to the provisions of this chapter shall have fulfilled the conditions of such bond and compensated the state for any loss occasioned by*

any act or omission of any sub-agent under this chapter, such surety shall be subrogated to all the rights of the state in connection with the transaction wherein such loss occurred.

(c) If a sub-agent cannot or does not choose to acquire a bond of the type required then the county auditor shall demand prepayment for such licenses prior to delivery of them to the sub-agent. Such license may be returned by the sub-agent to the auditor for a refund within time limits established by the commissioner.

Sec. 7. [REPEALER.] *Minnesota Statutes 1974, Section 98.50, Subdivision 3, is repealed.*"

Further, amend the title by striking it in its entirety and insert:

"A bill for an act relating to game and fish; establishing the expiration date of all game and fish licenses as the last day of February; authorizing the commissioner of natural resources to provide for the issuance of more than one game or fish license to a person during any licensing year; providing for distribution of game and fish licenses on consignment; establishing an issuing fee for such licenses; requiring sub-agents to be bonded; authorizing county auditors to retain a four percent commission on license fees; authorizing the commissioner of natural resources to issue regulations relating to sub-agencies; amending Minnesota Statutes 1974, Sections 98.45, Subdivision 1; and 98.50, Subdivisions 1, 2 and 5, and by adding a subdivision; repealing Minnesota Statutes 1974, Section 98.50, Subdivision 3."

With the recommendation that when so amended the bill do pass.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 2169 and 2218 were read for the second time.

SECOND READING OF SENATE BILLS

S. F. No. 1530 was read for the second time.

MOTIONS AND RESOLUTIONS

Swanson moved that the names of Sabo and Rice be added as authors on H. F. No. 1910. The motion prevailed.

Prahl moved that H. F. No. 1814, now on General Orders, be returned to the Committee on Environment and Natural Resources. The motion prevailed.

Faricy moved that H. F. No. 1989, now on General Orders, be re-referred to the Committee on Commerce and Economic Development. The motion prevailed.

Pehler moved that H. F. No. 468, now on General Orders, be returned to its author. The motion prevailed.

Anderson, I., moved that the following bills be unofficially engrossed and printed for the House to include committee amendments:

S. F. Nos. 360, 551, 819, 1753, 1764, 1780, 1097 and 1530.

The motion prevailed.

ADJOURNMENT

Anderson, I., moved that when the House adjourns today it adjourn until 11:00 a.m. Friday, March 19, 1976. The motion prevailed.

Anderson, I., moved that the House adjourn. The motion prevailed and the Speaker declared the House adjourned until 11:00 a.m., Friday, March 19, 1976.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

STATE OF MINNESOTA

SIXTY-NINTH SESSION - 1976

NINETY-FOURTH DAY

SAINT PAUL, MINNESOTA, FRIDAY, MARCH 19, 1976

The House convened at 11:00 a.m. and was called to order by the Speaker.

Prayer was offered by the Chaplain.

The roll was called and the following members were present:

Abeln	Doty	Kahn	Munger	Sieben, H.
Adams, L.	Eckstein	Kaley	Neisen	Sieben, M.
Adams, S.	Eken	Kalis	Nelsen	Sieloff
Albrecht	Enebo	Kelly, R.	Nelson	Simoneau
Anderson, G.	Erickson	Kelly, W.	Niehaus	Skoglund
Anderson, I.	Esau	Kempe, A.	Norton	Smith
Arlandson	Evans	Kempe, R.	Novak	Smogard
Beauchamp	Ewald	Ketola	Osthoff	Spanish
Begich	Faricy	Knickerbocker	Parish	Stanton
Berg	Fjoslien	Knoll	Patton	Suss
Berglin	Forsythe	Kostohryz	Pehler	Swanson
Biersdorf	Friedrich	Kroening	Peterson	Tomlinson
Birnstihl	Fudro	Kvam	Philbrook	Ulland
Braun	Fugina	Laidig	Pleasant	Vanasek
Brinkman	George	Langseth	Prahl	Vento
Byrne	Graba	Lemke	Reding	Volk
Carlson, A.	Hanson	Lindstrom	Rice	Voss
Carlson, L.	Haugerud	Luther	St. Onge	Wenstrom
Carlson, R.	Heinitz	Mangan	Samuelson	Wenzel
Casserly	Hokanson	Mann	Sarna	White
Clark	Jacobs	McCarron	Savelkoul	Wieser
Clawson	Jaros	McCauley	Schreiber	Wigley
Corbid	Jensen	McCollar	Schulz	Zubay
Dahl	Johnson, C.	McEachern	Schumacher	Speaker Sabo
Dean	Johnson, D.	Menning	Searle	
DeGroat	Jopp	Metzen	Setzepfandt	
Dieterich	Jude	Moe	Sherwood	

A quorum was present.

Petrafeso was excused.

The Chief Clerk proceeded to read the Journal of the preceding day. On the motion of Erickson the further reading was dispensed with and the Journal was approved as corrected.

REPORTS OF CHIEF CLERK

Pursuant to Rules of the House, printed copies of H. F. Nos. 2072, 2676, 2677, 2678, 2186, 2339, 2154, 2215, 1985, 1901, 2122, 2169, 1876, 1984, 2218, 2364, 2467, 1735 and 2203 and S. F. Nos. 1619, 1675, 1935, 2210 and 2226 have been placed in the members' files.

S. F. No. 2210 and H. F. No. 2356, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Kelly, W. moved that S. F. No. 2210 be substituted for H. F. No. 2356 and that the House File be indefinitely postponed. The motion prevailed.

REPORTS OF STANDING COMMITTEES

Johnson, D., from the Committee on Commerce and Economic Development to which was referred:

H. F. No. 1482, A bill for an act relating to commerce; collection agencies; regulation and licensure of collection agencies; providing civil remedies under certain circumstances; prescribing penalties; amending Minnesota Statutes 1974, Sections 332.31, Subdivisions 3 and 4, and by adding subdivisions; 332.33; 332.37; 332.42; 332.43, Subdivision 1; 332.44; Chapter 332, by adding sections; repealing Minnesota Statutes 1974, Sections 332.31, Subdivision 5; 332.34; 332.35; 332.36; 332.40; 332.43, Subdivisions 2 and 3.

Reported the same back with the following amendments:

Page 1, line 17, after "person" insert "*directly or indirectly*".

Page 1, line 17, delete "*directly or indirectly*".

Page 1, line 18, after "*soliciting*" insert "*for collection or*".

Page 1, line 19, delete "*repossessing*" and insert "*attempting to collect*".

Page 1, line 21, after "who" insert "*directly or indirectly furnish or attempt to*".

Page 1, line 21, after "furnish" insert "*, sell or offer to sell forms represented to be a*".

Page 1, line 21, strike "carrying a name which".

Page 1, strike line 22.

Page 1, line 23, strike "forms or form letters to be used by the creditor" and insert "*or schemes intended or calculated to be used to collect debts*".

Page 1, line 25, strike "fictitious".

Page 1, line 26, strike "agency" and insert "*other person whose name appears on the form*".

Page 2, delete lines 1 to 5.

Renumber the remaining sections.

Page 2, line 11, after "CONDUCT" insert "BUSINESS".

Page 2, line 11, after "STATE" insert "AS".

Page 2, line 12, after "*Conduct*" insert "*business*".

Page 2, line 12, after "*state*" insert "*as*".

Page 2, line 20, delete "SOLICITOR".

Page 2, line 20, delete "*solicitor*".

Page 2, line 25, after "*which*" insert "*the*".

Page 2, line 27, delete "*collector solicitors or repossessors*" and insert "*collectors*".

Page 2, delete lines 28 to 32.

Page 3, delete line 1.

Page 3, line 6, after "conduct" insert "*business*".

Page 3, line 6, after "state" insert "*as*".

Page 3, line 10, strike "shall carry" and insert "*carries*".

Page 3, line 13, strike "shall carry" and insert "*carries*".

Page 3, line 16, delete "FORM" and insert "APPLICATION".

Page 4, line 15, delete "*and place of*".

Page 4, line 16, delete "*business, including each branch office*" and insert "*at which he conducts business as a collection agency*".

Page 4, line 18, delete "*place of business*" and insert "*location*".

Page 4, line 20, before "*name*" delete "*other*".

Page 4, line 20, before "*place*" delete "*other*".

Page 4, line 21, after "*business*" insert "*other*".

Page 4, line 21, after the period, insert "*The license shall remain in full force and effect until June 30 following or until it is surrendered by the licensee or revoked or suspended by the director.*".

Page 5, line 8, delete "*making such*".

Page 5, line 12, after "*the*" insert "*consumer services*".

Page 5, line 19, delete "*more than*".

Page 5, line 19, after "*months*" insert "*or more*".

Page 5, line 20, delete "*such*" and insert "*the*".

Page 5, line 30, after "*director*" insert "*and return of the license for a change of location endorsement*".

Page 5, line 31, delete "*shall be*" and insert "*is*".

Page 5, line 31, after "*the*" insert "*prior written*".

Page 5, line 32, delete "*and the license shall be limited*".

Page 6, line 1, delete "*solely to the business of collection agency*" and after the period, insert "*The licensee shall promptly notify the director of any change in the management or ownership which was described in the license application. Each new sole proprietor, partner or member of an association, or officer, director or stockholder holding 25 percent or more of the outstanding stock, shall be required to submit such information, evidence, statements, or documents that the director may require.*".

Page 6, line 19, delete "*such*" and insert "*of the*".

Page 6, line 19, after "*persons,*" insert "*listed in subdivision 8, clause (a),*".

Page 6, line 22, after "*of*" insert "*the applicant or any*".

Page 6, line 22, delete "*person*" and insert "*persons*".

Page 6, line 25, delete "*such*" and insert "*the*".

Page 6, line 25, after "*persons*" insert "*listed in subdivision 8, clause (a),*".

Page 6, line 26, delete "*ten*" and insert "*five*".

Page 6, line 26, delete "*had a record of having*".

Page 6, line 30, delete "*such*" and insert "*the*".

Page 6, line 30, after "*persons*" insert "*listed in subdivision 8, clause (a),*".

Page 6, line 32, delete "*in this or*".

Page 7, line 1, delete "*any other state*" and after the semicolon, insert "*and*".

Page 7, delete lines 2 to 15 and insert "*(e) That the applicant and all of the persons listed in subdivision 8, clause (a), have fully complied with the requirements of sections 332.31 to 332.45 and the rules and regulations issued thereunder.*".

Page 7, line 17, after "*filed*" insert "*and*".

Page 7, line 18, after "*renewal*" insert "*on or before July 1*".

Page 7, line 21, delete "*on or before July 1*".

Page 7, line 27, delete "*payment*" and insert "*payments*".

Page 7, line 28, delete "*the additional sum of*".

Page 8, line 14, after "*director*" insert "*and if the application has not been approved or denied within the 45 days, the license shall promptly be granted*".

Page 8, line 16, delete "*registered*" and insert "*certified*".

Page 8, line 16, after "*mail*" insert "*, return receipt requested,*".

Page 8, line 18, delete "*the director or*".

Page 8, line 19, after "*examiner*" insert "*if*".

Page 8, line 19, delete "*such*".

Page 8, line 19, delete "*is*".

Page 8, line 20, delete "*served*" and insert "*of denial is received, he registers with the director a request for a hearing*".

Page 8, line 27, after "*the*" and before "*section*" insert "*consumer services*".

Page 9, line 3, after "*be*" insert "*separately*".

Page 9, line 16, delete "*or persons*".

Page 9, line 19, delete "*said*" and insert "*the*".

Page 9, line 19, delete "*not commit any fraudulent act and will*".

Page 9, line 23, delete "*or persons*".

Page 9, line 24, after "*person*" delete "*or*".

Page 9, line 25, delete "*persons*".

Page 9, line 25, delete "*said*" and insert "*the*".

Page 9, line 28, delete "*or forwarder*".

Page 9, line 29, delete "*such*" and insert "*the*".

Page 9, line 29, delete "*or*".

Page 9, line 30, delete "*forwarder*".

Page 10, line 2, delete "*or*".

Page 10, line 3, delete "*forwarder*".

Page 10, line 8, delete "*COLLECTOR SOLICITORS,*" and insert "*COLLECTORS*".

Page 10, line 9, delete "*REPOSSESSOR*".

Page 10, line 11, delete "*solicitor, reposessor*".

Page 10, line 12, delete "*1975*" and insert "*1976*".

Page 10, line 15, delete "*collector solicitors,*".

Page 10, line 16, delete "*reposseors*" and insert "*collectors*".

Page 10, line 17, delete "*1975*" and insert "*1976*".

Page 10, line 18, delete "*solicitor, reposessor*".

Page 10, line 20, delete "*solicitor,*".

Page 10, line 21, delete "*reposessor*".

Page 10, line 25, delete "*solicitor,*".

Page 10, line 26, delete "*reposessor*".

Page 11, line 1, after "*find*" insert "*that the applicant for a collector or manager license*".

Page 11, delete lines 2 and 3.

Page 11, line 4, delete "*(1)*" and insert "*(a)*".

Page 11, line 5, delete "*(2)*" and insert "*(b)*".

Page 11, delete lines 10 to 16.

Page 11, line 17, delete "*(3)*" and insert "*(c)*".

Page 11, line 24, after "*filed*" insert "*and*".

Page 11, line 25, after "*renewal*" insert "*on or before October 1*".

Page 11, line 27, delete "*solicitor, reposessor*".

Page 11, line 28, delete "*on or before October*".

Page 11, line 29, delete "*1*".

Page 12, line 4, delete "*An*" and insert "*A mailed*".

Page 12, line 5, delete "*mailed*".

Page 12, line 16, delete "*said*" and insert "*the*".

Page 12, delete lines 19 to 21 and insert "*Subd. 7. [EFFECTIVE DATE.] The requirement of a license for collectors and managers shall be effective October 1, 1976.*".

Page 12, line 22, delete "*solicitor,*".

Page 12, line 23, delete "*reposessor*".

Page 12, line 27, delete "*solicitor, reposessor*".

Page 12, line 29, delete "*cancelled*" and insert "*revoked or suspended by the director*".

Page 12, line 30, delete "*such*" and insert "*the*".

Page 12, line 30, delete "*solicitor, repossessor*".

Page 12, line 31, delete "*such*" and insert "*the*".

Page 13, line 1, delete "*solicitor, repossessor*".

Page 13, line 1, delete "*terminated*" and insert "*terminates*".

Page 13, line 4, after "*writing*" insert "*of the termination and the reasons therefor*".

Page 13, line 5, delete "*a*" and insert "*the*".

Page 13, line 5, delete "*solicitor,*".

Page 13, line 6, delete "*repossessor*".

Page 13, line 9, delete "*along*" and insert "*together*".

Page 13, line 10, delete "*If the application for transfer*".

Page 13, delete lines 11 to 14.

Page 13, line 17, after "*director*" insert "*and if the application has not been approved or denied within the 45 days, the license shall promptly be granted*".

Page 13, line 19, delete "*registered*" and insert "*certified*".

Page 13, line 19, after "*mail*" insert "*, return receipt requested,*".

Page 13, line 21, delete "*the director or*".

Page 13, line 22, after "*examiner*" insert "*if*".

Page 13, line 22, delete "*such*".

Page 13, line 22, after "*notice*" insert "*of denial*".

Page 13, line 23, delete "*served*" and insert "*received the registers with the director a request for a hearing*".

Page 13, line 27, delete "*or*".

Page 13, line 28, delete "*solicitor, reposessor*".

Page 13, line 32, after "lawyer" insert "*for the particular garnishment or suit*".

Page 14, line 5, after "use" and before "or" insert "*, attempt to use*".

Page 14, line 6, delete "*, collect or attempt to collect by*".

Page 14, line 7, delete "*the use of any methods*" and insert "*are*".

Page 14, line 16, after "*which*" insert "*falsely*".

Page 14, line 18, delete "*, when it*".

Page 14, line 19, delete "*is not*".

Page 14, line 31, strike "*or claims*".

Page 14, line 32, strike "*or claims*".

Page 15, line 1, strike the comma and insert "*or*".

Page 15, line 1, strike "*or forwarder*".

Page 15, line 9, strike "*or forwarder*".

Page 15, line 14, delete "*, or employ in any communication, correspondence,*".

Page 15, line 15, delete "*notice, advertisement or circular*" and insert "*or make any representations, including use of*".

Page 15, line 16, after "*'United States,'*" insert "*or*".

Page 15, line 16, delete "*or any*".

Page 15, delete lines 17 to 20.

Page 15, line 21, delete "*government*" and insert "*which might be construed as indicating an official connection with any federal, state, county or municipal law enforcement agency or any other governmental agency, while engaged in debt collection*".

Page 15, line 31, delete "*simulate in any manner a law enforcement officer*".

Page 15, line 32, delete "or" and insert "*make use of any badge or uniform of any law enforcement agency or simulate in any other manner*".

Page 16, line 2, delete "*consumer claim*" and insert "*debt*".

Page 16, line 13, delete "*a person from telling the debtor*" and insert "*communications to the debtor*".

Page 16, line 14, before the semicolon, insert "*or with the debtor's employer where the sole purpose is to locate the debtor*".

Page 16, line 20, before the semicolon, insert "*or misleading*".

Page 16, line 22, delete "*reasonably*".

Page 16, line 23, delete "*fact*" and insert "*the debt is disputed*".

Page 16, line 23, delete "*such*".

Page 16, line 24, delete "*reasonable*" and insert "*the*".

Page 16, line 26, delete "*and if such dispute is reasonable*".

Page 16, line 31, delete "*willfully*".

Page 16, line 32, after "*frequency*" insert "*or at such times or places*".

Page 17, line 1, delete "*willfully*".

Page 17, line 4, delete "*willfully*".

Page 17, line 7, after "*to*" insert "*collect a debt or*".

Page 17, line 7, delete "*consumer*".

Page 17, delete line 8.

Page 17, delete line 9 and insert "*legal right knowing that the debt is not legitimate or*".

Page 17, delete lines 11 to 13.

Page 17, line 14, delete "(22)" and insert "(21)".

Page 17, line 14, after "*orally*" insert "*or in writing*".

Page 17, line 17, delete "(23)" and insert "(22)".

Page 17, line 20, delete "*consumer claim*" and insert "*debt*".

Page 17, line 21, delete "*(24) mail*" and insert "*(23) send*".

Page 17, line 21, delete "*in an envelope*".

Page 17, delete line 22.

Page 17, line 23, delete "*outside of the envelope or postcard calculated*" and insert "*with representations which ordinarily would be seen by any other person and which could reasonably be expected*".

Page 17, line 26, delete "*(25)*" and insert "*(24)*".

Page 17, line 26, delete "*use or distribute*" and insert "*make*".

Page 17, line 27, delete "*collection letter, demand form or other printed*".

Page 17, delete line 28, and insert "*written or oral communication in connection with the collection of an alleged debt;*".

Page 17, delete lines 29 to 32.

Page 18, delete lines 1 and 2 and insert:

"(25) *collect or attempt to collect from the debtor all or any part of the collection agency fee or charge for services rendered, or collect or attempt to collect any interest or other charge, fee, or expense incidental to the principal debt unless such expense is authorized by contract or law; or*

"(26) *communicate with a debtor after having been informed in writing that the debtor is represented by an attorney, unless authorized to do so in writing by the attorney, or unless the attorney fails to respond to a written or oral communication within seven business days after receipt of such written or oral communication.*"

Page 18, line 7, after "*may*" insert "*assert the violation as a defense or counterclaim in a civil action brought to enforce a debt, or may*".

Page 18, line 7, after "*district*" insert "*court, county court, or municipal*".

Page 18, line 12, delete "*attorneys*" and insert "*attorney's*".

Page 18, line 17, after "*suit*" insert "*was*".

Page 18, line 18, delete "*was ill-founded or brought*".

Page 18, line 20, delete "*attorneys*" and insert "*attorney's*".

Page 18, line 23, after "*to the*" insert "*consumer services*".

Page 18, line 25, after "*the*" insert "*consumer services*".

Page 18, line 29, delete "*shall violate*" and insert "*violates*".

Page 20, line 17, delete "*, sections 15.0418 to*".

Page 20, line 18, delete "*15.0426*".

Page 20, line 19, delete "*the director or any person designated by him*" and insert "*a duly appointed hearings examiner*".

Page 20, line 20, after "*of*" delete "*such*" and insert "*the*".

Page 20, line 20, delete "*The director may, in such*".

Page 20, delete lines 21 and 22.

Page 20, line 23, delete "*suspended,*".

Page 20, line 25, delete "*If the license is so suspended,*".

Page 20, delete lines 26 to 29.

Page 20, line 32, delete "*shall find*" and insert "*finds*".

Page 21, line 25, delete "*The*".

Page 21, delete lines 26 to 28 and insert:

"For the purpose of discovering violations of this chapter or securing information lawfully required by him hereunder, the director may, at any time, either personally or by a person or persons duly designated by him, investigate the business and examine the books, accounts, records, and files used therein, of every licensee and of every person who shall be engaged in the business described in sections 332.31 to 332.45, whether the person shall act or claim to act as a principal or agent, or under or without the authority of this chapter. For that purpose the director and his duly designed representative shall have free access to the offices and places of business, books, accounts, papers, records, files, safes, and vaults of all such persons."

Page 22, line 22, delete "*such*" and insert "*the*".

Page 22, line 24, after "*in*" delete "*such*" and insert "*that*".

Page 22, line 26, delete "*such*" and insert "*that*".

Page 22, line 30, strike "shall determine" and insert "*determines*".

Page 22, line 32, strike "or forwarder".

Page 23, line 4, strike "shall determine" and insert "*determines*".

Page 23, line 12, strike "or".

Page 23, line 13, strike "forwarders".

Page 24, line 3, delete "332.36;".

Page 24, line 6, delete "1975" and insert "1976".

Further, amend the title, as follows:

Page 1, line 7, delete "Subdivisions 3 and 4" and insert "Subdivision 3".

Page 1, line 11, delete "332.36;".

With the recommendation that when so amended the bill do pass.

The report was adopted.

Berg from the Committee on Local and Urban Affairs to which was referred:

S. F. No. 1822, A bill for an act relating to governmental operations; creating an interstate commission to develop a plan to merge the port authorities at Duluth, Minnesota, and Superior, Wisconsin; appropriating money.

Reported the same back with the recommendation that the bill do pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Kelly, W., from the Committee on Taxes to which was referred:

H. F. No. 2281, A bill for an act relating to cultural and recreational activities; prescribing powers and duties of the state board of arts; establishing a local arts development program and a program of general operating support for major arts institutions; requiring a certificate of need for construction of certain new

public regional sports and auditorium facilities; creating the metropolitan sports facilities commission and prescribing its powers and duties; authorizing the metropolitan council to issue bonds and levy taxes; 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; appropriating money; amending Minnesota Statutes 1974, Chapters 139 and 473, by adding sections; Minnesota Statutes, 1975 Supplement, Sections 139.08, Subdivision 5; 139.10, Subdivisions 1 and 2 and by adding a subdivision; repealing Minnesota Statutes 1974, Section 340.11, Subdivision 11a.

Reported the same back with the following amendments:

Page 9, after line 12, insert:

"Subd. 6. Neither the board nor any person or body acting on its behalf may select particular artistic products or services for, or otherwise supervise or control the artistic policy of, any recipient. Each type of artistic product or service which may be defined for a class assistance program shall include a substantial selection unless there is a reasonable likelihood that a substantial selection will develop during the course of the program. The board shall explicitly interpret the substantial selection requirement when developing each program, record its findings, and make all necessary rules relating thereto for each program."

Page 11, after line 25, insert:

"Subd. 9. "Debt service fund" means the fund, established pursuant to section 17, subdivision 4, from which are payable the principal and interest on all bonds issued under section 17 or debt obligations assumed by the council under section 13.

Subd. 10. "Deficit" means an amount equal to the difference between the annual debt service, required to pay the principal of and interest on all bonds issued pursuant to section 17 and all obligations assumed by the council pursuant to section 13, when due or called for prior redemption, and net revenues, in any year in which the debt service required is larger than the net revenues.

Subd. 11. "Net revenues" means revenues received from time to time by the commission from the operation of all premises owned, operated, or controlled by the commission and all facilities situated thereon, including revenues from the sources described in section 19, subdivisions 1 and 3, and any additional revenues received by the commission from the sale of land owned by it or from interest on funds held by it, in excess of (a) amounts necessary to pay when due the current, reasonable, and necessary expenditures of the commission for proper administra-

tion, operation, and maintenance of all its property and facilities and the funds and revenues thereof, (b) amounts necessary to pay when due the expenditures required to meet all obligations assumed by the commission and pursuant to sections 13 and 14, and (c) amounts necessary to accumulate and maintain reserves authorized by the council for working capital and for major repairs, replacements, and improvements."

Page 12, line 23, delete "while".

Page 12, line 24, delete "serving"; before the period insert "while serving on the commission"; after "Two" insert "of the".

Page 12, line 25, after "reside" insert "anywhere in the state".

Page 12, line 26, after "area" insert "while serving on the commission".

Page 12, line 27, after "[TERM.]" insert "Initial appointments of members shall be made within 30 days following the effective date of this act."

Page 13, line 6, delete "COMPENSATION" and insert "GENERAL PROVISIONS".

Page 14, line 2, after "regular" insert "and temporary".

Page 14, line 27, delete "; FACILITY".

Page 14, line 28, delete "CONSTRUCTION AND OPERATION; EXEMPTION OF PROPERTY".

Page 14, line 30, delete "or".

Page 14, line 31, after "117," insert "or by means of section 13".

Page 14, line 32, after "real" delete "and" and insert a comma; after "personal" insert "and mixed".

Page 15, line 4, delete ", and may" and insert a period.

Page 15, delete line 5.

Page 15, line 6, delete "sports facilities, including existing facilities."

Page 15, line 8, delete the period and insert ", provided that".

Page 15, line 9, delete "may" and insert "shall".

Page 15, delete lines 11 to 21 and insert:

"Subd. 4. [FACILITY OPERATION AND CONSTRUCTION.] The commission may equip, improve, operate, manage, maintain, and control the existing sports facility and indoor public assembly facility, including parking facilities, within the limits of the metropolitan sports area. The commission also may construct, equip, improve, operate, manage, maintain, and control a sports facility within three-quarters of a mile of the intersection of twelfth avenue and second street in the city of Minneapolis."

Renumber the remaining subdivisions.

Page 15, line 25, after "to" insert *"the provisions of section 24 and"*.

Page 16, after line 1, insert:

"Subd. 6. [EMPLOYEES; PROFESSIONAL SERVICES; PEACE AND TRAFFIC OFFICERS.] The commission may employ persons as regular and temporary employees as provided in section 11, and may employ on such terms as it deems advisable persons or firms to perform engineering, legal, or other services of a professional nature necessary for the commission to carry out its functions. The commission also may employ peace officers for any purposes it deems appropriate, and may employ 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."

Subd. 7. [CONTRACTS.] The commission may contract for services, materials, supplies, and equipment necessary to carry out its functions. Such contracts 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 contract with 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. Any such person, firm, or corporation shall certify, before the contracts are finally signed, a total construction price to the commission and shall post a bond in the amount of \$10,000,000 to cover any costs which may be incurred over and above the certified price. 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 prop-

erty of the commission under the provisions of sections 514.01 to 514.16.”.

Page 16, delete lines 2 to 5.

Page 16, delete lines 31 to 32.

Page 17, delete lines 1 to 27.

Renumber the remaining subdivisions.

Page 18, line 9, strike “*On the effective date of this act*” and insert “*On or before June 1, 1976 the commission shall hold its first meeting, and it*”.

Page 18, line 10, strike “*the commission*”.

Page 18, line 11, after “*area*” insert “*on July 1, 1976*”.

Page 18, line 31, after “*agreement*” insert “*among the cities*”.

Page 21, after line 17, insert the following new section:

“Sec. 16. [EXEMPTION OF PROPERTY.] *Any real, personal, or mixed properties acquired, owned, leased, controlled, used, or occupied by the commission for any of the purposes of this act, 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 the improvement.*”.

Renumber the remaining sections.

Page 21, line 28, after “*council*” insert “*, upon the recommendation of the metropolitan sports facilities commission,*”.

Page 22, line 16, delete “*and*” and insert a period.

Page 22, line 16, after “*required*” insert “*except as provided in subdivision 3, clause (c)*”.

Page 23, line 3, delete “*established*”.

Page 23, line 4, delete “*pursuant to subdivision 4*”.

Page 23, line 10, after "satisfied" insert "*and without obtaining the approval of the electors in the metropolitan area. The election on the question shall be held in accordance with the provisions of chapter 475*".

Page 23, line 11, delete "*from time to*".

Page 23, delete lines 12 to 19.

Page 23, line 20, delete "*replacements, or improvements,*" and insert "*, plus any proceeds from a tax imposed pursuant to section 19, subdivision 2,*".

Page 26, line 13, after "facility" insert "*, which agreements shall include binding undertakings by the professional baseball and football organizations and their present or future stockholders prohibiting the use of any league franchises or television, radio, and player contracts which they now or in the future may own, enter into, or otherwise control, whether directly or indirectly, except in connection with football, baseball, or other sports activities at the sports facility herein contemplated*".

Page 26, delete lines 14 to 32.

Page 27, delete lines 1 to 4 and insert:

"(h) *Agreements have been executed by each league on behalf of its owners that the franchises of the professional football and baseball organizations described herein will not in any way be assigned or transferred from use in the facility herein contemplated, or otherwise terminated;*

(i) *Professional sports organizations, which have agreed to use the sports facility, have entered into agreements with the commission which provide the maximum possible guarantees by the organizations for payment of any deficits, including as a minimum but not limited to (1) a provision which requires that, in any year in which the debt service fund at any time is less than \$2,000,000 above the amount required for debt service and operating cost, and in which there is a deficit, the professional sports organizations shall pay together into the debt service fund, in proportion to the annual rentals, fees, and charges to be paid by each for the use of the sports facility, an amount equal to one-half of the deficit, and (2) a provision which requires that, in any year in which a tax is imposed pursuant to section 19, subdivision 2, and in which there is a deficit, and in which the proceeds from the tax and from the payment of the organizations required under subclause (1) of this clause are less than the deficit, the professional sports organizations shall pay together into the debt service fund, in proportion to the annual rentals, fees, and charges to be paid by each for the use of the sports fa-*

cility, in addition to the payment required under subclause (1), an amount equal to the difference between the annual debt service, required to meet the council's obligations under sections 13 and 17, and the sum of net revenue and proceeds from the tax and the payment required under subclause (1).

(j) Professional baseball and football organizations have entered into agreements with the commission to pay, in the event of breach of the agreements with the commission, liquidated damages in the amount of \$5,000,000;".

Reletter the following clauses accordingly.

Page 27, delete lines 30 to 32.

Page 28, delete lines 1 to 7 and insert:

"(o) Net revenues that may reasonably be expected will be sufficient to pay".

Page 28, line 9, after "17," insert "and obligations assumed by the council pursuant to section 13,".

Page 28, after line 14, insert:

"Sec. 19. Minnesota Statutes 1974, Chapter 473, is amended by adding a section to read:

[473.861] [ALTERNATE PROPOSAL.] *If the council determines pursuant to section 18 that any one or more of the conditions listed therein has not or cannot reasonably be met, the council may authorize the commission to develop a proposal for new or renovated sports facilities located at the metropolitan sports area. The proposal shall be submitted to the council and the legislature by April 1, 1977, for review and approval.*"

Renumber the following sections and preliminary coding accordingly.

Page 28, line 18, before "The" insert "Effective January 1, 1977,".

Page 28, line 20, delete "other than the".

Page 28, line 21, delete "commission".

Page 28, line 23, after the period insert "Effective January 1, 1978,".

Page 28, line 25, delete "other".

Page 28, line 26, delete "*than the commission*".

Page 28, line 28, after the period insert "*Beginning January 1, 1977,*".

Page 29, line 18, delete "*under section 17, subdivision 4*".

Page 29, line 19, strike "*The council is authorized to*" and insert "*Beginning in October 1977 and in October of each year thereafter, the council shall examine the financial records of the commission and make an estimate of the net revenue which will be deposited in the debt service fund during the following calendar year. If in any year the council estimates that the net revenue to be deposited in the fund plus reserves will not exceed the amount of revenue required in the fund for that year by at least \$1,000,000 it shall*".

Page 29, line 19, after the comma insert "*effective January 1,*".

Page 29, line 24, after the period insert:

"For purposes of this subdivision, the term "metropolitan area" shall not include that portion of the city of New Prague that is located in Scott county."

Page 29, line 31, delete "*established in section 17,*".

Page 29, line 32, delete "*subdivision 4*".

Page 29, line 32, strike "*only when*" and insert "*as long as*".

Page 30, line 4, after "*17*" insert "*provided that the tax shall be imposed for at least two years*".

Page 30, line 25, delete "*and from such revenues*" and insert "*, and all other revenues of the commission. The commission*".

Page 30, line 26, after "*operation*" insert "*, administration,*".

Page 30, line 27, after "*facilities*" insert "*and the funds and revenues thereof*".

Page 30, line 29, delete "*a reasonable reserve*" and insert "*, as authorized by resolutions of the council, reserves for major repairs, replacements, and improvements and*".

Page 30, line 32, delete the semicolon and insert a period.

Page 31, delete lines 1 to 3.

Page 33, line 5, after "commission" insert "*other than facilities situated in the present metropolitan sports area*".

Page 33, line 12, after "issued" insert "*by the city of Bloomington*".

Page 33, line 13, strike "*on land now known as*" and insert "*situated in*".

Page 33, line 14, strike "*owned by the commission and which is used*".

Page 33, line 15, strike "*primarily for sports and recreational purposes*".

Page 33, line 17, strike "*municipality wherein the licensed premises are located*" and insert "*city of Bloomington*".

Page 33, line 20, delete "*Subdivision 1. The*".

Page 33, line 21, delete "*city of Bloomington may add to*".

Page 33, line 21, after "levy" insert "*limit*".

Page 33, line 21, after "base" insert "*for the city of Bloomington*".

Page 33, line 23, after "275.56," insert "*is increased by*".

Page 33, delete lines 27 to 29.

With the recommendation that when so amended the bill do pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Kelly, W., from the Committee on Taxes to which was referred:

S. F. No. 2078, A bill for an act relating to metropolitan revenue distribution; changing the method of computing the taxable valuation of certain governmental units; amending Minnesota Statutes 1974, Section 473F.08, Subdivision 2.

Reported the same back with the recommendation that the bill do pass.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 2683 and 1482 were read for the second time.

SECOND READING OF SENATE BILLS

S. F. Nos. 2210 and 2078 were read for the second time.

INTRODUCTION AND FIRST READING
OF HOUSE BILLS

The following House Files were introduced:

Norton introduced:

H. F. No. 2684, 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 1974, Sections 16A.125, Subdivision 5; 17A.11; 18.411; 18.67; 21.115; 21.116; 21.55; 29.049, Subdivision 1; 29.22, Subdivision 5; 32.394, Subdivision 9; 32B.12; 34.07; 43.31; 69.031, Subdivision 3; 69.55; 84.153; 84.154, Subdivision 5; 84.155, Subdivision 6; 84.86, Subdivision 1; 84A.03; 84A.22; 84A.32, Subdivision 2; 84A.51, Subdivision 4; 84A.52; 84A.53; 86.42, Subdivision 1; 89.035; 89.036; 89.21; 93.283, Subdivision 7; 93.335, Subdivision 4; 94.48; 97.49, Subdivisions 1, 3, 5 and 7; 116C.69, Subdivision 2; 144.175, Subdivision 4; 160.285, Subdivision 3; 163.051, Subdivisions 2 and 3; 168.54, Subdivision 5; 168A.31, Subdivision 1; 192.68, Subdivision 2; 192A.645; 197.02; 197.03; 197.05; 197.06; 246.41, Subdivision 2; 270.077; 296.421, Subdivision 4; 298.22, Subdivisions 1 and 2; 298.221; 299D.03, Subdivision 5; 299F.21; and 344.03, Subdivision 2; Minnesota Statutes, 1975 Supplement, Sections 31.39; 32A.05, Subdivision 4; 32A.09, Subdivision 6; and 298.244, Subdivision 1; repealing Minnesota Statutes 1974, Sections 16A.125, Subdivision 6; 21.114; 33.10; 33.11; 33.12 to 33.15; 33.171; 84.085; 84A.51, Subdivisions 1, 2 and 3; 84A.54; 84A.55, Subdivision 14; 86.42, Subdivision 2; 94.49; 161.085; 161.231; 162.19; 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; 362.40, Subdivision 13; 424.165; 458.50 to 458.60; and 626.85, Subdivision 2; Minnesota Statutes, 1975 Supplement, Section 241.01, Subdivision 5a; and Laws 1961, Chapter 472, Section 4, as added.

The bill was read for the first time and referred to the Committee on Appropriations.

Sieben, H.; Carlson, A.; Simoneau; Zubay and Patton introduced:

H. F. No. 2685, 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.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Sieben, M., introduced:

H. F. No. 2686, A bill for an act relating to the fire department relief association and firemen's service pensions in the city of St. Paul Park.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Schreiber, Knickerbocker, Sieloff and Pleasant introduced:

H. F. No. 2687, A bill for an act relating to taxation; permitting use of renter credit provision in lieu of income-adjusted homestead credit; increasing amounts given as renter credit; amending Minnesota Statutes 1974, Section 290.983, Subdivision 1, and Minnesota Statutes, 1975 Supplement, Section 290A.21.

The bill was read for the first time and referred to the Committee on Taxes.

HOUSE ADVISORY BILLS

Pursuant to Rule 5.3, the following House Advisory Bills were introduced.

Mann and Munger introduced:

H. A. B. No. 70, Minnesota Shelterbelt Program.

The bill was referred to the Committee on Agriculture.

Wieser introduced:

H. A. B. No. 71, Resources study of the John Doer Memorial Forest.

The bill was referred to the Committee on Environment and Natural Resources.

Sarna, Vento, Osthoff, Biersdorf and Birnstihl introduced:

H. A. B. No. 72, Proposals regarding the operation of the State Fair.

The bill was referred to the Committee on General Legislation and Veterans Affairs.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce the adoption by the Senate of the following House Concurrent Resolution, herewith returned:

House Concurrent Resolution No. 21

A Concurrent Resolution designating September 13 to 19, 1976 as Minnesota Farmfest Week.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 771, A bill for an act relating to the city of Albert Lea; placing the chief of police under the public employees police and fire fund.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Savelkoul moved that the House concur in the Senate amendments to H. F. No. 771 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 771, A bill for an act relating to the cities of Albert Lea and Buhl; placing the chief of police of Albert Lea under the public employees police and fire fund; providing membership of police officers of the city of Buhl in the public employees retirement association police and fire fund.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question being taken on the repassage of the bill and the roll being called, there were yeas 125, and nays 0, as follows:

Those who voted in the affirmative were:

Abeln	Begich	Byrne	Dahl	Enebo
Adams, L.	Berg	Carlson, A.	Dean	Erickson
Albrecht	Berglin	Carlson, R.	DeGroat	Esau
Anderson, G.	Biersdorf	Casserly	Dieterich	Evans
Anderson, I.	Birnstihl	Clark	Doty	Ewald
Arlandson	Braun	Clawson	Eckstein	Faricy
Beauchamp	Brinkman	Corbid	Eken	Fjoslien

Friedrich	Kelly, R.	McCollar	Reding	Suss
Fudro	Kelly, W.	McEachern	St. Onge	Swanson
Fugina	Kempe, A.	Menning	Samuelson	Tomlinson
George	Kempe, R.	Metzen	Sarna	Ulland
Graba	Ketola	Munger	Savelkoul	Vanasek
Hanson	Knickerbocker	Neisen	Schulz	Vento
Haugerud	Knoll	Nelsen	Schumacher	Volk
Heinritz	Kostohryz	Nelson	Searle	Voss
Hokanson	Kroening	Niehaus	Setzepfandt	Wenstrom
Jacobs	Kvam	Norton	Sherwood	Wenzel
Jaros	Laidig	Novak	Sieben, H.	White
Jensen	Langseth	Osthoff	Sieben, M.	Wigley
Johnson, C.	Lemke	Parish	Sieloff	Zubay
Johnson, D.	Lindstrom	Patton	Simoneau	Speaker Sabo
Jopp	Luther	Pehler	Skoglund	
Jude	Mangan	Peterson	Smith	
Kahn	Mann	Philbrook	Smogard	
Kaley	McCarron	Pleasant	Spanish	
Kalis	McCauley	Prahl	Stanton	

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker :

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on :

S. F. No. 932, A bill for an act relating to public welfare; permitting the commissioner of public welfare to establish maximum fees for congregate living care under the income maintenance programs; amending Minnesota Statutes 1974, Section 256.01, Subdivision 2.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said Senate File is hereby transmitted to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONFERENCE COMMITTEE REPORT ON S. F. NO. 932

A bill for an act relating to public welfare; permitting the commissioner of public welfare to establish maximum fees for congregate living care under the income maintenance programs; amending Minnesota Statutes 1974, Section 256.01, Subdivision 2.

March 13, 1976

The Honorable Alec G. Olson
 President of the Senate
 The Honorable Martin O. Sabo
 Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 932 report that we have agreed upon the items in dispute and recommend as follows:

That the senate concur in the house amendments and that the unofficial engrossment be further amended as follows:

Page 1, line 17, strike everything after the period.

Page 1, strike lines 18 to 20.

Page 2, line 12, strike “, as defined in section 250.02,”.

Page 2, line 26, strike “and regulations”.

Page 5, line 8, strike “and regulation”.

Page 5, line 16, strike “and regulations”.

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

Senate Conferees: ROBERT D. NORTH, JOHN MILTON and JOHN L. Olson.

House Conferees: LINDA L. BERGLIN, HAROLD J. DAHL and O. J. Heinitz.

Berglin moved that the report of the Conference Committee on S. F. No. 932 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 932, A bill for an act relating to public welfare; permitting the commissioner of public welfare to establish maximum fees for congregate living care under the income maintenance programs; amending Minnesota Statutes 1974, Section 256.01, Subdivision 2.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question being taken on the repassage of the bill and the roll being called, there were yeas 128, and nays 0, as follows:

Those who voted in the affirmative were:

Abeln	Begich	Carlson, A.	Dean	Esau
Adams, L.	Berg	Carlson, L.	DeGroat	Evans
Adams, S.	Berglin	Carlson, R.	Dieterich	Ewald
Albrecht	Biersdorf	Casserly	Doty	Faricy
Anderson, G.	Birnstihl	Clark	Eckstein	Fjoslien
Anderson, I.	Braun	Clawson	Eken	Friedrich
Arlandson	Brinkman	Corbid	Enebo	Fudro
Beauchamp	Byrne	Dahl	Erickson	Fugina

George	Kempe, A.	McEachern	Reding	Stanton
Graba	Kempe, R.	Menning	St. Onge	Suss
Hanson	Ketola	Metzen	Samuelson	Swanson
Haugerud	Knickerbocker	Munger	Sarna	Tomlinson
Heinitz	Knoll	Neisen	Savelkoul	Ulland
Hokanson	Kostohryz	Nelsen	Schulz	Vanasek
Jacobs	Kroening	Nelson	Schumacher	Vento
Jaros	Kvam	Niehaws	Searle	Volk
Jensen	Laidig	Norton	Setzepfandt	Voss
Johnson, C.	Langseth	Novak	Sherwood	Wenstrom
Johnson, D.	Lemke	Osthoff	Sieben, H.	Wenzel
Jopp	Lindstrom	Parish	Sieben, M.	White
Jude	Luther	Patton	Sieloff	Wieser
Kahn	Mangan	Pehler	Simoneau	Wigley
Kaley	Mann	Peterson	Skoglund	Zubay
Kalis	McCarron	Philbrook	Smith	Speaker Sabo
Kelly, R.	McCauley	Pleasant	Smogard	
Kelly, W.	McCollar	Prahl	Spanish	

The bill was repassed, as amended by Conference, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 1886 and 2486.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 1991, 2339, 2436 and 2510.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 252 and 2053.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 1886, 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 1974, Section 488A.021, Subdivision 3.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

S. F. No. 2486, A bill for an act relating to highways; construction limitations on certain trunk highways; requiring the preparation of environmental impact statements for such highways; amending Minnesota Statutes, 1975 Supplement, Section 161.123.

The bill was read for the first time and referred to the Committee on Rules and Legislative Administration.

S. F. No. 1991, A bill for an act relating to education; providing for loans to medical students on certain conditions; amending Minnesota Statutes, 1975 Supplement, Section 147.30.

The bill was read for the first time and referred to the Committee on Higher Education.

S. F. No. 2339, A bill for an act relating to public welfare; specifying services to handicapped persons; defining terms; amending Minnesota Statutes 1974, Section 645.44, by adding a subdivision; and Minnesota Statutes, 1975 Supplement, Section 256.01, Subdivision 2.

The bill was read for the first time and referred to the Committee on Health and Welfare.

S. F. No. 2436, A bill for an act relating to public lands; authorizing the commissioner of natural resources to sell certain state owned lands; and authorizing certain county boards to sell certain tax-forfeited lands.

The bill was read for the first time and referred to the Committee on Rules and Legislative Administration.

S. F. No. 2510, bill for an act relating to natural resources; authorizing the designation of the Zumbro river as a canoe and boating route; amending Minnesota Statutes 1974, Section 85.32, Subdivision 1.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

S. F. No. 252, A bill for an act relating to the legislature; providing for part of the apportionment of representative districts 19A and 19B.

The bill was read for the first time and referred to the Committee on General Legislation and Veterans Affairs.

S. F. No. 2053, A bill for an act relating to elections; providing for nonpartisan municipal elections in Duluth and St. Paul; amending Minnesota Statutes 1974, Section 205.17.

The bill was read for the first time.

SUSPENSION OF RULES

Pursuant to Article IV, Section 19, of the Constitution of the state of Minnesota, Sieloff moved that the rule therein be suspended and an urgency be declared so that S. F. No. 2053 be given its second and third readings and be placed upon its final passage.

A roll call was requested and properly seconded.

The question was taken on the motion and the roll being called, there were yeas 32, and nays 97, as follows:

Those who voted in the affirmative were:

Adams, S.	Erickson	Jopp	Niehaus	Spanish
Albrecht	Esau	Kaley	Peterson	Ulland
Biersdorf	Evans	Kalis	Pleasant	Wigley
Carlson, A.	Fjoslien	Kvam	Savelkoul	Zubay
Dean	Forsythe	Laidig	Schreiber	
DeGroat	Friedrich	McCauley	Searle	
Doty	Heinitz	Neisen	Sieloff	

Those who voted in the negative were:

Abeln	Dieterich	Kelly, W.	Neisen	Simoneau
Adams, L.	Eckstein	Kempe, A.	Nelson	Skoglund
Anderson, G.	Eken	Kempe, R.	Norton	Smith
Anderson, I.	Enebo	Ketola	Novak	Smogard
Arlandson	Faricy	Knoll	Osthoff	Stanton
Beauchamp	Fudro	Kostohryz	Parish	Suss
Begich	Fugina	Kroening	Patton	Swanson
Berg	George	Langseth	Pehler	Tomlinson
Berglin	Graba	Lemke	Philbrook	Vanasek
Birnstihl	Hanson	Lindstrom	Prahl	Vento
Braun	Haugerud	Luther	Reding	Volk
Brinkman	Hokanson	Mangan	Rice	Voss
Byrne	Jacobs	Mann	St. Onge	Wenstrom
Carlson, L.	Jaros	McCarron	Samuelson	Wenzel
Carlson, R.	Jensen	McCollar	Sarna	White
Casserly	Johnson, C.	McEachern	Schuiiz	Wieser
Clark	Johnson, D.	Menning	Schumacher	Speaker Sabo
Clawson	Jude	Metzen	Setzepfandt	
Corbid	Kahn	Moe	Sieben, H.	
Dahl	Kelly, R.	Munger	Sieben, M.	

The motion did not prevail.

The bill was referred to the Committee on General Legislation and Veterans Affairs.

The following conference committee reports were received:

CONFERENCE COMMITTEE REPORT ON H. F. NO. 1751

A bill for an act relating to game and fish; firearms permissible for taking wild animals; amending Minnesota Statutes 1974, Section 100.29, Subdivision 9.

March 17, 1976

The Honorable Martin O. Sabo
Speaker of the House of Representatives
The Honorable Alec G. Olson
President of the Senate

We, the undersigned conferees for H. F. No. 1751 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. 1751 be amended as follows:

Page 2, after line 5, insert

"Sec. 2. Minnesota Statutes 1974, Section 100.29, Subdivision 10, is amended to read:

Subd. 10. If shall be unlawful to throw or cast the rays of a spotlight, headlight, or other artificial light on any highway, or in any field, woodland, or forest, for the purpose of spotting, locating or taking any wild animal, except raccoons when treed with the aid of dogs, while having in possession or under control, either singly or as one of a group of persons, any firearm, bow or other implement whereby big game could be killed, unless the firearm is unloaded in both barrels and magazine and completely contained in a gun case expressly made for that purpose which is fully enclosed by being zipped, snapped, buckled, tied, or otherwise fastened with no portion of the firearm exposed, (OR) *and, as so enclosed, the firearm is contained in the trunk of the car with the trunk door closed and in the case of a bow, unless the same is completely encased or unstrung (OR) and, as so encased or unstrung, the bow is contained in the trunk of the car with the trunk door closed; provided, however, that if the vehicle has no trunk, the firearm or bow must be placed in the rearmost location in the vehicle.* When artificial lights are used to take raccoon when treed with the aid of dogs, the rifles used to take raccoon shall not be of a larger caliber than .22 rim-fire, and shotguns so used shall only contain shells with shot no larger than No. 4. Artificial lights to take raccoon when treed with the aid of dogs shall be legal."

Further, amend the title as follows:

Page 1, line 2, after the semicolon insert "authorizing use of muzzle loading muskets to take game; regulating the shining of wild animals;".

Page 1, line 4, delete "Subdivision 9" and insert "Subdivisions 9 and 10".

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

House Conferees: HAROLD J. DAHL, BOB MCEACHERN and RICHARD E. WIGLEY.

Senate Conferees: JOHN BERNHAGEN, LEW W. LARSON and ED SCHROM.

Dahl moved that the report of the Conference Committee on H. F. No. 1751 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 1751, A bill for an act relating to game and fish; firearms permissible for taking wild animals; amending Minnesota Statutes 1974, Section 100.29, Subdivision 9.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question being taken on the repassage of the bill and the roll being called, there were yeas 127, and nays 2, as follows:

Those who voted in the affirmative were:

Abeln	Enebo	Kelly, R.	Nelsen	Sieben, M.
Adams, L.	Erickson	Kelly, W.	Nelson	Sieloff
Adams, S.	Evans	Kempe, A.	Niehaus	Simoneau
Anderson, S.	Ewald	Kempe, R.	Norton	Skoglund
Arlandson	Farcy	Ketola	Novak	Smith
Begich	Fjoslien	Knickerbocker	Osthoff	Smogard
Berg	Forsythe	Knoll	Parish	Spanish
Berglin	Friedrich	Kostohryz	Patton	Stanton
Biersdorf	Fudro	Kroening	Pehler	Suss
Birnstihl	Fugina	Kvam	Peterson	Swanson
Braun	George	Laidig	Philbrook	Tomlinson
Brinkman	Graba	Langseth	Pleasant	Ulland
Byrne	Hanson	Lemke	Prahl	Vanasek
Carlson, A.	Haugerud	Lindstrom	Reding	Vento
Carlson, L.	Heinitz	Luther	Rice	Volk
Carlson, R.	Hokanson	Mangan	St. Onge	Voss
Casserly	Jacobs	Mann	Samuelson	Wenstrom
Clark	Jaros	McCarron	Sarna	Wenzel
Clawson	Jensen	McCauley	Savelkoul	White
Corbid	Johnson, C.	McCollar	Schreiber	Wieser
Dahl	Johnson, D.	McEachern	Schulz	Wigley
Dean	Jopp	Menning	Schumacher	Zubay
DeGroat	Jude	Metzen	Searle	Speaker Sabo
Dieterich	Kahn	Moe	Setzepfandt	
Doty	Kaley	Munger	Sherwood	
Eken	Kalis	Neisen	Sieben, H.	

Those who voted in the negative were:

Albrecht Anderson, I.

The bill was repassed, as amended by Conference, and its title agreed to.

CONFERENCE COMMITTEE REPORT ON H. F. NO. 1199

A bill for an act relating to treatment for alcohol and drug abuse; providing for programs of intervention and treatment for employees and underserved groups; appropriating money; amending Minnesota Statutes 1974, Section 254A.02, by adding subdivisions; and Chapter 254A, by adding sections.

March 17, 1976

The Honorable Martin O. Sabo
Speaker of the House of Representatives
The Honorable Alec G. Olson
President of the Senate

We, the undersigned conferees for H. F. No. 1199 report that we have agreed upon the items in dispute and recommend as follows:

That the senate recede from its amendments and that H. F. No. 1199 be further amended as follows:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1974, Section 254A.02, Subdivision 1, is amended to read:

254A.02 [DEFINITIONS.] Subdivision 1. For the purposes of (LAWS 1973, CHAPTER 572) *Chapter 254A*, unless the context clearly indicates otherwise, the terms defined in this section have the meanings given them.

Sec. 2. Minnesota Statutes 1974, Section 254A.02, is amended by adding subdivisions to read:

Subd. 12. "Area mental health board" or "area board" means a board established pursuant to sections 245.61 to 245.69.

Subd. 13. "Commissioner" means the commissioner of public welfare.

Subd. 14. "Youth" means any person 18 years of age or under.

Subd. 15. "Underserved populations" means identifiable groups of significant numbers which do not have available to them sufficient programs and services designed to meet their special alcoholism and chemical dependency needs.

Subd. 16. "Affected employee" means an employee whose job performance is substantially affected by chemical dependency.

Subd. 17. "Purchase of service agreement" means a contract between a contractor and service provided for the provision of services. The agreement shall specify the services to be provided, the method of delivery, the type of staff to be employed, and a method of evaluation of the services to be provided.

Sec. 3. Minnesota Statutes 1974, Chapter 254A, is amended by adding a section to read:

[254A.031] [NATIVE AMERICAN PROGRAMS.] *The commissioner shall enter into one or more purchase of service agreements to provide programs for native Americans. The agreements shall provide for residential and aftercare treatment programs, programs relating to prevention, education, and community awareness, and training programs. All programs shall be designed to meet the needs identified by the native American community, and appropriate recognition shall be given to the cultural and social needs of native Americans. The commissioner shall enter into the agreements after consultation with the special assistant for native American programs of the alcohol and drug abuse section of the department of public welfare, and all agreements shall be reviewed pursuant to section 254A.03.*

Sec. 4. Minnesota Statutes 1974, Chapter 254A, is amended by adding a section to read:

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

Sec. 5. Minnesota Statutes 1974, Chapter 254A, is amended by adding a section to read:

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

purchase of service agreements to assist youth and other underserved populations in gaining access to care.

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

Sec. 6. [AFFIRMATIVE OUTREACH.] The commissioner shall design and implement a plan of affirmative outreach to encourage utilization of the services authorized in sections 3 to 5. The plan may include purchase of services by the commissioner to carry out the plan.

Sec. 7. Minnesota Statutes 1974, Chapter 254A, is amended by adding a section to read:

[254A.16] [RESPONSIBILITIES OF THE COMMISSIONER.] Subdivision 1. [EVALUATION.] The commissioner shall evaluate or contract for the evaluation of all programs authorized under sections 3 to 5. The evaluation shall be directed at determining the degree to which funded activities attain their prestated objectives, whether existent and proposed activities are the most appropriate programmatic response to predetermined needs, and whether they are cost effective.

Subd. 2. (a) The commissioner shall provide program guidelines and technical assistance to the area boards in carrying out their responsibilities under sections 4 and 5.

(b) The commissioner shall recommend to the governor and to the legislature means of making the programs funded under sections 3 to 5 wholly or partially self sustaining.

Sec. 8. Minnesota Statutes 1974, Chapter 254A, is amended by adding a section to read:

[254A.17] [ALLOCATION OF FUNDS BY COMMISSIONER OF PUBLIC WELFARE.] The funds appropriated for sections 3 to 6 to the commissioner of public welfare shall be allocated by him subject to the following provisions:

(a) For the purposes of section 4, the allocation of funds shall be to each participating area board on the basis of total numbers of persons in the work force in counties served by the area board. For the purposes of section 5, the allocation of funds shall be to each participating area board on the basis of the elementary, middle and secondary school populations and the most current United States census data in counties served by the area board. Area boards shall ensure that services are provided in each county in proportion to the population to be served.

(b) Funds in section 4 to assist troubled employees in gaining access to care may be used for private employer or employee groups of under 200 persons, or public employer or employee groups of any number and shall be paid on the following cost sharing basis: During the first year of the program, the participating area board shall meet 90 percent of the cost of the program, and the employer or employee group shall meet 10 percent of the cost. During the second year of the program, each party shall pay 50 percent of the cost of the program. Private employer or employee groups of over 200 may participate in programs authorized under section 4, but shall not be eligible for receipt of public funds under this act. The area board and employer and employee groups must work towards a financially self-sustaining system for each program.

(c) Funds shall not be used to supplant or reduce in any way present local, state, federal, or private expenditure levels supporting existing resources.

(d) Existing program resources shall be fully utilized before new programs are developed.

(e) Allocation of funds to area mental health boards shall be contingent upon the demonstrated capability of the boards to adequately plan and coordinate chemical dependency programs.

(f) Area boards shall be encouraged to plan jointly to develop needed program resources on a multiarea basis.

(g) Programs developed by funds allocated under sections 3 to 5 shall comply with the guidelines established by the commissioner.

(h) No more than five percent of the total allocation to an area mental health board may be used for purposes of administering and monitoring purchased services.

(i) Purchase of service agreements and contracts under sections 4, 5 and 7 shall be contingent on the demonstrated capability of a service provider to adequately fulfill the terms of the agreement or contract.

(j) During the biennium, the commissioner may review the unexpended balance of funds allocated to each area board and service provider under sections 4 and 5 and may reallocate unexpended funds within the program categories established by sections 4 and 5 based upon demand for services.

Sec. 9. The commissioner of public welfare shall submit to the legislature by January 2, 1977 a comprehensive five year plan which shall include at least the following:

(a) *An analysis of the availability and effectiveness of existing resources and programs in the state to identify and treat chemically dependent individuals.*

(b) *An analysis, by population group, of the numbers of chemically dependent individuals in the state, including a determination of whether or not treatment is currently available for them.*

(c) *A detailed projection, by population group, of the number of chemically dependent individuals, and an analysis of the nature and scope of services they will require.*

(d) *An analysis of the projected benefits, including cost effectiveness, of funding early identification programs.*

(e) *An analysis of the future program needs in the state of Minnesota; and an analysis of the cost of the programs.*

(f) *A specific year by year plan for the development and implementation of the programs set forth in clause (e), and a projected budget for each year.*

(g) *An analysis of the anticipated nature of the chemical dependency problem in the state by 1981.*

Sec. 10. [APPROPRIATION.] *Subdivision 1. For purposes of section 4, there is appropriated to the commissioner of public welfare for the biennium ending June 30, 1977, from the general fund, the sum of \$1,100,000. Not more than \$50,000 shall be used by the commissioner for the administration of the program. The approved complement of the department of public welfare shall be enlarged by two positions.*

Subd. 2. For purposes of section 5, there is appropriated the sum of \$1,356,000 from the general fund for the biennium ending June 30, 1977, to the commissioner of public welfare.

Subd. 3. For the purposes of section 3, there is appropriated from the general fund to the commissioner of public welfare for the biennium ending June 30, 1977, the sum of \$775,000. Of this sum, \$500,000 shall be used for residential treatment programs or facilities; \$250,000 shall be used for prevention, aftercare, education, community awareness, and training programs; and \$25,000 shall be used for the development of a plan to implement the provisions of section 3.

Subd. 4. For the purposes of section 6, there is appropriated to the commissioner of public welfare for the biennium ending June 30, 1977, from the general fund, the sum of \$30,000.

Subd. 5. For purposes of section 7, subdivision 1, there is appropriated to the commissioner of public welfare for the biennium ending June 30, 1977, from the general fund, the sum of \$50,000. In addition, the commissioner shall allocate \$40,000 of the sum appropriated to him by Laws 1975, Chapter 434, Section 2, for the purposes specified in section 7, subdivision 1 of this act.

Sec. 11. [SUPPLEMENTARY FUNDING.] *There is appropriated from the general fund to the commissioner of public welfare for the biennium ending June 30, 1977, the sum of \$2,802,000. Of this sum, \$950,000 shall be used for the state share of the expense of administration, operation and maintenance of detoxification programs pursuant to Minnesota Statutes, Section 254A.08; \$727,000 shall be used for the state share of the expense of administration, operation and maintenance of half-way houses; and \$1,125,000 shall be used for the state share of the expense of administration, operation and maintenance of nonresidential programs.*

Sec. 12. *This act shall be effective July 1, 1976."*

Further amend the title as follows:

Page 1, line 4, after "employees" insert ", native Americans,".

Page 1, line 4, after the semicolon insert "providing funding for detoxification programs, half-way houses and nonresidential programs;".

Page 1, line 6, after "254A.02," insert "Subdivision 1, and".

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

House Conferees: JOHN T. CLAWSON, LINDA L. BERGLIN, MARY M. FORSYTHE, DONALD B. SAMUELSON and JAMES I. RICE.

Senate Conferees: ROGER D. MOE, ROBERT J. TENNESSEN, GEORGE F. PERPICH, HOWARD A. KNUTSON and WILLIAM G. KIRCHNER.

Clawson moved that the report of the Conference Committee on H. F. No. 1199 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 1199, A bill for an act relating to treatment for alcohol and drug abuse; providing for programs of intervention and treatment for employees and underserved groups; appropriating money; amending Minnesota Statutes 1974, Section 254A.02, by adding subdivisions; and Chapter 254A, by adding sections.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question being taken on the repassage of the bill and the roll being called, there were yeas 132, and nays 0, as follows:

Those who voted in the affirmative were:

Abeln	Doty	Kahn	Munger	Sieben, H.
Adams, L.	Eckstein	Kaley	Neisen	Sieben, M.
Adams, S.	Eken	Kalis	Nelsen	Sieloff
Albrecht	Enebo	Kelly, R.	Nelson	Simoneau
Anderson, G.	Erickson	Kelly, W.	Niehaus	Skoglund
Anderson, I.	Esau	Kempe, A.	Norton	Smith
Arlandson	Evans	Kempe, R.	Novak	Smogard
Beauchamp	Ewald	Ketola	Osthoff	Spanish
Begich	Faricy	Knickerbocker	Parish	Stanton
Berg	Fjoslien	Knoll	Patton	Suss
Berglin	Forsythe	Kostohryz	Pehler	Swanson
Biersdorf	Friedrich	Kroening	Peterson	Tomlinson
Birnstihl	Fudro	Kvam	Philbrook	Ulland
Braun	Fugina	Laidig	Pleasant	Vanasek
Brinkman	George	Langseth	Prahl	Vento
Byrne	Graba	Lemake	Reding	Volk
Carlson, A.	Hanson	Lindstrom	Rice	Voss
Carlson, L.	Haugerud	Luther	St. Onge	Wenstrom
Carlson, R.	Heinitz	Mangan	Samuelson	Wenzel
Casserly	Hokanson	Mann	Sarna	White
Clark	Jacobs	McCarron	Savelkoul	Wieser
Clawson	Jaros	McCauley	Schreiber	Wigley
Corbid	Jensen	McCollar	Schulz	Zubay
Dahl	Johnson, C.	McEachern	Schumacher	Speaker Sabo
Dean	Johnson, D.	Menning	Searle	
DeGroat	Jopp	Metzen	Setzepfandt	
Dieterich	Jude	Moe	Sherwood	

The bill was repassed, as amended by Conference, and its title agreed to.

CONSENT CALENDAR

S. F. No. 2051 was reported to the House.

Clawson moved to amend S. F. No. 2051, as follows:

Page 1, after line 22, add new sections to read:

"Section 2. Minnesota Statutes 1974, Section 429.021, Subdivision 3, is amended to read:

Subd. 3. [RELATION TO CHARTER AND OTHER LAWS.] When any portion of the cost of any improvement is defrayed by special assessments, the procedure prescribed in this chapter shall be followed unless the council determines to proceed under charter provisions; but this chapter does not prescribe the procedure to be followed by a municipality in making improvements financed without the use of special assessments.

If the council determines to proceed under charter provisions for special assessments, such provisions shall be deemed to include a requirement that notices of proposed assessments inform property owners of the procedures they must follow under the charter in order to appeal the assessments to district court. *Charter provisions shall also be deemed to require that when the council determines to make any improvement, it shall let the contract therefor, or order the work done by day labor or otherwise as may be authorized by the charter, no later than one year after the adoption of the resolution ordering such improvement.*

Sec. 3. Minnesota Statutes 1974, Section 429.041, Subdivision 1, is amended to read:

429.041 [COUNCIL PROCEDURE.] Subdivision 1. [PLANS AND SPECIFICATIONS, ADVERTISEMENT FOR BIDS.] When the council determines to make any improvement, it shall *let the contract therefor, or order the work done by day labor or otherwise as authorized by subdivision 2 of this section, no later than one year after the adoption of the resolution ordering such improvement. The council shall cause plans and specifications of the improvement to be made, or if previously made, to be modified, if necessary, and to be approved and filed with the clerk, and if the estimated cost exceeds \$5,000, shall advertise for bids for the improvement in the newspaper and such other papers and for such length of time as it may deem advisable. If the estimated cost exceeds \$100,000, publication shall be made once in the newspaper and at least once in a newspaper or trade paper published in a city of the first class no less than three weeks before the last day for submission of bids. To be eligible as such a trade paper, a publication shall have all the qualifications of a legal newspaper except that instead of the requirement that it shall contain general and local news, such trade paper shall contain building and construction news of interest to contractors in this state, among whom it shall have a general circulation. The advertisement shall specify the work to be done, shall state the time when the bids will be publicly opened for consideration by the council, which shall be not less than ten days after the first publication of the advertisement when the estimated cost is less than \$100,000 and not less than three weeks after such publication in other cases, and shall state that no bids will be considered unless sealed and filed with the clerk and accompanied by a cash deposit, cashier's check, bid bond, or certified check payable to the clerk, for such percentage of the amount of the bid as the council may specify. In providing for the advertisement for bids the council may direct that the bids shall be opened publicly by two or more designated officers or agents of the municipality and tabulated in advance of the meeting at which they are to be considered by the council. Nothing herein shall prevent the council from advertising separately for various portions of the work involved in an improvement, or from itself, supplying by such means as may be otherwise authorized by law, all or any part of the materials, supplies,*

or equipment to be used in the improvement or from combining two or more improvements in a single set of plans and specifications or a single contract.”.

Further, amend the title:

Page 1, strike line 6 and insert instead thereof: “Subdivisions 1 and 4 and 429.021, Subdivision 3.”.

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

S. F. No. 2051, A bill for an act relating to local improvements; council procedure; authorizing percentage payment in advance of completion of improvement on engineer's estimate; amending Minnesota Statutes 1974, Section 429.041, Subdivision 6.

The bill was read for the third time and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 129, and nays 0, as follows:

Those who voted in the affirmative were:

Abeln	Eckstein	Kaley	Munger	Sherwood
Adams, L.	Eken	Kalis	Neisen	Sieben, H.
Adams, S.	Enebo	Kelly, R.	Nelsen	Sieben, M.
Albrecht	Erickson	Kelly, W.	Nelson	Sieloff
Anderson, G.	Esau	Kempe, A.	Niehaus	Simoneau
Anderson, I.	Evans	Kempe, R.	Norton	Skoglund
Arlandson	Ewald	Ketola	Novak	Smith
Beauchamp	Faricy	Knickerbocker	Osthoff	Smogard
Begich	Fjoslien	Knoll	Parish	Spanish
Berg	Forsythe	Kostohryz	Patton	Stanton
Berglin	Friedrich	Kroening	Pehler	Suss
Biersdorf	Fudro	Kvam	Peterson	Swanson
Braun	Fugina	Laidig	Philbrook	Tomlinson
Brinkman	George	Langseth	Pleasant	Ulland
Byrne	Graba	Lemke	Prahl	Vanasek
Carlson, A.	Hanson	Lindstrom	Reding	Vento
Carlson, L.	Haugerud	Luther	Rice	Volk
Carlson, R.	Heimitz	Mangan	St. Onge	Voss
Casserly	Hokanson	Mann	Samuelson	Wenstrom
Clark	Jacobs	McCarron	Sarna	Wenzel
Clawson	Jaros	McCauley	Savelkoul	White
Corbid	Jensen	McCollar	Schreiber	Wieser
Dahl	Johnson, C.	McEachern	Schulz	Wigley
Dean	Johnson, D.	Menning	Schumacher	Zubay
Dieterich	Jude	Metzen	Searle	Speaker Sabo
Doty	Kahn	Moe	Setzpfandt	

The bill was passed and its title agreed to.

S. F. No. 1262, A bill for an act relating to tax forfeited lands; authorizing the county auditor to grant easements or permits

thereon for recreational trails; amending Minnesota Statutes 1974, Section 282.04, Subdivision 4.

The bill was read for the third time and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 128, and nays 1, as follows:

Those who voted in the affirmative were:

Abeln	Eckstein	Kahn	Moe	Sherwood
Adams, L.	Eken	Kaley	Munger	Sieben, H.
Adams, S.	Enebo	Kalis	Neisen	Sieben, M.
Anderson, G.	Erickson	Kelly, R.	Nelsen	Sieloff
Anderson, I.	Esau	Kelly, W.	Nelson	Simoneau
Arlandson	Evans	Kempe, A.	Niehaus	Skoglund
Beauchamp	Ewald	Kempe, R.	Norton	Smith
Begich	Fariy	Ketola	Novak	Smogard
Berg	Fjoslien	Knickerbocker	Osthoff	Spanish
Berglin	Forsythe	Knoll	Parish	Stanton
Biersdorf	Friedrich	Kostohryz	Patton	Suss
Birnstihl	Fudro	Kroening	Pehler	Swanson
Braun	Fugina	Kvam	Peterson	Tomlinson
Brinkman	George	Laidig	Philbrook	Ulland
Byrne	Graba	Langseth	Pleasant	Vanasek
Carlson, A.	Hanson	Lemke	Prahl	Vento
Carlson, L.	Haugerud	Lindstrom	Reding	Voss
Carlson, R.	Heinitz	Luther	Rice	Wenstrom
Casserly	Hokanson	Mangan	St. Onge	Wenzel
Clark	Jacobs	Mann	Samuelson	White
Clawson	Jaros	McCarron	Sarna	Wieser
Corbid	Jensen	McCauley	Savelkoul	Wigley
Dahl	Johnson, C.	McCollar	Schreiber	Zubay
Dean	Johnson, D.	McEachern	Schumacher	Speaker Sabo
Dieterich	Jopp	Menning	Searle	
Doty	Jude	Metzen	Setzepfandt	

Those who voted in the negative were:

Volk

The bill was passed and its title agreed to.

S. F. No. 1627, A bill for an act relating to state parks; adding lands to Kilen Woods state park in Jackson county.

The bill was read for the third time and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 131, and nays 0, as follows:

Those who voted in the affirmative were:

Abeln	Adams, S.	Anderson, G.	Arlandson	Begich
Adams, L.	Albrecht	Anderson, I.	Beauchamp	Berg

Berglin	Fjoslien	Ketola	Norton	Simoneau
Biersdorf	Forsythe	Knickerbocker	Novak	Skoglund
Birnstihl	Friedrich	Knoll	Osthoff	Smith
Braun	Fudro	Kostohryz	Parish	Smogard
Brinkman	Fugina	Kroening	Patton	Spanish
Byrne	George	Kvam	Pehler	Stanton
Carlson, A.	Graba	Laidig	Peterson	Suss
Carlson, L.	Hanson	Langseth	Philbrook	Swanson
Carlson, R.	Haugerud	Lemke	Pleasant	Tomlinson
Casserly	Heinitz	Lindstrom	Prahl	Ulland
Clark	Hokanson	Luther	Reding	Vanasek
Clawson	Jacobs	Mangan	Rice	Vento
Corbid	Jaros	Mann	St. Onge	Volk
Dahl	Jensen	McCarron	Samuelson	Voss
Dean	Johnson, C.	McCauley	Sarna	Wenstrom
DeGroat	Johnson, D.	McCollar	Savelkoul	Wenzel
Dieterich	Jopp	McEachern	Schreiber	White
Doty	Jude	Menning	Schulz	Wieser
Eckstein	Kahn	Metzen	Schumacher	Wigley
Eken	Kaley	Moe	Searle	Zubay
Erickson	Kalis	Munger	Setzefandt	Speaker Sabo
Esau	Kelly, R.	Neisen	Sherwood	
Evans	Kelly, W.	Nelsen	Sieben, H.	
Ewald	Kempe, A.	Nelson	Sieben, M.	
Faricy	Kempe, R.	Niehaus	Sieloff	

The bill was passed and its title agreed to.

S. F. No. 2077, A bill for an act relating to Blue Earth county; authorizing the county of Blue Earth to contract for the completion of the improvement of county ditch No. 27; setting limits for the expenditure of money for the improvement thereof; providing for the financing thereof; amending Laws 1975, Chapter 249, Section 1, Subdivision 1; and Section 2.

The bill was read for the third time and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 130, and nays 0, as follows:

Those who voted in the affirmative were:

Abeln	Casserly	Friedrich	Kalis	McCarron
Adams, L.	Clark	Fudro	Kelly, R.	McCauley
Adams, S.	Clawson	Fugina	Kelly, W.	McCollar
Albrecht	Corbid	George	Kempe, A.	McEachern
Anderson, G.	Dahl	Graba	Kempe, R.	Menning
Anderson, I.	Dean	Hanson	Ketola	Metzen
Arlandson	DeGroat	Haugerud	Knickerbocker	Moe
Beauchamp	Dieterich	Heinitz	Knoll	Munger
Begich	Doty	Hokanson	Kostohryz	Neisen
Berg	Eckstein	Jacobs	Kroening	Nelsen
Berglin	Eken	Jaros	Kvam	Nelson
Biersdorf	Erickson	Jensen	Laidig	Niehaus
Birnstihl	Esau	Johnson, C.	Langseth	Norton
Braun	Evans	Johnson, D.	Lemke	Novak
Byrne	Ewald	Jopp	Lindstrom	Osthoff
Carlson, A.	Faricy	Jude	Luther	Parish
Carlson, L.	Fjoslien	Kahn	Mangan	Patton
Carlson, R.	Forsythe	Kaley	Mann	Pehler

Peterson	Sarna	Sieben, H.	Stanton	Voss
Philbrook	Savelkoul	Sieben, M.	Suss	Wenstrom
Pleasant	Schreiber	Sieloff	Swanson	Wenzel
Prahl	Schulz	Simoneau	Tomlinson	White
Reding	Schumacher	Skoglund	Ulland	Wieser
Rice	Searle	Smith	Vanasek	Wigley
St. Onge	Setzepfandt	Smogard	Vento	Zubay
Samuelson	Sherwood	Spanish	Volk	Speaker Sabo

The bill was passed and its title agreed to.

S. F. No. 674 was reported to the House.

Hokanson moved to amend S. F. No. 674, the unofficial engrossment, as follows:

Amend the title as follows:

Line 4, strike the words "delaying the effective date".

Strike all of line 5.

The motion prevailed and the amendment was adopted.

S. F. No. 674, A bill for an act relating to administrative procedure; requiring agency estimates of the cost of proposed rules to local public bodies; delaying the effective date of rules involving costs to local public bodies; amending Minnesota Statutes, 1975 Supplement, Section 15.0412, by adding subdivisions.

The bill was read for the third time, as amended, and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 128, and nays 0, as follows:

Those who voted in the affirmative were:

Abeln	Clark	Fugina	Kempe, A.	Menning
Adams, L.	Clawson	George	Kempe, R.	Metzen
Adams, S.	Corbid	Graba	Ketola	Moe
Albrecht	Dean	Hanson	Knickerbocker	Munger
Anderson, G.	DeGroat	Haugerud	Knoll	Neisen
Anderson, I.	Dieterich	Heinitz	Kostohryz	Nelsen
Arlandson	Doty	Hokanson	Kroening	Nelson
Beauchamp	Eckstein	Jacobs	Kvam	Niehaus
Begich	Eken	Jaros	Laidig	Norton
Berg	Enebo	Jensen	Langseth	Novak
Berglin	Erickson	Johnson, C.	Lemke	Parish
Biersdorf	Esau	Johnson, D.	Lindstrom	Patton
Birnstihl	Evans	Jopp	Luther	Pehler
Braun	Ewald	Jude	Mangan	Peterson
Brinkman	Faricy	Kahn	Mann	Philbrook
Byrne	Fjoslien	Kaley	McCarron	Pleasant
Carlson, A.	Forsythe	Kalis	McCauley	Prahl
Carlson, L.	Friedrich	Kelly, R.	McCollar	Reding
Carlson, R.	Fudro	Kelly, W.	McEachern	Rice

St. Onge	Searle	Skoglund	Tomlinson	Wenzel
Samuelson	Setzepfandt	Smith	Ulland	White
Sarna	Sherwood	Smogard	Vanasek	Wieser
Savelkoul	Sieben, H.	Spanish	Vento	Wigley
Schreiber	Sieben, M.	Stanton	Volk	Zubay
Schulz	Sieloff	Suss	Voss	
Schumacher	Simoneau	Swanson	Wenstrom	

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

S. F. No. 1813, A bill for an act authorizing the conveyance by the state of certain lands located in Roseau county.

The bill was read for the third time and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 132, and nays 0, as follows:

Those who voted in the affirmative were:

Abeln	Doty	Kahn	Munger	Sieben, H.
Adams, L.	Eckstein	Kaley	Neisen	Sieben, M.
Adams, S.	Eken	Kalis	Nelsen	Sieloff
Albrecht	Enebo	Kelly, R.	Nelson	Simoneau
Anderson, G.	Erickson	Kelly, W.	Niehaus	Skoglund
Anderson, I.	Esau	Kempe, A.	Norton	Smith
Arlandson	Evans	Kempe, R.	Novak	Smogard
Beauchamp	Ewald	Ketola	Osthoff	Spanish
Begich	Faricy	Knickerbocker	Parish	Stanton
Berg	Fjoslien	Knoll	Patton	Suss
Berglin	Forsythe	Kostohryz	Pehler	Swanson
Biersdorf	Friedrich	Kroening	Peterson	Tomlinson
Birnstihl	Fudro	Kvam	Philbrook	Ulland
Braun	Fugina	Laidig	Pleasant	Vanasek
Brinkman	George	Langseth	Prahl	Vento
Byrne	Graha	Lemke	Reding	Volk
Carlson, A.	Hanson	Lindstrom	Rice	Voss
Carlson, L.	Haugerud	Luther	St. Onge	Wenstrom
Carlson, R.	Heinitz	Mangan	Samuelson	Wenzel
Casserly	Hokanson	Mann	Sarna	White
Clark	Jacobs	McCarron	Savelkoul	Wieser
Clawson	Jaros	McCauley	Schreiber	Wigley
Corbid	Jensen	McCollar	Schulz	Zubay
Dahl	Johnson, C.	McEachern	Schumacher	Speaker Sabo
Dean	Johnson, D.	Menning	Searle	
DeGroat	Jopp	Metzen	Setzepfandt	
Dieterich	Jude	Moe	Sherwood	

The bill was passed and its title agreed to.

S. F. No. 1876 was reported to the House.

Beauchamp moved to amend S. F. No. 1876, the unofficial engrossment, as follows:

Page 42, line 23, strike "committee" and reinstate "com-mission".

Page 43, line 17, after "15.059" add "*, Subdivision 3*".

Page 43, line 21, strike "November 15" and insert "*February 11*".

Page 43, line 22, strike "1976" and insert "1977".

The motion prevailed and the amendment was adopted.

Savelkoul and Kelly, W., moved to amend S. F. No. 1876, the unofficial engrossment, as follows:

Page 43, line 1, delete all the new language.

The motion prevailed and the amendment was adopted.

S. F. No. 1876, A bill for an act relating to the operation of state government; correcting the nomenclature of or restructuring several boards and committees; limiting the use of advisory groups; standardizing the terms, compensation and removal of members of committees; abolishing or transferring the functions of several state agencies including the public relief advisory committee, the Minnesota-South Dakota boundary waters commission, the motor vehicle reciprocity commission, the Big Island veterans camp board of directors, the publications advisory board, the Indian education committee, the advisory committee for mentally retarded and cerebral palsied community residential facilities, and the state teletypewriter advisory committee; amending Minnesota Statutes 1974, Sections 3.30, by adding a subdivision; 16.71, Subdivision 1; 17.52; 17.53, Subdivision 5; 17.54, Subdivision 2; 21A.02, Subdivision 5; 21A.03; 29.14, Subdivision 4; 30.463, Subdivision 2; 32B.03, Subdivision 4; 84.01, Subdivision 5; 114.12; 116E.02, Subdivision 1; 116E.03, Subdivision 7, and by adding a subdivision; 121.83; 136A.02, Subdivision 5; 141.24; 168.187, Subdivisions 7, 8, 9, 11, 12, 15, 18, 24 and 25; 178.02, Subdivision 2; 197.13; 197.15; 197.16; 252.28, Subdivision 2; 256.01, Subdivision 6; 326.41; 326.49; 481.01; Chapters 15, 60C, 114, and 252 by adding sections; and Minnesota Statutes, 1975 Supplement, Sections 15.01; 15.012; 15.059, Subdivisions 3 and 4; 84B.11, Subdivision 1; 86A.10, Subdivision 1; 115.71, Subdivision 4; 115.74; 125.183, Subdivision 1; 148.231, Subdivision 2; 149.02; 151.03; 155.05; 198.055, Subdivisions 1 and 2; 326.241, Subdivision 1; 326.33, Subdivision 1; Extra Session Laws 1971, Chapter 31, Article 13, as amended; Laws 1975, Chapter 271, Section 3; repealing Minnesota Statutes 1974, Sections 15.046, as amended; 17.60; 17.601; 21A.04; 32B.04, Subdivision 2; 72B.09; 114.01 to 114.08; 126.023; 168.187, Subdivision 6; 178.02, Subdivision 3; 197.14; 252.29; 362.16; Minnesota Statutes, 1975 Supplement, Sections 86A.10, Subdivisions 3, 4 and 5; 241.023; and 299C.47.

The bill was read for the third time, as amended, and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 122, and nays 3, as follows:

Those who voted in the affirmative were:

Abeln	Doty	Kahn	Neisen	Sieloff
Adams, L.	Eckstein	Kaley	Nelsen	Simoneau
Adams, S.	Eken	Kalis	Nelson	Skoglund
Albrecht	Enebo	Kelly, R.	Niehau	Smith
Anderson, G.	Erickson	Kelly, W.	Norton	Smogard
Anderson, I.	Esau	Kempe, A.	Novak	Spanish
Arlandson	Evans	Kempe, R.	Parish	Stanton
Beauchamp	Ewald	Ketola	Patton	Suss
Begich	Faricy	Knickerbocker	Pehler	Swanson
Berg	Fjoslien	Knoll	Peterson	Tomlinson
Berglin	Forsythe	Kostohryz	Philbrook	Ulland
Biersdorf	Friedrich	Laidig	Prahl	Vanasek
Birnstihl	Fudro	Langseth	Reding	Vento
Braun	Fugina	Lemke	St. Onge	Volk
Brinkman	George	Lindstrom	Samuelson	Voss
Byrne	Graba	Luther	Sarna	Wenstrom
Carlson, A.	Hanson	Mangan	Savelkoul	Wenzel
Carlson, L.	Heinitz	Mann	Schreiber	White
Carlson, R.	Hokanson	McCarron	Schulz	Wieser
Casserly	Jacobs	McCauley	Schumacher	Wigley
Clark	Jaros	McCollar	Searle	Zubay
Clawson	Jensen	McEachern	Setzepfandt	Speaker Sabo
Corbid	Johnson, D.	Menning	Sherwood	
Dahl	Jopp	Metzen	Sieben, H.	
Dieterich	Jude	Munger	Sieben, M.	

Those who voted in the negative were:

Dean	DeGroat	Kvam
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The bill was passed, as amended, and its title agreed to.

S. F. No. 2130, A bill for an act relating to state lands; authorizing conveyance of certain parcels of land in Hennepin county.

The bill was read for the third time and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 131, and nays 0, as follows:

Those who voted in the affirmative were:

Abeln	Berg	Carlson, L.	DeGroat	Evans
Adams, L.	Berglin	Carlson, R.	Dieterich	Ewald
Albrecht	Biersdorf	Casserly	Doty	Faricy
Anderson, G.	Birnstihl	Clark	Eckstein	Fjoslien
Anderson, I.	Braun	Clawson	Eken	Forsythe
Arlandson	Brinkman	Corbid	Enebo	Friedrich
Beauchamp	Byrne	Dahl	Erickson	Fudro
Begich	Carlson, A.	Dean	Esau	Fugina

George	Kempe, R.	Metzen	St. Onge	Suss
Graba	Ketola	Moe	Samuelson	Swanson
Hanson	Knickerbocker	Munger	Sarna	Tomlinson
Haugerud	Knoll	Neisen	Savelkoul	Ulland
Heinitz	Kostohryz	Nelsen	Schreiber	Vanasek
Hokanson	Kroening	Nelson	Schulz	Vento
Jacobs	Kvam	Niehaus	Schumacher	Volk
Jaros	Laidig	Norton	Searle	Voss
Jensen	Langseth	Novak	Setzpfandt	Wenstrom
Johnson, C.	Lemke	Osthoff	Sherwood	Wenzel
Johnson, D.	Lindstrom	Parish	Sieben, H.	White
Jopp	Luther	Patton	Sieben, M.	Wieser
Jude	Mangan	Pehler	Sieloff	Wigley
Kahn	Mann	Peterson	Simoneau	Zubay
Kaley	McCarron	Philbrook	Skoglund	Speaker Sabo
Kalis	McCauley	Pleasant	Smith	
Kelly, R.	McCollar	Prahl	Smogard	
Kelly, W.	McEachern	Reding	Spanish	
Kempe, A.	Menning	Rice	Stanton	

The bill was passed and its title agreed to.

S. F. No. 1944, A bill for an act relating to health; providing for a waiver of the certificate of need requirements by the state board of health; amending Minnesota Statutes, 1975 Supplement, Section 145.811; and Minnesota Statutes 1974, Chapter 145, by adding a section.

The bill was read for the third time and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 131, and nays 0, as follows:

Those who voted in the affirmative were:

Abeln	Dean	Jensen	Mann	Rice
Adams, L.	DeGroat	Johnson, C.	McCarron	St. Onge
Adams, S.	Dieterich	Johnson, D.	McCauley	Samuelson
Albrecht	Doty	Jopp	McCollar	Sarna
Anderson, G.	Eckstein	Jude	McEachern	Savelkoul
Anderson, I.	Eken	Kahn	Menning	Schreiber
Arlandson	Enebo	Kaley	Metzen	Schulz
Beauchamp	Ericksen	Kalis	Moe	Schumacher
Begich	Esau	Kelly, R.	Munger	Searle
Berg	Evans	Kelly, W.	Neisen	Setzpfandt
Berglin	Ewald	Kempe, A.	Nelsen	Sherwood
Biersdorf	Faricy	Kempe, R.	Nelson	Sieben, H.
Birnstihl	Fjoslien	Ketola	Niehaus	Sieben, M.
Braun	Forsythe	Knickerbocker	Norton	Sieloff
Brinkman	Friedrich	Knoll	Novak	Simoneau
Byrne	Fudro	Kostohryz	Osthoff	Skoglund
Carlson, A.	Fugina	Kroening	Parish	Smith
Carlson, L.	George	Kvam	Patton	Smogard
Carlson, R.	Graba	Laidig	Pehler	Spanish
Casserly	Hanson	Langseth	Peterson	Stanton
Clark	Haugerud	Lemke	Philbrook	Suss
Clawson	Heinitz	Lindstrom	Pleasant	Swanson
Corbid	Jacobs	Luther	Prahl	Tomlinson
Dahl	Jaros	Mangan	Reding	Ulland

Vanasek	Voss	White	Zubay	Speaker Sabo
Vento	Wenstrom	Wieser		
Volk	Wenzel	Wigley		

The bill was passed and its title agreed to.

S. F. No. 1188 was reported to the House.

Upon objection of ten members, S. F. No. 1188 was stricken from the Consent Calendar and returned to General Orders.

CONSIDERATION UNDER RULE 1.10

Pursuant to Rule 1.10, Norton requested immediate consideration of H. F. Nos. 2201, 2677 and 2678.

H. F. No. 2201, A bill for an act relating to the state planning agency; providing additional responsibilities for the state demographer; providing for implementation of federal law permitting the state to design a plan for return of census data to the state; providing precinct boundaries to facilitate census data returns; appropriating money; amending Minnesota Statutes 1974, Section 4.12, Subdivision 7; and Minnesota Statutes, 1975 Supplement, Section 204A.06, Subdivision 1, and by adding a subdivision.

The bill was read for the third time and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 127, and nays 0, as follows:

Those who voted in the affirmative were:

Abeln	Dahl	Hokanson	Langseth	Peterson
Adams, L.	Dean	Jacobs	Lemke	Philbrook
Adams, S.	Dieterich	Jaros	Luther	Pleasant
Albrecht	Doty	Jensen	Mangan	Prahl
Anderson, G.	Eckstein	Johnson, C.	Mann	Reding
Anderson, I.	Eken	Johnson, D.	McCarron	St. Onge
Arlandson	Enebo	Jopp	McCauley	Samuelson
Beauchamp	Erickson	Jude	McCollar	Sarna
Begich	Esau	Kahn	McEachern	Savelkoul
Berg	Evans	Kaley	Menning	Schreiber
Berglin	Ewald	Kalis	Metzen	Schulz
Biersdorf	Faricy	Kelly, R.	Moe	Schumacher
Birnstihl	Fjoslien	Kelly, W.	Munger	Searle
Braun	Forsythe	Kempe, A.	Neisen	Setzepfandt
Byrne	Friedrich	Kempe, R.	Nelsen	Sherwood
Carlson, A.	Fudro	Ketola	Nelson	Sieben, H.
Carlson, L.	Fugina	Knickerbocker	Niehaus	Sieben, M.
Carlson, R.	George	Knoll	Norton	Sieloff
Casserly	Graba	Kostohryz	Novak	Simoneau
Clark	Hanson	Kroening	Osthoff	Skoglund
Clawson	Haugerud	Kvam	Patton	Smith
Corbid	Heinitz	Laidig	Pehler	Smogard

Spanish	Tomlinson	Volk	White	Speaker Sabo
Stanton	Ulland	Voss	Wieser	
Suss	Vanasek	Wenstrom	Wigley	
Swanson	Vento	Wenzel	Zubay	

The bill was passed and its title agreed to.

McCarron was excused between the hours of 12:55 to 4:05 p.m.

H. F. No. 2677, A bill for an act relating to public improvements; authorizing alteration, repair, rehabilitation, equipping, and replacement of equipment of public buildings; appropriating money.

The bill was read for the third time and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 130, and nays 0, as follows:

Those who voted in the affirmative were:

Abeln	Doty	Jude	Moe	Setzepfandt
Adams, L.	Eckstein	Kahn	Munger	Sherwood
Adams, S.	Eken	Kaley	Neisen	Sieben, H.
Albrecht	Enebo	Kalis	Nelsen	Sieben, M.
Anderson, G.	Erickson	Kelly, R.	Nelson	Sieloff
Anderson, I.	Esau	Kelly, W.	Niehaus	Simoneau
Arlandson	Evans	Kempe, A.	Norton	Skoglund
Beauchamp	Ewald	Kempe, R.	Novak	Smith
Begich	Faricy	Ketola	Osthoff	Smogard
Berg	Fjoslien	Knickerbocker	Parish	Spanish
Berglin	Forsythe	Knoll	Patton	Stanton
Biersdorf	Friedrich	Kostohryz	Pehler	Suss
Birnstihl	Fudro	Kroening	Peterson	Swanson
Braun	Fugina	Kvam	Philbrook	Tomlinson
Brinkman	George	Laidig	Pleasant	Ulland
Byrne	Graha	Langseth	Prahl	Vanasek
Carlson, A.	Hanson	Lemke	Reding	Vento
Carlson, L.	Haugerud	Lindstrom	Rice	Volk
Carlson, R.	Heinitz	Luther	St. Onge	Voss
Casserly	Hokanson	Mangan	Samuelson	Wenstrom
Clark	Jacobs	Mann	Sarna	Wenzel
Clawson	Jares	McCauley	Savelkoul	White
Corbid	Jensen	McCollar	Schreiber	Wieser
Dahl	Johnson, C.	McEachern	Schulz	Wigley
Dean	Johnson, D.	Menning	Schumacher	Zubay
Dieterich	Jopp	Metzen	Searle	Speaker Sabo

The bill was passed and its title agreed to.

H. F. No. 2678, A bill for an act relating to public improvements; authorizing the acquisition and betterment of public land and buildings and other public improvements of a capital nature; authorizing issuance of state building bonds; appropriating money; amending Minnesota Statutes 1974, Sections 16.16, Subdivision 2; 16A.28; 137.02, Subdivision 3; repealing Laws 1973, Chapter 778, Section 20.

The bill was read for the third time and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 128, and nays 1, as follows:

Those who voted in the affirmative were:

Abeln	Doty	Jude	Munger	Sieben, M.
Adams, L.	Eckstein	Kahn	Neisen	Sieloff
Albrecht	Eken	Kaley	Nelsen	Simóneau
Anderson, G.	Enebo	Kalis	Nelson	Skoglund
Anderson, I.	Erickson	Kelly, R.	Niehaus	Smith
Arlandson	Esau	Kelly, W.	Norton	Smogard
Beauchamp	Evans	Kempe, A.	Novak	Spanish
Begich	Ewald	Kempe, R.	Osthoff	Stanton
Berg	Faricy	Ketola	Parish	Suss
Berglin	Fjoslien	Knickerbocker	Patton	Swanson
Biersdorf	Forsythe	Knoll	Pehler	Tomlinson
Birnstihl	Friedrich	Kostohryz	Peterson	Ulland
Braun	Fudro	Kroening	Philbrook	Vanasek
Brinkman	Fugina	Laidig	Prahl	Vento
Byrne	George	Langseth	Reding	Volk
Carlson, A.	Graba	Lemke	Rice	Voss
Carlson, L.	Hanson	Lindstrom	St. Onge	Wenstrom
Carlson, R.	Haugerud	Luther	Samuelson	Wenzel
Casserly	Heinitz	Mangan	Sarna	White
Clark	Hokanson	Mann	Savelkoul	Wieser
Clawson	Jacobs	McCauley	Schulz	Wigley
Corbid	Jaros	McCollar	Schumacher	Williamson
Dahl	Jensen	McEachern	Searle	Zubay
Dean	Johnson, C.	Menning	Setzepfandt	Speaker Sabo
DeGroat	Johnson, D.	Metzen	Sherwood	
Dieterich	Jopp	Moe	Sieben, H.	

Those who voted in the negative were:

Kvam

The bill was passed and its title agreed to.

The following Conference Committee Report was received.

CONFERENCE COMMITTEE REPORT ON H. F. NO. 404

A bill for an act relating to banks; cash reserves of banks and trust companies; recordkeeping of savings associations; amending Minnesota Statutes 1974, Sections 48.22; and 51A.19, Sub-division 4.

March 17, 1976

The Honorable Martin O. Sabo
Speaker of the House of Representatives
The Honorable Alec G. Olson
President of the Senate

We, the undersigned conferees for H. F. No. 404 report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that H. F. No. 404 be amended as follows:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1974, Section 47.20, is amended to read:

47.20 [USE OF FEDERAL ACTS.] Pursuant to such regulations as the commissioner of banks finds to be necessary and proper, if any, banks, savings banks, mutual savings banks, building and loan associations, and savings and loan associations organized under the laws of this state or the United States, trust companies, trust companies acting as fiduciaries, and other banking institutions, subject to the supervision of the commissioner of banks, and mortgagees or lenders approved or certified by the secretary of housing and urban development or approved or certified by the administrator of veterans affairs, are authorized:

(1) To make such loans and advances of credit and purchases of obligations representing loans and advances of credit as are insured *or guaranteed* by the secretary of housing and urban development pursuant to the national housing act, as amended, or the administrator of veterans affairs pursuant to the servicemen's readjustment act of 1944, as amended, and to obtain such insurance *or guarantees*;

(2) To make such loans secured by mortgages on real property which the secretary of housing and urban development or the administrator of veterans affairs has insured *or guaranteed* or made a commitment to insure *or guarantee*, and to obtain such insurance *or guarantees*.

Sec. 2. Minnesota Statutes 1974, Section 48.153, is amended to read:

48.153 (ANY BANK ORGANIZED UNDER THE LAWS OF THIS STATE, OR ANY NATIONAL BANKING ASSOCIATION DOING BUSINESS IN THE STATE, MAKING ANY LOAN OF MONEY NOT EXCEEDING \$25,000 REPAYABLE IN INSTALLMENTS, MAY MAKE A CHARGE FOR SUCH LOAN COMPUTED AT A RATE NOT EXCEEDING SIX PERCENT PER ANNUM UPON THE TOTAL AMOUNT OF THE LOAN FROM THE DATE THEREOF UNTIL THE STATED MATURITY DATE OF THE FINAL INSTALLMENT THEREOF, WHICH SHALL NOT EXCEED 12 YEARS AND THIRTY-TWO DAYS FROM THE DATE OF THE LOAN, NOTWITHSTANDING THAT SUCH LOAN IS REQUIRED TO BE REPAYED IN INSTALLMENTS OR THAT THE LOAN IS SECURED BY MORTGAGE, PLEDGE, OR OTHER COLLATERAL OR BY A DEPOSIT ACCOUNT OPENED CONCURRENTLY WITH THE MAKING OF THE LOAN AND ASSIGNED AS COLLATERAL SECURITY

THEREFOR, WHICH DEPOSIT ACCOUNT MAY EVIDENCE DEPOSITS MADE OR REQUIRED TO BE MADE PERIODICALLY, WITH OR WITHOUT INTEREST, THROUGHOUT THE TERM OF SAID LOAN. IF THE CHARGE COMPUTED ON ANY INSTALLMENT LOAN, SINGLE PAYMENT OR DEMAND LOAN SHALL BE LESS THAN \$10, THE AMOUNT SO CHARGED MAY NEVERTHELESS BE \$10. ANY CHARGE AUTHORIZED BY SECTIONS 48.153 TO 48.157 MAY BE INCLUDED IN THE PRINCIPAL AMOUNT OF THE NOTE OR OTHER INSTRUMENT EVIDENCING SAID LOAN AND THE AGGREGATE AMOUNT THEREOF BE PAYABLE IN INSTALLMENTS.) [INSTALLMENT LOANS, FINANCE CHARGES, MINIMUM CHARGES.] *Any bank organized under the laws of this state, or any national banking association doing business in this state, making any loan of money not exceeding \$25,000 repayable in installments, may make a finance charge for such loan to be computed at a rate which does not exceed 12 percent per annum upon the unpaid principal balance of the amount financed. Installment payments shall not extend beyond a period of 12 years and 32 days from the date of the loan. The loan may be secured by a mortgage, pledge, or other collateral. Any savings bank organized pursuant to Minnesota Statutes, Chapter 50, and having its principal place of business in this state, may make a loan for consumer purposes to any natural person in an amount not exceeding \$7,500 repayable in installments, and may make a finance charge for the loan to be computed at a rate not exceeding 12 percent per annum on the unpaid principal balance of the amount financed. Installment payments shall not extend beyond a period of five years and 32 days from the date of the loan. The loan may be secured by a mortgage, pledge or other collateral. Charges in reference to installment loans under this section shall be computed and collected only on the unpaid principal balance of the amount financed actually outstanding. One day's finance charge shall mean an amount equal to 1/365 of the per annum rate provided for in an installment loan. If the total finance charge determined on an installment loan, single payment or demand loan shall be less than \$10 the amount charged may nevertheless be \$10.*

Sec. 3. Minnesota Statutes 1974, Section 48.154, is amended to read:

48.154 (THE BORROWER MAY REPAY THE ENTIRE BALANCE OF SUCH A LOAN AT ANY TIME, AND UPON SUCH PREPAYMENT THE BORROWER SHALL BE ENTITLED TO A REFUND, COMPUTED AT THE RATE AT WHICH THE ORIGINAL CHARGE WAS COMPUTED, UPON THE AMOUNT SO PREPAID FROM THE DATE OF SUCH PREPAYMENT TO THE STATED MATURITY DATE OF THE FINAL INSTALLMENT; PROVIDED, THAT IN ANY EVENT THE LENDER MAY RETAIN AT LEAST \$5 OF THE ORIGINAL CHARGE.) [PREPAYMENT, EXTENSION

OF TERMS.] *The borrower may repay the entire balance or any portion of the balance of an installment loan in advance without penalty. An installment loan contract may provide that the parties, before or after default, may agree in writing to an extension of all or part of the unpaid installments and collect as an extension fee a finance charge not exceeding that rate agreed to in the original loan contract. No such extension shall be permitted to cause repayment of a loan to exceed those maturities set down in section 48.153. One day's finance charge shall mean an amount equal to 1/365 of the per annum rate provided for in an installment loan.*

Sec. 4. Minnesota Statutes 1974, Section 48.155, is amended to read:

48.155 [ALLOWABLE ADDITIONAL CHARGES.] No charge other than those provided for in sections 48.153 and 48.154 shall be made directly or indirectly for any such *installment* loan except that there may be charged to the borrower or included in the amount financed:

((A) IN CASE OF DEFAULT, TO COLLECT A DELINQUENCY AND COLLECTION CHARGE ON EACH INSTALLMENT IN ARREARS FOR A PERIOD OF NOT LESS THAN TEN DAYS IN AN AMOUNT NOT IN EXCESS OF FIVE PERCENT OF THE UNPAID AMOUNT OF EACH INSTALLMENT OR \$5, WHICHEVER IS LESS. A DELINQUENCY CHARGE MAY BE COLLECTED ONLY ONCE ON AN INSTALLMENT HOWEVER LONG IT REMAINS IN DEFAULT. NO DELINQUENCY CHARGE MAY BE COLLECTED ON AN INSTALLMENT WHICH IS PAID IN FULL WITHIN 10 DAYS AFTER ITS SCHEDULED INSTALLMENT DUE DATE EVEN THOUGH AN EARLIER MATURING INSTALLMENT OR A DELINQUENCY CHARGE ON AN EARLIER INSTALLMENT MAY NOT HAVE BEEN PAID IN FULL. FOR PURPOSES OF THIS PARAGRAPH PAYMENTS ARE APPLIED FIRST TO CURRENT INSTALLMENTS AND THEN TO DELINQUENT INSTALLMENTS;)

((B) (a) Any lawful fees paid or to be paid by the lender (FOR ANY ABSTRACT OR) to any public officer for filing, recording, or releasing in any public office (OR FOR ACKNOWLEDGING) any instrument securing the loan;

((C) (b) Any lawful premium or charge for insurance protecting the lender against the risk of loss from not filing or recording a security agreement or financing statement and in lieu of filing thereof. Such premium or charge shall not exceed the actual premium or charge made by the insurance company to the lender and in no event in excess of the costs if the document were actually filed, recorded, or released in any public office;

(D)) (c) The premium on any life, property or other insurance taken as security for the loan; provided, that the borrower has acknowledged by his signature that he has been notified in writing that he may (HIMSELF), at his own cost, procure and deposit with the lender (ANY) such insurance if written by a responsible company. Such premium may be included as part of the loan.

Sec. 5. Minnesota Statutes 1974, Chapter 48, is amended by adding a section to read:

[48.185] [OPEN END LOAN ACCOUNT ARRANGEMENTS.] *Subdivision 1. Any bank organized under the laws of this state, any national banking association doing business in this state, and any savings bank organized and operated pursuant to Minnesota Statutes, Chapter 50, may extend credit through an open end loan account arrangement with a debtor, pursuant to which the debtor may obtain loans from time to time by cash advances, purchase or satisfaction of the obligations of the debtor incurred pursuant to a credit card plan, or otherwise under a credit card or overdraft checking plan.*

Subd. 2. No bank shall extend credit which would cause the total outstanding balance of the debtor on accounts created pursuant to the authority of this section to exceed \$7,500. No savings bank shall extend credit which would cause the outstanding balance of the debtor to exceed \$5,000, nor shall it extend such credit for any purposes other than personal, family or household purposes, nor shall it extend such credit to any person other than a natural person.

Subd. 3. A bank or savings bank may collect a periodic rate of finance charge in connection with extensions of credit pursuant to this section, which rate does not exceed one percent per month computed on an amount no greater than the average daily balance of the account during each monthly billing cycle. If the billing cycle is other than monthly, the maximum finance charge for that billing cycle shall be that percentage which bears the same relation to one percent as the number of days in the billing cycle bears to 30.

Subd. 4. No charges other than those provided for in subdivision 3 shall be made directly or indirectly for any credit extended under the authority of this section, except that there may be charged to the debtor:

(a) *Annual charges, not to exceed \$15 per annum, payable in advance, for the privilege of using a bank credit card which entitled the debtor to purchase goods or services from merchants, under an arrangement pursuant to which the debts resulting from the purchases are paid or satisfied by the bank or savings bank and charged to the debtor's open end loan account with the bank or savings bank;*

(b) Charges for premiums on credit life and credit accident and health insurance if:

(1) The insurance is not required by the bank or savings bank and this fact is clearly disclosed in writing to the debtor; and

(2) The debtor is notified in writing of the cost of the insurance and affirmatively elects, in writing, to purchase the insurance.

Subd. 5. If the balance in a revolving loan account under a credit card plan is attributable solely to purchases of goods or services charged to the account during one billing cycle, and the account is paid in full before the due date of the first statement issued after the end of that billing cycle, no finance charge shall be charged on that balance.

Subd. 6. This section shall apply to all open end credit transactions of a bank or savings bank in extending credit under an open end loan account or other open end credit arrangement to persons who are residents of this state, if the bank or savings bank induces such persons to enter into such arrangements by a continuous and systematic solicitation either personally or by an agent or by mail, and retail merchants and banks or savings banks within this state are contractually bound to honor credit cards issued by the bank or savings bank, and the goods, services and loans are delivered or furnished in this state and payment is made from this state. A term of a writing or credit card device executed or signed by a person to evidence an open end credit arrangement specifying:

(a) that the law of another state shall apply;

(b) that the person consents to the jurisdiction of another state; and

(c) which fixes venue;

is invalid with respect to open end credit transactions to which this section applies. An open end credit arrangement made in another state with a person who was a resident of that state when the open end credit arrangement was made is valid and enforceable in this state according to its terms to the extent that it is valid and enforceable under the laws of the state applicable to the transaction.

Subd. 7. Any bank or savings bank extending credit in compliance with the provisions of this section, which is injured competitively by violations of this section by another bank or savings bank, may institute a civil action in the district court of this state against that bank or savings bank for an injunction prohibiting

any violation of this section. The court, upon proper proof that the defendant has engaged in any practice in violation of this section, may enjoin the future commission of that practice. Proof of monetary damage or loss of profits shall not be required. Costs and attorneys' fees may be allowed to the plaintiff, unless the court directs otherwise. The relief provided in this subdivision is in addition to remedies otherwise available against the same conduct under the common law or statutes of this state.

Service of process shall be as in any other civil suit, except that if a defendant in the action is a foreign corporation or a national banking association with its principal place of business in another state, service of process may also be made by personal service outside the state, or in the manner provided by Minnesota Statutes, Section 303.13, Subdivision 1, Clause (3), or in such manner as the court may direct. Process is valid if it satisfies the requirements of due process of law, whether or not defendant is doing business in Minnesota regularly or habitually.

Sec. 6. Minnesota Statutes 1974, Section 48.22, is amended to read:

48.22 [CASH RESERVES.] Subdivision 1. [REQUIREMENTS.] (1T) A state bank or trust company shall always keep a reserve equal to (12) seven percent of its demandable liabilities and (THREE) two percent of its time deposits; which shall be in cash, cash items in process of collection and balances due on demand from solvent banks in the United States or its territories. No bank or trust company shall act as reserve agent for another without the approval of the commissioner if its capital and surplus are less than \$100,000. When its reserve shall become impaired, it shall make no new loans or discounts except upon sight bills of exchange, nor declare any dividend until the same has been fully restored.

Subd. 2. [FAILURE TO MEET REQUIREMENTS.] If on any one day, (SUCH) a state bank or trust company's reserve shall not meet requirements, it shall not constitute a violation for the purposes of section 48.22 provided that the average reserve for each biweekly period ending on the last business day of alternate calendar weeks and to include the actual number of such business days, shall equal or exceed minimum requirements as provided in subdivisions 1 and 3. The cash reserves of each bank or trust company shall be the amount available at the end of the day for which such reserve is maintained. The amount of the reserve required (FOR SUCH DAY UNDER SUBDIVISION 1) shall be based upon the total deposits at the close of the previous business day. By appropriate action of the board of directors at any meeting, a bank or trust company, with subsequent 30 days notice to the commissioner as to the effective date, may exercise the option of adopting a biweekly period for the purpose of this subdivision which will end on Wednesday of alternate calendar weeks. At such a meeting and with the previous approval

of the commissioner, a bank or trust company may establish a biweekly period other than provided herein and with such effective date as the commissioner may prescribe. For each such biweekly period in which the average reserve shall become deficient, such bank or trust company shall pay a fine of \$50 or an amount equivalent to (EIGHT) 12 percent per annum based on the average deficiency for such period, whichever is greater. Such fine shall be payable to the commissioner on his making a request for payment.

Subd. 3. [STATE BANKS, CHANGE IN REQUIREMENTS.] 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 (MAKE AN ORDER CHANGING THE) by *directive change his* requirements as to reserves against demand or time deposits, or both, in state banks or trust companies which are not members of the Federal Reserve System. The reserve requirements established in any such (ORDER) *directive* shall not be less than the requirements contained in subdivision 1, nor more than those required of member banks of the Federal Reserve System on the date that the (ORDER) *directive* is (MADE) *issued* by the commissioner *unless these reserve requirements are less than those contained in subdivision 1.*

Subd. 4. [FEDERAL RESERVE BANK MEMBERS EXEMPT.] Any state bank or trust company which is a member of a federal reserve bank (SHALL MAINTAIN) *and maintains* such reserves with such federal reserve bank as are required by or pursuant to the federal reserve act (AND SO LONG AS IT COMPLIES WITH THE REQUIREMENTS OF SUCH FEDERAL RESERVE ACT WITH REFERENCE TO RESERVES) shall be exempt from the (PRECEDING) provisions relating to reserve requirements.

Subd. 5. [SAVINGS CERTIFICATES, WHEN DEMANDABLE.] Savings certificates issued by state banks and trust companies on the basis of being renewed on an optional basis for a period of not to exceed ten days shall not be considered as demandable liabilities during such option periods for the purposes of this section.

Subd. 6. [INVESTMENT IN SHORT TERM FEDERAL OBLIGATIONS.] Not more than 30 percent of a (BANK'S) *state bank or trust company's* reserves may be invested in *direct* obligations of the United States *Treasury* which mature within one year from the date such obligations are first considered as a part of the (BANK'S) *bank or trust company's* reserve. *Obligations which constitute reserves shall be segregated on the books and records of the bank or trust company as required by directive of the commissioner of banks. Obligations which constitute reserves shall not be used to secure any municipal deposits or as collateral for any purpose while held as a part of the re-*

serves required by this section. Reserves of a state bank or trust company shall not be invested in obligations of agencies of the United States.

Sec. 7. Minnesota Statutes 1974, Section 51A.19, Subdivision 4, is amended to read:

Subd. 4. [BOOKS TO BE CLOSED AT LEAST ANNUALLY.] Every association shall close its books at the close of business on (JUNE 30 AND) December 31 of each year, or more often (IF AUTHORIZED FOR ALL ASSOCIATIONS BY THE COMMISSIONER) *if desired by the association.*

Sec. 8. *Minnesota Statutes 1974, Sections 50.161, 50.162, 50.163, 50.164, and 50.165 are repealed.*

Sec. 9. [EFFECTIVE DATES.] *This section and sections 1 and 5 are effective the day following their final enactment. The remaining provisions of this act are effective July 1, 1976."*

Further strike the title and insert:

"A bill for an act relating to financial institutions; allowing loans guaranteed by certain federal authorities; providing for certain installment loans and open end loan accounts; establishing certain recordkeeping and reserve requirements; providing certain remedies; amending Minnesota Statutes 1974, Sections 47.20; 48.153; 48.154; 48.155; 48.22; and 51A.19, Subdivision 4; and Chapter 48, by adding a section; repealing Minnesota Statutes 1974, Sections 50.161 to 50.165."

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

House Conferees: BERNARD J. BRINKMAN, B. J. PHILBROOK and RONALD B. SIELOFF.

Senate Conferees: WINSTON W. BORDEN, BALDY HANSEN and OTTO T. BANG, JR.

Brinkman moved that the report of the Conference Committee on H. F. No. 404 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 404, A bill for an act relating to banks; cash reserves of banks and trust companies; recordkeeping of savings associations; amending Minnesota Statutes 1974, Sections 48.22; and 51A.19, Subdivision 4.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question being taken on the repassage of the bill and the roll being called, there were yeas 74, and nays 55, as follows:

Those who voted in the affirmative were:

Abeln	Erickson	Jude	Menning	Sherwood
Anderson, G.	Esau	Kaley	Metzen	Sieben, M.
Biersdorf	Evans	Kelly, R.	Nelsen	Sieloff
Birnsthil	Ewald	Kelly, W.	Niehaus	Spanish
Braun	Fjoslien	Kempe, R.	Novak	Suss
Brinkman	Forsythe	Knickerbocker	Patton	Tomlinson
Carlson, A.	Friedrich	Kvam	Peterson	Ulland
Casserly	George	Laidig	Philbrook	Volk
Corbid	Graba	Langseth	Reding	Voss
Dahl	Haugerud	Lemke	St. Onge	Wenzel
Dean	Heinitz	Lindstrom	Savelkoul	White
DeGroat	Hokanson	Luther	Schreiber	Wieser
Eckstein	Jacobs	Mann	Schulz	Wigley
Eken	Johnson, C.	McCauley	Searle	Williamson
Enebo	Jopp	McEachern	Setzpfandt	

Those who voted in the negative were:

Adams, L.	Carlson, R.	Kahn	Nelson	Sieben, H.
Adams, S.	Clark	Kalis	Norton	Simoneau
Albrecht	Clawson	Kempe, A.	Osthoff	Skoglund
Anderson, I.	Dieterich	Ketola	Parish	Smith
Arlandson	Doty	Kostohryz	Pehler	Smogard
Beauchamp	Farcy	Kroening	Pleasant	Stanton
Begich	Fudro	Mangan	Prahl	Swanson
Berg	Fugina	McCollar	Rice	Vanasek
Berglin	Hanson	Moe	Samuelson	Vento
Byrne	Jaros	Munger	Sarna	Wenstrom
Carlson, L.	Johnson, D.	Neisen	Schumacher	Speaker Sabo

The bill was repassed, as amended by Conference, and its title agreed to.

SPECIAL ORDERS

Forsythe was excused for the remainder of today's session.

H. F. No. 2002 was reported to the House.

Osthoff moved that H. F. No. 2002 be returned to General Orders. The motion prevailed.

H. F. No. 2154 was reported to the House.

Carlson, A., Ulland, Laidig and Dean moved to amend H. F. No. 2154 as follows:

Page 1, line 23, strike "equal" and insert the word "primary".

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll being called, there were yeas 20, and nays 96, as follows:

Those who voted in the affirmative were:

Albrecht	Clark	Evans	Laidig	Savelkoul
Biersdorf	Dean	Friedrich	Moe	Sieloff
Byrne	DeGroat	Jaros	Nelson	Skoglund
Carlson, A.	Dieterich	Kaley	Peterson	Ulland

Those who voted in the negative were:

Abeln	Eckstein	Kempe, R.	Osthoff	Smogard
Adams, L.	Enebo	Ketola	Parish	Spanish
Adams, S.	Erickson	Knoll	Patton	Stanton
Anderson, G.	Ewald	Kostohryz	Pehler	Suss
Anderson, I.	Fudro	Kroening	Philbrook	Swanson
Arlandson	Fugina	Kvam	Prahl	Tomlinson
Beauchamp	George	Lemke	Reding	Vanasek
Begich	Graba	Lindstrom	Rice	Volk
Berg	Hanson	Luther	St. Onge	Voss
Berglin	Haugerud	Mangan	Samuelson	Westrom
Birnsthil	Hokanson	Mann	Sarna	Wenzel
Braun	Jacobs	McCauley	Schulz	White
Brinkman	Jensen	McCollar	Schumacher	Wieser
Carlson, L.	Johnson, C.	McEachern	Searle	Williamson
Carlson, R.	Johnson, D.	Menning	Setzepfandt	Zubay
Casserly	Jude	Munger	Sherwood	Speaker Sabo
Clawson	Kalis	Neisen	Sieben, H.	
Corbid	Kelly, R.	Niehaus	Sieben, M.	
Dahl	Kelly, W.	Norton	Simoneau	
Doty	Kempe, A.	Novak	Smith	

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

H. F. No. 2154, A bill for an act relating to the operation and structure of state government; eliminating certain qualifications for the office of commissioner of personnel; amending Minnesota Statutes 1974, Section 43.001, Subdivision 2.

The bill was read for the third time, as amended on Special Orders for Wednesday, March 17, 1976, and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 71, and nays 59, as follows:

Those who voted in the affirmative were:

Adams, L.	Braun	Doty	Jaros	Ketola
Anderson, G.	Brinkman	Eken	Jensen	Knoll
Anderson, I.	Carlson, L.	Enebo	Johnson, C.	Kroening
Arlandson	Carlson, R.	Fudro	Johnson, D.	Langseth
Begich	Casserly	Fugina	Jude	Lemke
Berg	Clark	George	Kalis	Lindstrom
Berglin	Corbid	Graba	Kelly, W.	Luther
Birnsthil	Dahl	Jacobs	Kempe, A.	Mangan

Mann	Novak	Samuelson	Smogard	Voss
McCollar	Osthoff	Sarna	Spanish	Wenzel
McEachern	Parish	Schumacher	Suss	Speaker Sabo
Menning	Patton	Setzpfandt	Swanson	
Metzen	Philbrook	Sieben, H.	Tomlinson	
Moe	Rice	Sieben, M.	Vanasek	
Munger	St. Onge	Simoneau	Vento	

Those who voted in the negative were:

Abeln	Erickson	Kahn	Niehaus	Sieloff
Adams, S.	Esau	Kaley	Norton	Skoglund
Albrecht	Evans	Kelly, R.	Pehler	Smith
Beauchamp	Ewald	Kempe, R.	Peterson	Stanton
Biersdorf	Faricy	Knickerbocker	Pleasant	Ulland
Byrne	Fjoslien	Kostohryz	Prahl	Volk
Carlson, A.	Friedrich	Kvam	Reding	Wenstrom
Clawson	Hanson	Laidig	Savelkoul	White
Dean	Haugerud	McCaughey	Schreiber	Wieser
DeGroat	Heinitz	Neisen	Schulz	Wigley
Dieterich	Hokanson	Nelsen	Searle	Zubay
Eckstein	Jopp	Nelson	Sherwood	

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

H. F. No. 2269 was reported to the House.

Adams, L., moved that H. F. No. 2269 be returned to the top of General Orders. The motion prevailed.

Anderson, I., moved that the remaining bills on Special Orders for today be continued on Special Orders for Monday, March 22, 1976, immediately following the Consent Calendar. The motion prevailed.

Anderson, I., moved that the House recess subject to the call of the Chair. The motion prevailed.

RECESS

RECONVENED

The House reconvened and was called to order by the Speaker.

There being no objection the order of business reverted to Reports of Standing Committees.

REPORTS OF STANDING COMMITTEES

Kelly, W., from the Committee on Taxes to which was referred:

H. F. No. 617, A bill for an act relating to taxation; adding certain disabled persons to those paying reduced property taxes; amending Minnesota Statutes 1974, Section 273.13, Subdivision 7.

Reported the same back with the following amendments:

Page 1, line 7, delete "1974" and insert ", 1975 Supplement".

Page 1, after line 14, insert "less any reduction received pursuant to section 273.135,".

Page 1, line 16, delete "\$12,000" and insert "the homestead base value".

Page 1, line 21, delete "\$12,000" and insert "the homestead base value".

Page 2, line 25, after the comma insert "*or who is receiving aid under the federal railroad retirement act of 1937, 45 United States Code Annotated, Section 228b(a)5*".

Page 2, line 26, delete "or".

Page 2, delete lines 27 and 28.

Page 2, line 29, delete "*et. seq.*".

Page 3, line 4, after the comma insert "less any reduction received pursuant to section 273.135,".

Page 3, line 5, delete "\$12,000" and insert "the homestead base value".

Page 3, after line 13 insert:

"Sec. 2. This act is effective for taxes assessed in 1976 and thereafter and payable in 1977 and thereafter".

Further, amend the title:

Line 4, delete "1974" and insert ", 1975 Supplement".

With the recommendation that when so amended the bill do pass.

The report was adopted.

Kelly, W., from the Committee on Taxes to which was referred:

H. F. No. 1947, A bill for an act relating to taxation; providing for the assessment of dwelling units in certain buildings; amending Minnesota Statutes 1974, Section 273.133.

Reported the same back with the following amendments:

Page 1, line 8, after "COOPERATIVES" insert a comma.

Page 1, line 9, after "CORPORATIONS" insert "OR OTHER NONPROFIT CORPORATIONS".

Page 1, line 9, before "When" insert "*Subdivision 1. [CO-OPERATIVES AND CHARITABLE CORPORATIONS.]*".

Page 2, line 2, reinstate "charitable".

Page 2, line 3, delete "*as a charitable corporation*".

Page 2, line 4, reinstate "thereunder with" and delete "*from taxation under article X,*".

Page 2, delete line 5.

Page 2, line 6, delete "*constitution or laws and having*".

Page 2, line 9, delete "*or equivalent or more*".

Page 2, line 10, delete "*advantageous contract rights*".

Page 2 after line 11, insert "*Subd. 2. [OTHER NON-PROFIT CORPORATIONS.] When a building containing several dwelling units is owned by an entity organized under chapter 317 and operating as a nonprofit corporation which enters into membership agreements with persons under which they are entitled to life occupancy in a unit in the building, homestead classification shall be given to each unit so occupied and the entire building shall be assessed in the manner provided in subdivision 1 for cooperatives and charitable corporations.*"

Sec. 2. Minnesota Statutes, 1975 Supplement, Section 290A.03, Subdivision 12, is amended to read:

Subd. 12. [GROSS RENT.] "Gross rent" means rental paid solely for the right of occupancy, at arms-length, of a homestead, exclusive of charges for any utilities, services, furniture, furnishings or personal property appliances furnished by the landlord as part of the rental agreement, whether expressly set out in the rental agreement or not. If the landlord and tenant have not dealt with each other at arms-length and the commissioner determines that the gross rent charged was excessive, he may adjust the gross rent to a reasonable amount for purposes of sections 290A.01 to 290A.21.

If the landlord does not supply the charges for any utilities, furniture, furnishings or personal property appliances furnished by him, or if the charges appear to be incorrect the commissioner may apply a percentage determined from samples of similar gross rents paid solely for the right of occupancy.

Any amount paid by a claimant residing in property assessed pursuant to section 273.133 for occupancy in that property shall

be excluded from gross rent for purposes of this chapter. However, property taxes imputed to the homestead of the claimant pursuant to section 273.133 shall be included within the term "property taxes payable" as defined in subdivision 13, notwithstanding the fact that ownership is not in the name of the claimant."

Renumber the remaining section accordingly.

Further, amend the title as follows:

Line 4, after "273.133" insert "; and Minnesota Statutes, 1975 Supplement, Section 290A.03, Subdivision 12".

With the recommendation that when so amended the bill do pass.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 617 and 1947 were read for the second time.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 1615, A bill for an act relating to public health; providing for care, medical treatment, and legal rights of live births resulting from abortions.

PATRICK E. FLAHAVEN, Secretary of the Senate

Farcy moved that the House refuse to concur in the Senate amendments to H. F. No. 1615, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two Houses. The motion prevailed.

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee, con-

sisting of 5 members of the Senate, on the amendments adopted by the Senate to the following House File:

H. F. No. 525, A bill for an act relating to state government; creating a department of transportation; prescribing its duties and responsibilities; transferring the functions of some state departments; appropriating money; amending Minnesota Statutes 1974, Sections 43.09, Subdivision 2a; and 360.017, Subdivision 1; repealing Minnesota Statutes 1974, Sections 4.20; 161.03; and 360.014.

The Senate has appointed as such committee Messrs. Laufenburger, Brown, Schaaf, North and Borden.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee, consisting of 5 members of the Senate, on the amendments adopted by the Senate to the following House File:

H. F. No. 1997, A bill for an act relating to the operation of state government; providing for aids to education, tax levies and the distribution of tax revenues; changing the funding of special education, adult vocational education and secondary vocational education to a current funding basis; granting certain powers and duties to school districts, the commissioner of education, and the state board of education; establishing a uniform financial accounting and reporting system for Minnesota school districts; requiring the provision of special education on a shared time basis to nonpublic school pupils; appropriating money; amending Minnesota Statutes 1974, Sections 120.17, by adding a subdivision; 120.73, Subdivision 1; 120.74, Subdivision 1; 121.21, by adding a subdivision; 122.45, Subdivisions 2 and 3a; 124.212, by adding a subdivision; 124.32, as amended; Chapter 124, by adding sections; Minnesota Statutes, 1975 Supplement, Sections 122.23, Subdivision 15; 122.45, Subdivision 1; 124.04; 124.17, Subdivisions 1 and 2; 124.212, Subdivision 8a; 124.271, Subdivision 2; 124.43, Subdivision 1; 124.561, Subdivision 3, and by adding a subdivision; 124.562, Subdivision 2; 124.563, Subdivision 3, and by adding a subdivision; 124.564; 124.565, Subdivision 2; 124.611, Subdivisions 1 and 2; 275.125, Subdivisions 2a, 4, 5, 8, 9, and 14; repealing Minnesota Statutes 1974, Sections 122.54 and 275.39.

The Senate has appointed as such committee Messrs. Anderson, Hughes, O'Neill, Sillers and Lewis.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested.

H. F. No. 1979, A bill for an act relating to taxation; defining "claimant" for purposes of certain homestead credits; amending Minnesota Statutes, 1975 Supplement, Sections 290A.03, Subdivision 8; and 290A.04, Subdivisions 2 and 3.

PATRICK E. FLAHAVEN, Secretary of the Senate

Kelly, W. moved that the House refuse to concur in the Senate amendments to H. F. No. 1979, that H. F. No. 1979 be returned to the Senate, that the Senate be advised that the House refuses to meet in conference on H. F. No. 1979, and that the Senate be advised that the House respectfully suggests that H. F. No. 2072 would be a suitable bill to refer to conference to resolve the differing positions of the two houses.

In addition, the House respectfully requests that the Senate pass H. F. No. 1979 without amendment and that the bill be transmitted to the Governor so that the problems of some of our senior citizens will be resolved.

A roll call was requested and properly seconded.

The question was taken on the motion and the roll being called, there were yeas 97, and nays 33, as follows:

Those who voted in the affirmative were:

Abeln	Corbid	Johnson, C.	McCollar	Rice
Adams, L.	Dahl	Johnson, D.	McEachern	St. Onge
Anderson, G.	Doty	Jude	Menning	Samuelson
Anderson, I.	Eckstein	Kahn	Metzen	Sarna
Arlandson	Eken	Kalis	Moe	Schulz
Beauchamp	Enebo	Kelly, R.	Munger	Schumacher
Begich	Faricy	Kelly, W.	Neisen	Setzepfandt
Berglin	Fudro	Ketola	Nelson	Sherwood
Birnstihl	Fugina	Knoll	Norton	Sieben, H.
Braun	George	Kostohryz	Novak	Sieben, M.
Brinkman	Graba	Kroening	Osthoff	Simoneau
Byrne	Hanson	Langseth	Parish	Skoglund
Carlson, L.	Haugerud	Lemke	Patton	Smith
Carlson, R.	Hokanson	Luther	Pehler	Smogard
Casserly	Jacobs	Mangan	Philbrook	Spanish
Clark	Jaros	Mann	Prahl	Stanton
Clawson	Jensen	McCarron	Reding	Suss

Swanson
Tomlinson
Vanasek

Vento
Volk
Voss

Wenstrom
Wenzel
White

Wieser
Williamson

Speaker Sabo

Those who voted in the negative were:

Adams, S.
Albrecht
Biersdorf
Carlson, A.
Dean
DeGroat
Dieterich

Erickson
Esau
Evans
Ewald
Fjoslien
Friedrich
Heinitz

Jopp
Kaley
Kemp, A.
Kemp, R.
Knickerbocker
Kvam
Laidig

McCauley
Nelsen
Niehaus
Peterson
Pleasant
Savelkouf
Schreiber

Searle
Sieloff
Ulland
Wigley
Zubay

The motion prevailed.

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendments to:

S. F. No. 840, A bill for an act relating to the department of human rights; creating a private right of action to enforce the provisions of the human rights act in certain cases; amending Minnesota Statutes 1974, Section 363.06, Subdivision 1; and Chapter 363, by adding a section.

And the Senate respectfully requests that a Conference Committee of 3 members be appointed thereon. Messrs. Tennessen, Stokowski and Jensen have been appointed as such committee on the part of the Senate.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

PATRICK E. FLAHAVEN, Secretary of the Senate

Casserly moved that the House accede to the request of the Senate for the appointment of a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two Houses on S. F. No. 840. The motion prevailed.

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate File herewith transmitted:

S. F. No. 2277.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 1857, 2164 and 2465.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 1800 and 2177.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 2277, A bill for an act relating to the organization and operation of state government; codifying various provisions formerly contained as riders in appropriation acts; amending Minnesota Statutes 1974, Sections 3.755; 16A.72; 38.02, Subdivision 1, and by adding a subdivision; 121.26; 125.08; 136.06; 136.11, Subdivisions 1 and 2, and by adding subdivisions; 136.13; 136.62, by adding a subdivision; 137.02, by adding a subdivision; 138.01; 144.169, by adding a subdivision; 158.04; 158.05; 158.08; 161.142, Subdivision 6; 161.201; 167.45; 171.26; 173.231; 241.27, by adding a subdivision; 245.61; 245.65, Subdivision 1; 246.02, Subdivisions 2 and 4; 248.07, Subdivision 8; 252.27, Subdivision 1; 254A.08, Subdivision 3; 256.01, Subdivision 8; 256.011; 260.311, Subdivision 5; 299D.03, Subdivision 6; 299D.04; 352B.02, Subdivision 1; Chapters 134, 136, 137, 138, 161, 242, 245, and 246, by adding sections; Minnesota Statutes, 1975 Supplement, Sections 16.02, Subdivision 16; 136A.121, Subdivision 3; 243.09, Subdivision 3; 252.24, Subdivision 4; 260.251, Subdivision 1a; 268.08, Subdivision 5; repealing Minnesota Statutes 1974, Sections 136.821; 161.241, Subdivision 5; 161.261, Subdivision 3; 167.40; 299D.03, Subdivision 4; Laws 1969, Chapter 157, Section 2; Laws 1973, Chapter 768, Section 23; and Laws 1975, Chapter 433, Section 20.

The bill was read for the first time.

Faricy moved that S. F. No. 2277 and H. F. No. 2467, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1857, A bill for an act creating a Minnesota law revision board; prescribing its duties and functions; and appropriating funds for its operation.

The bill was read for the first time and referred to the Committee on Judiciary.

S. F. No. 2164, A bill for an act relating to elections; limiting persons who may assist voters at the polling place; amending Minnesota Statutes, 1975 Supplement, Section 204A.34, by adding a subdivision.

The bill was read for the first time and referred to the Committee on General Legislation and Veterans Affairs.

S. F. No. 2465, A bill for an act relating to natural resources; appropriating money for overtime compensation to conservation officers pursuant to contract; describing the contract provisions.

The bill was read for the first time and referred to the Committee on Appropriations.

S. F. No. 1800, A bill for an act relating to unemployment compensation; providing for exclusion of certain part time services; providing for an emergency surtax in employer contributions; modifying disqualifying conditions for employment compensation; permitting information to be furnished to department of public welfare by commissioner of employment services; permitting information to be furnished to department of employment services by commissioner of revenue; providing taxation of unemployment compensation benefits in certain conditions; providing a penalty; amending Minnesota Statutes 1974, Section 268.04, Subdivision 29; 268.06, by adding a subdivision; 268.10, Subdivision 1; 268.18, Subdivision 3; 268.12, Subdivision 12; and 290.61; Minnesota Statutes, 1975 Supplement, Sections 268.04, Subdivision 12; 268.06, Subdivision 8; 268.07, Subdivision 2; 268.09, Subdivision 1; and 290.01, Subdivision 20.

The bill was read for the first time.

Adams, L., moved that S. F. No. 1800 and H. F. No. 2269, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 2177, A bill for an act relating to retirement; miscellaneous amendments to the public employees retirement law; providing for a medical adviser in disability cases; inclusions and exclusions under the Minnesota state retirement system; mandatory retirement age for correctional officers; miscellaneous amendments to the elective state officers retirement plan and the unclassified employees retirement plan; providing for privacy of individual retirement data; providing for release of necessary data to governmental agencies; requiring an annual report to the legislature; excluding overtime payments for pension purposes; service credit for teachers on parental or maternity leave; elections to receive a combined service annuity; amending Minnesota Statutes 1974, Sections 352.01, Subdivisions

2A and 2B; 352C.02, Subdivisions 2, 3, and by adding a subdivision; 352C.04, Subdivisions 1 and 2a; 352C.05; 352C.09, Subdivision 1; 353.01, Subdivisions 2b 16, and 30; 353.03, Subdivision 1, and by adding a subdivision; 353.27, Subdivision 7; 353.30, Subdivision 3; 353.33, Subdivision 11, and by adding subdivisions; 353.34, Subdivision 6; 353.35; 353.656, Subdivision 6; Chapter 352C, by adding a section; Chapter 354, by adding a section; Chapter 356, by adding sections; and Minnesota Statutes, 1975 Supplement, Sections 43.051, Subdivision 3; 352D.02, Subdivision 1; 353.01, Subdivision 24; 353.03, Subdivision 2a; 353.15; and 353.29, Subdivision 7; and repealing Minnesota Statutes 1974, Sections 352C.04, Subdivisions 2 and 2b.

The bill was read for the first time.

Beauchamp moved that S. F. No. 2177 and H. F. No. 2535, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to the Conference Committee on H. F. No. 1615:

Faricy, Philbrook and Wigley.

GENERAL ORDERS

There being no objection, the bills on General Orders for today were continued until Monday, March 22, 1976.

MOTIONS AND RESOLUTIONS

Lindstrom moved that H. F. No. 2531 be recalled from the Committee on Governmental Operations and be re-referred to the Committee on Appropriations. The motion prevailed.

Lindstrom moved that H. F. No. 2288, now on General Orders, be re-referred to the Committee on Transportation. The motion prevailed.

Swanson moved that S. F. No. 1957 be recalled from the Senate for further consideration by the House. The motion prevailed.

Skoglund moved that H. F. No. 1267, now on General Orders, be re-referred to the Committee on Judiciary. The motion prevailed.

Laidig introduced:

House Resolution No. 34, A house resolution extending congratulations to the Stillwater High School Football Team on winning the state Class AA 1975 championship.

The resolution was referred to the Committee on Rules and Legislative Administration.

ADJOURNMENT

Anderson, I., moved that when the House adjourns today it adjourn until 11:00 a.m., Monday, March 22, 1976. The motion prevailed.

Anderson, I., moved that the House adjourn. The motion prevailed and the Speaker declared the House adjourned until 11:00 a.m., Monday, March 22, 1976.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

STATE OF MINNESOTA

SIXTY-NINTH SESSION - 1976

NINETY-FIFTH DAY

SAINT PAUL, MINNESOTA, MONDAY, MARCH 22, 1976

The House convened at 11:00 a.m. and was called to order by the Speaker.

Prayer was offered by the Chaplain.

The roll was called and the following members were present:

Abeln	Eckstein	Kaley	Neisen	Sieben, M.
Adams, L.	Eken	Kalis	Nelsen	Sieloff
Adams, S.	Enebo	Kelly, R.	Nelson	Simoneau
Albrecht	Erickson	Kelly, W.	Niehaus	Skoglund
Anderson, G.	Esau	Kempe, A.	Norton	Smith
Anderson, I.	Evans	Kempe, R.	Novak	Smogard
Arlandson	Ewald	Ketola	Osthoff	Spanish
Begich	Faricy	Knickerbocker	Parish	Stanton
Berg	Fjoslien	Knoll	Patton	Suss
Berglin	Forsythe	Kostohryz	Pehler	Swanson
Biersdorf	Friedrich	Kroening	Peterson	Tomlinson
Birnstihl	Fudro	Kvam	Philbrook	Ulland
Braun	Fugina	Laidig	Pleasant	Vanasek
Brinkman	George	Langseth	Prahl	Vento
Byrne	Graba	Lemke	Reding	Volk
Carlson, A.	Hanson	Lindstrom	Rice	Voss
Carlson, L.	Haugerud	Luther	St. Onge	Wenstrom
Carlson, R.	Heinitz	Mangan	Samuelson	Wenzel
Cassery	Hokanson	Mann	Sarna	Wieser
Clark	Jacobs	McCarron	Savelkoul	Wigley
Clawson	Jaros	McCauley	Schreiber	Williamson
Corbid	Jensen	McCollar	Schulz	Zubay
Dahl	Johnson, C.	McEachern	Schumacher	Speaker Sabo
Dean	Johnson, D.	Menning	Searle	
DeGroat	Jopp	Metzen	Setzepfandt	
Dieterich	Jude	Moe	Sherwood	
Doty	Kahn	Munger	Sieben, H.	

A quorum was present.

Beauchamp, Petrafeso and White were excused until 2:45 p.m.

The Chief Clerk proceeded to read the Journal of the preceding day. On motion of Esau the further reading was dispensed with and the Journal was approved as corrected.

REPORTS OF CHIEF CLERK

Pursuant to Rules of the House, printed copies of H. F. Nos. 2683, 617, 1947 and 1482 and S. F. Nos. 360, 1753, 1780, 1530, 551, 819, 1097, 1764, 1800, 2177, 1991, 2339, 2436, 2510, 1886, 2486, 252, 2053, 1857, 2164, 2465, 2277, and 2078 have been placed in the members' files.

PETITIONS AND COMMUNICATIONS

The following report was received and filed in the Chief Clerk's Office: A Review of Admissions Practices in University of Minnesota Professional Schools submitted pursuant to Laws 1975, Chapter 433, Section 4.

The following communication was received:

STATE OF MINNESOTA
OFFICE OF THE GOVERNOR
ST. PAUL 55155

March 19, 1976

The Honorable Martin Sabo
Speaker of the House

Sir:

I have the honor to inform you that I received, approved, signed and deposited in the office of the Secretary of State the following House Files:

H. F. No. 1904, An act relating to cemeteries; prohibiting certain activities on public and private cemeteries and Indian burial grounds; requiring the posting of Indian burial grounds; amending Minnesota Statutes 1974, Section 307.08.

H. F. No. 59, An act relating to towns; authorizing towns to request the taking of a census by the secretary of state; amending Minnesota Statutes 1974, Chapter 365, by adding a section.

H. F. No. 2105, An act relating to county agricultural societies; authorizing the renewal of the period of corporate existence of certain agricultural societies whose period of duration has expired; validating acts done and contracts made subsequent to the expiration of the corporate existence.

H. F. No. 2011, An act relating to state lands; authorizing the conveyance of certain state lands in Goodhue county to the city of Red Wing.

H. F. No. 1999, An act relating to game and fish; providing temporary permits for handicapped hunters; amending Minnesota Statutes, 1975 Supplement, Section 98.48, Subdivision 12.

Sincerely,

WENDELL R. ANDERSON
Governor

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Vanasek, Munger, Pehler, McCauley and Kelly, W., introduced:

H. F. No. 2688, A resolution urging Congress and the President to establish the Solar Energy Research Institute in Minnesota.

The bill was read for the first time and referred to the Committee on Rules and Legislative Administration.

Simoneau and Fudro introduced:

H. F. No. 2689, 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.

The bill was read for the first time and referred to the Committee on Governmental Operations.

HOUSE ADVISORY BILLS

Pursuant to Rule 5.3, the following House Advisory Bill was introduced:

Lindstrom introduced:

H. A. B. No. 73, Study of State-owned land acquisition, exchange and disposal procedures.

The bill was referred to the Committee on Governmental Operations.

PROGRESS REPORTS ON CONFERENCE COMMITTEES

Pursuant to Joint Rule 13, Volk reported on the progress of S. F. No. 1206, now in Conference Committee.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 2159, A bill for an act relating to the city of Minneapolis; municipal employees survivor benefits; amending Minnesota Statutes 1974, Section 422A.23, Subdivisions 2 and 3; repealing Minnesota Statutes 1974, Section 422A.23, Subdivision 4.

PATRICK E. FLAHAVEN, Secretary of the Senate

Knoll moved that the House refuse to concur in the Senate amendments to H. F. No. 2159, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two Houses. The motion prevailed.

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 485 and 1644.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate File, herewith transmitted:

S. F. No. 1906.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 1928 and 2335.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 2127, 2241, 2313, 2430 and 2452.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate File, herewith transmitted:

S. F. No. 2132.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 1704, 2039, 2248 and 2278.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate File, herewith transmitted:

S. F. No. 1791.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 485, A bill for an act relating to the operation of state government; creating a department of vocational rehabilitation; transferring the powers and duties of the division of vocational rehabilitation to the department; transferring personnel and appropriations; repealing Minnesota Statutes 1974, Sections 121.29; 121.30; 121.301; 121.31; 121.32; 121.33; 121.331; 121.71; 121.711; 121.712; 121.713; and 121.714.

The bill was read for the first time and referred to the Committee on Appropriations.

S. F. No. 1644, A bill for an act relating to public welfare; establishing a senior companion program; appropriating funds.

The bill was read for the first time and referred to the Committee on Appropriations.

S. F. No. 1906, A bill for an act relating to licensed occupations; establishing a policy for the regulation of occupations; transferring responsibility for the provision of staffing and administrative service; clarifying reporting responsibilities; prescribing a procedure for complaint review; granting licensing boards additional powers relating to injunctive relief, subpoenas, continuing education, and other matters; prescribing duties of the board of health relating to human services occupations; creating advisory councils; merging the licensed practical nursing board into the board of nursing; making miscellaneous changes in practice acts for various licensed occupations; adopting the standard terms "licensure" and "license" for occupational licensing boards; transferring employees and moneys; amending Minnesota Statutes 1974, Sections 125.04; 125.05; 125.06; 125.08; 125.09, Subdivision 1; 125.12, Subdivision 1; 125.13, Subdivision 1; 125.17, Subdivision 1; 125.182, Subdivisions 2 and 3; 125.183, by adding a subdivision; 125.184, as amended; 125.185, as amended; 125.187; 144.955; 144.959; 147.021, Subdivision 1; 147.06; 147.13; 147.18; 147.23; 148.05; 148.06, Subdivision 1; 148.07, as amended; 148.10; 148.211, Subdivision 2; 148.241, Subdivision 1; 148.291, Subdivision 3; 148.32; 148.57; 148.59; 148.90, as amended; 148.91, Subdivisions 1 and 3; 148.97, Subdivision 6; 148.98; 150A.04, Subdivision 5; 150A.06, Subdivision 1; 150A.08, Subdivision 4; 150A.09, Subdivisions 1 and 3; 151.06, Subdivision 4; 151.10; 151.101; 151.11; 151.12; 151.13; 151.14; 151.19; 151.25; 151.27; 151.37, Subdivisions 5 and 6; 151.40; 153.07; 153.08; 153.09; 154.04; 155.02, Subdivision 7a; 155.03, Subdivision 2; 155.06, Subdivision 3; 155.09, Subdivisions 1, 4 and 5; 155.11, Subdivision 2; 155.14; 155.15; 155.16; 155.18, Subdivision 1; 155.19; 155.20, Subdivision 2; 156.01, Subdivision 5; 156.02, Subdivision 2; 156.03; 156.07; 156.072, Subdivisions 2 and 3; 156.081, Subdivision 1; 156.14; 214.01, Subdivision 1; 214.06; 270.47; 270.50; 270.51; 326.08, Subdivision 1; 326.11, Subdivision 6; 326.15; 326.19; 326.20; 326.21; 326.22, as amended; 326.23; 326.241, as amended; 326.242, Subdivisions 8 and 9; 326.33, Subdivisions 2 and 3; 326.331; 326.332, Subdivision 1; 326.333; 326.334, Subdivision 1; 326.54; 326.543; 326.544; 326.545; 326.546; 341.05, as amended; 341.06; 341.07; 341.08; 341.12; 341.13; 341.15; 386.61, Subdivision 2; 386.63, Subdivisions 2 and 3; 386.64; 386.65, Subdivision 1; 386.67; 386.69; 386.72; 386.73; Chapter 214, by adding sections; Minnesota Statutes, 1975 Supplement, Sections 125.03, Subdivision 1; 125.11; 125.183, Subdivision 3; 144.952, by adding a subdivision; 147.01; 147.02, Subdivision 1; 147.05; 148.03; 148.181; 148.191; 148.211, Subdivision 1; 148.261, Subdivision 1; 148.29, Subdivision 2; 148.291, Subdivision 1; 148.299; 148.52; 148.54; 148.60; 148.67; 148.95; 150A.02, Subdivision 1; 150A.03, Subdivision 2; 151.03; 151.06, Subdivision 1; 151.07; 153.02, 153.03; 153.04; 153.13; 153.15; 154.22; 154.23; 155.05; 155.06, Subdivision 1; 155.08; 156.01; Subdivision 1; 214.01, Subdivision 2; 214.04; 214.07; 214.09, Subdivision 3; 270.41; 270.42; 270.48;

326.03, Subdivision 1; 326.04; 326.05; 326.06; 326.08, Subdivision 2; 326.09; 326.10; 326.11, Subdivisions 1 and 5; 326.12; 326.13; 326.14; 326.17; 326.18; 326.33, Subdivision 1; 326.541; 326.542; 341.01; 341.04; 341.10; 341.11; 386.62; 386.63, Subdivision 1; 386.66; 386.68; 386.70, Subdivision 1; 386.71; repealing Minnesota Statutes 1974, Sections 125.09, Subdivisions 2 and 3; 144.956; 144.958; 144.96; 144.965; 145.861; 145.862; 145.863; 145.864; 145.865, Subdivision 3; 148.06, Subdivision 2; 148.08, Subdivision 1; 148.291, Subdivision 2; 148.55; 148.58; 148.94; 148.97; Subdivision 2; 148.99, Subdivision 1; 150A.04, Subdivisions 1, 2, 3 and 4; 150A.07; 150A.08, Subdivision 2; 150A.09, Subdivision 2; 151.09; 153.10; 153.11; 154.065, Subdivision 6; 156.01, Subdivision 4; 326.08, Subdivision 3; 326.11, Subdivision 3; 326.16; 326.334, Subdivision 3; 386.63, Subdivision 6; 386.65, Subdivision 2; Minnesota Statutes, 1975 Supplement, Sections 145.865, Subdivision 1; 145.866; 148.211, Subdivision 3; 148.231, Subdivision 3; 148.261, Subdivision 2; 148.291, Subdivision 4; 148.297, Subdivision 2; 148.55; 326.10, Subdivision 4; 326.11, Subdivisions 2 and 4; 386.695; 386.696; and 386.70, Subdivisions 3, 4, 5 and 6.

The bill was read for the first time.

Reding moved that S. F. No. 1906 and H. F. No. 2339, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1928, A bill for an act relating to the city of Maplewood; paramedic service; authorizing the collection of taxes in excess of the levy limits for purposes of the paramedic program.

The bill was read for the first time.

Kostohryz moved that S. F. No. 1928 and H. F. No. 2280, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 2335, A bill for an act relating to child support and paternity; providing for continuing court orders; granting county court jurisdiction; amending Minnesota Statutes 1974, 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; and 518.49.

The bill was read for the first time and referred to the Committee on Judiciary.

S. F. No. 2127, A bill for an act relating to civil actions; awarding costs and attorneys fees to a party in frivolous cases; amending Minnesota Statutes 1974, Chapter 549, by adding a section.

The bill was read for the first time and referred to the Committee on Judiciary.

S. F. No. 2241, A bill for an act relating to game and fish; requiring a migratory waterfowl stamp; providing for disposition of proceeds of sale.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

S. F. No. 2313, A bill for an act relating to commitment and discharge of inebriate persons; limiting length of commitment for inebriates; amending Minnesota Statutes 1974, Section 253A.07, Subdivision 25; Minnesota Statutes, 1975 Supplement, Sections 253A.07, Subdivision 17; and 253A.15, Subdivision 1.

The bill was read for the first time and referred to the Committee on Rules and Legislative Administration.

S. F. No. 2430, 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 1974, Section 1.043.

The bill was read for the first time and referred to the Committee on Governmental Operations.

S. F. No. 2452, A bill for an act relating to juries; providing that persons 70 years of age or younger may serve on juries; amending Minnesota Statutes 1974, Section 628.43.

The bill was read for the first time and referred to the Committee on Judiciary.

S. F. No. 2132, A bill for an act relating to highway traffic regulations; driving under the influence of drugs or alcoholic beverages; providing for the revocation of a driver's license or permit by the commissioner of public safety upon receipt of chemical test that person's blood contains .10 percent or more by weight of alcohol; providing procedural safeguards; providing for issuance of a limited license; providing for reinstatement of a revoked license; prescribing penalties; and appropriating money; amending Minnesota Statutes 1974, Chapter 169, by adding a section; and Section 169.121, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Appropriations.

S. F. No. 1704, A bill for an act relating to motor vehicles; defining terms; providing for the licensure and regulation of certain motor vehicle dealers; prescribing penalties; appropriating money; amending Minnesota Statutes 1974, Section 168.27.

The bill was read for the first time and referred to the Committee on Appropriations.

S. F. No. 2039, A bill for an act relating to insurance; reporting of certain professional liability judgments or settlements.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

S. F. No. 2248, A bill for an act relating to juveniles; providing limitations on procedures for juvenile detention; providing definitions; setting standards; amending Minnesota Statutes 1974, Section 260.015, by adding subdivisions; 260.101; 260.171, Subdivisions 1, 2, and by adding subdivisions; 641.14; and Chapter 260, by adding sections; repealing Minnesota Statutes 1974, Sections 260.171, Subdivision 3; and 260.175.

The bill was read for the first time and referred to the Committee on Rules and Legislative Administration.

S. F. No. 2278, A bill for an act relating to appropriations; converting certain standing appropriations to direct appropriations; abolishing other standing appropriations; appropriating money; amending Minnesota Statutes 1974, Sections 9.061, Subdivision 5; 97.482, Subdivision 2; 638.08; and Laws 1971, Chapter 121, Section 2, as amended; repealing Minnesota Statutes 1974, Sections 7.07, 136.821; Minnesota Statutes, 1975 Supplement, Sections 123.937; 144.146, Subdivision 2; Laws 1973, Chapter 768, Section 23; and Laws 1975, Chapter 433, Section 20.

The bill was read for the first time.

Voss moved that S. F. No. 2278 and H. F. No. 2364, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1791, A bill for an act relating to real estate; providing for limitation of action for damages based on errors in the survey of land; amending Minnesota Statutes 1974, Chapter 541, by adding a section.

The bill was read for the first time and referred to the Committee on Judiciary.

CONSIDERATION UNDER RULE 1.10

Pursuant to Rule 1.10 Norton requested immediate consideration of H. F. Nos. 2215, 2169, 1901 and 1876.

H. F. No. 2215, A bill for an act relating to aeronautics; appropriating and transferring money for construction of hangars.

The bill was read for the third time and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 127, and nays 0, as follows:

Those who voted in the affirmative were:

Abeln	Doty	Kalis	Neisen	Sieben, H.
Adams, L.	Eckstein	Kelly, R.	Nelsen	Sieben, M.
Adams, S.	Eken	Kelly, W.	Nelson	Sieloff
Albrecht	Enebo	Kempe, A.	Niehaus	Simoneau
Anderson, G.	Erickson	Kempe, R.	Norton	Skoglund
Anderson, I.	Esau	Ketola	Novak	Smith
Arlandson	Evans	Knickerbocker	Osthoff	Smogard
Begich	Ewald	Knoll	Parish	Stanton
Berg	Fjoslien	Kostohryz	Patton	Suss
Berglin	Forsythe	Kroening	Pehler	Swanson
Biersdorf	Friedrich	Kvam	Peterson	Tomlinson
Birnstihl	Fudro	Laidig	Philbrook	Ulland
Braun	Fugina	Langseth	Pleasant	Vanasek
Brinkman	George	Lemke	Prahl	Vento
Byrne	Graba	Lindstrom	Reding	Volk
Carlson, A.	Heinitz	Luther	Rice	Voss
Carlson, L.	Hokanson	Mangan	St. Onge	Wenstrom
Carlson, R.	Jacobs	Mann	Samuelson	Wenzel
Casserly	Jaros	McCarron	Sarna	Wieser
Clark	Jensen	McCauley	Savelkoul	Wigley
Clawson	Johnson, C.	McCollar	Schreiber	Williamson
Corbid	Johnson, D.	McEachern	Schulz	Zubay
Dahl	Jopp	Menning	Schumacher	Speaker Sabo
Dean	Jude	Metzen	Searle	
DeGroat	Kahn	Moe	Setzepfandt	
Dieterich	Kaley	Munger	Sherwood	

The bill was passed and its title agreed to.

H. F. No. 2169 was reported to the House and given its third reading.

UNANIMOUS CONSENT

Knoll requested unanimous consent to offer an amendment. The request was granted.

Knoll moved to amend H. F. No. 2169, as follows:

Page 3, strike lines 18 and 19.

The motion prevailed and the amendment was adopted.

H. F. No. 2169, A bill for an act relating to torts; defining the state's liability for torts; appropriating money.

The bill was read for the third time, as amended, and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 105, and nays 22, as follows:

Those who voted in the affirmative were:

Abeln	Erickson	Kelly, R.	Neisen	Sieben, M.
Adams, L.	Evans	Kelly, W.	Nelsen	Sieloff
Adams, S.	Ewald	Kempe, A.	Norton	Simoneau
Anderson, G.	Faricy	Kempe, R.	Novak	Skoglund
Arlandson	Fjoslien	Ketola	Parish	Smith
Begich	Forsythe	Knickerbocker	Patton	Smogard
Berg	Friedrich	Knoll	Pehler	Spanish
Birnstihl	Fudro	Kostohryz	Peterson	Stanton
Brinkman	Fugina	Kroening	Philbrook	Suss
Byrne	George	Kvam	Pleasant	Swanson
Carlson, L.	Hanson	Laidig	Prahl	Tomlinson
Cassery	Haugerud	Langseth	Reding	Ulland
Clark	Heinitz	Lemke	St. Onge	Vanasek
Clawson	Hokanson	Lindstrom	Samuelson	Volk
Dahl	Jacobs	Luther	Sarna	Voss
Dean	Jaros	Mangan	Savelkoul	Wenstrom
Dieterich	Johnson, D.	Mann	Schreiber	Wenzel
Doty	Jude	McEachern	Schulz	Wigley
Eckstein	Kahn	Metzen	Schumacher	Williamson
Eken	Kaley	Moe	Searle	Zubay
Enebo	Kalis	Munger	Setzepfandt	Speaker Sabo

Those who voted in the negative were:

Albrecht	Carlson, A.	Jensen	Menning	Sherwood
Anderson, I.	Carlson, R.	Jopp	Nelson	Wieser
Berglin	Corbid	McCarron	Niehaus	
Biersdorf	DeGroat	McCauley	Osthoff	
Braun	Esau	McCollar	Rice	

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

H. F. No. 1901, A bill for an act relating to education; authorizing the establishment of a pilot higher education extension center to serve downtown St. Paul and its surrounding area; appropriating money.

The bill was read for the third time and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 122, and nays 2, as follows:

Those who voted in the affirmative were:

Adams, L.	Birnstihl	Clawson	Erickson	Fugina
Adams, S.	Braun	Corbid	Esau	George
Anderson, G.	Brinkman	Dahl	Evans	Hanson
Anderson, I.	Byrne	Dean	Ewald	Haugerud
Arlandson	Carlson, A.	Dieterich	Faricy	Hokanson
Begich	Carlson, L.	Doty	Fjoslien	Jacobs
Berg	Carlson, R.	Eckstein	Forsythe	Jaros
Berglin	Cassery	Eken	Friedrich	Jensen
Biersdorf	Clark	Enebo	Fudro	Johnson, C.

Johnson, D.	Laidig	Nelson	Savelkoul	Suss
Jopp	Langseth	Niehaus	Schreiber	Swanson
Jude	Lemke	Norton	Schulz	Tomlinson
Kahn	Lindstrom	Novak	Schumacher	Ulland
Kaley	Luther	Osthoff	Searle	Vanasek
Kalis	Mangan	Parish	Setzepfandt	Volk
Kelly, R.	Mann	Patton	Sherwood	Voss
Kelly, W.	McCarron	Pehler	Sieben, H.	Wenstrom
Kempe, A.	McCauley	Peterson	Sieben, M.	Wenzel
Kempe, R.	McCollar	Philbrook	Sieloff	Wigley
Ketola	Menning	Pleasant	Simoneau	Williamson
Knickerbocker	Metzen	Prahl	Skoglund	Zubay
Knoll	Moe	Reding	Smith	Speaker Sabo
Kostohryz	Munger	St. Onge	Smogard	
Kroening	Neisen	Samuelson	Spanish	
Kvam	Nelsen	Sarna	Stanton	

Those who voted in the negative were:

Heinitz Wieser

The bill was passed and its title agreed to.

H. F. No. 1876 was reported to the House.

Kelly, W., moved to amend H. F. No. 1876 as follows:

Page 5, line 28, delete the words "and taxation".

Page 5, line 31, delete "(1) the railroad gross earnings tax;" and renumber the remaining clauses.

Page 6, line 7, after the word "regulatory", delete "or taxation policies".

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll being called, there were yeas 44, and nays 76, as follows:

Those who voted in the affirmative were:

Anderson, I.	Eken	Kelly, W.	Neisen	Stanton
Arlandson	Enebo	Ketola	Nelson	Suss
Begich	Esau	Kroening	Pehler	Swanson
Berglin	Haugerud	Langseth	Rice	Tomlinson
Braun	Jacobs	Lindstrom	Samuelson	Ulland
Casserly	Jaros	McEachern	Schulz	Vanasek
Clark	Johnson, D.	Menning	Setzepfandt	Voss
Corbid	Kahn	Moe	Smith	Speaker Sabo
DeGroat	Kalis	Munger	Spanish	

Those who voted in the negative were:

Abeln	Albrecht	Birnstihl	Carlson, A.	Clawson
Adams, L.	Anderson, G.	Brinkman	Carlson, L.	Dean
Adams, S.	Biersdorf	Byrne	Carlson, R.	Dieterich

Doty	Heinitz	Luther	Peterson	Simoneau
Eckstein	Hokanson	Mangan	Philbrook	Skoglund
Erickson	Jensen	Mann	Pleasant	Smogard
Evans	Jopp	McCarron	Prahl	Volk
Ewald	Jude	McCauley	Sarna	Wenstrom
Faricy	Kaley	McCollar	Savelkoul	Wenzel
Fjoslien	Kempe, A.	Metzen	Schreiber	Wieser
Forsythe	Kempe, R.	Nelsen	Schumacher	Wigley
Friedrich	Knickerbocker	Niehaus	Searle	Zubay
Fudro	Kostohryz	Novak	Sherwood	
Fugina	Kvam	Osthoff	Sieben, H.	
George	Laidig	Parish	Sieben, M.	
Hanson	Lemke	Patton	Sieloff	

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

Osthoff moved to amend H. F. No. 1876, as follows:

Page 3, line 30, strike "The department may stipulate minimum operating".

Page 3, line 31, strike "standards concerning frequency of service."

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

H. F. No. 1876, A bill for an act relating to transportation; providing for rail transportation improvements throughout the state; creating the Minnesota rail line improvement account; authorizing the development of a state plan for rail transportation and a feasibility study of rail line acquisition by the state or by a political subdivision of the state; appropriating money.

The bill was read for the third time and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 129, and nays 0, as follows:

Those who voted in the affirmative were:

Abeln	Carlson, A.	Erickson	Jacobs	Knickerbocker
Adams, L.	Carlson, L.	Esau	Jaros	Knoll
Adams, S.	Carlson, R.	Evans	Jensen	Kostohryz
Albrecht	Casserly	Ewald	Johnson, C.	Kroening
Anderson, G.	Clark	Faricy	Johnson, D.	Kvam
Anderson, I.	Clawson	Fjoslien	Jopp	Laidig
Arlandson	Corbid	Forsythe	Jude	Langseth
Begich	Dahl	Friedrich	Kahn	Lemke
Berg	Dean	Fudro	Kaley	Lindstrom
Berglin	DeGroat	Fugina	Kalis	Luther
Biersdorf	Dieterich	George	Kelly, R.	Mangan
Birnstihl	Doty	Hanson	Kelly, W.	Mann
Braun	Eckstein	Haugerud	Kempe, A.	McCarron
Brinkman	Eken	Heinitz	Kempe, R.	McCauley
Byrne	Enebo	Hokanson	Ketola	McCollar

McEachern	Osthoff	Samuelson	Sieloff	Vanasek
Menning	Parish	Sarna	Simoneau	Volk
Metzen	Patton	Savelkoul	Skoglund	Voss
Moe	Pehler	Schreiber	Smith	Wenstrom
Munger	Peterson	Schulz	Smogard	Wenzel
Neisen	Philbrook	Schumacher	Spanish	Wieser
Nelsen	Pleasant	Searle	Stanton	Wigley
Nelson	Prahl	Setzepfandt	Suss	Williamson
Niehaus	Reding	Sherwood	Swanson	Zubay
Norton	Rice	Sieben, H.	Tomlinson	Speaker Sabo
Novak	St. Onge	Sieben, M.	Ulland	

The bill was passed and its title agreed to.

Anderson, I., moved that the House recess subject to the call of the Chair. The motion prevailed.

RECESS

RECONVENED

The House reconvened and was called to order by the Speaker.

There being no objection the order of business reverted to Reports of Chief Clerk.

REPORTS OF CHIEF CLERK

S. F. No. 2177 and H. F. No. 2535, which had been referred to the Chief Clerk for comparison, were examined and found to be identical, except H. F. No. 2535, page 2, lines 7 to 11, reads in part:

“the mandatory retirement age (FOR A PERIOD OF ONE YEAR NOT TO EXTEND BEYOND JULY 1, 1976,) but in no event beyond age of 62, subject to an annual medical examination and the written approval of the commissioner of corrections, whose decision shall be final.”

Whereas S. F. No. 2177, page 2, lines 15 to 23, reads in part:

“the mandatory retirement age for a period of one year not to extend beyond (JULY 1, 1976,) *July 1, 1977*, but in no event beyond age of 62, subject to an annual medical examination (AND) *indicating the individual is of satisfactory health and is capable of continued correctional employment.* The written approval of the commissioner of corrections, whose decision shall be final, *shall also be required; provided approval shall be granted unless the commissioner finds the performance of the employee to be unsatisfactory.*”

H. F. No. 2535, page 12, line 22, contains a comma after “2a”.

Whereas S. F. No. 2177, page 13, line 2 does not.

S. F. No. 2177, page 13, line 14 to page 27, line 18 contains the language:

"Sec. 13. Minnesota Statutes 1974, 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 30 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.

(g) Part-time employees who receive monthly compensation not exceeding \$150, and part-time employees and elected officials whose annual compensation is stipulated in advance to be not more than \$1,800 per year.

(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 to the public employees retirement association from also belonging to or contributing to volunteer firemen's relief association that does not determine its benefits or contributions on the basis of the salary or compensation of the fireman.

(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.

(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. 14. Minnesota Statutes 1974, Section 353.01, Subdivision 16, is amended to read:

Subd. 16. [ALLOWABLE SERVICE.] "Allowable service" means:

(1) Service during years of actual membership in the course of which employee contributions were currently made; periods covered by payments in lieu of salary deductions made as provided in section 353.35, and service in years during which the public employee was not a member but for which he later elected, while a member, to obtain credit by making payments to the fund as permitted by any law then in effect.

(2) Any period of authorized leave of absence with pay from which deductions for employee contributions are made, deposited, and credited to the fund.

(3) Any period of authorized leave of absence without pay or temporary layoff, during or for which a member obtained credit by payments to the fund made in lieu of salary deductions, provided that such payments are made in an amount or amounts based on his average salary on which deductions were paid (a) for the last six months of public service, or (b) that portion of the last six months while he was in public service, to apply to the period in either case immediately preceding commencement of such leave of absence or temporary layoff; provided, however, that if the employee elects to pay employee contributions for the period of any leave of absence without pay or temporary layoff, or for any portion thereof, he shall also, as a condition to the exercise of such election, pay to the fund an amount equivalent to both the required employer and additional employer contributions therefor, such payment to be made currently or within (ONE YEAR) 30 days from the date the leave of absence or temporary layoff terminates, unless the employer by appropriate action of its governing body and made a part of its official records, prior to the date of the first payment of such employee contribution, certifies to the association in writing that it will cause to be paid such employer and additional employer contributions from the proceeds of a tax levy made pursuant to section 353.28.

(4) Any period during which a member is on an authorized sick leave of absence, with or without pay, an authorized seasonal leave of absence, or an authorized temporary layoff.

(5) Any period during which a member is on an authorized leave of absence to enter military service, provided that the members returns to public service upon discharge from military service pursuant to section 192.262, and pays into the fund employee contributions based upon his salary at the date of return from military service. The amount of these contributions shall be in accord with the contribution rates and salary limitations, if any, in effect during such leave, plus interest thereon at six percent per annum compounded annually from the date of return to public service to the date payment is made. In such cases the matching employer contribution and additional employer contribution provided in section 353.27, subdivision 3 and 3a, shall be paid by the department employing such member upon his return to public service and the governmental subdivision involved is hereby authorized to appropriate money therefor. Such member shall not receive credit for any voluntary extension of military service at the instance of the member beyond the initial period of enlistment, induction or call to active duty.

Sec. 15. Minnesota Statutes, 1975 Supplement, Section 353.01, Subdivision 24, is amended to read:

Subd. 24. [OPTIONAL ANNUITY.] "Optional (SURVIVORS) annuity" means the allowance paid or payable by the fund to (A SURVIVOR) *the designated optional annuity beneficiary* of a member or former member, (OR DEFERRED ANNUITANT,) pursuant to an optional annuity form selected (BY SUCH MEMBER OR FORMER MEMBER) at or before retirement, or to the spouse of a deceased member under section 353.32, subdivision 1a.

Sec. 16. Minnesota Statutes 1974, Section 353.01, Subdivision 30, is amended to read:

Subd. 30. [DESIGNATED OPTIONAL ANNUITY BENEFICIARY.] "Designated (SURVIVOR) *optional annuity beneficiary*" means the person designated by a former member to receive a joint and survivor annuity or a modified joint and survivor annuity.

Sec. 17. Minnesota Statutes 1974, 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 (13) 14 members, who shall be known as the board of trustees. This board shall consist of three trustees, one of who shall be designated by each of the following associations, Minnesota school boards association, League of Minnesota Municipalities, and Association of Minnesota Counties, (AND) ; nine trustees, who shall be elected from the membership by the members of the retirement association, (AND) *except members of the police and fire fund*; one trustee who shall be a retired annuitant elected by other annuitants; *and one trustee who is a member of the police and fire fund elected by the membership of the police and fire fund.* 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 candidates shall submit at the time of (HIS) filing a nominating petition signed by 25 or more members of the fund, (AND IN THE CASE OF) 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 special marking may be used on the ballot to indicate incumbents. The last day for mailing ballots to the fund shall be January 31. 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. The (ELECTION) 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. 18. Minnesota Statutes, 1975 Supplement, Section 353.03, Subdivision 2a, is amended to read:

Subd. 2a. [EXTENSION OF TERMS.] Notwithstanding the provisions of subdivision 1, (NO BOARD ELECTION SHALL BE HELD IN THE YEAR 1975 AND) the terms of office of all board members (ARE HEREBY) shall be extended (FOR ONE YEAR) until such time that the legislature determines a new method of board composition.

Sec. 19. Minnesota Statutes 1974, Section 353.03, is amended by adding a subdivision to read:

Subd. 6. [GOVERNMENTAL SUBDIVISIONS, NOT AGENTS OF ASSOCIATION.] *Governmental subdivisions are not agents of the board or the association; if, however, a governmental subdivision or any of its employees undertake to act for a person or furnish information to a person or the association and such action or information is inappropriate or incorrect resulting in a loss of rights to such person under laws applicable to the association, the board in its sole discretion may grant such person the rights to which the person would have been entitled if the inappropriate action had not been taken or the incorrect information furnished; provided, however, an optional annuity election submitted to the association after the death of a member or former member shall not be given effect under this subdivision.*

Sec. 20. Minnesota Statutes, 1975 Supplement, Section 353.15, is amended to read:

353.15 [NONASSIGNABILITY AND EXEMPTION OF ANNUITIES AND BENEFITS FROM JUDICIAL PROCESS AND TAXATION.] No money, annuity, or benefit provided for in this chapter is assignable or subject to a power of attorney, execution, levy, attachment, garnishment, or legal process, including actions for divorce, separate maintenance, and child support, or to any state income tax or state inheritance tax, except that none shall be exempt from taxation under chapter 291, unless transferred to a surviving spouse or minor or dependent child of the decedent or a trust for their benefit. Provided, however,

the association may pay an annuity, benefit or refund to a trust company, qualified under chapter 48, that is trustee for a person eligible to receive such annuity, benefit or refund. Upon the request of a retired, disabled or former member, the association may mail the annuity, benefit or refund check to a banking institution, savings association or credit union for deposit to such person's account or joint account with his spouse. The association may prescribe the conditions under which such payment will be made. If in the judgment of the secretary conditions so warrant, payment may be made to a public body in behalf of an annuitant, disabilitant, or survivor upon such terms as the secretary may prescribe.

Sec. 21. Minnesota Statutes 1974, Section 353.27, Subdivision 7, is amended to read:

Subd. 7. [ADJUSTMENT FOR ERRONEOUS RECEIPTS OR DISBURSEMENTS.] (1) [ERRONEOUS DEDUCTIONS.] Any deductions taken in error by the employer from the salary of an employee for the retirement fund and transmitted to the association shall be refunded to the employee; and the employer contribution and the additional employer contribution, if any, for the erroneous employee contribution shall be refunded to the employer, provided, however, the association and the state social security agency may make proper adjustments of moneys taken as employee and employer deductions.

(2) [ERRONEOUS DISBURSEMENT.] In the event a salary warrant or check from which a deduction for the retirement fund was taken has been canceled or the amount of the warrant or check returned to the funds of the department making the payment, a refund of the sum so deducted, of any portion of it as is required to adjust the deductions, shall be made to the department or institution (PROVIDED APPLICATION FOR IT IS MADE ON A FORM FURNISHED BY THE BOARD OF TRUSTEES).

Sec. 22. Minnesota Statutes, 1975 Supplement, Section 353.29, Subdivision 7, is amended to read:

Subd. 7. [ANNUITIES; ACCRUAL.] Except as to elected public officials, all retirement annuities granted under the provisions of this chapter shall commence with the first day of the first calendar month next succeeding the date of termination of public service and shall be paid in equal monthly installments commencing one month thereafter, but no payment shall be made for the month, or any portion thereof, in which entitlement to such annuity has terminated; however, if an annuitant dies leaving a surviving spouse who is or will become eligible for monthly survivor benefits, such spouse shall be entitled to the payment of such annuity through the date of annuitant's death. Any annuity granted to an elective public official shall accrue on the day following expiration of his public office or right thereto, and his

annuity for that month shall be prorated accordingly. No annuity, once granted, shall be increased, decreased, or revoked except as provided in this chapter. No annuity payment shall be made retroactive (BEYOND THE FIRST DAY OF THE CALENDAR) *for more than three months prior to that month* in which application therefor shall be filed with the association.

Sec. 23. Minnesota Statutes 1974, Section 353.30, Subdivision 3, is amended to read:

Subd. 3. [OPTIONAL ANNUITIES.] The board of trustees shall establish optional annuities (AT RETIREMENT) which shall take the form of a joint and survivor annuity. Such optional forms shall be actuarially equivalent to the forms provided in section 353.29 and this section. In establishing those optional forms the board shall obtain the written recommendation of an approved actuary and these recommendations shall be a part of the permanent records of the board. (UPON RETIREMENT) A member or former member may select an optional form of annuity in lieu of accepting any other form of annuity which might otherwise be available.

Sec. 24. Minnesota Statutes 1974, Section 353.33, is amended by adding a subdivision to read:

Subd. 6a. [MEDICAL ADVISER.] *The executive officer of the state board of health or such other licensed physician on the staff of the state board of health as he may designate shall be the medical adviser of the executive director.*

Sec. 25. Minnesota Statutes 1974, Section 353.33, is amended by adding a subdivision to read:

Subd. 6b. [DUTIES OF THE MEDICAL ADVISER.] *The medical adviser shall designate licensed physicians to examine applicants for disability benefits. The medical adviser shall pass upon all medical reports based upon such examinations required to determine whether applicants are totally and permanently disabled as defined in section 353.01, subdivision 19, or disabled as defined in section 353.656, and shall investigate all health and medical statements and certificates by or on behalf of said applicants in connection with disability benefits, and shall report in writing to the executive director, his conclusions and recommendations on all matters referred to him.*

Sec. 26. Minnesota Statutes 1974, 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. *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. 27. Minnesota Statutes 1974, Section 353.34, Subdivision 6, is amended to read:

Subd. 6. [ADDITIONS TO FUND.] The board of trustees may credit to the fund any moneys received in the form of contributions, donations, gifts, appropriations, bequests, or otherwise. (IF A FORMER MEMBER DOES NOT APPLY FOR REFUND WITHIN FIVE YEARS AFTER THE LAST DEDUCTION WAS TAKEN FROM HIS SALARY FOR THE RETIREMENT FUND, AND THE TOTAL AMOUNT OF HIS ACCUMULATED DEDUCTIONS IS NOT OVER \$25, SUCH ACCUMULATED DEDUCTIONS SHALL BE CREDITED TO AND BECOME A PART OF THE RETIREMENT FUND PROPER.) Refundable accumulated deductions of any former member, (IF OVER \$25 IN AMOUNT AND) if unclaimed for a period of five years after separation from public service, shall be credited to a donations suspense account. The board of trustees may pay refunds of accumulated deductions, from such donations suspense account, upon proper application therefor. After the refundable accumulated deductions of any former member have remained in such donations suspense account for a period of ten years, without application for a refund thereof having been made, such deductions shall be transferred to and credited to the retirement fund proper. In the event the former member should return to public service, the amount so credited to the retirement fund shall be restored to his individual account.

Sec. 28. Minnesota Statutes 1974, Section 353.35, is amended to read:

353.35 [CONSEQUENCES OF REFUND; REPAYMENT, RIGHTS RESTORED.] When any former member accepts a refund all existing service credits and all rights and benefits to which the member was entitled prior to the acceptance of such refund shall terminate and shall not again be restored until the former member acquires not less than 18 months allowable service credit subsequent to taking his last refund (IN THAT EVENT HE MAY REPAY) and repays all (REFUND) refunds taken and interest received under section 353.34, subdivisions 1 and 2, plus interest at six percent per annum compounded annually. If more than one refund has been taken, all refunds must be repaid with interest at six percent per annum compounded annually.

Sec. 29. Minnesota Statutes 1974, Section 353.656, Subdivision 6, is amended to read:

Subd. 6. [RETIREMENT STATUS AT AGE 55.] All disability benefits payable under this section shall terminate when the disabled fireman or police officer becomes 55 years of age. Thereafter, retirement benefits shall be paid to the disabled fireman or police officer in the same amount as the disability benefits which he was previously receiving. Any disabled person who becomes age 55 after June 30, 1973, shall have his annuity computed in accordance with the law in effect on July 1, 1973. *Prior to reaching age 55, a disabled person may select an optional annuity pursuant to section 353.30, subdivision 3.*

Sec. 30. Minnesota Statutes 1974, Chapter 354, is amended by adding a section to read:

[354.093] [MATERNITY LEAVE.] *A member of the fund granted parental or maternity leave of absence by the employing authority shall be entitled to service credit not to exceed one year for the period of leave upon payment to the fund by the end of the fiscal year following the fiscal year in which the leave of absence terminated. The amount of such payment shall include the required employee, employer and amortization contributions for the period of leave prescribed in section 354.42. Such payment shall be based on the member's average monthly salary upon return to teaching service, and shall be without interest. Repayment shall be accompanied by a certified or otherwise adequate copy of the resolution or action of the employing authority granting or approving the leave.*

Sec. 31. Minnesota Statutes 1974, Chapter 356, is amended by adding a section to read:

[356.33] [PRIVATE DATA.] *For the purpose of Minnesota Statutes, Sections 15.162 to 15.196, data on individuals collected by any public pension or retirement fund, program, plan, or association which is financed in whole or in part by funds or tax revenues provided by the state of Minnesota or any of its political subdivisions is "private data"; provided said associations shall release such data to federal, state and local governmental agencies when such release is necessary for the efficient administration of the associations or for conduct of an audit by the legislative auditor, and shall make an annual report to the legislature listing individually, but without names of the recipients, all monthly benefits in excess of \$1,000 per month plus the ending salary and number of years of service for each recipient with that monthly benefit.*

Sec. 32. Minnesota Statutes 1974, Chapter 356, is amended by adding a section to read:

[356.34] [LIMITATION ON COVERED SALARY.] *Effective as to pay periods ending after July 1, 1977, compensation,*

including overtime and other extraordinary payments, received by any member of the state employees retirement fund, the highway patrolmen's retirement fund, the teachers retirement fund, or the public employees retirement fund, which is in excess of the participant's normal base salary shall not be considered salary for purposes of determining pension contributions or benefits.

Sec. 33. *Notwithstanding any law to the contrary, a person who retired as a member of any fund enumerated in Minnesota Statutes, 1975 Supplement, Section 356.30, Subdivision 3, between May 1, 1975 and January 1, 1976 and who failed to elect to receive a combined service annuity authorized by section 356.30, subdivision 1, may make such election and repay any refund until January 1, 1977. Benefits shall be adjusted and paid on the basis of the election from and after the date of election."*

Whereas H. F. 2535 does not contain this language H. F. 2535, page 13, line 15 to page 14, line 27 contains the language:

"Sec. 14. Minnesota Statutes, 1975 Supplement, 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. 15. Minnesota Statutes 1974, Chapter 353, is amended by adding a section to read:

[353.019] [SOIL AND WATER CONSERVATION DISTRICT EMPLOYEES.] *Subdivision 1. From and after July 1, 1976, all employees of a soil and water conservation district shall become members of the public employees retirement association coordinated fund, unless specifically exempt under section 353.01, subdivision 2b.*

Subd. 2. [PURCHASE OF PRIOR SERVICE CREDIT.] *Any employee of a soil and water conservation district covered by the retirement association after July 1, 1976, who was so employed prior to July 1, 1976, and who was excluded from coverage by the retirement association for such prior service shall be allowed to obtain allowable service credit for such prior service by (a) paying to the retirement association an employee contribution equal to six percent of covered salary in effect when*

such service was rendered plus interest at the rate of six percent per annum compounded annually from the year of purchase to the date payment is made; (b) the member at the same time shall pay additionally a matching amount equal to that required to be paid under (a); providing the employing soil and water conservation district may, in its sole discretion, for all its employees electing to make payment hereunder, pay the retirement association the obligation under (b). Payment must be made in one lump sum prior to July 1, 1980, or prior to termination of public service whichever is earlier, and no allowable service with respect to such payment shall be credited to the employee's account until payment is received by the retirement association."

Whereas S. F. No. 2177 does not contain this language.

S. F. No. 2177, page 27 line 32 to page 28, line 8 contains the language:

"Sec. 35. Employees and former employees of Hennepin county who were members of the public employees retirement association on May 1, 1975 and have at least three years but less than ten years of allowable service in such fund, or a combination of such fund and funds listed in Minnesota Statutes, 1975 Supplement, Section 356.32, Subdivision 2, shall be entitled to proportionate annuities under Minnesota Statutes, 1975 Supplement, Section 356.32, even if they are over 65 years of age."

Whereas H. F. No. 2535 does not contain this language.

S. F. No. 2177, page 28, line 13, reads *"excluded from Minnesota state retirement coverage by"*.

Whereas H. F. No. 2535, page 14, line 32 reads in part *"excluded from coverage by"*.

In the title, H. F. No. 2535, lines 2 to 19 reads *"relating to retirement; mandatory retirement age for correctional officers; inclusions and exclusions under the Minnesota State Retirement System; inclusion of employees of the soil and water conservation district in membership of the public employees retirement association; miscellaneous changes in the elective state officers' plan and the unclassified employees retirement plan; amending Minnesota Statutes 1974, Sections 352.01, Subdivisions 2A and 2B; 352C.02, Subdivisions 2, 3, and by adding a subdivision; 352C.04, Subdivisions 1 and 2a; 352C.05; 352C.09, Subdivision 1; Chapters 352C, by adding a section; and 353, by adding a section; and Minnesota Statutes, 1975 Supplement, Sections 43.051, Subdivision 3; 352D.02, Subdivision 1; 353.01, Subdivision 6; and repealing Minnesota Statutes 1974, Section 352C.04, Subdivisions 2 and 2b."*

Whereas S. F. No. 2177, in the title, lines 2 to 34 reads *"relating to retirement; miscellaneous amendments to the public em-*

ployees retirement law; providing for a medical adviser in disability cases; inclusions and exclusions under the Minnesota state retirement system; mandatory retirement age for correctional officers; miscellaneous amendments to the elective state officers retirement plan and the unclassified employees retirement plan; providing for privacy of individual retirement data; providing for release of necessary data to governmental agencies; requiring an annual report to the legislature; excluding overtime payments for pension purposes; service credit for teachers on parental or maternity leave; elections to receive a combined service annuity; amending Minnesota Statutes 1974, Sections 352.01, Subdivisions 2A and 2B; 352C.02, Subdivisions 2, 3, and by adding a subdivision; 352C.04, Subdivisions 1 and 2a; 352C.05; 352C.09, Subdivision 1; 353.01, Subdivisions 2b, 16, and 30; 353.03, Subdivision 1, and by adding a subdivision; 353.27, Subdivision 7; 353.30, Subdivision 3; 353.33, Subdivision 11, and by adding subdivisions; 353.34, Subdivision 6; 353.35, 353.656, Subdivision 6; Chapter 352C, by adding a section; Chapter 354, by adding a section; Chapter 356, by adding sections; and Minnesota Statutes, 1975 Supplement, Sections 43.051, Subdivision 3; 352D.02, Subdivision 1; 353.01, Subdivision 24; 353.03, Subdivision 2a; 353.15; and 353.29, Subdivision 7; and repealing Minnesota Statutes 1974, Section 352C.04, Subdivisions 2 and 2b."

SUSPENSION OF RULES

Beauchamp moved that the rules be so far suspended that S. F. No. 2177 be substituted for H. F. No. 2535 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2277 and H. F. No. 2467, which had been referred to the Chief Clerk for comparison, were examined and found to be identical, except that S. F. No. 2277, page 17, line 20 to page 19, line 14 reads:

"Sec. 23. Minnesota Statutes, 1975 Supplement, Section 136A.121, Subdivision 3, is amended to read:

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, *and students who experience unusual financial difficulties after the first year*, who meet the commission's requirements;

(2) 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. Scholarship winners who do not demonstrate financial need under criteria

prescribed by the commission shall be awarded honorary scholarships;

(3) 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;

(4) 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) *students, transfer applicants, and students who experience unusual financial difficulties after the first year*, on the basis of their rank in the case of scholarships, and on the basis of need with first year (AND) *students, transfer applicants, and students who experience unusual financial difficulties after the first year* treated as a single pool of applicants in the case of grants-in-aid, as determined by standards prescribed by the commission.

(5) 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) Each scholarship or grant-in-aid shall be renewable, contingent on continued residency in Minnesota, United States citizenship, satisfactory academic standing and recommendation of the college or vocational school and, in the case of financial assistance, evidence of continued need;

(7) The student must apply for renewal of his scholarship or grant-in-aid each year;

(8) The student must continue to attend an eligible institution;

(9) All scholarship winners shall be notified of their award by the commission and shall be given appropriate evidence of the award;

(10) All grant-in-aid recipients shall be duly notified thereof by the commission;

(11) 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 commission scholarship or grant-in-aid account."

Whereas, H. F. No. 2467 does not contain this language.

H. F. No. 2467, page 23, line 5 reads: "provisions of subdivisions 1 to (17) 7 shall be construed as".

Whereas, S. F. No. 2277, page 24, line 32 reads: "provisions of subdivisions 1 to 7 shall be construed as".

H. F. No. 2467, page 31, lines 9 and 10 read: "*or employee shall use state money to employ domestic servants or personnel with similar domestic duties to work*".

Whereas, S. F. No. 2277, page 33, lines 4 and 5 read in part: "*or employee shall use state money to employ personnel with domestic duties to work in*".

Further, the title of S. F. No. 2277, in line 22 contains: "16A.-121, Subdivision 3;"

Whereas this does not appear in the title of H. F. No. 2467.

SUSPENSION OF RULES

Faricy moved that the rules be so far suspended that S. F. No. 2277 be substituted for H. F. No. 2467 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1800 and H. F. No. 2269, which had been referred to the Chief Clerk for comparison, were examined and found to be identical, except S. F. No. 1800, page 10, lines 27 and 28 "under the age of 22" is stricken, whereas in H. F. No. 2269, page 10, lines 23 and 24 it is not.

S. F. No. 1800, page 11, line 7 reads "of employer;" whereas H. F. No. 2269, page 11, lines 3 to 13 reads: "of employers; or

(4) Service performed in the employ of any organization exempt from income tax under section 501(a) (other than an organization described in section (401a) of the Federal Internal Revenue Code), provided; financing for the operations of the employer come primarily from voluntary contributions or governmental grants; and such service consists primarily of the supervision of work crews of minors or the supervision of the recreational activities of minors; and the period of such service does not exceed 16 weeks in a calendar year;".

H. F. No. 2269, page 13, line 10 reads "by the person employing him."

Whereas S. F. No. 1800 page 13, lines 4 to 9 reads "by the person employing him;

(7) *Part time service performed by an individual for a political subdivision of the state of Minnesota when such individual is employed in park and recreation activities of the political subdivision for a fixed period of time not to exceed one hundred calendar days in any calendar year."*

H. F. No. 2269, page 14, line 28 to page 17, line 31 contains the language:

"Sec. 2. Minnesota Statutes, 1975 Supplement, Section 268.04, Subdivision 23, is amended to read:

Subd. 23. "Unemployment" An individual shall be deemed "unemployed" in any week during which he performs no service and with respect to which no wages are payable to him, or in any week of less than full time work if the wages payable to him with respect to such week are less than his weekly benefit amount, *provided that no permanent employee of the legislature or a legislative commission shall be deemed to be unemployed while on a leave of absence.* Any individual unemployed as a result of a uniform vacation shutdown shall not be deemed to be voluntarily unemployed. The commissioner may, in his discretion, prescribe regulations relating to the payment of benefits to such unemployed individuals.

Sec. 3. Minnesota Statutes, 1975 Supplement, Section 268.04, Subdivision 25, is amended to read:

Subd. 25. "Wages" means all remuneration for services, including commissions and bonuses, and tips and gratuities paid to an employee by a customer of an employer and accounted for by the employee to the employer, and the cash value of all remuneration in any medium other than cash, except that such term shall not include:

(1) For the purpose of determining contributions payable under section 268.06, subdivision 2, that part of the remuneration which exceeds (THE LESSER OF \$6,500 OR 70) 85 percent of the average annual wage rounded to the nearest \$100 computed in accordance with the provisions of clause (6) of this subdivision paid to an individual by an employer with respect to covered employment in this state, or with respect to employment under the unemployment compensation law of any other state during any calendar year paid to such individual by such covered employer or his predecessor during such calendar year; provided, that if the term "wages" as contained in the federal unemployment tax act is amended to include remuneration in excess of the amount required to be paid hereunder to an individual by an employer under the federal act for any calendar year, wages for the purposes of sections 268.03 to 268.24 shall include remuneration paid in a calendar year up to an amount equal to the dollar limitation specified in the federal unemployment tax act. For the purposes of this clause, the term "employ-

ment" shall include service constituting employment under any employment security law of another state or of the federal government;

(2) The amount of any payment made to, or on behalf of, an employee under a plan or system established by an employer which makes provision for his employees generally or for a class or classes of his employees (including any amount paid by an employer for insurance or annuities, or into a fund, to provide for any such payment), on account of (a) retirement or (b) sickness or accident disability or (c) medical and hospitalization expenses in connection with sickness or accident disability, or (d) death, provided the employee (i) has not the option to receive, instead of provision for such death benefit, any part of such payment, or if such death benefit is insured, any part of the premium (or contributions to premiums) paid by his employer and (ii) has not the right, under the provisions of the plan or system or policy of insurance providing for such death benefit, to assign such benefit, or to receive a cash consideration in lieu of such benefit either upon his withdrawal from the plan or system providing for such benefit or upon termination of such plan or system or policy of insurance or of his employment with such employer;

(3) The payment by an employer (without deduction from the remuneration of the employee) (a) of the tax imposed upon an employee under section 3101 of the federal internal revenue code, or (b) of any payment required from an employee under a state unemployment compensation law;

(4) Any payments made to a former employee during the period of active military service in the armed forces of the United States by such employer, whether legally required or not;

(5) Any payment made to, or on behalf of, an employee or his beneficiary (a) from or to a trust described in section 401(a) of the federal internal revenue code which is exempt from tax under section 501(a) of such code at the time of such payment unless such payment is made to an employee of the trust as remuneration for services rendered as an employee and not as a beneficiary of the trust, or (b) under or to an annuity plan which, at the time of such payment is a plan described in section 403(a) of the federal internal revenue code, or (c) under or to a bond purchase plan which, at the time of such payment, is a qualified bond purchase plan described in section 405(a) of the federal internal revenue code;

(6) On or before July 1 of each year the commissioner shall determine the average annual wage paid by employers subject to sections 268.03 to 268.24 in the following manner:

(a) The sum of the total monthly employment reported for the previous calendar year shall be divided by 12 to determine the average monthly employment.

(b) The sum of the total wages reported for the previous calendar year shall be divided by the average monthly employment to determine the average annual wage.

The average annual wage determined shall be effective for the calendar year next succeeding the determination.

(THIS SECTION SHALL BECOME EFFECTIVE JANUARY 1, 1976.)”

Whereas S. F. No. 1800 does not contain this language.

H. F. No. 2269, page 18, line 8 to page 19, line 5, contains the language:

“Sec. 5. Minnesota Statutes 1974, Section 268.06, Subdivision 5, is amended to read:

Subd. 5. [BENEFITS CHARGED AS AND WHEN PAID.]

(1) Benefits paid to an individual pursuant to a valid claim filed subsequent to June 30, 1941, shall be charged against the account of his employer as and when paid, except that benefits paid to an individual who during his base period earned wages for part time employment with an employer who continues to give the employee part time employment substantially equal to the part time employment previously furnished such employee by such employer shall not be charged to such employer's account. The amount of benefits so chargeable against each base period employer's account shall bear the same ratio to the total benefits paid to an individual as the base period wage credits of the individual earned from such employer bear to the total amount of base period wage credits of the individual earned from all his base period employers.

(2) When, however, the base period earnings of an individual to whom benefits are paid are less than (\$520) \$900, then the proportional benefits which would ordinarily be charged to such employer shall not be charged to him, except that this provision shall not apply if the commissioner finds that the employment practices of an employer result in his separation of employees for whom work is available solely for the purpose of evading charges to his account.

In making computations under this provision, the amount of wage credits if not a multiple of \$1, shall be computed to the nearest multiple of \$1.”

Whereas S. F. No. 1800 does not contain this language.

H. F. No. 2269, page 19, line 17 to page 21, line 8 reads “employers shall be (NINE TENTHS OF ONE PERCENT IF THE

AMOUNT IN THE UNEMPLOYMENT COMPENSATION FUND IS LESS THAN \$90,000,000 ON JUNE 30 OF THE PRECEDING CALENDAR YEAR; OR EIGHT TENTHS OF ONE PERCENT IF THE FUND IS MORE THAN \$90,000,000 BUT LESS THAN \$110,000,000; OR SEVEN TENTHS OF ONE PERCENT IF THE FUND IS MORE THAN \$110,000,000 BUT LESS THAN \$130,000,000; OR SIX TENTHS OF ONE PERCENT IF THE FUND IS MORE THAN \$130,000,000 BUT LESS THAN \$150,000,000; OR FIVE TENTHS OF ONE PERCENT IF THE FUND IS MORE THAN \$150,000,000 BUT LESS THAN \$170,000,000; OR THREE TENTHS OF ONE PERCENT IF THE FUND IS MORE THAN \$170,000,000 BUT LESS THAN \$200,000,000; OR ONE TENTH OF ONE PERCENT IF THE FUND IS \$200,000,000 OR MORE; PROVIDED THAT NO EMPLOYER SHALL HAVE A CONTRIBUTION RATE OF MORE THAN FIVE PERCENT EXCEPT THAT IN THE CASE OF AN EMPLOYER WHOSE EXPERIENCE RATIO IN EACH OF THE IMMEDIATELY PRECEDING THREE CALENDAR YEARS WAS IN EXCESS OF FIVE PERCENT, THE MAXIMUM CONTRIBUTION RATE SHALL BE SIX PERCENT.) *determined on the basis of the following table:*

<i>Fund Ratio</i>	<i>Minimum Tax Rate</i>
<i>Less than or equal to 0.9 percent</i>	<i>1.0 percent</i>
<i>More than 0.9 percent, but less than or equal to 1.0 percent</i>	<i>0.9 percent</i>
<i>More than 1.0 percent, but less than or equal to 1.1 percent</i>	<i>0.8 percent</i>
<i>More than 1.1 percent, but less than or equal to 1.2 percent</i>	<i>0.7 percent</i>
<i>More than 1.2 percent, but less than or equal to 1.3 percent</i>	<i>0.6 percent</i>
<i>More than 1.3 percent, but less than or equal to 1.4 percent</i>	<i>0.5 percent</i>
<i>More than 1.4 percent, but less than or equal to 1.5 percent</i>	<i>0.4 percent</i>
<i>More than 1.5 percent, but less than or equal to 1.6 percent</i>	<i>0.3 percent</i>
<i>More than 1.6 percent, but less than or equal to 2.0 percent</i>	<i>0.2 percent</i>
<i>More than 2.0 percent</i>	<i>0.1 percent</i>

Provided that no employer shall have a contribution rate of more than five percent except in the case of an employer whose experience ratio in each of the immediately preceding three calendar years was in excess of five percent, the maximum tax rate shall be eight percent.

For the purpose of this subdivision, the fund ratio shall be determined as the ratio of the total amount of money in the unemployment compensation fund, reduced by the balance of advances of federal funds, made in accordance with Title XII of the Social Security Act, as amended, at the close of business on June 30 of each year, commencing with June 30, 1975, divided by the total amount of wages subject to contributions under this law during the preceding calendar year. The minimum rate so determined shall be effective for the calendar year next succeeding the determination."

Whereas S. F. No. 1800, page 15, lines 14 to 31 reads:

"employers shall be nine-tenths of one percent if the amount in the unemployment compensation fund is less than \$90,000,000 on June 30 of the preceding calendar year; or eight-tenths of one percent if the fund is more than \$90,000,000 but less than \$110,000,000; or seven-tenths of one percent if the fund is more than \$110,000,000 but less than \$130,000,000; or six-tenths of one percent if the fund is more than \$130,000,000 but less than \$150,000,000; or five-tenths of one percent if the fund is more than \$150,000,000 but less than \$170,000,000; or three-tenths of one percent if the fund is more than \$170,000,000 but less than \$200,000,000; or one-tenth of one percent if the fund is \$200,000,000 or more; provided that no employer shall have a contribution rate of more than (FIVE) *seven* percent except that in the case of an employer whose experience ratio in each of the immediately preceding three calendar years was in excess of (FIVE) *seven* percent, the maximum contribution rate shall be (SIX) *nine* percent."

H. F. No. 2269, page 21, line 9 to page 31, line 15 contains the language.

Sec. 7. Minnesota Statutes, 1975 Supplement, Section 268.07, Subdivision 2, is amended to read:

Subd. 2. [WEEKLY BENEFIT AMOUNT AND DURATION.] If the commissioner finds that an individual has earned 18 or more credit weeks, and (\$540) \$900 or more in wage credits, within the base period of employment in insured work with one or more employers, benefits shall be payable to such individual during his benefit year as follows:

(1) Weekly benefit amount shall be equal to 60 percent of the first \$85, 40 percent of the next \$85 and 50 percent of the remainder of the average weekly wage of such individual, com-

puted to the nearest whole dollar, subject to a maximum of (THE LESSER OF \$116 OR) 62 percent of the average weekly wage paid to individuals by employers subject to the provisions of sections 268.03 to 268.24.

On or before June 30 of each year the commissioner shall determine the average weekly wage paid by employers subject to sections 268.03 to 268.24 in the following manner:

(a) The sum of the total monthly employment reported for the previous calendar year shall be divided by 12 to determine the average monthly employment.

(b) The sum of the total wages reported for the previous calendar year shall be divided by the average monthly employment to determine the average annual wage.

(c) The average annual wage shall be divided by 52 to determine the average weekly wage.

The maximum weekly benefit amount as so determined computed to the nearest whole dollar shall apply to claims for benefits which establish a benefit year which begins subsequent to June 30 of each year.

(2) An individual's maximum amount of regular benefits payable in a benefit year shall not exceed the lesser of (a) 26 times his weekly benefit amount or (b) 70 percent of the number of credit weeks earned by such an individual computed to the nearest whole week times his weekly benefit amount.

(3) Each eligible individual who is unemployed in any week shall be paid with respect to such week a benefit in an amount equal to his weekly benefit amount less that part of his earnings, including holiday pay, payable to him with respect to such week which is in excess of \$25. Such benefit, if not a multiple of \$1, shall be computed to the next higher multiple of \$1.

(4) The provisions of this subdivision shall apply to claims for benefits which establish a benefit year subsequent to June 30, 1975.

Sec. 8. Minnesota Statutes 1974, Chapter 268, is amended by adding a section to read:

[268.091] [DISQUALIFICATIONS FROM BENEFITS.]
Subdivision 1. [DISQUALIFYING CONDITIONS.] An individual shall be disqualified for benefits if such individual:

(1) *voluntarily and without good cause attributable to the employer discontinues employment with such employer, provided that this provision shall not apply to any individual who left his*

employment to accept work offering substantially better conditions of work or substantially higher wages or both, or whose separation from such employment was due to serious illness of such individual; or (2) was discharged for misconduct, not amounting to gross misconduct, connected with the work or which interferes with and adversely affects the employment; or

(3) was discharged for gross misconduct connected with his work or which interferes with and adversely affects the employment, such gross misconduct being defined as misconduct involving assault and battery, or an immoral act, or the malicious destruction of property or the theft of money or property of a value of \$50, or more; or

(4) left employment because of pregnancy without availing herself of maternity leave rights; or

(5) failed, without good cause, either to apply for or accept available, suitable work when so directed by the employment office or the commissioner, or to return to customary self-employment (if any), provided that:

(a) In determining whether or not any work is suitable for an individual, the commissioner shall consider the degree of risk involved to his health, safety, and morals, his physical fitness and prior training, his experience, his length of unemployment and prospects of securing local work in his customary occupation, and the distance of the available work from his residence.

(b) Notwithstanding any other provisions of sections 268.03 to 268.24, no work shall be deemed suitable, and benefits shall not be denied thereunder to any otherwise eligible individual for refusing to accept new work under any of the following conditions:

(1) if the position offered is vacant due directly to a strike, lockout, or other labor dispute;

(2) if the wages, hours, or other conditions of the work offered are substantially less favorable to the individual than those prevailing for similar work in the locality;

(3) if as a condition of being employed the individual would be required to join a union or to resign from or refrain from joining any bona fide labor organization;

(4) if after December 31, 1971, such individual is in training with the approval of the commissioner; or

(6) failed without good cause to accept suitable re-employment offered by a base period employer, provided such dis-

qualification shall not apply if such individual is in training with the approval of the commissioner.

Subd. 2. [DISQUALIFICATIONS.] The disqualifications imposed for the conditions in subdivision 1 shall be:

(1) for eight weeks of unemployment and shall also result in a reduction in the maximum benefit amount payable to such individual of eight times the weekly benefit amount; or

(2) until such individual has worked for eight weeks in insured employment and earned wages in each week equal to the weekly benefit amount if the individual has been disqualified for a prior separation, refusal or failure which occurred within the 104 weeks preceding the week in which the disqualifying condition for which this disqualification is being imposed occurred; or

(3) until such individual has worked for eight weeks in insured employment and earned wages in each week equal to the weekly benefit amount and shall also result in a reduction in the maximum benefit amount payable to such individual of 12 times the weekly benefit amount, which reduction shall not be satisfied by subsequent employment, if the disqualification is for gross misconduct; or

(4) until such individual has employment in insured work for a period of not less than six weeks if the disqualification is for leaving employment because of pregnancy without availing herself of maternity leave rights.

Benefits paid subsequent to an individual's separation under any of the foregoing clauses shall not be used as a factor in determining the future contribution rate of the employer from whose employment such individual separated or whose offer of re-employment was refused, provided that this clause shall not apply to an individual involuntarily separated from employment because of pregnancy.

With respect to subdivision 2, clause (1), any week of employment in insured work with wages an in amount equal to the weekly benefit amount subsequent to the week in which the disqualifying act occurred shall satisfy a week of disqualification and a reduction in maximum benefit amount equal to the weekly benefit amount. Five weeks of employment in insured work with wages in an amount equal to the weekly benefit amount in each week subsequent to the week in which the disqualifying act occurred shall satisfy eight weeks of disqualification.

Subd. 3. [LABOR DISPUTES.] An individual shall be disqualified from such benefits if such individual has left or partially or totally lost his employment with an employer because of

a strike or other labor dispute. Such disqualification shall prevail for each week during which such strike or other labor dispute is in progress at the establishment in which he is or was employed, except that such disqualification shall be for one week following commencement of the strike or other labor dispute for any employee who is not participating in or directly interested in the labor dispute which caused such individual to leave or partially or totally lose such employment. Failure or refusal of an individual to accept and perform available and customary work in the establishment constitutes participation. For the purpose of this section the term "labor dispute" shall have the same definition as provided in the Minnesota labor relations act. Nothing in this subdivision shall be deemed to deny benefits to any employee:

(a) who becomes unemployed because of a strike or lockout caused by an employer's willful failure to observe the terms of the safety and health section of a union contract or failure to comply with an official citation for health; provided, however, that benefits paid in accordance with this provision shall not be charged to the employer's experience rating account if, following official appeal proceedings, it is held that there was no willful failure on the part of the employer,

(b) who becomes unemployed because of a lockout,

(c) who is dismissed during the period of negotiation in any labor dispute and prior to the commencement of a strike, or

(d) unless he is unemployed because of a jurisdictional dispute between two or more unions.

Provided, however, that voluntary separation during the time that such strike or other labor dispute is in progress at such establishment shall not be deemed to terminate such individual's participation in or direct interest in such strike or other labor dispute for purposes of this subdivision.

Benefits paid to an employee who has left or partially or totally lost his employment because of a strike or other labor dispute at his primary place of employment shall not be charged to his employer's account unless the employer was a party to the particular strike or labor dispute.

Notwithstanding any other provision of this section, an individual whose last separation from employment with an employer occurred prior to the commencement of the strike or other labor dispute and was permanent or for an indefinite period, shall not be denied benefits or waiting week credit solely by reason of his failure to apply for or to accept recall to work or re-employment with the employer during any week in which the strike or other labor dispute is in progress at the establishment in which he was employed.

Subd. 4. [DISQUALIFICATIONS CONCURRENT; WHEN OVERLAPPING.] Weeks of disqualification imposed under the provisions of this section shall be concurrent where two or more disqualifying periods overlap.

Subd. 5. [DEFINITION.] A week of unemployment, as used in this section, shall mean a week during which such individual would be otherwise eligible for benefits, except for the initial waiting week.

Sec. 9. Minnesota Statutes 1974, Section 268.12, Subdivision 5, is amended to read:

Subd. 5. [ASSISTANCE.] (1) Subject to the provisions of the state civil service act and to the other provisions of sections 268.03 to 268.24 the commissioner is authorized to appoint, and prescribe the duties and powers of, such officers, accountants, attorneys, experts, and other persons as may be necessary in the performance of his duties thereunder. The commissioner may delegate to any such person so appointed such power and authority as he deems reasonable and proper for the effective administration of those sections and may, in his discretion, bond any person handling moneys or signing checks thereunder. The commissioner is authorized to adopt such personnel and fiscal regulations as he deems necessary to satisfy fiscal and personnel standards required by the secretary of labor pursuant to the Social Security Act, as amended, and the act of Congress entitled "An act to provide for the establishment of a national employment system and to cooperate with the states in the promotion of such system and for other purposes," approved June 6, 1933, as amended. The commissioner may, subject to the approval of the commissioner of administration, also adopt regulations relating to reimbursement to department employees for travel expenses incurred while traveling on official business including allowances on a per diem basis in lieu of actual subsistence expenses incurred. The commissioner is also hereby authorized to purchase liability and property damage automobile insurance to cover any automobiles owned by the Minnesota department of employment services for the protection of its employees who may be required to operate the same in pursuit of their duties for the department.

The attorney general shall appoint an assistant attorney general and two special assistant attorneys general, to be in addition to the number now authorized by law. The assistant attorney general shall be the attorney and the chief counsel for the department of employment services. Such assistant and special assistant attorneys general shall receive the same salary as the other assistant and special assistant attorneys general, but devote their entire time to this department. Such assistant and special assistant attorneys general shall have the power to act for and represent the attorney general in all matters in which the attorney general is authorized to act for the commissioner by these sections. The compensation and all expenses and disbursements of

such assistant and special assistant attorneys general shall be paid from the moneys appropriated to and for the use of the commissioner.

(2) ((A) NO OFFICER OR EMPLOYEE ENGAGED IN THE ADMINISTRATION OF THESE SECTIONS SHALL USE HIS OFFICIAL AUTHORITY TO INFLUENCE FOR THE PURPOSE OF INTERFERING WITH AN ELECTION OR AFFECTING THE RESULTS THEREOF. NO PERSON ENGAGED IN THE ADMINISTRATION OF THESE SECTIONS WHO HOLDS A POSITION IN THE STATE CLASSIFIED SERVICE PURSUANT TO PROVISIONS CONTAINED IN THE STATE CIVIL SERVICE ACT, WHILE RETAINING THE RIGHT TO VOTE AS HE PLEASURES AND TO EXPRESS PRIVATELY HIS OPINION ON ALL POLITICAL SUBJECTS, SHALL TAKE AN ACTIVE PART IN POLITICAL MANAGEMENT OR CAMPAIGNS;)

((B) NO OFFICER OR EMPLOYEE ENGAGED IN THE ADMINISTRATION OF THESE SECTIONS SHALL SOLICIT OR RECEIVE OR BE IN ANY MANNER CONCERNED IN SOLICITING OR RECEIVING ANY ASSESSMENT, SUBSCRIPTION, OR CONTRIBUTION FOR ANY POLITICAL PURPOSE FOR ANY PERSON;)

((C)) No officer or employee engaged in the administration of these sections shall, for political purposes, furnish or disclose, or aid or assist in furnishing or disclosing, any list or names of persons obtained in the administration of these sections, to a political candidate, committee, campaign manager, or to any person for delivery to a political candidate, committee, or campaign manager, and it shall be unlawful for any person to receive any such list or names for political purposes.

Sec. 10. Minnesota Statutes 1974, Section 268.18, Subdivision 2, is amended to read:

Subd. 2. [FRAUD.] Any claimant who files a claim for or receives benefits by knowingly and wilfully misrepresenting or misstating any material fact or by knowingly and wilfully failing to disclose any material fact which would make him ineligible for benefits under sections 268.03 to 268.24 and as specifically set forth in Minnesota Statutes, Section 268.08, in force at the time of filing such claim for benefits, shall be deemed guilty of fraud. Notwithstanding the provisions of Minnesota Statutes 1949, Section 268.09, Subdivision 1, Clause (7), after the discovery of facts by the commissioner indicating such fraud in claiming or obtaining benefits under sections 268.03 to 268.24, he is hereby authorized to make a determination that such claimant was ineligible for each week with reference to which benefits were claimed or obtained by such fraud for such amount as was in excess of what such claimant would have been entitled to had he not made such fraudulent statements or failed to dis-

close any material facts, and be disqualified when next claiming benefits for an additional week for each week in which benefits were fraudulently claimed, and at the discretion of the commissioner, disqualifying such claimant from receiving any unemployment benefits under the Minnesota law for any part or all of the remainder of the current or next subsequent benefit year following the week when such fraud was committed, and that said claimant shall within 20 days from the date of mailing the notice of said determination to him repay in cash to the department of employment services any benefits so fraudulently obtained. Unless such claimant files a written protest with the department of employment services within ten days after the delivery of such notice or within 12 days after the date of mailing thereof, such determination shall become final. If such claimant shall appeal from such determination within the time above specified said matter shall be referred to an appeal tribunal for a hearing as in other benefit cases and thereafter the procedure for review shall be the same as set forth in section 268.10. If such benefits so fraudulently obtained are not repaid to the department in cash within 20 days from the date of mailing the notice to such claimant of such determination, the commissioner is hereby authorized to deduct from future benefits payable to such claimant in either the current or any subsequent benefit year an amount equivalent to the amount of overpayment determined.

Sec. 11. *Minnesota Statutes, 1975 Supplement, Section 268.09, is hereby repealed.*

Sec. 12. *This act is effective January 1, 1977, except the provisions to amend section 268.12, subdivision 5, which shall become effective the day following final enactment."*

Whereas S. F. No. 1800 does not contain this language.

S. F. No. 1800, page 15, line 32 to page 36, line 32 contains the language:

"Sec. 4. Minnesota Statutes 1974, Section 268.06, is amended by adding a subdivision to read:

Subd. 8a. [EMERGENCY; SURTAX.] Notwithstanding any other provision of this section, each employer subject to this law shall pay, in addition to regular contributions applicable to calendar years 1976, 1977 and 1978, an emergency surtax of ten percent of the regular contributions.

Sec. 5. Minnesota Statutes, 1975 Supplement, Section 268.07, Subdivision 2, is amended to read:

Subd. 2. [WEEKLY BENEFIT AMOUNT AND DURATION.] If the commissioner finds that an individual has earned (18) 15, or more, credit weeks, (AND \$540 OR MORE IN WAGE CREDITS,) within the base period of employment in in-

sured work with one or more employers, benefits shall be payable to such individual during his benefit years as follows:

(1) Weekly benefit amount shall be equal to 60 percent of the first \$85, 40 percent of the next \$85 and 50 percent of the remainder of the average weekly wage of such individual, computed to the nearest whole dollar, subject to a maximum of the lesser of \$116 or 62 percent of the average weekly wage paid to individuals by employers subject to the provisions of sections 268.03 to 268.24.

On or before June 30 of each year the commissioner shall determine the average weekly wage paid by employers subject to sections 268.03 to 268.24 in the following manner:

(a) The sum of the total monthly employment reported for the previous calendar year shall be divided by 12 to determine the average monthly employment.

(b) The sum of the total wages reported for the previous calendar year shall be divided by the average monthly employment to determine the average annual wage.

(c) The average annual wage shall be divided by 52 to determine the average weekly wage.

The maximum weekly benefit amount as so determined computed to the nearest whole dollar shall apply to claims for benefits which establish a benefit year which begins subsequent to June 30 of each year.

(2) An individual's maximum amount of regular benefits payable in a benefit year shall not exceed the lesser of (a) 26 times his weekly benefit amount or (b) 70 percent of the number of credit weeks earned by such an individual computed to the nearest whole week times his weekly benefit amount.

(3) Each eligible individual who is unemployed in any week shall be paid with respect to such week a benefit in an amount equal to his weekly benefit amount less that part of his earnings, including holiday pay, payable to him with respect to such week which is in excess of \$25. Such benefit, if not a multiple of \$1, shall be computed to the next higher multiple of \$1.

(4) The provisions of this subdivision shall apply to claims for benefits which establish a benefit year subsequent to June 30, 1975.

Sec. 6. Minnesota Statutes, 1975 Supplement, Section 268.09, Subdivision 1, is amended to read:

268.09 [UNEMPLOYMENT COMPENSATION; DISQUALIFIED FROM BENEFITS.] Subdivision 1. [DISQUALIFY-

ING CONDITIONS.] An individual shall be disqualified for benefits;

(1) [VOLUNTARY LEAVING OR DISCHARGE FOR MISCONDUCT.] If such individual voluntarily and without good cause attributable to the employer discontinued his employment with such employer or leaves employment because of pregnancy without availing herself of maternity leave rights, or was discharged for misconduct, not amounting to gross misconduct, connected with his work or for misconduct which interferes with and adversely affects his employment, if so found by the commissioner, (FOR NOT LESS THAN FIVE NOR MORE THAN EIGHT WEEKS OF UNEMPLOYMENT IN ADDITION TO AND FOLLOWING THE WAITING PERIOD, OR WAS DISCHARGED FOR GROSS MISCONDUCT CONNECTED WITH HIS WORK OR GROSS MISCONDUCT WHICH INTERFERES WITH AND ADVERSELY AFFECTS HIS EMPLOYMENT, IF SO FOUND BY THE COMMISSIONER, FOR 12 WEEKS OF UNEMPLOYMENT IN ADDITION TO AND FOLLOWING THE WAITING PERIOD, WHICH DISQUALIFICATION SHALL NOT BE REMOVED BY SUBSEQUENT EMPLOYMENT, AND PROVIDED FURTHER THAT THE COMMISSIONER IS EMPOWERED TO IMPOSE A TOTAL DISQUALIFICATION FOR THE BENEFIT YEAR AND TO CANCEL PART OR ALL OF THE WAGE CREDITS FROM THE LAST EMPLOYER FROM WHOM HE WAS DISCHARGED FOR GROSS MISCONDUCT CONNECTED WITH HIS WORK, AND THE MAXIMUM BENEFIT AMOUNT PAYABLE TO SUCH INDIVIDUAL SHALL BE REDUCED AS FOLLOWS:) *until he has, subsequent to that separation, earned wages in insured work from which he has been separated under non-disqualifying conditions in an amount equal to or in excess of six times his weekly benefit amount.*

((A) BY AN AMOUNT EQUAL TO THE WEEKLY BENEFIT AMOUNT TIMES THE NUMBER OF WEEKS FOR WHICH SUCH INDIVIDUAL WAS DISQUALIFIED, WHEN THE SEPARATION OCCURS BECAUSE OF A VOLUNTARY SEPARATION AS DESCRIBED IN THIS CLAUSE OR AS A RESULT OF DISCHARGE FOR MISCONDUCT;) *When the separation occurs as a result of a discharge for gross misconduct such disqualification shall continue until he has earned wages in insured work from which he has been separated under non-disqualifying conditions in an amount equal to or in excess of 12 times his weekly benefit amount.*

((B) BY AN AMOUNT EQUAL TO 12 TIMES HIS WEEKLY BENEFIT AMOUNT, WHEN THE SEPARATION OCCURS AS A RESULT OF A DISCHARGE FOR GROSS MISCONDUCT.)

For the purpose of this clause "gross misconduct" shall be defined as misconduct involving assault and battery, or an im-

moral act, or the malicious destruction of property or the theft of money or property of a value of \$50, or more.

This provision shall not apply to any individual who left his employment to accept work offering substantially better conditions of work or substantially higher wages or both, or whose separation from such employment was due to serious illness of such individual.

((2) SEPARATION TO ASSUME FAMILY OBLIGATIONS. IF SUCH INDIVIDUAL VOLUNTARILY LEAVES EMPLOYMENT BECAUSE OF PREGNANCY WITHOUT AVAILING HERSELF OF MATERNITY LEAVE RIGHTS PROVIDED BY LAW, PROVIDED THAT SUCH DISQUALIFICATION SHALL BE REMOVED BY SUBSEQUENT EMPLOYMENT IN INSURED WORK FOR A PERIOD OF NOT LESS THAN SIX WEEKS.)

An individual who voluntarily leaves employment for compelling personal reasons involving the obligation to care for a seriously ill member of the immediate family shall be disqualified for benefits for five weeks of unemployment in addition to and following the waiting period.

((3)) (2) [LIMITED OR NO CHARGE OF BENEFITS.] Benefits paid subsequent to an individual's separation under any of the foregoing clauses or because of his failure, without good cause, to accept an offer of suitable re-employment, shall not be used as a factor in determining the future contribution rate of the employer from whose employment such individual separated or whose offer of re-employment he refused; provided that this clause shall not apply to an individual involuntarily separated from employment because of pregnancy.

((4)) (3) [FAILURE TO APPLY FOR OR ACCEPT SUITABLE WORK.] If the commissioner finds that he has failed, without good cause, either to apply for available, suitable work when so directed by the employment office, or the commissioner or to accept suitable work when offered him, or to return to his customary self-employment (if any) when so directed by the commissioner, or to actively seek employment. Such disqualification shall continue for the week in which such refusal or failure occurred and **(FOR A PERIOD OF SEVEN WEEKS OF UNEMPLOYMENT IMMEDIATELY FOLLOWING SUCH REFUSAL OR FAILURE)** *until he has earned wages in insured work from which he has been separated under non-disqualifying conditions in an amount equal to or in excess of six times his weekly benefit amount.*

(a) In determining whether or not any work is suitable for an individual, the commissioner shall consider the degree of risk involved to his health, safety, and morals, his physical fitness and prior training, his experience, his length of unemployment

and prospects of securing local work in his customary occupation, and the distance of the available work from his residence.

(b) Notwithstanding any other provisions of sections 268.03 to 268.24, no work shall be deemed suitable, and benefits shall not be denied thereunder to any otherwise eligible individual for refusing to accept new work under any of the following conditions:

(1) if the position offered is vacant due directly to a strike, lockout, or other labor dispute;

(2) if the wages, hours, or other conditions of the work offered are substantially less favorable to the individual than those prevailing for similar work in the locality;

(3) if as a condition of being employed the individual would be required to join a union or to resign from or refrain from joining any bona fide labor organization;

(4) if after December 31, 1971, such individual is in training with the approval of the commissioner.

(5) [LABOR DISPUTE.] If such individual has left or partially or totally lost his employment with an employer because of a strike or other labor dispute. Such disqualification shall prevail for each week during which such strike or other labor dispute is in progress at the establishment in which he is or was employed, except that such disqualification shall be for one week following commencement of the strike or other labor dispute for any employee who is not participating in or directly interested in the labor dispute which caused such individual to leave or partially or totally lose such employment. Failure or refusal of an individual to accept and perform available and customary work in the establishment constitutes participation. For the purpose of this section the term "labor dispute" shall have the same definition as provided in the Minnesota labor relations act. Nothing in this subdivision shall be deemed to deny benefits to any employee:

(a) who becomes unemployed because of a strike or lockout caused by an employer's willful failure to observe the terms of the safety and health section of a union contract or failure to comply with an official citation for a violation of federal and state laws involving occupational safety and health; provided, however, that benefits paid in accordance with this provision shall not be charged to the employer's experience rating account if, following official appeal proceedings, it is held that there was no willful failure on the part of the employer,

(b) Who becomes unemployed because of a lockout,

(c) who is dismissed during the period of negotiation in any labor dispute and prior to the commencement of a strike, or

(d) unless he is unemployed because of a jurisdictional dispute between two or more unions.

Provided, however, that voluntary separation during the time that such strike or other labor dispute is in progress at such establishment shall not be deemed to terminate such individual's participation in or direct interest in such strike or other labor dispute for purposes of this subdivision.

Benefits paid to an employee who has left or partially or totally lost his employment because of a strike or other labor dispute shall not be charged to his employer's account unless the employer was a party to the particular strike or labor dispute.

Notwithstanding any other provision of this section, an individual whose last separation from employment with an employer occurred prior to the commencement of the strike or other labor dispute and was permanent or for an indefinite period, shall not be denied benefits or waiting week credit solely by reason of his failure to apply for or to accept recall to work or reemployment with the employer during any week in which the strike or other labor dispute is in progress at the establishment in which he was employed.

(6) [REFUSAL OF SUITABLE REEMPLOYMENT.] If such individual has failed without good cause to accept suitable re-employment offered by a base period employer. Such disqualification shall prevail for the week in which the failure occurred (AND FOR A PERIOD OF SEVEN WEEKS OF UNEMPLOYMENT FOLLOWING SUCH FAILURE) *until he has, subsequent to that separation, earned wages in insured work from which he has been separated under non-disqualifying conditions in an amount equal to or in excess of six times his weekly benefit amount, provided such disqualification shall not apply if such individual is in training with the approval of the commissioner.*

Sec. 7. Minnesota Statutes 1974, Section 268.10, Subdivision 1, is amended to read:

268.10 [DETERMINATION OF CLAIMS FOR BENEFITS; APPEALS.] Subdivision 1. [FILING.] Claims for benefits shall be made in accordance with such regulations as the commissioner may prescribe. *Each application form shall require the applicant's signature and shall contain the statement "I hereby certify under penalty of perjury that all representations made in this application are true."* Each employer shall post and maintain printed statements of such regulations in places readily accessible to individuals in his service and shall make available to each such individual at the time he becomes unemployed, a print-

ed statement of such regulations. Such printed statements shall be supplied by the commissioner to each employer without cost to him.

(1) Any employer upon separation of an employee from his employment for any reason which may result in disqualification for benefits under section 268.09, shall furnish to such employee a separation notice which shall provide the employer's name, address, and employer account number as registered with the department, the employee's name and social security account number, the inclusive dates of his employment, and the reason for the separation. A copy of such separation notice shall be filed with the commissioner within three days of such separation. The commissioner shall require each individual filing a claim for benefits to establish a benefit year to furnish such separation notices which he has received from all employers from whom such individual earned wage credits in the base period.

(2) Upon the filing, by an individual, of a claim for benefits, the commissioner shall give notice to all such base period employers of the filing of such claim and request each such base period employer, within seven days after the mailing of such notice, to furnish the following information:

- (a) The total wage credits earned in the base period;
- (b) The number of credit weeks which end within the base period;
- (c) The week ending dates for each calendar week within the base period in which the individual earned less than the amount required to make a credit week and the amount of earnings in each such week;
- (d) The reason for the separation or separations of such individual from the employ of the employer in the base period; and
- (e) Such employer's protest, if any, relating to the ineligibility or disqualification of such individual.

(3) If any base period employer, after the notice of filing of a claim and the request for wage and separation information has been duly mailed to his last known address, fails to file information as provided by items (a) through (e) of clause 2 of this subdivision within seven days, the commissioner shall determine an individual's benefit rights based on the claimant's statements or any other available information. Any employer shall be liable for a late filing fee of not less than \$5 nor more than \$25, as the commissioner may determine, to be paid to the department of employment services and credited to the contingent fund if he has failed without good cause to submit the wage and separation information as required in clause 2 of this subdivision

within seven days after the request has been duly mailed to his last known address. In the absence of fraud, if a redetermination of benefit rights based on an employer's late report subsequently cancels or reduces the amount of benefits to which a claimant was entitled under the initial determination, the claimant shall not be required to make repayment to the fund of any benefits paid to him prior to such redetermination.

Sec. 8. Minnesota Statutes 1974, Section 268.18, Subdivision 3, is amended to read:

Subd. 3. [PENALTY FOR FALSE STATEMENTS.] 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 (MISDEMEANOR) *violation of section 609.48.*

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 (MISDEMEANOR) *violation of section 609.48.*

Sec. 9. Minnesota Statutes 1974, Section 268.12, Subdivision 12, is amended to read:

Subd. 12. [INFORMATION.] Except as hereinafter otherwise provided, information obtained from any employing unit or individual pursuant to the administration of sections 268.03 to 268.24, and from any determination as to the benefit rights of any individual shall be held confidential and shall not be disclosed or be open to public inspection in any manner revealing the individual's or employing unit's identity. Any claimant or other interested party (or his legal representative) shall be supplied with information from the records of the department of employment services, to the extent necessary for the proper presentation of his claim, contention or refutation of any claim in which he is an interested party in any proceeding under these sections with respect thereto. Subject to such restrictions as the commissioner may by regulation prescribe, such information may be made available to any agency of this or any other state, or any federal agency charged with the administration of an em-

ployment and security law or the maintenance of a system of public employment offices, any local human rights department within the state which has enforcement powers, or the Bureau of Internal Revenue of the United States Department of the Treasury, and information obtained in connection with administration of the employment service may be made available to persons or agencies for purposes appropriate to the operation of a public employment service. Upon request therefor, the commissioner shall furnish to any agency of the United States charged with the administration of public works or assistance through public employment, and may furnish to any state agency similarly charged, or any local human rights department within the state which has enforcement powers, the name, address, ordinary occupation, and employment status of each recipient of benefits and such recipient's rights to further benefits under these sections. The commissioner may request the Comptroller of the Currency of the United States to cause an examination of the correctness of any return or report of any national banking association rendered pursuant to the provisions of these sections, and may in connection with such request, transmit any such report or return to the Comptroller of the Currency of the United States as provided in section 3305(c) of the federal internal revenue code. *Upon request of the department of public welfare, the commissioner shall verify at a reasonable cost whether or not a person is or was employed for the dates or time requested. The department of public welfare shall maintain the information obtained as a private record within the meaning of section 15.162, subdivision 3, provided the information may be used by the department of public welfare for prosecuting violations of law.*

All letters, reports, communications, or any other matters, either oral or written, from an employer or his workers to each other or to the commissioner or any of his agents, representatives, or employees, which shall have been written or made in connection with the requirements and administration of sections 268.03 to 268.24 or the regulations thereunder, shall be absolutely privileged and shall not be made subject matter or basis for any suit for slander or libel in any court of this state.

Sec. 10. Minnesota Statutes, 1975 Supplement, 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.

References 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 chapter 290, 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, to the extent of the credit under section 38 of the Internal Revenue Code of 1954, as amended through December 31, 1974, 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) *Benefits received from the fund established by Minnesota Statutes, Section 268.05, but only to the extent that the total of benefits and federal adjusted gross income exceeds \$8,000.*

(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, 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.

(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. 11. Minnesota Statutes 1974, Section 290.61 is amended to read:

290.61 [PUBLICITY OF RETURNS, INFORMATION.] It shall be unlawful for the commissioner or any other public official or employee to divulge or otherwise make known in any manner any particulars set forth or disclosed in any report or return required by this chapter, or any information concerning, the taxpayer's affairs acquired from his or its records, officers, or employees while examining or auditing any taxpayer's liability for taxes imposed hereunder, except in connection with a proceeding involving taxes due under this chapter from the taxpayer making such return and except as provided in section 290.361. *Upon request of the department of employment services the commissioner shall furnish to that department at a reasonable cost information as to whether or not a person who has applied for unemployment compensation benefits, received taxable wages during the year for which information is requested, and if he did receive taxable wages, the employer from which the wages were obtained. The department of employment services shall maintain the information obtained as a private record within the meaning of section 15.162, subdivision 3, provided the information may be used by the department of employment services for prosecuting violations of law. The commissioner may furnish a copy of any taxpayer's return to any official of the United States or of any state having duties to perform in re-*

spect to the assessment or collection of any tax imposed upon or measured by income, if such taxpayer is required by the laws of the United States or of such state to make a return therein and if the laws of the United States or of such state provide substantially for the same secrecy in respect to the information revealed thereby as is provided by our laws. The commissioner and all other public officials and employees shall keep and maintain the same secrecy in respect to any information furnished by any department, commission, or official of the United States or of any other state in respect to the income of any person as is required by this section in respect to information concerning the affairs of taxpayers under this chapter. Nothing herein contained shall be construed to prohibit the commissioner from publishing statistics so classified as not to disclose the identity of particular returns or reports and the items thereof.

Any person violating the provisions of this section shall be guilty of a gross misdemeanor.

Sec. 12. [EFFECTIVE DATE.] *Sections 1, 9 and 11 are effective for services performed subsequent to the day following final enactment. Section 3 is effective January 1, 1977. Section 4 is effective retroactive to January 1, 1976. Sections 2, 6 and 10 are effective for benefit years beginning on or after June 27, 1976. Section 10 is effective for taxes payable in 1977 on income earned in 1976."*

H. F. No. 2269, in the title, lines 2 to 12, reads:

"relating to employment services; unemployment compensation; defining wages; determining employer contribution rates; amending Minnesota Statutes 1974, Sections 268.04, Subdivision 29; 268.06, Subdivision 5; 268.12, Subdivision 5; 268.18, Subdivision 2; Chapter 268, by adding a section; and Minnesota Statutes, 1975 Supplement, Sections 268.04, Subdivisions 12, 23 and 25; 268.06, Subdivision 8; 268.07, Subdivision 2; and repealing Minnesota Statutes, 1975 Supplement, Section 268.09."

Whereas S. F. No. 1800, in the title, lines 2 to 21, reads:

"relating to unemployment compensation; providing for exclusion of certain part time services; providing for an emergency surtax in employer contributions; modifying disqualifying conditions for employment compensation; permitting information to be furnished to department of public welfare by commissioner of employment services; permitting information to be furnished to department of employment services by commissioner of revenue; providing taxation of unemployment compensation benefits in certain conditions; providing a penalty; amending Minnesota Statutes 1974, Sections 268.04, Subdivision 29; 268.06, by adding a subdivision; 268.10, Subdivision 1; 268.18, Subdivision 3; 268.12, Subdivision 12; and 290.61; Minnesota Statutes, 1975 Supplement, Sections 268.04, Subdivision 12; 268.06, Subdivision 8;

268.07, Subdivision 2; 268.09, Subdivision 1; and 290.01, Subdivision 20.”.

SUSPENSION OF RULES

Adams, L., moved that the rules be so far suspended that S. F. No. 1800 be substituted for H. F. No. 2269 and that the House File be indefinitely postponed. The motion prevailed.

REPORTS OF STANDING COMMITTEES

Norton from the Committee on Appropriations to which was referred:

H. F. No. 2112, A bill for an act relating to retirement; increasing certain benefits and annuities; appropriating money.

Reported the same back with the following amendments:

Page 4, line 17, after “Sec. 5.” insert “Subdivision 1.”

Page 4, line 18, delete “\$17,066,223” and insert “\$16,888,250”.

Page 4, line 21, delete “\$210,075” and insert “\$32,102”.

Page 4, after line 26, insert:

“Subd. 2. There is hereby appropriated to the highway patrolmen’s retirement fund \$165,782 from the trunk highway fund and \$39,472 from the game and fish fund.”

Page 5, line 26, after “Senate,” insert “and”.

Page 5, line 27, after “finance” delete “, and the legislative advisory committee”.

Page 5 delete lines 30 to 32.

Page 6 delete lines 1 to 5 and insert “calculation made pursuant to this section shall be returned to the fund from which the appropriation was made, by the commissioner of finance.

In the event of such an excess appropriation to the highway patrolmen’s retirement fund, the excess amount shall be returned to the general fund, the trunk highway fund, and the game and fish fund in proportion to the amounts appropriated from each fund pursuant to section 5, subdivision 1, clause (1); and section 5, subdivision 2 of this act.”.

With the recommendation that when so amended the bill do pass.

The report was adopted.

Norton from the Committee on Appropriations to which was referred:

H. F. No. 2144, A bill for an act relating to the state transportation system; creating the Minnesota state transportation fund; appropriating money therefrom for construction and reconstruction of bridges and bridge approaches; authorizing the issuance of state bonds therefor pursuant to article XI of the constitution.

Reported the same back with the following amendments:

Page 1, line 17, delete "addition" and insert "replacement".

Page 4, line 15, after "subdivisions." insert: "Designs of bridges under the trunk highway system, which have an estimated project cost of less than \$200,000, shall be performed in-house by the highway department. The maximum use of standardized bridges is encouraged."

Page 8, line 10, delete "\$300,000,000" and insert "\$150,000,000".

Page 8, line 15, delete "\$300,000,000" and insert "\$150,000,000".

Page 8, line 18, delete "\$160,000,000" and insert "\$80,000,000".

Page 8, line 19, delete "\$50,000,000" and insert "\$25,000,000".

Page 8, line 20, delete "\$90,000,000" and insert "\$45,000,000".

Page 8, line 25, delete "\$600,000,000" and insert "\$300,000,000".

With the recommendation that when so amended the bill do pass.

The report was adopted.

Norton from the Committee on Appropriations to which was referred:

S. F. No. 60, A bill for an act relating to insurance; providing for the establishment and administration of plans of health insurance to provide certain minimum benefits to all persons in the state; creating a comprehensive health care association; providing a dual option for health care for certain employees; regulating health maintenance organizations' coverage of dental services and conversion privileges; appropriating money; amending Minnesota Statutes 1974, Section 62D.12, by adding a subdivision.

Reported the same back with the following amendments:

Strike everything after the enacting clause and substitute the following:

"ARTICLE I

Section 1. [62E.01] [CITATION.] Sections 1 to 16 of this article may be cited as the Minnesota comprehensive health insurance act of 1976.

Sec. 2. [62E.02] [DEFINITIONS.] Subdivision 1. For the purposes of sections 1 to 16 of this article, the terms and phrases defined in this section have the meanings given them.

Subd. 2. "Employer" means any person, partnership, association, trust, estate or corporation, which employs five or more individuals who are residents of this state.

Subd. 3. "Health maintenance organization" means a non-profit corporation licensed and operated as provided in Minnesota Statutes, Chapter 62D.

Subd. 4. "Qualified plan" means those health benefit plans which have been certified by the commissioner as providing the minimum benefits required by section 6 of this article or the actuarial equivalent of those benefits.

Subd. 5. "Qualified medicare supplement plan" means those health benefit plans which have been certified by the commissioner as providing the minimum benefits required by section 7 of this article or the actuarial equivalent of those benefits.

Subd. 6. "Commissioner" means the commissioner of insurance.

Subd. 7. "Dependent" means a spouse or unmarried child under the age of 18 years, a dependent child who is a student under the age of 25 and financially dependent upon the parent, or a dependent child of any age who is disabled.

Subd. 8. "Employee" means any person who has entered into the employment of or works under contract or service or apprenticeship with any employer. "Employee" does not include a person who has been employed for less than 30 days by his present employer, nor one who is employed less than an average of 30 hours per week by his present employer.

Subd. 9. "Plan of health coverage" means any plan or combination of plans of coverage, including combinations of self-insurance, individual health insurance policies, group health insurance policies, coverage under a nonprofit health service plan,

or coverage under a health maintenance organization subscriber contract.

Subd. 10. "Insurer" means those companies operating pursuant to Minnesota Statutes, Chapters 62A and 62C and offering or selling policies or contracts of accident and health insurance. "Insurer" does not include health maintenance organizations.

Subd. 11. "Accident and health insurance policy" or "policy" means insurance or nonprofit health service plan contracts providing benefits for hospital, surgical and medical care. "Policy" does not include coverage which is (1) limited to disability or income protection coverage, (2) automobile medical payment coverage, (3) supplemental to liability insurance, or (4) sold by fraternal and provides payments on a per diem, daily indemnity or nonexpense incurred basis.

Subd. 12. "Health benefits" means benefits offered to employees on an indemnity or prepaid basis which pay the costs of medical, surgical or hospital care.

Subd. 13. "Eligible person" means an individual who is a resident of Minnesota, or an employer who employs less than 50 employees who are Minnesota residents.

Subd. 14. "Minnesota comprehensive health association" or "association" means the association created by section 9 of this article.

Subd. 15. "Medicare" means part A and part B of the United States Social Security Act, Title XVIII, as amended, 42 U.S.C. Sections 1394, et seq.

Subd. 16. "Medicare supplement plan" means any plan of insurance protection which provides benefits for the costs of medical, surgical or hospital care and which is marketed as providing benefits which complement or supplement the benefits provided by medicare.

Subd. 17. "State plan premium" means the standard premiums established by the association and approved by the commissioner pursuant to section 13, subdivision 5, of this article.

Subd. 18. "Writing carrier" means the insurer or insurers and health maintenance organization or organizations selected by the association and approved by the commissioner to administer the comprehensive health insurance plan.

Subd. 19. "Fraternal" means a corporation, society, order, or voluntary association without capital stock which provides policies of accident and health insurance in accordance with Minnesota Statutes, Chapter 64A.

Subd. 20. "Comprehensive health insurance plan" or "state plan" means policies of insurance or contracts of health maintenance organization coverage offered by the association through the writing carrier providing benefits which are not less than those required for the qualified plans and the qualified medicare supplement plan.

Subd. 21. "Self insurer" means an employer who directly provides a plan of health coverage to his employees and administers the plan of health coverage himself or through an insurer. "Self insurance" means a plan of health coverage offered by a self insurer and excludes multi employer funds jointly administered.

Sec. 3. [62E.03] [DUTIES OF EMPLOYER.] Subdivision 1. [OFFER OF COVERAGE.] Every employer shall make available to his employees a plan of health coverage. If the plan of health coverage does not meet or exceed the requirements of this article, for a basic coverage qualified plan, the employer shall make available a supplemental plan of health benefits which, when combined with the existing plan of health benefits, constitutes a basic coverage qualified plan. The plan may be financed from funds contributed solely by the employer or solely by the employees or any combination thereof. The plans may consist of self insurance, group policies or individual policies or any combination thereof.

Subd. 2. [DENIAL OF TAX DEDUCTION.] If an employer fails to make available at least a basic coverage plan of health benefits to his employees, as required by this section, none of the employer's costs for health benefits shall qualify as an income tax deduction under Minnesota Statutes, Section 290.09. In the case of an employer exempt from income tax who fails to make available at least a basic coverage plan of health benefits to his employees, he shall lose his exemption from income tax.

Sec. 4. [62E.04] [DUTIES OF INSURERS.] Subdivision 1. [INDIVIDUAL POLICIES.] For each type of qualified plan described in section 6, subdivisions 1 to 3 of this article, an insurer or fraternal issuing individual policies of accident and health insurance in this state shall develop and file with the commissioner an individual policy which meets the minimum standards of that type of qualified plan. An insurer or fraternal issuing individual policies of accident and health insurance in this state shall offer each type of qualified plan to each person who applies and is eligible for accident and health insurance from that insurer or fraternal.

Subd. 2. [MEDICARE SUPPLEMENT PLAN.] An insurer or fraternal issuing medicare supplement plans in this state shall develop and file with the commissioner a medicare supplement policy which meets the minimum standards of a qualified medicare supplement plan. An insurer or fraternal issuing medicare

supplement plans in this state shall offer a qualified medicare supplement plan to each person who is eligible for coverage and who applies for a medicare supplement plan.

Subd. 3. [GROUP POLICIES.] For each type of qualified plan described in section 6, subdivisions 1 to 3 of this article, an insurer or fraternal issuing group policies of accident and health insurance in this state shall develop and file with the commissioner a group policy which provides for each member of the group the minimum benefits required by that type of qualified plan. An insurer or fraternal issuing group policies of accident and health insurance in this state shall offer each type of qualified plan to each eligible applicant for group accident and health insurance.

Subd. 4. [CATASTROPHIC COVERAGE.] An insurer or fraternal shall include coverage of catastrophic hospital and medical costs in the coverage provided by every new or renewal policy of insurance which covers hospital and medical services and is not a qualified plan unless the applicant for the policy declines the catastrophic hospital and medical coverage in writing. The coverage shall provide benefits payable after a covered individual incurs out-of-pocket expenses of \$5,000 or more within a calendar year for services described in section 6, subdivision 1 of this article. Catastrophic coverage benefits shall be payable, subject to any reasonable copayment authorized by the commissioner, up to a maximum lifetime limit of \$250,000.

Subd. 5. [EFFECT OF NONCOMPLIANCE.] No policy of accident and health insurance may be issued in this state 180 days after the effective date of this article by an insurer or a fraternal which has not complied with the requirements of this section.

Subd. 6. Any insurer or fraternal which issues policies of accident and health insurance on less than 1,500 Minnesota residents may fulfill its obligations under this section by offering the required qualified plans in its own name and reinsuring up to 60 percent of the coverage through the association.

Sec. 5. [62E.05] [CERTIFICATION OF QUALIFIED PLANS.] An insurer, fraternal, or employer may apply to the commissioner for certification that a plan of health coverage is a qualified plan or a qualified medicare supplement plan. The commissioner shall, within 90 days of the date of application, make a final determination whether the plan is qualified. No plan of health coverage shall purport to be a qualified plan until it receives certification from the commissioner. All plans of health coverage offered for sale shall be conspicuously labelled as "qualified" or "nonqualified" on the front of the policy or evidence of insurance. All qualified plans shall indicate whether they are high coverage, basic coverage or catastrophic coverage plans. A health maintenance organization contract which has

been approved by the health department shall be deemed to be certified as a high coverage qualified plan.

Sec. 6. [62E.06] [MINIMUM BENEFITS OF QUALIFIED PLAN.] Subdivision 1. [BASIC COVERAGE.] A plan of health coverage shall be certified as a basic coverage qualified plan if it otherwise meets the requirements established by chapter 62A and the other laws of this state, and meets or exceeds the following minimum standards:

(a) The minimum benefits for a covered individual shall, subject to the other provisions of this subdivision, be equal to at least 80 percent of the cost of covered services in excess of an annual deductible which does not exceed \$500 per person. The coverage shall include a limitation of \$3,000 per person on total annual out-of-pocket expenses for services covered under this subdivision. The coverage may be subject to a maximum lifetime benefit of not less than \$250,000. Covered expenses shall be the usual and customary charges for the following services and articles when prescribed by a physician:

- (1) Hospital services;
- (2) Professional services for the diagnosis or treatment of an injury, illness or condition (other than outpatient mental or dental services) which are rendered by a physician or at his direction;
- (3) The first 20 professional services for the diagnosis or treatment of one or more mental conditions rendered during the year by one or more physicians or at their direction;
- (4) Drugs requiring a physician's prescription;
- (5) Services of a facility providing skilled nursing care for not more than 120 days in a year if the services commence within 14 days following confinement of at least three consecutive days in a hospital for the same condition;
- (6) Service of a home health agency up to a maximum of 180 visits per year;
- (7) Use of radium or other radioactive materials;
- (8) Oxygen;
- (9) Anesthetics;
- (10) Prostheses;
- (11) Rental, or purchase as appropriate, of durable medical equipment;

(12) *Diagnostic x-rays and laboratory tests;*

(13) *Oral surgery for partially or completely unerupted impacted teeth, for a tooth root without the extraction of the entire tooth, or for the gums and tissues of the mouth when not performed in connection with the extraction or repair of teeth; and*

(14) *Services of a physical therapist.*

(b) *Charges for the services and articles described in clause (a) do not include the following:*

(1) *Any charge for any care for any injury or disease;*

(i) *Arising out of and in the course of employment and subject to a worker's compensation or similar law;*

(ii) *For which benefits are payable without regard to fault under coverage statutorily required to be contained in any motor vehicle or other liability insurance policy or equivalent self-insurance;*

(iii) *For which benefits are payable under another policy of accident and health insurance; or*

(iv) *For which benefits are payable or services are provided pursuant to any governmental program, other than medical assistance;*

(2) *Any charge for treatment for cosmetic purposes other than surgery for the repair of an injury;*

(3) *Any charge for travel, other than travel by ambulance to the nearest health care institution qualified to treat the illness or injury;*

(4) *Any charge for confinement in a private room, to the extent that it is in excess of the institution's average charge for semi-private rooms, unless a private room is prescribed as medically necessary by a physician;*

(5) *That part of any charge for services or articles rendered or prescribed by a physician, dentist, or other health care personnel, which exceeds the prevailing charge in the locality where the service is provided; or*

(6) *Any charge for services or articles the provision of which is not within the scope of authorized practice of the institution or individual rendering the services or articles.*

Subd. 2. [HIGH COVERAGE.] *A plan of health coverage shall be certified as a high coverage qualified plan if it otherwise*

meets the requirements established by the laws of this state and provides for payment of 80 percent of the covered expenses listed in subdivision 1, in excess of an annual deductible which does not exceed \$150 per person. Except as provided in this subdivision, the coverage shall meet the requirements of subdivision 1.

Subd. 3. [CATASTROPHIC COVERAGE.] A plan of health coverage shall be certified as a catastrophic coverage qualified plan if it otherwise meets the requirements established by the laws of this state and provides for payment of 80 percent of the covered expenses listed in subdivision 1, in excess of an annual deductible which does not exceed \$1,000 per covered person. Except as provided in this subdivision, the coverage shall meet the requirements of subdivision 1.

Subd. 4. [HEALTH MAINTENANCE COVERAGE.] A health maintenance organization which provides the services required by Minnesota Statutes, Chapter 62D, shall be deemed to be providing a high coverage qualified plan.

Sec. 7. [62E.07] [QUALIFIED MEDICARE SUPPLEMENT PLAN.] Any plan which provides benefits to persons over the age of 65 years may be certified as a qualified medicare supplement plan if the plan is designed to supplement medicare and provides coverage of 50 percent of the deductible or co-payment required under parts A and B of medicare and 80 percent of the charges for covered services described in section 6, subdivision 1, which are not paid by parts A and B of medicare. The coverage shall include a limitation of \$1,000 per person on total annual out-of-pocket expenses for covered services. The coverage may be subject to a maximum lifetime benefit of not less than \$100,000.

Sec. 8. [62E.08] [DUTIES OF COMMISSIONER.] The commissioner may:

(a) Formulate general policies to advance the purposes of sections 1 to 16 of this article; the commissioner may also adopt, promulgate, repeal, and amend rules in the manner provided in Minnesota Statutes, Chapter 15, to carry out the provisions of sections 1 to 16 of this article;

(b) Supervise the creation of the Minnesota comprehensive health association within the limits described in section 9 of this article;

(c) Approve the selection of the writing carrier by the association and approve the association's contract with the writing carrier including the state plan coverage and premiums to be charged;

(d) Appoint advisory committees;

(e) *Conduct periodic audits to assure the general accuracy of the financial data submitted by the writing carrier and the association;*

(f) *Contract with the federal government or any other unit of government to ensure coordination of the state plan with other governmental assistance programs; and*

(g) *Undertake directly or through contracts with other persons studies or demonstration programs to develop awareness of the benefits of sections 1 to 16 of this article, so that the residents of this state may best avail themselves of the health care benefits provided by these sections.*

Sec. 9. [62E.09] [COMPREHENSIVE HEALTH ASSOCIATION.] *Subdivision 1. There is established a comprehensive health association with membership consisting of all insurers, self insurers, fraternal and health maintenance organizations licensed or authorized to do business in this state.*

Subd. 2. The board of directors of the association shall be made up of seven individuals selected by participating members, subject to approval by the commissioner. To select the initial board of directors, and to initially organize the association, the commissioner shall give notice to all members of the time and place of the organizational meeting. In determining voting rights at the organizational meeting each member shall be entitled to vote in person or proxy. The vote shall be a weighted vote based upon the member's cost of self insurance, or health insurance premium or health maintenance contract payment derived from this state in the previous calendar year, as determined by the commissioner. If the board of directors is not selected within 60 days after notice of the organizational meeting, the commissioner may appoint the initial board. In approving or selecting members of the board, the commissioner may consider, among other things, whether all types of members are fairly represented. Members of the board may be reimbursed from the moneys of the association for expenses incurred by them as members, but shall not otherwise be compensated by the association for their services.

Subd. 3. The board shall submit to the commissioner, a plan of operation for the association to assure the fair, reasonable and equitable administration and funding of the association. The plan of operation shall become effective upon approval in writing by the commissioner, consistent with the date on which the coverage must be made available under sections 1 to 16 of this article. The commissioner shall, after notice and hearing pursuant to the rule making procedures of chapter 15, approve the plan of operation if he determines that the plan is suitable to assure the fair, reasonable and equitable administration of the association. If the board fails to submit a suitable plan of operation within 180 days after its initial appointment, or if at any time thereafter the board fails to submit suitable amendments to the plan, the

commissioner shall, after notice and hearing pursuant to the rule making procedures of chapter 15, adopt and promulgate reasonable rules as necessary or advisable to effectuate the provisions of this section. The rules shall continue in force until modified by the commissioner or superseded by a plan submitted by the board and approved by the commissioner. The plan of operation shall, in addition to requirements enumerated in sections 1 to 16 of this article:

(a) Establish procedures for the handling and accounting of assets and moneys of the association;

(b) Establish regular times and places for meetings of the board of directors;

(c) Establish procedures for records to be kept of all financial transactions, and for the annual fiscal reporting to the commissioner;

(d) Establish procedures whereby selections for the board of directors shall be made and submitted to the commissioner;

(e) Establish procedures to amend, subject to the approval of the commissioner, the plan of operations;

(f) Establish procedures for the selection of a writing carrier and set forth the powers, duties and reporting requirements of the writing carrier;

(g) Provide a method for those insurers and fraternal which qualify under section 4, subdivision 6, to reinsure their qualified policies; and

(h) Contain additional provisions necessary or proper for the execution of the powers and duties of the association.

Subd. 4. All members shall maintain membership in the association as a condition of doing business in this state and in consideration of their mutual promises, shall enter into a contract of reinsurance between each member and the association according to the terms specified in section 10 of this article. The contract of reinsurance shall be executed on or before January 1, 1977, for a period of one year and shall be renewed annually thereafter. A company which ceases to do business within the state shall remain liable under the contract for the reinsurance contracted for during that calendar year.

Subd. 5. [OPEN MEETINGS.] All meetings of the association, its board, and any committees of the association shall comply with the provisions of Minnesota Statutes, Section 471.705.

Sec. 10. [62E.10] [OPERATION OF COMPREHENSIVE PLAN.] Subdivision 1. Upon certification as an eligible per-

son in the manner provided by section 13 of this article, an eligible person may enroll in the comprehensive health insurance plan by payment of the state plan premium to the writing carrier.

Subd. 2. Not less than 87-1/2 percent of the state plan premium paid to the writing carrier shall be used to pay the commissions authorized in section 14, subdivision 3, and claims, and not more than 12-1/2 percent shall be used for the payment of the writing carrier's actual direct and indirect expenses, as specified in subdivision 7.

Subd. 3. Each member of the association shall share the losses due to claim expenses of the comprehensive health insurance plan and the costs of operation of the association pursuant to the terms of the individual reinsurance contracts executed by the association with each member in accordance with section 9 of this article. Deviations in the claim experience of the state plan from the actuarially determined expected claim cost level included in the state plan premium shall be the liability of the association members. Association members shall share in the excess costs of the state plan in an amount equal to the ratio of the member's total cost of self insurance, or accident and health insurance premium or health maintenance organization contract charges received from Minnesota residents as divided into the total cost of self insurance, or accident and health insurance premium and health maintenance organization contract charges received by all association members from Minnesota residents, as determined by the commissioner. The reinsurance contract shall provide for a retroactive determination of each member's claim liability or payment due within 30 days after each renewal date of the reinsurance contract. Failure by a member to tender to the association the assessed reinsurance claim within 30 days of notification by the association shall be grounds for termination of the member's membership.

Net gains, if any, shall be held at interest to offset future losses or allocated to reduce future state plan premiums.

Subd. 4. Any employer which has in its employ one or more eligible persons enrolled in the comprehensive health insurance plan may make all or any portion of the state plan premium payment to the state plan directly to the writing carrier.

Sec. 11. [62E.11] [MINIMUM BENEFITS OF COMPREHENSIVE HEALTH INSURANCE PLAN.] *The association through its comprehensive health insurance plan shall offer policies which provide the benefits of a high coverage qualified plan, a basic coverage qualified plan, a catastrophic coverage qualified plan, and a qualified medicare supplement plan. They shall offer health maintenance organization contracts in those areas of the state where a health maintenance organization has been selected as a writing carrier and has agreed to make the coverage available.*

Sec. 12. [62E.12] [ADMINISTRATION OF PLAN.] *Subdivision 1. Any member of the association may submit to the commissioner the policies of accident and health insurance or the health maintenance organization contracts which are being proposed to serve in the comprehensive health insurance plan. The time and manner of the submission shall be prescribed by rule of the commissioner.*

Subd. 2. Upon the commissioner's approval of the policy forms submitted pursuant to Minnesota Statutes, Section 62A.10, the association shall select policies submitted by a member or members of the association to be the comprehensive health insurance plan. This selection shall be based upon criteria including the member's proven ability to handle large group health insurance cases, efficient claim paying capacity, and the estimate of total charges for administering the plan. The association may select separate writing carriers for the three types of qualified coverage plans, the qualified medicare supplement plan, and the health maintenance organization contract.

Subd. 3. The writing carrier shall perform all administrative and claims payment functions required by this section. The writing carrier shall provide these services for a period of three years, unless a request to terminate is approved by the commissioner. The commissioner shall approve or deny a request to terminate within 90 days of its receipt. A failure to make a final decision on a request to terminate within the specified period shall be deemed to be an approval. Six months prior to the expiration of each three year period, the association shall invite submissions of policy forms from members of the association, including the writing carrier. The association shall follow the provisions of subdivision 2 in selecting a writing carrier for the subsequent three year period.

Subd. 4. The writing carrier shall provide to each eligible person enrolled in the state plan an individual certificate, setting forth a statement of the insurance protection to which he is entitled and specifying to whom benefits are payable.

Subd. 5. The writing carrier shall submit to the association and the commissioner on a monthly basis a report on the operation of the state plan. Specific information to be contained in this report shall be determined by the association prior to the effective date of the state plan.

Subd. 6. All claim payments shall be paid by the writing carrier pursuant to the provisions of sections 1 to 16 of this article, and shall indicate that the claim was paid by the state plan. Each claim payment shall include information specifying the procedure to be followed in the event of a dispute over the amount of payment.

Subd. 7. The writing carrier shall be reimbursed from the premiums received for its actual direct and indirect expenses. Direct and indirect expenses shall include, but not be limited to, a pro rata reimbursement for the portion of the writing carrier's administrative, printing, claims administration, management and building overhead expenses which are assignable to the maintenance and administration of the state plan. The association shall approve cost accounting methods to substantiate the writing carrier's cost reports consistent with generally accepted accounting principles. Direct and indirect expenses shall not include costs directly related to the original submission of policy forms prior to selection as the writing carrier.

Subd. 8. The writing carrier shall at all times when carrying out its duties under sections 1 to 16 of this article be considered an agent of the association and the commissioner with civil liability subject to the provisions of Minnesota Statutes, Section 3.751.

Subd. 9. Premiums received by the writing carrier for the comprehensive health insurance plan are specifically exempted from the provisions of Minnesota Statutes, Section 60A.15.

Subd. 10. In performing the duties required of them as members of association, the members of the association shall be exempt from the provisions of Minnesota Statutes, Sections 325.8011 to 325.8028.

Sec. 13. [62E.13] [ENROLLMENT OF ELIGIBLE PERSONS.] *Subdivision 1. An individual eligible person may enroll himself and his dependents by submission of a certificate of eligibility to the writing carrier. The certificate shall provide the following:*

(a) Name, address, age, and length of time at residence of the applicant;

(b) Name, address, and age of spouse and children, if any, if they are to be insured;

(c) Health history of all persons to be insured; and

(d) A designation as to which type of comprehensive health insurance coverage is desired.

Subd. 2. An employer who is an eligible person may enroll his employees and their dependents in the state plan by submitting the information required in subdivision 1 for each person who is to be enrolled.

Subd. 3. Within 30 days of receipt of the certificate described in subdivisions 1 or 2, the writing carrier either shall reject the

application for failing to comply with the requirements of subdivision 1 or shall forward to the eligible person a notice of acceptance and pertinent billing information. Insurance shall be effective immediately upon receipt of the first month's premium, and shall be retroactive to the date of the application if the applicant otherwise complies with the requirements of sections 1 to 16 of this article. No person shall purchase more than one qualified plan from the state plan.

Subd. 4. No person who obtains coverage pursuant to this section shall be covered for any pre-existing condition during the first six months of coverage under the state plan if the person was treated for that condition in the 90 days immediately preceding the application.

Subd. 5. Rates for state plan coverage issued by or through the writing carrier shall not be excessive, inadequate or unfairly discriminatory in relation to the benefits provided and the risks assumed. The premium level established shall be designed to make the state plan self-supporting. Separate scales of premium rates based on age may be established. Rates may be adjusted for area variations in provider costs. All rates charged by the writing carrier shall be approved by the association through an actuarial committee consisting of five persons who are members of the American Academy of Actuaries. Rates shall be filed with the commissioner and may be disapproved within 60 days from the filing thereof if excessive, inadequate, or unfairly discriminatory.

Sec. 14. [62E.14] [SOLICITATION OF ELIGIBLE PERSONS.] *Subdivision 1. The association shall disseminate appropriate information to the residents of this state regarding the existence of the comprehensive insurance plan and the means of enrollment. Means of communication may include use of the press, radio and television, as well as publication in appropriate state offices and publications.*

Subd. 2. The association shall devise and implement means of maintaining public awareness of the provisions of sections 1 to 16 of this article and shall administer these sections in a manner which facilitates public participation in the state plan.

Subd. 3. The association shall establish an equitable schedule of commissions to be paid to those who sell or market qualified state plans. Selling or marketing of qualified state plans shall not be limited to the writing carrier or its agents. The commissions shall be paid by the writing carrier from money received as premiums for the state plan.

Sec. 15. [62E.15] [CONVERSION PRIVILEGES.] *Every program of self insurance, policy of group accident and health insurance or contract of coverage by a health maintenance organization written or renewed in this state, shall include, in*

addition to the provisions required by Minnesota Statutes, Section 62A.17, the right to convert to an individual coverage qualified plan without the addition of underwriting restrictions regardless of the reason for leaving the group. The person leaving the group may exercise his right to conversion within 30 days of leaving the group. Plans of health coverage shall also include a provision which, upon the death of the individual in whose name the contract was issued, permits every other individual then covered under the contract to elect, within the period specified in the contract, to continue his coverage under the same or a different contract until such time as he would have ceased to have been entitled to coverage had the individual in whose name the contract was issued lived. The provisions of this section shall also apply to any group policy issued pursuant to section 13 of this article.

Sec. 16. [62E.20] [DUAL OPTION.] *Subdivision 1. An employer who employs in this state, on the average during a calendar quarter, 100 employees or more, other than seasonal employees as defined in the 1974 edition of Minnesota Statutes, Section 268.07, Subdivision 5, and who offers a health benefits plan to employees, whether (i) purchased from an insurer or a health maintenance organization, or (ii) provided on a self insured basis, shall, upon the next renewal of the health benefits plan contract, offer his employees a dual option to obtain health benefits through either an accident and health insurance policy or a health maintenance organization contract if one is available.*

Subd. 2. An employer may make the dual offers through an insurer, a health maintenance organization or on a self insured basis. If an offer is made on a self insured basis, the accident and health insurance type of coverage or health maintenance organization type of coverage shall meet the requirements of the laws of this state but need not be approved by the commissioner or the board of health.

Subd. 3. No insurer which is also certified as a health maintenance organization shall submit a bid to an employer for providing the dual option required by this section which combines the bids for the accident and health insurance policy and the health maintenance organization contract in one bid or a single price package.

Subd. 4. The board of health, in consultation with the commissioner, shall adopt rules to implement the provisions of this section.

Sec. 17. Minnesota Statutes 1974, Section 60A.15, Subdivision 1, is amended to read:

60A.15 [TAXATION OF INSURANCE COMPANIES.]
Subdivision 1. [DOMESTIC AND FOREIGN COMPANIES
OTHER THAN TOWN AND FARMERS' MUTUAL AND DO-

MESTIC MUTUALS OTHER THAN LIFE.] On or before April 15, June 15, September 15 and December 15 of each year following December 31, 1971, every domestic and foreign company, except town and farmers' mutual insurance companies and domestic mutual insurance companies other than life, shall pay to the state treasurer through the commissioner of insurance quarterly installments of the insurer's total estimated tax for the current year based on a sum equal to two percent of the gross premiums less return premiums on all direct business received by it in this state, or by its agents for it, in cash or otherwise, during such year, excepting premiums written for marine insurance as specified in subdivision 6. If unpaid by such dates penalties of ten percent shall accrue thereon, and thereafter such sum and penalties shall draw interest at the rate of one percent per month until paid. Failure of a company to make quarterly payments of at least one fourth of either (a) the total tax paid during the previous calendar year or (b) 80 percent of the actual tax for the current calendar year shall subject the company to the penalty and interest provided in this subdivision. *The provisions of this subdivision shall also apply to every self insurer as defined in subdivision 21 of section 2 of this article but shall not apply to any plan covering fewer than 25 employees. For a self insurer the tax shall be based on the total cost of accident and health benefits provided and administrative expenses of the program of self insurance.*

Sec. 18. [EFFECTIVE DATE.] *Except for sections 8 and 9, this article is effective January 1, 1977. Sections 8 and 9 shall be effective on July 1, 1976.*

ARTICLE II

Section 1. [62E.31] [CITATION.] *Sections 1 to 12 of this article may be cited as the Minnesota hospital and health insurance administration act of 1976.*

Sec. 2. [62E.32] [DEFINITIONS.] *Subdivision 1. For the purposes of sections 1 to 12 of this article, the terms defined in this section have the meanings given them.*

Subd. 2. "Board" means the state board of health.

Subd. 3. "Hospital" means any acute care institution which is required to be licensed pursuant to Minnesota Statutes, Sections 144.50 to 144.58, other than a health care institution conducted for those who rely primarily upon treatment by prayer or spiritual means in accordance with the creed or tenets of any church or denomination.

Subd. 4. "Commissioner" means the commissioner of insurance.

Subd. 5. "Insurer" means a person selling policies of accident and health insurance pursuant to Minnesota Statutes, Chap-

ter 62A or nonprofit health service plan contracts pursuant to Minnesota Statutes, Chapter 62C.

Sec. 3. [62E.33] [POWER; DUTIES.] *Subdivision 1. The board shall employ staff as necessary to fulfill the responsibilities and duties imposed on the board by sections 1 to 12 of this article. The board may by contract obtain services necessary to carry out its activities when necessary to promote economy, avoid duplication of effort, or make best use of available expertise.*

Subd. 2. No contractor or consultant shall release, publish or otherwise use any information made available to him under his contractual responsibility, without written permission of the board.

Sec. 4. [62E.34] [COMMITTEES.] *To further the purposes of sections 1 to 12 of this article the board may create committees from its membership, and may create ad hoc advisory committees.*

Sec. 5. [62E.36] [REPORTING REQUIREMENTS.] *Subdivision 1. Each hospital shall file annually with the board after the close of its fiscal year:*

(a) *A balance sheet detailing the assets, liabilities, and net worth of the hospital;*

(b) *A detailed statement of income and expenses;*

(c) *A copy of the annual cost report and all exhibits and schedules related to it which are required to be filed pursuant to Title XVIII of the United States Social Security Act; and*

(d) *Such other reports of the costs incurred in rendering services as the board by rule may require.*

Subd. 2. If more than one licensed hospital is operated by a reporting organization, the information required by this section shall be reported separately for each hospital.

Subd. 3. The board shall require certification of financial reports by the hospital's certified public accountant, and may require responsible officials of the hospital to certify under oath that the reports have to the best of their knowledge and belief been prepared in accordance with the prescribed system of accounting and reporting.

Subd. 4. All reports, except privileged medical information which are filed pursuant to sections 1 to 12 of this article shall be open to public inspection.

Subd. 5. The board may inspect hospital books, audits, and records in a reasonable manner as necessary to verify hospital reports.

Sec. 6. [62E.37] [CONTINUING ANALYSIS.] *Subdivision 1. The board shall from time to time undertake analyses and studies relating to hospital health care costs and to the financial status of any hospital subject to the provisions of sections 1 to 12 of this article, and may publish and disseminate information as it deems desirable in the public interest.*

Subd. 2. The board shall prepare and file summaries and compilations or other supplementary reports based on the information filed with the board as appropriate to advance the purposes of sections 1 to 12 of this article.

Sec. 7. [62E.38] [ANNUAL REPORT.] *The board shall prepare and prior to each legislative session transmit to the governor and to members of the legislature an annual report of the board's operations and activities for the preceding fiscal year as they relate to the duties imposed on the board by sections 1 to 12 of this article. This report shall include a compilation of all summaries and reports required by sections 1 to 12 of this article together with such findings and recommendations as the board deems necessary.*

Sec. 8. [62E.39] [INVESTIGATIVE POWER.] *Subdivision 1. The board may initiate reviews or investigations as necessary to determine whether or not the total costs of a hospital are reasonably related to the total services offered, that the hospital's aggregate revenues as expressed by rates are reasonably related to the hospital's aggregate costs, and that rates are set equitably among all purchasers or classes of purchasers of services, without undue discrimination or preference.*

Subd. 2. In order to properly discharge these obligations, the board may review projected annual expenses and revenues of hospitals and comment on the reasonableness of the proposed schedule of expenses and revenues.

Subd. 3. In the interest of promoting the most efficient and effective use of hospital health care service, the board may promote alternative methods of rate determination and payment mechanisms of an experimental nature that may be in the public interest and consistent with the purposes of sections 1 to 12 of this article.

Subd. 4. Each hospital shall file with the board a current rate schedule and any subsequent amendments or modifications of that schedule. These schedules, amendments and modifications shall be filed with the board at least 60 days in advance of their effective date. The board may hold a public hearing on any in-

crease which it determines excessive and may publicly comment on any increase.

Sec. 9. [62E.40] [RATE DISCRIMINATION.] *No hospital shall discriminate among insurers in its rate schedules or charges.*

Sec. 10. [62E.41] [OTHER POWERS.] *In addition to the other powers granted to the board and the commissioner, the board and the commissioner may:*

(a) *Adopt, amend, or repeal rules governing the exercise of the powers conferred by sections 1 to 12 of this article;*

(b) *Hold public hearings, conduct investigations, and subpoena witnesses, papers, records, and documents in connection therewith; and administer oaths or affirmations in any hearing or investigation;*

(c) *Exercise all other powers which are reasonably necessary or essential to carry out the provisions of sections 1 to 12 of this article.*

Sec. 11. [62E.42] [APPEAL.] *Any person aggrieved by a final decision of the board or the commissioner as to any rule or other determination under the provisions of sections 1 to 12 of this article shall be entitled to an administrative hearing and judicial review in accordance with the provisions of Minnesota Statutes, Chapter 15.*

Sec. 12. Minnesota Statutes 1974, Section 144.653, Subdivision 1, is amended to read:

144.653 [REGULATIONS; INSPECTIONS.] Subdivision 1. [RULES.] *The state board of health is the exclusive state agency charged with the responsibility and duty of inspecting all facilities required to be licensed under the provisions of Minnesota Statutes (1971), Sections 144.50 to 144.58. The state board of health shall enforce such rules (, REGULATIONS) and standards subject only to the authority of the department of public safety respecting the enforcement of fire and safety standards in nursing homes and other licensed health care facilities and the responsibility of the commissioner of public welfare pursuant to Minnesota Statutes (1971), Sections 245.78; 252.28; and 257.081 to 257.123.*

The board shall coordinate regulation and inspection of hospitals by federal, state and local agencies to avoid, to the extent possible, conflicting rules and duplication of inspections.

Sec. 13. Minnesota Statutes 1974, Section 62A.02, Subdivision 1, is amended to read:

62A.02 [POLICY FORMS; RATES.] Subdivision 1. [FILING.] (ON AND AFTER APRIL 18, 1957,) No policy of accident and sickness insurance shall be issued or delivered to any person in this state, nor shall any application, rider, or endorsement be used in connection therewith, until a copy of the form thereof and of the classification of risks and the premium rates pertaining thereto have been filed with the commissioner. *No proposed increase in a premium rate shall become effective until filed with the commissioner. The filing for nongroup policies shall include a statement of actuarial reasons and data to support the need for the rate increase. The commissioner may hold a public hearing and publicly comment on any increase which he determines is excessive.*

Sec. 14. Minnesota Statutes 1974, Section 62A.02, Subdivision 3, is amended to read:

Subd. 3. [DISAPPROVAL.] The commissioner may, within 30 days after the filing of any such form, disapprove such form (1) if the benefits provided therein are unreasonable in relation to the premium charged, (OR) (2) if it contains a provision or provisions which are unjust, unfair, inequitable, misleading, deceptive or encourage misrepresentation of such policy, *or (3) if the proposed premium rate is excessive.* If the commissioner shall notify the insurer which has filed any such form that it does not comply with the provisions of this section or sections 62A.03 to 62A.05 and section 72A.20, subdivision 1, it shall be unlawful thereafter for such insurer to issue such form or use it in connection with any policy. In such notice the commissioner shall specify the reasons for his disapproval and state that a hearing, *pursuant to contested case procedure of chapter 15,* will be granted within 20 days after request in writing by the insurer.

Sec. 15. Minnesota Statutes 1974, Section 62C.15, Subdivision 2, is amended to read:

Subd. 2. No service plan corporation shall deliver, issue for delivery, extend, continue, or renew any form of nongroup subscriber's contract until schedules of charges applicable thereto, including any endorsement, rider, amendment or application which is a part thereof, have been filed with the commissioner; nor shall such corporation deliver, issue for delivery, extend, continue or renew any form of group subscribers contract until a schedule of the rating structures and formulae applicable thereto, including any endorsement, rider, amendment or application which is a part thereof, has been filed with the commissioner. If (AFTER DECEMBER 31, 1970,) the unencumbered reserve or surplus is less than the required minimum or more than the required maximum, the rating structures and formulae filed as above provided, and all charges for nongroup subscribers' contracts shall, upon review, be subject to the commissioner's disapproval, until such reserves or surplus are in amounts prescribed by (LAWS 1971, CHAPTER 568) *Minnesota Statutes,*

Chapter 62C. (IN ADDITION,) The commissioner (MAY, IN HIS DISCRETION,) shall require the charges developed for group and nongroup subscriber contracts to be filed, and (, IF SUCH CHARGES ARE REQUIRED TO BE SO FILED, THEY SHALL, UPON REVIEW, ALSO) they shall be subject to the commissioner's disapproval under the provisions of Minnesota Statutes, Section 62A.02, Subdivision 3. Any proposed increase in a premium rate shall be filed with the commissioner. The filing for nongroup subscriber contracts shall include a statement of actuarial reasons and data to support the need for the rate increase. The commissioner may hold a public hearing and may publicly comment on any increase which he determines is excessive.

Sec. 16. Minnesota Statutes 1974, Section 70A.02, Subdivision 2, is amended to read:

Subd. 2. [NONAPPLICATION OF CHAPTER.] This chapter shall not apply to:

(1) Insurance written by township or farmers' mutual insurance companies subject to the provisions of chapter 67A; insurance written by companies organized pursuant to section 66A.20, or to tornado, cyclone, or hurricane insurance, the consideration for which, except for policy, membership or survey fees, is paid entirely by assessments on policyholders;

(2) Reinsurance, other than joint reinsurance to the extent stated in section 70A.16;

(3) (ACCIDENT AND HEALTH INSURANCE;)

((4)) Insurance against loss of or damage to aircraft, including their accessories and equipment, or against liability arising out of the ownership, maintenance, or use of aircraft;

((5)) (4) Insurance of vessels or craft, their cargoes, marine builders' risks, marine protection and indemnity, or other risks commonly insured under marine, as distinguished from inland marine, insurance policies;

((6)) WORKMEN'S) (5) Workers' compensation insurance;

((7)) (6) Insurance covering any of the liability of an employer exempted from insuring his liability for compensation as provided in section 176.181; and

((8)) (7) Disability and double indemnity insurance issued as part of a life insurance contract.

Sec. 17. [APPROPRIATIONS.] *The sum of \$160,000 is appropriated from the general fund to the state board of health for the purpose of implementing this article. The sum of \$150,000 is hereby appropriated from the general fund to the commissioner of insurance for the purpose of implementing articles I and II. These appropriations shall not cancel but shall be available for expenditure for the biennium ending June 30, 1977.*

Sec. 18. [EFFECTIVE DATE.] *This article is effective the day following the final enactment of this act.*

ARTICLE III

Section 1. [62E.51] [CITATION.] *Sections 1 to 5 of this article may be cited as the Minnesota catastrophic health expense protection act of 1976.*

Sec. 2. [62E.52] [DEFINITIONS.] *Subdivision 1. For the purposes of sections 1 to 5 of this article, the terms defined in this section have the meanings given them.*

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 qualified expenses for himself and any dependents in any 12 consecutive months exceeding \$5,000 or 50 percent of his household income, whichever is greater. The twelve month period shall not start before January 1, 1977.

Subd. 3. "Qualified expense" means any charge for a health service which is included in the list of covered services described in article 1, section 6, subdivision 1, of this act, and for which no third party is liable.

Subd. 4. "Dependent" means a spouse or unmarried child under the age of 18 years, a child who is a student under the age of 25 and financially dependent upon the parent, or a child of any age who is disabled and dependent upon the parent.

Subd. 5. "Household income" means the gross income of an eligible person and all his dependents for the calendar year preceding the year in which an application is filed pursuant to section 3.

Subd. 6. "Gross income" means income as defined in Minnesota Statutes, Section 290A.03, Subdivision 3.

Subd. 7. "Commissioner" means the commissioner of public welfare.

Subd. 8. "Third party" means any person other than the eligible person or his dependents.

Sec. 3. [62E.53] [APPLICATION FOR ASSISTANCE.]
Subdivision 1. *Any person who believes that they are or will become an eligible person may submit an application for state assistance to the commissioner.*

Subd. 2. *If the commissioner determines that an applicant is an eligible person, he shall pay all qualified expenses of the eligible person and his dependents in excess of 50 percent of household income or \$5,000 whichever is greater for the 12 month period in which the applicant became an eligible person. 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 Minnesota Statutes, 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 Minnesota Statutes, 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.*

Sec. 4. [62E.54] [DUTIES OF COMMISSIONER.] Sub-
division 1. *The commissioner shall:*

(a) *Promulgate reasonable rules to implement sections 1 to 5 of this article;*

(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.*

Subd. 2. *The commissioner may:*

(a) *Enter into contracts with the United States or any state agency, instrumentality or political subdivision for the purpose of coordinating the program established by sections 1 to 5 of this article, with other programs which provide or pay for the delivery of health services;*

(b) *Enter into contracts with third parties to perform some or all of the duties imposed on the commissioner by sections 3 and 4 of this article.*

Sec. 5. [62E.55] [APPEALS.] *The final decision of the commissioner denying an application for status as an eligible person or denying all or part of the charges for a health service may be appealed by any interested party pursuant to Minnesota Statutes, Chapter 15.*

Sec. 6. [APPROPRIATION.] *The sum of \$4,100,000 is hereby appropriated from the general fund to the commissioner of public welfare for the purposes of implementing sections 1 to 5 of this article. No more than \$100,000 shall be used for administrative purposes.*

Sec. 7. [EFFECTIVE DATE.] *This article is effective August 1, 1976."*

Further, amend the title by striking it in its entirety and inserting:

"A bill for an act relating to health care; providing for establishment and administration of certain plans of health insurance to make minimum health care benefits available to all persons in the state; creating a comprehensive health care association; requiring review of hospital and insurance premium rates; providing protection against catastrophic health care expenses; appropriating money; amending Minnesota Statutes 1974, Sections 60A.15, Subdivision 1; 62A.02, Subdivisions 1 and 3; 62C.15, Subdivision 2; 70A.02, Subdivision 2; and 144.653, Subdivision 1."

With the recommendation that when so amended the bill do pass.

The report was adopted.

Anderson, I., from the Committee on Rules and Legislative Administration to which was referred:

H. F. No. 2593, A bill for an act proposing an amendment to the Minnesota Constitution, Article XIV, Section 11; removing limits on interest and amount of highway bonds; repealing Laws 1975, Chapter 203, Sections 25 and 26.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert:

"Section 1. An amendment to the Minnesota Constitution, Article XIV, Section 11, is proposed to the people. If the amendment is adopted, the section will read as follows:

Sec. 11. The legislature may provide by law for the sale of bonds to carry out the provisions of section 2. Bonds issued and unpaid shall not at any time exceed (\$150,000,000) \$300,000,000 par value. The proceeds shall be paid into the trunk highway fund. Any bonds shall mature serially over a term not exceeding 20 years, shall not be sold for less than par and accrued interest and shall not bear interest at a greater rate than (FIVE) *eight* percent per annum. If the trunk highway fund is not adequate to pay principal and interest of these bonds when due, the legislature may levy on all taxable property of the state in an amount sufficient to meet the deficiency or it may appropriate to the fund money in the state treasury not otherwise appropriated.

Sec. 2. The proposed amendment shall be submitted to the people at the 1976 general election. The question proposed shall be:

“Shall the Minnesota Constitution be amended to limit the interest rate on highway bonds to eight percent per annum and limit the amount of outstanding highway bonds to \$300,000,000?”

Yes

No

Sec. 3. Laws 1975, Chapter 203, Section 25, is amended to read:

Sec. 25. The following amendment to the Minnesota Constitution, Article XIV, is proposed to the people of the state. If the amendment is adopted the article shall read:

ARTICLE XIV

PUBLIC HIGHWAY SYSTEM

Section 1. The state may construct, improve and maintain public highways, may assist political subdivisions in this work and by law may authorize any political subdivision to aid in highway work within its boundaries.

Sec. 2. There is hereby created a trunk highway system which shall be constructed, improved and maintained as public highways by the state. The highways shall extend as nearly as possible along the routes number 1 to 70 described in the constitutional amendment adopted November 2, 1920, and the routes described in any act of the legislature which has made or hereafter makes a route a part of the trunk highway system.

The legislature may add by law new routes to the trunk highway system. The trunk highway system may not exceed 12,200 miles in extent, except the legislature may add trunk highways

in excess of the mileage limitation as necessary or expedient to take advantage of any federal aid made available by the United States to the state of Minnesota.

Any route added by the legislature to the trunk highway system may be relocated or removed from the system as provided by law. The definite location of trunk highways numbered 1 to 70 may be relocated as provided by law but no relocation shall cause a deviation from the starting points or terminals nor cause any deviation from the various villages and cities through which the routes are to pass under the constitutional amendment adopted November 2, 1920. The location of routes may be determined by boards, officers or tribunals in the manner prescribed by law.

Sec. 3. A county state-aid highway system shall be constructed, improved and maintained by the counties as public highways in the manner provided by law. The system shall include streets in municipalities of less than 5,000 population where necessary to provide an integrated and coordinated highway system and may include similar streets in larger municipalities.

Sec. 4. A municipal state-aid street system shall be constructed, improved and maintained as public highways by municipalities having a population of 5,000 or more in the manner provided by law.

Sec. 5. There is hereby created a highway user tax distribution fund to be used solely for highway purposes as specified in this article. The fund consists of the proceeds of any taxes authorized by sections 9 and 10 of this article, *except as otherwise provided in section 10*. The net proceeds of the taxes shall be apportioned: 62 percent to the trunk highway fund; 29 percent to the county state-aid highway fund; nine percent to the municipal state-aid street fund. Five percent of the net proceeds of the highway user tax distribution fund may be set aside and apportioned by law to one or more of the three foregoing funds. The balance of the highway user tax distribution fund shall be transferred to the trunk highway fund, the county state-aid highway fund, and the municipal state-aid street fund in accordance with the percentages set forth in this section. No change in the apportionment of the five percent may be made within six years of the last previous change.

Sec. 6. There is hereby created a trunk highway fund which shall be used solely for the purposes specified in section 2 of this article and the payment of principal and interest of any bonds issued under the authority of section 11 of this article and any bonds issued for trunk highway purposes prior to July 1, 1957. All payments of principal and interest on bonds issued shall be a first charge on money coming into this fund during the year in which the principal or interest is payable.

Sec. 7. There is hereby created a county state-aid highway fund. The county state-aid highway fund shall be apportioned among the counties as provided by law. The funds apportioned shall be used by the counties as provided by law for aid in the construction, improvement and maintenance of county state-aid highways. The legislature may authorize the counties by law to use a part of the funds apportioned to them to aid in the construction, improvement and maintenance of other county highways, township roads, municipal streets and any other public highways, including but not limited to trunk highways and municipal state-aid streets within the respective counties.

Sec. 8. There is hereby created a municipal state-aid street fund to be apportioned as provided by law among municipalities having a population of 5,000 or more. The fund shall be used by municipalities as provided by law for the construction, improvement and maintenance of municipal state-aid streets. The legislature may authorize municipalities to use a part of the fund in the construction, improvement and maintenance of other municipal streets, trunk highways, and county state-aid highways within the counties in which the municipality is located.

Sec. 9. The legislature by law may tax motor vehicles using the public streets and highways on a more onerous basis than other personal property. Any such tax on motor vehicles shall be in lieu of all other taxes thereon, except wheelage taxes imposed by political subdivisions solely for highway purposes. The legislature may impose this tax on motor vehicles of companies paying taxes under the gross earnings system of taxation notwithstanding that earnings from the vehicles may be included in the earnings on which gross earnings taxes are computed. The proceeds of the tax shall be paid into the highway user tax distribution fund. The law may exempt from taxation any motor vehicle owned by a nonresident of the state properly licensed in another state and transiently or temporarily using the streets and highways of the state.

Sec. 10. The legislature may levy an excise tax on any means or substance used for propelling vehicles on the public highways of this state or on the business of selling it. The proceeds of the tax, *up to and including the unit tax rate thereon in effect on August 1, 1975* shall be paid into the highway user tax distribution fund. *Any unit tax rate levied in excess of the unit tax rate in effect on August 1, 1975, shall be paid into the general fund in the state treasury.*

Sec. 11. The legislature may provide by law for the sale of bonds to carry out the provisions of section 2. Bonds issued and unpaid shall not at any time exceed \$150,000,000 par value. The proceeds shall be paid into the trunk highway fund. Any bonds shall mature serially over a term not exceeding 20 years, shall not be sold for less than par and accrued interest and shall not bear interest at a greater rate than five percent per annum. If

the trunk highway fund is not adequate to pay principal and interest of these bonds when due, the legislature may levy on all taxable property of the state in an amount sufficient to meet the deficiency or it may appropriate to the fund money in the state treasury not otherwise appropriated.

Sec. 4. Laws 1975, Chapter 203, Section 26, is amended to read:

Sec. 26. The proposed amendment shall be submitted to the people at the 1976 general election. The question proposed shall read:

“Shall Article XIV of the Constitution of the State of Minnesota be amended to permit proceeds resulting from any increases in motor fuel taxes to be used for general purposes (, AND TO REMOVE CERTAIN RESTRICTIONS ON HIGHWAY BONDS)?

Yes

No

Further, amend the title by striking it in its entirety and insert:

“A bill for an act proposing an amendment to the Minnesota Constitution, Article XIV, Section 11; raising limits on interest and increasing the authorized amount of highway bonds; restoring certain language stricken in an earlier proposed constitutional amendment; amending Laws 1975, Chapter 203, Sections 25 and 26.”.

With the recommendation that when so amended the bill do pass.

The report was adopted.

Anderson, I., from the Committee on Rules and Legislative Administration to which was referred:

S. F. No. 975, A bill for an act relating to counties; written notice of public hearings relating to planning and zoning activities; amending Minnesota Statutes 1974, Section 394.26, Subdivision 2.

Reported the same back with the recommendation that the bill do pass.

The report was adopted.

Anderson, I., from the Committee on Rules and Legislative Administration to which was referred:

S. F. No. 2056, A bill for an act relating to the city of Duluth; authorizing residential property rehabilitation loans and grants.

Reported the same back with the recommendation that the bill do pass.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 2112, 2144 and 2593 were read for the second time.

SECOND READING OF SENATE BILLS

S. F. Nos. 2177, 2277, 1800, 60, 975 and 2056 were read for the second time.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned:

H. F. No. 2263, A bill for an act relating to game and fish; clothing required during certain seasons; amending Minnesota Statutes 1974, Section 100.29, Subdivision 8; repealing Minnesota Statutes 1974, Section 98.52, Subdivision 5.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

H. F. No. 1751, A bill for an act relating to game and fish; firearms permissible for taking wild animals; authorizing use of muzzle loading muskets to take game; regulating the shining of wild animals; amending Minnesota Statutes 1974, Section 100.29, Subdivision 9.

The Senate has repassed said bill, in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

H. F. No. 1199, A bill for an act relating to treatment for alcohol and drug abuse; providing for programs of intervention and treatment for employees, native Americans, and under-served groups; providing funding for detoxification programs, half-way houses and nonresidential programs; appropriating money; amending Minnesota Statutes 1974, Section 254A.02, Subdivision 1, and by adding subdivisions; and Chapter 254A, by adding sections.

The Senate has repassed said bill, in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 2518, A bill for an act relating to the city of Hastings; removing certain restrictions on the use of certain lands conveyed by the state to the city; amending Extra Session Laws 1967, Chapter 18, Section 2.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Sieben, H., moved that the House concur in the Senate amendments to H. F. No. 2518 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 2518, A bill for an act relating to local government in Dakota county; removing certain restrictions on the use of certain lands conveyed by the state to the city of Hastings; election procedure for changes in certain optional forms of county government; providing for financing of the Dakota County League of Municipalities; amending Laws 1967, Chapter 112, Section 1; amending Extra Session Laws 1967, Chapter 18, Section 2.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question being taken on the repassage of the bill and the roll being called, there were yeas 127, and nays 1, as follows:

Those who voted in the affirmative were:

Abein	Eckstein	Kelly, R.	Nelsen	Sieben, M.
Adams, L.	Eken	Kelly, W.	Nelson	Sieloff
Adams, S.	Enebo	Kempe, A.	Niehaus	Simoneau
Albrecht	Erickson	Kempe, R.	Norton	Skoglund
Anderson, G.	Esau	Ketola	Novak	Smith
Anderson, I.	Evans	Knickerbocker	Osthoff	Smogard
Arlandson	Ewald	Knoll	Parish	Spanish
Beauchamp	Fjoslien	Kostohryz	Patton	Stanton
Begich	Forsythe	Kroening	Pehler	Suss
Berg	Friedrich	Kvam	Peterson	Swanson
Berglin	Fudro	Laidig	Petrafaso	Tomlinson
Biersdorf	Fugina	Langseth	Philbrook	Ulland
Birnstihl	George	Lemke	Pleasant	Vento
Braun	Hanson	Lindstrom	Prahl	Volk
Brinkman	Heinitz	Luther	Reding	Voss
Byrne	Hokanson	Mangan	Rice	Wenstrom
Carlson, A.	Jacobs	Mann	St. Onge	Wenzel
Carlson, R.	Jaros	McCarron	Sarna	White
Cassery	Jensen	McCauley	Savelkoul	Wieser
Clark	Johnson, C.	McCollar	Schreiber	Wigley
Clawson	Johnson, D.	McEachern	Schulz	Williamson
Corbid	Jopp	Menning	Schumacher	Zubay
Dahl	Jude	Metzen	Searle	Speaker Sabo
Dean	Kahn	Moe	Setzpfandt	
Dieterich	Kaley	Munger	Sherwood	
Doty	Kalis	Neisen	Sieben, H.	

Those who voted in the negative were:

Faricy

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 435, A bill for an act relating to the city of Two Harbors; providing for reimbursement of city officers for wages lost during time spent on official business.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Johnson, D., moved that the House concur in the Senate amendments to H. F. No. 435 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 435; A bill for an act relating to the city of Two Harbors in Lake county and the city of Eveleth in St. Louis coun-

ty; providing for reimbursement of officers of the city of Two Harbors for wages lost during time spent on official business; authorizing the city of Eveleth to sell certain lands dedicated to the public for park or recreation purposes.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question being taken on the repassage of the bill and the roll being called, there were yeas 131, and nays 1, as follows:

Those who voted in the affirmative were:

Abeln	Eken	Kelly, R.	Nelson	Sieloff
Adams, L.	Enebo	Kelly, W.	Niehaus	Simoneau
Adams, S.	Erickson	Kempe, A.	Norton	Skoglund
Albrecht	Esau	Kempe, R.	Novak	Smith
Anderson, G.	Evans	Ketola	Osthoff	Smogard
Anderson, I.	Ewald	Knickerbocker	Parish	Spanish
Arlandson	Faricy	Knoll	Patton	Stanton
Beauchamp	Fjoslien	Kostohryz	Pehler	Suss
Begich	Forsythe	Kroening	Peterson	Swanson
Berg	Friedrich	Kvam	Petrafeso	Tomlinson
Berglin	Fudro	Laidig	Philbrook	Ulland
Biersdorf	Fugina	Langseth	Pleasant	Vanasek
Birnstihl	George	Lemke	Prahl	Vento
Braun	Hanson	Lindstrom	Reading	Volk
Brinkman	Haugerud	Luther	Rice	Voss
Byrne	Heinitz	Mangan	St. Onge	Wenstrom
Carlson, A.	Hokanson	Mann	Samuelson	Wenzel
Carlson, L.	Jacobs	McCarron	Sarna	White
Carlson, R.	Jaros	McCauley	Savelkoul	Wieser
Casserly	Jensen	McCollar	Schreiber	Wigley
Clark	Johnson, C.	McEachern	Schulz	Williamson
Clawson	Johnson, D.	Menning	Schumacher	Zubay
Corbid	Jopp	Metzen	Searle	Speaker Sabo
Dahl	Jude	Moe	Setzepfandt	
DeGroat	Kahn	Munger	Sherwood	
Dieterich	Kaley	Neisen	Sieben, H.	
Doty	Kalis	Nelsen	Sieben, M.	

Those who voted in the negative were:

Dean

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the return of Senate File No. 1957 for further consideration:

S. F. No. 1957, A bill for an act relating to medical assistance for the needy; prohibiting false claims for reimbursement; making certain vendors ineligible for reimbursement; providing access to certain medical records for verification of claims; pro-

viding for a penalty; amending Minnesota Statutes 1974, Sections 256B.064; 256B.27; Chapters 256B and 609, by adding sections; Minnesota Statutes, 1975 Supplement, Sections 256B.12 and 609.52, Subdivision 2.

Senate File No. 1957 is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Swanson moved that the vote whereby S. F. No. 1957 was passed by the House as amended on March 18, 1976, be now reconsidered. The motion prevailed.

Swanson moved that the House reconsider the action whereby S. F. No. 1957 was read for the third time as amended on March 18, 1976. The motion prevailed.

S. F. No. 1957, as amended, was reported to the House.

Swanson moved to amend S. F. No. 1957, as follows:

In the Swanson amendment adopted by the House on March 18, 1976:

Page 1, line 21, strike "*department*" and insert "*commissioner*".

Page 2, line 4, strike "*he*" and insert "*the vendor*".

Page 2, line 8, strike "*2a*" and insert "*5a*".

The motion prevailed and the amendment was adopted.

S. F. No. 1957, A bill for an act relating to medical assistance for the needy; prohibiting false claims for reimbursement; making certain vendors ineligible for reimbursement; providing access to certain medical records for verification of claims; providing for a penalty; amending Minnesota Statutes 1974, Sections 256B.064; 256B.27; Chapters 256B and 609, by adding sections; Minnesota Statutes, 1975 Supplement, Sections 256B.12 and 609.52, Subdivision 2.

The bill was read for the third time, as amended, and placed upon its repassage.

The question being taken on the repassage of the bill and the roll being called, there were yeas 132, and nays 0, as follows:

Those who voted in the affirmative were:

Abeln	Adams, S.	Anderson, G.	Arlandson	Begich
Adams, L.	Albrecht	Anderson, I.	Beauchamp	Berg

Berglin	Farcy	Ketola	Norton	Simoneau
Biersdorf	Fjoslien	Knickerbocker	Novak	Skoglund
Birastihl	Forsythe	Knoll	Osthoff	Smith
Braun	Friedrich	Kostohryz	Parish	Smogard
Brinkman	Fudro	Kroening	Patton	Spanish
Byrne	Fugina	Kvam	Pehler	Stanton
Carlson, A.	George	Laidig	Peterson	Suss
Carlson, L.	Hanson	Langseth	Petrafoeo	Swanson
Carlson, R.	Haugerud	Lemke	Philbrook	Tomlinson
Casserly	Heinitz	Lindstrom	Pleasant	Ulland
Clark	Hokanson	Luther	Prahl	Vanasek
Clawson	Jacobs	Mangan	Reding	Vento
Corbid	Jaros	Mann	Rice	Volk
Dahl	Jensen	McCarron	St. Onge	Voss
Dean	Johnson, C.	McCauley	Samuelson	Wenstrom
DeGroat	Johnson, D.	McCollar	Sarna	Wenzel
Dieterich	Jopp	McEachern	Savelkoul	White
Doty	Jude	Menning	Schreiber	Wieser
Eckstein	Kahn	Metzen	Schumacher	Wigley
Eken	Kaley	Moe	Searle	Williamson
Enebo	Kalis	Munger	Setzepfandt	Zubay
Erickson	Kelly, R.	Neisen	Sherwood	Speaker Sabo
Esau	Kelly, W.	Nelsen	Sieben, H.	
Evans	Kempe, A.	Nelson	Sieben, M.	
Ewald	Kempe, R.	Niehaus	Sieloff	

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

ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to the Conference Committee on S. F. No. 840:

Casserly, McCarron and Stanton.

The Speaker announced the appointment of the following members of the House to the Conference Committee on H. F. No. 2159:

Knoll, Skoglund and Dean.

CONSIDERATION UNDER RULE 1.10

Pursuant to Rule 1.10, Norton requested immediate consideration of H. F. No. 2218.

H. F. No. 2218, A bill for an act relating to the department of public welfare; providing for funding for detoxification programs; amending Minnesota Statutes 1974, Section 254A.08, Subdivision 3.

The bill was read for the third time and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 128, and nays 1, as follows:

Those who voted in the affirmative were:

Abeln	Doty	Kaley	Neisen	Sherwood
Adams, L.	Eckstein	Kalis	Nelsen	Sieben, H.
Adams, S.	Eken	Kelly, R.	Nelson	Sieben, M.
Albrecht	Enebo	Kelly, W.	Niehaus	Sieloff
Anderson, G.	Erickson	Kempe, A.	Norton	Simoneau
Anderson, I.	Esau	Kempe, R.	Novak	Skoglund
Arlandson	Evans	Ketola	Osthoff	Smith
Beauchamp	Ewald	Knickerbocker	Parish	Smogard
Begich	Faricy	Knoll	Patton	Spanish
Berg	Fjoslien	Kostohryz	Pehler	Stanton
Berglin	Forsythe	Kroening	Peterson	Swanson
Biersdorf	Friedrich	Kvam	Petrafeso	Tomlinson
Birnstihl	Fudro	Laidig	Philbrook	Ulland
Braun	Fugina	Langseth	Pleasant	Vanasek
Brinkman	Hanson	Lemke	Prahl	Vento
Byrne	Haugerud	Lindstrom	Reding	Voss
Carlson, A.	Heinitz	Luther	Rice	Wenstrom
Carlson, L.	Hokanson	Mangan	St. Onge	Wenzel
Carlson, R.	Jacobs	Mann	Samuelson	White
Casserly	Jaros	McCarron	Sarna	Wieser
Clark	Jensen	McCauley	Savelkoul	Wigley
Clawson	Johnson, C.	McCollar	Schreiber	Williamson
Dahl	Johnson, D.	McEachern	Schulz	Zubay
Dean	Jopp	Menning	Schumacher	Speaker Sabo
DeGroat	Jude	Moe	Searle	
Dieterich	Kahn	Munger	Setzepfandt	

Those who voted in the negative were:

Corbid

The bill was passed and its title agreed to.

Pursuant to Rule 1.10, Kelly, W., requested immediate consideration of H. F. No. 2414.

H. F. No. 2414, A bill for an act relating to motor vehicles; motor vehicle excise tax on vehicles purchased for resale; use of motor vehicles bearing motor vehicle dealer plates; amending Minnesota Statutes 1974, Sections 168.27, Subdivision 5; 297B.01, Subdivision 6; and Chapter 297B, by adding a section.

The bill was read for the third time and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 133, and nays 0, as follows:

Those who voted in the affirmative were:

Abeln	Arlandson	Birnstihl	Carlson, R.	Dean
Adams, L.	Beauchamp	Braun	Casserly	DeGroat
Adams, S.	Begich	Brinkman	Clark	Dieterich
Albrecht	Berg	Byrne	Clawson	Doty
Anderson, G.	Berglin	Carlson, A.	Corbid	Eckstein
Anderson, I.	Biersdorf	Carlson, L.	Dahl	Eken

Enebo	Jopp	Mann	Philbrook	Smogard
Erickson	Jude	McCarron	Pleasant	Spanish
Esau	Kahn	McCauley	Prahl	Stanton
Evans	Kaley	McCollar	Reding	Suss
Ewald	Kalis	McEachern	Rice	Swanson
Farcy	Kelly, R.	Menning	St. Onge	Tomlinson
Fjoslien	Kelly, W.	Metzen	Samuelson	Ulland
Forsythe	Kempe, A.	Moe	Sarna	Vanasek
Friedrich	Kempe, R.	Munger	Savelkoul	Vento
Fudro	Ketola	Neisen	Schreiber	Volk
Fugina	Knickerbocker	Nelsen	Schulz	Voss
George	Knoll	Nelson	Schumacher	Wenstrom
Hanson	Kostohryz	Niehaus	Searle	Wenzel
Haugerud	Kroening	Norton	Setzepfandt	White
Heinitz	Kvam	Novak	Sherwood	Wieser
Hokanson	Laidig	Osthoff	Sieben, H.	Wigley
Jacobs	Langseth	Parish	Sieben, M.	Williamson
Jaros	Lemke	Patton	Sieloff	Zubay
Jensen	Lindstrom	Pehler	Simoneau	Speaker Sabo
Johnson, C.	Luther	Peterson	Skoglund	
Johnson, D.	Mangan	Petrafeso	Smith	

The bill was passed and its title agreed to.

Doty was excused for the remainder of today's session.

Pursuant to Rule 1.10, Norton requested immediate consideration of H. F. Nos. 1984 and 1985.

H. F. No. 1984 was reported to the House.

Johnson C., moved to amend H. F. No. 1984, as follows:

Page 6, line 22, after "law." delete the rest of the subdivision and insert the following:

"Subd. 5. [SALE OF DEFAULTED PROPERTY.] In the event that title to the property is acquired by the state, upon conveyance of title to the state and expiration of the period of redemption, the commissioner shall, within 15 days of the expiration of such period, undertake to sell the property by publishing a notice of the impending sale at least once each week for four successive weeks in a legal newspaper and also in a newspaper of general distribution in the county in which the property to be sold is situated. Such notice shall specify the time and place in the county at which the sale will commence, a description of the lots or tracts to be offered, and a general statement of the terms of sale. Except as further provided in this subdivision, the terms and method of sale shall be determined by the commissioner. The commissioner shall sell the property to the highest bidder as determined by taking sealed bids or by public auction, provided that in either event he shall select the successful bidder within 15 days of the date of the last published notice of sale. Bidders shall submit bid security in the form of a certified check or bid bond in the amount of ten percent of their bid price and the successful bidder shall remit the balance of the purchase price to the commissioner within 90 days of the date of sale. Upon

remittance of such balance within 90 days of the date of sale, the commissioner shall transfer title to the property to the purchaser by quitclaim deed. In the event that the purchaser fails to remit any part of such balance within 90 days of the date of sale, the purchaser shall forfeit all rights to the property and any monies paid thereon and the state shall recommence the sale process as specified in this subdivision. Proceeds from the sale of a parcel of property obtained by the state pursuant to this section shall be paid into the special account authorized in section 15, subdivision 1, to the extent that funds from the special account were disbursed according to the terms of the family farm security loan guarantee. Proceeds in excess of the amount disbursed from the special fund shall be paid into the general fund."

Renumber subsequent subdivisions accordingly.

The motion prevailed and the amendment was adopted.

Friedrich moved to amend H. F. No. 1984, as amended, as follows:

Page 18, after line 9, add a new subdivision to read:

"Subd. 24. Ten percent of the income earned by a taxpayer from the rental of farm land as defined in section 2, subdivision 9, to a person who would meet the requirements for eligibility for a family farm security loan set forth in section 5, clauses (a), (b), and (c) and who rents the farm land from the taxpayer in order to use it for agricultural purposes."

Renumber the remaining section.

Further, amend the title as follows:

Page 1, line 6, delete "a".

Page 1, line 7, delete "subdivision" and insert "subdivisions".

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll being called, there were yeas 33, and nays 81, as follows:

Those who voted in the affirmative were:

Adams, S.	Esau	Kaley	Nelsen	Setzepfandt
Albrecht	Evans	Kempe, A.	Niehaus	Sieloff
Biersdorf	Ewald	Knickerbocker	Patton	Ulland
Carlson, A.	Fjoslien	Kvam	Peterson	Wigley
Dean	Forsythe	Laidig	Savelkoul	Zubay
DeGroat	Friedrich	Lemke	Schreiber	
Erickson	Jopp	McCauley	Searle	

Those who voted in the negative were:

Abeln	Corbid	Kelly, W.	Osthoff	Spanish
Adams, L.	Dahl	Ketola	Pehler	Stanton
Anderson, G.	Dieterich	Knoll	Petrafeso	Suss
Anderson, I.	Eken	Kostohryz	Philbrook	Tomlinson
Arlandson	Farcy	Kroening	Prahl	Vanasek
Beauchamp	Fugina	Langseth	Reding	Vento
Berg	George	Lindstrom	Samuelson	Volk
Berglin	Hanson	Luther	Sarna	Voss
Birnstihl	Haugerud	Mann	Schulz	Wenstrom
Braun	Hokanson	McCollar	Schumacher	Wenzel
Brinkman	Jacobs	Menning	Sherwood	White
Byrne	Jaros	Metzen	Sieben, H.	Wieser
Carlson, L.	Jensen	Moe	Sieben, M.	Speaker Sabo
Carlson, R.	Johnson, C.	Neisen	Simoneau	
Casserly	Jude	Nelson	Skoglund	
Clark	Kahn	Norton	Smith	
Clawson	Kalis	Novak	Smogard	

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

Nelsen moved to amend H. F. No. 1984, as amended, as follows:

Page 5, line 4, delete the period and insert a semicolon.

Page 5, after line 4, insert a new clause to read:

“(f) that the applicant has financing or funds available for minimum operating costs on the farm land proposed to be purchased for the first year of farm operation. Evidence of financing or funds available may include a copy of an agreement from a lender to supply the required minimum operating costs or such other evidence as the commissioner deems sufficient.”.

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll being called, there were yeas 122, and nays 0, as follows:

Those who voted in the affirmative were:

Abeln	Brinkman	Eken	Heinitz	Ketola
Adams, L.	Byrne	Enebo	Hokanson	Knickerbocker
Adams, S.	Carlson, A.	Erickson	Jacobs	Knoll
Albrecht	Carlson, L.	Esau	Jaros	Kostohryz
Anderson, G.	Carlson, R.	Evans	Jensen	Kroening
Anderson, I.	Casserly	Ewald	Johnson, C.	Kvam
Arlandson	Clark	Farcy	Johnson, D.	Laidig
Beauchamp	Clawson	Fjoslien	Jopp	Langseth
Begich	Corbid	Forsythe	Jude	Lemke
Berg	Dahl	Friedrich	Kahn	Luther
Berglin	Dean	Fugina	Kaley	Mangan
Biersdorf	DeGroat	George	Kalis	Mann
Birnstihl	Dieterich	Hanson	Kempe, A.	McCauley
Braun	Eckstein	Haugerud	Kempe, R.	McCollar

McEachern	Patton	Savelkoul	Skoglund	Voss
Menning	Pehler	Schreiber	Smith	Wenstrom
Metzen	Peterson	Schulz	Smogard	Wenzel
Munger	Petrafeso	Schumacher	Spanish	White
Neisen	Philbrook	Searle	Stanton	Wieser
Nelsen	Pleasant	Setzepfandt	Suss	Wigley
Nelson	Prahl	Sherwood	Tomlinson	Zubay
Niehaus	Reding	Sieben, H.	Ulland	Speaker Sabo
Norton	St. Onge	Sieben, M.	Vanasek	
Novak	Samuelson	Sieloff	Vento	
Osthoff	Sarna	Simoneau	Volk	

The motion prevailed and the amendment was adopted.

Peterson moved to amend H. F. No. 1984, as amended, as follows:

Page 7, delete lines 8 to 10 and insert "*The commissioner shall provide for an appraisal of farm land by an accredited member of a professional farm appraisal organization using an income approach appraisal before guaranteeing a family farm security loan. No guarantee shall be made if the purchase price of the farm land exceeds the appraisal value as determined by this subdivision.*"

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll being called, there were yeas 49, and nays 79, as follows:

Those who voted in the affirmative were:

Adams, S.	Ewald	Knickerbocker	Nelsen	Sieloff
Albrecht	Fjoslien	Kostohryz	Niehaus	Smith
Biersdorf	Forsythe	Kroening	Peterson	Spanish
Carlson, A.	Friedrich	Kvam	Pleasant	Tomlinson
Clawson	Heinitz	Laidig	Prahl	Ulland
Dean	Jopp	Langseth	Reding	White
DeGroat	Kaley	Luther	Savelkoul	Wieser
Erickson	Kelly, R.	Mangan	Schreiber	Wigley
Esau	Kempe, A.	McCauley	Searle	Zubay
Evans	Kempe, R.	Neisen	Setzepfandt	

Those who voted in the negative were:

Abeln	Carlson, R.	Hanson	Lemke	Patten
Adams, L.	Casserly	Haugerud	Lindstrom	Pehler
Anderson, G.	Clark	Hokanson	Mann	Petrafeso
Anderson, I.	Corbid	Jacobs	McCarron	Philbrook
Arlandson	Dahl	Jaros	McCollar	St. Onge
Beauchamp	Dieterich	Jensen	Menning	Sarna
Begich	Eckstein	Johnson, C.	Metzen	Sherwood
Berg	Eken	Johnson, D.	Moe	Sieben, H.
Berglin	Enebo	Jude	Munger	Sieben, M.
Birnstihl	Fariicy	Kahn	Nelson	Simoneau
Braun	Fudro	Kalis	Norton	Skoglund
Brinkman	Fugina	Kelly, W.	Novak	Smogard
Byrne	George	Ketola	Osthoff	
Carlson, L.	Graba	Knoll	Parish	

Stanton
SussVanasek
VentoVolk
VossWenstrom
Wenzel

Speaker Sabo

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

Jopp moved to amend H. F. No. 1984, as amended, as follows:

Page 19, after line 12, insert:

"Sec. 15. Minnesota Statutes 1974, Section 290.09, is amended by adding a subdivision to read:

Subd 30. [CONTRACT FOR DEED; INTEREST DEDUCTION.] Fifty percent of the interest received by a seller satisfying the eligibility criteria of Minnesota Statutes 273.111, subdivision 6, from a person who satisfies the eligibility criteria established by section 5 of this act to an applicant for a family farm security loan, if the interest is paid pursuant to a contract for deed for the sale of farm land by the seller to the person provided that the principal on the contract is paid within 20 years. A buyer under this subdivision must certify by sworn affidavit to the commissioner of the department of revenue that he meets the criteria established under section 5 of this act. No family farm security loan need be made for the deduction to be taken and the state shall incur no liability under this subdivision."

Renumber the remaining section.

Further, amend the title:

Page 1, line 6, strike "and".

Page 1, line 7, after ";" insert "and 290.09, by adding a subdivision;"

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll being called, there were yeas 34, and nays 91, as follows:

Those who voted in the affirmative were:

Albrecht	Evans	Kaley	Niehaus	Spanish
Bjersdorf	Ewald	Kempe, R.	Peterson	Ulland
Carlson, A.	Fjoslien	Knickerbocker	Pleasant	White
Dean	Forsythe	Kvam	Prahl	Wieser
DeGroat	Friedrich	Laidig	Savelkoul	Wigley
Erickson	Heinitz	McCauley	Searle	Zubay
Esau	Jopp	Nelsen	Sieloff	

Those who voted in the negative were:

Abeln	Adams, L.	Anderson, G.	Anderson, I.	Arlandson
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Beauchamp	Enebo	Ketola	Norton	Skoglund
Begich	Faricy	Knoll	Novak	Smith
Berg	Fudro	Kostohryz	Osthoff	Smogard
Berglin	Fugina	Kroening	Parish	Stanton
Birnstihl	George	Langseth	Patton	Suss
Braun	Graba	Lemke	Pehler	Swanson
Brinkman	Hanson	Lindstrom	Petrafeso	Tomlinson
Byrne	Haugerud	Luther	Philbrook	Vanasek
Carlson, L.	Hokanson	Mangan	Reding	Vento
Carlson, R.	Jacobs	Mann	St. Onge	Volk
Casserly	Jaros	McCarron	Sarna	Voss
Clark	Jensen	McEachern	Schulz	Wenstrom
Clawson	Johnson, C.	Menning	Schumacher	Wenzel
Corbid	Johnson, D.	Metzen	Setzpfandt	Speaker Sabo
Dahl	Jude	Moe	Sherwood	
Dieterich	Kahn	Munger	Sieben, H.	
Eckstein	Kalis	Neisen	Sieben, M.	
Eken	Kelly, W.	Nelson	Simoneau	

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

Sarna was excused for the remainder of today's session.

Niehaus and Fjoslien moved to amend H. F. No. 1984, as amended, as follows:

Page 2, line 8, delete "all" and insert "90 per cent of the".

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll being called, there were yeas 43, and nays 85, as follows:

Those who voted in the affirmative were:

Adams, S.	Evans	Kempe, R.	Peterson	Spanish
Albrecht	Ewald	Kvam	Pleasant	Ulland
Biersdorf	Fjoslien	Laidig	Prahl	Wenstrom
Carlson, A.	Forsythe	Lemke	Samuelson	Wieser
Dean	Friedrich	Luther	Savelkoul	Wigley
DeGroat	Heinitz	McCauley	Schreiber	Williamson
Eckstein	Johnson, C.	Neisen	Schumacher	Zubay
Erickson	Jopp	Nelsen	Searle	
Esau	Kaley	Niehaus	Sieloff	

Those who voted in the negative were:

Abeln	Carlson, L.	Graba	Ketola	Moe
Adams, L.	Carlson, R.	Hanson	Knoll	Munger
Anderson, G.	Casserly	Haugerud	Kostohryz	Nelson
Anderson, I.	Clark	Hokanson	Kroening	Norton
Arlandson	Clawson	Jacobs	Langseth	Novak
Beauchamp	Corbid	Jaros	Lindstrom	Osthoff
Begich	Dahl	Jensen	Mangan	Parish
Berg	Dieterich	Johnson, D.	Mann	Patton
Berglin	Eken	Jude	McCarron	Pehler
Birnstihl	Faricy	Kahn	McCollar	Petrafeso
Braun	Fudro	Kalis	McEachern	Reding
Brinkman	Fugina	Kelly, R.	Menning	Rice
Byrne	George	Kelly, W.	Metzen	St. Onge

Schulz	Sieben, M.	Smogard	Tomlinson	Voss
Setzepfandt	Simoneau	Stanton	Vanasek	Wenzel
Sherwood	Skoglund	Suss	Vento	White
Sieben, H.	Smith	Swanson	Volk	Speaker Sabo

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

Sieloff and Friedrich moved to amend H. F. No. 1984, as amended, as follows:

Page 10, line 1, after the period insert a new subdivision to read:

"Subd. 4. For purposes of determining gain on the sale or exchange of farmland under Chapter 290, there shall be added to its basis in the hands of the owner, an amount equal to 5% of the owner's original basis in such farmland for each calendar year after 1975 that the farmland is actively used for farming by the owner or his family as his primary occupation."

Renumber the remaining subdivision.

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll being called, there were yeas 32, and nays 94, as follows:

Those who voted in the affirmative were:

Adams, S.	Erickson	Jopp	Nelsen	Sieloff
Albrecht	Esau	Kaley	Niehaus	Ulland
Biersdorf	Ewald	Kempe, R.	Peterson	Wigley
Carlson, A.	Fjoslien	Knickerbocker	Pleasant	Zubay
Dean	Forsythe	Kvam	Savelkoul	
DeGroat	Friedrich	Laidig	Schreiber	
Eckstein	Heinitz	McCauley	Searle	

Those who voted in the negative were:

Abeln	Clawson	Jensen	McCarron	Reding
Adams, L.	Corbid	Johnson, C.	McCollar	St. Onge
Anderson, G.	Dahl	Johnson, D.	McEachern	Samuelson
Anderson, I.	Dieterich	Jude	Menning	Schulz
Arlandson	Eken	Kahn	Metzen	Schumacher
Beauchamp	Enebo	Kalis	Moe	Setzepfandt
Begich	Evans	Kelly, W.	Munger	Sherwood
Berg	Faricy	Ketola	Neisen	Sieben, H.
Berglin	Fudro	Knoll	Norton	Sieben, M.
Birnstihl	Fugina	Kostohryz	Novak	Simoneau
Braun	George	Kroening	Osthoff	Skoglund
Brinkman	Graba	Langseth	Parish	Smith
Byrne	Hanson	Lemke	Patton	Smogard
Carlson, L.	Haugerud	Lindstrom	Pehler	Stanton
Carlson, R.	Hokanson	Luther	Petrafeso	Suss
Casserly	Jacobs	Mangan	Philbrook	Swanson
Clark	Jaros	Mann	Prahl	Tomlinson

Vanasek	Volk	Wenzel	Wieser	Speaker Sabo
Vento	Wenstrom	White	Williamson	

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

Fjoslien moved to amend H. F. No. 1984, as amended, as follows:

Page 3, line 20, after the period insert:

"The rules and regulations as promulgated by the Advisory Council shall not be put into effect until after being reviewed by a joint committee of legislative members who are owners and operators of farms and have expertise in agri-business. This joint legislative committee shall consist of 3 senators appointed by the president of the senate and 3 representatives appointed by the speaker of the house. The Advisory Council shall be subject to annual review by this legislative committee."

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll being called, there were yeas 31, and nays 95, as follows:

Those who voted in the affirmative were:

Adams, S.	Evans	Kaley	Peterson	Wieser
Albrecht	Ewald	Knickerbocker	Pleasant	Wigley
Carlson, A.	Fjoslien	Kvam	Savelkoul	Zubay
Dean	Forsythe	Laidig	Schreiber	
DeGroat	Friedrich	McCauley	Searle	
Erickson	Heinitz	Neisen	Spanish	
Esau	Jopp	Niehaus	Ulland	

Those who voted in the negative were:

Abeln	Dahl	Kalis	Munger	Sieben, H.
Adams, L.	Dieterich	Kelly, R.	Neisen	Sieben, M.
Anderson, G.	Eckstein	Kelly, W.	Norton	Simoneau
Anderson, I.	Eken	Ketola	Novak	Skoglund
Arlandson	Enebo	Knoll	Osthoff	Smith
Beauchamp	Faricy	Kostohryz	Parish	Smogard
Begich	Fugina	Kroening	Patten	Stanton
Berg	George	Langseth	Pehler	Suss
Berglin	Graba	Lemke	Petrafeso	Swanson
Birnstihl	Hanson	Lindstrom	Philbrook	Tomlinson
Braun	Haugerud	Luther	Prahl	Vanasek
Brinkman	Hokanson	Mangan	Reding	Vento
Byrne	Jacobs	Mann	Rice	Volk
Carlson, L.	Jaros	McCarron	St. Onge	Voss
Carlson, R.	Jensen	McCollar	Samuelson	Wenstrom
Casserly	Johnson, C.	McEachern	Schulz	Wenzel
Clark	Johnson, D.	Menning	Schumacher	White
Clawson	Jude	Metzen	Setzpfandt	Williamson
Corbid	Kahn	Moe	Sherwood	Speaker Sabo

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

Savelkoul moved to amend H. F. No. 1984, as amended, as follows:

Page 19, after line 30, add a new section as follows:

"Sec. 16. This act shall terminate January 1, 1980 unless extended by law."

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll being called, there were yeas 36, and nays 90, as follows:

Those who voted in the affirmative were:

Adams, S.	Evans	Kempe, R.	Peterson	Ulland
Albrecht	Ewald	Knickerbocker	Pleasant	Wieser
Biersdorf	Fjoslien	Kostohryz	Savelkoul	Wigley
Carlson, A.	Forsythe	Kvam	Schreiber	Zubay
Dean	Friedrich	Laidig	Searle	
DeGroat	Jopp	McCauley	Setzepfandt	
Erickson	Kaley	Nelsen	Sherwood	
Esau	Kempe, A.	Niehaus	Sieloff	

Those who voted in the negative were:

Abeln	Corbid	Jude	Metzen	Schumacher
Adams, L.	Dahl	Kahn	Moe	Sieben, H.
Anderson, G.	Dieterich	Kalis	Munger	Sieben, M.
Anderson, I.	Eckstein	Kelly, R.	Neisen	Simoneau
Arlandson	Eken	Kelly, W.	Nelson	Skoglund
Beauchamp	Enebo	Ketola	Norton	Smith
Begich	Faricy	Knoll	Novak	Smogard
Berg	Fugina	Kroening	Parish	Stanton
Berglin	George	Langseth	Patton	Suss
Birnstihl	Graba	Lemke	Pehler	Tomlinson
Braun	Hanson	Lindstrom	Petrafaso	Vanasek
Brinkman	Haugerud	Luther	Philbrook	Vento
Byrne	Hokanson	Mangan	Prahl	Volk
Carlson, L.	Jacobs	Mann	Reding	Voss
Carlson, R.	Jaros	McCarron	Rice	Wenstrom
Casserly	Jensen	McCollar	St. Onge	Wenzel
Clark	Johnson, C.	McEachern	Samuelson	White
Clawson	Johnson, D.	Menning	Schulz	Speaker Sabo

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

Carlson, A., moved to amend H. F. No. 1984, as amended, as follows:

Page 4, line 25, after "*Minnesota*" insert a semicolon and delete the remainder of clause (a).

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll being called, there were yeas 124, and nays 3, as follows:

Those who voted in the affirmative were:

Abeln	Dieterich	Kaley	Nelsen	Sieben, H.
Adams, L.	Eckstein	Kelly, R.	Nelson	Sieben, M.
Adams, S.	Eken	Kelly, W.	Niehaus	Sieloff
Albrecht	Enebo	Kempe, A.	Norton	Simoneau
Anderson, G.	Erickson	Kempe, R.	Novak	Skoglund
Anderson, I.	Esau	Ketola	Osthoff	Smith
Arlandson	Evans	Knickerbocker	Parish	Smogard
Beauchamp	Ewald	Knoll	Patton	Spanish
Begich	Faricy	Kroening	Pehler	Stanton
Berg	Fjoslien	Kvam	Peterson	Suss
Berglin	Forsythe	Laidig	Petrafeso	Tomlinson
Biersdorf	Friedrich	Langseth	Philbrook	Ulland
Birnstihl	Fugina	Lemke	Pleasant	Vanasek
Braun	George	Lindstrom	Prahl	Vento
Brinkman	Graba	Luther	Reding	Volk
Byrne	Hanson	Mangan	Rice	Voss
Carlson, A.	Haugerud	Mann	St. Onge	Wenstrom
Carlson, L.	Heinitz	McCarron	Samuelson	Wenzel
Carlson, R.	Hokanson	McCauley	Savelkoul	White
Casserly	Jacobs	McCollar	Schreiber	Wieser
Clark	Jensen	McEachern	Schulz	Wigley
Clawson	Johnson, C.	Menning	Schumacher	Williamson
Corbid	Jopp	Metzen	Searle	Zubay
Dean	Jude	Munger	Setzepfandt	Speaker Sabo
DeGroat	Kahn	Neisen	Sherwood	

Those who voted in the negative were:

Johnson, D.	Kalis	Kostohryz
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The motion prevailed and the amendment was adopted.

Carlson, A. moved to amend H. F. No. 1984, as amended, as follows:

Page 3, line 24, after the word "governor" add the following: "*and with the advice and consent of the Senate*".

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll being called, there were yeas 31, and nays 96, as follows:

Those who voted in the affirmative were:

Adams, S.	DeGroat	Ewald	Heinitz	Knickerbocker
Albrecht	Erickson	Fjoslien	Jopp	Kvam
Carlson, A.	Esau	Forsythe	Kaley	Laidig
Dean	Evans	Friedrich	Kempe, R.	McCauley

Nelsen
Niehaus
Peterson

Pleasant
Savelkoul
Schreiber

Searle
Sieloff
Ulland

Wigley

Zubay

Those who voted in the negative were:

Abeln	Dahl	Kelly, W.	Nelson	Skoglund
Adams, L.	Dieterich	Kempe, A.	Norton	Smith
Anderson, G.	Eckstein	Ketola	Novak	Smogard
Anderson, I.	Eken	Knoll	Osthoff	Stanton
Arlandson	Enebo	Kostohryz	Parish	Suss
Beauchamp	Faricy	Kroening	Pehler	Tomlinson
Begich	Fudro	Langseth	Petraleso	Vanasek
Berg	Fugina	Lemke	Philbrook	Vento
Berglin	George	Lindstrom	Prahl	Volk
Biersdorf	Graba	Luther	Reding	Voss
Birnstihl	Hanson	Mangan	Rice	Wenstrom
Braun	Haugerud	Mann	St. Onge	Wenzel
Brinkman	Jacobs	McCarron	Samuelson	White
Byrne	Jensen	McCollar	Schulz	Wieser
Carlson, L.	Johnson, C.	McEachern	Schumacher	Williamson
Carlson, R.	Johnson, D.	Menning	Setzepfandt	Speaker Sabo
Casserly	Jude	Metzen	Sherwood	
Clark	Kahn	Moe	Sieben, H.	
Clawson	Kalis	Munger	Sieben, M.	
Corbid	Kelly, R.	Neisen	Simoneau	

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

Albrecht moved to amend H. F. No. 1984, as amended, as follows:

Page 5, line 13, after "commissioner" insert "*after approval of the council*".

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

CALL OF THE HOUSE

On the motion of Anderson, I., and on the demand of 10 members, a call of the House was ordered. The following members answered to their names:

Abeln	Brinkman	Eken	Hanson	Kelly, W.
Adams, L.	Byrne	Enebo	Haugerud	Kempe, A.
Adams, S.	Carlson, A.	Erickson	Heinitz	Kempe, R.
Albrecht	Carlson, L.	Esau	Hokanson	Ketola
Anderson, G.	Carlson, R.	Evans	Jacobs	Knickerbocker
Anderson, I.	Casserly	Ewald	Jaros	Knoll
Arlandson	Clark	Faricy	Jensen	Kostohryz
Beauchamp	Clawson	Fjoslien	Johnson, C.	Kroening
Begich	Corbid	Forsythe	Johnson, D.	Kvam
Berg	Dahl	Friedrich	Jopp	Laidig
Berglin	Dean	Fudro	Jude	Langseth
Biersdorf	DeGroat	Fugina	Kahn	Lemke
Birnstihl	Dieterich	George	Kaley	Lindstrom
Braun	Eckstein	Graba	Kalis	Luther

Mangan	Nelson	Prahl	Sieben, M.	Vento
Mann	Niehaus	Reding	Sieloff	Volk
McCarron	Norton	Rice	Simoneau	Voss
McCauley	Novak	St. Onge	Skoglund	Wenstrom
McCollar	Osthoff	Savelkoul	Smith	Wenzel
McEachern	Parish	Schreiber	Smogard	White
Menning	Patton	Schulz	Spanish	Wieser
Metzen	Pehler	Schumacher	Stanton	Wigley
Moe	Peterson	Searle	Suss	Zubay
Munger	Petrafaso	Setzepfandt	Tomlinson	Speaker Sabo
Neisen	Philbrook	Sherwood	Ulland	
Nelsen	Pleasant	Sieben, H.	Vanasek	

Anderson, L., moved that further proceedings of the roll call be dispensed with and that the Sergeant at Arms be instructed to bring in the absentees. The motion prevailed and it was so ordered.

H. F. No. 1984, A bill for an act relating to agriculture; establishing a family farm security program to encourage loans for farm real estate; appropriating money; amending Minnesota Statutes 1974, Sections 48.24, Subdivision 5; and 290.08, by adding a subdivision; Minnesota Statutes, 1975 Supplement, Section 290.01, Subdivision 20; and 290.09, Subdivision 4.

The bill was read for the third time, as amended, and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 109, and nays 23, as follows:

Those who voted in the affirmative were:

Abeln	Dean	Kahn	Munger	Sieben, M.
Adams, L.	DeGroat	Kalis	Neisen	Simoneau
Anderson, G.	Dieterich	Kelly, R.	Nelsen	Skoglund
Anderson, I.	Eckstein	Kelly, W.	Nelson	Smith
Arlandson	Eken	Kempe, R.	Niehaus	Smogard
Beauchamp	Enebo	Ketola	Norton	Spanish
Begich	Esau	Knoll	Novak	Stanton
Berg	Ewald	Kostohryz	Osthoff	Suss
Berglin	Fjoslien	Kroening	Parish	Swanson
Biersdorf	Fudro	Laidig	Patton	Tomlinson
Birnstihl	Fugina	Langseth	Pehler	Ulland
Braun	George	Lemke	Petrafaso	Vanasek
Brinkman	Graba	Lindstrom	Philbrook	Vento
Byrne	Hanson	Luther	Reding	Volk
Carlson, A.	Haugerud	Mangan	Rice	Voss
Carlson, L.	Hokanson	Mann	St. Onge	Wenstrom
Carlson, R.	Jacobs	McCarron	Samuelson	Wenzel
Cassery	Jaros	McCollar	Schulz	White
Clark	Jensen	McEachern	Schumacher	Wieser
Clawson	Johnson, C.	Menning	Setzepfandt	Williamson
Corbid	Johnson, D.	Metzen	Sherwood	Speaker Sabo
Dahl	Jude	Moe	Sieben, H.	

Those who voted in the negative were:

Adams, S.	Erickson	Faricy	Friedrich	Jopp
Albrecht	Evans	Forsythe	Heintz	Kaley

Kempe, A.	McCauley	Prahl	Searle	Zubay
Knickerbocker	Peterson	Savelkoul	Sieloff	
Kvam	Pleasant	Schreiber	Wigley	

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

H. F. No. 1985, A bill for an act relating to appropriations; appropriating funds for seminars for local governmental officials.

The bill was read for the third time and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 126, and nays 2, as follows:

Those who voted in the affirmative were:

Abeln	Enebo	Kalis	Nelson	Simoneau
Adams, L.	Erickson	Kelly, R.	Niehaus	Skoglund
Adams, S.	Esau	Kelly, W.	Norton	Smith
Anderson, G.	Evans	Kempe, A.	Novak	Smogard
Anderson, I.	Ewald	Kempe, R.	Osthoff	Spanish
Beauchamp	Faricy	Ketola	Parish	Stanton
Begich	Fjoslien	Knickerbocker	Patton	Suss
Berg	Forsythe	Knoll	Pehler	Swanson
Berglin	Friedrich	Kostohryz	Peterson	Tomlinson
Birnstihl	Fudro	Kroening	Petrafero	Ulland
Braun	Fugina	Laidig	Philbrook	Vanasek
Brinkman	George	Langseth	Pleasant	Vento
Byrne	Graba	Lemke	Prahl	Volk
Carlson, A.	Hanson	Lindstrom	Reding	Voss
Carlson, L.	Haugerud	Luther	Rice	Wenstrom
Carlson, R.	Heinitz	Mangan	St. Onge	Wenzel
Casserly	Hokanson	Mann	Samuelson	White
Clark	Jacobs	McCarron	Savelkoul	Wieser
Clawson	Jaros	McCollar	Schreiber	Wigley
Corbid	Jensen	McEachern	Schulz	Williamson
Dahl	Johnson, C.	Menning	Schumacher	Zubay
Dean	Johnson, D.	Metzen	Searle	Speaker Sabo
DeGroat	Jopp	Moe	Setzepfandt	
Dieterich	Jude	Munger	Sherwood	
Eckstein	Kahn	Neisen	Sieben, H.	
Eken	Kaley	Nelsen	Sieben, M.	

Those who voted in the negative were:

Albrecht Kvam

The bill was passed and its title agreed to.

SPECIAL ORDERS

S. F. No. 2033 was reported to the House.

McEachern moved to amend S. F. No. 2033, as follows:

Page 2, after line 10, insert:

"Sec. 2. Laws 1976, Chapter 44, Section 19, is amended to read:

[410.015] [DEFINITIONS RELATING TO CITIES.] The term "statutory city" means any city which has not adopted a home rule charter pursuant to the constitution and laws; the words "home rule charter city" mean any city which has adopted such a charter. In any law adopted after July 1, (1975) 1976, the word "city" when used without further description extending the application of the term to home rule charter cities means statutory cities only."

Renumber the sections in sequence.

Amend the title as follows:

Page 1, line 2, strike "temporary investment" and insert "clarifying the application of certain laws to certain municipalities; authorizing certain investments".

Page 1, line 3, strike "of surplus funds".

Page 1, line 4, after "471.561" by inserting "and Laws 1976, Chapter 44, Section 19".

The motion prevailed and the amendment was adopted.

Skoglund moved to amend S. F. No. 2033, as amended, as follows:

Page 2, after line 10, insert a new section to read:

"Sec. 2. Minnesota Statutes 1974, Section 471.616, Subdivision 1, is amended to read:

471.616 [GROUP INSURANCE; GOVERNMENTAL UNITS.] Subdivision 1. [BIDDING REQUIRED.] No governmental subdivision, political subdivision, or any other body corporate and politic authorized by law to purchase group insurance for its employees and providing or intending to provide such group insurance protections and benefits for 25 or more of its employees shall enter into a contract for or renew any such group insurance policy or contract without calling for bids and awarding the contract to the lowest responsible bidder by way of competitive bidding procedure similar to those for the provision of services and supplies under Minnesota Statutes 1971, Section 16.07. The aggregate value of benefits provided by a contract entered into after July 1, 1973 shall not be less than those provided by the preexisting contract.

Provided, however, that no such contract need be awarded or submitted or resubmitted to bid more frequently than once every (60) 48 months, unless

((A) PURSUANT TO A CHANGE IN BENEFITS OR PROTECTIONS UNDER THE POLICY, CONTRACT OR PRO-

GRAM, A 10 TO 20 PERCENT CHANGE IN THE ORIGINAL PREMIUM UNDER THE POLICY CONTRACT IS PROVIDED, REQUIRED OR INDICATED, OR)

((B)) for any reason whatsoever, a (20) 50 percent or greater change in the original premium under the policy contract is provided, required or indicated.

When an insurer proposes an increase in rates (OF 20 PERCENT OR MORE), it shall accompany its proposal with (A) *an aggregate claims (LISTING) record* for the appropriate period that explains the proposed increase. When a contract is resubmitted for bids (BECAUSE OF A PROPOSED INCREASE IN RATES OF 20 PERCENT OR MORE) the *aggregate claims (LISTING) record* shall accompany the specifications for the contract.”.

Renumber Sections in sequence.

Amend the title in line 3 after “funds;” by inserting “bidding for certain government insurance contracts;” and after “amending” by inserting “Minnesota Statutes 1974, Section 471.616, Subdivision 1;”.

Vento moved to amend the Skoglund amendment to S. F. No. 2033, as follows:

Line 17, strike “60” and insert “48”.

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

The question recurred on the Skoglund amendment as amended. The motion prevailed and the Skoglund amendment, as amended, was adopted.

S. F. No. 2033, A bill for an act relating to municipalities; temporary investment of surplus funds; amending Minnesota Statutes, 1975 Supplement, Section 471.561.

The bill was read for the third time, as amended, and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 126; and nays 2, as follows:

Those who voted in the affirmative were:

Abeln	Anderson, I.	Berg	Braun	Carlson, L.
Adams, L.	Arlandson	Berglin	Brinkman	Carlson, R.
Adams, S.	Beauchamp	Biersdorf	Byrne	Casserly
Anderson, G.	Begich	Birnstihl	Carlson, A.	Clark

Clawson	Hokanson	Lemke	Peterson	Spanish
Corbid	Jacobs	Lindstrom	Petraleso	Stanton
Dahl	Jaros	Luther	Philbrook	Suss
Dean	Jensen	Mangan	Pleasant	Swanson
DeGroat	Johnson, C.	Mann	Prahl	Tomlinson
Eckstein	Johnson, D.	McCarron	Reding	Ulland
Eken	Jopp	McCauley	St. Onge	Vanasek
Enebo	Jude	McCollar	Samuelson	Vento
Esau	Kahn	McEachern	Savelkoul	Volk
Evans	Kaley	Menning	Schreiber	Voss
Ewald	Kalis	Metzen	Schulz	Wenstrom
Faricy	Kelly, R.	Moe	Schumacher	Wenzel
Fjoslien	Kelly, W.	Munger	Searle	White
Forsythe	Kempe, A.	Neisen	Setzpfandt	Wieser
Friedrich	Kempe, R.	Nelsen	Sherwood	Wigley
Fudro	Ketola	Nelson	Siebm, H.	Williamson
Fugina	Knickerbocker	Niehaus	Sieben, M.	Zubay
George	Knoll	Norton	Sieloff	Speaker Sabo
Graba	Kostohryz	Novak	Simoneau	
Hanson	Kroening	Parish	Skoglund	
Haugerud	Kvam	Patton	Smith	
Heinitz	Laidig	Pehler	Smogard	

Those who voted in the negative were:

Dieterich Rice

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

S. F. No. 1920, A bill for an act relating to juvenile courts; requiring written findings of fact for all dispositions of delinquent, dependent, and neglected children; amending Minnesota Statutes 1974, Sections 260.185, Subdivision 1; and 260.191, Subdivision 1.

The bill was read for the third time and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 125, and nays 0, as follows:

Those who voted in the affirmative were:

Abeln	Clark	George	Kempe, R.	Munger
Adams, L.	Clawson	Graba	Ketola	Neisen
Adams, S.	Corbid	Hanson	Knickerbocker	Nelsen
Albrecht	Dahl	Haugerud	Knoll	Nelson
Anderson, G.	Dean	Heinitz	Kostohryz	Niehaus
Anderson, I.	DeGroat	Hokanson	Kroening	Norton
Arlandson	Dieterich	Jacobs	Kvam	Novak
Beauchamp	Eckstein	Jaros	Laidig	Osthoff
Begich	Eken	Jensen	Lemke	Parish
Berg	Enebo	Johnson, C.	Luther	Patton
Berglin	Esau	Johnson, D.	Mangan	Pehler
Birnstihl	Evans	Jopp	Mann	Peterson
Braun	Ewald	Jude	McCarron	Petraleso
Brinkman	Faricy	Kahn	McCauley	Philbrook
Byrne	Fjoslien	Kaley	McCollar	Pleasant
Carlson, A.	Forsythe	Kalis	McEachern	Prahl
Carlson, L.	Friedrich	Kelly, R.	Menning	Reding
Carlson, R.	Fudro	Kelly, W.	Metzen	Rice
Casserly	Fugina	Kempe, A.	Moe	St. Onge

Samuelson	Sieben, H.	Smogard	Vanasek	White
Schulz	Sieben, M.	Spanish	Vento	Wieser
Schumacher	Sieloff	Stanton	Volk	Wigley
Searle	Simoneau	Swanson	Voss	Williamson
Setzepfandt	Skoglund	Tomlinson	Wenstrom	Zubay
Sherwood	Smith	Ulland	Wenzel	Speaker Sabo

The bill was passed and its title agreed to.

CALL OF THE HOUSE LIFTED

Carlson, A., moved that the call of the House be dispensed with. The motion prevailed and it was so ordered.

S. F. No. 357 was reported to the House.

Beauchamp moved to amend S. F. No. 357, the unofficial engrossment, as follows:

Page 1, line 22, delete "*In electing regents pursuant to this*".

Page 1, delete line 23.

Page 2, delete lines 1 to 3.

The motion prevailed and the amendment was adopted.

S. F. No. 357, A bill for an act relating to the university of Minnesota board of regents; providing for student or recent graduate members; amending Minnesota Statutes 1974, Chapter 137, by adding a section.

The bill was read for the third time, as amended, and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 81, and nays 47, as follows:

Those who voted in the affirmative were:

Abeln	Clawson	Johnson, D.	McCauley	Savelkoul
Adams, L.	Dahl	Jude	McCollar	Schulz
Anderson, I.	Dieterich	Kahn	Metzen	Schumacher
Arlandson	Enebo	Kalis	Moe	Sieben, H.
Beauchamp	Evans	Kelly, R.	Munger	Sieben, M.
Begich	Faricy	Kelly, W.	Neisen	Simoneau
Berglin	Forsythe	Kempe, A.	Nelson	Skoglund
Biersdorf	Fudro	Kempe, E.	Norton	Smogard
Braun	Fugina	Knoll	Novak	Spanish
Byrne	George	Kostohryz	Parish	Stanton
Carlson, A.	Graba	Kroening	Pehler	Suss
Carlson, L.	Hanson	Laidig	Philbrook	Tomlinson
Carlson, R.	Jacobs	Luther	Prahl	Ulland
Casserly	Jaros	Mangan	Reding	Vanasek
Clark	Jensen	McCarron	Rice	Vento

Voss Wenzel White Williamson Speaker Sabo
Wenstrom

Those who voted in the negative were:

Adams, S.	Eken	Jopp	Menning	Setzepfandt
Albrecht	Erickson	Kaley	Nelsen	Sieloff
Anderson, G.	Esau	Ketola	Niehaus	Smith
Berg	Ewald	Knickerbocker	Osthoff	Swanson
Birnstihl	Fjoslien	Kvam	Peterson	Wieser
Brinkman	Friedrich	Langseth	Petrafeso	Wigley
Corbid	Haugerud	Lemke	Pleasant	Zubay
Dean	Heinitz	Lindstrom	St. Onge	
DeGroat	Hokanson	Mann	Samuelson	
Eckstein	Johnson, C.	McEachern	Searle	

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

S. F. No. 1874, A bill for an act relating to mortgages; legalizing certain foreclosure sales heretofore made and the records of the mortgage foreclosure proceedings.

The bill was read for the third time and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 130, and nays 0, as follows:

Those who voted in the affirmative were:

Abeln	Dieterich	Kahn	Moe	Setzepfandt
Adams, L.	Eckstein	Kaley	Munger	Sherwood
Adams, S.	Eken	Kalis	Neisen	Sieben, H.
Albrecht	Enebo	Kelly, R.	Nelsen	Sieben, M.
Anderson, G.	Erickson	Kelly, W.	Nelson	Sieloff
Anderson, I.	Esau	Kempe, A.	Niehaus	Simoneau
Arlandson	Evans	Kempe, R.	Norton	Skoglund
Beauchamp	Ewald	Ketola	Novak	Smith
Begich	Faricy	Knickerbocker	Osthoff	Smogard
Berg	Fjoslien	Knoll	Parish	Spanish
Berglin	Forsythe	Kostohryz	Patton	Stanton
Biersdorf	Friedrich	Kroening	Pehler	Suss
Birnstihl	Fudro	Kvam	Peterson	Swanson
Braun	Fugina	Laidig	Petrafeso	Tomlinson
Brinkman	Graba	Langseth	Philbrook	Ulland
Byrne	Hanson	Lemke	Pleasant	Vanasek
Carlson, A.	Haugerud	Lindstrom	Prahl	Vento
Carlson, L.	Heinitz	Luther	Reding	Voss
Carlson, R.	Hokanson	Mangan	Rice	Wenstrom
Casserly	Jacobs	Mann	St. Onge	Wenzel
Clark	Jaros	McCarron	Samuelson	White
Clawson	Jensen	McCauley	Savelkoul	Wieser
Corbid	Johnson, C.	McCollar	Schreiber	Wigley
Dahl	Johnson, D.	McEachern	Schulz	Williamson
Dean	Jopp	Menning	Schumacher	Zubay
DeGroat	Jude	Metzen	Searle	Speaker Sabo

The bill was passed and its title agreed to.

S. F. No. 2318, A bill for an act relating to highways; providing for the construction and maintenance of acoustical barriers along the perimeter of certain trunk highways; amending Minnesota Statutes, 1975 Supplement, Section 161.125.

The bill was read for the third time and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 77, and nays 50, as follows:

Those who voted in the affirmative were:

Abeln	Eckstein	Ketola	Norton	Simoneau
Adams, L.	Enebo	Knickerbocker	Novak	Skoglund
Anderson, I.	Fjoslien	Knoll	Parish	Smith
Arlandson	Forsythe	Kroening	Patton	Spanish
Beauchamp	Fudro	Lemke	Pehler	Stanton
Berg	Fugina	Mangan	Petrafeso	Tomlinson
Berglin	Graba	Mann	Philbrook	Vento
Birnstihl	Haugerud	McCarron	Pleasant	Voss
Brinkman	Hokanson	McCollar	Prahl	Wenstrom
Byrne	Jacobs	McEachern	Reding	Wenzel
Carlson, L.	Jaros	Metzen	St. Onge	White
Carlson, R.	Jensen	Moe	Schreiber	Williamson
Casserly	Johnson, D.	Munger	Schumacher	Speaker Sabo
Clark	Jude	Neisen	Sherwood	
Clawson	Kahn	Nelsen	Sieben, H.	
Dahl	Kelly, W.	Nelson	Sieben, M.	

Those who voted in the negative were:

Adams, S.	Dieterich	Heinitz	Laidig	Setzepfandt
Albrecht	Eken	Johnson, C.	Langseth	Sieloff
Anderson, G.	Erickson	Jopp	Luther	Smogard
Begich	Esau	Kaley	McCauley	Suss
Biersdorf	Evans	Kalis	Menning	Swanson
Braun	Ewald	Kelly, R.	Niehaus	Ulland
Carlson, A.	Fariy	Kempe, A.	Osthoff	Vanasek
Corbid	Friedrich	Kempe, R.	Peterson	Wieser
Dean	George	Kostohryz	Savelkoul	Wigley
DeGroat	Hanson	Kvam	Searle	Zubay

The bill was passed and its title agreed to.

Tomlinson was excused for the remainder of today's session.

S. F. No. 1296 was reported to the House.

Vento moved to amend S. F. No. 1296, the unofficial engrossment, as follows:

Page 1, line 23, after "a" insert "*Minnesota*" and after "*resident*" delete "*of*" and insert "*employed within*".

Page 3, line 11, delete "*optional group*" and insert "*post termination*".

Page 3, line 12, after "policy" insert "or group subscriber contract".

Page 3, line 15, after "insurance" and before "providing" insert "or an individual subscriber contract" and after "providing" delete "insurance".

Page 3, line 16, before "which" delete "protection" and insert "coverage" and after "is" delete "substantially the same as" and insert "similar to or greater than" and after "the" and before "protection" insert "hospital or medical expense".

Page 3, line 18, after "policy" and before the period insert "or contract".

Page 3, after line 20, insert the following:

"The individual policy shall be guaranteed renewable 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."

The motion prevailed and the amendment was adopted.

Anderson, G., moved to amend S. F. No. 1296, the unofficial engrossment, as amended, as follows:

Page 3, line 10, after "employee" insert "or surviving spouse or dependent".

Page 3, line 13, after "employee's" insert ", spouse's or dependent's".

Page 3, line 17, after "employee" insert ", the spouse".

Page 3, line 19, after "employee" insert ", the spouse or a dependent".

The motion prevailed and the amendment was adopted.

S. F. No. 1296, A bill for an act relating to insurance; making more certain which group insurance policies and subscriber contracts are required to provide insurance coverage to employees after termination of employment; extending the period for certain notices to terminated employees; requiring certain group insurance policies to provide for optional conversion to an individual policy after group coverage terminates; amending Minnesota Statutes 1974, Sections 62A.16; and 62A.17, Subdivisions 2 and 5, and by adding a subdivision.

The bill was read for the third time, as amended, and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 123, and nays 0, as follows:

Those who voted in the affirmative were:

Abeln	DeGroat	Kalis	Neisen	Sieben, H.
Adams, L.	Dieterich	Kelly, R.	Nelsen	Sieben, M.
Adams, S.	Eken	Kelly, W.	Nelson	Sieloff
Albrecht	Enebo	Kempe, A.	Niehaus	Simoneau
Anderson, G.	Erickson	Kempe, R.	Norton	Skoglund
Anderson, I.	Esau	Ketola	Novak	Smith
Arlandson	Evans	Knickerbocker	Parish	Smogard
Beauchamp	Ewald	Knoll	Patton	Spanish
Begich	Fariay	Kostohryz	Pehler	Stanton
Berg	Fjoslien	Kroening	Peterson	Suss
Berglin	Forsythe	Kvam	Petrafeso	Swanson
Biersdorf	Friedrich	Laidig	Philbrook	Ulland
Birnstihl	Fugina	Lemke	Pleasant	Vanasek
Braun	George	Lindstrom	Prahl	Vento
Brinkman	Graba	Luther	Reding	Voss
Byrne	Hanson	Mangan	Rice	Wenstrom
Carlson, A.	Heinitz	Mann	St. Onge	Wenzel
Carlson, L.	Hokanson	McCarron	Samuelson	White
Carlson, R.	Jacobs	McCauley	Savelkoul	Wieser
Casserly	Jaros	McCollar	Schreiber	Wigley
Clark	Johnson, D.	McEachern	Schulz	Williamson
Clawson	Jopp	Menning	Schumacher	Zubay
Corbid	Jude	Metzen	Searle	Speaker Sabo
Dahl	Kahn	Moe	Setzepfandt	
Dean	Kaley	Munger	Sherwood	

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

S. F. No. 1792, A bill for an act relating to the registration of title to real estate; fees of the registrar; providing that certain fees be credited to the assurance fund; eliminating the fees for filing the certified copy of the application for registration; amending Minnesota Statutes 1974, Sections 508.75 and 508.82.

The bill was read for the third time and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 126, and nays 0, as follows:

Those who voted in the affirmative were:

Abeln	Berglin	Clark	Erickson	George
Adams, L.	Biersdorf	Clawson	Esau	Hanson
Adams, S.	Birnstihl	Corbid	Evans	Haugerud
Albrecht	Braun	Dahl	Ewald	Heinitz
Anderson, G.	Brinkman	Dean	Fariay	Hokanson
Anderson, I.	Byrne	DeGroat	Fjoslien	Jacobs
Arlandson	Carlson, A.	Dieterich	Forsythe	Jaros
Beauchamp	Carlson, L.	Eckstein	Friedrich	Jensen
Begich	Carlson, R.	Eken	Fudro	Johnson, D.
Berg	Casserly	Enebo	Fugina	Jopp

Jude	Lindstrom	Norton	Schreiber	Ulland
Kahn	Luther	Novak	Schulz	Vanasek
Kaley	Mangan	Osthoff	Schumacher	Vento
Kalis	Mann	Parish	Searle	Voss
Kelly, R.	McCarron	Patton	Setzepfandt	Wenstrom
Kelly, W.	McCauley	Pehler	Sherwood	Wenzel
Kempe, A.	McCollar	Peterson	Sieben, H.	White
Kempe, R.	McEachern	Petraleso	Sieben, M.	Wieser
Ketola	Menning	Philbrook	Sieloff	Wigley
Knickerbocker	Metzen	Pleasant	Simoneau	Williamson
Knoll	Moe	Prahl	Skoglund	Zubay
Kostohryz	Munger	Reding	Smogard	Speaker Sabo
Kroening	Neisen	Rice	Spanish	
Kvam	Nelsen	St. Onge	Stanton	
Laidig	Nelson	Samuelson	Suss	
Lemke	Niehaus	Savelkoul	Swanson	

The bill was passed and its title agreed to.

S. F. No. 1740, A bill for an act relating to counties; authorizing county boards to establish personnel departments; providing for county personnel administration on an integrated, merit basis.

The bill was read for the third time and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 126, and nays 0, as follows:

Those who voted in the affirmative were:

Abeln	Dieterich	Kaley	Munger	Sieben, H.
Adams, L.	Eckstein	Kalis	Neisen	Sieben, M.
Adams, S.	Eken	Kelly, R.	Nelsen	Sieloff
Albrecht	Enebo	Kelly, W.	Nelson	Simoneau
Anderson, G.	Erickson	Kempe, A.	Niehaus	Skoglund
Anderson, I.	Esau	Kempe, R.	Norton	Smith
Arlandson	Evans	Ketola	Novak	Smogard
Beauchamp	Ewald	Knickerbocker	Osthoff	Spanish
Begich	Faricy	Knoll	Parish	Stanton
Berg	Fjoslien	Kostohryz	Patton	Suss
Berglin	Forsythe	Kroening	Pehler	Swanson
Biersdorf	Friedrich	Kvam	Peterson	Ulland
Birnstihl	Fudro	Laidig	Petraleso	Vanasek
Braun	Fugina	Langseth	Philbrook	Voss
Brinkman	George	Lemke	Pleasant	Wenstrom
Byrne	Hanson	Lindstrom	Prahl	Wenzel
Carlson, A.	Haugerud	Luther	Reding	White
Carlson, L.	Heinitz	Mangan	Rice	Wieser
Carlson, R.	Hokanson	Mann	St. Onge	Wigley
Casserly	Jacobs	McCarron	Savelkoul	Williamson
Clark	Jaros	McCauley	Schreiber	Zubay
Clawson	Jensen	McCollar	Schulz	Speaker Sabo
Corbid	Johnson, D.	McEachern	Schumacher	
Dahl	Jopp	Menning	Searle	
Dean	Jude	Metzen	Setzepfandt	
DeGroat	Kahn	Moe	Sherwood	

The bill was passed and its title agreed to.

S. F. No. 454, A bill for an act relating to intoxicating liquor; licensing of bottle clubs; amending Minnesota Statutes 1974, Section 340.119, Subdivision 3.

The bill was read for the third time and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 122, and nays 1, as follows:

Those who voted in the affirmative were:

Abeln	Eckstein	Kalis	Munger	Sieben, M.
Adams, L.	Eken	Kelly, R.	Neisen	Sieloff
Albrecht	Enebo	Kelly, W.	Nelson	Simoneau
Anderson, G.	Erickson	Kempe, A.	Niehaus	Skoglund
Anderson, I.	Evans	Kempe, R.	Norton	Smith
Arlandson	Ewald	Ketola	Novak	Smogard
Beauchamp	Fariy	Knickerbocker	Osthoff	Spanish
Begich	Fjoslien	Knoll	Parish	Stanton
Berg	Forsythe	Kostohryz	Patton	Suss
Berglin	Friedrich	Kroening	Pehler	Swanson
Biersdorf	Fudro	Kvam	Peterson	Ulland
Birnstihl	Fugina	Laidig	Philbrook	Vanasek
Braun	George	Langseth	Pleasant	Vento
Brinkman	Hanson	Lemke	Prahl	Voss
Byrne	Haugerud	Lindstrom	Reding	Wenstrom
Carlson, A.	Heinitz	Luther	Rice	Wenzel
Carlson, L.	Hokanson	Mangan	St. Onge	White
Carlson, R.	Jacobs	Mann	Samuelson	Wieser
Casserly	Jaros	McCarron	Savelkoul	Wigley
Clark	Jensen	McCauley	Schreiber	Williamson
Clawson	Johnson, D.	McCollar	Schulz	Zubay
Dahl	Jopp	McEachern	Schumacher	Speaker Sabo
Dean	Jude	Menning	Searle	
DeGroat	Kahn	Metzen	Setzepfandt	
Dieterich	Kaley	Moe	Sieben, H.	

Those who voted in the negative were:

Corbid

The bill was passed and its title agreed to.

S. F. No. 1976 was reported to the House.

Luther moved to amend S. F. No. 1976, as amended by the Committee on Governmental Operations and adopted March 17, 1976, which was unofficially engrossed and reprinted for the house, as follows:

Page 1, after line 7, insert:

“Section 1. Minnesota Statutes 1974, Section 176.061, Subdivision 3, is amended to read:

Subd. 3. [ELECTION TO RECEIVE COMPENSATION FROM EMPLOYER; SUBROGATION.] If the employee or his dependents elect to receive compensation from the employer, such employer is subrogated to the right of the employee or his dependents to recover damages against the other party. The employer may bring legal proceedings against such party and recover the aggregate amount of compensation payable by him to the employee or his dependents, together with the costs, disbursements, and reasonable attorney's fees of the action.

If an action as provided in chapter 176 prosecuted by the employee, the employer, or both jointly against the third person, results in judgment against the third person, or settlement by the third person, the employer shall have no liability to reimburse or hold the third person harmless on the judgment or settlement in absence of a written agreement to do so executed prior to the injury."

Renumber the remaining section.

Page 2, after line 12, insert:

"Sec. 3. Minnesota Statutes 1974, Section 176.061, Subdivision 10, is repealed.

Sec. 4. This act is effective on the day following its final enactment."

Further, amend the title as follows:

Page 1, line 3, after "of" insert "liability and".

Page 1, line 6, delete "Subdivision" and insert "Subdivisions 3 and" and after "6" insert "; repealing Minnesota Statutes 1974, Section 176.061, Subdivision 10".

The motion prevailed and the amendment was adopted.

S. F. No. 1976, A bill for an act relating to workmen's compensation; providing for third party liability; amending Minnesota Statutes 1974, Section 176.061, Subdivision 3; repealing Minnesota Statutes 1974, Section 176.061, Subdivision 10.

The bill was read for the third time, as amended, and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 128, and nays 0, as follows:

Those who voted in the affirmative were:

Abeln	Eckstein	Kaley	Munger	Sherwood
Adams, L.	Eken	Kalis	Neisen	Sieben, H.
Adams, S.	Enebo	Kelly, R.	Nelsen	Sieben, M.
Albrecht	Erickson	Kelly, W.	Nelson	Sieloff
Anderson, G.	Esau	Kempe, A.	Niehaus	Simoneau
Anderson, I.	Evans	Kempe, R.	Norton	Skoglund
Arlandson	Ewald	Ketola	Novak	Smith
Beauchamp	Faricy	Knickerbocker	Osthoff	Smogard
Begich	Fjoslien	Knoll	Parish	Spanish
Berg	Forsythe	Kostohrya	Patton	Stanton
Berglin	Friedrich	Kroening	Pehler	Suss
Biersdorf	Fudro	Kvam	Peterson	Swanson
Birnstihl	Fugina	Laidig	Petrafeso	Ulland
Brinkman	George	Langseth	Philbrook	Vanasek
Byrne	Hanson	Lemke	Pleasant	Vento
Carlson, A.	Haugerud	Lindstrom	Prahl	Voss
Carlson, L.	Heinitz	Luther	Reding	Wenstrom
Carlson, R.	Hokanson	Mangan	Rice	Wenzel
Casserly	Jacobs	Mann	St. Onge	White
Clark	Jaros	McCarron	Samuelson	Wieser
Clawson	Jensen	McCauley	Savelkoul	Wigley
Corbid	Johnson, C.	McCollar	Schreiber	Williamson
Dahl	Johnson, D.	McEachern	Schulz	Zubay
Dean	Jopp	Menning	Schumacher	Speaker Sabo
DeGroat	Jude	Metzen	Searle	
Dieterich	Kahn	Moe	Setzepfandt	

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

S. F. No. 1051 was reported to the House.

Haugerud moved to amend S. F. No. 1051, as follows:

Page 1, after line 6, insert:

"Section 1. Minnesota Statutes 1974, Section 481.11, is amended to read:

481.11 [CHANGE OF ATTORNEY.] The attorney in an action or proceeding may be changed at any time (UPON HIS CONSENT, OR, BY ORDER OF THE COURT, UPON THE APPLICATION OF THE CLIENT FOR CAUSE, BUT NO CHANGE CAN BE MADE ON APPLICATION OF THE CLIENT UNLESS THE CHARGES OF THE ATTORNEY BE PAID). When such change is made, written notice of the substitution of a new attorney shall be given to adverse parties; until such notice, they shall recognize the former attorney."

Renumber the remaining section.

Amend the title in line 4, after "Section" insert "481.11; and Section".

POINT OF ORDER

Sieloff raised a point of order pursuant to Rule 3.9 that the Haugerud amendment was out of order. The Speaker ruled the point of order not well taken and the amendment in order.

The question recurred on the Haugerud amendment. The motion prevailed and the amendment was adopted.

S. F. No. 1051, A bill for an act relating to attorneys; providing for investigation of accusations against attorneys; amending Minnesota Statutes 1974, Section 481.15, by adding a subdivision.

The bill was read for the third time, as amended, and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 126, and nays 0, as follows:

Those who voted in the affirmative were:

Abeln	Dieterich	Kahn	Moe	Sieben, H.
Adams, L.	Eckstein	Kaley	Munger	Sieben, M.
Adams, S.	Eken	Kalis	Neisen	Simoneau
Albrecht	Enebo	Kelly, R.	Neisen	Skoglund
Anderson, G.	Erickson	Kelly, W.	Nelson	Smith
Anderson, I.	Esau	Kempe, A.	Niehaus	Smogard
Arlandson	Evans	Kempe, R.	Norton	Spanish
Beauchamp	Ewald	Ketola	Novak	Stanton
Begich	Faricy	Knickerbocker	Osthoff	Suss
Berg	Fjoslien	Knoll	Parish	Swanson
Berglin	Forsythe	Kostohryz	Patton	Ulland
Biersdorf	Friedrich	Kroening	Pehler	Vanasek
Birnstihl	Fudro	Kvam	Peterson	Vento
Braun	Fugina	Laidig	Philbrook	Voss
Brinkman	George	Langseth	Pleasant	Wenstrom
Byrne	Hanson	Lemke	Prahl	Wenzel
Carlson, A.	Hangerud	Lindstrom	Rice	White
Carlson, L.	Heinitz	Luther	St. Onge	Wieser
Carlson, R.	Hokanson	Mangan	Samuelson	Wigley
Casserly	Jacobs	Mann	Savelkoul	Williamson
Clark	Jaros	McCarron	Schreiber	Zubay
Clawson	Jensen	McCauley	Schulz	Speaker Sabo
Corbid	Johnson, C.	McCollar	Schumacher	
Dahl	Johnson, D.	McEachern	Searle	
Dean	Jopp	Menning	Setzpfandt	
DeGroat	Jude	Metzen	Sherwood	

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

S. F. No. 1973, A bill for an act relating to courts; time limitations on actions when party is outside the state; amending Minnesota Statutes 1974, Section 541.13.

The bill was read for the third time and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 127, and nays 0, as follows:

Those who voted in the affirmative were:

Abeln	Eckstein	Kalis	Neisen	Sieben, H.
Adams, L.	Eken	Kelly, R.	Nelsen	Sieben, M.
Adams, S.	Enebo	Kelly, W.	Nelson	Sieloff
Anderson, G.	Erickson	Kempe, A.	Niehaus	Simoneau
Anderson, I.	Esau	Kempe, R.	Norton	Skoglund
Arlandson	Evans	Ketola	Novak	Smith
Beauchamp	Ewald	Knickerbocker	Osthoff	Smogard
Begich	Faricy	Knoll	Parish	Spanish
Berg	Fjoslien	Kostohryz	Patton	Stanton
Berglin	Forsythe	Kroening	Pehler	Suss
Biersdorf	Friedrich	Kvam	Peterson	Swanson
Birnstihl	Fudro	Laidig	Petraleso	Ulland
Braun	Fugina	Langseth	Philbrook	Vanasek
Brinkman	George	Lemke	Pleasant	Vento
Byrne	Hanson	Lindstrom	Prahl	Voss
Carlson, A.	Haugerud	Luther	Reding	Wenstrom
Carlson, L.	Heinitz	Mangan	Rice	Wenzel
Carlson, R.	Hokanson	Mann	St. Onge	White
Casserly	Jacobs	McCarron	Samuelson	Wieser
Clark	Jaros	McCauley	Savelkoul	Wigley
Clawson	Jensen	McCollar	Schreiber	Williamson
Corbid	Johnson, D.	McEachern	Schulz	Zubay
Dahl	Jopp	Menning	Schumacher	Speaker Sabo
Dean	Jude	Metzen	Searle	
DeGroat	Kahn	Moe	Setzepfandt	
Dieterich	Kaley	Munger	Sherwood	

The bill was passed and its title agreed to.

S. F. No. 1039 was reported to the House.

Voss moved to amend S. F. No. 1039, as follows:

Strike everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1974, Chapter 389, is amended by adding a section to read:

[389.08] [APPROVAL OF PLATS AND SURVEYS IN CERTAIN COUNTIES.] *In any county in which there is a county surveyor and the surveyor maintains an office on a full time basis in a building maintained by the county for county purposes, the county board may by ordinance adopted in accordance with section 375.51 require that each subdivision plat or registered land survey plat shall be approved by the county surveyor before recording. The proprietor of the plat shall be charged a fee for the service in accordance with a schedule established by the board of commissioners of the county.”*

Further, amend the title as follows:

Delete lines 2 to 4 and insert “relating to certain counties; providing for the approval of plats and surveys by the county sur-

veyor; providing for a fee; amending Minnesota Statutes 1974, Chapter 389, by adding a section.”.

The motion prevailed and the amendment was adopted.

S. F. No. 1039, A bill for an act relating to plats and surveys in Olmsted county; providing for approval by the county surveyor and providing for a fee.

The bill was read for the third time, as amended, and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 126, and nays 0, as follows:

Those who voted in the affirmative were:

Abeln	Dieterich	Kalis	Neisen	Sieben, M.
Adams, L.	Eckstein	Kelly, R.	Nelsen	Sieloff
Adams, S.	Eken	Kelly, W.	Nelson	Simoneau
Albrecht	Enebo	Kempe, A.	Niehaus	Skoglund
Anderson, G.	Erickson	Kempe, R.	Norton	Smith
Anderson, I.	Esau	Ketola	Novak	Smogard
Arlandson	Evans	Knickerbocker	Osthoff	Spanish
Beauchamp	Ewald	Knoll	Parish	Stanton
Begich	Farcy	Kostohryz	Patton	Suss
Berg	Fjoslien	Kroening	Pehler	Swanson
Berglin	Forsythe	Kvam	Peterson	Ulland
Biersdorf	Friedrich	Laidig	Petrafeso	Vanasek
Birnstihl	Fudro	Langseth	Philbrook	Vento
Braun	Fugina	Lemke	Pleasant	Voss
Brinkman	George	Lindstrom	Prahl	Wenstrom
Byrne	Hanson	Luther	Reding	Wenzel
Carlson, A.	Heinitz	Mangan	Rice	White
Carlson, L.	Hokanson	Mann	Samuelson	Wieser
Carlson, R.	Jacobs	McCarron	Savelkoul	Wigley
Casserly	Jaros	McCauley	Schreiber	Williamson
Clark	Jensen	McCollar	Schulz	Zubay
Clawson	Johnson, D.	McEachern	Schumacher	Speaker Sabo
Corbid	Jopp	Menning	Searle	
Dahl	Jude	Metzen	Setzepfandt	
Dean	Kahn	Moe	Sherwood	
DeGroat	Kaley	Munger	Sieben, H.	

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

There being no objection the order of business reverted to Reports of Standing Committees.

REPORTS OF STANDING COMMITTEES

Norton from the Committee on Appropriations to which was referred:

H. F. No. 2262, A bill for an act relating to education; reading program; appropriating money.

Reported the same back with the following amendments:

Page 1, delete lines 14 to 22.

Page 2, delete lines 1 to 4.

With the recommendation that when so amended the bill do pass.

The report was adopted.

Norton from the Committee on Appropriations to which was referred:

H. F. No. 2547, A bill for an act relating to outdoor recreation; creating the citizen's advisory sportsmen's council on Minnesota's outdoor recreational resources; prescribing its powers and duties; providing for a surcharge on fish and game licenses to fund the council.

Reported the same back with the following amendments:

Page 1, line 17, after "members" insert "who are members in good standing of local, community based sportsmen conservationist organizations in Minnesota".

Page 1, line 24, after "member" insert "in good standing".

Page 2, line 4, before the period add "all of whose terms shall commence on September 1 in the year of appointment".

Page 2, delete lines 9 to 14.

Page 2, line 22, after the period insert "He shall maintain a directory of all sportsmen conservationist organizations in Minnesota."

Page 2, line 32, delete "made available to the council to pay its".

Page 3, delete line 1 and insert "deposited to the game and fish fund. From this fund an appropriation of \$60,000 shall be made for the operations of this council. This appropriation shall be available until June 30, 1977."

Further amend the title.

Line 7, before the period add "; appropriating money".

With the recommendation that when so amended the bill do pass.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 2262 and 2547 were read for the second time.

MESSAGES FROM THE SENATE

The following messages were received from the Senate.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 2678, A bill for an act relating to public improvements; authorizing the acquisition and betterment of public land and buildings and other public improvements of a capital nature; authorizing issuance of state building bonds; appropriating money; amending Minnesota Statutes 1974, Sections 16.16, Subdivision 2; 16A.28; 137.02, Subdivision 3; repealing Laws 1973, Chapter 778, Section 20.

PATRICK E. FLAHAVEN, Secretary of the Senate

Norton moved that the House refuse to concur in the Senate amendments to H. F. No. 2678, that the Speaker appoint a Conference Committee of 5 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two Houses. The motion prevailed.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 2677, A bill for an act relating to public improvements; authorizing alteration, repair, rehabilitation, equipping, and replacement of equipment of public buildings; appropriating money.

PATRICK E. FLAHAVEN, Secretary of the Senate

Norton moved that the House refuse to concur in the Senate amendments to H. F. No. 2677, that the Speaker appoint a Conference Committee of 5 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two Houses. The motion prevailed.

ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to the Conference Committee on H. F. No. 2677:

Norton, Smith, Haugerud, Samuelson and Searle.

The Speaker announced the appointment of the following members of the House to the Conference Committee on H. F. No. 2678:

Norton, Smith, Haugerud, Samuelson and Searle.

GENERAL ORDERS

There being no objection, the bills on General Orders for today were continued on General Orders until Tuesday, March 23, 1976.

MOTIONS AND RESOLUTIONS

Anderson, I., moved that the following bills be unofficially engrossed and printed for the House to include committee amendments.

S. F. Nos. 2078 and 60.

The motion prevailed.

Menning moved that H. F. No. 1057 be recalled from the Senate for further consideration by the House. The motion prevailed.

Savelkoul moved that S. F. No. 2241, be recalled from the Committee on Environment and Natural Resources and be re-referred to the Committee on Appropriations.

The motion prevailed.

Dahl moved that S. F. No. 1956 be recalled from the Committee on Governmental Operations and be re-referred to the Committee on Appropriations.

The motion prevailed.

Savelkoul moved that H. F. No. 2672 be recalled from the Committee on General Legislation and Veterans Affairs and be re-referred to the Committee on Rules and Legislative Administration.

The motion prevailed.

ADJOURNMENT

Anderson, I., moved that when the House adjourns today it adjourn until 11:00 a.m., Tuesday, March 23, 1976. The motion prevailed.

Anderson, I., moved that the House adjourn. The motion prevailed and the Speaker declared the House adjourned until 11:00 a.m., Tuesday, March 23, 1976.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

STATE OF MINNESOTA

SIXTY-NINTH SESSION - 1976

NINETY-SIXTH DAY

SAINT PAUL, MINNESOTA, TUESDAY, MARCH 23, 1976

The House convened at 11:00 a.m. and was called to order by the Speaker.

Prayer was offered by the Chaplain.

The roll was called and the following members were present:

Abeln	Eckstein	Kalis	Nelsen	Sieben, M.
Adams, L.	Eken	Kelly, R.	Nelson	Sieloff
Adams, S.	Enebo	Kelly, W.	Niehaus	Simoneau
Albrecht	Erickson	Kempe, A.	Norton	Skoglund
Anderson, G.	Esau	Kempe, R.	Novak	Smith
Anderson, I.	Evans	Ketola	Osthoff	Smogard
Arlandson	Ewald	Knickerbocker	Parish	Spanish
Beauchamp	Faricy	Knoll	Patton	Stanton
Begich	Fjoslien	Kostohryz	Pehler	Suss
Berg	Forsythe	Kroening	Peterson	Swanson
Berglin	Friedrich	Kvam	Petrafeso	Tomlinson
Biersdorf	Fugina	Laidig	Philbrook	Ulland
Birnstihl	George	Langseth	Pleasant	Vanasek
Braun	Graba	Lemke	Prahl	Vento
Brinkman	Hanson	Lindstrom	Reding	Volk
Byrne	Haugerud	Luther	Rice	Voss
Carlson, A.	Heinitz	Mangan	St. Onge	Wenstrom
Carlson, L.	Hokanson	Mann	Samuelson	Wenzel
Carlson, R.	Jacobs	McCarron	Sarna	White
Casserly	Jaros	McCauley	Savelkoul	Wieser
Clark	Jensen	McCollar	Schreiber	Wigley
Corbid	Johnson, C.	McEachern	Schulz	Williamson
Dahl	Johnson, D.	Menning	Schumacher	Zubay
Dean	Jopp	Metzen	Searle	Speaker Sabo
DeGroat	Jude	Moe	Setzepfandt	
Dieterich	Kahn	Munger	Sherwood	
Doty	Kaley	Neisen	Sieben, H.	

A quorum was present.

Clawson and Fudro were excused until 2:00 p.m.

The Chief Clerk proceeded to read the Journal of the preceding day. On the motion of Vanasek the further reading was diswith and the Journal was approved as corrected.

REPORTS OF CHIEF CLERK

Pursuant to Rules of the House, printed copies of H. F. Nos. 2169, 2593, 2112, 2144, 2262, 2547 and 1984 and S. F. Nos. 485, 1644, 1906, 1928, 2335, 2127, 2241, 2313, 2430, 2452, 2132, 1704, 2039, 2248, 2278, 1791 and 60 have been placed in the members' files.

S. F. No. 2278 and H. F. No. 2364, which had been referred to the Chief Clerk for comparison, were examined and found to be identical, except that H. F. No. 2364, page 3, line 31 reads:

"Sections 123.931 to 123.936 5,500,000".

Whereas, S. F. No. 2278, page 3, line 31 reads:

"Sections 123.931 to 123.936 5,000,000".

SUSPENSION OF RULES

Voss moved that the rules be so far suspended that S. F. No. 2278 be substituted for H. F. No. 2364 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1928 and H. F. No. 2280, which had been referred to the Chief Clerk for comparison, were examined and found to be identical, except that S. F. No. 1928, page 1, line 16 has a comma following "1976"; whereas, H. F. No. 2280 page 1, line 16 does not contain this comma following "1976".

SUSPENSION OF RULES

Kostohryz moved that the rules be so far suspended that S. F. No. 1928 be substituted for H. F. No. 2280 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1906 and H. F. No. 2339, which had been referred to the Chief Clerk for comparison, were examined and found to be identical, except S. F. No. 1906, page 4, lines 24 and 25 reads in part "(TEACHER STANDARDS AND CERTIFICATION COMMISSION) *teaching, the commissioner*" whereas H. F. No. 2339, page 4, lines 25 and 26, reads in part "teacher standards and certification (COMMISSION), *the commissioner*".

S. F. No. 1906, page 6, line 17, contains "*teaching.*" whereas H. F. No. 2339, page 6, line 18, contains "*teacher standards and certification.*".

S. F. No. 1906, page 14, lines 3 and 4 contains the language "*and shall not exceed an average attendance requirement of 50 clock hours per year*" whereas H. F. No. 2339, page 14, line 5 does not.

S. F. No. 1906, page 14, lines 7 and 8 contains the language "The 50 clock hour limitation shall not apply to the board of teaching." whereas H. F. No. 2339, page 14, line 7, does not.

H. F. No. 2339, page 17, lines 14 and 15, reads:

"Sec. 12. Minnesota Statutes 1974, Section 125.05, Subdivision 1, is amended to read:".

Whereas S. F. No. 1906, page 17, lines 15 and 16 reads:

"Sec. 12. Minnesota Statutes 1974, Section 125.05, is amended to read:".

H. F. No. 2339, page 17, line 32 and page 18, line 1 reads:

"Sec. 13. Minnesota Statutes 1974, Section 125.05, Subdivision 2, is amended to read:".

Whereas S. F. No. 1906, page 17, after line 32, does not contain this language.

S. F. No. 1906, page 18, lines 12 to 15 contains the language:

"Subd. 3. [EFFECTIVE DATE.] This act is effective July 1, 1969. Nothing contained herein shall be construed as affecting the validity of a permanent certificate issued prior to July 1, 1969."

Whereas H. F. No. 2339, page 18, after line 12 does not.

S. F. No. 1906, page 24, line 1, reads in part "board of teaching shall" whereas H. F. No. 2339, page 23, line 30 reads in part "board shall".

H. F. No. 2339, page 24, line 5, contains "board" whereas S. F. No. 1906, page 24, line 9, contains "board of teaching".

H. F. No. 2339, page 24, line 14, contains "of this act" whereas S. F. No. 1906, page 24, line 17 does not.

S. F. No. 1906, page 24, lines 22 and 26, contain "of teaching" whereas H. F. No. 2339, page 24, lines 19 and 23 does not.

H. F. No. 2339, page 25, lines 12 to 17 reads:

"Subd. 7. Any person who shall in any manner represent himself as a certificated teacher without a valid existing certificate issued to him by the (COMMISSION) standards board or any person who employs fraud or deception in applying for or securing a certificate shall be guilty of a gross misdemeanor."

Whereas S. F. No. 1906, page 25, lines 16 to 21 reads:

"Subd. 7. Any person who shall in any manner represent himself as a (CERTIFICATED) *licensed* teacher without a valid existing (CERTIFICATE) *license* issued to him by the (COMMISSION) *board* or any person who employs fraud or deception in applying for or securing a (CERTIFICATE) *license* shall be guilty of a gross misdemeanor."

H. F. No. 2339, page 25, line 23, contains "*standards board*" whereas S. F. No. 1906, page 25, line 27, contains "*board*".

S. F. No. 1906, page 28, line 31 to page 29, line 1, contains "*A member may serve more than one term but shall not serve more than two terms consecutively.*". Whereas H. F. No. 2339, page 28, line 27, does not contain this language.

S. F. No. 1906, page 32, lines 21 to 23 reads:

"REVOCATION OF LICENSE.] Subdivision 1. The board (MAY) *shall censure, shall refuse to grant a license to, shall order re-examination, or (MAY) shall suspend, revoke, condition.*"

Whereas H. F. No. 2339, page 32, lines 16 and 17 reads:

"REVOCATION OF LICENSE.] Subdivision 1: The board may refuse to grant a license to, or may suspend, revoke, condition."

S. F. No. 1906, page 32, line 32, contains "(AND REGULATIONS)" whereas H. F. No. 2339, page 32, line 26, contains "and regulations".

S. F. No. 1906, page 33, lines 8 to 11 reads:

"(c) a person who (IS) *at any time during the previous five years was convicted of a felony (IN THE COURTS OF THIS STATE OR ANY OTHER STATE, TERRITORY OR COUNTRY) reasonably related to his practice of medicine or osteopathy.*"

Whereas H. F. No. 2339, page 33, lines 2 and 3 reads:

"(c) a person who is convicted of a felony in the courts of this state or any other state, territory or country."

S. F. No. 1906, page 34, lines 26 to 30 read:

"(i) a person who violates a statute or (LAW) *rule* of this state or of any other state or of the United States, WITHOUT REGARD TO ITS DESIGNATION AS EITHER FELONY OR

MISDEMEANOR,) which (STATUTE OR LAW) relates to the practice of medicine or in part regulates the practice of medicine.”.

Whereas, H. F. No. 2339, page 34, lines 18 to 22 read:

“(i) a person who violates a statute or law of this state or of any other state or of the United States, without regard to its designation as either felony or misdemeanor, which statute or law relates to the practice of medicine or in part regulates the practice of medicine.”.

S. F. No. 1906, page 35, line 7, the words “immoral or” are stricken; whereas those words are not stricken in H. F. No. 2339.

S. F. No. 1906, page 35, line 12, everything after “established” is stricken; and lines 13 to 15 are also stricken; and “state” is stricken in line 16; whereas none of this is stricken in H. F. No. 2339.

S. F. No. 1906, page 35, line 17 to page 36, line 31, reads:

“(1) a person who is unable to practice medicine with reasonable skill and safety to patients by reason of illness, professional incompetence, senility, drunkenness, use of drugs, narcotics, chemicals or any other type of material or as a result of any mental or physical condition. (IN ENFORCING THIS CLAUSE THE BOARD SHALL, UPON PROBABLE CAUSE, HAVE AUTHORITY TO COMPEL A PHYSICIAN TO SUBMIT TO A MENTAL OR PHYSICAL EXAMINATION.) *If the board has probable cause to believe that a physician comes within this clause, it shall direct the physician to submit to a mental or physical examination. For the purpose of this clause, every physician licensed under chapter 147 shall be deemed to have given his consent to submit to a mental or physical examination when directed in writing by the board and further to have waived all objections to the admissibility of the examining physicians' testimony or examination reports on the ground that the same constitute a privileged communication.* Failure of a physician to submit to such examination when directed shall constitute an admission of the allegations against him, unless the failure was due to circumstances beyond his control, (CONSEQUENT UPON) *in which case a default and final order may be entered without the taking of testimony or presentation of evidence. A physician affected under this clause shall at reasonable intervals be afforded an opportunity to demonstrate that he can resume the competent practice of medicine with reasonable skill and safety to patients.*

(FOR THE PURPOSE OF THIS CLAUSE, EVERY PHYSICIAN LICENSED UNDER CHAPTER 147 WHO SHALL ACCEPT THE PRIVILEGE TO PRACTICE MEDICINE IN THIS

STATE AND BE SO PRACTICING SHALL BE DEEMED TO HAVE GIVEN HIS CONSENT TO SUBMIT TO A MENTAL OR PHYSICAL EXAMINATION WHEN DIRECTED IN WRITING BY THE BOARD AND FURTHER TO HAVE WAIVED ALL OBJECTIONS TO THE ADMISSIBILITY OF THE EXAMINING PHYSICIANS' TESTIMONY OR EXAMINATION REPORTS ON THE GROUND THAT THE SAME CONSTITUTE A PRIVILEGED COMMUNICATION.)

In any proceeding under this clause, neither the record of proceedings nor the orders entered by the board shall be used against a physician in any other proceeding.

(m) a person who willfully betrays a professional secret.

((N) A PERSON WHO IS CONVICTED OF AN OFFENSE INVOLVING MORAL TURPITUDE.)

((O)) (n) a doctor of osteopathy who fails to identify his school of healing in the professional use of his name by one of the following terms: osteopathic physican and surgeon, doctor of osteopathy, or D.O.”.

Whereas, H. F. No. 2339, page 35, line 9 to page 36, line 13 reads:

“(1) a person who is unable to practice medicine with reasonable skill and safety to patients by reason of illness, professional incompetence, senility, drunkenness, use of drugs, narcotics, chemicals or any other type of material or as a result of any mental or physical condition. In enforcing this clause the board shall, upon probable cause, have authority to compel a physician to submit to a mental or physical examination. Failure of a physician to submit to such examination when directed shall constitute an admission of the allegations against him, unless the failure was due to circumstances beyond his control, consequent upon which a default and final order may be entered without the taking of testimony or presentation of evidence. A physician affected under this clause shall at reasonable intervals be afforded an opportunity to demonstrate that he can resume the competent practice of medicine with reasonable skill and safety to patients.

For the purpose of this clause, every physician licensed under chapter 147 who shall accept the privilege to practice medicine in this state and be so practicing shall be deemed to have given his consent to submit to a mental or physical examination when directed in writing by the board and further to have waived all objections to the admissibility of the examining physicians' testimony or examination reports on the ground that the same constitute a privileged communication.

In any proceeding under this clause, neither the record of proceedings nor the orders entered by the board shall be used against a physician in any other proceeding.

(m) a person who willfully betrays a professional secret.

(n) a person who is convicted of an offense involving moral turpitude.

(o) a doctor of osteopathy who fails to identify his school of healing in the professional use of his name by one of the following terms; osteopathic physician and surgeon, doctor of osteopathy, or D.O.”.

S. F. No. 1906, page 44, line 1, “In case a” is stricken whereas H. F. No. 2339, page 43, line 15 it is not stricken.

S. F. No. 1906, page 44, lines 2 to 9 are stricken whereas H. F. No. 2339, page 43, lines 16 to 23 are not stricken.

S. F. No. 1906, page 44, line 27 contains “(;)” whereas H. F. No. 2339, page 44, line 9, contains “;”.

S. F. No. 1906, page 44, line 28, contains “(;)” whereas H. F. No. 2339, page 44, line 10, contains “;”.

S. F. No. 1906, page 44, line 29, contains “(;), and” whereas H. F. No. 2339, page 44, line 11, contains “;”.

S. F. No. 1906, page 45, lines 4 and 5, contains “*during the five years immediately preceding appointment*” whereas H. F. No. 2339, page 44, line 18, does not contain this language.

S. F. No. 1906, page 61, line 2, contains “(STATE)” whereas H. F. No. 2339, page 59, line 32, contains “state”.

S. F. No. 1906, page 61, lines 3 and 4 are stricken, whereas H. F. No. 2339, page 60, lines 1 and 2 are not.

S. F. No. 1906, page 61, line 5, the language “members are terminated and a new state” is stricken, whereas in H. F. No. 2339, page 60, line 3 it is not.

S. F. No. 1906, page 61, line 19, contains “(THE INITIAL)” whereas H. F. No. 2339, page 60, line 17, contains “The initial”.

H. F. No. 2339, page 60, lines 18 to 21 are not stricken, whereas in S. F. No. 1906, page 61, lines 20 to 23 are stricken.

S. F. No. 1906, page 66, line 25 the language “The board may” is stricken, whereas in H. F. No. 2339, page 66, line 6 it is not.

S. F. No. 1906, page 66, lines 26 to 28 are stricken, whereas in H. F. No. 2339, page 66, lines 7 to 9 the language is not stricken.

S. F. No. 1906, page 66, line 29, the language "consultation with the department of personnel." is stricken, whereas in H. F. No. 2339, page 66, line 10, it is not stricken.

S. F. No. 1906, page 69, line 12, reads "(REGISTRATION) *certificates of license renewal* may be issued" whereas H. F. No. 2339, page 68, line 25 reads in part "registration certificates may be issued".

S. F. No. 1906, page 80, line 20, the comma after "may" is stricken, whereas in H. F. No. 2339, page 80, line 1, it is not.

S. F. No. 1906, page 96, lines 6 and 7 reads in part "a (VETERINARY EXAMINING) board of *veterinary medicine* which" whereas H. F. No. 2339, page 95, lines 19 and 20 reads in part "a veterinary examining board which".

H. F. No. 2339, page 110, line 30, contains "(5) 3" whereas S. F. No. 1906, page 111, line 17, contains "5".

H. F. No. 2339, page 111, line 6 to page 112, line 4 is stricken whereas S. F. No. 1906, page 111, line 24 to page 112, line 24 is not.

S. F. No. 1906, page 124, line 15, contains "*examination and experience*" whereas H. F. No. 2339, page 123, line 27, contains "*initial*".

S. F. No. 1906, page 124, line 22, the language "or registered" is stricken, whereas in H. F. No. 2339, page 124, line 1, it is not.

S. F. No. 1906, page 129, line 2, reads: "public accountant (CERTIFICATE) *license issued by the board*."

Whereas, H. F. No. 2339, page 128, line 14 reads: "public accountant certificate issued by the board, if he is".

S. F. No. 1906, page 130, line 4, contains "UNLICENSED" whereas H. F. No. 2339, page 129, line 16, contains "UNREGISTERED".

H. F. No. 2339, page 129, line 32, contains "*and license*" whereas S. F. No. 1906, page 130, line 20 does not.

H. F. No. 2339, page 130, line 3, contains "*and license*" whereas S. F. No. 1906, page 130, line 23 does not.

H. F. No. 2339, page 132, line 2, the language "certificate or" is stricken, whereas in S. F. No. 1906, page 132, line 22 it is not.

H. F. No. 2339, page 133, all of line 21, except "Subd. 3." is stricken and lines 22 to 29 are stricken whereas S. F. No. 1906, page 134, lines 9 to 18 are not stricken.

S. F. No. 1906, page 150, lines 8 and 9 reads in part "created (AN ABSTRACTERS) the board of (EXAMINERS) abstracters whose" whereas H. F. No. 2339, page 149, lines 19 and 20 reads in part "created an abstracters board of examiners whose".

S. F. No. 1906, page 150, lines 20 and 21 reads in part "members as defined (FOR PURPOSES OF LAWS 1973, CHAPTER 638) in section 214.02." whereas H. F. No. 2339, page 149, lines 30 and 31 reads in part "members as defined for purposes of Laws 1973, Chapter 638."

S. F. No. 1906, page 153, line 22 contains "REGISTERED" whereas H. F. No. 2339, page 153, line 1, contains "LICENSED".

S. F. No. 1906, page 158, lines 15 to 18 contains "A state employee who serves on a board as a representative of a specific state department or agency shall not receive the \$35 per day." whereas H. F. No. 2339, page 157, line 26 does not contain this language.

S. F. No. 1906, page 158, lines 19 and 20 contains "To the extent possible in order to be consistent with section 9, the present members of the allied health manpower credentialing committee shall be the initial members of the human services occupations advisory council." whereas H. F. No. 2339, page 157, line 27 does not contain this language.

S. F. No. 1906, page 158, line 26, contains "members" whereas H. F. No. 2339, page 157, line 30, contains "a member".

S. F. No. 1906, page 158, line 28, contains "fill" whereas H. F. No. 2339, page 157, line 32, contains "file".

S. F. No. 1906, page 159, line 30 to page 160, line 1 contains "The report shall comment upon the effectiveness of the staffing pilot program provided in subdivision 3 and shall recommend whether the program should be expanded or discontinued." whereas H. F. No. 2339, page 159, line 2 does not contain this language.

S. F. No. 1906, page 160, lines 2 to 11 contains the language:

"Subd. 3. Notwithstanding the provisions of section 2, subdivision 3, the commissioner of health and the chairman of the com-

merce commission shall each appoint, with the approval of the affected licensing boards, one unclassified employee of their respective departments who shall each serve as the executive secretary for two or more of the boards not listed in section 2, subdivision 3 and which are serviced by the respective departments. This staffing pilot program shall terminate July 1, 1978, unless extended by the legislature." whereas H. F. No. 2339, page 159, after line 2 does not contain this language.

S. F. No. 1906, page 160, line 22, contains "145.865, Subdivision 3;" whereas H. F. No. 2339, page 159, line 12 does not contain this language.

S. F. No. 1906, page 160, line 29, contains "326.334, Subdivision 3;" whereas H. F. No. 2339, page 159, line 18 does not contain this language.

S. F. No. 1906, page 160, line 31, contains "Subdivision 1" whereas H. F. No. 2339, page 159, line 20, contains "Subdivision 2".

H. F. 2339, page 159, lines 24 and 25, contains "326.242, Subdivision 8; 326.334, Subdivision 3;" whereas S. F. No. 1906, page 161, line 2 does not contain this language.

In the title S. F. No. 1906, page 1, line 9 contains a comma after "education" whereas H. F. No. 2339, page 1, line 9 does not.

H. F. No. 2339, page 1, line 18, contains "appropriating money;" whereas S. F. No. 1906, page 1, line 18 does not contain this language.

S. F. No. 1906, page 1, line 19 contains "125.05;" whereas H. F. No. 2339, page 1, lines 19 and 20, contains "125.05, Subdivisions 1 and 2;"

S. F. No. 1906, page 2, line 38 contains "145.865, Subdivision 3;" whereas H. F. No. 2339, page 2, line 39 does not contain this language.

S. F. No. 1906, page 2, line 46, contains "326.334, Subdivision 3;" whereas H. F. No. 2339, page 2, line 46 does not contain this language.

S. F. No. 1906, page 2, line 49, contains "Subdivision 1" whereas H. F. No. 2339, page 2, line 49, contains "Subdivision 2".

H. F. No. 2339, page 2, lines 53 and 54 contains "326.242, Subdivision 8; 326.334, Subdivision 3;" whereas S. F. No. 1906, page 2, line 53 does not contain this language.

SUSPENSION OF RULES

Reding moved that the rules be so far suspended that S. F. No. 1906 be substituted for H. F. No. 2339 and that the House File be indefinitely postponed. The motion prevailed.

PETITIONS AND COMMUNICATIONS

The following communication was received:

STATE OF MINNESOTA
OFFICE OF THE SECRETARY OF STATE
ST. PAUL 55155

The Honorable Martin O. Sabo
Speaker of the House of Representatives
The Honorable Alec G. Olson
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1976 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:

<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Date Approved 1976</i>	<i>Date Filed 1976</i>
	59	47	March 19	March 19
	1904	48	March 19	March 19
	1999	49	March 19	March 19
	2011	50	March 19	March 19
	2105	51	March 19	March 19
53		52	March 19	March 19
995		53	March 19	March 19
1252		54	March 19	March 19
1493		55	March 19	March 19
1590		56	March 19	March 19
1794		57	March 19	March 19

JOURNAL OF THE HOUSE				[96th Day
S.F. No.	H.F. No.	Session Laws Chapter No.	Date Approved 1976	Date Filed 1976
1852		58	March 19	March 19
1901		59	March 19	March 19
1924		60	March 19	March 19
1975		61	March 19	March 19
2070		62	March 19	March 19
2076		63	March 19	March 19
2168		64	March 19	March 19
2237		65	March 19	March 19
1135		66	March 19	March 19

Sincerely,

JOAN ANDERSON GROWE
Secretary of State

SECOND READING OF SENATE BILLS

S. F. Nos. 2278, 1928 and 1906 were read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Carlson, L.; Corbid; Adams, L.; Sieben, M.; and Swanson introduced:

H. F. No. 2690, A bill for an act relating to insurance; regulating cancellation, renewal, and reduction of coverage of residential insurance; amending Minnesota Statutes 1974, Sections 65A.01, Subdivision 3; and 65A.07.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Heinitz introduced:

H. F. No. 2691, A bill for an act relating to health; specifying requirements for implementing the Minnesota clean indoor air act; amending Minnesota Statutes, 1975 Supplement, Sections 144.413, Subdivision 2, and by adding subdivisions; 144.414; and 144.416.

The bill was read for the first time and referred to the Committee on Health and Welfare.

Clark and Enebo introduced:

H. F. No. 2692, 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 general obligation and revenue bonds necessary to finance the program.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Schreiber; Sieben, M.; Savelkoul; Jacobs and Eken introduced:

H. F. No. 2693, A bill for an act relating to taxation; setting requirements for the establishment of agricultural use zones; providing for special zoning and assessment procedures for land within such zones; amending Minnesota Statutes 1974, Section 273.111, Subdivisions 2, 3, 4, 5, 6, 8, 9, and 11, and by adding subdivisions, and Chapter 116D, by adding a section.

The bill was read for the first time and referred to the Committee on Taxes.

Johnson, D.; Anderson, I.; Fugina; Begich and Prael introduced:

H. F. No. 2694, 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.

The bill was read for the first time and referred to the Committee on Taxes.

PROGRESS REPORTS ON CONFERENCE COMMITTEES

Pursuant to Joint Rule 13, Casserly reported on the progress of H. F. No. 1530, now in Conference Committee.

Pursuant to Joint Rule 13, Voss reported on the progress of S. F. No. 250, now in Conference Committee.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned:

H. F. No. 1870, A bill for an act relating to public employees; administrative expenses of salary deductions for annuity contracts; appropriating funds; repealing Laws 1975, Chapter 433, Section 12.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee, consisting of 3 members of the Senate, on the amendments adopted by the Senate to the following House File:

H. F. No. 1382, A bill for an act relating to transportation; authorizing the commissioner of administration to acquire vehicles for the car pooling of state employees; removing, restricting or clarifying certain laws which discourage use of shared ride commuter vans to transport employees to and from work; providing certain incentives; appropriating money; amending Minnesota Statutes 1974, Chapter 221, by adding a section; and Sections 16.85, Subdivision 1; and 65B.47, Subdivisions 1 and 2; and Minnesota Statutes, 1975 Supplement, Sections 65B.43, Subdivision 12; 221.011, Subdivision 22; repealing Minnesota Statutes 1974, Section 16.755.

The Senate has appointed as such committee Messrs. North, Kirchner and Gearty.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee, consisting of 3 members of the Senate, on the amendments adopted by the Senate to the following House File:

H. F. No. 1615, A bill for an act relating to public health; providing for care, medical treatment, and legal rights of live births resulting from abortions.

The Senate has appointed as such committee Messrs. Gearty, Olhoff and Brown.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendments to:

S. F. No. 1499, A bill for an act relating to the conduct of public officials and campaigns for public office; defining "lobbying"; redefining "lobbyist" and certain other terms; providing for the filing of certain reports and statements; providing penalties; amending Minnesota Statutes 1974, Sections 10A.01, Subdivisions 2, 5, 7, 10 and 11, and by adding a subdivision; 10A.02, Subdivisions 1, 5, 8 and 11; 10A.04, Subdivision 4; 10A.07, Subdivision 1; 10A.09, Subdivision 5; 10A.11, Subdivision 6; 10A.14, Subdivision 2; 10A.19, Subdivision 1; 10A.20, Subdivisions 1, 2, and 3, and by adding a subdivision; 10A.21, Subdivision 1; 10A.22, Subdivision 5; 10A.23; 10A.25, Subdivisions 3, 6 and 7; 10A.27, Subdivision 3; repealing Minnesota Statutes 1974, Sections 10A.01, Subdivision 14; 10A.14, Subdivision 3; 10A.20, Subdivision 4; 10A.22, Subdivisions 2 and 8.

And the Senate respectfully requests that a Conference Committee of 3 members be appointed thereon. Messrs. Keefe, S.; Brown and Stumpf have been appointed as such committee on the part of the Senate.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

PATRICK E. FLAHAVEN, Secretary of the Senate

Vento moved that the House accede to the request of the Senate for the appointment of a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two Houses on S. F. No. 1499. The motion prevailed.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 2155, A bill for an act relating to retirement; proportionate annuities for members of various funds; amending

Minnesota Statutes, 1975 Supplement, Section 356.32, Subdivision 2.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Knoll moved that the House concur in the Senate amendments to H. F. No. 2155 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 2155, A bill for an act relating to retirement; proportionate annuities for members of various funds; classification and allowance of Minneapolis city employees; amending Minnesota Statutes 1974, Section 422A.09, Subdivision 3; 422A.13, Subdivision 2; and Minnesota Statutes, 1975 Supplement, Section 356.32, Subdivision 2.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question being taken on the repassage of the bill and the roll being called, there were yeas 126, and nays 0, as follows:

Those who voted in the affirmative were:

Abeln	Doty	Kelly, R.	Nelsen	Sieben, M.
Adams, L.	Eckstein	Kelly, W.	Nelson	Sieloff
Adams, S.	Eken	Kempe, A.	Niehaus	Simoneau
Albrecht	Enebo	Kempe, R.	Novak	Skoglund
Anderson, G.	Erickson	Ketola	Osthoff	Smith
Anderson, I.	Esau	Knickerbocker	Parish	Smogard
Arlandson	Evans	Knoll	Patton	Stanton
Beauchamp	Ewald	Kostohryz	Pehler	Suss
Begich	Faricy	Kroening	Peterson	Tomlinson
Berg	Fjoslien	Kvam	Petraleso	Ulland
Berglin	Forsythe	Laidig	Philbrook	Vanasek
Biersdorf	Friedrich	Langseth	Pleasant	Vento
Birnsthil	Fugina	Lemke	Prahl	Volk
Braun	George	Lindstrom	Reding	Voss
Brinkman	Hanson	Luther	Rice	Wenstrom
Byrne	Haugerud	Mangan	St. Onge	Wenzel
Carlson, A.	Heinitz	Mann	Samuelson	White
Carlson, L.	Hokanson	McCarron	Sarna	Wieser
Carlson, R.	Jacobs	McCauley	Savelkoul	Wigley
Casserly	Jaros	McCollar	Schreiber	Williamson
Clark	Jensen	McEachern	Schulz	Zubay
Corbid	Johnson, D.	Menning	Schumacher	Speaker Sabo
Dahl	Jude	Metzen	Searle	
Dean	Kahn	Moe	Setzepfandt	
DeGroat	Kaley	Munger	Sherwood	
Dieterich	Kalis	Neisen	Sieben, H.	

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate File, herewith transmitted:

S. F. No. 2581.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate File, herewith transmitted:

S. F. No. 1999.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 2581, A bill for an act relating to the organization and operation of state government; appropriating and reappropriating money for the general administrative expenses of state government and limiting the use thereof; providing for payment of claims against the state; abolishing the state claims commission; amending Minnesota Statutes 1974, Sections 3.732, Subdivisions 1, 2, and 5; 3.751, Subdivision 1; 176.011, Subdivision 9; 192.38; 238.04, by adding a subdivision; 345.48, Subdivision 2; and Chapter 3, by adding a section; Minnesota Statutes, 1975 Supplement, Section 4.19; repealing Minnesota Statutes 1974, Sections 3.66 to 3.7311; 3.735; 3.752; 3.753; 3.76 to 3.83; and 15.315.

The bill was read for the first time.

Norton moved that S. F. No. 2581 and H. F. No. 2676, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1999, A bill for an act relating to elections; preparation of ballots; changing rotation of names; imposing duties on the county auditor; repealing special provisions for voting in presidential elections; providing for eligible voters residing outside the United States to vote; amending Minnesota Statutes 1974, Section 208.04; and Chapter 207, by adding a section; Minnesota Statutes, 1975 Supplement, Sections 203A.31, by adding a subdivision; 203A.33, Subdivision 4; repealing Minnesota Statutes 1974, Sections 208.21 to 208.35.

The bill was read for the first time.

Osthoff moved that S. F. No. 1999 and H. F. No. 2002, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

REPORT FROM THE COMMITTEE ON RULES AND
LEGISLATIVE ADMINISTRATION

Pursuant to Rule 1.9, Anderson, I., for the Committee on Rules and Legislative Administration, designated the following bills as a Special Order for Tuesday, March 23, 1976 to be acted upon immediately following First Readings of Senate Files.

S. F. Nos. 2147, 1575, 1156, 1873, 2108, 161, 2232, 864, 2208, 1764, 360, 354 and 551.

CONFERENCE COMMITTEE REPORT ON H. F. NO. 1519

The Conference Committee Report on H. F. No. 1519 was reported to the House. There being no objection the Conference Committee Report was laid over.

CONSIDERATION UNDER RULE 1.10

Pursuant to Rule 1.10, Kelly, W., requested immediate consideration of S. F. No. 2078.

S. F. No. 2078 was reported to the House.

Berg moved to amend S. F. No. 2078, the unofficial engrossment, as follows:

Page 5, after line 7, insert a new section:

"Sec. 5. Minnesota Statutes 1974, Section 473F.07, Subdivision 2, is amended to read:

Subd. 2. The commissioner of (FINANCE) *revenue* shall certify to the administrative auditor, on or before November 20 of 1972 and each subsequent year, the population of each municipality for the preceding year, the proportion of that population which resides within the area, the average fiscal capacity of municipalities for the preceding year, and the fiscal capacity of each municipality for the preceding year."

Page 6, line 25, reinstate stricken "(ADMINISTRATIVE AUDITOR)" and delete new language.

Page 6, line 26, delete new language.

Page 10, delete lines 20 to 26 and insert a new section:

"Sec. 13. *Minnesota Statutes 1974, Section 473F.08, Subdivision 9, is repealed.*"

Renumber sections in sequence.

Further amend the title as follows:

Delete line 3.

Line 4, delete "perform administrative functions;"

Line 8, after "473F.06;" insert "473F.07, Subdivision 2;"

Line 11, delete "Sections 473F.02,"

Delete line 12.

Line 13, delete "and" and insert "Section".

The motion prevailed and the amendment was adopted.

S. F. No. 2078, A bill for an act relating to metropolitan revenue distribution; changing the method of computing the taxable valuation of certain governmental units; amending Minnesota Statutes 1974, Section 473F.08, Subdivision 2.

The bill was read for the third time, as amended, and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 132, and nays 0, as follows:

Those who voted in the affirmative were:

Abel	DeGroat	Johnson, C.	McCarron	Rice
Adams, L.	Dieterich	Johnson, D.	McCauley	St. Onge
Adams, S.	Doty	Jopp	McCollar	Samuelson
Albrecht	Eckstein	Jude	McEachern	Sarna
Anderson, G.	Eken	Kahn	Menning	Saveikoul
Anderson, I.	Enebo	Kaley	Metzen	Schreiber
Arlandson	Erickson	Kalis	Moe	Schulz
Beauchamp	Esau	Kelly, R.	Munger	Schumacher
Begich	Evans	Kelly, W.	Neisen	Searle
Berg	Ewald	Kempe, A.	Nelsen	Setzpfandt
Berglin	Faricy	Kempe, R.	Nelson	Sherwood
Biersdorf	Fjoslien	Ketola	Niehaus	Sieben, H.
Birnstihl	Forsythe	Knickerbocker	Norton	Sieben, M.
Braun	Friedrich	Knoll	Novak	Sieloff
Brinkman	Fugina	Kostohryz	Osthoff	Simoneau
Byrne	George	Kroening	Parish	Skoglund
Carlson, A.	Graba	Kvam	Patton	Smith
Carlson, L.	Hanson	Laidig	Pehler	Smogard
Carlson, R.	Haugerud	Langseth	Peterson	Spanish
Cassery	Heinitz	Lemke	Petrateso	Stanton
Clark	Hokanson	Lindstrom	Philbrook	Suss
Corbid	Jacobs	Luther	Pleasant	Swanson
Dahl	Jaros	Mangan	Prahl	Tomlinson
Dean	Jensen	Mann	Reding	Ulland

Vanasek
Vento
Volk

Voss
Wenstrom
Wenzel

White
Wieser
Wigley

Williamson
Zubay

Speaker Sabo

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

Pursuant to Rule 1.10, Norton requested immediate consideration of S. F. No. 1097.

S. F. No. 1097 was reported to the House.

Corbid moved to amend S. F. No. 1097, the unofficial engrossment, as follows:

Page 4, line 8, after the period, insert "No more than 55 percent of the appropriation shall be expended for any pilot program established in section 1 of this act."

The motion prevailed and the amendment was adopted.

S. F. No. 1097, A bill for an act relating to health; providing for pilot programs for dental care for senior citizens; establishing means of administration; subsidizing premiums to cover cost of services; appropriating money.

The bill was read for the third time, as amended, and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 126, and nays 0, as follows:

Those who voted in the affirmative were:

Abeln	Eckstein	Kelly, R.	Nelsen	Sieben, M.
Adams, L.	Eken	Kelly, W.	Nelson	Sieloff
Albrecht	Enebo	Kempe, A.	Niehaus	Simoneau
Anderson, G.	Erickson	Kempe, R.	Norton	Skoglund
Anderson, I.	Esau	Ketola	Novak	Smith
Arlandson	Evans	Knickerbocker	Osthoff	Smogard
Beauchamp	Ewald	Knoll	Parish	Spanish
Begich	Faricy	Kostohryz	Patton	Stanton
Berg	Fjoslien	Kroening	Fehler	Suss
Berglin	Forsythe	Kvam	Petraleso	Swanson
Biersdorf	Fugina	Laidig	Philbrook	Tomlinson
Birnstihl	George	Langseth	Pleasant	Ulland
Braun	Graba	Lemke	Prahl	Vento
Brinkman	Hanson	Lindstrom	Reding	Volk
Byrne	Haugerud	Luther	Rice	Voss
Carlson, A.	Heinitz	Mangan	St. Onge	Wenstrom
Carlson, L.	Hokanson	Mann	Samuelson	Wenzel
Carlson, R.	Jacobs	McCarron	Sarna	White
Casserly	Jaros	McCauley	Savelkoul	Wieser
Clark	Jensen	McCollar	Schreiber	Wigley
Corbid	Johnson, C.	McEachern	Schulz	Zubay
Dahl	Jopp	Menning	Schumacher	Speaker Sabo
Dean	Jude	Metzen	Searle	
DeGroat	Kahn	Moe	Setzpfandt	
Dieterich	Kaley	Munger	Sherwood	
Doty	Kalis	Neisen	Sieben, H.	

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

Anderson, I., moved that the House recess subject to the call of the Chair. The motion prevailed.

RECESS

RECONVENED

The House reconvened and was called to order by the Speaker.

There being no objection the order of business reverted to Reports of Standing Committees.

REPORTS OF STANDING COMMITTEES

Norton from the Committee on Appropriations to which was referred:

H. F. No. 1608, A bill for an act relating to legal assistance; providing state aid to certain legal assistance corporations; appropriating money.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert:

"Section 1. The sum of \$165,000 shall be appropriated to the commissioner of administration from the general fund for the purpose of assisting in the provision of criminal and juvenile defense to indigent individuals.

Sec. 2. The following sums shall be disbursed in the fiscal year ending June 30, 1977:

Duluth, \$10,000

St. Paul, \$50,000

Minneapolis, \$25,000

Leech Lake, \$40,000

White Earth, \$40,000

Sec. 3. The sums appropriated by this act shall be distributed by the commissioner of administration in consultation with the

attorney general to one non-profit criminal and juvenile defense corporation in each of the five named localities. Funds may not be disbursed to a corporation in the Leech Lake reservation area and the White Earth reservation area without prior approval by the respective reservation business committee. Funds shall be disbursed to those non-profit criminal and juvenile defense corporations designated by the commissioner of administration by July 1 of each year. The commissioner of administration shall give notice 30 days in advance and conduct a hearing if he has reasonable grounds to believe funds appropriated by this act are being improperly used, or, if in consultation with the attorney general, he has reasonable cause to believe criminal and juvenile defense of proper quality is not being supplied. Funds shall cease from the date of notice until either the commissioner determines that the funds appropriated by this act will be properly handled, or the commissioner, in consultation with the attorney general, determines that criminal and juvenile defense of proper quality will be provided. A participating corporation may give notice at any time of its withdrawal from this program of financial assistance."

With the recommendation that when so amended the bill do pass.

The report was adopted.

Norton from the Committee on Appropriations to which was referred:

H. F. No. 2332, A bill for an act relating to education; requiring school districts to engage in planning, evaluation and reporting; establishing an office of learning improvement assistance for public elementary and secondary school districts; appropriating money.

Reported the same back with the following amendments:

Page 5, line 5, after "having" delete "statewide".

Page 5, line 17, before "1977-1978" insert "1976-1977 and".

Page 6, line 22, before "is" insert "\$300,000".

Page 6, line 25, after "amount," insert "\$60,000".

With the recommendation that when so amended the bill do pass.

The report was adopted.

Norton from the Committee on Appropriations to which was referred:

S. F. No. 1956, A bill for an act relating to nursing homes; providing for the licensing and inspection of nursing homes; providing for the licensing of nursing home administrators; reorganizing various laws relating to nursing homes and nursing home administrators; clarifying language and making necessary revisions; prescribing civil and criminal penalties; amending Minnesota Statutes 1974, Sections 144.053, Subdivision 3; 144.49, Subdivisions 6 and 7; 144.50; 144.51; 144.55; 144.572; 144.63, Subdivision 2; 144.652; 144.653, Subdivision 1; 144.654; 144.655; 144.656; 144.657; 144.68, Subdivisions 2 and 3; 145.61, Subdivision 4; 145.75; 145.862, Subdivision 4; 245.691, Subdivision 3; 256B.02, Subdivision 2; 256B.30; 256D.18, Subdivision 2; 299F.39, Subdivision 1; 609.231; 626.555, Subdivisions 1, 2 and 7; and Minnesota Statutes, 1975 Supplement, Sections 144.53; 144.571; 145.72, Subdivision 2; 145.74; and 214.01, Subdivision 2; repealing Minnesota Statutes 1974, Sections 144.584; 144.951; 144.953; 144.954; 144.955; 144.9555; 144.956; 144.957; 144.958; 144.959; 144.96; 144.961; 144.962; 144.963; 144.964; and 144.965; and Minnesota Statutes, 1975 Supplement, Section 144.952.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert the following:

"Section 1. [144A.01] [DEFINITIONS.] *Subdivision 1. For the purposes of sections 1 to 28 of this act, the terms defined in this section have the meanings given them.*

Subd. 2. "Board of health" means the state board of health established by Minnesota Statutes, Section 144.01.

Subd. 3. "Board of examiners" means the board of examiners for nursing home administrators established by section 19 of this act.

Subd. 4. "Controlling person" means any public body, governmental agency, business entity, officer, nursing home administrator, or director whose responsibilities include the direction of the management or policies of a nursing home. "Controlling person" also means any person who, directly or indirectly, beneficially owns any interest in:

(a) Any corporation, partnership or other business association which is a controlling person;

(b) The land on which a nursing home is located;

(c) The structure in which a nursing home is located;

(d) Any mortgage, contract for deed, or other obligation secured in whole or part by the land or structure comprising a nursing home; or

(e) Any lease or sub-lease of the land, structure, or facilities comprising a nursing home.

“Controlling person” does not include:

(a) A bank, savings bank, trust company, building and loan association, savings and loan association, credit union, industrial loan and thrift company, investment banking firm, or insurance company unless the entity directly or through a subsidiary operates a nursing home;

(b) An individual state official or state employee, or a member or employee of the governing body of a political subdivision of the state which operates one or more nursing homes, unless the individual is also an officer or director of a nursing home, receives any remuneration from a nursing home, or owns any of the beneficial interests not excluded in this subdivision;

(c) A natural person who is a member of a tax-exempt organization under section 290.05, subdivision 1, clause (i), unless the individual is also an officer or director of a nursing home, or owns any of the beneficial interests not excluded in this subdivision; and

(d) A natural person who owns less than five percent of the outstanding common shares of a corporation;

(1) whose securities are exempt by virtue of section 80A.15, subdivision 1, clause (f); or

(2) whose transactions are exempt by virtue of section 80A.15, subdivision 2, clause (b).

Subd. 5. “Nursing home” means a facility or that part of a facility which provides nursing care to five or more persons. “Nursing home” does not include a facility or that part of a facility which is a hospital, clinic, doctor’s office, diagnostic or treatment center, or a residential facility licensed pursuant to Minnesota Statutes, Sections 245.78 to 245.821, 252.28, or 257.081 to 257.124.

Subd. 6. “Nursing care” means health evaluation and treatment of patients and residents who are not in need of an acute care facility but who require nursing supervision on an in-patient basis. The board of health may by rule establish levels of nursing care.

Subd. 7. “Uncorrected violation” means a violation of a statute or rule or any other deficiency for which a notice of non-

compliance has been issued and fine assessed pursuant to section 10, subdivision 6.

Subd. 8. "Managerial employee" means an employee of a nursing home whose duties include the direction of some or all of the management or policies of the nursing home.

Subd. 9. "Nursing home administrator" means a person who administers, manages, supervises, or is in general administrative charge of a nursing home, whether or not the individual has an ownership interest in the home, and whether or not his functions and duties are shared with one or more individuals, and who is licensed pursuant to section 21 of this act.

Sec. 2. [144A.02] [NURSING HOME LICENSES.] Subdivision 1. No facility shall be used as a nursing home to provide nursing care unless the facility has been licensed as a nursing home. The board of health may license a facility as a nursing home if the facility meets the criteria established by sections 2 to 10 of this act, and the rules promulgated thereunder. A license shall describe the facility to be licensed by address and by legal property description. The license shall specify the location and square footage of the floor space constituting the facility and shall incorporate by reference the plans and specifications of the facility, which plans and specifications shall be kept on file with the board of health. The license may also specify the level or levels or nursing care which the facility is licensed to provide and shall state any conditions or limitations imposed on the facility in accordance with the rules of the board of health.

Subd. 2. A controlling person of a nursing home in violation of this section is guilty of a misdemeanor. The provisions of this subdivision shall not apply to any controlling person who had no legal authority to affect or change decisions related to the operation of the nursing home.

Sec. 3. [144A.03] [APPLICATION FOR LICENSE.] Subdivision 1. The board of health by rule shall establish forms and procedures for the processing of nursing home license applications. An application for a nursing home license shall include the following information:

(a) The names and addresses of all controlling persons and managerial employees of the facility to be licensed;

(b) The address and legal property description of the facility;

(c) A copy of the architectural and engineering plans and specifications of the facility as prepared and certified by an architect or engineer licensed to practice in this state; and

(d) Any other relevant information which the board of health by rule or otherwise may determine is necessary to properly evaluate an application for license.

A controlling person which is a corporation shall submit copies of its articles of incorporation and bylaws and any amendments thereto as they occur, together with the names and addresses of its officers and directors. A controlling person which is a foreign corporation shall furnish the board of health with a copy of its certificate of authority to do business in this state. An application on behalf of a controlling person which is a corporation, association or a governmental unit or instrumentality shall be signed by at least two officers or managing agents of that entity.

Subd. 2. Each application for a nursing home license or for renewal of a nursing home license shall specify one or more controlling persons or managerial employees as agents:

(a) Who shall be responsible for dealing with the board of health on all matters provided for in sections 1 to 17 of this act; and

(b) On whom personal service of all notices and orders shall be made, and who shall be authorized to accept service on behalf of all of the controlling persons of the facility, in proceedings under section 6; section 10, subdivisions 4, 5, and 7; section 11, subdivision 3; and section 15 of this act. Notwithstanding any law to the contrary, personal service on the designated person or persons named in an application shall be deemed to be service on all of the controlling persons or managerial employee of the facility, and it shall not be a defense to any action arising under section 6; section 10, subdivisions 4, 5 and 7; section 11, subdivision 3; and section 15 of this act, that personal service was not made on each controlling person or managerial employee of the facility. The designation of one or more controlling persons or managerial employees pursuant to this subdivision shall not affect the legal responsibility of any other controlling person or managerial employee under sections 1 to 17 of this act.

Sec. 4. [144A.04] [QUALIFICATIONS FOR LICENSE.]
Subdivision 1. No nursing home license shall be issued to a facility unless the board of health determines that the facility complies with the requirements of this section.

Subd. 2. The controlling persons of the facility must comply with the application requirements specified by section 3 of this act and the rules of the board of health.

Subd. 3. The facility must meet the minimum health, sanitation, safety and comfort standards prescribed by the rules of the board of health with respect to the construction, equipment, maintenance and operation of a nursing home. The board of

health may temporarily waive compliance with one or more of the standards if it determines that:

(a) Temporary noncompliance with the standard will not create an imminent risk of harm to a nursing home resident; and

(b) A controlling person on behalf of all other controlling persons:

(1) Has entered into a contract to obtain the materials or labor necessary to meet the standard set by the board of health, but the supplier or other contractor has failed to perform the terms of the contract and the inability of the nursing home to meet the standard is due solely to that failure; or

(2) Is otherwise making a diligent good faith effort to meet the standard.

Subd. 4. The controlling persons of a nursing home may not include any person who was a controlling person of another nursing home during any period of time in the previous time of control during which two year period that other nursing home incurred the following number of uncorrected violations for which violations a fine was assessed and allowed to be recovered:

(a) Two or more uncorrected violations which created an imminent risk of harm to a nursing home resident; or

(b) Ten or more uncorrected violations of any nature. The provisions of this subdivision shall not apply to any controlling person who had no legal authority to affect or change decisions related to the operation of the nursing home which incurred the uncorrected violations.

Subd. 5. Except as otherwise provided by this subdivision, a nursing home must have a full time licensed nursing home administrator serving the facility. In any nursing home of less than 25 beds, the director of nursing services may also serve as the licensed nursing home administrator. Two nursing homes having a total of 100 beds or less and located within 50 miles of each other may share the services of a licensed administrator if the administrator divides his full time work week between the two facilities in proportion to the number of beds in each facility. Every nursing home shall have a person-in-charge on the premises at all times in the absence of the licensed administrator. The name of the person in charge must be posted in a conspicuous place in the facility. The board of health shall by rule promulgate minimum education and experience requirements for persons-in-charge, and may promulgate rules specifying the times of day during which a licensed administrator must be on the nursing home's premises. A nursing home which is located in a facility licensed as a hospital pursuant to Minnesota Stat-

utes, Sections 144.50 to 144.56, may employ as its administrator the registered administrator of the hospital if the individual meets minimum education and long term care experience criteria set by rule of the board of health.

Subd. 6. A nursing home may not employ as a managerial employee or as its licensed administrator any person who was a managerial employee or the licensed administrator of another facility during any period of time in the previous time of employment during which two year period that other nursing home incurred the following number of uncorrected violations which were in the jurisdiction and control of the managerial employee or the administrator and for which violations a fine was assessed and allowed to be recovered:

(a) Two or more uncorrected violations which created an imminent risk of harm to a nursing home resident; or

(b) Ten or more uncorrected violations of any nature.

Sec. 5. [144A.05] [LICENSE RENEWAL.] Unless the license expires in accordance with section 6 of this act or is suspended or revoked in accordance with section 11 of this act, a nursing home license shall remain effective for a period of one year from the date of its issuance. The board of health by rule shall establish forms and procedures for the processing of license renewals. The board of health shall approve a license renewal application if the facility continues to satisfy the requirements, standards and conditions prescribed by sections 1 to 17 of this act and the rules promulgated thereunder. Except as provided in section 8 of this act, a facility shall not be required to submit with each application for a license renewal additional copies of the architectural and engineering plans and specifications of the facility. Before approving a license renewal, the board of health shall determine that the facility's most recent balance sheet and its most recent statement of revenues and expenses, as audited by the state auditor, by a certified public accountant licensed by this state or by a public accountant as defined in section 412.222, have been received by the department of public welfare. Neither statement may be dated more than three months prior to the date of expiration of the license.

Sec. 6. [144A.06] [TRANSFER OF INTERESTS.] Subdivision 1. [NOTICE; EXPIRATION OF LICENSE.] Any controlling person who makes any transfer of a beneficial interest in a nursing home shall notify the board of health of the transfer within 14 days of its occurrence. The notification shall identify by name and address the transferor and transferee and shall specify the nature and amount of the transferred interest. If the board of health determines that the transferred beneficial interest exceeds ten percent of the total beneficial interest in the nursing home facility, the structure in which the facility is located, or the land upon which the structure is located, it may,

and if it determines that the transferred beneficial interest exceeds 50 percent of the total beneficial interest in the facility, the structure in which the facility is located, or the land upon which the structure is located, it shall, require that the license of the nursing home expire 90 days after the date of transfer. The board of health shall notify the nursing home by certified mail of the expiration of the license at least 60 days prior to the date of expiration.

Subd. 2. [RELICENSURE.] The board of health by rule shall prescribe procedures for relicensure under this section. The board of health shall relicense a nursing home if the facility satisfies the requirements for license renewal established by section 5 of this act. A facility shall not be relicensed by the board if at the time of transfer there are any uncorrected violations. The board of health may temporarily waive correction of one or more violations if it determines that:

(a) Temporary noncorrection of the violation will not create an imminent risk of harm to a nursing home resident; and

(b) A controlling person on behalf of all other controlling persons:

(1) Has entered into a contract to obtain the materials or labor necessary to correct the violation, but the supplier or other contractor has failed to perform the terms of the contract and the liability of the nursing home to correct the violation is due solely to that failure; or

(2) Is otherwise making a diligent good faith effort to correct the violation.

Sec. 7. [144A.07] [FEES.] Each application for a license to operate a nursing home, or for a renewal of license, except an application by the Minnesota veterans home or the commissioner of public welfare for the licensing of state institutions, shall be accompanied by a fee to be prescribed by the board of health pursuant to Minnesota Statutes, Section 144.122. No fee shall be refunded.

Sec. 8. [144A.08] [PHYSICAL STANDARDS.] Subdivision 1. The board of health by rule shall establish minimum standards for the construction, maintenance, equipping and operation of nursing homes. The rules shall to the extent possible assure the health, treatment, comfort, safety and well being of nursing home residents.

Subd. 2. [REPORT.] The controlling persons of a nursing home shall, in accordance with rules established by the board of health, within 14 days of the occurrence notify the board of health of any change in the physical structure of a nursing home,

which change would affect compliance with the rules of the board of health or with sections 1 to 17 of this act.

Subd. 3. [PENALTY.] Any controlling person who establishes, conducts, manages or operates a nursing home which incurs the following number of uncorrected violations, in any two year period, for which violations a fine was assessed and allowed to be recovered:

(a) Two or more uncorrected violations which created an imminent risk of harm to a nursing home resident; or

(b) Ten or more uncorrected violations of any nature, is guilty of a misdemeanor. The provisions of this subdivision shall not apply to any controlling person who had no legal authority to affect or change decisions as to the operation of the nursing home which incurred the uncorrected violations.

Sec. 9. [144A.09] [FACILITIES EXCLUDED.] Subdivision 1. No rule established under sections 1 to 17 of this act other than a rule relating to sanitation and safety of premises, to cleanliness of operation or to physical equipment, shall apply to a nursing home conducted in accordance with the teachings of the body known as the Church of Christ, Scientist.

Subd. 2. The provisions of sections 1 to 28 of this act shall not apply to a facility operated by a religious society or order to provide nursing care to 20 or fewer non-lay members of the order or society.

Sec. 10. [144A.10] [INSPECTIONS; SANCTIONS.] Subdivision 1. [ENFORCEMENT AUTHORITY.] The board of health is the exclusive state agency charged with the responsibility and duty of inspecting all facilities required to be licensed under section 2 of this act. The board of health shall enforce the rules established pursuant to sections 1 to 17 of this act, subject only to the authority of the department of public safety respecting the enforcement of fire and safety standards in nursing homes and the responsibility of the commissioner of public welfare under Minnesota Statutes, Sections 245.78 to 245.821; 252.28; and 257.081 to 257.124.

Subd. 2. [INSPECTIONS.] The board of health shall annually inspect each nursing home to assure compliance with sections 1 to 17 of this act and the rules promulgated thereunder. The annual inspection shall be a full inspection of the nursing home. If upon a reinspection provided for in subdivision 5 of this section the representative of the board of health finds one or more uncorrected violations, a second inspection of the facility shall be conducted during the remainder of its license year. The second inspection need not be a full inspection. No prior notice shall be given of an inspection conducted pursuant to this subdivision. Any employee of the board of health who willfully gives

or causes to be given any advance notice of an inspection required or authorized by this subdivision shall be subject to suspension or dismissal in accordance with Minnesota Statutes, Chapter 43. An inspection required by a federal rule or statute may be conducted in conjunction with or subsequent to any other inspection. Any inspection required by this subdivision shall be in addition to the reinspections required by subdivision 5. Nothing in this subdivision shall be construed to prohibit the board of health from making more than one unannounced inspection of any nursing home during its license year. The board of health shall coordinate its inspections of nursing homes with inspections by other state and local agencies.

Subd. 3. [REPORTS; POSTING.] After each inspection or reinspection required or authorized by this section, the board of health shall, by certified mail, send copies of any correction order or notice of noncompliance to the nursing home. A copy of each correction order and notice of noncompliance, and copies of any documentation supplied to the board of health or the commissioner of public welfare under sections 3 or 5 of this act shall be kept on file at the nursing home and shall be made available for viewing by any person upon request. Except as otherwise provided by this subdivision, a copy of each correction order and notice of noncompliance received by the nursing home after its most recent inspection or reinspection shall be posted in a conspicuous and readily accessible place in the nursing home. No correction order or notice of noncompliance need be posted until any appeal, if one is requested by the facility, pursuant to subdivision 8, has been completed. All correction orders and notices of noncompliance issued to a nursing home owned and operated by the state or political subdivision of the state shall be circulated and posted at the first public meeting of the governing body after the order or notice is issued. Confidential information protected by Minnesota Statutes, Section 15.1641, shall not be made available or posted as provided in this subdivision unless it may be made available or posted in a manner authorized by Minnesota Statutes, Sections 15.1641 to 15.165.

Subd. 4. [CORRECTION ORDERS.] Whenever a duly authorized representative of the board of health finds upon inspection of a nursing home, that the facility or a controlling person or an employee of the facility is not in compliance with sections 1 to 17 of this act or the rules promulgated thereunder, a correction order shall be issued to the facility. The correction order shall state the deficiency, cite the specific rule or statute violated, and specify the time allowed for correction. The board of health by rule shall establish a schedule of allowable time periods for correction of nursing home deficiencies.

Subd. 5. [REINSPECTIONS.] A nursing home issued a correction order under this section shall be reinspected at the end of the period allowed for correction. If upon reinspection the representative of the board of health determines that the facility

has not corrected a deficiency identified in the correction order, a notice of noncompliance with the correction order shall be mailed by certified mail to the nursing home. The notice shall specify the violations not corrected and the fines assessed in accordance with subdivision 6.

Subd. 6. [FINES.] A nursing home which is issued a notice of noncompliance with a correction order shall be assessed a civil fine in accordance with a schedule of fines promulgated by rule of the board of health. The fine shall be assessed for each day the facility remains in noncompliance and until a notice of correction is received by the board of health in accordance with subdivision 7. No fine for a specific violation may exceed \$250 per day of noncompliance.

Subd. 7. [ACCUMULATION OF FINES.] A nursing home shall promptly notify the board of health in writing when a violation noted in a notice of noncompliance is corrected. Upon receipt of written notification by the board of health, the daily fine assessed for the deficiency shall stop accruing. The facility shall be reinspected within three working days after receipt of the notification. If upon reinspection the representative of the board of health determines that a deficiency has not been corrected as indicated by the notification of compliance the daily fine assessment shall resume and the amount of fines which otherwise would have accrued during the period prior to resumption shall be added to the total assessment due from the nursing home. The board of health shall notify the nursing home of the resumption by certified mail. The nursing home may challenge the resumption as a contested case in accordance with the provisions of Minnesota Statutes, Chapter 15. Recovery of the resumed fine shall be stayed if a controlling person or his legal representative on behalf of the nursing home makes a written request for a hearing on the resumption within 15 days of receipt of the notice of resumption. The cost of a reinspection conducted pursuant to this subdivision shall be added to the total assessment due from the nursing home.

Subd. 8. [RECOVERY OF FINES; HEARING.] Fines assessed under this section shall be payable 15 days after receipt of the notice of noncompliance and at 15 day intervals thereafter, as the fines accrue. Recovery of an assessed fine shall be stayed if a controlling person or his legal representative on behalf of the nursing home makes a written request for a hearing on the notice of noncompliance within 15 days after the home's receipt of the notice. A hearing under this subdivision shall be conducted as a contested case in accordance with Minnesota Statutes, Chapter 15. If a nursing home, after notice and opportunity for hearing on the notice of noncompliance, or on the resumption of the fine, does not pay a properly assessed fine in accordance with this subdivision, the board of health shall notify the commissioner of public welfare who shall deduct the amount from reimbursement moneys due or to be due the facility under Minnesota Statutes, Chapter 256B. The board of

health may consolidate the hearings provided for in subdivisions 7 and 8 of this section in cases in which a facility has requested hearings under both provisions. The hearings provided for in subdivisions 7 and 8 shall be held within 30 days after the request for the hearing. If a consolidated hearing is held, it shall be held within 30 days of the request which occurred last.

Subd. 9. [NONLIMITING.] Nothing in this section shall be construed to limit the powers granted to the board of health by section 11 of this act.

Sec. 11. [144A.11] [LICENSE SUSPENSION OR REVOCATION; REINSTATEMENT.] **Subdivision 1. [OPTIONAL PROCEEDINGS.]** The board of health may institute proceedings to suspend or revoke a nursing home license, or it may refuse to grant or renew the license of a nursing home if any action by a controlling person or employee of the nursing home:

(a) Violates any of the provisions of sections 1 to 8, 13 or 16 of this act, or the rules promulgated thereunder;

(b) Permits, aids, or abets the commission of any illegal act in the nursing home;

(c) Performs any act contrary to the welfare of a patient or resident of the nursing home; or

(d) Obtains, or attempts to obtain, a license by fraudulent means or misrepresentation.

Subd. 2. [MANDATORY PROCEEDINGS.] The board of health shall initiate proceedings to suspend or revoke a nursing home license or shall refuse to renew a license if within the preceding two years the nursing home has incurred the following number of uncorrected violations for which violations a fine was assessed and allowed to be recovered:

(a) Two or more uncorrected violations which created an imminent risk of harm to a nursing home resident; or

(b) Ten or more uncorrected violations of any nature.

Subd. 3. [HEARINGS.] No nursing home license may be suspended or revoked without a hearing held as a contested case in accordance with Minnesota Statutes, Chapter 15. If the controlling person designated under section 3, subdivision 2 of this act, as an agent to accept service on behalf of all of the controlling persons of the nursing home has been notified by the board of health that the facility will not receive an initial license or that a license renewal has been denied, the controlling person or his legal representative on behalf of the nursing home may request and receive a hearing on the denial. This hearing shall

be held as a contested case in accordance with Minnesota Statutes, Chapter 15.

Subd. 4. [RELICENSING.] *If a nursing home license is revoked a new application for license may be considered by the board of health when the conditions upon which revocation was based have been corrected and satisfactory evidence of this fact has been furnished to the board of health. A new license may be granted after an inspection has been made and the facility has been found to comply with all provisions of sections 1 to 17 of this act and the rules promulgated thereunder.*

Sec. 12. [144A.12] [ADDITIONAL REMEDY; DISCOVERY.] *Subdivision 1. [INJUNCTIVE RELIEF.] In addition to any other remedy provided by law, the board of health may in its own name bring an action in the district court in Ramsey county or in the district in which a nursing home is located to enjoin a controlling person or an employee of the nursing home from illegally engaging in activities regulated by sections 1 to 17 of this act. A temporary restraining order may be granted by the court in the proceeding if continued activity by the controlling person or employee would create an imminent risk of harm to a resident of the facility.*

Subd. 2. [DISCOVERY; SUBPOENAS.] *In all matters pending before it under sections 1 to 17 of this act, the board of health shall have the power to issue subpoenas and compel the attendance of witnesses and the production of all necessary papers, books, records, documents and other evidentiary material. Any person failing or refusing to appear or testify regarding any matter about which he may be lawfully questioned or to produce any papers, books, records, documents or evidentiary materials in the matter to be heard, after having been required by order of the board of health or by a subpoena of the board of health to do so may, upon application to the district court in any district, be ordered by the court to comply therewith. The commissioner of health acting on behalf of the board of health may issue subpoenas and may administer oaths to witnesses, or take their affirmation. Depositions may be taken within or without the state in the manner provided by law for the taking of depositions in civil actions. A subpoena or other process or paper may be served upon any named person anywhere within the state by any officer authorized to serve subpoenas in civil actions, with the same fees and mileage and in the same manner as prescribed by law for process issued out of the district court of this state. Fees and mileage and other costs of persons subpoenaed by the board of health shall be paid in the same manner as for proceedings in district court.*

Sec. 13. [144A.13] [COMPLAINTS; DISCRIMINATION.] *Subdivision 1. [PROCESSING.] All matters relating to the operation of a nursing home which are the subject of a written complaint from a resident and which are received by a con-*

trolling person or employee of the nursing home shall be delivered to the facility's administrator for evaluation and action. Failure of the administrator within seven days of its receipt to resolve the complaint, or alternatively, the failure of the administrator to make a reply within seven days after he receives it to the complaining resident stating that the complaint did not constitute a valid objection to the nursing home's operations, shall be a violation of section 10 of this act. If a complaint directly involves the activities of a nursing home administrator, the complaint shall be resolved in accordance with this section by a person, other than the administrator, duly authorized by the nursing home to investigate the complaint and implement any necessary corrective measures.

Subd. 2. [RESIDENT RIGHTS.] The administrator of a nursing home shall inform each resident in writing at the time of admission of his right to complain to the administrator about facility accommodations and services. A notice of the right to complain shall be posted in the nursing home. The administrator shall also inform each resident of his right to complain to the board of health. No controlling person or employee of a nursing home shall retaliate in any way against a complaining nursing home resident and no nursing home resident may be denied any right available to him under Minnesota Statutes, Chapter 566.

Sec. 14. [144A.14] [VOLUNTARY RECEIVERSHIP.] A majority in interest of the controlling persons of a nursing home may at any time request the board of health to assume the operation of the nursing home through appointment of a receiver. Upon receiving a request for a receiver, the board of health may, if it deems receivership desirable, enter into an agreement with a majority in interest of the controlling persons, providing for the appointment of a receiver to take charge of the facility under conditions deemed appropriate by both parties. The agreement shall specify all terms and conditions of the receivership and shall preserve all rights of the facility residents as granted by law. A receivership initiated in accordance with this section shall terminate at the time specified by the parties or at the time when either party notifies the other in writing that he wishes to terminate the receivership agreement.

Sec. 15. [144A.15] [INVOLUNTARY RECEIVERSHIP.]
Subdivision 1. [PETITION; NOTICE.] In addition to any other remedy provided by law, the board of health may petition the district court in Ramsey county or in the district in which a nursing home is located for an order directing the controlling persons of the nursing home to show cause why the board of health or its designee should not be appointed receiver to operate the facility. The petition to the district court shall contain proof by affidavit that the board of health has either commenced license suspension or revocation proceedings, suspended or revoked a license, or decided not to renew the nursing home license. The order to show cause shall be returnable not less than

five days after service is completed and shall provide for personal service of a copy to the nursing home administrator and to the persons designated as agents by the controlling persons to accept service on their behalf pursuant to section 3, subdivision 2 of this act.

Subd. 2. [APPOINTMENT OF RECEIVER, RENTAL.] If, after hearing, the court finds that involuntary receivership is necessary as a means of protecting the health, safety or welfare of a resident of a nursing home, the court shall appoint the board of health, or any other person designated by the board of health, as a receiver to take charge of the facility. The court shall determine a fair monthly rental for the facility, taking into account all relevant factors including the condition of the facility. This rental fee shall be paid by the receiver to the appropriate controlling persons for each month that the receivership remains in effect. Notwithstanding any other law to the contrary, no payment made to a controlling person by any state agency during a period of involuntary receivership shall include any allowance for profit or be based on any formula which includes an allowance for profit.

Subd. 3. [POWERS AND DUTIES OF RECEIVER.] A nursing home receiver appointed pursuant to this section shall with all reasonable speed, but in any case, within 18 months after the receivership order, provide for the orderly transfer of all the nursing home's residents to other facilities or make other provisions for their continued safety and health care. The receiver may correct or eliminate those deficiencies in the facility which seriously endanger the life, health or safety of the residents unless the correction or elimination of deficiencies involves major alterations in the physical structure of the nursing home. He shall, during this period, operate the nursing home in a manner designed to guarantee the safety and adequate health care of the residents. The receiver shall take no action which impairs the legal rights of a resident of the nursing home. He shall have power to make contracts and incur lawful expenses. He shall collect incoming payments from all sources and apply them to the cost incurred in the performance of his functions as receiver. No security interest in any real or personal property comprising the nursing home or contained within it, or in any fixture of the facility, shall be impaired or diminished in priority by the receiver. The receiver shall pay all valid obligations of the nursing home and shall deduct these expenses, if appropriate, from rental payments owed to any controlling person by virtue of the receivership.

Subd. 4. [RECEIVER'S FEE; LIABILITY; BOARD ASSISTANCE.] A nursing home receiver appointed pursuant to this section shall be entitled to a reasonable receiver's fee as determined by the court. The receiver shall be liable only in his official capacity for injury to person and property by reason of the conditions of the nursing home. He shall not be personally liable, except for his gross negligence and intentional acts. The

board of health shall assist the receiver in carrying out his duties.

Subd. 5. [TERMINATION.] *An involuntary receivership imposed pursuant to this section shall terminate 18 months after the date on which it was ordered or at any other time designated by the court or upon the occurrence of any of the following events:*

(a) *A determination by the board of health that the nursing home's license should be renewed or should not be suspended or revoked;*

(b) *The granting of a new license to the nursing home; or*

(c) *A determination by the board of health that all of the residents of the nursing home have been provided alternative health care, either in another facility or otherwise.*

Sec. 16. [144A.16] [CESSATION OF NURSING HOME OPERATIONS.] *If a nursing home plans to cease operations or to curtail operations to the extent that relocation of residents is necessary, the controlling persons of the facility shall notify the board of health at least 90 days prior to the scheduled cessation or curtailment. The board of health shall cooperate with and advise the controlling persons of the nursing home in the resettlement of residents. Failure to comply with this section shall be a violation of section 10 of this act.*

Sec. 17. [144A.17] [ADVISORY COUNCIL.] *A nursing home advisory council consisting of 15 members shall be appointed by the board of health to advise and make recommendations on proposed rules and other matters relating to nursing homes. The members of the council shall be selected from both urban and rural areas of the state, and shall include the following:*

(a) *Five professionals engaged in providing services to residents of nursing homes, including a currently registered nurse, pharmacist, dietitian, medical doctor, and social worker;*

(b) *A licensed nursing home administrator;*

(c) *Two controlling persons of a proprietary nursing home;*

(d) *Two controlling persons each associated with a different nonprofit nursing home;*

(e) *Three nursing home residents not residing in the same home; and*

(f) *Two public members as defined in Minnesota Statutes, Section 214.02.*

The council shall expire and the terms, compensation and removal of members shall be as provided in Minnesota Statutes, Section 15.059.

Sec. 18. [144A.18] [LICENSE REQUIREMENT FOR ADMINISTRATORS.] *No person shall act as a nursing home administrator or purport to be a nursing home administrator unless he is licensed by the board of examiners for nursing home administrators. A violation of this section is a misdemeanor.*

Sec. 19. [144A.19] [BOARD OF EXAMINERS FOR NURSING HOME ADMINISTRATORS.] *Subdivision 1. There is hereby created the board of examiners for nursing home administrators which shall consist of the following members.*

(a) *A designee of the board of health who shall be a nonvoting member;*

(b) *The commissioner of public welfare, or his designee who shall be a nonvoting member; and*

(c) *The following members appointed by the governor:*

(1) *Two members actively engaged in the management, operation, or ownership of proprietary nursing homes;*

(2) *Two members actively engaged in the management or operation of nonprofit nursing homes;*

(3) *One member actively engaged in the practice of medicine;*

(4) *One member actively engaged in the practice of professional nursing; and*

(5) *Three public members as defined in Minnesota Statutes, Section 214.02.*

Subd. 2. Membership terms, compensation of members, removal of members, the filling of membership vacancies, and fiscal year and reporting requirements for the board of examiners shall be as provided in Minnesota Statutes, Sections 214.07 to 214.09.

Sec. 20. [144A.20] [ADMINISTRATOR QUALIFICATIONS.] *Subdivision 1. The board of examiners may issue licenses to qualified persons as nursing home administrators, and shall establish qualification criteria for nursing home administrators. No license shall be issued to a person as a nursing home administrator unless he:*

(a) Is at least 18 years of age and otherwise suitably qualified;

(b) Has satisfactorily met standards set by the board of examiners, which standards shall be designed to assure that nursing home administrators will be individuals who, by training or experience are qualified to serve as nursing home administrators; and

(c) Has passed an examination approved by the board and designed to test for competence in the subject matters referred to in clause (b), or has been approved by the board of examiners through the development and application of other appropriate techniques.

Subd. 2. Notwithstanding any law to the contrary, no person desiring to be licensed to administer a nursing home operated exclusively in accordance with the teachings of the body known as the Church of Christ Scientist shall be required to demonstrate proficiency in any medical technique or meet any medical educational qualification or medical standard which is not in accord with the type of remedial care and treatment provided in a nursing home operated exclusively in accordance with the teachings of that body.

Sec. 21. [144A.21] [ADMINISTRATOR LICENSES.]
Subdivision 1. A nursing home administrator's license shall not be transferable and shall be valid until June 30 of the second year following its issuance or until it is earlier surrendered, suspended or revoked.

Subd. 2. The board of examiners by rule shall establish forms and procedures for the processing of license renewals. A nursing home administrator's license may be renewed only in accordance with the standards adopted by the board of examiners pursuant to section 24 of this act.

Subd. 3. Each person licensed as a nursing home administrator shall be required to pay initial and renewal license fees in amounts to be fixed by rule of the board of examiners. In addition, each person who takes an examination pursuant to section 20 of this act, shall pay a fee in an amount fixed by rules of the board. Except as otherwise provided by this subdivision, the board of examiners shall set fees at a level sufficient to generate receipts approximately equal to anticipated expenditures of the board for the following year. Examination fees shall be set at a level sufficient to generate receipts approximately equal to the costs of administering the examinations. All fees received by the board of examiners shall be credited to the general fund.

Subd. 4. Denial of issuance or renewal, or suspension or revocation of an administrator's license shall be subject to review

upon timely written request for review in accordance with Minnesota Statutes, Chapter 15.

Sec. 22. [144A.22] [ORGANIZATION OF BOARD.] *The board of examiners shall elect from its membership a chairman, vice-chairman and secretary-treasurer, and shall adopt rules to govern its proceedings. Except as otherwise provided by law the board of examiners shall employ and fix the compensation and duties of an executive secretary and other necessary personnel to assist it in the performance of its duties. The executive secretary shall not be a member of the board of examiners.*

Sec. 23. [144A.23] [EXCLUSIVE JURISDICTION OF BOARD.] *Except as provided in section 4, subdivision 5, the board of examiners shall have exclusive authority to determine the qualifications, skill and fitness required of any person to serve as an administrator of a nursing home. The holder of a license shall be deemed fully qualified to serve as the administrator of a nursing home.*

Sec. 24. [144A.24] [DUTIES OF THE BOARD.] *The board of examiners shall:*

(a) *Develop and enforce standards for nursing home administrator licensing, which standards shall be designed to assure that nursing home administrators will be individuals of good character who, by training or experience, are suitably qualified to serve as nursing home administrators;*

(b) *Develop appropriate techniques, including examinations and investigations, for determining whether applicants and licensees meet the board's standards;*

(c) *Issue licenses to those individuals who are found to meet the board's standards;*

(d) *Establish and implement procedures designed to assure that individuals licensed as nursing home administrators will comply with the board's standards;*

(e) *Receive, investigate, and take appropriate action consistent with section 25 of this act, to revoke or suspend the license of a nursing home administrator who fails to comply with sections 18 to 28 of this act or the board's standards;*

(f) *Conduct a continuing study and investigation of nursing homes, and the administrators of nursing homes within the state, with a view to the improvement of the standards imposed for the licensing of administrators and improvement of the procedures and methods used for enforcement of the board's standards; and*

(g) Approve or conduct courses of instruction or training designed to prepare individuals for licensing in accordance with the board's standards. Courses designed to meet license renewal requirements shall be designed solely to improve professional skills and shall not include classroom attendance requirements exceeding 50 hours per year. The board may approve courses conducted within or without this state.

Sec. 25. [144A.25] [COMPLAINTS.] Subdivision 1. [RECEIPT OF COMPLAINT.] The executive secretary of the board of examiners, a board member or any other person who performs services for the board, who receives a complaint or other communication, whether oral or written, which complaint or communication alleges or implies a violation of a statute or rule which the board is empowered to enforce, shall promptly forward the substance of the communication to the designee of the attorney general responsible for providing legal services to the board. Before proceeding further with the communication, the designee of the attorney general may require the complaining party to state his complaint in writing on a form prepared by the attorney general. Complaints which relate to matters within the jurisdiction of another governmental agency shall be forwarded to that agency by the executive secretary. An officer of that agency shall advise the executive secretary of the disposition of that complaint. A complaint received by another agency which relates to a statute or rule which the board is empowered to enforce shall be forwarded to the executive secretary of the board to be processed in accordance with this section.

Subd. 2. [INVESTIGATION AND HEARING.] The designee of the attorney general providing legal services to the board of examiners shall evaluate the communications forwarded to him by the board or its members or staff. If the communication alleges a violation of statute or rule which the board is to enforce, the designee is empowered to investigate the facts alleged in the communication. In the process of evaluation and investigation, he shall consult with or seek the assistance of the executive secretary or a member of the board who has been designated by the board to assist the designee. He may also consult with or seek the assistance of any other qualified persons who are not members of the board who the designee believes will materially aid in the process of evaluation or investigation. The executive secretary or the consulted board member may attempt to correct improper activities and redress grievances through education, conference, conciliation and persuasion, and in these attempts they may be assisted by the designee of the attorney general. If the attempts at correction or redress do not produce satisfactory results in the opinion of the executive secretary or the consulted board member, or if the designee providing legal services to the board, the executive secretary or the consulted board member believes that the communication and the investigation suggest illegal or unauthorized activities warranting board action, they shall inform the executive secretary of the board who shall schedule a disciplinary hearing in accordance with Minnesota Statutes, Chapter 15. Before

scheduling a disciplinary hearing, the executive secretary must have received a verified written complaint from the complaining party. A board member who was consulted during the course of an investigation may participate at the hearing but may not vote on any matter pertaining to the case. The executive secretary of the board shall promptly inform the complaining party of the final disposition of the complaint.

Subd. 3. [DISCOVERY; SUBPOENAS.] In all matters pending before it, the board of examiners may issue subpoenas and compel the attendance of witnesses and the production of all necessary papers, books, records, documents and other evidentiary material. Any person failing or refusing to appear or testify regarding any matter about which he may be lawfully questioned or to produce any papers, books, records, documents or other evidentiary materials in the matter to be heard, after having been required by order of the board or by a subpoena of the board to do so may, upon application to the district court in any district, be ordered to comply therewith. The chairman of the board acting on behalf of the board may issue subpoenas and any board member may administer oaths to witnesses, or take their affirmation. Depositions may be taken within or without the state in the manner provided by law for the taking of depositions in civil actions. A subpoena or other process or paper may be served upon any person named therein, anywhere within the state by any officer authorized to serve subpoenas or other process or paper in civil actions, with the same fees and mileage and in the same manner as prescribed by law for service of process issued out of the district court of this state. Fees and mileage and other costs shall be paid as the board directs.

Subd. 4. [ADDITIONAL REMEDY.] In addition to any other remedy provided by law, the board of examiners may in its own name bring an action in district court for injunctive relief to restrain any unauthorized practice or violation or threatened violation of any statute or rule which the board is empowered to regulate or enforce. A temporary restraining order may be granted in a proceeding if continued activity by the person would create an imminent risk of harm to others. Injunctive relief granted pursuant to this section shall not relieve a person enjoined from criminal prosecution by any competent authority or from disciplinary action by the board in respect to the person's license or application for license or renewal.

Sec. 26. [144A:251] [MANDATORY PROCEEDINGS.] In addition to its discretionary authority to initiate proceedings under sections 24 and 25, the board of examiners shall initiate proceedings to suspend or revoke a nursing home administrator license or shall refuse to renew a license if within the preceding two year period the administrator was employed at a nursing home which during the period of his employment incurred the following number of uncorrected violations, which violations

were in the jurisdiction and control of the administrator and for which a fine was assessed and allowed to be recovered:

(a) Two or more uncorrected violations which created an imminent risk of harm to a nursing home resident; or

(b) Ten or more uncorrected violations of any nature.

Sec. 27. [144A.26] [RECIPROCITY WITH OTHER STATES.] *The board of examiners may issue a nursing home administrator's license, without examination, to any person who holds a current license as a nursing home administrator from another jurisdiction if the board finds that the standards for licensure in the other jurisdiction are at least the substantial equivalent of those prevailing in this state and that the applicant is otherwise qualified.*

Sec. 28. [144A.27] [EMERGENCY PERFORMANCE.] *If a licensed nursing home administrator is removed from his position by death or other unexpected cause, the controlling persons of the nursing home suffering the removal may designate an acting nursing home administrator who may serve without a license for no more than 90 days, unless an extension is granted by the board of examiners.*

Sec. 29. [144A.28] [SEVERABILITY.] *Any part of sections 18 to 28 of this act which is in conflict with any act of congress of the United States or any rule of a federal agency, so as to deprive nursing homes of this state of federal funds, shall be deemed void without affecting the remaining provisions of sections 18 to 28 of this act.*

Sec. 30. [CONTINUITY OF RULES; AUTHORITY.] *Subdivision 1. The provisions of any rule affecting nursing homes or nursing home administrators heretofore promulgated in accordance with Minnesota Statutes, Chapter 144, or hereafter promulgated in accordance with subdivision 2, shall remain effective with respect to nursing homes and nursing home administrators until repealed, modified or superseded by a rule promulgated in accordance with this act.*

Subd. 2. Any investigation, disciplinary hearing, court action or other proceeding affecting a nursing home or nursing home administrator heretofore initiated by the board of health or board of examiners in accordance with Minnesota Statutes, Chapter 144, shall be conducted and completed in accordance with that chapter as it existed prior to the effective date of this section. Proceedings heretofore initiated by the board of health or board of examiners leading to the establishment of a rule affecting nursing homes or nursing home administrators may be continued and the rule may be promulgated in accordance with heretofore existing law, notwithstanding any other provision of this act.

Subd. 3. As soon as possible after the effective date of this section, the board of health shall by rule establish a schedule of fines in accordance with section 10, subdivision 5 of this act.

Subd. 4. Each rule promulgated by the board of health pursuant to sections 1 to 17 of this act shall contain a short statement of the anticipated costs and benefits to be derived from the provisions of the rule.

Sec. 31. Minnesota Statutes 1974, Section 144.053, Subdivision 3, is amended to read:

Subd. 3. The furnishing of such information to the state board of health or its authorized representative, or to any other cooperating agency in such research project, shall not subject any person, hospital, sanitarium, (REST HOME,) nursing home or other person or agency furnishing such information, to any action for damages or other relief.

Sec. 32. Minnesota Statutes 1974, Section 144.49, Subdivision 6, is amended to read:

Subd. 6. Any person, partnership, association, or corporation establishing, conducting, managing, or operating any hospital, sanatorium, (REST HOME, NURSING HOME,) or other institution in accordance with the provisions of sections 144.50 to 144.56, without first obtaining a license therefor is guilty of a misdemeanor.

Sec. 33. Minnesota Statutes 1974, Section 144.49, Subdivision 7, is amended to read:

Subd. 7. Any person, partnership, association, or corporation (ESTABLISHING, CONDUCTING, MANAGING, OR OPERATING) *which establishes, conducts, manages or operates* any hospital, sanatorium (, REST HOME, NURSING HOME,) or other institution (IN ACCORDANCE WITH THE PROVISIONS OF) *required to be licensed under* sections 144.50 to 144.56 (VIOLATING), *in violation of* any provision of sections 144.50 to 144.56 or any regulation *established* thereunder, is guilty of a misdemeanor.

Sec. 34. Minnesota Statutes 1974, Section 144.50, is amended to read:

144.50 [HOSPITALS, LICENSES; DEFINITIONS.] No person, partnership, association, or corporation, nor any state, county, or local governmental units, nor any division, department, board, or agency thereof, shall establish, operate, conduct, or maintain in the state any hospital, sanatorium (, REST HOME, NURSING HOME, BOARDING HOME,) or other institution for the hospitalization or care of human beings without

first obtaining a license therefor in the manner (HEREIN-AFTER) provided by law.

Hospital, sanatorium (, REST HOME, NURSING HOME, BOARDING HOME, AND OTHER RELATED INSTITUTIONS) or other institution for the hospitalization or care of human beings, within the meaning of sections 144.50 to 144.56 shall mean any institution, place, building, or agency, other than a diagnostic or treatment center, a clinic, or a physician's office, in which any accommodation is maintained, furnished, or offered for the hospitalization of the sick or injured or (FOR MATERNITY CARE OF MORE THAN ONE WOMAN WITHIN A PERIOD OF SIX MONTHS OR FOR CARE OF FIVE OR MORE AGED OR INFIRM PERSONS REQUIRING OR RECEIVING CHRONIC OR CONVALESCENT CARE) for the institutional care of human beings. Nothing in sections 144.50 to 144.56 shall apply to hotels or other similar places that furnish only board and room, or either, to their guests.

"Hospitalization" means the reception and care of persons for a continuous period longer than 24 hours, for the purpose of diagnosis or treatment bearing on the physical or mental health of such persons.

("MATERNITY CARE" MEANS THE CARE AND TREATMENT OF A WOMAN DURING PREGNANCY OR DURING DELIVERY OR WITHIN TEN DAYS AFTER DELIVERY, AND FOR THE PURPOSES OF SECTIONS 144.50 TO 144.56 SHALL INCLUDE CARE DURING SUCH PERIOD OF TIME OF THE INFANT BORN TO SUCH MOTHER.)

("CHRONIC OR CONVALESCENT CARE" MEANS (1) CARE REQUIRED BY A PERSON BECAUSE OF PROLONGED MENTAL OR PHYSICAL ILLNESS OR DEFECT OR DURING RECOVERY FROM INJURY OR DISEASE AND SHALL INCLUDE ANY OR ALL OF THE PROCEDURES COMMONLY EMPLOYED IN CARING FOR THE SICK; AND (2) CARE INCIDENT TO OLD AGE REQUIRED BY A PERSON WHO BECAUSE OF ADVANCING AGE IS NOT CAPABLE OF PROPERLY CARING FOR HIMSELF AND SHALL INCLUDE NECESSARY PERSONAL OR CUSTODIAL CARE. THE FURNISHING OF BOARD, ROOM, AND LAUNDRY SHALL NOT IN ITSELF BE DEEMED CARE INCIDENT TO OLD AGE.)

The term "hospital" includes the term "sanatorium" unless the context clearly indicates otherwise.

Nothing in sections 144.50 to 144.56 shall authorize any person, partnership, association, or corporation, nor any state, county, or local governmental units, nor any division, department, board, or agency thereof, to engage, in any manner, in the practice of healing, or the practice of medicine, as defined by law.

Sec. 35. Minnesota Statutes 1974, Section 144.51, is amended to read:

144.51 [LICENSE APPLICATIONS.] (NO PERSON, PARTNERSHIP, ASSOCIATION, OR CORPORATION, NOR ANY STATE, COUNTY, OR LOCAL GOVERNMENTAL UNITS, NOR ANY DIVISION, DEPARTMENT, BOARD, OR AGENCY THEREOF, MAY OPERATE A HOSPITAL, SANATORIUM, REST HOME, NURSING HOME, OR BOARDING HOME FOR THE INFIRM AGED, WITHOUT A LICENSE THEREFOR.)

Before a license shall be issued under sections 144.50 to 144.56, the person applying shall submit evidence satisfactory to the state board of health that he is not less than 18 years of age and of reputable and responsible character; in the event the applicant is an association or corporation or governmental unit like evidence shall be submitted as to the members thereof and the persons in charge. All applicants shall, in addition, submit satisfactory evidence of their ability to comply with the provisions of sections 144.50 to 144.56 and all rules, regulations, and minimum standards adopted thereunder.

Sec. 36. Minnesota Statutes, 1975 Supplement, Section 144.53, is amended to read:

144.53 [FEES.] Each application for a license, or renewal thereof, to operate a hospital, sanatorium (, REST HOME, OR BOARDING HOME, OR RELATED INSTITUTION) or other institution for the hospitalization or care of human beings, within the meaning of sections 144.50 to 144.56, except applications by the Minnesota veterans home, the commissioner of public welfare for the licensing of state institutions or by the administrator for the licensing of the university of Minnesota hospitals, shall be accompanied by a fee to be prescribed by the state board of health pursuant to section 144.122. No (SUCH) fee shall be refunded. Licenses shall expire and shall be renewed as prescribed by the board pursuant to section (14.122) 144.122.

No license granted hereunder shall be assignable or transferable.

Sec. 37. Minnesota Statutes 1974, Section 144.55, is amended to read:

144.55 [LICENSES; ISSUANCE, SUSPENSION AND REVOCATION BY STATE BOARD OF HEALTH.] The state board of health is hereby authorized to issue licenses to operate hospitals, sanatoriums (, REST HOMES, NURSING HOMES,) or other (RELATED) institutions for the hospitalization or care of human beings, which after inspection are found to comply with the provisions of sections 144.50 to 144.56 and any reasonable regulations adopted by the state board of health. All deci-

sions of the state board of health thereunder may be reviewed in the district court in the county in which the institution is located or contemplated.

The state board of health may refuse to grant, refuse to renew, or may suspend or revoke a license on any of the following grounds:

(1) Violation of any of the provisions of sections 144.50 to 144.56 or the rules, regulations, or standards issued pursuant thereto;

(2) Permitting, aiding, or abetting the commission of any illegal act in (SUCH) *the* institution;

(3) Conduct or practices detrimental to the welfare of the patient; or

(4) Obtaining, or attempting to obtain a license by fraudulent means or misrepresentation.

Before any (SUCH) license issued thereunder is suspended, or revoked, or its renewal refused, 30 days written notice shall be given the holder thereof of the date set for hearing of the complaint. The holder of (SUCH) *the* license shall be furnished with a copy of the complaint and be entitled to be represented by legal counsel at (SUCH) *the* hearing. (SUCH) *The* notice may be given by the state board of health by registered mail. The board may appoint, in writing, any competent person to preside at (SUCH) *the* hearing who shall take testimony, administer oaths, issue subpoenas, and compel the attendance of witnesses and transmit the record of (SUCH) *the* hearing to the board. The decision of the board shall be based on the testimony and records.

If a license is revoked as herein provided a new application for license may be considered by the state board of health if, when, and after the conditions upon which revocation was based have been corrected and evidence of this fact has been satisfactorily furnished. A new license may then be granted after proper inspection has been made and all provisions of sections 144.50 to 144.56 and rules (AND REGULATIONS) *promulgated* thereunder as heretofore (OR HEREINAFTER PROVIDED) have been complied with and recommendation has been made therefor by the hospital inspector as an agent of the state board of health.

Sec. 38: Minnesota Statutes, 1975 Supplement, Section 144.571, is amended to read:

144.571 [ADVISORY COUNCIL.] An advisory council of nine members shall be appointed in the following manner to make recommendations to the state board of health and to assist

in the establishment *and amendment* of (SUCH) rules (, REGULATIONS,) and standards (AND ANY AMENDMENTS THERETO) *authorized by sections 144.50 to 144.58.* This council shall consist of four members to be appointed annually from the membership of the Minnesota hospital association by the board of trustees thereof, one of (SAID FOUR MEMBERS) *whom* shall be the superintendent of a hospital operated by a county or other local governmental unit (; ONE MEMBER REPRESENTING HOMES FOR CHRONIC OR CONVALESCENT PATIENTS SHALL BE APPOINTED ANNUALLY BY THE STATE BOARD OF HEALTH; AND). Two members shall be doctors of medicine (TO BE) appointed annually from the Minnesota state medical association by the council of the Minnesota state medical association. The commissioner of public welfare, or a person from the department of public welfare designated by him, shall be (THE EIGHTH) *a* member of the council, and the commissioner of public welfare shall designate (THE NINTH) *a* member who will represent the Minnesota county welfare boards. *The ninth member of the council shall be a public member as defined in section 214.02, and shall be appointed by the governor to serve at his pleasure.*

Sec. 39. Minnesota Statutes 1974, Section 144.572, is amended to read:

144.572 [INSTITUTIONS EXCEPTED.] No regulation nor requirement shall be made, nor standard established under sections 144.50 to 144.56 for any sanatorium, (NURSING HOME, NOR REST HOME) conducted in accordance with the practice and principles of the body known as the Church of Christ, Scientist, except as to the sanitary and safe condition of the premises, cleanliness of operation, and its physical equipment.

Sec. 40. Minnesota Statutes 1974, Section 144.63, Subdivision 2, is amended to read:

Subd. 2. An advisory (BOARD) *council* of (FIVE) *six* members shall be appointed in the following manner to make recommendations to the state board of health (IN SUCH MATTERS AND TO ASSIST IN) *concerning* the establishment *and amendment* of (SUCH) rules (AND REGULATIONS AND ANY AMENDMENTS THERETO) *authorized by sections 144.59 to 144.65.* This (BOARD) *council* shall consist of three members to be appointed annually from the membership of the Minnesota Hospital Association by the board of trustees thereof (;). One of (SAID) *these* three members shall be a hospital administrator of a hospital located outside of a city of the first class; one of (SAID) *these* three members shall be a hospital administrator of a state, county or municipal hospital; *and* one of (SAID) *these* three members shall be a hospital administrator selected at large (;). One member of (SAID BOARD) *the council* shall be the director of the course of hospital administration at the Uni-

versity of Minnesota or his designated representative(;). One member of (SAID BOARD) *the council* shall be a duly licensed and registered doctor of medicine to be appointed annually from the Minnesota State Medical Association by the council thereof. *One member shall be a public member as defined in section 214.02, and shall be appointed by the governor to serve at his pleasure.*

Sec. 41. Minnesota Statutes 1974, Section 144.652, is amended to read:

144.652 [NOTICE TO PATIENT.] The policy statement contained in section 144.651 shall be posted conspicuously in a public place in all facilities licensed under the provisions of sections 144.50 to 144.58, *or section 2 of this act.* Copies of the policy statement shall be furnished the patient and resident upon admittance to the facility.

Sec. 42. Minnesota Statutes 1974, Section 144.653, Subdivision 1, is amended to read:

144.653 [RULES; INSPECTIONS.] Subdivision 1. [AUTHORIZATION.] The state board of health is the exclusive state agency charged with the responsibility and duty of inspecting all facilities required to be licensed under the provisions of Minnesota Statutes (1971), Sections 144.50 to 144.58. The state board of health shall enforce (SUCH) *its* rules (, REGULATIONS AND STANDARDS) subject only to the authority of the department of public safety respecting the enforcement of fire and safety standards in (NURSING HOMES AND OTHER) licensed health care facilities and the responsibility of the commissioner of public welfare pursuant to Minnesota Statutes (1971), Sections 245.78; 252.28; and 257.081 to 257.123.

Sec. 43. Minnesota Statutes 1974, Section 144.654, is amended to read:

144.654 [EXPERTS MAY BE EMPLOYED.] The state board of health may employ experts in the field of health care to assist the staffs of facilities required to be licensed under the provisions of sections 144.50 to 144.58, *or section 2 of this act,* in programming and providing adequate care of the patients and residents of the facility. Alternate methods of care for patients and residents of (SUCH) *the* facilities shall be researched by the state board of health using the knowledge and experience of experts employed therefor.

Sec. 44. Minnesota Statutes 1974, Section 144.655, is amended to read:

144.655 [PROGRAM FOR VOLUNTARY MEDICAL AID.] Licensed physicians may visit a facility required to be licensed under the provisions of sections 144.50 to 144.58, *or section 2 of*

this act, and examine patients and residents thereof under a program which shall be established by the state board of health and regulated and governed by rules and regulations promulgated by the state board of health pursuant to the administrative procedures act. (SUCH) *The* rules (AND REGULATIONS) shall protect the privacy of patients and residents of facilities. No patient or resident of any facility shall be required to submit to an examination under (SUCH) *the* program. The state board of health shall consult with medical schools and other experts for the purpose of establishing the program. The state board of health shall encourage the active participation of all licensed physicians on a voluntary basis in (SUCH) *the* program.

Sec. 45. Minnesota Statutes 1974, Section 144.656, is amended to read:

144.656 [EMPLOYEES TO BE COMPENSATED.] All employees of facilities required to be licensed under the provisions of sections 144.50 to 144.58, or *section 2 of this act*, participating in orientation programs or in inservice training provided by the facility shall be compensated therefor at their regular rate of pay, provided, however, that this section will be effective only to the extent that facilities are reimbursed for (SUCH) *the* compensation by the commissioner of public welfare in the proportion of welfare to total residents and patients in the facility.

Sec. 46. Minnesota Statutes 1974, Section 144.657, is amended to read:

144.657 [VOLUNTEER EFFORTS ENCOURAGED.] The state board of health, through the dissemination of information to appropriate organizations, shall encourage citizens to promote improved care in facilities required to be licensed under the provisions of sections 144.50 to 144.58, or *section 2 of this act*, throughout the state.

Sec. 47. Minnesota Statutes 1974, Section 144.68, Subdivision 2, is amended to read:

Subd. 2. [HOSPITALS AND SIMILAR INSTITUTIONS.] Every hospital, sanatorium, (REST HOME,) nursing home or other (PLACE IN WHICH ANY ACCOMMODATION IS OFFERED, FURNISHED, OR MAINTAINED FOR THE HOSPITALIZATION OF ANY SICK OR INJURED PERSON OR FOR THE CARE OF ANY AGED OR INFIRM PERSON REQUIRING OR RECEIVING CHRONIC OR CONVALESCENT CARE) *institution for the hospitalization or care of human beings*, upon request of the state board of health, shall prepare and forward to the board, in the manner and at (SUCH) *the times (AS) that* it designates, a detailed record of each case of malignant disease having been therein.

Sec. 48. Minnesota Statutes 1974, Section 144.68, Subdivision 3, is amended to read:

Subd. 3. [INFORMATION WITHOUT LIABILITY.] The furnishing of the information required under subdivisions 1 and 2 shall not subject the person, hospital, sanatorium, (REST HOME,) nursing home, or other place furnishing (SUCH) the information, to any action for damages or other relief.

Sec. 49. Minnesota Statutes 1974, Section 145.61, Subdivision 4, is amended to read:

Subd. 4. "Health care" means professional services rendered by a professional or an employee of a professional and services furnished by a hospital, sanatorium, (REST HOME,) nursing home (, BOARDING HOME) or other institution for the hospitalization or care of human beings.

Sec. 50. Minnesota Statutes, 1975 Supplement, Section 145.72, Subdivision 2, is amended to read:

Subd. 2. "Health care facility" means any (HOSPITAL) facility licensed (AS SUCH) under Minnesota Statutes (1969), Sections 144.50 to 144.56(;) , or any nursing home licensed (AS SUCH) under (MINNESOTA STATUTES 1969, SECTIONS 144.50 TO 144.56; OR ANY BOARDING CARE HOME LICENSED AS SUCH UNDER MINNESOTA STATUTES 1969, SECTIONS 144.50 TO 144.56) section 2 of this act; but does not include any facility licensed under Minnesota Statutes, Sections 245.78 to 245.821, 252.28, and 257.081 to 257.124.

Sec. 51. Minnesota Statutes, 1975 Supplement, Section 145.74, is amended to read:

145.74 [HEALTH PLANNING AGENCIES; MEMBERSHIP REGULATIONS.] The state planning agency shall, subject to chapter 15, after consulting with the state board of health promulgate regulations concerning the membership of area wide comprehensive health planning agencies. The regulations shall include, but not be limited to, the following factors. The regulations shall:

(1) comply with the provisions of the Partnership for Health Act, P.L.89-749, as amended, and with the National Health Planning and Resources Development Act, P.L.93-641;

(2) provide that a majority of the membership be composed of consumers;

(3) provide for representation of (PROVIDERS OF EACH OF THE FOLLOWING:) hospital(,) and nursing home (AND BOARDING CARE) providers;

(4) provide for representation of licensed medical doctors and other health professionals;

(5) provide for a fixed term of membership; and

(6) provide that members of an area wide comprehensive health planning agency shall not select their successors.

No existing area wide comprehensive health planning agency shall exercise the functions provided in sections 145.71 to 145.83 until it is in compliance with regulations issued pursuant to this section.

If there is no area wide comprehensive health planning agency in a designated area of the state in compliance with sections 145.71 to 145.83, the Minnesota state planning agency shall perform the functions and duties of an area wide comprehensive health planning agency for that area.

Sec. 52. Minnesota Statutes 1974, Section 145.75, is amended to read:

145.75 [HEALTH PLANNING AGENCIES; REGULATION OF DUTIES.] The state planning agency, in accordance with chapter 15, shall, after consulting with the area wide comprehensive health planning agencies and the state board of health, make regulations to guide the area wide comprehensive health planning agencies in the performance of their duties. The regulations shall provide for the consideration of at least the following factors:

(a) the need for health care facilities and services in the area and the requirements of the population of the area;

(b) maximum and minimum hospital (,) and nursing home (, AND BOARDING CARE HOME) bed ratios per 1,000 inhabitants of the area, subject to differences in requirements of the various designated areas;

(c) the possible economies and improvement in service that may be derived from operation of joint, cooperative, or shared health care resources;

(d) the relationship of proposed construction or modification to overall plans for the development of the area;

(e) the availability and adequacy of the area's existing hospitals (,) and nursing homes (, AND BOARDING CARE HOMES) currently conforming to state and federal standards; and

(f) the availability and adequacy of other health services in the area such as out-patient, ambulatory or home care service which may serve as alternates or substitutes for the whole or any part of the service to be provided by any proposed health care facility construction or modification.

The fact that a health care facility serves more than a local area constituency or population or is engaged in educational or research activities shall be taken into consideration in the decision making process with respect to any proposal.

Sec. 53. Minnesota Statutes 1974, Section 145.862, Subdivision 4, is amended to read:

Subd. 4. "Existing state health licensing boards" means the existing professional health licensing boards provided for in Minnesota Statutes (1971), Sections (144.952,) 146.02, 147.01, 148.02, 148.52, 148.79, 148.181, 148.296, 150A.02, 151.02, 153.02, 156.01, and section 19 of this act, as well as any other professional health licensing boards that may be created hereafter unless specifically exempted therefrom.

Sec. 54. Minnesota Statutes, 1975 Supplement, Section 214.01, Subdivision 2, is amended to read:

Subd. 2. "Health related licensing board" means the board of examiners of nursing home (ADMINISTRATION) *administrators* established pursuant to section (144.952) 19 of this act, the board of medical examiners created pursuant to section 147.01, the board of nursing created pursuant to section 148.181, the board of chiropractic examiners established pursuant to section 148.02, the board of licensed practical nursing created pursuant to section 148.29, the board of optometry established pursuant to section 148.52, the board of examiners of psychologists established pursuant to section 148.90, the board of dentistry established pursuant to section 150A.02, the board of pharmacy established pursuant to section 151.02, the board of podiatry examiners and registration established pursuant to section 153.02, and the veterinary examining board, established pursuant to section 156.01.

Sec. 55. Minnesota Statutes 1974, Section 245.691, Subdivision 3, is amended to read:

Subd. 3. Not more than ten patients shall be cared for in any group home established under this section. Minnesota Statutes (1967), Sections 144.50 to 144.58, and section 2 of this act, are not applicable to group homes established by this section.

Sec. 56. Minnesota Statutes 1974, Section 256B.02, Subdivision 2, is amended to read:

Subd. 2. "Excluded time" means any period of time an applicant spends in a hospital, sanatorium, (REST HOME,) nursing home (, BOARDING HOME,) or (SIMILAR) *other institution for the hospitalization or care of human beings*, as defined in Minnesota Statutes (1965), Section 144.50, *or section 1 of this act.*

Sec. 57. Minnesota Statutes 1974, Section 256B.30, is amended to read:

256B.30 [HEALTH CARE FACILITY REPORT.] Every facility required to be licensed under the provisions of sections 144.50 to 144.58, *or section 2 of this act*, shall provide annually to the commissioner of public welfare (SUCH) *the reports as may be required under law and under (REGULATIONS) rules adopted by the commissioner of public welfare under the administrative procedures act. (SUCH REGULATIONS) The rules shall provide for the submission of a full and complete financial report of a facility's operations including:*

- (1) An annual statement of income and expenditures;
- (2) A complete statement of fees and charges;
- (3) The names of all persons other than mortgage companies owning any interest in the facility including stockholders with an ownership interest of ten percent or more of the facility.

The financial reports and supporting data of the facility shall be available for inspection and audit by the commissioner of public welfare.

Sec. 58. Minnesota Statutes 1974, Section 256D.18, Subdivision 2, is amended to read:

Subd. 2. "County of financial responsibility" means (a) the county in which an individual resides; or (b) if an individual is a patient in a hospital (,) *or nursing home (, OR BOARDING CARE HOME)*, as defined in section 144.50, *or section 1 of this act*, or is placed in a county as a result of a correctional program or a treatment plan for health, rehabilitation, foster care, child care or training, at the time of making application, and immediately prior thereto resided in another county, then that other county; or (c) the above provisions notwithstanding, if an individual is a recipient of medical assistance, the county from which he is receiving medical assistance.

Sec. 59. Minnesota Statutes 1974, Section 299F.39, Subdivision 1, is amended to read:

299F.39 [FIRE SAFETY CODE.] Subdivision 1. **[ESTABLISHMENT.]** The state fire marshal after holding a pub-

lic hearing in accordance with law, shall establish a fire safety code. The regulations in the code shall provide for reasonable safety from fire, smoke, and panic therefrom, in all hospitals, as defined in *Minnesota Statutes, Section 144.50*; nursing homes, (REST HOMES, BOARD AND CARE HOMES, AS DEFINED BY THE STATE BOARD OF HEALTH,) as defined in *section 1 of this act*; schools (,); and hotels, as defined in *Minnesota Statutes, Section 299F.46, Subdivision (1) 2.*

Sec. 60. *Minnesota Statutes 1974, Section 609.231, is amended to read:*

609.231 [MISTREATMENT OF RESIDENTS OR PATIENTS.] Whoever, being in charge of or employed in any facility required to be licensed under the provisions of sections 144.50 to 144.58, or *section 2 of this act*, intentionally abuses, ill-treats, or culpably neglects any patient or resident therein to his physical detriment 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.

Sec. 61. *Minnesota Statutes 1974, Section 626.555, Subdivision 1, is amended to read:*

626.555 [REPORTING OF MALTREATMENT OF PATIENTS.] Subdivision 1. [DECLARATION OF PURPOSE.] The purpose of this section is to provide for the protection of persons being cared for in hospitals, nursing homes or other related institutions licensed pursuant to sections 144.50 to 144.58, or *section 2 of this act*, who have had physical injury inflicted upon them, by other than accidental means, when the injury appears to have been caused as a result of physical abuse or neglect.

Sec. 62. *Minnesota Statutes 1974, Section 626.555, Subdivision 2, is amended to read:*

Subd. 2. [WHO MAKES REPORT AND TO WHOM MADE.] Whether licensed or not, any physician, surgeon, person authorized to engage in the practice of healing, administrator of a hospital or nursing home, nurse or pharmacist, shall immediately report all cases of physical injury to persons being cared for in hospitals, nursing homes or other related institutions for the hospitalization or care of human beings, licensed pursuant to sections 144.50 to 144.58, or *section 2 of this act*, inflicted by other than accidental means which come to their attention, when the injury appears to have been caused as a result of physical abuse or neglect. Cases shall be reported to the state board of health.

Sec. 63. *Minnesota Statutes 1974, Section 626.555, Subdivision 7, is amended to read:*

Subd. 7. [RETRALIATION PROHIBITED.] No person who directs or exercises any authority in a facility required to be licensed under the provisions of sections 144.50 to 144.58, or section 2 of this act, shall evict, harass, dismiss or retaliate against a patient, resident or employee because he or any member of his family has reported in good faith any violation or suspected violation of laws, ordinances or regulations applying to the facility.

Sec. 64. [REPEALER.] *Minnesota Statutes 1974, Sections 144.584; 144.951; 144.953; 144.954; 144.955; 144.9555; 144.956; 144.957; 144.958; 144.959; 144.96; 144.961; 144.962; 144.963; 144.964; and 144.965; and Minnesota Statutes, 1975 Supplement, Section 144.952, are repealed.*

Sec. 65. [TRANSITIONAL NURSING HOME LICENSES.] *Notwithstanding the provisions of section 5 of this act, nursing home licenses issued or renewed within the 12 months immediately following the effective date of this section shall expire 120 days after the last day of the fiscal year of the facility licensed. Nursing home licenses issued or renewed after that date shall expire as provided in section 5 of this act.*

Sec. 66. [EFFECTIVE DATE.] *Section 10, subdivision 5, and section 30, subdivision 3, are effective the day following their final enactment. The remaining provisions of this act are effective on the effective date of the rule establishing the schedule of fines authorized by section 10, subdivision 5, or on January 1, 1977, whichever occurs first."*

Further strike the title in its entirety and insert the following: "relating to nursing homes; providing for the licensing and inspection of nursing homes; providing for the licensing of nursing home administrators; reorganizing various laws relating to nursing homes and nursing home administrators; clarifying language and making necessary revisions; prescribing civil and criminal penalties; amending Minnesota Statutes 1974, Sections 144.053, Subdivision 3; 144.49, Subdivisions 6 and 7; 144.50; 144.51; 144.55; 144.572; 144.63, Subdivision 2; 144.652; 144.653, Subdivision 1; 144.654; 144.655; 144.656; 144.657; 144.68, Subdivisions 2 and 3; 145.61, Subdivision 4; 145.75; 145.862, Subdivision 4; 245.691, Subdivision 3; 256B.02, Subdivision 2; 256B.30; 256D.18, Subdivision 2; 299F.39, Subdivision 1; 609.231; 626.555, Subdivisions 1, 2 and 7; and Minnesota Statutes, 1975 Supplement, Sections 144.53; 144.571; 145.72, subdivision 2; 145.74; and 214.01, Subdivision 2; repealing Minnesota Statutes 1974, Sections 144.584; 144.951; 144.953; 144.954; 144.955; 144.9555; 144.956; 144.957; 144.958; 144.959; 144.96; 144.961; 144.962; 144.963; 144.964; and 144.965; and Minnesota Statutes, 1975 Supplement, Section 144.952."

With the recommendation that when so amended the bill do pass.

The report was adopted.

Norton from the Committee on Appropriations to which was referred:

S. F. No. 2025, A bill for an act relating to nursing homes; requiring training for certain nursing assistants; providing a penalty.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert:

"Section 1. [PURPOSE; FINDINGS.] The legislature finds that the preponderance of direct care for functional disabilities provided in nursing homes is being provided by relatively untrained nurse aides and orderlies; that the annual turnover rate of these employees is extremely high; and, that the combination of these factors has a detrimental effect on the quality of patient care in nursing homes. The purpose of this act is to improve the quality of care provided to patients of nursing homes by assuring that approved programs for the training of nursing assistants are established at locations throughout the state, and by requiring that each nursing assistant hired to work in a nursing home on or after July 1, 1977, be a graduate of or an enrollee in this type of program.

Sec. 2. [144A.61] [NURSING ASSISTANT TRAINING.]
Subdivision 1. For the purposes of this section "nursing assistant" means an individual, including but not limited to a nurse's aide or an orderly, who is assigned by the director of nursing in a nursing home to perform nursing services under the supervision of a registered nurse.

Subd. 2. [CURRICULA; TECHNICAL ASSISTANCE.]
The commissioner of education shall develop curricula for nursing assistant training programs for employees of nursing homes. The curricula shall be utilized by area vocational-technical schools or where most appropriate as designated by the commissioner of education.

Subd. 3. The commissioner of education shall provide necessary and appropriate technical assistance in the development of nursing assistant training programs.

Subd. 4. The board of nursing shall review and approve curricula developed by the commissioner of education for nursing assistant training programs for employees of nursing homes.

Subd. 5. Every nursing assistant hired to work in a nursing home after June 30, 1977, shall have successfully completed an approved nursing assistant training program or shall be enrolled in an approved nursing assistant training program scheduled to commence within 30 days of the assistant's employment.

Employees of nursing homes conducted in accordance with the teachings of the body known as the Church of Christ, the Scientist, shall be exempt from the requirements of this act.

Subd. 6. Notwithstanding any statute or rule to the contrary, no nursing home's license shall be issued or renewed unless the board of health determines that the nursing home is in compliance with this section.

Sec. 3. Nursing homes shall be permitted to claim as allowable costs, under the department of public welfare's nursing home reimbursement formula, up to 50 percent of the actual costs of tuition and reasonable expenses paid to nursing home assistants by nursing homes during the period of their enrollment in an approved nursing assistant training program.

Sec. 4. [APPROPRIATION.] The sum of \$123,343 is hereby appropriated from the general fund of the state treasury to the department of public welfare for the purposes of section 3.

Sec. 5. [EFFECTIVE DATE.] This act is effective the day following its final enactment."

Further strike the title in its entirety and insert "relating to nursing homes; requiring training for certain nursing assistants; appropriating money."

With the recommendation that when so amended the bill do pass.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 1608 and 2332 were read for the second time.

SECOND READING OF SENATE BILLS

S. F. Nos. 1956 and 2025 were read for the second time.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 500, A bill for an act relating to energy; energy commission, public members; providing for compensation and reimbursement of traveling and other expenses; amending Minnesota Statutes 1974, Section 116H.04, Subdivision 2.

PATRICK E. FLAHAVEN, Secretary of the Senate

Munger moved that the House refuse to concur in the Senate amendments to H. F. No. 500, that the Speaker appoint a Conference Committee of 5 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two Houses. The motion prevailed.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 1865, A bill for an act relating to crimes; providing increased sentences for persons convicted of certain second or subsequent violations of theft; prescribing penalties; amending Minnesota Statutes 1974, Section 609.52, Subdivision 3.

PATRICK E. FLAHAVEN, Secretary of the Senate

McCarron moved that the House refuse to concur in the Senate amendments to H. F. No. 1865, that the Speaker appoint a Conference Committee of 5 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two Houses.

A roll call was requested and properly seconded.

The question was taken on the motion and the roll being called, there were yeas 54, and nays 77, as follows:

Those who voted in the affirmative were:

Arlandson	Eken	Johnson, D.	Norton	Stanton
Beauchamp	Faricy	Kahn	Novak	Suss
Berg	Fudro	Kelly, W.	Parish	Ulland
Berglin	Fugina	Lemke	Pehler	Vanasek
Brinkman	George	Lindstrom	Reding	Vento
Byrne	Graba	Luther	Rice	Volk
Casserly	Hanson	Mangan	Samuelson	Voss
Clark	Haugerud	Mann	Searle	Wieser
Clawson	Jacobs	McCarron	Setzepfandt	Williamson
Corbid	Jaros	Moe	Sieloff	Speaker Sabo
Dieterich	Johnson, C.	Nelson	Skoglund	

Those who voted in the negative were:

Abeln	Doty	Kempe, A.	Nelsen	Sieben, H.
Adams, L.	Eckstein	Kempe, R.	Niehaus	Sieben, M.
Adams, S.	Erickson	Ketola	Osthoff	Simoneau
Albrecht	Esau	Knickerbocker	Patton	Smith
Anderson, G.	Evans	Knoll	Peterson	Smogard
Anderson, I.	Ewald	Kostohryz	Petrafeso	Spanish
Begich	Fjoslien	Kroening	Philbrook	Swanson
Biersdorf	Forsythe	Kvam	Pleasant	Tomlinson
Birnstihl	Friedrich	Laidig	Prahl	Wenstrom
Braun	Heinitz	Langseth	St. Onge	Wenzel
Carlson, A.	Hokanson	McCauley	Sarna	White
Carlson, L.	Jensen	McCollar	Saveikoul	Wigley
Carlson, R.	Jopp	McEachern	Schreiber	Zubay
Dahl	Jude	Menning	Schulz	
Dean	Kaley	Metzen	Schumacher	
DeGroat	Kelly, R.	Neisen	Sherwood	

The motion did not prevail.

CONCURRENCE AND REPASSAGE

Kempe, A., moved that the House concur in the Senate amendments to H. F. No. 1865 and that the bill be repassed as amended by the Senate.

Lindstrom moved that H. F. No. 1865 and the accompanying message from the Senate be laid over until Thursday, March 25, 1976.

A roll call was requested and properly seconded.

The question was taken on the motion and the roll being called, there were yeas 115, and nays 17, as follows:

Those who voted in the affirmative were:

Abeln	Dieterich	Kalis	Nelsen	Sieben, M.
Adams, L.	Eckstein	Kelly, R.	Nelson	Sieloff
Albrecht	Eken	Kelly, W.	Niehaus	Simoneau
Anderson, G.	Enebo	Kempe, A.	Norton	Skoglund
Anderson, I.	Erickson	Knickerbocker	Novak	Smith
Arlandson	Evans	Knoll	Parish	Smogard
Beauchamp	Faricy	Kostohryz	Pehler	Spanish
Berg	Friedrich	Kroening	Peterson	Stanton
Berglin	Fudro	Laidig	Petrafeso	Suss
Biersdorf	Fugina	Langseth	Philbrook	Swanson
Birnstihl	George	Lemke	Pleasant	Tomlinson
Brinkman	Graba	Lindstrom	Prahl	Ulland
Byrne	Hanson	Luther	Reding	Vanasek
Carlson, A.	Haugerud	Mangan	Rice	Vento
Carlson, L.	Hokanson	Mann	St. Onge	Voik
Carlson, R.	Jacobs	McCarron	Samuelson	Voss
Casserly	Jaros	McCauley	Sarna	Wenstrom
Clark	Jensen	McEachern	Saveikoul	Wenzel
Clawson	Johnson, C.	Menning	Schreiber	White
Corbid	Johnson, D.	Metzen	Schumacher	Wieser
Dahl	Jude	Moe	Searle	Williamson
Dean	Kahn	Munger	Setzepfandt	Zubay
DeGroat	Kaley	Neisen	Sieben, H.	Speaker Sabo

Those who voted in the negative were:

Adams, S.	Esau	Jopp	Osthoff	Wigley
Begich	Ewald	Kempe, R.	Patton	
Braun	Forsythe	Ketola	Schulz	
Doty	Heinitz	Kvam	Sherwood	

The motion prevailed.

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee, consisting of 3 members of the Senate, on the amendments adopted by the Senate to the following House File:

H. F. No. 2159, A bill for an act relating to the city of Minneapolis; municipal employees survivor benefits; amending Minnesota Statutes 1974, Section 422A.23, Subdivisions 2 and 3; repealing Minnesota Statutes 1974, Section 422A.23, Subdivision 4.

The Senate has appointed as such committee Messrs. Stokowski, Ogdahl and Gearty.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendments to:

S. F. No. 1051, A bill for an act relating to attorneys; providing for investigation of accusations against attorneys; amending Minnesota Statutes 1974, Section 481.15, by adding a subdivision.

And the Senate respectfully requests that a Conference Committee of 3 members be appointed thereon. Messrs. Coleman, Pillsbury and Borden have been appointed as such committee on the part of the Senate.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

PATRICK E. FLAHAVEN, Secretary of the Senate

Skoglund moved that the House accede to the request of the Senate for the appointment of a Conference Committee of 3 members of the House to meet with a like committee appointed

by the Senate on the disagreeing votes of the two Houses on S. F. No. 1051. The motion prevailed.

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendments to:

S. F. No. 1740, A bill for an act relating to counties; authorizing county boards to establish personnel departments; providing for county personnel administration on an integrated, merit basis.

And the Senate respectfully requests that a Conference Committee of 3 members be appointed thereon. Messrs. Olhoff, Jensen and Willet have been appointed as such committee on the part of the Senate.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

PATRICK E. FLAHAVEN, Secretary of the Senate

Setzepfandt moved that the House accede to the request of the Senate for the appointment of a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two Houses on S. F. No. 1740. The motion prevailed.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 2072, A bill for an act relating to taxes on or measured by net income and on the sale of intoxicating liquors and to assessment of ad valorem taxes; appropriating funds; amending Minnesota Statutes 1974, Sections 4.12, Subdivision 4; 270.13; 273.138, Subdivisions 2 and 5; 276.05; 276.06; 290.06, Subdivision 9a; 290.066, Subdivision 1; 340.51; 340.55; and Chapters 256 and 273, by adding sections; Minnesota Statutes, 1975 Supplement, Sections 270.16, Subdivision 2; 273.012, Subdivision 3; 273.11, Subdivision 2; 273.122, Subdivision 1; 273.13, Subdivisions 6, 7, and 14a; 273.17, Subdivision 1; 274.14; 276.04; 281.17; 290.01, Subdivision 20; 290.012, Subdivision 4; 290.21, Subdivision 4; 290A.03, Subdivisions 3, 7, 8, 12, and 13 and by adding a subdivision; 290A.04, Subdivisions 2 and 3; 290A.05;

290A.06; 290A.07, Subdivisions 1 and 2; 290A.14; 290A.19; and Chapter 290A, by adding a section; and Laws 1975, Chapter 349, Section 32; and Laws 1976, Chapter 5, Sections 2, Subdivision 1; and 3; repealing Minnesota Statutes 1974, Section 273.11, Subdivision 4; and Minnesota Statutes, 1975 Supplement, Section 124.03.

PATRICK E. FLAHAVEN, Secretary of the Senate

Kelly, W., moved that the House refuse to concur in the Senate amendments to H. F. No. 2072, that the Speaker appoint a Conference Committee of 5 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two Houses. The motion prevailed.

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 1959, 2364 and 2375.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. No. 2288.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 1959, A bill for an act relating to health facilities; establishing an office of health facility ombudsman; appropriating money.

The bill was read for the first time and referred to the Committee on Appropriations.

S. F. No. 2364, A bill for an act relating to the administration of criminal justice; transferring primary investigatory jurisdiction in correctional institutions to the bureau of criminal apprehension; providing that the attorney general shall prosecute certain criminal offenses arising on the premises of adult

correctional institutions; amending Minnesota Statutes 1974, Sections 8.01; 299C.03; 387.03; and 388.05.

The bill was read for the first time and referred to the Committee on Crime Prevention and Corrections.

S. F. No. 2375, A bill for an act relating to education; right to read program; appropriating money.

The bill was read for the first time.

Sieben, M., moved that S. F. No. 2375 and H. F. No. 2262, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 2288, A bill for an act relating to Indian affairs; renaming the board on Indian affairs; providing a change in membership for the board; creating an advisory council; changing the duties of the board; appropriating money; amending Minnesota Statutes 1974, Section 3.922, as amended.

The bill was read for the first time and referred to the Committee on Appropriations.

SUSPENSION OF RULES

Pursuant to Rule 3.14, Anderson, I., moved that Rule 4.11 be suspended for two hours.

A roll call was requested and properly seconded.

The question was taken on the motion and the roll being called, there were yeas 87, and nays 43, as follows:

Those who voted in the affirmative were:

Adams, L.	Esau	Kroening	Osthoff	Sieloff
Adams, S.	Evans	Langseth	Parish	Simoneau
Anderson, G.	Faricy	Lemke	Patton	Smogard
Anderson, I.	Fudro	Lindstrom	Pehler	Tomlinson
Arlandson	Fugina	Mann	Peterson	Vanasek
Beauchamp	George	McCarron	Petraseso	Vento
Begich	Graba	McCauley	Philbrook	Voss
Berg	Hanson	McCollar	Reding	Wenstrom
Biersdorf	Heinitz	McEachern	Rice	Wenzel
Braun	Jacobs	Menning	St. Onge	White
Brinkman	Johnson, C.	Metzen	Samuelson	Wieser
Carlson, R.	Jude	Moe	Sarna	Wigley
Dahl	Kalis	Munger	Savelkoul	Williamson
DeGroat	Kelly, R.	Neisen	Schreiber	Zubay
Dieterich	Kelly, W.	Nelson	Schumacher	Speaker Sabo
Eckstein	Ketola	Niehaus	Searle	
Eken	Knoll	Norton	Setzepfandt	
Erickson	Kostohryz	Novak	Sieben, H.	

Those who voted in the negative were:

Abeln	Clawson	Hokanson	Kvam	Skoglund
Albrecht	Corbid	Jaros	Laidig	Smith
Berglin	Dean	Jensen	Luther	Spanish
Birnstihl	Doty	Jopp	Mangan	Stanton
Byrne	Enebo	Kahn	Nelsen	Suss
Carlson, A.	Ewald	Kaley	Pleasant	Swanson
Carlson, L.	Fjoslien	Kempe, A.	Prahl	Ulland
Casserly	Forsythe	Kempe, R.	Sherwood	
Clark	Friedrich	Knickerbocker	Sieben, M.	

The motion did not prevail.

CALL OF THE HOUSE

On the motion of Anderson, I., and on the demand of 10 members, a call of the House was ordered. The following members answered to their names:

Abeln	Eckstein	Kaley	Nelsen	Sieben, H.
Adams, L.	Eken	Kalis	Nelson	Sieben, M.
Albrecht	Enebo	Kelly, R.	Niehaus	Sieloff
Anderson, G.	Erickson	Kelly, W.	Norton	Simoneau
Anderson, I.	Esau	Kempe, A.	Novak	Skoglund
Arlandson	Evans	Kempe, R.	Osthoff	Smith
Beauchamp	Ewald	Ketola	Parish	Smogard
Begich	Faricy	Knickerbocker	Patton	Spanish
Berg	Fjoslien	Kostohryz	Pehler	Suss
Berglin	Forsythe	Kroening	Peterson	Swanson
Birnstihl	Friedrich	Kvam	Petrafeso	Tomlinson
Braun	Fudro	Laidig	Philbrook	Ulland
Brinkman	George	Langseth	Pleasant	Vanasek
Byrne	Graba	Lemke	Prahl	Vento
Carlson, A.	Hanson	Luther	Reding	Volk
Carlson, L.	Haugerud	Mangan	St. Onge	Voss
Carlson, R.	Heinitz	Mann	Samuelson	Wenstrom
Clark	Hokanson	McCarron	Sarna	Wenzel
Clawson	Jacobs	McCauley	Savelkoul	White
Corbid	Jaros	McCollar	Schreiber	Wieser
Dahl	Jensen	Menning	Schulz	Wigley
Dean	Johnson, C.	Metzen	Schumacher	Williamson
DeGroat	Jopp	Moe	Searle	Zubay
Dieterich	Jude	Munger	Setzepfandt	Speaker Sabo
Doty	Kahn	Neisen	Sherwood	

Anderson, I., moved that further proceedings of the roll call be dispensed with and that the Sergeant at Arms be instructed to bring in the absentees. The motion prevailed and it was so ordered.

CONSIDERATION UNDER RULE 1.10

Pursuant to Rule 1.10, Kelly, W., requested immediate consideration of S. F. No. 819.

S. F. No. 819 was reported to the House.

Philbrook moved to amend S. F. No. 819, the unofficial engrossment, as follows:

Page 4, line 30, strike "provided that" and strike "a petition is filed".

Page 4, line 31, strike everything not yet stricken.

Page 4, line 32, strike "of that taxable year" and insert "*which qualifies under the provisions of subdivision 3a of this section*".

Page 5, line 1, after "by" and before "this" insert "*subdivision 7 of*".

Page 5, after line 1, insert the following:

"Subd. 3a. A minor political party qualifies for inclusion on the income tax form as provided in subdivision 3 if a candidate of that party filed for any office in the preceding general election, or if a petition on behalf of that party is filed as provided in section 10A.01, subdivision 13, by June 1 of the taxable year."

Page 5, line 7, to page 7, line 19; delete all of subdivisions 5, 6 and 7, and insert the following:

"Subd. 5. ((A) IN EACH FISCAL YEAR, 10 PERCENT OF THE MONEYS IN CASH ACCOUNT SHALL BE SET ASIDE FOR CANDIDATES FOR STATEWIDE OFFICE.)

((B) OF THE AMOUNT SET ASIDE IN CLAUSE (A), 10 PERCENT SHALL BE DISTRIBUTED TO THE CANDIDATES FOR GOVERNOR AND LIEUTENANT GOVERNOR JOINTLY, 24 PERCENT SHALL BE DISTRIBUTED TO THE CANDIDATE FOR ATTORNEY GENERAL; AND 12 PERCENT EACH SHALL BE DISTRIBUTED TO THE CANDIDATES FOR SECRETARY OF STATE, STATE TREASURER AND STATE AUDITOR. IF THERE IS NO NOMINEE OF THAT PARTY FOR ONE OF THE OFFICES, THE SHARE SET ASIDE FOR THAT OFFICE SHALL BE DISTRIBUTED TO THE OTHER STATEWIDE CANDIDATES OF THAT PARTY IN THE SAME PROPORTIONS AS THE ORIGINAL AMOUNT.)

((C) WITHIN TWO WEEKS OF THE CERTIFICATION BY THE STATE CANVASSING BOARD OF THE RESULTS OF THE PRIMARY ELECTION, THE STATE TREASURER SHALL DISTRIBUTE AVAILABLE FUNDS IN EACH ACCOUNT, OTHER THAN THE GENERAL ACCOUNT, OF THE STATE ELECTIONS FUND TO THE APPROPRIATE CANDIDATES WHO ARE TO APPEAR ON THE BALLOT FOR THE GENERAL ELECTION AS PRESCRIBED IN CLAUSES (A) AND (B).)

((D) WITHIN TWO WEEKS OF THE CERTIFICATION BY THE STATE CANVASSING BOARD OF THE RESULTS OF THE GENERAL ELECTION, THE STATE TREASURER SHALL DISTRIBUTE THE AVAILABLE FUNDS IN THE GENERAL ACCOUNT IN THE SAME PROPORTIONS AS PROVIDED IN CLAUSE (B), IN AN EQUAL AMOUNT TO EACH CANDIDATE WHO RECEIVED AT LEAST FIVE PERCENT OF THE VOTE CAST IN THE GENERAL ELECTION FOR THE OFFICE FOR WHICH HE WAS A CANDIDATE.) *In each calendar year the moneys in each party account and the general account shall be allocated to candidates as follows:*

(a) *21 percent for the offices of governor and lieutenant governor jointly;*

(b) *3.6 percent for the office of attorney general;*

(c) *1.8 percent each for the offices of secretary of state, state auditor and state treasurer;*

(d) *in each calendar year during the period in which state senators serve a four year term, 23 1/3 percent for the office of state senator and 46 2/3 percent for the office of state representative;*

(e) *in each calendar year during the period in which state senators serve a two year term, and in 1975 and 1976, 35 percent each for the offices of state senator and state representative;*

(f) *all candidates of one party for the state senate and state house of representatives whose names are to appear on the ballot in the general election shall share equally in the funds allocated to their respective offices from their party account.*

If a candidate elects to refuse moneys from the state elections campaign fund, he shall not be subject to the expenditure limitations imposed by section 10A.25 or limited in the amount he may contribute to his own campaign.

Moneys from any party account refused by any candidate shall be distributed to all other candidates of that party in proportion to their shares as provided by this subdivision. Moneys from the general account refused by any candidate shall be distributed to all other qualifying candidates in proportion to their shares as provided by this subdivision.

Subd. 6. ((A) IN EACH OF THE FISCAL YEARS DURING THE PERIOD IN WHICH THE STATE SENATE SERVES A FOUR YEAR TERM WHICH COMMENCES AFTER APRIL 13, 1974, 20 PER CENT OF THE MONEYS IN EACH ACCOUNT SHALL BE SET ASIDE FOR CANDIDATES FOR STATE SENATE. IN EACH OF THE FISCAL

YEARS DURING THE PERIOD IN WHICH THE STATE SENATE SERVES A TWO YEAR TERM, AND IN 1975 AND 1976, 30 PERCENT OF THE MONEYS IN EACH ACCOUNT SHALL BE SET ASIDE FOR CANDIDATES FOR STATE SENATE.)

((B) THE AMOUNT SET ASIDE IN CLAUSE (A) SHALL BE DISTRIBUTED IN EQUAL SHARES TO EACH OF THE CANDIDATES FOR STATE SENATE OF THAT PARTY.)

((C)) Within two weeks (OF THE) *after* certification by the state canvassing board of the results of the primary (ELECTION), the state treasurer shall distribute *the* available funds in each *party* account, (OTHER THAN THE GENERAL ACCOUNT TO THE APPROPRIATE CANDIDATES WHO) *as certified by the commissioner of revenue on September 15, to the candidates of that party who have signed the agreement as provided in section 10A.32, subdivision 3, and whose names are to appear on the ballot (FOR) in the general election (AS PRESCRIBED IN CLAUSES (A) AND (B)), according to the allocations set forth in subdivision 5. If there is no candidate of a party for any one office designated in subdivision 5 in any year in which that office appears on the ballot, the allocation for that office shall be distributed to all other candidates of that party in proportion to their shares as set forth in subdivision 5.*

((D) WITHIN TWO WEEKS OF THE CERTIFICATION BY THE STATE CANVASSING BOARD OF THE RESULTS OF THE GENERAL ELECTION, THE STATE TREASURER SHALL DISTRIBUTE THE AVAILABLE FUNDS IN THE GENERAL ACCOUNT IN AN EQUAL AMOUNT TO EACH CANDIDATE WHO RECEIVED AT LEAST TEN PERCENT OF THE VOTES CAST IN THE GENERAL ELECTION FOR THE OFFICE FOR WHICH HE WAS A CANDIDATE.)

Subd. 7. ((A) IN EACH OF THE FISCAL YEARS DURING THE PERIOD IN WHICH THE STATE SENATE SERVES A FOUR YEAR TERM WHICH COMMENCES AFTER APRIL 13, 1974, 10 PERCENT OF THE MONEYS IN EACH ACCOUNT SHALL BE SET ASIDE FOR CANDIDATES FOR STATE REPRESENTATIVES. IN EACH OF THE FISCAL YEARS DURING THE PERIOD IN WHICH THE STATE SENATE SERVES A TWO-YEAR TERM, AND IN 1975 AND 1976, 30 PERCENT OF THE MONEYS IN EACH ACCOUNT SHALL BE SET ASIDE FOR CANDIDATES FOR STATE REPRESENTATIVES.)

((B) THE AMOUNT SET ASIDE IN CLAUSE (A) SHALL BE DISTRIBUTED IN EQUAL SHARES TO EACH OF THE CANDIDATES FOR STATE REPRESENTATIVE OF THAT PARTY.)

((C) WITHIN TWO WEEKS OF THE CERTIFICATION BY THE STATE CANVASSING BOARD OF THE RESULTS OF THE PRIMARY ELECTION, THE STATE TREASURER SHALL DISTRIBUTE AVAILABLE FUNDS IN EACH ACCOUNT, OTHER THAN THE GENERAL ACCOUNT, TO THE APPROPRIATE CANDIDATES WHO ARE TO APPEAR ON THE BALLOT FOR THE GENERAL ELECTION AS PRESCRIBED IN CLAUSES (A) AND (B).)

((D)) Within two weeks (OF THE) *after* certification by the state canvassing board of the results of the general election, the state treasurer shall distribute the available funds in the general account, *as certified by the commissioner of revenue on November 15 and according to the allocations set forth in subdivision 5, in (AN) equal (AMOUNT) amounts to (EACH CANDIDATE) all candidates for each statewide office who received at least five percent of the votes cast in the general election for that office, and to all candidates for legislative office who received at least ten percent of the votes cast in the general election for the specific office for which (HE WAS A CANDIDATE) they were candidates.*

And further, to amend the title as follows:

Page 1, line 7, after "10A.31" and before the semicolon insert "and by adding a subdivision".

The motion prevailed and the amendment was adopted.

Philbrook moved to amend S. F. No. 819, the unofficial engrossment:

George requested a division of the amendment.

The first portion of the Philbrook amendment reads as follows:

Page 3, line 13, after "Subd. 2." strike "No political party shall make" and insert "*The total amount of all authorized*" and after "expenditures" insert "*made*".

Page 3, line 14, after "or" strike "transfer funds" and insert "*transferred*", and after "to" strike "the" and insert "*his*".

Page 3, line 15, strike "of a candidate in an amount in excess of" and insert "*by political parties shall not exceed*".

Page 3, line 16, strike "amount that may be spent by or on".

Page 3, line 17, strike "behalf" and insert "*expenditure limits in the case*", and delete "ten" and insert "20".

Page 3, line 18, delete "amount that may be spent by or on behalf" and insert "expenditure limits in the case".

Knickerbocker moved to amend the first portion of the Philbrook amendment as follows:

Line 10, of the Philbrook amendment, delete "20" and insert "30".

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment to the amendment and the roll being called, there were yeas 34, and nays 93, as follows:

Those who voted in the affirmative were:

Adams, S.	Doty	Friedrich	McCauley	Searle
Albrecht	Erickson	Heinitz	Nelsen	Sieben, H.
Biersdorf	Esau	Jopp	Niehaus	Sieloff
Carlson, A.	Evans	Kaley	Peterson	Ulland
Corbid	Ewald	Knickerbocker	Pleasant	Wigley
Dean	Fjoslien	Kvam	Savelkoul	Zubay
DeGroat	Forsythe	Laidig	Schreiber	

Those who voted in the negative were:

Abeln	Dieterich	Kelly, R.	Neisen	Sieben, M.
Adams, L.	Eckstein	Kempe, A.	Nelson	Simoneau
Anderson, G.	Eken	Kempe, R.	Norton	Skoglund
Anderson, I.	Enebo	Ketola	Novak	Smogard
Arlandson	Faricy	Knoll	Osthoff	Spanish
Beauchamp	Fudro	Kostohryz	Parish	Stanton
Begich	Fugina	Kroening	Patton	Suss
Berg	George	Langseth	Pehler	Swanson
Berglin	Graba	Lemke	Petrafeso	Tomlinson
Birnstihl	Hanson	Lindstrom	Philbrook	Vanasek
Braun	Haugerud	Luther	Prahl	Vento
Brinkman	Hokanson	Mangan	Reding	Voss
Byrne	Jacobs	Mann	Rice	Wenstrom
Carlson, L.	Jensen	McCollar	St. Onge	Wenzel
Carlson, R.	Johnson, C.	McEachern	Sarna	White
Cassery	Johnson, D.	Menning	Schulz	Wieser
Clark	Jude	Metzen	Schumacher	Speaker Sabo
Clawson	Kahn	Moe	Setzepfandt	
Dahl	Kalis	Munger	Sherwood	

The motion did not prevail and the amendment to the amendment was not adopted.

A roll call was requested on the first portion of the Philbrook amendment and properly seconded.

The question recurred on the adoption of the first portion of the Philbrook amendment and the roll being called, there were yeas 124, and nays 3, as follows:

Those who voted in the affirmative were:

Adams, L.	Dieterich	Jude	Menning	Schumacher
Adams, S.	Doty	Kahn	Metzen	Searle
Albrecht	Eckstein	Kaley	Moe	Setzepfandt
Anderson, G.	Eken	Kalis	Munger	Sieben, H.
Anderson, I.	Enebo	Kelly, R.	Neisen	Sieben, M.
Arlandson	Erickson	Kelly, W.	Nelsen	Sieloff
Beauchamp	Esau	Kempe, A.	Nelson	Simoneau
Begich	Evans	Kempe, R.	Niehaus	Skoglund
Berg	Ewald	Ketola	Norton	Smith
Berglin	Fariy	Knickerbocker	Novak	Smogard
Biersdorf	Fjoslien	Knoll	Osthoff	Spanish
Birnstihl	Forsythe	Kostohryz	Parish	Stanton
Braun	Friedrich	Kroening	Patton	Suss
Brinkman	Fudro	Kvam	Pehler	Swanson
Byrne	Fugina	Laidig	Peterson	Tomlinson
Carlson, A.	George	Langseth	Petrafeso	Ulland
Carlson, L.	Graba	Lemke	Philbrook	Vanasek
Carlson, R.	Hanson	Lindstrom	Pleasant	Voss
Casserly	Heinitz	Luther	Prahl	Wenstrom
Clark	Hokanson	Mangan	Reding	Wenzel
Clawson	Jacobs	Mann	St. Onge	White
Corbid	Jensen	McCarron	Sarna	Wigley
Dahl	Johnson, C.	McCauley	Savelkoul	Zubay
Dean	Johnson, D.	McCollar	Schreiber	Speaker Sabo
DeGroat	Jopp	McEachern	Schulz	

Those who voted in the negative were:

Rice Sherwood Wieser

The motion prevailed and the first portion of the Philbrook amendment was adopted.

The second portion of the Philbrook amendment reads as follows:

Page 4, after line 6, insert:

"Subd. 6. The total amount of all contributions to or authorized expenditures made on behalf of a candidate from all sources other than individuals and political parties shall not exceed five percent of the expenditure limits in the case of a candidate for statewide office or 20 percent of the expenditure limits in the case of a candidate for legislative office as set forth in section 10A.25."

Renumber the following sections.

A roll call was requested and properly seconded.

The question was taken on the adoption of the second portion of the Philbrook amendment and the roll being called, there were yeas 130, and nays 1, as follows:

Those who voted in the affirmative were:

Abeln	Dieterich	Kahn	Munger	Setzepfandt
Adams, L.	Doty	Kaley	Neisen	Sherwood
Adams, S.	Eckstein	Kalis	Nelsen	Sieben, H.
Albrecht	Eken	Kelly, R.	Nelson	Sieben, M.
Anderson, G.	Enebo	Kelly, W.	Niehau	Sieloff
Anderson, I.	Erickson	Kempe, A.	Norton	Simoneau
Arlandson	Esau	Kempe, R.	Novak	Skoglund
Beauchamp	Evans	Ketola	Osthoff	Smogard
Begich	Ewald	Knickerbocker	Parish	Spanish
Berg	Farcy	Knoll	Patton	Stanton
Berglin	Fjoslien	Kostohryz	Pehler	Suss
Biersdorf	Forsythe	Kroening	Peterson	Swanson
Birnstihl	Friedrich	Kvam	Petraleso	Tomlinson
Braun	Fudrich	Laidig	Philbrook	Ulland
Brinkman	Fugina	Langseth	Pleasant	Vanasek
Byrne	Graba	Lemke	Prahl	Vento
Carlson, A.	Hanson	Lindstrom	Reding	Volk
Carlson, L.	Heinitz	Luther	Rice	Voss
Carlson, R.	Hokanson	Mangan	St. Onge	Wenstrom
Casserly	Jacobs	Mann	Samuelson	Wenzel
Clark	Jaros	McCauley	Sarna	White
Clawson	Jensen	McCollar	Savelkoul	Wieser
Corbid	Johnson, C.	McEachern	Schreiber	Wigley
Dahl	Johnson, D.	Menning	Schulz	Williamson
Dean	Jopp	Metzen	Schumacher	Zubay
DeGroat	Jude	Moe	Searle	Speaker Sabo

Those who voted in the negative were:

George

The motion prevailed and the second portion of the Philbrook amendment was adopted.

Savelkoul moved to amend S. F. No. 819, the unofficial engrossment, as follows:

Page 1, line 19, strike "\$12.50" and insert in lieu thereof "\$25".

Page 1, line 23, strike "\$25" and insert in lieu thereof "\$50".

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll being called, there were yeas 37, and nays 94, as follows:

Those who voted in the affirmative were:

Adams, S.	Carlson, A.	Dieterich	Esau	Fjoslien
Albrecht	Dean	Eckstein	Evans	Forsythe
Biersdorf	DeGroat	Erickson	Ewald	Friedrich

Heinitz	Knickerbocker	Niehaus	Searle	Wigley
Jopp	Kvam	Peterson	Sieloff	Zubay
Kaley	Laidig	Pleasant	Skoglund	
Kalis	McCauley	Savelkoul	Ulland	
Kempe, R.	Nelsen	Schreiber	Wieser	

Those who voted in the negative were:

Abeln	Eken	Kempe, A.	Norton	Sieben, M.
Adams, L.	Enebo	Ketola	Novak	Simoneau
Anderson, G.	Fariy	Knoll	Osthoff	Smith
Anderson, I.	Fudro	Kostohryz	Parish	Smogard
Arlandson	Fugina	Kroening	Patton	Spanish
Beauchamp	George	Lemke	Pehler	Stanton
Begich	Graba	Lindstrom	Petrafeso	Suss
Berg	Hanson	Luther	Philbrook	Swanson
Berglin	Haugerud	Mangan	Prahl	Tomlinson
Birnstihl	Hokanson	Mann	Reding	Vanasek
Braun	Jacobs	McCarron	Rice	Vento
Brinkman	Jaros	McCollar	St. Onge	Volk
Byrne	Jensen	McEachern	Samuelson	Voss
Carlson, L.	Johnson, C.	Menning	Sarna	Wenstrom
Carlson, R.	Johnson, D.	Metzen	Schulz	Wenzel
Casserly	Jude	Moe	Schumacher	White
Clark	Kahn	Munger	Setzepfandt	Williamson
Corbid	Kelly, R.	Neisen	Sherwood	Speaker Sabo
Doty	Kelly, W.	Nelson	Sieben, H.	

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

Knickerbocker moved to amend S. F. No. 819, the unofficial engrossment, as follows:

Page 2, delete lines 10 through 24 and insert a new Section 2 to read as follows:

"Section 2. Minnesota Statutes 1974, Section 10A.12, Subdivision 1, is amended to read:

10A.12 [POLITICAL FUNDS.] Subdivision 1. No association shall make a transfer of funds to a candidate or political committee or make an expenditure which has as its purpose the influencing of the nomination for election or defeat of a candidate unless it is a political committee or unless the funds for the contribution or expenditure come solely from a political fund *not financed by dues or membership fees. Voluntary contributions to the fund may be solicited together with billings and notices of dues and membership fees.*

Section 3. *Minnesota Statutes 1974, Section 10A.12, Subdivision 5, is repealed.*"

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll being called, there were yeas 39, and nays 86, as follows:

Those who voted in the affirmative were:

Adams, S.	Dieterich	Friedrich	Nelsen	Smith
Albrecht	Erickson	Heinitz	Niehaus	Stanton
Anderson, G.	Esau	Jopp	Peterson	Ulland
Berg	Evans	Kaley	Pleasant	Wenstrom
Biersdorf	Ewald	Knickerbocker	Savelkoul	Wieser
Carlson, A.	Faricy	Kvam	Searle	Wigley
Dean	Fjoslien	Laidig	Sherwood	Zubay
DeGroat	Forsythe	Menning	Sieloff	

Those who voted in the negative were:

Abeln	Enebo	Kempe, A.	Nelson	Sieben, M.
Adams, L.	Fudro	Ketola	Norton	Simoneau
Anderson, I.	Fugina	Knoll	Novak	Skoglund
Arlandson	George	Kostohryz	Osthoff	Smogard
Beauchamp	Graba	Kroening	Parish	Swanson
Begich	Hanson	Langseth	Patton	Tomlinson
Berglin	Haugerud	Lemke	Pehler	Vanasek
Birnstihl	Hokanson	Lindstrom	Petrafeso	Vento
Braun	Jacobs	Luther	Philbrook	Volk
Brinkman	Jaros	Mangan	Prahl	Voss
Byrne	Jensen	Mann	Reding	Wenzel
Carlson, L.	Johnson, C.	McCarron	St. Onge	White
Clark	Johnson, D.	McCollar	Samuelson	Williamson
Clawson	Jude	McEachern	Sarna	Speaker Sabo
Corbid	Kahn	Metzen	Schulz	
Doty	Kalis	Moe	Schumacher	
Eckstein	Kelly, R.	Munger	Setzepfandt	
Eken	Kelly, W.	Neisen	Sieben, H.	

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

Savelkoul moved to amend S. F. No. 819, the unofficial engrossment, as follows:

Page 2, line 15, after "by" insert "*voluntary*".

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll being called, there were yeas 44, and nays 82, as follows:

Those who voted in the affirmative were:

Adams, S.	Esau	Jopp	Nelsen	Sieloff
Albrecht	Evans	Kaley	Nelson	Stanton
Berg	Ewald	Kempe, R.	Niehaus	Ulland
Berglin	Faricy	Knickerbocker	Peterson	Volk
Biersdorf	Fjoslien	Kvam	Pleasant	White
Carlson, A.	Forsythe	Laidig	Savelkoul	Wieser
Dean	Friedrich	Langseth	Schreiber	Wigley
DeGroat	Heinitz	McCauley	Searle	Zubay
Erickson	Jensen	Menning	Sherwood	

Those who voted in the negative were:

Abeln	Doty	Kelly, R.	Norton	Sieben, M.
Adams, L.	Eckstein	Kelly, W.	Novak	Simoneau
Anderson, G.	Eken	Kempe, A.	Osthoff	Skoglund
Anderson, I.	Enebo	Ketola	Parish	Smogard
Arlandson	Fudro	Kostohryz	Patton	Suss
Beauchamp	Fugina	Kroening	Pehler	Swanson
Begich	George	Lemke	Petraffeso	Tomlinson
Birnstihl	Graba	Luther	Philbrook	Vanasek
Braun	Haugerud	Mangan	Prahl	Vento
Byrne	Hokanson	Mann	Reding	Voss
Carlson, L.	Jacobs	McCarron	Rice	Wenstrom
Carlson, R.	Jaros	McCollar	St. Onge	Wenzel
Casserly	Johnson, C.	McEachern	Samuelson	Williamson
Clark	Johnson, D.	Metzen	Sarna	Speaker Sabo
Clawson	Jude	Moe	Schulz	
Corbid	Kahn	Munger	Schumacher	
Dieterich	Kalis	Neisen	Sieben, H.	

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

Sieloff moved to amend S. F. No. 819, the unofficial engrossment, as follows:

Page 2, line 15, after the period insert the following language:

“At or prior to the time that any person becomes a member of an association of which any part of its dues or membership fees is used to affect the election or defeat of any candidate for political office or is transferred to any political fund, such person shall be given written notice of the following:

a. That such person shall elect in writing to have or not to have any portion of his dues or membership fees used for political purposes, or if such person chooses, to make no election at all.

b. That such person is not required to have any portion of his dues or membership fees used for political purposes and that if he fails to make an election, no portion of his dues or membership fees shall be so used.

c. That in the event such person fails to make an election or elects not have any portion of his dues or membership fees used for political purposes, his dues or membership fees shall either be reduced accordingly, or refunded to such person semi-annually.

d. That such person's election or failure to elect shall have no effect on such person's standing, reputation or privileges in the association.

e. That the election or non-election made by such person, shall not be divulged in a manner so as to identify such person

except as is necessary to refund, allocate or reallocate any portion of his dues or membership fees used for political purposes.

Any association which is required to give the notice required by this subdivision to new members shall give the same notice to its existing members prior to February 1, 1977.

As to any existing member who fails to make an election, the association may continue to use the portion of such person's dues or membership fees for political purposes until August 1, 1977."

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll being called, there were yeas 55, and nays 76, as follows:

Those who voted in the affirmative were:

Adams, S.	DeGroat	Heinitz	Menning	Sherwo
Albrecht	Dieterich	Jensen	Nelsen	Sieloff
Anderson, G.	Erickson	Jopp	Nelson	Smith
Arlandson	Esau	Kahn	Niehaus	Stanton
Berg	Evans	Kaley	Peterson	Ulland
Berglin	Ewald	Kempe, R.	Petrafaso	Vanasek
Biersdorf	Farcy	Knickerbocker	Pleasant	Volk
Braun	Fjoslien	Kvam	Savelkoul	Wenstrom
Carlson, A.	Forsythe	Laidig	Schreiber	White
Corbid	Friedrich	Langseth	Schumacher	Wigley
Dean	Hanson	McCauley	Searle	Zubay

Those who voted in the negative were:

Abeln	Enebo	Ketola	Norton	Simoneau
Adams, L.	Fudro	Knoll	Novak	Skoglund
Anderson, I.	Fugina	Kostohryz	Osthoff	Smogard
Beauchamp	George	Kroening	Parish	Suss
Begich	Graba	Lemke	Patton	Swanson
Birnstihl	Haugerud	Lindstrom	Pehler	Tomlinson
Byrne	Hokanson	Luther	Philbrook	Vento
Carlson, L.	Jacobs	Mangan	Prahl	Voss
Carlson, R.	Jaros	Mann	Reding	Wenzel
Casserly	Johnson, C.	McCarron	Rice	Wieser
Clark	Johnson, D.	McCollar	St. Onge	Williamson
Clawson	Jude	McEachern	Samuelson	Speaker Sabo
Dahl	Kalis	Metzen	Sarna	
Doty	Kelly, R.	Moe	Schulz	
Eckstein	Kelly, W.	Munger	Sieben, H.	
Eken	Kempe, A.	Neisen	Sieben, M.	

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

Savelkoul moved to amend S. F. No. 819, the unofficial engrossment, as follows:

Page 4, strike lines 7 through 32.

Page 5, strike lines 1 through 32.

Page 6, strike lines 1 through 32.

Page 7, strike lines 1 through 19.

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll being called, there were yeas 31, and nays 97, as follows:

Those who voted in the affirmative were:

Adams, S.	Esau	Kaley	Peterson	Ulland
Albrecht	Evans	Knickerbocker	Pleasant	Wigley
Biersdorf	Ewald	Kvam	Savelkoul	Zubay
Carlson, A.	Fjoslien	Laidig	Schreiber	
Dean	Forsythe	McCauley	Schulz	
DeGroat	Friedrich	Nelsen	Searle	
Erickson	Jopp	Niehaus	Sieloff	

Those who voted in the negative were:

Abeln	Doty	Kelly, W.	Neisen	Simoneau
Adams, L.	Eckstein	Kempe, A.	Nelson	Skoglund
Anderson, G.	Eken	Kempe, R.	Norton	Smogard
Anderson, I.	Enebo	Ketola	Novak	Stanton
Arlandson	Faricy	Knoll	Osthoff	Suss
Beauchamp	Fudro	Kostohryz	Parish	Swanson
Begich	Fugina	Kroening	Patton	Tomlinson
Berg	George	Langseth	Pehler	Vanasek
Berglin	Graba	Lemke	Petrafeso	Vento
Birnstihl	Hanson	Lindstrom	Philbrook	Volk
Braun	Hokanson	Luther	Prahl	Voss
Byrne	Jacobs	Mangan	Reding	Wenstrom
Carlson, L.	Jaros	Mann	Rice	Wenzel
Carlson, R.	Jensen	McCarron	St. Onge	White
Casserly	Johnson, C.	McCollar	Samuelson	Wieser
Clark	Johnson, D.	McEachern	Sarna	Williamson
Clawson	Jude	Menning	Schumacher	Speaker Sabo
Corbid	Kahn	Metzen	Sherwood	
Dahl	Kalis	Moe	Sieben, H.	
Dieterich	Kelly, R.	Munger	Sieben, M.	

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

Knickerbocker moved to amend S. F. No. 819, the unofficial engrossment, as amended, as follows:

On page 4 insert a new Sec. 5 to read:

"Sec. 5. Minnesota Statutes 1974, Section 10A.30, Subd. 2, is amended to read:

Subd. 2. All moneys deposited in separate accounts for the candidates of each political party on the effective date of this

act shall be transferred to the general account and the separate accounts abolished."

Renumber the remaining sections.

Page 4, strike lines 18 through 20.

Page 4, line 25, strike "The form shall also contain".

Page 4, strike lines 26 through 32.

Page 5, strike line 1.

Page 5, lines 3 and 4, strike "credited to the appropriate account" and insert "*deposited in an account*".

Page 5, line 8, before "account" strike "each" and insert "*the*".

Page 5, line 11, after "distributed" insert "*equally*".

Page 5, line 13, after "distributed" insert "*equally*" and strike "candidate" and insert "*candidates*".

Page 5, line 14, after "distributed" insert "*equally*".

Page 5, line 15, strike "If".

Page 5, strike lines 16 through 19.

Page 5, line 23, strike "in each account, other than the general account,".

Page 5, strike lines 27 through 32.

Page 6, strike lines 1 and 2.

Page 6, line 6, strike "each" and insert "*the*".

Page 6, line 9, strike "each" and insert "*the*".

Page 6, line 13, strike "of that party."

Page 6, line 16, strike "each" and insert "*the*".

Page 6, line 17, strike "other than the general account".

Page 6, strike lines 20 through 26.

Page 6, line 30, strike "each" and insert "*the*".

Page 7, line 2, strike "each" and insert "the".

Page 7, line 6, strike "of that party".

Page 7, line 9, strike "each" and insert "the".

Page 7, line 10, strike "other than the general account".

Page 7, strike lines 13 through 19.

Page 7, line 20, insert a new Sec. 6 to read as follows:

"Sec. 6, Minnesota Statutes 1974, Section 10A.32, is amended to read as follows:

Sec. 4. No candidate is eligible to receive funds from the state election campaign fund unless he or the political party he represents received at least ten percent of the votes cast at the last general election for the office to which the candidate seeks election."

Sec. 12. Minnesota Statutes 1974, Section 10A.32, subd. 4. is repealed.

Amend the title as follows:

Page 1, line 3, after "checkoff," insert "combining the separate funds of the elections campaign fund".

Page 1, line 10, after "11" insert "repealing Minnesota Statutes, Section 10A.32, subd. 4".

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll being called, there were yeas 30, and nays 98, as follows:

Those who voted in the affirmative were:

Adams, S.	Esau	Heinitz	McCauley	Schreiber
Albrecht	Evans	Jopp	Nelsen	Searle
Biersdorf	Ewald	Kaley	Niehaus	Sieloff
Carlson, A.	Fjoslien	Knickerbocker	Peterson	Ulland
Dean	Forsythe	Kvam	Pleasant	Wieser
DeGroat	Friedrich	Laidig	Savelkoul	Wigley

Those who voted in the negative were:

Abeln	Anderson, G.	Arlandson	Begich	Berglin
Adams, L.	Anderson, I.	Beauchamp	Berg	Birnstihl

Braun	George	Kostohryz	Osthoff	Skoglund
Brinkman	Graba	Kroening	Parish	Smith
Byrne	Hanson	Langseth	Patton	Smogard
Carlson, L.	Haugerud	Lemke	Pehler	Stanton
Carlson, R.	Hokanson	Lindstrom	Petrafeso	Suss
Casserly	Jacobs	Luther	Philbrook	Swanson
Clark	Jaros	Mangan	Prahl	Tomlinson
Clawson	Jensen	Mann	Reding	Vanasek
Corbid	Johnson, C.	McCarron	Rice	Vento
Dahl	Johnson, D.	McCollar	St. Onge	Volk
Dieterich	Jude	McEachern	Sarna	Voss
Doty	Kahn	Menning	Schulz	Wenstrom
Eckstein	Kalis	Metzen	Schumacher	Wenzel
Eken	Kelly, R.	Munger	Setzepfandt	White
Enebo	Kelly, W.	Neisen	Sherwood	Williamson
Faricy	Kempe, A.	Nelson	Sieben, H.	Speaker Sabo
Fudro	Ketola	Norton	Sieben, M.	
Fugina	Knoll	Novak	Simoneau	

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

Laidig moved to amend S. F. No. 819, the unofficial engrossment, as amended, as follows:

Page 4, after line 6, insert:

"Subd. 7. Except when it is dissolved no principal campaign committee of a candidate shall transfer money to another candidate, principal campaign committee, political committee or fund."

Further amend the title.

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll being called, there were yeas 51, and nays 75, as follows:

Those who voted in the affirmative were:

Abeln	Dean	Heinitz	McCauley	Sieloff
Adams, L.	DeGroat	Hokanson	Menning	Smogard
Adams, S.	Dieterich	Jensen	Nelsen	Ulland
Albrecht	Erickson	Jopp	Niehaus	Wenstrom
Arlandson	Esau	Kaley	Peterson	Wigley
Beauchamp	Evans	Kempe, R.	Pleasant	Williamson
Biersdorf	Ewald	Knickerbocker	Savelkoul	Zubay
Byrne	Fjoslien	Kostohryz	Schreiber	
Carlson, A.	Forsythe	Kvam	Searle	
Carlson, L.	Friedrich	Laidig	Setzepfandt	
Clawson	Hanson	Luther	Sherwood	

Those who voted in the negative were:

Anderson, G.	Berg	Braun	Casserly	Dahl
Anderson, I.	Berglin	Brinkman	Clark	Doty
Begich	Birnstihl	Carlson, R.	Corbid	Eckstein

Eken	Kahn	McEachern	Philbrook	Smith
Enebo	Kalis	Metzen	Prahl	Stanton
Fudro	Kelly, R.	Moe	Reding	Suss
Fugina	Kelly, W.	Munger	Rice	Swanson
George	Ketola	Neisen	St. Onge	Tomlinson
Graba	Knoll	Nelson	Samuelson	Vanasek
Haugerud	Lemke	Norton	Sarna	Vento
Jacobs	Lindstrom	Novak	Schulz	Voik
Jaros	Mangan	Osthoff	Schumacher	Voss
Johnson, C.	Mann	Parish	Sieben, H.	Wenzel
Johnson, D.	McCarron	Pehler	Simoneau	Wieser
Jude	McCollar	Petraieso	Skoglund	Speaker Sabo

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

Knickerbocker moved to amend S. F. No. 819, the unofficial engrossment, as amended, as follows:

Minnesota Statutes 1974, Chapter 10A, is amended by adding a new Section 6 to read:

“[10A.321] [CONTRIBUTIONS DURING LEGISLATIVE SESSION PROHIBITED.] *Subdivision 1. No member of the legislature or person holding a constitutional office in the executive branch of government may solicit, raise or accept a contribution from a registered lobbyist during a special or regular legislative session.*

Subd. 2. No lobbyist may make or offer to make a contribution to a member of the legislature or to a person holding a constitutional office in the executive branch of government during a special or regular legislative session.

Subd. 3. For the purposes of this section, regular legislative session means the time from January 1 to the first Monday following the third Saturday in May of each year.”

Renumber the remaining sections.

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

Knickerbocker moved to amend S. F. No. 819, the unofficial engrossment, as amended, as follows:

Page 4, line 7, add a new section 5 to read as follows:

“Section 5. Minnesota Statutes 1974, Section 10A.15, is amended by adding a subdivision to read:

Subd. 3a. No transfer of funds to a candidate's principal political committee shall be made, authorized or received during the period beginning ten days before and ending ten days after a general, special, primary or special primary election.

Sec. 6. *Minnesota Statutes 1974, Section 10A.20, Subdivision 5, is repealed.*"

Renumber the remaining sections.

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll being called, there were yeas 32, and nays 99, as follows:

Those who voted in the affirmative were:

Adams, S.	Erickson	Heinitz	Nelsen	Sieloff
Albrecht	Esau	Jopp	Niehaus	Ulland
Biersdorf	Evans	Kaley	Peterson	Wigley
Carlson, A.	Ewald	Knickerbocker	Pleasant	Zubay
Corbid	Fjoslien	Kvam	Savelkoul	
Dean	Forsythe	Laidig	Schreiber	
DeGroat	Friedrich	McCauley	Searle	

Those who voted in the negative were:

Abeln	Doty	Kelly, R.	Neisen	Sieben, M.
Adams, L.	Eckstein	Kelly, W.	Nelson	Simoneau
Anderson, G.	Eken	Kempe, A.	Norton	Skoglund
Anderson, I.	Enebo	Kempe, R.	Novak	Smith
Arlandson	Faricy	Ketola	Osthoff	Smogard
Beauchamp	Fudro	Knoll	Parish	Stanton
Begich	Fugina	Kostohryz	Patton	Suss
Berg	George	Kroening	Pehler	Swanson
Berglin	Graba	Langseth	Petrafeso	Tomlinson
Birnstihl	Hanson	Lemke	Philbrook	Vanasek
Braun	Haugerud	Lindstrom	Prahl	Vento
Brinkman	Hokanson	Luther	Reding	Volk
Byrne	Jacobs	Mangan	Rice	Voss
Carlson, L.	Jaros	McCarron	St. Onge	Wenstrom
Carlson, R.	Jensen	McCollar	Sarna	Wenzel
Casserly	Johnson, C.	McEachern	Schulz	White
Clark	Johnson, D.	Menning	Schumacher	Wieser
Clawson	Jude	Metzen	Setzepfandt	Williamson
Dahl	Kahn	Moe	Sherwood	Speaker Sabo
Dieterich	Kalis	Munger	Sieben, H.	

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

Sieloff moved to amend S. F. No. 819, the unofficial engrossment, as amended, as follows:

Page 2, line 15, after the period insert the following language:

"At or prior to the time that any person becomes a member of an association of which any part of its dues or membership fees is used to affect the election or defeat of any candidate for political office or is transferred to any political fund, such person shall be given written notice of his right to have such part of his membership fees or dues returned to him. Any association which

is required to give the notice required by this subdivision to new members shall give the same notice to its existing members prior to January 1, 1977. It shall be sufficient if the above required notice is published in any circular or newspaper which is normally distributed to the membership."

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll being called, there were yeas 119, and nays 13, as follows:

Those who voted in the affirmative were:

Abeln	Dieterich	Jude	Menning	Sherwood
Adams, L.	Doty	Kahn	Metzen	Sieben, H.
Adams, S.	Eckstein	Kaley	Moe	Sieben, M.
Albrecht	Eken	Kalis	Munger	Sieloff
Anderson, G.	Erickson	Kelly, R.	Neisen	Skoglund
Arlandson	Esau	Kelly, W.	Nelsen	Smith
Beauchamp	Evans	Kempe, A.	Nelson	Smogard
Begich	Ewald	Kempe, R.	Niehaus	Spanish
Berg	Faricy	Ketola	Norton	Stanton
Berglin	Fjoslien	Knickerbocker	Novak	Suss
Biersdorf	Forsythe	Knoll	Parish	Swanson
Birnstihl	Friedrich	Kostohryz	Patton	Tomlinson
Braun	Fudro	Kvam	Peterson	Ulland
Byrne	George	Laidig	Petrafeso	Vanasek
Carlson, A.	Graba	Langseth	Philbrook	Vento
Carlson, L.	Hanson	Lemke	Pleasant	Wenstrom
Carlson, R.	Haugerud	Lindstrom	St. Onge	Wenzel
Casserly	Heinitz	Luther	Samuelson	White
Clark	Hokanson	Mangan	Savelkoul	Wieser
Clawson	Jacobs	Mann	Schreiber	Wigley
Corbid	Jaros	McCarron	Schulz	Williamson
Dahl	Jensen	McCauley	Schumacher	Zubay
Dean	Johnson, C.	McCollar	Searle	Speaker Sabo
DeGroat	Jopp	McEachern	Setzpfandt	

Those who voted in the negative were:

Anderson, I.	Fugina	Pehler	Rice	Voss
Brinkman	Johnson, D.	Prahl	Sarna	
Enebo	Osthoff	Reding	Simoneau	

The motion prevailed and the amendment was adopted.

S. F. No. 819, A bill for an act relating to taxation; providing for public financing in political campaigns; increasing the tax credit for political contributions; amending Minnesota Statutes 1974, Section 290.06, Subdivision 11.

The bill was read for the third time, as amended, and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 107, and nays 27, as follows:

Those who voted in the affirmative were:

Abeln	Eckstein	Kempe, R.	Nelson	Sieben, M.
Adams, L.	Eken	Ketola	Norton	Simoneau
Anderson, G.	Enebo	Knickerbocker	Novak	Skoglund
Anderson, I.	Farcy	Knoll	Osthoff	Smogard
Arlandson	Fudro	Kostohryz	Parish	Spanish
Beauchamp	Fugina	Kroening	Patton	Stanton
Begich	George	Langseth	Pehler	Suss
Berg	Graba	Lemke	Petrafaso	Swanson
Berglin	Hanson	Lindstrom	Philbrook	Tomlinson
Birnstihl	Haugerud	Luther	Prahl	Vanasek
Braun	Hokanson	Mangan	Reding	Vento
Brinkman	Jacobs	Mann	Rice	Volk
Byrne	Jaros	McCarron	St. Onge	Voss
Carlson, L.	Jensen	McCauley	Samuelson	Wenstrom
Carlson, R.	Johnson, C.	McCollar	Sarna	Wenzel
Casserly	Johnson, D.	McEachern	Savelkoul	White
Clark	Jude	Menning	Schreiber	Wieser
Clawson	Kahn	Metzen	Schulz	Williamson
Corbid	Kalis	Moe	Schumacher	Speaker Sabo
Dahl	Kelly, R.	Munger	Setzepfandt	
Dieterich	Kelly, W.	Neisen	Sherwood	
Doty	Kempe, A.	Nelsen	Sieben, H.	

Those who voted in the negative were:

Adams, S.	Erickson	Friedrich	Niehaus	Ulland
Albrecht	Esau	Heinitz	Peterson	Wigley
Biersdorf	Evans	Jopp	Pleasant	Zubay
Carlson, A.	Ewald	Kaley	Searle	
Dean	Fjoslien	Kvam	Sieloff	
DeGroat	Forsythe	Laidig	Smith	

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

Pursuant to Rule 1.10, Norton requested immediate consideration of S. F. No. 1530; H. F. Nos. 2683 and 2144; and S. F. No. 60.

S. F. No. 1530 was reported to the House.

Fugina moved to amend S. F. No. 1530, the unofficial engrossment, as follows:

Page 3, line 4, after the period, delete "*The auditor shall*".

Page 3, delete lines 5 to 7.

Page 3, delete line 8 to the period and insert: "*The auditor shall furnish license blanks on consignment to any sub-agent who furnishes a surety bond in favor of the county in an amount at least equal to the value of the license blanks to be consigned to that sub-agent.*".

Page 6, line 11, delete "*shall*" and insert "*may*".

The motion prevailed and the amendment was adopted.

S. F. No. 1530, A bill for an act relating to wild animals; establishing the expiration date of all game and fish licenses as the last day of February; authorizing the commissioner of natural resources to provide for the issuance of more than one game or fish license to a person during any licensing year; providing for distribution of game and fish licenses on consignment; establishing an issuing fee for such licenses; requiring sub-agents to be bonded; authorizing county auditors to retain a four percent commission on all license fees including surcharges; authorizing the commissioner of natural resources to issue regulations relating to sub-agencies; amending Minnesota Statutes 1974, Sections 98.45, Subdivision 1; and 98.50, Subdivisions 1, 2, 3 and 5.

The bill was read for the third time, as amended, and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 68, and nays 52, as follows:

Those who voted in the affirmative were:

Adams, L.	Enebo	Kahn	Niehaus	Smogard
Anderson, G.	Fjoslien	Kelly, R.	Norton	Stanton
Beauchamp	Fugina	Kelly, W.	Parish	Suss
Berg	George	Knickerbocker	Pehler	Swanson
Biersdorf	Graba	Knoll	Philbrook	Tomlinson
Birnstihl	Hanson	Kostohryz	Rice	Vanasek
Carlson, L.	Haugerud	Kroening	Samuelson	Voik
Carlson, R.	Heinitz	Lemke	Schulz	Voss
Casserly	Hokanson	Lindstrom	Schumacher	Wenstrom
Clark	Jacobs	McCollar	Setzpfandt	Wenzel
Clawson	Jaros	Metzen	Sieben, H.	White
Corbid	Jensen	Munger	Sieben, M.	Speaker Sabo
Eckstein	Johnson, C.	Nelsen	Sieloff	
Eken	Jude	Nelson	Smith	

Those who voted in the negative were:

Abeln	Erickson	Kalis	Neisen	Skoglund
Albrecht	Esau	Kempe, A.	Novak	Spanish
Anderson, I.	Evans	Kempe, R.	Peterson	Ulland
Arlandson	Ewald	Ketola	Petrafaso	Vento
Begich	Faricy	Kvam	Pleasant	Wieser
Braun	Forsythe	Laidig	Sarna	Wigley
Brinkman	Friedrich	Luther	Savelkoul	Williamson
Byrne	Fudro	McCarron	Schreiber	Zubay
Carlson, A.	Johnson, D.	McCauley	Searle	
Dean	Jopp	Menning	Sherwood	
Doty	Kaley	Moe	Simoneau	

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

H. F. No. 2683 was reported to the House.

Faricy moved to amend H. F. No. 2683, as follows:

Page 2, line 30, strike "brucellosis" and insert "johnes".

The motion prevailed and the amendment was adopted.

H. F. No. 2683, A bill for an act relating to claims against the state; appropriating moneys for the payment thereof.

The bill was read for the third time, as amended, and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 126, and nays 1, as follows:

Those who voted in the affirmative were:

Abeln	Doty	Jude	Neisen	Sieloff
Adams, L.	Eckstein	Kahn	Nelsen	Simoneau
Adams, S.	Eken	Kaley	Nelson	Skoglund
Albrecht	Enebo	Kalis	Niehaus	Smith
Anderson, G.	Erickson	Kelly, R.	Norton	Smogard
Anderson, I.	Esau	Kelly, W.	Novak	Stanton
Arlandson	Evans	Kempe, A.	Osthoff	Suss
Beauchamp	Ewald	Kempe, R.	Parish	Swanson
Begich	Faricy	Ketola	Patton	Tomlinson
Berg	Fjoslien	Knickerbocker	Pehler	Ulland
Berglin	Forsythe	Knoll	Peterson	Vanasek
Biersdorf	Friedrich	Kostohryz	Philbrook	Vento
Birnstihl	Fudro	Kroening	Pleasant	Volk
Braun	Fugina	Kvam	Reding	Voss
Brinkman	George	Laidig	Rice	Wenstrom
Byrne	Graba	Lemke	St. Onge	Wenzel
Carlson, A.	Hanson	Lindstrom	Samuelson	White
Carlson, L.	Haugerud	Luther	Sarna	Wieser
Carlson, R.	Heinitz	Mangan	Savelkoul	Wigley
Casserly	Hokanson	Mann	Schreiber	Williamson
Clark	Jacobs	McCarron	Schumacher	Zubay
Clawson	Jaros	McCauley	Searle	Speaker Sabo
Corbid	Jensen	McCollar	Setzpfandt	
Dahl	Johnson, C.	McEachern	Sherwood	
Dean	Johnson, D.	Menning	Sieben, H.	
Dieterich	Jopp	Metzen	Sieben, M.	

Those who voted in the negative were:

Prahl

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

CALL OF THE HOUSE LIFTED

Savelkoul moved that the call of the House be dispensed with. The motion prevailed and it was so ordered.

George was excused for the remainder of today's session.

H. F. No. 2144, A bill for an act relating to the state transportation system; creating the Minnesota state transportation fund; appropriating money therefrom for construction and re-

construction of bridges and bridge approaches; authorizing the issuance of state bonds therefor pursuant to article XI of the constitution.

The bill was read for the third time and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 90, and nays 39, as follows:

Those who voted in the affirmative were:

Abeln	Esau	Knickerbocker	Niehaus	Searle
Adams, L.	Forsythe	Kroening	Norton	Setzepfandt
Anderson, G.	Fudro	Laidig	Novak	Sherwood
Beauchamp	Fugina	Langseth	Osthoff	Sieben, M.
Begich	Graba	Lenke	Parish	Smith
Biersdorf	Hanson	Luther	Patton	Smogard
Birnstihl	Haugerud	Mangan	Pehler	Spanish
Braun	Jacobs	Mann	Pleasant	Stanton
Carlson, A.	Jaros	McCarron	Prahl	Swanson
Carlson, L.	Jensen	McCauley	Reding	Ulland
Carlson, R.	Johnson, C.	McCollar	Rice	Vanasek
Corbid	Jude	McEachern	St. Onge	Vento
Dahl	Kalis	Menning	Samuelson	Voss
Doty	Kelly, R.	Metzen	Sarna	Wenstrom
Eckstein	Kelly, W.	Moe	Savelkoul	Wenzel
Eken	Kempe, A.	Munger	Schreiber	White
Enebo	Kempe, R.	Neisen	Schulz	Wieser
Erickson	Ketola	Nelsen	Schumacher	Williamson

Those who voted in the negative were:

Adams, S.	Clark	Friedrich	Kvam	Simoneau
Anderson, I.	Clawson	Heinitz	Lindstrom	Skoglund
Arlandson	Dean	Hokanson	Nelson	Tomlinson
Berg	Dieterich	Johnson, D.	Peterson	Volk
Berglin	Evans	Kahn	Petráfeso	Wigley
Brinkman	Ewald	Kaley	Philbrook	Zubay
Byrne	Faricy	Knoll	Sieben, H.	Speaker Sabo
Casserly	Fjoslien	Kostohryz	Sieloff	

The bill was passed and its title agreed to.

S. F. No. 60 was reported to the House.

Patton moved to amend S. F. No. 60, the unofficial engrossment, as follows:

Page 10, line 10, to page 27, line 32 delete Sections 1 to 12 of Article II.

Re-number the remaining sections.

In the title, page 1, line 12 after "62C.15, Subdivision 2," insert "and".

Page 1, line 12, after "70A.02, Subdivision 2;" delete "and".

Page 1, line 13, delete all of the line.

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll being called, there were yeas 47, and nays 71, as follows:

Those who voted in the affirmative were:

Albrecht	Esau	Kempe, R.	Niehaus	Sieloff
Anderson, I.	Evans	Ketola	Patton	Spanish
Beauchamp	Fjoslien	Knickerbocker	Peterson	Stanton
Begich	Forsythe	Langseth	Pleasant	Ulland
Biersdorf	Friedrich	Lindstrom	Reding	Wieser
Birnstihl	Heinitz	Mann	St. Onge	Wigley
Braun	Johnson, D.	McCauley	Samuelson	Zubay
Carlson, R.	Jopp	McEachern	Savelkoul	
Eckstein	Kaley	Metzen	Setzepfandt	
Erickson	Kalis	Nelsen	Sieben, H.	

Those who voted in the negative were:

Abeln	Dieterich	Kelly, W.	Novak	Suss
Adams, L.	Doty	Kempe, A.	Parish	Swanson
Anderson, G.	Eken	Knoll	Pehler	Tomlinson
Arlandson	Enebo	Kroening	Petrafeso	Vanasek
Berg	Farcy	Laidig	Philbrook	Vento
Berglin	Fudro	Luther	Prahl	Volk
Byrne	Fugina	Mangan	Rice	Voss
Carlson, A.	Hanson	McCarron	Schulz	Wenstrom
Carlson, L.	Hokanson	McCollar	Schumacher	Wenzel
Casserly	Jacobs	Menning	Sherwood	White
Clark	Jaros	Moe	Sieben, M.	Speaker Sabo
Clawson	Jensen	Munger	Simoneau	
Corbid	Jude	Neisen	Skoglund	
Dahl	Kahn	Nelson	Smith	
Dean	Kelly, R.	Norton	Smogard	

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

Eckstein moved to amend S. F. No. 60, the unofficial engrossment, as follows:

Page 23, line 2, delete "25" and insert "250".

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll being called, there were yeas 53, and nays 67, as follows:

Those who voted in the affirmative were:

Adams, S.	Anderson, I.	Braun	Doty	Erickson
Albrecht	Biersdorf	Carlson, A.	Eckstein	Esau
Anderson, G.	Birnstihl	Dean	Enebo	Evans

Fjoslien	Ketola	McEachern	St. Onge	Ulland
Forsythe	Knickerbocker	Menning	Samuelson	Vento
Friedrich	Kvam	Nelsen	Savelkoul	Wenstrom
Heinitz	Laidig	Niehaus	Schreiber	Wieser
Jensen	Lemke	Patton	Searle	Wigley
Jopp	Mann	Peterson	Setzepfandt	Zubay
Kaley	McCarron	Pleasant	Sieloff	
Kalis	McCauley	Reding	Smith	

Those who voted in the negative were:

Abeln	Faricy	Kostobryz	Parish	Smogard
Adams, L.	Fudro	Kroening	Pehler	Spanish
Arlandson	Fugina	Langseth	Petrafeso	Stanton
Beauchamp	Hanson	Lindstrom	Philbrook	Suss
Begich	Hokanson	Luther	Prahl	Swanson
Berglin	Jacobs	Mangan	Rice	Tomlinson
Carlson, L.	Jaros	McCollar	Sarna	Volk
Carlson, R.	Johnson, D.	Metzen	Schulz	Voss
Casserly	Jude	Moe	Schumacher	White
Clark	Kahn	Munger	Sherwood	Williamson
Clawson	Kelly, R.	Neisen	Sieben, H.	Speaker Sabo
Corbid	Kelly, W.	Nelson	Sieben, M.	
Dahl	Kempe, A.	Norton	Simoneau	
Dieterich	Knoll	Novak	Skoglund	

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

Eckstein moved to amend S. F. No. 60, the unofficial engrossment, as follows:

Page 23, line 3, after "employees" insert ", or municipalities".

The motion prevailed and the amendment was adopted.

S. F. No. 60, A bill for an act relating to insurance; providing for the establishment and administration of plans of health insurance to provide certain minimum benefits to all persons in the state; creating a comprehensive health care association; providing a dual option for health care for certain employees; regulating health maintenance organizations' coverage of dental services and conversion privileges; appropriating money; amending Minnesota Statutes 1974, Section 62D.12, by adding a subdivision.

The bill was read for the third time, as amended, and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 106, and nays 18, as follows:

Those who voted in the affirmative were:

Abeln	Anderson, I.	Begich	Biersdorf	Brinkman
Adams, L.	Arlandson	Berg	Birnstihl	Byrne
Anderson, G.	Beauchamp	Berglin	Braun	Carlson, A.

Carlson, L.	Hanson	Langseth	Pehler	Spanish
Carlson, R.	Heinitz	Lemke	Petraleso	Stanton
Casserly	Hokanson	Lindstrom	Philbrook	Suss
Clark	Jacobs	Luther	Prahl	Swanson
Clawson	Jaros	Mangan	Rice	Tomlinson
Corbid	Jensen	McCarron	St. Onge	Ulland
Dahl	Johnson, D.	McCollar	Savelkoul	Vanasek
Dean	Jude	McEachern	Schreiber	Vento
Dieterich	Kahn	Menning	Schulz	Volk
Doty	Kalis	Metzen	Schumacher	Voss
Eckstein	Kelly, R.	Moe	Setzpfandt	Wenstrom
Eken	Kelly, W.	Munger	Sherwood	Wenzel
Enebo	Kempe, A.	Neisen	Sieben, H.	White
Evans	Kempe, R.	Nelsen	Sieben, M.	Williamson
Faricy	Ketola	Nelson	Sieloff	Speaker Sabo
Fjoslien	Knoll	Norton	Simoneau	
Forsythe	Kostohryz	Novak	Skoglund	
Fudro	Kroening	Parish	Smith	
Fugina	Laidig	Patton	Smogard	

Those who voted in the negative were:

Albrecht	Jopp	Mann	Reding	Wigley
Erickson	Kaley	Niehaus	Samuelson	Zubay
Esau	Knickerbocker	Peterson	Searle	
Friedrich	Kvam	Pleasant	Wieser	

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

SPECIAL ORDERS

Speaker Pro Tempore Norton assumed the Chair.

S. F. No. 2147 was reported to the House.

Begich offered an amendment to S. F. No. 2147.

POINT OF ORDER

Sieloff raised a point of order pursuant to Rule 3.9 that the Begich amendment was out of order. The Speaker Pro Tempore ruled the point of order well taken and the amendment out of order.

S. F. No. 2147, A bill for an act relating to intoxicating liquor; permits to sell upon military bases or installations.

The bill was read for the third time and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 98, and nays 18, as follows:

Those who voted in the affirmative were:

Abeln	Dieterich	Kelly, W.	Nelson	Sieloff
Adams, L.	Eckstein	Kempe, A.	Niehaus	Simoneau
Albrecht	Eken	Ketola	Norton	Skoglund
Anderson, G.	Enebo	Knickerbocker	Novak	Smith
Anderson, I.	Evans	Knoll	Osthoff	Smogard
Beauchamp	Faricy	Kostohryz	Parish	Spanish
Begich	Friedrich	Kroening	Patton	Stanton
Berg	Fudro	Laidig	Pehler	Suss
Berglin	Fugina	Lemke	Petrafeso	Swanson
Biersdorf	Hanson	Lindstrom	Philbrook	Tomlinson
Bjrnstihl	Heinitz	Luther	Reding	Ulland
Braun	Hokanson	Mangan	St. Onge	Vanasek
Carlson, A.	Jacobs	Mann	Samuelson	Vento
Carlson, L.	Jaros	McCarron	Sarna	Voss
Casserly	Jensen	McCauley	Savelkoul	Wenstrom
Clark	Johnson, D.	McEachern	Schreiber	Wenzel
Clawson	Jude	Metzen	Schulz	White
Corbid	Kahn	Moe	Setzepfandt	Speaker Sabo
Dahl	Kalis	Munger	Sieben, H.	
Dean	Kelly, R.	Neisen	Sieben, M.	

Those who voted in the negative were:

Carlson, R.	Ewald	Menning	Schumacher	Wigley
Doty	Jopp	Nelsen	Searle	Zubay
Erickson	Kvam	Peterson	Sherwood	
Esau	Langseth	Pleasant	Wieser	

The bill was passed and its title agreed to.

S. F. No. 1575 was reported to the House.

Langseth moved that S. F. No. 1575 be continued on Special Orders for one day. The motion prevailed.

S. F. No. 1156, A bill for an act relating to political subdivisions; authorizing direct loans to cities, counties and towns; amending Minnesota Statutes 1974, Chapter 465, by adding a section.

The bill was read for the third time and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 126, and nays 0, as follows:

Those who voted in the affirmative were:

Abeln	Eken	Kelly, W.	Niehaus	Sieloff
Adams, L.	Enebo	Kempe, A.	Norton	Simoneau
Adams, S.	Erickson	Kempe, R.	Novak	Skoglund
Albrecht	Esau	Ketola	Osthoff	Smith
Anderson, G.	Evans	Knickerbocker	Parish	Smogard
Anderson, I.	Ewald	Knoll	Patton	Spanish
Beauchamp	Faricy	Kostohryz	Pehler	Stanton
Begich	Fjoslien	Kroening	Peterson	Suss
Berg	Forsythe	Kvam	Petraleso	Swanson
Berglin	Friedrich	Laidig	Philbrook	Tomlinson
Biersdorf	Fudro	Langseth	Pleasant	Ulland
Birnstihl	Fugina	Lemke	Prahl	Vanasek
Braun	Hanson	Lindstrom	Reding	Vento
Brinkman	Haugerud	Luther	Rice	Volk
Carlson, A.	Heinitz	Mangan	St. Onge	Voss
Carlson, L.	Hokanson	Mann	Samuelson	Wenstrom
Carlson, R.	Jacobs	McCarron	Sarna	Wenzel
Casserly	Jaros	McCauley	Savelkoul	White
Clark	Jensen	McEachern	Schreiber	Wieser
Clawson	Johnson, D.	Menning	Schulz	Wigley
Corbid	Jopp	Metzen	Schumacher	Zubay
Dahl	Jude	Moe	Searle	Speaker Sabo
Dean	Kahn	Munger	Setzepfandt	
Dieterich	Kaley	Neisen	Sherwood	
Doty	Kalis	Nelsen	Sieben, H.	
Eckstein	Kelly, R.	Nelson	Sieben, M.	

The bill was passed and its title agreed to.

S. F. No. 1873 was reported to the House.

Johnson, D., offered an amendment to S. F. No. 1873.

POINT OF ORDER

Kahn raised a point of order pursuant to Rule 3.9 that the Johnson, D., amendment was out of order. The Speaker Pro Tempore ruled the point of order well taken and the amendment out of order.

S. F. No. 1873, A bill for an act relating to counties; authorizing counties to levy special assessments for county highway improvements within portions of unorganized townships; amending Minnesota Statutes 1974, Section 429.011, Subdivision 2a.

The bill was read for the third time and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 123, and nays 4, as follows:

Those who voted in the affirmative were:

Abeln	Eken	Kempe, R.	Norton	Sieloff
Adams, L.	Enebo	Ketola	Novak	Simoneau
Anderson, G.	Erickson	Knickerbocker	Osthoff	Skoglund
Anderson, I.	Esau	Knoll	Parish	Smith
Arlandson	Evans	Kostohryz	Patton	Smogard
Beauchamp	Ewald	Kroening	Pehler	Spanish
Begich	Faricy	Kvam	Peterson	Stanton
Berg	Fjoslien	Laidig	Petrafeso	Suss
Berglin	Forsythe	Lemke	Philbrook	Swanson
Biersdorf	Friedrich	Lindstrom	Pleasant	Tomlinson
Birnstihl	Fudro	Luther	Prahl	Ulland
Braun	Fugina	Mangan	Reding	Vanasek
Byrne	Hanson	Mann	Rice	Vento
Carlson, A.	Heinitz	McCarron	St. Onge	Volk
Carlson, L.	Hokanson	McCauley	Samuelson	Voss
Carlson, R.	Jacobs	McCollar	Sarna	Wenstrom
Casserly	Jaros	McEachern	Savelkoul	Wenzel
Clark	Jopp	Menning	Schreiber	White
Clawson	Jude	Metzen	Schulz	Wieser
Corbid	Kahn	Moe	Schumacher	Wigley
Dahl	Kaley	Munger	Searle	Williamson
Dean	Kalis	Neisen	Setzepfandt	Zubay
Dieterich	Kelly, R.	Nelsen	Sherwood	Speaker Sabo
Doty	Kelly, W.	Nelson	Sieben, H.	
Eckstein	Kempe, A.	Niehaus	Sieben, M.	

Those who voted in the negative were:

Albrecht	Haugerud	Jensen	Johnson, D.
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The bill was passed and its title agreed to.

Anderson, I., moved that the remaining bills on Special Orders for today be continued on Special Orders for Wednesday, March 24, 1976, immediately following First Reading of Senate Files. The motion prevailed.

The Speaker resumed the Chair.

There being no objection the order of business reverted to Reports of Standing Committees.

REPORTS OF STANDING COMMITTEES

Norton from the Committee on Appropriations to which was referred:

H. F. No. 1437, A bill for an act relating to energy; providing for certain restrictions on the use of energy in this state; prohibiting the use of certain gas lamps; requiring energy conservation standards for public school buildings; requiring an energy audit of state owned buildings; prohibiting sale of certain air conditioners; providing for fuel economy disclosure; authorizing energy research and development grants; prohibiting certain open flame pilot lights; appropriating money; amending Minnesota Statutes 1974, Sections 116H.02, by adding a subdivision; 116H.12, by adding subdivisions; and Chapter 116H, by adding sections; repealing Laws 1974, Chapter 307, Section 19.

Reported the same back with the following amendments:

Page 1, after line 26, insert a new section:

"Sec. 2. Minnesota Statutes 1974, Section 116H.02, is amended by adding a subdivision to read:

Subd. 11. "Solar energy system" means a set of devices having as its primary purpose to collect solar energy and convert and store it for useful purposes including heating and cooling buildings or other energy-using processes, or to produce generated power by means of any combination of collecting, transferring, or converting solar-generated energy."

Page 4, line 5, delete "implement the modification in a".

Page 4, delete lines 6 and 7 and insert "recommend implementation of the modification to the legislature no later than January 15, 1978."

Page 6, after line 19, add a new section:

"Sec. 8. Minnesota Statutes 1974, Chapter 116H, is amended by adding a section to read:

[116H.126] [SOLAR ENERGY SYSTEM STANDARDS OF PERFORMANCE.] *The building code division of the department of administration in consultation with the energy agency shall promulgate by December 31, 1976, pursuant to Minnesota*

Statutes, Chapter 15, the administrative procedures act, quality and performance standards which are in reasonable conformance with the Interim Performance Criteria of Solar Heating and Combined Heating/Cooling Systems and Dwellings, National Bureau of Standards, January 1, 1975; and the Interim Performance Criteria for Commercial Solar Heating and Combined Heating/Cooling Systems and Facilities, National Aeronautics and Space Administration, February 28, 1975 to insure that within the existing state of development, solar energy systems as defined in section 2 of this act, which are sold or installed within the state are effective and represent a high standard of quality of material, workmanship, design, and performance. The department of administration in consultation with the energy agency shall modify existing standards and promulgate new standards subsequent to December 31, 1976 as new technology and materials become available, or as standards are revised by the federal government.

Manufacturers or retailers of solar energy systems shall disclose to each bona fide potential purchaser of a system the extent to which the system meets or exceeds each quality standard."

Page 6, line 22, before "ENERGY" insert "REVIEW OF".

Page 6, line 22, delete "DEVELOPMENT PROGRAM" and insert "DEMONSTRATION PROJECTS".

Page 6, line 23, delete "Subdivision 1."

Page 6, line 24, after "shall" delete "make grants to qualified applicants for research".

Page 6, delete lines 25 and 26 and insert "continuously identify, monitor, and evaluate in terms of potential direct benefit to and possible implementation in Minnesota, research studies and demonstration projects of alternative energy systems and methodologies currently performed in Minnesota and other states and countries including:".

Page 7, line 1, delete "and" and insert:

"(d) hydroelectric power; and".

Page 7, line 2, delete "(d)" and insert "(e)".

Page 7, delete lines 5 to 15.

Page 7, after line 28, insert the following:

"Sec. 11. Minnesota Statutes 1974, 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 (SPONSORS) *owners* of existing residential housing for occupancy by such persons and families, for the rehabilitation of existing residential housing owned by them. Such loans may be insured or uninsured and may be made with such security, or may be unsecured, as the agency deems advisable. 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 loan 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 (STANDARD) *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 (LAWS 1974, CHAPTER 441) *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 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. 12. Minnesota Statutes 1974, Section 462A.21, is amended by adding a subdivision to read:

Subd. 7. The agency may make loans and grants not to exceed \$1,000 to low and moderate income persons who own residential housing constructed before 1965, for improving the energy efficiency of the dwellings through retrofitting of the structure. These loans and grants shall be made from funds appropriated for such purpose to the housing development fund, created in section 462A.20. Any loan for such purpose shall be made only upon determination by the agency that such loan is not otherwise available, wholly or in part, from private lenders upon equivalent terms and conditions. For purposes of this section, energy conservation retrofit measures shall include one or more of the following:

(a) *The initial or additional installation of processed loose fill or blanket insulation materials commonly known as mineral wool, cellulose fiber, fiberglass, vermiculite, perlite, and urea-formaldehyde foam to ceilings and exterior walls. Also included are rigid insulation materials for application to the interior surface of above-grade basement walls.*

(b) *Increased gravity attic ventilation installed as part of a ceiling insulation project.*

(c) *The replacement or upgrading of window and door assemblies through measures such as installation of new storm windows and doors, double or triple glazing of existing windows, the application of reflective coatings and/or treatments.*

(d) *Caulking, sealing, and weatherstripping of openings in the building envelope. Included as openings are joints around window and door frames, between wall and foundation, between wall and roof, between wall panels, and at penetrations of utility services through walls, floors and roofs.*

(e) *Installation of power attic ventilation.*

(f) *Installation of a thermostat having provision for night temperature set-back.*

Sec. 13. [APPROPRIATION.] *The sum of \$25,000,000 is appropriated from the general fund in the state treasury to the housing development fund under the jurisdiction of the housing finance agency to be used for the purposes identified in section 11 of this act. A minimum of 50 percent of this appropriation is to be used for grants."*

Page 7, line 29, delete "\$2,000,000" and insert "\$200,000".

Page 7, line 31, delete "4" and insert "5".

Page 7, line 32, delete "\$1,000,000" and insert "\$100,000".

Page 8, line 1, delete "7" and insert "9".

Page 8, after line 1, insert a new section:

"Sec. 15: *There is appropriated and added to the general contingent account for fiscal year 1977 the sum of \$200,000. This shall be available for making grants for demonstration projects of alternative energy systems and methodology particularly appropriate to Minnesota."*

Page 8, line 5, after the period insert: "*Appropriations by this act shall expire June 30, 1977, notwithstanding section 16A.28 or other law."*

Renumber sections in sequence.

Further amend the title as follows:

Page 1, line 8, delete "fuel economy".

Page 1, delete line 9.

Page 1, line 10, delete "development grants" and insert "solar energy performance standards; providing for monitoring of energy research".

Page 1, line 11, after "lights;" insert "providing for loans and grants for improving energy efficiency of existing residential dwellings;".

Page 1, line 13, delete "a subdivision" and insert "subdivisions".

Page 1, line 14, after the semicolon insert "462A.05, Subdivision 14; and 462A.21, by adding a subdivision;".

With the recommendation that when so amended the bill do pass.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. No. 1437 was read for the second time.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 788 and 2082.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate File, herewith transmitted:

S. F. No. 855.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 788, A bill for an act relating to public welfare; changing eligibility requirements for supplemental aid; providing for cost of living adjustments in supplemental aid benefits; appropriating money; amending Minnesota Statutes 1974, Section 256D.37, Subdivision 2.

The bill was read for the first time and referred to the Committee on Appropriations.

S. F. No. 2082, A bill for an act relating to taxation; providing for payments from the taconite municipal aid account to certain cities and towns; amending Minnesota Statutes 1974, Section 298.282, Subdivision 2, and by adding a subdivision.

The bill was read for the first time and referred to the Committee on Taxes.

S. F. No. 855, A bill for an act relating to metropolitan government; authorizing council regulations establishing standards and guidelines for determining matters of metropolitan significance to be adopted without specific legislative approval; providing for a joint committee to study governmental structure; amending Laws 1975, Chapter 13, Section 18, Subdivision 2.

The bill was read for the first time.

Casserly moved that S. F. No. 855 and H. F. No. 1881, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

GENERAL ORDERS

There being no objection, the bills on General Orders for today were continued on General Orders until Wednesday, March 24, 1976.

MOTIONS AND RESOLUTIONS

Stanton moved that his name be stricken as an author on H. F. No. 1177. The motion prevailed.

Anderson, I., moved that the following bills be unofficially engrossed and printed for the House to include committee amendments.

S. F. Nos. 1956 and 2025.

The motion prevailed.

McCauley introduced:

House Resolution No. 35, A house resolution honoring the Cotter High School basketball team for winning the championship of Region One.

The resolution was referred to the Committee on Rules and Legislative Administration.

Kahn, Sabo and Casserly introduced:

House Resolution No. 36, A house resolution congratulating Marshall-University High School basketball team on winning the state high school class A basketball tournament.

The resolution was referred to the Committee on Rules and Legislative Administration.

ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to the Conference Committee on S. F. No. 1499:

Vento, Osthoff and Knickerbocker.

The Speaker announced the appointment of the following members of the House to the Conference Committee on H. F. No. 2072:

Kelly, W.; Sabo; Anderson, I.; Johnson, D.; and Vanasek.

The Speaker announced the appointment of the following members of the House to the Conference Committee on H. F. No. 500:

Munger, Voss, Hanson, Luther and Biersdorf.

The Speaker announced the appointment of the following members of the House to the Conference Committee on S. F. No. 1740:

Setzefandt, McEachern and Friedrich.

The Speaker announced the appointment of the following members of the House to the Conference Committee on S. F. No. 1051:

Skoglund, Savelkoul and Parish.

ADJOURNMENT

Anderson, I., moved that when the House adjourns today it adjourn until 11:00 a.m., Wednesday, March 24, 1976. The motion prevailed.

Anderson, I., moved that the House adjourn. The motion prevailed and the Speaker declared the House adjourned until 11:00 a.m., Wednesday, March 24, 1976.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

1917

The following bills were introduced:
 H. B. 100, by Mr. [Name], for the purpose of [purpose]
 H. B. 101, by Mr. [Name], for the purpose of [purpose]
 H. B. 102, by Mr. [Name], for the purpose of [purpose]
 H. B. 103, by Mr. [Name], for the purpose of [purpose]

STATE OF MINNESOTA

SIXTY-NINTH SESSION - 1976

NINETY-SEVENTH DAY

SAINT PAUL, MINNESOTA, WEDNESDAY, MARCH 24, 1976

The House convened at 11:00 a.m. and was called to order by the Speaker.

Prayer was offered by the Chaplain.

The roll was called and the following members were present:

Abeln	Doty	Kahn	Munger	Sieben, H.
Adams, L.	Eckstein	Kaley	Neisen	Sieben, M.
Adams, S.	Eken	Kalis	Nelsen	Sieloff
Albrecht	Enebo	Kelly, R.	Nelson	Simoneau
Anderson, G.	Erickson	Kelly, W.	Niehaus	Skoglund
Anderson, I.	Esau	Kempe, A.	Norton	Smith
Arlandson	Evans	Kempe, R.	Novak	Smogard
Beauchamp	Ewald	Ketola	Osthoff	Spanish
Begich	Faricy	Knickerbocker	Parish	Stanton
Berg	Fjoslien	Knoll	Patton	Suss
Berglin	Forsythe	Kostohryz	Pehler	Swanson
Biersdorf	Friedrich	Kroening	Peterson	Tomlinson
Birnstihl	Fudro	Kvam	Petraleso	Ulland
Braun	Fugina	Laidig	Philbrook	Vanasek
Brinkman	George	Langseth	Pleasant	Vento
Byrne	Graba	Lemke	Prahl	Volk
Carlson, A.	Hanson	Lindstrom	Reding	Voss
Carlson, L.	Haugerud	Luther	Rice	Wenstrom
Carlson, R.	Heinitz	Mangan	St. Onge	Wenzel
Casserly	Hokanson	Mann	Samuelson	White
Clark	Jacobs	McCarron	Sarna	Wieser
Clawson	Jaros	McCauley	Savelkoul	Wigley
Corbid	Jensen	McCollar	Schreiber	Williamson
Dahl	Johnson, C.	McEachern	Schumacher	Zubay
Dean	Johnson, D.	Menning	Searle	Speaker Sabo
DeGroat	Jopp	Metzen	Setzepfandt	
Dieterich	Jude	Moe	Sherwood	

A quorum was present.

Schulz was excused until 12:30 p.m.

The Chief Clerk proceeded to read the Journal of the preceding day. On the motion of Esau the further reading was dispensed with and the Journal was approved as corrected.

REPORTS OF CHIEF CLERK

Pursuant to Rules of the House, printed copies of H. F. Nos. 1608, 2332, 1437 and 2683 and S. F. Nos. 2309, 2581, 1959, 2364, 2375, 2288, 1999, 2025, 788, 2082, 855 and 1956 have been placed in the members' files.

S. F. No. 2375 and H. F. No. 2262, which had been referred to the Chief Clerk for comparison, were examined and found to be identical, except H. F. No. 2262, page 1, line 7, contains "\$290,000" whereas S. F. No. 2375, page 1, line 7, contains "\$200,000".

H. F. No. 2262, page 1, lines 8 to 10, contains the language "to continue the right to read program at a declining level of state financial contribution." whereas S. F. No. 2375, page 1, lines 8 to 10, contains the language "by the right to read program to promote reading and writing skills of Minnesota residents."

H. F. No. 2262, page 1, line 13, contains "reading" whereas S. F. No. 2375, page 1, line 13, contains "right to read".

S. F. No. 2375, page 1, line 14 to page 2, line 4, contains:

"Not more than 11 staff members shall be employed for this purpose. To coincide with the revised criteria adopted by the right to read program, an inservice training program for the 11 staff members will be implemented. This will be organized and maintained jointly by the division of instruction and the division of special and compensatory education.

The headquarters and supervision of the regional staff members shall be that of an educational cooperative service unit or intermediary service area where one exists. Otherwise the headquarters and supervision shall be provided by the state department of education at a location established within the area."

In the title, H. F. No. 2262, line 2, contains "reading" whereas S. F. No. 2375, line 2, contains "right to read".

SUSPENSION OF RULES

Sieben, M., moved that the rules be so far suspended that S. F. No. 2375 be substituted for H. F. No. 2262 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1999 and H. F. No. 2002, which had been referred to the Chief Clerk for comparison, were examined and found to be identical, except that H. F. No. 2002, page 1, line 9 to page 2, line 5 reads:

"Section 1. Minnesota Statutes, 1975 Supplement, Section 202A.32, Subdivision 1. is amended to read:

202A.32 [NOMINATING PETITIONS, FILED WITH SECRETARY OF STATE, TIME.] Subdivision 1. [FILING, ACKNOWLEDGMENT OF FILING, FEE.] Nominating petitions for names to be placed on the state white ballot shall be filed with the secretary of state when to be voted for in more than one county, and with the county auditor when to be voted for in a single county. The secretary of state or the county auditor shall give or send to the person filing a nominating petition an acknowledgment thereof on the same day it is received, and he shall file and preserve the nominating petition, subject to public inspection. No filing of any nominating petition is effective unless at the time thereof the prescribed fee is paid or tendered. *The nominating petitions filed with the secretary of state, shall be inspected by the secretary of state to verify that all signatures on the petition for nomination are persons residing within the district or political division from which the candidate is presented.*

The nominating petitions filed with the county auditor shall be inspected in like manner, by the county auditor."

Whereas, S. F. No. 1999 does not contain this language, but reads instead on page 1, line 14 to page 2, line 8:

"Section 1. Minnesota Statutes, 1975 Supplement, Section 203A.33, Subdivision 4, is amended to read:

Subd. 4. [BALLOT, PARTY POSITION.] At the general election, and in the case of partisan offices only, the first name printed for each office, or group of names if more than one is to be voted for, for the same office, shall be that of the candidate of the political party which at the last preceding general election polled the (LARGEST) *smallest* number of votes, the same to be determined by the average vote cast for that party's candidates for partisan offices except representatives in congress. In like manner the second and succeeding lines shall be filled with the names of the candidates of the other political parties receiving the next (HIGHEST) *smallest* number of votes respectively. For the purposes of this subdivision, the average vote of the party shall be computed by determining the total number of votes counted in the state for all of the party's candidates on the general election ballot except representatives in congress, and dividing that sum by the number of the party's candidates, except representatives in congress, appearing on the general election ballot."

H. F. No. 2002 does not contain this language.

H. F. No. 2002, page 2, line 28 to page 3, line 6 reads:

"The form for the Presidential Ballot shall (BE AS FOLLOWS:)

(PUT AN (X) OPPOSITE THE NAME OF THE PRESIDENTIAL CANDIDATE YOU WISH TO VOTE FOR, IN THE BOX INDICATED BY THE ARROW.)

(PRESIDENTIAL BALLOT)

(MARK YOUR (X) IN ONE BOX ONLY)

(STEVENSON AND KEFAUVER—DEMOCRATIC-FARMER-LABOR)

(EISENHOWER AND NIXON—REPUBLICAN)

(THE RELATIVE POSITION OF THE SEVERAL CANDIDATES SHALL) be determined by the rules applicable to other state”.

Whereas, S. F. No. 1999, page 2, line 31 to page 3, line 9 reads:

“The form for the Presidential Ballot (SHALL BE AS) and (FOLLOWS:)

(PUT AN (X) OPPOSITE THE NAME OF THE PRESIDENTIAL CANDIDATE YOU WISH TO VOTE FOR, IN THE BOX INDICATED BY THE ARROW.)

(PRESIDENTIAL BALLOT)

(MARK YOUR (X) IN ONE BOX ONLY)

(STEVENSON AND KEFAUVER—DEMOCRATIC-FARMER-LABOR)

(EISENHOWER AND NIXON—REPUBLICAN)

the relative position of the several candidates shall be determined by the rules applicable to other state”.

S. F. No. 1999, page 3, line 19 to page 4, line 7 reads:

“Sec. 3. Minnesota Statutes, 1975 Supplement, Section 203A.31, is amended by adding a subdivision to read:

Subd. 5. [PREPARATION OF FEDERAL ELECTION BALLOT.] The federal election ballot required by Public Law 94-203 to be used by United States citizens residing outside the United States in voting for candidates for president and vice-president, senator in congress, and representative in congress shall be prepared under the direction of the county auditor in the same manner as provided for the state white ballot and in conformance with the provisions of sections 203A.22 to 203A.34.

Sec. 4. Minnesota Statutes 1974, Chapter 207, is amended by adding a section to read:

[207.025] [ELIGIBLE VOTERS RESIDING OUTSIDE THE UNITED STATES.] *Any person eligible to vote in Minnesota under the provisions of Public Law 94-203 shall be permitted to register and vote for candidates for the offices of president and vice-president, senator in congress, and representative in congress in the same manner as provided in sections 207.03 to 207.151 for any person eligible to vote who is absent from his precinct on election day."*

Whereas, H. F. No. 2002 does not contain this language.

The title of H. F. No. 2002 reads:

"A bill for an act relating to elections; preparation of ballots; verification of names on nominating petitions; amending Minnesota Statutes 1974, Section 208.04; and Minnesota Statutes, 1975 Supplement, Section 202A.32, Subdivision 1; repealing Minnesota Statutes 1974, Sections 208.21 to 208.35."

Whereas, the title of S. F. No. 1999 reads:

"A bill for an act relating to elections; preparation of ballots; changing rotation of names; imposing duties on the county auditor; repealing special provisions for voting in presidential elections; providing for eligible voters residing outside the United States to vote; amending Minnesota Statutes 1974, Section 208.04; and Chapter 207, by adding a section; Minnesota Statutes, 1975 Supplement, Sections 203A.31, by adding a subdivision; 203A.33, Subdivision 4; repealing Minnesota Statutes 1974, Sections 208.21 to 208.35."

SUSPENSION OF RULES

Osthoff moved that the rules be so far suspended that S. F. No. 1999 be substituted for H. F. No. 2002 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2581 and H. F. No. 2676, which had been referred to the Chief Clerk for comparison, were examined and found to be identical, except H. F. 2676 after the enacting clause reads:

"Section 1. [STATE GOVERNMENT APPROPRIATIONS.] Except as herein otherwise specifically provided the sums hereinafter set forth in the columns designated "APPROPRIATIONS", or so much thereof as may be necessary, are hereby appropriated out of the general fund in the state treasury, or any other fund herein designated, for the purposes specified in the following sections of this act, to be available for the fiscal years indicated for each purpose. The figures "1976" and "1977"

wherever used in this act, shall mean that the appropriations listed thereunder shall be available for the year ending June 30, 1976 and June 30, 1977, respectively.

APPROPRIATIONS Available for the Year Ending June 30,

1976 1977

\$ \$

Sec. 2. ATTORNEY GENERAL 95,000

For moving, remodeling, furnishings, and related costs involved in the consolidation of offices in the highway, veterans service, and capital square buildings.

Any unexpended balance remaining in the first year shall not cancel but shall be available for the second year of the biennium.

Sec. 3. ADMINISTRATION

Subdivision 1. Utility Services 322,250 322,250

These sums shall be added to the amounts appropriated in Laws 1975, Chapter 204, Section 18, Subdivision 1.

Subd. 2. Statewide licensing system development 113,000

Any unexpected balance remaining in the first year shall not cancel but shall be available for the second year of the biennium.

Subd. 3. The commissioner of administration is authorized to pay the sum of \$3,085 to the national governors conference from the funds appropriated to the commissioner by Laws 1975, Chapter 204, Section 18, Subdivision 1, for the fiscal year ending June 30, 1977. The amount originally scheduled to be paid from this appropriation to the council of state governments shall be reduced by \$3,085.

Subd. 4. Interstate Co-op Commission.. 5,000

1976 1977

\$ \$

This sum shall be added to the appropriation made in Laws 1975, Chapter 204, Section 18, Subdivision 1.

Sec. 4. PUBLIC SAFETY

Subdivision 1. Crime Victims Reparation Board	100,000	100,000
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This is in addition to the appropriation made in Laws 1975, Chapter 204, Section 31, Subdivision 8.

Subd. 2. MINCIS

Of the amount appropriated to the commissioner of public safety by Laws 1975, Chapter 204, Section 31, Subdivision 2, for fiscal year 1977, \$170,000 is hereby transferred and reappropriated to the same account for fiscal year 1976 to convert computer hardware for the Minnesota crime information system.

Subd. 3. Fire Services — advisory council	4,500	
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Sec. 5. REVENUE

Subdivision 1. Administrative costs — circuit breaker		400,000
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This amount shall be added to the appropriations made in Laws 1975, Chapter 437, Article XIV, Section 1.

Subd 2. State board of assessors.....	28,865	28,865
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Sec. 6. ENERGY

Subdivision 1. Salaries	7,911	37,517
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Subd. 2. Supplies and expense.....	85,991	119,181
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It is the intent of the legislature that none of the Energy Agency's funding shall be used to prepare environmental reports and that the Energy Agency is not required to

	1976	1977
	\$	\$
comply with the EIS section of the Minnesota Environmental Policy Act.		

Sec. 7. NATURAL RESOURCES

Subdivision 1. Water resources management

a. Hydrologic studies	192,000	183,750
b. Supplies and expense.....		87,000
Subd. 2. Field services support — real estate taxes	75,000	150,000

Of the amounts provided herein, \$18,750 for the first year and \$37,500 in the second year are appropriated from the game and fish fund.

Subd. 3. Environmental impact state — reserve mining disposal sites..... 1,300,141

The amounts in Section 7 shall be added to the appropriations made in Laws 1975, Chapter 204, Section 51, Subdivision 3. That portion of the rider in Section 51, Subdivision 3 which states "should this appropriation prove to be insufficient, the commissioner shall inform the commissioner of administration and request that additional moneys be available from whatever sources are appropriate" is hereby repealed.

Subd. 4. Peat information program...	25,000	75,000
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Sec. 8. STATE PLANNING AGENCY

Subdivision 1. Copper Nickel Environmental Impact Statement.....		1,300,000
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Subd. 2. Study of local government fiscal problems, debts, and fiscal management	50,000	
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The appropriation in Subdivision 2 shall not cancel but shall be available until June 30, 1977.

	1976	1977
	\$	\$
Sec. 9. PERSONNEL — State Labor Negotiation and Contract Administration . . .	13,938	84,476

Notwithstanding the provisions of Laws 1975, Chapter 204, Section 20, the complement shall be 94.

Sec. 10. INDIAN AFFAIRS BOARD . . . 12,138

Sec. 11. LABOR AND INDUSTRY

Subdivision 1. Salaries 92,211

Subd. 2. Supplies and expense 5,988

Notwithstanding the approved complement provisions of Laws 1975, Chapter 204, Section 41, Subdivision 1, the approved complement shall be 238. The appropriation made in this section shall be added to the appropriation made in Laws 1975, Chapter 204, Section 41.

Sec. 12. COMMERCE

Hearings costs, postage and instate travel expenses 102,102

The appropriation made in this section shall be added to the appropriation made in Laws 1975, Chapter 204, Section 32.

Sec. 13. BOARD OF HEALTH

Subdivision 1. Preventive and personal health services 123,344 126,482

Water conditioners and installers licensing . . . \$ 9,631 \$ 9,967

Plumbers licensing . . . 113,713 116,515

Notwithstanding the approved complement provision of Laws 1975, Chapter 434, Section 5, Subdivision 1, the approved complement shall be 188.5.

Subd. 2. Health systems quality assurance 79,006 85,296

	1976	1977
	\$	\$
Mortuary science	\$59,724	\$65,520
Hospital administrators registration	19,282	19,776

Notwithstanding the approved complement provision of Laws 1975, Chapter 434, Section 5, Subdivision 2, the approved complement shall be 58.75.

The appropriations made in this section shall be added to the appropriation made in Laws 1975, Chapter 434, Section 5.

Sec. 14. BOARD OF DENTISTRY 37,000

The appropriations made in this section shall be added to the appropriations made in Laws 1975, Chapter 434, Section 4, Subdivision 8.

Sec. 15. Notwithstanding the provisions of Laws 1975, Chapter 434, Section 2, the appropriation for centralized disbursement in Laws 1975, Chapter 434, Section 2, Subdivision 2, for 1976 shall not be reduced unless the federal reimbursement is less than \$3,560,000.

Sec. 16. Notwithstanding the provisions of Minnesota Laws 1975, Chapter 434, Section 2, federal funds budgeted to be earned in the Community Based Residential Services for the Chemically Dependent (Subdivision 4) activity shall be earned by the Day-time Activity Center Grant-in-aid (Subdivision 13) activity.

Sec. 17. Notwithstanding any law to the contrary, the commissioner of finance may, upon the request of the commissioner of health, transfer amounts between appropriations for purposes of reflecting changes in the account structure of the department of health. Such transfer shall be reported to the committee on finance of the Senate and the committee on appropriations in the House of Representatives.

Sec. 18. In the event the income from parking lots and facilities under the jurisdiction of the commissioner of administration are inadequate to make the annual payment of \$203,200 in November, 1975 and 1976, as required by Laws 1973, Chapter 778, Section 21, these payments may be wholly or partially deferred. To the extent these payments are deferred, the commissioner shall, from time to time, make such additional payments so as to pay to the Minnesota state building account in the state bond fund the total sum of \$4,064,000.

Sec. 19. All moneys appropriated for fiscal year 1977 in Laws 1975, Chapter 433, as shown on the worksheets of the conferees of the Senate and the House of Representatives to the University of Minnesota, state university system, community college system and department of education for the purpose of providing funding for the use of and communications costs for the Minnesota educational computing consortium (MECC) managed Univac 1110 single installation, multipurpose, instructional interactive time sharing system, shall not be expended. No moneys appropriated to the above named state systems or agencies for other purposes shall be transferred or used for this purpose.

It is the legislature's policy and specific intent to discontinue the single installation, interactive time sharing system of MECC and to provide funds for the different purpose of establishing a several systems, multi-installation decentralized program with emphasis on educational and geographic special needs.

There is hereby appropriated to support a multi-installation program for fiscal year 1977:

- \$ 54,000 University of Minnesota
- \$700,000 State Department of Education
- \$285,100 State University
- \$ 90,230 Community colleges

This section is effective upon final passage.

Sec. 20. The sum of \$20,000 is appropriated from the state airport fund to the department of aeronautics for the operation and maintenance of the state airport at Orr in the fiscal year ending June 30, 1977. All income received from the operation of the airport after June 30, 1976, and before July 1, 1977, is appropriated to the department of aeronautics for the operation and maintenance of the airport. The airport shall be transferred to its community, county, or region before July 1, 1977, notwithstanding Laws 1976, Chapter 204, Section 45, Subdivision 8. This is the final appropriation.

Sec. 21.

Subdivision 1. Minnesota Statutes 238.04 is amended by adding a subdivision 5a as follows: The chairman and the other members of the commission shall also receive their ordinary and necessary expenses in the same amount and manner as state employees.

Subd. 2. Subdivision 1 is effective January 1, 1976.

Sec. 22.

Subdivision 1. The unencumbered balance of \$205,694.73 remaining in the appropriation made in Laws 1971, Chapter 963, Section 7, Subdivision 1 (1), relocate computer facilities and install inverter is cancelled to the general fund.

Subd. 2. The commissioner of finance is directed to transfer from the general fund to the computer services revolving fund the sum of \$205,694.73 to adjust the cost to the computer services revolving fund to the actual cost of relocation of computer facilities.

Sec. 23. Minnesota Statutes 177.44, Subdivision 3 is amended to read: The department of labor and industry shall conduct investigations and hold public hearings *subject to the provisions of Chapter 15* necessary to define classes of laborers and mechanics and to inform itself as to the hours of labor and wage rates prevailing in all areas of the state for all classes of labor and mechanics commonly employed in highway construction work, with a view to ascertaining and determining prevailing hours of labor, prevailing wage rates and hourly basic rates of pay accordingly.

The department shall inform itself of the nature of the equipment furnished by truck drivers who own and operate trucks on such contract work, with a view to ascertaining and determining minimum rates for the equipment, and shall establish by regulation such minimum rates to be computed into the prevailing wage rate in accordance with the definition thereof in section 177.42.

The sum of \$200,000 is appropriated to the department of labor for the purposes of this section for the biennium ending June 30, 1977.

Sec. 24. Minnesota Statutes 1974, Section 179.74, is amended by adding a subdivision to read:

"Subd. 6. If complete agreement between the state and exclusive representatives of state employees is not reached by October 1 of even numbered years, each party shall notify the director who shall forthwith schedule mediation between the parties. If complete agreement is not reached by November 1, the director shall declare an impasse and each party shall submit its final position to the director by November 10, who shall immediately forward the final positions to the board. The board shall submit the names of seven arbitrators to the parties by November 15, who shall select an arbitrator or arbitrators pursuant to Section 179.72. Arbitration proceedings shall begin as soon as possible, in no event later than December 1, and the decision of the arbitrators shall be made by December 25."

Sec. 25. This act is effective upon enactment except for Section 21 which is effective January 1, 1976."

Whereas S. F. No. 2581, after the enacting clause reads:

“Section 1. [STATE GOVERNMENT APPROPRIATIONS.] Except as herein otherwise specifically provided the sums hereinafter set forth in the columns designated “APPROPRIATIONS”, or so much thereof as may be necessary, are hereby appropriated out of the general fund in the state treasury, or any other fund herein designated, for the purposes specified in the following sections of this act, to be available for the fiscal years indicated for each purpose. The figures “1976” and “1977” wherever used in this act, shall mean that the appropriations listed thereunder shall be available for the year ending June 30, 1976, and June 30, 1977, respectively.

		APPROPRIATIONS	
		Available for the Year	
		Ending June 30,	
		1976	1977
		\$	\$
Sec. 2. ATTORNEY GENERAL	95,000	
<p>Subdivision 1. For moving, remodeling, furnishings, and related costs involved in the consolidation of offices in the highway, veterans service and capitol square buildings.</p> <p>Any unexpended balance remaining in the first year shall not cancel but shall be available for the second year of the biennium.</p>			
Subd. 2. Salaries, supplies and expense for defending tort claims against the state.			200,000
Sec. 3. STATE TREASURER	15,000	
<p>For advertising expenses relating to the disposition of unclaimed property.</p>			
Sec. 4. ADMINISTRATION			
Subdivision 1. Utility Services	310,250	
<p>These sums shall be added to the amounts appropriated in Laws 1975, Chapter 204, Section 18, Subdivision 1.</p>			
Subd. 2. Statewide licensing system development		113,000

1976 1977

\$ \$

Any unexpended balance remaining in the first year shall not cancel but shall be available for the second year of the biennium.

Subd. 3. The commissioner of administration is authorized to pay the sum of \$3,085 to the National Governor's Conference from the funds appropriated to the commissioner by Laws 1975, Chapter 204, Section 18, Subdivision 1, for the fiscal year ending June 30, 1977. The amount originally scheduled to be paid from this appropriation to the council of State Governments shall be reduced by \$3,085.

Sec. 5. FINANCE

Tort Claims 500,000

This appropriation is available to pay tort claims against the state, as approved by the commissioner of finance pursuant to section 27 of this act.

Sec. 6. PERSONNEL

Labor Negotiator 13,938 84,476

Notwithstanding the approved complement provision of Laws 1975, Chapter 204, Section 20, the approved complement shall be 94.

The appropriations made in this section shall be added to the appropriations made in Laws 1975, Chapter 204, Section 20.

Sec. 7. STATE PLANNING AGENCY

The state planning agency shall have the authority to conduct training activities for local and regional government officials and the public in general as is necessary to the implementation of its functions and responsibilities and may charge fees to the participants necessary to cover the agency costs for such activities. All such fees received shall be paid into the state treasury and re-appropriated to the state planning agency. The agency shall be authorized to make dis-

	1976	1977
	\$	\$
bursements for expenses relating to such activities for which the fees are paid.		
Sec. 8. INDIAN AFFAIRS BOARD	10,000	155,550

Notwithstanding the approved complement provision of Laws 1975, Chapter 204, Section 27, the approved complement shall be 7.

Sec. 9. VETERANS AFFAIRS

Notwithstanding the provisions of Laws 1976, Chapter 3, Section 4, Subdivision 1, Paragraph (a), the Minnesota veterans home may not expend any income in excess of \$1,472,300 for 1976.

Sec. 10. PUBLIC SAFETY

Subdivision 1. Crime Victims Reparation Board	100,000	100,000
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These sums shall be added to the amounts appropriated in Laws 1975, Chapter 204, Section 31, Subdivision 8.

Subd. 2. MINCIS

Of the amount appropriated to the commissioner of public safety by Laws 1975, Chapter 204, Section 31, Subdivision 2, for fiscal year 1977, \$170,000 is hereby transferred and reappropriated to the same account for fiscal year 1976 to convert computer hardware for the Minnesota crime information system.

Subd. 3. Fire Services Advisory Council	4,500	7,500
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These sums shall be in addition to the amounts appropriated in Laws 1975, Chapter 204, Section 31.

Sec. 11. COMMERCE

	1976	1977
	\$	\$
Subdivision 1. Hearings costs and employee expenses	102,000	
Subd. 2. Regulation of insurance companies		144,000

Notwithstanding the approved complement provision of Laws 1975, Chapter 204, Section 32, the approved complement shall be 217 for 1977.

The appropriation made in this section shall be added to the appropriation made in Laws 1975, Chapter 204, Section 32.

Sec. 12. LABOR AND INDUSTRY

Subdivision 1. Salaries		92,200
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Notwithstanding the approved complement provision of Laws 1975, Chapter 204, Section 41, Subdivision 1, the approved complement shall be 238.

Subd. 2. Supplies and Expense		6,000
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The appropriations made in this section shall be added to the appropriations made in Laws 1975, Chapter 204, Section 41.

Sec. 13. REVENUE

Subdivision 1. Administrative costs — circuit breaker		400,000
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This amount shall be added to the appropriation for 1977 made in Laws 1975, Chapter 437, Article XIV, Section 1.

Subd. 2. State Board of Assessors	28,865	28,865
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Sec. 14. ENERGY

Subdivision 1. Salaries	7,911	37,517
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Notwithstanding the complement provision of Laws 1975, Chapter 204, Section 50, the approved complement of the agency is 30 for 1976 and 31 for 1977.

	1976	1977
	\$	\$
Subd. 2. Supplies and Expense	86,100	119,200

The appropriations in this section shall be added to the appropriations in Laws 1975, Chapter 204, Section 50.

Sec. 15. NATURAL RESOURCES

Subdivision 1. Administrative Management — Employee relocation expense	43,000	43,000
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Of the amounts provided herein, \$14,000 each year is appropriated from the game and fish fund.

Subd. 2. Field Services Support — real estate taxes	75,000	150,000
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Of the amounts provided herein, \$18,750 for the first year and \$37,500 in the second year are appropriated from the game and fish fund.

Subd. 3. Water Resources Management

a. Hydrologic studies	192,000	183,750
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b. Supplies and expense		87,000
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Subd. 4. Forest Management — labor service	100,000	100,000
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Subd. 5. Parks and Recreation Management — labor service	100,000	100,000
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Subd. 6. Enforcement

The provisions of the labor agreement negotiated between the state of Minnesota and the Minnesota conservation officers' association and signed by the parties on September 17, 1975, relating to wages and economic fringe benefits are hereby accepted. The commissioners of administration and finance are authorized to make available such money as are required to fulfill the state's responsibilities from the moneys appropriated and under the conditions re-

1976

1977

\$

\$

quired in Laws 1975, Chapter 204, Section 60.

The appropriations made in subdivisions 1 to 6 shall be added to the appropriations made in Laws 1975, Chapter 204, Section 50, Subdivision 1.

Subd. 7.

Of the amount appropriated by Laws 1975, Chapter 204, Section 51 for the program Administrative Management Services for 1976 a sum of not to exceed \$150,000 is transferred and reappropriated for development of a cost distribution and cost accounting system in 1977. Such systems shall be developed under the direction and control of the commissioner of finance.

Subd. 8. Environmental Impact Statement

Reserve Mining Company Disposal Site 1,335,141

This appropriation shall be added to the appropriation made in Laws 1975, Chapter 204, Section 51, Subdivision 3, and shall be used to repay those appropriations from which moneys have been transferred to continue this activity. The commissioner of finance shall transfer from this account to the department of natural resources general operation and management account the sum of \$990,241, and to the pollution control agency salaries, supplies, and expense account the sum of \$344,900 for the 1976 year.

Sec. 16. STATE PLANNING AGENCY

Copper-nickel regional environmental impact statement — phase II 1,566,995

This appropriation shall be added to the appropriation made in Laws 1975, Chapter 204, Section 55, Subdivision 7, Paragraph (e).

1976

1977

\$

\$

Sec. 17. GAME AND FISH APPROPRIATION CONTINGENT

Subdivision 1. There is appropriated the sum of \$2,500,000 from the general fund in the state treasury as a contingent appropriation for the use and benefit of the game and fish fund in the state treasury. Transfers from the general fund to maintain a balance in the game and fish fund may be made when authorized by the governor, but no such transfer shall be made until the governor has consulted with the legislative advisory committee and such committee has made their recommendation thereon. Such recommendation shall be advisory only. Failure or refusal on the part of the committee to make its recommendation promptly shall be considered a negative recommendation.

Subd. 2. Any moneys transferred from the general fund shall be repaid to the general fund prior to June 30, 1978.

Sec. 18. Subdivision 1. The encumbered balance of \$205,694.73 remaining in the appropriation made in Laws 1971, Chapter 963, Section 7, Subdivision 1, Paragraph 1, to relocate computer facilities and install inverter is cancelled to the general fund.

Subd. 2. The commissioner of finance is directed to transfer from the general fund to the computer services revolving fund the sum of \$205,694.73 to adjust the cost to the computer services revolving fund to the actual cost of relocation of computer facilities.

Sec. 19. PUBLIC WELFARE

Subdivision 1. Notwithstanding the provisions of Laws 1975, Chapter 434, Section 2, the appropriation for Centralized disbursement in Laws 1975, Chapter 434, Section 2, Subdivision 2 for 1976 shall not be reduced unless the federal reimbursement is less than \$3,530,000.

1976 1977

\$ \$

Subd. 2. Notwithstanding the provisions of Laws 1975, Chapter 434, Section 2, federal funds budgeted to be earned in the Community Based Residential Services for the Chemically Dependent Activity shall be earned by the Daytime Activity Center grant in aid activity.

Sec. 20. BOARD OF DENTISTRY 27,000

This appropriation shall be added to the appropriation made in Laws 1975, Chapter 434, Section 4, Subdivision 8.

Sec. 21. BOARD OF HEALTH

Subdivision 1. Prevention and personal Health Services 123,344 126,482

Water Conditioners and Installers Licensing

\$9,631 \$9,967

Plumbers Licensing

\$113,713 \$116,515

Notwithstanding the approved complement provision of Laws 1975, Chapter 434, Section 5, Subdivision 1, the approved complement shall be 188.5.

Subd. 2. Health Systems Quality Assurance 79,006 85,296

Embalmers Licensing

\$59,724 \$65,520

Hospital Administrators Registration

\$19,282 \$19,776

Notwithstanding the approved complement provision of Laws 1975, Chapter 434, Section 5, Subdivision 2, the approved complement shall be 58.75.

The appropriations made in subdivisions 1 and 2 shall be added to the appropriations made in Laws 1975, Chapter 434, Section 5.

1976 1977

\$

\$

Subd. 3. Notwithstanding any law to the contrary, the commissioner of finance may, upon the request of the commissioner of health, transfer amounts between appropriations for purposes of reflecting changes in the account structure of the department of health. Such transfer shall be reported to the committee on finance of the senate and the committee on appropriations in the house of representatives.

Sec. 22. Minnesota Statutes 1974, Section 345.48, Subdivision 2, is amended to read:

Subd. 2. Before making any deposit to the credit of the general fund, the state treasurer may deduct: (a) costs incurred in connection with any sale of abandoned property, (b) any costs of mailing and publication in connection with any abandoned property, and (c) reasonable service charges. *Any amounts so deducted shall be credited to a special account and are hereby appropriated to pay such costs as are required by the state treasurer for administration of this section.*

Sec. 23. Minnesota Statutes 1974, Section 238.04, is amended by adding a subdivision to read:

Subd. 5a. [CABLE COMMUNICATIONS BOARD MEMBERS EXPENSE.] The chairman and other members of the board shall receive their ordinary and necessary expenses in the same manner and amount as state employees.

Sec. 24. Minnesota Statutes 1974, Section 3.732, Subdivision 1, is amended to read:

3.732 [SETTLEMENT OF CLAIMS.] Subdivision 1. As used in this section *and section 27 of this act* the terms defined in this section have the meanings given them.

(1) "State" means each of its departments, boards, commissions, officers in the executive branch financed in whole or in part with moneys appropriated by the legislature and includes but is not limited to the University of Minnesota, state colleges, community colleges, state hospitals, state penal institutions, and other state agencies. It does not include a city, town, county, school district, or other body corporate and politic.

(2) "Employee of the state" means all officers or employees of the state or of any of the aforesaid enumerated agencies thereof, members of the national guard, or persons acting on behalf

of such enumerated agencies in an official capacity, temporarily or permanently, with or without compensation, *but does not include an independent contractor.*

(3) "*Scope of his office or employment*" means that the employee was acting on behalf of the state in the performance of duties or tasks lawfully assigned to him by competent authority.

Sec. 25. Minnesota Statutes 1974, Section 3.732, Subdivision 2, is amended to read:

Subd. 2. The head of each department or agency of the state, or his designee, acting on behalf of the state, shall attempt to determine, adjust and settle, at any time, any claim for money damages of (\$500) \$2,500 or less against the state for injury to or loss of property or personal injury or death caused by an act or omission of any employee of the state while acting within the scope of his office or employment, under circumstances where the state, if a private person, would be liable to the claimant. Any such settlement shall be final and conclusive on all officers of the state, except where procured by fraud. The acceptance by the claimant of any such settlement shall be final and conclusive on the claimant and shall constitute a complete release of any claim against the state and against the employee of the state whose act or omission gave rise to the claim, by reason of the same subject matter.

Sec. 26. Minnesota Statutes 1974, Section 3.732, Subdivision 5, is amended to read:

Subd. 5. Nothing in this section is to be construed as to deny a claimant who is not paid pursuant to the provisions hereof from (PRESENTING A CLAIM TO THE STATE CLAIMS COMMISSION OR THE LEGISLATURE) *bringing an action at law in the courts of this state.*

Sec. 27. Minnesota Statutes 1974, Chapter 3, is amended by adding a section to read:

[3.736] [TORT CLAIMS.] *Subdivision 1. [GENERAL RULE.] The state will pay compensation for injury to or loss of property or personal injury or death caused by an act or omission of any employee of the state while acting within the scope of his office or employment, under circumstances where the state, if a private person, would be liable to the claimant.*

Subd. 2. [PROCEDURE.] *Claims of various kinds shall be considered and paid in accordance with the statutory procedures provided. Where there is no other applicable statute, a claim shall be brought pursuant to this section as a civil action in the courts of the state.*

Subd. 3. [EXCLUSIONS.] Without intent to preclude the courts from finding additional cases where the state and its employees should not, in equity and good conscience, pay compensation for personal injuries or property losses, the legislature declares that the state and its employees are not liable for the following losses:

(a) Any loss caused by an act or omission of a state employee exercising due care in the execution of a valid or invalid statute or regulation;

(b) Any loss caused by the performance or failure to perform a discretionary duty, whether or not the discretion is abused;

(c) Any loss in connection with the assessment and collection of taxes;

(d) Any loss caused by snow or ice conditions on any highway or other public place, except when the condition is affirmatively caused by the negligent acts of a state employee;

(e) Any loss caused by wild animals;

(f) Any loss other than injury to or loss of property or personal injury or death;

(g) Any loss caused by the condition of unimproved real property owned by the state, which means land that the state has not improved, and appurtenances, fixtures and attachments to land that the state has neither affixed nor improved;

(h) Any loss arising from the construction, operation, or maintenance of the outdoor recreation system, as defined in section 86A.04, or from the clearing of land, removal of refuse, and creation of trails or paths without artificial surfaces, except that the state is liable for conduct that would entitle a trespasser to damages against a private person.

(i) Any loss of benefits or compensation due under a program of public assistance or public welfare, except where state compensation for loss is expressly required by federal law in order for the state to receive federal grants-in-aid;

(j) Any loss based on the failure of any person to meet the standards needed for a license, permit, or other authorization issued by the state or its agents;

(k) Any loss based on the usual care and treatment, or lack of care and treatment, of any person at a state hospital or state corrections facility where reasonable use of available appropriations has been made to provide care;

(1) Any loss, damage, or destruction of property of a patient or inmate of a state institution.

The state will not pay punitive damages.

Subd. 4. [LIMITS.] *The total liability of the state and its employees acting within the scope of their employment on any tort claim shall not exceed \$100,000 when the claim is one for death by wrongful act or omission and \$100,000 to any claimant in any other case. The limitation imposed by this subdivision on individual claimants includes damages claimed for loss of services or loss of support arising out of the same tort.*

Subd. 5. [NOTICE REQUIRED.] *Except as provided in subdivision 6, every person, whether plaintiff, defendant or third party plaintiff or defendant, who claims compensation from the state or a state employee acting within the scope of his employment for or on account of any loss or injury shall present to the attorney general of the state or, in the case of a claim against the university of Minnesota, to the person designated by the regents of the university as the university attorney, and any state employee from whom the claimant will seek compensation, within 180 days after the alleged loss or injury is discovered, a notice stating the time, place and circumstances thereof, the names of any state employees known to be involved, and the amount of compensation or other relief demanded. Actual notice of sufficient facts to reasonably put the state or its insurer on notice of a possible claim complies with the notice requirements of this section. Failure to state the amount of compensation or other relief demanded does not invalidate the notice, but, the claimant shall furnish full information available regarding the nature and extent of the injuries and damages within 15 days after demand by the state. The time for giving the notice does not include the time during which the person injured is incapacitated by the injury from giving the notice.*

Subd. 6. [CLAIMS FOR WRONGFUL DEATH; NOTICE.] *When the claim is one for death by wrongful act or omission, the notice may be presented by the personal representative, surviving spouse, or next of kin, or the consular officer of the foreign country of which the deceased was a citizen, within one year after the alleged injury or loss resulting in the death. If the person for whose death the claim is made has presented a notice that would have been sufficient had he lived, an action for wrongful death may be brought without any additional notice.*

Subd. 7. [PAYMENT.] *A state agency, including any entity defined as part of the state in section 3.732, subdivision 1, clause (1), incurring a tort claim judgment or settlement obligation or whose employees acting within the scope of their employment incur the obligation may seek payment from money appropriated for this purpose by submitting a written request to the commissioner of finance. The request shall contain a description*

of the tort claim precipitating the request, specify the amount of the obligation and be accompanied by copies of judgments, settlement agreements or other documentation relevant to the obligation for which the agency is seeking payment. Upon receipt of the request and review of the claim, the commissioner of finance shall transfer money necessary to pay the obligation to the agency. On January 1 and July 1 of each year, the commissioner of finance shall transmit to the legislature and to the chairmen of the house appropriations and senate finance committees copies of all requests in the preceding six months together with a report on the transfers made with respect to each request. Payment shall be made only upon receipt of a written release by the claimant in a form approved by the attorney general, or the person designated as the university attorney, as the case may be.

No attachment or execution shall issue against the state.

Subd. 8. [LIABILITY INSURANCE.] A state agency, including any entity defined as a part of the state in section 3.732, subdivision 1, clause (1), may procure insurance against liability of the agency and its employees for damages resulting from the torts of the agency and its employees. The procurement of this insurance constitutes a waiver of the defense of governmental immunity to the extent of the liability stated in the policy but has no effect on the liability of the agency and its employees beyond the coverage so provided.

Subd. 9. [INDEMNIFICATION.] The state shall defend, save harmless, and indemnify any state employee against any tort claim or demand, whether groundless or otherwise, arising out of an alleged act or omission if the employee provides complete disclosure and cooperation in the defense of the claim or demand and if, except for elected employees, the employee's appointing authority certifies that the employee was acting within the scope of his employment. This determination may be overruled by the attorney general. This subdivision does not apply in case of malfeasance in office or willful or wanton neglect of duty.

Subd. 10. [JUDGMENT AS BAR.] The judgment in an action under this section is a complete bar to any action by the claimant, by reason of the same subject matter, against the state employee whose act or omission gave rise to the claim.

Sec. 28. Minnesota Statutes 1974, Section 3.751, Subdivision 1, is amended to read:

3.751 [CONTRACT CLAIMS.] Subdivision 1. When a controversy arises out of any contract for work, services, or the delivery of goods entered into by any state agency through established procedure, in respect to which controversy a person to the contract would be entitled to redress against the state, in a court

of appropriate jurisdiction, if the state were suable, and when no claim against the state has been (FILED IN THE STATE CLAIMS COMMISSION OR) made in a bill pending in the legislature for the same redress against it, the state hereby waives immunity from suit in connection with such controversy and confers jurisdiction on the district court to hear and determine any such controversy in the manner provided for the trial of causes in the district court. Only a party to the contract may bring action against the state. (THE STATE DOES NOT WAIVE IMMUNITY WITH RESPECT TO CLAIMS OF PATIENTS OR OTHER INMATES OF STATE INSTITUTIONS.)

Sec. 29. Minnesota Statutes 1974, Section 176.011, Subdivision 9, is amended to read:

Subd. 9. [EMPLOYEE.] "Employee" means any person who performs services for another for hire; and includes the following:

- (1) an alien;
- (2) a minor;
- (3) a sheriff, deputy sheriff, constable, marshal, policeman, fireman, a county highway engineer, and a peace officer while engaged in the enforcement of peace or in and about the pursuit or capture of any person charged with or suspected of crime;
- (4) a county assessor;
- (5) an elected or appointed official of the state, except members of the state legislature, or of any county, city, town, school district or governmental subdivision therein but an officer of a political subdivision elected or appointed for a regular term of office or to complete the unexpired portion of any such regular term, shall be included only after the governing body of the political subdivision has adopted an ordinance or resolution to that effect;
- (6) an executive officer of a corporation;
- (7) a voluntary uncompensated worker, other than an inmate, rendering services in state institutions under the commissioner of public welfare and state institutions under the commissioner of corrections similar to those of officers and employees of such institutions, and whose services have been accepted or contracted for by the commissioner of public welfare or the commissioner of corrections as authorized by law, shall be employees within the meaning of this subdivision. In the event of injury or death of any such voluntary uncompensated worker, the daily wage of the worker, for the purpose of calculating compensation payable under this chapter, shall be the usual going

wage paid at the time of such injury or death for similar services in institutions where such services are performed by paid employees;

(8) a voluntary uncompensated worker engaged in peace time in the civil defense program when ordered to training or other duty by the state or any political subdivision thereof, shall be employees. The daily wage of the worker for the purpose of calculating compensation payable under this chapter, shall be the usual going wage paid at the time of such injury or death for similar services where such services are performed by paid employees;

(9) a voluntary uncompensated worker participating in a program established by a county welfare board shall be an employee within the meaning of this subdivision. In the event of injury or death of any such voluntary uncompensated worker, the wage of the worker, for the purpose of calculating compensation payable under this chapter, shall be the usual going wage paid in the county at the time of such injury or death for similar services where such services are performed by paid employees working a normal day and week;

(10) a voluntary uncompensated worker accepted by the commissioner of natural resources who is rendering services as a volunteer pursuant to section 85.041 shall be an employee. The daily wage of the worker for the purpose of calculating compensation payable under chapter 176, shall be the usual going wage paid at the time of injury or death for similar services where such services are performed by paid employees (.);

(11) a member of the military forces, as defined in section 190.05, while in "active service" or "on duty" as defined in section 190.05, when the service or duty is ordered by state authority. The daily wage of the member for the purpose of calculating compensation payable under this chapter shall be based on the member's usual earnings in civil life. If there is no evidence of previous occupation or earning, the commission shall consider the member's earnings as a member of the military forces;

In the event it is difficult to determine the daily wage as herein provided, then the commission may determine the wage upon which the compensation is payable.

Sec. 30. Minnesota Statutes 1974, Section 192.38, is amended to read:

192.38 [ILLNESS, INJURY, OR DEATH OF MEMBER OF MILITARY FORCES; COMPENSATION.] Subdivision 1. [TEMPORARY EMERGENCY RELIEF.] If any officer or enlisted man of the military forces is wounded or otherwise disabled, dies from disease contracted or injuries received, or

is killed while in "active service" or "on duty" as defined in Minnesota Statutes 1961, Section 190.05, and acts amendatory thereof when such service or duty is ordered by state authority, he, or in the case of his death his dependent widow, child, or parent, may be provided with such immediate temporary relief as may be necessary in cases of severe hardship, in amount to be determined by the adjutant general and approved by the governor. All such payments under this subdivision shall be made from appropriations for the maintenance of the state military forces. *The adjutant general shall notify the workers' compensation commission of any payments made pursuant to this subdivision and the amount thereof shall be subtracted from any award made by the commission.*

Subd. 2. [ASSISTANCE TO CLAIMANTS.] To the extent information is available to him, the adjutant general shall provide information to a person seeking a benefit from the state or federal government or instituting a claim before a state or federal claims commission arising from loss, damage, or destruction of property or for injury or death incurred or sustained by a member of the military forces. *The adjutant general shall notify the workers' compensation commission of any payments made pursuant to federal law, other than the federal social security act or the federal government life insurance program for members of the armed forces, for the same personal injury as the claimant is seeking workers' compensation for, and the amount thereof shall be subtracted from any award made by the commission.*

Sec. 31. Minnesota Statutes, 1975 Supplement, Section 4.19, is amended to read:

4.19 [CONSULTING CONTRACTS BY STATE AGENCIES OR DEPARTMENTS, FUNCTION OF STATE PLANNING AGENCY.] When any state agency or department proposes to contract with a person, other than a state employee, for information relating to whether or not an activity should be undertaken, that agency or department shall (CONSULT WITH) *obtain the approval of the state planning agency prior to entering into any contract. The state planning agency shall (ADVISE AS TO) determine whether the information to be obtained through the proposed contract can be obtained more economically in another way, such as through the services of another state agency or department. A copy of a proposed contract shall be furnished to the state planning agency, the senate finance committee and the house appropriations committee. Before the contract is approved or rejected, the state planning agency shall obtain the recommendations of the senate finance committee and the house appropriations committee. The recommendations are advisory only. Failure or refusal to make a recommendation promptly is deemed a negative recommendation. If a consulting contract is entered into by the state, a copy of the contract shall be immediately filed with the state planning*

agency, which shall continuously monitor work performed under the contract. The contracting agency shall also continuously monitor work performed under the contract.

Sec. 32. [REPEALER.] *Minnesota Statutes 1974, Sections 3.66; 3.67; 3.68; 3.69; 3.70; 3.71; 3.72; 3.7311; 3.735; 3.752; 3.753; 3.76; 3.77; 3.78; 3.79; 3.80; 3.81; 3.82; 3.83; and 15.315 are repealed.*

Sec. 33. *This act is effective the day following its final enactment, except section 23, which is effective January 1, 1976.*"

In the title S. F. No. 2581 reads:

"A bill for an act relating to the organization and operation of state government; appropriating and reappropriating money for the general administrative expenses of state government and limiting the use thereof; providing for payment of claims against the state; abolishing the state claims commission; amending Minnesota Statutes 1974, Sections 3.732, Subdivisions 1, 2, and 5; 3.751, Subdivision 1; 176.011, Subdivision 9; 192.38; 238.04, by adding a subdivision; 345.48, Subdivision 2; and Chapter 3, by adding a section; Minnesota Statutes, 1975 Supplement, Section 4.19; repealing Minnesota Statutes 1974, Sections 3.66 to 3.7311; 3.735; 3.752; 3.753; 3.76 to 3.83; and 15.315."

Whereas H. F. No. 2676, in the title reads:

"A bill for an act relating to the organization, operation and financing of state government; appropriating money; amending Minnesota Statutes, Section 177.44, Subdivision 3; Section 179.74 by adding a subdivision; and Section 238.04 by adding a subdivision."

SUSPENSION OF RULES

Norton moved that the rules be so far suspended that S. F. No. 2581 be substituted for H. F. No. 2676 and that the House File be indefinitely postponed. The motion prevailed.

SECOND READING OF SENATE BILLS

S. F. Nos. 2375, 1999 and 2581 were read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Osthoff introduced:

H. F. No. 2695, A bill for an act relating to insurance; removing 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 1974, Sections 72B.03; and 72B.14; repealing Minnesota Statutes 1974, Section 72B.10.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Osthoff introduced:

H. F. No. 2696, A bill for an act relating to employment; prohibiting mandatory overtime; providing a penalty.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

HOUSE ADVISORY BILLS

Pursuant to Rule 5.3, the following House Advisory Bills were introduced:

Graba and Johnson, C., introduced:

H. A. B. No. 74, Provide a study of finance of secondary, post-secondary and adult vocational education.

The bill was referred to the Committee on Education.

Lindstrom introduced:

H. A. B. No. 75, A bill for an act providing for the study of Minnesota's criminal code.

The bill was referred to the Committee on Judiciary.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 348, A bill for an act relating to insurance; clarifying the application of state law to certain insurance contracts; amending Minnesota Statutes 1974, Chapter 60A, by adding a section.

PATRICK E. FLAHAVEN, Secretary of the Senate

Sieben, H., moved that the House refuse to concur in the Senate amendments to H. F. No. 348, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two Houses. The motion prevailed.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 2038, A bill for an act relating to medical assistance for the needy; directing the commissioner of public welfare to identify and investigate certain medical assistance abuses; requiring certain reports; amending Minnesota Statutes 1974, Section 256B.04, Subdivision 5, and by adding subdivisions.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Forsythe moved that the House concur in the Senate amendments to H. F. No. 2038 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 2038, A bill for an act relating to medical assistance for the needy; directing the commissioner of public welfare to identify and investigate certain medical assistance abuses; requiring certain reports; amending Minnesota Statutes 1974, Section 256B.04, Subdivision 5, and by adding subdivisions.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question being taken on the repassage of the bill and the roll being called, there were yeas 120, and nays 0, as follows:

Those who voted in the affirmative were:

Abeln	Anderson, G.	Beauchamp	Berglin	Braun
Adams, L.	Anderson, I.	Begich	Biersdorf	Brinkman
Adams, S.	Arlandson	Berg	Birnstihl	Byrne

Carlson, A.	Fugina	Kroening	Novak	Sieben, M.
Carlson, L.	George	Kvam	Osthoff	Sieloff
Carlson, R.	Hanson	Laidig	Parish	Simoneau
Casserly	Heinitz	Langseth	Patton	Skoglund
Clark	Hokanson	Lemke	Pehler	Smith
Clawson	Jacobs	Lindstrom	Peterson	Smogard
Corbid	Jaros	Luther	Petrafeso	Spanish
Dahl	Jensen	Mangan	Philbrook	Stanton
Dean	Johnson, D.	Mann	Pleasant	Suss
DeGroat	Jopp	McCarron	Prahl	Tomlinson
Dieterich	Jude	McCauley	Reding	Ulland
Doty	Kahn	McCollar	Rice	Vanasek
Eckstein	Kaley	McEachern	St. Onge	Vento
Enebo	Kalis	Menning	Samuelson	Voik
Esau	Kelly, R.	Metzen	Sarna	Wenstrom
Evans	Kelly, W.	Moe	Savelkoul	Wenzel
Ewald	Kempe, A.	Munger	Schreiber	White
Faricy	Kempe, R.	Neisen	Schumacher	Wieser
Fjoslien	Ketola	Nelsen	Setzepfandt	Wigley
Forsythe	Knickerbocker	Nelson	Sherwood	Zubay
Friedrich	Kostohryz	Niehaus	Sieben, H.	Speaker Sabo

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 2157, A bill for an act relating to public welfare; providing for administrative and judicial review of certain actions and decisions of local welfare agencies; repealing Minnesota Statutes 1974, Sections 256.77; 256B.10; 256B.11; 256D.12; and 256D.40.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Sieben, H., moved that the House concur in the Senate amendments to H. F. No. 2157 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 2157, A bill for an act relating to public welfare; providing for administrative and judicial review of certain actions and decisions of local welfare agencies; repealing Minnesota Statutes 1974, Sections 256.77; 256B.10; 256B.11; 256D.12; and 256D.40.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question being taken on the repassage of the bill and the roll being called, there were yeas 121, and nays 0, as follows:

Those who voted in the affirmative were:

Abeln	Dieterich	Kalis	Munger	Sieben, H.
Adams, L.	Doty	Kelly, R.	Neisen	Sieben, M.
Adams, S.	Eckstein	Kelly, W.	Nelsen	Sieloff
Albrecht	Enebo	Kempe, A.	Nelson	Skoglund
Anderson, G.	Esau	Kempe, R.	Niehaus	Smith
Anderson, I.	Evans	Ketola	Novak	Smogard
Beauchamp	Ewald	Knickerbocker	Osthoff	Spanish
Begich	Faricy	Knoll	Parish	Stanton
Berg	Fjoslien	Kostohryz	Patton	Suss
Berglin	Forsythe	Kroening	Pehler	Swanson
Biersdorf	Friedrich	Kvam	Peterson	Tomlinson
Birnstihl	Fudro	Laidig	Petrafeso	Ulland
Braun	Fugina	Langseth	Philbrook	Vanasek
Brinkman	George	Lemke	Pleasant	Vento
Byrne	Hanson	Lindstrom	Prahl	Wenstrom
Carlson, A.	Heinitz	Luther	Reding	Wenzel
Carlson, L.	Hokanson	Mangan	Rice	White
Carlson, R.	Jacobs	Mann	St. Onge	Wieser
Cassery	Jaros	McCarron	Samuelson	Wigley
Clark	Jensen	McCauley	Sarna	Zubay
Clawson	Johnson, D.	McCollar	Savelkoul	Speaker Sabo
Corbid	Jopp	McEachern	Schreiber	
Dahl	Jude	Menning	Schumacher	
Dean	Kahn	Metzen	Setzpfandt	
DeGroat	Kaley	Moe	Sherwood	

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 2039, A bill for an act relating to health care; clarifying and expanding the patients' bill of rights; requiring certain notices; providing penalties; amending Minnesota Statutes 1974, Sections 144.651 and 144.652.

PATRICK E. FLAHAVER, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Heinitz moved that the House concur in the Senate amendments to H. F. No. 2039 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 2039, A bill for an act relating to health care; clarifying and expanding the patients' bill of rights; requiring certain notices; providing penalties; amending Minnesota Statutes 1974, Sections 144.651 and 144.652.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question being taken on the repassage of the bill and the roll being called, there were yeas 125, and nays 0, as follows:

Those who voted in the affirmative were:

Abeln	DeGroat	Jude	Metzen	Setzepfandt
Adams, L.	Dieterich	Kahn	Moe	Sherwood
Adams, S.	Doty	Kaley	Munger	Sieben, H.
Albrecht	Eckstein	Kalis	Neisen	Sieben, M.
Anderson, G.	Eken	Kelly, R.	Nelsen	Sieloff
Anderson, I.	Enebo	Kempe, A.	Nelson	Simoneau
Arlandson	Erickson	Kempe, R.	Niehaus	Skoglund
Beauchamp	Esau	Ketola	Novak	Smith
Begich	Evans	Knickerbocker	Osthoff	Smogard
Berg	Ewald	Knoll	Parish	Spanish
Berglin	Faricy	Kostohryz	Patton	Stanton
Biersdorf	Fjoslien	Kroening	Pehler	Suss
Birnstihl	Forsythe	Kvam	Peterson	Swanson
Braun	Friedrich	Laidig	Petrafeso	Tomlinson
Brinkman	Fudro	Langseth	Philbrook	Ulland
Byrne	Fugina	Lemke	Pleasant	Vanasek
Carlson, A.	George	Lindstrom	Prahl	Vento
Carlson, L.	Hanson	Luther	Reding	Wenstrom
Carlson, R.	Heinitz	Mangan	Rice	Wenzel
Casserly	Hokanson	Mann	St. Onge	White
Clark	Jacobs	McCarron	Samuelson	Wieser
Clawson	Jaros	McCauley	Sarna	Wigley
Corbid	Jensen	McCollar	Savelkoul	Williamson
Dahl	Johnson, D.	McEachern	Schreiber	Zubay
Dean	Jopp	Menning	Schumacher	Speaker Sabo

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 1993, A bill for an act relating to education; providing standards for the education of handicapped children; requiring a hearing and appeals process; limiting expenditures to meet federal requirements; amending Minnesota Statutes 1974, Section 120.17, Subdivisions 3 and 4, and by adding subdivisions; and Minnesota Statutes, 1975 Supplement, Section 120.17, Subdivision 1.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Birnstihl moved that the House concur in the Senate amendments to H. F. No. 1993 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1993, A bill for an act relating to education; providing standards for the education of handicapped children; requiring a hearing and appeals process; limiting expenditures to meet federal requirements; amending Minnesota Statutes 1974, Section 120.17, Subdivisions 3 and 4, and by adding subdivisions; and Minnesota Statutes, 1975 Supplement, Section 120.17, Subdivision 1.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question being taken on the repassage of the bill and the roll being called, there were yeas 127, and nays 0, as follows:

Those who voted in the affirmative were:

Abeln	Dieterich	Kaley	Munger	Sieben, M.
Adams, L.	Doty	Kalis	Neisen	Sieloff
Adams, S.	Eckstein	Kelly, R.	Nelsen	Simoneau
Albrecht	Eken	Kelly, W.	Nelson	Skoglund
Anderson, G.	Enebo	Kempe, A.	Niehaus	Smith
Anderson, I.	Erickson	Kempe, R.	Novak	Smogard
Arlandson	Esau	Ketola	Osthoff	Spanish
Beauchamp	Evans	Kniickerbocker	Parish	Stanton
Begich	Ewald	Knoll	Patton	Suss
Berg	Faricy	Kostohryz	Pehler	Swanson
Berglin	Fjoslien	Kroening	Peterson	Tomlinson
Biersdorf	Forsythe	Kvam	Petraleso	Ulland
Birnstihl	Friedrich	Laidig	Philbrook	Vanasek
Braun	Fudro	Langseth	Pleasant	Vento
Brinkman	Fugina	Lemke	Prahl	Volk
Byrne	George	Lindstrom	Reding	Wenstrom
Carlson, A.	Hanson	Luther	Rice	Wenzel
Carlson, L.	Heinitz	Mangan	St. Onge	White
Carlson, R.	Hokanson	Mann	Samuelson	Wieser
Casserly	Jacobs	McCarron	Sarna	Wigley
Clark	Jaros	McCauley	Saveikoul	Williamson
Clawson	Jensen	McCollar	Schreiber	Zubay
Corbid	Johnson, D.	McEachern	Schumacher	Speaker Sabo
Dahl	Jopp	Menning	Setzepfandt	
Dean	Jude	Metzen	Sherwood	
DeGroat	Kahn	Moe	Sieben, H.	

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 429, A bill for an act relating to labor; increasing the minimum wage; amending Minnesota Statutes 1974, Section 177.24.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Farcy moved that the House concur in the Senate amendments to H. F. No. 429 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 429, A bill for an act relating to labor; increasing the minimum wage; amending Minnesota Statutes 1974, Sections 177.24; and 177.28, Subdivision 3.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question being taken on the repassage of the bill and the roll being called, there were yeas 111, and nays 14, as follows:

Those who voted in the affirmative were:

Abeln	DeGroat	Kempe, A.	Norton	Smith
Adams, L.	Dieterich	Kempe, R.	Novak	Smogard
Adams, S.	Doty	Ketola	Osthoff	Spanish
Anderson, G.	Eken	Knickerbocker	Parish	Stanton
Anderson, I.	Enebo	Knoll	Patton	Suss
Arlandson	Evans	Kostohryz	Pehler	Swanson
Beauchamp	Ewald	Kroening	Petrafeso	Tomlinson
Begich	Farcy	Laidig	Philbrook	Ulland
Berg	Fudro	Langseth	Prahl	Vanasek
Berglin	Fugina	Lemke	Reding	Vento
Biersdorf	George	Luther	Rice	Volk
Birnstihl	Hanson	Mangan	St. Onge	Voss
Braun	Heinitz	Mann	Samuelson	Wenstrom
Byrne	Hokanson	McCarron	Sarna	Wenzel
Carlson, A.	Jacobs	McCauley	Savelkoul	White
Carlson, L.	Jaros	McCollar	Schreiber	Wieser
Carlson, R.	Jensen	McEachern	Schumacher	Wigley
Casserly	Johnson, D.	Menning	Setzepfandt	Williamson
Clark	Jopp	Metzen	Sherwood	Speaker Sabo
Clawson	Jude	Moe	Sieben, H.	
Corbid	Kahn	Munger	Sieben, M.	
Dahl	Kelly, R.	Neisen	Simoneau	
Dean	Kelly, W.	Nelson	Skoglund	

Those who voted in the negative were:

Albrecht	Esau	Friedrich	Kvam	Peterson
Eckstein	Fjoslien	Kaley	Nelsen	Zubay
Erickson	Forsythe	Kalis	Niehaus	

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 290, A bill for an act relating to sex discrimination; abolishing discrimination on the basis of sex in certain insurance laws; amending Minnesota Statutes 1974, Sections 61A.12, Subdivisions 2 and 4; 62A.041; 62C.14, Subdivision 5a; 69.40; 69.41; and 69.48.

PATRICK E. FLAHAVER, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Clark moved that the House concur in the Senate amendments to H. F. No. 290 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 290, A bill for an act relating to sex discrimination; abolishing discrimination on the basis of sex in certain insurance laws; amending Minnesota Statutes 1974, Sections 61A.12, Subdivisions 2 and 4; 62A.041; 62C.14, Subdivision 5a; 69.41; 69.48; and Minnesota Statutes, 1975 Supplement, Section 69.40.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question being taken on the repassage of the bill and the roll being called, there were yeas 126, and nays 0, as follows:

Those who voted in the affirmative were:

Abeln	Doty	Kelly, R.	Nelson	Simoneau
Adams, L.	Eckstein	Kelly, W.	Niehaus	Skoglund
Adams, S.	Eken	Kempe, A.	Norton	Smith
Albrecht	Enebo	Kempe, R.	Novak	Smogard
Anderson, G.	Erickson	Ketola	Osthoff	Spanish
Anderson, I.	Esau	Knickerbocker	Parish	Stanton
Arlandson	Evans	Knoll	Patton	Suss
Beauchamp	Ewald	Kostohryz	Pehler	Swanson
Begich	Faricy	Kroening	Peterson	Tomlinson
Berg	Fjoslien	Kvam	Petrafeso	Ulland
Berglin	Forsythe	Laidig	Philbrook	Vanasek
Biersdorf	Friedrich	Langseth	Pleasant	Vento
Birnstihl	Fudro	Lemke	Prahl	Volk
Brinkman	George	Luther	Reding	Voss
Byrne	Hanson	Mangan	Rice	Wenstrom
Carlson, A.	Heinitz	Mann	St. Onge	Wenzel
Carlson, L.	Hokanson	McCarron	Samuelson	White
Carlson, R.	Jacobs	McCauley	Sarna	Wieser
Casserly	Jaros	McCollar	Savelkoul	Wigley
Clark	Jensen	McEachern	Schreiber	Williamson
Clawson	Johnson, D.	Menning	Schumacher	Zubay
Corbid	Jopp	Metzen	Setzepfandt	Speaker Sabo
Dahl	Jude	Moe	Sherwood	
Dean	Kahn	Munger	Sieben, H.	
DeGroat	Kaley	Neisen	Sieben, M.	
Dieterich	Kalis	Nelsen	Sieloff	

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 447, A bill for an act relating to real estate brokers and salespersons; authorizing establishment of special licenses applicable solely to the rental or management of real estate; amending Minnesota Statutes 1974, Sections 82.20, Subdivision 1; and 82.22, Subdivision 6.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Williamson moved that the House concur in the Senate amendments to H. F. No. 447 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 447, A bill for an act relating to real estate brokers and salespersons; authorizing establishment of special licenses applicable solely to the rental or management of real estate; exempting corporate officers from certain licensing requirements; amending Minnesota Statutes 1974, Section 82.20, Subdivisions 1 and 13; and Minnesota Statutes, 1975 Supplement, Sections 82.18; and 82.22, Subdivision 6.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question being taken on the repassage of the bill and the roll being called, there were yeas 127, and nays 0, as follows:

Those who voted in the affirmative were:

Abeln	Casserly	Friedrich	Kempe, A.	McEachern
Adams, L.	Clark	Fudro	Kempe, R.	Menning
Adams, S.	Clawson	Fugina	Ketola	Metzen
Albrecht	Corbid	George	Knickerbocker	Moe
Anderson, G.	Dahl	Hanson	Knoll	Munger
Anderson, I.	Dean	Heinitz	Kostohryz	Neisen
Arlandson	DeGroat	Hokanson	Kroening	Nelsen
Beauchamp	Dieterich	Jacobs	Kvam	Nelson
Begich	Doty	Jaros	Laidig	Niehaus
Berg	Eken	Jensen	Langseth	Norton
Berglin	Enebo	Johnson, D.	Lemke	Novak
Biersdorf	Erickson	Jopp	Lindstrom	Osthoff
Birnsthil	Esau	Jude	Luther	Parish
Braun	Evans	Kahn	Mangan	Patton
Brinkman	Ewald	Kaley	Mann	Pehler
Byrne	Faricy	Kalis	McCarron	Peterson
Carlson, E.	Fjoslien	Kelly, R.	McCauley	Petrafaso
Carlson, R.	Forsythe	Kelly, W.	McCollar	Philbrook

Pleasant	Schreiber	Skoglund	Ulland	Wieser
Prahl	Schumacher	Smith	Vanasek	Wigley
Reding	Setzepfandt	Smogard	Vento	Williamson
Rice	Sherwood	Spanish	Volk	Zubay
St. Onge	Sieben, H.	Stanton	Voss	Speaker Sabo
Samuelson	Sieben, M.	Suss	Wenstrom	
Sarna	Sieloff	Swanson	Wenzel	
Savelkoul	Simoneau	Tomlinson	White	

The bill was repassed, as amended by the Senate, and its title agreed to.

PROGRESS REPORTS ON CONFERENCE COMMITTEES

Pursuant to Joint Rule 13, Sieben, H., reported on the progress of H. F. No. 109, now in Conference Committee.

Pursuant to Joint Rule 13, Casserly reported on the progress of S. F. No. 1383, now in Conference Committee.

The following conference committee report was received.

CONFERENCE COMMITTEE REPORT ON H. F. NO. 1530

A bill for an act relating to metropolitan land use and planning; providing certain requirements and procedures for local governmental units and school districts in the metropolitan area; providing interim zoning; amending Minnesota Statutes 1974, Section 462.365, by adding a subdivision; Minnesota Statutes, 1975 Supplement, Section 473.175.

March 22, 1976

The Honorable Martin O. Sabo
Speaker of the House of Representatives
The Honorable Alec G. Olson
President of the Senate

We, the undersigned conferees for H. F. No. 1530 report that we have agreed upon the items in dispute and recommend as follows:

That the senate recede from its amendments and that everything after the enacting clause be stricken and the following inserted:

“Section 1. [LEGISLATIVE FINDINGS AND PURPOSE.]
The legislature finds and declares that the local governmental units within the metropolitan area are interdependent, that the growth and patterns of urbanization within the area create the need for additional state, metropolitan and local public services

and facilities and increase the danger of air and water pollution, and that developments in one local governmental unit may affect the provision of regional capital improvements for sewers, transportation, airports and regional recreation open space. Since problems of urbanization and development transcend local governmental boundaries, there is a need for the adoption of coordinated plans, programs and controls by all local governmental units and school districts in order to protect the health, safety and welfare of the residents of the metropolitan area and to ensure coordinated, orderly and economic development. Therefore, it is the purpose of sections 1 to 23 to (1) establish requirements and procedures to accomplish comprehensive local planning with land use controls consistent with planned, orderly and staged development and the metropolitan system plans, and (2) to provide assistance to local governmental units and school districts within the metropolitan area for the preparation of plans and official controls appropriate for their areas and consistent with metropolitan system plans.

Sec. 2. [DEFINITIONS.] Subdivision 1. As used in sections 1 to 23, the following terms shall have the meanings given them.

Subd. 2. "Advisory metropolitan land use committee" or "advisory committee" means an advisory committee established by the metropolitan council pursuant to section 3.

Subd. 3. "Applicable planning statute" means sections 394.21 to 394.37 for counties and sections 462.351 to 462.364 for cities and towns.

Subd. 4. "Capital improvement program" means an itemized program for a five year prospective period, and any amendments thereto, subject to at least biennial review, setting forth the schedule, timing, and details of specific contemplated capital improvements by year, together with their estimated cost, the need for each improvement, financial sources, and the financial impact that the improvements will have on the local governmental unit or school district.

Subd. 5. "Comprehensive plan" means the comprehensive plan of each local governmental unit described in sections 8 to 12, and any amendments to the plan.

Subd. 6. "Fiscal devices" means the valuation of property pursuant to section 273.111, the designation of urban and rural service districts, pursuant to section 272.67, and the establishment of development districts pursuant to sections 472A.01 to 472A.13, and any other statutes authorizing the creation of districts in which the use of tax increment bonding is authorized.

Subd. 7. "Local governmental unit" or "unit" means all cities, counties and towns lying in whole or in part within the metropolitan area, but does not include school districts.

Subd. 8. "Metropolitan system plans" means the airports portion of the metropolitan development guide and the policy plans, development programs and capital budgets for metropolitan waste control, transportation, and regional recreation open space.

Subd. 9. "Official controls" or "controls" means ordinances and regulations which control the physical development of a city, county or town or any part thereof or any detail thereof and implement the general objectives of the comprehensive plan. Official controls may include ordinances establishing zoning, subdivision controls, site plan regulations, sanitary codes, building codes and official maps.

Subd. 10. "Private sewer facility" means a single lot, multiple lot or other sewage collection or treatment facility owned, constructed or operated by any person other than a local governmental unit or the metropolitan waste control commission.

Subd. 11. "School district" has the meaning given it by section 120.02, subdivisions 14 and 15, and includes any independent or special school district whose administrative offices are located within the metropolitan area as of the effective date of this act.

Sec. 3. [ADVISORY COMMITTEE.] The council shall establish an advisory metropolitan land use committee pursuant to section 473.127, comprised of 16 members, one from each council district, and as many additional members as are necessary to provide representation from each metropolitan county, plus a chairman. At least one half of the members of the advisory committee shall be elected officials of local governmental units. The members shall be appointed for the same period as the term of the council member for the district in which the member resides.

Sec. 4. [GUIDELINES.] The council shall prepare and adopt guidelines and procedures relating to the requirements and provisions of sections 1 to 23 which will provide assistance to local governmental units and school districts in accomplishing the provisions of sections 1 to 23.

Sec. 5. [METROPOLITAN SYSTEM STATEMENT.] By July 1, 1977, the council shall transmit to each local governmental unit a metropolitan system statement and to each school district a statement comprised of the parts of metropolitan system statements affecting the school district. In the preparation of the metropolitan system statement, the council shall consult with appropriate commissions and officials of the unit. The statement shall contain information relating to the unit and appropriate surrounding territory that the council determines necessary for the unit to consider in preparing its comprehensive plan, including the following:

(a) The timing, character, function, location, projected capacity and conditions on use, for existing or planned metropoli-

tan public facilities, as specified in metropolitan system plans, and for state and federal public facilities to the extent known to the council;

(b) The population, employment and housing need projections which have been used by the council as a basis for its metropolitan system plans;

(c) Any parts of the land use plan, public facilities plan or implementation program which may be excluded from the plan of the local governmental unit. The exclusion of parts shall be based on the nature and character of existing and projected development within each local governmental unit and on policies, statements, and recommendations contained in metropolitan system plans.

Sec. 6. [METROPOLITAN SYSTEM STATEMENTS; AMENDMENTS.] *Local governmental units shall consider in their initial comprehensive plans submitted to the council, and school districts shall consider in their initial capital improvement programs submitted to the council, any amendments or modifications to metropolitan system plans which were made by the council and transmitted prior to January 1, 1978. Thereafter within nine months after receiving an amendment to a metropolitan system plan, each affected local governmental unit shall review its comprehensive plan and each affected school district shall review its capital improvement program to determine if an amendment is necessary to ensure continued conformity with metropolitan system plans. If an amendment is necessary, the governmental unit or school district shall prepare the amendment and submit it to the council for review pursuant to sections 1 to 23.*

Sec. 7. [SYSTEM STATEMENTS; RECONCILIATION PROCEDURES.] *Subdivision 1. If a local governmental unit or school district and the council are unable to resolve disagreements over the content of a system statement, the unit or district may by resolution request that a hearing be conducted by the advisory committee or by the state office of hearing examiners for the purpose of considering amendments to the system statement. The request shall be made by the unit or district within 60 days after receipt of the system statement and shall be accompanied by a description of the disagreement together with specified proposed amendments to the system statement. If no request for a hearing is received by the council within 60 days, the statement shall be final.*

Subd. 2. A hearing shall be conducted within 60 days after the request, provided that the committee shall consolidate hearings on related requests. The hearing shall not consider the need for or reasonableness of the metropolitan system plans or parts thereof. The hearing shall afford all interested persons an opportunity to testify and present evidence. The advisory com-

mittee or hearing examiner may employ the appropriate technical and professional services of the state planning agency for the purpose of evaluating disputes of fact. The proceedings shall not be deemed a contested case. Within 30 days after the hearing, the committee or hearing examiner shall report to the council respecting the proposed amendments to the system statements. The report shall contain findings of fact, conclusions, and recommendations and shall apportion the costs of the proceedings among the parties.

Subd. 3. Within 30 days of receipt of the report, the council, by resolution containing findings of fact and conclusions, shall make a final determination respecting the proposed amendments. At any point in the reconciliation procedure established by this section, the council and a local governmental unit or district may resolve their disagreement by stipulation.

Sec. 8. [COMPREHENSIVE PLANS; LOCAL GOVERNMENTAL UNITS.] Subdivision 1. Within three years following the receipt of the metropolitan system statement, every local governmental unit shall have prepared a comprehensive plan in accordance with sections 1 to 23 and the applicable planning statute and shall have submitted the plan to the metropolitan council for review pursuant to section 14. The provisions of sections 1 to 23 shall supersede the provisions of the applicable planning statute wherever a conflict may exist.

Subd. 2. Local governmental units shall submit their proposed plans to adjacent governmental units and affected school districts for review and comment at least six months prior to submission of the plan to the council and shall submit copies to them on the submission of the plan to the council.

Subd. 3. The plans shall be submitted to the council following approval by the planning commission of the unit and after consideration but before final approval by the governing body of the unit.

Subd. 4. Comprehensive plans, capital improvement programs, sewer policy plans and official controls of local governmental units adopted prior to the requirements of sections 1 to 23 shall remain in force and effect until amended, repealed or superseded by plans or controls adopted pursuant to sections 1 to 23. Existing comprehensive plans, capital improvement programs, sewer policy plans, and official controls may be amended and new capital improvement programs and official controls may be prepared and adopted prior to the submission to the council of comprehensive plans required by sections 1 to 23.

Sec. 9. [COMPREHENSIVE PLAN CONTENT.] Subdivision 1. The comprehensive plan shall contain objectives, policies, standards and programs to guide public and private land use, development, redevelopment and preservation for all lands

and waters within the jurisdiction of the local governmental unit through 1990 and may extend through any year thereafter which is evenly divisible by five. Each plan shall specify expected industrial and commercial development, planned population distribution, and local public facility capacities upon which the plan is based. Each plan shall contain a discussion of the use of the public facilities specified in the metropolitan system statement and the effect of the plan on adjacent local governmental units and affected school districts. Existing plans and official controls may be used in whole or in part following modification, as necessary, to satisfy the requirements of sections 1 to 23. The comprehensive plan may contain any additional matter which may be included in a comprehensive plan of the local governmental unit pursuant to the applicable planning statute.

Subd. 2. [LAND USE PLAN.] A land use plan shall designate the existing and proposed location, intensity and extent of use of land and water for agricultural, residential, commercial, industrial and other public and private purposes, or any combination of such purposes. A land use plan shall contain a protection element, as appropriate, for historic sites and the matters listed in section 473.204. A land use plan shall also include a housing element containing standards, plans and programs for providing adequate housing and opportunities to meet existing and projected local and regional housing needs, including but not limited to the use of official controls and land use planning to promote the availability of land for the development of low and moderate income housing.

Subd. 3. [PUBLIC FACILITIES PLAN.] A public facilities plan shall describe the character, location, timing, sequence, function, use and capacity of existing and future public facilities of the local governmental unit. A public facilities plan must be in at least such detail as may be necessary to establish existing or potential effects on or departures from metropolitan system plans and to protect metropolitan system plans. A public facilities plan shall contain at least the following parts:

(a) A transportation plan describing, designating and scheduling the location, extent, function and capacity of existing and proposed local public and private transportation services and facilities;

(b) A sewer policy plan describing, designating and scheduling the areas to be sewered by the public system, the existing and planned capacities of the public system, the standards and conditions under which the installation of private sewer systems will be permitted, and to the extent practicable, the areas not suitable for public or private systems because of public health, safety and welfare considerations;

(c) A parks and open space plan describing, designating and scheduling the existing and proposed parks and recreation open spaces within the jurisdiction.

Subd. 4. [IMPLEMENTATION PROGRAM.] An implementation program shall describe public programs, fiscal devices and other specific actions to be undertaken in stated sequence to implement the comprehensive plan and ensure conformity with metropolitan system plans. An implementation program must be in at least such detail as may be necessary to establish existing or potential effects on or departures from metropolitan system plans and to protect metropolitan system plans. An implementation program shall contain at least the following parts:

(a) A description of official controls, addressing at least the matters of zoning, subdivision, and private sewer systems, and a schedule for the preparation, adoption, and administration of such controls.

(b) A capital improvement program for transportation, sewers, parks and open space facilities.

(c) A housing implementation program, including official controls to implement the housing element of the land use plan, which will provide sufficient existing and new housing to meet the local unit's share of the metropolitan area need for low and moderate income housing.

Subd. 5. [URBANIZATION AREAS.] The comprehensive plans may designate, when appropriate, five year urbanization areas and shall specify in the capital improvement program the timing and sequence of major local public facilities and in the implementation program official controls which will ensure that urbanization occurs only in urbanization areas and in accordance with the plan.

Sec. 10. [CITIES.] Except as provided in the metropolitan system statement, comprehensive plans of cities shall include the matters specified in section 9.

Sec. 11. [TOWNS.] Subdivision 1. Except as provided in the metropolitan system statement, comprehensive plans of towns shall include the matters specified in section 9.

Subd. 2. By December 31, 1976, each town within the counties of Anoka, Carver, Dakota, Scott and Washington, authorized to plan under sections 462.351 to 462.364, or under special law, shall by resolution determine whether it will prepare the comprehensive plan for its jurisdiction. Each such town also shall specify, pursuant to agreement with the county within which it is situated, any parts of its plan and official controls, if any, the preparation of which it delegates to the county.

Subd. 3. Towns within counties which have adopted comprehensive plans applicable to the town shall, to the maximum extent, use county preparation of their comprehensive plans.

Sec. 12. [COUNTIES.] *Subdivision 1. Comprehensive plans of counties shall contain at least the following:*

(a) *Except for the counties of Hennepin and Ramsey, a land use plan as specified in section 9, subdivision 2, for all unincorporated territory within the county;*

(b) *A public facilities plan which shall include all appropriate matters specified in section 9, subdivision 3, including a transportation plan, and a description of existing and projected solid waste disposal sites and facilities;*

(c) *An implementation program, as specified in section 9, subdivision 4.*

Subd. 2. Each county other than Hennepin and Ramsey shall prepare, with the participation and assistance of the town, the comprehensive plan for any town within the county which fails by December 31, 1976, to take action by resolution pursuant to section 11, subdivision 2 and shall prepare all or part of any plan delegated to it pursuant to section 11, subdivision 2.

Subd. 3. Each county other than Hennepin and Ramsey shall prepare, with the participation and assistance of the town, the comprehensive plan for each town within the county not authorized to plan under sections 462.351 to 462.364, or under special law.

Sec. 13. [SCHOOL DISTRICTS; CAPITAL IMPROVEMENT PROGRAMS.] *Subdivision 1. By January 1, 1980, each school district as defined in section 2, subdivision 11, shall prepare and submit to the metropolitan council, for review pursuant to section 14, a capital improvement program, which shall include a description of existing facilities, projected population and facility needs and objectives, proposed new school sites, buildings, and building additions with a cost of more than \$200,000 and the effect of the program on adjacent school districts and affected local governmental units.*

Subd. 2. Each school district shall submit its capital improvement program for review and comment to the local governmental units lying in whole or in part within the district and to adjacent school districts at least nine months prior to the submission of the program to the council. The local governmental units and adjacent districts shall review the program and provide comments to the school district and the council within 90 days on the compatibility of the program with the proposed comprehensive plans of the local governmental units and the capital improvement programs of the school districts.

Subd. 3. The capital improvement programs shall be submitted to the council after consideration but before final approval by the governing body of the district.

Subd. 4. Capital improvement programs of school districts adopted prior to the requirements of sections 1 to 23 shall remain in force and effect until amended, repealed, or superseded by programs adopted pursuant to sections 1 to 23. Existing programs may be amended as appropriate and new programs prepared and adopted prior to the submission to the council of programs required by sections 1 to 23. Existing programs may be used in whole or in part following modification, as necessary, to satisfy the requirements of sections 1 to 23.

Sec. 14. Minnesota Statutes, 1975 Supplement, Section 473.-175, is amended to read:

473.175 [COUNCIL REVIEW; COMPREHENSIVE PLANS; SCHOOL DISTRICT CAPITAL IMPROVEMENT PROGRAMS.] (EACH CITY, TOWN, AND COUNTY ALL OR PART OF WHICH LIES WITHIN THE METROPOLITAN AREA, SHALL SUBMIT TO THE METROPOLITAN COUNCIL FOR WRITTEN COMMENT AND RECOMMENDATION THEREON ITS PROPOSED LONG-TERM COMPREHENSIVE PLANS, INCLUDING BUT NOT LIMITED TO PLANS FOR LAND USE. THE PROPOSED PLANS SHALL BE SUBMITTED TO THE COUNCIL AFTER THEIR APPROVAL BY THE PLANNING COMMISSION OF THE LOCAL GOVERNMENT UNIT AND BEFORE FINAL APPROVAL BY THE GOVERNING BODY OF THE CITY, TOWN, OR COUNTY. THE COUNCIL SHALL MAINTAIN SUCH PLANS IN ITS FILES AVAILABLE FOR INSPECTION BY MEMBERS OF THE PUBLIC.) *Subdivision 1. The council shall review the comprehensive plans of local governmental units and the capital improvement programs of school districts, prepared and submitted pursuant to sections 1 to 23 of this act, to determine their compatibility with each other and conformity with metropolitan system plans. The council shall review and comment on the apparent consistency of the comprehensive plans and capital improvement programs with other adopted chapters of the metropolitan development guide. The council may require a local governmental unit to modify any comprehensive plan or part thereof which may have a substantial impact on or contain a substantial departure from metropolitan system plans.*

Subd. 2. Within 120 days following receipt of a capital improvement program of a school district, unless a time extension is mutually agreed to, the council shall return to the school district a statement containing its comments. Within 120 days following receipt of a comprehensive plan of a local governmental unit, unless a time extension is mutually agreed to, the council shall return to the local governmental unit a statement containing its comments and, by resolution, its decision, if any, to require modifications to assure conformance with the metropolitan system plans. No (LOCAL GOVERNMENT) action shall be taken by any local governmental unit or school district to place any such comprehensive plan, capital improvement program or

part thereof into effect until (90 DAYS HAVE ELAPSED AFTER ITS SUBMISSION TO THE COUNCIL) *the council has returned the statement to the unit or district and until the local governmental unit has incorporated any modifications in the plan required by a final decision, order, or judgment made pursuant to section 17.* Promptly after submission, the council shall notify each city, town, county, or special district which may be affected by the plans or programs submitted, of the general nature of the (PLAN) *plans or programs*, the date of submission, and the identity of the submitting unit or district. Political subdivisions contiguous to or within the submitting unit or district shall be notified in all cases. Within 30 days after receipt of such notice any governmental unit or district so notified or the local governmental unit or district submitting the plan or program may request the council to conduct a hearing at which the submitting unit or district and any other governmental unit or subdivision may present its views. The council may attempt to mediate and resolve differences of opinion which exist among the participants in the hearing with respect to the plans or programs submitted. If within (90) 120 days, *unless a time extension is mutually agreed to*, the council fails to complete its written (COMMENTS AND RECOMMENDATIONS) *statement* the plans or programs shall be deemed approved and may be placed into effect. Any (MAJOR ALTERATION) *amendment* to a plan or program subsequent to the council's review shall be submitted to and acted upon by the council in the same manner as the original plan or program. The written (COMMENTS AND RECOMMENDATIONS) *statement* of the council shall be filed with the plan of the local government unit or the program of the school district at all places where the plan or program is required by law to be kept on file.

Subd. 3. If a local governmental unit fails to adopt a comprehensive plan in accordance with sections 1 to 23 of this act or if the council after a public hearing by resolution finds that a plan substantially departs from metropolitan system plans and that the local governmental unit has not adopted a plan with modifications required pursuant to section 17 within nine months following a final decision, order, or judgment made pursuant to section 17, the council may commence civil proceedings to enforce the provisions of sections 1 to 23 by appropriate legal action in the district court where the local governmental unit is located.

Sec. 15. [PLANS AND PROGRAMS; ADOPTION; AMENDMENT.] *Subdivision 1. Each local governmental unit shall adopt its comprehensive plan with required modifications within nine months following a final decision, order, or judgment made pursuant to section 17. Each school district shall adopt its capital improvement program, after receiving and considering the council's review statement sent pursuant to section 14 and making any amendments which the school district determines may be appropriate.*

Subd. 2. Amendments to comprehensive plans of local governmental units and to capital improvement programs of school districts shall be prepared, submitted, and adopted in the same manner as the original plans and programs.

Sec. 16. [IMPLEMENTATION OF PLANS.] *Subdivision 1. Each local governmental unit shall adopt official controls as described in its adopted comprehensive plan and shall submit copies of the official controls to the council within 30 days following adoption thereof, for information purposes only.*

Subd. 2. A local governmental unit shall not adopt any official control or fiscal device which is in conflict with its comprehensive plan or which permits activity in conflict with metropolitan system plans.

Subd. 3. If an official control conflicts with a comprehensive plan as the result of an amendment to the plan, the official control shall be amended by the unit within nine months following the amendment to the plan so as to not conflict with the amended comprehensive plan.

Sec. 17. [CONTESTED CASES; ADMINISTRATIVE AND JUDICIAL REVIEW.] *The council's decision to require modification under section 14 may be contested by the affected local governmental unit. The unit shall have 60 days within which to request a hearing on the council's decision to require modification. If within 60 days the unit has not requested a hearing, the council shall make its final decision with respect to the required modifications. If an affected unit requests a hearing, the request for hearing shall be granted, and the hearing shall be conducted within 60 days by the state office of hearing examiners in the manner provided by chapter 15 for contested cases. The subject of the hearing shall not extend to questions concerning the need for or reasonableness of the metropolitan system plans or any part thereof. In the report of the hearing examiner the costs of the hearing shall be apportioned among the parties to the proceeding. Within 30 days after the receipt of the report the council shall, by resolution containing findings of fact and conclusions, make a final decision with respect to the required modifications of the comprehensive plan. Any party to the proceeding aggrieved by the decision of the council may appeal to the court in the manner provided in chapter 15 for contested cases. The record on appeal shall consist of: (1) the hearing examiner's record and report, and (2) the findings, conclusions and final decision of the council. The scope of review shall be that of section 15.0425, provided that: (1) the court shall not give preference to either the hearing examiner's record and report or the findings, conclusions and final decision of the council, and (2) the decision of the court shall be based upon a preponderance of the evidence as contained in the record on appeal. The costs of the appeal shall be apportioned by the court.*

Sec. 18. [PLANNING ASSISTANCE; GRANTS; LOANS.]

Subdivision 1. The council shall prepare and provide advisory materials, model plan provisions and official controls, and on the request of a local governmental unit may provide assistance, to accomplish the purposes of sections 1 to 23. The council may also provide specific technical and legal assistance in connection with the preparation, adoption and defense of plans, programs, and controls.

Subd. 2. The council shall establish a planning assistance fund as a separate bookkeeping account in its general fund for the purpose of making grants and loans to local governmental units under this section. The council shall adopt uniform procedures for the award, disbursement and repayment of grants and loans.

Subd. 3. Local governmental units may apply, contract for and receive loans and grants as provided herein, and the provisions of chapter 475 shall not apply to loans made pursuant hereto. Applications for grants and loans shall be submitted to the council describing the activities for which the grant or loan funds will be used; the persons which the grantee or borrower plans to use in performing the grant contract; services and activities which will be paid for by funds of the grantee or borrower; the grantee or borrower's need and ability to pay for the contract services; and other information as the council may reasonably request. Grants and loans shall be made subject to contracts between the council and the recipient specifying the use and disbursement of the funds and, for loans, the terms and conditions of repayment, and other appropriate matters. In making grants and loans, the council shall base its decisions on the recipient's demonstrated need and available financial resources.

Subd. 4. Grants shall not exceed 75 percent of the total costs and expenses of the project, service or activity for which a grant is awarded.

Subd. 5. Loans made by the council shall be payable on such terms and conditions as the council determines appropriate, provided that no loan shall carry an interest rate nor be for a term in excess of five years. Funds received in payment of loans shall be credited to the planning assistance fund and shall be used for additional loans or grants under this section.

Sec. 19. [HOUSING.] *Subdivision 1. The legislature finds and determines that there is a need for housing in the metropolitan area, that an increasingly large majority of the residents of the metropolitan area are unable to afford housing, and that it is in the public interest that, for certain portions of the buildable residential land, the official controls imposed on development by municipalities in the metropolitan area be required to permit the construction of modest cost housing by the private sector which could be afforded by a significant portion of the families in the metropolitan area.*

Subd. 2. As used in this section, "buildable residential land" means land within a municipality which is suitable for development, zoned for a residential use, which has access to sewer and water service, and for which no building permit has been issued.

Subd. 3. The chairman of the council shall establish a modest cost private housing advisory committee consisting of not more than 15 persons consisting of local elected officials, consumers and persons experienced in the field of housing construction, trades and management and mortgage banking, plus ex-officio members as the chairman of the council may determine, to provide advice and make recommendations on the effects of governmental regulations, taxes, financing and housing industry practices on the costs of housing. The committee shall investigate and make recommendations on all matters necessary including standards and criteria for modest cost private housing as follows:

(1) A zoning classification and ordinances that take into account minimum and maximum single family lot sizes.

(2) Building requirements contained within the state building code.

(3) Minimum and maximum square foot area requirements for single family homes.

(4) The requirement of a single family garage and off-street parking requirements.

(5) Zoning classification and ordinances that take into account density requirements for multi family construction.

(6) Minimum and maximum square foot floor areas for multi family units.

(7) Requirements of garages for multi family units, credits for garage inclusion and off-street parking requirements.

Subd. 4. On or before January 15, 1977, the council shall, following public hearings, submit to the legislature a report on the findings of the committee and the council's recommendations for ensuring an adequate supply of modest cost private housing.

Sec. 20. [EXTENSION.] *A local governmental unit may by resolution request that the council extend the time for fulfilling the requirements of sections 1 to 23. A request for extension shall be accompanied by a description of the activities previously undertaken by a local governmental unit in fulfillment of the requirements of sections 1 to 23, and an explanation of the reasons necessitating and justifying the request. Upon a finding of exceptional circumstances or undue hardship, the*

council may, in its discretion, grant by resolution a request for extension and may attach reasonable requirements or conditions to the extension.

Sec. 21. Minnesota Statutes 1974, Section 462.355, is amended by adding a subdivision to read:

Subd. 4. [INTERIM ORDINANCE.] If a municipality is conducting or in good faith intends to conduct studies within a reasonable time or has held or has scheduled a hearing for the purpose of considering adoption or amendment of a comprehensive plan or official controls as defined in section 2, or if new territory for which plans or controls have not been adopted is annexed to a municipality, the governing body of the municipality may adopt an interim ordinance applicable to all or part of its jurisdiction for the purpose of protecting the planning process and the health, safety and welfare of its citizens. The interim ordinance may regulate, restrict or prohibit any use or development within the jurisdiction for a period not to exceed one year from the date it is created, and may be renewed for one additional year.

Sec. 22. [EXEMPTION FROM LEVY LIMIT.] *Subdivision 1. The increased costs to a municipality of implementing section 8, subdivisions 1 to 3, and sections 9 to 12, 14, and 17 shall be deemed a special levy under section 275.50, subdivision 5.*

Subd. 2. The proceeds of any tax levied under this section shall be deposited in the municipal treasury in a separate fund and expended only for the purposes authorized by this section.

Sec. 23. [NEW MUNICIPAL SEWER SYSTEMS.] *Notwithstanding the provisions of sections 1 to 23 the council shall have no authority under chapter 473 to require a local governmental unit to construct a new sewer system.*

Sec. 24. Minnesota Statutes, 1975 Supplement, Section 473.121, Subdivision 1, is amended to read:

473.121 [DEFINITIONS.] *Subdivision 1. For the purposes of (SECTIONS 473.121 TO 473.823) chapter 473, the terms defined in this section have the meanings given them in this section, except as otherwise expressly provided or indicated by the context.*

Sec. 25. *This act applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott and Washington.*

Sec. 26. [EFFECTIVE DATE.] *This act is effective on the day following its final enactment."*

Further, delete the title and insert:

"A bill for an act relating to land planning in the metropolitan area; requiring local adoption of minimum plans and controls; providing for limited council review and acceptance prior to the adoption of such plans and controls; providing for an advisory metropolitan land planning committee; providing for the enforcement of adopted local plans and controls; including certain expenses in the definition of special levy; providing for interim zoning; amending Minnesota Statutes 1974, Section 462.355, by adding a subdivision; and Minnesota Statutes, 1975 Supplement, Sections 473.121, Subdivision 1; and 473.175."

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

House Conferees: JAMES R. CASSERLY, TOM K. BERG, WILLIAM H. SCHREIBER, HARRY A. SIEBEN, JR. and WILLIS R. EKEN.

Senate Conferees: JOHN C. CHENOWETH, HUBERT H. HUMPHREY III, RALPH R. DOTY, ROLF NELSON and JOHN B. KEEFE.

Casserly moved that the report of the Conference Committee on H. F. No. 1530 be adopted and that the bill be repassed as amended by the Conference Committee.

Sieben, M., moved that the House refuse to adopt the Conference Committee report on H. F. No. 1530, and that the bill be returned to Conference Committee.

A roll call was requested and properly seconded.

The question was taken on the motion and the roll being called, there were yeas 44, and nays 84, as follows:

Those who voted in the affirmative were:

Anderson, I.	Evans	Kempe, A.	Manning	Sherwood
Biersdorf	Fjoslien	Kempe, R.	Metzen	Sieben, M.
Birnstihl	Forsythe	Ketola	Neisen	Suss
Braun	Friedrich	Kvam	Nelsen	Vanasek
Clawson	Heinitz	Laidig	Niehaus	Wenstrom
DeGroat	Jensen	Lemke	Parish	Wenzel
Doty	Johnson, C.	Mangan	Peterson	Williamson
Eckstein	Jude	McCauley	Pleasant	Zubay
Esau	Kaley	McEachern	Reding	

Those who voted in the negative were:

Abeln	Byrne	Eken	Hokanson	Knoll
Adams, L.	Carlson, A.	Enebo	Jacobs	Kostohryz
Adams, S.	Carlson, L.	Erickson	Jaros	Kroening
Albrecht	Carlson, R.	Ewald	Johnson, D.	Langseth
Anderson, G.	Casserly	Faricy	Jopp	Lindstrom
Arlandson	Clark	Fudro	Kahn	Luther
Begich	Corbid	George	Kalis	Mann
Berg	Dahl	Graba	Kelly, R.	McCarron
Berglin	Dean	Hanson	Kelly, W.	McCollar
Brinkman	Dieterich	Haugerud	Knickerbocker	Moe

Munger	Petrafeso	Schulz	Skoglund	Vento
Nelson	Philbrook	Schumacher	Smith	Volk
Norton	Rice	Searle	Smogard	Voss
Novak	Samuelson	Setzepfandt	Stanton	White
Osthoff	Sarna	Sieben, H.	Swanson	Wigley
Patton	Savelkoul	Sieloff	Tomlinson	Speaker Sabo
Pehler	Schreiber	Simoneau	Ulland	

The motion did not prevail.

The question recurred on the adoption of the Conference Committee report on H. F. No. 1530. The motion prevailed.

H. F. No. 1530, A bill for an act relating to metropolitan land use and planning; providing certain requirements and procedures for local governmental units and school districts in the metropolitan area; providing interim zoning; amending Minnesota Statutes 1974, Section 462.365, by adding a subdivision; Minnesota Statutes, 1975 Supplement, Section 473.175.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question being taken on the repassage of the bill and the roll being called, there were yeas 70, and nays 59, as follows:

Those who voted in the affirmative were:

Abeln	Corbid	Hokanson	McCollar	Schulz
Adams, L.	Dahl	Jacobs	Moe	Sieben, H.
Adams, S.	Dean	Jaros	Munger	Sieloff
Anderson, G.	Dieterich	Johnson, D.	Nelson	Simoneau
Arlandson	Eken	Kahn	Norton	Skoglund
Beauchamp	Enebo	Kelly, R.	Novak	Smogard
Berg	Ewald	Kelly, W.	Osthoff	Stanton
Berglin	Faricy	Knickerbocker	Patton	Swanson
Byrne	Fudro	Knoll	Pehler	Tomlinson
Carlson, A.	Fugina	Kostohryz	Petrafeso	Ulland
Carlson, L.	George	Kroening	Philbrook	Vento
Carlson, R.	Graba	Langseth	Rice	Voss
Casserly	Hanson	Luther	Sarna	Wenstrom
Clark	Haugerud	McCarron	Schreiber	Speaker Sabo

Those who voted in the negative were:

Albrecht	Esau	Kempe, R.	Nelsen	Sieben, M.
Anderson, I.	Evans	Ketola	Niehaus	Smith
Begich	Fjoslien	Kvam	Parish	Suss
Biersdorf	Forsythe	Laidig	Peterson	Vanasek
Birnstihl	Friedrich	Lemke	Pleasant	Volk
Braun	Heinitz	Mangan	Reding	Wenzel
Brinkman	Jensen	Mann	St. Onge	White
Clawson	Johnson, C.	McCauley	Samuelson	Wieser
DeGroat	Jopp	McEachern	Savelkoul	Wigley
Doty	Jude	Menning	Schumacher	Williamson
Eckstein	Kaley	Metzen	Searle	Zubay
Erickson	Kalis	Neisen	Setzepfandt	

The bill was repassed, as amended by Conference, and its title agreed to.

Anderson, I., moved that the House recess subject to the call of the Chair. The motion prevailed.

RECESS

RECONVENED

The House reconvened and was called to order by the Speaker.

There being no objection the order of business reverted to Reports of Chief Clerk.

REPORTS OF CHIEF CLERK

S. F. No. 855 and H. F. No. 1881, which had been referred to the Chief Clerk for comparison, were examined and found to be identical, except H. F. No. 1881 after the enacting clause reads:

"Section 1. Laws 1975, Chapter 13, Section 18, is amended to read:

Sec. 18. [473.173] [COUNCIL REVIEW; METROPOLITAN SIGNIFICANCE.] Subdivision 1. The council shall review all proposed matters of metropolitan significance to be undertaken by any private organization, independent commission, board or agency, local governmental unit, or any state agency in accordance with the regulations adopted pursuant to this section and the provisions of any other relevant statute.

Subd. 2. (WITHIN 12 MONTHS FOLLOWING APRIL 12, 1974) *By September 1, 1976*, the council shall adopt *and put into effect* regulations (PURSUANT TO THE ADMINISTRATIVE PROCEDURES ACT, MINNESOTA STATUTES, CHAPTER 15,) establishing standards (AND) , *guidelines and procedures* for determining whether any proposed matter is of metropolitan significance, and establishing a procedure for the review of (ALL PROPOSED MATTERS REQUIRED TO BE CONSIDERED AND REVIEWED BY THE COUNCIL) *and final determination on such matters in accordance with the powers and requirements set forth in this section.* (THESE REGULATIONS SHALL TAKE EFFECT ON JULY 1, 1975.) The purpose of these regulations shall be to promote the orderly and economic development, public and private, of the metropolitan area. (THE METROPOLITAN COUNCIL SHALL SUBMIT THE REGULATIONS ADOPTED PURSUANT TO THIS SECTION TO THE SESSION OF THE LEGISLATURE IN 1975 FOR APPROVAL. THE COUNCIL SHALL ESTABLISH AN ADVISORY COMMITTEE, CONSISTING OF ELECTED OFFICIALS OF LOCAL GOVERNMENTAL UNITS AND REP-

RESENTING ALL COUNCIL DISTRICTS EQUALLY, TO PROVIDE ADVICE AND MAKE RECOMMENDATIONS IN THE PREPARATION OF THESE REGULATIONS AND MAY THEREAFTER REVIEW AND MAKE RECOMMENDATIONS TO THE COUNCIL CONCERNING THE METROPOLITAN SIGNIFICANCE OF ANY PROPOSED MATTER CONSIDERED BY THE COUNCIL. THE REGULATIONS ADOPTED SHALL PROVIDE FOR A PUBLIC HEARING PRIOR TO THE DETERMINATION THAT AN ACTION IS OF METROPOLITAN SIGNIFICANCE.)

Subd. 2a. The council shall establish an advisory committee comprised of 16 officials of local governmental units, one from each council district, plus a chairperson and such other members as may be necessary to ensure at least one representative from each metropolitan county, one from each generalized policy area identified in the development framework adopted by the council on March 27, 1975 and one from metropolitan school districts. Not less than one half of the members of the advisory committee shall be elected officials. The committee shall provide advice and make recommendations in the preparation and amendment of these regulations. The committee may review and make recommendations to the council concerning the metropolitan significance of any proposed matter considered by the council.

Subd. 3. In developing the (ABOVE) regulations (ESTABLISHING STANDARDS AND GUIDELINES FOR DETERMINING METROPOLITAN SIGNIFICANCE) the council and the committee shall give consideration to all factors deemed relevant (TO THAT DETERMINATION) including *but not limited to* the following :

(1) The impact a proposed matter will have on the orderly, economic development, public and private, of the metropolitan area and its consistency with the *metropolitan* development guide;

(2) The relationship a proposed matter will have to the policy statement goals, standards, programs and other applicable provisions of the development guide;

(3) The impact a proposed matter will have policy plans adopted by the council and on the development programs and functions performed and to be performed by (THE) a *metropolitan* commission;

(4) Functions of municipal governments in respect to control of land use as provided for under the municipal planning act(;).

((5) SUCH OTHER FACTORS AS ARE DEEMED RELEVANT.)

Subd. 4. The regulations (ESTABLISHING A PROCEDURE FOR THE REVIEW OF PROPOSED MATTERS) shall include, (AMONG OTHER PROVISIONS) *without limitation, (THE FOLLOWING) provisions to effectuate and comply with the following powers and requirements:*

(1) No applicant shall be required to submit a proposed matter for review more than once unless it is materially altered.

(1a) *A public hearing shall be held prior to the final determination with regard to a proposed matter.*

(2) The council shall be empowered to suspend action on a proposed matter *during the period of review and for a period not to exceed 12 months following the issuance of its (RECOMMENDATION OR) final determination. In its final determination, the council may prescribe appropriate conditions with regard to a proposed matter which, if incorporated or complied with, would cause the council to remove the suspension.*

(3) The council's recommendation or determination concerning a proposed matter, including the determination as to its metropolitan significance, shall be issued within 90 days following its receipt of (AN ADEQUATELY SUPPORTED AND DOCUMENTED) *a proposal accompanied by adequate supporting information. To avoid duplication, the review may be suspended for not more than 90 days to await completion of review of a matter by another public agency.*

(4) The council shall be required to review a proposed matter upon request of an affected local governmental unit or metropolitan commission. The regulations shall include a procedure for review of a proposed matter upon petition by a specified number of residents of the metropolitan area *18 years of age or older.*

(5) The council shall be empowered to review all proposed matters of metropolitan significance regardless of whether the council has received a request from an affected body to conduct that review.

(6) The council shall review all proposed matters determined to be of metropolitan significance as to their consistency with the (COMPREHENSIVE) *airport portion of the metropolitan development guide (AND, IF APPROPRIATE, AN APPLICABLE POLICY PLAN), and the policy plans, development programs, and capital budgets for metropolitan waste control, transportation, and regional recreation open space, and as to adverse effects on other local governmental units.*

(7) ANY MAJOR ALTERATION OR AMENDMENT TO THE REGULATIONS ADOPTED BY THE COUNCIL SHALL

BE DEVELOPED AND PROMULGATED BY THE COUNCIL IN THE SAME MANNER AS THE ORIGINAL REGULATIONS.)

((8)) (7) Previously approved policy plans and development programs and areas of operational authority of the metropolitan commissions shall not be subject to review under this section, except as specifically provided in section 17.

(8) *The regulations shall not incorporate recommendations made by the council pursuant to Minnesota Statutes, Chapter 116G.*

(9) *By November 1, 1976 the council shall reconsider each adopted comprehensive plan submitted to it prior to January 1, 1976 pursuant to Laws 1975, Chapter 13, Section 19, and shall either accept or reject each plan in whole or in part for the purposes of the review required or authorized by this section and the council's regulations promulgated pursuant thereto. Any such plan, or parts thereof, not rejected by the council by November 1, 1976 shall be deemed accepted by the council for the purposes of that review. For these purposes also, the council thereafter at its discretion may accept in whole or in part any adopted comprehensive plan submitted to it by a local governmental unit. Any adopted comprehensive plan of a city, county or town approved by the council, pursuant to a law requiring such plans or parts thereof to be prepared and submitted to the council for approval, shall be deemed accepted by the council for the purposes of the review required or authorized by this section and the council's regulations promulgated pursuant thereto.*

If a plan is rejected by the council, within 90 days the council shall provide comments to the local unit of government indicating the council's specific objections to the plan. The local unit of government may submit an amended plan within 90 days of the receipt of the council's comments, for review. The council shall then review the amended plan within 90 days and either accept or reject the plan.

Subd. 5. *The regulations and any major alteration or amendment thereto shall be developed and promulgated by the council in accordance with the provisions of this section and, to the extent not inconsistent or at variance with this section, in accordance with the administrative procedures act, Minnesota Statutes, Chapter 15, and regulations pursuant thereto. Once the development of all of the regulations has been completed by the council and the committee, and no later than 30 days prior to the date specified for their adoption, the council shall hold a public hearing for the purpose of considering the developed regulations and receiving comments and recommendations thereon. Notice of the hearing (, CONTAINING THE DEVELOPED REGULATIONS AND SUCH OTHER COMMENTS AS ARE DEEMED*

APPROPRIATE,) shall be published in (A NEWSPAPER OR) appropriate newspapers (CIRCULATED THROUGHOUT) of general circulation in the metropolitan area and mailed to all persons who have registered for that purpose under Minnesota Statutes, Chapter 15, appropriate state and regional agencies and all (LOCAL GOVERNMENTAL UNITS WHICH MAY BE AFFECTED BY THESE REGULATIONS) cities, counties, towns, school districts, and watershed districts within the metropolitan area no later than 30 days prior to the hearing. In adopting or amending the regulations the enactment of this section shall be deemed to establish or show the need for and to provide evidence in support of the regulations or amendments as required in Minnesota Statutes, Chapter 15, and regulations pursuant thereto, but the council shall prepare for distribution a written summary describing the basis for the composition of the draft regulations or amendments submitted for hearing and shall afford to all interested persons an opportunity at the hearing to question and make suggestions concerning their composition. Following the hearing, the council may revise the proposed regulations, giving consideration to all comments received, and thereafter the council shall finally adopt these regulations.

Subd. 6. The council and the advisory committee shall review and assess the regulations throughout the first year following their effective date and thereafter at least every two years. At least one public hearing shall be part of the review and assessment, in order to afford interested persons an opportunity to testify on the regulations and their effects and to propose amendments to the regulations. On or before January 15 of 1977 and of each odd-numbered year thereafter, the council shall report to the legislature concerning metropolitan significance, the effects of the regulations, proposed and recommended amendments to the regulations, testimony at public hearings, and other information and comments elicited during the review and assessment. The report shall also account for any amendments to the regulations that the council has adopted or proposes to adopt. The council may at its discretion make reports to the legislature on metropolitan significance other than those required by this section, but any such report shall be submitted to the legislature between January 1 and January 15. No major alteration or amendments to standards for determining the necessity for a comprehensive review shall be put into effect by the council until 90 days have elapsed following the report to the legislature in which the alteration or amendment was proposed and recommended by the council.

Sec. 2. This act applies to the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott and Washington.

Sec. 3. This act is effective the day following final enactment."

Whereas S. F. No. 855 after the enacting clause reads:

"Section 1. Laws 1975, Chapter 13, Section 18, Subdivision 2, is amended to read:

Subd. 2. (WITHIN 12 MONTHS FOLLOWING APRIL 12, 1974.) The council shall adopt regulations pursuant to the administrative procedures act, Minnesota Statutes, Chapter 15, establishing standards and guidelines for determining whether any proposed matter is of metropolitan significance, and establishing a procedure for the review of all proposed matters required to be considered and reviewed by the council. These regulations shall take effect on July 1, 1975. The purpose of these regulations shall be to promote the orderly and economic development, public and private, of the metropolitan area. The metropolitan council shall (SUBMIT THE REGULATIONS ADOPTED PURSUANT TO THIS SECTION TO THE SESSION OF THE LEGISLATURE IN 1975 FOR APPROVAL) *by January 15 of each succeeding year submit any change in the regulations adopted by the council pursuant to this section to the legislature for review.* The council shall establish an advisory committee, consisting of elected officials of local governmental units and representing all council districts equally, to provide advice and make recommendations in the preparation of these regulations and may thereafter review and make recommendations to the council concerning the metropolitan significance of any proposed matter considered by the council. The regulations adopted shall provide for a public hearing prior to the determination that an action is of metropolitan significance.

Sec. 2. [COMMITTEE TO STUDY GOVERNMENTAL STRUCTURE.] *A joint committee, consisting of members of the house local and urban affairs committee, the senate metropolitan and urban affairs committee, and the governmental operations committees of house and senate, is established to study governmental structure in the seven county metropolitan area.*

The study shall include responsibility of city and county government, and the role and function of these units of government in relation to the metropolitan council.

The joint committee shall make a report to the 1977 session of the legislature."

In the title H. F. No. 1881 reads:

"A bill for an act relating to metropolitan government; providing for metropolitan council review of matters of metropolitan significance; amending Laws 1975, Chapter 13, Section 18."

Whereas S. F. No. 855 in the title reads:

"A bill for an act relating to metropolitan government; authorizing council regulations establishing standards and guide-

lines for determining matters of metropolitan significance to be adopted without specific legislative approval; providing for a joint committee to study governmental structure; amending Laws 1975, Chapter 13, Section 18, Subdivision 2.”.

SUSPENSION OF RULES

Casserly moved that the rules be so far suspended that S. F. No. 855 be substituted for H. F. No. 1881 and that the House File be indefinitely postponed. The motion prevailed.

REPORTS OF STANDING COMMITTEES

Norton from the Committee on Appropriations to which was referred:

H. F. No. 1120, A bill for an act relating to environment; providing for the assessment of the cost of preparing an environmental impact statement; appropriating money; amending Minnesota Statutes 1974, Chapter 116D, by adding a section.

Reported the same back with the following amendments:

Page 1, line 11, delete “*council*” and insert “*board*”.

Page 1, line 11, after “*shall*” insert “*no later than January 1, 1977*”.

Page 1, line 12, after “*of*” delete “*an*” and insert “*a specific*”.

Page 1, line 14, after “*statement*” insert “*on that action*”.

Page 1, line 16, delete “*such*”.

Page 1, delete lines 17 to 19 and insert “*the rules promulgated by the board in accordance with subdivision 5.*”.

Page 1, line 23, delete “*council*” and insert “*board*”.

Page 2, line 4, delete “*council*” and insert “*board*”.

Page 2, line 5, delete “*So much*”.

Page 2, delete lines 6 to 13.

Page 2, after line 22 insert:

“*Subd. 5. For actions proposed by a private person, the assessed cost for preparation and distribution of the environmental impact statement shall not exceed .3 percent times that part of the total project cost in excess of one million dollars. The exemp-*

tion of the first one million dollars in project cost shall not apply when a local government is designated the responsible agency.

Sec. 2. Sections 1 and 2 are effective the day following final enactment, except that section 1, subdivision 4, is not effective until February 15, 1977."

With the recommendation that when so amended the bill do pass.

The report was adopted.

Norton from the Committee on Appropriations to which was referred:

H. F. No. 1940, A bill for an act relating to the legislature; establishing a legislative commission on the economic status of women; appropriating money.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert:

"Section 1. [ADVISORY COUNCIL ON THE ECONOMIC STATUS OF WOMEN.] Subdivision 1. An advisory council is hereby created to study and report on the economic status of women in Minnesota.

Subd. 2. The council shall consist of five members of the house of representatives appointed by the speaker, five members of the senate appointed by the committee on committees and eight citizens appointed by the governor. Members shall serve until the expiration date of this act or until the expiration of their legislative terms. The compensation of non-legislator members, their removal from office and the filling of vacancies shall be as provided in section 15.059. The persons appointed by the governor shall be representative of a range of economic interests and vocations and shall include persons who are not regularly employed on a full-time or part-time basis outside their homes.

Subd. 3. The council shall study all matters relating to the economic status of women in Minnesota, including but not limited to matters of credit, family support and inheritance laws relating to economic security of the homemaker, educational opportunities, career counseling, contributions of women to Minnesota's per capita and family income and state revenues, job and promotion opportunities, and laws and business practices constituting barriers to the full participation by women in the economy. Part of the study shall evaluate the impact on the family and the status of the woman working as a homemaker of state and federal laws and programs affecting women.

Subd. 4. The council shall report its findings and recommendations to the governor and the legislature not later than December 15, 1977.

Subd. 5. The council may hold meetings and hearings at the times and places it designates to accomplish the purposes set forth in this act. It shall select a chairman and other officers from its membership as it deems necessary.

Subd. 6. The legislative coordinating commission shall supply the council with necessary staff, office space and administrative services.

Sec. 2. [APPROPRIATION.] There is appropriated from the general fund to the legislative coordinating commission the sum of \$75,500 for the period ending December 31, 1977, to pay the expenses incurred by the commission.

Sec. 3. [REPEALER.] Minnesota Statutes 1974, Section 363.04, Subdivisions 7 and 8 are repealed.

Sec. 4. [EFFECTIVE DATE.] Sections 1 and 2 of this act shall be effective May 1, 1976 and shall expire December 31, 1977. Section 3 of this act shall be effective July 1, 1976."

Further, delete the title in its entirety and insert:

"A bill for an act relating to the legislature; establishing a council on the economic status of women; appropriating money; repealing Minnesota Statutes 1974, Section 363.04, Subdivisions 7 and 8."

With the recommendation that when so amended the bill do pass.

The report was adopted.

Norton from the Committee on Appropriations to which was referred:

H. F. No. 2137, A bill for an act relating to courts; providing a judicial advisory service for the county courts; appropriating money; amending Minnesota Statutes 1974, Chapter 487, by adding a section.

Reported the same back with the following amendments:

Page 1, line 17, delete "*Judges of the*".

Page 1, delete lines 18 and 19.

With the recommendation that when so amended the bill do pass.

The report was adopted.

Norton from the Committee on Appropriations to which was referred:

H. F. No. 2386, bill for an act relating to livestock sanitation; providing indemnification to owners of condemned cattle by reason of being nonreactors to the brucellosis test, or by reason of being exposed to brucellosis and not eligible for test; authorizing indemnity to owners of grade bulls slaughtered because of certain other dangerous diseases; amending Minnesota Statutes 1974, Section 35.09, Subdivision 2, and by adding a subdivision.

Reported the same back with the following amendments:

Page 4, line 9, delete "\$1,000" and insert "\$600".

Page 4, after line 16 insert:

"Sec. 3. The sum of \$40,000 is appropriated from the general fund to the livestock sanitary board for the biennium ending June 30, 1977 for the purposes of this act."

Further amend the title as follows:

Line 8, after the semicolon insert "appropriating money;"

With the recommendation that when so amended the bill do pass.

The report was adopted.

Norton from the Committee on Appropriations to which was referred:

H. F. No. 2531, 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 1974, Sections 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 1; 353.83; 354.55, Subdivision 5; 490.123, Subdivision 1; Minnesota Statutes, 1975 Supplement, Sections 3A.03, Subdivision 2; and 354A.12; repealing Minnesota Statutes 1974, Sections 3A.11, Subdivision 3; 352.73, Subdivision 4; 354.43, Subdivision 2; and 490.025, Subdivision 8.

Reported the same back with the following amendments:

Page 3, after line 4, insert:

"Sec. 4. Minnesota Statutes 1974, Chapter 16A, is amended by adding a section to read:

[16A.19] [RETIREMENT APPROPRIATIONS; DEFICIENCIES.] *In the event that a direct appropriation for retirement contributions is insufficient to meet the state's obligation under the program for which it is made for the fiscal year for which it is made, the agency to whom the appropriation was made shall certify to the committee on finance of the senate, the committee on appropriations of the house of representatives, and the commissioner of finance the amount necessary to meet the deficiency. Upon this certification, the commissioner of finance shall transfer the necessary amounts to the appropriate accounts. There is appropriated from the general fund in the state treasury to the commissioner of finance the amount necessary to make the transfers."*

Page 10, line 26 and 27, strike "*the amount of related employer contributions*".

Page 10, line 27, after "*association*" insert "*the amount of employer contributions related to portions of salaries paid from other than normal school operating funds*".

Page 13 and 14, delete all of section 19.

Renumber the sections in sequence.

Further amend the title as follows:

Line 11, after "Subdivision 1;" insert "Chapter 16A, by adding a section;"

With the recommendation that when so amended the bill do pass.

The report was adopted.

Norton from the Committee on Appropriations to which was referred:

H. F. No. 2564, 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 1974, Sections 16.023; 16A.27; 84B.07; 176.183, Subdivision 2; 192.52; 268.06, Subdivision 25; 299D.03, Subdivision 1; 351.11; 352E.02; 355.46, Subdivision 3; 355.50; 481.15, Subdivision 2; Minnesota Statutes, 1975 Supplement, Section 136A.08, Subdivisions 1 and 2; and Laws 1973, Chapter 567,

Section 7; repealing Minnesota Statutes 1974, Sections 124.23; 136.508; 352E.05; 355.31 to 355.39; Minnesota Statutes, 1975 Supplement, Section 261.233.

Reported the same back with the following amendments:

Page 17, delete lines 2 to 5.

Page 17, delete lines 8 to 10.

Renumber the subdivisions accordingly.

Page 17, line 13, after "*Subdivision 6*" insert "1,272,000".

Page 18, line 20, delete "136.508" and insert "136.507".

Page 18, line 23, after "*Wisconsin*" insert "4,900,000".

Page 18, line 24, after "*Dakota*" insert "850,000".

With the recommendation that when so amended the bill do pass.

The report was adopted.

Norton from the Committee on Appropriations to which was referred:

S. F. No. 2288, A bill for an act relating to Indian affairs; renaming the board on Indian affairs; providing a change in membership for the board; creating an advisory council; changing the duties of the board; appropriating money; amending Minnesota Statutes 1974, Section 3.922, as amended.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert the following:

"Section 1. Minnesota Statutes 1974, Section 3.922, as amended by Laws 1975, Chapter 54, Section 1, is amended to read:

3.922 [INDIAN AFFAIRS INTERTRIBAL BOARD.] Subdivision 1. [CREATION, MEMBERSHIP.] There is created a state (COMMISSION ON) Indian affairs *intertribal board* to consist of the following *ex officio* members: The governor or a member of his official staff designated by him, the commissioner of education, the commissioner of public welfare, the commissioner of natural resources, the commissioner of human rights, (AND) the commissioner of economic development,

(WHO SHALL BE EX OFFICIO MEMBERS THEREOF, BUT) *the commissioner of corrections, and the commissioner of health each of whom may designate a member of his staff to serve in his place* (; THE CHAIRMEN OF THE FOND DU LAC, GRAND PORTAGE, LEECH LAKE, MILLE LACS, NETT LAKE AND WHITE EARTH RESERVATION BUSINESS COMMITTEES, EACH OF WHOM SHALL BE AN EX OFFICIO MEMBER THEREOF IF THEIR RESERVATION IS NOT REPRESENTED BY A VOTING MEMBER, BUT EACH MAY DESIGNATE ANOTHER MEMBER OF THEIR COMMITTEE OR ANOTHER PERSON OF SPECIAL QUALIFICATIONS BY UNANIMOUS VOTE OF THEIR RESERVATION BUSINESS COMMITTEE, TO SERVE IN HIS PLACE; EIGHT PERSONS WHO ARE OF AT LEAST ONE-FOURTH INDIAN ANCESTRY, ONE OF WHOM SHALL BE A MEMBER OF THE RED LAKE BAND OF CHIPPEWA INDIANS, TWO OF WHOM SHALL BE MEMBERS OF THE MINNESOTA CHIPPEWA TRIBE, WITH ONE TO BE SELECTED TO REPRESENT THE FOND DU LAC, NETT LAKE, AND GRAND PORTAGE RESERVATIONS AND THE OTHER TO BE SELECTED TO REPRESENT THE MILLE LACS, WHITE EARTH, AND LEECH LAKE RESERVATIONS, ONE OF WHOM SHALL BE A MEMBER OF THE SIOUX INDIAN TRIBES, ONE OF WHOM SHALL BE A RESIDENT OF THE CITY OF DULUTH, ONE A RESIDENT OF THE CITY OF ST. PAUL, AND TWO RESIDENTS OF THE CITY OF MINNEAPOLIS, ALL SUCH EIGHT MEMBERS SHALL BE APPOINTED BY THE RESPECTIVE INDIAN GROUPS WHICH THEY REPRESENT AND SHALL BE SUBJECT TO REMOVAL BY SUCH APPOINTING GROUP;). *Voting members of the board shall be: three members of the state house of representatives appointed by the speaker of the house of representatives, three members of the state senate appointed by the committee on committees of the senate; the duly elected tribal chairman of the Fond Du Lac reservation business committee; the Grand Portage reservation business committee; the Mille Lacs reservation business committee; the White Earth reservation business committee; the Bois Forte (Nett Lake) reservation business committee; the Leech Lake reservation business committee; the Red Lake tribal council; the Upper Sioux board of trustees; the Lower Sioux tribal council; the Shakopee-Medwankanton general council; the Prairie Island tribal council; and two members to be selected pursuant to subdivision 2. The chairmen of the above Indian committees, trusts, or councils may designate in writing a member who shall have been elected at large to an office in the committee, trust, or council, to serve in his place.* (COMMISSION) Board members appointed to represent the state house of representatives (AND), the state senate or tribal governments shall no longer serve on the (COMMISSION) board at such time as they are no longer members of the bodies which they represent, and upon such circumstances, their offices shall be vacant. Ex officio members or their designees on the (COM-

MISSION) board shall not be voting members of the (COMMISSION) board.

Subd. 2. [ADDITIONAL MEMBERS.] (TO ENSURE A CONTINUITY OF WORK, THE INITIAL APPOINTMENTS SHALL BE: ONE OF THE THREE MEMBERS SELECTED FROM THE INDIAN TRIBES SHALL BE FOR A TERM OF ONE YEAR, ONE THEREOF FOR A TERM OF TWO YEARS, AND ONE THEREOF FOR A TERM OF THREE YEARS, AND TWO OF THE MEMBERS SELECTED FROM THE CITIES SHALL BE FOR A TERM OF ONE YEAR, ONE FOR A TERM OF TWO YEARS, AND ONE FOR A TERM OF THREE YEARS, AND UNTIL THEIR SUCCESSORS ARE APPOINTED AND QUALIFIED. APPOINTMENTS FOR SUCCEEDING TERMS SHALL ALL BE FOR THREE YEARS, AND UNTIL THEIR SUCCESSORS ARE APPOINTED AND QUALIFIED.) *Two members of the board shall be elected at large by Indian residents of Minnesota who (1) are legal members of a federally recognized tribe in accordance with the criteria of said tribe and (2) are not members of any federally recognized tribe with a reservation in Minnesota. The election of at large members shall be in a manner prescribed by the secretary of state with the first such election for at large members to take place at a reasonable time, but no later than one year, following enactment of this section. The manner of election, certification, and contest shall, insofar as reasonably possible, be consistent with procedures employed in general elections in the state so as to insure a fair election and ready access to the election process by eligible voters. A person shall be eligible to serve as an at large member of the board if at the time of the election he is a qualified voter within the requirements of the Minnesota Constitution, Article VII and a member of a federally recognized tribe that does not have a reservation in Minnesota. The at large election described herein shall be certified and regulated by the secretary of state. The term for at large members shall be two years and until a successor is elected and qualified.*

Subd. 3. [MEMBERSHIP; COMPENSATION; EXPENSES.] Members of the (COMMISSION) board, other than state officials, shall receive as compensation for their services in attending meetings of the (COMMISSION) board or a committee thereof, the sum of \$35 for each such meeting day so attended. Each member of the (COMMISSION) board shall receive reimbursement for actual and necessary traveling expenses incurred on official business. Reimbursement shall be made in the manner and rate provided by law for state employees. Expenses of the (COMMISSION) board shall be approved by two of any three members of the (COMMISSION) board designated by the (COMMISSION) board and shall then be paid in the same manner as other state expenses are paid. The commissioner of finance shall be informed in writing by the executive secretary of the names of the persons authorized to approve expenses.

Subd. 4. [MEETINGS.] The (COMMISSION) *board* shall meet quarterly. Special meetings may be called by the chairman or at the written request of five members of the (COMMISSION) *board*. A majority of the members of the (COMMISSION) *board* constitutes a quorum.

Subd. 5. [OFFICERS, PERSONNEL.] The (STATE COMMISSION ON INDIAN AFFAIRS) *board* shall *annually, or when it deems it necessary*, elect a chairman, *vice chairman, secretary and treasurer, who shall comprise the executive committee*, and such other officers as it may deem necessary. *The chairman shall have the authority to appoint subcommittees necessary to fulfill the duties of the board.* It shall also employ, fix the compensation, and prescribe the duties of such clerks, employees, and agents as it deems necessary. The chairman shall be an ex officio member of the state board of human rights. The appropriations and other funds of this (COMMISSION) *board* are subject to the provisions of chapter 16.

Subd. 6. [DUTIES.] (THE COMMISSION SHALL HAVE AS ITS PRIMARY DUTY TO ACQUIRE INFORMATION IN THE FIELDS OF EMPLOYMENT AND HOUSING, CIVIL RIGHTS, EDUCATION, HEALTH AND WELFARE, AND LAW AND ORDER SO THAT:)

((A) THROUGH ITS REPORTS AND RECOMMENDATIONS ADEQUATE LEGISLATION MAY BE ENACTED WHEN IT IS REQUIRED;)

((B) PLANS AND PROGRAMS MAY BE WORKED OUT WITH INDIAN PEOPLE WHO NEED ASSISTANCE IN FINDING EMPLOYMENT, ACQUIRING EDUCATION, IMPROVING HOUSING, GETTING MEDICAL CARE, DEVELOPING NATURAL RESOURCES AND GENERALLY IN BECOMING SELF SUFFICIENT.)

(FURTHER DUTIES OF THE COMMISSION SHALL BE:)

((A) TO PROVIDE INFORMATION FOR AND DIRECTION TO A PROGRAM DESIGNED TO ASSIST OUR INDIAN CITIZENS TO ASSUME ALL THE RIGHTS, PRIVILEGES, AND DUTIES OF FULL CITIZENSHIP;)

((B) TO COORDINATE AND COOPERATE WITH THE MANY GOVERNMENTAL AND PRIVATE AGENCIES PROVIDING SERVICES TO INDIAN PEOPLE ON THE LOCAL, STATE, AND NATIONAL LEVEL;)

((C) TO HELP IMPLEMENT THE FINDINGS OF VARIOUS PRIVATE AND GOVERNMENTAL STUDIES DEALING WITH INDIAN NEEDS IN MINNESOTA.) *The primary duties of the board shall be to:*

(1) Clarify for the legislature and state agencies the nature of tribal governments, the relationship of tribal governments to the Indian people of Minnesota;

(2) Assist the secretary of state in establishing an election of at large members of the board;

(3) Make recommendations to members of the legislature on desired and needed legislation for the benefit of the statewide Indian community and communicate to the members of the legislature when legislation has or will have an adverse effect on the statewide Indian community;

(4) Provide, through the elected apparatus of the board, an effective conduit for programs, proposals and projects to the legislature submitted by tribal governments, organizations, committees, groups or individuals;

(5) Provide a continuing dialogue with members of the appropriate tribal governments in order to improve their knowledge of the legislative process, state agencies and governmental due process;

(6) Assist in establishing Indian advisory boards in cooperation with state agencies delivering services to the Indian community;

(7) Assist state agencies in defining what groups, organizations, committees, councils or individuals are eligible for delivery of their respective services;

(8) Assist in providing resources, tribal and other, in the delivery of services to the statewide Indian community;

(9) Act as a liaison between local, state and national units of government in the delivery of services to the Indian population of Minnesota;

(10) Assist state agencies in the implementation and updating of studies of services delivered to the Indian community;

(11) Provide, for the benefit of all levels of state government, a continuing liaison between those governmental bodies and duly elected tribal governments and officials;

(12) Interreact with private organizations involved with Indian concerns in the development and implementation of programs designed to assist Indian people, insofar as they affect state agencies and departments; and

(13) *Act as an arbiter or mediator, when and if necessary between Indian interests and state agencies and departments when questions, problems or conflicts exist or arise.*

Subd. 7. [STATE OFFICIALS AND DEPARTMENTS; CO-OPERATION.] In carrying out these objectives and to ascertain Indian needs the (COMMISSION) board shall have the right to confer with state officials and other governmental units, and to have access to such records as are necessary to obtain needed information. The (COMMISSION) board also shall have the right to call upon various state departments for such technical advice and service as are needed to fulfill the purposes of the (COMMISSION) board.

Subd. 8. [ANNUAL REPORT.] The (COMMISSION) board shall make an annual report to the governor on its activities, its findings, and its recommendations, and a full report to the legislature on November 15 in each even numbered year.

Sec. 2. *There is appropriated to the board of Indian affairs the sum of \$139,546 for the biennium ending June 30, 1977.*

Sec. 3. *This act is effective upon final enactment."*

Further strike the title in its entirety and insert the following: "A bill for an act relating to Indian affairs; renaming the board on Indian affairs; providing a change in membership for the board; changing the duties of the board; appropriating money; amending Minnesota Statutes 1974, Section 3.922, as amended."

With the recommendation that when so amended the bill do pass.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 1120, 1940, 2137, 2386, 2531 and 2564 were read for the second time.

SECOND READING OF SENATE BILLS

S. F. Nos. 855 and 2288 were read for the second time.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned:

H. F. No. 2201, A bill for an act relating to the state planning agency; providing additional responsibilities for the state demographer; providing for implementation of federal law permitting the state to design a plan for return of census data to the state; providing precinct boundaries to facilitate census data returns; appropriating money; amending Minnesota Statutes 1974, Section 4.12, Subdivision 7; and Minnesota Statutes, 1975 Supplement, Section 204A.06, Subdivision 1, and by adding a subdivision.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 1293, A bill for an act relating to educational television; providing grants for instructional television stations serving Minnesota; providing for local supervision of grant expenditures.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Beauchamp moved that the House concur in the Senate amendments to H. F. No. 1293 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1293, A bill for an act relating to public television; providing grants for instructional television stations serving Minnesota; providing for supervision of grant expenditures; appropriating money.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question being taken on the repassage of the bill and the roll being called, there were yeas 115, and nays 0, as follows:

Those who voted in the affirmative were:

Abeln	Berglin	Carlson, R.	Dieterich	Fjoslien
Adams, L.	Biersdorf	Casserly	Doty	Forsythe
Albrecht	Birnstihl	Clark	Eckstein	Friedrich
Anderson, G.	Braun	Clawson	Eken	Fudro
Anderson, I.	Brinkman	Corbid	Esau	Fugina
Arlandson	Byrne	Dahl	Evans	George
Beauchamp	Carlson, A.	Dean	Ewald	Graba
Begich	Carlson, L.	DeGroat	Faricy	Hanson

Hangerud	Knickerbocker	Metzen	Rice	Suss
Hokanson	Knoll	Munger	St. Onge	Swanson
Jacobs	Kroening	Neisen	Samuelson	Tomlinson
Jaros	Laidig	Nelsen	Sarna	Ulland
Jensen	Langseth	Nelson	Schulz	Vanasek
Johnson, C.	Lemke	Niehaus	Schumacher	Vento
Johnson, D.	Lindstrom	Novak	Setzepfandt	Volk
Jude	Luther	Osthoff	Sherwood	Voss
Kahn	Mangan	Patton	Sieben, H.	Wenstrom
Kaley	Mann	Pehler	Sieben, M.	Wenzel
Kallis	McCarron	Peterson	Simoneau	White
Kelly, R.	McCauley	Petrafeso	Skoglund	Wieser
Kempe, A.	McCollar	Philbrook	Smith	Williamson
Kempe, R.	McEachern	Prahl	Smogard	Zubay
Ketola	Menning	Reding	Stanton	Speaker Sabo

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 910, A bill for an act relating to crimes; specifying the acts constituting arson and the possession of certain explosives; providing penalties; amending Minnesota Statutes 1974, Chapters 299F, by adding sections; and 609, by adding sections; repealing Minnesota Statutes 1974, Sections 299F.81; 609.555; 609.56; 609.565; 609.57; 609.575; and 609.61.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Novak moved that the House concur in the Senate amendments to H. F. No. 910 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 910, A bill for an act relating to crimes; specifying the acts constituting arson and the possession of certain explosives; correcting an error in the definition of certain criminal sexual conduct; providing penalties; amending Minnesota Statutes 1974, Chapters 299F, by adding sections; and 609, by adding sections; Minnesota Statutes, 1975 Supplement, Section 609.345; repealing Minnesota Statutes 1974, Sections 299F.81; 609.555; 609.56; 609.565; 609.57; 609.575; and 609.61.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question being taken on the repassage of the bill and the roll being called, there were yeas 123, and nays 0, as follows:

Those who voted in the affirmative were:

Abeln	Dieterich	Jude	Moe	Sieben, H.
Adams, L.	Doty	Kahn	Munger	Sieben, M.
Adams, S.	Eckstein	Kaley	Neisen	Simoneau
Albrecht	Eken	Kalis	Nelsen	Skoglund
Anderson, G.	Enebo	Kelly, R.	Nelson	Smith
Anderson, I.	Esau	Kempe, A.	Niehaus	Smogard
Arlandson	Evans	Kempe, R.	Novak	Stanton
Beauchamp	Ewald	Ketola	Osthoff	Suss
Begich	Faricy	Knickerbocker	Parish	Swanson
Berglin	Fjoslien	Knoll	Patton	Tomlinson
Biersdorf	Forsythe	Kostohryz	Pehler	Ulland
Birnstihl	Friedrich	Kroening	Peterson	Vanasek
Braun	Fudro	Laidig	Petrafeso	Vento
Brinkman	Fugina	Langseth	Philbrook	Voik
Byrne	George	Lemke	Reding	Voss
Carlson, A.	Graba	Lindstrom	Rice	Wenstrom
Carlson, L.	Hanson	Luther	St. Onge	Wenzel
Carlson, R.	Haugerud	Mangan	Samuelson	White
Casserly	Heinitz	Mann	Sarna	Wieser
Clark	Hokanson	McCarron	Savelkoul	Wigley
Clawson	Jacobs	McCauley	Schreiber	Williamson
Corbid	Jensen	McCollar	Schulz	Zubay
Dahl	Johnson, C.	McEachern	Schumacher	Speaker Sabo
Dean	Johnson, D.	Menning	Setzepfandt	
DeGroat	Jopp	Metzen	Sherwood	

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the return of House File No. 1057 for further consideration:

H. F. No. 1057, A bill for an act relating to education; school districts; Independent School District No. 518; powers and duties; requiring a public hearing and providing for an election before closing a schoolhouse; amending Minnesota Statutes 1974, Section 123.36, by adding a subdivision.

House File No. 1057 is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Menning moved that the House reconsider the vote on February 26, 1976, whereby the House refused to concur in the Senate amendments to H. F. No. 1057 and appointed a conference committee of 3 members. The motion prevailed.

CONCURRENCE AND REPASSAGE

Menning moved that the House concur in the Senate amendments to H. F. No. 1057 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1057, A bill for an act relating to education; school districts; powers and duties; requiring a public hearing before closing a schoolhouse; amending Minnesota Statutes 1974, Section 123.36, by adding a subdivision.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question being taken on the repassage of the bill and the roll being called, there were yeas 124, and nays 3, as follows:

Those who voted in the affirmative were:

Abeln	Doty	Jude	Metzen	Setzepfandt
Adams, L.	Eckstein	Kahn	Moe	Sherwood
Adams, S.	Eken	Kaley	Munger	Sieben, H.
Albrecht	Enebo	Kalis	Neisen	Sieben, M.
Anderson, G.	Esau	Kelly, R.	Nelsen	Skoglund
Anderson, I.	Evans	Kelly, W.	Nelson	Smith
Arlandson	Ewald	Kempe, A.	Niehaus	Smogard
Begich	Faricy	Kempe, R.	Norton	Stanton
Berg	Fjoslien	Knickerbocker	Novak	Suss
Berglin	Forsythe	Knoll	Osthoff	Swanson
Biersdorf	Friedrich	Kostohryz	Parish	Tomlinson
Birnstihl	Fudro	Kroening	Petrafero	Ulland
Braun	Fugina	Kvam	Philbrook	Vanasek
Brinkman	George	Laidig	Pleasant	Vento
Byrne	Graba	Langseth	Prahl	Voik
Carlson, A.	Hanson	Lemke	Reding	Voss
Carlson, L.	Haugerud	Lindstrom	Rice	Wenstrom
Carlson, R.	Heinitz	Luther	St. Onge	Wenzel
Casserly	Hokanson	Mangan	Samuelson	White
Clark	Jacobs	Mann	Sarna	Wieser
Clawson	Jaros	McCarron	Savelkoul	Wigley
Corbid	Jensen	McCauley	Schreiber	Williamson
Dahl	Johnson, C.	McCollar	Schulz	Zubay
Dean	Johnson, D.	McEachern	Schumacher	Speaker Sabo
Dieterich	Jopp	Menning	Searle	

Those who voted in the negative were:

DeGroat Pehler Peterson

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate File, herewith transmitted:

S. F. No. 2014.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate File, herewith transmitted:

S. F. No. 466.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 2014, A bill for an act relating to retirement; increasing certain benefits and annuities; appropriating money.

The bill was read for the first time.

Moe moved that S. F. No. 2014 and H. F. No. 2112, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 466, A bill for an act relating to corporations; requiring domestic corporations to file an active status report with the secretary of state; requiring the secretary of state to perform certain duties; providing that corporations that fail to file reports shall lose exclusive right to their names; permitting corporations and others to utilize the names of corporations which have lost exclusive right to their names; establishing filing fees; appropriating money; amending Minnesota Statutes 1974, Chapter 301 by adding a section; and Section 301.05, Subdivision 2.

The bill was read for the first time and referred to the Committee on Appropriations.

The following conference committee report was received:

CONFERENCE COMMITTEE REPORT ON H. F. NO. 1615

A bill for an act relating to public health; providing for care, medical treatment, and legal rights of live births resulting from abortions.

March 23, 1976

The Honorable Martin O. Sabo
Speaker of the House of Representatives
The Honorable Alec G. Olson
President of the Senate

We, the undersigned conferees for H. F. No. 1615 report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment and that H. F. No. 1615 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [ABORTION; LIVE BIRTHS.] Subdivision 1. A live child born as a result of an abortion shall be fully recognized as a human person, and accorded immediate protection under the law. All reasonable measures consistent with good medical practice, including the compilation of appropriate medical records, shall be taken to preserve the life and health of the child.

Subd. 2. When an abortion is performed after the twentieth week of pregnancy, a physician, other than the physician performing the abortion, shall be immediately accessible to take all reasonable measures consistent with good medical practice, including the compilation of appropriate medical records, to preserve the life and health of any live birth that is the result of the abortion.

Subd. 3. If a child described in subdivision 1 dies after birth, the body shall be disposed of in accordance with the provisions of Minnesota Statutes, Sections 145.14 to 145.163."

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

House Conferees: RAY W. FARICY, B. J. PHILBROOK and RICHARD E. WIGLEY.

Senate Conferees: EDWARD J. GEARTY, WAYNE OLHOFT and ROBERT J. BROWN.

Faricy moved that the report of the Conference Committee on H. F. No. 1615 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 1615, A bill for an act relating to public health; providing for care, medical treatment, and legal rights of live births resulting from abortions.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question being taken on the repassage of the bill and the roll being called, there were yeas 121, and nays 10, as follows:

Those who voted in the affirmative were:

Abeln	Anderson, G.	Beauchamp	Birnstihl	Byrne
Adams, L.	Anderson, I.	Begich	Braun	Carlson, A.
Adams, S.	Arlandson	Biersdorf	Brinkman	Carlson, L.

Carlson, R.	Graba	Kroening	Patton	Simoneau
Casserly	Hanson	Kvam	Pehler	Skoglund
Clawson	Haugerud	Laidig	Peterson	Smith
Corbid	Heintz	Langseth	Petraleso	Smogard
Dahl	Hokanson	Lemke	Philbrook	Stanton
Dean	Jacobs	Lindstrom	Pleasant	Suss
DeGroat	Jaros	Luther	Prahl	Swanson
Dieterich	Jensen	Mangan	Reding	Vanasek
Doty	Johnson, C.	Mann	Rice	Vento
Eckstein	Johnson, D.	McCarron	St. Onge	Volk
Eken	Jopp	McCauley	Samuelson	Voss
Erickson	Jude	McCollar	Sarna	Wenstrom
Esau	Kaley	McEachern	Savelkoul	Wenzel
Evans	Kalis	Menning	Schreiber	White
Ewald	Kelly, R.	Metzen	Schulz	Wieser
Faricy	Kelly, W.	Munger	Schumacher	Wigley
Fjoslien	Kempe, A.	Neisen	Searle	Williamson
Forsythe	Kempe, R.	Nelsen	Setzepfandt	Zubay
Friedrich	Ketola	Nelson	Sherwood	
Fudro	Knickerbocker	Niehaus	Sieben, H.	
Fugina	Knoll	Novak	Sieben, M.	
George	Kostohryz	Osthoff	Sieloff	

Those who voted in the negative were:

Berg	Clark	Kahn	Norton	Tomlinson
Berglin	Enebo	Moe	Parish	Ulland

The bill was repassed, as amended by Conference, and its title agreed to.

CONSIDERATION UNDER RULE 1.10

Pursuant to Rule 1.10, Kelly, W., requested immediate consideration of H. F. Nos. 617, 1947 and 2122.

H. F. No. 617 was reported to the House.

McCauley moved to amend H. F. No. 617 as follows:

Page 2, line 27, after "disability," insert "*or any other private company or union pension or insurance proceeds received for his or her total disability, as defined for Social Security Disability purposes in 42 U.S.C.A., section 416 (i)(1) and 423 (d)*".

Page 2, line 27, after "aid" insert "*or pension or insurance proceeds or combination thereof*".

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll being called, there were yeas 54, and nays 59, as follows:

Those who voted in the affirmative were:

Adams, S.	Biersdorf	Carlson, A.	Dean	Doty
Albrecht	Byrne	Dahl	DeGroat	Eckstein

Esau	Haugerud	Ketola	Menning	Sieloff
Evans	Heinitz	Knickerbocker	Nelsen	Pomlinson
Ewald	Jensen	Kvam	Niehaus	Volk
Faricy	Jopp	Laidig	Peterson	Wenzel
Fjoslien	Jude	Lemke	Pleasant	White
Forsythe	Kaley	Luther	Savelkoul	Wieser
Friedrich	Kalis	Mangan	Schreiber	Wigley
Fugina	Kempe, A.	McCauley	Setzepfandt	Zubay
Hanson	Kempe, R.	McEachern	Sherwood	

Those who voted in the negative were:

Abeln	Corbid	Langseth	Pehler	Skoglund
Adams, L.	Eken	Lindstrom	Petrafeso	Smith
Anderson, G.	Enebo	McCarron	Reding	Smogard
Anderson, I.	Fudro	McCollar	Rice	Spanish
Beauchamp	Hokanson	Moe	St. Onge	Suss
Begich	Jacobs	Munger	Samuelson	Swanson
Berg	Jaros	Neisen	Sarna	Vanasek
Berglin	Johnson, D.	Nelson	Schulz	Vento
Brinkman	Kahn	Norton	Schumacher	Voss
Carlson, L.	Kelly, W.	Novak	Searle	Wenstrom
Carlson, R.	Kostohryz	Osthoff	Sieben, M.	Speaker Sabo
Casserly	Kroening	Parish	Simoneau	

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

Sieloff moved to amend H. F. No. 617, as follows:

Page 2, line 32, after the period insert: "*Homestead property of an unmarried surviving spouse of a veteran who meets the income requirements of this section shall constitute class 3cc and shall be valued and assessed at five percent of the market value thereof.*"

A roll call was requested and properly seconded.

POINT OF ORDER

Dieterich raised a point of order pursuant to Rule 3.10 that the Sieloff amendment was out of order. The Speaker ruled the point of order not well taken.

Kelly, W., withdrew his request for immediate consideration of H. F. No. 617 under Rule 1.10.

H. F. No. 1947, A bill for an act relating to taxation; providing for the assessment of dwelling units in certain buildings; amending Minnesota Statutes 1974, Section 273.133; and Minnesota Statutes, 1975 Supplement, Section 290A.03, Subdivision 12.

The bill was read for the third time and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 131, and nays 0, as follows:

Those who voted in the affirmative were:

Abeln	Doty	Kaley	Neisen	Sieloff
Adams, L.	Eckstein	Kalis	Neisen	Simoneau
Adams, S.	Enebo	Kelly, R.	Nelson	Skoglund
Albrecht	Erickson	Kelly, W.	Niehaus	Smith
Anderson, G.	Esau	Kempe, A.	Novak	Smogard
Anderson, I.	Evans	Kempe, R.	Osthoff	Spanish
Arlandson	Ewald	Ketola	Parish	Stanton
Beauchamp	Faricy	Knickerbocker	Patton	Suss
Begich	Fjoslien	Knoll	Pehler	Swanson
Berg	Forsythe	Kostohryz	Peterson	Tomlinson
Berglin	Friedrich	Kroening	Petrafero	Ulland
Biersdorf	Fudro	Kvam	Philbrook	Vanasek
Birnstihl	Fugina	Laidig	Pleasant	Vento
Braun	George	Langseth	Prahl	Volk
Brinkman	Graba	Lemke	Reding	Voss
Byrne	Hanson	Lindstrom	Rice	Wenstrom
Carlson, A.	Haugerud	Luther	St. Onge	Wenzel
Carlson, L.	Heintz	Mangan	Samuelson	White
Carlson, R.	Hokanson	Mann	Savelkoul	Wieser
Casserly	Jacobs	McCarron	Schreiber	Wigley
Clark	Jaros	McCauley	Schulz	Williamson
Clawson	Jensen	McCollar	Schumacher	Zubay
Corbid	Johnson, C.	McEachern	Searle	Speaker Sabo
Dahl	Johnson, D.	Menning	Setzepfandt	
Dean	Jopp	Metzen	Sherwood	
DeGroat	Jude	Moe	Sieben, H.	
Dieterich	Kahn	Munger	Sieben, M.	

The bill was passed and its title agreed to.

H. F. No. 2122 was reported to the House.

Anderson, I., moved to amend H. F. No. 2122 as follows:

Page 1, line 19, after the words "foreign country" add: ", province, municipality or other taxing district within such country".

The motion prevailed and the amendment was adopted.

H. F. No. 2122, A bill for an act relating to taxation; imposing a use tax on certain vehicles owned by foreign business and providing transportation services in the state; amending Minnesota Statutes 1974, Chapter 297A, by adding a section.

The bill was read for the third time, as amended, and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 128, and nays 0, as follows:

Those who voted in the affirmative were:

Abeln	Doty	Kahn	Moe	Sieben, M.
Adams, L.	Eckstein	Kaley	Munger	Sieloff
Adams, S.	Eken	Kalis	Neisen	Simoneau
Albrecht	Enebo	Kelly, R.	Nelsen	Skoglund
Anderson, G.	Erickson	Kelly, W.	Nelson	Smith
Anderson, I.	Esau	Kempe, A.	Niehaus	Smogard
Arlandson	Evans	Kempe, R.	Novak	Spanish
Beauchamp	Ewald	Ketola	Parish	Stanton
Begich	Faricy	Knickerbocker	Peterson	Suss
Berg	Fjoslien	Knoll	Petrafeso	Swanson
Berglin	Forsythe	Kostohryz	Philbrook	Tomlinson
Biersdorf	Friedrich	Kroening	Pleasant	Ulland
Birnstihl	Fudro	Kvam	Prahl	Vanasek
Braun	Fugina	Laidig	Reding	Vento
Brinkman	George	Langseth	Rice	Volk
Byrne	Hanson	Lemke	St. Onge	Voss
Carlson, A.	Haugerud	Lindstrom	Samuelson	Wenstrom
Carlson, L.	Heinitz	Luther	Sarna	Wenzel
Carlson, R.	Hokanson	Mangan	Savelkoul	White
Casserly	Jacobs	Mann	Schreiber	Wieser
Clark	Jaros	McCarron	Schulz	Wigley
Clawson	Jensen	McCauley	Schumacher	Williamson
Corbid	Johnson, C.	McCollar	Searle	Zubay
Dahl	Johnson, D.	McEachern	Setzepfandt	Speaker Sabo
DeGroat	Jopp	Menning	Sherwood	
Dieterich	Jude	Metzen	Sieben, H.	

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

Pursuant to Rule 1.10, Norton requested immediate consideration of S. F. Nos. 2278 and 2277; and H. F. Nos. 1437, 1608 and 2332.

S. F. No. 2278 was reported to the House.

Voss moved to amend S. F. No. 2278, as follows:

Page 3, line 31, strike "5,000,000" and insert in lieu thereof "5,500,000".

The motion prevailed and the amendment was adopted.

Anderson, G., moved to amend S. F. No. 2278, as amended, as follows:

Page 4, after line 2, insert:

"Sec. 9. [136A.711] [CITATION.] *Sections 9 to 13 may be cited as the Minnesota national guard education opportunity act of 1976.*

Sec. 10. [136A.712] [DEFINITIONS.] *Subdivision 1. For the purposes of sections 9 to 13, the terms defined in this section have the meanings given them.*

Subd. 2. "Commission" means the Minnesota higher education coordinating commission.

Subd. 3. "Eligible institution" means:

(a) *An institution of post secondary education which has been certified as an eligible institution for the state grant in aid program under Minnesota Statutes, Section 136A.101, Subdivision 4; or*

(b) *An educational institution that provides a program of secondary education approved by the commission.*

Sec. 11. [136A.713] [CREATION.] *A program of tuition supplements and equivalency credits for members of the Minnesota national guard is established, to be administered by the commission.*

Sec. 12. [136A.714] [POWERS AND DUTIES OF COMMISSION.] *Subdivision 1. The commission shall enter into agreements with institutions of higher education and vocational-technical schools to establish an equivalency credit program for members of the Minnesota national guard. The program shall provide credit recognition for the service school experience of guard participants and shall develop community college and vocational course relationships with the guard.*

Subd. 2. The commission shall assist educational institutions and the national guard to establish a counseling staff for guard participants in the equivalency credit and tuition supplement program established by sections 9 to 13.

Subd. 3. The commission shall promulgate rules and regulations for implementation of sections 9 to 13.

Subd. 4. The commission may employ additional professional and clerical staff as the executive secretary or director of the commission deems necessary for administration of the program.

Subd. 5. The commission shall periodically review and evaluate the programs in consultation with the adjutant general and shall report its recommendations and suggestions for legislation to the governor on or before the beginning of each session of the legislature.

Subd. 6. Subject to its direction and review, the commission may delegate to the executive secretary or director of the commission the authority to issue public information concerning the provisions of sections 9 to 13, to design tuition supplement forms, to prescribe procedures for submission of applications for tuition supplements, and to select qualified recipients of tuition supplements.

Sec. 13. [136A.715] [TUITION SUPPLEMENTS.] *Subdivision 1. [ELIGIBILITY.] An applicant shall be eligible for a tuition supplement under the provisions of sections 9 to 13, if the commission finds that the applicant:*

- (a) *Is a citizen of the United States;*
- (b) *Is a resident of the state of Minnesota;*
- (c) *Has met all the requirements for admission as a full or part time student to an eligible institution of his choice;*
- (d) *Is "an enlisted" member in good standing of the Minnesota national guard pursuant to current military rules and regulations;*
- (e) *Has exhausted or was ineligible for educational benefits available from the federal government through assistance programs for veterans; and*
- (f) *Is ineligible for educational benefits available from the federal government for members of the national guard.*

Subd. 2. [ALLOCATION AND AMOUNT.] (a) A higher education tuition supplement shall be awarded for an academic year and may be renewed until the recipient has received tuition supplements for eight semesters or twelve quarters of full time course work or an equivalent amount of part time course work, or until the recipient receives a degree terminating the program of education for which the tuition supplement was awarded, whichever period is shorter. Tuition supplements for vocational or secondary school education may be awarded for an academic year and may be renewed for a period no longer than the comparable renewal period for a higher education tuition supplement or until the recipient satisfactorily completes the course of instruction for which the tuition supplement was awarded, whichever period is shorter;

(b) The supplement shall be awarded annually from available funds to those applicants who meet the commission's eligibility standards;

(c) A tuition supplement award shall be 50 percent of the fees charged by the eligible institution for tuition and books, or 50 percent of the fees charged for tuition and books for a comparable period of enrollment in the general college at the University of Minnesota, whichever is less;

(d) In dispensing available funds, priority shall be given to applicants in the following order:

(1) Applicants seeking to achieve completion of their secondary school education;

(2) Applicants seeking vocational training or higher education related to their military specialty;

(3) Applicants seeking to achieve a two year associate degree;

(4) Applicants seeking to achieve a four year baccalaureate degree;

(5) Applicants seeking to achieve an advanced degree.

(e) A tuition supplement may be renewed if the recipient remains a resident of Minnesota and a citizen of the United States and maintains satisfactory academic standing in the college, vocational school or other eligible institution, and good standing in the Minnesota national guard pursuant to current military rules and regulations;

(f) A recipient must apply for renewal of his tuition supplement each year;

(g) A recipient must continue to attend an eligible institution;

(h) The applicants who qualify for a tuition supplement shall be notified of their award by the commission and shall be given appropriate evidence of the award.

Subd. 3. [REIMBURSEMENT.] An applicant before being granted a tuition supplement shall enter into a contract with the state of Minnesota agreeing to reimburse the commission for tuition supplements awarded during an enrollment period if the applicant fails to maintain good standing in the Minnesota national guard pursuant to current military rules and regulations, or withdraws or is expelled from the educational institution that he plans to attend.

Sec. 14. The sum of \$250,000 is appropriated to the higher education coordinating commission from the general fund for the purposes of sections 9 to 13. Of the amount appropriated for the purposes of sections 9 to 13 the commission may use such amounts as may be necessary not to exceed \$30,000 for administration of the programs authorized by sections 9 to 13."

Renumber the remaining section.

Further, amend the title as follows:

Page 1, line 4, after the semicolon, insert "establishing a program of tuition supplements and equivalency credits for the Minnesota national guard;"

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll being called, there were yeas 100, and nays 20, as follows:

Those who voted in the affirmative were:

Adams, L.	Eckstein	Jude	Neisen	Sherwood
Adams, S.	Eken	Kaley	Nelsen	Sieben, H.
Albrecht	Erickson	Kalis	Niehaus	Sieben, M.
Anderson, G.	Esau	Kempe, A.	Novak	Sieloff
Arlandson	Evans	Kempe, R.	Osthoff	Simoneau
Beauchamp	Ewald	Ketola	Parish	Smith
Begich	Fariy	Knoll	Patton	Smogard
Biersdorf	Fjoslien	Kostohryz	Peterson	Suss
Birnstihl	Friedrich	Kvam	Philbrook	Swanson
Braun	Fudro	Laidig	Pleasant	Tomlinson
Brinkman	Fugina	Lemke	Prahl	Ulland
Byrne	George	Lindstrom	St. Onge	Vanasek
Carlson, A.	Hanson	Luther	Samuelson	Volk
Carlson, L.	Haugerud	Mangan	Sarna	Voss
Carlson, R.	Heinitz	Mann	Savelkoul	Wenstrom
Corbid	Jacobs	McCauley	Schreiber	Wenzel
Dahl	Jaros	McCollar	Schulz	White
Dean	Jensen	McEachern	Schumacher	Wieser
DeGroat	Johnson, C.	Menning	Searle	Wigley
Doty	Jopp	Metzen	Setzepfandt	Zubay

Those who voted in the negative were:

Abeln	Clawson	Johnson, D.	Moe	Rice
Berglin	Dieterich	Kahn	Norton	Skoglund
Casserly	Enebo	Kroening	Pehler	Stanton
Clark	Hokanson	McCarron	Reding	Speaker Sabo

The motion prevailed and the amendment was adopted.

S. F. No. 2278, A bill for an act relating to appropriations; converting certain standing appropriations to direct appropriations; abolishing other standing appropriations; appropriating money; amending Minnesota Statutes 1974, Sections 9.061, Subdivision 5; 97.482, Subdivision 2; 638.08; and Laws 1971, Chapter 121, Section 2, as amended; repealing Minnesota Statutes 1974, Sections 7.07; 136.821; Minnesota Statutes, 1975 Supplement, Sections 123.937; 144.146, Subdivision 2; Laws 1973, Chapter 768, Section 23; and Laws 1975, Chapter 433, Section 20.

The bill was read for the third time, as amended, and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 126, and nays 1, as follows:

Those who voted in the affirmative were:

Abeln	Anderson, I.	Biersdorf	Carlson, A.	Corbid
Adams, L.	Arlandson	Birnstihl	Carlson, L.	Dahl
Adams, S.	Beauchamp	Braun	Carlson, R.	Dean
Albrecht	Begich	Brinkman	Casserly	DeGroat
Anderson, G.	Berg	Byrne	Clawson	Dieterich

Doty	Jaros	Luther	Philbrook	Spanish
Eckstein	Jensen	Mangan	Pleasant	Stanton
Eken	Johnson, C.	Mann	Prahl	Suss
Enebo	Johnson, D.	McCarron	Reding	Swanson
Erickson	Jopp	McCauley	Rice	Tomlinson
Esau	Jude	McCollar	St. Onge	Ulland
Evans	Kahn	McEachern	Samuelson	Vanasek
Ewald	Kaley	Menning	Sarna	Vento
Faricy	Kalis	Metzen	Savelkoul	Volk
Fjoslien	Kelly, W.	Munger	Schreiber	Voss
Forsythe	Kempe, A.	Neisen	Schulz	Wenstrom
Friedrich	Kempe, R.	Nelsen	Schumacher	Wenzel
Fudro	Ketola	Nelson	Searie	White
Fugina	Knickerbocker	Niehaus	Setzepfandt	Wieser
George	Knoll	Norton	Sherwood	Wigley
Graba	Kostohryz	Novak	Sieben, H.	Zubay
Hanson	Kroening	Osthoff	Sieben, M.	Speaker Sabo
Haugerud	Kvam	Parish	Sieloff	
Heimitz	Laidig	Patton	Simoneau	
Hokanson	Lemke	Pehler	Smith	
Jacobs	Lindstrom	Peterson	Smogard	

Those who voted in the negative were:

Skoglund

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

S. F. No. 2277 was reported to the House.

Faricy moved to amend S. F. No. 2277, as follows:

Page 17, line 20 to page 19, line 14, delete Section 23.

Renumber the remaining sections in order.

Further in the title, page 1, line 22, delete "136A.121, Sub-division 3;"

The motion prevailed and the amendment was adopted.

Searle moved to amend S. F. No. 2277, as follows:

Page 12, line 2, delete "college" and insert "university".

Page 13, line 17, delete "colleges" and insert "universities".

Page 13, line 24, delete "colleges" and insert "universities".

Page 13, line 31, delete "colleges" and insert "universities".

Page 14, line 1, delete "college" and insert "university".

Page 14, line 8, delete "college" and insert "university".

Page 14, line 20, delete "colleges" and insert "universities".

Page 15, line 19, delete "college" and insert "*university*".

Page 15, line 23, delete "college" and insert "*university*".

The motion prevailed and the amendment was adopted.

Savelkoul moved to amend S. F. No. 2277, as follows:

Page 43, line 29, after "*Subdivision 3;*" insert "*and*".

Page 43, line 30, after "*167.40;*" delete "*and 299D.03, Subdivision 4,*".

Further in the title, page 1, line 27, delete "*299D.03, Subdivision 4;*".

The motion prevailed and the amendment was adopted.

S. F. No. 2277, A bill for an act relating to the organization and operation of state government; codifying various provisions formerly contained as riders in appropriation acts; amending Minnesota Statutes 1974, Sections 3.755; 16A.72; 38.02, Subdivision 1, and by adding a subdivision; 121.26; 125.08; 136.06; 136.11, Subdivisions 1 and 2, and by adding subdivisions; 136.13; 136.62, by adding a subdivision; 137.02, by adding a subdivision; 138.01; 144.169, by adding a subdivision; 158.04; 158.05; 158.08; 161.142, Subdivision 6; 161.201; 167.45; 171.26; 173.231; 241.27, by adding a subdivision; 245.61; 245.65, Subdivision 1; 246.02, Subdivisions 2 and 4; 248.07, Subdivision 8; 252.27, Subdivision 1; 254A.08, Subdivision 3; 256.01, Subdivision 8; 256.011; 260.311, Subdivision 5; 299D.03, Subdivision 6; 299D.04; 352B.02, Subdivision 1; Chapters 134, 136, 137, 138, 161, 242, 245, and 246, by adding sections; Minnesota Statutes, 1975 Supplement, Sections 16.02, Subdivision 16; 136A.121, Subdivision 3; 243.09, Subdivision 3; 252.24, Subdivision 4; 260.251, Subdivision 1a; 268.08, Subdivision 5; repealing Minnesota Statutes 1974, Sections 136.821; 161.241, Subdivision 5; 161.261, Subdivision 3; 167.40; 299D.03, Subdivision 4; Laws 1969, Chapter 157, Section 2; Laws 1973, Chapter 768, Section 23; and Laws 1975, Chapter 433, Section 20.

The bill was read for the third time, as amended, and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 127, and nays 1, as follows:

Those who voted in the affirmative were:

Abeln	Albrecht	Arlandson	Berg	Birnstihl
Adams, L.	Anderson, G.	Beauchamp	Berglin	Braun
Adams, S.	Anderson, I.	Begich	Biersdorf	Brinkman

Byrne	George	Kroening	Parish	Simoneau
Carlson, A.	Graba	Kvam	Patton	Skoglund
Carlson, L.	Hanson	Laidig	Pehler	Smith
Carlson, R.	Haugerud	Langseth	Peterson	Smogard
Casserly	Heinitz	Lindstrom	Petrafeso	Spanish
Clark	Hokanson	Luther	Philbrook	Stanton
Clawson	Jacobs	Mangan	Pleasant	Swanson
Corbid	Jaros	Mann	Prahl	Tomlinson
Dahl	Jensen	McCarron	Reding	Ulland
Dean	Johnson, C.	McCauley	Rice	Vanasek
DeGroat	Johnson, D.	McCollar	St. Onge	Vento
Dieterich	Jopp	McEachern	Samuelson	Voik
Doty	Jude	Menning	Sarna	Voss
Eken	Kahn	Metzen	Savelkoul	Wenstrom
Enebo	Kaley	Moe	Schreiber	Wenzel
Erickson	Kalis	Munger	Schulz	White
Evans	Kelly, R.	Neisen	Schumacher	Wigley
Ewald	Kelly, W.	Nelsen	Searle	Williamson
Faricy	Kempe, A.	Nelson	Setzepfandt	Zubay
Fjoslien	Kempe, R.	Niehaus	Sherwood	Speaker Sabo
Forsythe	Ketola	Norton	Sieben, H.	
Fudro	Knoll	Novak	Sieben, M.	
Fugina	Kostohryz	Osthoff	Sieloff	

Those who voted in the negative were:

Friedrich

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

H. F. No. 1437 was reported to the House.

Hokanson moved to amend H. F. No. 1437 as follows:

Page 2, line 26, after the comma insert "or for safety or security reasons."

Page 2, line 29, after the period, add a new subdivision to read:

"Subd. 3c. Any city or township, however organized, may determine which decorative gas lamps within its boundaries are used or needed for safety or security reasons. Such determination shall be forwarded to the director of the Minnesota energy agency."

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll being called, there were yeas 34, and nays 91, as follows:

Those who voted in the affirmative were:

Abeln	Corbid	Evans	Kaley	Mangan
Adams, S.	DeGroat	Ewald	Kempe, A.	McEachern
Albrecht	Eckstein	Forsythe	Kempe, R.	Metzen
Arlandson	Erickson	Heinitz	Ketola	Neisen
Carlson, R.	Esau	Hokanson	Lindstrom	Osthoff

Parish Sarna	Schreiber Sieloff	Spanish Swanson	Volk Wieser	Williamson
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Those who voted in the negative were:

Adams, L.	Eken	Knickerbocker	Novak	Smith
Anderson, G.	Enebo	Knoll	Patton	Smogard
Anderson, I.	Faricy	Kostohryz	Peher	Stanton
Beauchamp	Fjoslien	Kroening	Peterson	Suss
Begich	Fugina	Kvam	Philbrook	Tomlinson
Berg	George	Laidig	Prahl	Ulland
Berglin	Graba	Langseth	Reding	Vanasek
Biersdorf	Hanson	Lemke	Rice	Vento
Birnstihl	Haugerud	Luther	St. Onge	Voss
Braun	Jacobs	Mann	Samuelson	Wenstrom
Byrne	Jaros	McCarron	Savelkoul	Wenzel
Carlson, A.	Jensen	McCollar	Schulz	White
Carlson, L.	Johnson, D.	Menning	Schumacher	Wigley
Casserly	Jopp	Moe	Searle	Zubay
Clark	Jude	Munger	Sherwood	Speaker Sabo
Clawson	Kahn	Nelsen	Sieben, H.	
Dean	Kalis	Nelson	Sieben, M.	
Dieterich	Kelly, R.	Niehaus	Simoneau	
Doty	Kelly, W.	Norton	Skoglund	

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

Schreiber moved to amend H. F. No. 1437, as follows:

Page 8, lines 15 to 27, delete Section 10.

Renumber the remaining sections.

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll being called, there were yeas 33, and nays 96, as follows:

Those who voted in the affirmative were:

Adams, S.	Ewald	Knickerbocker	Patton	Setzepfandt
Albrecht	Forsythe	Kvam	Peterson	Sieloff
Birnstihl	Graba	Lindstrom	Pleasant	Volk
DeGroat	Heintz	McEachern	St. Onge	Wieser
Eckstein	Jensen	Neisen	Savelkoul	Wigley
Erickson	Kaley	Nelsen	Schreiber	
Esau	Kempe, R.	Niehaus	Searle	

Those who voted in the negative were:

Abeln	Braun	Corbid	Fjoslien	Johnson, C.
Adams, L.	Brinkman	Dahl	Fudro	Johnson, D.
Anderson, G.	Byrne	Dean	Fugina	Jude
Anderson, I.	Carlson, A.	Dieterich	George	Kahn
Arlandson	Carlson, L.	Doty	Hanson	Kalis
Beauchamp	Carlson, R.	Eken	Haugerud	Kelly, R.
Begich	Casserly	Enebo	Hokanson	Kelly, W.
Berg	Clark	Evans	Jacobs	Kempe, A.
Berglin	Clawson	Faricy	Jaros	Ketola

Knoll	McCollar	Petrafeso	Simoneau	Voss
Kostohryz	Menning	Philbrook	Skoglund	Wenstrom
Kroening	Metzen	Prahl	Smith	Wenzel
Laidig	Moe	Reding	Smogard	White
Langseth	Munger	Rice	Stanton	Williamson
Lemke	Nelson	Sarna	Suss	Zubay
Luther	Norton	Schulz	Swanson	Speaker Sabo
Mangan	Novak	Schumacher	Tomlinson	
Mann	Osthoff	Sherwood	Ulland	
McCarron	Parish	Sieben, H.	Vanasek	
McCauley	Pehler	Sieben, M.	Vento	

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

Birnstihl was excused for the remainder of today's session.

Knickerbocker moved to amend H. F. No. 1437, as follows:

Page 11, delete lines 26 to 27.

Renumber the remaining section.

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll being called, there were yeas 42, and nays 83, as follows:

Those who voted in the affirmative were:

Adams, S.	Fjoslien	Kempe, A.	Philbrook	Vanasek
Albrecht	Forsythe	Kempe, R.	Pleasant	Wenzel
Begich	Friedrich	Knickerbocker	Savelkoul	White
Corbid	Heinitz	Kvam	Schreiber	Wieser
Dean	Jopp	McCollar	Searle	Wigley
Doty	Jude	Menning	Sieben, H.	Zubay
Eckstein	Kaley	Nelsen	Sieben, M.	
Evans	Kalis	Niehaus	Sieloff	
Ewald	Kelly, R.	Peterson	Swanson	

Those who voted in the negative were:

Abeln	Clawson	Johnson, C.	McEachern	Sherwood
Adams, L.	Dahl	Johnson, D.	Moe	Simoneau
Anderson, G.	Dieterich	Kahn	Munger	Skoglund
Anderson, I.	Eken	Kelly, W.	Neisen	Smogard
Arlandson	Erickson	Ketola	Nelson	Spanish
Beauchamp	Esau	Knoll	Norton	Stanton
Berg	Faricy	Kostohryz	Parish	Suss
Berglin	Fudro	Kroening	Patton	Tomlinson
Biersdorf	Fugina	Laidig	Pehler	Ulland
Braun	George	Langseth	Petrafeso	Vento
Brinkman	Graba	Lemke	Prahl	Volk
Byrne	Hanson	Lindstrom	Reding	Voss
Carlson, A.	Haugerud	Luther	Rice	Wenstrom
Carlson, L.	Hokanson	Mangan	St. Onge	Williamson
Carlson, R.	Jacobs	Mann	Sarna	Speaker Sabo
Casserly	Jaros	McCarron	Schumacher	
Clark	Jensen	McCauley	Setzepfandt	

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

H. F. No. 1437, A bill for an act relating to energy; providing for certain restrictions on the use of energy in this state; prohibiting the use of certain gas lamps; requiring energy conservation standards for public school buildings; requiring an energy audit of state owned buildings; prohibiting sale of certain air conditioners; providing for solar energy performance standards; providing for monitoring of energy research; prohibiting certain open flame pilot lights; providing for loans and grants for improving energy efficiency of existing residential dwellings; appropriating money; amending Minnesota Statutes 1974, Sections 116H.02, by adding subdivisions; 116H.12, by adding subdivisions; 462A.05, Subdivision 14; and 462A.21, by adding a subdivision; and Chapter 116H, by adding sections; repealing Laws 1974, Chapter 307, Section 19.

The bill was read for the third time and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 110, and nays 22, as follows:

Those who voted in the affirmative were:

Abeln	DeGroat	Kalis	Neisen	Sieben, H.
Adams, L.	Dieterich	Kelly, R.	Nelson	Sieben, M.
Anderson, G.	Doty	Kelly, W.	Norton	Sieloff
Anderson, I.	Eken	Kempe, A.	Novak	Simoneau
Arlandson	Enebo	Kempe, R.	Osthoff	Skoglund
Beauchamp	Faricy	Ketola	Parish	Smith
Begich	Fjoslien	Knoll	Patton	Smogard
Berg	Forsythe	Kostohryz	Pehler	Stanton
Berglin	Fudro	Kroening	Peterson	Suss
Biersdorf	Fugina	Laidig	Petraffeso	Swanson
Braun	George	Langseth	Philbrook	Tomlinson
Brinkman	Graba	Lemke	Pleasant	Ulland
Byrne	Hanson	Lindstrom	Prahl	Vanasek
Carlson, A.	Haugerud	Luther	Reding	Vento
Carlson, L.	Hokanson	Mangan	Rice	Volk
Carlson, R.	Jacobs	McCarron	Samuelson	Voss
Casserly	Jaros	McCauley	Sarna	Wenstrom
Clark	Jensen	McCollar	Savelkoul	Wenzel
Clawson	Johnson, C.	Menning	Schulz	White
Corbid	Johnson, D.	Metzen	Schumacher	Williamson
Dahl	Jude	Moe	Setzepfandt	Zubay
Dean	Kahn	Munger	Sherwood	Speaker Sabo

Those who voted in the negative were:

Adams, S.	Evans	Kaley	Nelsen	Wieser
Albrecht	Ewald	Knickerbocker	Niehaus	Wigley
Eckstein	Friedrich	Kvam	St. Onge	
Erickson	Heinitz	Mann	Schreiber	
Esau	Jopp	McEachern	Searle	

The bill was passed and its title agreed to.

George and Nelson were excused for the remainder of today's session.

H. F. No. 1608, A bill for an act relating to legal assistance; providing state aid to certain legal assistance corporations; appropriating money.

The bill was read for the third time and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 108, and nays 22, as follows:

Those who voted in the affirmative were:

Abeln	Dean	Kelly, W.	Munger	Sieloff
Adams, L.	DeGroat	Kempe, A.	Neisen	Simoneau
Adams, S.	Dieterich	Kempe, R.	Norton	Skoglund
Anderson, G.	Doty	Ketola	Novak	Smith
Anderson, I.	Eckstein	Knickerbocker	Osthoff	Smogard
Arlandson	Eken	Knoll	Parish	Spanish
Beauchamp	Enebo	Kostohryz	Patton	Stanton
Begich	Fariety	Kroening	Pehler	Suss
Berg	Forsythe	Laidig	Petrafeso	Swanson
Berglin	Fudro	Langseth	Philbrook	Tomlinson
Biersdorf	Fugina	Lenke	Pleasant	Ulland
Braun	Graba	Lindstrom	Prahl	Vanasek
Brinkman	Hanson	Luther	Rice	Vento
Byrne	Haugerud	Mangan	St. Onge	Volk
Carlson, A.	Hokanson	Mann	Sarna	Voss
Carlson, L.	Jacobs	McCarron	Schreiber	Wenstrom
Carlson, R.	Jaros	McCauley	Schulz	Wenzel
Casserly	Jensen	McCollar	Schumacher	White
Clark	Johnson, D.	McEachern	Setzepfandt	Williamson
Clawson	Jude	Menning	Sherwood	Speaker Sabo
Corbid	Kahn	Metzen	Sieben, H.	
Dahl	Kelly, R.	Moe	Sieben, M.	

Those who voted in the negative were:

Albrecht	Fjoslien	Kaley	Reding	Wigley
Erickson	Friedrich	Kalis	Samuelson	Zubay
Esau	Heinitz	Kvam	Savelkoul	
Evans	Johnson, C.	Nelsen	Searle	
Ewald	Jopp	Peterson	Wieser	

The bill was passed and its title agreed to.

Enebo was excused between 5:50 and 7:00 p.m.

H. F. No. 2332 was reported to the House.

Carlson, R., moved to amend H. F. No. 2332, as follows:

Page 4, line 12, after the period insert the following:

"The office of learning improvement assistance shall not develop a model educational policy and mandate the adoption of said model by any local school district in the State of Minnesota."

Graba moved to amend the Carlson, R., amendment to H. F. No. 2332, as follows:

Line 2 of the Carlson, R., amendment delete "develop" and insert "mandate".

Lines 2 and 3, delete "and mandate the adoption of said model by" and insert "for".

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

The question recurred on the Carlson, R., amendment as amended. The motion prevailed and the amendment as amended was adopted.

H. F. No. 2332, A bill for an act relating to education; requiring school districts to engage in planning, evaluation and reporting; establishing an office of learning improvement assistance for public elementary and secondary school districts; appropriating money.

The bill was read for the third time, as amended, and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 127, and nays 1, as follows:

Those who voted in the affirmative were:

Adams, L.	Dean	Jaros	Luther	Philbrook
Adams, S.	DeGroat	Jensen	Mangan	Pleasant
Albrecht	Dieterich	Johnson, C.	Mann	Prahl
Anderson, G.	Doty	Johnson, D.	McCarron	Reding
Anderson, I.	Eckstein	Jopp	McCauley	Rice
Arlandson	Eken	Jude	McCollar	St. Onge
Beauchamp	Erickson	Kahn	McEachern	Samuelson
Begich	Esau	Kaley	Menning	Sarna
Berg	Evans	Kalis	Metzen	Savelkoul
Berglin	Ewald	Kelly, R.	Moe	Schreiber
Biersdorf	Faricy	Kelly, W.	Munger	Schulz
Braun	Fjoslien	Kempe, A.	Neisen	Schumacher
Brinkman	Forsythe	Kempe, R.	Nelsen	Searle
Byrne	Friedrich	Ketola	Niehaus	Setzepfandt
Carlson, A.	Fudro	Knickerbocker	Norton	Sherwood
Carlson, L.	Fugina	Knoll	Novak	Sieben, H.
Carlson, R.	Graba	Kostohryz	Osthoff	Sieben, M.
Casserly	Hanson	Kyam	Parish	Sieloff
Clark	Haugerud	Laidig	Patton	Simoneau
Clawson	Heintz	Langseth	Pehler	Skoglund
Corbid	Hokanson	Lemke	Peterson	Smith
Dahl	Jacobs	Lindstrom	Petrafaso	Smogard

Spanish	Tomlinson	Volk	White	Speaker Sabo
Stanton	Ulland	Voss	Wieser	
Suss	Vanasek	Wenstrom	Wigley	
Swanson	Vento	Wenzel	Zubay	

Those who voted in the negative were:

Abeln

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

SPECIAL ORDERS

S. F. No. 1575 was reported to the House.

Dean moved to amend S. F. No. 1575, as follows:

Line 16, after the "." insert "The total amount of moneys or funds appropriated or expended for grants to cities and towns pursuant to this section shall not exceed the equivalent of the total amount of funds received by the county under the federal act."

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll being called, there were yeas 36, and nays 80, as follows:

Those who voted in the affirmative were:

Adams, S.	Dean	Knickerbocker	Petráfoso	Tomlinson
Albrecht	Dieterich	Kvam	Pleasant	Ulland
Arlandson	Eckstein	Laidig	Schreiber	Voik
Begich	Erickson	Luther	Schumacher	Wigley
Berg	Esau	McCauley	Searle	
Carlson, A.	Heinitz	Neisen	Sieben, M.	
Carlson, L.	Jaros	Niehaus	Sieloff	
Corbid	Jopp	Pehler	Smogard	

Those who voted in the negative were:

Abeln	Fjoslien	Ketola	Norton	Simoneau
Adams, L.	Forsythe	Knoll	Novak	Skoglund
Anderson, G.	Friedrich	Kroening	Osthoff	Smith
Anderson, I.	Fudro	Langseth	Parish	Spanish
Beauchamp	Fugina	Lemke	Patton	Stanton
Biersdorf	Haugerud	Lindstrom	Peterson	Suss
Braun	Hokanson	Mangan	Philbrook	Swanson
Byrne	Jacobs	Mann	Prahl	Vanasek
Carlson, R.	Jensen	McCarron	Reding	Vento
Casserly	Johnson, D.	McCollar	Rice	Voss
Clark	Jude	McEachern	St. Onge	Wenstrom
Clawson	Kahn	Menning	Sarna	Wenzel
DeGroat	Kaley	Metzen	Schulz	White
Doty	Kalis	Moe	Schulz	Wieser
Eken	Kelly, R.	Munger	Sherwood	Zubay
Evans	Kempe, A.	Nelsen	Sieben, H.	Speaker Sabo

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

Begich moved to amend S. F. No. 1575, as follows:

Page 1, line 13, after "cities" insert "except cities of the first class".

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll being called, there were yeas 38, and nays 55, as follows:

Those who voted in the affirmative were:

Anderson, I.	Fjoslien	Kelly, R.	Niehaus	Smith
Begich	Friedrich	Kvam	Patton	Suss
Biersdorf	Fugina	Lindstrom	Pleasant	Wenzel
Braun	Jacobs	McCauley	Reding	White
Brinkman	Jensen	McCollar	Schreiber	Wieser
Carlson, R.	Johnson, D.	McEachern	Schumacher	Zubay
DeGroat	Kaley	Metzen	Setzepfandt	
Eckstein	Kalis	Nelsen	Sieloff	

Those who voted in the negative were:

Abeln	Corbid	Heinitz	Munger	Skoglund
Adams, L.	Dean	Jaros	Novak	Smogard
Arlandson	Dieterich	Johnson, C.	Osthoff	Spanish
Beauchamp	Doty	Jopp	Petraleso	Stanton
Berg	Evans	Kahn	St. Onge	Swanson
Berglin	Ewald	Kelly, W.	Sarna	Ulland
Byrne	Faricy	Knickerbocker	Searle	Volk
Carlson, A.	Fudro	Kostohryz	Sherwood	Wenstrom
Carlson, L.	Graba	Laidig	Sieben, H.	Wigley
Casserly	Hanson	Luther	Sieben, M.	Williamson
Clark	Haugerud	Moe	Simoneau	Speaker Sabo

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

S. F. No. 1575, A bill for an act relating to certain counties; authorizing the expenditure of county and federal revenue sharing funds for certain purposes.

The bill was read for the third time and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 121, and nays 1, as follows:

Those who voted in the affirmative were:

Abeln	Albrecht	Arlandson	Berg	Braun
Adams, L.	Anderson, G.	Beauchamp	Berglin	Brinkman
Adams, S.	Anderson, I.	Begich	Biersdorf	Byrne

Carlson, A.	Hanson	Laidig	Pehler	Spanish
Carlson, L.	Heinitz	Langseth	Peterson	Stanton
Carlson, R.	Hokanson	Lemke	Philbrook	Suss
Clark	Jacobs	Lindstrom	Pleasant	Swanson
Clawson	Jaros	Luther	Prahl	Tomlinson
Corbid	Jensen	Mangan	Reding	Ulland
Dahl	Johnson, D.	Mann	Rice	Vanasek
DeGroat	Jopp	McCarron	St. Onge	Vento
Dieterich	Jude	McCauley	Samuelson	Volk
Doty	Kahn	McCollar	Savelkoul	Voss
Eckstein	Kaley	McEachern	Schreiber	Wenstrom
Eken	Kalis	Menning	Schumacher	Wenzel
Erickson	Kelly, R.	Moe	Searle	White
Esau	Kelly, W.	Munger	Setzepfandt	Wieser
Evans	Kempe, A.	Neisen	Sherwood	Wigley
Ewald	Kempe, R.	Nelsen	Sieben, H.	Williamson
Faricy	Ketola	Niehaus	Sieben, M.	Zubay
Fjoslien	Knickerbocker	Norton	Sieloff	Speaker Sabo
Friedrich	Knoll	Novak	Simoneau	
Fudro	Kostohryz	Osthoff	Skoglund	
Fugina	Kroening	Parish	Smith	
Graba	Kvam	Patton	Smogard	

Those who voted in the negative were:

Metzen

The bill was passed and its title agreed to.

S. F. No. 2108 was reported to the House.

Biersdorf moved to amend S. F. No. 2108, as follows:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1974, Chapter 334, is amended by adding a section to read:

[334.061] [AGRICULTURAL CREDIT CORPORATIONS.]
A state chartered agricultural credit corporation operating under 12 U.S.C. 1401, 1402, 1403, and 1404 may make a charge on its loans at a rate not in excess of \$10 on \$100 for one year."

Further strike the title and insert:

"A bill for an act relating to commerce; providing interest rate limits on loans by certain agricultural credit corporations; amending Minnesota Statutes 1974, Chapter 334, by adding a section."

The motion prevailed and the amendment was adopted.

S. F. No. 2108, A bill for an act relating to commerce; interest rates on money; exempting agricultural credit corporations from interest rate limitations; amending Minnesota Statutes 1974, Section 334.06.

The bill was read for the third time, as amended, and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 117, and nays 6, as follows:

Those who voted in the affirmative were:

Abeln	DeGroat	Kaley	Neisen	Sieloff
Adams, L.	Dieterich	Kalis	Nelsen	Simoneau
Adams, S.	Doty	Kelly, R.	Niehaus	Smith
Albrecht	Eckstein	Kelly, W.	Norton	Smogard
Anderson, G.	Eken	Kempe, A.	Novak	Spanish
Anderson, I.	Erickson	Kempe, R.	Osthoff	Stanton
Arlandson	Esau	Ketola	Patton	Suss
Beauchamp	Evans	Knickerböcker	Pehler	Swanson
Begich	Ewald	Knoll	Peterson	Ulland
Berg	Faricy	Kostohryz	Philbrook	Vanasek
Berglin	Fjoslien	Kroening	Pleasant	Vento
Biersdorf	Forsythe	Kvam	Prahl	Volk
Braun	Friedrich	Laidig	Reding	Voss
Brinkman	Fudro	Lemke	St. Onge	Wenstrom
Byrne	Graba	Lindstrom	Samuelson	Wenzel
Carlson, A.	Hanson	Luther	Sarna	White
Carlson, L.	Heinitz	Mangan	Savelkoul	Wieser
Carlson, R.	Hokanson	Mann	Schreiber	Wigley
Casserly	Jacobs	McCarron	Schulz	Williamson
Clark	Jaros	McCauley	Searle	Zubay
Clawson	Jensen	McCollar	Setzpfandt	Speaker Sabo
Corbid	Johnson, C.	McEachern	Sherwood	
Dahl	Jude	Menning	Sieben, H.	
Dean	Kahn	Munger	Sieben, M.	

Those who voted in the negative were:

Fugina	Parish	Rice	Schumacher	Skoglund
Johnson, D.				

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

The following Conference Committee Report was received.

CONFERENCE COMMITTEE REPORT ON H. F. NO. 1519

The Conference Committee Report on H. F. No. 1519 was reported to the House.

Dieterich moved that H. F. No. 1519 be returned to Conference Committee. The motion prevailed.

SPECIAL ORDERS—Continued

S. F. No. 161 was reported to the House.

Fudro moved to amend S. F. No. 161, the unofficial engrossment, as follows:

Page 2, line 15, strike "1976" and insert "1977".

The motion prevailed and the amendment was adopted.

Friedrich moved to amend S. F. No. 161, the unofficial engrossment, as follows:

Page 1, line 10, after "truck" insert "excepting rear-end dump farm trucks".

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll being called, there were yeas 76, and nays 42, as follows:

Those who voted in the affirmative were:

Abeln	Dean	Kaley	Patton	Smogard
Adams, S.	DeGroat	Kalis	Peterson	Stanton
Albrecht	Eckstein	Kelly, W.	Philbrook	Ulland
Anderson, G.	Eken	Kempe, A.	Pleasant	Vanasek
Anderson, J.	Erickson	Ketola	Prahl	Volk
Beauchamp	Esau	Kvam	Reding	Voss
Begich	Evans	Laidig	St. Onge	Wenstrom
Biersdorf	Ewald	Lenke	Samuelson	White
Braun	Faricy	Lindstrom	Savelkoul	Wieser
Brinkman	Fjoslien	Mann	Schreiber	Wigley
Byrne	Friedrich	McCauley	Schulz	Williamson
Carlson, A.	Graba	McCollar	Schumacher	Zubay
Carlson, R.	Hanson	McEachern	Searle	
Clawson	Heinitz	Menning	Setzepfandt	
Corbid	Hokanson	Nelsen	Sieloff	
Dahl	Johnson, C.	Niehaus	Smith	

Those who voted in the negative were:

Adams, L.	Fudro	Kostohryz	Parish	Suss
Berg	Haugerud	Kroening	Pehler	Swanson
Berglin	Jacobs	Luther	Petrafeso	Tomlinson
Carlson, L.	Jaros	Mangan	Rice	Vento
Casserly	Jensen	Metzen	Sarna	Wenzel
Clark	Johnson, D.	Moe	Sieben, H.	Speaker Sabo
Dieterich	Jude	Neisen	Sieben, M.	
Doty	Kahn	Norton	Simoneau	
Enebo	Knoll	Osthoff	Skoglund	

The motion prevailed and the amendment was adopted.

S. F. No. 161, A bill for an act relating to highway traffic regulations; required equipment on certain vehicles; amending Minnesota Statutes 1974, Section 169.733.

The bill was read for the third time, as amended, and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 105, and nays 22, as follows:

Those who voted in the affirmative were:

Abeln	Adams, L.	Adams, S.	Anderson, I.	Arlandson
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Beauchamp	Eckstein	Kempe, A.	Norton	Sieben, H.
Begich	Eken	Kempe, R.	Novak	Sieben, M.
Berg	Enebo	Ketola	Osthoff	Sieloff
Berglin	Faricy	Knickerbocker	Parish	Skoglund
Biersdorf	Forsythe	Knoll	Patton	Smith
Braun	Fudro	Kroening	Pehler	Smogard
Brinkman	Fugina	Kvam	Petrafeso	Spanish
Byrne	Graba	Langseth	Philbrook	Suss
Carlson, A.	Hanson	Lemke	Pleasant	Swanson
Carlson, L.	Haugerud	Luther	Prahl	Tomlinson
Carlson, R.	Heinitz	Mangan	Reding	Ulland
Casserly	Hokanson	Mann	Rice	Vanasek
Clark	Jaros	McCarron	St. Onge	Volk
Clawson	Jensen	McCauley	Samuelson	Voss
Corbid	Johnson, C.	McCollar	Sarna	Wenstrom
Dahl	Johnson, D.	McEachern	Schreiber	Wenzel
Dean	Jude	Menning	Schulz	White
DeGroat	Kahn	Metzen	Schumacher	Wigley
Dieterich	Kelly, R.	Moe	Setzepfandt	Williamson
Doty	Kelly, W.	Neisen	Sherwood	Speaker Sabo

Those who voted in the negative were:

Albrecht	Ewald	Kalis	Peterson	Wieser
Anderson, G.	Fjoslien	Laidig	Savelkoul	Zubay
Erickson	Friedrich	Lindstrom	Searle	
Esau	Jacobs	Nelsen	Stanton	
Evans	Kaley	Niehaus	Vento	

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

Anderson, I., moved that the remaining bills on Special Orders for today be continued on Special Orders for Thursday, March 25, 1976, immediately following the Calendar. The motion prevailed.

Wigley was excused at 6:50 p.m. Abeln was excused at 7:40 p.m.

GENERAL ORDERS

Pursuant to Rules of the House, the House resolved itself into the Committee of the Whole, with Sabo in the Chair, for the consideration of bills pending on General Orders of the Day.

Pursuant to Rule 1.6, a roll call was taken on the following amendment to S. F. No. 1800, as amended, offered by Kvam:

Page 16, line 3, after the words "up to" insert, "*but not in excess of*".

The roll being called, there were yeas 32, and nays 79, as follows:

Those who voted in the affirmative were:

Adams, S.	Albrecht	Anderson, G.	Biersdorf	Brinkman
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Carlson, A.	Evans	Johnson, C.	Peterson	Vanasek
Dean	Ewald	Kaley	Pleasant	Wieser
DeGroat	Fjoslien	Knickerbocker	Savelkoul	Zubay
Eken	Forsythe	Kvam	Schulz	
Erickson	Friedrich	Nelson	Searle	
Esau	Heinitz	Niehaus	Smith	

Those who voted in the negative were:

Abeln	Dahl	Kempe, A.	Norton	Sieben, M.
Adams, L.	Dieterich	Ketola	Novak	Skoglund
Anderson, I.	Doty	Knoll	Osthoff	Smogard
Arlandson	Enebo	Kostohryz	Parish	Spanish
Beauchamp	Faricy	Kroening	Patton	Stanton
Begich	Fudro	Langseth	Pehler	Suss
Berg	Fugina	Lemke	Petrafeso	Swanson
Berglin	Hanson	Lindstrom	Philbrook	Tomlinson
Braun	Jacobs	Luther	Prahl	Vento
Byrne	Jaros	Mangan	Reding	Voss
Carlson, L.	Johnson, D.	Mann	St. Onge	Wenstrom
Carlson, R.	Jude	McCollar	Samuelson	Wenzel
Casserly	Kahn	McEachern	Sarna	White
Clark	Kalis	Moe	Schumacher	Williamson
Clawson	Kelly, R.	Munger	Sherwood	Speaker Sabo
Corbid	Kelly, W.	Neisen	Sieben, H.	

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

Pursuant to Rule 1.6, a roll call was taken on the following amendment to S. F. No. 1800, as amended, offered by Enebo:

Page 27, between lines 20 and 21, insert a new section to read:

"Sec. 9. Minnesota Statutes 1971, Section 268.10, Subdivision 1, is amended to read:

268.10 [DETERMINATION OF CLAIMS FOR BENEFITS; APPEALS.] Subdivision 1. [FILING.] Claims for benefits shall be made in accordance with such regulations as the commissioner may prescribe. Each employer shall post and maintain printed statements of such regulations in places readily accessible to individuals in his service and shall make available to each such individual at the time he becomes unemployed, a printed statement of such regulations. Such printed statements shall be supplied by the commissioner to each employer without cost to him.

(1) Any employer upon separation of an employee from his employment for any reason which may result in disqualification for benefits under section 268.09, shall furnish to such employee a separation notice which shall provide the employer's name, address, and employer account number as registered with the department, the employee's name and social security account number, the inclusive dates of his employment, and the reason for the separation. A copy of such separation notice shall be filed

with the commissioner within three days of such separation. The commissioner shall require each individual filing a claim for benefits to establish a benefit year to furnish such separation notices which he has received from all employers from whom such individual earned wage credits in the base period.

(2) Upon the filing, by an individual, of a claim for benefits, the commissioner shall give notice to all such base period employers of the filing of such claim and request each such base period employer, within seven days after the mailing of such notice, to furnish the following information:

(a) The total wage credits earned in the base period;

(b) The number of credit weeks which end within the base period;

(c) The week ending dates for each calendar week within the base period in which the individual earned less than the amount required to make a credit week and the amount of earnings in each such week;

(d) The reason for the separation or separations of such individual from the employ of the employer in the base period; and

(e) Such employer's *written, notarized* protest, if any, relating to the ineligibility or disqualification of such individual, *provided that any protest containing a statement which the employer could not reasonably believe to be true and which results in wrongful withholding of compensation shall render the employer furnishing the protest liable to the state for a sum equaling three times the amount of compensation withheld.*

(3) If any base period employer, after the notice of filing of a claim and the request for wage and separation information has been duly mailed to his last known address, fails to file information as provided by items (a) through (e) of clause 2 of this subdivision within seven days, the commissioner shall determine an individual's benefit rights based on the claimant's statements or any other available information. Any employer shall be liable for a late filing fee of not less than \$5 nor more than \$25, as the commissioner may determine, to be paid to the department of manpower services and credited to the contingent fund if he has failed without good cause to submit the wage and separation information as required in clause 2 of this subdivision within seven days after the request has been duly mailed to his last known address. In the absence of fraud, if a redetermination of benefit rights based on an employer's late report subsequently cancels or reduces the amount of benefits to which a claimant was entitled under the initial determination, the claimant shall not be required to make repayment to the fund of any benefits paid to him prior to such redetermination.

Renumber the remaining sections.

Further, amend the title of S. F. No. 1800 as follows:

Page 1, line 16, reinstate "268.10, Subdivision 1;"

The roll being called, there were yeas 57, and nays 65, as follows:

Those who voted in the affirmative were:

Adams, S.	Enebo	Kempe, R.	Osthoff	Skoglund
Anderson, I.	Farcy	Kostohryz	Parish	Spanish
Arlandson	Forsythe	Kroening	Pehler	Stanton
Begich	Fudro	Luther	Petrafeso	Swanson
Berglin	Fugina	Mangan	Philbrook	Tomlinson
Carlson, L.	Hanson	McCarron	Prahl	Vento
Carlson, R.	Hokanson	McCollar	Rice	Voik
Cassery	Jacobs	Metzen	Samuelson	Voss
Clark	Johnson, D.	Moe	Sarna	Speaker Sabo
Clawson	Kahn	Munger	Schulz	
Dahl	Kelly, R.	Neisen	Sieben, M.	
Dean	Kempe, A.	Novak	Simoneau	

Those who voted in the negative were:

Adams, L.	Eckstein	Johnson, C.	McCauley	Sherwood
Aibrecht	Eken	Jude	Menning	Sieben, H.
Anderson, G.	Erickson	Kaley	Nelsen	Sieloff
Beauchamp	Esau	Kalis	Niehaus	Smith
Berg	Evans	Kelly, W.	Norton	Smogard
Biersdorf	Ewald	Ketola	Peterson	Suss
Braun	Fjoslien	Knickerbocker	Pleasant	Ulland
Brinkman	Friedrich	Kvam	Reding	Vanasek
Byrne	Graba	Laidig	Savelkoul	Wenstrom
Carlson, A.	Haugerud	Langseth	Schreiber	Wenzel
Corbid	Heinitz	Lemke	Schumacher	White
DeGroat	Jaros	Lindstrom	Searle	Wieser
Doty	Jensen	Mann	Setzepfandt	Zubay

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

Pursuant to Rule 1.6, a roll call was taken on the following amendment to S. F. No. 1800, as amended, offered by Smith, Searle and Johnson, C.:

Page 22, line 23 through page 27, line 20, delete all of the present Section 8 and insert a new section to read as follows:

"Sec. 8. Minnesota Statutes, 1975 Supplement, Section 268.09, Subdivision 1, is amended to read:

268.09 [UNEMPLOYMENT COMPENSATION; DISQUALIFIED FROM BENEFITS.] Subdivision 1. [DISQUALIFYING CONDITIONS.] An individual shall be disqualified for benefits:

(1) [VOLUNTARY LEAVING OR DISCHARGE FOR MISCONDUCT.] If such individual voluntarily and without good cause attributable to the employer discontinued his employment with such employer *or leaves employment because of pregnancy without availing herself of maternity leave rights*, or was discharged for misconduct, not amounting to gross misconduct, connected with his work or for misconduct which interferes with and adversely affects his employment, if so found by the commissioner, (FOR NOT LESS THAN FIVE NOR MORE THAN EIGHT WEEKS OF UNEMPLOYMENT IN ADDITION TO AND FOLLOWING THE WAITING PERIOD, OR WAS DISCHARGED FOR GROSS MISCONDUCT CONNECTED WITH HIS WORK OR GROSS MISCONDUCT WHICH INTERFERES WITH AND ADVERSELY AFFECTS HIS EMPLOYMENT, IF SO FOUND BY THE COMMISSIONER, FOR 12 WEEKS OF UNEMPLOYMENT IN ADDITION TO AND FOLLOWING THE WAITING PERIOD, WHICH DISQUALIFICATION SHALL NOT BE REMOVED BY SUBSEQUENT EMPLOYMENT, AND PROVIDED FURTHER THAT THE COMMISSIONER IS EMPOWERED TO IMPOSE A TOTAL DISQUALIFICATION FOR THE BENEFIT YEAR AND TO CANCEL PART OR ALL OF THE WAGE CREDITS FROM THE LAST EMPLOYER FROM WHOM HE WAS DISCHARGED FOR GROSS MISCONDUCT CONNECTED WITH HIS WORK, AND THE MAXIMUM BENEFIT AMOUNT PAYABLE TO SUCH INDIVIDUAL SHALL BE REDUCED AS FOLLOWS:;) *until he has, subsequent to that separation, earned wages in insured work from which he has been separated under non-disqualifying conditions in an amount equal to or in excess of six times his weekly benefit amount.*

((A) BY AN AMOUNT EQUAL TO THE WEEKLY BENEFIT AMOUNT TIMES THE NUMBER OF WEEKS FOR WHICH SUCH INDIVIDUAL WAS DISQUALIFIED, WHEN THE SEPARATION OCCURS BECAUSE OF A VOLUNTARY SEPARATION AS DESCRIBED IN THIS CLAUSE OR AS A RESULT OF DISCHARGE FOR MISCONDUCT;) *When the separation occurs as a result of a discharge for gross misconduct such disqualification shall continue until he has earned wages in insured work from which he has been separated under non-disqualifying conditions in an amount equal to or in excess of 12 times his weekly benefit amount.*

((B) BY AN AMOUNT EQUAL TO 12 TIMES HIS WEEKLY BENEFIT AMOUNT, WHEN THE SEPARATION OCCURS AS A RESULT OF A DISCHARGE FOR GROSS MISCONDUCT;)

For the purpose of this clause "gross misconduct" shall be defined as misconduct involving assault and battery, or an immoral act, or the malicious destruction of property or the theft of money or property of a value of \$50, or more.

This provision shall not apply to any individual who left his employment to accept work offering substantially better conditions of work or substantially higher wages or both, or whose separation from such employment was due to serious illness of such individual.

(2) SEPARATION TO ASSUME FAMILY OBLIGATIONS. IF SUCH INDIVIDUAL VOLUNTARILY LEAVES EMPLOYMENT BECAUSE OF PREGNANCY WITHOUT AVAILING HERSELF OF MATERNITY LEAVE RIGHTS PROVIDED BY LAW, PROVIDED THAT SUCH DISQUALIFICATION SHALL BE REMOVED BY SUBSEQUENT EMPLOYMENT IN INSURED WORK FOR A PERIOD OF NOT LESS THAN SIX WEEKS.)

An individual who voluntarily leaves employment for compelling personal reasons involving the obligation to care for a seriously ill member of the immediate family shall be disqualified for benefits for five weeks of unemployment in addition to and following the waiting period.

(3) (2) [LIMITED OR NO CHARGE OF BENEFITS.] Benefits paid subsequent to an individual's separation under any of the foregoing clauses or because of his failure, without good cause, to accept an offer of suitable re-employment, shall not be used as a factor in determining the future contribution rate of the employer from whose employment such individual separated or whose offer of re-employment he refused; provided that this clause shall not apply to an individual involuntarily separated from employment because of pregnancy.

(4) (3) [FAILURE TO APPLY FOR OR ACCEPT SUITABLE WORK.] If the commissioner finds that he has failed, without good cause, either to apply for available, suitable work when so directed by the employment office, or the commissioner or to accept suitable work when offered him, or to return to his customary self-employment (if any) when so directed by the commissioner, or to actively seek employment. Such disqualification shall continue for the week in which such refusal or failure occurred and (FOR A PERIOD OF SEVEN WEEKS OF UNEMPLOYMENT IMMEDIATELY FOLLOWING SUCH REFUSAL OR FAILURE) *until he has earned wages in insured work from which he has been separated under non-disqualifying conditions in an amount equal to or in excess of six times his weekly benefit amount.*

(a) In determining whether or not any work is suitable for an individual, the commissioner shall consider the degree of risk involved to his health, safety, and morals, his physical fitness and prior training, his experience, his length of unemployment and prospects of securing local work in his customary occupation, and the distance of the available work from his residence.

(b) Notwithstanding any other provisions of sections 268.03 to 268.24, no work shall be deemed suitable, and benefits shall not be denied thereunder to any otherwise eligible individual for refusing to accept new work under any of the following conditions:

(1) if the position offered is vacant due directly to a strike, lockout, or other labor dispute;

(2) If the wages, hours, or other conditions of the work offered are substantially less favorable to the individual than those prevailing for similar work in the locality;

(3) if as a condition of being employed the individual would be required to join a union or to resign from or refrain from joining any bona fide labor organization;

(4) if after December 31, 1971, such individual is in training with the approval of the commissioner.

(5) [LABOR DISPUTE.] If such individual has left or partially or totally lost his employment with an employer because of a strike or other labor dispute. Such disqualification shall prevail for each week during which such strike or other labor dispute is in progress at the establishment in which he is or was employed, except that such disqualification shall be for one week following commencement of the strike or other labor dispute for any employee who is not participating in or directly interested in the labor dispute which caused such individual to leave or partially or totally lose such employment. Failure or refusal of an individual to accept and perform available and customary work in the establishment constitutes participation. For the purpose of this section the term "labor dispute" shall have the same definition as provided in the Minnesota labor relations act. Nothing in this subdivision shall be deemed to deny benefits to any employee:

(a) who becomes unemployed because of a strike or lockout caused by an employer's willful failure to observe the terms of the safety and health section of a union contract or failure to comply with an official citation for a violation of federal and state laws involving occupational safety and health; provided, however, that benefits paid in accordance with this provision shall not be charged to the employer's experience rating account if, following official appeal proceedings, it is held that there was no willful failure on the part of the employer,

(b) who becomes unemployed because of a lockout,

(c) who is dismissed during the period of negotiation in any labor dispute and prior to the commencement of a strike, or

(d) unless he is unemployed because of a jurisdictional dispute between two or more unions.

Provided, however, that voluntary separation during the time that such strike or other labor dispute is in progress at such establishment shall not be deemed to terminate such individual's participation in or direct interest in such strike or other labor dispute for purposes of this subdivision.

Benefits paid to an employee who has left or partially or totally lost his employment because of a strike or other labor dispute at his *primary place of employment* shall not be charged to his employer's account unless the employer was a party to the particular strike or labor dispute.

Notwithstanding any other provision of this section, an individual whose last separation from employment with an employer occurred prior to the commencement of the strike or other labor dispute and was permanent or for an indefinite period, shall not be denied benefits or waiting week credit solely by reason of his failure to apply for or to accept recall to work or reemployment with the employer during any week in which the strike or other labor dispute is in progress at the establishment in which he was employed.

(6) [REFUSAL OF SUITABLE REEMPLOYMENT.] If such individual has failed without good cause to accept suitable re-employment offered by a base period employer, such disqualification shall prevail for the week in which the failure occurred (AND FOR A PERIOD OF SEVEN WEEKS OF UNEMPLOYMENT FOLLOWING SUCH FAILURE) *until he has, subsequent to that separation, earned wages in insured work from which he has been separated under non-disqualifying conditions in an amount equal to or in excess of six times his weekly benefit amount*, provided such disqualification shall not apply if such individual is in training with the approval of the commissioner.

Page 31, lines 11 and 12, delete Sec. 11 and renumber the succeeding section.

Page 31, line 14, after "amend" insert "*Section 268.09, subdivision 1, and*".

Further, amend the title as follows:

Page 1, line 10, delete "repealing".

Page 1, line 11, after "268.09" and before the period insert "*, subdivision 1*".

The roll being called, there were yeas 53, and nays 70, as follows:

Those who voted in the affirmative were:

Adams, S.	Eken	Jensen	Langseth	Searle
Albrecht	Erickson	Johnson, C.	Mann	Setzepfandt
Anderson, G.	Esau	Kaley	McCauley	Sherwood
Biersdorf	Evans	Kalis	Menning	Smith
Brinkman	Ewald	Kelly, W.	Nelsen	Suss
Carlson, A.	Fjoslien	Kempe, A.	Niehaus	Ulland
Corbid	Forsythe	Kempe, R.	Peterson	Vanasek
Dean	Friedrich	Ketola	Pleasant	Wieser
DeGroat	Graba	Knickerbocker	Savelkoul	Zubay
Doty	Haugerud	Kvam	Schreiber	
Eckstein	Heinitz	Laidig	Schumacher	

Those who voted in the negative were:

Adams, L.	Dahl	Kostohryz	Osthoff	Sieloff
Anderson, I.	Dieterich	Kroening	Patton	Simoneau
Arlandson	Enebo	Lemke	Pehler	Skoglund
Beauchamp	Fudro	Lindstrom	Petraleso	Smogard
Begich	Fugina	Luther	Philbrook	Spanish
Berg	Hanson	Mangan	Prahl	Swanson
Berglin	Hokanson	McCarron	Reding	Tomlinson
Braun	Jacobs	McCollar	Rice	Vento
Byrne	Jaros	Metzen	St. Onge	Volk
Carlson, L.	Johnson, D.	Moe	Samuelson	Voss
Carlson, R.	Jude	Munger	Sarna	Wenstrom
Casserly	Kahn	Neisen	Schulz	Wenzel
Clark	Kelly, R.	Norton	Sieben, H.	Williamson
Clawson	Knoll	Novak	Sieben, M.	Speaker Sabo

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

Pursuant to Rule 1.6, a roll call was taken on the motion of Adams, L., to recommend passage of S. F. No. 1800, as amended.

The roll being called, there were yeas 101, and nays 25, as follows:

Those who voted in the affirmative were:

Adams, L.	Eckstein	Kempe, R.	Munger	Schumacher
Adams, S.	Eken	Ketola	Neisen	Setzepfandt
Albrecht	Evans	Knickerbocker	Nelsen	Sherwood
Anderson, G.	Faricy	Knoll	Niehaus	Sieben, H.
Anderson, I.	Fugina	Kostohryz	Norton	Sieben, M.
Arlandson	Graba	Laidig	Novak	Sieloff
Beauchamp	Hanson	Langseth	Osthoff	Simoneau
Begich	Haugerud	Lemke	Parish	Skoglund
Berg	Hokanson	Lindstrom	Patton	Smith
Biersdorf	Jacobs	Luther	Pehler	Smogard
Braun	Jaros	Mangan	Petraleso	Spanish
Brinkman	Jensen	Mann	Philbrook	Stanton
Carlson, A.	Johnson, C.	McCarron	Pleasant	Suss
Carlson, L.	Johnson, D.	McCauley	Prahl	Swanson
Casserly	Jude	McCollar	Reding	Tomlinson
Clawson	Kalis	McEachern	St. Onge	Ulland
Corbid	Kelly, R.	Menning	Savelkoul	Vanasek
Dahl	Kelly, W.	Metzen	Schreiber	Vento
Doty	Kempe, A.	Moe	Schulz	Volk

Voss Wenzel White Williamson Speaker Sabo
 Wenstrom

Those who voted in the negative were:

Berglin	Enebo	Forsythe	Kaley	Samuelson
Carlson, R.	Erickson	Friedrich	Kroening	Sarna
Clark	Esau	Fudro	Kvam	Searle
Dean	Ewald	Heinitz	Peterson	Wieser
DeGroat	Fjoslien	Kahn	Rice	Zubay

The motion prevailed.

The Speaker resumed the Chair, whereupon the following proceedings of the Committee were reported to the House:

S. F. No. 1800 upon which it recommended to pass with the following amendments:

Offered by Adams, L.:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes, 1975 Supplement, Section 268.04, Subdivision 12, is amended to read:

Subd. 12. "Employment" means: (1) Subject to the other provisions of this subdivision "employment" means service performed prior to January 1, 1945, which was employment as defined in this section prior to such date, and any service performed after December 31, 1944, including service in interstate commerce, by an individual who is a servant under the law of master and servant or who performs services for any employing unit, unless such services are performed by an independent contractor. Any service performed, including service in interstate commerce, by

(a) any officer of a corporation; or

(b) any individual other than an individual who is an employee under clause (a) who performs services for remuneration for any person as an agent-driver or commission-driver engaged in distributing meat products, vegetable products, fruit products, bakery products, beverages (other than milk), or laundry or dry-cleaning services, for his principal, or as a traveling or city salesman, other than as an agent-driver or commission-driver, engaged upon a fulltime basis in the solicitation on behalf of; and the transmission to, his principal (except for sideline sales activities on behalf of some other person) of orders from wholesalers, retailers, contractors, or operators of hotels, restaurants, or other similar establishments for merchandise for resale or supplies for use in their business operations;

Provided, that for purposes of clause (1) (b), the term "employment" shall include services described above performed after December 31, 1971, only if the contract of service contemplates that substantially all of the services are to be performed personally by such individual, the individual does not have a substantial investment in facilities used in connection with the performance of the services (other than in facilities for transportation), and the services are not in the nature of a single transaction that is not part of a continuing relationship with the person for whom the services are performed.

(2) The term "employment" shall include an individual's entire service, performed within or both within and without this state if (a) the service is localized in this state; or (b) the service is not localized in any state but some of the service is performed in this state and (1) the base of operations, or, if there is no base of operations, then the place from which such service is directed or controlled, is in this state; (2) the base of operations or place from which such service is directed or controlled is not in any state in which some part of the service is performed, but the individual's residence is in this state.

(3) Service shall be deemed to be localized within a state if (a) the service is performed entirely within such state; or (b) the service is performed both within and without such state, but the service performed without such state is incidental to the individual's service within the state, for example, is temporary or transitory in nature or consists of isolated transactions.

(4) After December 31, 1971, the term "employment" shall include an individual's service wherever performed within the United States, the Virgin Islands or Canada, if

(a) Such service is not covered under the unemployment compensation law of any other state, the Virgin Islands or Canada, and

(b) The place from which the service is directed or controlled is in this state.

(5) (a) Service covered by an election pursuant to section 268.11, subdivision 3; and

(b) Service covered by an arrangement pursuant to section 268.13 between the commissioner and the agency charged with the administration of any other state or federal employment security law, pursuant to which all service performed by an individual for an employing unit is deemed to be performed entirely within this state, shall be deemed to be employment if the commissioner has approved an election of the employing unit for which such service is performed, pursuant to which the entire service of such individual during the period covered by such election is deemed to be employment.

(6) Notwithstanding any inconsistent provisions of sections 268.03 to 268.24, the term "employment" shall include any services which are performed by an individual with respect to which an employing unit is liable for any federal tax against which credit may be taken for contributions required to be paid into a state unemployment compensation fund or which as a condition for full tax credit against the tax imposed by the federal unemployment tax act is required to be covered under this law.

(7) Service performed after July 1, 1957, by an individual for the state of Minnesota or any instrumentality which is wholly owned by the state of Minnesota or in the employ of this state and one or more other states or their instrumentalities.

(8) Service performed after January 1, 1974, by an individual for any political subdivision of the state of Minnesota or instrumentality thereof.

(a) The provisions of section 268.08, subdivision 5, shall apply to service covered by this section.

(b) The amounts required to be paid in lieu of contributions by any political subdivision shall be billed and payment made as provided in section 268.06, subdivision 28, clause (2), with respect to similar payments by nonprofit organizations.

(9) Service performed after December 31, 1971, by an individual in the employ of a religious, charitable, educational or other organization but only if the following conditions are met:

(a) the service is excluded from "employment" as defined in the federal unemployment tax act solely by reason of section 3306(c) (8) of that act; and

(b) The amounts required to be paid in lieu of contributions for some portion of a day in each of 20 different weeks, whether or not such weeks were consecutive, within either the current or preceding calendar year, regardless of whether they were employed at the same moment of time.

(10) For the purposes of clauses (7), (8), and (9), the term "employment" does not apply to service performed

(a) in the employ of a church or convention or association of churches, or an organization which is operated exclusively for religious purposes and which is operated, supervised, controlled, or principally supported by a church or convention or association of churches; or

(b) by a duly ordained, commissioned, or licensed minister of a church in the exercise of his ministry or by a member of a religious order in the exercise of duties required by such order; or

(c) in a facility conducted for the purpose of carrying out a program of rehabilitation for individuals whose earning capacity is impaired by age or physical or mental deficiency or injury or providing remunerative work for individuals who, because of their impaired physical or mental capacity cannot be readily absorbed in the competitive labor market by an individual receiving such rehabilitation or remunerative work; or

(d) as part of an unemployment work relief or work training program assisted or financed in whole or in part by any federal agency or an agency of a state or political subdivision thereof, by an individual receiving such work relief or work training; or

(e) for a hospital in a state prison or other state correctional institution by an inmate of the prison or correctional institution.

(11) The term "employment" shall include the services of an individual who is a citizen of the United States, performed outside the United States (except in Canada or the Virgin Islands), after December 31, 1971, in the employ of an American employer (other than service which is deemed "employment" under the provisions of clauses (2), (3), or (4) or the parallel provisions of another state's law) if:

(a) The employer's principal place of business in the United States is located in this state; or

(b) The employer has no place of business in the United States, but the employer is an individual who is a resident of this state, or the employer is a corporation which is organized under the laws of this state, or the employer is a partnership or a trust and the number of partners or trustees who are residents of this state is greater than the number who are residents of any one other state; or

(c) None of the criteria of (a) and (b) of this clause is met but the employer has elected coverage in this state, or the employer having failed to elect coverage in any state, the individual has filed a claim for benefits, based on such service, under the law of this state;

(d) An "American employer," for the purposes of this subdivision, means a person who is an individual who is a resident of the United States, or a partnership if two thirds or more of the partners are residents of the United States, or a trust, if all of the trustees are residents of the United States, or a corporation organized under the laws of the United States or of any state;

(e) As used in this subdivision, the term "United States" includes the states, the District of Columbia, and the Commonwealth of Puerto Rico.

(12) Notwithstanding clause (1), all service performed after the effective date of this subdivision by an officer or member of the crew of an American vessel on or in connection with such vessel, if the operating office, from which the operations of such vessel operating on navigable waters within, or within and without, the United States are ordinarily and regularly supervised, managed, directed and controlled is within this state.

(13) The term "employment" shall not include:

(a) Agricultural labor. The term "agricultural labor" includes all services performed subsequent to December 31, 1939:

(1) On a farm, in the employ of any person, 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, fur-bearing animals and wild-life;

(2) In the employ of the owner or tenant or other operator of a farm, in connection with the operation, management, conservation, improvement, or maintenance of such farm and its tools and equipment, or in salvaging timber or clearing land of brush and other debris left by a tornadic-like storm, if the major part of such service is performed on a farm;

(3) In connection with the production or harvesting of any commodity defined as an agricultural commodity in section 15 (g) of the agricultural marketing act, as amended (46 Stat. 1550, sec. 3; 12 U.S.C. 1141j) or in connection with the ginning of cotton, or in connection with the operation or maintenance of ditches, canals, reservoirs, or waterways, not owned or operated for profit, used exclusively for supplying and storing water for farming purposes;

(4) In the employ of the operator of a farm in handling, planting, drying, packing, packaging, processing, freezing, grading, storing, or delivering to storage or to market or to a carrier for transportation to market, in its unmanufactured state, any agricultural or horticultural commodity; but only if such operator produced more than one half of the commodity with respect to which such service is performed, or in the employ of a group of operators of farms (or a cooperative organization of which such operators are members) in the performance of service described herein, but only if such operators produced more than one half of the commodity with respect to which such service is performed; however, the provisions of this paragraph shall not be deemed to be applicable with respect to service performed in connection with commercial canning or commercial freezing or in connection with any agricultural or horticultural commodity after its delivery to a terminal market for distribution for consumption; or

(5) On a farm operated for profit if such service is not in the course of the employer's trade or business or is domestic service in a private home of the employer.

As used herein, the term "farm" includes stock, dairy, poultry, fruit, fur-bearing animal, and truck farms, plantations, ranches, nurseries, ranges, greenhouses or other similar structures used primarily for the raising of agricultural or horticultural commodities, and orchards.

Notwithstanding the provisions of clause (13) (a) (1), (2), (3), (4) and (5), services performed after January 1, 1974, for an employing unit which has four or more persons performing services in agricultural labor for some portion of a day in each of 20 different weeks, whether or not such weeks were consecutive, within either the current or preceding calendar year, regardless of whether they were employed at the same moment of time, shall not be excluded from the term "employment".

(b) Domestic service in a private home, local college club, or local chapter of a college fraternity or sorority;

(c) Casual labor not in the course of the employing unit's trade or business;

(d) Service performed on the navigable waters of the United States as to which this state is prohibited by the constitution and laws of the United States of America from requiring contributions of employers with respect to wages as provided in sections 268.03 to 268.24;

(e) Service performed by an individual in the employ of his son, daughter, or spouse, and service performed by a child under the age of 18 in the employ of his father or mother;

(f) Service performed in the employ of the United States government, or any instrumentality of the United States exempt under the constitution of the United States from the contributions imposed by sections 268.03 to 268.24, except that with respect to such service performed subsequent to December 31, 1939, and to the extent that the congress of the United States shall permit states to require any instrumentalities of the United States to make payments into an unemployment compensation fund under a state unemployment compensation act; then, to the extent permitted by congress, and from and after the date as of which such permission becomes effective, all of the provisions of these sections shall be applicable to such instrumentalities and to services performed for such instrumentalities in the same manner, to the same extent, and on the same terms as to all other employers, employing units, individuals, and services; provided, that if this state shall not be certified for any year by the United States department of labor under section 3304(c) of the federal internal revenue code, the payments required of such instrumen-

talities with respect to such year shall be refunded by the commissioner from the fund in the same manner and within the same period as is provided in section 268.16, subdivision 6, with respect to contributions erroneously collected;

(g) Service with respect to which unemployment compensation is payable under an employment compensation system established by an act of congress;

(h) (1) Service performed in any calendar quarter in the employ of any organization exempt from income tax under section 501(a) (other than an organization described in section 401(a)) or section 521 of the federal internal revenue code, if the remuneration for such service is less than \$50; or

(2) Service performed in the employ of a school, college, or university, if such service is performed by a student who is enrolled and is regularly attending classes at such school, college, or university; or

(3) Service performed by an individual under the age of 22 who is enrolled at a nonprofit or public educational institution which normally maintains a regular faculty and curriculum and normally has a regularly organized body of students in attendance at the place where its educational activities are carried on as a student in a fulltime program, taken for credit at such institution, which combines academic instruction with work experience, if such service is an integral part of such program, and such institution has so certified to the employer, except that this paragraph shall not apply to service performed in a program established for or on behalf of an employer or group of employers; or

(4) *Service performed in the employ of any organization exempt from income tax under section 501(a) (other than an organization described in section 401(a) of the Federal Internal Revenue Code), provided; financing for the operations of the employer come primarily from voluntary contributions or governmental grants; and such service consists primarily of the supervision of work crews of minors or the supervision of the recreational activities of minors; and the period of such service does not exceed 16 weeks in a calendar year;*

(i) Service performed in the employ of a foreign government (including service as a consular or other officer or employee or a nondiplomatic representative);

(j) Service performed in the employ of an instrumentality wholly owned by a foreign government, if

(1) The service is of a character similar to that performed in foreign countries by employees of the United States government or of an instrumentality thereof; and

(2) The commissioner finds that the United States secretary of state has certified to the United States secretary of the treasury that the foreign government, with respect to whose instrumentality exemption is claimed, grants an equivalent exemption with respect to similar service performed in the foreign country by employees of the United States government and of instrumentalities thereof.

(k) Service covered by an arrangement between the commissioner and the agency charged with the administration of any other state or federal employment security law pursuant to which all services performed by an individual for an employing unit during the period covered by such employing unit's duly approved election, are deemed to be performed entirely within such agency's state;

(l) Service performed in the employ of a hospital, if such service is performed by a patient of the hospital, as defined in clause (16);

(m) Service performed subsequent to December 31, 1940, as a student nurse in the employ of a hospital or a nurses' training school by an individual who is enrolled and is regularly attending classes in a nurses' training school chartered and approved pursuant to state law; and service performed as an intern in the employ of a hospital by an individual who has completed a four years' course in a medical school chartered and approved pursuant to state law;

(n) Service performed subsequent to December 31, 1940, by an individual for a person as an insurance agent or as an insurance solicitor, if all such service performed by such individual for such person is performed for remuneration solely by way of commission (the word "insurance" as used in this subdivision shall include an annuity and an optional annuity);

(o) Service performed by an individual under the age of 18 in the delivery or distribution of newspapers or shopping news, not including delivery or distribution to any point for subsequent delivery or distribution;

(p) Service performed by an individual for a person as a real estate salesman, if all such service performed by such individual for such person is performed for remuneration solely by way of commission;

(q) If the service performed subsequent to December 31, 1940, during one half or more of any pay period by an individual for the person employing him constitutes employment, all the service of such individual for such period shall be deemed to be employment; but if the service performed during more than one half of any such pay period by an individual for the person employing him does not constitute employment, then none of the

service of such individual for such period shall be deemed to be employment. As used in this subdivision, the term "pay period" means a period (of not more than 31 consecutive days) for which a payment or remuneration is ordinarily made to the individual by the person employing him.

(14) Except when performed for an institution of higher education, as defined in clause (15), or a hospital, as defined in clause (16), the term "employment" as applied to services performed by an individual for the state of Minnesota or any instrumentality wholly owned by the state, except political subdivisions or instrumentalities thereof, shall not include the following:

(a) Service performed by elected public officials and unclassified employees appointed for a definite term and employees of the legislature or a legislative commission employed as temporary employees, except after December 31, 1971, this exclusion shall not apply to service performed by unclassified employees in an instructional, research, or principal administrative capacity in an institution of higher education or a hospital;

(b) Service performed prior to January 1, 1972, by a faculty member in the employ of a university, college, school or any other institution of higher education which is supported wholly or substantially by public funds;

(c) Service performed by members of the Minnesota national guard when ordered to duty for military assignments;

(d) Service performed in the employ of the state natural resources department directly and solely in connection with emergency fire fighting, including but not limited to those persons temporarily employed for the purpose of detecting, locating, or suppressing forest fires.

(15) "Institution of higher education," for the purposes of this subdivision, means an educational institution which:

(a) Admits as regular students only individuals having a certificate of graduation from a high school, or the recognized equivalent of such a certificate;

(b) Is legally authorized in this state to provide a program of education beyond high school;

(c) Provides an educational program for which it awards a bachelor's or higher degree, or provides a program which is acceptable for credit toward such a degree, a program of post-graduate or post-doctoral studies, or a program of training to prepare students for gainful employment in a recognized occupation; and

(d) Is a public or other nonprofit institution.

(e) Notwithstanding any of the foregoing provisions of this clause, all colleges and universities in this state are institutions of higher education for purposes of this section.

(16) "Hospital" means an institution which has been licensed, certified or approved by the department of health as a hospital.

Sec. 2. Minnesota Statutes, 1975 Supplement, Section 268.04, Subdivision 23, is amended to read:

Subd. 23. "Unemployment" An individual shall be deemed "unemployed" in any week during which he performs no service and with respect to which no wages are payable to him, or in any week of less than full time work if the wages payable to him with respect to such week are less than his weekly benefit amount, *provided that no permanent employee of the legislature or a legislative commission shall be deemed to be unemployed while on a leave of absence.* Any individual unemployed as a result of a uniform vacation shutdown shall not be deemed to be voluntarily unemployed. The commissioner may, in his discretion, prescribe regulations relating to the payment of benefits to such unemployed individuals.

Sec. 3. Minnesota Statutes, 1975 Supplement, Section 268.04, Subdivision 25, is amended to read:

Subd. 25. "Wages" means all remuneration for services, including commissions and bonuses, and tips and gratuities paid to an employee by a customer of an employer and accounted for by the employee to the employer, and the cash value of all remuneration in any medium other than cash, except that such term shall not include:

(1) For the purpose of determining contributions payable under section 268.06, subdivision 2, that part of the remuneration which exceeds (THE LESSER OF \$6,500 OR 70) 85 percent of the average annual wage rounded to the nearest \$100 computed in accordance with the provisions of clause (6) of this subdivision paid to an individual by an employer with respect to covered employment in this state, or with respect to employment under the unemployment compensation law of any other state during any calendar year paid to such individual by such covered employer or his predecessor during such calendar year; provided, that if the term "wages" as contained in the federal unemployment tax act is amended to include remuneration in excess of the amount required to be paid hereunder to an individual by an employer under the federal act for any calendar year, wages for the purposes of sections 268.03 to 268.24 shall include remuneration paid in a calendar year up to an amount equal to the dollar limitation specified in the federal unemployment tax act. For

the purpose of this clause, the term "employment" shall include service constituting employment under any employment security law of another state or of the federal government;

(2) The amount of any payment made to, or on behalf of, an employee under a plan or system established by an employer which makes provision for his employees generally or for a class or classes of his employees (including any amount paid by an employer for insurance or annuities, or into a fund, to provide for any such payment), on account of (a) retirement or (b) sickness or accident disability or (c) medical and hospitalization expenses in connection with sickness or accident disability, or (d) death, provided the employee (i) has not the option to receive instead of provision for such death benefit, any part of such payment, or if such death benefit is insured, any part of the premium (or contributions to premiums) paid by his employer and (ii) has not the right, under the provisions of the plan or system or policy of insurance providing for such death benefit, to assign such benefit, or to receive a cash consideration in lieu of such benefit either upon his withdrawal from the plan or system providing for such benefit or upon termination of such plan or system or policy of insurance or of his employment with such employer;

(3) The payment by an employer (without deduction from the remuneration of the employee) (a) of the tax imposed upon an employee under section 3101 of the federal internal revenue code, or (b) of any payment required from an employee under a state unemployment compensation law;

(4) Any payments made to a former employee during the period of active military service in the armed forces of the United States by such employer, whether legally required or not;

(5) Any payment made to, or on behalf of, an employee or his beneficiary (a) from or to a trust described in section 401(a) of the federal internal revenue code which is exempt from tax under section 501(a) of such code at the time of such payment unless such payment is made to an employee of the trust as remuneration for services rendered as an employee and not as a beneficiary of the trust, or (b) under or to an annuity plan which, at the time of such payment is a plan described in section 403(a) of the federal internal revenue code, or (c) under or to a bond purchase plan which, at the time of such payment, is a qualified bond purchase plan described in section 405(a) of the federal internal revenue code;

(6) On or before July 1 of each year the commissioner shall determine the average annual wage paid by employers subject to sections 268.03 to 268.24 in the following manner:

(a) The sum of the total monthly employment reported for the previous calendar year shall be divided by 12 to determine the average monthly employment.

(b) The sum of the total wages reported for the previous calendar year shall be divided by the average monthly employment to determine the average annual wage.

The average annual wage determined shall be effective for the calendar year next succeeding the determination.

(THIS SECTION SHALL BECOME EFFECTIVE JANUARY 1, 1976.)

Sec. 4. Minnesota Statutes 1974, Section 268.04, Subdivision 29, is amended to read:

Subd. 29. "Credit week" with respect to any claim for benefits which establishes a benefit year subsequent to June 27, 1970, is any week for which wages have been paid and wages are due and payable but not paid of (\$30) \$50 or more by or from one or more employers to an employee for insured work.

Sec. 5. Minnesota Statutes 1974, Section 268.06, Subdivision 5, is amended to read:

Subd. 5. [BENEFITS CHARGED AS AND WHEN PAID.]
(1) Benefits paid to an individual pursuant to a valid claim filed subsequent to June 30, 1941, shall be charged against the account of his employer as and when paid, except that benefits paid to an individual who during his base period earned wages for part time employment with an employer who continues to give the employee part time employment substantially equal to the part time employment previously furnished such employee by such employer shall not be charged to such employer's account. The amount of benefits so chargeable against each base period employer's account shall bear the same ratio to the total benefits paid to an individual as the base period wage credits of the individual earned from such employer bear to the total amount of base period wage credits of the individual earned from all his base period employers.

(2) When, however, the base period earnings of an individual to whom benefits are paid are less than (\$520) \$900, then the proportional benefits which would ordinarily be charged to such employer shall not be charged to him, except that this provision shall not apply if the commissioner finds that the employment practices of an employer result in his separation of employees for whom work is available solely for the purpose of evading charges to his account.

In making computations under this provision, the amount of wage credits if not a multiple of \$1, shall be computed to the nearest multiple of \$1.

Sec. 6. Minnesota Statutes, 1975 Supplement, Section 268.06, Subdivision 8, is amended to read:

Subd. 8. [DETERMINATION OF CONTRIBUTION RATES.] For the year 1976 and for each calendar year thereafter the commissioner shall determine the contribution rate of each employer by adding the minimum rate to the experience ratio, except that if the ratio for the current calendar year exceeds the experience ratio for the preceding calendar year by more than one and one-half percentage points, the increase for the current year shall be limited to one and one-half percentage points. The minimum rate for all employers shall be (NINE TENTHS OF ONE PERCENT IF THE AMOUNT IN THE UNEMPLOYMENT COMPENSATION FUND IS LESS THAN \$90,000,000 ON JUNE 30 OF THE PRECEDING CALENDAR YEAR; OR EIGHT TENTHS OF ONE PERCENT IF THE FUND IS MORE THAN \$90,000,000 BUT LESS THAN \$110,000,000; OR SEVEN TENTHS OF ONE PERCENT IF THE FUND IS MORE THAN \$110,000,000 BUT LESS THAN \$130,000,000; OR SIX TENTHS OF ONE PERCENT IF THE FUND IS MORE THAN \$130,000,000 BUT LESS THAN \$150,000,000; OR FIVE TENTHS OF ONE PERCENT IF THE FUND IS MORE THAN \$150,000,000 BUT LESS THAN \$170,000,000; OR THREE TENTHS OF ONE PERCENT IF THE FUND IS MORE THAN \$170,000,000 BUT LESS THAN \$200,000,000; OR ONE TENTH OF ONE PERCENT IF THE FUND IS \$200,000,000 OR MORE; PROVIDED THAT NO EMPLOYER SHALL HAVE A CONTRIBUTION RATE OF MORE THAN FIVE PERCENT EXCEPT THAT IN THE CASE OF AN EMPLOYER WHOSE EXPERIENCE RATIO IN EACH OF THE IMMEDIATELY PRECEDING THREE CALENDAR YEARS WAS IN EXCESS OF FIVE PERCENT, THE MAXIMUM CONTRIBUTION RATE SHALL BE SIX PERCENT.)
determined on the basis of the following table:

<i>Fund Ratio</i>	<i>Minimum Tax Rate</i>
<i>Less than or equal to 0.9 percent</i>	<i>1.0 percent</i>
<i>More than 0.9 percent, but less than or equal to 1.0 percent</i>	<i>0.9 percent</i>
<i>More than 1.0 percent, but less than or equal to 1.1 percent</i>	<i>0.8 percent</i>
<i>More than 1.1 percent, but less than or equal to 1.2 percent</i>	<i>0.7 percent</i>
<i>More than 1.2 percent, but less than or equal to 1.3 percent</i>	<i>0.6 percent</i>

More than 1.3 percent, but less than or equal to 1.4 percent	0.5 percent
More than 1.4 percent, but less than or equal to 1.5 percent	0.4 percent
More than 1.5 percent, but less than or equal to 1.6 percent	0.3 percent
More than 1.6 percent, but less than or equal to 2.0 percent	0.2 percent
More than 2.0 percent	0.1 percent

Provided that no employer shall have a contribution rate of more than five percent except in the case of an employer whose experience ratio in each of the immediately preceding three calendar years was in excess of five percent, the maximum tax rate shall be eight percent.

For the purpose of this subdivision, the fund ratio shall be determined as the ratio of the total amount of money in the unemployment compensation fund, reduced by the balance of advances of federal funds, made in accordance with Title XII of the Social Security Act, as amended, at the close of business on June 30 of each year, commencing with June 30, 1975, divided by the total amount of wages subject to contributions under this law during the preceding calendar year. The minimum rate so determined shall be effective for the calendar year next succeeding the determination.

Sec. 7. Minnesota Statutes, 1975 Supplement, Section 268.07, Subdivision 2, is amended to read:

Subd. 2. [WEEKLY BENEFIT AMOUNT AND DURATION.] If the commissioner finds that an individual has earned 18, or more, credit weeks, and (\$540) \$900 or more in wage credits, within the base period of employment in insured work with one or more employers, benefits shall be payable to such individual during his benefit year as follows:

(1) Weekly benefit amount shall be equal to 60 percent of the first \$85, 40 percent of the next \$85 and 50 percent of the remainder of the average weekly wage of such individual, computed to the nearest whole dollar, subject to a maximum of (THE LESSER OF \$116 OR) 62 percent of the average weekly wage paid to individuals by employers subject to the provisions of sections 268.03 to 268.24.

On or before June 30 of each year the commissioner shall determine the average weekly wage paid by employers subject to sections 268.03 to 268.24 in the following manner:

(a) The sum of the total monthly employment reported for the previous calendar year shall be divided by 12 to determine the average monthly employment.

(b) The sum of the total wages reported for the previous calendar year shall be divided by the average monthly employment to determine the average annual wage.

(c) The average annual wage shall be divided by 52 to determine the average weekly wage.

The maximum weekly benefit amount as so determined computed to the nearest whole dollar shall apply to claims for benefits which establish a benefit year which begins subsequent to June 30 of each year.

(2) An individual's maximum amount of regular benefits payable in a benefit year shall not exceed the lesser of (a) 26 times his weekly benefit amount or (b) 70 percent of the number of credit weeks earned by such an individual computed to the nearest whole week times his weekly benefit amount.

(3) Each eligible individual who is unemployed in any week shall be paid with respect to such week a benefit in an amount equal to his weekly benefit amount less that part of his earnings, including holiday pay, payable to him with respect to such week which is in excess of \$25. Such benefit, if not a multiple of \$1, shall be computed to the next higher multiple of \$1.

(4) The provisions of this subdivision shall apply to claims for benefits which establish a benefit year subsequent to June 30, 1975.

Sec. 8. Minnesota Statutes 1974, Chapter 268, is amended by adding a section to read:

[268.091] [DISQUALIFICATIONS FROM BENEFITS.]
Subdivision 1. [DISQUALIFYING CONDITIONS.] An individual shall be disqualified for benefits if such individual:

(1) *voluntarily and without good cause attributable to the employer discontinues employment with such employer, provided that this provision shall not apply to any individual who left his employment to accept work offering substantially better conditions of work or substantially higher wages or both, or whose separation from such employment was due to serious illness of such individual; or* (2) *was discharged for misconduct, not*

amounting to gross misconduct, connected with the work or which interferes with and adversely affects the employment; or

(3) was discharged for gross misconduct connected with his work or which interferes with and adversely affects the employment, such gross misconduct being defined as misconduct involving assault and battery, or an immoral act, or the malicious destruction of property or the theft of money or property of a value of \$50, or more; or

(4) left employment because of pregnancy without availing herself of maternity leave rights; or

(5) failed, without good cause, either to apply for or accept available, suitable work when so directed by the employment office or the commissioner, or to return to customary self-employment (if any), provided that:

(a) In determining whether or not any work is suitable for an individual, the commissioner shall consider the degree of risk involved to his health, safety, and morals, his physical fitness and prior training, his experience, his length of unemployment and prospects of securing local work in his customary occupation, and the distance of the available work from his residence.

(b) Notwithstanding any other provisions of sections 268.03 to 268.24, no work shall be deemed suitable, and benefits shall not be denied thereunder to any otherwise eligible individual for refusing to accept new work under any of the following conditions:

(1) if the position offered is vacant due directly to a strike, lockout, or other labor dispute;

(2) if the wages, hours, or other conditions of the work offered are substantially less favorable to the individual than those prevailing for similar work in the locality;

(3) if as a condition of being employed the individual would be required to join a union or to resign from or refrain from joining any bona fide labor organization;

(4) if after December 31, 1971, such individual is in training with the approval of the commissioner; or

(6) failed without good cause to accept suitable re-employment offered by a base period employer, provided such disqualification shall not apply if such individual is in training with the approval of the commissioner.

Subd. 2. [DISQUALIFICATIONS.] The disqualifications imposed for the conditions in subdivision 1 shall be:

(1) for eight weeks of unemployment and shall also result in a reduction in the maximum benefit amount payable to such individual of eight times the weekly benefit amount; or

(2) until such individual has worked for eight weeks in insured employment and earned wages in each week equal to the weekly benefit amount if the individual has been disqualified for a prior separation, refusal or failure which occurred within the 104 weeks preceding the week in which the disqualifying condition for which this disqualification is being imposed occurred; or

(3) until such individual has worked for eight weeks in insured employment and earned wages in each week equal to the weekly benefit amount and shall also result in a reduction in the maximum benefit amount payable to such individual of 12 times the weekly benefit amount, which reduction shall not be satisfied by subsequent employment, if the disqualification is for gross misconduct; or

(4) until such individual has employment in insured work for a period of not less than six weeks if the disqualification is for leaving employment because of pregnancy without availing herself of maternity leave rights.

Benefits paid subsequent to an individual's separation under any of the foregoing clauses shall not be used as a factor in determining the future contribution rate of the employer from whose employment such individual separated or whose offer of re-employment was refused, provided that this clause shall not apply to an individual involuntarily separated from employment because of pregnancy.

With respect to subdivision 2, clause (1), any week of employment in insured work with wages in an amount equal to the weekly benefit amount subsequent to the week in which the disqualifying act occurred shall satisfy a week of disqualification and a reduction in maximum benefit amount equal to the weekly benefit amount. Five weeks of employment in insured work with wages in an amount equal to the weekly benefit amount in each week subsequent to the week in which the disqualifying act occurred shall satisfy eight weeks of disqualification.

Subd. 3. [LABOR DISPUTES.] An individual shall be disqualified from such benefits if such individual has left or partially or totally lost his employment with an employer because of a strike or other labor dispute. Such disqualification shall prevail for each week during which such strike or other labor dispute is in progress at the establishment in which he is or was employed, except that such disqualification shall be for one week following commencement of the strike or other labor dispute for any employee who is not participating in or directly interested in the labor dispute which caused such individual to leave or partially or totally lose such employment. Failure or refusal of an

individual to accept and perform available and customary work in the establishment constitutes participation. For the purpose of this section the term "labor dispute" shall have the same definition as provided in the Minnesota labor relations act. Nothing in this subdivision shall be deemed to deny benefits to any employee:

(a) who becomes unemployed because of a strike or lockout caused by an employer's willful failure to observe the terms of the safety and health section of a union contract or failure to comply with an official citation for health; provided, however, that benefits paid in accordance with this provision shall not be charged to the employer's experience rating account if, following official appeal proceedings, it is held that there was no willful failure on the part of the employer,

(b) who becomes unemployed because of a lockout,

(c) who is dismissed during the period of negotiation in any labor dispute and prior to the commencement of a strike, or

(d) unless he is unemployed because of a jurisdictional dispute between two or more unions.

Provided, however, that voluntary separation during the time that such strike or other labor dispute is in progress at such establishment shall not be deemed to terminate such individual's participation in or direct interest in such strike or other labor dispute for purposes of this subdivision.

Benefits paid to an employee who has left or partially or totally lost his employment because of a strike or other labor dispute at his primary place of employment shall not be charged to his employer's account unless the employer was a party to the particular strike or labor dispute.

Notwithstanding any other provision of this section, an individual whose last separation from employment with an employer occurred prior to the commencement of the strike or other labor dispute and was permanent or for an indefinite period, shall not be denied benefits or waiting week credit solely by reason of his failure to apply for or to accept recall to work or re-employment with the employer during any week in which the strike or other labor dispute is in progress at the establishment in which he was employed.

Subd. 4. [DISQUALIFICATIONS CONCURRENT; WHEN OVERLAPPING.] Weeks of disqualification imposed under the provisions of this section shall be concurrent where two or more disqualifying periods overlap.

Subd. 5. [DEFINITION.] A week of unemployment, as used in this section, shall mean a week during which such individual would be otherwise eligible for benefits, except for the initial waiting week.

Sec. 9. Minnesota Statutes 1974, Section 268.12, Subdivision 5, is amended to read:

Subd. 5. [ASSISTANCE.] (1) Subject to the provisions of the state civil service act and to the other provisions of sections 268.03 to 268.24 the commissioner is authorized to appoint, and prescribe the duties and powers of, such officers, accountants, attorneys, experts, and other persons as may be necessary in the performance of his duties thereunder. The commissioner may delegate to any such person so appointed such power and authority as he deems reasonable and proper for the effective administration of those sections and may, in his discretion, bond any person handling moneys or signing checks thereunder. The commissioner is authorized to adopt such personnel and fiscal regulations as he deems necessary to satisfy fiscal and personnel standards required by the secretary of labor pursuant to the Social Security Act, as amended, and the act of Congress entitled "an act to provide for the establishment of a national employment system and to cooperate with the states in the promotion of such system and for other purposes," approved June 6, 1933, as amended. The commissioner may, subject to the approval of the commissioner of administration, also adopt regulations relating to reimbursement to department employees for travel expenses incurred while traveling on official business including allowances on a per diem basis in lieu of actual subsistence expenses incurred. The commissioner is also hereby authorized to purchase liability and property damage automobile insurance to cover any automobiles owned by the Minnesota department of employment services for the protection of its employees who may be required to operate the same in pursuit of their duties for the department.

The attorney general shall appoint an assistant attorney general and two special assistant attorneys general, to be in addition to the number now authorized by law. The assistant attorney general shall be the attorney and the chief counsel for the department of employment services. Such assistant and special assistant attorneys general shall receive the same salary as the other assistant and special assistant attorneys general, but devote their entire time to this department. Such assistant and special assistant attorneys general shall have the power to act for and represent the attorney general in all matters in which the attorney general is authorized to act for the commissioner by these sections. The compensation and all expenses and disbursements of such assistant and special assistant attorneys general shall be paid from the moneys appropriated to and for the use of the commissioner.

(2) ((A) NO OFFICER OR EMPLOYEE ENGAGED IN THE ADMINISTRATION OF THESE SECTIONS SHALL

USE HIS OFFICIAL AUTHORITY TO INFLUENCE FOR THE PURPOSE OF INTERFERING WITH AN ELECTION OR AFFECTING THE RESULTS THEREOF. NO PERSON ENGAGED IN THE ADMINISTRATION OF THESE SECTIONS WHO HOLDS A POSITION IN THE STATE CLASSIFIED SERVICE PURSUANT TO PROVISIONS CONTAINED IN THE STATE CIVIL SERVICE ACT, WHILE RETAINING THE RIGHT TO VOTE AS HE PLEASES AND TO EXPRESS PRIVATELY HIS OPINION ON ALL POLITICAL SUBJECTS, SHALL TAKE AN ACTIVE PART IN POLITICAL MANAGEMENT OR CAMPAIGNS;)

((B) NO OFFICER OR EMPLOYEE ENGAGED IN THE ADMINISTRATION OF THESE SECTIONS SHALL SOLICIT OR RECEIVE OR BE IN ANY MANNER CONCERNED IN SOLICITING OR RECEIVING ANY ASSESSMENT, SUBSCRIPTION, OR CONTRIBUTION FOR ANY POLITICAL PURPOSE FOR ANY PERSON;)

((C) No officer or employee engaged in the administration of these sections shall, for political purposes, furnish or disclose, or aid or assist in furnishing or disclosing, any list or names of persons obtained in the administration of these sections, to a political candidate, committee, campaign manager, or to any person for delivery to a political candidate, committee, or campaign manager, and it shall be unlawful for any person to receive any such list or names for political purposes.

Sec. 10. Minnesota Statutes 1974, Section 268.18, Subdivision 2, is amended to read:

Subd. 2. [FRAUD.] Any claimant who files a claim for or receives benefits by knowingly and wilfully misrepresenting or misstating any material fact or by knowingly and wilfully failing to disclose any material fact which would make him ineligible for benefits under sections 268.03 to 268.24 and as specifically set forth in Minnesota Statutes, Section 268.08, in force at the time of filing such claim for benefits, shall be deemed guilty of fraud. Notwithstanding the provisions of Minnesota Statutes 1949, Section 268.09, Subdivision 1, Clause (7), after the discovery of facts by the commissioner indicating such fraud in claiming or obtaining benefits under sections 268.03 to 268.24, he is hereby authorized to make a determination that such claimant was ineligible for each week with reference to which benefits were claimed or obtained by such fraud for such amount as was in excess of what such claimant would have been entitled to had he not made such fraudulent statements or failed to disclose any material facts, *and be disqualified when next claiming benefits for an additional week for each week in which benefits were fraudulently claimed*, and at the discretion of the commissioner, disqualifying such claimant from receiving any unemployment benefits under the Min-

nesota law for any part or all of the remainder of the current or next subsequent benefit year following the week when such fraud was committed, and that said claimant shall within 20 days from the date of mailing the notice of said determination to him repay in cash to the department of employment services any benefits so fraudulently obtained. Unless such claimant files a written protest with the department of employment services within ten days after the delivery of such notice or within 12 days after the date of mailing thereof, such determination shall become final. If such claimant shall appeal from such determination within the time above specified said matter shall be referred to an appeal tribunal for a hearing as in other benefit cases and thereafter the procedure for review shall be the same as set forth in section 268.10. If such benefits so fraudulently obtained are not repaid to the department in cash within 20 days from the date of mailing the notice to such claimant of such determination, the commissioner is hereby authorized to deduct from future benefits payable to such claimant in either the current or any subsequent benefit year an amount equivalent to the amount of overpayment determined.

Sec. 11. *Minnesota Statutes, 1975 Supplement, Section 268.09, is hereby repealed.*

Sec. 12. *This act is effective January 1, 1977, except the provisions to amend section 268.12, subdivision 5, which shall become effective the day following final enactment."*

Further delete the title in its entirety and insert the following:

"A bill for an act relating to employment services; unemployment compensation; defining wages; determining employer contribution rates; amending Minnesota Statutes 1974, Sections 268.04, Subdivision 29; 268.06, Subdivision 5; 268.12, Subdivision 5; 268.18, Subdivision 2; Chapter 268, by adding a section; and Minnesota Statutes, 1975 Supplement, Sections 268.04, Subdivisions 12, 23 and 25; 268.06, Subdivision 8; 268.07, Subdivision 2; and repealing Minnesota Statutes, 1975 Supplement, Section 268.09."

Offered by Adams, L. as previously amended:

Page 24, line 25, after "occurred" and before the semi-colon insert: "*and such earlier disqualifying separation, refusal or failure resulted in benefits paid to the individual equal to or in excess of 13 times the weekly benefit amount*".

Offered by Evans as previously amended:

Page 10, lines 23 and 24, strike "under the age of 22".

Offered by Osthoff as previously amended:

Page 29, after line 28, insert a new section to read:

"Sec. 10. Minnesota Statutes 1974, Section 268.12, Subdivision 12, is amended to read:

Subd. 12. [INFORMATION.] Except as hereinafter otherwise provided, information obtained from any employing unit or individual pursuant to the administration of sections 268.03 to 268.24, and from any determination as to the benefit rights of any individual shall be held confidential and shall not be disclosed or be open to public inspection in any manner revealing the individual's or employing unit's identity. Any claimant or other interested party (or his legal representative) shall be supplied with information from the records of the department of employment services, to the extent necessary for the proper presentation of his claim, contention or refutation of any claim in which he is an interested party in any proceeding under these sections with respect thereto. Subject to such restrictions as the commissioner may by regulation prescribe, such information may be made available to any agency of this or any other state, or any federal agency charged with the administration of an employment and security law or the maintenance of a system of public employment offices, any local human rights department within the state which has enforcement powers, or the Bureau of Internal Revenue of the United States Department of the Treasury, and information obtained in connection with administration of the employment service may be made available to persons or agencies for purposes appropriate to the operation of a public employment service. Upon request therefor, the commissioner shall furnish to any agency of the United States charged with the administration of public works or assistance through public employment, and may furnish to any state agency similarly charged, or any local human rights department within the state which has enforcement powers, the name, address, ordinary occupation, and employment status of each recipient of benefits and such recipient's rights to further benefits under these sections. *Notwithstanding Minnesota Statutes, Section 15.1641 or other law, the commissioner shall, upon request of a county attorney of this state, release to him information considered necessary by the county attorney for the possible prosecution of a criminal offense under Minnesota Statutes, Section 256.98.* The commissioner may request the Comptroller of the Currency of the United States to cause an examination of the correctness of any return or report of any national banking association rendered pursuant to the provisions of these sections, and may in connection with such request, transmit any such report or return to the Comptroller of the Currency of the United States as provided in section 3305(c) of the federal internal revenue code.

All letters, reports, communications, or any other matters, either oral or written, from an employer or his workers to each other or to the commissioner or any of his agents, representatives, or employees, which shall have been written or made in

connection with the requirements and administration of sections 268.03 to 268.24 or the regulations thereunder, shall be absolutely privileged and shall not be made subject matter or basis for any suit for slander or libel in any court of this state.

Further amend the title as follows:

Page 1, line 4, after "rates;" insert "providing for the use of certain information in fraud investigations;"

Page 1, line 6, after "268.12," delete "Subdivision 5" and insert "Subdivisions 5 and 12".

Offered by Neisen as previously amended:

Page 13, after line 10, insert "(r) *Part time service performed by an individual for a political subdivision of the state of Minnesota when such individual is employed in park and recreation activities of the political subdivision for a fixed period of time not to exceed one hundred calendar days in any calendar year.*"

Offered by Clawson as previously amended:

Page 22, after line 22, insert a new section to read as follows:

"Sec. 8. Minnesota Statutes, 1975 Supplement, Section 268.08, Subdivision 5, is amended to read:

Subd. 5. [SERVICES PERFORMED FOR STATE, MUNICIPALITIES OR CHARITABLE CORPORATIONS.] Effective January 1, 1974, benefits based on service in employment defined in section 268.04, subdivision 12, clauses (7), (8), and (9), shall be payable in the same amount, on the same terms and subject to the same conditions as compensation payable on the basis of other service subject to this law except that, (a) benefits based on service in an instructional, research, or principal administrative capacity in an institution of higher education (as defined in section 268.04, subdivision 12, clause (15)) shall not be paid to an individual for any week of unemployment which begins during the period between two successive academic years, or during a similar period between two regular terms, whether or not successive, or during a period of paid sabbatical leave provided for in the individual's contract, if the individual has a contract or contracts to perform services in any such capacity for any institution or institutions of higher education for both such academic years or both such terms; (b) benefits based on wage credits earned in the employment of a public or private school, or a political subdivision for service with respect to a school, shall not be paid to an individual during any period between two successive school years when the activity in which the wage credits were earned is not normally performed. This provision shall not apply to any individual who, prior to the end

of a school year, has voluntarily left or has been indefinitely separated from such employment *unless the individual has obtained employment with the same or another public or private school to commence at the beginning of the next school year.* For the purposes of this clause, school year means that period established by a school board in accordance with Minnesota Statutes 1971, Section 126.12.”

Renumber the remaining sections in order.

Further, amend the title.

Page 1, line 10, after “Subdivision 2;” insert “268.08, Subdivision 5;”.

Offered by Prahl as previously amended:

Page 26, after line 9 insert the following:

“(a) *who quits his job and notifies his employer of a health or safety condition which he believes is dangerous to his health and safety, provided that said employee notifies OSHA and his allegation concerning health or personal safety is substantiated by OSHA,*”.

Reletter subsequent paragraphs accordingly.

On the motion of Anderson, I., the report of the Committee of the Whole was adopted.

There being no objection the order of business reverted to Messages From the Senate.

MESSAGES FROM THE SENATE

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee, consisting of 5 members of the Senate, on the amendments adopted by the Senate to the following House File:

H. F. No. 500, A bill for an act relating to energy; energy commission, public members; providing for compensation and reimbursement of traveling and other expenses; amending Minnesota Statutes 1974, Section 116H.04, Subdivision 2.

The Senate has appointed as such committee Messrs. Humphrey, McCutcheon, Borden, Bernhagen and Hanson, R.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee, consisting of 5 members of the Senate, on the amendments adopted by the Senate to the following House File:

H. F. No. 2072, A bill for an act relating to taxes on or measured by net income and on the sale of intoxicating liquors and to assessment of ad valorem taxes; appropriating funds; amending Minnesota Statutes 1974, Sections 4.12, Subdivision 4; 270.13; 273.138, Subdivisions 2 and 5; 276.05; 276.06; 290.06, Subdivision 9a; 290.066, Subdivision 1; 340.51; 340.55; and Chapters 256 and 273, by adding sections; Minnesota Statutes, 1975 Supplement, Sections 270.16, Subdivision 2; 273.012, Subdivision 3; 273.11, Subdivision 2; 273.122, Subdivision 1; 273.13, Subdivisions 6, 7, and 14a; 273.17, Subdivision 1; 274.14; 276.04; 281.17; 290.01, Subdivision 20; 290.012, Subdivision 4; 290.21, Subdivision 4; 290A.03, Subdivisions 3, 7, 8, 12, and 13 and by adding a subdivision; 290A.04, Subdivisions 2 and 3; 290A.05; 290A.06; 290A.07, Subdivisions 1 and 2; 290A.14; 290A.19; and Chapter 290A, by adding a section; and Laws 1975, Chapter 349, Section 32; and Laws 1976, Chapter 5, Sections 2, Subdivision 1; and 3; repealing Minnesota Statutes 1974, Section 273.11, Subdivision 4, and Minnesota Statutes, 1975 Supplement, Section 124.03.

The Senate has appointed as such committee Messrs. Perpich, A. J.; Coleman; Larson; Lewis and Blatz.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendments to:

S. F. No. 1097, A bill for an act relating to health; providing for pilot programs for dental care for senior citizens; establishing means of administration; subsidizing premiums to cover cost of services; appropriating money.

And the Senate respectfully requests that a Conference Committee of 3 members be appointed thereon. Messrs. Tennessen, Moe and Kirchner have been appointed as such committee on the part of the Senate.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

PATRICK E. FLAHAVEN, Secretary of the Senate

Clark moved that the House accede to the request of the Senate for the appointment of a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two Houses on S. F. No. 1097. The motion prevailed.

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendments to:

S. F. No. 819, A bill for an act relating to taxation; providing for public financing in political campaigns; increasing the tax credit for political contributions; amending Minnesota Statutes 1974, Section 290.06, Subdivision 11.

And the Senate respectfully requests that a Conference Committee of 5 members be appointed thereon. Messrs. Stumpf; Keefe, S.; Tennessen; Fitzsimons and Brown have been appointed as such committee on the part of the Senate.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

PATRICK E. FLAHAVEN, Secretary of the Senate

Philbrook moved that the House accede to the request of the Senate for the appointment of a Conference Committee of 5 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two Houses on S. F. No. 819. The motion prevailed.

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendment to:

S. F. No. 60, A bill for an act relating to insurance; providing for the establishment and administration of plans of health insurance to provide certain minimum benefits to all persons in the state; creating a comprehensive health care association; providing a dual option for health care for certain employees; regulating health maintenance organizations' coverage of dental services and conversion privileges; appropriating money; amending Minnesota Statutes 1974, Section 62D.12, by adding a subdivision.

And the Senate respectfully requests that a Conference Committee of 3 members be appointed thereon. Messrs. Konzemius, Kowalczyk and Nelson have been appointed as such committee on the part of the Senate.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

PATRICK E. FLAHAVEN, Secretary of the Senate

Swanson moved that the House accede to the request of the Senate for the appointment of a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two Houses on S. F. No. 60. The motion prevailed.

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate File, herewith transmitted:

S. F. No. 2309.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate File, herewith transmitted:

S. F. No. 1963.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 2309, A bill for an act relating to retirement; distribution of state aid to policemen's relief associations; volunteer firemen's lump sum and monthly benefits; amending Minnesota Statutes 1974, Sections 69.011, Subdivisions 1, 2, and 4; 69.021, Subdivisions 5, 6, and 7; 69.031, Subdivision 5; and 69.06.

The bill was read for the first time and referred to the Committee on Appropriations.

S. F. No. 1963, A bill for an act relating to the operation of state government; raising base salaries for certain executive branch employees, 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; extending the open meeting law to the legislature; amending Minnesota Statutes 1974, Sections 15A.081; 15A.083, as amended; 43.062, Subdivision 3; and 43.067; 471.705, Subdivision 1; and Chapter 43, by adding a section; and Minnesota Statutes, 1975 Supplement, Section 15A.081, Subdivision 1; repealing Minnesota Stat-

utes 1974, Sections 15A.081, Subdivisions 1a and 4; 43.066; 43.069; and 487.05.

The bill was read for the first time and referred to the Committee on Appropriations.

ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to the Conference Committee on H. F. No. 348:

Sieben, H.; Luther and McCollar.

The Speaker announced the appointment of the following members of the House to the Conference Committee on S. F. No. 1097:

Clark, Samuelson and Forsythe.

The Speaker announced the appointment of the following members of the House to the Conference Committee on S. F. No. 819:

Philbrook, Vento, Sarna, Faricy and Savelkoul.

The Speaker announced the appointment of the following members of the House to the Conference Committee on S. F. No. 60:

Swanson, Rice and Sabo.

GENERAL ORDERS

There being no objection, the remaining bills on General Orders for today were continued on General Orders until Thursday, March 25, 1976.

MOTIONS AND RESOLUTIONS

Anderson, I.; Savelkoul; Sabo; and Searle introduced:

House Resolution No. 37, A house resolution relating to the House leadership scholarship fund.

The resolution was referred to the Committee on Rules and Legislative Administration.

Carlson, R., moved that H. F. No. 387, now in the Committee on Appropriations, be returned to its author. The motion prevailed.

Anderson, I., moved that the following bills be unofficially engrossed and printed for the House:

S. F. No. 2288, to include committee amendments and S. F. No. 1800 to include floor amendments.

The motion prevailed.

Kelly, R., moved that H. F. No. 2166, now on General Orders, be returned to its author. The motion prevailed.

ADJOURNMENT

Anderson, I., moved that when the House adjourns today it adjourn until 11:00 a.m., Thursday, March 25, 1976. The motion prevailed.

Anderson, I., moved that the House adjourn. The motion prevailed and the Speaker declared the House adjourned until 11:00 a.m., Thursday, March 25, 1976.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

STATE OF MINNESOTA

SIXTY-NINTH SESSION - 1976

NINETY-EIGHTH DAY

SAINT PAUL, MINNESOTA, THURSDAY, MARCH 25, 1976

The House convened at 11:00 a.m. and was called to order by the Speaker.

Prayer was offered by the Chaplain.

The roll was called and the following members were present:

Abeln	Eckstein	Kaley	Neisen	Sieben, H.
Adams, L.	Eken	Kalis	Nelsen	Sieben, M.
Adams, S.	Enebo	Kelly, R.	Nelson	Sieloff
Albrecht	Erickson	Kelly, W.	Niehaus	Simoneau
Anderson, G.	Esau	Kempe, A.	Norton	Skoglund
Anderson, I.	Evans	Kempe, R.	Novak	Smith
Arlandson	Ewald	Ketola	Osthoff	Smogard
Beauchamp	Faricy	Knickerbocker	Parish	Spanish
Begich	Fjoslien	Knoll	Patton	Stanton
Berg	Forsythe	Kostohryz	Pehler	Suss
Berglin	Friedrich	Kroening	Peterson	Swanson
Biersdorf	Fudro	Kvam	Petraleso	Tomlinson
Braun	Fugina	Laidig	Philbrook	Ulland
Brinkman	George	Langseth	Pleasant	Vanasek
Byrne	Graba	Lemke	Prahl	Vento
Carlson, A.	Hanson	Lindstrom	Reding	Voik
Carlson, L.	Haugerud	Luther	Rice	Voss
Carlson, R.	Heinitz	Mangan	St. Onge	Wenstrom
Casserly	Hokanson	Mann	Samuelson	Wenzel
Clark	Jacobs	McCarron	Sarna	White
Clawson	Jaros	McCauley	Savelkoul	Wieser
Corbid	Jensen	McCollar	Schreiber	Wigley
Dahl	Johnson, C.	McEachern	Schulz	Williamson
Dean	Johnson, D.	Menning	Schumacher	Zubay
DeGroat	Jopp	Metzen	Searle	Speaker Sabo
Dieterich	Jude	Moe	Setzepfandt	
Doty	Kahn	Munger	Sherwood	

A quorum was present.

Birnstihl was excused.

The Chief Clerk proceeded to read the Journal of the preceding day. On the motion of Kalis the further reading was dispensed with and the Journal was approved as corrected.

REPORTS OF CHIEF CLERK

Pursuant to Rules of the House, printed copies of H. F. Nos. 2122, 2137, 1120, 1940, 2386, 2531, 2332 and 2564 and S. F. Nos. 2288, 2014, 466 and 2309 have been placed in the members' files.

S. F. No. 2014 and H. F. No. 2112, which had been referred to the Chief Clerk for comparison, were examined and found to be identical, except S. F. No. 2014, page 1, lines 11 to 19 contains the language "June 27, 1973, with respect to permanent disability benefits, retirement annuities, and retirement allowance options II, III and IV paid to surviving spouses pursuant to Minnesota Statutes 1971, Section 422.08 provided by the Minneapolis municipal employees retirement fund; April 25, 1959, with respect to survivor benefits paid to surviving spouses of contributing members provided by the Minneapolis municipal employees retirement fund;"

Whereas H. F. No. 2112, page 1, line 11 after the semicolon does not contain this language.

H. F. 2112, page 1, lines 15 and 16 contains "of a covered fund" whereas S. F. No. 2014, page 2, line 1, after "members" does not contain this language.

H. F. No. 2112, page 1, line 18, contains "of a covered fund" whereas S. F. No. 2014, page 2, line 4 does not contain this language.

H. F. No. 2112, page 2, line 11, contains "or" whereas S. F. No. 2014, page 2, line 19, does not.

H. F. No. 2112, page 2, line 12 contains a period, whereas S. F. No. 2014, page 2, line 20, contains a semicolon.

S. F. No. 2014, page 2, lines 21 to 23 contains the language:

"(6) the Minneapolis municipal employees retirement fund;
or

(7) the legislators' retirement plan."

Whereas H. F. No. 2112, page 2, after line 12 does not contain this language.

S. F. No. 2014, page 3, lines 1 to 6 contains the language: "Provided however, that no plan participant who is receiving a permanent disability benefit or a retirement annuity from the Minneapolis municipal employees retirement fund in excess of \$500 per month shall be entitled to an increase in such benefit or annuity pursuant to this act."

Whereas H. F. No. 2112, page 2, line 22 does not contain this language.

S. F. No. 2014, page 4, line 9, contains "payment" whereas H. F. No. 2112, page 3, line 25, contains "accruing".

S. F. No. 2014, page 4, lines 11 to 17 contains the language: "Provided however, that no surviving spouse who is receiving an option II, III or IV survivor retirement allowance pursuant to Minnesota Statutes 1971, Section 422.08 provided by the Minneapolis municipal employees retirement fund shall be entitled to an increase in such annuity pursuant to this act if the retirement annuity which was paid or payable to the plan participant was in excess of "\$500 per month."".

Whereas H. F. No. 2112, page 3, after line 26, does not contain this language.

H. F. No. 2112, page 4, line 17, contains "Subdivision 1." whereas S. F. No. 2014, page 5, line 8 does not contain this language.

H. F. No. 2112, page 4, line 18, contains "\$16,888,250" whereas S. F. No. 2014, page 5, line 9, contains "\$19,852,833".

H. F. No. 2112, page 4, line 20, contains "\$32,102" whereas S. F. No. 2014, page 5, line 12, contains "\$210,075".

H. F. No. 2112, page 4, line 22, contains "\$359,302" whereas S. F. No. 2014, page 5, line 14, contains "\$361,079".

H. F. No. 2112, page 4, line 25, contains a period, whereas S. F. No. 2014, page 5, line 17, contains a semicolon.

H. F. No. 2112, page 4, lines 26 to 28 reads:

"Subd. 2. There is hereby appropriated to the highway patrolmen's retirement fund \$165,782 from the trunk highway fund and \$39,472 from the game and fish fund."

Whereas S. F. No. 2014, page 5, lines 18 to 28 reads:

"(6) To the Minneapolis municipal employees retirement fund \$2,740,752;

(7) To the executive director of the Minnesota state retirement system for the purpose of paying increases to plan participants of the legislators' retirement plan pursuant to this act \$43,375;

(8) To the executive director of the Minnesota state retirement system for the purposes of paying increases to surviving

spouses of plan participants of the legislators' retirement plan pursuant to this act for the fiscal year ending July 1, 1977 \$783."

H. F. No. 2112, page 5, line 19 to page 6, line 8, contains the language:

"Sec. 9. Each retirement fund providing benefits or annuities to which the increases in this act apply shall calculate the amount of the increase in its accrued liability attributable to the implementation of this act based on census data as of June 30, 1976. The results of this calculation shall be transmitted and supporting data made available to the legislative commission on pensions and retirement, the chairman of the committee on appropriations of the house of representatives, the chairman of the committee on finance of the senate, and the commissioner of finance no later than November 1, 1976. Any amount appropriated by this act in excess of the amounts required as determined by the calculation made pursuant to this section shall be returned to the fund from which the appropriation was made, by the commissioner of finance.

In the event of such an excess appropriation to the highway patrolmen's retirement fund, the excess amount shall be returned to the general fund, the trunk highway fund, and the game and fish fund in proportion to the amounts appropriated from each fund pursuant to section 5, subdivision 1, clause (1); and section 5, subdivision 2 of this act."

Whereas S. F. No. 2014, page 6, after line 18 does not contain this language.

SUSPENSION OF RULES

Moe moved that the rules be so far suspended that S. F. No. 2014 be substituted for H. F. No. 2112 and that the House File be indefinitely postponed. The motion prevailed.

SECOND READING OF SENATE BILLS

S. F. No. 2014 was read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Berglin, Clark and Rice introduced:

H. F. No. 2697, A bill for an act relating to public welfare; authorizing medical assistance for aged, blind and disabled persons who have real estate; amending Minnesota Statutes, 1975 Supplement, Section 256B.06, Subdivision 1.

The bill was read for the first time and referred to the Committee on Appropriations.

Esau; Kempe, R.; Nelsen; Sherwood and DeGroat introduced:

H. F. No. 2698, A bill for an act relating to game and fish; providing for permits to shoot or hunt from a standing vehicle to be issued to temporarily disabled persons; amending Minnesota Statutes, 1975 Supplement, Section 98.48, Subdivision 12.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Samuelson introduced:

H. F. No. 2699, A bill for an act proposing an amendment to the Minnesota Constitution, adding a section to Article IV; providing for referenda.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Samuelson, Corbid and Anderson, I., introduced:

H. F. No. 2700, A bill for an act relating to regional development; providing a method for withdrawal of government units from regional development commissions; amending Minnesota Statutes 1974, Section 462.385, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

PROGRESS REPORTS ON CONFERENCE COMMITTEES

Pursuant to Joint Rule 13, Pehler reported on the progress of H. F. No. 525, now in Conference Committee.

Pursuant to Joint Rule 13, Fugina reported on the progress of H. F. No. 1382, now in Conference Committee.

Pursuant to Joint Rule 13, Berg reported on the progress of H. F. No. 1997, now in Conference Committee.

Pursuant to Rule 13, Prahl reported on the progress of S. F. No. 499, now in Conference Committee.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in

which amendment the concurrence of the House is respectfully requested:

H. F. No. 1026, A bill for an act relating to land use planning; establishing a land use planning assistance program of grants for local government units to be administered by the state planning agency and the metropolitan council; appropriating money; amending Laws 1975, Chapter 13, Section 18, Subdivision 2.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Sherwood moved that the House concur in the Senate amendments to H. F. No. 1026 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1026, A bill for an act relating to land use planning; establishing a land use planning assistance program of grants for local government units to be administered by the state planning agency; appropriating money.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question being taken on the repassage of the bill and the roll being called, there were yeas 119, and nays 3, as follows:

Those who voted in the affirmative were:

Abeln	Dieterich	Kalis	Neisen	Setzepfandt
Adams, L.	Doty	Kelly, R.	Nelsen	Sherwood
Adams, S.	Eken	Kelly, W.	Nelson	Sieben, H.
Anderson, G.	Enebo	Kempe, A.	Niehaus	Sieben, M.
Anderson, I.	Erickson	Kempe, R.	Norton	Sieloff
Arlandson	Esau	Ketola	Novak	Simoneau
Beauchamp	Evans	Knickerbocker	Osthoff	Skoglund
Begich	Ewald	Knoll	Parish	Smith
Berg	Faricy	Kostohryz	Patton	Smogard
Berglin	Fjoslien	Kroening	Pehler	Spanish
Biersdorf	Fudro	Kvam	Peterson	Stanton
Braun	Fugina	Laidig	Petrafeso	Suss
Brinkman	George	Lindstrom	Philbrook	Swanson
Byrne	Graba	Luther	Pleasant	Ulland
Carlson, A.	Hanson	Mangan	Prahl	Vanasek
Carlson, L.	Haugerud	Mann	Reding	Vento
Carlson, R.	Heinitz	McCarron	Rice	Voss
Casserly	Hokanson	McCauley	St. Onge	Wenstrom
Clark	Jacobs	McCollar	Samuelson	Wenzel
Clawson	Jaros	McEachern	Sarna	White
Corbid	Jensen	Menning	Savelkoul	Wigley
Dahl	Johnson, D.	Metzen	Schreiber	Zubay
Dean	Jude	Moe	Schulz	Speaker Sabo
DeGroat	Kahn	Munger	Schumacher	

Those who voted in the negative were:

Eckstein Kaley Lemke

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 718, A bill for an act relating to forcible entry and unlawful detainer; amending Minnesota Statutes 1974, Section 566.06.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Sieben, H., moved that the House concur in the Senate amendments to H. F. No. 718 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 718, A bill for an act relating to forcible entry and unlawful detainer; providing for stay of writ of restitution; amending Minnesota Statutes 1974, Sections 566.06; and 566.09.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question being taken on the repassage of the bill and the roll being called, there were yeas 122, and nays 0, as follows:

Those who voted in the affirmative were:

Abeln	Corbid	Haugerud	Lindstrom	Pehler
Adams, L.	Dahl	Heinitz	Luther	Peterson
Adams, S.	Dean	Hokanson	Mangan	Petrafeso
Albrecht	DeGroat	Jacobs	Mann	Philbrook
Anderson, G.	Dieterich	Jaros	McCarron	Pleasant
Anderson, I.	Doty	Johnson, D.	McCauley	Prahl
Arlandson	Eckstein	Jude	McCollar	Reding
Beauchamp	Eken	Kahn	McEachern	St. Onge
Begich	Enebo	Kaley	Menning	Sarna
Berg	Erickson	Kalis	Metzen	Savelkoul
Berglin	Esau	Kelly, W.	Moe	Schreiber
Biersdorf	Evans	Kempe, A.	Munger	Schulz
Braun	Ewald	Kempe, R.	Neisen	Schumacher
Brinkman	Faricy	Ketola	Nelsen	Searle
Byrne	Fjoslien	Knickerbocker	Nelson	Setzepfandt
Carlson, A.	Forsythe	Knoll	Niehaus	Sherwood
Carlson, L.	Friedrich	Kostohryz	Norton	Sieben, H.
Carlson, R.	Fugina	Kroening	Novak	Sieben, M.
Casserly	George	Kvam	Osthoff	Sieloff
Clark	Graba	Laidig	Parish	Simoneau
Clawson	Hanson	Lemke	Patton	Skoglund

Smith	Suss	Vento	White	Speaker Sabo
Smogard	Swanson	Voss	Wieser	
Spanish	Ulland	Wenstrom	Wigley	
Stanton	Vanasek	Wenzel	Zubay	

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 1865, A bill for an act relating to crimes; providing increased sentences for persons convicted of certain second or subsequent violations of theft; prescribing penalties; amending Minnesota Statutes 1974, Section 609.52, Subdivision 3.

PATRICK E. FLAHAVER, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Kempe, A., moved that the House concur in the Senate amendments to H. F. No. 1865 and that the bill be repassed as amended by the Senate.

A roll call was requested and properly seconded.

MOTION FOR RECONSIDERATION

Ketola moved that the vote on Tuesday, March 23, 1976, whereby the motion to refuse to concur in the Senate amendments to H. F. No. 1865 did not prevail, be now reconsidered.

A roll call was requested and properly seconded.

The question was taken on the motion to reconsider and the roll being called, there were yeas 61, and nays 70, as follows:

Those who voted in the affirmative were:

Adams, L.	Casserly	Johnson, C.	Menning	Samuelson
Anderson, I.	Clark	Kahn	Moe	Schumacher
Arlandson	Clawson	Kalis	Munger	Setzepfandt
Beauchamp	Corbid	Kelly, W.	Neisen	Sieben, H.
Berg	Dahl	Ketola	Nelson	Sieben, M.
Berglin	Doty	Kostohryz	Norton	Skoglund
Braun	Eckstein	Kroening	Novak	Smogard
Brinkman	Eken	Lindstrom	Parish	Spanish
Byrne	George	Luther	Patton	Stanton
Carlson, L.	Graba	Mann	Pehler	Suss
Carlson, R.	Jaros	McCarron	Rice	Ulland

Vanasek Volk	Voss	Wenstrom	Wenzel	Williamson
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Those who voted in the negative were:

Abeln	Faricy	Kaley	Metzen	Schulz
Adams, S.	Fjoslien	Kelly, R.	Nelsen	Searle
Albrecht	Forsythe	Kempe, A.	Niehaus	Sherwood
Anderson, G.	Friedrich	Kempe, R.	Osthoff	Sieloff
Begich	Fudro	Knickerbocker	Peterson	Simoneau
Biersdorf	Fugina	Knoll	Petraleso	Smith
Carlson, A.	Hanson	Kvam	Philbrook	Swanson
Dean	Haugerud	Laidig	Pleasant	Tomlinson
DeGroat	Heinitz	Langseth	Prahl	Vento
Enebo	Hokanson	Lemke	Reding	White
Erickson	Jacobs	Mangan	St. Onge	Wieser
Esau	Jensen	McCauley	Sarna	Wigley
Evans	Johnson, D.	McCollar	Savelkoul	Zubay
Ewald	Jude	McEachern	Schreiber	Speaker Sabo

The motion did not prevail.

The question recurred on the Kempe, A., motion to concur in the Senate amendments to H. F. No. 1865 and the roll being called, there were yeas 73, and nays 60, as follows:

Those who voted in the affirmative were:

Abeln	Eckstein	Jude	Metzen	Sieben, M.
Adams, S.	Erickson	Kaley	Nelsen	Sieloff
Albrecht	Esau	Kelly, R.	Niehaus	Simoneau
Anderson, G.	Evans	Kempe, A.	Novak	Smith
Anderson, I.	Ewald	Kempe, R.	Osthoff	Smogard
Begich	Faricy	Knickerbocker	Peterson	Swanson
Biersdorf	Fjoslien	Knoll	Petraleso	Tomlinson
Braun	Forsythe	Kroening	Philbrook	Vento
Byrne	Friedrich	Laidig	Pleasant	Wenzel
Carlson, A.	George	Langseth	Prahl	White
Carlson, L.	Hanson	Luther	St. Onge	Wieser
Carlson, R.	Heinitz	McCarron	Sarna	Wigley
Dahl	Hokanson	McCauley	Savelkoul	Zubay
Dean	Jacobs	McEachern	Schreiber	
DeGroat	Jensen	Menning	Schulz	

Those who voted in the negative were:

Adams, L.	Eken	Kelly, W.	Nelson	Sieben, H.
Arlandson	Enebo	Ketola	Norton	Skoglund
Beauchamp	Fudro	Kostohryz	Parish	Spanish
Berg	Fugina	Kvam	Patton	Stanton
Berglin	Graba	Lemke	Pehler	Suss
Brinkman	Haugerud	Lindstrom	Reding	Ulland
Casserly	Jaros	Mangan	Rice	Vanasek
Clark	Johnson, C.	Mann	Samuelson	Volk
Clawson	Johnson, D.	McCollar	Schumacher	Voss
Corbid	Jopp	Moe	Searle	Wenstrom
Dieterich	Kahn	Munger	Setzepfandt	Williamson
Doty	Kalis	Neisen	Sherwood	Speaker Sabo

The motion prevailed.

H. F. No. 1865, 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 authority to the commissioner of corrections; abolishing the Minnesota corrections authority; providing for determinate sentencing; providing for a mutual agreement program; amending Minnesota Statutes 1974, Sections 152.15; 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; 609.19; 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; 609.293, Subdivisions 2, 3 and 4; 609.31; 609.32; 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; 609.52, Subdivision 3; 609.525, Subdivision 1; 609.53, Subdivisions 1 and 3; 609.54; 609.55, Subdivision 2; 609.56; 609.565; 609.58, Subdivision 2; 609.59; 609.595, Subdivision 1; 609.60; 609.61; 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; Minnesota Statutes, 1975 Supplement, Sections 609.185; 609.342; 609.343; 609.344; 609.345; 609.52, Subdivision 2; 609.521; and 609.551, Subdivision 1; repealing Minnesota Statutes 1974, Sections 241.045, as amended; 242.24; 243.06; 243.14; 243.18; 246.43; 609.11, as amended; 609.13, Subdivision 1; 609.155; and 609.16.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question being taken on the repassage of the bill and the roll being called, there were yeas 65, and nays 67, as follows:

Those who voted in the affirmative were:

Abeln	DeGroat	Hokanson	Langseth	Prahl
Adams, S.	Eckstein	Jacobs	Luther	St. Onge
Anderson, G.	Enebo	Jensen	McCauley	Sarna
Anderson, I.	Erickson	Jude	McEachern	Savelkoul
Arlandson	Esau	Kaley	Menning	Schreiber
Begich	Ewald	Kelly, R.	Metzen	Sieben, M.
Biersdorf	Faricy	Kempe, A.	Nelsen	Sieloff
Braun	Fjoslien	Kempe, R.	Novak	Simoneau
Byrne	Forsythe	Knickerbocker	Osthoff	Swanson
Carlson, A.	Friedrich	Knoll	Peterson	Tomlinson
Carlson, L.	George	Kostohryz	Petraleso	Vento
Dahl	Hanson	Kroening	Philbrook	White
Dean	Heinitz	Laidig	Pleasant	Zubay

Those who voted in the negative were:

Adams, L.	Berg	Carlson, R.	Clawson	Doty
Albrecht	Berglin	Casserty	Corbid	Eken
Beauchamp	Brinkman	Clark	Dieterich	Evans

Fudro	Ketola	Niehaus	Setzepfandt	Volk
Fugina	Kvam	Norton	Sherwood	Voss
Graba	Lemke	Parish	Sieben, H.	Wenstrom
Haugerud	Lindstrom	Patton	Skoglund	Wenzel
Jaros	Mangan	Pehler	Smith	Wieser
Johnson, C.	Mann	Reding	Smogard	Wigley
Johnson, D.	McCollar	Rice	Spanish	Williamson
Jopp	Moe	Samuelson	Stanton	Speaker Sabo
Kahn	Munger	Schulz	Suss	
Kalis	Neisen	Schumacher	Ulland	
Kelly, W.	Nelson	Searle	Vanasek	

The bill was not repassed, as amended by the Senate.

MOTION FOR RECONSIDERATION

Searle moved that the vote whereby H. F. No. 1865, as amended by the Senate, was not repassed be now reconsidered.

A roll call was requested and properly seconded.

The question was taken on the motion to reconsider and the roll being called, there were yeas 74, and nays 57, as follows:

Those who voted in the affirmative were:

Abeln	Erickson	Kelly, R.	Nelsen	Sieloff
Adams, S.	Esau	Kempe, A.	Niehaus	Simoneau
Albrecht	Ewald	Kempe, R.	Novak	Smogard
Anderson, G.	Faricy	Knickerbocker	Osthoff	Spanish
Anderson, I.	Fjoslien	Knoll	Peterson	Swanson
Begich	Forsythe	Kostohryz	Philbrook	Tomlinson
Biersdorf	Friedrich	Kroening	Pleasant	Vanasek
Braun	Hanson	Laidig	Prahl	Vento
Byrne	Heinitz	Langseth	Reding	Wenstrom
Carlson, A.	Hokanson	Luther	St. Onge	Wenzel
Carlson, L.	Jacobs	McCauley	Sarna	White
Dean	Jensen	McCollar	Savelkoul	Wieser
DeGroat	Jopp	McEachern	Schreiber	Williamson
Eckstein	Jude	Menning	Sieben, H.	Zubay
Enebo	Kaley	Metzen	Sieben, M.	

Those who voted in the negative were:

Adams, L.	Doty	Kalis	Norton	Skoglund
Arlandson	Eken	Kelly, W.	Parish	Smith
Beauchamp	Evans	Ketola	Patton	Stanton
Berg	Fudro	Kvam	Pehler	Suss
Berglin	Fugina	Lemke	Petrafeso	Ulland
Brinkman	George	Lindstrom	Rice	Volk
Carlson, R.	Graba	Mangan	Samuelson	Voss
Cassery	Haugerud	Mann	Schulz	Wigley
Clark	Jaros	Moe	Schumacher	Speaker Sabo
Clawson	Johnson, C.	Munger	Searle	
Corbid	Johnson, D.	Neisen	Setzepfandt	
Dieterich	Kahn	Nelson	Sherwood	

The motion prevailed.

H. F. No. 1865, as amended by the Senate, was reported to the House.

Savelkoul moved that the action whereby H. F. No. 1865 was given its third reading, as amended by the Senate, be now reconsidered. The motion prevailed.

Savelkoul moved that the vote whereby the House concurred in the Senate amendments to H. F. No. 1865 be now reconsidered. The motion prevailed.

Savelkoul moved that the House refuse to concur in the Senate amendments to H. F. No. 1865, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two Houses. The motion prevailed.

Anderson, I., moved that the House recess subject to the call of the Chair. The motion prevailed.

RECESS

RECONVENED

The House reconvened and was called to order by the Speaker.

There being no objection the order of business reverted to Reports of Standing Committees.

REPORTS OF STANDING COMMITTEES

Norton from the Committee on Appropriations to which was referred:

H. F. No. 2274, A bill for an act relating to public welfare; establishing pilot programs for community mental health treatment; appropriating money; amending Minnesota Statutes 1974, Chapter 245, by adding a section.

Reported the same back with the following amendments:

Page 1, delete lines 21 to 23 and insert:

"Sec. 2. Any unexpended balance remaining in the first year in Laws 1975, Chapter 434, Section 2, Subdivisions 3 and 5, shall not cancel but shall be available in the second year of the biennium and may be used for the purposes of this act."

With the recommendation that when so amended the bill do pass.

The report was adopted.

Norton from the Committee on Appropriations to which was referred:

H. F. No. 2466, A bill for an act relating to historic sites; designating additional historic sites; amending Minnesota Statutes 1974, Sections 138.081, by adding a subdivision; 138.53, Subdivisions 7, 38, and by adding subdivisions; 138.58, by adding subdivisions; and 138.73, Subdivision 17.

Reported the same back with the recommendation that the bill do pass.

The report was adopted.

Norton from the Committee on Appropriations to which was referred:

S. F. No. 486, A bill for an act relating to highway traffic regulations; requiring counties to establish presentence investigation and counseling alcohol safety programs and alcohol safety enforcement programs; requiring presentence investigation reports for certain driving offenses; appropriating money; amending Minnesota Statutes 1974, Section 169.121, Subdivision 6; and Chapter 169, by adding sections.

Reported the same back with the following amendments:

Page 1, line 14, after "*county*" and before "*shall*" insert "*having a population of more than 10,000*".

Page 1, line 15, before "*establish*" insert "*and the county board of every county having a population of less than 10,000 may*".

Page 1, delete lines 19 to 25.

Page 2, delete line 1 and insert:

"Subd. 2. The presentence investigation shall be conducted under the direction of the court and by such persons or agencies as the court deems qualified to provide the investigation and report as described in section 4 of this act. The presentence investigation may be conducted by court services probation officers having the required knowledge and skills in the assessment of alcohol problems, by alcoholism counselors, by persons conducting court sponsored driver improvement clinics if in the judgment of the court such persons have the required knowledge and skills in the assessment of alcohol problems, by appropriate staff

members of public or private alcohol treatment programs and agencies or mental health clinics, by court approved volunteer workers such as members of Alcoholics Anonymous, or by such other qualified persons as the court may direct. The commissioner of public safety shall provide the courts with information and assistance in establishing presentence investigation programs suited to the needs of the area served by each court. The commissioner shall consult with the alcohol and other drug abuse section in the department of public welfare and with local community mental health boards in providing such information and assistance to the courts. The commissioner of public safety shall promulgate rules and standards, consistent with this subdivision, for reimbursement under the provisions of subdivision 3 of this section. The promulgation of such rules and standards shall not be subject to Minnesota Statutes, Chapter 15."

Page 2, line 7, after the period insert "*Payments shall be made annually and prorated if insufficient funds are appropriated.*"

Page 2, delete lines 8 to 14.

Page 2, line 32, delete "*Any agreement entered*".

Page 3, delete lines 1 and 2.

Page 3, line 3, delete "*471.59.*".

Page 3, line 8, after "*conducted*" insert "*in counties of more than 10,000 population*".

Page 3, after line 29, insert:

"Subd. 5. Whenever a person is convicted of a second or subsequent offense described in subdivision 1 and the court is either provided with an appropriate treatment or rehabilitation recommendation from sources other than the presentence investigation provided for in this section, or has sufficient knowledge both of the person's need for treatment and an appropriate treatment or rehabilitation plan, and the court finds that requiring a presentence investigation would not substantially aid the court in sentencing, such a presentence investigation need not be conducted."

Page 4, after line 1, insert:

"The commissioner of public safety is directed to seek funding for this program under the provisions of the national law enforcement assistance act and the national traffic and highway safety act and this appropriation shall be decreased to the extent that such federal funding is provided."

With the recommendation that when so amended the bill do pass.

The report was adopted.

Norton from the Committee on Appropriations to which was referred:

S. F. No. 1615, A bill for an act relating to natural resources; prohibiting, except in national emergencies, certain activities in the boundary waters canoe area; prohibiting certain activities outside the boundary waters canoe area which cause degradation of a natural resource within the boundary waters canoe area.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert:

"Section 1. [84.523] [MANAGEMENT OF STATE MINERALS AND RELATED RESOURCES IN THE BOUNDARY WATERS CANOE AREA OF THE SUPERIOR NATIONAL FOREST.] Subdivision 1. [DEFINITION.] For the purposes of this section, the term "boundary waters canoe area" means that area of lands and waters included within the boundaries designated in federal regulation REG U-3, 36 Code of Federal Regulations 293.16, as that regulation provided on January 1, 1975.

Subd. 2. [LEGISLATIVE FINDINGS AND PURPOSE.] The legislature finds that a combination of state legislative and administrative actions and court decisions have established a public policy of primarily wilderness management for state lands and waters within the boundary waters canoe area. This state policy, together with a similar federal policy and international actions consistent with these state and federal policies, has created an area of hundreds of thousands of acres of land and water containing myriad lakes and streams, wooded shores, virgin forests, and other natural attractions of surpassing scenic beauty and solitude, free from substantially all commercial activities and artificial development such as hydroelectric dams and power lines, resorts, roads, sawmills, and timber harvesting in no-cut zones.

Subd. 3. [MINING, AND USE OF STATE NATURAL RESOURCES FOR MINING, PROHIBITED IN B.W.C.A.] Except with the prior approval of the legislature in those cases of national emergency which have been declared by the Congress and which direct the need for exploration and mining of federal lands within the boundary waters canoe area, no state owned or administered land may be leased for exploration or mining of

minerals, and no state permits, licenses or leases shall be issued to use any other state natural resources for any mineral exploration or mining operations in the boundary waters canoe area.

Subd. 4. [PEAT HARVESTING PROHIBITED IN BOUNDARY WATERS CANOE AREA.] Except with prior approval of the legislature in those cases of national emergency which have been declared by the Congress and which direct the need for exploitation of peat deposits on federal land within the boundary waters canoe area, no state owned or administered land may be leased for the purpose of harvesting peat, and no state permits, licenses or leases shall be issued to use any other state natural resources for the purpose of harvesting peat in the boundary waters canoe area.

Subd. 5. (a) No timber harvesting is permitted on state owned or administered land within the interior zone of the boundary waters canoe area, as described on the map relating thereto as established by the secretary of agriculture on January 12, 1965, and as the boundaries have been added to by the chief of the United States forest service through December 31, 1975.

(b) Timber harvesting on state owned or administered land in the area not included in the interior zone of the boundary waters canoe area, commonly referred to as the portal zone, is permitted in accordance with a management plan prepared by the commissioner of natural resources which shall include but not be limited to the following guidelines:

(1) In addition to the limitations on logging prescribed by Minnesota Statutes, Section 92.45, and the Shipstead Nolan Act, Public Law 539, Seventy first Congress, July 10, 1930; 46 Stat. 1020, the management plan shall provide for adequate protection of the forest vegetation along lakes, watercourses, and permanent roadways where necessary to protect the aesthetic qualities of the area;

(2) Significant stands of large specimens of virgin forest vegetation shall be preserved where, in the opinion of the commissioner, such stands will enhance the aesthetic or recreational qualities, or both, of the area;

(3) All access points to timber harvesting operations on state owned or administered land in the portal zone shall be closed off upon completion of the harvest; and

(4) The management plan shall be submitted by the commissioner to the house environment and natural resources committee and to the senate natural resources and agriculture committee on or before January 15, 1977, for their review. However, before

January 15, 1977, the commissioner may, in his discretion, authorize timber harvesting on state owned or administered land in the portal zone in accordance with the management plan.

Subd. 6. [RESOURCE DEGRADATION PROHIBITED.] No agency or political subdivision shall grant approval or issue any rule, regulation, permit or license authorizing or allowing the commercial development, exploitation or removal of a natural resource located outside the boundary waters canoe area by mining, peat harvesting or related activities which would result in degradation of a natural resource within the boundary waters canoe area. For the purpose of this subdivision degradation shall mean a significant effect upon air and water which creates a substantial likelihood of significant damage to plant or animal life.

Sec. 2. [APPROPRIATION.] The sum of \$50,000 is appropriated to the department of natural resources for the implementation of subdivision 5 of this act for the period ending June 30, 1977.

Sec. 3. [EFFECTIVE DATE.] This act is effective the day after its final enactment."

Further delete the title in its entirety and insert:

"A bill for an act relating to natural resources; prohibiting, except in national emergencies, the leasing of state minerals and the use of state natural resources in connection with mining in the boundary waters canoe area; appropriating money."

With the recommendation that when so amended the bill do pass.

The report was adopted.

Norton from the Committee on Appropriations to which was referred:

S. F. No. 2241, A bill for an act relating to game and fish; requiring a migratory waterfowl stamp; providing for disposition of proceeds of sale.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert the following:

"Section 1. [MIGRATORY WATERFOWL STAMPS.] Subdivision 1. [DEFINITIONS.] As used in this section:

(1) "Migratory waterfowl" means any wild goose, brant, or wild duck.

(2) "Department" means department of natural resources.

(3) "Stamp" means the state migratory waterfowl stamp furnished by the department.

(4) "Development" includes, but is not limited to, the construction of dikes, water control structures and impoundments, nest cover, rough fish barriers, acquisition for sites of development and any and all facilities for the management of existing waterfowl habitat and the creation of waterfowl management lakes.

Subd. 2. [STAMP REQUIRED.] No person required to possess a Minnesota small game license shall hunt or take any migratory waterfowl within this state without first procuring a state migratory waterfowl stamp and having such stamp in his possession while hunting or taking any migratory waterfowl. Each stamp shall be validated by the signature of the licensee written across the face of such stamp. The department shall determine the form of the stamp and shall furnish the stamps to the county auditors and their designated agents for issuance or sale in the same manner as hunting licenses are issued or sold under Minnesota Statutes, Chapter 98.

Subd. 3. [FEE.] A stamp shall be issued to each hunting license applicant upon written application on forms furnished by the department containing the name and address of the purchaser, upon the payment of a fee of \$3. Each stamp shall expire on December 31 following its issuance. Receipts shall be deposited in the game and fish fund.

Subd. 4. [USE OF REVENUE.] All revenue shall be used for projects approved by the department for the purpose of development of state wetland and designated waterfowl management lakes for maximum waterfowl production, protecting and propagating migratory waterfowl and for the development, restoration, maintenance or preservation of wetlands.

Subd. 5. There is hereby appropriated from the game and fish fund the sum of \$400,000 for the purpose of this act for fiscal year ending July 1, 1977, provided that the commissioner of finance shall not permit the allotment, encumbrance, or expenditure of any funds appropriated in this section in excess of the anticipated annual revenue.

Subd. 6. This act shall expire on March 1, 1982, unless renewed by the legislature."

Further delete the title in its entirety and insert:

"A bill for an act relating to game and fish; requiring a migratory waterfowl stamp; providing for disposition of proceeds of sale; appropriating money."

With the recommendation that when so amended the bill do pass.

The report was adopted.

Anderson, I., from the Committee on Rules and Legislative Administration to which was referred:

House Resolution No. 37, A house resolution relating to the house leadership scholarship fund.

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

The report was adopted.

Anderson, I., from the Committee on Rules and Legislative Administration to which was referred:

H. F. No. 2688, A resolution urging Congress and the President to establish the Solar Energy Research Institute in Minnesota.

Reported the same back with the following amendment:

Page 3, line 7, after "Senate," insert "the Energy, Research and Development Administration,".

With the recommendation that when so amended the bill do pass.

The report was adopted.

Anderson, I., from the Committee on Rules and Legislative Administration to which was referred:

S. F. No. 2436, A bill for an act relating to public lands; authorizing the commissioner of natural resources to sell certain state owned lands; and authorizing certain county boards to sell certain tax-forfeited lands.

Reported the same back with the recommendation that the bill do pass.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 2274, 2466 and 2688 were read for the second time.

SECOND READING OF SENATE BILLS

S. F. Nos. 486, 1615, 2241 and 2436 were read for the second time.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

H. F. No. 1530, A bill for an act relating to land planning in the metropolitan area; requiring local adoption of minimum plans and controls; providing for limited council review and acceptance prior to the adoption of such plans and controls; providing for an advisory metropolitan land planning committee; providing for the enforcement of adopted local plans and controls; including certain expenses in the definition of special levy; providing for interim zoning; amending Minnesota Statutes 1974, Section 462.355, by adding a subdivision; and Minnesota Statutes, 1975 Supplement, Sections 473.121, Subdivision 1; and 473.175.

The Senate has repassed said bill, in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

H. F. No. 1615, A bill for an act relating to public health; providing for care, medical treatment, and legal rights of live births resulting from abortions.

The Senate has repassed said bill, in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 2203, A bill for an act relating to medical assistance for the needy; establishing guidelines for reimbursement of medical services furnished by nursing homes; prescribing certain responsibilities for the department of public welfare.

PATRICK E. FLAHAVER, Secretary of the Senate

Petraleso moved that the House refuse to concur in the Senate amendments to H. F. No. 2203, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two Houses. The motion prevailed.

CALENDAR

There being no objection, the Calendar for today was continued until Friday, March 26, 1976.

CONSIDERATION UNDER RULE 1.10

Pursuant to Rule 1.10, Kelly, W., requested immediate consideration of H. F. No. 2546, and S. F. Nos. 2210 and 1928.

H. F. No. 2546, A bill for an act relating to taxation; providing for certain limitations on real property valuation; amending Minnesota Statutes, 1975 Supplement, Sections 273.11, Subdivision 2 and 273.17, Subdivision 1; repealing Minnesota Statutes 1974, Section 273.11, Subdivision 4.

The bill was read for the third time and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 128, and nays 0, as follows:

Those who voted in the affirmative were:

Abeln	Arlandson	Braun	Cassery	DeGroat
Adams, L.	Beauchamp	Brinkman	Clark	Dieterich
Adams, S.	Begich	Byrne	Clawson	Doty
Albrecht	Berg	Carlson, A.	Corbid	Eckstein
Anderson, G.	Berglin	Carlson, L.	Dahl	Eken
Anderson, I.	Biersdorf	Carlson, R.	Dean	Enebo

Erickson	Kahn	McCarron	Prahl	Spanish
Esau	Kaley	McCauley	Reding	Stanton
Evans	Kalis	McCollar	Rice	Suss
Ewald	Kelly, R.	McEachern	St. Onge	Swanson
Faricy	Kelly, W.	Metzen	Samuelson	Tomlinson
Fjoslien	Kempe, A.	Moe	Sarna	Ulland
Forsythe	Kempe, R.	Munger	Savelkoul	Vanasek
Friedrich	Ketola	Neisen	Schreiber	Vento
Fugina	Knickerbocker	Nelsen	Schulz	Volk
George	Knoll	Nelson	Schumacher	Voss
Graba	Kostohryz	Niehaus	Searle	Wenstrom
Hanson	Kroening	Norton	Setzepfandt	Wenzel
Heinitz	Kvam	Novak	Sherwood	White
Hokanson	Laidig	Osthoff	Sieben, H.	Wieser
Jacobs	Langseth	Parish	Sieben, M.	Wigley
Jaros	Lemke	Patton	Sieloff	Williamson
Jensen	Lindstrom	Peterson	Simoneau	Zubay
Johnson, D.	Luther	Petrafeso	Skoglund	Speaker Sabo
Jopp	Mangan	Philbrook	Smith	
Jude	Mann	Pleasant	Smogard	

The bill was passed and its title agreed to.

S. F. No. 2210, A bill for an act relating to Red River watershed; authorizing watershed districts which are members of the lower Red River watershed management board to levy a tax; authorizing the management board to institute certain projects; allowing the board to enter certain intergovernmental agreements.

The bill was read for the third time and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 121, and nays 5, as follows:

Those who voted in the affirmative were:

Abeln	Dieterich	Johnson, D.	McCauley	St. Onge
Adams, L.	Doty	Jopp	McCollar	Samuelson
Adams, S.	Eckstein	Jude	McEachern	Sarna
Anderson, G.	Elken	Kahn	Menning	Savelkoul
Arlandson	Enebo	Kaley	Metzen	Schreiber
Beauchamp	Erickson	Kalis	Moe	Schulz
Begich	Esau	Kelly, R.	Munger	Schumacher
Berg	Evans	Kelly, W.	Neisen	Searle
Berglin	Ewald	Kempe, R.	Nelsen	Setzepfandt
Biersdorf	Faricy	Knickerbocker	Nelson	Sieben, H.
Braun	Fjoslien	Knoll	Niehaus	Sieben, M.
Brinkman	Forsythe	Kostohryz	Novak	Sieloff
Byrne	Friedrich	Kroening	Osthoff	Simoneau
Carlson, A.	Fugina	Kvam	Parish	Skoglund
Carlson, L.	George	Laidig	Patton	Smith
Carlson, R.	Graba	Langseth	Peterson	Smogard
Casserly	Hanson	Lemke	Petrafeso	Spanish
Clark	Heinitz	Lindstrom	Philbrook	Stanton
Clawson	Hokanson	Luther	Pleasant	Suss
Corbid	Jacobs	Mangan	Prahl	Swanson
Dahl	Jaros	Mann	Reding	Tomlinson
Dean	Jensen	McCarron	Rice	Ulland

Vanasek	Voss	White	Zubay	Speaker Sabo
Vento	Wenstrom	Wieser		
Volk	Wenzel	Wigley		

Those who voted in the negative were:

Anderson, I.	DeGroat	Kempe, A.	Ketola	Sherwood
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The bill was passed and its title agreed to.

S. F. No. 1928, A bill for an act relating to the city of Maplewood; paramedic service; authorizing the collection of taxes in excess of the levy limits for purposes of the paramedic program.

The bill was read for the third time and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 120, and nays 5, as follows:

Those who voted in the affirmative were:

Abeln	Doty	Kaley	Metzen	Setzepfandt
Adams, L.	Eckstein	Kalis	Moe	Sherwood
Albrecht	Eken	Kelly, R.	Munger	Sieben, H.
Anderson, G.	Enebo	Kelly, W.	Neisen	Sieben, M.
Anderson, I.	Erickson	Kempe, A.	Nelsen	Sieloff
Arlandson	Esau	Kempe, R.	Nelson	Skoglund
Beauchamp	Evans	Ketola	Norton	Smith
Begich	Faricy	Knickerbocker	Novak	Spanish
Berg	Fjoslien	Knoll	Osthoff	Stanton
Berglin	Forsythe	Kostohryz	Parish	Suss
Biersdorf	Friedrich	Kroening	Patton	Swanson
Braun	Fugina	Kvam	Peterson	Tomlinson
Brinkman	George	Laidig	Petrafeso	Ulland
Byrne	Graba	Langseth	Philbrook	Vanasek
Carlson, A.	Hanson	Lemke	Pleasant	Vento
Carlson, L.	Heinitz	Lindstrom	Prahl	Volk
Carlson, R.	Hokanson	Luther	Reding	Voss
Casserly	Jacobs	Mangan	Rice	Wenstrom
Clark	Jaros	Mann	St. Onge	Wenzel
Clawson	Jensen	McCarron	Samuelson	White
Corbid	Johnson, D.	McCauley	Sarna	Wieser
Dahl	Jopp	McCollar	Schulz	Wigley
Dean	Jude	McEachern	Schumacher	Zubay
Dieterich	Kahn	Menning	Searle	Speaker Sabo

Those who voted in the negative were:

DeGroat	Ewald	Niehaus	Savekoul	Schreiber
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The bill was passed and its title agreed to.

The following conference committee report was received:

CONFERENCE COMMITTEE REPORT ON H. F. NO. 943

A bill for an act relating to cable communications; making the cable communications commission a permanent part of the department of administration; authorizing the commission to promulgate a line extension policy; interconnection; orders; municipal cable systems; information gathering; permitting counties to establish translator systems; amending Minnesota Statutes 1974, Sections 238.02, Subdivision 11; 238.04, Subdivision 1; 238.05, Subdivisions 2, 6, 7, 12, and by adding a subdivision; 238.06, Subdivision 1; 238.08, Subdivisions 1, 2 and 3; 238.09, Subdivisions 3 and 6, and by adding subdivisions; 238.13; and 375.164; repealing Minnesota Statutes 1974, Sections 238.05, Subdivisions 8 and 16; and 238.09, Subdivision 2.

March 22, 1976

The Honorable Martin O. Sabo
Speaker of the House of Representatives
The Honorable Alec G. Olson
President of the Senate

We, the undersigned conferees for H. F. No. 943 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. 943 be amended as follows:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1974, Section 238.02, Subdivision 11, is amended to read:

Subd. 11. "Person" shall mean any individual, trustee, partnership, *municipality*, association, corporation or other legal entity.

Sec. 2. Minnesota Statutes, 1975 Supplement, Section 238.04, Subdivision 1, is amended to read:

238.04 [COMMISSION CREATED.] Subdivision 1. A state commission on cable communication is hereby created within the department of administration and shall consist of seven members. (THE COMMISSION SHALL RESIDE WITHIN THE DEPARTMENT OF ADMINISTRATION FOR A PERIOD NOT TO EXCEED FOUR YEARS FROM MAY 24, 1973.)

The members of the commission shall be representative of the broad range of interests related to telecommunication needs and concerns.

Sec. 3. Minnesota Statutes 1974, Section 238.05, Subdivision 2, is amended to read:

Subd. 2. The commission shall, to the extent permitted by, and not contrary to, applicable federal and state law, rules and regulations:

(a) prescribe procedures and practices which municipalities shall follow in granting franchises, including those providing for issuance of a public invitation to compete for the franchise, said invitation containing the outlines for the municipality's cable system and the desired services as well as the criteria and priorities (WHICH SHALL BE APPLIED) *the municipality has developed to review franchise applications;*

(b) prescribe minimum standards for inclusion in franchises, including maximum initial, renegotiation and renewal periods; length of residential subscriber contracts; provisions for municipal purchase; *prohibition against the invasion of privacy through a cable communications system; provisions covering the construction, operation and abandonment of cable communications systems;* and a requirement that no such franchise may be exclusive. Taking into account the size of the cable communications system, the commission shall also prescribe minimum standards for performance bond requirements; for channel capacity; for two-way capability; for access to, and facilities to make use of, channels for education, government, *and the general public;* and for construction and operation of the cable communication system;

((C) PRESCRIBE A LIST OF ITEMS FOR INCLUSION IN FRANCHISES;)

((D)) (c) prescribe standards for: franchises awarded in the twin cities metropolitan area which designate a uniform regional channel (RESERVED FOR PUBLIC USE); the interconnection of all cable systems within this area; and the designation of a single entity to schedule programs and facilitate use of this channel;

(d) *designate the entity referred to in clause (c) and prescribe rules for its operation and practice which rules shall insure that priority is given to public use of the uniform regional channel.*

Sec. 4. Minnesota Statutes 1974, Section 238.05, Subdivision 6, is amended to read:

Subd. 6. The commission shall adopt, after consulting with either the metropolitan council or regional development commissions of the state as appropriate, a set of minimum standards for the establishment of cable territories within which a franchise may be awarded, and procedures to be followed for alteration of cable service territory boundaries (**BY MUNICIPALITIES IN THE TWIN CITIES METROPOLITAN AREA AS DESIGNATED IN MINNESOTA STATUTES 1971, SECTION 473B.01, AND OTHER DESIGNATED STANDARD METROPOLITAN STATISTICAL AREAS**).

Sec. 5. Minnesota Statutes 1974, Section 238.05, Subdivision 7, is amended to read:

Subd. 7. The commission shall approve (**MODIFY**) or reject boundaries for specific territories upon receipt of proposals from municipalities or cable communications operator applicants, after consultation with the metropolitan council or the affected regional planning commission. *If the proposed boundaries, in whole or part, are within the seven county metropolitan area, the metropolitan council shall be allowed 90 days to review and comment on the proposed boundaries.*

Sec. 6. Minnesota Statutes 1974, Section 238.05, is amended by adding a subdivision to read:

Subd. 17. The commission shall also promulgate rules pertaining to cable transmission line extension by cable communications companies.

Sec. 7. Minnesota Statutes 1974, Section 238.06, Subdivision 1, is amended to read:

238.06 [POWERS OF COMMISSION.] Subdivision 1. The commission may promulgate, issue, amend, rescind, and provide for the enforcement of such (**ORDERS,**) rules and regulations as it may find necessary or appropriate to carry out the provisions of (**LAWS 1973, CHAPTER 568**) *chapter 238* in accordance with (**MINNESOTA STATUTES 1971,**) *chapter 15.* *The commission may also issue any necessary and appropriate orders.* Such orders, rules and regulations may classify persons and matters within the jurisdiction of the commission and prescribe different requirements for different classes of persons or matters. A copy of any order, rule or regulation promulgated hereunder shall be subject to public inspection during reasonable business hours.

Sec. 8. Minnesota Statutes 1974, Section 238.06, is amended by adding a subdivision to read:

Subd. 5. The commission may, upon a suitable showing of need in individual instances, order the interconnection of cable communications systems.

Sec. 9. Minnesota Statutes 1974, Section 238.06, is amended by adding a subdivision to read:

Subd. 6. The commission may require from any cable communications system granted a certificate of confirmation information and supporting documentation in the form and at the times the commission may deem appropriate.

Sec. 10. Minnesota Statutes 1974, Section 238.08, Subdivision 1, is amended to read:

238.08 [FRANCHISE REQUIREMENT.] Subdivision 1. A municipality shall (HAVE THE POWER TO) require a franchise of any cable communications system providing service within the municipality.

Sec. 11. Minnesota Statutes 1974, Section 238.08, Subdivision 2, is amended to read:

Subd. 2. Nothing in (THE PROVISIONS OF LAWS 1973, CHAPTER 568) *chapter 238* shall be construed to prevent franchise requirements in excess of those prescribed by the commission, unless such requirement is inconsistent with (THE PROVISIONS OF LAWS 1973, CHAPTER 568) *chapter 238* or any regulation (, POLICY OR PROCEDURE) of the commission.

Sec. 12. Minnesota Statutes 1974, Section 238.08, Subdivision 3, is amended to read:

Subd. 3. Nothing in (LAWS 1973, CHAPTER 568) *chapter 238* shall be construed to limit any municipality from the right to construct, purchase, and operate a cable communications system. *Any municipal system shall be subject to the laws, rules and regulations of the commission to the same extent as would any nonpublic cable communications system.*

Sec. 13. Minnesota Statutes 1974, Section 238.09, Subdivision 6, is amended to read:

Subd. 6. (ANY CABLE COMMUNICATIONS COMPANY GRANTED A FRANCHISE AFTER APRIL 1, 1973,) *Except as provided in subdivision 3, every cable communications company shall be required to secure a certificate of confirmation from the commission before becoming operational. Except as provided in subdivisions 3, 4, 5 and 9, such certificate may be granted after full commission proceedings and shall be for a period of ten years.*

Sec. 14. Minnesota Statutes 1974, Section 238.09, Subdivision 7, is amended to read:

Subd. 7. Any renewal of a certificate of confirmation shall be for a period of (FIVE) *ten years. A renewal certificate of*

confirmation may be issued prior to the expiration of any existing certificate.

Sec. 15. Minnesota Statutes 1974, Section 238.13, is amended to read:

238.13 [POLES, DUCTS AND CONDUITS.] The commission (SHALL WITHIN TWO YEARS FROM MAY 24, 1973,) *may* adopt appropriate rules specifying necessary regulations for contractual agreements between cable communications operators and any public utilities with respect to the use of poles, ducts, conduits, and other appurtenances related to the cable communications transmission lines.

Sec. 16. Minnesota Statutes 1974, Section 238.15, is amended to read:

238.15 [FINANCIAL INTEREST OF MEMBERS AND EMPLOYEES.] No member of the commission (AND NO EMPLOYEE OF THE COMMISSION) *or person appointed pursuant to section 238.04, subdivision 7* shall be employed by, or shall *knowingly* have any financial interest in any cable communications company (HOLDING A FRANCHISE IN THE STATE, THEIR) *or its* subsidiaries, major equipment or programming suppliers, or in any broadcasting company holding an operating license issued by the federal communications commission (, THEIR) *or its* subsidiaries (, MAJOR EQUIPMENT OR PROGRAMMING SUPPLIERS). Members of any elected body granting franchises and employees of any franchising body who would be directly involved in the granting or administration of franchises for cable communications and who are employed *by or who knowingly* have any financial interest in any cable communications company (HOLDING A FRANCHISE IN THE STATE), *bidding on such franchise, or the cable communications company granted the franchise, or their* subsidiaries, major equipment or program suppliers shall abstain from participation in the franchising of a cable communications (COMPANIES) *company or the administration of such franchise.*

Sec. 17. *Notwithstanding the provisions of Minnesota Statutes, Section 375.164, or any other law to the contrary, the county board of any county owning, operating or maintaining a translator system on the effective date of this act may singly or jointly with contiguous counties appropriate from the general revenue fund an amount necessary to fund the construction, acquisition, improvement maintenance and operations of a translator system either within or without the county for the purpose of receiving and transmitting television broadcasting signals. The county may singly or jointly with contiguous counties acquire, by gift, lease or purchase, any real estate or interest therein upon such terms or conditions, including contracts for fees, as it shall determine, either within or without the county, for the purpose*

of establishing, improving or operating a television translator system. No real estate located in another county may be acquired unless the county board of the county in which the real estate is located approves the proposed acquisition. The county may issue bonds in accordance with the provisions of Minnesota Statutes, Chapter 475, for the acquisition, construction or improvement of television translator systems and the acquisition of real estate therefor.

Sec. 18. [REPEALER.] *Minnesota Statutes 1974, Section 238.09, Subdivision 2, is repealed.*

Sec. 19. [EFFECTIVE DATE.] *This act is effective on the day following its final enactment."*

Further delete the title in its entirety and insert:

"A bill for an act relating to cable communications; making the cable communications commission a permanent part of the department of administration; authorizing the commission to promulgate a line extension policy; interconnection; orders; municipal cable systems; information gathering; permitting certain counties to establish translator systems; amending Minnesota Statutes 1974, Sections 238.02, Subdivision 11; 238.05, Subdivisions 2, 6, 7, and by adding a subdivision; 238.06, Subdivision 1, and by adding subdivisions; 238.08, Subdivisions 1, 2 and 3; 238.09, Subdivisions 3 and 6, and by adding subdivisions; 238.13; and 238.15; and Minnesota Statutes, 1975 Supplement, Section 238.04, Subdivision 1; repealing Minnesota Statutes 1974, Section 238.09, Subdivision 2."

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

House Conferees: PAUL MCCARRON, WILLIAM N. KELLY and C. THOMAS OSTHOFF.

Senate Conferees: GENE MERRIAM, JOHN B. KEEFE and WINSTON W. BORDEN.

McCarron moved that the report of the Conference Committee on H. F. No. 943 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 943, A bill for an act relating to cable communications; making the cable communications commission a permanent part of the department of administration; authorizing the commission to promulgate a line extension policy; interconnection; orders; municipal cable systems; information gathering; permitting counties to establish translator systems; amending Minnesota Statutes 1974, Sections 238.02, Subdivision 11; 238.04, Subdivision 1; 238.05, Subdivisions 2, 6, 7, 12; and by adding a

subdivision; 238.06, Subdivision 1; 238.08, Subdivisions 1, 2 and 3; 238.09, Subdivisions 3 and 6, and by adding subdivisions; 238.13; and 375.164; repealing Minnesota Statutes 1974, Sections 238.05, Subdivisions 8 and 16; and 238.09, Subdivision 2.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question being taken on the repassage of the bill and the roll being called, there were yeas 120, and nays 5, as follows:

Those who voted in the affirmative were:

Abeln	Eken	Kelly, R.	Nelsen	Sherwood
Adams, L.	Enebo	Kelly, W.	Nelson	Sieben, H.
Adams, S.	Esau	Kempe, A.	Niehaus	Sieben, M.
Albrecht	Evans	Kempe, R.	Norton	Sieloff
Anderson, G.	Ewald	Ketola	Novak	Simoneau
Anderson, I.	Faricy	Knickerbocker	Osthoff	Skoglund
Arlandson	Fjoslien	Knoll	Parish	Smith
Beauchamp	Forsythe	Kostohryz	Patton	Smogard
Begich	Friedrich	Kvam	Pehler	Spanish
Berg	Fugina	Laidig	Peterson	Stanton
Biersdorf	George	Langseth	Petrafeso	Suss
Braun	Graba	Lemke	Philbrook	Swanson
Byrne	Hanson	Luther	Pleasant	Tomlinson
Carlson, A.	Heinitz	Mangan	Prahl	Ulland
Carlson, L.	Hokanson	Mann	Reding	Vento
Carlson, R.	Jacobs	McCarron	St. Onge	Volk
Casserly	Jaros	McCauley	Samuelson	Voss
Clark	Jensen	McCollar	Sarna	Wenstrom
Clawson	Johnson, C.	McEachern	Savelkoul	Wenzel
Corbid	Johnson, D.	Menning	Schreiber	White
Dahl	Jopp	Metzen	Schulz	Wieser
Dean	Jude	Moe	Schumacher	Wigley
Dieterich	Kahn	Munger	Searle	Zubay
Doty	Kaley	Neisen	Setzepfandt	Speaker Sabo

Those who voted in the negative were:

Berglin	Eckstein	Erickson	Kalis	Kroening
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The bill was repassed, as amended by Conference, and its title agreed to.

CONSIDERATION UNDER RULE 1.10

Pursuant to Rule 1.10, Norton requested immediate consideration of S. F. No. 2375; H. F. Nos. 2531 and 2564; S. F. Nos. 2288 and 2581.

S. F. No. 2375 was reported to the House.

Sieben, M. moved to amend S. F. No. 2375 as follows:

Strike everything after the enacting clause and insert in lieu thereof the following:

"Section 1. There is hereby appropriated to the state department of education from the general fund or any other fund designated for the purposes herein the sum of \$290,000 for the fiscal year ending June 30, 1977, to be used to continue the right to read program at a declining level of state financial contribution. The funds in this appropriation shall be expended by the department to provide technical assistance on a regional basis to school districts and nonpublic schools participating in reading programs.

Sec. 2. This act is effective the day after final enactment."

Further, amend the title by striking it in its entirety and inserting in lieu thereof the following:

A bill for an act relating to education; reading program; appropriating money.

The motion prevailed and the amendment was adopted.

S. F. No. 2375, A bill for an act relating to education; right to read program; appropriating money.

The bill was read for the third time, as amended, and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 130, and nays 0, as follows:

Those who voted in the affirmative were:

Abeln	Eckstein	Kaley	Munger	Setzepfandt
Adams, L.	Eken	Kalis	Neisen	Sherwood
Albrecht	Enebo	Kelly, R.	Nelsen	Sieben, H.
Anderson, G.	Erickson	Kelly, W.	Nelson	Sieben, M.
Anderson, I.	Esau	Kempe, A.	Niehaus	Sieloff
Arlandson	Evans	Kempe, R.	Norton	Simoneau
Beauchamp	Ewald	Ketola	Novak	Skoglund
Begich	Fariy	Knickerbocker	Osthoff	Smith
Berg	Fjoslien	Knoll	Parish	Smogard
Berglin	Forsythe	Kostohryz	Patton	Spanish
Biersdorf	Friedrich	Kroening	Pehler	Stanton
Braun	Fugina	Kvam	Peterson	Suss
Brinkman	George	Laidig	Petrafeso	Swanson
Byrne	Graba	Langseth	Philbrook	Tomlinson
Carlson, A.	Hanson	Lemke	Pleasant	Ulland
Carlson, L.	Haugerud	Lindstrom	Prahl	Vanasek
Carlson, R.	Heinitz	Luther	Reding	Vento
Casserly	Hokanson	Mangan	Rice	Volk
Clark	Jacobs	Mann	St. Onge	Voss
Clawson	Jaros	McCarron	Samuelson	Wenstrom
Corbid	Jensen	McCauley	Sarna	Wenzel
Dahl	Johnson, C.	McCollar	Savelkoul	White
Dean	Johnson, D.	McEachern	Schreiber	Wieser
DeGroat	Jopp	Menning	Schulz	Wigley
Dieterich	Jude	Metzen	Schumacher	Zubay
Doty	Kahn	Moe	Searle	Speaker Sabo

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

H. F. No. 2531, 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 1974, Sections 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; 490.123, Subdivision 1; Chapter 16A, by adding a section; Minnesota Statutes, 1975 Supplement, Sections 3A.03, Subdivision 2; and 354A.12; repealing Minnesota Statutes 1974, Sections 3A.11, Subdivision 3; 352.73, Subdivision 4; 354.43, Subdivision 2; and 490.025, Subdivision 8.

The bill was read for the third time and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 128, and nays 0, as follows:

Those who voted in the affirmative were:

Abeln	Doty	Kaley	Neisen	Sieben, H.
Adams, L.	Eckstein	Kalis	Nelsen	Sieben, M.
Adams, S.	Eken	Kelly, R.	Nelson	Sieloff
Albrecht	Enebo	Kelly, W.	Niehaus	Simoneau
Anderson, G.	Erickson	Kempe, A.	Norton	Skoglund
Anderson, I.	Esau	Kempe, R.	Novak	Smith
Arlandson	Evans	Ketola	Osthoff	Smogard
Beauchamp	Ewald	Knickerbocker	Patton	Spanish
Begich	Faricy	Knoll	Pehler	Stanton
Berg	Fjoslien	Kostohryz	Peterson	Suss
Berglin	Forsythe	Kroening	Petrafaso	Swanson
Biersdorf	Friedrich	Kvam	Philbrook	Tomlinson
Braun	Fudro	Laidig	Pleasant	Ulland
Brinkman	Fugina	Langseth	Prahl	Vanasek
Byrne	George	Lindstrom	Reding	Vento
Carlson, A.	Graba	Luther	Rice	Volk
Carlson, L.	Hanson	Mangan	St. Onge	Voss
Carlson, R.	Heinitz	Mann	Samuelson	Wenstrom
Casserly	Hokanson	McCarron	Sarna	Wenzel
Clark	Jacobs	McCauley	Savelkoul	White
Clawson	Jaros	McCollar	Schreiber	Wieser
Corbid	Jensen	McEachern	Schulz	Wigley
Dahl	Johnson, D.	Menning	Schumacher	Zubay
Dean	Jopp	Metzen	Searle	Speaker Sabo
DeGroat	Jude	Moe	Setzepfandt	
Dieterich	Kahn	Munger	Sherwood	

The bill was passed and its title agreed to.

H. F. No. 2564, 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 1974, Sections 16.023; 16A.27; 84B.07; 176.183, Subdivision 2; 192.52; 268.06, Subdivision 25; 299D.03, Subdivision

1; 351.11; 352E.02; 355.46, Subdivision 3; 355.50; 481.15, Subdivision 2; Minnesota Statutes, 1975 Supplement, Section 136A.08, Subdivisions 1 and 2; and Laws 1973, Chapter 567, Section 7; repealing Minnesota Statutes 1974, Sections 124.23; 136.508; 352E.05; 355.31 to 355.39; Minnesota Statutes, 1975 Supplement, Section 261.233.

The bill was read for the third time and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 131, and nays 0, as follows:

Those who voted in the affirmative were:

Abeln	Eken	Kalis	Nelsen	Sieben, M.
Adams, L.	Enebo	Kelly, R.	Nelson	Sieloff
Adams, S.	Erickson	Kelly, W.	Niehaus	Simoneau
Albrecht	Esau	Kempe, A.	Norton	Skoglund
Anderson, G.	Evans	Kempe, R.	Novak	Smith
Anderson, I.	Ewald	Ketola	Osthoff	Smogard
Arlandson	Faricy	Knickerbocker	Parish	Spanish
Beauchamp	Fjoslien	Knoll	Patton	Stanton
Begich	Forsythe	Kostohryz	Pehler	Suss
Berg	Friedrich	Kroening	Peterson	Swanson
Berglin	Fudro	Kvam	Petrafeso	Tomlinson
Biersdorf	Fugina	Laidig	Philbrook	Ulland
Braun	George	Langseth	Pleasant	Vanasek
Brinkman	Graba	Lemke	Prahl	Vento
Byrne	Hanson	Lindstrom	Reding	Volk
Carlson, A.	Haugerud	Luther	Rice	Voss
Carlson, L.	Heinitz	Mangan	St. Onge	Wenstrom
Carlson, R.	Hokanson	Mann	Samuelson	Wenzel
Casserly	Jacobs	McCarron	Sarna	White
Clark	Jaros	McCauley	Savelkoul	Wieser
Clawson	Jensen	McCollar	Schreiber	Wigley
Corbid	Johnson, C.	McEachern	Schulz	Zubay
Dean	Johnson, D.	Menning	Schumacher	Speaker Sabo
DeGroat	Jopp	Metzen	Searle	
Dieterich	Jude	Moe	Setzepfandt	
Doty	Kahn	Munger	Sherwood	
Eckstein	Kaley	Neisen	Sieben, H.	

The bill was passed and its title agreed to.

S. F. No. 2288 was reported to the House.

St. Onge moved to amend S. F. No. 2288 the unofficial engrossment as follows:

Page 1, line 21, insert a comma after the word "place".

Page 2, line 19, delete all of the new language.

Page 2, line 21, after "representatives," insert the word "and".

Page 2, line 23, after "senate" delete the semi-colon and insert a period and add "Voting members of the board shall be:".

The motion prevailed and the amendment was adopted.

Fugina and Anderson, I., moved to amend S. F. No. 2288, the unofficial engrossment, as follows:

Page 7, line 29, delete "\$139,546" and insert "\$155,550".

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll being called, there were yeas 87, and nays 35, as follows:

Those who voted in the affirmative were:

Abeln	DeGroat	Kempe, A.	Novak	Sieloff
Anderson, G.	Dieterich	Ketola	Osthoff	Skoglund
Anderson, I.	Doty	Knickerbocker	Patton	Smith
Arlandson	Eken	Knoll	Pehler	Smogard
Beauchamp	Enebo	Kroening	Peterson	Spanish
Begich	Erickson	Kvam	Philbrook	Stanton
Berglin	Esau	Laidig	Pleasant	Suss
Biersdorf	Evans	Mangan	Prahl	Swanson
Braun	Fjoslien	Mann	Reding	Tomlinson
Brinkman	Fudro	McCauley	Rice	Ulland
Byrne	Fugina	McCollar	St. Onge	Vento
Carlson, A.	George	McEachern	Samuelson	Volk
Carlson, L.	Hokanson	Metzen	Sarna	Wenstrom
Carlson, R.	Jacobs	Moe	Schulz	Wenzel
Clawson	Jaros	Neisen	Schumacher	Williamson
Corbid	Johnson, C.	Nelsen	Searle	
Dahl	Johnson, D.	Nelson	Sherwood	
Dean	Kelly, W.	Niehaus	Sieben, M.	

Those who voted in the negative were:

Adams, S.	Haugerud	Langseth	Parish	Vanasek
Albrecht	Heinitz	Lemke	Petraleso	Voss
Clark	Jensen	Lindstrom	Savelkoul	White
Eckstein	Jopp	Luther	Schreiber	Wieser
Ewald	Jude	McCarron	Setzepfandt	Wigley
Forsythe	Kaley	Munger	Sieben, H.	Zubay
Friedrich	Kalis	Norton	Simoneau	Speaker Sabo

The motion prevailed and the amendment was adopted.

S. F. No. 2288, A bill for an act relating to Indian affairs; renaming the board on Indian affairs; providing a change in membership for the board; creating an advisory council; changing the duties of the board; appropriating money; amending Minnesota Statutes 1974, Section 3.922, as amended.

The bill was read for the third time, as amended, and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 106, and nays 17, as follows:

Those who voted in the affirmative were:

Abeln	Eckstein	Kempe, A.	Norton	Sieloff
Adams, L.	Eken	Kempe, R.	Novak	Simoneau
Adams, S.	Erickson	Ketola	Osthoff	Smith
Anderson, G.	Esau	Knickerbocker	Parish	Smogard
Anderson, I.	Evans	Kroening	Patton	Spanish
Arlandson	Ewald	Kvam	Pehler	Stanton
Beauchamp	Fjoslien	Laidig	Peterson	Suss
Begich	Friedrich	Langseth	Philbrook	Swanson
Biersdorf	Fudro	Lindstrom	Pleasant	Tomlinson
Braun	Fugina	Luther	Prahl	Ulland
Brinkman	George	Mangan	Reding	Vento
Byrne	Heinitz	Mann	St. Onge	Volk
Carlson, A.	Hokanson	McCarron	Samuelson	Wenstrom
Carlson, L.	Jacobs	McCauley	Sarna	Wenzel
Carlson, R.	Jaros	McCollar	Savelkoul	White
Clawson	Jensen	McEachern	Schreiber	Wieser
Corbid	Johnson, D.	Menning	Schulz	Williamson
Dahl	Jopp	Metzen	Schumacher	Zubay
Dean	Jude	Munger	Setzepfandt	
DeGroat	Kaley	Neisen	Sherwood	
Dieterich	Kelly, R.	Nelsen	Sieben, H.	
Doty	Kelly, W.	Niehaus	Sieben, M.	

Those who voted in the negative were:

Albrecht	Enebo	Moe	Skoglund	Speaker Sabo
Berglin	Faricy	Nelson	Vanasek	
Casserly	Kahn	Petrafaso	Voss	
Clark	Kalis	Rice	Wigley	

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

S. F. No. 2581 was reported to the House.

Norton moved to amend S. F. No. 2581, as follows:

Strike everything after the enacting clause and insert the following:

Section 1. [STATE GOVERNMENT APPROPRIATIONS.]
 Except as herein otherwise specifically provided the sums herein-after set forth in the columns designated "APPROPRIATIONS", or so much thereof as may be necessary, are hereby appropriated out of the general fund in the state treasury, or any other fund herein designated, for the purposes specified in the following sections of this act, to be available for the fiscal years indicated for each purpose. The figures "1976" and "1977" wherever used in this act, shall mean that the appropriations listed thereunder shall be available for the year ending June 30, 1976 and June 30, 1977, respectively.

APPROPRIATIONS
Available for the Year
Ending June 30,

	1976	1977
	\$	\$
Sec. 2. ATTORNEY GENERAL	95,000	

For moving, remodeling, furnishings, and related costs involved in the consolidation of offices in the highway, veterans service, and capitol square buildings.

Any unexpended balance remaining in the first year shall not cancel but shall be available for the second year of the biennium.

Sec. 3. ADMINISTRATION

Subdivision 1. Utility Services	322,250	322,250
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These sums shall be added to the amounts appropriated in Laws 1975, Chapter 204, Section 18, Subdivision 1.

Subd. 2. Statewide licensing system development	113,000	
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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.

Subd. 3. The commissioner of administration is authorized to pay the sum of \$3,085 to the national governors conference from the funds appropriated to the commissioner by Laws 1975, Chapter 204, Section 18, Subdivision 1, for the fiscal year ending June 30, 1977. The amount originally scheduled to be paid from this appropriation to the council of state governments shall be reduced by \$3,085.

Subd. 4. Interstate Co-op Commission	5,000	
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This sum shall be added to the appropriation made in Laws 1975, Chapter 204, Section 18, subdivision 1.

	1976	1977
	\$	\$
Sec. 4. PUBLIC SAFETY		
Subdivision 1. Crime Victims		
Reparation Board	100,000	100,000

This is in addition to the appropriation made in Laws 1975, Chapter 204, Section 31, Subdivision 8.

Subd. 2. MINCIS

Of the amount appropriated to the commissioner of public safety by Laws 1975, Chapter 204, Section 31, Subdivision 2, for fiscal year 1977, \$170,000 is hereby transferred and reappropriated to the same account for fiscal year 1976 to convert computer hardware for the Minnesota crime information system.

Subd. 3. Fire Services— advisory council	4,500	
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Sec. 5. REVENUE

Subdivision 1. Administrative costs—circuit breaker		400,000
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This amount shall be added to the appropriations made in Laws 1975, Chapter 437, Article XIV, Section 1.

Subd. 2. State board of assessors	28,865	28,865
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Sec. 6. ENERGY

Subdivision 1. Salaries	7,911	37,517
Subd. 2. Supplies and expense	85,991	119,181

It is the intent of the legislature that none of the Energy Agency's funding shall be used to prepare environmental reports and that the Energy Agency is not required to comply with the EIS section of the Minnesota Environmental Policy Act.

	1976	1977
	\$	\$
Sec. 7. NATURAL RESOURCES		
Subdivision 1. Water resources management		
a. Hydrologic studies	192,000	183,750
b. Supplies and expense		87,000
Subd. 2. Field services support—		
real estate taxes	75,000	150,000

Of the amounts provided herein, \$18,750 for the first year and \$37,500 in the second year are appropriated from the game and fish fund.

Subd. 3. Environmental impact state— reserve mining disposal sites	1,300,141	
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The amounts in Section 7 shall be added to the appropriations made in Laws 1975, Chapter 204, Section 51, Subdivision 3. That portion of the rider in Section 51, Subdivision 3 which states "should this appropriation prove to be insufficient, the commissioner shall inform the commissioner of administration and request that additional moneys be available from whatever sources are appropriate" is hereby repealed.

Subd. 4. Peat information program	25,000	75,000
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Sec. 8. STATE PLANNING AGENCY

Subdivision 1. Copper Nickel Environmental Impact Statement		1,300,000
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Subd. 2. Study of local government fiscal problems, debts, and fiscal management	50,000	
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The appropriation in Subdivision 2 shall not cancel but shall be available until June 30, 1977.

	1976	1977
	\$	\$
Sec. 9. PERSONNEL—State Labor Negotiation and Contract Administration	13,938	84,476

Notwithstanding the provisions of Laws 1975, Chapter 204, Section 20, the complement shall be 94.

Sec. 10. INDIAN AFFAIRS BOARD	12,138	
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Sec. 11. LABOR AND INDUSTRY

Subdivision 1. Salaries		92,211
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Subd. 2. Supplies and expense		5,988
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Notwithstanding the approved complement provisions of Laws 1975, Chapter 204, Section 41, Subdivision 1, the approved complement shall be 238. The appropriation made in this section shall be added to the appropriation made in Laws 1975, Chapter 204, Section 41.

Sec. 12. COMMERCE

Hearings costs, postage and instate travel expenses	102,102	
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The appropriation made in this section shall be added to the appropriation made in Laws 1975, Chapter 204, Section 32.

Sec. 13. BOARD OF HEALTH

Subdivision 1. Preventive and personal health services	123,344	126,482
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Water conditioners and installers licensing	9,631	9,967
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Plumbers licensing	113,713	116,515
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Notwithstanding the approved complement provision of Laws 1975, Chapter 434, Section 5, Subdivision 1, the approved complement shall be 188.5.

	1976	1977
	\$	\$
Subd. 2. Health systems quality assurance	79,006	85,296
Mortuary science	59,724	65,520
Hospital administrators registration	19,282	19,776

Notwithstanding the approved complement provision of Laws 1975, Chapter 434, Section 5, Subdivision 2, the approved complement shall be 58.75.

The appropriations made in this section shall be added to the appropriation made in Laws 1975, Chapter 434, Section 5.

Sec. 14. BOARD OF DENTISTRY \$37,000

The appropriations made in this section shall be added to the appropriations made in Laws 1975, Chapter 434, Section 4, Subdivision 8.

Sec. 15. Notwithstanding the provisions of Laws 1975, Chapter 434, Section 2, the appropriation for centralized disbursement in Laws 1975, Chapter 434, Section 2, Subdivision 2, for 1976 shall not be reduced unless the federal reimbursement is less than \$3,560,000.

Sec. 16. Notwithstanding the provisions of Minnesota Laws 1975, Chapter 434, Section 2, federal funds budgeted to be earned in the Community Based Residential Services for the Chemically Dependent (Subdivision 4) activity shall be earned by the Day-time Activity Center Grant-in-aid (Subdivision 13) activity.

Sec. 17. Notwithstanding any law to the contrary, the commissioner of finance may, upon the request of the commissioner of health, transfer amounts between appropriations for purposes of reflecting changes in the account structure of the department of health. Such transfer shall be reported to the committee on finance of the Senate and the committee on appropriations in the House of Representatives.

Sec. 18. In the event the income from parking lots and facilities under the jurisdiction of the commissioner of administration are inadequate to make the annual payment of \$203,200 in November, 1975 and 1976, as required by Laws 1973, Chapter 778, Section 21, these payments may be wholly or partially deferred. To the extent these payments are deferred, the commissioner shall, from time to time, make such additional payments so as to pay to the Minnesota state building account in the state bond fund the total sum of \$4,064,000.

Sec. 19. All moneys appropriated for fiscal year 1977 in Laws 1975, Chapter 433, as shown on the worksheets of the con-

ferces of the Senate and the House of Representatives to the University of Minnesota, state university system, community college system and department of education for the purpose of providing funding for the use of and communications costs for the Minnesota educational computing consortium (MECC) managed Univac 1110 single installation, multipurpose, instructional interactive time sharing system, shall not be expended. No moneys appropriated to the above named state systems or agencies for other purposes shall be transferred or used for this purpose.

It is the legislature's policy and specific intent to discontinue the single installation, interactive time sharing system of MECC and to provide funds for the different purpose of establishing a several systems, multi-installation decentralized program with emphasis on educational and geographic special needs.

There is hereby appropriated to support a multi-installation program for fiscal year 1977:

\$ 54,000 University of Minnesota

\$700,000 State Department of Education

\$285,100 State University

\$ 90,230 Community colleges

This section is effective upon final passage.

Sec. 20. The sum of \$20,000 is appropriated from the state airport fund to the department of aeronautics for the operation and maintenance of the state airport at Orr in the fiscal year ending June 30, 1977. All income received from the operation of the airport after June 30, 1976, and before July 1, 1977, is appropriated to the department of aeronautics for the operation and maintenance of the airport. The airport shall be transferred to its community, county, or region before July 1, 1977, notwithstanding Laws 1976, Chapter 204, Section 45, Subdivision 8. This is the final appropriation.

Sec. 21

Subdivision 1. Minnesota Statutes 238.04 is amended by adding a subdivision 5a as follows: The chairman and the other members of the commission shall also receive their ordinary and necessary expenses in the same amount and manner as state employees.

Subd. 2. Subdivision 1 is effective January 1, 1976.

Sec. 22

Subdivision 1. The unencumbered balance of \$205,694.73 remaining in the appropriation made in Laws 1971, Chapter 963, Section 7, Subdivision 1 (1), relocate computer facilities and install inverter is cancelled to the general fund.

Subd. 2. The commissioner of finance is directed to transfer from the general fund to the computer services revolving fund the sum of \$205,694.73 to adjust the cost to the computer services revolving fund to the actual cost of relocation of computer facilities.

Sec. 23. Minnesota Statutes 177.44, Subdivision 3 is amended to read: The department of labor and industry shall conduct investigations and hold public hearings *subject to the provisions of Chapter 15* necessary to define classes of laborers and mechanics and to inform itself as to the hours of labor and wage rates prevailing in all areas of the state for all classes of labor and mechanics commonly employed in highway construction work, with a view to ascertaining and determining prevailing hours of labor, prevailing wage rates and hourly basic rates of pay accordingly.

The department shall inform itself of the nature of the equipment furnished by truck drivers who own and operate trucks on such contract work, with a view to ascertaining and determining minimum rates for the equipment, and shall establish by regulation such minimum rates to be computed into the prevailing wage rate in accordance with the definition thereof in section 177.42.

The sum of \$200,000 is appropriated to the department of labor for the purposes of this section for the biennium ending June 30, 1977.

Sec. 24. Minnesota Statutes 1974, Section 179.74, is amended by adding a subdivision to read:

"Subd. 6. If complete agreement between the state and exclusive representatives of state employes is not reached by October 1 of even numbered years, each party shall notify the director who shall forthwith schedule mediation between the parties. If complete agreement is not reached by November 1, the director shall declare an impasse and each party shall submit its final position to the director by November 10, who shall immediately forward the final positions to the board. The board shall submit the names of seven arbitrators to the parties by November 15, who shall select an arbitrator or arbitrators pursuant to Section 179.72. Arbitration proceedings shall begin as soon as possible, in no event later than December 1, and the decision of the arbitrators shall be made by December 25."

Sec. 25. This act is effective upon enactment except for Section 21 which is effective January 1, 1976.

Further in the title, delete in its entirety and insert the following:

"A bill for an act relating to the organization, operation and financing of state government; appropriating money; amending

Minnesota Statutes Section 177.44, Subdivision 3; Section 179.74 by adding a subdivision; and Section 238.04 by adding a subdivision.”.

The motion prevailed and the amendment was adopted.

Haugerud moved to amend S. F. No. 2581, as amended, as follows:

Page 8, delete Sec. 24 and insert:

“Sec. 24. Minnesota Statutes 1974, Section 43.324, Subdivision 1, is amended to read:

43.324 [COMPENSATION PLAN.] Subdivision 1. On or before December (1) 31 of each even numbered year, the commissioner of personnel shall after consultation with the commissioner of finance submit to the governor, or if a governor has been elected in that year to the governor-elect, his recommendations concerning compensation to be paid all employees in the classified and unclassified civil service in the executive branch with the exception of salaries for positions exempted from the commissioner's salary setting authority in section 43.064. The recommendations so submitted shall be in bill form, drafted in conformity with the rules of the senate and house of representatives and may contain proposals concerning salaries, paid holidays, health and life insurance benefits, and other items of compensation for all employees in the executive branch. The recommendations shall also include any agreements reached through collective bargaining, or ordered by arbitrators, or which may be the results of any negotiations conducted under a public employment labor relations law applicable to state employees to the extent that such agreements pertain to issues or items included in the commissioner's compensation recommendations described in this subdivision.

Sec. 25. Minnesota Statutes 1974, Section 179.69, Subdivision 5, is amended to read:

Subd. 5. In the event the employer and exclusive representative fail to execute a contract pursuant to subdivision 4, they shall each submit their respective final positions on those terms and conditions of employment not agreed upon by the parties to the director at least 75 days prior to the last date the employer is required to submit its tax levy or budget, or certify the taxes voted to the appropriate public officer, agency, public body or office, or by October 1, whichever date is earlier, except in the case of the executive branch of state government, (WHERE THE FINAL DATE FOR SUBMISSION OF FINAL POSITIONS SHALL BE NOVEMBER 15 OF EVEN NUMBERED YEARS) which shall be governed by the provisions of section 26 of this act. Either or both parties except for essential employees may after this time petition the director for binding arbitration

stating that an impasse has been reached and the director has determined that further mediation efforts under subdivision 1 would serve no purpose. If the employer has petitioned for binding arbitration said proceedings shall begin within 15 days thereof and be binding on both parties. The director shall determine the matters not agreed upon based upon his efforts to mediate the dispute. If the employee representative has petitioned for binding arbitration the employer shall have 15 days after the director of mediation has determined that an impasse has been reached to reject the request or agree to submit matters not agreed upon to binding arbitration. If the employer does not respond within 15 days it shall be regarded as a rejection and said rejection shall be a refusal by the employer within the meaning of section 179.64, subdivision 7. Under a petition by either party the parties may stipulate those agreed upon items to be excluded from arbitration. Notwithstanding a failure to comply with subdivisions 3, 4, and 5, the director may maintain jurisdiction under section 179.71, subdivision 2.

Sec. 26. Minnesota Statutes 1974, Section 179.74, is amended by adding a subdivision to read:

Subd. 6. If complete agreement between the state and exclusive representatives of state employees is not reached by October 1 of even numbered years, each party shall notify the director who shall forthwith schedule mediation between the parties. If complete agreement is not reached by November 1, the director shall declare an impasse and each party shall submit its final position to the director by November 10, who shall immediately forward the final positions to the board. Subject to the employer's right to reject arbitration under section 179.69, subdivision 5, the board shall submit the names of seven arbitrators to the parties by November 15, who shall select an arbitrator or arbitrators pursuant to section 179.72. Arbitration proceedings shall begin as soon as possible, in no event later than December 1, and the decision of the arbitrators shall be made by December 25."

Renumber the remaining section.

Further, amend the title by deleting lines 3, 4, and 5 and inserting "Statutes 1974, Sections 43.324, Subdivision 1; 177.44, Subdivision 3; 179.69, Subdivision 5; 179.74, by adding a subdivision; and 238.04, by adding a subdivision."

Osthoff moved to amend the Haugerud amendment, as follows:

Page 3, line 30, after "December 25" insert "the state shall honor all contracts negotiated prior to January 30, 1976".

POINT OF ORDER

Savelkoul raised a point of order pursuant to Rule 3.9 that the Osthoff amendment to the Haugerud amendment was out of order. The Speaker ruled the point of order not well taken.

A roll call on the Osthoff amendment to the Haugerud amendment was requested and properly seconded.

The question was taken on the adoption of the Osthoff amendment to the Haugerud amendment and the roll being called, there were yeas 62, and nays 65, as follows:

Those who voted in the affirmative were:

Abeln	Ewald	Ketola	Novak	Schumacher
Anderson, I.	Fudro	Kostohryz	Osthoff	Sieben, H.
Arlandson	Fugina	Kroening	Parish	Sieloff
Begich	George	Laidig	Patton	Simoneau
Berglin	Heinitz	Lindstrom	Pehler	Spanish
Carlson, A.	Hokanson	Luther	Petrafaso	Vento
Carlson, L.	Jacobs	Mangan	Philbrook	Volk
Carlson, R.	Jensen	McCarron	Prahl	Wenstrom
Casserly	Johnson, D.	McCollar	Reding	White
Clawson	Jude	McEachern	Rice	Williamson
Corbid	Kelly, R.	Menning	St. Onge	
Dahl	Kempe, A.	Metzen	Sarna	
Enebo	Kempe, R.	Neisen	Schreiber	

Those who voted in the negative were:

Adams, S.	Doty	Jopp	Nelsen	Smith
Albrecht	Eckstein	Kahn	Nelson	Smogard
Anderson, G.	Eken	Kaley	Niehaus	Stanton
Beauchamp	Erickson	Kalis	Norton	Swanson
Berg	Esau	Kelly, W.	Peterson	Tomlinson
Biersdorf	Evans	Knickerbocker	Pleasant	Ulland
Braun	Faricy	Knoll	Samuelson	Vanasek
Brinkman	Fjoslien	Kvam	Savelkoul	Voss
Byrne	Forsythe	Langseth	Schulz	Wenzel
Clark	Friedrich	Lemke	Searle	Wieser
Dean	Hanson	Mann	Setzepfandt	Wigley
DeGroat	Haugerud	Moe	Sieben, M.	Zubay
Dieterich	Jaros	Munger	Skoglund	Speaker Sabo

The motion did not prevail and the amendment to the amendment was not adopted.

Enebo moved to amend the Haugerud amendment, as follows:

Page 3, lines 13 to 30, delete Section 26.

A roll call was requested and properly seconded.

The question was taken on the adoption of the Enebo amendment to the Haugerud amendment and the roll being taken, there were yeas 43, and nays 75, as follows:

Those who voted in the affirmative were:

Abeln	Byrne	Casserly	Fudro	Hokanson
Begich	Carlson, L.	Dieterich	Fugina	Jacobs
Berglin	Carlson, R.	Enebo	Hanson	Jaros

Jensen	McCarron	Parish	Rice	Spanish
Johnson, D.	McCollar	Patton	Samuelson	Swanson
Kempe, A.	Metzen	Pehler	Sarna	Volk
Kostohryz	Nelson	Philbrook	Sieben, H.	Williamson
Kroening	Novak	Prahl	Sieben, M.	
Mangan	Osthoff	Reding	Skoglund	

Those who voted in the negative were:

Adams, S.	DeGroat	Kaley	Munger	Sieloff
Albrecht	Doty	Kalis	Neisen	Simoneau
Anderson, G.	Eckstein	Kelly, W.	Nelsen	Smogard
Anderson, I.	Eken	Kempe, R.	Niehaus	Stanton
Arlandson	Erickson	Ketola	Norton	Suss
Beauchamp	Esau	Knickerbocker	Peterson	Tomlinson
Berg	Evans	Kvam	Petrafeso	Ulland
Biersdorf	Ewald	Laidig	Pleasant	Voss
Braun	Faricy	Langseth	Savelkoul	Wenstrom
Brinkman	Fjoslien	Lemke	Schreiber	Wenzel
Carlson, A.	Friedrich	Lindstrom	Schulz	White
Clark	Haugerud	Luther	Schumacher	Wieser
Clawson	Jopp	Mann	Searle	Wigley
Corbid	Jude	McCauley	Setzepfandt	Zubay
Dean	Kahn	Moe	Sherwood	Speaker Sabo

The motion did not prevail and the amendment to the amendment was not adopted.

The question recurred on the adoption of the Haugerud amendment. The motion prevailed and the amendment was adopted.

Biersdorf and Kvam were excused for the remainder of today's session.

Kahn, Norton, Voss, Faricy, McCarron, Dean and Forsythe moved to amend S. F. No. 2581, as amended, as follows:

Page 6, strike Section 19 in its entirety and insert the following:

"Section 19. Subdivision 1. All moneys appropriated for fiscal year 1977 in Laws of Minnesota, 1975, Chapter 433, as shown in the worksheets of the conferees of the Senate and House of Representatives to the University of Minnesota, State University System, Community College System and Department of Education for the purpose of providing funding for the use of and communications costs for the Minnesota educational computing consortium (MECC) managed Univac 1110 instructional time sharing system, and which are unencumbered after completion of the system acceptance test period commencing April 15, 1976, shall not be expended except under the conditions of Subdivision 3, unless Univac meets the acceptance test criteria as defined in the contract between MECC and Univac, including the requirements that;

1. The criteria that the system be available to users for productive operational use an average of 90 percent or more of the

principal period of maintenance for a period of thirty consecutive days shall include unavailability from failure of hardware, software and Univac related communications capability and compatibility and shall not exclude unavailability due to any class of problem users.

2. *The MECC Acceptance Test Guide* shall be used by MECC as the governing document for acceptance test procedures except that it shall not conflict with or lessen any of the performance requirements of the MECC/Univac contract itself.

3. The systems acceptance criteria shall require all time sharing processing to have a performance reasonably equivalent to that required by the final recommendation in the Executive Summary of the Report of the Benchmark Evaluation Committee, (relating to response times) adopted by the MECC Board of Directors on December 18, 1974.

Provided, however, that if any portion of the successful thirty (30) continuous day performance period occurs after May 28, 1976, Univac shall be required to again successfully perform the acceptance test during the period beginning October 1, 1976 and continuing through December 22, 1976. If the acceptance test is not successfully performed within ninety (90) days of April 15, 1976 or by December 22, 1976, if the second acceptance period is utilized, MECC shall terminate the agreement without further extension. Utilization of the second acceptance test period shall not relieve the contracting parties of any of the contract provisions relating to delivery of required features at the conclusion of the first acceptance period.

Subdivision 2. The Governor shall, using the procedures of M.S. 3.30, obtain the services of a consultant to monitor the contract and acceptance test and shall, again using the procedures of M.S. 3.30, determine whether the Univac 1110 has successfully passed the acceptance test. The Governor's decision shall be binding on MECC. There is appropriated to the general contingent account the sum of \$100,000 which may be expended to accomplish the purposes of this subdivision.

Subdivision 3. In the event that the Univac 1110 fails the acceptance test as defined in Subdivision 1, or in the event that Univac removes the 1110 prior to the completion of the test the unencumbered funds may be expended and shall be used to provide back up computer service to the MECC users. There is appropriated to the general contingent account the sum of \$500,000 which may be expended to provide additional back up service in the event the unencumbered funds are not sufficient."

Renumber the remaining sections.

Sieloff moved to amend the Kahn amendment, as follows:

Page 1, Section 19, paragraph 2, after "itself" insert "or mutual modification thereof".

A roll call was requested and properly seconded.

The question was taken on the adoption of the Sieloff amendment to the Kahn amendment and the roll being called, there were yeas 19, and nays 87, as follows:

Those who voted in the affirmative were:

Adams, S.	DeGroat	Kempe, R.	Niehaus	Savelkoul
Albrecht	Eckstein	Laidig	Novak	Sieloff
Braun	Eken	Lindstrom	Patton	Ulland
Carlson, A.	Erickson	McCauley	Philbrook	

Those who voted in the negative were:

Abeln	Doty	Jude	Metzen	Smogard
Anderson, G.	Enebo	Kahn	Moe	Spanish
Anderson, I.	Evans	Kaley	Nelsen	Stanton
Beauchamp	Ewald	Kalis	Norton	Suss
Begich	Faricy	Kelly, R.	Osthoff	Swanson
Berg	Fjoslien	Kelly, W.	Parish	Tomlinson
Berglin	Forsythe	Ketola	Pehler	Vanasek
Brinkman	Friedrich	Knickerbocker	Peterson	Volk
Byrne	Fudro	Knoll	Prahl	Voss
Carlson, L.	Fugina	Kostohryz	St. Onge	Wenstrom
Carlson, R.	George	Kroening	Samuelson	Wenzel
Cassery	Hanson	Langseth	Schreiber	White
Clark	Haugerud	Luther	Schumacher	Wieser
Clawson	Heinitz	Mann	Setzpfandt	Williamson
Corbid	Hokanson	McCarron	Sherwood	Speaker Sabo
Dahl	Jacobs	McCollar	Sieben, H.	
Dean	Jensen	McEachern	Simoneau	
Dieterich	Johnson, D.	Menning	Skoglund	

The motion did not prevail and the amendment to the amendment was not adopted.

Faricy moved to amend the Kahn amendment, as follows:

Page 1, section 19, paragraph 3, delete "equivalent" and insert "close".

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

The question recurred on the Kahn, Norton, Voss, Faricy, McCarron, Dean and Forsythe amendment as amended.

The motion prevailed and the amendment as amended was adopted.

Norton moved to amend S. F. No. 2581, as amended, as follows:

Page 2, after line 15, insert:

"Subd. 4. To the commissioner of administration for acquisition of the Mechanic Arts High School	\$2,000,000
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Notwithstanding any other law to the contrary, the commissioner of administration is authorized to negotiate and proceed with the acquisition of the Mechanic Arts High School and adjacent athletic fields owned by the St. Paul School District.

Notwithstanding the provisions of Minnesota Statutes Section 117.52, no relocation assistance, services, payments or benefits shall be provided by the commissioner of administration in connection with such acquisition."

The motion prevailed and the amendment was adopted.

Menning moved to amend S. F. No. 2581, as amended, as follows:

Page 8, before "Sec. 22." insert the following:

"Sec. 22. There is appropriated from the general fund to the Minnesota American Revolution Bicentennial Commission the sum of \$495,000. No more than 80 percent of the appropriation may be expended in grants to state agencies or political subdivisions as defined in section 15.162, subdivisions 5 and 7. No more than 20 percent of the appropriation may be expended for state-wide bicentennial commission programs."

Renumber subsequent sections accordingly.

Further amend the title accordingly:

Page 1, line 7, after "abolishing the state claims commission;" insert "appropriating money to the Minnesota American Bicentennial Commission;"

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll being called, there were yeas 18, and nays 94, as follows:

Those who voted in the affirmative were:

Albrecht	Fjoslien	Kroening	Novak	Ulland
Carlson, R.	Kempe, R.	Langseth	St. Onge	Wenstrom
DeGroat	Ketola	McCauley	Smogard	
Esau	Kostohryz	Menning	Spanish	

Those who voted in the negative were:

Abeln	Dieterich	Kahn	Nelson	Sieben, M.
Anderson, G.	Doty	Kalis	Niehaus	Sieloff
Anderson, I.	Eckstein	Kelly, R.	Norton	Simoneau
Arlandson	Eken	Kelly, W.	Osthoff	Skoglund
Beauchamp	Enebo	Kempe, A.	Parish	Stanton
Begich	Erickson	Knickerbocker	Patton	Suss
Berg	Ewald	Knoll	Pehler	Swanson
Berglin	Faricy	Laidig	Petrafeso	Tomlinson
Braun	Fugina	Lemke	Prahl	Vanasek
Brinkman	George	Lindstrom	Reding	Vento
Byrne	Hanson	Luther	Rice	Volk
Carlson, A.	Haugerud	Mangan	Samuelson	Voss
Carlson, L.	Heinitz	Mann	Sarna	Wenzel
Casserly	Hokanson	McCarron	Savelkoul	White
Clark	Jacobs	McCollar	Schreiber	Wieser
Clawson	Jaros	McEachern	Schulz	Williamson
Corbid	Jensen	Munger	Schumacher	Zubay
Dahl	Johnson, D.	Neisen	Setzepfandt	Speaker Sabo
Dean	Jude	Nelsen	Sieben, H.	

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

S. F. No. 2581, A bill for an act relating to the organization and operation of state government; appropriating and reappropriating money for the general administrative expenses of state government and limiting the use thereof; providing for payment of claims against the state; abolishing the state claims commission; amending Minnesota Statutes 1974, Sections 3.732, Subdivisions 1, 2, and 5; 3.751, Subdivision 1; 176.011, Subdivision 9; 192.38; 238.04, by adding a subdivision; 345.48, Subdivision 2; and Chapter 3, by adding a section; Minnesota Statutes, 1975 Supplement, Section 4.19; repealing Minnesota Statutes 1974, Sections 3.66 to 3.7311; 3.735; 3.752; 3.753; 3.76 to 3.83; and 15.315.

The bill was read for the third time, as amended, and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 115, and nays 3, as follows:

Those who voted in the affirmative were:

Abeln	Anderson, I.	Begich	Brinkman	Carlson, L.
Albrecht	Arlandson	Berg	Byrne	Carlson, R.
Anderson, G.	Beauchamp	Braun	Carlson, A.	Casserly

Clark	Hokanson	Langseth	Patton	Simoneau
Clawson	Jacobs	Lemke	Pehler	Skoglund
Corbid	Jaros	Lindstrom	Peterson	Smogard
Dahl	Jensen	Luther	Petraffeso	Spanish
Dean	Johnson, C.	Mangan	Philbrook	Stanton
DeGroat	Johnson, D.	Mann	Reding	Suss
Doty	Jude	McCarron	Rice	Swanson
Eckstein	Kahn	McCauley	St. Onge	Tomlinson
Eken	Kaley	McCollar	Samuelson	Ulland
Erickson	Kalis	McEachern	Sarna	Vanasek
Esau	Kelly, R.	Menning	Savelkoul	Vento
Ewald	Kelly, W.	Metzen	Schreiber	Volk
Faricy	Kempe, A.	Moe	Schulz	Voss
Fjoslien	Kempe, R.	Munger	Schumacher	Wenstrom
Friedrich	Ketola	Nelsen	Searle	Wenzel
Fugina	Knickerbocker	Nelson	Setzepfandt	White
George	Knoll	Niehaus	Sherwood	Wieser
Hanson	Kostohryz	Norton	Sieben, H.	Williamson
Haugerud	Kroening	Novak	Sieben, M.	Zubay
Heinitz	Laidig	Parish	Sieloff	Speaker Sabo

Those who voted in the negative were:

Berglin Dieterich Enebo

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

SPECIAL ORDERS

Anderson, I., moved that the bills on Special Orders for today be continued on Special Orders for Friday, March 26, 1976, immediately following the Calendar. The motion prevailed.

There being no objection the order of business reverted to Messages from the Senate.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned:

H. F. No. 2683, A bill for an act relating to claims against the state; appropriating moneys for the payment thereof.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following House Files, herewith returned:

H. F. No. 1323, A bill for an act relating to health; setting standards for contract emergency ambulance services; amending Minnesota Statutes 1974, Section 144.804, Subdivision 3.

H. F. No. 1372, A bill for an act relating to waters and drainage; drainage systems; authorizing reconsideration of engineers' and viewers' reports in certain instances; allowing consideration of changed circumstances due to inflation; amending Minnesota Statutes 1974, Section 106.241.

H. F. No. 2442, A bill for an act relating to Minnesota Statutes; restoring certain erroneously omitted language; amending Laws 1975, Chapter 347, Section 3.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 746, A bill for an act relating to commerce; requiring prices on certain retail food packages.

PATRICK E. FLAHAVEN, Secretary of the Senate

Jacobs moved that the House refuse to concur in the Senate amendments to H. F. No. 746, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two Houses. The motion prevailed.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 2043, A bill for an act relating to elections; providing for uniform reporting dates for campaign disclosure forms; providing for disclosure of campaign contributions and expenditures of political committees and candidates for local office; amending Minnesota Statutes 1974, Chapters 123, 373, and 471, by adding sections; and Minnesota Statutes, 1975 Supplement, Sections 210A.01, Subdivisions 1, 5, 6, 8, 9, and by adding subdivisions; 210A.05, Subdivision 1; 210A.16; 210A.23; 210A.24; 210A.25; 210A.26; 210A.27, Subdivision 1; 210A.29; 210A.32; 210A.33; Chapter 210A, by adding sections; repealing Minnesota

Statutes, 1975 Supplement, Sections 123.015; 210A.01, Subdivisions 4 and 7; 210A.22; 210A.28; and 210A.31.

PATRICK E. FLAHAVEN, Secretary of the Senate

Vento moved that the House refuse to concur in the Senate amendments to H. F. No. 2043, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two Houses. The motion prevailed.

ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to the Conference Committee on H. F. No. 2203:

Petrafeso, Samuelson and Swanson.

The Speaker announced the appointment of the following members of the House to the Conference Committee on H. F. No. 746:

Jacobs, Hokanson and Adams, L.

The Speaker announced the appointment of the following members of the House to the Conference Committee on H. F. No. 2043:

Vento, Sarna and Biersdorf.

ADJOURNMENT

Anderson, I., moved that when the House adjourns today it adjourn until 11:00 a.m., Friday, March 26, 1976. The motion prevailed.

Anderson, I., moved that the House adjourn. The motion prevailed and the Speaker declared the House adjourned until 11:00 a.m., Friday, March 26, 1976.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

STATE OF MINNESOTA

SIXTY-NINTH SESSION - 1976

NINETY-NINTH DAY

SAINT PAUL, MINNESOTA, FRIDAY, MARCH 26, 1976

The House convened at 11:00 a.m. and was called to order by the Speaker.

Prayer was offered by the Chaplain.

The roll was called and the following members were present:

Abeln	Doty	Kahn	Munger	Sherwood
Adams, L.	Eckstein	Kaley	Neisen	Sieben, H.
Adams, S.	Eken	Kalis	Nelsen	Sieben, M.
Albrecht	Enebo	Kelly, R.	Nelson	Sieloff
Anderson, G.	Erickson	Kelly, W.	Niehaus	Simoneau
Anderson, I.	Esau	Kempe, A.	Norton	Skoglund
Arlandson	Evans	Kempe, R.	Novak	Smith
Beauchamp	Ewald	Ketola	Osthoff	Smogard
Begich	Faricy	Knickerbocker	Parish	Spanish
Berg	Fjoslien	Knoll	Patton	Stanton
Berglin	Forsythe	Kostohryz	Pehler	Suss
Biersdorf	Friedrich	Kroening	Peterson	Swanson
Birnstihl	Fudro	Kvam	Petrafeso	Tomlinson
Braun	Fugina	Laidig	Philbrook	Ulland
Brinkman	George	Langseth	Pleasant	Vanasek
Byrne	Graba	Lemke	Prahl	Vento
Carlson, A.	Hanson	Lindstrom	Reding	Volk
Carlson, L.	Haugerud	Luther	Rice	Voss
Carlson, R.	Heinitz	Mangan	St. Onge	Wenstrom
Cassery	Hokanson	Mann	Samuelson	Wenzel
Clark	Jacobs	McCarron	Sarna	White
Clawson	Jaros	McCauley	Savelkoul	Wieser
Corbid	Jensen	McCollar	Schreiber	Wigley
Dahl	Johnson, C.	McEachern	Schulz	Williamson
Dean	Johnson, D.	Menning	Schumacher	Zubay
DeGroat	Jopp	Metzen	Searle	Speaker Sabo
Dieterich	Jude	Moe	Setzpfandt	

A quorum was present:

The Chief Clerk proceeded to read the Journal of the preceding day. On the motion of Vanasek the further reading was dispensed with and the Journal was approved as corrected.

REPORTS OF CHIEF CLERK

Pursuant to Rules of the House, printed copies of H. F. Nos. 2466, 2274 and 2688 and S. F. Nos. 1800, 486, 1615 and 2241 have been placed in the members' files.

PETITIONS AND COMMUNICATIONS

The following communications were received:

STATE OF MINNESOTA
OFFICE OF THE GOVERNOR
ST. PAUL 55155

March 24, 1976

The Honorable Martin Sabo
Speaker of the House

Sir:

I have the honor to inform you that I received, approved, signed and deposited in the office of the Secretary of State the following House Files:

H. F. No. 1099, An act relating to Hennepin county; hospital and medical care for poor persons funding; amending Laws 1963.

H. F. No. 1932, An act relating to state administrative procedures; amending Minnesota Statutes 1974.

H. F. No. 1959, An act authorizing the commissioner of administration to convey a portion of a water system at the Red Wing state training school to the city of Red Wing.

H. F. No. 1960, An act relating to the firemen's relief association of the city of Goodview; providing that years of service with the Goodview volunteer fire department shall be treated as years of service with the Goodview firemen's relief association; repealing Laws 1974.

H. F. No. 1961, An act relating to the city of Chanhassen; firemen's service pensions.

H. F. No. 2298, An act relating to eminent domain; time of title and possession; providing that certain payments deposited with the court shall draw interest; amending Minnesota Statutes, 1975 Supplement, Section 117.042.

Sincerely,

WENDELL R. ANDERSON
Governor

STATE OF MINNESOTA
OFFICE OF THE GOVERNOR
ST. PAUL 55155

March 25, 1976

The Honorable Martin Sabo
Speaker of the House

Sir:

I have the honor to inform you that I received, approved, signed and deposited in the office of the Secretary of State the following House Files:

H. F. No. 574, An act relating to pollution control; relating to the power to issue subpoenas; authorizing the agency to disseminate information and receive copies of Minnesota Statutes.

H. F. No. 2009, An act relating to the cities of Chisholm, Eveleth and Duluth; police and firemen's pensions and survivor benefits therein; amending Laws 1935.

H. F. No. 2022, An act relating to real property; title registration; providing for the issuance of duplicate certificates of title to replace lost or destroyed duplicate certificates; prescribing fees of the registrar; amending Minnesota Statutes 1974.

Sincerely,

WENDELL R. ANDERSON
Governor

STATE OF MINNESOTA
OFFICE OF THE SECRETARY OF STATE
ST. PAUL 55155

March 25, 1976

The Honorable Martin O. Sabo
Speaker of the House of Representatives
The Honorable Alec G. Olson
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1976 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:

<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Date Approved 1976</i>	<i>Date Filed 1976</i>
	1099	67	March 24	March 24
	1932	68	March 24	March 24

<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Date Approved 1976</i>	<i>Date Filed 1976</i>
	1959	69	March 24	March 24
	1960	70	March 24	March 24
	1961	71	March 24	March 24
	2298	72	March 24	March 24
1862		73	March 24	March 24
1967		74	March 24	March 24
2057		75	March 24	March 24

Sincerely,

JOAN ANDERSON GROWE
Secretary of State

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House File was introduced:

Sieloff and Kempe, A., introduced:

H. F. No. 2701, A bill for an act relating to workers' compensation; providing for the registration of any pre-existing mental or physical condition with the special fund; amending Minnesota Statutes 1974, Section 176.131, Subdivisions 1, 2, 3, 4, 8 and 9.

The bill was read for the first time and referred to the Committee on Governmental Operations.

HOUSE ADVISORY BILLS

Pursuant to Rule 5.3, the following House Advisory Bill was introduced:

Mann, Munger and Eken introduced:

H. A. B. No. 76, Underground water survey.

The bill was referred to the Committee on Agriculture.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned.

H. F. No. 1075, A bill for an act relating to public health; reducing to 17 the age at which a person is eligible to be a blood donor; amending Minnesota Statutes 1974, Section 145.41.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned:

H. F. No. 1996, A bill for an act relating to education; requiring school boards to take control of all co-curricular school activities; changing the method of accounting for co-curricular and extra curricular activities; describing co-curricular and extra curricular activities; amending Minnesota Statutes 1974, Section 123.38, Subdivisions 1, 2, and 3, and by adding subdivisions.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

H. F. No. 404, A bill for an act relating to banks; cash reserves of banks and trust companies; recordkeeping of savings associations; amending Minnesota Statutes 1974, Sections 48.22; and 51A.19, Subdivision 4.

The Senate has repassed said bill, in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 920, A bill for an act relating to recreation; environmental preservation and energy conservation; conserving human and natural resources by promoting health and recreation and abating environmental pollution by encouraging the use of bi-

cycles; providing for a bicycle registration system, and prescribing the powers and duties of the commissioner of public safety in relation thereto; directing the commissioner of public safety to study the use of bicycles on streets, highways, bicycle ways and bicycle lanes; prescribing a model bicycle ordinance for political subdivisions; directing the commissioner of natural resources to develop a plan for an interconnecting system of bicycle trails; providing for the construction of bicycle lanes or ways using federal funds; prescribing penalties; and appropriating money.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Kahn moved that the House concur in the Senate amendments to H. F. No. 920 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 920, A bill for an act relating to recreation; environmental preservation and energy conservation; conserving human and natural resources by promoting health and recreation and abating environmental pollution by encouraging the use of bicycles; providing for a bicycle registration system, and prescribing the powers and duties of the commissioner of public safety in relation thereto; directing the commissioner of public safety to study the use of bicycles on streets, highways, bicycle ways and bicycle lanes; directing the commissioner of education to submit a proposal for bicycle safety education; directing the commissioner of natural resources to develop a program for an interconnecting system of bicycle trails; providing for the construction of bicycle lanes or ways using federal funds; prescribing penalties; and appropriating money.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question being taken on the passage of the bill and the roll being called, there were yeas 73, and nays 55, as follows:

Those who voted in the affirmative were:

Abeln	Dahl	Kahn	Neisen	Skoglund
Adams, L.	Dean	Kelly, R.	Nelson	Spanish
Adams, S.	Dieterich	Kempe, A.	Norton	Stanton
Arlandson	Enebo	Kempe, R.	Novak	Suss
Beauchamp	Ewald	Knickerbocker	Parish	Swanson
Berg	Faricy	Knoll	Patton	Tomlinson
Berglin	Forsythe	Kostohryz	Pehler	Ulland
Byrne	George	Kroening	Petrafeso	Vento
Carlson, A.	Hanson	Laidig	Philbrook	Volk
Carlson, L.	Heinitz	Luther	Rice	Voss
Carlson, R.	Hokanson	Mangan	Schreiber	Wenstrom
Casserly	Jacobs	McCarron	Sherwood	White
Clark	Jaros	McCollar	Sieben, H.	Speaker Sabo
Clawson	Jensen	Metzen	Sieben, M.	
Corbid	Jude	Moe	Simoneau	

Those who voted in the negative were:

Albrecht	Eken	Jopp	Nelsen	Schumacher
Anderson, G.	Erickson	Kaley	Niehaus	Searle
Anderson, I.	Esau	Kalis	Osthoff	Setzepfandt
Begich	Evans	Ketola	Peterson	Sieloff
Biersdorf	Fjoslien	Langseth	Prahl	Smith
Birnstihl	Friedrich	Lemke	Reding	Smogard
Braun	Fudro	Lindstrom	St. Onge	Vanasek
Brinkman	Graba	Mann	Samuelson	Wenzel
DeGroat	Haugerud	McCauley	Sarna	Wieser
Doty	Johnson, C.	McEachern	Savelkoul	Wigley
Eckstein	Johnson, D.	Menning	Schulz	Zubay

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate File, herewith transmitted:

S. F. No. 2402.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 2402, A bill for an act relating to historic sites; designating additional historic sites; amending Minnesota Statutes 1974, Sections 138.081, by adding a subdivision; 138.53, Subdivisions 7, 38, and by adding subdivisions; 138.58, by adding subdivisions; and 138.73, Subdivision 17.

The bill was read for the first time.

Eckstein moved that S. F. No. 2402 and H. F. No. 2466, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

The following conference committee reports were received:

CONFERENCE COMMITTEE REPORT ON H. F. NO. 2159

A bill for an act relating to the city of Minneapolis; municipal employees survivor benefits; amending Minnesota Statutes 1974, Section 422A.23, Subdivisions 2 and 3; repealing Minnesota Statutes 1974, Section 422A.23, Subdivision 4.

March 25, 1976

The Honorable Martin O. Sabo
Speaker of the House of Representatives
The Honorable Alec G. Olson
President of the Senate

We, the undersigned conferees for H. F. No. 2159 report that we have agreed upon the items in dispute and recommend as follows:

That the senate recede from its amendments and that H. F. No. 2159 be amended as follows:

Page 2, after line 21 insert:

"Sec. 3. [52.135] [INDIVIDUAL RETIREMENT ACCOUNTS.] *A credit union, upon approval of the commissioner of banks of an application in the prescribed form filed with him together with a filing fee of \$100, may act as trustee or custodian within the contemplation of the federal self-employed individuals tax retirement act of 1962, as amended and may act as trustee or custodian within the contemplation of the federal employee retirement income security act of 1974, as amended, to establish an individual retirement account. The funds shall be invested only in savings, or time deposits, except that this restriction shall not prevent a credit union from accepting and retaining, as a deposit, property or investments derived from any qualified plan from which the applicant desires to transfer the property.*

Funds held in the fiduciary capacity may be commingled for purposes of investment or for other purposes approved by the commissioner of banks, but individual records shall be maintained by the fiduciary for each participant and show in detail all transactions engaged in under authority of this section. In passing upon applications the commissioner shall take into consideration all pertinent facts that relate to a credit union's financial responsibility and may grant or refuse the application accordingly."

Page 2, delete lines 26 to 28.

Renumber the sections in order.

Further, delete the title and insert:

"A bill for an act relating to retirement; amending the Minneapolis municipal employees retirement act as applied to survivors benefits; permitting a credit union to act as trustee or custodian for individual retirement accounts; amending Minnesota Statutes 1974, Section 422A.23, Subdivisions 2 and 3; repealing Minnesota Statutes 1974, Section 422A.23, Subdivision 4."

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

House Conferees: FRANKLIN J. KNOLL, WESLEY J. SKOGLUND and WILLIAM D. DEAN.

Senate Conferees: EUGENE E. STOKOWSKI, HARMON T. OGDahl and EDWARD J. GEARTY.

Knoll moved that the report of the Conference Committee on H. F. No. 2159 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 2159, A bill for an act relating to the city of Minneapolis; municipal employees survivor benefits; amending Minnesota Statutes 1974, Section 422A.23, Subdivisions 2 and 3; repealing Minnesota Statutes 1974, Section 422A.23, Subdivision 4.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question being taken on the repassage of the bill and the roll being called, there were yeas 134, and nays 0, as follows:

Those who voted in the affirmative were:

Abeln	Doty	Kahn	Munger	Sherwood
Adams, L.	Eckstein	Kaley	Neisen	Sieben, H.
Adams, S.	Eken	Kalis	Nelsen	Sieben, M.
Albrecht	Enebo	Kelly, R.	Nelson	Sieloff
Anderson, G.	Erickson	Kelly, W.	Niehaus	Simoneau
Anderson, I.	Esau	Kempe, A.	Norton	Skoglund
Arlandson	Evans	Kempe, R.	Novak	Smith
Beauchamp	Ewald	Ketola	Osthoff	Smogard
Begich	Faricy	Knickerbocker	Parish	Spanish
Berg	Fjoslien	Knoll	Patton	Stanton
Berglin	Forsythe	Kostohryz	Pehler	Suss
Biersdorf	Friedrich	Kröening	Peterson	Swanson
Birnstihl	Fudro	Kvam	Petrafaso	Tomlinson
Braun	Fugina	Laidig	Philbrook	Ulland
Brinkman	George	Langseth	Pleasant	Vanasek
Byrne	Graba	Lemke	Prahl	Vento
Carlson, A.	Hanson	Lindstrom	Reding	Voik
Carlson, L.	Haugerud	Luther	Rice	Voss
Carlson, R.	Heinitz	Mangan	St. Onge	Wenstrom
Casserly	Hokanson	Mann	Samuelson	Wenzel
Clark	Jacobs	McCarron	Sarna	White
Clawson	Jaros	McCauley	Savelkoul	Wieser
Corbid	Jensen	McCollar	Schreiber	Wigley
Dahl	Johnson, C.	McEachern	Schulz	Williamson
Dean	Johnson, D.	Menning	Schumacher	Zubay
DeGroat	Jopp	Metzen	Searle	Speaker Sabo
Dieterich	Jude	Moe	Setzepfandt	

The bill was repassed, as amended by Conference, and its title agreed to.

CONFERENCE COMMITTEE REPORT ON H. F. NO. 1519

A bill for an act relating to the city of St. Paul; providing for and authorizing issuance of general obligation bonds for capital improvement budget purposes; amending Laws 1971, Chapter 773, Section 1, as amended.

March 25, 1976

The Honorable Martin O. Sabo
Speaker of the House of Representatives
The Honorable Alec G. Olson
President of the Senate

We, the undersigned conferees for H. F. No. 1519 report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that H. F. No. 1519 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Laws 1971, Chapter 773, Section 1, as amended by Laws 1974, Chapter 351, Section 5, is amended to read:

Section 1. [ST. PAUL, CITY OF; CAPITAL IMPROVEMENTS PROGRAM.] Subdivision 1. Notwithstanding any provision of the charter of the city of St. Paul, the council of said city shall have power by a resolution adopted by five affirmative votes of all its members to authorize the issuance and sale of general obligation bonds of the city in an amount of (\$4,500,000) \$6,500,000 for each calendar year for a four year period commencing with the year (1972) 1976, for the payment of which the full faith and credit of the city is irrevocably pledged.

Subd. 2. (DURING THE CALENDAR YEAR 1975, THE COUNCIL OF SAID CITY SHALL HAVE THE POWER BY A RESOLUTION ADOPTED BY FIVE AFFIRMATIVE VOTES OF ALL ITS MEMBERS, TO AUTHORIZE THE ISSUANCE AND SALE OF GENERAL OBLIGATION BONDS OF THE CITY FOR AN ADDITIONAL AMOUNT UP TO \$2,000,000, OVER AND ABOVE THE \$4,500,000 SPECIFIED HERETOFORE. THE ADDITIONAL REVENUE SHALL BE USED EXCLUSIVELY FOR THE IMPROVEMENT OF PHALEN PARK.) *If federal funds are committed for the completion of a transit system to be located primarily in the central business district, the city may issue up to \$4,000,000 in general obligation bonds pursuant to this section for the local share of the funding for the transit system, so long as the total amount of general obligation bonds issued under this section does not exceed \$26,000,000.*

Sec. 2. Laws 1971, Chapter 773, Section 4, is amended to read:

Sec. 4. No proceeds of any bonds issued pursuant to section 1 hereof shall be expended for the construction or equipment of any portion of the St. Paul auditorium or civic center connected thereto; nor shall any such proceeds be expended for the acquisition or betterment of the building known as the Lowry Medical Arts Annex. All bonds issued under this act shall mature at any time or times within ten years from the date of issue.

Sec. 3 *Subdivision 1.* Notwithstanding any provision of law or the charter of the city of St. Paul to the contrary, any issue of revenue bonds authorized by the port authority of the city of St. Paul shall be issued only with the consent of the city council of the city of St. Paul by a resolution adopted in accordance with law.

Subd. 2. [IMPAIRMENT OF EXISTING OBLIGATIONS.] No existing obligation, contract, agreement, collective bargaining agreement, fringe benefit plan, or covenant made or entered into by the St. Paul port authority shall be in any manner impaired by the adoption of this act.

Subd. 3. Notwithstanding any other law or charter provision to the contrary the council may, by resolution adopted by a majority of the council, place any employees of the port authority under the direction, supervision or control of the mayor or another department of the city of St. Paul.

Sec. 4. *Subdivision 1.* [CITY COUNCIL AS COMMISSIONERS OF HOUSING AND REDEVELOPMENT AUTHORITY.] Notwithstanding the provisions of Laws 1963, Chapter 514, Minnesota Statutes, Section 462.425, or any other law or the charter of the city of St. Paul to the contrary, commencing January 1, 1977, the housing and redevelopment authority of the city of St. Paul shall consist of the members of the city council of the city of St. Paul.

Subd. 2. [IMPAIRMENT OF EXISTING OBLIGATIONS.] No existing obligation, contract, agreement, collective bargaining agreement, fringe benefit plan, or covenant made or entered into by the housing and redevelopment authority of the city of St. Paul shall be in any manner impaired by the adoption of this act.

Subd. 3. Notwithstanding any other law or charter provision to the contrary the housing and redevelopment authority of the city of St. Paul may, by resolution adopted by a majority of the commissioners, place any employees of the housing and redevelopment authority of the city of St. Paul under the direction, supervision or control of the mayor or any department of the city of St. Paul.

Subd. 4. The establishment of the St. Paul city council as the commissioners of the St. Paul housing and redevelopment

authority or placement of any employees under the direction, supervision or control of the mayor or any department of the city, shall not affect rights of any employees of the housing and redevelopment authority, including but not limited to any rights pursuant to an existing collective bargaining agreement or fringe benefit plan. The employees shall remain as employees of the housing and redevelopment authority and shall not be employees of the city of St. Paul.

Sec. 5. *Notwithstanding any other provision of law or the city charter to the contrary, the city council of the city of St. Paul shall appoint a citizens advisory committee on housing and redevelopment to assist the council in carrying out its duties under sections 3 and 4 of this act.*

Sec. 6. Minnesota Statutes 1974, Section 15.50, Subdivision 3, is amended to read:

Subd. 3. The administrative and planning expenses of the commission shall be borne by the state. The expenses of the commission for competition premiums, land acquisition or improvement or any other capital expenditures in or upon properties owned or to be owned by the state shall be borne by the state. The expenses of any other public body for such expenditures shall be borne by the body concerned. The city of Saint Paul (SHALL HOLD) *may expend* moneys currently in the city of Saint Paul Capitol Approach Improvement Fund established by Laws 1945, Chapter 315, and acts amendatory thereof (UNTIL SUCH TIME AS THE LEGISLATURE MAY REQUIRE THE COMMISSION TO REQUEST THESE FUNDS FOR PLANNING AND DEVELOPMENT PURPOSES IN THE CAPITOL AREA. UPON SUCH REQUEST BY THE COMMISSION, THE CITY SHALL EXPEND SUCH FUNDS IN THE MANNER AND FOR THE PURPOSES SPECIFIED BY THE REQUEST) *for capital improvements contained in the city's approved capital improvement budget. The budget is to be adopted in accordance with the provisions contained in the city charter.*

Sec. 7. *This act shall become effective only after its approval by a majority of the governing body of the city of St. Paul and upon compliance with the provisions of Minnesota Statutes, Section 645.021."*

Further amend the title by striking it in its entirety and inserting:

"A bill for an act relating to the city of St. Paul; providing for and authorizing issuance of general obligation bonds for capital improvement budget purposes and for expending moneys for the capitol area; amending Minnesota Statutes 1974, Section 15.50, Subdivision 3; and Laws 1971, Chapter 773, Sections 1, as amended, and 4."

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

House Conferees: NEIL B. DIETERICH, RAY W. FARICY and JOHN D. TOMLINSON.

Senate Conferees: JOHN C. CHENOWETH, PETER P. STUMPF and ROBERT D. NORTH.

Dieterich moved that the report of the Conference Committee on H. F. No. 1519 be adopted and that the bill be repassed as amended by the Conference Committee.

Petrafeso moved that the House refuse to adopt the Conference Committee report on H. F. No. 1519, and that the bill be returned to Conference Committee.

A roll call was requested and properly seconded.

The question was taken on the motion to refuse to adopt the Conference Committee report and the roll being called, there were yeas 95, and nays 32, as follows:

Those who voted in the affirmative were:

Abeln	Clawson	Johnson, C.	Niehaus	Sieben, M.
Adams, L.	Corbid	Johnson, D.	Parish	Simoneau
Adams, S.	Dean	Jopp	Patton	Skoglund
Albrecht	Doty	Jude	Pehler	Smogard
Anderson, G.	Eckstein	Kahn	Peterson	Spanish
Anderson, I.	Eken	Kaley	Petrafeso	Stanton
Arlandson	Enebo	Kalis	Pleasant	Suss
Beauchamp	Erickson	Kelly, W.	Prahl	Swanson
Begich	Esau	Knoll	Reding	Ulland
Berg	Evans	Kroening	Rice	Vanasek
Berglin	Ewald	Kvam	Samuelson	Voik
Biersdorf	Fjoslien	Laidig	Savelkoul	Voss
Birnstihl	Forsythe	Lemke	Schreiber	Wenstrom
Brinkman	Friedrich	Lindstrom	Schulz	Wenzel
Carlson, A.	Fudro	Luther	Schumacher	Wieser
Carlson, L.	George	McCarron	Searle	Wigley
Carlson, R.	Heinitz	McEachern	Setzepfandt	Williamson
Casserly	Hokanson	Nelsen	Sherwood	Zubay
Clark	Jensen	Nelson	Sieben, H.	Speaker Sabo

Those who voted in the negative were:

Braun	Hanson	Mangan	Norton	Smith
Byrne	Jaros	Mann	Novak	Tomlinson
Dahl	Kelly, R.	McCauley	Osthoff	Vento
Dieterich	Kempe, A.	McCollar	Philbrook	White
Faricy	Kempe, R.	Menning	St. Onge	
Fugina	Kostohryz	Moe	Sarna	
Graba	Langseth	Neisen	Sieloff	

The motion prevailed.

CALENDAR

S. F. No. 1800, A bill for an act relating to unemployment compensation; providing for exclusion of certain part time services; providing for an emergency surtax in employer contributions; modifying disqualifying conditions for employment compensation; permitting information to be furnished to department of public welfare by commissioner of employment services; permitting information to be furnished to department of employment services by commissioner of revenue; providing taxation of unemployment compensation benefits in certain conditions; providing a penalty; amending Minnesota Statutes 1974, Sections 268.04, Subdivision 29; 268.06, by adding a subdivision; 268.10, Subdivision 1; 268.18, Subdivision 3; 268.12, Subdivision 12; and 290.61; Minnesota Statutes, 1975 Supplement, Sections 268.04, Subdivision 12; 268.06, Subdivision 8; 268.07, Subdivision 2; 268.09, Subdivision 1; 290.01, Subdivision 20.

The bill was read for the third time and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 92, and nays 35, as follows:

Those who voted in the affirmative were:

Abeln	Dieterich	Knoll	Osthoff	Skoglund
Adams, L.	Doty	Kostohryz	Parish	Smith
Adams, S.	Eckstein	Laidig	Patton	Smogard
Anderson, G.	Eken	Langseth	Pehler	Spanish
Arlandson	Evans	Lemke	Petrafeso	Stanton
Beauchamp	Faricy	Lindstrom	Philbrook	Suss
Begich	Fugina	Luther	Pleasant	Tomlinson
Berg	George	Mangan	Prahl	Ulland
Biersdorf	Graba	Mann	Reding	Vanasek
Braun	Hanson	McCollar	Savelkoul	Voik
Byrne	Hokanson	McEachern	Schreiber	Voss
Carlson, A.	Jaros	Metzen	Schulz	Wenstrom
Carlson, L.	Johnson, C.	Moe	Schumacher	Wenzel
Casserly	Jude	Munger	Setzepfandt	White
Clawson	Kalis	Neisen	Sherwood	Williamson
Corbid	Kelly, R.	Nelsen	Sieben, H.	Speaker Sabo
Dahl	Kempe, A.	Niehaus	Sieben, M.	
Dean	Kempe, R.	Norton	Sieloff	
DeGroat	Ketola	Novak	Simoneau	

Those who voted in the negative were:

Albrecht	Esau	Jensen	McCarron	Samuelson
Berglin	Ewald	Johnson, D.	McCauley	Sarna
Brinkman	Fjoslien	Jopp	Menning	Searle
Carlson, R.	Forsythe	Kahn	Nelson	Swanson
Clark	Friedrich	Kaley	Peterson	Wieser
Enebo	Fudro	Kroening	Rice	Wigley
Erickson	Heinitz	Kvam	St. Onge	Zubay

The bill was passed and its title agreed to.

CONSIDERATION UNDER RULE 1.10

Pursuant to Rule 1.10, Kelly, W., requested immediate consideration of H. F. No. 617.

H. F. No. 617, A bill for an act relating to taxation; adding certain disabled persons to those paying reduced property taxes; amending Minnesota Statutes 1975, Section 273.13, Subdivision 7.

The bill was read for the third time and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 129, and nays 1, as follows:

Those who voted in the affirmative were:

Abeln	Dieterich	Jopp	Neisen	Sherwood
Adams, L.	Doty	Jude	Nelsen	Sieben, H.
Adams, S.	Eckstein	Kahn	Nelson	Sieben, M.
Albrecht	Eken	Kaley	Niehaus	Sieloff
Anderson, G.	Enebo	Kalis	Norton	Simoneau
Anderson, I.	Erickson	Kelly, R.	Novak	Skoglund
Arlandson	Esau	Kelly, W.	Osthoff	Smith
Beauchamp	Evans	Kempe, A.	Parish	Smogard
Begich	Ewald	Kempe, R.	Patton	Spanish
Berg	Faricy	Ketola	Pehler	Stanton
Berglin	Fjoslien	Knoll	Peterson	Suss
Biersdorf	Forsythe	Kostohryz	Petrafeso	Swanson
Birnstihl	Friedrich	Kvam	Philbrook	Ulland
Braun	Fudro	Laidig	Pleasant	Vanasek
Brinkman	Fugina	Lemke	Prahl	Vento
Byrne	George	Lindstrom	Reding	Volk
Carlson, A.	Graba	Luther	Rice	Voss
Carlson, L.	Hanson	Mangan	St. Onge	Wenstrom
Carlson, R.	Haugerud	Mann	Samuelson	Wenzel
Casserly	Heinitz	McCarron	Sarna	White
Clark	Hokanson	McCollar	Savelkoul	Wieser
Clawson	Jacobs	McEachern	Schreiber	Wigley
Corbid	Jaros	Menning	Schulz	Williamson
Dahl	Jensen	Metzen	Schumacher	Zubay
Dean	Johnson, C.	Moe	Searle	Speaker Sabo
DeGroat	Johnson, D.	Munger	Setzepfandt	

Those who voted in the negative were:

McCauley

The bill was passed and its title agreed to.

Pursuant to Rule 1.10, Norton requested immediate consideration of S. F. No. 1956; H. F. Nos. 2547, 1120, 1940 and 2137; and S. F. Nos. 486 and 2025.

S. F. No. 1956 was reported to the House.

Dahl moved to amend S. F. No. 1956, the unofficial engrossment, as follows:

Page 3, line 5, delete the semicolon and insert a colon.

Page 5, line 7, delete "*licensed*" and insert "*registered*".

Page 7, delete line 14, and insert "*previous two year period during which time of control that*".

Page 8, delete line 21, and insert "*two year period during which time of employment that other*".

Page 11, line 12, after "*occurrence*" insert a comma.

Page 12, line 20, delete "*and*" and insert "*or*".

Page 14, line 25, delete "*deficiency*" and insert "*violation*".

Page 18, line 30, after "*application*" insert "*by the board of health*".

Page 38, line 27, strike "*as heretofore*".

Page 42, line 9, strike "*and regulations*".

Page 44, line 12, delete "*and*" and insert "*or*".

The motion prevailed and the amendment was adopted.

Heinitz moved to amend S. F. No. 1956, the unofficial engrossment, as follows:

Page 14, line 17, after "*violated,*" insert "*state the suggested method of correction,*".

The motion prevailed and the amendment was adopted.

S. F. No. 1956, A bill for an act relating to nursing homes; providing for the licensing and inspection of nursing homes; providing for the licensing of nursing home administrators; reorganizing various laws relating to nursing homes and nursing home administrators; clarifying language and making necessary revisions; prescribing civil and criminal penalties; amending Minnesota Statutes 1974, Sections 144.053, Subdivision 3; 144.49, Subdivisions 6 and 7; 144.50; 144.51; 144.55; 144.572; 144.63, Subdivision 2; 144.652; 144.653, Subdivision 1; 144.654; 144.655; 144.656; 144.657; 144.68, Subdivisions 2 and 3; 145.61, Subdivision 4; 145.75; 145.862, Subdivision 4; 245.691, Subdivision 3; 256B.02, Subdivision 2; 256B.30; 256D.18, Subdivision 2; 299F.-39, Subdivision 1; 609.231; 626.555, Subdivisions 1, 2 and 7; and Minnesota Statutes, 1975 Supplement, Sections 144.53; 144.571; 145.72, Subdivision 2; 145.74; and 214.01, Subdivision 2; repeal-

ing Minnesota Statutes 1974, Sections 144.584; 144.951; 144.953; 144.954; 144.955; 144.9555; 144.956; 144.957; 144.958; 144.959; 144.96; 144.961; 144.962; 144.963; 144.964; and 144.965; and Minnesota Statutes, 1975 Supplement, Section 144.952.

The bill was read for the third time, as amended, and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 132, and nays 0, as follows:

Those who voted in the affirmative were:

Abeln	Eckstein	Kaley	Nelsen	Sieben, M.
Adams, L.	Eken	Kalis	Nelson	Sieloff
Adams, S.	Enebo	Kelly, R.	Niehaus	Simoneau
Anderson, G.	Erickson	Kelly, W.	Norton	Skoglund
Anderson, I.	Esau	Kempe, A.	Novak	Smith
Arlandson	Evans	Kempe, R.	Osthoff	Smogard
Beauchamp	Ewald	Ketola	Parish	Spanish
Begich	Faricy	Knoll	Patton	Stanton
Berg	Fjoslien	Kostohryz	Pehler	Suss
Berglin	Forsythe	Kroening	Peterson	Swanson
Biersdorf	Friedrich	Kvam	Petrafeso	Tomlinson
Birnstihl	Fudro	Laidig	Philbrook	Ulland
Braun	Fugina	Langseth	Pleasant	Vanasek
Brinkman	George	Lemke	Prahl	Vento
Byrne	Graba	Lindstrom	Reding	Voik
Carlson, A.	Hanson	Luther	Rice	Voss
Carlson, L.	Haugerud	Mangan	St. Onge	Wenstrom
Carlson, R.	Heinitz	Mann	Samuelson	Wenzel
Casserly	Hokanson	McCarron	Sarna	White
Clark	Jacobs	McCauley	Savelkoul	Wieser
Clawson	Jaros	McCollar	Schreiber	Wigley
Corbid	Jensen	McEachern	Schulz	Williamson
Dahl	Johnson, C.	Menning	Schumacher	Zubay
Dean	Johnson, D.	Metzen	Searle	Speaker Sabo
DeGroat	Jopp	Moe	Setzepfandt	
Dieterich	Jude	Munger	Sherwood	
Doty	Kahn	Neisen	Sieben, H.	

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

H. F. No. 2547 was reported to the House.

Searle moved to amend H. F. No. 2547, as follows:

Strike everything after the enacting clause and insert:

“Section 1. Minnesota Statutes, 1975 Supplement, Section 86A.10, Subdivision 1, is amended to read:

86A.10 [OUTDOOR RECREATION ADVISORY COUNCIL.] Subdivision 1. [MEMBERSHIP.] Each regional development commission and the metropolitan council shall designate one of its members to serve on the outdoor recreation advisory council, which is hereby created. *One member who is a member*

in good standing of a local community based sportsmen conservationist organization in Minnesota shall be appointed from each congressional district by the state legislators from that district. Four members to be appointed by the governor shall be professionally associated on a regular basis with the Minnesota members of the Outdoor Writers Association of America. The governor shall appoint the chairman of the council to serve at his pleasure. Seven of the initial members of the council shall be appointed to terms ending January 1, 1979; the remaining members shall be appointed to terms ending January 7, 1980. Thereafter, members shall be appointed to terms ending the first Monday in January four years after the scheduled end of the prior terms. If a successor has not been appointed for a member by July 1 after the scheduled end of the member's term, the term of that member for whom a successor has not been appointed shall be extended until the first Monday in January four years after the scheduled end of his term.

Sec. 2. Minnesota Statutes, 1975 Supplement, Section 86A.10, Subdivision 2, is amended to read:

Subd. 2. [DUTIES.] The council shall advise the commissioner of natural resources, the Minnesota historical society, the legislature and the commissioner of highways concerning the administration of each type of unit of the outdoor recreation system and shall review the master plans for major units. *The council may schedule hearings in the state when requested to do so by the department of natural resources, the legislature, or the public. The Minnesota resources commission has administrative responsibility for all actions of the board and shall be responsible for assembling and disseminating relevant materials to council members, the department of natural resources, the legislature, and the public.*"

Further, amend the title as follows:

Strike the title and insert:

"A bill for an act relating to outdoor recreation; adding members to the outdoor recreation advisory council; enlarging the duties of the council; amending Minnesota Statutes, 1975 Supplement, Section 86A.10, Subdivisions 1 and 2."

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll being called, there were yeas 49, and nays 66, as follows:

Those who voted in the affirmative were:

Adams, S.	Berg	Carlson, A.	Erickson	Ewald
Albrecht	Biersdorf	Corbid	Esau	Farcy
Beauchamp	Byrne	Dean	Evans	Fjoslien

Forsythe	Jude	McCauley	Reding	Ulland
Friedrich	Kahn	Nelsen	Savelkoul	Voss
Hanson	Kaley	Nelson	Schreiber	White
Haugerud	Kelly, R.	Niehaus	Schulz	Wieser
Heinitz	Knickerbocker	Peterson	Searle	Wigley
Johnson, C.	Kvam	Petrafeso	Sieloff	Zubay
Jopp	Laidig	Pleasant	Smogard	

Those who voted in the negative were:

Abel	Dieterich	Kelly, W.	Moe	Sherwood
Adams, L.	Doty	Ketola	Neisen	Sieben, H.
Anderson, I.	Eckstein	Kostohryz	Novak	Simoneau
Begich	Eken	Kroening	Osthoff	Skoglund
Berglin	Enebo	Langseth	Parish	Smith
Birnstihl	Fudro	Lemke	Patton	Tomlinson
Braun	Fugina	Luther	Pehler	Vanasek
Brinkman	George	Mangan	Philbrook	Vento
Carlson, L.	Graba	Mann	Prahl	Wenstrom
Carlson, R.	Jacobs	McCarron	St. Onge	Wenzel
Casserly	Jaros	McCollar	Samuelson	
Clark	Jensen	McEachern	Sarna	
Clawson	Johnson, D.	Menning	Schumacher	
Dahl	Kalis	Metzen	Setzepfandt	

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

Sherwood moved to amend H. F. No. 2547.

Anderson, I., requested a division of the amendment.

The first portion of the Sherwood amendment reads as follows:

Page 1, line 17, after the word "members" strike the words "who are members" and insert in lieu thereof "one of whom is a member".

Page 1, line 17, before the word "local" insert "a".

Page 1, line 18, delete "organizations" and insert "organization" and insert a comma after the word "Minnesota".

The motion prevailed and the first portion of the Sherwood amendment was adopted.

The second portion of the Sherwood amendment reads as follows:

Page 1, line 20, delete "Four members shall be" and delete all of lines 21 and 22 and "America to be selected by the governor." on line 23, and insert in lieu thereof the following: "Four members shall be selected at large by the governor, two of whom shall be professionals in the field of fish and/or wildlife man-

agement and two of whom shall be farmers representing one or more farm organizations.”.

The motion prevailed and the second portion of the Sherwood amendment was adopted.

Arlandson moved to amend H. F. No. 2547, as follows:

Page 2, delete lines 5-10 and renumber the following subdivision accordingly.

Page 2, line 13, insert:

“Of the members initially appointed, one half shall be designated to serve terms coterminous with that of the governor and the remainder shall serve terms to expire on the first Monday in January one year after the terms of the other members.”

The motion prevailed and the amendment was adopted.

Kahn moved to amend H. F. No. 2547, as amended, as follows:

Page 1, line 10, delete “sportsmen’s”.

Page 1, line 18, delete “sportsmen” and insert in lieu thereof “outdoor recreation or”.

Page 1, delete lines 21 and 22 and “America to be” on line 23.

Page 2, line 22, delete “sportsmen” and insert in lieu thereof “outdoor recreation and”.

Further, amend the title on line 3 by deleting “sportsmen’s”.

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

Kahn moved to amend H. F. No. 2547, as amended, as follows:

Page 2, line 4, after the period add the following:

“The persons appointed by the governor shall be representative of a range of economic interests and vocations and shall include persons who are not regularly employed on a full-time or part-time basis outside their homes. No member of an organization having an official position in opposition to any Minnesota Statute affecting sportsmen may be appointed.”

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

Anderson, I., moved to amend H. F. No. 2547, as follows:

Page 3, after line 6, add a new Section 7, to read:

“Sec. 7. Minnesota Statutes, 1975 Supplement, Section 86A.10 is repealed.”.

Further amend the title

Page 1, line 7, after “money” insert “; repealing Minnesota Statutes, 1975 Supplement, Section 86A.10”.

The motion prevailed and the amendment was adopted.

H. F. No. 2547, A bill for an act relating to outdoor recreation; creating the citizen's advisory sportsmen's council on Minnesota's outdoor recreational resources; prescribing its powers and duties; providing for a surcharge on fish and game licenses to fund the council; appropriating money; repealing Minnesota Statutes, 1975 Supplement, Section 86A.10.

The bill was read for the third time, as amended, and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 63, and nays 54, as follows:

Those who voted in the affirmative were:

Abeln	Dahl	Kempe, A.	Moe	Sherwood
Adams, L.	Eckstein	Ketola	Neisen	Sieben, H.
Anderson, G.	Enebo	Kostohryz	Novak	Sieben, M.
Anderson, I.	Fudro	Kroening	Osthoff	Simoneau
Begich	Fugina	Lemke	Parish	Skoglund
Berglin	George	Lindstrom	Patton	Tomlinson
Biersdorf	Graba	Luther	Pehler	Vanasek
Braun	Hokanson	Mangan	Rice	Vento
Brinkman	Jacobs	Mann	St. Onge	Wenstrom
Carlson, L.	Jaros	McCollar	Samuelson	Wenzel
Carlson, R.	Jensen	McEachern	Sarna	Williamson
Casserly	Johnson, C.	Menning	Schulz	
Clark	Johnson, D.	Metzen	Schumacher	

Those who voted in the negative were:

Adams, S.	Doty	Jopp	Laidig	Sieloff
Albrecht	Erickson	Jude	Langseth	Smogard
Arlandson	Esau	Kahn	McCauley	Stanton
Berg	Evans	Kaley	Nelsen	Suss
Byrne	Faricy	Kalis	Nelson	Ulland
Carlson, A.	Fjoslien	Kelly, R.	Niehaus	Voss
Clawson	Forsythe	Kelly, W.	Peterson	White
Corbid	Friedrich	Kempe, R.	Petrafaso	Wieser
Dean	Hanson	Knickerbocker	Pleasant	Wigley
DeGroat	Haugerud	Knoll	Reding	Zubay
Dieterich	Heinitz	Kvam	Searle	

The bill was not passed, as amended.

H. F. No. 1120 was reported to the House.

Vento moved to amend H. F. No. 1120, as follows:

Page 2, strike Sec. 2, beginning on line 22, and insert in lieu thereof the following:

"Sec. 2. *Except for subdivision 4, which is effective February 15, 1977, the provisions of this act are effective the day following final enactment.*"

The motion prevailed and the amendment was adopted.

H. F. No. 1120, A bill for an act relating to environment; providing for the assessment of the cost of preparing an environmental impact statement; appropriating money; amending Minnesota Statutes 1974, Chapter 116D, by adding a section.

The bill was read for the third time, as amended, and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 100, and nays 22, as follows:

Those who voted in the affirmative were:

Abeln	Corbid	Jopp	Neisen	Sieben, M.
Adams, L.	Dahl	Jude	Nelson	Sieloff
Adams, S.	Dean	Kahn	Norton	Simoneau
Anderson, G.	Dieterich	Kelly, R.	Novak	Skoglund
Anderson, I.	Doty	Kempe, A.	Osthoff	Smith
Arlandson	Enebo	Kempe, R.	Parish	Smogard
Beauchamp	Ewald	Knickerbocker	Patton	Spanish
Begich	Fudro	Knoll	Pehler	Stanton
Berg	Fugina	Kostohryz	Prahl	Suss
Berglin	George	Kroening	Reding	Swanson
Birnstihl	Graba	Laidig	Rice	Tomlinson
Braun	Hanson	Lindstrom	St. Onge	Ulland
Brinkman	Haugerud	Luther	Samuelson	Vanasek
Byrne	Heinitz	Mangan	Sarna	Vento
Carlson, A.	Hokanson	Mann	Savelkoul	Volk
Carlson, L.	Jacobs	McCollar	Schreiber	Voss
Carlson, R.	Jaros	McEachern	Schulz	Wenstrom
Casserly	Jensen	Menning	Schumacher	Wenzel
Clark	Johnson, C.	Metzen	Sherwood	White
Clawson	Johnson, D.	Moe	Sieben, H.	Wigley

Those who voted in the negative were:

Albrecht	Erickson	Kaley	McCauley	Wieser
Biersdorf	Evans	Kalis	Niehaus	Zubay
DeGroat	Fjoslien	Ketola	Peterson	
Eckstein	Forsythe	Kvam	Pleasant	
Eken	Friedrich	Lemke	Searle	

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

H. F. No. 1940 was reported to the House.

Savelkoul moved to amend H. F. No. 1940, as follows:

Page 1, after line 14, add a new sentence to read: "At least 50 percent of those appointed by the Governor and by the Speaker of the House shall be women."

The motion prevailed and the amendment was adopted.

H. F. No. 1940, A bill for an act relating to the legislature; establishing a council on the economic status of women; appropriating money; repealing Minnesota Statutes 1974, Section 363.04, Subdivisions 7 and 8.

The bill was read for the third time, as amended, and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 111, and nays 15, as follows:

Those who voted in the affirmative were:

Abeln	DeGroat	Kelly, R.	Nelson	Sieloff
Adams, L.	Dieterich	Kelly, W.	Norton	Simoneau
Adams, S.	Eckstein	Kempe, A.	Novak	Skoglund
Anderson, G.	Eken	Kempe, R.	Osthoff	Smith
Anderson, I.	Enebo	Knickerbocker	Parish	Smogard
Arlandson	Erickson	Knoll	Patton	Spanish
Beauchamp	Ewald	Kostohryz	Pehler	Stanton
Begich	Fjoslien	Kroening	Petrafeso	Suss
Berg	Forsythe	Kvam	Philbrook	Swanson
Berglin	Fugina	Laidig	Pleasant	Tomlinson
Biersdorf	George	Langseth	Prahl	Ulland
Birnstihl	Hanson	Lemke	Reding	Vanasek
Brinkman	Haugerud	Lindstrom	Rice	Vento
Byrne	Heinitz	Luther	St. Onge	Volk
Carlson, A.	Hokanson	Mangan	Sarna	Voss
Carlson, L.	Jacobs	Mann	Savelkoul	Wenstrom
Carlson, R.	Jaros	McCarron	Schreiber	Wenzel
Casserly	Jensen	McCollar	Schulz	White
Clark	Johnson, D.	Menning	Searle	Speaker Sabo
Clawson	Jude	Metzen	Setzepfandt	
Corbid	Kahn	Moe	Sherwood	
Dahl	Kaley	Munger	Sieben, H.	
Dean	Kalis	Neisen	Sieben, M.	

Those who voted in the negative were:

Albrecht	Esau	Jopp	Niehaus	Wieser
Braun	Evans	Ketola	Peterson	Wigley
Doty	Friedrich	Nelsen	Schumacher	Zubay

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

H. F. No. 2137, A bill for an act relating to courts; providing a judicial advisory service for the county courts; appropriating money; amending Minnesota Statutes 1974, Chapter 487, by adding a section.

The bill was read for the third time and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 126, and nays 0, as follows:

Those who voted in the affirmative were:

Abeln	Dieterich	Kaley	Munger	Sieben, H.
Adams, L.	Doty	Kalis	Neisen	Sieben, M.
Adams, S.	Eckstein	Kelly, R.	Nelsen	Sieloff
Albrecht	Eken	Kelly, W.	Nelson	Simoneau
Anderson, G.	Enebo	Kempe, A.	Niehau	Skoglund
Anderson, I.	Erickson	Kempe, R.	Norton	Smogard
Arlanson	Esau	Ketola	Novak	Stanton
Beauchamp	Evans	Knickerbocker	Osthoff	Suss
Begich	Ewald	Knoll	Parish	Swanson
Berg	Faricy	Kostohryz	Patton	Ulland
Berglin	Fjoslien	Kroening	Pehler	Vanasek
Biersdorf	Forsythe	Kvam	Peterson	Vento
Birnstihl	Friedrich	Laidig	Petraleso	Volk
Braun	Fugina	Langseth	Pleasant	Voss
Brinkman	George	Lemke	Prahl	Wenstrom
Byrne	Hanson	Lindstrom	Reding	Wenzel
Carlson, A.	Haugerud	Luther	Rice	White
Carlson, L.	Heinitz	Mangan	St. Onge	Wieser
Carlson, R.	Hokanson	Mann	Samuelson	Wigley
Casserly	Jacobs	McCarron	Sarna	Williamson
Clark	Jaros	McCauley	Savelkoul	Zubay
Clawson	Jensen	McCollar	Schreiber	Speaker Sabo
Corbid	Johnson, D.	McEachern	Schulz	
Dahl	Jopp	Menning	Schumacher	
Dean	Jude	Metzen	Searle	
DeGroat	Kahn	Moe	Setzepfandt	

The bill was passed and its title agreed to.

S. F. No. 486 was reported to the House.

Lindstrom moved to amend S. F. No. 486, the unofficial engrossment, as follows:

Page 4, line 1, strike "*characteristics*."

Page 4, line 2, strike "*circumstances, needs*."

Page 4, line 2, strike "*prior record*" and insert "*characteristics and history*".

Page 4, line 6, after the period insert "*The report shall be classified as private data on individuals as defined in Minnesota Statutes, Section 15.162, Subdivision 5a.*".

The motion prevailed and the amendment was adopted.

Dieterich moved to amend S. F. No. 486, the unofficial engrossment, as follows:

Page 3, line 2, after "subdivision 3" reinsert the stricken "or 4".

Page 4, line 27, delete "\$500,000" and insert "\$250,000".

The motion prevailed and the amendment was adopted.

Mann was excused for the remainder of today's session.

Braun moved to amend S. F. No. 486, the unofficial engrossment, as follows:

Page 1, line 14, delete "having a".

Page 1, delete line 15.

Page 1, line 16, delete "every county having a population of less than 10,000".

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll being called, there were yeas 54, and nays 68, as follows:

Those who voted in the affirmative were:

Albrecht	DeGroat	Kaley	Pehler	Smogard
Anderson, G.	Doty	Kalis	Peterson	Spanish
Anderson, I.	Eckstein	Kvam	Pleasant	Suss
Beauchamp	Eken	Langseth	Prahl	Ulland
Begich	Erickson	Lemke	Reding	Vanasek
Biersdorf	Esau	Lindstrom	Samuelson	Wenstrom
Birnstihl	Evans	McCauley	Savelkoul	White
Braun	Fjoslien	McCollar	Schulz	Wieser
Brinkman	Friedrich	Menning	Schumacher	Wigley
Corbid	Johnson, D.	Nelsen	Searle	Zubay
Dean	Jopp	Niehaus	Setzepfandt	

Those who voted in the negative were:

Abeln	Enebo	Kelly, R.	Neisen	Sieben, M.
Adams, L.	Ewald	Kempe, A.	Nelson	Sieloff
Adams, S.	Faricy	Ketola	Norton	Simoneau
Arlandson	Forsythe	Knickerbocker	Novak	Skoglund
Berg	George	Knoll	Osthoff	Stanton
Berglin	Hanson	Kostohryz	Parish	Tomlinson
Byrne	Haugerud	Laidig	Patton	Vento
Carlson, A.	Heinitz	Luther	Petrafeso	Volk
Carlson, L.	Hokanson	Mangan	Philbrook	Voss
Cassery	Jacobs	McCarron	Rice	Wenzel
Clark	Jaros	McEachern	Sarna	Williamson
Clawson	Jensen	Metzen	Schreiber	Speaker Sabo
Dahl	Jude	Moe	Sherwood	
Dieterich	Kahn	Munger	Sieben, H.	

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

Ketola moved to amend S. F. No. 486, the unofficial engrossment, as follows:

Page 4, after line 23, insert a new subdivision to read:

"Subd. 6. This section shall not apply to persons who are not residents of the state of Minnesota at the time of the offense and at the time of the presentence investigation."

The motion prevailed and the amendment was adopted.

Samuelson was excused for the remainder of today's session.

Lindstrom moved to amend S. F. No. 486, the unofficial engrossment, as amended, as follows:

Page 1, line 15, strike "10,000" and insert "45,000".

Page 1, line 16, strike "10,000" and insert "45,000".

Page 3, line 23, strike "10,000" and insert "45,000".

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll being called, there were yeas 47, and nays 79, as follows:

Those who voted in the affirmative were:

Adams, S.	Eckstein	Kalis	Pleasant	Suss
Albrecht	Eken	Kelly, W.	Reding	Ulland
Anderson, G.	Erickson	Kvam	St. Onge	Vanasek
Anderson, I.	Esau	Laidig	Savelkoul	Wenstrom
Beauchamp	Fjoslien	Lemke	Schreiber	Wieser
Begich	Friedrich	Lindstrom	Schulz	Wigley
Biersdorf	Heinitz	McCauley	Schumacher	Williamson
Birnstihl	Johnson, C.	Menning	Searle	
Braun	Jopp	Niehaus	Setzepfandt	
Corbid	Kaley	Peterson	Smogard	

Those who voted in the negative were:

Abeln	DeGroat	Jacobs	Kroening	Novak
Adams, L.	Dieterich	Jaros	Langseth	Osthoff
Arlandson	Doty	Jensen	Luther	Parish
Berg	Enebo	Johnson, D.	Mangan	Patton
Berglin	Evans	Jude	McCarron	Pehler
Byrne	Ewald	Kahn	McCollar	Petrafeso
Carlson, A.	Faricy	Kelly, R.	McEachern	Philbrook
Carlson, L.	Forsythe	Kempe, A.	Metzen	Prahl
Casserly	Fugina	Kempe, R.	Moe	Rice
Clark	George	Ketola	Munger	Sarna
Clawson	Hanson	Knickerbocker	Neisen	Sherwood
Dahl	Haugerud	Knoll	Nelson	Sieben, H.
Dean	Hokanson	Kostohryz	Norton	Sieben, M.

Sieloff	Spanish	Tomlinson	Voss	Zubay
Simoneau	Stanton	Vento	Wenzel	Speaker Sabo
Skoglund	Swanson	Volk	White	

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

Anderson, G., moved to amend S. F. No. 486, the unofficial engrossment, as follows:

Page 2, line 25, after "county" insert "of residents of the individual concerned".

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

S. F. No. 486, A bill for an act relating to highway traffic regulations; requiring counties to establish presentence investigation and counseling alcohol safety programs and alcohol safety enforcement programs; requiring presentence investigation reports for certain driving offenses; appropriating money; amending Minnesota Statutes 1974, Section 169.121, Subdivision 6; and Chapter 169, by adding sections.

The bill was read for the third time, as amended, and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 105, and nays 23, as follows:

Those who voted in the affirmative were:

Abeln	Doty	Jude	Menning	Sherwood
Adams, L.	Eken	Kahn	Metzen	Sieben, H.
Adams, S.	Enebo	Kalis	Moe	Sieben, M.
Anderson, G.	Evans	Kelly, R.	Munger	Sieloff
Anderson, I.	Ewald	Kelly, W.	Neisen	Simoneau
Arlandson	Faricy	Kempe, A.	Nelson	Skoglund
Beauchamp	Fjoslieh	Kempe, R.	Norton	Smogard
Begich	Forsythe	Ketola	Novak	Spanish
Berg	Fudro	Knickerbocker	Osthoff	Stanton
Berglin	Fugina	Knoll	Parish	Swanson
Birnstihl	George	Kostohryz	Patton	Tomlinson
Byrne	Graba	Kroening	Pehler	Ulland
Carlson, A.	Hanson	Laidig	Petrafeso	Vanasek
Carlson, L.	Hangerud	Langseth	Philbrook	Vento
Carlson, R.	Jaros	Lindstrom	Prahl	Volk
Casserly	Hokanson	Luther	Rice	Voss
Clark	Jacobs	Mangan	St. Onge	Wenstrom
Clawson	Jaros	McCarron	Sarna	Wenzel
Dahl	Jensen	McCauley	Schreiber	White
DeGroat	Johnson, C.	McCollar	Schulz	Williamson
Dieterich	Johnson, D.	McEachern	Schumacher	Speaker Sabo

Those who voted in the negative were:

Albrecht	Biersdorf	Braun	Brinkman	Corbid
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Dean
Eckstein
Erickson
Esau

Friedrich
Jopp
Kaley
Kvam

Nelsen
Niehaus
Peterson
Pleasant

Reding
Searle
Setzepfandt
Wieser

Wigley
Zubay

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

Norton was excused for the remainder of today's session.

S. F. No. 2025 was reported to the House.

Carlson, L., moved to amend S. F. No. 2025, the unofficial engrossment, as follows:

Page 1, line 21, delete "an individual" and insert "a nursing home employee".

Page 1, line 21, delete "but not limited to".

Page 2, line 1, delete "in a nursing home to perform nursing" and insert "to provide or assist in the provision of direct patient care".

Page 2, delete lines 25-28 and insert:

"Subd. 6. The board of health shall pursuant to section 144.653 establish penalties for non-compliance with this section."

Page 2, line 29, after "Sec. 3." insert a subdivision.

"Subdivision 1. When the trained nursing assistant has completed six months employment in a nursing home, he shall be reimbursed by the nursing home for actual costs and reasonable expenses of the training.

Subd. 2."

Page 2, line 31, delete "up to 50 percent of".

Page 3, line 1, delete "during the period".

Page 3, line 2, delete "of their enrollment in an approved" and insert "for the".

The motion prevailed and the amendment was adopted.

Johnson, D., moved to amend S. F. 2025, the unofficial engrossment, as follows:

Page 2, line 19, delete "an" and insert "the first available".

Page 2, line 20, delete "scheduled to commence with 30 days of the".

Page 2, line 21, delete "assistant's employment".

Page 2, line 20, after "program" insert "; provided, however, that outside the seven county metropolitan area, the required training program shall be offered within the geographical boundaries of the local school district wherein the nursing home is situated, unless granted an exception by the Commissioner of Education.

The motion prevailed and the amendment was adopted.

Pehler moved to amend S. F. No. 2025, the unofficial engrossment, as follows:

Page 2, line 6, strike "by area".

Page 2, line 7, strike "vocational-technical schools or".

Page 2, line 8, after "education" insert "and/or the Higher Education Coordinating Board as appropriate".

Page 2, line 9, after "education" insert "and/or the Higher Education Coordinating Board as appropriate".

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

S. F. No. 2025, A bill for an act relating to nursing homes; requiring training for certain nursing assistants; providing a penalty.

The bill was read for the third time, as amended, and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 117, and nays 7, as follows:

Those who voted in the affirmative were:

Abeln	Carlson, L.	Fjoslien	Kahn	Luther
Adams, L.	Carlson, R.	Forsythe	Kaley	Mangan
Adams, S.	Casserly	Fudro	Kalis	McCarron
Anderson, G.	Clark	Fugina	Kelly, R.	McCauley
Anderson, I.	Clawson	George	Kelly, W.	McCollar
Arlandson	Corbid	Hanson	Kempe, A.	McEachern
Beauchamp	Dahl	Haugerud	Kempe, R.	Menning
Begich	Dean	Heinitz	Ketola	Metzen
Berg	Dieterich	Hokanson	Knickerbocker	Moe
Berglin	Doty	Jacobs	Knoll	Munger
Biersdorf	Eckstein	Jaros	Kostohryz	Neisen
Birnstihl	Eken	Jensen	Kroening	Nelsen
Braun	Enebo	Johnson, C.	Laidig	Nelson
Brinkman	Erickson	Johnson, D.	Langseth	Niehaus
Byrne	Evans	Jopp	Lemke	Novak
Carlson, A.	Ewald	Jude	Lindstrom	Osthoff

Parish	Savelkoul	Sieben, M.	Swanson	Wenzel
Petrafeso	Schreiber	Sieloff	Tomlinson	White
Philbrook	Schulz	Simoneau	Ulland	Wieser
Pleasant	Schumacher	Skoglund	Vanasek	Zubay
Prahl	Searle	Smogard	Vento	Speaker Sabo
Reding	Setzépandt	Spanish	Volk	
St. Onge	Sherwood	Stanton	Voss	
Sarna	Sieben, H.	Suss	Wenstrom	

Those who voted in the negative were:

Albrecht	Graba	Patton	Pehler	Peterson
DeGroat	Kvam			

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

MOTION FOR RECONSIDERATION

Kelly, R., moved that the vote whereby H. F. No. 2547, as amended, was not passed earlier today be now reconsidered.

A roll call was requested and properly seconded.

The question was taken on the motion and the roll being called, there were yeas 78, and nays 45, as follows:

Those who voted in the affirmative were:

Abeln	Dahl	Kalis	Novak	Simoneau
Adams, L.	Dieterich	Kelly, R.	Osthoff	Skoglund
Anderson, G.	Eckstein	Kempe, A.	Parish	Smogard
Anderson, I.	Enebo	Ketola	Patton	Spanish
Arlandson	Fudro	Kostohryz	Pehler	Suss
Beauchamp	Fugina	Kroening	Philbrook	Swanson
Begich	George	Lemke	Prahl	Tomlinson
Berglin	Graba	Lindstrom	Reding	Vanasek
Biersdorf	Hangerud	Luther	Rice	Wenstrom
Birnstihl	Hokanson	Mangan	St. Onge	Volk
Braun	Jacobs	McCarron	Sarna	Wenstrom
Brinkman	Jaros	McCollar	Schumacher	Wenzel
Carlson, L.	Jensen	McEachern	Setzépandt	White
Carlson, R.	Johnson, C.	Menning	Sherwood	Speaker Sabo
Casserly	Johnson, D.	Metzen	Sieben, H.	
Clark	Jude	Neisen	Sieben, M.	

Those who voted in the negative were:

Adams, S.	Doty	Friedrich	Langseth	Schulz
Albrecht	Eken	Hanson	McCauley	Searle
Berg	Erickson	Heinitz	Moe	Sieloff
Byrne	Esau	Jopp	Nelsen	Stanton
Carlson, A.	Evans	Kahn	Nelson	Ulland
Clawson	Ewald	Kaley	Niehaus	Voss
Corbid	Fariery	Knickerbocker	Peterson	Wieser
Dean	Fjoslien	Kvam	Petrafeso	Wigley
DeGroat	Forsythe	Laidig	Pleasant	Zubay

The motion prevailed.

H. F. No. 2547, as amended under Rule 1.10 earlier today was reported to the House.

H. F. No. 2547, A bill for an act relating to outdoor recreation; creating the citizen's advisory sportsmen's council on Minnesota's outdoor recreational resources; prescribing its powers and duties; providing for a surcharge on fish and game licenses to fund the council; appropriating money; repealing Minnesota Statutes, 1975 Supplement, Section 86A.10.

The bill was read for the third time, as amended, and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 74, and nays 48, as follows:

Those who voted in the affirmative were:

Abeln	Dahl	Kempe, A.	Novak	Sieben, M.
Adams, L.	Eckstein	Ketola	Osthoff	Simoneau
Anderson, G.	Enebo	Knoll	Parish	Skoglund
Anderson, I.	Fudro	Kostohryz	Patton	Smogard
Begich	Fugina	Kroening	Pehler	Spanish
Berglin	George	Lemke	Philbrook	Suss
Biersdorf	Graba	Lindstrom	Reding	Tomlinson
Birnstihl	Hokanson	Luther	Rice	Vanasek
Braun	Jacobs	Mangan	St. Onge	Vento
Brinkman	Jaros	McCarron	Sarna	Volk
Carlson, L.	Jensen	McCollar	Schulz	Wenstrom
Carlson, R.	Johnson, C.	McEachern	Schumacher	Wenzel
Casserly	Johnson, D.	Menning	Setzepfandt	Williamson
Clark	Kalis	Metzen	Sherwood	Speaker Sabo
Clawson	Kelly, R.	Neisen	Sieben, H.	

Those who voted in the negative were:

Adams, S.	Dieterich	Hanson	Laidig	Sieloff
Albrecht	Doty	Haugerud	Langseth	Stanton
Arlandson	Erickson	Heinitz	McCauley	Ulland
Beauchamp	Esau	Jopp	Nelsen	Voss
Berg	Evans	Jude	Nelson	White
Byrne	Ewald	Kahn	Niehaus	Wieser
Carlson, A.	Faricy	Kaley	Peterson	Wigley
Corbid	Fjoslien	Kempe, R.	Petrafeso	Zubay
Dean	Forsythe	Knickerbocker	Pleasant	
DeGroat	Friedrich	Kvam	Searle	

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

CONSIDERATION UNDER RULE 1.10

Pursuant to Rule 1.10, Norton requested immediate consideration of S. F. Nos. 1615 and 2241.

S. F. No. 1615, A bill for an act relating to natural resources; prohibiting, except in national emergencies, certain activities in the boundary waters canoe area; prohibiting certain activities outside the boundary waters canoe area which cause degradation of a natural resource within the boundary waters canoe area.

The bill was read for the third time and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 129, and nays 0, as follows:

Those who voted in the affirmative were:

Abeln	Dieterich	Jopp	Moe	Sherwood
Adams, L.	Doty	Kahn	Munger	Sieben, H.
Adams, S.	Eckstein	Kaley	Neisen	Sieben, M.
Albrecht	Eken	Kalis	Nelsen	Sieloff
Anderson, G.	Enebo	Kelly, R.	Nelson	Simoneau
Anderson, I.	Erickson	Kelly, W.	Niehaus	Skoglund
Arlandson	Esau	Kempe, A.	Novak	Smith
Beauchamp	Evans	Kempe, R.	Osthoff	Smogard
Begich	Ewald	Ketola	Parish	Spanish
Berg	Faricy	Knickerbocker	Patton	Stanton
Berglin	Fjoslien	Knoll	Pehler	Suss
Biersdorf	Forsythe	Kostohryz	Peterson	Swanson
Birnstihl	Friedrich	Kroening	Petrafeso	Ulland
Braun	Fudro	Kvam	Philbrook	Vanasek
Brinkman	Fugina	Laidig	Pleasant	Vento
Byrne	George	Langseth	Prahl	Volk
Carlson, A.	Graba	Lemke	Reding	Voss
Carlson, L.	Hanson	Lindstrom	Rice	Wenstrom
Carlson, R.	Haugerud	Luther	St. Onge	Wenzel
Casserly	Heinitz	Mangan	Sarna	White
Clark	Hokanson	McCarron	Savelkoul	Wieser
Clawson	Jacobs	McCauley	Schreiber	Wigley
Corbid	Jaros	McCollar	Schulz	Williamson
Dahl	Jensen	McEachern	Schumacher	Zubay
Dean	Johnson, C.	Menning	Searle	Speaker Sabo
DeGroat	Johnson, D.	Metzen	Setzepfandt	

The bill was passed and its title agreed to.

S. F. No. 2241 was reported to the House.

Eken moved to amend S. F. No. 2241, the unofficial engrossment, as follows:

Strike everything after the enacting clause and insert:

“Section 1. Of the amounts appropriated by Laws 1975, Chapter 204, Section 51, for wildlife management for fiscal year 1977 from the wildlife acquisition account, the sum of \$400,000 shall be used for the development of state wetland and designated waterfowl management lakes for maximum waterfowl production, protecting and propagating migratory waterfowl and for the development, restoration, maintenance or preservation of wetlands.

Sec. 2. This act is effective July 1, 1976.”.

Further, strike the title in its entirety and insert:

"A bill for an act relating to game and fish."

The motion prevailed and the amendment was adopted.

Anderson, G., offered an amendment to S. F. No. 2241.

POINT OF ORDER

Biersdorf raised a point of order pursuant to Rule 3.9 that the Anderson, G., amendment was out of order. The Speaker ruled the point of order well taken and the Anderson, G., amendment out of order.

S. F. No. 2241, A bill for an act relating to game and fish; requiring a migratory waterfowl stamp; providing for disposition of proceeds of sale.

The bill was read for the third time, as amended, and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 127, and nays 0, as follows:

Those who voted in the affirmative were:

Abeln	Doty	Jude	Munger	Sieben, H.
Adams, L.	Eckstein	Kahn	Neisen	Sieben, M.
Adams, S.	Eken	Kaley	Nelsen	Sieloff
Albrecht	Enebo	Kelly, R.	Nelson	Simoneau
Anderson, G.	Erickson	Kelly, W.	Niehaus	Skoglund
Anderson, I.	Esau	Kempe, A.	Novak	Smith
Beauchamp	Evans	Kempe, R.	Osthoff	Smogard
Begich	Ewald	Ketola	Parish	Stanton
Berg	Fariely	Knickerbocker	Patton	Suss
Berglin	Fjoslien	Knoll	Pehler	Tomlinson
Biersdorf	Forsythe	Kostohryz	Peterson	Ulland
Birnstihl	Friedrich	Kroening	Petrafaso	Vanasek
Braun	Fudro	Kvam	Philbrook	Vento
Brinkman	Fugina	Laidig	Pleasant	Volk
Byrne	George	Langseth	Prahl	Voss
Carlson, A.	Graba	Lemke	Reding	Wenstrom
Carlson, L.	Hanson	Lindstrom	Rice	Wenzel
Carlson, R.	Haugerud	Luther	St. Onge	White
Casserly	Heinitz	Mangan	Sarna	Wieser
Clark	Hokanson	McCarron	Savelkoul	Wigley
Clawson	Jacobs	McCauley	Schreiber	Williamson
Corbid	Jaros	McCollar	Schulz	Zubay
Dahl	Jensen	McEachern	Schumacher	Speaker Sabo
Dean	Johnson, C.	Menning	Searle	
DeGroat	Johnson, D.	Metzen	Setzepfandt	
Dieterich	Jopp	Moe	Sherwood	

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

There being no objection the order of business reverted to Reports of Standing Committees.

REPORTS OF STANDING COMMITTEES

Norton from the Committee on Appropriations to which was referred:

S. F. No. 1963, A bill for an act relating to the operation of state government; raising base salaries for certain executive branch employees, 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; extending the open meeting law to the legislature; amending Minnesota Statutes 1974, Sections 15A.081; 15A.083, as amended; 43.062, Subdivision 3; and 43.067; 471.705, Subdivision 1; and Chapter 43, by adding a section; and Minnesota Statutes, 1975 Supplement, Section 15A.081, Subdivision 1; repealing Minnesota Statutes 1974, Sections 15A.081, Subdivisions 1a and 4; 43.066; 43.069; and 487.05.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert:

"Article I.

Section 1. [STATE COMPENSATION COMMISSION.]
Subdivision 1. There is created the state compensation commission.

Subd. 2. The commission shall be composed of nine members selected from the state at large as follows: two appointed by the speaker of the house of representatives; two appointed by the committee on committees of the senate; three appointed by the governor; and two appointed by the chief justice of the supreme court. Each shall serve a term of six years, except that of the members first appointed, one appointee each of the governor, the speaker of the house of representatives, and the committee on committees of the senate shall serve a term of six years; one appointee each of the governor, the chief justice of the supreme court, and the speaker of the house of representatives shall serve a term of four years; and one appointee each of the governor, the chief justice of the supreme court, and the committee on committees of the senate shall serve a term of two years. Each member shall serve until a successor is appointed and qualified. A successor shall be appointed in the same manner as the original member.

Subd. 3. No person registered as a lobbyist under the laws of this state or serving as an employee of the state or a member of the legislature shall be eligible for appointment as a member of the commission. No more than half the appointees of each appointing authority shall support the same political party, except that in the case of the appointees of the governor, no more

than two shall support the same political party. The commission shall select from among its membership a chairman and other officers as it deems necessary.

Subd. 4. A member of the commission shall be compensated at the rate of \$35 for every day spent on commission business and be reimbursed for his necessary traveling and other expenses actually incurred in the performance of his duties, in the same manner and amount as state employees. The commissioner of administration shall provide clerical and other personnel, suitable office space, and supplies as necessary for the proper working of the commission. With the approval of the commissioner of administration, an employee of any state agency or department may be transferred temporarily to assist the commission in its work. The agency or department to which he is permanently assigned shall pay his salary and be reimbursed from moneys appropriated to the commissioner of administration for the purposes of this article.

Sec. 2. [COMMISSION TO FIX SALARIES OF CONSTITUTIONAL OFFICERS, LEGISLATORS, AND MEMBERS OF THE SUPREME COURT.] Subdivision 1. The commission shall meet in the year of enactment and in each odd numbered year thereafter, to review and study the compensation provided to members of the legislature, constitutional officers, and members of the supreme court. The review shall be conducted in accordance with Minnesota Statutes, Sections 15.0411 to 15.0426, and shall be made for the purpose of determining the reasonable, fair, and appropriate compensation for constitutional officers, members of the supreme court, and members of the legislature, including expense or per diem allowance.

Subd. 2. In conducting its review of compensation, the commission shall consider the amount of compensation paid in government service and private industry to employees with similar responsibilities, the amount of compensation needed to attract experienced and competent persons, and the amount of inflation in and the general state of the economy of the nation and the state. In conducting its review of compensation for members of the legislature, the commission shall also consider the average length of a legislative session, the amount of work required of individual legislators during legislative sessions and interim periods, and opportunities to earn income from other sources without neglecting legislative duties.

Subd. 3. On or before December 15 in the year of enactment and in each odd numbered year thereafter, the commission shall transmit to the secretary of the senate and the chief clerk of the house of representatives a report of the results of the review conducted pursuant to this section, in which the commission shall fix just, reasonable fair, and appropriate salaries for constitutional officers, members of the supreme court, and members of the legislature.

Subd. 4. The salaries fixed by the commission shall become effective in the odd numbered year next following transmittal of the report on the first day of January for constitutional officers and members of the supreme court and on the first day of the regular legislative session for members of the legislature, unless after transmittal a law has been enacted which establishes rates of compensation other than those fixed by the commission or, which specifically disapproves all or part of the rates of compensation fixed by the commission, or both. In the case of disapproval of part of the report, only those rates of compensation specifically disapproved shall not become effective according to the provisions of this subdivision.

Subd. 5. Unless disapproved in accordance with subdivision 4, the salaries fixed by the commission shall have the full force and effect of law and shall be deemed to modify, supersede, or render inapplicable, as the case may be, all inconsistent provisions of law enacted prior to the date of the report of the commission, and shall be printed by the revisor of statutes in the session laws for the legislative session immediately following transmittal of the report.

Sec. 3. Minnesota Statutes 1974, Section 3.099, is amended to read:

3.099 [PAYMENT OF LEGISLATIVE COMPENSATION.]
The compensation of each member of the house of representatives of the legislature shall be \$16,800 for the entire term to which he is elected or a sum otherwise provided by law, which shall be due on the first day of the regular legislative session of the term and payable (AS FOLLOWS:)

(\$700) in equal shares 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 \$33,600 for the term to which he is elected or a sum otherwise provided by law, of which (\$16,000) half shall be due on the first day of each regular legislative session of the term and payable (AS FOLLOWS:)

(\$700) in equal shares 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 *unless otherwise provided by law.*

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.

Sec. 4. Minnesota Statutes 1974, Section 3.102, is amended to read:

3.102 [LEGISLATIVE LIVING EXPENSES.] Each member of the legislature shall be reimbursed for his expenses (WHEN HE IS REQUIRED TO ATTEND MEETINGS OF STANDING COMMITTEES, COMMISSIONS, OR IS ENGAGED IN OTHER LEGISLATIVE ACTIVITY) *incurred while engaged in legislative business whether or not in the capitol and whether or not in committee meetings when the legislature is not in session.* The amount of such reimbursement shall not exceed \$33 per day *or a sum otherwise provided by law* as a per diem expense allowance for all expenses incurred except travel *and lodging.* He shall also be reimbursed for his travel *and lodging* expenses in the same amount as state employees are reimbursed for such travel *and lodging.*

Reimbursements to members of the legislature for out-of-state meetings or other legislative activity shall be in the same amounts as state employees are reimbursed for such out-of-state expenses.

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 of resolution for the same purposes.

Sec. 5. Minnesota Statutes 1974, Section 3.13, is amended to read:

3.13 [PRESIDENT AND SPEAKER; COMPENSATION.] The president of the senate (AND), the speaker of the house of representatives *and the majority and minority leaders of both*

houses shall receive, in addition to the amounts specified in section 3.09, the sum of \$5 each per day or a sum otherwise provided by law during any session or term of the legislature.

Sec. 6. *There is appropriated from the general fund to the commissioner of administration the sum of \$10,000 to carry out the purposes of this article.*

Sec. 7. *If any part of this article shall be found to be unconstitutional or illegal, the entire article shall be void.*

Sec. 8. *This article is effective the day following its final enactment.*

Article II

Section 1. Minnesota Statutes, 1975 Supplement, 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)	36,900
Aeronautics, department of commissioner	(20,400)	26,000
Agriculture, department of commissioner	(22,000)	32,000
deputy commissioner	(17,600)	28,800
Attorney general, office of (ATTORNEY GENERAL)	36,500)	
deputy attorney general	(19,100-31,500)	22,500- 41,400
Auditor, office of (AUDITOR)	26,000)	
deputy auditor	(20,800)	26,460
Commerce, department of		

commissioner of banks	(22,000)	\$28,000
commissioner of insurance	(22,000)	28,000
commissioner of securities	(22,000)	28,000
Community college system chancellor	(27,500)	35,500
Corrections, department of commissioner	(28,000)	34,000
Deputy commissioner Corrections board	(22,400)	30,600
<i>Members, other than chairperson</i>		24,000
Economic development, department of commissioner	(22,000)	26,000
deputy commissioner	(17,600)	23,400
Education, department of commissioner	(29,800)	37,000
<i>deputy commissioner</i>		33,300
Employment services, department of commissioner	(26,400)	30,000
<i>deputy commissioner</i>		27,000
<i>Energy agency director</i>		31,000
<i>deputy director</i>		27,900
Finance, department of commissioner	(35,500)	40,000
deputy commissioner	(28,400)	36,000
(GOVERNOR, OFFICE OF) (GOVERNOR	41,000)	
Health, department of commissioner	(30,300)	36,000
<i>deputy commissioner</i>		32,400
<i>Hearing examiners, office of chief hearing examiner</i>		37,500

Higher education coordinating commission executive director	(26,100)	\$35,500
(ASSISTANT EXECUTIVE DIRECTOR	20,900)	
Highways, department of commissioner	(33,600)	39,000
<i>deputy commissioner</i>		35,100
<i>Housing finance agency</i> <i>executive director</i>		36,000
Human rights, department of commissioner	(20,000)	25,500
<i>deputy commissioner</i>		22,950
Indian affairs commission executive director	(17,500)	22,000
Investment, board of executive secretary	(35,000)	37,500
<i>Iron range resources and</i> <i>rehabilitation board</i> <i>commissioner</i>		25,000
<i>deputy commissioner</i>		22,500
Labor and industry, department of commissioner	(26,400)	34,000
<i>deputy commissioner</i>	(21,100)	30,600
(WORKMEN'S) <i>workers' compensation</i> commissioner	(22,000)	35,000
(DIRECTOR, MEDIATION SERVICES	21,000)	
(LIEUTENANT GOVERNOR, OFFICE OF) (LIEUTENANT GOVERNOR	30,000)	
(LIQUOR CONTROL, DEPARTMENT OF) (COMMISSIONER	19,000)	
<i>Mediation services</i> <i>director</i>		26,000

Natural resources, department of commissioner	(28,300)	\$37,000
deputy commissioner	(22,600)	33,300
Personnel, department of commissioner	(31,000)	40,000
deputy commissioner	(24,800)	36,000
Planning agency director	(27,000)	34,500
Pollution control agency director	(24,000)	31,000
<i>deputy director</i>		27,900
Public safety, department of commissioner	(26,900)	34,500
deputy commissioner	(21,500)	31,050
Public service, department of commissioner, public service commission ..	(22,000)	28,600
director	(20,700)	28,600
Public welfare, department of commissioner	(33,600)	39,000
deputy commissioner	(26,900)	35,100
Revenue, department of commissioner	(28,900)	36,000
<i>deputy commissioner</i>		32,400
Secretary of state, office of (SECRETARY OF STATE	25,000)	
deputy secretary of state	(17,500)	24,750
State (COLLEGE) <i>university</i> system chancellor	(32,500)	37,500
Treasury, state (TREASURER	25,000)	
deputy treasurer	(17,500)	24,750

Veterans affairs, department of commissioner	(16,000)	26,000
deputy commissioner		23,400

Sec. 2. Minnesota Statutes 1974, Section 43.062, Subdivision 3, is amended to read:

Subd. 3. [SALARIES.] Except for position for which salary ranges have been established, the salary listing shall contain a specific salary for each position defined in subdivision 1. For positions for which no salary ranges have been established, the salary listing shall further contain a specific monetary amount or percentage to which an incumbent's salary may be raised to reward achievement as prescribed by section 43.069.

The board shall (DETERMINE) *recommend* only a fixed salary for the positions of the constitutional officers, executive secretary of the board of investment, the workmen's compensation commissioner and the commissioner of public service who shall not be eligible for achievement awards as provided by section 43.069.

Sec. 3. Minnesota Statutes 1974, 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 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 department. Within the department, no person other than the department head shall be paid more than the base salary of the deputy department head if there is a deputy department head. If the deputy department head is paid pursuant to a salary range, no person other than the department head shall be paid more than the highest step in that salary range.*

Subd. 2. [DISCRETIONARY EXEMPTIONS.] The personnel board may grant exemptions from the provisions of subdivision 1 in the case of individual persons, but 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 qualified persons. In no event may a salary ex-

empted pursuant to this subdivision exceed 20 percent of the base salary established in chapter 15A or the highest step of the range of the position in respect to which the exemption was requested.

Subd. 3. [MEDICAL DOCTORS EXEMPTED.] Salaries of medical doctors paid under the provisions of section 43.126, shall be excluded from the limitation provided in this section.

Sec. 4. Minnesota Statutes 1974, Section 43.069, is amended to read:

43.069 [ACHIEVEMENT AWARDS.] Subdivision 1. Except as provided in section 43.062, the personnel board may (RAISE THE SALARY FOR) *grant an achievement award to any individual incumbent of a position whose base salary is established under the provisions of section 15A.081, and which has not been provided with a salary range, provided:*

(a) The incumbent has, in the opinion of the board, challenging written objectives which are specific as to amount and time and which have been agreed upon in advance by the appointing authority;

(b) The appointing authority of the incumbent applies to the board for the (SALARY INCREASE) *achievement award* and simultaneously certifies to the board that the incumbent has fulfilled, or is fulfilling, his agreed upon objectives.

Subd. 2. The board may require the appointing authority or the incumbent to submit additional information as it may deem necessary.

Subd. 3. The appointing authority may apply for, and the board may approve (SALARY INCREASES) *an achievement award for the incumbent (BY ANY INCREMENT AND MORE THAN ONCE) not to exceed ten percent of the base salary set for the position in section 15A.081. (THE AGGREGATE OF THE INCREASES UNDER THIS SECTION SHALL NOT INCREASE THE INDIVIDUAL SALARY BEYOND 25 PERCENT OF THE BASE SALARY ESTABLISHED FOR THE POSITION UNDER THE PROVISIONS OF SECTION 15A.081.)*

Subd. 4. Any achievement award (GRANTED TO INDIVIDUALS UNDER THIS SECTION SHALL REMAIN IN EFFECT FOR 12 MONTHS FROM THE DATE OF APPROVAL, UNLESS THE BOARD DETERMINES A LESSER EFFECTIVE PERIOD OF TIME) *shall be applied for near the end of a fiscal year and shall be based on the performance of the incumbent during the preceding 12 months. In the event that an incumbent has served in an eligible position for less than 12 months, the appointing authority and the board may consider a lesser period of time. Once the board has granted an achievement*

award for performance during a given fiscal year, the commissioner of finance shall pay the award in a lump sum and no further awards for achievements during that fiscal year shall be granted.

Sec. 5. [TEMPORARY PROVISION.] No incumbent whose salary is prescribed in section 15A.081, 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, 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 sections 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 personnel board approves an exemption pursuant to section 43.067, subdivision 2.

Article III

Section 1. Minnesota Statutes 1974, Section 15A.081 is amended by adding a subdivision to read:

Subd. 5. [CONSTITUTIONAL OFFICERS.] Except as otherwise provided by the state compensation commission, the following salaries are provided for the constitutional officers of the state:

Governor	\$45,000
Attorney general	42,000
Lieutenant governor	32,000
Auditor	29,400
Secretary of state	27,500
Treasurer	27,500

Article IV

Section 1. Minnesota Statutes 1974, Section 15A.083, as amended by Laws 1975, Chapter 381, Section 1, and Laws 1976, Chapter 2, Section 2, 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:

Chief justice of the supreme court, *except as otherwise provided by the state compensation commission* (\$40,000) \$44,000

Associate justice of the supreme court, *except as otherwise provided by the state compensation commission* (36,500) 43,000

District judge (32,000) 35,000

(EACH DISTRICT JUDGE SHALL RECEIVE \$1,500 ADDITIONAL ANNUALLY FROM 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 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.] *Notwithstanding any other provision of the law, the following annual salaries shall be paid to the enumerated judicial officers:*

(1) *Judge of a county court, county municipal court, probate court in Ramsey and Hennepin counties, and the municipal court of the city of St. Paul . . . \$35,000.*

((1)) (2) *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, CARVER AND DAKOTA \$29,000.)

(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) Judges not learned in the law \$24,000.

(5) The amounts required to pay the salaries in this subdivision are hereby appropriated from the general fund of the state of Minnesota.

(6) It is legislative intent that a court facilities planning commission should be created to determine longrange statewide court facilities goals and make recommendations as to methods needed to accomplish these goals. It is further intended that this commission be financed primarily with federal funds through the governor's crime commission.

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- 32,200
Court administrator	(25,000-32,000)	27,400- 34,400
County attorneys council executive director	(18,000-27,500)	20,400- 29,700

Subd. 4. [TAX COURT.] Salaries of members of the tax court (\$10,500) \$12,000.

Sec. 2. [TEMPORARY PROVISION.] Notwithstanding any other provision of this act to the contrary, an increase in compensation 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. 3. Minnesota Statutes, 1975 Supplement, 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 as necessary traveling and hotel expenses while absent from their places of residence in the discharge of their official duties, (AND) *in the same manner and amount as state employees, except that a judge shall not be paid such travel expenses for travel from his place of residence to and from his permanent chambers unless it is more than 75 miles. Judges shall submit their travel expenses on the same forms state employees must utilize to seek travel reimbursement. Additionally, judges of the district court shall be reimbursed for all sums, not reimbursed by counties, they shall necessarily hereafter pay out for telephone tolls, postage, expressage, and stationery, including printed letterheads and envelopes for official business (EXCEPT THAT A JUDGE SHALL NOT BE PAID SUCH TRAVELING EXPENSES FOR TRAVEL FROM HIS PLACE OF RESIDENCE TO AND FROM HIS PERMANENT CHAMBERS).* Each judge may file monthly and shall file within 90 days after the expenses are incurred, unless the time is extended by the commissioner of finance, with the commissioner of finance an itemized statement, verified by him, of all such expenses actually paid by him which shall be audited by the commissioner of finance and paid upon his warrant.

Article V

Section 1. Minnesota Statutes 1974, Section 241.045, Subdivision 4, is amended to read:

Subd. 4. [COMPENSATION; EXPENSES.] (EACH MEMBER OF THE AUTHORITY OTHER THAN THE CHAIRMAN SHALL RECEIVE AS COMPENSATION THE SUM OF \$20,000 PER YEAR, PAYABLE IN THE SAME MANNER AS OTHER EMPLOYEES OF THE STATE.) *Compensation for the chairman of the (AUTHORITY) board shall (RECEIVE AS COMPENSATION HIS) be the salary as an officer of the department of corrections, which shall not be less than the salary of the other officers of the (AUTHORITY) board. (IN ADDITION TO THE COMPENSATION HEREIN PROVIDED,)* Each member of the (AUTHORITY) board shall be reimbursed for all expenses (PAID OR INCURRED BY HIM IN THE PERFORMANCE OF HIS OFFICIAL DUTIES) in the same manner as other employees of the state. (THIS) Compensation and (THESE) expenses shall be paid out of the general fund in the same manner as the salaries and expenses of other state (OFFICERS) employees are paid, except that the salary and expenses

of the chairman of the (AUTHORITY) board shall be paid out of funds appropriated to the commissioner of corrections.

Sec. 2. Minnesota Statutes 1974, Chapter 8, is amended by adding a section to read:

[8.065] [DEPUTY AND ASSISTANT ATTORNEYS GENERAL; ASSIGNMENTS.] *Notwithstanding any other provision of law, the attorney general may assign all deputy and assistant attorneys general authorized by statutes to such state agencies as he deems necessary to the proper conduct of the legal business of the state.*

Sec. 3. *No public employee or official, except an employee of the University of Minnesota, shall receive a salary greater than that paid to the governor, nor shall any additional compensation be paid in an amount greater than the compensation paid to the governor. Contracts for salary and compensation in effect on the effective date of this act that conflict with this section may continue until their term of expiration but the conflicting provision may not be extended thereafter.*

Sec. 4. *Notwithstanding any other law, ordinance, resolution or provision in a home rule charter to the contrary, all political subdivisions shall expend funds for expenses incurred in travel by employees or elected or appointed officials only in accordance with rules established by the commissioner of personnel to govern expenses incurred by state employees.*

Article VI

Section 1. [REPEALERS.] *Minnesota Statutes 1974, Sections 15A.081, Subdivisions 1a and 4; 43.066; 487.05; and 526.18 are repealed.*

Sec. 2. [EFFECTIVE DATE.] *This act is effective with the first pay period beginning on or after July 1, 1976."*

Further delete the title in its entirety and insert:

"A bill for an act relating to the operation of state government; raising salaries for certain executive branch employees, constitutional officers, judges and judicial branch employees; limiting possible increases for certain executive branch employees; amending Minnesota Statutes 1974, Sections 3.099; 3.102; 3.13; 15A.081, by adding a subdivision; 15A.083, as amended; 43.062, Subdivision 3; 43.067; 43.069; 241.045, Subdivision 4; and Chapter 8, by adding a section; Minnesota Statutes, 1975 Supplement, Sections 15A.081, Subdivision 1; and 484.54; repealing Minnesota Statutes 1974, Sections 15A.081, Subdivisions 1a and 4; 43.066; 487.05; and 526.18."

With the recommendation that when so amended the bill do pass.

The report was adopted.

SECOND READING OF SENATE BILLS

S. F. No. 1963 was read for the second time.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce the passage by the Senate of the following House Files, herewith returned:

H. F. No. 1440, A bill for an act relating to private cemeteries; recovery of abandoned lots; amending Minnesota Statutes 1974, Chapter 307, by adding a section.

H. F. No. 2520, A bill for an act relating to education, requiring school districts to provide instructional materials for certain nonpublic school children.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following House Files, herewith returned:

H. F. No. 374, A bill for an act relating to local government; local improvements; establishing procedures for deferment of special assessments against homesteads of senior citizens; imposing certain duties on county auditors; amending Minnesota Statutes 1974, Sections 429.021, Subdivision 3; 429.061, Subdivision 1; 435.193; and 435.194.

H. F. No. 1929, A bill for an act relating to health care; requiring that certain insurance contracts and subscriber contracts provide benefits for certain services performed by podiatrists; amending Minnesota Statutes 1974, Section 62A.043.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following House Files, herewith returned:

H. F. No. 1913, A bill for an act relating to the city of Waseca; authorizing lump sum firemen's service pensions.

H. F. No. 1967, A bill for an act relating to the city of Rockford; proportionate service pensions and financing requirements of the firemen's relief association.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following House Files, herewith returned:

H. F. No. 1895, A bill for an act relating to highway traffic regulations; brakes; amending Minnesota Statutes 1974, Section 169.67, Subdivision 3.

H. F. No. 1962, A bill for an act relating to the city of Wadena; increasing payments for firemen's relief association service pensions.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following House Files, herewith returned:

H. F. No. 2215, A bill for an act relating to aeronautics; appropriating and transferring money for construction of hangars.

H. F. No. 2472, A bill for an act relating to Independent School District No. 624 and Independent School District No. 12; providing for the exchange of territory between the districts.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following House Files, herewith returned:

H. F. No. 1143, A bill for an act relating to public health; providing that chiropractic colleges shall be entitled to receive cadavers for the purpose of anatomical study; amending Minnesota Statutes 1974, Sections 145.14 and 525.923.

H. F. No. 2225, A bill for an act relating to veterans affairs; applications for adjusted compensation; establishing an applica-

tion time limit; extending the appropriation expiration date; amending Minnesota Statutes, 1975 Supplement, Section 197.973; and Laws 1975, Chapter 3, Section 2.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following House Files, herewith returned:

H. F. No. 2338, A bill for an act relating to the city of Fergus Falls; firemen's service pensions; amending Laws 1971, Chapter 2, Section 1.

H. F. No. 2600, A bill for an act relating to highway traffic regulations; license requirements for operating motorcycles; requiring enrollment in two-wheeled vehicle safety course prior to issuance of instruction permit; amending Minnesota Statutes, 1975 Supplement, Section 169.974, Subdivision 2.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned:

H. F. No. 2335, A bill for an act relating to insurance; revising financial requirements for certain insurance companies; amending Minnesota Statutes 1974, Section 60A.07, Subdivisions 5a, 5b, 5c and 5d.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 1984, A bill for an act relating to agriculture; establishing a family farm security program to encourage loans for farm real estate; appropriating money; amending Minnesota Statutes 1974, Sections 48.24, Subdivision 5; and 290.08, by adding a subdivision; Minnesota Statutes, 1975 Supplement, Section 290.01, Subdivision 20; and 290.09, Subdivision 4.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Eken moved that the House concur in the Senate amendments to H. F. No. 1984 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1984, A bill for an act relating to agriculture; establishing a family farm security program to encourage loans for farm real estate; appropriating money; amending Minnesota Statutes 1974, Sections 48.24, Subdivision 5; and Minnesota Statutes, 1975 Supplement, Section 290.01, Subdivision 20.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question being taken on the repassage of the bill and the roll being called, there were yeas 111, and nays 17, as follows:

Those who voted in the affirmative were:

Abeln	DeGroat	Jude	Neisen	Skoglund
Adams, L.	Dieterich	Kahn	Nelsen	Smith
Anderson, G.	Doty	Kalis	Nelson	Smogard
Anderson, I.	Eckstein	Kelly, R.	Niehaus	Spanish
Arlandson	Eken	Kelly, W.	Novak	Stanton
Beauchamp	Enebo	Kempe, R.	Osthoff	Suss
Begich	Erickson	Ketola	Parish	Swanson
Berg	Esau	Knickerbocker	Patton	Tomlinson
Berglin	Ewald	Knoll	Pehler	Ulland
Biersdorf	Faricy	Laidig	Petrafeso	Vanasek
Birnstihl	Fjoslien	Langseth	Philbrook	Vento
Braun	Fudro	Lemke	Reding	Volk
Brinkman	Fuginá	Lindstrom	Rice	Voss
Byrne	George	Luther	St. Onge	Wenstrom
Carlson, A.	Graba	Mangan	Sarna	Wenzel
Carlson, L.	Hanson	McCarron	Schreiber	White
Carlson, R.	Haugerud	McCauley	Schulz	Wieser
Casserly	Hokanson	McCollar	Schumacher	Williamson
Clark	Jacobs	McEachern	Setzepfandt	Speaker Sabo
Clawson	Jaros	Menning	Sherwood	
Corbid	Jensen	Metzen	Sieben, H.	
Dahl	Johnson, C.	Moe	Sieben, M.	
Dean	Johnson, D.	Munger	Simoneau	

Those who voted in the negative were:

Adams, S.	Heinitz	Kostohryz	Savelkoul	Zubay
Albrecht	Jopp	Kvam	Searle	
Evans	Kaley	Peterson	Sieloff	
Friedrich	Kempe, A.	Prahl	Wigley	

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

H. F. No. 943, A bill for an act relating to cable communications; making the cable communications commission a permanent part of the department of administration; authorizing the commission to promulgate a line extension policy; interconnection; orders; municipal cable systems; information gathering; permitting counties to establish translator systems; amending Minnesota Statutes 1974, Sections 238.02, Subdivision 11; 238.04, Subdivision 1; 238.05, Subdivisions 2, 6, 7, 12, and by adding a subdivision; 238.06, Subdivision 1; 238.08, Subdivisions 1, 2 and 3; 238.09, Subdivisions 3 and 6, and by adding subdivisions; 238.13; and 375.164; repealing Minnesota Statutes 1974, Sections 238.05, Subdivisions 8 and 16; and 238.09, Subdivision 2.

The Senate has repassed said bill, in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 166, A bill for an act relating to Ramsey county; authorizing the county to acquire the Brightwood Hills golf course in the city of New Brighton; authorizing the issuance of bonds to finance the purchase.

PATRICK E. FLAHAVEN, Secretary of the Senate

Novak moved that the House refuse to concur in the Senate amendments to H. F. No. 166, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two Houses. The motion prevailed.

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee, consisting of 3 members of the Senate, on the amendments adopted by the Senate to the following House File:

H. F. No. 2203, A bill for an act relating to medical assistance for the needy; establishing guidelines for reimbursement of medical services furnished by nursing homes; prescribing certain responsibilities for the department of public welfare.

The Senate has appointed as such committee Messrs. Milton, Kirchner and Spear.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee, consisting of 3 members of the Senate, on the amendments adopted by the Senate to the following House File:

H. F. No. 746, A bill for an act relating to commerce; requiring prices on certain retail food packages.

The Senate has appointed as such committee Messrs. Solon, Nelson and Laufenburger.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee, consisting of 3 members of the Senate, on the amendments adopted by the Senate to the following House File:

H. F. No. 348, A bill for an act relating to insurance; clarifying the application of state law to certain insurance contracts; amending Minnesota Statutes 1974, Chapter 60A, by adding a section.

The Senate has appointed as such committee Messrs. Laufenburger, Kowalczyk and Milton.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 2188, A bill for an act relating to motor vehicles; defining powers of the registrar of motor vehicles; providing for the appointment of private deputy registrars; providing for the appointment of a county license bureau director as deputy registrar; amending Minnesota Statutes 1974, Sections 168.33, Subdivision 7; and 373.35, Subdivision 1; and Minnesota Statutes, 1975 Supplement, Section 168.33, Subdivision 2; repealing Minnesota Statutes 1974, Section 373.36.

PATRICK E. FLAHAVEN, Secretary of the Senate

Carlson, R. moved that the House refuse to concur in the Senate amendments to H. F. No. 2188, that the Speaker appoint a Conference Committee of 5 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two Houses. The motion prevailed.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 1827, 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 out-patient treatment of alcoholism, chemical dependency or drug addiction; amending Minnesota Statutes 1974, Section 62A.149.

PATRICK E. FLAHAVEN, Secretary of the Senate

McCarron moved that the House refuse to concur in the Senate amendments to H. F. No. 1827, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two Houses. The motion prevailed.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 2560, A bill for an act relating to highway traffic regulations; prescribing the width of vehicles; amending Minnesota Statutes 1974, Section 169.80, Subdivision 2.

PATRICK E. FLAHAVEN, Secretary of the Senate

Fjoslien moved that the House refuse to concur in the Senate amendments to H. F. No. 2560, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two Houses. The motion prevailed.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 471, A bill for an act relating to condominiums; providing for registration and disclosure prior to sale; providing penalties; amending Minnesota Statutes 1974, Section 83.26, Subdivision 1; and repealing Minnesota Statutes 1974, Chapter 515.

PATRICK E. FLAHAVEN, Secretary of the Senate

Dieterich moved that the House refuse to concur in the Senate amendments to H. F. No. 471, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two Houses. The motion prevailed.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 1330, A bill for an act relating to labor; directing the commissioner of labor and industry to enforce the prohibition against administering polygraph tests to employees; prescribing penalties; amending Minnesota Statutes 1974, Section 181.75; repealing Minnesota Statutes 1974, Section 181.77.

PATRICK E. FLAHAVEN, Secretary of the Senate

Sieben, M., moved that the House refuse to concur in the Senate amendments to H. F. No. 1330, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 2204, A bill for an act relating to collection and dissemination of data; providing definitions; requiring a public document on data collection; authorizing audits of data collection practices and policies; providing for emergency classification in certain situations; amending Minnesota Statutes 1974, Section 15.17, Subdivision 4; and Minnesota Statutes, 1975 Supplement, Sections 15.162, Subdivisions 2a, 4, 5a and 8; 15.163, Subdivisions 1 and 2.

PATRICK E. FLAHAVEN, Secretary of the Senate

Lindstrom moved that the House refuse to concur in the Senate amendments to H. F. No. 2204, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that like committee be appointed by the Senate to confer on the disagreeing votes of the two Houses. The motion prevailed.

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendments to:

S. F. No. 2288, A bill for an act relating to Indian affairs; providing a change in membership for the board; creating an advisory council; changing the duties of the board; appropriating money; amending Minnesota Statutes 1974, Section 3.922, as amended.

And the Senate respectfully requests that a Conference Committee of 3 members be appointed thereon. Messrs. Willet, Solon and Hanson, R. have been appointed as such committee on the part of the Senate.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

PATRICK E. FLAHAVEN, Secretary of the Senate

St. Onge moved that the House accede to the request of the Senate for the appointment of a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two Houses on S. F. No. 2288. The motion prevailed.

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate File, herewith transmitted:

S. F. No. 2032.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 2300 and 2560.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 2032, A bill for an act relating to public welfare; establishing pilot programs for community mental health treatment; appropriating money; amending Minnesota Statutes 1974, Chapter 245, by adding a section.

The bill was read for the first time.

Hanson moved that S. F. No. 2032 and H. F. No. 2274, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 2300, A bill for an act relating to livestock sanitation; providing indemnification to owners of condemned cattle by reason of being nonreactors to the brucellosis test, or by reason of being exposed to brucellosis and not eligible for test; authorizing indemnity to owners of grade bulls slaughtered because of certain other dangerous diseases; appropriating money; amending Minnesota Statutes 1974, Section 35.09, Subdivision 2, and by adding a subdivision.

The bill was read for the first time.

Setzepfandt moved that S. F. No. 2300 and H. F. No. 2386, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 2560, A bill for an act relating to state university employees; approving wage and economic fringe benefit agreements between the state and certain employees of the state university system; amending Minnesota Statutes 1974, Chapter 136, by add-

ing a section; and Minnesota Statutes, 1975 Supplement, Section 43.12, Subdivision 17.

The bill was read for the first time and referred to the Committee on Appropriations.

ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to the Conference Committee on H. F. No. 166:

Novak, Hanson and Philbrook.

The Speaker announced the appointment of the following members of the House to the Conference Committee on H. F. No. 1827:

Samuelson, McCarron and Enebo.

The Speaker announced the appointment of the following members of the House to the Conference Committee on H. F. No. 2188:

Carlson, R.; Vanasek; Sarna; Osthoff and Evans.

The Speaker announced the appointment of the following members of the House to the Conference Committee on H. F. No. 2560:

Fjoslien, Fudro and Kalis.

The Speaker announced the appointment of the following members of the House to the Conference Committee on H. F. No. 2204:

Lindstrom, Arlandson and Dean.

The Speaker announced the appointment of the following members of the House to the Conference Committee on H. F. No. 1330:

Sieben, M.; Pehler and Jaros.

The Speaker announced the appointment of the following members of the House to the Conference Committee on H. F. No. 471:

Dieterich, George and Sieloff.

There being no objection the order of business reverted to Messages from the Senate.

MESSAGES FROM THE SENATE

The following message was received from the Senate:

A message from the Senate relating to H. F. No. 1909, as amended by the Senate, was reported to the House.

Savelkoul moved that H. F. No. 1909 and the accompanying message from the Senate be laid over until Monday, March 29, 1976. The motion prevailed.

GENERAL ORDERS

There being no objection, the bills on General Orders for today were continued on General Orders until Monday, March 29, 1976.

MOTIONS AND RESOLUTIONS

Pleasant, Abeln, Williamson and Swanson introduced:

House Resolution No. 38, A house resolution congratulating Bloomington-Jefferson High School on winning the class AA championship in the state basketball tournament.

The resolution was referred to the Committee on Rules and Legislative Administration.

Mann introduced:

House Resolution No. 39, A house resolution congratulating the Windom Eagles on placing third in the state high school Class A basketball tournament.

The resolution was referred to the Committee on Rules and Legislative Administration.

House Resolution No. 37 was reported to the House.

HOUSE RESOLUTION NO. 37

A house resolution relating to the house leadership scholarship fund.

Whereas, in the 1969 and 1971 sessions of the legislature the members and staff of the House of Representatives created by voluntary contribution a house leadership scholarship fund in honor of the then leaders of the House; and

Whereas, the moneys in the house leadership scholarship fund have yet to be distributed and the principal remains intact; now, therefore,

Be It Resolved, by the House of Representatives that a new committee be formed to administer the fund and appropriately distribute the moneys accumulated in the fund.

Be It Further Resolved, that two representatives of the Minnesota higher education coordinating board and Representatives Peter Fugina, David Beauchamp, Rodney Searle and Mary Forsythe be named as the committee.

Be It Further Resolved, that the committee name four recipients, that preference be given to students who served without pay as interns to the House of Representatives, and that the committee report back to the House of Representatives by January 15, 1977, the manner in which the moneys in the fund have been distributed.

Anderson, I., moved that House Resolution No. 37 be now adopted. The motion prevailed and House Resolution No. 37 was adopted.

Anderson, I., moved that the following bills be unofficially engrossed and printed for the House to include committee amendments.

S. F. Nos. 486, 1615, 2241 and 1963.

The motion prevailed.

SPECIAL ORDERS

Anderson, I., moved that the bills on Special Orders for today be continued on Special Orders for Monday, March 29, 1976 immediately following the Calendar. The motion prevailed.

ADJOURNMENT

Anderson, I., moved that when the House adjourns today it adjourn until 11:00 a.m., Monday, March 29, 1976. The motion prevailed.

Anderson, I., moved that the House adjourn. The motion prevailed and the Speaker declared the House adjourned until 11:00 a.m., Monday, March 29, 1976.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

STATE OF MINNESOTA

SIXTY-NINTH SESSION - 1976

ONE HUNDREDTH DAY

SAINT PAUL, MINNESOTA, MONDAY, MARCH 29, 1976

The House convened at 11:00 a.m. and was called to order by the Speaker.

Prayer was offered by the Chaplain.

The roll was called and the following members were present:

Abeln	Eckstein	Kaley	Neisen	Sieben, H.
Adams, L.	Eken	Kalis	Nelsen	Sieben, M.
Adams, S.	Enebo	Kelly, R.	Nelson	Sieloff
Albrecht	Erickson	Kelly, W.	Niehhaus	Simoneau
Anderson, G.	Esau	Kempe, A.	Norton	Skoglund
Anderson, I.	Evans	Kempe, R.	Novak	Smith
Arlandson	Ewald	Ketola	Osthoff	Smogard
Beauchamp	Faricy	Knickerbocker	Parish	Spanish
Begich	Fjoslien	Knoll	Patton	Stanton
Berg	Forsythe	Kostohryz	Pehler	Suss
Berglin	Friedrich	Kroening	Peterson	Swanson
Biersdorf	Fudro	Kvam	Petraleso	Tomlinson
Birnstihl	Fugina	Laidig	Philbrook	Ulland
Braun	George	Langseth	Pleasant	Vanasek
Byrne	Graba	Lemke	Prahl	Vento
Carlson, A.	Hanson	Lindstrom	Reding	Volk
Carlson, L.	Haugerud	Luther	Rice	Voss
Carlson, R.	Heinitz	Mangan	St. Onge	Wenstrom
Casslerly	Hokanson	Mann	Samuelson	Wenzel
Clark	Jacobs	McCarron	Sarna	White
Clawson	Jaros	McCauley	Savelkoul	Wieser
Corbid	Jensen	McCollar	Schreiber	Wigley
Dahl	Johnson, C.	McEachern	Schulz	Williamson
Dean	Johnson, D.	Menning	Schumacher	Zubay
DeGroat	Jopp	Metzen	Searle	Speaker Sabo
Dieterich	Jude	Moe	Setzepfandt	
Doty	Kahn	Munger	Sherwood	

A quorum was present.

Brinkman was excused until 2:15 p.m.

The Chief Clerk proceeded to read the Journal of the preceding day. On the motion of Vanasek the further reading was dispensed with and the Journal was approved as corrected.

REPORTS OF CHIEF CLERK

Pursuant to Rules of the House, printed copies of H. F. Nos. 1120, 1940 and 2547 and S. F. Nos. 2402, 2300, 2560, 2032 and 1963 have been placed in the members' files.

S. F. No. 2300 and H. F. No. 2386, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Mann moved that S. F. No. 2300 be substituted for H. F. No. 2386 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2402 and H. F. No. 2466, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Eckstein moved that S. F. No. 2402 be substituted for H. F. No. 2466 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2032 and H. F. No. 2274, which had been referred to the Chief Clerk for comparison, were examined and found to be identical, except H. F. No. 2274, page 1, line 10 to page 2, line 2, reads:

"The counties of Dakota, Washington, and Ramsey, either separately or in conjunction with each other, may establish pilot programs rendering nonresidential community based services of individualized treatment and rehabilitation for mentally ill persons currently in or outside of institutions. The programs shall emphasize teaching basic skills to persons who would otherwise have to be hospitalized or who are unable to take advantage of usual aftercare services, in order to enable those persons to live independently in the community without further need for hospitalization.

Sec. 2: Any unexpended balance remaining in the first year in Laws 1975, Chapter 434, Section 2, Subdivisions 3 and 5, shall not cancel but shall be available in the second year of the biennium and may be used for the purposes of this act."

Whereas S. F. No. 2032, page 1, lines 10 to 23 reads:

"The counties of Dakota, Washington, and Ramsey may individually or jointly establish pilot programs to provide non-residential community based services of individualized treatment and rehabilitation to mentally ill persons residing in those counties. The pilot programs shall emphasize teaching basic skills to persons who would otherwise be hospitalized or who are unable to use currently available aftercare services, and shall be designed

to enable those persons to live independently in the community without further hospitalization.

Sec. 2. There is appropriated from the general fund to the commissioner of public welfare the sum of \$615,000 for the purposes of this act. This appropriation shall not lapse but shall remain available until expended."

SUSPENSION OF RULES

Hanson moved that the rules be so far suspended that S. F. No. 2032 be substituted for H. F. No. 2274 and that the House File be indefinitely postponed. The motion prevailed.

PETITIONS AND COMMUNICATIONS

The following communication was received:

STATE OF MINNESOTA
OFFICE OF THE SECRETARY OF STATE
ST. PAUL 55155

March 26, 1976

The Honorable Martin O. Sabo
Speaker of the House of Representatives
The Honorable Alec G. Olson
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1976 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 1976	Date Filed 1976
	574	76	March 25	March 25
	2022	77	March 25	March 25
	2009	78	March 25	March 25
345		79	March 25	March 25
429		80	March 25	March 25
612		81	March 25	March 25
1120		82	March 25	March 25
1308		83	March 25	March 25

<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Date Approved 1976</i>	<i>Date Filed 1976</i>
1456		84	March 25	March 25
1576		85	March 25	March 25
1763		86	March 25	March 25
1866		87	March 25	March 25
1996		88	March 25	March 25
2068		89	March 25	March 25
2152		90	March 25	March 25
2355		91	March 25	March 25

Sincerely,

JOAN ANDERSON GROWE
Secretary of State

REPORTS OF STANDING COMMITTEES

Anderson, I., from the Committee on Rules and Legislative Administration to which was referred:

H. F. No. 2094, A bill for an act proposing an amendment to the Minnesota Constitution, Article XIII, Section 3; allowing the status of the University of Minnesota to be provided by law.

Reported the same back with the following amendments:

Page 1, line 18, delete "make".

Page 1, delete line 19 and insert "allow the special rights of the university of Minnesota to be modified by law?".

With the recommendation that when so amended the bill do pass.

The report was adopted.

Anderson, I., from the Committee on Rules and Legislative Administration to which was referred:

S. F. No. 2486, A bill for an act relating to highways; construction limitations on certain trunk highways; requiring the preparation of environmental impact statements for such highways; amending Minnesota Statutes, 1975 Supplement, Section 161.123.

Reported the same back with the recommendation that the bill do pass.

The report was adopted.

REPORT FROM THE COMMITTEE ON RULES AND
LEGISLATIVE ADMINISTRATION

Pursuant to Rule 1.9, Anderson, I., for the Committee on Rules and Legislative Administration, designated the following bills as a Special Order to be acted immediately following S. F. No. 551 on Special Orders for Monday, March 29, 1976.

S. F. Nos. 1812, 2011, 1932, 1872, 1820, 1998, 1788, 2251, 1838, 491, 2177, 687, 1848, 1865, 1552, 1635, 1619, 1821, 1841, 4, 1105, 1188, 2223, 2151, 1906, 1570, 1753, 1780, 975 and 2056; H. F. No. 2688 and S. F. Nos. 2436, 855 and 556.

SECOND READING OF HOUSE BILLS

H. F. No. 2094 was read for the second time.

SECOND READING OF SENATE BILLS

S. F. Nos. 2300, 2402, 2032 and 2486 were read for the second time.

INTRODUCTION AND FIRST READING
OF HOUSE BILLS

The following House File was introduced:

Simoneau, Novak and Neisen introduced:

H. F. No. 2702, A bill for an act relating to taxation; reducing the sales tax rate; amending Minnesota Statutes 1974, Section 297A.02.

The bill was read for the first time and referred to the Committee on Taxes.

PROGRESS REPORTS ON CONFERENCE COMMITTEES

Pursuant to Joint Rule 13, Speaker Sabo reported on the progress of H. F. No. 2677, now in Conference Committee.

Pursuant to Joint Rule 13, Speaker Sabo reported on the progress of H. F. No. 2678, now in Conference Committee.

Pursuant to Joint Rule 13, Casserly reported on the progress of S. F. No. 840, now in Conference Committee.

Pursuant to Joint Rule 13, Volk reported on the progress of S. F. No. 1206, now in Conference Committee.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 2230, A bill for an act relating to retirement; approval of benefits and contributions of teachers' retirement associations in cities of the first class; benefits and contributions in the city of Minneapolis; extending social security coverage to and establishing a coordinated retirement program for teachers covered by the Minneapolis teachers retirement fund association; amending Minnesota Statutes 1974, Chapter 355, by adding sections; and Minnesota Statutes, 1975 Supplement, Section 354A.12.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Patton moved that the House concur in the Senate amendments to H. F. No. 2230 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 2230, A bill for an act relating to retirement; approval of benefits and contributions of teachers' retirement associations in cities of the first class; benefits and contributions in the city of Minneapolis; amending Minnesota Statutes 1974, Chapter 355, by adding sections; Minnesota Statutes, 1975 Supplement, Section 354A.12.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question being taken on the repassage of the bill and the roll being called, there were yeas 122, and nays 0, as follows:

Those who voted in the affirmative were:

Abeln	Berglin	Clawson	Evans	Heinitz
Adams, L.	Biersdorf	Corbid	Ewald	Hokanson
Adams, S.	Birnstihl	Dean	Faricy	Jacobs
Albrecht	Braun	DeGroat	Forsythe	Jaros
Anderson, G.	Byrne	Dieterich	Friedrich	Jensen
Anderson, I.	Carlson, A.	Doty	Fudro	Johnson, C.
Arlandson	Carlson, L.	Eckstein	George	Johnson, D.
Beauchamp	Carlson, R.	Enebo	Graba	Jude
Begich	Casserly	Erickson	Hanson	Kahn
Berg	Clark	Esau	Haugerud	Kaley

Kalis	Mann	Parish	Schulz	Ulland
Kelly, R.	McCarron	Patton	Schumacher	Vanasek
Kempe, A.	McCauley	Pehler	Setzepfandt	Vento
Kempe, R.	McCollar	Peterson	Sherwood	Volk
Ketola	McEachern	Petrafeso	Sieben, H.	Voss
Knickerbocker	Menning	Philbrook	Sieben, M.	Wenstrom
Knoll	Metzen	Pleasant	Sieloff	Wenzel
Kostohryz	Moe	Prahl	Simoneau	White
Kroening	Munger	Reding	Skoglund	Wieser
Kvam	Neisen	Rice	Smith	Williamson
Laidig	Nelsen	St. Onge	Smogard	Zubay
Langseth	Nelson	Samuelson	Spanish	Speaker Sabo
Lemke	Niehaus	Sarna	Stanton	
Luther	Novak	Savelkoul	Suss	
Mangan	Osthoff	Schreiber	Swanson	

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 2068, A bill for an act relating to hospitals; providing for loans to medical students who agree to practice in the hospital district; amending Minnesota Statutes 1974, Section 447.34, Subdivision 1; and Chapter 447, by adding a section.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

McEachern moved that the House concur in the Senate amendments to H. F. No. 2068 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 2068, A bill for an act relating to hospitals; providing for loans to medical students who agree to practice in the hospital district; amending Minnesota Statutes 1974, Section 447.34, Subdivision 1; and Chapter 447, by adding a section.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question being taken on the repassage of the bill and the roll being called, there were yeas 127, and nays 0, as follows:

Those who voted in the affirmative were:

Abeln	Anderson, I.	Berg	Braun	Carlson, R.
Adams, L.	Arlandson	Berglin	Byrne	Casserly
Adams, S.	Beauchamp	Biersdorf	Carlson, A.	Clark
Anderson, G.	Begich	Birnstihl	Carlson, L.	Clawson

Corbid	Heinitz	Lemke	Petrafeso	Smogard
Dahl	Hokanson	Luther	Philbrook	Spanish
Dean	Jaros	Mangan	Pleasant	Stanton
DeGroat	Jensen	Mann	Prahl	Suss
Dieterich	Johnson, C.	McCarron	Reding	Swanson
Doty	Johnson, D.	McCauley	Rice	Tomlinson
Eckstein	Jude	McCollar	St. Onge	Ulland
Enebo	Kahn	McEachern	Samuelson	Vanasek
Erickson	Kaley	Menning	Sarna	Vento
Esau	Kalis	Metzen	Savelkoul	Volk
Evans	Kelly, R.	Moe	Schreiber	Voss
Ewald	Kelly, W.	Munger	Schulz	Wenstrom
Faricy	Kempe, A.	Neisen	Schumacher	Wenzel
Fjoslien	Kempe, R.	Nelsen	Searle	White
Forsythe	Ketola	Nelson	Setzpfandt	Wieser
Friedrich	Knickerbocker	Niehaus	Sherwood	Wigley
Fudro	Knoll	Novak	Sieben, H.	Williamson
Fugina	Kostohryz	Osthoff	Sieben, M.	Zubay
George	Kroening	Parish	Sieloff	Speaker Sabo
Graba	Kvam	Patton	Simoneau	
Hanson	Laidig	Pehler	Skoglund	
Haugerud	Langseth	Peterson	Smith	

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker :

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 1885, A bill for an act relating to the metropolitan airports commission; requiring the installation of aircraft noise suppressing equipment at certain Minneapolis-St. Paul International Airport sites; amending Laws 1975, Chapter 13, Section 100, by adding a subdivision.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Skoglund moved that the House concur in the Senate amendments to H. F. No. 1885 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1885, A bill for an act relating to the metropolitan airports commission; requiring the installation of aircraft noise suppressing equipment at certain Minneapolis-St. Paul International Airport sites; amending Minnesota Statutes, 1975 Supplement, Section 473.608, by adding a subdivision.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question being taken on the repassage of the bill and the roll being called, there were yeas 129, and nays 0, as follows:

Those who voted in the affirmative were:

Abeln	Eckstein	Kaley	Neisen	Sieben, H.
Adams, L.	Enebo	Kalis	Nelsen	Sieben, M.
Adams, S.	Erickson	Kelly, R.	Nelson	Sieloff
Albrecht	Esau	Kelly, W.	Niehaus	Simoneau
Anderson, G.	Evans	Kempe, A.	Novak	Skoglund
Anderson, I.	Ewald	Kempe, R.	Osthoff	Smith
Beauchamp	Faricy	Ketola	Parish	Smogard
Begich	Fjoslien	Knickerbocker	Patton	Spanish
Berg	Forsythe	Knoll	Pehler	Stanton
Berglin	Friedrich	Kostohryz	Peterson	Suss
Biersdorf	Fudro	Kroening	Petraleso	Swanson
Birnstihl	Fugina	Kvam	Philbrook	Tomlinson
Braun	George	Laidig	Pleasant	Ulland
Byrne	Graba	Langseth	Prahl	Vanasek
Carlson, A.	Hanson	Lemke	Reding	Vento
Carlson, L.	Haugerud	Luther	Rice	Volk
Carlson, R.	Heinitz	Mangan	St. Onge	Voss
Casserly	Hokanson	Mann	Samuelson	Wenstrom
Clark	Jacobs	McCarron	Sarna	Wenzel
Clawson	Jaros	McCauley	Savelkoul	White
Corbid	Jensen	McCollar	Schreiber	Wieser
Dahl	Johnson, C.	McEachern	Schulz	Wigley
Dean	Johnson, D.	Menning	Schumacher	Williamson
DeGroat	Jopp	Metzen	Searle	Zubay
Dieterich	Jude	Moe	Setzepfandt	Speaker Sabo
Doty	Kahn	Munger	Sherwood	

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 1876, A bill for an act relating to transportation; providing for rail transportation improvements throughout the state; creating the Minnesota rail line improvement account; authorizing the development of a state plan for rail transportation and a feasibility study of rail line acquisition by the state or by a political subdivision of the state; appropriating money.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Stanton moved that the House concur in the Senate amendments to H. F. No. 1876 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1876, A bill for an act relating to transportation; creating a rail service improvement account; authorizing contractual agreements for rail line rehabilitation; establishing a rail service improvement program; prescribing powers and

duties of the director of the state planning agency; requiring study of state regulatory and taxation policies affecting rail transportation; appropriating money.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question being taken on the repassage of the bill and the roll being called, there were yeas 131, and nays 0, as follows:

Those who voted in the affirmative were:

Abeln	Eken	Kalis	Nelson	Sieloff
Adams, L.	Enebo	Kelly, R.	Niehaus	Simoneau
Adams, S.	Erickson	Kelly, W.	Norton	Skoglund
Anderson, G.	Esau	Kempe, A.	Novak	Smith
Anderson, I.	Evans	Kempe, R.	Osthoff	Smogard
Arlandson	Ewald	Ketola	Parish	Spanish
Beauchamp	Faricy	Knickerbocker	Patton	Stanton
Begich	Fjoslien	Knoll	Pehler	Suss
Berg	Forsythe	Kostohryz	Peterson	Swanson
Berglin	Friedrich	Kroening	Petrafeso	Tomlinson
Biersdorf	Fudro	Kvam	Philbrook	Ulland
Birnstihl	Fugina	Laidig	Pleasant	Vanasek
Braun	George	Langseth	Prahl	Vento
Byrne	Graba	Lemke	Reding	Volk
Carlson, A.	Hanson	Luther	Rice	Voss
Carlson, L.	Haugerud	Mangan	St. Onge	Westrom
Carlson, R.	Heinitz	Mann	Samuelson	Wenzel
Casslerly	Hokanson	McCarron	Sarna	White
Clark	Jacobs	McCauley	Savelkoul	Wieser
Clawson	Jaros	McCollar	Schreiber	Wigley
Corbid	Jensen	McEachern	Schulz	Williamson
Dahl	Johnson, C.	Menning	Schumacher	Zubay
Dean	Johnson, D.	Metzen	Searle	Speaker Sabo
DeGroat	Jopp	Moe	Setzepfandt	
Dieterich	Jude	Munger	Sherwood	
Doty	Kahn	Neisen	Sieben, H.	
Eckstein	Kaley	Nelsen	Sieben, M.	

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 1056, A bill for an act relating to crimes; prohibiting occupying or entering buildings without a claim of right or the owner's consent except in the case of an emergency; amending Minnesota Statutes 1974, Section 609.605.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Sherwood moved that the House concur in the Senate amendments to H. F. No. 1056 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1056, A bill for an act relating to crimes; prohibiting occupying or entering buildings without a claim of right or the owner's consent except in the case of an emergency; amending Minnesota Statutes 1974, Section 609.605.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question being taken on the repassage of the bill and the roll being called, there were yeas 131, and nays 0, as follows:

Those who voted in the affirmative were:

Abeln	Eckstein	Kaley	Nelsen	Sieloff
Adams, L.	Eken	Kalis	Nelson	Simoneau
Adams, S.	Enebo	Kelly, R.	Niehaus	Skoglund
Albrecht	Erickson	Kelly, W.	Novak	Smith
Anderson, G.	Esau	Kempe, A.	Osthoff	Smogard
Anderson, I.	Evans	Kempe, R.	Parish	Spanish
Arlandson	Ewald	Ketola	Patton	Stanton
Beauchamp	Fariy	Knickerbocker	Pehler	Suss
Begich	Fjoslien	Knoll	Peterson	Swanson
Berg	Forsythe	Kostohryz	Petrafeso	Tomlinson
Berglin	Friedrich	Kroening	Philbrook	Ulland
Biersdorf	Fudro	Kvam	Pleasant	Vanasek
Birnstihl	Fugina	Laidig	Prahl	Vento
Braun	George	Langseth	Reding	Volk
Byrne	Graba	Lemke	Rice	Voss
Carlson, A.	Hanson	Luther	St. Onge	Wenstrom
Carlson, L.	Haugerud	Mangan	Samuelson	Wenzel
Carlson, R.	Heinitz	Mann	Sarna	White
Casserly	Hokanson	McCarron	Savelkoul	Wieser
Clark	Jacobs	McCauley	Schreiber	Wigley
Clawson	Jaros	McCollar	Schulz	Williamson
Corbid	Jensen	McEachern	Schumacher	Zubay
Dahl	Johnson, C.	Menning	Searle	Speaker Sabo
Dean	Johnson, D.	Metzen	Setzepfandt	
DeGroat	Jopp	Moe	Sherwood	
Dieterich	Jude	Munger	Sieben, H.	
Doty	Kahn	Neisen	Sieben, M.	

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 1069, A bill for an act relating to the operation of state government; state employees; adoption of rules by state commissioner of personnel; providing for agreement of rules with employment contracts; amending Minnesota Statutes 1974, Section 43.323, Subdivision 1.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Sieben, M., moved that the House concur in the Senate amendments to H. F. No. 1069 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1069, A bill for an act relating to the operation of state government; state employees; adoption of rules by state commissioner of personnel; providing for agreement of rules with employment contracts; amending Minnesota Statutes 1974, Section 43.323, Subdivision 1.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question being taken on the repassage of the bill and the roll being called, there were yeas 133, and nays 0, as follows:

Those who voted in the affirmative were:

Abeln	Eckstein	Kaley	Neisen	Sieben, H.
Adams, L.	Eken	Kalis	Nelsen	Sieben, M.
Adams, S.	Enebo	Kelly, R.	Nelson	Sieloff
Albrecht	Erickson	Kelly, W.	Niehaus	Simoneau
Anderson, G.	Esau	Kempe, A.	Norton	Skoglund
Anderson, I.	Evans	Kempe, R.	Novak	Smith
Arlandson	Ewald	Ketola	Osthoff	Smogard
Beauchamp	Faricy	Knickerbocker	Parish	Spanish
Begich	Fjoslien	Knoll	Patton	Stanton
Berg	Forsythe	Kostohryz	Pehler	Suss
Berglin	Friedrich	Kroening	Peterson	Swanson
Biersdorf	Fudro	Kvam	Petrafeso	Tomlinson
Birnstihl	Fugina	Laidig	Philbrook	Ulland
Braun	George	Langseth	Pleasant	Vanasek
Byrne	Graba	Lemke	Prahl	Vento
Carlson, A.	Hanson	Lindstrom	Reding	Volk
Carlson, L.	Haugerud	Luther	Rice	Voss
Carlson, R.	Heinitz	Mangan	St. Onge	Wenstrom
Casserly	Hokanson	Mann	Samuelson	Wenzel
Clark	Jacobs	McCarron	Sarna	White
Clawson	Jaros	McCauley	Savelkoul	Wieser
Corbid	Jensen	McCollar	Schreiber	Wigley
Dahl	Johnson, C.	McEachern	Schulz	Williamson
Dean	Johnson, D.	Menning	Schumacher	Zubay
DeGroat	Jopp	Metzen	Searle	Speaker Sabo
Dieterich	Jude	Moe	Setzepfandt	
Doty	Kahn	Munger	Sherwood	

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 1271, A bill for an act relating to labor and employment; providing for transfer of pension or retirement fund contributions; amending Minnesota Statutes 1974, Section 179.254, Subdivision 2.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Jaros moved that the House concur in the Senate amendments to H. F. No. 1271 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1271, A bill for an act relating to labor and employment; providing for transfer of pension or retirement fund contributions; amending Minnesota Statutes 1974, Section 179.254, Subdivision 2.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question being taken on the repassage of the bill and the roll being called, there were yeas 133, and nays 0, as follows:

Those who voted in the affirmative were:

Abeln	DeGroat	Jensen	Mann	Reding
Adams, L.	Dieterich	Johnson, C.	McCarron	Rice
Adams, S.	Doty	Johnson, D.	McCauley	St. Onge
Albrecht	Eckstein	Jopp	McCollar	Samuelson
Anderson, G.	Eken	Jude	McEachern	Sarna
Anderson, I.	Enebo	Kahn	Menning	Savelkoul
Arlandson	Erickson	Kaley	Metzen	Schreiber
Beauchamp	Esau	Kalis	Moe	Schulz
Begich	Evans	Kelly, R.	Munger	Schumacher
Berg	Ewald	Kelly, W.	Neisen	Searle
Berglin	Faricy	Kempe, A.	Nelsen	Setzpfandt
Biersdorf	Fjoslien	Kempe, R.	Nelson	Sherwood
Birnstihl	Forsythe	Ketola	Niehaus	Sieben, H.
Braun	Friedrich	Knickerbocker	Norton	Sieben, M.
Byrne	Fudro	Knoll	Novak	Sieloff
Carlson, A.	Fugina	Kostohryz	Osthoff	Simoneau
Carlson, L.	George	Kroening	Parish	Skoglund
Carlson, R.	Graba	Kvam	Patton	Smith
Casserly	Hanson	Laidig	Pehler	Smogard
Clark	Haugerud	Langseth	Peterson	Spanish
Clawson	Heinitz	Lemke	Petrafeso	Stanton
Corbid	Hokanson	Lindstrom	Philbrook	Suss
Dahl	Jacobs	Luther	Pleasant	Swanson
Dean	Jaros	Mangan	Prahl	Tomlinson

Ulland	Volk	Wenzel	Wigley	Speaker Sabo
Vanasek	Voss	White	Williamson	
Vento	Wenstrom	Wieser	Zubay	

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 2441, A bill for an act relating to Minnesota Statutes; providing for the correction of erroneous, ambiguous, omitted and obsolete references and text; reenacting certain laws inadvertently repealed; eliminating certain duplicitous and conflicting provisions superseded by or conflicting with other provisions of law; amending Minnesota Statutes 1974, Chapter 359, by adding a section; Sections 9.031, Subdivision 3; 15.50, Subdivision 2; 16.02, Subdivision 14; 16.13; 16.872, Subdivision 2; 16A.125, Subdivision 6; 30.464, Subdivision 1; 30.467; 30.469; 38.02, Subdivision 2; 43.07, Subdivision 1; 72A.25, Subdivision 3; 86.41; 110.53; 116F.08; 121.85; 121.86; 121.88; 123.32, Subdivision 7; 144.01; 144.63, Subdivision 2; 144.952, Subdivision 1; 151.02; 155.04; 156.11; 176.471, Subdivision 3; 205.10, as amended; 216.25; 239.46; 246.02, Subdivision 4; 248.07, Subdivision 4; 253A.02, Subdivision 18; 256.863; 256.935, Subdivision 1; 256D.21; 268.10, Subdivision 8; 270.10, Subdivision 1; 271.10, Subdivision 2; 275.127; 291.33, Subdivision 1; 298.281, Subdivision 5; 306.38, Subdivision 2; 309.52, Subdivision 1a; 319A.11, Subdivision 2; 341.05, Subdivision 2; 341.06; 341.07; 341.08; 341.09, Subdivisions 2 and 3; 341.12; 341.13; 341.15; 345.38, Subdivision 1; 355.80; 363.10; 366.10; 368.01, Subdivision 25; 375A.09, Subdivision 4; 414.07, Subdivision 2; 414.08; 430.031, Subdivision 4; 462A.04, Subdivision 1; 472.03, Subdivision 2; 481.15, Subdivision 2; 487.03, Subdivision 2; 490.12, Subdivision 5; 490.16, Subdivision 6; 532.38; 546.09; 546.10; 562.04; 617.41; Minnesota Statutes, 1975 Supplement, Sections 15.162, Subdivision 1; 15.163, Subdivision 2; 15.166, Subdivisions 1 and 2; 15.167; 43.12, Subdivision 23; 43.43, Subdivision 2; 82.18; 116A.01, Subdivision 1a; 116A.20, Subdivision 1; 116A.24, Subdivision 1; 121.87, Subdivision 1; 123.36, Subdivision 10; 124.03, Subdivision 1; 124.212, Subdivision 8a; 127.25, Subdivision 3; 136A.233, Subdivision 1; 144.53; 147.01; 148.03; 148.181, Subdivision 1; 148.52; 148.67; 150A.02, Subdivision 1; 153.02; 154.22; 156.01, Subdivision 1; 210A.09; 273.138, Subdivision 3; 298.281, Subdivision 1; 325.942, Subdivision 1; 326.04; 326.17; 326.241, Subdivision 1; 326.541; 341.01; 341.04; 341.05, Subdivision 1; 341.10; 341.11; 354A.12; 386.63, Subdivision 1; 473.204, Subdivision 2; 473.823, Subdivision 4; 488A.01, Subdivision 5; 500.24, Subdivision 2; 501.81, Subdivision 3; Laws 1975, Chap-

ter 271, Section 3; reenacting Laws 1969, Chapters 1123, as amended; 1126, Section 2, as amended; and 1137, as amended; repealing Minnesota Statutes 1974, Sections 15A.081, Subdivision 1a; 123.31, as amended; 239.45; and 366.182; Laws 1975, Chapters 46, Section 11; 162, Section 28; and 342, Section 1; Laws 1976, Chapter 2, Section 152.

PATRICK E. FLAHAVER, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Ketola moved that the House concur in the Senate amendments to H. F. No. 2441 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 2441, A bill for an act relating to Minnesota Statutes; providing for the correction of erroneous, ambiguous, omitted and obsolete references and text; reenacting certain laws inadvertently repealed; eliminating certain duplicitous and conflicting provisions superseded by or conflicting with other provisions of law; amending Minnesota Statutes 1974, Chapter 359, by adding a section; Sections 9.031, Subdivision 3; 15.50, Subdivision 2; 16.02, Subdivision 14; 16.13; 16.872, Subdivision 2; 16A.125, Subdivision 6; 30.464, Subdivision 1; 30.467; 30.469; 38.02, Subdivision 2; 43.07, Subdivision 1; 72A.25, Subdivision 3; 86.41; 110.53; 116F.08; 121.85; 121.86; 121.88; 123.32, Subdivision 7; 144.01; 144.63, Subdivision 2; 144.952, Subdivision 1; 151.02; 155.04; 156.11; 176.471, Subdivision 3; 216.25; 239.46; 246.02, Subdivision 4; 248.07, Subdivision 4; 253A.02, Subdivision 18; 256.863; 256.935, Subdivision 1; 256D.21; 268.10, Subdivision 8; 270.10, Subdivision 1; 271.10, Subdivision 2; 275.127; 291.33, Subdivision 1; 298.281, Subdivision 5; 306.38, Subdivision 2; 309.52, Subdivision 1a; 319A.11, Subdivision 2; 341.05, Subdivision 2; 341.06; 341.07; 341.08; 341.09, Subdivisions 2 and 3; 341.12; 341.13; 341.15; 345.38, Subdivision 1; 355.80; 363.10; 366.10; 368.01, Subdivision 25; 375A.09, Subdivision 4; 412.251; 414.07, Subdivision 2; 414.08; 430.031, Subdivision 4; 472.03, Subdivision 2; 481.15, Subdivision 2; 487.03, Subdivision 2; 490.12, Subdivision 5; 490.16, Subdivision 6; 532.38; 546.09; 546.10; 562.04; 617.41; Minnesota Statutes, 1975 Supplement, Sections 15.162, Subdivision 1; 15.163, Subdivision 2; 15.166, Subdivisions 1 and 2; 15.167; 43.12, Subdivision 23; 43.43, Subdivision 2; 82.18; 116A.01, Subdivision 1a; 116A.20, Subdivision 1; 116A.24, Subdivision 1; 121.87, Subdivision 1; 123.36, Subdivision 10; 124.03, Subdivision 1; 124.212, Subdivision 8a; 127.25, Subdivision 3; 136A.233, Subdivision 1; 144.53; 147.01; 148.03; 148.181, Subdivision 1; 148.52; 148.67; 150A.02, Subdivision 1; 153.02; 154.22; 156.01, Subdivision 1; 210A.09; 273.138, Subdivision 3; 298.281, Subdivision 1; 325.942, Subdivision 1; 326.04; 326.17; 326.241, Subdivision 1; 326.541; 341.01; 341.04; 341.05, Subdivision 1; 341.10; 341.11; 354A.12; 386.63, Subdivision 1; 473.204, Subdivision 2; 473.823, Subdivision 4; 488A.01, Subdivision 5; 500.24, Subdivision 2; 501.81, Subdivi-

sion 3; Laws 1975, Chapter 271, Section 3; reenacting Laws 1969, Chapters 1123, as amended; 1126, Section 2, as amended; and 1137, as amended; repealing Minnesota Statutes 1974, Sections 15A.081, Subdivision 1a; 123.31, as amended; 239.45; and 366.182; Laws 1975, Chapters 46, Section 11; 162, Section 28; and 342, Section 1; Laws 1976, Chapter 2, Section 152.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question being taken on the repassage of the bill and the roll being called, there were yeas 130, and nays 0, as follows:

Those who voted in the affirmative were:

Abeln	Eken	Kaley	Neisen	Sherwood
Adams, L.	Enebo	Kalis	Nelsen	Sieben, H.
Adams, S.	Erickson	Kelly, R.	Nelson	Sieben, M.
Albrecht	Esau	Kelly, W.	Niehaus	Sieloff
Anderson, G.	Evans	Kempe, A.	Norton	Simoneau
Anderson, I.	Ewald	Kempe, R.	Novak	Skoglund
Arlandson	Faricy	Ketola	Osthoff	Smith
Beauchamp	Fjoslien	Knickerbocker	Parish	Smogard
Begich	Forsythe	Knoll	Patton	Spanish
Berg	Friedrich	Kostohryz	Pehler	Stanton
Berglin	Fudro	Kroening	Peterson	Suss
Biersdorf	Fugina	Kvam	Petrafeso	Swanson
Birnstihl	George	Laidig	Philbrook	Tomlinson
Braun	Graba	Lemke	Pleasant	Ulland
Byrne	Hanson	Lindstrom	Prahl	Vanasek
Carlson, A.	Haugerud	Luther	Reding	Vento
Carlson, L.	Heinitz	Mangan	Rice	Volk
Carlson, R.	Hokanson	Mann	St. Onge	Voss
Casserly	Jacobs	McCarron	Samuelson	Wenstrom
Clark	Jaros	McCauley	Sarna	Wenzel
Clawson	Jensen	McCollar	Savelkoul	White
Dahl	Johnson, C.	McEachern	Schreiber	Wieser
Dean	Johnson, D.	Menning	Schulz	Wigley
DeGroat	Jopp	Metzen	Schumacher	Williamson
Dieterich	Jude	Moe	Searle	Zubay
Doty	Kahn	Munger	Setzpfandt	Speaker Sabo

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 1284, A bill for an act relating to aeronautics; providing for airport zoning regulation by municipalities and joint airport zoning boards; amending Minnesota Statutes 1974, Section 360.063, Subdivisions 1, 3, and 5, and by adding a subdivision; 360.067, Subdivision 4; 360.069; and 360.071, Subdivision

2; repealing Minnesota Statutes 1974, Section 360.063, Subdivision 2.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Eckstein moved that the House concur in the Senate amendments to H. F. No. 1284 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1284, A bill for an act relating to aeronautics; prescribing powers of certain political subdivisions to create joint airport zoning boards; prescribing powers of joint airport zoning boards; providing for appointment of zoning permit issuing agency and board of adjustment by metropolitan airports commission; amending Minnesota Statutes 1974, Sections 360.063, Subdivisions 1 and 3; 360.067, Subdivision 4; 360.069; and 360.071, Subdivision 2; repealing Minnesota Statutes 1974, Section 360.063, Subdivisions 2 and 5.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question being taken on the repassage of the bill and the roll being called, there were yeas 123, and nays 6, as follows:

Those who voted in the affirmative were:

Abeln	Doty	Kaley	Moe	Sieben, M.
Adams, L.	Eckstein	Kalis	Munger	Simoneau
Adams, S.	Eken	Kelly, R.	Neisen	Skoglund
Anderson, G.	Enebo	Kelly, W.	Nelsen	Smith
Anderson, L.	Erickson	Kempe, A.	Nelson	Smogard
Arlandson	Esau	Kempe, R.	Niehaus	Spanish
Beauchamp	Evans	Ketola	Norton	Stanton
Begich	Ewald	Knickerbocker	Novak	Suss
Berg	Fjoslien	Knoll	Osthoff	Swanson
Berglin	Friedrich	Kostohryz	Parish	Tomlinson
Biersdorf	Fudro	Kroening	Patton	Ulland
Birnstihl	Fugina	Kvam	Pehler	Vanasek
Braun	George	Laidig	Peterson	Vento
Byrne	Graba	Langseth	Reding	Volk
Carlson, A.	Haugerud	Lemke	Rice	Voss
Carlson, L.	Heinitz	Lindstrom	St. Onge	Wenstrom
Carlson, R.	Hokanson	Luther	Samuelson	Wenzel
Casserly	Jacobs	Mangan	Sarna	White
Clark	Jaros	Mann	Savelkoul	Wieser
Clawson	Jensen	McCarron	Schulz	Wigley
Corbid	Johnson, C.	McCauley	Schumacher	Williamson
Dahl	Johnson, D.	McCollar	Searle	Zubay
Dean	Jopp	McEachern	Setzepfandt	Speaker Sabo
DeGroat	Jude	Menning	Sherwood	
Dieterich	Kahn	Metzen	Sieben, H.	

Those who voted in the negative were:

Faricy	Pleasant	Prahl	Schreiber	Sieloff
Hanson				

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 1087, A bill for an act relating to privacy of communications; authorization for interception of wire or oral communications; amending Minnesota Statutes 1974, Section 626A.05.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Ketola moved that the House concur in the Senate amendments to H. F. No. 1087 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1087, A bill for an act relating to privacy of communications; authorization for interception of wire or oral communications; amending Minnesota Statutes 1974, Section 626A.05.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question being taken on the repassage of the bill and the roll being called, there were yeas 132, and nays 0, as follows:

Those who voted in the affirmative were:

Abeln	Clark	Fugina	Kempe, A.	Menning
Adams, L.	Clawson	George	Kempe, R.	Metzen
Adams, S.	Corbid	Graba	Ketola	Moe
Albrecht	Dahl	Hanson	Knickerbocker	Munger
Anderson, G.	Dean	Hangerud	Knoll	Neisen
Anderson, I.	DeGroat	Heinitz	Kostohryz	Nelsen
Arlandson	Dieterich	Hokanson	Kroening	Nelson
Beauchamp	Doty	Jacobs	Kvam	Niehaus
Begich	Eckstein	Jaros	Laidig	Norton
Berg	Enebo	Jensen	Langseth	Novak
Berglin	Erickson	Johnson, C.	Lemke	Osthoff
Biersdorf	Esau	Johnson, D.	Lindstrom	Parish
Birnstihl	Evans	Jopp	Luther	Patton
Braun	Ewald	Jude	Mangan	Pehler
Byrne	Faricy	Kahn	Mann	Peterson
Carlson, A.	Fjoslien	Kaley	McCarron	Petrafeso
Carlson, L.	Forsythe	Kalis	McCauley	Philbrook
Carlson, R.	Friedrich	Kelly, R.	McCollar	Pleasant
Casserly	Fudro	Kelly, W.	McEachern	Prahl

Reding	Schumacher	Skoglund	Ulland	Wieser
Rice	Searle	Smith	Vanasek	Wigley
St. Onge	Setzepfandt	Smogard	Vento	Williamson
Samuelson	Sherwood	Spanish	Volk	Zubay
Sarna	Sieben, H.	Stanton	Voss	Speaker Sabo
Savelkoul	Sieben, M.	Suss	Wenstrom	
Schreiber	Sieloff	Swanson	Wenzel	
Schulz	Simoneau	Tomlinson	White	

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 1988, A bill for an act relating to port authorities; authorizing port authorities to apply for and exercise the powers of a foreign trade zone; amending Minnesota Statutes 1974, Section 458.192, Subdivision 1, and by adding a subdivision.

PATRICK E. FLAHAVER, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Kroening moved that the House concur in the Senate amendments to H. F. No. 1988 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1988, A bill for an act relating to port authorities; authorizing port authorities to apply for and exercise the powers of a foreign trade zone; creating an interstate commission to develop a plan to merge the port authorities at Duluth, Minnesota, and Superior, Wisconsin; appropriating money; amending Minnesota Statutes 1974, Section 458.192, Subdivision 1, and by adding a subdivision.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question being taken on the repassage of the bill and the roll being called, there were yeas 128, and nays 2, as follows:

Those who voted in the affirmative were:

Abeln	Beauchamp	Byrne	Dahl	Enebo
Adams, L.	Begich	Carlson, A.	Dean	Erickson
Adams, S.	Berg	Carlson, L.	DeGroat	Esau
Albrecht	Berglin	Casserly	Dieterich	Evans
Anderson, G.	Biersdorf	Clark	Doty	Ewald
Anderson, I.	Birnstihl	Clawson	Eckstein	Faricy
Arlandson	Braun	Corbid	Eken	Fjoslien

Forsythe	Kalis	McCollar	Reding	Stanton
Friedrich	Kelly, R.	McEachern	Rice	Suss
Fudro	Kelly, W.	Menning	St. Onge	Swanson
Fugina	Kempe, A.	Metzen	Samuelson	Tomlinson
George	Kempe, R.	Moe	Sarna	Ulland
Graba	Ketola	Munger	Savelkoul	Vanasek
Hanson	Knickerbocker	Neisen	Schreiber	Vento
Haugerud	Knoll	Nelsen	Schulz	Volk
Heinitz	Kostohryz	Nelson	Schumacher	Voss
Hokanson	Kroening	Niehaus	Setzepfandt	Wenstrom
Jacobs	Kvam	Norton	Sherwood	Wenzel
Jaros	Laidig	Novak	Sieben, H.	White
Jensen	Langseth	Osthoff	Sieben, M.	Wieser
Johnson, C.	Lemke	Parish	Sieloff	Wigley
Johnson, D.	Luther	Patton	Simoneau	Williamson
Jopp	Mangan	Peterson	Skoglund	Zubay
Jude	Mann	Petrafeso	Smith	Speaker Sabo
Kahn	McCarron	Pleasant	Smogard	
Kaley	McCauley	Prahl	Spanish	

Those who voted in the negative were:

Pehler Searle

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 2107, A bill for an act relating to public employees; providing for payment of attorney's fees necessary to obtain benefits for survivors of peace officers killed in line of duty; amending Minnesota Statutes 1974, Chapter 352E, by adding a section.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Smith moved that the House concur in the Senate amendments to H. F. No. 2107 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 2107, A bill for an act relating to public employees; providing for payment of attorney's fees necessary to obtain benefits for survivors of peace officers killed in line of duty; amending Minnesota Statutes 1974, Chapter 352E, by adding a section.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question being taken on the repassage of the bill and the roll being called, there were yeas 130, and nays 0, as follows:

Those who voted in the affirmative were:

Abeln	Doty	Jude	Moe	Setzepfandt
Adams, L.	Eckstein	Kahn	Munger	Sherwood
Adams, S.	Eken	Kaley	Neisen	Sieben, H.
Albrecht	Enebo	Kalis	Nelsen	Sieben, M.
Anderson, G.	Erickson	Kelly, R.	Nelson	Sieloff
Anderson, I.	Esau	Kelly, W.	Niehaus	Simoneau
Arlandson	Evans	Kempe, A.	Norton	Skoglund
Beauchamp	Ewald	Kempe, R.	Novak	Smith
Begich	Faricy	Ketola	Osthoff	Smogard
Berg	Fjoslien	Knickerbocker	Parish	Spanish
Berglin	Forsythe	Knoll	Patton	Suss
Biersdorf	Friedrich	Kostohryz	Pehler	Swanson
Birnstihl	Fudro	Kroening	Peterson	Tomlinson
Braun	Fugina	Kvam	Petrafeso	Ulland
Byrne	George	Laidig	Pleasant	Vanasek
Carlson, A.	Graba	Langseth	Prahl	Vento
Carlson, L.	Hanson	Lemke	Reding	Volk
Carlson, R.	Haugerud	Luther	Rice	Voss
Cassery	Heinitz	Mangan	St. Onge	Wenstrom
Clark	Hokanson	Mann	Samuelson	Wenzel
Clawson	Jacobs	McCarron	Sarna	White
Corbid	Jaros	McCauley	Savelkoul	Wieser
Dahl	Jensen	McCollar	Schreiber	Wigley
Dean	Johnson, C.	McEachern	Schulz	Williamson
DeGroat	Johnson, D.	Menning	Schumacher	Zubay
Dieterich	Jopp	Metzen	Searle	Speaker Sabo

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 790, A bill for an act relating to public welfare; providing visitation rights to unmarried minor children for grandparents in certain cases.

PATRICK E. FLAHAVER, Secretary of the Senate

CONCURRENCE AND REPASSAGE

McCarron moved that the House concur in the Senate amendments to H. F. No. 790 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 790, A bill for an act relating to public welfare; providing visitation rights to unmarried minor children for grandparents in certain cases.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question being taken on the repassage of the bill and the roll being called, there were yeas 126, and nays 0, as follows:

Those who voted in the affirmative were:

Abeln	Eckstein	Kaley	Neisen	Sieloff
Adams, L.	Eken	Kalis	Nelsen	Simoneau
Albrecht	Enebo	Kelly, R.	Nelson	Skoglund
Anderson, G.	Erickson	Kelly, W.	Niehaus	Smith
Anderson, I.	Esau	Kempe, A.	Norton	Smogard
Arlandson	Evans	Kempe, R.	Novak	Spanish
Beauchamp	Ewald	Ketola	Osthoff	Suss
Begich	Faricy	Knickerbocker	Parish	Swanson
Berg	Fjoslien	Knoll	Patton	Tomlinson
Berglin	Forsythe	Kostohryz	Pehler	Ulland
Biersdorf	Friedrich	Kroening	Peterson	Vanasek
Birnstihl	Fudro	Kvam	Petrafaso	Vento
Braun	Fugina	Laidig	Pleasant	Volk
Byrne	George	Langseth	Prahl	Voss
Carlson, A.	Graba	Lemke	Reding	Wenstrom
Carlson, L.	Hanson	Luther	Rice	Wenzel
Carlson, R.	Haugerud	Mangan	St. Onge	White
Casserly	Heinitz	Mann	Samuelson	Wieser
Clark	Hokanson	McCarron	Sarna	Wigley
Clawson	Jacobs	McCauley	Schulz	Williamson
Corbid	Jaros	McCollar	Schumacher	Zubay
Dahl	Jensen	McEachern	Searle	Speaker Sabo
Dean	Johnson, C.	Menning	Setzepfandt	
DeGroat	Johnson, D.	Metzen	Sherwood	
Dieterich	Jude	Moe	Sieben, H.	
Doty	Kahn	Munger	Sieben, M.	

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 1909, A bill for an act relating to health; prohibiting sale and use of certain chemicals; providing penalties.

PATRICK E. FLAHAVEN, Secretary of the Senate

Erickson, Mann, Ulland and Johnson, C., moved that the House refuse to concur in the Senate amendments to H. F. No. 1909, that the Speaker appoint a Conference Committee of 5 members of the House, and that the House requests that a like committee be appointed by the Senate.

A roll call was requested and properly seconded.

The question was taken on the motion and the roll being called, there were yeas 72, and nays 54, as follows:

Those who voted in the affirmative were:

Abeln	Esau	Kalis	Niehaus	Setzepfandt
Adams, S.	Evans	Ketola	Novak	Sieloff
Albrecht	Ewald	Knickerbocker	Patton	Smith
Anderson, G.	Fjoslien	Kroening	Peterson	Smogard
Anderson, I.	Forsythe	Kvam	Pleasant	Spanish
Beauchamp	Friedrich	Laidig	Prahl	Suss
Biersdorf	Fudro	Langseth	Reding	Ulland
Birnstihl	Graba	Lemke	St. Onge	Wenstrom
Braun	Haugerud	Mann	Samuelson	Wenzel
Clawson	Heinitz	McCauley	Sarna	Wieser
Corbid	Jensen	McCollar	Savelkoul	Wigley
DeGroat	Johnson, C.	McEachern	Schreiber	Zubay
Eckstein	Johnson, D.	Menning	Schulz	
Eken	Jopp	Metzen	Schumacher	
Erickson	Kaley	Nelsen	Searle	

Those who voted in the negative were:

Adams, L.	Dean	Jude	Neisen	Simoneau
Arlandson	Dieterich	Kahn	Nelson	Skoglund
Begich	Doty	Kelly, R.	Norton	Stanton
Berg	Enebo	Kempe, A.	Osthoff	Tomlinson
Berglin	Faricy	Kempe, R.	Parish	Vanasek
Byrne	Fugina	Knoll	Pehler	Vento
Carlson, A.	George	Luther	Petrafeso	Volk
Carlson, L.	Hanson	Mangan	Philbrook	Voss
Casserly	Hokanson	McCarron	Sherwood	White
Clark	Jacobs	Moe	Sieben, H.	Williamson
Dahl	Jaros	Munger	Sieben, M.	

The motion prevailed.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 1333, A bill for an act relating to coroners; providing for fees and traveling expenses; prohibiting interference with a dead body or the scene of death; prescribing penalties; amending Minnesota Statutes 1974, Sections 357.11; and 390.11, Subdivision 8.

PATRICK E. FLAHAVEN, Secretary of the Senate

Laidig moved that the House refuse to concur in the Senate amendments to H. F. No. 1333, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two Houses. The motion prevailed.

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

S. F. No. 1740, A bill for an act relating to counties; authorizing county boards to establish personnel departments; providing for county personnel administration on an integrated, merit basis.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said Senate File is herewith transmitted to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONFERENCE COMMITTEE REPORT ON S. F. NO. 1740

A bill for an act relating to counties; authorizing county boards to establish personnel departments; providing for county personnel administration on an integrated, merit basis.

March 24, 1976

The Honorable Alec G. Olson
President of the Senate
The Honorable Martin O. Sabo
Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 1740 report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments and that S. F. No. 1740 be amended as follows:

Page 4, delete lines 9 to 12.

Reletter the following clause in sequence.

Page 6, line 2, before the period insert “; provided that no positions subject to merit systems established pursuant to Minnesota Statutes, Sections 12.22, Subdivision 3; 144.071; and 393.07, Subdivision 5, shall be removed from existing merit system coverage and placed under a personnel department established pursuant to this act, until that personnel department is certified by the United States Civil Service Commission as meeting the operating standards of a merit system”.

Page 6, line 13, before “For” insert “Subdivision 1.”

Page 6, line 16, delete "179.77" and insert "179.76".

Page 6, line 26, delete the period and insert: "for all employees of the county, including employees under the jurisdiction of an appointing authority other than the county board.

Subd. 2. Any employee holding a position covered by this act shall, upon the effective date of the establishment of a county personnel administration system, retain his position without further examination and suffer no loss in wages, seniority or benefits as the result of the implementation of this act."

Page 9, after line 15, insert:

"Sec. 15. Notwithstanding any law to the contrary, any county may receive financial assistance from agencies of the United States, and plan for, and carry out comprehensive manpower services as provided for in the Emergency Employment Act of 1971, as amended, and the Comprehensive Employment and Training Act of 1973, as amended."

Renumber the remaining sections in order.

Page 9, line 16, before "Nothing" insert "Subdivision 1."

Page 9, line 18, after "act" insert "or prohibit recourse to any remedies provided in the Minnesota human rights act".

Page 9, after line 23, insert:

"Subd. 2. Nothing in sections 1 to 14 shall be construed to affect the rights and obligations of employees and employers under the provisions of Minnesota Statutes, Sections 179.61 to 179.76, or to in any way supersede provisions regarding public employment relationships under the public employment labor relations act of 1971, as amended, or the provisions of any contracts or agreements executed pursuant thereto."

Further, amend the title as follows:

Line 5, after "basis" insert "; authorizing counties to conduct manpower programs and services".

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

Senate Conferees: WAYNE OLHOFT, CARL A. JENSEN and GER-ALD L. WILLET.

House Conferees: A. O. H. SETZEPFANDT, BOB MCEACHERN and DONALD FRIEDRICH.

Setzpfandt moved that the report of the Conference Committee on S. F. No. 1740 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 1740, A bill for an act relating to counties; authorizing county boards to establish personnel departments; providing for county personnel administration on an integrated, merit basis.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question being taken on the repassage of the bill and the roll being called, there were yeas 128, and nays 0, as follows:

Those who voted in the affirmative were:

Abeln	Doty	Kahn	Neisen	Sieben, M.
Adams, L.	Eckstein	Kaley	Nelsen	Sieloff
Adams, S.	Eken	Kalis	Nelson	Simoneau
Albrecht	Enebo	Kelly, R.	Niehaus	Skoglund
Anderson, G.	Erickson	Kempe, A.	Novak	Smith
Anderson, I.	Esau	Kempe, R.	Osthoff	Smogard
Arlandson	Evans	Ketola	Parish	Spanish
Beauchamp	Ewald	Knickerbocker	Patton	Stanton
Begich	Faricy	Knoll	Pehler	Suss
Berg	Fjoslien	Kroening	Peterson	Swanson
Berglin	Forsythe	Kvam	Petrafeso	Tomlinson
Biersdorf	Friedrich	Laidig	Philbrook	Ulland
Birnstihl	Fudro	Langseth	Pleasant	Vanasek
Braun	Fugina	Lemke	Prahl	Vento
Byrne	George	Lindstrom	Reding	Volk
Carlson, A.	Hanson	Luther	St. Onge	Voss
Carlson, L.	Haugerud	Mangan	Samuelson	Wenstrom
Carlson, R.	Heinitz	Mann	Sarna	Wenzel
Casserly	Hokanson	McCarron	Savelkoul	White
Clark	Jacobs	McCauley	Schreiber	Wieser
Clawson	Jaros	McCollar	Schulz	Wigley
Corbid	Jensen	McEachern	Schumacher	Williamson
Dahl	Johnson, C.	Menning	Searle	Zubay
Dean	Johnson, D.	Metzen	Setzpfandt	Speaker Sabo
DeGroat	Jopp	Moe	Sherwood	
Dieterich	Jude	Munger	Sieben, H.	

The bill was repassed, as amended by Conference, and its title agreed to.

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

S. F. No. 499, A bill for an act relating to insurance; authorizing an insurer to refuse to renew an automobile insurance policy under certain circumstances; amending Minnesota Statutes 1974, Section 65B.17.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said Senate File is herewith transmitted to the House.

PATRICK E. FLAHAVERN, Secretary of the Senate

CONFERENCE COMMITTEE REPORT ON S. F. NO. 499

A bill for an act relating to insurance; authorizing an insurer to refuse to renew an automobile insurance policy under certain circumstances; amending Minnesota Statutes 1974, Section 65B.17.

March 23, 1976

The Honorable Alec G. Olson
President of the Senate
The Honorable Martin O. Sabo
Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 499, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments and that S. F. No. 499 be further amended as follows:

Page 2, line 13, before the period, insert: "*; provided, however, that this provision for nonrenewal for failure to pay dues shall not be applicable to persons who are retired at age 62 years of age or older or who are disabled, according to Social Security standards*".

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

Senate Conferees: ROGER LAUFENBURGER, GENE MERRIAM and OTTO BANG, JR.

House Conferees: NORMAN PRAHL and RUSSELL STANTON.

Prahl moved that the report of the Conference Committee on S. F. No. 499 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 499, A bill for an act relating to insurance; authorizing an insurer to refuse to renew an automobile insurance policy under certain circumstances; amending Minnesota Statutes 1974, Section 65B.17.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question being taken on the repassage of the bill and the roll being called, there were yeas 92, and nays 29, as follows:

Those who voted in the affirmative were:

Abeln	Faricy	Kempe, R.	Nelson	Sherwood
Albrecht	Fjoslien	Ketola	Niehaus	Sieben, H.
Begich	Forsythe	Knickerbocker	Novak	Sieloff
Berg	Friedrich	Knoll	Parish	Smith
Biersdorf	Fugina	Kroening	Patton	Spanish
Birstihl	Graba	Kvam	Pehler	Tomlinson
Braun	Hanson	Laidig	Peterson	Ulland
Carlson, A.	Haugerud	Langseth	Petrafeso	Vanasek
Carlson, R.	Heinitz	Lemke	Philbrook	Vento
Dahl	Hokanson	Lindstrom	Pleasant	Voss
Dean	Jacobs	Mangan	Prahl	Wenzel
DeGroat	Johnson, C.	McCarron	Reding	White
Dieterich	Jopp	McCauley	Rice	Wieser
Doty	Jude	McEachern	St. Onge	Wigley
Enebo	Kaley	Metzen	Samuelson	Zubay
Erickson	Kalis	Moe	Savelkoul	Speaker Sabo
Esau	Kelly, R.	Munger	Schreiber	
Evans	Kelly, W.	Neisen	Searle	
Ewald	Kempe, A.	Nelsen	Setzpfandt	

Those who voted in the negative were:

Adams, S.	Carlson, L.	Jaros	Menning	Smogard
Anderson, G.	Casserly	Jensen	Osthoff	Stanton
Anderson, I.	Clark	Johnson, D.	Schumacher	Suss
Beauchamp	Clawson	Kahn	Sieben, M.	Volk
Berglin	Eken	Luther	Simoneau	Wenstrom
Byrne	George	McCollar	Skoglund	

The bill was repassed, as amended by Conference, and its title agreed to.

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

S. F. No. 1383, A bill for an act relating to metropolitan government; regulating solid waste; amending Laws 1975, Chapter 13, Sections 1, by adding subdivisions; 11, Subdivision 1; 139; 140, Subdivision 1; 141; 142; 143; and 144; and by adding sections; repealing Laws 1975, Chapter 13, Section 140, Subdivision 2.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said Senate File is herewith transmitted to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONFERENCE COMMITTEE REPORT ON S. F. NO. 1383

A bill for an act relating to metropolitan government; regulating solid waste; amending Laws 1975, Chapter 13, Sections 1, by adding subdivisions; 11, Subdivision 1; 139; 140, Subdivision 1; 141; 142; 143; and 144; and by adding sections; repealing Laws 1975, Chapter 13, Section 140, Subdivision 2.

March 24, 1976

The Honorable Alec G. Olson
President of the Senate
The Honorable Martin O. Sabo
Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 1383 report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments and that the bill be further amended by deleting everything after the enacting clause and inserting:

"Section 1. Minnesota Statutes, 1975 Supplement, Section 473.121, Subdivision 27, is amended to read:

Subd. 27. "Solid waste" means garbage, refuse and other discarded solid materials, including solid waste materials and waste sludges resulting from industrial, commercial and agricultural operations, and from community activities, but does not include *hazardous waste, animal waste used as fertilizer, earthen fill, boulders, broken rock, solids or dissolved material in domestic sewage or other significant pollutants in water resources, such as silt, dissolved or suspended solids in industrial waste water effluents, dissolved materials in irrigation return flows or other common water pollutants. Nothing in this definition shall be construed so as to exclude hazardous waste from the definition of solid waste for the purposes of chapter 116 or 116F.*

Sec. 2. Minnesota Statutes, 1975 Supplement, Section 473.121, Subdivision 29, is amended to read:

Subd. 29. "(SOLID) Waste (DISPOSAL SITE OR) facility" means (TRANSFER STATIONS AND) all property, real or personal, including negative and positive easements and water and air rights, which is or may be needed or useful for the (DISPOSAL) *processing of solid or hazardous waste, except property for the collection of (SOLID) the waste (DIRECTLY FROM THE SOURCE OF GENERATION) and facilities used primarily for the manufacture of scrap metal or paper. Waste facility includes but is not limited to transfer stations, disposal sites and facilities, and resource recovery sites and facilities.*

Sec. 3. Minnesota Statutes, 1975 Supplement, Section 473.121, Subdivision 31, is amended to read:

Subd. 31. "Transfer station" means an intermediate (SOLID) waste (DISPOSAL) facility in which solid or hazardous waste collected from any source is temporarily deposited to await transportation to the final disposal site or facility.

Sec. 4. Minnesota Statutes, 1975 Supplement, Section 473.121, is amended by adding a subdivision to read:

Subd. 31a. "Collection" when referring to solid or hazardous waste means the aggregation of solid or hazardous waste from the place at which it is generated and includes all activities up to the time the waste is delivered to a waste facility.

Sec. 5. Minnesota Statutes, 1975 Supplement, Section 473.121, is amended by adding a subdivision to read:

Subd. 31b. "Processing" when referring to solid or hazardous waste means the treatment of solid or hazardous waste after collection, and includes all activities after the time the waste is delivered to a waste facility. Processing includes but is not limited to disposal, storage, containment, separation, exchange, resource recovery, physical or chemical modification, and transfer from one waste facility to another.

Sec. 6. Minnesota Statutes, 1975 Supplement, Section 473.121, is amended by adding a subdivision to read:

Subd. 31c. "Resource recovery" means the reclamation for sale or reuse of materials, substances, energy, or other products contained within or derived from solid or hazardous waste.

Sec. 7. Minnesota Statutes, 1975 Supplement, Section 473.149, Subdivision 1, is amended to read:

473.149 [SOLID AND HAZARDOUS WASTE POLICY PLAN.] Subdivision 1. *By July 1, 1978, the metropolitan council shall prepare and by resolution adopt as part of its development guide a (COMPREHENSIVE) long range policy plan for the (DISPOSAL) collection and processing of solid (WASTE) and (THE MANAGEMENT AND DISPOSAL OF) hazardous waste in the metropolitan area (FOR SUCH PERIOD AS THE COUNCIL DEEMS PROPER AND REASONABLE; AND,). When adopted, (SUCH) the plan shall be followed in the metropolitan area. The plan shall substantially conform to all policy statements, purposes, goals, standards, maps and plans in development guide sections and plans adopted by the council. The plan shall include goals and policies for the collection and processing of solid and hazardous waste in the metropolitan area and, to the extent appropriate, statements and information similar to that required under section 473.146; subdivision 1. The*

plan shall include criteria and standards for waste facilities and waste facility sites respecting the following matters: general location; capacity; operation; processing techniques; environmental impact; effect on existing, planned, or proposed collection services and waste facilities; and economic viability. For waste facilities owned or operated by public agencies or supported primarily by public funds or obligations, the plan shall include additional criteria and standards respecting financial self-sufficiency based upon competitive rates and charges. In developing the plan the council shall consider the orderly and economic development, public and private, of the metropolitan area; the preservation and best and most economical use of land and water resources in the metropolitan area.

(. THE PLAN SHALL INCLUDE A STATEMENT OF GOALS AND POLICIES FOR SOLID WASTE DISPOSAL AND HAZARDOUS WASTE DISPOSAL AND MANAGEMENT, CRITERIA FOR SOLID WASTE DISPOSAL SITES AND HAZARDOUS WASTE DISPOSAL SITES, THE GENERAL LOCATION AND CAPACITIES OF NEEDED DISPOSAL SITES AND FACILITIES, PROJECTIONS OF DISPOSAL CAPACITIES REQUIRED, REGULATIONS FOR THE OPERATION OF DISPOSAL SITES AND FACILITIES, A DESCRIPTION OF DISPOSAL TECHNIQUES WHICH MAY BE USED, THE TYPE OR TYPES OF SOLID WASTE AND HAZARDOUS WASTE TO BE DISPOSED OF AT EACH SITE OR FACILITY, AND SUCH OTHER DETAILS AS THE COUNCIL DEEMS APPROPRIATE); *the protection and enhancement of environmental quality; the conservation and reuse of resources and energy; the preservation and promotion of conditions conducive to efficient, low cost, competitive, and adaptable systems of waste collection and processing; and the orderly resolution of questions concerning changes in systems of waste collection and processing.*

(CRITERIA FOR SOLID WASTE DISPOSAL SITES AND HAZARDOUS WASTE DISPOSAL SITES, AND REGULATIONS FOR THE OPERATION OF DISPOSAL SITES AND FACILITIES, INCLUDED IN THE PLAN, SHALL BE CONSISTENT WITH REGULATIONS ADOPTED BY THE POLLUTION CONTROL AGENCY PURSUANT TO SECTIONS 116.06 AND 473.823. THE PLAN MAY BE REVISED AS OFTEN AS THE COUNCIL DEEMS NECESSARY IN THE SAME MANNER AS PROVIDED FOR THE ADOPTION THEREOF. A COPY OF THE COMPREHENSIVE PLAN AND EACH REVISION THEREOF SHALL BE DELIVERED OR MAILED TO THE POLLUTION CONTROL AGENCY AND THE COUNTY AUDITOR OF EACH METROPOLITAN COUNTY AFTER IT HAS BEEN ADOPTED. PRIOR TO THE ADOPTION BY THE COUNCIL OF ITS COMPREHENSIVE PLAN, NO METROPOLITAN COUNTY OR LOCAL GOVERNMENT UNIT SHALL ACQUIRE ANY SOLID WASTE DISPOSAL SITE OR HAZARDOUS WASTE DISPOSAL SITE, OR FACILITY UNLESS APPROVED BY THE COUNCIL; AND AFTER THE COMPREHENSIVE PLAN IS ADOPTED NO METROPOLITAN COUNTY, LOCAL GOVERNMENT UNIT OR PERSON SHALL ACQUIRE, IMPROVE OR OPERATE ANY SOLID WASTE DISPOSAL SITE OR HAZARDOUS WASTE DIS-

POSAL SITE OR FACILITY IN THE METROPOLITAN AREA EXCEPT IN ACCORDANCE WITH THE PLAN, PROVIDED THAT NO SOLID WASTE DISPOSAL SITE OR HAZARDOUS WASTE DISPOSAL SITE OR FACILITY IN USE WHEN THE COMPREHENSIVE PLAN IS ADOPTED SHALL BE DISCONTINUED SOLELY BECAUSE IT IS NOT LOCATED IN AN AREA DESIGNATED IN THE PLAN AS ACCEPTABLE FOR THE LOCATION OF SUCH SITES AND FACILITIES.) *Criteria and standards for solid and hazardous waste facilities shall be consistent with regulations adopted by the pollution control agency pursuant to chapter 116 and section 473.823. The hazardous waste portion of the policy plan shall be approved by the pollution control agency in accordance with its standards and regulations prior to adoption by the council.*

Sec. 8. Minnesota Statutes, 1975 Supplement, Section 473.149, is amended by adding a subdivision to read:

Subd. 2. The policy plan shall be prepared, adopted, and amended in accordance with section 473.146, subdivision 2, provided that the procedural duties and responsibilities established therein for the affected metropolitan commission shall extend to the metropolitan counties and the pollution control agency. In addition to the requirements of section 473.146, subdivision 2, the council shall send notice of any hearing to the pollution control agency and the governing body of each metropolitan county and each local governmental unit, as defined in section 473.801, wherein a waste facility is or may be located in accordance with the plan. Any comprehensive solid and hazardous waste plan adopted by the council prior to the effective date of this act shall remain in force and effect until a policy plan is prepared in accordance with subdivision 1 and adopted by the council. By October 1, 1976, the council shall adopt either interim policies or amendments to the existing comprehensive plan establishing standards and criteria for the review under section 473.823 of permit applications for waste facilities used primarily for resource recovery. For permit applications received by the council prior to October 1, 1976, the council may extend the time period provided for review under section 473.823 until 60 days after the adoption of the interim policies or amendments. No metropolitan county, local government unit, commission, or person shall acquire, construct, improve or operate any waste facility in the metropolitan area except in accordance with the council's plan and section 473.823, provided that no waste facility in use when a plan is adopted shall be discontinued solely because it is not located in an area designated in the plan as acceptable for the location of such facilities.

Sec. 9. Minnesota Statutes, 1975 Supplement, Section 473.149, is amended by adding a subdivision to read:

Subd. 3. The council shall establish an advisory committee to aid in the preparation of the policy plan and the review of county master plans and reports and applications for permits for

waste facilities, under sections 473.801 to 473.823, and section 18 of this act, and other duties determined by the council. The committee shall consist of one-third citizen representatives, one-third representatives from metropolitan counties and municipalities, and one-third representatives from private waste management firms. A representative from the pollution control agency and one from the Minnesota health department shall serve as *ex officio* members of the committee.

Sec. 10. Minnesota Statutes 1974, Chapter 473, is amended by adding a section to read:

[473.516] [HAZARDOUS WASTE FACILITIES.] *Without limiting the grant or enumeration of any of the powers conferred on the council or commission under sections 473.501 to 473.549, the commission shall have the specific power to 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 hazardous waste facilities in the metropolitan area deemed to be necessary or convenient in connection with the processing of hazardous waste, and the commission may contract for the maintenance and operation of such waste facilities, subject to the bidding requirements of section 473.523. The commission may accept for processing hazardous waste derived from outside the metropolitan area in the state, as well as hazardous waste derived from within the metropolitan area, and may fix and collect fees and charges for the acceptance of hazardous waste as the commission determines to be reasonable. With respect to its activities under this section, the commission shall be subject to and comply with the applicable provisions of chapter 473. Property acquired by the commission under this section shall be subject to the provisions of section 473.545. Any site or facility owned or operated for or by the commission shall conform to the policy plan adopted by the council under section 473.149 and shall be authorized in accordance with the commission's development program and capital budget approved by the council.*

Sec. 11. Minnesota Statutes, 1975 Supplement, Section 473-801, Subdivision 2, is amended to read:

Subd. 2. "Local government unit" means any municipal corporation or governmental subdivision other than a metropolitan county located in whole or part in the metropolitan area, authorized by law to provide for the (DISPOSAL) *processing* of solid waste.

Sec. 12. Minnesota Statutes, 1975 Supplement, Section 473-801, is amended by adding a subdivision to read:

Subd. 3. "Agency" means the Minnesota pollution control agency.

Sec. 13. Minnesota Statutes, 1975 Supplement, Section 473.-802, is amended to read:

473.802 [LEGISLATIVE PURPOSE AND POLICY.] The legislature determines that for the protection of the public health, safety, and welfare of the people of the metropolitan area, for the prevention, control and abatement of pollution of air and waters of the state in the metropolitan area, and for the efficient and economic (DISPOSAL) *collection and processing* of solid and hazardous waste in the metropolitan area, it is necessary to authorize the (POLLUTION CONTROL) agency to regulate *the handling of hazardous waste and the location and operation of* (SOLID) waste (DISPOSAL SITES AND) facilities in the area (,) ; to authorize the metropolitan council to carry on a continuous, long range program of planning with respect to (,) *solid and hazardous waste collection and processing* and (REGULATE THE LOCATION AND USE OF, SOLID) *to establish criteria and standards and approve permits for waste* (DISPOSAL SITES AND) facilities in the area (,) ; and to authorize the metropolitan counties (IN THE AREA) *if necessary* to acquire, construct, operate (,) and maintain *solid waste facilities, to plan for and regulate* (SOLID) waste (DISPOSAL SITES) *collection services and facilities, to collect data on solid and hazardous waste collection and processing systems and procedures, and to regulate the handling of hazardous waste.*

The legislature declares that a public purpose is served by the recovery and utilization of resources from solid waste and hazardous waste where economically viable and compatible with source reduction. The plans, criteria, standards and regulations of the agency, council and metropolitan counties shall, to the extent practicable, encourage ownership and operation of solid waste facilities by private industry.

Sec. 14. Minnesota Statutes, 1975 Supplement, Section 473.-803, is amended to read:

473.803 [METROPOLITAN COUNTIES; PLANS AND REPORTS.] Subdivision 1. [COUNTY MASTER PLANS.] Each metropolitan county, (UPON RECEIPT OF THE COUNCIL'S COMPREHENSIVE) *following adoption or revision of the council's solid and hazardous waste policy plan and in accordance with the dates specified therein, and after consultation with all affected municipalities, shall prepare and submit to the council for its approval, a (REPORT INCLUDING: A DESCRIPTION OF) county solid and hazardous waste master plan to implement the policy plan. The master plan shall describe county solid and hazardous waste activities, functions, and facilities; the existing system of solid and hazardous waste generation, collection, and processing within the county; existing and proposed county and municipal ordinances and license and permit requirements relating to waste facilities and hazardous and solid waste generation, collection, and processing; existing or proposed municipal,*

county, or private waste facilities and collection services within the county together with schedules of existing rates and charges to users and statements as to the extent to which such facilities and services will or may be used to implement the policy plan; and any solid waste (DISPOSAL SITE OR) facility which the county owns or plans to acquire (TO IMPLEMENT THE COMPREHENSIVE PLAN);, construct, or improve together with statements as to the planned method, estimated cost and time of acquisition (THEREOF; A DESCRIPTION OF ANY IMPROVEMENTS WHICH WILL BE NECESSARY TO MAKE THE SITE OR FACILITY SUITABLE FOR SOLID WASTE DISPOSAL);, proposed procedures for (THE) operation and maintenance of (ANY SUCH SITE OR) each facility; an estimate of the annual cost of operation and maintenance of each (SITE OR) facility; an estimate of the annual gross revenues which will be received from the operation of each (SITE OR) facility; and a proposal for the use of each (SITE WHEN FILLED) facility after it is no longer needed or useable as a waste facility. The master plan shall, to the extent practicable, encourage ownership and operation of solid waste facilities by private industry. For waste facilities owned or operated by public agencies or supported primarily by public funds or obligations, the master plan shall contain policies to ensure financial self sufficiency based upon competitive rates and charges. (THE REPORT SHALL ALSO INCLUDE A COMPLETE SURVEY OF EXISTING OR PROPOSED MUNICIPAL OR PRIVATE SOLID WASTE DISPOSAL SITES AND FACILITIES IN THE COUNTY CONTAINING INFORMATION SIMILAR TO THAT REQUIRED FOR COUNTY FACILITIES, AND A STATEMENT OF THE EXTENT TO WHICH THEY WILL OR MAY BE USED TO IMPLEMENT THE COMPREHENSIVE PLAN. THE COUNCIL SHALL APPROVE THE REPORT IF IT IS IN ACCORDANCE WITH ITS COMPREHENSIVE PLAN. THE REPORT, WHEN APPROVED BY THE COUNCIL, SHALL BE IMPLEMENTED BY THE COUNTY. EACH REPORT NOT APPROVED BY THE COUNCIL SHALL BE RETURNED TO THE COUNTY WITH A STATEMENT OF THE REASONS FOR THE COUNCIL'S FAILURE TO APPROVE IT.)

Subd. 2. [COUNCIL REVIEW.] (EACH METROPOLITAN COUNTY, AS A PART OF ITS SOLID WASTE PLAN, SHALL PREPARE AND SUBMIT TO THE COUNCIL FOR ITS APPROVAL, A REPORT INCLUDING: A DESCRIPTION OF THE COUNTY HAZARDOUS WASTE ORDINANCE, THE COUNTY HAZARDOUS WASTE GENERATOR LICENSING PROCEDURES, PROPOSED PROCEDURES FOR IMPLEMENTING THE SYSTEM, AND AN ESTIMATE OF THE TOTAL NUMBER OF GENERATORS. COUNCIL APPROVAL OR DISAPPROVAL OF THE REPORT SHALL BE CONSISTENT WITH THIS SECTION.) *The council shall review each master plan or revision thereof to determine whether it is consistent with the council's policy plan. If it is not consistent, the council shall return the plan with its comments to the*

county for revision and resubmittal. Any county solid or hazardous waste plan or report approved by the council prior to the effective date of this act shall remain in effect until a new master plan is submitted to and approved by the council in accordance with this section.

Subd. 3. [ANNUAL REPORT.] Each metropolitan county shall prepare and submit annually to the council a report containing information, as the council may prescribe in its policy plan, concerning solid and hazardous waste generation, collection, and processing within the county. The report shall include a schedule of rates and charges in effect or proposed for the use of any waste facility owned or operated by or on its behalf, together with a statement of the basis for such charges.

Sec. 15. Minnesota Statutes, 1975 Supplement, Section 473.811, is amended to read:

473.811 [METROPOLITAN COUNTIES; FACILITIES; ORDINANCES; ENFORCEMENT.] Subdivision 1. [ACQUISITION.] To accomplish the purpose specified in section 473.803, each metropolitan county may acquire by purchase, lease, gift or condemnation as provided by law, upon such terms and conditions as it shall determine, including contracts for deed and conditional sales contracts, solid waste (DISPOSAL SITES OR) facilities or properties for solid waste facilities which are in accordance with regulations adopted by the agency, the (COMPREHENSIVE) policy plan adopted by the council and the county (REPORT) master plan as approved by the council, and may improve or construct improvements on any (SITE) property or facility so acquired. No metropolitan city, county or town shall own or operate a hazardous waste facility. Each metropolitan county is authorized to levy a tax in anticipation of need for expenditure for the acquisition and betterment of solid waste (DISPOSAL SITES OR) facilities. If such a tax is levied in anticipation of need, the purpose must be specified in a resolution of the county directing that the levy and the proceeds of the tax may be used only for that purpose. Until so used, the proceeds shall be retained in a separate fund or invested in the same manner as surplus in a sinking fund may be invested under section 475.66. The right of condemnation shall be exercised in accordance with chapter 117. A metropolitan county may acquire property for and operate a solid waste (DISPOSAL SITE OR) facility within the boundaries of any city or town in the metropolitan area, without complying with the provisions of any zoning ordinance adopted after April 15, 1969.

Subd. 2. [FINANCING.] Each metropolitan county may by resolution authorize the issuance of bonds to provide funds for the acquisition or betterment of solid waste facilities or property or property rights (, BUILDINGS, STRUCTURES AND EQUIPMENT) for a solid waste (DISPOSAL SITE OR) facility, or for refunding any outstanding bonds issued for any

such purpose, and may pledge to the payment of (SUCH) *the* bonds and the interest thereon, its full faith, credit and taxing powers, or the proceeds of any designated tax levies, or the gross or net revenues or charges to be derived from any (SUCH SITE OR) facility operated by or for the county, or any combination thereof. Taxes levied for the payment of (SUCH) *the* bonds and interest shall not reduce the amounts of other taxes which the county is authorized by law to levy. No election shall be required to authorize the issuance of (ANY SUCH) *the* bonds. Except as otherwise provided, (SUCH) *the* bonds shall be issued and sold in accordance with the provisions of chapter 475.

Subd. 3. [OPERATION.] Each metropolitan county may operate and maintain solid waste (DISPOSAL SITES AND) facilities, and for this purpose may employ all necessary personnel, may adopt regulations governing (THE) operation (THEREOF), *and* may establish and collect reasonable, non-discriminatory rates and charges for the use (THEREOF) *of the facilities* by any local government unit or person, estimated to be sufficient, with any other moneys appropriated for (SUCH) *the* purpose, to pay all costs of acquisition, operation and maintenance (THEREOF). *Each metropolitan county may use itself or sell all or any part of materials or energy recovered from solid waste to private interests or public agencies for consumption or reuse by them. Section 471.345 and Laws 1951, Chapter 556, as amended shall not apply to the sale of the materials or energy provided that the dealings of each county shall be on a competitive basis so as not to create an unfair or unreasonable advantage or restraint of trade on the part of the county.*

Subd. 4. [CONTRACTS.] Each metropolitan county may contract *for the use of existing public or private waste facilities* or with any person for the operation and maintenance (BY SUCH PERSON) of any solid waste (DISPOSAL SITE OR) facility owned by (IT) *the county*. (SUCH) *The* contract shall provide for the operation and maintenance of (SUCH SITE OR) *the* facility in accordance with any regulations, *criteria, and standards* of the (POLLUTION CONTROL) agency, the metropolitan council and the county relating thereto.

Subd. 5. [ORDINANCES.] Each metropolitan county may (ALSO) adopt ordinances governing the (OPERATION) *collection* of solid waste (HAULERS, DISPOSAL SITES, OR FACILITIES IN THE COUNTY BY ANY LOCAL GOVERNMENT UNIT OR PERSON). The (REGULATION) *ordinances* shall not prevent the hauling of solid waste from one county to another. (SUCH ORDINANCES SHALL BE CONSISTENT WITH APPLICABLE REGULATIONS ADOPTED BY THE POLLUTION CONTROL AGENCY OR THE METROPOLITAN COUNCIL. THE COUNTY MAY PRESCRIBE A PENALTY FOR THE VIOLATION OF ANY SUCH ORDINANCE NOT EXCEEDING THE MAXIMUM WHICH MAY BE

SPECIFIED FOR A MISDEMEANOR. ANY SUCH ORDINANCE ENACTED SHALL BE PUBLISHED IN ACCORDANCE WITH THE PROVISIONS OF SECTION 375.51. A) *Each municipality and town within (A METROPOLITAN COUNTY MAY) the metropolitan area shall adopt an ordinance governing the collection of solid waste within its boundaries. If the county within which it is located has adopted an ordinance, the municipality or town shall adopt either the county ordinance by reference or a more strict ordinance (THAN THE COUNTY'S TO REGULATE SOLID WASTE HAULERS MAKING PICKUPS WITHIN ITS BOUNDARIES). A hauler who qualified under the ordinance of the municipality where he is making pickups may transport solid waste on streets and highways in other municipalities within the county without conforming to their ordinances.*

Each metropolitan county shall by ordinance establish and from time to time revise rules, regulations, and standards for waste facilities within the county, relating to location, sanitary operation, periodic inspection and monitoring, maintenance, termination and abandonment, and other pertinent matters. The ordinance shall require permits or licenses for waste facilities and shall require that such facilities be registered with a county office.

Each metropolitan county shall by ordinance establish and revise rules, regulations, and standards for hazardous waste management relating to (a) the identification of hazardous waste, (b) the labeling and classification of hazardous waste, (c) the handling, collection, transportation and storage of hazardous waste, (d) the ultimate disposal site of hazardous waste, and (e) other matters necessary for the public health, welfare and safety. The county shall require permits or licenses for the generation, collection, and processing of hazardous waste and shall require registration with a county office.

Any ordinance enacted under this subdivision shall embody regulations, standards, and requirements adopted by the agency and goals, policies, criteria, and standards adopted by the council and shall be consistent with the county master plan approved by the council. County ordinances adopted pursuant to this subdivision shall not apply to the location or operation of any hazardous waste facility owned or operated by the waste control commission under section 10. Issuing, denying, modifying, imposing conditions upon, or revoking hazardous waste permits or licenses, and county hazardous waste regulations, shall be subject to review, denial, suspension, and reversal by the agency. The agency shall after written notification have 15 days to review, suspend, modify, or reverse the action of the county. After this period, the action of the county board shall be final subject to appeal to the district court in the manner provided in section 115.05. Any ordinance enacted shall be published in accordance with the provisions of section 375.51.

Subd. 5a. [ENFORCEMENT.] Each metropolitan county shall be responsible for insuring that (NONCONFORMING SOLID) waste (DISPOSAL SITES AND) facilities, *solid waste collection operations licensed or regulated by the county and hazardous waste generation, collection, and processing operations are brought into conformance, with or terminated and abandoned in accordance with, applicable county ordinances; rules, regulations and requirements of the (POLLUTION CONTROL) agency; and goals, policies, criteria, and standards of the council.* Counties may provide by ordinance that operators or owners or both of (REAL PROPERTY BEING USED FOR SOLID WASTE DISPOSAL PURPOSES) *such facilities or operations* shall be responsible to the county for satisfactorily performing (SUCH TERMINATING AND ABANDONMENT) *the procedures required.* (COUNTIES MAY FURTHER PROVIDE THAT, IN THE EVENT SUCH) *If operators or owners or both fail to perform (SUCH TERMINATION AND ABANDONMENT ACTIVITIES), the county may recover the costs incurred by the county in completing (THE SATISFACTORY DISCHARGE OF SUCH TERMINATION AND ABANDONMENT ACTIVITIES) the procedures in a civil action in any court of competent jurisdiction or, in the discretion of the board, the costs may be (LEVIED AGAINST SAID OPERATORS OR OWNERS OR BOTH, PERSONALLY, OR AGAINST ANY REAL OR PERSONAL PROPERTY INVOLVED) certified to the county auditor as a special tax against the land. The ordinances may be enforced by action in district court. The county may prescribe a criminal penalty for the violation of any ordinance enacted under this section not exceeding the maximum which may be specified for a misdemeanor.*

Subd. 6. [GRANTS AND LOANS.] Each metropolitan county may accept gifts, may apply for and accept grants or loans of money or other property from the United States, the state, the metropolitan council, any local government unit, or any person, (FOR SOLID WASTE DISPOSAL) *to accomplish the purposes specified in sections 473.801 to 473.823 and section 18 of this act,* may enter into any agreement required in connection therewith, and may hold, use, and dispose of (SUCH) *the money or property in accordance with the terms of the gift, grant, loan or agreement relating thereto.*

Subd. 7. [JOINT ACTION.] Each metropolitan county and local government unit may act under the provisions of section 471.59 or any other appropriate law providing for joint or cooperative action between government units, to accomplish any purpose specified in sections 473.801 to 473.823 *and section 18 of this act.*

Subd. 8. [SALE OR LEASE.] Each metropolitan county may sell or lease any *facilities or property or property rights* (, LAND, BUILDINGS, STRUCTURES OR EQUIPMENT) previously used or acquired (FOR SOLID WASTE DISPOSAL) *to accomplish the purposes specified by sections 473.801 to 473.823 and section 18 of this act.* Such property may be sold in the

manner provided by section 458.196. Each metropolitan county may convey to or permit the use of any such property by a local government unit, with or without compensation, without submitting the matter to the voters of the county. No *real property or property rights (OR LAND, IMPROVED OR UNIMPROVED)*, acquired pursuant to this section, may be disposed of in any manner unless and until the county shall have submitted to the *agency and the metropolitan council* for review and comment the terms on and the use for which the property will be disposed of. The *agency and the council* shall review and comment on the proposed disposition within 60 days after (IT) *each* has received the data relating thereto from the county.

Subd. 9. [SOLID AND HAZARDOUS WASTE FUND.]

All moneys received by any metropolitan county from any source specified in sections 473.801 to (473.811) *473.823 and section 18 of this act* shall be paid into the county treasury, placed in a special fund designated as the county *solid and hazardous waste (DISPOSAL)* fund, and used only for the purposes authorized in those sections, as appropriated by the county board, subject to any lawful restrictions, conditions, or pledges applicable thereto.

Sec. 16. Minnesota Statutes 1974, Chapter 473, is amended by adding a section to read:

[473.813] [CITIES, COUNTIES, TOWNS; SOLID WASTE CONTRACTS.] *Subdivision 1. Notwithstanding any contrary provision of law or charter, and in addition to the powers or authority granted by any other law or charter, a city, county, or town in the metropolitan area may directly negotiate and enter into contracts, for a term not to exceed 30 years, for the delivery of solid waste to a waste facility and the processing of solid waste. Contracts made by direct negotiations shall be approved by resolution adopted by the governing body of the city, county, or town.*

Subd. 2. Before a city, county, or town may enter into any contract pursuant to subdivision 1, which contract is for a period of more than five years, the city, county, or town shall submit the proposed contract and a description of the proposed activities under the contract to the council for review and approval. The council shall approve the proposed contract if it determines that the contract will not adversely affect collection rates and charges during the term of the contract and that the contract is consistent with the council's plan, permits issued under section 473.-823, and county reports or master plans approved by the council. The council may consolidate its review of contracts submitted under this section with its review of related permit applications submitted under section 473.823 and for this purpose may delay the review required by this section.

Sec. 17. Minnesota Statutes, 1975 Supplement, Section 473.823, is amended to read:

473.823 [POLLUTION CONTROL AGENCY; REGULATIONS AND PERMITS.] Subdivision 1. *By April 1, 1977, the (POLLUTION CONTROL) agency, to abate or prevent pollution of air and waters of the state in the metropolitan area, shall adopt regulations relating to the location and operation of (SOLID) waste (DISPOSAL SITES AND) facilities in the metropolitan area and regulations having the force of law for the identification, labeling, classification, storage, collection, treatment, and disposal of hazardous waste. In adopting (SUCH) the regulations the agency shall consider applicable air and water pollution standards, land and water use, soil conditions, geography, topography, ground water pollution, natural drainage, prevailing weather conditions, the costs of acquisition and operation of (SUCH SITES AND) facilities, and any other factors it may deem relevant. (SUCH) The regulations shall be adopted in accordance with chapter 15. The regulations, to the extent practicable, shall encourage resource recovery and attempt to reduce the metropolitan area's reliance on direct disposal and landfill.*

Subd. 2. In the metropolitan area, no metropolitan county or commission, local government unit or person shall commence (OPERATION AND NO METROPLITAN COUNTY, LOCAL GOVERNMENT UNIT OR PERSON SHALL) or continue operation of any (SOLID) waste (DISPOSAL SITE OR) facility, unless a permit for the operation thereof has been issued by the (POLLUTION CONTROL) agency, or unless the (SITE OR) facility is approved for temporary operation by the (POLLUTION CONTROL) agency prior to the issuance of a permit.

Subd. 3. The (POLLUTION CONTROL) agency may prescribe permit and permit application forms, and may request applicants to submit in writing all information deemed relevant by the agency. *The agency shall request applicants to submit all information deemed relevant by the council to its review, including without limitation information relating to the geographic areas and population served, the need, the effect on existing facilities and services, the anticipated public cost and benefit, the anticipated rates and charges, the manner of financing, the effect on metropolitan plans and development programs, the supply of waste, anticipated markets for any product, and alternative means of disposal or energy production.* The agency, or any employee or agent thereof, when authorized by it, may examine any books, papers, records or memoranda of the applicant pertaining to its (SOLID) waste (DISPOSAL SITE OR) facility, and may enter on any property, public or private, for the purpose of obtaining information, conducting surveys or making investigations relative to the location or operation of a (SOLID) waste (DISPOSAL SITE OR) facility. The agency may issue permits for the operation of (SOLID) waste (DISPOSAL SITES AND) facilities by any metropolitan county or

commission, local government unit or person where the operation thereof is consistent with applicable regulations adopted by the agency pursuant to subdivision 1, provided that no permit may be issued for the operation of a (SOLID) waste (DISPOSAL SITE OR) facility in the metropolitan area which is not in accordance with the metropolitan council's (COMPREHENSIVE) solid and hazardous waste policy plan. The metropolitan council shall determine whether a permit is in accordance with the goals, policies, standards, and criteria in its (COMPREHENSIVE) policy plan. In making its determination, the council shall consider the area-wide need and benefit of the applicant facility and may consider, without limitation, the effect of the applicant facility on existing and planned waste facilities described in a waste control commission development program or county report or master plan. If the council determines that a permit is in accordance with its policy plan, the council shall approve the permit. If the council determines that a permit is not in accordance with its policy plan, it shall disapprove the permit. The council's approval of permits may be subject to conditions necessary to satisfy criteria and standards in its policy plan, including conditions respecting the type, character, and quantities of waste to be processed at a waste facility used primarily for resource recovery and restrictions on the geographic territory from which a waste facility used primarily for resource recovery may draw its waste. For (THIS) the purpose of this review and approval by the council, the agency shall send a copy of each permit application and any supporting information furnished by the applicant to the metropolitan council within 15 days after receipt of the application and all other information requested from the applicant. Within (45) 60 days after the application and supporting information are received by the council, (IT) unless a time extension is authorized by the agency, the council shall issue to the agency in writing its determination whether the permit is (IN ACCORDANCE WITH ITS COMPREHENSIVE PLAN) disapproved, approved, or approved with conditions. If the council does not issue its determination to the agency within the (45) 60 day period, unless a time extension is authorized by the agency, the permit shall be deemed to be in accordance with the council's (COMPREHENSIVE) policy plan. No permit may be issued in the metropolitan area for a waste facility used primarily for resource recovery, if the facility or site is owned and operated by a public agency or if the acquisition or betterment of the facility or site is secured by obligations pledging the full faith and credit or taxing powers of a city, county, or town, unless the council finds that adequate markets exist for the products recovered without substantially reducing the supply of solid waste available for existing resource recovery operations and that all costs of operation, administration, maintenance and debt service will be covered by reasonable rates and charges for the use of the facility.

Subd. 4. Regulations adopted pursuant to subdivision 1 may be enforced by the (POLLUTION CONTROL) agency in the manner provided in section (115.47) 115.071.

(SUBD. 4A. NO PERMIT MAY BE ISSUED FOR THE OPERATION OF A HAZARDOUS WASTE TREATMENT OR DISPOSAL SITE, SYSTEM OR FACILITY IN THE METROPOLITAN AREA WHICH DOES NOT COMPLY WITH THE METROPOLITAN COUNCIL'S COMPREHENSIVE PLAN. A COPY OF EACH PERMIT APPLICATION AND ANY SUPPORTING INFORMATION FURNISHED BY THE APPLICANT SHALL BE SENT TO THE METROPOLITAN COUNCIL WITHIN 15 DAYS AFTER RECEIPT OF THE APPLICATION AND ALL OTHER INFORMATION REQUESTED FROM THE APPLICANT. WITHIN 45 DAYS AFTER THE APPLICATION AND SUPPORTING INFORMATION ARE RECEIVED BY THE COUNCIL, IT SHALL ISSUE TO THE POLLUTION CONTROL AGENCY IN WRITING ITS DETERMINATION WHETHER THE PERMIT COMPLIES WITH ITS COMPREHENSIVE PLAN. IF THE COUNCIL DOES NOT ISSUE ITS DETERMINATION TO THE AGENCY WITHIN THE 45 DAY PERIOD, THE PERMIT SHALL BE DEEMED TO BE IN ACCORDANCE WITH THE COUNCIL'S COMPREHENSIVE PLAN.)

Sec. 18. Minnesota Statutes 1974, Chapter 473, is amended by adding a section to read:

[473.825] [DISCLOSURE.] *For the purpose of the regulations, plans, and reports required or authorized by section 473.149, section 10 of this act, and sections 473.801 to 473.823 and this section, each generator of hazardous waste and each owner or operator of a collection service or waste facility annually shall make the following information available to the agency, council, and metropolitan counties: a schedule of rates and charges in effect or proposed for a collection service or the processing of waste delivered to a waste facility and a description, in aggregate amounts indicating the general character of the solid and hazardous waste collection and processing system, of the types and the quantity, by types, of waste generated, collected, or processed. The county, council, and agency shall act in accordance with the provisions of section 116.075, subdivision 2, with respect to information for which confidentiality is claimed.*

Sec. 19. Minnesota Statutes, 1975 Supplement, Section 473.249, Subdivision 1, is amended to read:

Subdivision 1. The metropolitan council may levy a tax on all taxable property in the counties named in section 473.121 to provide funds for the purposes of sections 473.121 to 473.249 and for the purpose of carrying out other responsibilities of the council as provided by law. The tax shall not exceed (SEVENTH-TENTIETHS) *eight thirtieths* of one mill on each dollar of assessed valuation of all such taxable property, and shall be levied and collected in the manner provided by section 473.08.

Sec. 20. *Minnesota Statutes, 1975 Supplement, Sections 473.121, Subdivision 3; 473.149, Subdivision 2; 473.815, and 473.821, are repealed.*

Sec. 21. *This act applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott and Washington.*

Sec. 22. *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; regulating waste; providing for a levy; amending Minnesota Statutes 1974, Chapter 473, by adding sections; and Minnesota Statutes, 1975 Supplement, Sections 473.121, Subdivisions 27, 29, 31, and by adding subdivisions; 473.149, Subdivision 1, and by adding subdivisions; 473.249, Subdivision 1; 473.801, Subdivision 2, and by adding a subdivision; 473.802; 473.803; 473.811; and 473.823; repealing Minnesota Statutes, 1975 Supplement, Sections 473.121, Subdivision 30; 473.149, Subdivision 2; 473.815; and 473.821."

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

Senate Conferees: JOHN C. CHENOWETH, WILLIAM G. KIRCHNER and ROBERT D. NORTH.

House Conferees: JAMES R. CASSERLY, TOM K. BERG and WILLIAM H. SCHREIBER.

Casserly moved that the report of the Conference Committee on S. F. No. 1383 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 1383, A bill for an act relating to metropolitan government; regulating solid waste; amending Laws 1975, Chapter 13, Sections 1, by adding subdivisions; 11, Subdivision 1; 139; 140, Subdivision 1; 141; 142; 143; and 144; and by adding sections; repealing Laws 1975, Chapter 13, Section 140, Subdivision 2.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question being taken on the repassage of the bill and the roll being called, there were yeas 127, and nays 4, as follows:

Those who voted in the affirmative were:

Abeln	Arlandson	Birnstihl	Carlson, R.	Dean
Adams, L.	Beauchamp	Braun	Casserly	DeGroat
Adams, S.	Begich	Brinkman	Clark	Dieterich
Albrecht	Berg	Byrne	Clawson	Doty
Anderson, G.	Berglin	Carlson, A.	Corbid	Eckstein
Anderson, I.	Biersdorf	Carlson, L.	Dahl	Eken

Enebo	Johnson, D.	Mangan	Philbrook	Smith
Erickson	Jude	Mann	Pleasant	Smogard
Esau	Kahn	McCarron	Prahl	Spanish
Evans	Kaley	McCauley	Reding	Stanton
Ewald	Kalis	McCollar	Rice	Swanson
Farley	Kelly, R.	McEachern	St. Onge	Ulland
Fjoslien	Kelly, W.	Menning	Samuelson	Vanasek
Forsythe	Kempe, A.	Moe	Sarna	Vento
Fudro	Kempe, R.	Munger	Savelkoul	Volk
Fugina	Ketola	Neisen	Schreiber	Voss
George	Knickerbocker	Nelsen	Schulz	Wenstrom
Graba	Knoll	Nelson	Schumacher	Wenzel
Hanson	Kostohryz	Niehaus	Searle	Wieser
Haugerud	Kroening	Norton	Setzepfandt	Wigley
Heipitz	Kvam	Novak	Sherwood	Williamson
Hokanson	Laidig	Osthoff	Sieben, H.	Zubay
Jacobs	Langseth	Parish	Sieben, M.	Speaker Sabo
Jaros	Lemke	Patton	Sieloff	
Jensen	Lindstrom	Pehler	Simoneau	
Johnson, C.	Luther	Petrafeso	Skoglund	

Those who voted in the negative were:

Jopp Metzen Suss White

The bill was repassed, as amended by Conference, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 2276 and 2410.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 2276, A bill for an act relating to the designer selection board; defining terms; prescribing the powers and duties of the board; amending Minnesota Statutes 1974, Sections 16.822, Subdivision 5, and by adding a subdivision; 16.823, Subdivision 4; and 16.826, Subdivision 2.

The bill was read for the first time and referred to the Committee on Governmental Operations.

S. F. No. 2410, 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 1974, Section 273.13, Subdivision 17b; and Chapter 273, by adding a section; and Minnesota Statutes, 1975 Supplement, Section 276.04.

The bill was read for the first time and referred to the Committee on Taxes.

The following conference committee reports were received:

CONFERENCE COMMITTEE REPORT ON H. F. NO. 1382

A bill for an act relating to transportation; authorizing the commissioner of administration to acquire vehicles for the car pooling of state employees; removing, restricting or clarifying certain laws which discourage use of shared ride commuter vans to transport employees to and from work; providing certain incentives; appropriating money; amending Minnesota Statutes 1974, Chapter 221, by adding a section; and Sections 16.85, Subdivision 1; and 65B.47, Subdivisions 1 and 2; and Minnesota Statutes, 1975 Supplement, Sections 65B.43, Subdivision 12; 221.011, Subdivision 22; repealing Minnesota Statutes 1974, Section 16.755.

March 25, 1976

The Honorable Martin O. Sabo
Speaker of the House of Representatives
The Honorable Alec G. Olson
President of the Senate

We, the undersigned conferees for H. F. No. 1382 report that we have agreed upon the items in dispute and recommend as follows:

Strike everything after the enacting clause and insert:

“Section 1. In order to conserve energy and to alleviate traffic congestion in and about the location of state offices, the commissioner of administration shall, in cooperation with the director of the Minnesota energy agency, the commissioner of highways and interested nonprofit agencies, establish and operate an employee transportation program utilizing commuter vans with a capacity of not less than seven nor more than 16 passengers. The commissioner shall acquire or lease commuter vans, or otherwise contract for the provision of commuter vans, and shall make the vans available for the use of state employees in a manner consistent with standards and procedures adopted by the commissioner. Standards and procedures adopted pursuant to this section shall not be subject to chapter 15. Commuter vans may be used by state employees to travel between their homes and their work locations, and for personal purposes after working hours, not including partisan political activity. The commissioner shall provide in his standards and procedures for the recovery by the state of vehicle acquisition, lease, operation and insurance costs through efficient and convenient assignment of vans, and for the billing of costs and collection of fees. A state employee using a van for personal use shall pay, pursuant to the standards and procedures adopted by the commissioner, for operating and routine maintenance costs incurred as a result of the personal use. The commissioner shall promote the maximum

practicable participation of state employees in the use of the vans. Fees collected pursuant to this section shall be deposited in the accounts from which the costs of operating, maintaining and leasing or amortizing acquisition costs for the specific vehicle are paid.

Sec. 2. Use of the vans shall be limited to areas not having adequate public transportation between the residences of state employees and their places of employment. During the first year, the van program shall be implemented both in the seven-county metropolitan area and in one other region of the state.

Sec. 3. The program shall be evaluated after its first year of operation, and the commissioner of administration shall at that time recommend to the legislature whether the program should be expanded or discontinued. The commissioner shall at least semi-annually inform the metropolitan council and the capitol area architectural and planning board on the operation of the program.

Sec. 4. Notwithstanding section 15.31 or any other law to the contrary, the commissioner of administration may purchase, pursuant to chapter 16, collision insurance coverage for the commuter vans. Notwithstanding sections 16.75, subdivision 7, and 168.012, the vans shall not be marked. The vans shall not be equipped with tax-exempt motor vehicle number plates.

Sec. 5. Minnesota Statutes 1974, Section 16.85, Subdivision 1, is amended to read:

16.85 [GENERAL POWERS OF COMMISSIONER, STATE BUILDING CODE.] Subdivision 1. Subject to provisions of (LAWS 1971, CHAPTER 561) sections 16.83 to 16.867, the commissioner shall (PREPARE AND PUBLISH) by rule establish a code of (RULES, REGULATIONS, AND) standards for the construction, reconstruction, alteration, and repair of state-owned buildings, governing matters of structural materials, design and construction, fire protection, health, sanitation, and safety. The commissioner may amend (SUCH) the code from time to time as provided in (LAWS 1971, CHAPTER 561) sections 16.83 to 16.867. The code and any amendment thereof shall conform insofar as practicable to model building codes generally accepted and in use throughout the United States. In the preparation of the code consideration shall be given to the existing state-wide specialty codes presently in use in the state of Minnesota. Such model codes with modifications as may be deemed necessary and state-wide specialty codes may be adopted by reference. The code so promulgated and any amendments thereof shall be based on the application of scientific principles, approved tests, and professional judgment; and to the extent that it is practical so to do the code shall be promulgated in terms of desired results instead of the means of achieving such results, avoiding wher-

ever possible the incorporation of specifications of particular methods or materials. To that end the code shall encourage the use of new methods and new materials.

The code shall require that any parking ramp or other parking facility constructed in accordance with the code include an appropriate number of spaces suitable for the parking of motor vehicles having a capacity of seven to 16 persons and which are principally used to provide prearranged commuter transportation of employees to or from their place of employment or to or from a transit stop authorized by a local transit authority.

Sec. 6. Minnesota Statutes, 1975 Supplement, Section 65B.43, Subdivision 12, is amended to read:

Subd. 12. "Commercial vehicle" means:

- (a) any motor vehicle used as a common carrier,
- (b) any motor vehicle, other than a passenger vehicle or a station wagon, as those terms are defined in section 168.011, subdivisions 7 and 23, which has a curb weight in excess of 5500 pounds apart from cargo capacity, or
- (c) any motor vehicle while used in the for-hire transportation of property.

Commercial vehicle does not include a "commuter van", which for purposes of chapter 65B shall mean a motor vehicle having a capacity of seven to 16 persons which is used principally to provide prearranged transportation of persons to or from their place of employment or to or from a transit stop authorized by a local transit authority which vehicle is to be operated by a person who does not drive the vehicle for his principal occupation but is driving it only to or from his principal place of employment, to or from a transit stop authorized by a local transit authority or for personal use as permitted by the owner of the vehicle.

Sec. 7. Minnesota Statutes 1974, Section 65B.47, Subdivision 1, is amended to read:

65B.47 [PRIORITY OF APPLICABILITY OF SECURITY FOR PAYMENT OF BASIC ECONOMIC LOSS BENEFITS.]
Subdivision 1. In case of injury to the driver or other occupant of a motor vehicle *other than a commuter van*, if the accident causing the injury occurs while the vehicle is being used in the business of transporting persons or property, the security for payment of basic economic loss benefits is the security covering the vehicle or, if none, the security under which the injured person is an insured.

Sec. 8. Minnesota Statutes 1974, Section 65B.47, Subdivision 2, is amended to read:

Subd. 2. In case of injury to an employee, or to his spouse or other relative residing in the same household, if the accident causing the injury occurs while the injured person is driving or occupying a motor vehicle *other than a commuter van* furnished by the employer, the security for payment of basic economic loss benefits is the security covering the vehicle or, if none, the security under which the injured person is an insured.

Sec. 9. Minnesota Statutes, 1975 Supplement, Section 221.-011, Subdivision 22, is amended to read:

Subd. 22. "Exempt carrier" means any carrier exempt from chapter 221, or from any other law or regulation by the public service commission. The following are so exempt:

(a) Any person engaged in farming or in transporting agricultural, horticultural, dairy, livestock, or other farm products within an area having a 25 mile radius from his home postoffice. Such carrier may transport other commodities within such area if the destination of each haul is a farm within the above described area. The owner of any truck operating under this provision shall imprint his name and address in prominent visible letters on the outside of the cab of his truck.

(b) Any occasional accommodation service beyond the 25 mile radius from his home postoffice by any person engaged in farming as his primary means of livelihood and actually residing on a farm and whose truck or trucks are licensed under provisions of section 168.013, subdivision 1, paragraph 4a. Occasional accommodation service shall mean not in excess of six trips in any calendar year.

(c) Any person engaged in agricultural pursuits, who owns and uses a truck for transporting the products of his farm, or any person while engaged exclusively in the transportation of fresh vegetables from farms to canneries or viner stations, or from viner stations to canneries, or from canneries to canneries during the harvesting, canning or packing season, or potatoes, sugar beets, wild rice and rutabagas from the field of production to the first place of delivery or unloading, including but not limited to a processing plant, warehouse or railroad siding. This term shall also apply to a manufacturer, producer, dealer or distributor who, in the pursuit of his own business, owns and uses trucks for the purpose of transporting his own products, and shall apply to any person while engaged exclusively in the transportation of pulpwood, cord wood, mining timber, poles, posts, decorative evergreens, wood chips, sawdust, shavings and bark from the place where the products are produced to the point where they are to be used or shipped.

(d) Any person while exclusively engaged in the transportation of dirt and sod within an area having a 50 mile radius from his home postoffice.

(e) Any person while exclusively engaged in the transportation of sand or gravel, bituminous asphalt mix and crushed rock to or from the point of loading or a place of gathering within an area having a 50 mile radius from his home postoffice or a 50 mile radius from the site of construction or maintenance of public roads and streets.

(f) Any person engaged in the transportation of household goods for the federal government or any agency thereof or the transportation of household goods for the state government or any agency thereof, where competitive bids are required by law shall be exempt from the provisions of section 221.161.

(g) Any person engaged in transporting property or freight, excepting household goods and petroleum products in bulk, when the movement is entirely within the corporate limits of a city or between contiguous cities.

(h) Emergency vehicles such as ambulances, tow trucks, and hearses when carrying proper and legal warning devices.

(i) Any person engaged in delivery or spreading of agricultural lime.

(j) Any person engaged in transporting rubbish as defined in section 443.27.

(k) Any person engaged in the transportation of grain samples under such terms and conditions as the department may prescribe.

(l) A motor vehicle, in chapter 221 referred to as a "commuter van," having a capacity of seven to 16 persons which is used principally to provide prearranged transportation of persons for a fee to or from their place of employment or to or from a transit stop authorized by a local transit authority which vehicle is to be operated by a person who does not drive the vehicle for his principal occupation but is driving it only to or from his principal place of employment, to or from a transit stop authorized by a local transit authority, or for personal use at other times by an authorized driver; provided, that commuter vans shall not be exempt from any provision of chapter 221 which by its terms explicitly applies to these vehicles.

Sec. 10. Minnesota Statutes 1974, Chapter 221, is amended by adding a section to read:

[221.71] [COMMUTER VANS; DRIVER LIABILITY.]

Subdivision 1. Notwithstanding any other law to the contrary, the services performed by a driver of a commuter van shall be deemed to be those of an independent contractor and not those of an employee acting within his scope of employment, unless provided in writing to the contrary.

Subd. 2. A driver or owner of a commuter van shall not be held to the standard of care applicable to drivers or owners of common carriers, nor shall they be subject to ordinances or regulations which relate exclusively to the regulation of drivers or owners of automobiles for hire or other common carriers or public transit carriers.

Sec. 11. Minnesota Statutes 1974, Section 290.08, is amended by adding a subdivision to read:

Subd. 23. [COMMUTER VAN USE.] Gross income shall not include benefits derived by a driver from the personal use of a commuter van owned by a person other than the driver. For purposes of this subdivision, commuter van shall mean a motor vehicle having a capacity of seven to 16 persons which is used principally to provide prearranged transportation of persons to or from their place of employment or to or from a transit stop authorized by a local transit authority which vehicle is to be operated by a person who does not drive the vehicle for his principal occupation but is driving it only to or from his principal place of employment, to or from a transit stop authorized by a local transit commission, or for personal use when authorized by the owner. The exemption shall not apply to monetary compensation received by a person in return for his services in driving the van.

Sec. 12. The sum of \$100,000 is appropriated to the commissioner of administration from the general fund to carry out the purposes of sections 1 to 4 of this act.

Sec. 13. Minnesota Statutes 1974, Section 16.755, is repealed.

Sec. 14. Section 5 of this act is effective January 1, 1977, and the remainder of the act is effective the day following final enactment. Sections 1 to 4 of this act shall expire June 30, 1979."

Further strike the title and insert:

"A bill for an act relating to transportation; authorizing the commissioner of administration to acquire vehicles for the car pooling of state employees; removing, restricting or clarifying certain laws which discourage use of shared ride commuter vans to transport employees to and from work; providing certain incentives; excluding income tax liability of a driver resulting from the use of a commuter van; appropriating money; amend-

ing Minnesota Statutes 1974, Chapter 221, by adding a section; and Sections 16.85, Subdivision 1; 65B.47, Subdivisions 1 and 2; and 290.08, by adding a subdivision; and Minnesota Statutes, 1975 Supplement, Sections 65B.43, Subdivision 12; 221.011, Subdivision 22; repealing Minnesota Statutes 1974, Section 16.755.”

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

House Conferees: PETER X. FUGINA, PAUL PETRAFESO and LEO ADAMS.

Senate Conferees: ROBERT D. NORTH, WILLIAM G. KIRCHNER and EDWARD J. GEARTY.

Fugina moved that the report of the Conference Committee on H. F. No. 1382 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 1382, A bill for an act relating to transportation; authorizing the commissioner of administration to acquire vehicles for the car pooling of state employees; removing, restricting or clarifying certain laws which discourage use of shared ride commuter vans to transport employees to and from work; providing certain incentives; appropriating money; amending Minnesota Statutes 1974, Chapter 221, by adding a section; and Sections 16.85, Subdivision 1; and 65B.47, Subdivisions 1 and 2; and Minnesota Statutes, 1975 Supplement, Sections 65B.43, Subdivision 12; 221.011, Subdivision 22; repealing Minnesota Statutes 1974, Section 16.755.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question being taken on the repassage of the bill and the roll being called, there were yeas 121, and nays 9, as follows:

Those who voted in the affirmative were:

Abeln	Casserly	Fugina	Kelly, W.	McCollar
Adams, L.	Clark	George	Kempe, A.	McEachern
Adams, S.	Clawson	Graba	Kempe, R.	Menning
Anderson, I.	Corbid	Hanson	Knickerbocker	Metzen
Arlandson	Dahl	Haugerud	Knoll	Moe
Beauchamp	Dean	Hokanson	Kostohryz	Munger
Begich	Dieterich	Jacobs	Kroening	Neisen
Berg	Doty	Jaros	Kvam	Nelson
Berglin	Eckstein	Jensen	Laidig	Norton
Biersdorf	Eken	Johnson, C.	Langseth	Novak
Birnstihl	Enebo	Johnson, D.	Lemke	Osthoff
Braun	Ewald	Jopp	Lindstrom	Parish
Brinkman	Faricy	Jude	Luther	Patton
Byrne	Fjoslien	Kahn	Mangan	Pehler
Carlson, A.	Forsythe	Kaley	Mann	Peterson
Carlson, L.	Friedrich	Kalis	McCarron	Petraieso
Carlson, R.	Fudro	Kelly, R.	McCauley	Philbrook

Pleasant	Schreiber	Simoneau	Ulland	Wieser
Prahl	Schulz	Skoglund	Vanasek	Williamson
Reding	Schumacher	Smogard	Vento	Zubay
Rice	Setzepfandt	Spanish	Volk	Speaker Sabo
St. Onge	Sherwood	Stanton	Voss	
Samuelson	Sieben, H.	Suss	Wenstrom	
Sarna	Sieben, M.	Swanson	Wenzel	
Savelkoul	Sieloff	Tomlinson	White	

Those who voted in the negative were:

Anderson, G.	Evans	Nelsen	Searle	Wigley
Erickson	Heintz	Niehaus	Smith	

The bill was repassed, as amended by Conference, and its title agreed to.

ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to the Conference Committee on S. F. No. 2288:

St. Onge, Eken and Laidig.

Parish was excused between the hours of 3:30 p.m. and 6:30 p.m.

CONFERENCE COMMITTEE REPORT ON H. F. NO. 525

A bill for an act relating to state government; creating a department of transportation; prescribing its duties and responsibilities; transferring the functions of some state departments; appropriating money; amending Minnesota Statutes 1974, Sections 43.09, Subdivision 2a; and 360.017, Subdivision 1; repealing Minnesota Statutes 1974, Sections 4.20; 161.03; and 360.014.

March 25, 1976

The Honorable Martin O. Sabo
Speaker of the House of Representatives
The Honorable Alec G. Olson
President of the Senate

We, the undersigned conferees for H. F. No. 525 report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from the Ueland amendment placed on H. F. No. 525, the unofficial engrossment, on March 11, 1976, appearing in the Senate Daily Journal on page 4196, and from the Lewis amendment placed on H. F. No. 525, the unofficial engrossment, on March 17, 1976, appearing in the Senate Daily Journal on page 4471; that the House accede to all other Senate

amendments placed on H. F. No. 525; and that H. F. No. 525, the unofficial engrossment, be amended as follows:

Page 2, line 16, after "hearing" insert "*unless otherwise provided for in chapter 15*".

Page 2, line 28, after the period insert: "*The commissioner shall adopt an affirmative action plan for the department in order to insure that department hiring encourages the selection of members of groups of persons who because of unfair or unlawful discriminatory practices have in the past been denied equal employment opportunity. This plan need not be promulgated as a rule, but it shall be approved by the commissioner of personnel. The plan shall provide that the affected groups of persons shall constitute at least the same proportional number of employees in the department as they constitute in the total employment in state government; provided that this limitation shall expire in respect to an affected group when the commissioner of personnel certifies that members of that affected group are employed in the department in the same proportion as they constitute in the total employment in state government.*".

Page 3, line 8, after "222" insert "*on matters which directly relate to the powers and duties of the commissioner or which substantially affect the statewide transportation plan. On all other transportation matters the commissioner may appear before the public service commission.*".

Page 3, after line 31, insert:

"(a) *Three months after notification that the department is ready to commence operations and prior to the drafting of the statewide transportation plan the commissioner shall hold public hearings as may be appropriate solely for the purpose of receiving suggestions for future transportation alternatives and priorities for the state. The metropolitan council, regional development commissions and port authorities shall appear at the hearings and submit information concerning transportation related planning undertaken and accomplished by these agencies. Other political subdivisions may appear and submit such information at the hearings. These hearings shall be completed no later than six months from the date of the commissioner's notification.*".

Page 4, line 1, before the period insert "*, taking into account the suggestions and information submitted at the public hearings held pursuant to clause (a)*".

Page 4, line 10, delete everything after "*assistance*".

Page 4, delete lines 11 to 12.

Page 4, line 13, delete everything before the semicolon.

Page 4, delete lines 19 to 25.

Reletter the clauses accordingly.

Page 5, line 7, after the period insert *"Notwithstanding the foregoing, the commissioner and the commission shall have authority to promulgate emergency rules pursuant to section 15-0412, subdivision 5, if necessary to respond to transportation emergencies which may require an immediate temporary response inconsistent with the statewide plan."*

Subd. 3. [RELATIONSHIP WITH NATIONAL AND LOCAL PLANS.] *The statewide plan shall recognize established national transportation policies. The plan shall include matters of local or regional concern if this inclusion is needed to insure a comprehensive, statewide perspective on transportation policies and priorities. The commissioner shall recognize and attempt to accommodate the local or regional transportation plans. However, the statewide plan shall supersede a local or regional plan to the extent inconsistent on a matter which the commissioner demonstrates is of statewide concern. A political subdivision may challenge the commissioner's determination that a portion of a local or regional plan is superseded by the statewide plan. The subdivision shall institute the challenge by filing a petition with the commissioner within 30 days after being notified by the commissioner that the local or regional plan is superseded. The challenge shall be resolved by the commissioner as a contested case pursuant to chapter 15."*

Renumber the subdivisions accordingly.

Page 5, strike lines 21 and 22 and insert *"(d) Develop, revise and monitor a statewide rail transportation plan as part of the statewide transportation planning process, including a study and evaluation of"*.

Page 7, line 14, before "A" insert *"Any state agency which receives an application from"*.

Page 7, line 18, strike *"submitting an application"*.

Page 7, line 26, strike *"forward the application"* and insert *"within 15 days after receipt return the application to the applicant political subdivision for forwarding"*.

Page 7, line 28, strike the comma and insert *"and"*.

Page 7, line 28, strike *"and approve or disapprove"*.

Page 7, line 30, strike *"then forward"* and insert *"return"*.

Page 7, lines 31 to 32, strike "*and approval or disapproval*" and insert "*within 45 days after receipt to the applicant political subdivision for forwarding with the commissioner's comments*".

Page 8, line 11, strike "*provisions of*" and insert "*funding procedures specified in*".

Page 12, line 23, after the period insert "*Nothing herein shall be construed as abrogating or modifying any rights now enjoyed by affected employees under the terms of an agreement between an exclusive representative of public employees and the state or one of its appointing authorities.*".

Page 98, line 31, delete "*board*" and insert "*commission*".

Page 113, line 18, after the period insert "*All allotments of money from the state airports fund for salaries and expenses shall be approved by the commissioner of finance.*".

Page 114, line 9, strike "*organizational steering committee*" and insert "*advisory task force pursuant to section 15.059*".

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

House Conferees: WALTER R. HANSON, JAMES PEHLER, GERALD KNICKERBOCKER, PAUL PETRAFESO and DAVID BEAUCHAMP.

Senate Conferees: ROGER LAUFENBURGER, ROBERT J. BROWN, DAVID D. SCHAAF, ROBERT D. NORTH and WINSTON W. BORDEN.

Hanson moved that the report of the Conference Committee on H. F. No. 525 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 525, A bill for an act relating to state government; creating a department of transportation; prescribing its duties and responsibilities; transferring the functions of some state departments; appropriating money; amending Minnesota Statutes 1974, Sections 43.09, Subdivision 2a; and 360.017 Subdivision 1; repealing Minnesota Statutes 1974, Sections 4.20; 161.03; and 360.014.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question being taken on the repassage of the bill and the roll being called, there were yeas 72, and nays 55, as follows:

Those who voted in the affirmative were:

Abeln	Anderson, I.	Berglin	Carlson, L.	Clark
Adams, L.	Arlandson	Birnstihl	Carlson, R.	Clawson
Anderson, G.	Beauchamp	Byrne	Casserly	Dean

Dieterich	Kelly, R.	Mann	Patton	Smogard
Eken	Kelly, W.	McCollar	Pehler	Stanton
Enebo	Kempe, A.	McEachern	Petrafeso	Tomlinson
Farcy	Ketola	Menning	Philbrook	Vanasek
Fugina	Knickerbocker	Metzen	Rice	Vento
George	Knoll	Moe	Schulz	Voss
Graba	Kostohryz	Munger	Schumacher	Wenstrom
Hanson	Kroening	Neisen	Setzepfandt	White
Hokanson	Lemke	Nelson	Sieben, M.	Speaker Sabo
Jacobs	Lindstrom	Norton	Sieloff	
Jaros	Luther	Novak	Simoneau	
Kahn	Mangan	Osthoff	Skoglund	

Those who voted in the negative were:

Adams, S.	Doty	Jensen	McCauley	Searle
Albrecht	Eckstein	Johnson, C.	Nelsen	Sherwood
Begich	Erickson	Johnson, D.	Niehaus	Sieben, H.
Berg	Esau	Jude	Peterson	Smith
Biersdorf	Evans	Kaley	Pleasant	Suss
Braun	Ewald	Kalis	Prahl	Ulland
Brinkman	Fjoslien	Kempe, R.	Reding	Volk
Carlson, A.	Forsythe	Kvam	St. Onge	Wenzel
Corbid	Friedrich	Laidig	Samuelson	Wieser
Dahl	Haugerud	Langseth	Savelkoul	Wigley
DeGroat	Heinitz	McCarron	Schreiber	Zubay

The bill was repassed, as amended by Conference, and its title agreed to.

CONSIDERATION UNDER RULE 1.10

Pursuant to rule 1.10, Kelly, W., requested immediate consideration of S. F. No. 1997.

S. F. No. 1997, A bill for an act relating to taxation; credits on tax on fermented malt beverages; amending Minnesota Statutes 1974, Section 340.47, Subdivisions 2 and 2a.

The bill was read for the third time and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 109, and nays 13, as follows:

Those who voted in the affirmative were:

Abeln	Byrne	Erickson	Haugerud	Kempe, R.
Adams, S.	Carlson, A.	Evans	Heinitz	Ketola
Albrecht	Carlson, L.	Ewald	Hokanson	Knickerbocker
Anderson, G.	Clark	Farcy	Jacobs	Kostohryz
Anderson, I.	Clawson	Fjoslien	Jaros	Kroening
Arlandson	Dahl	Forsythe	Jensen	Kvam
Beauchamp	Dean	Friedrich	Johnson, C.	Laidig
Begich	DeGroat	Fudro	Jude	Lemke
Berg	Doty	Fugina	Kaley	Lindstrom
Biersdorf	Eckstein	George	Kalis	Luther
Birnstihl	Eken	Graba	Kelly, W.	Mangan
Brinkman	Enebo	Hanson	Kempe, A.	Mann

McCarron	Niehaus	Prahl	Setzepfandt	Vanasek
McCollar	Norton	Reding	Sieben, H.	Vento
McEachern	Novak	Rice	Sieben, M.	Volk
Menning	Osthoff	St. Onge	Sieloff	Voss
Metzen	Patton	Sarna	Simoneau	Wenzel
Moe	Pehler	Savelkoul	Smith	Wieser
Munger	Peterson	Schreiber	Smogard	Wigley
Neisen	Petraleso	Schulz	Swanson	Williamson
Nelsen	Philbrook	Schumacher	Tomlinson	Zubay
Nelson	Pleasant	Searle	Ulland	

Those who voted in the negative were:

Adams, L.	Casserly	Johnson, D.	Skoglund	Speaker Sabo
Berglin	Corbid	Kahn	Wenstrom	
Braun	Dieterich	Langseth	White	

The bill was passed and its title agreed to.

Pursuant to rule 1.10, Norton requested immediate consideration of S. F. Nos. 2014 and 1963.

S. F. No. 2014 was reported to the House.

Moe moved to amend S. F. No. 2014, as follows:

Page 2, line 1, before the semicolon insert "of a covered fund".

Page 2, line 4, before the period insert "of a covered fund".

Page 2, line 31, delete "payment" and insert "accruing".

Page 3, line 5, delete "\$500" and insert "\$300".

Page 4, line 9, delete "payment" and insert "accruing".

Page 4, line 17, delete "\$500 per month." and insert "\$300 per month."

Page 5, line 8, after "Sec. 5." insert "Subdivision 1."

Page 5, line 9, delete "\$19,852,833" and insert "\$19,673,160".

Page 5, line 12, delete "\$210,075" and insert "\$32,102".

Page 5, line 14, delete "\$361,079" and insert "\$359,302".

Page 5, line 15, delete "\$8,668,120" and insert "\$8,668,197".

Page 5, after line 28, insert:

"Subd. 2. There is hereby appropriated to the highway patrolmen's retirement fund \$165,782 from the trunk highway fund and \$39,472 from the game and fish fund."

Page 6, after line 18, insert:

"Sec. 9. Each retirement fund providing benefits or annuities to which the increases in this act apply shall calculate the amount of the increase in its accrued liability attributable to the implementation of this act based on census data as of June 30, 1976. The results of this calculation shall be transmitted and supporting data made available to the legislative commission on pensions and retirement, the chairman of the committee on appropriations of the house of representatives, the chairman of the committee on finance of the senate, and the commissioner of finance no later than November 1, 1976. Any amount appropriated by this act in excess of the amounts required as determined by the calculation made pursuant to this section shall be returned to the fund from which the appropriation was made, by the commissioner of finance. In the event of such an excess appropriation to the highway patrolmen's retirement fund, the excess amount shall be returned to the general fund, the trunk highway fund, and the game and fish fund in proportion to the amounts appropriated from each fund pursuant to section 5, subdivision 1, clause (1); and section 5, subdivision 2 of this act."

Renumber the remaining section.

The motion prevailed and the amendment was adopted.

S. F. No. 2014, A bill for an act relating to retirement; increasing certain benefits and annuities; appropriating money.

The bill was read for the third time, as amended, and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 129, and nays 2, as follows:

Those who voted in the affirmative were:

Abeln	Clawson	George	Ketola	Neisen
Adams, L.	Corbid	Graba	Knickerbocker	Nelsen
Adams, S.	Dahl	Hanson	Knoll	Nelson
Anderson, G.	Dean	Haugerud	Kostohryz	Niehaus
Anderson, I.	DeGroat	Heinitz	Kroening	Norton
Arlandson	Dieterich	Hokanson	Laidig	Novak
Beauchamp	Doty	Jacobs	Langseth	Osthoff
Begich	Eckstein	Jaros	Lemke	Patton
Berg	Eken	Jensen	Lindstrom	Pehler
Berglin	Enebo	Johnson, C.	Luther	Peterson
Biersdorf	Erickson	Johnson, D.	Mangan	Petrafeso
Birnstihl	Esau	Jopp	Mann	Philbrook
Braun	Evans	Jude	McCarron	Pleasant
Brinkman	Ewald	Kahn	McCaughey	Prahl
Byrne	Faricy	Kaley	McCollar	Reding
Carlson, A.	Fjoslien	Kalis	McEachern	Rice
Carlson, L.	Forsythe	Kelly, R.	Menning	St. Onge
Carlson, R.	Friedrich	Kelly, W.	Metzen	Samuelson
Casserly	Fudro	Kempe, A.	Moe	Sarna
Clark	Fugina	Kempe, R.	Munger	Savelkoul

Schreiber	Sieben, H.	Smogard	Vanasek	Wieser
Schulz	Sieben, M.	Stanton	Vento	Wigley
Schumacher	Sieloff	Suss	Voss	Williamson
Searle	Simoneau	Swanson	Wenstrom	Zubay
Setzepfandt	Skoglund	Tomlinson	Wenzel	Speaker Sabo
Sherwood	Smith	Ulland	White	

Those who voted in the negative were:

Albrecht Kvam

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

S. F. No. 1963 was reported to the House.

Johnson, D., moved to amend S. F. No. 1963, the unofficial engrossment, as follows:

Page 1, line 17, to page 7, line 13, delete Article I, and insert a new Article I to read:

ARTICLE I

Sec. 1. Minnesota Statutes 1974, Section 3.099, is amended to read:

3.099 [PAYMENT OF LEGISLATIVE COMPENSATION.]
The compensation of each member of the house of representatives of the legislature shall be (\$16,800) *\$24,000* 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 shares* 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 (\$33,600) *\$48,000* for the term to which he is elected, of which (\$16,800) *half* shall be due on the first day of each regular legislative session of the term and payable (AS FOLLOWS: \$700) *in equal shares* 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.

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.

Sec. 2. Minnesota Statutes 1974, Section 3.13, is amended to read:

3.13 [PRESIDENT AND SPEAKER; COMPENSATION.]
The president of the senate (AND), the speaker of the house of representatives and the majority and minority leaders of both houses shall receive, in addition to the amounts specified in section 3.09, the sum of (\$5 EACH PER DAY DURING ANY SESSION OF THE LEGISLATURE). \$4,000.

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

Voss moved to amend S. F. No. 1963, the unofficial engrossment, as follows:

Page 7, line 9, strike the word "article" and insert "act".

Page 7, line 10, strike "article" and insert "act".

The motion prevailed and the amendment was adopted.

Savelkoul moved to amend S. F. No. 1963, the unofficial engrossment, as follows:

Page 1, line 17, thru page 7, line 13, delete Article I of the bill.

Renumber the following articles.

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll being called, there were yeas 54, and nays 71, as follows:

Those who voted in the affirmative were:

Adams, S.	Esau	Jopp	Neisen	Searle
Albrecht	Evans	Kaley	Nelsen	Setzpfandt
Anderson, G.	Ewald	Kalis	Niehaus	Sieloff
Beauchamp	Faricy	Kelly, R.	Novak	Tomlinson
Berg	Fjoslien	Kelly, W.	Peterson	Ulland
Biersdorf	Forsythe	Kempe, A.	Philbrook	Wenstrom
Carlson, A.	Friedrich	Kempe, R.	Pleasant	Wenzel
Clawson	Heinitz	Knickerbocker	Prahl	Wieser
DeGroat	Hokanson	Kvam	Savelkoul	Wigley
Dieterich	Jensen	Laidig	Schreiber	Zubay
Erickson	Johnson, D.	McCauley	Schulz	

Those who voted in the negative were:

Abein	Dean	Kostohryz	Norton	Skoglund
Adams, L.	Doty	Kroening	Osthoff	Smith
Anderson, I.	Eckstein	Langseth	Patton	Smogard
Arlandson	Eken	Lemke	Pehler	Stanton
Begich	Enebo	Lindstrom	Petrafeso	Suss
Berglin	Fudro	Luther	Reding	Vanasek
Birnstihl	Fugina	Mangan	Rice	Vento
Braun	George	Mann	St. Onge	Volk
Brinkman	Haugerud	McCarron	Samuelson	Voss
Byrne	Jacobs	McCollar	Sarna	White
Carlson, L.	Jaros	Menning	Schumacher	Speaker Sabo
Carlson, R.	Jude	Metzen	Sherwood	
Casserly	Kahn	Moe	Sieben, H.	
Clark	Ketola	Munger	Sieben, M.	
Corbid	Knoll	Nelson	Simoneau	

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

Adams, S. moved to amend S. F. No. 1963, the unofficial engrossment, as follows:

Page 3, line 24, after "*consider*" insert "*the degree to which citizens are expected to donate time to public service,*".

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

S. F. No. 1963, A bill for an act relating to the operation of state government; raising base salaries for certain executive branch employees, 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; extending the open meeting law to the legislature; amending Minnesota Statutes 1974, Sections 15A.081; 15A.083, as amended; 43.062, Subdivision 3; and 43.067; 471.705, Subdivision 1; and Chapter 43, by adding a section; and Minnesota Statutes, 1975 Supplement, Section 15A.081, Subdivision 1; repealing Minnesota Statutes 1974, Sections 15A.081, Subdivisions 1a and 4; 43.066; 43.069; and 487.05.

The bill was read for the third time, as amended, and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 68, and nays 63, as follows:

Those who voted in the affirmative were:

Adams, L.	Berg	Carlson, L.	Corbid	Enebo
Anderson, I.	Berglin	Carlson, R.	Dahl	Fudro
Arlandson	Birnstihl	Casserly	Doty	Fugina
Beauchamp	Brinkman	Clark	Eckstein	George

Graba	Langseth	Neisen	Sarna	Swanson
Jacobs	Lindstrom	Nelson	Schumacher	Tomlinson
Jaros	Luther	Norton	Sherwood	Vanasek
Johnson, C.	Mangan	Osthoff	Sieben, H.	Vento
Johnson, D.	Mann	Patton	Sieben, M.	Volk
Kahn	McCarron	Pehler	Simoneau	Voss
Ketola	McEachern	Petrafeso	Skoglund	Wenzel
Knoll	Metzen	Reding	Smith	Speaker Sabo
Kostohryz	Moe	Rice	Stanton	
Kroening	Munger	St. Onge	Suss	

Those who voted in the negative were:

Abeln	Eken	Jensen	McCollar	Searle
Adams, S.	Erickson	Jopp	Menning	Setzepfandt
Albrecht	Esau	Jude	Nelsen	Sieloff
Anderson, G.	Evans	Kaley	Niehaus	Smogard
Begich	Ewald	Kalis	Novak	Spanish
Biersdorf	Farcy	Kelly, R.	Peterson	Ulland
Braun	Fjoslien	Kelly, W.	Philbrook	Wenstrom
Byrne	Forsythe	Kempe, A.	Pleasant	White
Carlson, A.	Friedrich	Kempe, R.	Prahl	Wieser
Clawson	Hanson	Kvam	Samuelson	Wigley
Dean	Haugerud	Laidig	Savelkoul	Zubay
DeGroat	Heinitz	Lemke	Schreiber	
Dieterich	Hokanson	McCauley	Schulz	

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

SPECIAL ORDERS

S. F. No. 2232 was reported to the House.

Ulland moved to amend S. F. No. 2232, as follows:

Page 2, line 5, after the period insert: *"This subdivision is intended to provide equal payment of benefits for optometric treatment and services and is not intended to change or add to the benefits provided for in such policies or contracts."*

The motion prevailed and the amendment was adopted.

S. F. No. 2232, A bill for an act relating to optometric services; providing for inclusion of optometric services in benefits for expenses incurred for medical treatment or services; amending Minnesota Statutes 1974, Section 62A.15, Subdivision 1, and by adding a subdivision.

The bill was read for the third time, as amended, and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 126, and nays 0, as follows:

Those who voted in the affirmative were:

Abeln	Adams, S.	Anderson, G.	Arlandson	Begich
Adams, L.	Albrecht	Anderson, I.	Beauchamp	Berg

Berglin	Faricy	Knickerbocker	Novak	Skoglund
Biersdorf	Fjoslien	Knoll	Osthoff	Smith
Birnstihl	Forsythe	Kroening	Patton	Smogard
Braun	Friedrich	Kvam	Pehler	Spanish
Brinkman	Fudro	Laidig	Peterson	Stanton
Byrne	Fugina	Langseth	Petraffeso	Suss
Carlson, A.	George	Lemke	Philbrook	Swanson
Carlson, L.	Hanson	Lindstrom	Pleasant	Tomlinson
Carlson, R.	Haugerud	Luther	Prahl	Ulland
Casserly	Heinitz	Mangan	Reding	Vanasek
Clark	Jacobs	Mann	Rice	Vento
Corbid	Jaros	McCarron	St. Onge	Voik
Dahl	Jensen	McCauley	Sarna	Voss
Dean	Johnson, D.	McCollar	Savelkoul	Wenstrom
DeGroat	Jopp	McEachern	Schreiber	Wenzel
Dieterich	Jude	Menning	Schulz	White
Doty	Kahn	Metzen	Schumacher	Wieser
Eckstein	Kaley	Moe	Searle	Wigley
Eken	Kalis	Munger	Setzefandt	Zubay
Enebo	Kelly, R.	Neisen	Sherwood	Speaker Sabo
Erickson	Kelly, W.	Nelsen	Sieben, H.	
Esau	Kempe, A.	Nelson	Sieben, M.	
Evans	Kempe, R.	Niehaus	Sieloff	
Ewald	Ketola	Norton	Simoneau	

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

S. F. No. 2208 was reported to the House.

Faricy moved to amend S. F. No. 2208, the unofficial engrossment, as follows:

Page 12, line 8 to page 14, line 9, delete section 8 of the bill.

Renumber the following sections.

Further, in the title, page 1, lines 2 and 3, delete "changing the status of the Hennepin county juvenile court judge;"

The motion prevailed and the amendment was adopted.

Luther moved to amend S. F. No. 2208, the unofficial engrossment, as follows:

Page 16, after line 2, insert:

"Sec. 12. Minnesota Statutes 1974, Section 488A.03, Subdivision 11a, is amended to read:

Subd. 11a. [GOVERNMENTAL UNITS; FEE EXCLUSIONS.] Any provision of law relating to the municipal court of Hennepin county to the contrary notwithstanding, no *civil* fees shall be charged by the clerk of said municipal court to any governmental unit of the state of Minnesota or any agency thereof, located in whole or in part within the county of Hennepin when said governmental unit or any agency thereof transacts any busi-

ness in, or they are a party to any action or proceeding in, the Hennepin county municipal court.”.

Page 17, line 8, after the period insert: “*Any and all fees collected prior to the effective date of this act are declared to be in accordance with legislative intent. Section 12 is for clarification purposes.*”.

Renumber the sections.

Further, in the title, page 1 line 14, after “section;” insert “488A.03, Subdivision 11a;”.

The motion prevailed and the amendment was adopted.

S. F. No. 2208, A bill for an act relating to courts; changing the status of the Hennepin county juvenile court judge; providing for continuous district court terms in all counties; providing that retired district court judges be reimbursed for expenses incurred while acting as district judges; authorizing additional power to judges of county court; requiring certain distributions of Minnesota Statutes and Session Laws; amending Minnesota Statutes 1974, Sections 260.021, Subdivision 2; 484.08; 484.09, as amended; 484.11; 484.13; 484.14; 484.15; 484.16; 484.17; 484.18; 484.62; 648.39, Subdivision 1; and Chapter 487, by adding a section; repealing Minnesota Statutes 1974, Sections 260.021, Subdivision 3; and 490.025, Subdivision 8.

The bill was read for the third time, as amended, and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 120, and nays 0, as follows:

Those who voted in the affirmative were:

Abeln	Clawson	Hanson	Kostohryz	Niehaus
Adams, L.	Corbid	Haugerud	Kroening	Norton
Adams, S.	Dahl	Heinitz	Kvam	Novak
Albrecht	Dean	Hokanson	Laidig	Patton
Anderson, G.	DeGroat	Jacobs	Langseth	Pehler
Anderson, I.	Dieterich	Jaros	Lindstrom	Peterson
Arlandson	Doty	Jensen	Luther	Philbrook
Beauchamp	Eckstein	Johnson, C.	Mangan	Pleasant
Begich	Eken	Jopp	Mann	Prahl
Berg	Enebo	Jude	McCarron	Reding
Berglin	Erickson	Kahn	McCauley	Rice
Birnstihl	Esau	Kaley	McCollar	St. Onge
Braun	Evans	Kalis	McEachern	Saveikoul
Brinkman	Ewald	Kelly, R.	Menning	Schreiber
Byrne	Faricy	Kelly, W.	Metzen	Schulz
Carlson, A.	Fjoslien	Kempe, A.	Moe	Schumacher
Carlson, L.	Forsythe	Kempe, R.	Munger	Searle
Carlson, R.	Friedrich	Ketola	Neisen	Setzepfandt
Casserly	Fugina	Knickerbocker	Nelsen	Sherwood
Clark	George	Knoll	Nelson	Sieben, H.

Sieben, M.	Smogard	Swanson	Voss	Wieser
Sieloff	Spanish	Tomlinson	Wenstrom	Wigley
Skoglund	Stanton	Ulland	Wenzel	Zubay
Smith	Suss	Vento	White	Speaker Sabo

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

S. F. No. 1764 was reported to the House.

Clawson, Abeln and Suss moved to amend S. F. No. 1764, the unofficial engrossment, as follows:

Page 27, delete lines 31 to 32.

Page 28, delete lines 1 to 11.

Page 28, line 12, delete "4" and insert "3".

Page 28, delete lines 16 to 20.

Page 29, line 8, restore stricken language.

Page 29, line 8, delete "No".

Page 29, line 9, delete "*person shall issue*".

Page 29, line 11, restore stricken language through "misdemeanor."

Page 30, delete lines 22 to 32.

Page 31, delete lines 1 to 10.

Page 31, line 11, before "In" insert "*Subd. 3a.*".

The motion prevailed and the amendment was adopted.

S. F. No. 1764, A bill for an act relating to safe deposit companies; exempting savings associations from licensing and bonding requirements; deleting a limitation on examination fees; amending Minnesota Statutes 1974, Sections 55.06, Subdivision 1; and 55.095.

The bill was read for the third time, as amended, and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 121, and nays 3, as follows:

Those who voted in the affirmative were:

Abeln	Albrecht	Arlandson	Berg	Brinkman
Adams, L.	Anderson, G.	Beauchamp	Birnstihl	Byrne
Adams, S.	Anderson, I.	Begich	Braun	Carlson, A.

Carlson, L.	Fugina	Kroening	Novak	Simoneau
Carlson, R.	George	Kvam	Osthoff	Skoglund
Casserly	Hanson	Laidig	Patton	Smith
Clark	Haugerud	Langseth	Pehler	Smogard
Clawson	Heinitz	Lemke	Peterson	Spanish
Corbid	Hokanson	Lindstrom	Philbrook	Stanton
Dahl	Jacobs	Luther	Pleasant	Suss
Dean	Jaros	Mangan	Prahl	Swanson
DeGroat	Jensen	Mann	Reding	Tomlinson
Doty	Jopp	McCarron	Rice	Ulland
Eckstein	Jude	McCauley	St. Onge	Vento
Eken	Kahn	McCollar	Sarna	Voss
Enebo	Kaley	McEachern	Savelkoul	Wenstrom
Erickson	Kalis	Menning	Schreiber	Wenzel
Esau	Kelly, R.	Metzen	Schulz	White
Evans	Kelly, W.	Moe	Schumacher	Wieser
Ewald	Kempe, A.	Munger	Searle	Wigley
Faricy	Kempe, R.	Neisen	Setzepfandt	Speaker Sabo
Fjoslien	Ketola	Nelsen	Sherwood	
Forsythe	Knickerbocker	Nelson	Sieben, H.	
Friedrich	Knoll	Niehaus	Sieben, M.	
Fudro	Kostohryz	Norton	Sieloff	

Those who voted in the negative were:

Berglin Dieterich Johnson, D.

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

S. F. No. 360, A bill for an act relating to education; directing the higher education coordinating commission to sponsor a quarterly meeting for representatives of certain boards and agencies dealing with higher education; amending Minnesota Statutes 1974, Chapter 136A, by adding a section.

The bill was read for the third time and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 120, and nays 5, as follows:

Those who voted in the affirmative were:

Abeln	Dieterich	Kahn	Menning	Schumacher
Adams, L.	Doty	Kaley	Metzen	Searle
Adams, S.	Eckstein	Kalis	Moe	Setzepfandt
Albrecht	Eken	Kelly, R.	Munger	Sieben, H.
Anderson, G.	Enebo	Kelly, W.	Neisen	Sieben, M.
Anderson, I.	Erickson	Kempe, A.	Nelsen	Sieloff
Arlandson	Esau	Kempe, R.	Nelson	Simoneau
Beauchamp	Evans	Ketola	Niehaus	Skoglund
Begich	Ewald	Knickerbocker	Norton	Smith
Berg	Faricy	Knoll	Novak	Smogard
Berglin	Fjoslien	Kostohryz	Osthoff	Stanton
Biersdorf	Forsythe	Kroening	Patton	Suss
Birnsthil	Friedrich	Kvam	Pehler	Swanson
Braun	Fudro	Laidig	Peterson	Tomlinson
Brinkman	Fugina	Langseth	Philbrook	Ulland
Byrne	George	Lemke	Pleasant	Vanasek
Carlson, A.	Hanson	Lindstrom	Prahl	Vento
Carlson, L.	Heinitz	Luther	Reding	Voss
Carlson, R.	Hokanson	Mangan	Rice	Wenstrom
Casserly	Jacobs	Mann	Samuelson	Wenzel
Clark	Jaros	McCarron	Sarna	White
Clawson	Johnson, D.	McCauley	Savelkoul	Wieser
Dahl	Jopp	McCollar	Schreiber	Wigley
Dean	Jude	McEachern	Schulz	Speaker Sabo

Those who voted in the negative were:

Corbid Jensen St. Onge Sherwood Zubay

The bill was passed and its title agreed to.

S. F. No. 354, bill for an act relating to drivers' licenses; providing a new category of alcohol-related offenses; aggravated violations for driving after cancellation, suspension or revocation; providing a penalty; amending Minnesota Statutes 1974, Chapter 171, by adding a section.

The bill was read for the third time and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 122, and nays 0, as follows:

Those who voted in the affirmative were:

Abeln	Dieterich	Kaley	Munger	Sieben, H.
Adams, L.	Doty	Kalis	Neisen	Sieben, M.
Adams, S.	Eken	Kelly, R.	Nelsen	Sieloff
Albrecht	Enebo	Kelly, W.	Nelson	Simoneau
Anderson, G.	Erickson	Kempe, A.	Niehaus	Skoglund
Anderson, I.	Esau	Kempe, R.	Norton	Smith
Arlandson	Evans	Ketola	Novak	Smogard
Beauchamp	Ewald	Knickerbocker	Osthoff	Spanish
Begich	Farcy	Kostohryz	Patton	Stanton
Berg	Fjoslien	Kroening	Pehler	Swanson
Berglin	Forsythe	Kvam	Peterson	Tomlinson
Biersdorf	Friedrich	Laidig	Philbrook	Ulland
Birnstihl	Fudro	Langseth	Pleasant	Vanasek
Braun	Fugina	Lemke	Prahl	Vento
Brinkman	George	Lindstrom	Reding	Voss
Byrne	Hanson	Luther	Rice	Wenstrom
Carlson, A.	Heinitz	Mangan	St. Onge	Wenzel
Carlson, L.	Hokanson	Mann	Samuelson	White
Carlson, R.	Jacobs	McCarron	Sarna	Wieser
Casserly	Jaros	McCauley	Schreiber	Wigley
Clark	Jensen	McCellar	Schulz	Zubay
Clawson	Johnson, D.	McEachern	Schumacher	Speaker Sabo
Corbid	Jopp	Menning	Searle	
Dahl	Jude	Metzen	Setzpfandt	
Dean	Kahn	Moe	Sherwood	

The bill was passed and its title agreed to.

S. F. No. 551, A bill for an act relating to correctional facilities; providing for the establishment of minimum standards for facility management and physical condition; providing the powers and duties of the commissioner of corrections; amending Minnesota Statutes 1974, Sections 241.021, Subdivision 1; and 641.26.

The bill was read for the third time and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 59, and nays 67, as follows:

Those who voted in the affirmative were:

Abeln	Dieterich	Knickerbocker	Nelson	Skoglund
Adams, L.	Enebo	Knoll	Norton	Stanton
Arlandson	Faricy	Kostohryz	Novak	Tomlinson
Berglin	George	Kroening	Patton	Ulland
Byrne	Hanson	Laidig	Pehler	Vanasek
Carlson, A.	Hokanson	Lindstrom	Petrafeso	Vento
Carlson, L.	Jacobs	Luther	Philbrook	Volk
Casserly	Jaros	Mangan	Rice	Voss
Clark	Johnson, D.	McCarron	Sieben, H.	White
Corbid	Kahn	Metzen	Sieben, M.	Williamson
Dahl	Kelly, R.	Moe	Sieloff	Speaker Sabo
Dean	Kempe, A.	Munger	Simoneau	

Those who voted in the negative were:

Albrecht	Eken	Kaley	Niehaus	Setzepfandt
Anderson, G.	Erickson	Kalis	Osthoff	Sherwood
Anderson, I.	Evans	Kempe, R.	Peterson	Smith
Beauchamp	Ewald	Ketola	Pleasant	Smogard
Begich	Fjoslien	Kvam	Prahl	Spanish
Biersdorf	Forsythe	Langseth	Reding	Suss
Birnstihl	Friedrich	Lemke	St. Onge	Wenstrom
Braun	Fudro	Mann	Samuelson	Wenzel
Brinkman	Fugina	McCauley	Sarna	Wieser
Carlson, R.	Haugerud	McCollar	Savelkoul	Wigley
Clawson	Heinitz	McEachern	Schreiber	Zubay
DeGroat	Jensen	Menning	Schulz	
Doty	Jopp	Neisen	Schumacher	
Eckstein	Jude	Nelsen	Searle	

The bill was not passed.

Anderson, I., moved that the House recess subject to the call of the Chair. The motion prevailed.

RECESS

RECONVENED

The House reconvened and was called to order by the Speaker.

There being no objection the order of business reverted to Reports of Standing Committees.

REPORTS OF STANDING COMMITTEES

Norton from the Committee on Appropriations to which was referred:

H. F. No. 2493, A bill for an act relating to transportation; appropriating money to the public service commission for the purpose of contracting for railroad passenger service.

Reported the same back with the following amendments:

Page 1, line 14, after "1977." insert "The state may enter into contracts that include provisions for incentive payments providing that, after July 1, 1976 funds for such incentives do not come from state appropriations."

With the recommendation that when so amended the bill do pass.

The report was adopted.

Norton from the Committee on Appropriations to which was referred:

H. F. No. 2548, A bill for an act relating to public safety; appropriating money for the manufacture of license plates.

Reported the same back with the following amendments:

Page 1, line 7, delete "\$250,000 for the year ending June 30, 1977," and insert "\$290,000".

Page 1, line 8, after "of" insert "graphic".

Page 1, line 10, after "31" insert ", and shall be available until June 30, 1977".

With the recommendation that when so amended the bill do pass.

The report was adopted.

Norton from the Committee on Appropriations to which was referred:

H. F. No. 2657, A bill for an act relating to natural resources; increasing certain permit and license fees; authorizing the issuance of Minnesota sportsman licenses; appropriating money; amending Minnesota Statutes 1974, Sections 85.05, Subdivision 2; 98.46, Subdivisions 2, 4, 7, 8, 9, 14, 15, 16, 17, 19, and by adding a subdivision; and 101.44; and Minnesota Statutes, 1975 Supplement, Section 98.46, Subdivision 5.

Reported the same back with the following amendments:

Page 2, line 22, delete "\$50" and insert "\$30".

Page 3, line 29, delete "\$15" and insert "\$5".

Page 4, line 6, delete "\$50" and insert "\$30".

Page 7, line 17, delete "\$10" and insert "\$5".

Page 10, line 3, delete "resident".

Page 10, lines 3 and 4, delete "and a fee of \$8 shall be charged for each nonresident permit issued".

Page 11, after line 10, insert:

"(f) Motor vehicle permit fees shall become effective two days after the final enactment."

Sec. 15. Minnesota Statutes 1974, Chapter 105, is amended by adding a section to read:

(105.415) Subdivision 1. 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 may at any time prior to January 30, 1977, adopt rules containing standards and criteria for the issuance and denial of the permits required by sections 105.41 and 105.42.

Subd. 2. This section is effective the day following its final enactment."

Page 11, delete lines 11 to 19 and insert:

"Sec. 16. [APPROPRIATION.] There is appropriated to the commissioner of natural resources the sum of \$300,000 for fiscal year 1977 from the game and fish fund for deer habitat improvement, providing that a deer hunting season is held."

Page 11, line 22, after "permits" insert "except for permits for motor vehicles".

Page 11, line 23, delete "1975" and insert "1976".

Renumber section in sequence.

Further amend the title:

Line 8, delete the first "and" and after "101.44;" insert "and Chapter 105, by adding a section;".

With the recommendation that when so amended the bill do pass.

The report was adopted.

Norton from the Committee on Appropriations to which was referred:

S. F. No. 320, A bill for an act relating to taxation; increasing the percentage of unrefunded gasoline excise taxes attributable to snowmobile operation; appropriating money; amending Minnesota Statutes 1974, Sections 296.16; Subdivision 1; and 296.421, Subdivisions 6 and 7.

Reported the same back with the following amendments:

Page 2, line 2, strike "Approximately".

Page 2, line 3, delete "*three fourths*" and strike the rest of the line.

Page 2, strike lines 4 to 8.

Page 2, line 9, delete "*three fourths*" and strike the rest of the line.

Page 2, strike lines 10 and 11.

Page 2, delete lines 12 to 32.

Page 3, delete lines 1 to 19.

Page 3, line 22, after "\$2,090,000" insert "*; of which no more than 10 percent shall be used for central staff administration,*".

Page 3, line 26, delete "*snowmobiles*" and insert "*recreational trail usage*".

Page 3, line 27, delete "*snowmobile*".

Page 3, line 27, after the period, insert "*In the distribution of grants in aid to localities, the commissioner shall consider as one element in the allocation a dependence upon the numbers of snowmobiles registered in the locality.*".

Page 4, after line 2, insert a new section to read:

"Sec. 3. [REPEALER.] *Minnesota Statutes 1974, Section 296.421, Subdivisions 6 and 7, are repealed.*".

Renumber sections in sequence.

Further amend the title:

Lines 2 to 4, delete "increasing the percentage of unrefunded gasoline excise taxes attributable to snowmobile operation;"

Line 4, after "money" insert "for recreational trails".

Line 6, after the first "and" insert "repealing Minnesota Statutes 1974, Section".

With the recommendation that when so amended the bill do pass.

The report was adopted.

Norton from the Committee on Appropriations to which was referred:

S. F. No. 2560, A bill for an act relating to state university employees; approving wage and economic fringe benefit agreements between the state and certain employees of the state university system; amending Minnesota Statutes 1974, Chapter 136, by adding a section; and Minnesota Statutes, 1975 Supplement, Section 43.12, Subdivision 17.

Reported the same back with the recommendation that the bill do pass.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 2493, 2548 and 2657 were read for the second time.

SECOND READING OF SENATE BILLS

S. F. Nos. 320 and 2560 were read for the second time.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned:

H. F. No. 1078, A bill for an act relating to real estate; requiring certain real estate developers to comply with trust account

requirements; amending Minnesota Statutes, 1975 Supplement, Section 82.18.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 81, A bill for an act relating to real property; termination of contract for sale; providing differing times of notice in accordance with percentage of purchase price paid; amending Minnesota Statutes 1974, Section 559.21.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Kempe, R., moved that the House concur in the Senate amendments to H. F. No. 81 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 81, A bill for an act relating to real property; termination of contract for sale; providing differing times of notice in accordance with percentage of purchase price paid; amending Minnesota Statutes 1974, Section 559.21.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question being taken on the repassage of the bill and the roll being called, there were yeas 106, and nays 3, as follows:

Those who voted in the affirmative were:

Abeln	Clark	Heinitz	Kostohryz	Nelson
Adams, L.	Clawson	Hokanson	Kroening	Niehaus
Albrecht	Corbid	Jacobs	Laidig	Novak
Anderson, I.	Dahl	Jaros	Langseth	Osthoff
Arlandson	Dean	Jensen	Lemke	Pehler
Beauchamp	Dieterich	Johnson, D.	Lindstrom	Philbrook
Begich	Doty	Jopp	Luther	Pleasant
Berg	Eckstein	Jude	Mangan	Prahl
Berglin	Enebo	Kahn	Mann	Reding
Birnstihl	Erickson	Kalis	McCauley	Rice
Braun	Esau	Kelly, R.	McCollar	St. Onge
Brinkman	Faricy	Kelly, W.	Menning	Samuelson
Byrne	Fjoslien	Kempe, A.	Metzen	Schulz
Carlson, A.	Forsythe	Kempe, R.	Moe	Schumacher
Carlson, L.	Fugina	Ketola	Munger	Setzpfandt
Carlson, R.	George	Knickerbocker	Neisen	Sherwood
Casserly	Hanson	Knoll	Nelsen	Sieben, H.

Sieben, M.	Stanton	Vanasek	White	Speaker Sabo
Simoneau	Suss	Vento	Wieser	
Skoglund	Swanson	Voss	Wigley	
Smith	Tomlinson	Wenstrom	Williamson	
Smogard	Ulland	Wenzel	Zubay	

Those who voted in the negative were:

McCarron McEachern Sarna

The bill was repassed, as amended by the Senate, and its title agreed to.

UNANIMOUS CONSENT

St. Onge requested unanimous consent to make a motion. The request was granted.

SUSPENSION OF RULES

St. Onge moved that rule 4.11 be suspended for the remainder of today's session. The motion prevailed.

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendments to:

S. F. No. 2025, A bill for an act relating to nursing homes; requiring training for certain nursing assistants; providing a penalty.

And the Senate respectfully requests that a Conference Committee of 5 members be appointed thereon. Mrs. Brataas and Messrs. Solon, Knutson, Milton and North have been appointed as such committee on the part of the Senate.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

PATRICK E. FLAHAVEN, Secretary of the Senate

Carlson, L., moved that the House accede to the request of the Senate for the appointment of a Conference Committee of 5 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two Houses on S. F. No. 2025. The motion prevailed.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in

which amendment the concurrence of the House is respectfully requested:

H. F. No. 1847, A bill for an act relating to dentistry; providing for registration of dental assistants; changing the membership of the board of dentistry; providing for continuing education; amending Minnesota Statutes 1974, Sections 150A.01, by adding a subdivision; 150A.06, Subdivision 6, and by adding subdivisions; 150A.08; 150A.09, Subdivisions 1 and 2; and 150A.10, Subdivision 2; and amending Minnesota Statutes, 1975 Supplement, Section 150A.02, Subdivision 1.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Swanson moved that the House concur in the Senate amendments to H. F. No. 1847 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1847, A bill for an act relating to dentistry; providing for registration of dental assistants; changing the membership of the board of dentistry; providing for continuing education; amending Minnesota Statutes 1974, Sections 150A.01, by adding a subdivision; 150A.06, Subdivision 6, and by adding subdivisions; 150A.08; 150A.09, Subdivisions 1 and 2; and 150A.10, Subdivision 2; and amending Minnesota Statutes, 1975 Supplement, Section 150A.02, Subdivision 1.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question being taken on the repassage of the bill and the roll being called, there were yeas 118, and nays 0, as follows:

Those who voted in the affirmative were:

Abeln	Dahl	Jaros	Langseth	Novak
Adams, L.	Dean	Jensen	Lemke	Osthoff
Adams, S.	Dieterich	Johnson, D.	Lindstrom	Pehler
Albrecht	Doty	Jopp	Luther	Peterson
Anderson, I.	Eckstein	Jude	Mangan	Petrafeso
Arlandson	Enebo	Kahn	Mann	Philbrook
Beauchamp	Erickson	Kaley	McCarron	Pleasant
Begich	Esau	Kalis	McCauley	Prahl
Berg	Evans	Kelly, R.	McCollar	Reding
Berglin	Ewald	Kelly, W.	McEachern	Rice
Birnstihl	Faricy	Kempe, A.	Manning	St. Onge
Braun	Fjoslien	Kempe, R.	Metzen	Samuelson
Byrne	Forsythe	Ketola	Moe	Sarna
Carlson, A.	Fugina	Knickerbocker	Munger	Savelkoul
Carlson, L.	George	Knoll	Neisen	Schreiber
Carlson, R.	Hanson	Kostohryz	Nelson	Schulz
Clark	Heinitz	Kroening	Nelson	Schumacher
Clawson	Hokanson	Kvam	Niehaus	Searle
Corbid	Jacobs	Laidig	Norton	Setzpfandt

Sherwood	Skoglund	Ulland	Wenstrom	Williamson
Sieben, H.	Smogard	Vanasek	Wenzel	Zubay
Sieben, M.	Suss	Vento	White	Speaker Sabo
Sieloff	Swanson	Volk	Wieser	
Simoneau	Tomlinson	Voss	Wigley	

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 586, A bill for an act relating to the housing finance agency; providing for certain powers relating to low income housing; amending Minnesota Statutes 1974, Section 462A.07, Subdivision 13.

PATRICK E. FLAHAVEN, Secretary of the Senate

Knoll moved that the House refuse to concur in the Senate amendments to H. F. No. 586, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two Houses. The motion prevailed.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 753, A bill for an act relating to game and fish; prohibiting taking of birds by certain methods; amending Minnesota Statutes 1974, Section 100.29, by adding a subdivision.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Sherwood moved that the House concur in the Senate amendments to H. F. No. 753 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 753, A bill for an act relating to game and fish; prohibiting taking of birds by certain methods; amending Minnesota Statutes 1974, Section 100.29, by adding a subdivision.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question being taken on the repassage of the bill and the roll being called, there were yeas 131, and nays 0, as follows:

Those who voted in the affirmative were:

Abeln	Eken	Kalis	Nelson	Sieloff
Adams, L.	Enebo	Kelly, R.	Niehaus	Simoneau
Adams, S.	Erickson	Kelly, W.	Norton	Skoglund
Albrecht	Esau	Kempe, A.	Novak	Smith
Anderson, G.	Evans	Kempe, R.	Osthoff	Smogard
Anderson, I.	Ewald	Ketola	Parish	Spanish
Arlandson	Fariy	Knickerbocker	Patton	Stanton
Beauchamp	Fjoslien	Knoll	Pehler	Suss
Begich	Forsythe	Kostohryz	Peterson	Swanson
Berg	Friedrich	Kroening	Petrafeso	Tomlinson
Berglin	Fudro	Kvam	Philbrook	Ulland
Biersdorf	Fugina	Laidig	Pleasant	Vanasek
Birnstihl	George	Langseth	Prahl	Vento
Braun	Graba	Lindstrom	Reding	Volk
Byrne	Hanson	Luther	Rice	Voss
Carlson, A.	Haugerud	Mangan	St. Onge	Wenstrom
Carlson, L.	Heinitz	Mann	Samuelson	Wenzel
Carlson, R.	Hokanson	McCarron	Sarna	White
Casserly	Jacobs	McCauley	Savelkoul	Wieser
Clark	Jaros	McCollar	Schreiber	Wigley
Clawson	Jensen	McEachern	Schulz	Williamson
Corbid	Johnson, C.	Menning	Schumacher	Zubay
Dahl	Johnson, D.	Metzen	Searle	Speaker Sabo
Dean	Jopp	Moe	Setzpfandt	
DeGroat	Jude	Munger	Sherwood	
Dieterich	Kahn	Neisen	Sieben, H.	
Doty	Kaley	Nelsen	Sieben, M.	

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 2147, A bill for an act relating to traffic regulation; providing for traffic and parking regulation by school boards; providing a penalty; amending Minnesota Statutes 1974, Chapter 123, by adding a section.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Sieben, H., moved that the House concur in the Senate amendments to H. F. No. 2147 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 2147, A bill for an act relating to traffic regulation; providing for traffic and parking regulation by school boards; providing a penalty; amending Minnesota Statutes 1974, Chapter 123, by adding a section.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question being taken on the repassage of the bill and the roll being called, there were yeas 133, and nays 0, as follows:

Those who voted in the affirmative were:

Abeln	Doty	Kahn	Munger	Sherwood
Adams, L.	Eckstein	Kaley	Neisen	Sieben, H.
Adams, S.	Eken	Kalis	Nelsen	Sieben, M.
Albrecht	Enebo	Kelly, R.	Nelson	Sieloff
Anderson, G.	Erickson	Kelly, W.	Niehaus	Simoneau
Anderson, I.	Esau	Kempe, A.	Norton	Skoglund
Arlandson	Evans	Kempe, R.	Novak	Smith
Beauchamp	Ewald	Ketola	Osthoff	Smogard
Begich	Faricy	Knickerbocker	Parish	Stanton
Berg	Fjoslien	Knoll	Patton	Suss
Berglin	Forsythe	Kostohryz	Pehler	Swanson
Biersdorf	Friedrich	Kroening	Peterson	Tomlinson
Birnstihl	Fudro	Kvam	Petrafeso	Ulland
Braun	Fugina	Laidig	Philbrook	Vanasek
Brinkman	George	Langseth	Pleasant	Vento
Byrne	Graba	Lemke	Prahl	Volk
Carlson, A.	Hanson	Lindstrom	Reding	Voss
Carlson, L.	Haugerud	Luther	Rice	Wenstrom
Carlson, R.	Heinitz	Mangan	St. Onge	Wenzel
Casserly	Hokanson	Mann	Samuelson	White
Clark	Jacobs	McCarron	Sarna	Wieser
Clawson	Jaros	McCauley	Savelkoul	Wigley
Corbid	Jensen	McCollar	Schreiber	Williamson
Dahl	Johnson, C.	McEachern	Schulz	Zubay
Dean	Johnson, D.	Menning	Schumacher	Speaker Sabo
DeGroat	Jopp	Metzen	Searle	
Dieterich	Jude	Moe	Setzefandt	

The bill was repassed, as amended by the Senate, and its title agreed to.

Clawson was excused between the hours of 6:00 p.m. and 9:00 p.m.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 2217, A bill for an act relating to veterinary medicine; proscribing certain practices by unlicensed persons; authorizing practice by students in certain circumstances; changing the licensing fee; setting licensing standards; defining terms;

amending Minnesota Statutes 1974, Sections 156.001, by adding a subdivision; 156.02, Subdivisions 1 and 2; 156.03; 156.04; 156.07; 156.072, Subdivision 1, and by adding subdivisions; and 156.12.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Setzepfandt moved that the House concur in the Senate amendments to H. F. No. 2217 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 2217, A bill for an act relating to veterinary medicine; proscribing certain practices by unlicensed persons; authorizing practice by students in certain circumstances; changing the licensing fee; setting licensing standards; providing a penalty; defining terms; amending Minnesota Statutes 1974, Sections 156.001, by adding a subdivision; 156.02, Subdivisions 1 and 2; 156.03; 156.04; 156.07; 156.072, Subdivision 1, and by adding subdivisions; 156.10; and 156.12.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question being taken on the repassage of the bill and the roll being called, there were yeas 129, and nays 1, as follows:

Those who voted in the affirmative were:

Abeln	Doty	Kahn	Neisen	Sherwood
Adams, L.	Eckstein	Kaley	Nelsen	Sieben, H.
Adams, S.	Eken	Kalis	Nelson	Sieben, M.
Albrecht	Enebo	Kelly, R.	Niehaus	Sieloff
Anderson, G.	Erickson	Kempe, A.	Norton	Simoneau
Anderson, I.	Esau	Kempe, R.	Novak	Skoglund
Arlandson	Evans	Ketola	Osthoff	Smith
Beauchamp	Ewald	Knickerbocker	Parish	Smogard
Begich	Faricy	Knoll	Patton	Spanish
Berg	Fjoslien	Kostohryz	Pehler	Stanton
Berglin	Forsythe	Kroening	Peterson	Suss
Biersdorf	Friedrich	Kvam	Petrafeso	Swanson
Birnstihl	Fudro	Laidig	Philbrook	Tomlinson
Braun	Fugina	Langseth	Pleasant	Ulland
Brinkman	George	Lemke	Prahl	Vanasek
Byrne	Graba	Lindstrom	Reding	Vento
Carlson, A.	Hanson	Luther	Rice	Voss
Carlson, L.	Heinitz	Mangan	St. Onge	Wenstrom
Carlson, R.	Hokanson	Mann	Samuelson	Wenzel
Casserly	Jacobs	McCarron	Sarna	White
Clark	Jaros	McCauley	Savelkoul	Wieser
Corbid	Jensen	McCollar	Schreiber	Wigley
Dahl	Johnson, C.	McEachern	Schulz	Williamson
Dean	Johnson, D.	Menning	Schumacher	Zubay
DeGroat	Jopp	Metzen	Searie	Speaker Sabo
Dieterich	Jude	Munger	Setzepfandt	

Those who voted in the negative were:

Volk

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 1767, A bill for an act relating to bingo; providing penalties; amending Minnesota Statutes 1974, Section 609.75, Subdivision 3; repealing Minnesota Statutes 1974, Chapter 349.

PATRICK E. FLAHAVEN, Secretary of the Senate

Fudro moved that the House refuse to concur in the Senate amendments to H. F. No. 1767, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two Houses. The motion prevailed.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 2440, A bill for an act relating to the administration of justice; authorizing judicially imposed fees for county law libraries; amending Minnesota Statutes 1974, Sections 140.26; 140.30; 140.31; and Chapter 140, by adding a section.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Eken moved that the House concur in the Senate amendments to H. F. No. 2440 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 2440, A bill for an act relating to the administration of justice; authorizing judicially imposed fees for county law libraries; amending Minnesota Statutes 1974, Sections 140.22; 140.23; and Chapter 140, by adding sections.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question being taken on the repassage of the bill and the roll being called, there were yeas 133, and nays 0, as follows:

Those who voted in the affirmative were:

Abeln	Eckstein	Kaley	Neisen	Sieben, H.
Adams, L.	Eken	Kalis	Nelsen	Sieben, M.
Adams, S.	Enebo	Kelly, R.	Nelson	Sieloff
Albrecht	Erickson	Kelly, W.	Niehaus	Simoneau
Anderson, G.	Esau	Kempe, A.	Norton	Skoglund
Anderson, I.	Evans	Kempe, R.	Novak	Smith
Arlandson	Ewald	Ketola	Osthoff	Smogard
Beauchamp	Faricy	Knickerbocker	Parish	Spanish
Begich	Fjoslien	Knoll	Patton	Stanton
Berg	Forsythe	Kostohryz	Pehler	Suss
Berglin	Friedrich	Kroening	Peterson	Swanson
Biersdorf	Fudro	Kvam	Petrafeso	Tomlinson
Birnstihl	Fugina	Laidig	Philbrook	Ulland
Braun	George	Langseth	Pleasant	Vanasek
Brinkman	Graba	Lemke	Prahl	Vento
Byrne	Hanson	Lindstrom	Reding	Volk
Carlson, A.	Haugerud	Luther	Rice	Voss
Carlson, L.	Heintz	Mangan	St. Onge	Wenstrom
Carlson, R.	Hokanson	Mann	Samuelson	Wenzel
Casserly	Jacobs	McCarron	Sarna	White
Clark	Jaros	McCauley	Savelkoul	Wieser
Corbid	Jensen	McCollar	Schreiber	Wigley
Dahl	Johnson, C.	McEachern	Schulz	Williamson
Dean	Johnson, D.	Menning	Schumacher	Zubay
DeGroat	Jopp	Metzen	Searle	Speaker Sabo
Dieterich	Jude	Moe	Setzepfandt	
Doty	Kahn	Munger	Sherwood	

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 2292, A bill for an act relating to Independent School Districts No. 834, No. 832 and No. 833; instruction to pupils from other districts; authorizing the districts to enter into agreements for the furnishing of instruction to non-resident pupils.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

George moved that the House concur in the Senate amendments to H. F. No. 2292 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 2292, A bill for an act relating to Independent School Districts No. 834, No. 832 and No. 833; instruction to pupils from other districts; authorizing the districts to enter into agreements for the furnishing of instruction to non-resident pupils; providing that participation by students in these programs shall be after consultation with the pupil's parents or legal guardians.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question being taken on the repassage of the bill and the roll being called, there were yeas 133, and nays 0, as follows:

Those who voted in the affirmative were:

Abeln	Eckstein	Kaley	Neisen	Sieben, H.
Adams, L.	Eken	Kalis	Nelsen	Sieben, M.
Adams, S.	Enebo	Kelly, R.	Nelson	Sieloff
Albrecht	Erickson	Kelly, W.	Niehaus	Simoneau
Anderson, G.	Esau	Kempe, A.	Norton	Skoglund
Anderson, I.	Evans	Kempe, R.	Novak	Smith
Arlandson	Ewald	Ketola	Osthoff	Smogard
Beauchamp	Faricy	Knickerbocker	Parish	Spanish
Begich	Fjoslien	Knoll	Patton	Stanton
Berg	Forsythe	Kostohryz	Pehler	Süss
Berglin	Friedrich	Kroening	Peterson	Swanson
Biersdorf	Fudro	Kvam	Petrafeso	Tomlinson
Birnstihl	Fugina	Laidig	Philbrook	Ulland
Braun	George	Langseth	Pleasant	Vanasek
Brinkman	Graba	Lemke	Prahl	Vento
Byrne	Hanson	Lindstrom	Reding	Volk
Carlson, A.	Haugerud	Luther	Rice	Voss
Carlson, L.	Heinitz	Mangan	St. Onge	Wenstrom
Carlson, R.	Hokanson	Mann	Samuelson	Wenzel
Casserly	Jacobs	McCarron	Sarna	White
Clark	Jaros	McCauley	Savelkoul	Wieser
Corbid	Jensen	McCollar	Schreiber	Wigley
Dahl	Johnson, C.	McEachern	Schulz	Williamson
Dean	Johnson, D.	Menning	Schumacher	Zubay
DeGroat	Jopp	Metzen	Searle	Speaker Sabo
Dieterich	Jude	Moe	Setzepfandt	
Doty	Kahn	Munger	Sherwood	

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 2117, A bill for an act relating to public welfare; authorizing the assignment of accident insurance proceeds by any recipient of medical assistance; amending Minnesota Stat-

utes, 1975 Supplement, Sections 256B.02, Subdivision 9; 256B.042; by adding a subdivision; and 256B.06, Subdivision 1.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Samuelson moved that the House concur in the Senate amendments to H. F. No. 2117 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 2117, A bill for an act relating to public welfare; authorizing the assignment of accident insurance proceeds by any recipient of medical assistance; amending Minnesota Statutes 1974, Section 256B.02, by adding a subdivision; Minnesota Statutes, 1975 Supplement, Sections 256B.042, by adding a subdivision; and 256B.06, Subdivision 1.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question being taken on the repassage of the bill and the roll being called, there were yeas 133, and nays 0, as follows:

Those who voted in the affirmative were:

Abeln	Eckstein	Kaley	Neisen	Sieben, H.
Adams, L.	Eken	Kalis	Nelsen	Sieben, M.
Adams, S.	Enebo	Kelly, R.	Nelson	Sieloff
Albrecht	Erickson	Kelly, W.	Niehaus	Simoneau
Anderson, G.	Esau	Kempe, A.	Norton	Skoglund
Anderson, I.	Evans	Kempe, R.	Novak	Smith
Arlandson	Ewald	Ketola	Osthoff	Smogard
Beauchamp	Faricy	Knickerbocker	Parish	Spanish
Begich	Fjoslien	Knoll	Patton	Stanton
Berg	Forsythe	Kostohryz	Pehler	Suss
Berglin	Friedrich	Kroening	Peterson	Swanson
Biersdorf	Fudro	Kvam	Petrafaso	Tomlinson
Birnstihl	Fugina	Laidig	Philbrook	Ulland
Braun	George	Langseth	Pleasant	Vanasek
Brinkman	Graba	Lemke	Prahl	Vento
Byrne	Hanson	Lindstrom	Reding	Volk
Carlson, A.	Haugerud	Luther	Rice	Voss
Carlson, L.	Heinitz	Mangan	St. Onge	Wenstrom
Carlson, R.	Hokanson	Mann	Samuelson	Wenzel
Casserly	Jacobs	McCarron	Sarna	White
Clark	Jaros	McCauley	Savelkoul	Wieser
Corbid	Jensen	McCollar	Schreiber	Wigley
Dahl	Johnson, C.	McEachern	Schulz	Williamson
Dean	Johnson, D.	Menning	Schumacher	Zubay
DeGroat	Jopp	Metzen	Searle	Speaker Sabo
Dieterich	Jude	Moe	Setzepfandt	
Doty	Kahn	Munger	Sherwood	

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 1828, A bill for an act relating to industrial loan and thrift companies; requiring approval of name by commissioner of banks; regulating renewals of loans and refunds of interest or discounts; amending Minnesota Statutes 1974, Sections 53.03, by adding a subdivision; and 53.07; and Minnesota Statutes, 1975 Supplement, Section 53.04.

PATRICK E. FLAHAVER, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Philbrook moved that the House concur in the Senate amendments to H. F. No. 1828 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1828, A bill for an act relating to industrial loan and thrift companies; requiring approval of name by commissioner of banks; regulating renewals of loans and refunds of interest or discounts; amending Minnesota Statutes 1974, Sections 53.03, by adding a subdivision; and 53.07; and Minnesota Statutes, 1975 Supplement, Sections 53.04; and 53.05.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question being taken on the repassage of the bill and the roll being called, there were yeas 127, and nays 2, as follows:

Those who voted in the affirmative were:

Abeln	Corbid	Hokanson	Laidig	Osthoff
Adams, L.	Dahl	Jacobs	Langseth	Parish
Adams, S.	Dean	Jaros	Lemke	Patton
Albrecht	DeGroat	Jensen	Lindstrom	Pehler
Anderson, G.	Dieterich	Johnson, C.	Luther	Peterson
Anderson, I.	Doty	Johnson, D.	Mangan	Petraleso
Arlandson	Eckstein	Jopp	Mann	Philbrook
Beauchamp	Eken	Jude	McCarron	Pleasant
Begich	Enebo	Kahn	McCauley	Prahl
Berg	Erickson	Kaley	McCollar	Reding
Berglin	Esau	Kalis	McEachern	St. Onge
Biersdorf	Ewald	Kelly, R.	Menning	Samuelson
Birnstihl	Faricy	Kelly, W.	Metzen	Savelkoul
Braun	Fjoslien	Kempe, A.	Moe	Schreiber
Brinkman	Forsythe	Kempe, R.	Munger	Schulz
Byrne	Friedrich	Ketola	Neisen	Searle
Carlson, A.	George	Knickerbocker	Nelsen	Setzpfandt
Carlson, L.	Graba	Knoll	Nelson	Sherwood
Carlson, R.	Hanson	Kostohryz	Niehaus	Sieben, H.
Casserly	Haugerud	Kroening	Norton	Sieben, M.
Clark	Heinitz	Kvam	Novak	Sieloff

Simoneau	Stanton	Vanasek	Wenzel	Zubay
Skoglund	Suss	Vento	White	Speaker Sabo
Smith	Swanson	Volk	Wieser	
Smogard	Tomlinson	Voss	Wigley	
Spanish	Ulland	Wenstrom	Williamson	

Those who voted in the negative were:

Fugina Schumacher

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 1955, A bill for an act relating to crimes; exempting prison guards from pistol permit requirements when on duty; amending Minnesota Statutes, 1975 Supplement, Section 624.714, by adding a subdivision.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Pehler moved that the House concur in the Senate amendments to H. F. No. 1955 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1955, A bill for an act relating to crimes; exempting guards from pistol permit requirements when on duty; amending Minnesota Statutes, 1975 Supplement, Section 624.714, by adding a subdivision.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question being taken on the repassage of the bill and the roll being called, there were yeas 131, and nays 0, as follows:

Those who voted in the affirmative were:

Abeln	Berg	Carlson, L.	Dieterich	Ewald
Adams, L.	Berglin	Carlson, R.	Doty	Faricy
Albrecht	Biersdorf	Casserly	Eckstein	Fjoslien
Anderson, G.	Birnstihl	Clark	Eken	Forsythe
Anderson, I.	Braun	Corbid	Enebo	Friedrich
Arlandson	Brinkman	Dahl	Erickson	Fudro
Beauchamp	Byrne	Dean	Esau	Fugina
Begich	Carlson, A.	DeGroat	Evans	George

Graba	Ketola	Moe	St. Onge	Swanson
Hanson	Knickerbocker	Munger	Samuelson	Tomlinson
Haugerud	Knoll	Neisen	Sarna	Ulland
Heinitz	Kostohryz	Nelsen	Savelkoul	Vanasek
Hokanson	Kroening	Nelson	Schreiber	Vento
Jacobs	Kvam	Niehaus	Schulz	Volk
Jaros	Laidig	Norton	Schumacher	Voss
Jensen	Langseth	Novak	Searle	Wenstrom
Johnson, C.	Lemke	Osthoff	Setzepfandt	Wenzel
Johnson, D.	Lindstrom	Parish	Sherwood	White
Jopp	Luther	Patton	Sieben, H.	Wieser
Jude	Mangan	Pehler	Sieben, M.	Wigley
Kahn	Mann	Peterson	Sieloff	Williamson
Kaley	McCarron	Petrafeso	Simoneau	Zubay
Kalis	McCauley	Philbrook	Skoglund	Speaker Sabo
Kelly, R.	McCollar	Pleasant	Smogard	
Kelly, W.	McEachern	Prahl	Spanish	
Kempe, A.	Menning	Reding	Stanton	
Kempe, R.	Metzen	Rice	Suss	

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 2342, A bill for an act relating to state hospitals; providing certain name changes; amending Minnesota Statutes 1974, Sections 252.025, Subdivision 1; 253.201; 253A.02, by adding a subdivision; and 254.05.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Wenstrom moved that the House concur in the Senate amendments to H. F. No. 2342 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 2342, A bill for an act relating to state hospitals; providing certain name changes; amending Minnesota Statutes 1974, Sections 252.025, Subdivision 1; 253A.02, by adding a subdivision; and 254.05.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question being taken on the repassage of the bill and the roll being called, there were yeas 130, and nays 0, as follows:

Those who voted in the affirmative were:

Abeln	Eckstein	Kahn	Moe	Searle
Adams, L.	Eken	Kaley	Munger	Setzepfandt
Adams, S.	Enebo	Kalis	Neisen	Sherwood
Anderson, G.	Erickson	Kelly, R.	Nelsen	Sieben, H.
Anderson, I.	Esau	Kelly, W.	Nelson	Sieben, M.
Arlandson	Evans	Kempe, A.	Niehaus	Sieloff
Beauchamp	Ewald	Kempe, R.	Norton	Simoneau
Begich	Faricy	Ketola	Novak	Skoglund
Berg	Fjoslien	Knickerbocker	Osthoff	Smith
Berglin	Forsythe	Knoll	Parish	Smogard
Biersdorf	Friedrich	Kostohryz	Patton	Stanton
Birnstihl	Fudro	Kroening	Pehler	Suss
Braun	Fugina	Kvam	Peterson	Swanson
Brinkman	George	Laidig	Petraffeso	Tomlinson
Byrne	Graba	Langseth	Philbrook	Ulland
Carlson, A.	Hanson	Lemke	Pleasant	Vento
Carlson, L.	Haugerud	Lindstrom	Prahl	Volk
Carlson, R.	Heinitz	Luther	Reding	Voss
Casserly	Hokanson	Mangan	Rice	Wenstrom
Clark	Jacobs	Mann	St. Onge	Wenzel
Corbid	Jaros	McCarron	Samuelson	White
Dahl	Jensen	McCauley	Sarna	Wieser
Dean	Johnson, C.	McCollar	Savelkoul	Wigley
DeGroat	Johnson, D.	McEachern	Schreiber	Williamson
Dieterich	Jopp	Menning	Schulz	Zubay
Doty	Jude	Metzen	Schumacher	Speaker Sabo

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 2490, A bill for an act relating to highways; designating and establishing the route of the "Glacial Ridge Trail"; amending Minnesota Statutes 1974, Section 161.14, Subdivision 15.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Lindstrom moved that the House concur in the Senate amendments to H. F. No. 2490 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 2490, A bill for an act relating to highways; designating and establishing the route of the "Glacial Ridge Trail"; amending Minnesota Statutes 1974, Section 161.14, Subdivision 15.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question being taken on the repassage of the bill and the roll being called, there were yeas 131, and nays 1, as follows:

Those who voted in the affirmative were:

Abeln	Eken	Kelly, R.	Nelson	Sieloff
Adams, L.	Enebo	Kelly, W.	Niehaus	Simoneau
Adams, S.	Erickson	Kempe, A.	Norton	Skoglund
Albrecht	Esau	Kempe, R.	Novak	Smith
Anderson, I.	Evans	Ketola	Osthoff	Smogard
Arlandson	Ewald	Knickerbocker	Parish	Spanish
Beauchamp	Faricy	Knoll	Patton	Stanton
Begich	Fjoslien	Kostohryz	Pehler	Suss
Berg	Forsythe	Kroening	Peterson	Swanson
Berglin	Friedrich	Kvam	Petrafeso	Tomlinson
Biersdorf	Fudro	Laidig	Philbrook	Ulland
Birnstihl	Fugina	Langseth	Pleasant	Vanasek
Braun	George	Lemke	Prahl	Vento
Brinkman	Graba	Lindstrom	Reding	Volk
Byrne	Hanson	Luther	Rice	Voss
Carlson, A.	Haugerud	Mangan	St. Onge	Wenstrom
Carlson, L.	Heinitz	Mann	Samuelson	Wenzel
Carlson, R.	Hokanson	McCarron	Sarna	White
Casserly	Jacobs	McCauley	Savelkoul	Wieser
Clark	Jaros	McCollar	Schreiber	Wigley
Corbid	Jensen	McEachern	Schulz	Williamson
Dahl	Johnson, C.	Menning	Schumacher	Zubay
Dean	Johnson, D.	Metzen	Searle	Speaker Sabo
DeGroat	Jude	Moe	Setzepfandt	
Dieterich	Kahn	Munger	Sherwood	
Doty	Kaley	Neisen	Sieben, H.	
Eckstein	Kalis	Neisen	Sieben, M.	

Those who voted in the negative were:

Anderson, G.

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendments to:

S. F. No. 1615, A bill for an act relating to natural resources; prohibiting, except in national emergencies, certain activities in the boundary waters canoe area; prohibiting certain activities outside the boundary waters canoe area which cause degradation of a natural resource within the boundary waters canoe area.

And the Senate respectfully requests that a Conference Committee of 3 members be appointed thereon. Messrs. Perpich,

A. J.; Milton and Willet have been appointed as such committee on the part of the Senate.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

PATRICK E. FLAHAVEN, Secretary of the Senate

Johnson, D., moved that the House accede to the request of the Senate for the appointment of a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two Houses on S. F. No. 1615. The motion prevailed.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 2321, A bill for an act relating to the city of Sauk Rapids; fireman's lump sum service pensions; amending Laws 1973, Chapter 481, Section 1.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Patton moved that the House concur in the Senate amendments to H. F. No. 2321 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 2321, A bill for an act relating to local government in Benton, Sherburne and Stearns counties; increasing fireman's lump sum service pensions in the city of Sauk Rapids; changing the fiscal year of the St. Cloud metropolitan transit commission; increasing the per diem pay of commissioners; amending Laws 1969, Chapter 1134, Section 3, Subdivision 3 and Subdivision 4, as amended; Laws 1973, Chapter 481, Section 1.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question being taken on the repassage of the bill and the roll being called, there were yeas 129, and nays 2, as follows:

Those who voted in the affirmative were:

Abeln	Anderson, G.	Beauchamp	Berglin	Braun
Adams, L.	Anderson, I.	Begich	Biersdorf	Brinkman
Adams, S.	Arlandson	Berg	Birnstihl	Byrne

Carlson, A.	George	Kroening	Osthoff	Simoneau
Carlson, L.	Graba	Kvam	Parish	Skoglund
Carlson, R.	Hanson	Laidig	Patton	Smith
Casserly	Heinitz	Langseth	Pehler	Smogard
Clark	Hokanson	Lemke	Petrafeso	Spanish
Corbid	Jacobs	Lindstrom	Philbrook	Stanton
Dahl	Jaros	Luther	Pleasant	Suss
Dean	Jensen	Mangan	Prahl	Swanson
DeGroat	Johnson, C.	Mann	Reding	Tomlinson
Dieterich	Johnson, D.	McCarron	Rice	Ulland
Doty	Jopp	McCauley	St. Onge	Vanasek
Eckstein	Jude	McCollar	Samuelson	Vento
Eken	Kahn	McEachern	Sarna	Volk
Enebo	Kaley	Menning	Savelkoul	Voss
Erickson	Kalis	Metzen	Schreiber	Wenstrom
Esau	Kelly, R.	Moe	Schulz	Wenzel
Evans	Kelly, W.	Munger	Schumacher	White
Ewald	Kempe, A.	Neisen	Searle	Wieser
Faricy	Kempe, R.	Nelsen	Setzepfandt	Wigley
Fjoslien	Ketola	Nelson	Sherwood	Williamson
Forsythe	Knickerbocker	Niehaus	Sieben, H.	Zubay
Fudro	Knoll	Norton	Sieben, M.	Speaker Sabo
Fugina	Kostohryz	Novak	Sieloff	

Those who voted in the negative were:

Friedrich Peterson

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendments to:

S. F. No. 1800, A bill for an act relating to unemployment compensation; providing for exclusion of certain part time services; providing for an emergency surtax in employer contributions; modifying disqualifying conditions for employment compensation; permitting information to be furnished to department of public welfare by commissioner of employment services; permitting information to be furnished to department of employment services by commissioner of revenue; providing taxation of unemployment compensation benefits in certain conditions; providing a penalty; amending Minnesota Statutes 1974, Sections 268.04, Subdivision 29; 268.06, by adding a subdivision; 268.10, Subdivision 1; 268.18, Subdivision 3; 268.12, Subdivision 12; and 290.61; Minnesota Statutes, 1975 Supplement, Sections 268.04, Subdivision 12; 268.06, Subdivision 8; 268.07, Subdivision 2; 268.09, Subdivision 1; and 290.01, Subdivision 20.

And the Senate respectfully requests that a Conference Committee of 5 members be appointed thereof. Messrs. Wegener; Anderson; Solon; Hanson, R., and Brataas have been appointed as such committee on the part of the Senate.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

PATRICK E. FLAHAVEN, Secretary of the Senate

Adams, L., moved that the House accede to the request of the Senate for the appointment of a Conference Committee of 5 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two Houses on S. F. No. 1800. The motion prevailed.

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee, consisting of 5 members of the Senate, on the amendments adopted by the Senate to the following House File:

H. F. No. 2188, A bill for an act relating to motor vehicles; defining powers of the registrar of motor vehicles; providing for the appointment of private deputy registrars; providing for the appointment of a county license bureau director as deputy registrar; amending Minnesota Statutes 1974, Sections 168.33, Subdivision 7; and 373.35, Subdivision 1; and Minnesota Statutes, 1975 Supplement, Section 168.33, Subdivision 2; repealing Minnesota Statutes 1974, Section 373.36.

The Senate has appointed as such committee Messrs. Chmielewski, Schmitz, Purfeerst, Frederick and Hansen, Mel.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee, consisting of 3 members of the Senate, on the amendments adopted by the Senate to the following House File:

H. F. No. 2043, A bill for an act relating to elections; providing for uniform reporting dates for campaign disclosure forms; providing for disclosure of campaign contributions and expenditures of political committees and candidates for local office; amending Minnesota Statutes 1974, Chapters 123, 373, and 471, by adding sections; and Minnesota Statutes, 1975 Supplement, Sections 210A.01, Subdivisions 1, 5, 6, 8, 9, and by adding subdivisions; 210A.05, Subdivision 1; 210A.16; 210A.23; 210A.24; 210A.25; 210A.26; 210A.27, Subdivision 1; 210A.29; 210A.32; 210A.33; Chapter 210A, by adding sections; repealing Minnesota

Statutes, 1975 Supplement, Sections 123.015; 210A.01, Subdivisions 4 and 7; 210A.22; 210A.28; and 210A.31.

The Senate has appointed as such committee Messrs. Keefe, S.; Olson, A. G. and Stassen.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee, consisting of 3 members of the Senate, on the amendments adopted by the Senate to the following House File:

H. F. No. 1330, A bill for an act relating to labor; directing the commissioner of labor and industry to enforce the prohibition against administering polygraph tests to employees; prescribing penalties; amending Minnesota Statutes 1974, Section 181.75; repealing Minnesota Statutes 1974, Section 181.77.

The Senate has appointed as such committee Messrs. Doty, Spear and O'Neill.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee, consisting of 3 members of the Senate, on the amendments adopted by the Senate to the following House File:

H. F. No. 166, A bill for an act relating to Ramsey county; authorizing the county to acquire the Brightwood Hills golf course in the city of New Brighton; authorizing the issuance of bonds to finance the purchase.

The Senate has appointed as such committee Messrs. Ashbach, Stumpf and Schaaf.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee, con-

sisting of 3 members of the Senate, on the amendments adopted by the Senate to the following House File:

H. F. No. 1827, 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 out-patient treatment of alcoholism, chemical dependency or drug addiction; amending Minnesota Statutes 1974, Section 62A.149.

The Senate has appointed as such committee Messrs. O'Neill, Borden and McCutcheon.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

H. F. No. 2159, A bill for an act relating to the city of Minneapolis; municipal employees survivor benefits; amending Minnesota Statutes 1974, Section 422A.23, Subdivisions 2 and 3; repealing Minnesota Statutes 1974, Section 422A.23, Subdivision 4.

The Senate has repassed said bill, in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee, consisting of 3 members of the Senate, on the amendments adopted by the Senate to the following House File:

H. F. No. 2204, A bill for an act relating to collection and dissemination of data; providing definitions; requiring a public document on data collection; authorizing audits of data collection practices and policies; providing for emergency classification in certain situations; amending Minnesota Statutes 1974, Section 15.17, Subdivision 4; and Minnesota Statutes, 1975 Supplement, Sections 15.162, Subdivisions 2a, 4, 5a and 8; 15.163, Subdivisions 1 and 2.

The Senate has appointed as such committee Messrs. Tennesen, McCutcheon and Keefe, J.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate File, herewith transmitted:

S. F. No. 2148.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 2148, A bill for an act relating to taxation; providing for the assessment of dwelling units in certain buildings; including cost of water filtration equipment in medical expense deduction; amending Minnesota Statutes 1974, Sections 273.133; and 290.09, Subdivision 10; and Minnesota Statutes, 1975 Supplement, Section 290A.03, Subdivision 12.

The bill was read for the first time and referred to the Committee on Taxes.

SPECIAL ORDERS

S. F. No. 864, A bill for an act relating to hospitalization and commitment; providing for notice to and hearing on request of attending physician or next of kin of patient before discharge; amending Minnesota Statutes 1974, Section 253A.15, by adding a subdivision.

The bill was read for the third time and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 133, and nays 0, as follows:

Those who voted in the affirmative were:

Abeln	Birnstihl	DeGroat	Forsythe	Jensen
Adams, L.	Braun	Dieterich	Friedrich	Johnson, C.
Adams, S.	Brinkman	Doty	Fudro	Johnson, D.
Albrecht	Byrne	Eckstein	Fugina	Jopp
Anderson, G.	Carlson, A.	Eken	George	Jude
Anderson, I.	Carlson, L.	Enebo	Graba	Kahn
Arlandson	Carlson, R.	Erickson	Hanson	Kaley
Beauchamp	Casserly	Esau	Haugerud	Kalis
Begich	Clark	Evans	Heinitz	Kelly, R.
Berg	Corbid	Ewald	Hokanson	Kelly, W.
Berglin	Dahl	Faricy	Jacobs	Kempe, A.
Biersdorf	Dean	Fjoslien	Jaros	Kempe, R.

Ketola	McCollar	Pehler	Searle	Ulland
Knickerbocker	McEachern	Peterson	Setzepfandt	Vanasek
Knoll	Menning	Petrafeso	Sherwood	Vento
Kostohryz	Metzen	Philbrook	Sieben, H.	Volk
Kroening	Moe	Pleasant	Sieben, M.	Voss
Kvam	Munger	Prahl	Sieloff	Wenstrom
Laidig	Neisen	Reding	Simoneau	Wenzel
Langseth	Nelsen	Rice	Skoglund	White
Lemke	Nelson	St. Onge	Smith	Wieser
Lindstrom	Niehaus	Samuelson	Smogard	Wigley
Luther	Norton	Sarna	Spanish	Williamson
Mangan	Novak	Savelkoul	Stanton	Zubay
Mann	Osthoff	Schreiber	Suss	Speaker Sabo
McCarron	Parish	Schulz	Swanson	
McCauley	Patton	Schumacher	Tomlinson	

The bill was passed and its title agreed to.

S. F. No. 1812 was reported to the House.

Anderson, I., moved to amend S. F. No. 1812 as follows:

Strike everything after the enacting clause and insert the following:

"Section 1. [LAKE OF THE WOODS COUNTY; TELEVISION TRANSLATOR STATION OUTSIDE THE COUNTY.] Notwithstanding the provisions of Minnesota Statutes, Section 375.164, or any other law to the contrary, the county board of the county of Lake of the Woods may appropriate annually from the county general revenue fund an amount necessary to fund the construction, acquisition, improvement and maintenance of a translator station either within or without the county for the purpose of receiving and transmitting television broadcasting signals. The county may acquire, by gift, lease or purchase, any real estate or interest therein upon such terms or conditions, including contracts for deeds, as it shall determine, either within or without the county, for the purpose of establishing and operating a television translator system. No real estate located in another county may be acquired unless the county board of the county in which the real estate is located approves the proposed acquisition.

Sec. 2. [BONDING.] The county may issue bonds in accordance with the provisions of Minnesota Statutes, Chapter 475, for the acquisition, construction or improvement of television translator systems and the acquisition of real estate therefor; provided that no real estate may be acquired or bonds issued for such purposes until approved by a majority of the voters voting upon the question at any regular or special county election.

Sec. 3. [EFFECTIVE DATE.] This act is effective upon approval by the board of county commissioners of Lake of the Woods county and upon compliance with Minnesota Statutes, Section 645.021.

And further, to amend the title as follows:

Page 1, line 2, strike "counties" and insert "county" and strike "and".

Page 1, line 3, strike "Koochiching", strike "each" and insert "the".

The motion prevailed and the amendment was adopted.

S. F. No. 1812, A bill for an act relating to the counties of Lake of the Woods and Koochiching; authorizing each county to acquire real estate for and establish and operate a television translator system either within or without the county.

The bill was read for the third time, as amended, and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 131, and nays 0, as follows:

Those who voted in the affirmative were:

Abel	Eckstein	Kaley	Nelsen	Sieloff
Adams, L.	Eken	Kalis	Nelson	Simoneau
Adams, S.	Enebo	Kelly, R.	Niehaus	Skoglund
Albrecht	Erickson	Kelly, W.	Norton	Smith
Anderson, G.	Esau	Kempe, A.	Novak	Smogard
Anderson, I.	Evans	Kempe, R.	Parish	Spanish
Arlandson	Ewald	Ketola	Patton	Stanton
Beauchamp	Faricy	Knickerbocker	Pehler	Suss
Begich	Fjoslien	Knoll	Peterson	Swanson
Berg	Forsythe	Kostohryz	Petrafero	Tomlinson
Berglin	Friedrich	Kroening	Philbrook	Ulland
Biersdorf	Fudro	Kvam	Pleasant	Vanasek
Birnstihl	Fugina	Laidig	Prahl	Vento
Braun	George	Langseth	Reding	Volk
Brinkman	Graba	Lemke	Rice	Voss
Byrne	Hanson	Luther	St. Onge	Wenstrom
Carlson, A.	Haugerud	Mangan	Samuelson	Wenzel
Carlson, L.	Heinitz	Mann	Sarna	White
Carlson, R.	Hokanson	McCarron	Savelkoul	Wieser
Casserly	Jacobs	McCauley	Schreiber	Wigley
Clark	Jaros	McCollar	Schulz	Williamson
Corbid	Jensen	McEachern	Schumacher	Zubay
Dahl	Johnson, C.	Menning	Searle	Speaker Sabo
Dean	Johnson, D.	Metzen	Setzpfandt	
DeGroat	Jopp	Moe	Sherwood	
Dieterich	Jude	Munger	Sieben, H.	
Doty	Kahn	Neisen	Sieben, M.	

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

S. F. No. 2011, A bill for an act relating to game and fish; removing lynx from the definition of unprotected animals; authorizing the commissioner of natural resources to establish a season for taking lynx; amending Minnesota Statutes 1974, Sec-

tion 100.27, Subdivision 7; Minnesota Statutes, 1975 Supplement, Sections 100.26, Subdivision 1; and 100.27, Subdivision 3.

The bill was read for the third time and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 74, and nays 55, as follows:

Those who voted in the affirmative were:

Abeln	Enebo	Kempe, R.	Novak	Smith
Adams, L.	Ewald	Knickerbocker	Patton	Stanton
Arlandson	Farcy	Knoll	Pehler	Suss
Berg	Forsythe	Kostohryz	Petraleso	Swanson
Berglin	Fugina	Laidig	Philbrook	Tomlinson
Biersdorf	George	Luther	Pleasant	Ulland
Byrne	Hanson	Mangan	Reding	Vanasek
Carlson, A.	Hokanson	McCarron	Schreiber	Vento
Carlson, L.	Jacobs	McCauley	Searle	Volk
Casserly	Jaros	Metzen	Sherwood	Voss
Clark	Jensen	Moe	Sieben, H.	White
Dahl	Johnson, D.	Munger	Sieben, M.	Williamson
Dean	Jude	Neisen	Sieloff	Zubay
Dieterich	Kahn	Nelson	Simoneau	Speaker Sabo
Doty	Kempe, A.	Norton	Skoglund	

Those who voted in the negative were:

Albrecht	Eckstein	Kaley	McCollar	Sarna
Anderson, G.	Eken	Kalis	McEachern	Savelkoul
Anderson, I.	Erickson	Kelly, R.	Menning	Schulz
Beauchamp	Esau	Kelly, W.	Nelsen	Schumacher
Begich	Evans	Ketola	Niehaus	Setzpfandt
Birnstihl	Fjoslien	Kroening	Osthoff	Smogard
Braun	Friedrich	Kvam	Peterson	Spanish
Brinkman	Fudro	Langseth	Prahl	Wenstrom
Carlson, R.	Heinitz	Lemke	Rice	Wenzel
Corbid	Johnson, C.	Lindstrom	St. Onge	Wieser
DeGroat	Jopp	Mann	Samuelson	Wigley

The bill was passed and its title agreed to.

S. F. No. 1932, A bill for an act relating to banking; providing for mailed notice of automatic renewal of time deposits and possible penalties or loss of interest or reduction of interest; amending Minnesota Statutes 1974, Chapter 47, by adding a section.

The bill was read for the third time and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 129, and nays 0, as follows:

Those who voted in the affirmative were:

Abeln	Adams, L.	Albrecht	Anderson, G.	Anderson, I.
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Arlandson	Esau	Kelly, W.	Nelsen	Sherwood
Beauchamp	Evans	Kempe, A.	Nelson	Sieben, H.
Begich	Ewald	Kempe, R.	Niehaus	Sieben, M.
Berg	Faricy	Ketola	Norton	Sieloff
Berglin	Fjoslien	Knickerbocker	Novak	Skoglund
Biersdorf	Forsythe	Knoll	Osthoff	Smith
Birnstihl	Friedrich	Kostohryz	Parish	Smogard
Braun	Fudro	Kroening	Patton	Spanish
Brinkman	Fugina	Kvam	Pehler	Stanton
Byrne	George	Laidig	Peterson	Suss
Carlson, A.	Hanson	Langseth	Petrafeso	Swanson
Carlson, L.	Haugerud	Lemke	Philbrook	Tomlinson
Carlson, R.	Heinitz	Lindstrom	Pleasant	Ulland
Casserly	Hokanson	Luther	Prahl	Vanasek
Clark	Jacobs	Mangan	Reding	Vento
Corbid	Jaros	Mann	Rice	Volk
Dahl	Jensen	McCarron	St. Onge	Voss
Dean	Johnson, C.	McCauley	Samuelson	Wenstrom
DeGroat	Johnson, D.	McCollar	Sarna	Wenzel
Dieterich	Jopp	McEachern	Savelkoul	White
Doty	Jude	Menning	Schreiber	Wieser
Eckstein	Kahn	Metzen	Schulz	Wigley
Eken	Kaley	Moe	Schumacher	Williamson
Enebo	Kalis	Munger	Searle	Speaker Sabo
Erickson	Kelly, R.	Neisen	Setzepfandt	

The bill was passed and its title agreed to.

S. F. No. 1872, A bill for an act relating to health; providing that persons eligible for medical assistance have free selection of a medical care vendor; amending Minnesota Statutes, 1975 Supplement, Sections 256D.03, Subdivision 3; 261.21, Subdivision 2; and 261.22, Subdivision 2.

The bill was read for the third time and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 116, and nays 12, as follows:

Those who voted in the affirmative were:

Abeln	DeGroat	Jaros	Mann	Pleasant
Adams, L.	Dieterich	Johnson, C.	McCarron	Prahl
Anderson, I.	Doty	Johnson, D.	McCauley	Reding
Arlandson	Eckstein	Jude	McCollar	Rice
Beauchamp	Enebo	Kahn	McEachern	St. Onge
Begich	Erickson	Kaley	Menning	Samuelson
Berg	Esau	Kalis	Metzen	Sarna
Berglin	Evans	Kelly, W.	Moe	Savelkoul
Biersdorf	Ewald	Kempe, A.	Munger	Schreiber
Birnstihl	Faricy	Kempe, R.	Neisen	Schulz
Braun	Fjoslien	Ketola	Nelsen	Schumacher
Brinkman	Forsythe	Knickerbocker	Nelson	Searle
Byrne	Fudro	Knoll	Niehaus	Setzepfandt
Carlson, A.	Fugina	Kostohryz	Norton	Sieben, H.
Carlson, L.	George	Kroening	Novak	Sieben, M.
Carlson, R.	Graba	Laidig	Parish	Skoglund
Casserly	Hanson	Langseth	Patton	Smogard
Clark	Haugerud	Lemke	Pehler	Spanish
Corbid	Heinitz	Lindstrom	Peterson	Stanton
Dahl	Hokanson	Luther	Petrafeso	Swanson
Dean	Jacobs	Mangan	Philbrook	Tomlinson

Ulland	Volk	White	Zubay	Speaker Sabo
Vanasek	Voss	Wieser		
Vento	Wenzel	Williamson		

Those who voted in the negative were:

Albrecht	Jensen	Kvam	Sieloff	Wigley
Anderson, G.	Jopp	Osthoff	Smith	
Eken	Kelly, R.	Sherwood		

The bill was passed and its title agreed to.

S. F. No. 1820, A bill for an act relating to Marshall county; authorizing the county law library to be supported by certain judicially imposed fee charges.

The bill was read for the third time and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 129, and nays 1, as follows:

Those who voted in the affirmative were:

Abeln	Doty	Kaley	Nelsen	Sieben, H.
Adams, L.	Eckstein	Kalis	Nelson	Sieben, M.
Adams, S.	Eken	Kelly, R.	Niehaus	Sieloff
Albrecht	Enebo	Kelly, W.	Norton	Simoneau
Anderson, G.	Erickson	Kempe, R.	Novak	Skoglund
Anderson, I.	Esau	Ketola	Osthoff	Smith
Arlandson	Evans	Knickerbocker	Parish	Smogard
Beauchamp	Ewald	Knoll	Patton	Spanish
Begich	Faricy	Kostohryz	Pehler	Stanton
Berg	Fjoslien	Kroening	Peterson	Suss
Berglin	Forsythe	Kvam	Petrafero	Swanson
Biersdorf	Friedrich	Laidig	Philbrook	Tomlinson
Birnstihl	Fudro	Langseth	Pleasant	Ulland
Braun	Fugina	Lemke	Prahl	Vanasek
Brinkman	George	Lindstrom	Reding	Vento
Byrne	Graba	Luther	Rice	Volk
Carlson, A.	Hanson	Mangan	St. Onge	Voss
Carlson, L.	Heinitz	Mann	Samuelson	Wenstrom
Carlson, R.	Hokanson	McCarron	Sarna	Wenzel
Casserly	Jacobs	McCauley	Saveikoul	White
Clark	Jaros	McCollar	Schreiber	Wieser
Corbid	Jensen	McEachern	Schulz	Wigley
Dahl	Johnson, D.	Menning	Schumacher	Williamson
Dean	Jopp	Metzen	Searle	Zubay
DeGroat	Jude	Moe	Setzepfandt	Speaker Sabo
Dieterich	Kahn	Neisen	Sherwood	

Those who voted in the negative were:

Johnson, C.

The bill was passed and its title agreed to.

Kempe, A., was excused for the remainder of today's session.

S. F. No. 1998 was reported to the House.

Tomlinson moved to amend S. F. No. 1998, as follows:

Page 1, line 15, after "lists"; insert "by precinct".

Page 2, line 6, strike "of" and insert "after".

Page 2, line 7, strike "of" and insert "after".

Page 2, line 8, after "cards" insert "after a general election".

Page 2, line 9, strike "precinct".

Page 2, line 21, after "cost" strike "to the auditor".

Page 2, after line 26, add new sections as follows:

"Sec. 4. Minnesota Statutes 1974, Section 201.081, Subdivision 2, is amended to read:

Subd. 2. The original registration file and the duplicate registration file shall be the record of voters. (THE ORIGINAL REGISTRATION FILE SHALL BE MAINTAINED IN THE OFFICE OF THE COUNTY AUDITOR AND SHALL NOT BE REMOVED EXCEPT ON ORDER OF A COURT OF COMPETENT JURISDICTION.) The *original and duplicate registration (FILE) files* shall be kept in the office of the county auditor or in the office of a person to whom the county auditor has delegated the responsibility of keeping (THE DUPLICATE) *either file* and shall not be removed except (WHEN) *that the duplicate file (MAY) shall be delivered to the duly authorized judges of election for use on election day.*

Sec. 5. [REPEAL.] *Minnesota Statutes 1974, Section 201.081, Subdivision 3, is repealed.*

Further amend the title: *to be changed to read: "A"*

Page 1, line 6, after "subdivision" insert "; 201.081, Subdivision 2; repealing Minnesota Statutes 1974, Section 201.081, Subdivision 3".

The motion prevailed and the amendment was adopted.

S. F. No. 1998, A bill for an act relating to elections; requiring the county auditor to make available certain voter registration lists; amending Minnesota Statutes 1974, Sections 201.091, Subdivisions 2 and 3, and by adding a subdivision.

The bill was read for the third time, as amended, and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 128, and nays 1, as follows:

Those who voted in the affirmative were:

Abeln	Eken	Kaley	Nelsen	Sieben, M.
Adams, L.	Enebo	Kalis	Nelson	Sieloff
Adams, S.	Erickson	Kelly, R.	Niehaus	Simoneau
Anderson, G.	Esau	Kelly, W.	Norton	Skoglund
Anderson, I.	Evans	Kempe, R.	Novak	Smith
Arlandson	Ewald	Ketola	Osthoff	Smogard
Beauchamp	Faricy	Knickerbocker	Parish	Spanish
Begich	Fjoslien	Knoll	Patton	Stanton
Berg	Forsythe	Kostohryz	Pehler	Suss
Berglin	Friedrich	Kroening	Peterson	Swanson
Biersdorf	Fudro	Laidig	Philbrook	Tomlinson
Braun	Fugina	Langseth	Pleasant	Ulland
Brinkman	George	Lemke	Prahl	Vanasek
Byrne	Graba	Lindstrom	Reding	Vento
Carlson, A.	Hanson	Luther	Rice	Volk
Carlson, L.	Haugerud	Mangan	St. Onge	Voss
Carlson, R.	Heinitz	Mann	Samuelson	Wenstrom
Casserly	Hokanson	McCarron	Sarna	Wenzel
Clark	Jacobs	McCauley	Savelkoul	White
Corbid	Jaros	McCollar	Schreiber	Wieser
Dahl	Jensen	McEachern	Schulz	Wigley
Dean	Johnson, C.	Menning	Schumacher	Williamson
DeGroat	Johnson, D.	Metzen	Searle	Zubay
Dieterich	Jopp	Moe	Setzpfandt	Speaker Sabo
Doty	Jude	Munger	Sherwood	
Eckstein	Kahn	Neisen	Sieben, H.	

Those who voted in the negative were:

Kvam

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

Volk was excused for the remainder of today's session.

S. F. No. 1788 was reported to the House.

Hanson moved to amend S. F. No. 1788, as follows:

Strike everything after the enacting clause and insert the following:

"Section 1. [POLICY.] It is the public policy of this state that:

(1) Funds transfer facilities should provide reliable service to consumers with full protection of privacy of personal financial information;

(2) Funds transfer facilities should not impair the safety and soundness of a person's funds;

(3) Services of funds transfer facilities should be offered in competitive markets at fair prices in a nondiscriminatory manner;

(4) A person or group of persons should not dominate or monopolize the market for services of funds transfer facilities to the detriment of the public interest; and

(5) Regulation of funds transfer facilities should be fair and not unduly impede the development of new technologies which benefit the public.

Sec. 2. [DEFINITIONS.] Subdivision 1. For the purposes of sections 1 to 15, the following terms shall have the meanings given them.

Subd. 2. "Automated teller machine" means an unattended free standing information processing device, located separate and apart from a financial institution's principal office, branch or detached facility, by which, through, or by means of electronic, automated, or mechanical signals or impulses generated through the use of electronic, automated, or mechanical equipment, a customer of a financial institution may complete financial transactions pursuant to an existing contractual agreement.

Subd. 3. "Banking transaction" means disbursing funds under a preauthorized credit agreement, withdrawing or depositing funds from a customer's account, receiving cash or checks, disbursing cash, and transferring funds to or from one or more accounts in financial institutions. A banking transaction may take place either off-line or on-line.

Subd. 4. "Commissioner" means the commissioner of banks.

Subd. 5. "Consumer banking facility" means either an automated teller machine or a point-of-sale terminal.

Subd. 6. "Financial institution" means a national banking association having its main office in this state or a bank, a savings bank, a savings and loan association, or a credit union established and operating under the laws of this state.

Subd. 7. "Funds transfer facility" means an automated teller machine, a point-of-sale terminal or a transmission facility.

Subd. 8. "Funds transfer organization" means a person who establishes, operates, or makes available in this state one or more transmission facilities.

Subd. 9. "Municipality" means the geographical area within the legal boundaries of any city or organized town located in Minnesota.

Subd. 10. "Person" means an individual, a corporation, a partnership, an association, a joint stock company, a trust, an unincorporated organization, or a financial institution. Person shall not mean a federally chartered credit union or federally chartered savings and loan association.

Subd. 11. "Point-of-sale terminal" means a manned electronic information processing device other than a telephone which is established to either transfer funds to or from one or more accounts in financial institutions or segregate funds in one or more accounts in financial institutions for future transfer, or both; provided, a point-of-sale terminal shall include an electronic information processing device which can be physically attached to a standard telephone and which transfers funds in accordance with the foregoing.

Subd. 12. "Transmission facility" means an information processing facility or device used to receive and retransmit or clear financial transactions which originate from a consumer banking facility and which result in either transferring funds to or from one or more accounts in financial institutions or segregating funds in one or more accounts in financial institutions for future transfer, or both.

Sec. 3. [AUTHORIZATION.] Subdivision 1. Any financial institution may establish and maintain at a specific location with the approval of the commissioner one or more consumer banking facilities for use by its customers, and any person may establish and maintain at a specific location with the approval of the commissioner one or more point-of-sale terminals. Any financial institution may provide for its customers the use of a consumer banking facility by entering into agreement with any person who has been authorized to establish and maintain one or more consumer banking facilities.

Subd. 2. Before installation and operation, or change of location, a consumer banking facility application shall be submitted to the commissioner on a form provided by the commissioner. The application shall state: the location where the consumer banking facility will be installed and operated; the ownership of the business entity for whose sales transactions the consumer banking facility is installed, if applicable; the ownership of the consumer banking facility; and all other information necessary for the commissioner to determine a reasonable fee based upon actual expenditures and a reasonable return on investment. In an application for a point-of-sale terminal if the commissioner finds that the point-of-sale terminal will be properly and safely managed and that the applicant is financially sound and that all information required of the applicant has been furnished, he

shall approve the application within 45 days. In an application for an automated teller machine, if the commissioner finds that: (a) the automated teller machine will be properly and safely managed; (b) the applicant is financially sound; (c) reasonable public demand exists for the terminal; and (d) all information required of the applicant has been furnished, he shall approve the application within 45 days. Failure to approve or disapprove any application within 45 days shall be deemed approval of the application. For each application, a \$100 fee shall be paid to the commissioner. If the \$100 fee is less than the costs actually incurred by the commissioner in approving or disapproving the application, the fee shall be equal to those costs.

Subd. 3. Subject to the procedures in subdivisions 1 and 2, a consumer banking facility may be established and maintained anywhere within a municipality in which no financial institutions or detached facilities are located, or anywhere within a municipality in which at least one financial institution is located; provided a financial institution in that municipality, pursuant to the provisions of this section, has established and maintains or provides the use of one or more consumer banking facility located within that municipality. The location and placement of consumer banking facilities shall not be designed to give or promote an unfair competitive advantage to any financial institution in Minnesota.

Sec. 4. [FUNCTIONS OF A CONSUMER BANKING FACILITY.] Subdivision 1. Consumer banking facilities are limited to the performance of banking transactions and shall not be used to open accounts.

Subd. 2. The methods by which a consumer banking facility performs banking transactions shall be limited to the use of electronic based systems which utilize devices capable of processing electronic information through or by means of which information relating to financial services rendered to the public is stored and transmitted, whether instantaneously or otherwise, to a financial institution and which devices, for activation and account access, are dependent upon the use of a machine readable instrument in the possession and control of the holder of an account with a financial institution. Any customer of a financial institution who has lost or has had stolen his or her machine readable instrument shall not be liable for any unauthorized use of the instrument which occurs after the financial institution has been notified of its disappearance. The financial institution shall be liable for its customer's losses caused by such use to the extent that they exceed the lesser of \$50 or the amount of money obtained thereby within the period of time equal to the financial institution's statement period.

Subd. 3. A point-of-sale terminal shall be operated exclusively by a person who is not employed by any financial institution,

any financial institution holding company, or subsidiary thereof. Persons assisting customers of financial institutions at the site of the point-of-sale terminal may be trained by employees of a financial institution, financial institution holding company, or subsidiary thereof. Nothing in this section shall be construed to prohibit periodic servicing of a point-of-sale terminal by an employee of a financial institution, financial institution holding company, or subsidiary thereof.

Sec. 5. [TRANSMISSION FACILITY.] Subdivision 1. A person may establish a transmission facility in this state upon approval by the commissioner. A transmission facility which is used by or made available to any kind of financial institution shall be made available to all other financial institutions upon request of other financial institutions and agreement by the financial institutions to pay reasonable fees based upon actual expenditures in establishing and maintaining the transmission facility and a reasonable return on investment as determined by the commissioner.

Subd. 2. Before installation and operation, a transmission facility application shall be submitted to the commissioner on a form provided by the commissioner. The application shall state the location at which the transmission facility will be operated, the ownership of the transmission facility, and all other information necessary for the commissioner to determine a reasonable fee based upon actual expenditures and a reasonable return on investment. If the commissioner finds that the facility will be properly and safely managed, the applicant is financially sound, and all information required by the commissioner has been furnished by the applicant, he shall approve the application within 120 days. Otherwise, the commissioner shall disapprove the application within 120 days. Failure by the commissioner to act within 120 days shall be deemed approval of the application. For each application, a \$500 fee shall be paid to the commissioner. If the \$500 fee is less than the costs actually incurred by the commissioner in approving or disapproving the application, the fee shall be equal to those costs.

Sec. 6. [ESTABLISHMENT, MAINTENANCE AND USE OF A CONSUMER BANKING FACILITY.] Subdivision 1. The person holding legal title to a consumer banking facility located in Minnesota, exclusive of any supporting equipment, structure or system, shall limit its use to the performance of banking transaction for customers of Minnesota financial institutions. The authority of third parties referred to in this act is limited to ownership, operation and maintenance of consumer banking facilities and any supporting equipment, structures or systems, and nothing in sections 3 to 14 shall be construed to authorize any person, other than a financial institution, to engage in the business authorized to financial institutions. Any service corporation that affords to a financial institution the use of a consumer banking facility may be examined whenever the com-

missioner deems it necessary. The service corporation shall pay examination fees as determined by the commissioner.

Subd. 2. A consumer banking facility which is used by or made available to any financial institution shall be made available to all other financial institutions upon request of other financial institutions and agreement by the financial institutions to pay reasonable fees based upon actual expenditures in establishing and maintaining the consumer banking facility and a reasonable return on investment as determined by the commissioner. Any financial institution requesting to share a consumer banking facility shall conform to reasonable technical operation standards established by the facility provider and approved by the commissioner.

Sec. 7. [ADVERTISING.] No advertisement by a person which relates to a consumer banking facility may be inaccurate or misleading with respect to such a facility. Except with respect to direct mailings by financial institutions to their customers, the advertising of rate of interest paid on accounts in connection with consumer banking facilities is prohibited. Any advertisement, either on or off the site of a consumer banking facility, promoting the use or identifying the location of a consumer banking facility, which identifies any financial institution, group or combination of financial institutions, or third parties as owning or providing for the use of its services, is prohibited. The following shall be expressly permitted:

(1) A simple directory listing placed at the site of a consumer banking facility identifying the particular financial institution using its services;

(2) The use of a generic name, either on or off the site of a consumer banking facility, which does not promote or identify any particular financial institution, group or combination of financial institutions, or any third parties; and

(3) Media advertising or direct mailing of information by a financial institution identifying locations of consumer banking facilities and promoting their usage.

Sec. 8. [CONSUMER PRIVACY.] Subdivision 1. To protect the privacy of people using funds transfer facilities, information received by or processed through such facilities shall be treated and used only in accordance with applicable law relating to the dissemination and disclosure of such information. The person operating a funds transfer facility shall take such steps as are reasonably necessary to safeguard the confidentiality of any information received or obtained about a customer or his account by any person manning a funds transfer facility.

Subd. 2. Every person operating pursuant to sections 3 to 14 shall supply information to customers using funds transfer

facilities regarding the consumer protection policies of the person, including the rights and liabilities of the customer and the customer's protection against wrongful or accidental disclosure of confidential information.

Subd. 3. Every person operating pursuant to sections 3 to 14 shall maintain reasonable procedures to minimize losses to financial institution customers from unauthorized withdrawals from the customers' accounts by use of a funds transfer facility.

Subd. 4. Any customer of a financial institution may bring a civil action against any person violating the provisions of this section in district court in the county in which the alleged violator resides or has his principal place of business, or in the county wherein the alleged violation occurred. Upon adverse adjudication, the defendant shall be liable for actual damages, or \$500, whichever is greater, together with court costs and reasonable attorneys' fees incurred by the plaintiff. The court may provide such equitable relief as it deems necessary or proper, including enjoining the defendant from further violations of this section.

Sec. 9. [EXAMINATION.] A funds transfer organization or a person establishing a consumer banking facility may be examined when the commissioner deems it necessary. The examination shall include a determination of whether the person being examined discriminates against any financial institution, directly by limiting access to shared systems and their use, or indirectly by charging unreasonable fees. For each examination, a fee in an amount determined by rule shall be paid to the commissioner.

Sec. 10. [FUNDS TRANSFER ORGANIZATION REPORT.] A funds transfer organization shall report its financial condition at least annually before March 15 for the previous calendar year on forms provided by, or acceptable to, the commissioner. The commissioner may require more frequent or additional reports as he deems necessary. Agreements relating to the use of funds transfer facilities entered into between a funds transfer organization and a person establishing a consumer banking facility or commercial business, or between a person establishing a consumer banking facility and any other financial institution or commercial business, including fee and rental agreement, and amendments, modifications, and extensions thereof, shall be filed with the commissioner within 30 days after their respective dates of execution. A funds transfer organization or person who fails to file a report or document when due, unless excused for cause by the commissioner, shall be fined \$100 for each day of delinquency.

Sec. 11. [ANTI-TRUST.] No person or funds transfer organization engaged in funds transfer facility activities shall contract, combine, or conspire to restrain trade in the market for

funds transfer facilities, or engage in anti-competitive practices to the detriment of the public interest. Notwithstanding Minnesota Statutes, Section 325.8017, Subdivision 2, the provisions of sections 325.8011 to 325.8028 shall apply to persons and funds transfer organizations engaged in funds transfer facility activities.

Sec. 12. [RULES AND REGULATIONS.] The commissioner may promulgate such rules and regulations as are reasonably necessary to carry out and make effective the provisions and purposes of sections 3 to 15 pursuant to Minnesota Statutes, Chapter 15.

Sec. 13. [SECURITY.] Every owner of a consumer banking facility and every financial institution using a consumer banking facility shall adopt and maintain safeguards to insure the safety of funds, items and other information, which safeguards shall include security devices consistent with the minimum requirements specified under the Federal Bank Protection Act or such alternative security precautions as are approved by the commissioner.

Sec. 14. [APPLICATION TO PERSONS WHO SELL GOODS OR SERVICES AT RETAIL.] Subdivision 1. Notwithstanding the foregoing, nothing in sections 3 to 15 shall be deemed to prohibit a person primarily engaged in the business of selling goods or services at retail who operates a point-of-sale terminal or transmission facility from limiting his contractual agreement with any financial institution to only one or more types of banking transaction which, except in the case of any open-end type of consumer credit sales plan, agreement and arrangement, such person shall make available upon request to any other financial institution on a nondiscriminatory basis.

Subd. 2. Nothing in sections 3 to 15 shall prohibit a person primarily engaged in the business of selling goods or services at retail from establishing or operating a point-of-sale terminal or transmission facility to perform any internal business activities, including the extension of credit as authorized by law.

Subd. 3. A point-of-sale terminal or transmission facility operated by a person primarily engaged in the business of selling goods or services at retail may be examined by the commissioner as to any banking transaction by, with or involving a financial institution solely for the purpose of reconciling accounts and verifying the security and accuracy of such point-of-sale terminal or transmission facility, and all facts and information obtained in the course of such examination shall not be disclosed except as otherwise provided by law.

Sec. 15. [VIOLATIONS; PENALTIES; HEARING.] A violation of sections 3 to 14 shall be subject to penalties ap-

plicable to violations of laws affecting financial institutions. In addition, violations of sections 3 to 14 may be enjoined by a civil action by any aggrieved financial institution or by the commissioner. Unsafe, unsound, unfair, or discriminatory practices in connection with funds transfer facilities shall be deemed a violation of sections 3 to 14. If a violation continues 15 days after service of a notice by the commissioner of his intention to revoke a person's approval to operate a funds transfer facility, the commissioner may revoke such approval. Any party aggrieved by a revocation may request a hearing. Within 45 days the commissioner shall hold a hearing pursuant to Minnesota Statutes, Chapter 15.

No revocation shall be effective until after a hearing if a hearing is requested. Notwithstanding Minnesota Statutes, Section 15.052, Subdivision 6, all costs of the hearing shall be paid by the aggrieved party.

Sec. 16. [EFFECTIVE DATE.] This act shall become effective October 1, 1976.

Further amend the title as follows:

Delete it in its entirety and insert the following:

"A bill for an act relating to financial institutions; authorizing funds transfer facilities; providing penalties."

The motion prevailed and the amendment was adopted.

Sieloff moved to amend S. F. No. 1788, as amended, as follows:

Page 5, line 13, after the period insert "A financial institution located in a municipality may establish and maintain a consumer banking facility in such municipality without regard to the preceding sentence."

The motion prevailed and the amendment was adopted.

Dieterich moved to amend S. F. No. 1788, as amended, as follows:

Page 6, line 29, after "facility" strike the balance of the line.

Page 6, strike line 30.

Page 6, line 31, strike "commissioner".

Page 7, line 7, after "expenditures" strike the balance of the line.

Page 7, line 8, strike "investment".

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

S. F. No. 1788, A bill for an act relating to banks and banking; authorizing consumer banking facilities and credit union facilities; providing penalties; amending Minnesota Statutes 1974, Chapter 52, by adding a section.

The bill was read for the third time, as amended, and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 79, and nays 48, as follows:

Those who voted in the affirmative were:

Abeln	Corbid	Kahn	Munger	Sieloff
Adams, L.	Dean	Kaley	Neisen	Simoneau
Adams, S.	Doty	Kelly, R.	Nelson	Skoglund
Albrecht	Eckstein	Kelly, W.	Norton	Smogard
Anderson, G.	Enebo	Ketola	Novak	Stanton
Arlandson	Ewald	Knickerbocker	Patton	Suss
Berg	Faricy	Knoll	Pehler	Swanson
Biersdorf	Forsythe	Laidig	Petrafaso	Tomlinson
Birnstihl	Friedrich	Langseth	Philbrook	Ulland
Brinkman	George	Lindstrom	Pleasant	Vento
Byrne	Hanson	Luther	Reding	Voss
Carlson, A.	Haugerud	McCarron	St. Onge	Wenstrom
Carlson, L.	Hokanson	McCauley	Schreiber	Wieser
Casserly	Jacobs	McCollar	Schulz	Williamson
Clark	Jensen	McEachern	Schumacher	Speaker Sabo
Clawson	Jude	Metzen	Setzepfandt	

Those who voted in the negative were:

Anderson, I.	Esau	Kalis	Niehaus	Sieben, H.
Begich	Fjoslien	Kostohryz	Parish	Sieben, M.
Berglin	Fudro	Kroening	Peterson	Smith
Braun	Fugina	Kvam	Prahl	Spanish
Carlson, R.	Graba	Lemke	Rice	Vanasek
Dahl	Heinitz	Mangan	Samuelson	Wenzel
DeGroat	Jaros	Mann	Sarna	White
Dieterich	Johnson, C.	Menning	Savelkoul	Wigley
Eken	Johnson, D.	Moe	Searle	
Erickson	Jopp	Nelsen	Sherwood	

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

S. F. No. 2251, A bill for an act relating to crime victims reparations; authorizing a claim to be filed within one year of the time when it could have been reasonably made; amending Minnesota Statutes 1974, Section 299B.03, Subdivision 2.

The bill was read for the third time and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 130, and nays 0, as follows:

Those who voted in the affirmative were:

Abeln	Dieterich	Jude	Moe	Searle
Adams, L.	Doty	Kahn	Munger	Setzepfandt
Adams, S.	Eckstein	Kaley	Neisen	Sieben, H.
Albrecht	Eken	Kalis	Nelsen	Sieben, M.
Anderson, G.	Enebo	Kelly, R.	Nelson	Sieloff
Anderson, I.	Erickson	Kelly, W.	Niehaus	Simoneau
Arlandson	Esau	Kempe, R.	Norton	Skoglund
Beauchamp	Evans	Ketola	Novak	Smith
Begich	Ewald	Knickerbocker	Osthoff	Smogard
Berg	Faricy	Knoll	Parish	Spanish
Berglin	Fjoslien	Kostohryz	Patton	Stanton
Biersdorf	Forsythe	Kroening	Pehler	Suss
Birnstihl	Friedrich	Kvam	Peterson	Swanson
Braun	Fudro	Laidig	Petraleso	Tomlinson
Brinkman	Fugina	Langseth	Philbrook	Ulland
Byrne	George	Lemke	Pleasant	Vanasek
Carlson, A.	Graba	Lindstrom	Prahl	Vento
Carlson, L.	Hanson	Luther	Reding	Voss
Carlson, R.	Haugerud	Mangan	Rice	Wenstrom
Casserly	Heintz	Mann	St. Onge	Wenzel
Clark	Hokanson	McCarron	Samuelson	White
Clawson	Jacobs	McCauley	Sarna	Wieser
Corbid	Jaros	McCollar	Savelkoul	Wigley
Dahl	Jensen	McEachern	Schreiber	Williamson
Dean	Johnson, C.	Menning	Schulz	Zubay
DeGroat	Johnson, D.	Metzen	Schumacher	Speaker Sabo

The bill was passed and its title agreed to.

S. F. No. 1838, A bill for an act relating to crimes; accusation; increasing the limitation on time in which an indictment for offering of bribes to or acceptance of bribes by public officers or employees may be found; amending Minnesota Statutes 1974, Section 628.26.

The bill was read for the third time and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 129, and nays 0, as follows:

Those who voted in the affirmative were:

Abeln	Birnstihl	DeGroat	Forsythe	Jensen
Adams, L.	Braun	Dieterich	Friedrich	Johnson, C.
Adams, S.	Byrne	Doty	Fudro	Johnson, D.
Albrecht	Carlson, A.	Eckstein	Fugina	Jude
Anderson, G.	Carlson, L.	Eken	George	Kahn
Anderson, I.	Carlson, R.	Enebo	Graba	Kaley
Arlandson	Casserly	Erickson	Hanson	Kalis
Beauchamp	Clark	Esau	Haugerud	Kelly, R.
Begich	Clawson	Evans	Heintz	Kelly, W.
Berg	Corbid	Ewald	Hokanson	Kempe, R.
Berglin	Dahl	Faricy	Jacobs	Ketola
Biersdorf	Dean	Fjoslien	Jaros	Knickerbocker

Knoll	McEachern	Pehler	Searle	Tomlinson
Kostohryz	Menning	Peterson	Setzepfandt	Ulland
Kroening	Metzen	Philbrook	Sherwood	Vanasek
Kvam	Moe	Pleasant	Sieben, H.	Vento
Laidig	Munger	Prahl	Sieben, M.	Voss
Langseth	Neisen	Reding	Sieloff	Wenstrom
Lemke	Nelsen	Rice	Simoneau	Wenzel
Lindstrom	Nelson	St. Onge	Skoglund	White
Luther	Niehaus	Samuelson	Smith	Wieser
Mangan	Norton	Sarna	Smogard	Wigley
Mann	Novak	Savelkoul	Spanish	Williamson
McCarron	Osthoff	Schreiber	Stanton	Zubay
McCauley	Parish	Schulz	Suss	Speaker Sabo
McCollar	Patton	Schumacher	Swanson	

The bill was passed and its title agreed to.

S. F. No. 491, A resolution congratulating Seth G. Huntington on his success in the United States coin design competition and on his other artistic achievements.

The bill was read for the third time and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 132, and nays 0, as follows:

Those who voted in the affirmative were:

Abeln	Doty	Kahn	Neisen	Sieben, H.
Adams, L.	Eckstein	Kaley	Nelson	Sieben, M.
Adams, S.	Eken	Kalis	Nelson	Sieloff
Albrecht	Enebo	Kely, R.	Niehaus	Simoneau
Anderson, G.	Erickson	Kelly, W.	Norton	Skoglund
Anderson, I.	Esau	Kempe, R.	Novak	Smith
Arlandson	Evans	Ketola	Osthoff	Smogard
Beauchamp	Ewald	Knickerbocker	Parish	Spanish
Begich	Faricy	Knoll	Patton	Stanton
Berg	Fjoslien	Kostohryz	Pehler	Suss
Berglin	Forsythe	Kroening	Peterson	Swanson
Biersdorf	Friedrich	Kvam	Petraleso	Tomlinson
Birnstihl	Fudro	Laidig	Philbrook	Ulland
Braun	Fugina	Langseth	Pleasant	Vanasek
Brinkman	George	Lemke	Prahl	Vento
Byrne	Graba	Lindstrom	Reding	Voss
Carlson, A.	Hanson	Luther	Rice	Wenstrom
Carlson, L.	Haugerud	Mangan	St. Onge	Wenzel
Carlson, R.	Heinitz	Mann	Samuelson	White
Casserly	Hokanson	McCarron	Sarna	Wieser
Clark	Jacobs	McCauley	Savelkoul	Wigley
Clawson	Jaros	McCollar	Schreiber	Williamson
Corbid	Jensen	McEachern	Schulz	Zubay
Dahl	Johnson, C.	Menning	Schumacher	Speaker Sabo
Dean	Johnson, D.	Metzen	Searle	
DeGroat	Jopp	Moe	Setzepfandt	
Dieterich	Jude	Munger	Sherwood	

The bill was passed and title agreed to.

S. F. No. 2177 was reported to the House.

Beauchamp moved to amend S. F. No. 2177, as follows:

Page 2, line 15, after "age" strike "for a period of one year not to".

Page 2, line 16, strike "extend beyond".

Page 2, line 16, strike the new language.

Page 2, line 18, restore the stricken language and, further, strike the new language.

Page 2, line 19, delete the new language.

Page 2, line 21, delete the new language.

Page 2, lines 22 and 23, delete the new language.

Page 15, after line 23, insert a section to read:

"Sec. 14. Minnesota Statutes, 1975 Supplement, 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."

Pages 15, 16, and 17, delete all of section 14.

Page 18, after line 6, insert a section to read:

"Sec. 17. Minnesota Statutes 1974, Chapter 353, is amended by adding a section to read:

[353.019] [SOIL AND WATER CONSERVATION DISTRICT EMPLOYEES.] *Subdivision 1. From and after July 1, 1976, all employees of a soil and water conservation district shall become members of the public employees retirement association coordinated fund, unless specifically exempt under section 353.01, subdivision 2b.*

Subd. 2. [PURCHASE OF PRIOR SERVICE CREDIT.] Any full time employee of a soil and water conservation district

covered by the retirement association after July 1, 1976, who was so employed prior to July 1, 1976, and who was excluded from coverage by the retirement association for such prior full time service shall be allowed to obtain allowable service credit for such service by (a) paying to the retirement association an employee contribution equal to four percent of covered salary in effect when such service was rendered plus interest at the rate of six percent per annum compounded annually from the year of purchase to the date payment is made; (b) the member at the same time shall pay additionally an amount equal to five and one half percent of covered salary in effect when such service was rendered plus interest at the rate of six percent per annum compounded annually from the year of purchase to the date payment is made; provided the employing soil and water conservation district may, in its sole discretion, for all its employees electing to make payment hereunder, pay the retirement association the obligation under (b). Payment must be made in one lump sum prior to July 1, 1978, or prior to termination of public service whichever is earlier, and no allowable service with respect to such payment shall be credited to the employee's account until payment is received by the retirement association."

Pages 19 and 20, delete all of sections 18 and 19.

Page 26, after line 13, insert:

"Sec. 30. Minnesota Statutes, 1975 Supplement, Section 354.44, Subdivision 1a, is amended to read:

Subd. 1a. [MANDATORY RETIREMENT.] Notwithstanding the provisions of sections 43.30 or 197.45 to 197.48, a member shall terminate employment on August 31, 1976, or at the end of the academic year in which he reaches the age of 65, whichever is later. For purposes of this subdivision, an academic year shall be deemed to end August 31. A member who terminates employment at any time during the academic year at the end of which such person is required to terminate employment pursuant to this subdivision shall, for the purpose of determining eligibility for a proportionate retirement annuity, be considered to have been required to terminate employment at age 65 or earlier pursuant to this subdivision. *Nothing contained in this subdivision shall preclude a district from employing a retired teacher as a substitute teacher; provided, no teacher required to terminate employment by this subdivision shall resume membership in the retirement association by virtue of employment as a substitute teacher.*

Sec. 31. Minnesota Statutes, 1975 Supplement, Section 354A.21, is amended to read:

354A.21 [MANDATORY RETIREMENT; PROPORTIONATE ANNUITY.] Notwithstanding the provisions of sections

197.45 to 197.48 or 354A.05, a teacher subject to the provisions of this chapter shall terminate employment on August 31, 1976, or at the end of the academic year in which such teacher reaches the age of 65, whichever is later. For purposes of this section, an academic year shall be deemed to end August 31. A teacher who terminates employment at any time during the academic year at the end of which such person is required to terminate employment pursuant to this section and who has less than the minimum required number of years of service to otherwise qualify for a retirement annuity shall be entitled upon application to a proportionate retirement annuity based on service prior to termination. *Nothing contained in this subdivision shall preclude a district from employing a retired teacher as a substitute teacher; provided, no teacher required to terminate employment by this subdivision shall resume membership in the retirement association by virtue of employment as a substitute teacher.*

Page 26, delete all of section 31.

Page 27, line 2, delete "1977" and insert "1978".

Renumber sections in sequence.

Further, amend the title as follows:

Page 1, line 10, delete "providing for privacy of".

Page 1, delete all of lines 11, 12, and 13.

Page 1, line 21, delete "16,".

Page 1, lines 22 and 23, delete ", and by adding a subdivision".

Page 1, line 27, after "section;" insert "Chapter 353, by adding a section;".

Page 1, line 28, delete "sections" and insert "a section".

Page 1, line 31, delete the first "Subdivision" and insert "Subdivisions 6 and".

Page 1, line 31, delete "353.03, Subdivision 2a;".

Page 1, line 32, after "7;" insert "354.44, Subdivision 1a; 354A.21;".

The motion prevailed and the amendment was adopted.

Farcy moved to amend S. F. No. 2177, as amended, as follows:

Page 13, delete lines 5 to 13.

The motion prevailed and the amendment was adopted.

Vento moved to amend S. F. No. 2177, as amended, as follows:

Page 2, line 30 to page 3, line 29, delete Section 2 from the bill.

Further, in the title, Page 1, line 18, delete "subdivisions 2A and" and insert "subdivision".

The motion prevailed and the amendment was adopted.

S. F. No. 2177, A bill for an act relating to retirement; miscellaneous amendments to the public employees retirement law; providing for a medical adviser in disability cases; inclusions and exclusions under the Minnesota state retirement system; mandatory retirement age for correctional officers; miscellaneous amendments to the elective state officers retirement plan and the unclassified employees retirement plan; providing for privacy of individual retirement data; providing for release of necessary data to governmental agencies; requiring an annual report to the legislature; excluding overtime payments for pension purposes; service credit for teachers on parental or maternity leave; elections to receive a combined service annuity; amending Minnesota Statutes 1974, Sections 352.01, Subdivisions 2A and 2B; 352C.02, Subdivisions 2, 3, and by adding a subdivision; 352C.04, Subdivisions 1 and 2a; 352C.05; 352C.09, Subdivision 1; 353.01, Subdivisions 2b, 16, and 30; 353.03, Subdivision 1, and by adding a subdivision; 353.27, Subdivision 7; 353.30, Subdivision 3; 353.33, Subdivision 11, and by adding subdivisions; 353.34, Subdivision 6; 353.35; 353.656, Subdivision 6; Chapter 352C, by adding a section; Chapter 354, by adding a section; Chapter 356, by adding sections; and Minnesota Statutes, 1975 Supplement, Sections 43.051, Subdivision 3; 352D.02, Subdivision 1; 353.01, Subdivision 24; 353.03, Subdivision 2a; 353.15; and 353.29, Subdivision 7; and repealing Minnesota Statutes 1974, Section 352C.04, Subdivisions 2 and 2b.

The bill was read for the third time, as amended, and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 121, and nays 0, as follows:

Those who voted in the affirmative were:

Abeln	Begich	Carlson, A.	Dean	Erickson
Adams, L.	Berg	Carlson, L.	DeGroat	Evans
Adams, S.	Berglin	Carlson, R.	Dieterich	Ewald
Anderson, G.	Biersdorf	Casserly	Doty	Fariy
Anderson, I.	Birnstihl	Clark	Eckstein	Fjoslien
Arlandson	Braun	Corbid	Eken	Forsythe
Beauchamp	Byrne	Dahl	Enebo	Fudro

Fugina	Knickerbocker	Neisen	Sarna	Swanson
George	Knoll	Nelsen	Savelkoul	Tomlinson
Graba	Kostohryz	Nelson	Schreiber	Ulland
Hanson	Kroening	Niehaus	Schulz	Vanasek
Heinitz	Laidig	Norton	Schumacher	Vento
Jacobs	Langseth	Novak	Searle	Voss
Jaros	Lemke	Osthoff	Setzepfandt	Wenstrom
Jensen	Luther	Parish	Sherwood	Wenzel
Johnson, C.	Mangan	Patton	Sieben, H.	White
Johnson, D.	Mann	Pehler	Sieben, M.	Wieser
Jude	McCarron	Peterson	Sieloff	Wigley
Kahn	McCauley	Petrafeso	Simoneau	Williamson
Kaley	McCollar	Philbrook	Skoglund	Zubay
Kalis	McEachern	Prahl	Smith	Speaker Sabo
Kelly, R.	Menning	Reding	Smogard	
Kelly, W.	Metzen	Rice	Spanish	
Kempe, R.	Moe	St. Onge	Stanton	
Ketola	Munger	Samuelson	Suss	

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

S. F. No. 687, A bill for an act relating to credit unions; allowing credit union members to vote by mail for officers and amendments; allowing credit unions certain powers with respect to dividends; amending Minnesota Statutes 1974, Sections 52.02; 52.07 and 52.18.

The bill was read for the third time and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called; there were yeas 129, and nays 0, as follows:

Those who voted in the affirmative were:

Abeln	Dieterich	Jude	Moe	Setzepfandt
Adams, L.	Doty	Kahn	Munger	Sherwood
Adams, S.	Eckstein	Kaley	Nelsen	Sieben, H.
Albrecht	Eken	Kalis	Nelsen	Sieben, M.
Anderson, G.	Enebo	Kelly, R.	Nelson	Sieloff
Anderson, I.	Erickson	Kelly, W.	Niehaus	Simoneau
Arlandson	Esau	Kempe, R.	Norton	Skoglund
Beauchamp	Evans	Ketola	Novak	Smith
Begich	Ewald	Knickerbocker	Osthoff	Smogard
Berg	Farcy	Knoll	Parish	Spanish
Berglin	Fjoslien	Knoll	Patton	Stanton
Biersdorf	Forsythe	Kostohryz	Pehler	Suss
Birnstihl	Friedrich	Kvam	Peterson	Swanson
Braun	Fudro	Laidig	Petrafeso	Tomlinson
Brinkman	Fugina	Langseth	Philbrook	Ulland
Byrne	George	Lemke	Pleasant	Vento
Carlson, A.	Graba	Lindstrom	Prahl	Voss
Carlson, L.	Hanson	Luther	Reding	Wenstrom
Carlson, R.	Haugerud	Mangan	Rice	Wenzel
Casserly	Heinitz	Mann	St. Onge	White
Clark	Hokanson	McCarron	Sarna	Wieser
Clawson	Jacobs	McCauley	Savelkoul	Wigley
Corbid	Jaros	McCollar	Schreiber	Williamson
Dahl	Jensen	McEachern	Schulz	Zubay
Dean	Johnson, C.	Menning	Schumacher	Speaker Sabo
DeGroat	Johnson, D.	Metzen	Searle	

The bill was passed and its title agreed to.

S. F. No. 1848 was reported to the House.

Sieloff moved to amend S. F. No. 1848, as follows:

Page 2, line 27, before "and" insert "(3) the fidelity and surety bond account"; strike the existing "(3)" and insert "(4)".

After line 29, insert a new Section 5 as follows:

"Sec. 5. Minnesota Statutes 1974, Section 60C.05, Subdivision 1 is amended to read:

60C.05 [POWERS AND DUTIES OF THE ASSOCIATION]
Subdivision 1. The association shall:

(a) Be deemed the insurer to the extent of its obligation on the covered claims. The claims found by the board of directors to be covered shall be paid out of available funds after they have been approved or settled under Minnesota Statutes, Section 60B.45, Subdivision 2, and Section 60B.58, Subdivision 2, or the corresponding laws of another jurisdiction, subject to the board's power to reduce the amount of or reject the award under section 60C.10.

(b) Allocate claims paid and expenses incurred among the (THREE) *four* accounts and assess member insurers separately for each account the amounts necessary to pay the obligations of the association under clause (a), the expenses of handling covered claims, the cost of examinations under section 60C.15 and other expenses authorized by laws 1971, Chapter 145.

(c) Notify the persons as the commissioner directs under Laws 1971, Chapter 145.

(d) Handle claims through its employees or through one or more insurers or other persons designated as servicing facilities. Designation of a servicing facility is subject to the approval of the commissioner, but the designation may be declined.

(e) Reimburse each servicing facility for obligations of the association paid by the facility and for expenses incurred by the facility while handling claims on behalf of the association and shall pay the other expenses of the association authorized by Laws 1971, Chapter 145.

(f) Notify each member insurer of its assessment not later than 30 days before it is due.

Renumber Section 5 as Section 6 and Section 6 as Section 7.

Add a new section at the end of the bill as follows:

Sec. 8. Minnesota Statutes 1974, Section 60C.18, is amended to read:

60C.18 [RECOGNITION OF ASSESSMENTS IN RATES.]
The rates and premiums charged for insurance policies *and fidelity and surety bonds* to which (LAWS 1971, CHAPTER 145) *this chapter* applies may include amounts sufficient to recoup a sum equal to the amounts paid to the association by the member insurer less any amounts returned to the member insurer by the association. The rates shall not be deemed excessive because they contain an amount reasonably calculated to recoup assessments paid by the member insurer.”.

Amend the title on Page 1, line 6, by inserting after “60C.04;” the words “60C.05, Subdivision 1;” and at the end of line 7 by changing the period to a semicolon and adding “60C.18.”.

The motion prevailed and the amendment was adopted.

Sieloff moved to amend S. F. No. 1848, as amended, as follows:

Page 2, line 26, strike “three” and insert “four”.

The motion prevailed and the amendment was adopted.

S. F. No. 1848, bill for an act relating to insurance; including surety bonds within the scope of the Minnesota insurance guaranty association act; amending Minnesota Statutes 1974, Sections 60C.02, Subdivisions 1 and 2; 60C.03, Subdivision 4; 60C.04; 60C.09, Subdivision 1; 60C.14, Subdivision 2.

The bill was read for the third time, as amended, and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 131, and nays 0, as follows:

Those who voted in the affirmative were:

Abeln	Carlson, A.	Esau	Jaros	Kvam
Adams, L.	Carlson, L.	Evans	Jensen	Laidig
Adams, S.	Carlson, R.	Ewald	Johnson, C.	Langseth
Albrecht	Casserly	Faricy	Johnson, D.	Lemke
Anderson, G.	Clark	Fjoslien	Jude	Lindstrom
Anderson, I.	Clawson	Forsythe	Kahn	Luther
Arlandson	Corbid	Friedrich	Kaley	Mangan
Beauchamp	Dahl	Fudro	Kalis	Mann
Begich	Dean	Fugina	Kelly, R.	McCarron
Berg	DeGroat	George	Kelly, W.	McCauley
Berglin	Dieterich	Graba	Kempe, R.	McCollar
Biersdorf	Doty	Hanson	Ketola	McEachern
Birnstihl	Eckstein	Haugerud	Knickerbocker	Menning
Braun	Eken	Heinitz	Knoll	Metzen
Brinkman	Enebo	Hokanson	Kostohryz	Moe
Byrne	Erickson	Jacobs	Kroening	Munger

Neisen	Petraleso	Schulz	Smogard	Wenzel
Nelsen	Philbrook	Schumacher	Spanish	White
Nelson	Pleasant	Searle	Stanton	Wieser
Niehaus	Prahl	Setzepfandt	Suss	Wigley
Norton	Reding	Sherwood	Swanson	Williamson
Novak	Rice	Sieben, H.	Tomlinson	Zubay
Osthoff	St. Onge	Sieben, M.	Ulland	Speaker Sabo
Parish	Samuelson	Sieloff	Vanasek	
Patton	Sarna	Simoneau	Vento	
Pehler	Savelkoul	Skoglund	Voss	
Peterson	Schreiber	Smith	Wenstrom	

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

S. F. No. 1865, bill for an act relating to insurance; providing a countersignature commission; amending Minnesota Statutes 1974, Section 60A.17, Subdivision 3.

The bill was read for the third time and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 124, and nays 4, as follows:

Those who voted in the affirmative were:

Abeln	DeGroat	Jude	Moe	Setzepfandt
Adams, L.	Dieterich	Kahn	Munger	Sherwood
Adams, S.	Doty	Kaley	Neisen	Sieben, H.
Albrecht	Eckstein	Kalis	Nelsen	Sieben, M.
Anderson, G.	Eken	Kelly, R.	Nelson	Sieloff
Anderson, I.	Enebo	Kelly, W.	Niehaus	Simoneau
Arlandson	Erickson	Kempe, R.	Norton	Skoglund
Beauchamp	Esau	Ketola	Novak	Smith
Begich	Evans	Knickerbocker	Parish	Smogard
Berg	Ewald	Knoll	Patton	Spanish
Berglin	Faricy	Kostohryz	Pehler	Stanton
Biersdorf	Fjoslien	Kroening	Peterson	Suss
Birnstihl	Forsythe	Kvam	Petraleso	Swanson
Braun	Friedrich	Laidig	Philbrook	Tomlinson
Brinkman	Fugina	Langseth	Pleasant	Ulland
Byrne	George	Lemke	Prahl	Voss
Carlson, A.	Graba	Luther	Reding	Wenstrom
Carlson, L.	Hanson	Mangan	Rice	Wenzel
Carlson, R.	Haugerud	Mann	St. Onge	White
Casserly	Heinitz	McCarron	Samuelson	Wieser
Clark	Hokanson	McCauley	Savelkoul	Wigley
Clawson	Jacobs	McCollar	Schreiber	Williamson
Corbid	Jaros	McEachern	Schulz	Zubay
Dahl	Johnson, C.	Menning	Schumacher	Speaker Sabo
Dean	Johnson, D.	Metzen	Searle	

Those who voted in the negative were:

Jensen Lindstrom Vanasek Vento

The bill was passed and its title agreed to.

S. F. No. 1552 was reported to the House.

Hanson moved to amend S. F. No. 1552, the unofficial engrossment, as follows:

Page 1, line 16 after "are" insert "and who may be".

The motion prevailed and the amendment was adopted.

Faricy moved to amend S. F. No. 1552, the unofficial engrossment, as follows:

Page 1, line 15, after "deficient," insert "physically handicapped,".

Page 2, line 2, after "deficient," insert "physically handicapped,".

The motion prevailed and the amendment was adopted.

S. F. No. 1552, A bill for an act relating to public welfare; pertaining to the development of community based residential care facilities for the mentally ill, mentally deficient and drug dependent through the housing finance agency; amending Minnesota Statutes 1974, Sections 462A.02, by adding a subdivision; 462A.03, Subdivision 7, and by adding subdivisions.

The bill was read for the third time, as amended, and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 130, and nays 0, as follows:

Those who voted in the affirmative were:

Abeln	Corbid	Haugerud	Langseth	Patton
Adams, L.	Dahl	Heinitz	Lemke	Pehler
Adams, S.	Dean	Hokanson	Lindstrom	Peterson
Albrecht	DeGroat	Jacobs	Luther	Petrafaso
Anderson, G.	Dieterich	Jaros	Mangan	Philbrook
Anderson, I.	Doty	Jensen	Mann	Pleasant
Arlandson	Eckstein	Johnson, C.	McCarron	Prahl
Beauchamp	Eken	Johnson, D.	McCauley	Reding
Begich	Enebo	Jude	McCollar	Rice
Berg	Erickson	Kahn	McEachern	St. Onge
Berglin	Esau	Kaley	Menning	Samuelson
Biersdorf	Evans	Kalis	Metzen	Sarna
Birnstihl	Ewald	Kelly, R.	Moe	Savelkoul
Braun	Faricy	Kelly, W.	Munger	Schreiber
Brinkman	Fjoslien	Kempe, R.	Neisen	Schulz
Byrne	Forsythe	Ketola	Nelsen	Schumacher
Carlson, A.	Friedrich	Knickerbocker	Nelson	Searle
Carlson, L.	Fudro	Knoll	Niehaus	Setzpfandt
Carlson, R.	Fugina	Kostohryz	Norton	Sherwood
Casserly	George	Kroening	Novak	Sieben, H.
Clark	Graba	Kvam	Osthoff	Sieben, M.
Clawson	Hanson	Laidig	Parish	Sieloff

Simoneau	Stanton	Ulland	Wenstrom	Wigley
Skoglund	Suss	Vanasek	Wenzel	Williamson
Smith	Swanson	Vento	White	Zubay
Smogard	Tomlinson	Voss	Wieser	Speaker Sabo

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

MOTION FOR RECONSIDERATION

Faricy moved that the vote whereby S. F. No. 1552, as amended, was passed be now reconsidered. The motion prevailed.

Faricy moved that the action whereby S. F. No. 1552 was given its third reading, as amended, be now reconsidered. The motion prevailed.

S. F. No. 1552, as amended, was reported to the House.

Faricy moved to amend S. F. No. 1552, the unofficial engrossment, as follows:

Page 2, line 29, after "*deficient*," insert "*physically handicapped*,".

The motion prevailed and the amendment was adopted.

S. F. No. 1552, A bill for an act relating to public welfare; pertaining to the development of community based residential care facilities for the mentally ill, mentally deficient and drug dependent through the housing finance agency; amending Minnesota Statutes 1974, Sections 462A.02, by adding a subdivision; 462A.03, Subdivision 7, and by adding subdivisions.

The bill was read for the third time, as amended, and placed upon its repassage.

The question being taken on the repassage of the bill and the roll being called, there were yeas 130, and nays 0, as follows:

Those who voted in the affirmative were:

Abeln	Braun	Dieterich	Fudro	Jude
Adams, L.	Brinkman	Doty	Fugina	Kahn
Adams, S.	Byrne	Eckstein	George	Kaley
Albrecht	Carlson, A.	Eken	Graba	Kalis
Anderson, G.	Carlson, L.	Enebo	Hanson	Kelly, R.
Anderson, I.	Carlson, R.	Erickson	Haugerud	Kelly, W.
Arlandson	Casserly	Esau	Heinitz	Kempe, R.
Beauchamp	Clark	Evans	Hokanson	Ketola
Begich	Clawson	Ewald	Jacobs	Knickerbocker
Berg	Corbid	Faricy	Jaros	Knoll
Berglin	Dahl	Fjoslien	Jensen	Kostohryz
Biersdorf	Dean	Forsythe	Johnson, C.	Kroening
Birnstihl	DeGroat	Friedrich	Johnson, D.	Kvam

Laidig	Moe	Philbrook	Setzpfandt	Tomlinson
Langseth	Munger	Pleasant	Sherwood	Ulland
Lemke	Neisen	Prahl	Sieben, H.	Vanasek
Lindstrom	Nelsen	Reding	Sieben, M.	Vento
Luther	Nelson	Rice	Sieloff	Voss
Mangan	Niehaus	St. Onge	Simoneau	Wenstrom
Mann	Norton	Samuelson	Skoglund	Wenzel
McCarron	Novak	Sarna	Smith	White
McCauley	Osthoff	Savelkoul	Smogard	Wieser
McCollar	Patton	Schreiber	Spanish	Wigley
McEachern	Pehler	Schulz	Stanton	Williamson
Menning	Peterson	Schumacher	Suss	Zubay
Metzen	Petrafaso	Searle	Swanson	Speaker Sabo

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

S. F. No. 1635, A bill for an act relating to real estate; changing the name of register of deeds and office of register of deeds to county recorder and office of county recorder.

The bill was read for the third time and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 127, and nays 3, as follows:

Those who voted in the affirmative were:

Abeln	Dieterich	Kaley	Nelsen	Sieben, M.
Adams, L.	Doty	Kalis	Nelson	Sieloff
Adams, S.	Eckstein	Kelly, R.	Niehaus	Simoneau
Albrecht	Eken	Kelly, W.	Novak	Skoglund
Anderson, G.	Enebo	Kempe, R.	Osthoff	Smith
Anderson, I.	Erickson	Ketola	Parish	Smogard
Arlandson	Esau	Knickerbocker	Patton	Spanish
Beauchamp	Evans	Knoll	Pehler	Stanton
Begich	Ewald	Kostohryz	Peterson	Suss
Berg	Farcy	Kroening	Petrafaso	Swanson
Berglin	Fjoslien	Kvam	Philbrook	Tomlinson
Biersdorf	Forsythe	Laidig	Pleasant	Ulland
Birnstihl	Friedrich	Langseth	Prahl	Vanasek
Braun	Fudro	Lemke	Reding	Vento
Brinkman	Fugina	Lindstrom	Rice	Voss
Byrne	George	Luther	St. Onge	Wenstrom
Carlson, A.	Graba	Mangan	Samuelson	Wenzel
Carlson, L.	Hanson	Mann	Sarna	White
Carlson, R.	Heinitz	McCauley	Savelkoul	Wieser
Casserly	Hokanson	McCollar	Schreiber	Wigley
Clark	Jacobs	McEachern	Schulz	Williamson
Clawson	Jaros	Menning	Schumacher	Zubay
Corbid	Johnson, C.	Metzen	Searle	Speaker Sabo
Dahl	Johnson, D.	Moe	Setzpfandt	
Dean	Jude	Munger	Sherwood	
DeGroat	Kahn	Neisen	Sieben, H.	

Those who voted in the negative were:

Jensen McCarron Norton

The bill was passed and its title agreed to.

S. F. No. 1619 was reported to the House.

Casserly moved to amend S. F. No. 1619, the unofficial engrossment, as follows:

Delete the title in its entirety and insert:

"A bill for an act relating to consumer protection; repealing certain obsolete provisions; increasing the penalty for selling or giving away poisonous liquor; regulating certain consumer credit sales; requiring unit pricing; providing penalties; amending Minnesota Statutes 1974, Sections 340.71 and 340.942; repealing Minnesota Statutes 1974, Sections 340.38; 340.70; 340.76; 340.77; 340.79; 340.80; 340.83; 340.87; 340.88; 340.89; 340.90; 340.91; 340.92; and 340.93."

The motion prevailed and the amendment was adopted.

Begich moved to amend S. F. No. 1619, the unofficial engrossment, as follows:

Page 5, line 31, after "felony" insert "*provided that notwithstanding any general law to the contrary, all cities shall be authorized to permit the sale of non-poisonous intoxicating liquor on-sale by licensed establishments on July 4, 1976 to consumers on a cash or open or closed-end credit basis and in packages of any price and size*".

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll being called, there were yeas 80, and nays 38, as follows:

Those who voted in the affirmative were:

Abeln	Corbid	Jude	Norton	Sieben, H.
Adams, L.	Eckstein	Kalis	Novak	Sieben, M.
Adams, S.	Eken	Kelly, W.	Osthoff	Sieloff
Anderson, G.	Enebo	Knickerbocker	Patton	Simoneau
Anderson, I.	Evans	Kostohryz	Pehler	Smith
Arlandson	Ewald	Lemke	Petrafeso	Spanish
Begich	Faricy	Lindstrom	Philbrook	Stanton
Berg	Friedrich	Luther	Rice	Suss
Biersdorf	Fudro	Mangan	St. Onge	Swanson
Birnstihl	Fugina	Mann	Sarna	Tomlinson
Braun	George	McCollar	Savelkoul	Vento
Brinkman	Haugerud	McEachern	Schreiber	Voss
Carlson, L.	Heinitz	Metzen	Schulz	Wenzel
Casserly	Jacobs	Moe	Schumacher	White
Clark	Jaros	Neisen	Searle	Wigley
Clawson	Jensen	Niehaus	Setzepfandt	Speaker Sabo

Those who voted in the negative were:

Albrecht	Byrne	Carlson, R.	DeGroat	Doty
Beauchamp	Carlson, A.	Dean	Dieterich	Erickson

Esau	Johnson, C.	Kroening	Munger	Ulland
Fjoslien	Johnson, D.	Kvam	Nelsen	Wenstrom
Forsythe	Kahn	Laidig	Prahl	Wieser
Graba	Kaley	Langseth	Sherwood	Zubay
Hanson	Kelly, R.	McCarron	Skoglund	
Hokanson	Kempe, R.	Menning	Smogard	

The motion prevailed and the amendment was adopted.

S. F. No. 1619, A bill for an act relating to intoxicating liquors; repealing certain obsolete provisions; increasing the penalty for selling or giving away poisonous liquor; amending Minnesota Statutes 1974, Sections 340.71 and 340.942; repealing Minnesota Statutes 1974, Sections 340.38; 340.70; 340.76; 340.77; 340.79; 340.80; 340.83; 340.87; 340.88; 340.89; 340.90; 340.91; 340.92; and 340.93.

The bill was read for the third time, as amended, and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 75, and nays 50, as follows:

Those who voted in the affirmative were:

Abeln	Dieterich	Kelly, R.	Nelson	Sieben, H.
Adams, L.	Eckstein	Kelly, W.	Norton	Sieben, M.
Arlandson	Enebo	Ketola	Novak	Simoneau
Begich	Fariy	Knoll	Osthoff	Skoglund
Berg	Fudro	Kostohryz	Parish	Stanton
Berglin	Fugina	Kroening	Pehler	Suss
Biersdorf	George	Laidig	Petrafeso	Swanson
Braun	Hanson	Lemke	Philbrook	Tomlinson
Byrne	Hokanson	Lindstrom	Prahl	Ulland
Carlson, A.	Jacobs	Luther	Reding	Vanasek
Carlson, L.	Jaros	Mangan	Rice	Vento
Cassery	Jensen	McCollar	St. Onge	Voss
Clark	Johnson, D.	Moe	Sarna	Wenzel
Clawson	Jude	Munger	Schulz	Williamson
Corbid	Kahn	Neisen	Setzepfandt	Speaker Sabo

Those who voted in the negative were:

Adams, S.	Doty	Heinitz	McCauley	Searle
Albrecht	Eken	Johnson, C.	Menning	Sherwood
Anderson, G.	Erickson	Kaley	Metzen	Sieloff
Anderson, I.	Esau	Kalis	Nelsen	Smith
Beauchamp	Evans	Kempe, R.	Niehaus	Smogard
Birnstihl	Ewald	Knickerbocker	Peterson	Wenstrom
Brinkman	Fjoslien	Kvam	Pleasant	White
Carlson, R.	Forsythe	Langseth	Savelkoul	Wieser
Dean	Friedrich	Mann	Schreiber	Wigley
DeGroat	Graba	McCarron	Schumacher	Zubay

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

S. F. No. 1821, A bill for an act relating to civil service; providing for the status of persons holding positions changed to the

unclassified service; amending Minnesota Statutes, 1975 Supplement, Section 43.09, Subdivision 2a.

The bill was read for the third time and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 130, and nays 0, as follows:

Those who voted in the affirmative were:

Abeln	Dieterich	Jude	Moe	Setzepfandt
Adams, L.	Doty	Kahn	Munger	Sherwood
Adams, S.	Eckstein	Kaley	Neisen	Sieben, H.
Albrecht	Eken	Kalis	Nelsen	Sieben, M.
Anderson, G.	Enebo	Kelly, R.	Nelson	Sieloff
Anderson, I.	Erickson	Kelly, W.	Niehaus	Simoneau
Arlandson	Esau	Kempe, R.	Norton	Skoglund
Beauchamp	Evans	Ketola	Novak	Smith
Begich	Ewald	Knickerbocker	Osthoff	Smogard
Berg	Faricy	Knoll	Parish	Spanish
Berglin	Fjoslien	Kostohryz	Patton	Stanton
Biersdorf	Forsythe	Kroening	Pehler	Suss
Birnsthil	Friedrich	Kvam	Peterson	Swanson
Braun	Fudro	Laidig	Petrafeso	Tomlinson
Brinkman	Fugina	Langseth	Philbrook	Ulland
Byrne	George	Lemke	Pleasant	Vanasek
Carlson, A.	Graba	Lindstrom	Prahl	Vento
Carlson, L.	Hanson	Luther	Reding	Voss
Carlson, R.	Haugerud	Mangan	Rice	Wenstrom
Casserly	Heinitz	Mann	St. Onge	Wenzel
Clark	Hokanson	McCarron	Sarna	White
Clawson	Jacobs	McCauley	Savelkoul	Wieser
Corbid	Jaros	McCollar	Schreiber	Wigley
Dahl	Jensen	McEachern	Schulz	Williamson
Dean	Johnson, C.	Menning	Schumacher	Zubay
DeGroat	Johnson, D.	Metzen	Searle	Speaker Sabo

The bill was passed and its title agreed to.

S. F. No. 1841 was reported to the House.

Zubay moved to amend S. F. No. 1841, as amended by the House of Representatives March 17, 1976, the unofficial engrossment, as follows:

Page 5, after line 13, insert:

"Subd. 6. Each person appointed to a position who has contributed a total of more than \$100 to political campaigns of the appointing officer in the prior four years shall disclose the fact in the manner required by the secretary of state."

A roll call was requested and properly seconded.

POINT OF ORDER

Sieben, H., raised a point of order pursuant to Rule 3.9 that the Zubay amendment was out of order. The Speaker ruled the point of order not well taken.

Anderson, G., moved to amend the Zubay amendment to S. F. No. 1841, as follows:

Page 1, line 6, delete "\$100" and insert "\$200".

A roll call was requested and properly seconded.

The question was taken on the adoption of the Anderson, G., amendment to the Zubay amendment and the roll being called, there were yeas 79, and nays 48, as follows:

Those who voted in the affirmative were:

Anderson, G.	Eken	Ketola	Novak	Simoneau
Anderson, I.	Enebo	Knoll	Osthoff	Skoglund
Arlandson	Fudro	Kostohryz	Parish	Smith
Beauchamp	Fugina	Kroening	Patton	Smogard
Begich	George	Langseth	Pehler	Stanton
Berg	Graba	Lemke	Petrafeso	Suss
Berglin	Hanson	Lindstrom	Reding	Tomlinson
Birnstihl	Jacobs	McCarron	Rice	Vanasek
Braun	Jaros	McCollar	St. Onge	Vento
Brinkman	Johnson, C.	McEachern	Samuelson	Voss
Carlson, R.	Jude	Metzen	Sarna	Wenstrom
Casserly	Kahn	Moe	Schumacher	Wenzel
Clark	Kalis	Munger	Setzepfandt	White
Clawson	Kelly, R.	Neisen	Sherwood	Williamson
Corbid	Kelly, W.	Nelson	Sieben, H.	Speaker Sabo
Eckstein	Kempe, R.	Norton	Sieben, M.	

Those who voted in the negative were:

Abeln	Doty	Hokanson	McCauley	Schulz
Adams, L.	Erickson	Jensen	Menning	Searle
Adams, S.	Esau	Johnson, D.	Nelsen	Sieloff
Albrecht	Evans	Kaley	Niehaus	Swanson
Biersdorf	Ewald	Knickerbocker	Peterson	Ulland
Byrne	Faricy	Kvam	Philbrook	Wieser
Carlson, A.	Fjoslien	Laidig	Pleasant	Wigley
Carlson, L.	Forsythe	Luther	Prahl	Zubay
Dean	Friedrich	Mangan	Savelkoul	
DeGroat	Heinitz	Mann	Schreiber	

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

Anderson, I., moved to amend the Zubay amendment to S. F. No. 1841, as follows:

Page 1, line 7, delete "of the appointing officer".

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

The question recurred on the adoption of the Zubay amendment, as amended, and the roll being called, there were yeas 111, and nays 13, as follows:

Those who voted in the affirmative were:

Abeln	Doty	Kelly, R.	Nelson	Sieloff
Adams, L.	Eckstein	Kelly, W.	Niehaus	Simoneau
Adams, S.	Enebo	Kempe, R.	Norton	Skoglund
Albrecht	Erickson	Ketola	Novak	Smith
Anderson, G.	Esau	Knickerbocker	Osthoff	Smogard
Anderson, I.	Evans	Knoll	Patton	Spanish
Arlandson	Ewald	Kostohryz	Pehler	Stanton
Beauchamp	Faricy	Kvam	Peterson	Suss
Berglin	Fjoslien	Laidig	Petrafeso	Swanson
Biersdorf	Porsythe	Langseth	Philbrook	Tomlinson
Birnstihl	Friedrich	Lemke	Pleasant	Ulland
Braun	Fudro	Luther	Prahl	Vento
Brinkman	George	Mangan	Reding	Wenstrom
Byrne	Hanson	Mann	St. Onge	Wenzel
Carlson, A.	Heinitz	McCarron	Sarna	White
Carlson, L.	Hokanson	McCauley	Savelkoul	Wieser
Carlson, R.	Jacobs	McCollar	Schreiber	Wigley
Clawson	Jensen	McEachern	Schulz	Williamson
Corbid	Johnson, C.	Menning	Schumacher	Zubay
Dahl	Johnson, D.	Metzen	Searle	
Dean	Jude	Munger	Setzpfandt	
DeGroat	Kaley	Neisen	Sherwood	
Dieterich	Kalis	Nelsen	Sieben, M.	

Those who voted in the negative were:

Begich	Fugina	Kahn	Sieben, H.	Speaker Sabo
Berg	Graba	Lindstrom	Vanasek	
Eken	Jaros	Rice	Voss	

The motion prevailed and the amendment, as amended, was adopted.

S. F. No. 1841, 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.

The bill was read for the third time, as amended, and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 128, and nays 0, as follows:

Those who voted in the affirmative were:

Abeln	Anderson, G.	Begich	Birnstihl	Carlson, A.
Adams, L.	Anderson, I.	Berg	Braun	Carlson, L.
Adams, S.	Arlandson	Berglin	Brinkman	Carlson, R.
Albrecht	Beauchamp	Biersdorf	Byrne	Casserly

Clark	Graba	Laidig	Patter	Skoglund
Clawson	Hanson	Langseth	Pehler	Smith
Corbid	Heinitz	Lemke	Peterson	Smogard
Dahl	Hokanson	Lindstrom	Petrafraso	Spanish
Dean	Jacobs	Luther	Philbrook	Stanton
DeGroat	Jaros	Mangan	Pleasant	Suss
Dieterich	Jensen	Mann	Prahl	Swanson
Doty	Johnson, C.	McCarron	Reding	Tomlinson
Eckstein	Johnson, D.	McCauley	Rice	Ulland
Eken	Jude	McCollar	St. Onge	Vanasek
Enebo	Kahn	McEachern	Sarna	Vento
Erickson	Kaley	Menning	Savelkoul	Voss
Esau	Kalis	Metzen	Schreiber	Wenstrom
Evans	Kelly, R.	Moe	Schulz	Wenzel
Ewald	Kelly, W.	Munger	Schumacher	White
Faricy	Kempe, R.	Neisen	Searle	Wieser
Fjoslien	Ketola	Nelsen	Setzepfandt	Wigley
Forsythe	Knickerbocker	Nelson	Sherwood	Williamson
Friedrich	Knoll	Niehaus	Sieben, H.	Zubay
Fudro	Kostohryz	Norton	Sieben, M.	Speaker Sabo
Fugina	Kroening	Novak	Sieloff	
George	Kvam	Osthoff	Simoneau	

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

S. F. No. 4, A bill for an act relating to courts; general terms in ninth judicial district, eastern area; amending Minnesota Statutes 1974, Section 484.17.

The bill was read for the third time and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 127, and nays 0, as follows:

Those who voted in the affirmative were:

Abeln	Doty	Kalis	Nelsen	Sieben, M.
Adams, L.	Eckstein	Kelly, R.	Nelson	Sieloff
Adams, S.	Eken	Kelly, W.	Niehaus	Simoneau
Albrecht	Enebo	Kempe, R.	Norton	Skoglund
Anderson, G.	Erickson	Ketola	Novak	Smith
Anderson, I.	Esau	Knickerbocker	Osthoff	Smogard
Arlandson	Evans	Knoll	Parish	Spanish
Beauchamp	Ewald	Kostohryz	Patton	Stanton
Begich	Faricy	Kroening	Pehler	Suss
Berg	Fjoslien	Kvam	Peterson	Swanson
Berglin	Friedrich	Laidig	Petrafraso	Tomlinson
Biersdorf	Fudro	Langseth	Philbrook	Ulland
Birnstuhl	Fugina	Lemke	Pleasant	Vanasek
Braun	George	Lindstrom	Prahl	Vento
Brinkman	Graba	Luther	Reding	Voss
Byrne	Hanson	Mangan	Rice	Wenstrom
Carlson, A.	Heinitz	Mann	St. Onge	Wenzel
Carlson, L.	Hokanson	McCarron	Sarna	White
Carlson, R.	Jacobs	McCauley	Savelkoul	Wieser
Casserly	Jaros	McCollar	Schreiber	Wigley
Clark	Jensen	McEachern	Schulz	Williamson
Clawson	Johnson, C.	Menning	Schumacher	Zubay
Corbid	Johnson, D.	Metzen	Searle	Speaker Sabo
Dahl	Jude	Moe	Setzepfandt	
Dean	Kahn	Munger	Sherwood	
Dieterich	Kaley	Neisen	Sieben, H.	

The bill was passed and its title agreed to.

S. F. No. 1105, A bill for an act relating to crimes; specifying the acts constituting of offense the tampering with a witness; prescribing penalties; amending Minnesota Statutes 1974, Section 609.42, Subdivision 1.

The bill was read for the third time and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 128, and nays 0, as follows:

Thos who voted in the affirmative were:

Abeln	Dieterich	Kahn	Munger	Sherwood
Adams, L.	Doty	Kaley	Neisen	Sieben, H.
Adams, S.	Eckstein	Kalis	Nelsen	Sieben, M.
Albrecht	Eken	Kelly, R.	Nelson	Sieloff
Anderson, G.	Enebo	Kelly, W.	Niehaus	Simoneau
Anderson, I.	Erickson	Kempe, R.	Norton	Skoglund
Arlandson	Esau	Ketola	Novak	Smith
Beauchamp	Evans	Knickerbocker	Osthoff	Smogard
Begich	Ewald	Knoll	Parish	Spanish
Berg	Faricy	Kostohryz	Patton	Stanton
Berglin	Fjoslien	Kroening	Peher	Suss
Biersdorf	Forsythe	Kvam	Peterson	Swanson
Birnstihl	Friedrich	Laidig	Petrafeso	Tomlinson
Braun	Fudro	Langseth	Philbrook	Vanasek
Brinkman	Fugina	Lemke	Pleasant	Vento
Byrne	George	Lindstrom	Prahl	Voss
Carlson, A.	Gaba	Luther	Reding	Wenstrom
Carlson, L.	Hanson	Mangan	Rice	Wenzel
Carlson, R.	Heinitz	Mann	St. Onge	White
Casserly	Hokanson	McCarron	Sarna	Wieser
Clark	Jacobs	McCauley	Savelkoul	Wigley
Clawson	Jaros	McCollar	Schreiber	Williamson
Corbid	Jensen	McEachern	Schulz	Zubay
Dahl	Johnson, C.	Menning	Schumacher	Speaker Sabo
Dean	Johnson, D.	Metzen	Searle	
DeGroat	Jude	Moe	Setzepfandt	

The bill was passed and its title agreed to.

S. F. No. 1188 was reported to the House.

There being no objection, S. F. No. 1188 was continued on Special Orders for one day.

S. F. No. 2223 was reported to the House.

Savelkoul moved to amend S. F. No. 2223, the unofficial engrossment as follows:

Page 3, line 5, delete the "." and insert ", provided that notwithstanding any charter provision or any other law to the contrary, no general obligation bonds shall be issued hereunder until approved by a majority of the electors of the city of Albert Lea voting on the question at a general or special election."

The motion prevailed and the amendment was adopted.

Zubay moved to amend S. F. No. 2223, the unofficial engrossment, as follows:

Page 3, line 31, delete "this act" and insert "sections 1 to 4".

Page 4, line 12, delete "this act" and insert "sections 1 to 4".

Page 4, line 14, delete "This act takes" and insert "Sections 1 to 4 take".

Page 4, after line 16, insert:

"Sec. 6. [ROCHESTER, CITY OF; HOUSING AND RE-DEVELOPMENT AUTHORITY; MEMBERS AND TERMS.] Notwithstanding Minnesota Statutes, Section 462.425, Subdivision 5, the housing and redevelopment authority of the city of Rochester shall consist of seven commissioners. The existing terms and present membership of the housing and redevelopment authority shall not be affected, and shall continue as provided by law. The two additional commissioners appointed shall be appointed for initial terms expiring June 1, 1980 and June 1, 1981, respectively.

Sec. 7. [EFFECTIVE DATE.] Sections 6 and 7 shall become effective upon approval by a majority of the governing body of the city of Rochester, and upon compliance with Minnesota Statutes, Section 645.021."

Further, amend the title.

Page 1, line 2, delete "the city of Albert Lea" and insert "local government".

Page 1, line 3, delete the semicolon and insert "and".

Page 1, line 5, before the period insert "in the city of Albert Lea; increasing the membership of and providing terms for the housing and redevelopment authority of the city of Rochester".

The motion prevailed and the amendment was adopted.

S. F. No. 2223, A bill for an act relating to the city of Albert Lea; authorizing a housing finance program; providing for the issuance of general obligation and revenue bonds to finance the program.

The bill was read for the third time, as amended, and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 126, and nays 2, as follows:

Those who voted in the affirmative were:

Abeln	Dieterich	Kaley	Nelson	Sieloff
Adams, L.	Doty	Kalis	Niehaus	Simoneau
Adams, S.	Eckstein	Kelly, R.	Norton	Skoglund
Albrecht	Eken	Kelly, W.	Novak	Smith
Anderson, G.	Enebo	Kempe, R.	Osthoff	Smogard
Anderson, I.	Erickson	Ketola	Parish	Spanish
Arlandson	Esau	Knickerbocker	Patton	Stanton
Beauchamp	Evans	Knoll	Pehler	Suss
Begich	Ewald	Kostohryz	Peterson	Swanson
Berg	Fariay	Kvam	Petrafeso	Tomlinson
Berglin	Fjoslien	Laidig	Philbrook	Ulland
Biersdorf	Forsythe	Langseth	Pleasant	Vanasek
Birnstihl	Friedrich	Lemke	Prahl	Vento
Braun	Fudro	Lindstrom	Reding	Voss
Brinkman	Fugina	Luther	Rice	Wenstrom
Byrne	George	Mangan	St. Onge	Wenzel
Carlson, A.	Graba	Mann	Sarna	White
Carlson, L.	Hanson	McCauley	Savelkoul	Wieser
Carlson, R.	Heinitz	McCollar	Schreiber	Wigley
Casserly	Hokanson	McEachern	Schulz	Williamson
Clark	Jacobs	Menning	Schumacher	Zubay
Clawson	Jaros	Metzen	Searle	Speaker Sabo
Corbid	Jensen	Moe	Setzepfandt	
Dahl	Johnson, C.	Munger	Sherwood	
Dean	Jude	Neisen	Sieben, H.	
DeGroat	Kahn	Nelsen	Sieben, M.	

Those who voted in the negative were:

Johnson, D. McCarron

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

S. F. No. 2151 was reported to the House.

Reding moved to amend S. F. No. 2151, as follows:

Page 1, after line 13 insert:

"Sec. 2. Minnesota Statutes 1974, Section 168.31, Subdivision 3, is amended to read:

Subd. 3. [PENALTIES, LIMITATIONS; FILINGS.] The penalty for failure or delay in registering or re-registering and paying the registration tax shall not be more than one-half the annual tax and in no event more than a total of \$2.50. *An owner who files his application after March 31, and whose vehicle has not been operated during the calendar year to the date of application may so state to the registrar who shall then waive the penalty for failure to re-register before January 11. The waiver of penalty does not apply to vehicles required to be registered under section 168.017.*

A filing with, or delivery to the registrar of any application, notice, certificate or plates as required by this section shall be construed to be within the requirements of this section if made to the registrar or his deputy at an office maintained therefor or if deposited in the mail or with a carrier by express with postage or carriage charge prepaid, and properly addressed to the registrar within ten days after the transfer of ownership or other occurrence upon which this section provides for such filing or delivery.”.

Page 1, line 14, strike “2. *This act*” and insert “3. *Section 1*”.

Page 1, line 15, after “years” insert “and section 2 is effective the day following final enactment”.

Further amend the title as follows:

Page 1, line 4, after the semicolon delete “amending” and insert “waiving the penalty for certain vehicles in storage; amending Minnesota Statutes 1974, Section 168.31, Subdivision 3; and”.

The motion prevailed and the amendment was adopted.

S. F. No. 2151, A bill for an act relating to motor vehicles; registration and taxation; exempting certain vehicles from license fees; amending Minnesota Statutes, 1975 Supplement, Section 168.012, Subdivision 2b.

The bill was read for the third time, as amended, and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 127, and nays 0, as follows:

Those who voted in the affirmative were:

Abeln	Carlson, R.	Fjoslien	Kalis	McCollar
Adams, L.	Cassery	Forsythe	Kelly, R.	McEachern
Adams, S.	Clark	Friedrich	Kempe, R.	Menning
Albrecht	Clawson	Fudro	Ketola	Metzen
Anderson, G.	Corbid	Fugina	Knickerbocker	Moe
Anderson, I.	Dahl	George	Knoll	Munger
Arlandson	Dean	Graba	Kostohryz	Neisen
Beauchamp	DeGroat	Hanson	Kroening	Nelsen
Begich	Dieterich	Heinitz	Kvam	Nelson
Berg	Doty	Hokanson	Laidig	Niehous
Berglin	Eckstein	Jacobs	Langseth	Norton
Biersdorf	Eken	Jaros	Lemke	Novak
Birnstihl	Enebo	Jensen	Lindstrom	Osthoff
Braun	Erickson	Johnson, C.	Luther	Parish
Brinkman	Esau	Johnson, D.	Mangan	Patton
Byrne	Evans	Jude	Mann	Pehler
Carlson, A.	Ewald	Kahn	McCarron	Peterson
Carlson, L.	Faricy	Kaley	McCauley	Petrafaso

Philbrook	Schulz	Simoneau	Tomlinson	Wieser
Prahl	Schumacher	Skoglund	Ulland	Wigley
Reding	Searle	Smith	Vanasek	Williamson
Rice	Setzepfandt	Smogard	Vento	Zubay
St. Onge	Sherwood	Spanish	Voss	Speaker Sabo
Sarna	Sieben, H.	Stanton	Wenstrom	
Savelkoul	Sieben, M.	Suss	Wenzel	
Schreiber	Sieloff	Swanson	White	

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

S. F. No. 1906 was reported to the House.

There being no objection, S. F. No. 1906 was continued on Special Orders for one day.

S. F. No. 1570, A bill for an act relating to insurance; providing that the same priorities of security for payment of basic economic loss benefits apply to school buses as to non-commercial motor vehicles under the Minnesota no fault insurance act; amending Minnesota Statutes 1974, Section 65B.47, Subdivision 1.

The bill was read for the third time and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 125, and nays 1, as follows:

Those who voted in the affirmative were:

Abeln	Dieterich	Jude	Moe	Setzepfandt
Adams, L.	Doty	Kahn	Munger	Sherwood
Adams, S.	Eckstein	Kaley	Neisen	Sieben, H.
Albrecht	Eken	Kalis	Nelsen	Sieben, M.
Anderson, G.	Enebo	Kelly, R.	Nelson	Sieloff
Anderson, I.	Erickson	Kempe, R.	Niehaus	Simoneau
Arlandson	Esau	Ketola	Norton	Skoglund
Beauchamp	Evans	Knickerbocker	Novak	Smith
Begich	Ewald	Knoll	Osthoff	Smogard
Berg	Faricy	Kostohryz	Parish	Spanish
Biersdorf	Fjoslien	Kroening	Patton	Stanton
Birnstihl	Forsythe	Kvam	Pehler	Suss
Braun	Friedrich	Laidig	Peterson	Swanson
Brinkman	Fudro	Langseth	Petrafero	Tomlinson
Byrne	Fugina	Lemke	Philbrook	Vanasek
Carlson, A.	George	Lindstrom	Pleasant	Vento
Carlson, L.	Graba	Luther	Prahl	Voss
Carlson, R.	Hanson	Mangan	Reding	Wenstrom
Casserly	Heinitz	Mann	St. Onge	Wenzel
Clark	Hokanson	McCarron	Sarna	White
Clawson	Jacobs	McCauley	Savelkoul	Wieser
Corbid	Jaros	McCollar	Schreiber	Wigley
Dahl	Jensen	McEachern	Schulz	Williamson
Dean	Johnson, C.	Menning	Schumacher	Zubay
DeGroat	Johnson, D.	Metzen	Searle	Speaker Sabo

Those who voted in the negative were:

The bill was passed and its title agreed to.

S. F. No. 1753, A bill for an act relating to financial institutions; requiring insurance for accounts in credit unions and savings associations; requiring a certificate of approval; amending Minnesota Statutes 1974, Section 51A.23 by adding subdivisions; and Chapter 52 by adding a section.

The bill was read for the third time and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 127, and nays 1, as follows:

Those who voted in the affirmative were:

Abeln	Doty	Kaley	Neisen	Sieben, M.
Adams, L.	Eckstein	Kalis	Nelsen	Sieloff
Adams, S.	Eken	Kelly, R.	Nelson	Simoneau
Anderson, G.	Enebo	Kelly, W.	Niehaus	Skoglund
Anderson, I.	Erickson	Kempe, R.	Norton	Smith
Arlandson	Esau	Ketola	Novak	Smogard
Beauchamp	Evans	Knickerbocker	Osthoff	Spanish
Begich	Ewald	Knoll	Parish	Stanton
Berg	Faricy	Kostohryz	Patton	Suss
Berglin	Fjoslien	Kroening	Pehler	Swanson
Biersdorf	Forsythe	Kvam	Petrafeso	Tomlinson
Birnstihl	Friedrich	Laidig	Philbrook	Ulland
Braun	Fudro	Langseth	Pleasant	Vanasek
Brinkman	Fugina	Lemke	Prahl	Vento
Byrne	George	Lindstrom	Reding	Voss
Carlson, A.	Graba	Luther	Rice	Wenstrom
Carlson, L.	Hanson	Mangan	St. Onge	Wenzel
Carlson, R.	Heinitz	Mann	Sarna	White
Cassery	Hokanson	McCarron	Savelkoul	Wieser
Clark	Jacobs	McCauley	Schreiber	Wigley
Clawson	Jaros	McCollar	Schulz	Williamson
Corbid	Jensen	McEachern	Schumacher	Zubay
Dahl	Johnson, C.	Menning	Searle	Speaker Sabo
Dean	Johnson, D.	Metzen	Setzepfandt	
DeGroat	Jude	Moe	Sherwood	
Dieterich	Kahn	Munger	Sieben, H.	

Those who voted in the negative were:

Albrecht

The bill was passed and its title agreed to.

S. F. No. 1780, A bill for an act relating to credit unions; allowing credit unions to permit draft withdrawals by their members; amending Minnesota Statutes 1974, Section 52.04.

The bill was read for the third time and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 126, and nays 0, as follows:

Those who voted in the affirmative were:

Abeln	Dieterich	Kaley	Neisen	Sieben, H.
Adams, L.	Doty	Kalis	Nelsen	Sieben, M.
Adams, S.	Eken	Kelly, R.	Nelson	Sieloff
Albrecht	Enebo	Kelly, W.	Niehaus	Simoneau
Anderson, G.	Erickson	Kempe, R.	Norton	Skoglund
Anderson, I.	Esau	Ketola	Novak	Smith
Arlandson	Evans	Knickerbocker	Osthoff	Smogard
Beauchamp	Ewald	Knoll	Parish	Spanish
Begich	Farcy	Kostohryz	Patton	Stanton
Berg	Fjoslien	Kroening	Pehler	Suss
Berglin	Forsythe	Kvam	Peterson	Swanson
Biersdorf	Friedrich	Laidig	Petraleso	Tomlinson
Birnstihl	Fudro	Langseth	Philbrook	Vanasek
Braun	Fugina	Lemke	Pleasant	Vento
Brinkman	George	Lindstrom	Prahl	Voss
Byrne	Graba	Luther	Reding	Wenstrom
Carlson, A.	Hanson	Mangan	Rice	Wenzel
Carlson, L.	Heinitz	Mann	St. Onge	White
Carlson, R.	Hokanson	McCarron	Sarna	Wieser
Casserly	Jacobs	McCauley	Savelkoul	Wigley
Clark	Jaros	McCollar	Schreiber	Williamson
Clawson	Jensen	McEachern	Schulz	Speaker Sabo
Corbid	Johnson, C.	Menning	Schumacher	
Dahl	Johnson, D.	Metzen	Searle	
Dean	Jude	Moe	Setzepfandt	
DeGroat	Kahn	Munger	Sherwood	

The bill was passed and its title agreed to.

S. F. No. 975, A bill for an act relating to counties; written notice of public hearings relating to planning and zoning activities; amending Minnesota Statutes 1974, Section 394.26, Subdivision 2.

The bill was read for the third time and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 128, and nays 0, as follows:

Those who voted in the affirmative were:

Abeln	Braun	Dieterich	Fudro	Kahn
Adams, L.	Brinkman	Doty	Fugina	Kaley
Adams, S.	Byrne	Eckstein	George	Kalis
Albrecht	Carlson, A.	Eken	Graba	Kelly, R.
Anderson, G.	Carlson, L.	Enebo	Hanson	Kelly, W.
Anderson, I.	Carlson, R.	Erickson	Heinitz	Kempe, R.
Arlandson	Casserly	Esau	Hokanson	Ketola
Beauchamp	Clark	Evans	Jacobs	Knickerbocker
Begich	Clawson	Ewald	Jaros	Knoll
Berg	Corbid	Farcy	Jensen	Kostohryz
Berglin	Dahl	Fjoslien	Johnson, C.	Kroening
Biersdorf	Dean	Forsythe	Johnson, D.	Kvam
Birnstihl	DeGroat	Friedrich	Jude	Laidig

Langseth	Munger	Philbrook	Sherwood	Vanasek
Lemke	Neisen	Pleasant	Sieben	Vento
Lindstrom	Nelsen	Prahl	Sieben, M.	Voss
Luther	Nelson	Reding	Sieloff	Wenstrom
Mangan	Niehaus	Rice	Simoneau	Wenzel
Mann	Norton	St. Onge	Skoglund	White
McCarron	Novak	Sarna	Smith	Wieser
McCauley	Osthoff	Savelkoul	Smogard	Wigley
McCollar	Parish	Schreiber	Spanish	Williamson
McEachern	Patton	Schulz	Stanton	Zubay
Menning	Pehler	Schumacher	Suss	Speaker Sabo
Metzen	Peterson	Searle	Swanson	
Moe	Petraieso	Setzepfandt	Tomlinson	

The bill was passed and its title agreed to.

S. F. No. 2056 was reported to the House.

Fugina moved to amend S. F. No. 2056, as follows:

Page 1, line 14, delete "This act" and insert "Section 1".

Page 1, after line 17 insert:

"Sec. 3. The city of Orr, by resolution or resolutions of its city council, may issue general obligation bonds of the city in a total aggregate principal amount not to exceed \$125,000 to finance the acquisition and betterment of a municipal fire hall and city hall. These obligations shall be issued and sold in accordance with the further provisions of Minnesota Statutes, Chapter 475 except that no election shall be required to authorize their issuance and the amount of obligations issued shall not be included in computing any debt limit applicable to the city, nor shall the taxes required to be levied to pay the principal of an interest on the bonds be subject to any levy limitation, or be included in computing any levy limitation applicable to the city.

Sec. 4. All bonds issued pursuant to section 3 shall be secured by a pledge of the full faith and credit of the city and the city is authorized and required to levy taxes upon all taxable property in the city without limitation as to rate or amount for the payment of the principal of and interest on the bonds.

Sec. 5. Sections 3 and 4 are effective upon its approval by the governing body of the city of Orr and upon compliance with Minnesota Statutes, Section 645.021."

Further amend the title by striking it in its entirety and inserting:

"A bill for an act relating to the cities of Duluth and Orr in St. Louis county; 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."

The motion prevailed and the amendment was adopted.

S. F. No. 2056, A bill for an act relating to the city of Duluth; authorizing residential property rehabilitation loans and grants.

The bill was read for the third time, as amended, and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 124, and nays 0, as follows:

Those who voted in the affirmative were:

Abeln	Doty	Kahn	Munger	Sherwood
Adams, L.	Eckstein	Kaley	Neisen	Sieben, H.
Adams, S.	Eken	Kalis	Nelsen	Sieben, M.
Albrecht	Enebo	Kelly, R.	Nelson	Sieloff
Anderson, G.	Erickson	Kelly, W.	Niehaus	Simoneau
Anderson, I.	Esau	Kempe, R.	Norton	Skoglund
Arlandson	Evans	Ketola	Novak	Smith
Beauchamp	Ewald	Knickerbocker	Osthoff	Smogard
Begich	Fariay	Knoll	Parish	Spanish
Berg	Fjoslien	Kostohryz	Pehler	Stanton
Berglin	Forsythe	Kroening	Peterson	Suss
Biersdorf	Friedrich	Kvam	Petrafeso	Swanson
Brinkman	Fudro	Laidig	Philbrook	Tomlinson
Byrne	Fugina	Lemke	Pleasant	Ulland
Carlson, A.	George	Lindstrom	Prahl	Vanasek
Carlson, L.	Graba	Luther	Reding	Vento
Carlson, R.	Hanson	Mangan	Rice	Wenstrom
Casserly	Heinitz	Mann	St. Onge	Wenzel
Clark	Hokanson	McCarron	Sarna	White
Clawson	Jacobs	McCauley	Savelkoul	Wieser
Corbid	Jaros	McCollar	Schreiber	Wigley
Dahl	Jensen	McEachern	Schulz	Williamson
Dean	Johnson, C.	Menning	Schumacher	Zubay
DeGroat	Johnson, D.	Metzen	Searle	Speaker Sabo
Dieterich	Jude	Moe	Setzpfandt	

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

H. F. No. 2688, A resolution urging Congress and the President to establish the Solar Energy Research Institute in Minnesota.

The bill was read for the third time and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 125, and nays 0, as follows:

Those who voted in the affirmative were:

Abeln	Anderson, I.	Berglin	Byrne	Clark
Adams, L.	Arlandson	Biersdorf	Carlson, A.	Clawson
Adams, S.	Beauchamp	Birnstihl	Carlson, L.	Corbid
Albrecht	Begich	Braun	Carlson, R.	Dahl
Anderson, G.	Berg	Brinkman	Casserly	Dean

DeGroat	Jacobs	Luther	Petraleso	Spanish
Dieterich	Jaros	Mangan	Philbrook	Stanton
Doty	Jensen	Mann	Prahl	Suss
Eckstein	Johnson, C.	McCarron	Reding	Swanson
Eken	Johnson, D.	McCauley	Rice	Tomlinson
Enebo	Jude	McCollar	St. Onge	Vanasek
Erickson	Kahn	Menning	Sarna	Vento
Esau	Kaley	Metzen	Savelkoul	Voss
Evans	Kalis	Moe	Schreiber	Wenstrom
Ewald	Kelly, R.	Munger	Schulz	Wenzel
Faricy	Kelly, W.	Neisen	Schumacher	White
Fjoslien	Kempe, R.	Nelsen	Searle	Wieser
Forsythe	Ketola	Nelson	Setzepfandt	Wigley
Friedrich	Knickerbocker	Niehaus	Sherwood	Williamson
Fudro	Knoll	Norton	Sieben, H.	Zubay
Fugina	Kostohryz	Novak	Sieben, M.	Speaker Sabo
George	Kroening	Osthoff	Sieloff	
Graba	Laidig	Parish	Simoneau	
Hanson	Langseth	Patton	Skoglund	
Heinitz	Lemke	Pehler	Smith	
Hokanson	Lindstrom	Peterson	Smogard	

The bill was passed and its title agreed to.

MOTION FOR RECONSIDERATION

Anderson, I., moved that the vote whereby S. F. No. 551 was not passed on Special Orders earlier today be now reconsidered. The motion prevailed.

S. F. No. 551 was reported to the House.

Moe moved to amend S. F. No. 551, the unofficial engrossment, as follows:

Page 2, line 6, strike "April" and insert "June".

Page 2, line 9, after the comma strike the remainder of the line.

Page 2, strike lines 10 and 11.

Page 2, line 12, strike "association of Minnesota counties, and county boards", and insert, "including five persons who have been elected to the office of county sheriff and four persons who have been elected to the office of county board of commissioners".

The motion prevailed and the amendment was adopted.

S. F. No. 551, A bill for an act relating to correctional facilities; providing for the establishment of minimum standards for facility management and physical condition; providing the powers and duties of the commissioner of corrections; amending Minnesota Statutes 1974, Sections 241.021, Subdivision 1; and 641.26.

The bill was read for the third time, as amended, and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 70, and nays 53, as follows:

Those who voted in the affirmative were:

Abeln	Dean	Kahn	Moe	Sieben, H.
Adams, L.	Dieterich	Kelly, R.	Munger	Sieben, M.
Anderson, G.	Eken	Kelly, W.	Neisen	Sieloff
Arlandson	Enebo	Knickerbocker	Nelson	Simoneau
Berg	Faricy	Knoll	Norton	Skoglund
Berglin	Fudro	Kostohryz	Novak	Stanton
Brinkman	Fugina	Kroening	Parish	Tomlinson
Byrne	George	Laidig	Patton	Vanasek
Carlson, A.	Hanson	Lindstrom	Pehler	Vento
Carlson, L.	Hokanson	Luther	Petrafaso	Voss
Casserly	Jacobs	Mangan	Philbrook	Wenstrom
Clark	Jaros	McCarron	Rice	White
Corbid	Johnson, D.	McCollar	St. Onge	Williamson
Dahl	Jude	Metzen	Sarna	Speaker Sabo

Those who voted in the negative were:

Albrecht	Eckstein	Kaley	Osthoff	Sherwood
Anderson, I.	Erickson	Kalis	Peterson	Smith
Beauchamp	Evans	Ketola	Pleasant	Smogard
Begich	Ewald	Kvam	Prahl	Spanish
Biersdorf	Fjoslien	Langseth	Reding	Suss
Birnstihl	Forsythe	Lemke	Savelkoul	Wenzel
Braun	Friedrich	Mann	Schreiber	Wieser
Carlson, R.	Graba	McCauley	Schulz	Wigley
Clawson	Heinitz	Menning	Schumacher	Zubay
DeGroat	Jensen	Nelsen	Searle	
Doty	Johnson, C.	Niehaus	Setzpfandt	

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

SPECIAL ORDERS, Continued

Anderson, I., moved that the remaining bills on Special Orders for today be continued on Special Orders for Tuesday, March 30, 1976, immediately following the Calendar. The motion prevailed.

ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to the Conference Committee on H. F. No. 586:

Knoll, Dean and Casserly.

The Speaker announced the appointment of the following members of the House to the Conference Committee on H. F. No. 1767:

Fudro, Sarna and Schreiber.

The Speaker announced the appointment of the following members of the House to the Conference Committee on H. F. No. 1865:

Faricy, Searle and Jaros.

The Speaker announced the appointment of the following members of the House to the Conference Committee on H. F. No. 1333:

Laidig, Menning and Stanton.

The Speaker announced the appointment of the following members of the House to the Conference Committee on H. F. No. 1909:

Dieterich; Johnson, D.; Erickson; Mann and Johnson, C.

The Speaker announced the appointment of the following members of the House to the Conference Committee on S. F. No. 1615:

Johnson, D.; Philbrook and Biersdorf.

The Speaker announced the appointment of the following members of the House to the Conference Committee on S. F. No. 1800:

Adams, L.; Sieben, H.; Patton; Sieloff and St. Onge.

The Speaker announced the appointment of the following members of the House to the Conference Committee on S. F. No. 2025:

Carlson, L.; Swanson; Dahl; Nelsen and Pehler.

GENERAL ORDERS

There being no objection, the bills on General Orders for today were continued on General Orders until Tuesday, March 30, 1976.

MOTIONS AND RESOLUTIONS

Fjoslien moved that H. F. No. 2560 be recalled from the Senate for further consideration by the House. The motion prevailed.

Sieloff moved that H. F. No. 2109, now on General Orders, be returned to its author. The motion prevailed.

Anderson, I., moved that S. F. No. 320 be unofficially engrossed and printed for the House, to include committee amendments. The motion prevailed.

Anderson, I., and Savelkoul introduced:

House Concurrent Resolution No. 24, A house concurrent resolution relating to the delivery of bills to the governor after final adjournment.

The resolution was referred to the Committee on Rules and Legislative Administration.

ADJOURNMENT

Anderson, I., moved that when the House adjourns today it adjourn until 12:00 noon, Tuesday, March 30, 1976. The motion prevailed.

Anderson, I., moved that the House adjourn. The motion prevailed and the Speaker declared the House adjourned until 12:00 noon, Tuesday, March 30, 1976.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

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STATE OF MINNESOTA

SIXTY-NINTH SESSION - 1976

ONE HUNDRED-FIRST DAY

SAINT PAUL, MINNESOTA, TUESDAY, MARCH 30, 1976

The House convened at 12:00 noon and was called to order by the Speaker.

Prayer was offered by the Chaplain.

The roll was called and the following members were present:

Abeln	Doty	Kahn	Munger	Sherwood
Adams, L.	Eckstein	Kaley	Neisen	Sieben, H.
Adams, S.	Eken	Kalis	Nelsen	Sieben, M.
Albrecht	Enebo	Kelly, R.	Nelson	Sieloff
Anderson, G.	Erickson	Kelly, W.	Niehaus	Simoneau
Anderson, I.	Esau	Kempe, A.	Norton	Skoglund
Arlandson	Evans	Kempe, R.	Novak	Smith
Beauchamp	Ewald	Ketola	Osthoff	Smogard
Begich	Farcy	Knickerbocker	Parish	Spanish
Berg	Fjoslien	Knoll	Patton	Stanton
Berglin	Forsythe	Kostohryz	Pehler	Suss
Biersdorf	Friedrich	Kroening	Peterson	Swanson
Birnstihl	Fudro	Kvam	Petrafeso	Tomlinson
Braun	Fugina	Laidig	Philbrook	Ulland
Brinkman	George	Längseth	Pleasant	Vanasek
Byrne	Graba	Lemke	Prahl	Vento
Carlson, A.	Hanson	Lindstrom	Reding	Volk
Carlson, L.	Haugerüd	Euther	Rice	Voss
Carlson, R.	Heintz	Mangan	St. Onge	Wenstrom
Casserly	Hokanson	Mann	Samuelson	Wenzel
Clark	Jacobs	McCarron	Sarna	White
Clawson	Jaros	McCauley	Savelkoul	Wieser
Corbid	Jensen	McCollar	Schreiber	Wigley
Dahl	Johnson, C.	McEachern	Schulz	Williamson
Dean	Johnson, D.	Menning	Schumacher	Zubay
DeGroat	Jopp	Metzen	Searle	Speaker Sabo
Dieterich	Jude	Moe	Setzepfandt	

A quorum was present.

The Chief Clerk proceeded to read the Journal of the preceding day. On the motion of Laidig the further reading was dispensed with and the Journal was approved as corrected.

REPORTS OF CHIEF CLERK

Pursuant to Rules of the House, printed copies of H. F. Nos. 2094, 2493, 2548 and 2657 and S. F. Nos. 2276, 2410, 2148 and 320 have been placed in the members' files.

PETITIONS AND COMMUNICATIONS

The following report was received and filed in the Chief Clerk's Office: Final Report of the Joint House-Senate Committee on Minnesota State Prison.

REPORTS OF STANDING COMMITTEES

Berg from the Committee on Local and Urban Affairs to which was referred:

S. F. No. 2195, A bill for an act relating to cities; authorizing cities engaged in electric power distribution to secure electric power by individual or joint action; authorizing the creation of municipal power agencies; defining their powers and responsibilities; authorizing the issuance of bonds.

Reported the same back with the following amendments:

Page 8, line 11, delete "man" and insert "person".

Page 20, line 5, delete "energy" and insert "authority".

With the recommendation that when so amended the bill do pass and be re-referred to the Committee on Rules and Legislative Administration.

The report was adopted.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 814, A bill for an act relating to taxation; authorizing an increase in fees charged for preparation of delinquent tax, current tax and federal tax lien certificates; amending Minnesota Statutes 1974, Sections 272.12; 272.47; and 272.483.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

McEachern moved that the House concur in the Senate amendments to H. F. No. 814 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 814, A bill for an act relating to taxation; authorizing an increase in fees charged for preparation of delinquent tax, current tax and federal tax lien certificates; amending Minnesota Statutes 1974, Section 272.46; 272.47; and 272.483.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question being taken on the repassage of the bill and the roll being called, there were yeas 108, and nays 0, as follows:

Those who voted in the affirmative were:

Abeln	Doty	Kalis	Munger	Schumacher
Adams, L.	Eckstein	Kelly, R.	Neisen	Setzepfandt
Adams, S.	Enebo	Kempe, A.	Nelsen	Sieben, H.
Albrecht	Esau	Kempe, R.	Nelson	Simoneau
Anderson, G.	Evans	Ketola	Niehaus	Skoglund
Anderson, I.	Ewald	Knickerbocker	Novak	Smith
Arlandson	Faricy	Knoll	Osthoff	Smogard
Beauchamp	Forsythe	Kostohryz	Parish	Stanton
Begich	Friedrich	Kroening	Patton	Suss
Berglin	Fudro	Laidig	Pehler	Swanson
Birnstihl	George	Langseth	Peterson	Ulland
Braun	Graba	Lemke	Petraleso	Vanasek
Brinkman	Hanson	Lindstrom	Philbrook	Vento
Byrne	Haugerud	Luther	Prahl	Volk
Carlson, A.	Heinitz	Mangan	Reding	Wenstrom
Carlson, L.	Hokanson	Mann	Rice	Wenzel
Carlson, R.	Jensen	McCarron	St. Onge	White
Casserly	Johnson, C.	McCauley	Samuelson	Wieser
Clark	Johnson, D.	McCollar	Sarna	Zubay
Clawson	Jude	McEachern	Savelkoul	Speaker Sabo
Dean	Kahn	Metzen	Schreiber	
Dieterich	Kaley	Moe	Schulz	

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 2534, A bill for an act relating to Chisago, Isanti, and Pine counties; providing retirement benefits for certain judges.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Clawson moved that the House concur in the Senate amendments to H. F. No. 2534 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 2534, A bill for an act relating to local government in Carlton, Chisago, Isanti and Pine counties; providing retirement benefits for certain county judges; making changes in the relationship of the towns of Moose Lake and Windemere with respect to the Moose Lake and Windemere area sanitary sewer district; authorizing the Moose Lake and Windemere area sanitary sewer district to exercise certain powers of sanitary districts; providing for the appointment of members of the sanitary sewer board; amending Laws 1974, Chapter 400, Sections 3, Subdivisions 5 and 12; 4, Subdivision 2; 8, by adding a subdivision; and by adding a section.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question being taken on the repassage of the bill and the roll being called, there were yeas 115, and nays 0, as follows:

Those who voted in the affirmative were:

Abeln	Dieterich	Kaley	Munger	Schumacher
Adams, L.	Doty	Kalis	Neisen	Setzepfandt
Adams, S.	Eckstein	Kelly, R.	Nelsen	Sieben, H.
Albrecht	Enebo	Kempe, A.	Nelson	Sieben, M.
Anderson, G.	Esau	Kempe, R.	Niehaus	Sieloff
Anderson, I.	Evans	Ketola	Norton	Simoneau
Beauchamp	Ewald	Knickerbocker	Novak	Skoglund
Begich	Faricy	Knoll	Osthoff	Smith
Berglin	Forsythe	Kostohryz	Parish	Smogard
Biersdorf	Friedrich	Kroening	Patton	Stanton
Birnstihl	Fudro	Laidig	Pehler	Suss
Braun	George	Langseth	Peterson	Swanson
Brinkman	Graba	Lemke	Petrafeso	Ulland
Byrne	Hanson	Lindstrom	Philbrook	Vanasek
Carlson, A.	Haugerud	Luther	Prahl	Vento
Carlson, L.	Heinitz	Mangan	Reding	Volk
Carlson, R.	Hokanson	Mann	Rice	Wenstrom
Casserly	Jacobs	McCarron	St. Onge	Wenzel
Clark	Jaros	McCauley	Samuelson	White
Clawson	Jensen	McCollar	Sarna	Wieser
Corbid	Johnson, C.	McEachern	Savelkoul	Wigley
Dahl	Jude	Metzen	Schreiber	Zubay
Dean	Kahn	Moe	Schulz	Speaker Sabo

The bill was repassed, as amended by the Senate, and its title agreed to.

PROGRESS REPORTS ON CONFERENCE COMMITTEES

Pursuant to Joint Rule 13, Sieben, H., reported on the progress of H. F. No. 348, now in Conference Committee.

Pursuant to Joint Rule 13, Speaker Sabo reported on the progress of H. F. No. 2072, now in Conference Committee.

Pursuant to Joint Rule 13, Speaker Sabo reported on the progress of S. F. No. 250, now in Conference Committee.

Pursuant to Joint Rule 13, Skoglund reported on the progress of S. F. No. 1051, now in Conference Committee.

Pursuant to Joint Rule 13, Vento reported on the progress of S. F. No. 1499, now in Conference Committee.

The following Conference Committee report was received:

CONFERENCE COMMITTEE REPORT ON H. F. NO. 1519

A bill for an act relating to the city of St. Paul; providing for and authorizing issuance of general obligation bonds for capital improvement budget purposes; amending Laws 1971, Chapter 773, Section 1, as amended.

March 26, 1976

The Honorable Martin O. Sabo
Speaker of the House of Representatives
The Honorable Alec G. Olson
President of the Senate

We, the undersigned conferees for H. F. No. 1519 report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that H. F. No. 1519 be further amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. Laws 1971, Chapter 773, Section 1, as amended by Laws 1974, Chapter 351, Section 5, Subdivision 1, is amended to read:

Section 1. [ST. PAUL, CITY OF; CAPITAL IMPROVEMENTS PROGRAM.] (SUBDIVISION 1.) Notwithstanding any provision of the charter of the city of St. Paul, the council of said city shall have power by a resolution adopted by five affirmative votes of all its members to authorize the issuance and sale of general obligation bonds of the city in an amount of (\$4,500,000) \$6,500,000 for each calendar year for a four year period commencing with the year (1972) 1976, for the payment of which the full faith and credit of the city is irrevocably pledged.

Sec. 2. Laws 1971, Chapter 773, Section 4, is amended to read:

Sec. 4. No proceeds of any bonds issued pursuant to section 1 hereof shall be expended for the construction or equipment of

any portion of the St. Paul auditorium or civic center connected thereto; nor shall any such proceeds be expended for the acquisition or betterment of the building known as the Lowry Medical Arts Annex. All bonds issued under this act shall mature at any time or times within ten years from the date of issue.

Sec. 3. Subdivision 1. Notwithstanding any provision of law or the charter of the city of St. Paul to the contrary, any issue of revenue bonds authorized by the port authority of the city of St. Paul shall be issued only with the consent of the city council of the city of St. Paul by a resolution adopted in accordance with law.

Subd. 2. [IMPAIRMENT OF EXISTING OBLIGATIONS.] No existing obligation, contract, agreement, collective bargaining agreement, fringe benefit plan, or covenant made or entered into by the St. Paul port authority shall be in any manner impaired by the adoption of this act.

Subd. 3. Notwithstanding any other law or charter provision to the contrary the council may, by resolution adopted by a majority of the council, place any employees of the port authority under the direction, supervision or control of the mayor or another department of the city of St. Paul.

Sec. 4. Subdivision 1. [CITY COUNCIL AS COMMISSIONERS OF HOUSING AND REDEVELOPMENT AUTHORITY.] Notwithstanding the provisions of Laws 1963, Chapter 514, Minnesota Statutes, Section 462.425, or any other law or the charter of the city of St. Paul to the contrary, commencing January 1, 1977, housing and redevelopment authority of the city of St. Paul shall consist of the members of the city council of the city of St. Paul.

Subd. 2. [IMPAIRMENT OF EXISTING OBLIGATIONS.] No existing obligation, contract, agreement, collective bargaining agreement, fringe benefit plan, or covenant made or entered into by the housing and redevelopment authority of the city of St. Paul shall be in any manner impaired by the adoption of this act.

Subd. 3. Notwithstanding any other law or charter provision to the contrary the housing and redevelopment authority of the city of St. Paul may, by resolution adopted by a majority of the commissioners, place any employees of the housing and redevelopment authority of the city of St. Paul under the direction, supervision or control of the mayor or any department of the city of St. Paul.

Subd. 4. The establishment of the St. Paul city council as the commissioners of the St. Paul housing and redevelopment authority or placement of any employees under the direction, supervision or control of the mayor or any department of the

city, shall not affect rights of any employees of the housing and redevelopment authority, including but not limited to any rights pursuant to an existing collective bargaining agreement or fringe benefit plan. The employees shall remain as employees of the housing and redevelopment authority and shall not be employees of the city of St. Paul.

Sec. 5. *Notwithstanding any other provision of law or the city charter to the contrary, the city council of the city of St. Paul shall appoint a citizens advisory committee on housing and redevelopment to assist the council in carrying out its duties under sections 3 and 4 of this act.*

Sec. 6. Minnesota Statutes 1974, Section 15.50, Subdivision 3, is amended to read:

Subd. 3. The administrative and planning expenses of the commission shall be borne by the state. The expenses of the commission for competition premiums, land acquisition or improvement or any other capital expenditures in or upon properties owned or to be owned by the state shall be borne by the state. The expenses of any other public body for such expenditures shall be borne by the body concerned. The city of Saint Paul (SHALL HOLD) *may expend moneys currently in the city of Saint Paul Capitol Approach Improvement Fund established by Laws 1945, Chapter 315, and acts amendatory thereof (UNTIL SUCH TIME AS THE LEGISLATURE MAY REQUIRE THE COMMISSION TO REQUEST THESE FUNDS FOR PLANNING AND DEVELOPMENT PURPOSES IN THE CAPITOL AREA. UPON SUCH REQUEST BY THE COMMISSION, THE CITY SHALL EXPEND SUCH FUNDS IN THE MANNER AND FOR THE PURPOSES SPECIFIED BY THE REQUEST) for capital improvements contained in the city's approved capital improvement budget. The budget is to be adopted in accordance with the provisions contained in the city charter.*

Sec. 7. *Laws 1971, Chapter 773, Section 1, Subdivision 2, as amended by Laws 1974, Chapter 351, Section 5, is repealed.*

Sec. 8. *This act shall become effective only after its approval by a majority of the governing body of the city of St. Paul and upon compliance with the provisions of Minnesota Statutes, Section 645.021."*

Further amend the title by striking it in its entirety and inserting:

"A bill for an act relating to the city of St. Paul; providing for and authorizing issuance of general obligation bonds for capital improvement budget purposes and for expending moneys for the capitol area; amending Minnesota Statutes 1974, Section 15.50, Subdivision 3; and Laws 1971, Chapter 773, Sections 1, Subdivision 1, as amended, and 4; repealing Laws 1971, Chapter 773, Section 1, Subdivision 2, as amended."

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

House Conferees: NEIL B. DIETERICH, RAY W. FARICY and JOHN D. TOMLINSON.

Senate Conferees: JOHN C. CHENOWETH, PETER P. STUMPF and ROBERT D. NORTH.

Dieterich moved that the report of the Conference Committee on H. F. No. 1519 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 1519, A bill for an act relating to the city of St. Paul; providing for and authorizing issuance of general obligation bonds for capital improvement budget purposes; amending Laws 1971, Chapter 773, Section 1, as amended.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question being taken on the repassage of the bill and the roll being called, there were yeas 113, and nays 0, as follows:

Those who voted in the affirmative were:

Abeln	Eckstein	Kaley	Munger	Setzepfandt
Adams, L.	Enebo	Kalis	Neisen	Sieben, H.
Albrecht	Erickson	Kelly, R.	Nelsen	Sieben, M.
Anderson, G.	Esau	Kempe, A.	Nelson	Sieloff
Anderson, I.	Evans	Kempe, R.	Niehaus	Simoneau
Beauchamp	Ewald	Ketola	Norton	Skoglund
Begich	Faricy	Knickerbocker	Novak	Smith
Berg	Forsythe	Knoll	Osthoff	Smogard
Berglin	Friedrich	Kostohryz	Parish	Stanton
Braun	Fudro	Kroening	Patton	Suss
Brinkman	George	Laidig	Pehler	Swanson
Byrne	Graba	Langseth	Peterson	Ulland
Carlson, A.	Hanson	Lemke	Petrafeso	Vento
Carlson, L.	Haugerud	Lindstrom	Philbrook	Volk
Carlson, R.	Heinitz	Luther	Prahl	Wenstrom
Casserly	Hokanson	Mangan	Reding	Wenzel
Clark	Jacobs	Mann	Rice	White
Clawson	Jaros	McCarron	St. Onge	Wieser
Corbid	Jensen	McCauley	Sarna	Wigley
Dahl	Johnson, C.	McCollar	Savelkoul	Zubay
Dean	Johnson, D.	McEachern	Schreiber	Speaker Sabo
Dieterich	Jude	Metzen	Schulz	
Doty	Kahn	Moe	Schumacher	

The bill was repassed, as amended by Conference, and its title agreed to.

CONSIDERATION UNDER RULE 1.10

Pursuant to rule 1.10, Norton requested immediate consideration of S. F. Nos. 2300 and 2402; H. F. No. 2548; S. F. No. 2032; and H. F. No. 2493.

S. F. No. 2300, A bill for an act relating to livestock sanitation; providing indemnification to owners of condemned cattle by reason of being nonreactors to the brucellosis test, or by reason of being exposed to brucellosis and not eligible for test; authorizing indemnity to owners of grade bulls slaughtered because of certain other dangerous diseases; appropriating money; amending Minnesota Statutes 1974, Section 35.09, Subdivision 2, and by adding a subdivision.

The bill was read for the third time and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 121, and nays 1, as follows:

Those who voted in the affirmative were:

Abeln	Eckstein	Kahn	Nelsen	Sieben, M.
Adams, L.	Eken	Kaley	Nelson	Sieloff
Adams, S.	Enebo	Kalis	Niehaus	Simoneau
Albrecht	Erickson	Kelly, R.	Norton	Skoglund
Anderson, G.	Esau	Kempe, A.	Novak	Smith
Anderson, I.	Evans	Kempe, R.	Osthoff	Smogard
Beauchamp	Ewald	Ketola	Parish	Stanton
Begich	Faricy	Knickerbocker	Patton	Suss
Berg	Fjoslien	Knoll	Pehler	Swanson
Berglin	Forsythe	Kostohryz	Peterson	Tomlinson
Biersdorf	Friedrich	Kroening	Petraieso	Ulland
Birnstihl	Fudro	Laidig	Philbrook	Vanasek
Braun	Fugina	Langseth	Prahl	Vento
Byrne	George	Lemke	Reding	Volk
Carlson, A.	Graba	Luther	Rice	Wenstrom
Carlson, L.	Hanson	Mangan	St. Onge	Wenzel
Carlson, R.	Haugerud	Mann	Samuelson	White
Casserly	Heinitz	McCarron	Sarna	Wieser
Clark	Hokanson	McCauley	Savelkoul	Wigley
Clawson	Jacobs	McCollar	Schreiber	Zubay
Corbid	Jaros	McEachern	Schulz	Speaker Sabo
Dahl	Jensen	Metzen	Schumacher	
Dean	Johnson, C.	Moe	Searle	
Dieterich	Johnson, D.	Munger	Setzepfandt	
Doty	Jude	Neisen	Sieben, H.	

Those who voted in the negative were:

Kelly, W.

The bill was passed and its title agreed to.

S. F. No. 2402, A bill for an act relating to historic sites; designating additional historic sites; amending Minnesota Statutes 1974, Sections 138.081, by adding a subdivision; 138.53, Subdivisions 7, 38, and by adding subdivisions; 138.58, by adding subdivisions; and 138.73, Subdivision 17.

The bill was read for the third time and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 126, and nays 0, as follows:

Those who voted in the affirmative were:

Abeln	Eken	Kelly, R.	Nelson	Sieloff
Adams, L.	Enebo	Kelly, W.	Niehaus	Simoneau
Adams, S.	Erickson	Kempe, A.	Norton	Skoglund
Albrecht	Evans	Kempe, R.	Novak	Smith
Anderson, G.	Ewald	Ketola	Osthoff	Smogard
Anderson, I.	Faricy	Knickerbocker	Parish	Spanish
Beauchamp	Fjoslien	Knoll	Patton	Stanton
Begich	Forsythe	Kostohryz	Pehler	Suss
Berg	Friedrich	Kroening	Peterson	Swanson
Berglin	Fudro	Kvam	Petrafeso	Tomlinson
Biersdorf	Fugina	Laidig	Philbrook	Ulland
Birnstihl	George	Langseth	Prahl	Vanasek
Braun	Graba	Lemke	Reding	Vento
Brinkman	Hanson	Lindstrom	Rice	Volk
Byrne	Haugerud	Luther	St. Onge	Voss
Carlson, A.	Heinitz	Mangan	Samuelson	Wenstrom
Carlson, L.	Hokanson	Mann	Sarna	Wenzel
Carlson, R.	Jacobs	McCarron	Savelkoul	White
Casserly	Jaros	McCauley	Schreiber	Wieser
Clark	Jensen	McCollar	Schulz	Wigley
Clawson	Johnson, C.	McEachern	Schumacher	Zubay
Dahl	Johnson, D.	Metzen	Searle	Speaker Sabo
Dean	Jude	Moe	Setzepfandt	
Dieterich	Kahn	Munger	Sherwood	
Doty	Kaley	Neisen	Sieben, H.	
Eckstein	Kalis	Nelsen	Sieben, M.	

The bill was passed and its title agreed to.

H. F. No. 2548, A bill for an act relating to public safety; appropriating money for the manufacture of license plates.

The bill was read for the third time and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 89, and nays 33, as follows:

Those who voted in the affirmative were:

Adams, L.	Corbid	Fudro	Kroening	Osthoff
Albrecht	Dahl	Fugina	Laidig	Parish
Anderson, G.	Dean	George	Langseth	Patton
Berg	Doty	Hanson	Lemke	Peterson
Berglin	Eckstein	Hokanson	Lindstrom	Philbrook
Biersdorf	Eken	Jaros	Luther	Prahl
Birnstihl	Enebo	Jensen	Mann	Rice
Braun	Erickson	Johnson, C.	McCauley	St. Onge
Brinkman	Esau	Johnson, D.	McCollar	Sarna
Carlson, A.	Evans	Jude	McEachern	Savelkoul
Carlson, L.	Ewald	Kaley	Metzen	Schreiber
Carlson, R.	Faricy	Kelly, R.	Munger	Schulz
Casserly	Fjoslien	Ketola	Neisen	Schumacher
Clark	Forsythe	Knickerbocker	Nelsen	Searle
Clawson	Friedrich	Knoll	Novak	Setzepfandt

Sherwood	Sieloff	Smith	Ulland	Wieser
Sieben, H.	Simoneau	Stanton	Wenstrom	Zubay
Sieben, M.	Skoglund	Swanson	Wenzel	

Those who voted in the negative were:

Abeln	Dieterich	Kvam	Petrafeso	Vento
Adams, S.	Graba	Mangan	Pleasant	Volk
Anderson, I.	Heinitz	McCarron	Samuelson	White
Beauchamp	Jacobs	Moe	Smogard	Wigley
Begich	Kahn	Nelson	Spanish	Speaker Sabo
Byrne	Kempe, A.	Niehaus	Suss	
DeGroat	Kempe, R.	Pehler	Vanasek	

The bill was passed and its title agreed to.

S. F. No. 2032 was reported to the House.

Hanson moved to amend S. F. No. 2032, as follows:

Page 1, line 13, after "persons" insert "currently".

Page 1, delete lines 20 to 23.

Renumber the remaining section accordingly.

The motion prevailed and the amendment was adopted.

S. F. No. 2032, A bill for an act relating to public welfare; establishing pilot programs for community mental health treatment; appropriating money; amending Minnesota Statutes 1974, Chapter 245, by adding a section.

The bill was read for the third time, as amended, and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 107, and nays 19, as follows:

Those who voted in the affirmative were:

Abeln	Casserly	Fudro	Kelly, R.	McCauley
Adams, L.	Clark	Fugina	Kempe, A.	Menning
Anderson, I.	Clawson	George	Kempe, R.	Metzen
Arlandson	Corbid	Hanson	Ketola	Moe
Beauchamp	Dahl	Heinitz	Knickerbocker	Munger
Begich	Dean	Hokanson	Knoll	Neisen
Berg	Dieterich	Jacobs	Kostohryz	Nelson
Berglin	Doty	Jaros	Kroening	Norton
Biersdorf	Eken	Jensen	Laidig	Novak
Braun	Enebo	Johnson, C.	Langseth	Osthoff
Brinkman	Erickson	Johnson, D.	Lindstrom	Parish
Byrne	Ewald	Jopp	Luther	Patton
Carlson, A.	Faricy	Jude	Mangan	Pehler
Carlson, L.	Fjoslien	Kahn	Mann	Petrafeso
Carlson, R.	Forsythe	Kalis	McCarron	Philbrook

Pleasant	Schreiber	Sieloff	Tomlinson	White
Prahl	Schumacher	Simonéau	Ulland	Wieser
Reding	Searle	Skoglund	Vanasek	Wigley
Rice	Setzepfandt	Smith	Vento	Speaker Sabo
St. Onge	Sherwood	Smogard	Volk	
Samuelson	Sieben, H.	Stanton	Wenstrom	
Sarna	Sieben, M.	Suss	Wenzel	

Those who voted in the negative were:

Adams, S.	Eckstein	Graba	Niehaus	Spanish
Albrecht	Esau	Kelly, W.	Peterson	Swanson
Anderson, G.	Evans	Kvam	Savelkoul	Zubay
DeGroat	Friedrich	Lemke	Schulz	

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

H. F. No. 2493 was reported to the House.

Dean moved to amend H. F. No. 2493, as follows:

Page 1, line 15, strike "July" and insert "June".

Page 1, line 16, strike "1" and insert "30".

The motion prevailed and the amendment was adopted.

H. F. No. 2493, A bill for an act relating to transportation; appropriating money to the public service commission for the purpose of contracting for railroad passenger service.

The bill was read for the third time, as amended, and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 105, and nays 19, as follows:

Those who voted in the affirmative were:

Abeln	Casserly	Hanson	Kvam	Nelsen
Adams, L.	Clark	Hokanson	Laidig	Nelson
Adams, S.	Clawson	Jacobs	Langseth	Norton
Anderson, G.	Dahl	Jaros	Lemke	Novak
Anderson, I.	Dean	Johnson, C.	Lindstrom	Osthoff
Arlandson	DeGroat	Johnson, D.	Luther	Parish
Beauchamp	Dieterich	Jude	Mangan	Patton
Begich	Doty	Kahn	Mann	Pehler
Berg	Eken	Kalis	McCarron	Petrafeso
Berglin	Enebo	Kelly, R.	McCauley	Philbrook
Biersdorf	Erickson	Kelly, W.	McCollar	Prahl
Braun	Esau	Kempe, A.	McEachern	Reding
Brinkman	Farcy	Kempe, R.	Manning	Rice
Byrne	Forsythe	Ketola	Metzen	St. Onge
Carlson, A.	Fudro	Knoll	Moe	Samuelson
Carlson, L.	Fugina	Kostohryz	Munger	Sarna
Carlson, R.	George	Kroening	Neisen	Savelkoul

Schreiber	Sherwood	Simoneau	Stanton	Vento
Schumacher	Sieben, H.	Skoglund	Suss	Wenstrom
Searle	Sieben, M.	Smogard	Tomlinson	Wenzel
Setzpfandt	Sieloff	Spanish	Ulland	Speaker Sabo

Those who voted in the negative were:

Albrecht	Ewald	Jopp	Peterson	Wieser
Corbid	Fjoslien	Kaley	Pleasant	Wigley
Eckstein	Friedrich	Knickerbocker	Vanasek	Zubay
Evans	Heinitz	Niehaus	White	

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

Anderson, I., moved that the House recess subject to the call of the Chair. The motion prevailed.

RECESS

RECONVENED

The House reconvened and was called to order by the Speaker Pro Tempore, Norton.

There being no objection the order of business reverted to Reports of Standing Committees.

REPORTS OF STANDING COMMITTEES

Anderson, I., from the Committee on Rules and Legislative Administration to which was referred:

S. F. No. 2195, A bill for an act relating to cities; authorizing cities engaged in electric power distribution to secure electric power by individual or joint action; authorizing the creation of municipal power agencies; defining their powers and responsibilities; authorizing the issuance of bonds.

Reported the same back with the recommendation that the bill do pass.

The report was adopted.

Anderson, I., from the Committee on Rules and Legislative Administration to which was referred:

House Concurrent Resolution No. 24, A house concurrent resolution relating to the delivery of bills to the governor after final adjournment.

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

The report was adopted.

SECOND READING OF SENATE BILLS

S. F. No. 2195 was read for the second time.

REPORT FROM THE COMMITTEE ON RULES AND LEGISLATIVE ADMINISTRATION

Pursuant to Rule 1.9, Anderson, I., for the Committee on Rules and Legislative Administration, designated the following bills as a Special Order to be acted upon immediately following S. F. No. 556 on Special Orders for Tuesday, March 30, 1976.

H. F. Nos. 2593 and 2094; and S. F. Nos. 2486 and 1999.

CONSIDERATION UNDER RULE 1.10

Pursuant to rule 1.10, Norton requested immediate consideration of S. F. No. 2560; H. F. No. 2657; and S. F. No. 320.

S. F. No. 2560, A bill for an act relating to state university employees; approving wage and economic fringe benefit agreements between the state and certain employees of the state university system; amending Minnesota Statutes 1974, Chapter 136, by adding a section; and Minnesota Statutes, 1975 Supplement, Section 43.12, Subdivision 17.

The bill was read for the third time and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 126, and nays 0, as follows:

Those who voted in the affirmative were:

Abeln	Casserly	Forsythe	Kempe, A.	Menning
Adams, L.	Clark	Friedrich	Kempe, R.	Metzen
Adams, S.	Clawson	Fudro	Ketola	Moe
Albrecht	Corbid	Fugina	Knickerbocker	Munger
Anderson, G.	Dahl	George	Knoll	Neisen
Anderson, I.	Dean	Hanson	Kostohryz	Nelsen
Arlandson	DeGroat	Haugerud	Kroening	Nelson
Beauchamp	Dieterich	Heinitz	Kvam	Niehaus
Begich	Doty	Jacobs	Laidig	Norton
Berg	Eckstein	Jaros	Langseth	Novak
Berglin	Eken	Jensen	Lemke	Osthoff
Biersdorf	Enebo	Johnson, D.	Luther	Parish
Birnstihl	Erickson	Jude	Mangan	Patton
Braun	Esau	Kahn	Mann	Pehler
Byrne	Evans	Kaley	McCarron	Peterson
Carlson, A.	Ewald	Kalis	McCauley	Petrafeso
Carlson, L.	Fariery	Kelly, R.	McCollar	Philbrook
Carlson, R.	Fjoslien	Kelly, W.	McEachern	Pleasant

Prahl	Schulz	Simoneau	Ulland	Wigley
Reding	Schumacher	Skoglund	Vanasek	Williamson
Rice	Searle	Smith	Vento	Zubay
St. Onge	Setzepfandt	Smogard	Volk	Speaker Sabo
Samuelson	Sherwood	Stanton	Wenstrom	
Sarna	Sieben, H.	Suss	Wenzel	
Savelkoul	Sieben, M.	Swanson	White	
Schreiber	Sieloff	Tomlinson	Wieser	

The bill was passed and its title agreed to.

H. F. No. 2657 was reported to the House.

Kahn moved to amend H. F. No. 2657, as follows:

Page 7, line 14 after "17," insert "as amended by Laws 1976, Chapter 55, Section 5,".

Page 7, after line 14 insert:

"Sec. 5. Minnesota Statutes 1974, Section 98.46, Subdivision 17, is amended to read:

Subd. 17. Fees for the following licenses, to be issued to either residents or nonresidents, shall be:

(1) To deal in live or engage in the business of preserving minnows; minnow retailer, (\$2.50) \$5, plus \$10 for each vehicle used to transport minnows.

(2) To raise fish in a private hatchery, (\$5) \$25.

(3) To take under state supervision sucker eggs from public waters, for private fish hatchery purposes;

(a) To take not to exceed 100 quarts, (\$50) \$100;

(b) To take in excess of 100 quarts, (\$1) \$2 per quart for such excess."

Further amend the title:

Line 7, after "17" insert "as amended".

The motion prevailed and the amendment was adopted.

Carlson, R., moved to amend H. F. No. 2657.

POINT OF ORDER

Kahn raised a point of order pursuant to rule 3.9 that the Carlson, R., amendment was out of order. The Speaker Pro Tempore

ruled the point of order well taken and the amendment out of order.

Fjoslien moved to amend H. F. No. 2657, as follows:

Page 7, line 1, strike "\$10" and insert "\$9".

Page 7, line 5, strike "\$15" and insert "\$13".

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll being called, there were yeas 24, and nays 87, as follows:

Those who voted in the affirmative were:

Albrecht	Ewald	Kalis	Menning	Sherwood
Brinkman	Fjoslien	Kelly, R.	Nelsen	Wieser
DeGroat	Friedrich	Kempe, A.	Niehhaus	Wigley
Doty	Fugina	Kempe, R.	Philbrook	Zubay
Evans	Kaley	McCauley	Schumacher	

Those who voted in the negative were:

Abeln	Corbid	Ketola	Nelson	Skoglund
Adams, L.	Dieterich	Knickerbocker	Novak	Smith
Anderson, G.	Eckstein	Knoll	Osthoff	Smogard
Anderson, I.	Eken	Kroening	Parish	Stanton
Arlandson	Enebo	Laidig	Patton	Suss
Beauchamp	Erickson	Langseth	Pehler	Swanson
Begich	Esau	Lemke	Peterson	Tomlinson
Berg	Forsythe	Lindstrom	Petrafaso	Ulland
Berglin	Fudro	Luther	Reding	Vanasek
Birnstihl	George	Mangan	Rice	Volk
Braun	Haugerud	Mann	Samuelson	Wenstrom
Byrne	Jacobs	McCarron	Sarna	Wenzel
Carlson, A.	Jaros	McCollar	Schulz	White
Carlson, L.	Jensen	McEachern	Searle	Williamson
Carlson, R.	Johnson, D.	Metzen	Setzepfandt	Speaker Sabo
Casserly	Jude	Moe	Sieben, H.	
Clark	Kahn	Munger	Sieben, M.	
Clawson	Kelly, W.	Neisen	Simoneau	

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

Carlson, R., moved to amend H. F. No. 2657.

POINT OF ORDER

Kahn raised a point of order pursuant to rule 3.9 that the Carlson, R., amendment was out of order. The Speaker Pro Tempore ruled the point of order well taken and the amendment out of order.

SUSPENSION OF RULES

Carlson, R., moved that rule 3.9 be suspended to offer the amendment.

A roll call was requested and properly seconded.

The question was taken on the motion to suspend the rules of the House and the roll being called, there were yeas 44, and nays 69, as follows:

Those who voted in the affirmative were:

Albrecht	Doty	Jude	McCollar	Schumacher
Anderson, G.	Eckstein	Kelly, R.	McEachern	Sherwood
Anderson, I.	Eken	Kelly, W.	Menning	Sieloff
Begich	Enebo	Kempe, R.	Nelsen	Smith
Braun	Esau	Ketola	Niehaus	Smogard
Brinkman	Fjoslien	Kroening	Osthoff	Wenstrom
Carlson, R.	Fudro	Kvam	Prahl	Wenzel
Corbid	Fugina	Lemke	St. Onge	Wieser
DeGroat	Johnson, D.	McCarron	Sarna	

Those who voted in the negative were:

Abeln	Erickson	Knickerbocker	Pehler	Skoglund
Adams, L.	Ewald	Laidig	Peterson	Stanton
Beauchamp	Faricy	Langseth	Petrafeso	Suss
Berglin	Forsythe	Lindstrom	Philbrook	Swanson
Birnsthil	Friedrich	Luther	Pleasant	Tomlinson
Byrne	George	Mangan	Reding	Ulland
Carlson, A.	Hanson	Mann	Rice	Vanasek
Carlson, L.	Haugerud	McCauley	Samuelson	Volk
Casserly	Heinitz	Metzen	Savelkoul	White
Clark	Jaros	Moe	Schreiber	Wigley
Clawson	Jensen	Nelson	Schulz	Williamson
Dahl	Kahn	Novak	Searle	Zubay
Dean	Kaley	Parish	Sieben, M.	Speaker Sabo
Dieterich	Kalis	Patton	Simoneau	

The motion did not prevail.

Speaker Sabo resumed the Chair.

Fugina moved to amend H. F. No. 2657, as follows:

Page 1, line 12, thru page 2, line 2, delete Section 1 from the bill.

Renumber the following sections accordingly.

Page 3, line 14, delete "\$5" and re-insert the stricken "\$3".

Page 3, line 29, delete "\$2" and re-insert the stricken "\$1".

A roll call was requested and properly seconded.

Luther moved to amend the Fugina amendment to H. F. No. 2657, as follows:

Page 7, line 1, delete "\$10" and insert "\$12.50".

Page 7, line 5, delete "\$15" and insert "\$18".

A roll call was requested and properly seconded.

The question was taken on the adoption of the Luther amendment to the Fugina amendment and the roll being called, there were yeas 28, and nays 84, as follows:

Those who voted in the affirmative were:

Anderson, G.	Eckstein	Jacobs	Langseth	Prahl
Anderson, I.	Friedrich	Jaros	Lemke	Rice
Begich	Fudro	Kalis	Luther	Sarna
Berglin	Fugina	Kempe, A.	McCollar	Smogard
Birnstihl	George	Kempe, R.	Patton	
Carlson, R.	Haugerud	Kroening	Pehler	

Those who voted in the negative were:

Abeln	Doty	Knickerbocker	Parish	Smith
Adams, L.	Eken	Knoll	Peterson	Spanish
Albrecht	Erickson	Kvam	Philbrook	Stanton
Arlandson	Esau	Laidig	Pleasant	Swanson
Beauchamp	Evans	Lindstrom	Reding	Tomlinson
Braun	Ewald	Mangan	St. Onge	Ulland
Brinkman	Fjoslien	Mann	Samuelson	Vanasek
Byrne	Forsythe	McCauley	Savelkoul	Volk
Carlson, A.	Heinitz	McEachern	Schreiber	Wenstrom
Carlson, L.	Hokanson	Menning	Schulz	Wenzel
Casserly	Jensen	Metzen	Schumacher	White
Clark	Johnson, D.	Moe	Searle	Wieser
Clawson	Jude	Neisen	Setzepfandt	Wigley
Corbid	Kahn	Nelsen	Sherwood	Williamson
Dean	Kelly, R.	Nelson	Sieben, M.	Zubay
DeGroat	Kelly, W.	Niehaus	Simoneau	Speaker Sabo
Dieterich	Ketola	Novak	Skoglund	

The motion did not prevail and the amendment to the amendment was not adopted.

The question recurred on the adoption of the Fugina amendment and the roll being called, there were yeas 52, and nays 69, as follows:

Those who voted in the affirmative were:

Abeln	Birnstihl	Friedrich	Jopp	Kroening
Adams, L.	Brinkman	Fudro	Jude	Kvam
Albrecht	Carlson, R.	Fugina	Kalis	Lemke
Anderson, G.	DeGroat	George	Kempe, A.	Luther
Anderson, I.	Eckstein	Haugerud	Kempe, R.	Mangan
Begich	Evans	Johnson, D.	Ketola	Mann

McCarron	Nelsen	Samuelson	Spanish	Wigley
McCauley	Philbrook	Sarna	Suss	Zubay
McCollar	Prahl	Schumacher	Wenzel	
McEachern	Rice	Setzepfandt	White	
Metzen	St. Onge	Smith	Wieser	

Those who voted in the negative were:

Adams, S.	Dieterich	Kahn	Novak	Sieloff
Arlandson	Doty	Kaley	Parish	Simoneau
Beauchamp	Eken	Kelly, R.	Patton	Skoglund
Berg	Enebo	Kelly, W.	Pehler	Smogard
Berglin	Erickson	Knickerbocker	Peterson	Stanton
Braun	Esau	Knoll	Pleasant	Swanson
Byrne	Ewald	Kostohryz	Reding	Tomlinson
Carlson, A.	Faricy	Laidig	Savelkoul	Ulland
Carlson, L.	Forsythe	Langseth	Schreiber	Vanasek
Casserly	Heinitz	Lindstrom	Schulz	Volk
Clark	Hokanson	Menning	Searle	Wenstrom
Clawson	Jacobs	Moe	Sherwood	Williamson
Corbid	Jaros	Nelson	Sieben, H.	Speaker Sabo
Dean	Jensen	Niehaus	Sieben, M.	

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

Vanasek moved to amend H. F. No. 2657, as follows:

Page 2, line 30, delete "\$400" and insert "\$250".

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

H. F. No. 2657, A bill for an act relating to natural resources; increasing certain permit and license fees; authorizing the issuance of Minnesota sportsman licenses; appropriating money; amending Minnesota Statutes 1974, Sections 85.05, Subdivision 2; 98.46, Subdivisions 2, 4, 7, 8; 9, 14, 15, 16, 17, 19, and by adding a subdivision; 101.44; and Chapter 105, by adding a section; and Minnesota Statutes, 1975 Supplement, Section 98.46, Subdivision 5.

The bill was read for the third time, as amended, and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 80, and nays 50, as follows:

Those who voted in the affirmative were:

Adams, L.	Braun	Corbid	Erickson	Jacobs
Adams, S.	Byrne	Dahl	Ewald	Jaros
Arlandson	Carlson, A.	Dean	Faricy	Jensen
Beauchamp	Carlson, L.	DeGroat	Fjoslien	Jopp
Berg	Casserly	Dieterich	Forsythe	Kahn
Berglin	Clark	Eken	Heinitz	Kaley
Biersdorf	Clawson	Enebo	Hokanson	Knickerbocker

Knoll	Menning	Pehler	Sherwood	Swanson
Kostohryz	Moe	Peterson	Sieben, H.	Tomlinson
Kvam	Munger	Petrafeso	Sieben, M.	Ulland
Laidig	Nelson	Pleasant	Sieloff	Vanasek
Langseth	Norton	Reding	Simoneau	Volk
Lindstrom	Novak	Savelkoul	Skoglund	Voss
Luther	Osthoff	Schreiber	Smogard	Wenstrom
Mann	Parish	Schulz	Stanton	Williamson
McCarron	Patton	Searle	Suss	Speaker Sabo

Those who voted in the negative were:

Abeln	Evans	Kelly, R.	McEachern	Sarna
Albrecht	Friedrich	Kelly, W.	Metzen	Schumacher
Anderson, G.	Fudro	Kempe, A.	Neisen	Setzepfandt
Anderson, I.	Fugina	Kempe, R.	Nelsen	Smith
Begich	Georgé	Ketola	Niehaus	Spanish
Birnstihl	Hanson	Kroening	Philbrook	Wenzel
Brinkman	Haugerud	Lemke	Prahl	White
Carlson, R.	Johnson, D.	Mangan	Rice	Wieser
Doty	Jude	McCauley	St. Onge	Wigley
Eckstein	Kalis	McCollar	Samuelson	Zubay

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

S. F. No. 320, A bill for an act relating to taxation; increasing the percentage of unrefunded gasoline excise taxes attributable to snowmobile operation; appropriating money; amending Minnesota Statutes 1974, Sections 296.16, Subdivision 1; and 296.421, Subdivisions 6 and 7.

The bill was read for the third time and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 126, and nays 1, as follows:

Those who voted in the affirmative were:

Abeln	Corbid	Heinitz	Laidig	Parish
Adams, L.	Dahl	Hokanson	Langseth	Patton
Albrecht	Dean	Jacobs	Lemke	Pehler
Anderson, G.	DeGroat	Jaros	Lindstrom	Peterson
Anderson, I.	Dieterich	Jensen	Luther	Petrafeso
Arlandson	Doty	Johnson, D.	Mangan	Philbrook
Beauchamp	Eken	Jopp	Mann	Pleasant
Begich	Enebo	Jude	McCarron	Prahl
Berg	Erickson	Kahn	McCauley	Reding
Berglin	Esau	Kaley	McCollar	Rice
Biersdorf	Evans	Kalis	McEachern	St. Onge
Birnstihl	Ewald	Kelly, R.	Menning	Samuelson
Braun	Farcy	Kelly, W.	Moe	Sarna
Brinkman	Fjoslien	Kempe, A.	Munger	Savelkoul
Byrne	Forsythe	Kempe, R.	Neisen	Schreiber
Carlson, A.	Friedrich	Ketola	Nelsen	Schulz
Carlson, L.	Fudro	Knickerbocker	Nelson	Schumacher
Carlson, R.	Fugina	Knoll	Niehaus	Setzepfandt
Casserly	George	Kostohryz	Norton	Sherwood
Clark	Hanson	Kroening	Novak	Sieben, H.
Clawson	Haugerud	Kvam	Osthoff	

Sieben, M.	Smogard	Tomlinson	Wenstrom	Williamson
Sieloff	Spanish	Ulland	Wenzel	Zubay
Simoneau	Stanton	Vanasek	White	
Skoglund	Suss	Volk	Wieser	
Smith	Swanson	Voss	Wigley	

Those who voted in the negative were:

Searle

The bill was passed and its title agreed to.

Erickson was excused for the remainder of today's session.

SPECIAL ORDERS

S. F. No. 1906 was reported to the House.

Reding moved to amend S. F. No. 1906, as follows:

Page 14, after line 31, insert:

"Subd. 2. Before promulgating any rules regulating a specific occupation under this section, the Board shall determine whether a substantial number of persons in that occupation will be employed by an employer who is regulated by or funded through another state agency. If the board so determines, then it must submit the proposed rules to the head or governing board of that agency for review and approval. The agency shall review the rules to insure compliance with laws which are administered or enforced by that agency. The rules must have received the approval of that agency before promulgation."

Renumber the remaining subdivisions.

The motion prevailed and the amendment was adopted.

Reding moved to amend S. F. No. 1906, as follows:

Page 160, line 3, after "subdivision 3," insert "for those boards which agree to participate in the program."

Page 160, line 8, strike "boards not listed in section 2, subdivision 3 and" and insert in lieu thereof "participating boards".

The motion prevailed and the amendment was adopted.

Faricy and Dean moved to amend the unofficial engrossment of S. F. No. 1906, as follows:

Page 38, after line 31, insert:

"Sec. 37. Minnesota Statutes 1974, Chapter 147, is amended by adding a section to read:

[147.171] [LICENSING OF PERSONS PRACTICING MASSAGE.] *Any person who was licensed under Laws 1935, Chapter 245 may apply to the board of medical examiners for a permanent license. The board shall grant the request if it is satisfied that the applicant previously held a license under Laws 1935, Chapter 245.*"

Renumber the remaining sections.

Further, amend the title as follows:

Page 2, line 14, after "sections;" insert "Chapter 147, by adding a section;"

The motion prevailed and the amendment was adopted.

Carlson, L. moved to amend S. F. No. 1906, as amended, as follows:

Page 26, after line 18, insert:

"Sec. 28. Minnesota Statutes 1974, Section 144.652, is amended to read:

144.652 [NOTICE TO PATIENT.] The policy statement contained in section 144.651 shall be posted conspicuously in a public place in all facilities licensed under the provisions of sections 144.50 to 144.58. Copies of the policy statement shall be furnished the patient and resident upon admittance to the facility. *The policy statement shall include the address and telephone number of the board of medical examiners and/or the name and phone number of the person within the facility to whom inquiries about the medical care received may be directed.*"

Renumber sections.

Page 36, after line 31, insert:

"Sec. 34. Minnesota Statutes 1974, Chapter 147, is amended by adding a section to read:

[147.035] [MALPRACTICE HISTORY.] *Subdivision 1. A person desiring to practice medicine in this state who has previously practiced in another state shall submit the following additional information with his license application for the five-year period of active practice preceding the date of filing such application:*

(a) *The name and address of his professional liability insurer in the other state.*

(b) *The number, date, and disposition of any medical malpractice settlement or award made to the plaintiff relating to the quality of medical treatment.*

Subd. 2. [ACTION BY THE BOARD.] The board shall give due consideration to the information submitted pursuant to 147.03 and this section. An applicant who wilfully submits incorrect information shall be subject to disciplinary action pursuant to section 147.021."

Renumber sections:

Page 38, after line 20, insert:

"Sec. 37. Minnesota Statutes 1974, Chapter 147, is amended by adding a section to read:

[147.072] [MALPRACTICE REPORTS FROM INSURERS.] *Four times each year as prescribed by the board, each insurer authorized to sell insurance described in section 60A.06, subdivision 1, clause (13), and providing professional liability insurance to physicians shall submit to the board a report concerning the physicians against whom medical malpractice settlements or awards have been made to the plaintiff. The report shall contain but not be limited to the following information:*

(a) *The total number of medical malpractice settlements or awards made to the plaintiff;*

(b) *The date the medical malpractice settlements or awards to the plaintiff were made;*

(c) *The allegations contained in the settlements or awards made to the plaintiff;*

(d) *The dollar amount of each medical malpractice settlement or award.*

Sec. 38. Minnesota Statutes 1974, Chapter 147, is amended by adding a section to read:

[147.073] [PHYSICIAN ACCOUNTABILITY.] *Subdivision 1. [INVESTIGATION.] The board shall maintain and keep current a file containing the insurers reports and public complaints filed against physicians in the state, which shall be private information accessible, pursuant to sections 15.162 to 15.168, to the physician who is the subject of the data. Each complaint filed with the board pursuant to section 5, subdivision 1, shall be investigated according to section 5, subdivision 2.*

Whenever the files maintained by the board show that a medical malpractice settlement or award to the plaintiff has been made

against a physician as reported by insurers pursuant to section 37, the executive director of the board shall notify the board and the board may authorize a review of the physician's practice.

Subd. 2. [ATTORNEY GENERAL INVESTIGATES.] When the board initiates a review of a physician's practice it shall notify the attorney general who shall investigate the matter in the same manner as provided in section 5. If an investigation is to be made, the attorney general shall notify the physician, and, if the incident being investigated occurred there, the administrator and chief of staff at the medical care facilities in which the physician serves.

Subd. 3. [ACCESS TO HOSPITAL RECORDS.] The board shall have access to hospital and medical records of a patient treated by the physician under review if the patient signs a written consent permitting such access.

Sec. 39. Minnesota Statutes 1974, Chapter 147, is amended by adding a section to read:

[147.074] [FILING OF HOSPITALS SERVED.] *Each physician shall file with the board a list of the in-patient and out-patient medical care facilities at which they have medical privileges. The list shall be updated when the physician applies for license renewal."*

Renumber remaining sections in sequence.

Further amend the title as follows:

Page 1, line 24, after "125.187;" insert "144.652;"

Page 1, line 25, after "Subdivision 1;" insert "147.035, by adding a subdivision".

Page 1, line 25, after "147.06;" insert "147.072; 147.073; 147.074;"

The motion prevailed and the amendment was adopted.

Carlson, L., moved to amend S. F. No. 1906, as follows:

Page 39, line 16 (on printed Senate file), after the comma insert "or limits the surgical procedures he may perform within that hospital while retaining the physician on their staff,"

Page 39, after line 17, insert "When the board receives a report pursuant to this section they shall treat it in the same manner as prescribed for receipt of complaints in section 5, subdivision 1, of this act.".

The motion prevailed and the amendment was adopted.

S. F. No. 1906, A bill for an act relating to licensed occupations; establishing a policy for the regulation of occupations; transferring responsibility for the provision of staffing and administrative services; clarifying reporting responsibilities; prescribing a procedure for complaint review; granting licensing boards additional powers relating to injunctive relief, subpoenas, continuing education, and other matters; prescribing duties of the board of health relating to human services occupations, creating advisory councils; merging the licensed practical nursing board into the board of nursing; making miscellaneous changes in practice acts for various licensed occupations; adopting the standard terms "licensure" and "license" for occupational licensing boards; transferring employees and moneys; amending Minnesota Statutes 1974, Sections 125.04; 125.05; 125.06; 125.08; 125.09, Subdivision 1; 125.12, Subdivision 1; 125.13, Subdivision 1; 125.17, Subdivision 1; 125.182, Subdivisions 2 and 3; 125.183, by adding a subdivision; 125.184, as amended; 125.185, as amended; 125.187; 144.955; 144.959; 147.021, Subdivision 1; 147.06; 147.13; 147.18; 147.23; 148.05; 148.06, Subdivision 1; 148.07, as amended; 148.10; 148.211, Subdivision 2; 148.241, Subdivision 1; 148.291, Subdivision 3; 148.32; 148.57; 148.59; 148.90, as amended; 148.91, Subdivisions 1 and 3; 148.97, Subdivision 6; 148.98; 150A.04, Subdivision 5; 150A.06, Subdivision 1; 150A.08, Subdivision 4; 150A.09, Subdivisions 1 and 3; 151.06, Subdivision 4; 151.10; 151.101; 151.11; 151.12; 151.13; 151.14; 151.19; 151.25; 151.27; 151.37, Subdivisions 5 and 6; 151.40; 153.07; 153.08; 153.09; 154.04; 155.02, Subdivision 7a; 155.03, Subdivision 2; 155.06, Subdivision 3; 155.09, Subdivisions 1, 4 and 5; 155.11, Subdivision 2; 155.14; 155.15; 155.16; 155.18, Subdivision 1; 155.19; 155.20, Subdivision 2; 156.01, Subdivision 5; 156.02, Subdivision 2; 156.03; 156.07; 156.072, Subdivisions 2 and 3; 156.081, Subdivision 1; 156.14; 214.01, Subdivision 1; 214.06; 270.47; 270.50; 270.51; 326.08, Subdivision 1; 326.11, Subdivision 6; 326.15; 326.19; 326.20; 326.21; 326.22, as amended; 326.23; 326.241, as amended; 326.242, Subdivisions 8 and 9; 326.33, Subdivisions 2 and 3; 326.331; 326.332; Subdivision 1; 326.333; 326.334, Subdivision 1; 326.54; 326.543; 326.544; 326.545; 326.546; 341.05, as amended; 341.06; 341.07; 341.08; 341.12; 341.13; 341.15; 386.61, Subdivision 2; 386.63, Subdivisions 2 and 3; 386.64; 386.65, Subdivision 1; 386.67; 386.69; 386.72; 386.73; Chapter 214, by adding sections; Minnesota Statutes, 1975 Supplement, Sections 125.03, Subdivision 1; 125.11; 125.183, Subdivision 3; 144.952, by adding a subdivision; 147.01; 147.02, Subdivision 1; 147.05; 148.03; 148.181; 148.191; 148.211, Subdivision 1; 148.261, Subdivision 1; 148.29, Subdivision 2; 148.291, Subdivision 1; 148.299; 148.52; 148.54; 148.60; 148.67; 148.95; 150A.02, Subdivision 1; 150A.03, Subdivision 2; 151.03; 151.06, Subdivision 1; 151.07; 153.02; 153.03; 153.04; 153.13; 153.15; 154.22; 154.23; 155.05; 155.06, Subdivision 1; 155.08; 156.01, Subdivision 1; 214.01, Subdivision 2; 214.04; 214.07; 214.09, Subdivision 3; 270.41; 270.42; 270.48; 326.03, Subdivision 1; 326.04; 326.05; 326.06; 326.08, Subdivision 2; 326.09; 326.10; 326.11, Subdivisions 1 and 5; 326.12; 326.13; 326.14; 326.17; 326.18; 326.33, Subdivision 1; 326.541; 326.542; 341.01;

341.04; 341.10; 341.11; 386.62; 386.63, Subdivision 1; 386.66; 386.68; 386.70, Subdivision 1; 386.71; repealing Minnesota Statutes 1974, Sections 125.09, Subdivisions 2 and 3; 144.956; 144.958; 144.96; 144.965; 145.861; 145.862; 145.863; 145.864; 145.865, Subdivision 3; 148.06, Subdivision 2; 148.08, Subdivision 1; 148.291, Subdivision 2; 148.55; 148.58; 148.94; 148.97, Subdivision 2; 148.99, Subdivision 1; 150A.04, Subdivisions 1, 2, 3 and 4; 150A.07; 150A.08, Subdivision 2; 150A.09, Subdivision 2; 151.09; 153.10; 153.11; 154.065, Subdivision 6; 156.01, Subdivision 4; 326.08, Subdivision 3; 326.11, Subdivision 3; 326.16; 326.334, Subdivision 3; 386.63, Subdivision 6; 386.65, Subdivision 2; Minnesota Statutes, 1975 Supplement, Sections 145.865, Subdivision 1; 145.866; 148.211, Subdivision 3; 148.231, Subdivision 3; 148.261, Subdivision 2; 148.291, Subdivision 4; 148.297, Subdivision 2; 148.55; 326.10, Subdivision 4; 326.11, Subdivisions 2 and 4; 386.695; 386.696; and 386.70, Subdivisions 3, 4, 5 and 6.

The bill was read for the third time, as amended, and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 124, and nays 0, as follows:

Those who voted in the affirmative were:

Abeln	Dieterich	Kalis	Neisen	Sieben, M.
Adams, L.	Doty	Kelly, R.	Nelsen	Sieloff
Albrecht	Eckstein	Kelly, W.	Nelson	Simoneau
Anderson, G.	Eken	Kempe, A.	Niehaus	Skoglund
Anderson, I.	Enebo	Kempe, R.	Norton	Smith
Arlandson	Evans	Ketola	Osthoff	Smogard
Beauchamp	Ewald	Knoll	Parish	Spanish
Begich	Faricy	Kostohryz	Patton	Stanton
Berg	Fjoslien	Kroening	Pehler	Suss
Berglin	Forsythe	Kvam	Peterson	Swanson
Biersdorf	Friedrich	Laidig	Petraleso	Tomlinson
Birnstihl	Fudro	Langseth	Philbrook	Ulland
Braun	Fugina	Lemke	Pleasant	Vanasek
Brinkman	George	Lindstrom	Prahl	Vento
Byrne	Hanson	Luther	Reding	Volk
Carlson, A.	Heinitz	Mangan	Rice	Voss
Carlson, L.	Hokanson	Mann	St. Onge	Wenstrom
Carlson, R.	Jacobs	McCarron	Samuelson	Wenzel
Casserly	Jaros	McCauley	Sarna	White
Clark	Jensen	McCollar	Savelkoul	Wieser
Clawson	Johnson, D.	McEachern	Schulz	Wigley
Corbid	Jopp	Menning	Schumacher	Williamson
Dahl	Jude	Metzen	Setzpfandt	Zubay
Dean	Kahn	Moe	Sherwood	Speaker Sabo
DeGroat	Kaley	Munger	Sieben, H.	

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

There being no objection the order of business reverted to Reports of Standing Committees.

REPORTS OF STANDING COMMITTEES

Norton from the Committee on Appropriations to which was referred:

H. F. No. 1397, A bill for an act relating to the organization and operation of state government; changing the membership of the higher education coordinating board and establishing new duties for the board; creating a legislative advisory task force; amending Minnesota Statutes 1974, Sections 136A.02, Subdivisions 1, 2 and 4; 136A.07; and Minnesota Statutes, 1975 Supplement, Sections 136A.04; and 136A.05.

Reported the same back with the following amendments:

Delete sections 1 to 6.

Delete the underscoring in the entire bill.

Page 8, line 5, delete ", and three".

Page 8, line 6, delete "citizen members appointed by the governor".

Page 8, line 8, delete "Legislator".

Page 8, line 10, delete "Citizen members shall be".

Page 8, delete lines 11 to 13.

Page 9, line 2, delete "Sections 1, 2, 3, 5, 7, 9 and 10 of".

Page 9, delete lines 4 and 5.

Page 9, line 8, delete "7" and insert "1" and delete "\$300,000" and insert "\$40,000".

Page 9, line 11, delete "section 7" and insert "this act".

Page 9, delete lines 12 to 16.

Re-number sections in sequence.

Further amend the title by striking it in its entirety and inserting:

"A bill for an act relating to the creation of a legislative advisory task force; appropriating money."

With the recommendation that when so amended the bill do pass.

The report was adopted.

Norton from the Committee on Appropriations to which was referred:

H. F. No. 2254, A bill for an act appropriating money to the commissioner of natural resources for mineland reclamation purposes.

Reported the same back with the recommendation that the bill do pass.

The report was adopted.

Norton from the Committee on Appropriations to which was referred:

H. F. No. 2281, A bill for an act relating to cultural and recreational activities; prescribing powers and duties of the state board of arts; establishing a local arts development program and a program of general operating support for major arts institutions; requiring a certificate of need for construction of certain new public regional sports and auditorium facilities; creating the metropolitan sports facilities commission and prescribing its powers and duties; authorizing the metropolitan council to issue bonds and levy taxes; 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; appropriating money; amending Minnesota Statutes 1974, Chapters 139 and 473, by adding sections; Minnesota Statutes 1975 Supplement, Sections 139.08, Subdivision 5; 139.10, Subdivisions 1 and 2 and by adding a subdivision; repealing Minnesota Statutes 1974, Section 340.11, Subdivision 11a.

Reported the same back with the following amendments:

Page 7, delete lines 29 to 32.

Page 8, delete lines 1 to 15 and insert:

"Subd. 4. Applications for grants under the local arts development program shall be made to the board, which shall forward copies of each application to the appropriate regional arts task force. The task force shall review each application on the basis of the criteria and guidelines established pursuant to subdivision 3 and shall recommend to the board whether the application should be granted. The recommendations of a task force whose guidelines and criteria are approved by the board pursuant to subdivision 3 shall be binding on the board, provided

that grants made under the program shall be distributed by the board according to the populations of the respective regions."

Page 8, delete line 32.

Page 9, delete lines 1 to 6 and insert:

"Subd. 3. A demonstration of operating efficiency shall be required of applicants by the board as a condition of receiving any grant under this section. The receipt of state funds shall not result in a decrease in private support."

Page 9, delete lines 10 to 24 and insert:

"Subd. 5. Grant monies received under this act shall not be used for any capital expenditures or acquisition of real property."

Page 11, after line 25 add the following:

"Subd. 5. "Minneapolis facility area" means that area within three quarters of a mile of the intersection of twelfth avenue and second street in the city of Minneapolis."

Page 12, line 7, delete "17" and insert "20".

Page 12, line 9, delete "17" and insert "20".

Page 12, line 10, delete "13" and insert "14".

Page 12, line 14, delete "17" and insert "20".

Page 12, line 15, delete "13" and insert "14".

Page 12, line 22, delete "19" and insert "21".

Page 12, line 31, delete "13 and 14" and insert "14 and 15".

Renumber subdivisions in sequence.

Page 13, line 12, after *"welfare"* insert *"to establish a procedure for the acquisition of sports facilities and"*.

Page 13, after line 13, insert:

"Sec. 11. Minnesota Statutes 1974, Chapter 473, is amended by adding a section to read:

[473.853] [LOCATION AND DESIGN SELECTION; ARBITRATION PANEL.] *Subdivision 1. An arbitration panel*

shall be created to determine the location and design specifications for a sports facility in the metropolitan area. The panel shall be composed of three members appointed by the governor.

Subd. 2. The panel may contract for the services of architects, engineers, and other consultants as needed to perform its duties.

Subd. 3. The council shall provide funds to the panel, to accomplish the purpose of this section, from the proceeds of bonds issued pursuant to section 20, subdivision 1, clause (a).

Subd. 4. The location and design specifications for the sports facility shall be determined in accordance with the following requirements, conditions, and procedures:

(a) The sports facility shall be located within the limits of the Minneapolis facility area or within the limits of the metropolitan sports area.

(b) The design specifications for the sports facility shall be consistent with the specifications listed in Appendix A of the report of the state planning agency, entitled "A Report on Sport Stadium Proposals" and dated February, 1976.

(c) The design specifications and site plans for the sport facility shall be consistent with all chapters of the metropolitan development guide adopted by the council pursuant to section 473.145. The council shall determine whether the specifications and plans are consistent with the development guide.

(d) Adequate provision shall be made in the plans for traffic circulation at and around the sports facility and adequate assurances given that construction of a stadium at the site will not create significant traffic circulation and parking problems for surrounding neighborhoods. If the site selected is in the city of Minneapolis, the Minnesota highway department, the city of Minneapolis engineering department and the commission shall work in cooperation with the project area committees of the neighborhoods within one mile of the stadium site to provide a plan for traffic circulation and parking. A public hearing on the plan shall be conducted in the affected neighborhoods.

(e) Any facilities planned for the area to the east of trunk highway 394 in the city of Minneapolis shall be consistent with the plan of the city of Minneapolis for the cedar riverside urban renewal area.

(f) The proceeds of the bonds authorized by section 20, subdivision 1, clause (a) shall be sufficient to pay the entire cost of the sports facility.

(g) Net revenues of the commission and any additional revenues that may reasonably be expected shall be sufficient to pay the principal of and interest on all bonds issued pursuant to section 20, and obligations assumed by the council pursuant to section 14, when due or called for prior redemption, and to accumulate and maintain an adequate bond reserve. In no case shall the net revenues be reduced or abated, in whole or in part, through private box lease rate reductions offered in connection with any incentive for the donation of land or site clearance costs for a sports facility.

(h) Any right, title, or interest in or to real property, including positive and negative easements, or other appurtenances, necessary for the construction and operation of the sports facility shall be acquired without cost to the commission or the council, except for the obligations assumed pursuant to section 14. If the sports facility is in a location other than within the metropolitan sports area, real property shall not be acquired except in accordance with the following requirements. The commission shall receive a grant of funds, or enter 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 its acquisition of title to and possession of the real property is conditioned, and to pay all costs of clearing the real property of all buildings, railroad tracks and other structures, including without limitation all necessary relocation costs, all necessary utility relocation costs, and all legal costs. The commission shall acquire title to the real property, including all easements and other appurtenances needed for the construction and operation of the sports facility, or shall secure an order entered by a court of competent jurisdiction determining that its taking of the real property and appurtenances is necessary and authorized by law and appointing commissioners to assess and award the damages pursuant to section 117.075.

(i) The pollution control agency and any other governmental agency shall take final action to approve or deny any permits necessary for a sports facility at either location mentioned in clause (a) within ten months following the effective date of this act.

(j) Notwithstanding any contrary provisions of section 116D.04 or any regulations issued pursuant thereto, an environmental impact statement for each location mentioned in clause (a), fulfilling the requirements of section 116D.04, shall be completed within ten months of the effective date of this act. The environmental impact statements shall be prepared by the state planning agency. The arbitration panel shall reimburse the agency for the cost of preparing the statements. The draft statements shall be submitted to the environmental quality council within 120 days of the effective date of this act.

(k) Studies of the following matters as they relate to a sports facility shall be prepared by or for the panel: (i) traffic

circulation, transmit, access and parking needs, including necessary capital cost, operating cost, methods of funding, and probable construction completion date at each location mentioned in clause (a); (ii) the value and possibilities for sale of the land at the metropolitan sports area; (iii) the salvage value of the existing multi-purpose stadium situated within the metropolitan sports area, and the cost of demolition of the stadium; (iv) probable revenues and capital and operating costs of a sports facility at each location mentioned in clause (a); (v) alternative bonding programs to finance the acquisition of a sports facility.

(1) *The panel shall hold hearings at locations both within and without the seven county metropolitan area after appropriate notice to receive public testimony on the location and design of the sports facility.*

Subd. 5. Within 30 days following the acceptance by the environmental quality council of the environmental impact statements required by subdivision 4, clause (j), the arbitration panel shall report to the legislature, the governor, and the metropolitan council. The report shall summarize the activities conducted pursuant to this section by or on behalf of the panel. The report shall contain the findings and conclusions of the panel and its determinations with respect to the matters specified in this section."

Page 16, line 7, delete "commissioner" and insert "commission".

Page 16, line 10, delete "13" and insert "14".

Page 16, line 14, delete "three quarters of a mile of the intersection of 12th".

Page 16, line 15, delete "avenue and 2nd street in the city of Minneapolis" and insert "the limits of the Minneapolis facility area".

Page 16, line 20, after "394" insert "in the city of Minneapolis".

Page 16, line 23, delete "sports facility and".

Page 16, line 27, delete "three-quarters of a".

Page 16, delete line 28.

Page 16, line 29, delete "in the city of Minneapolis" and insert "the limits of the Minneapolis facility area".

Page 17, line 2, delete "24" and insert "26".

Page 17, line 6, delete "15" and insert "16".

Page 17, line 9, delete "13" and insert "14".

Page 17, line 12, delete "11" and insert "12".

Page 18, line 14, before "The" insert "Subject to the provisions of section 15,".

Page 19, line 21, delete ", and it" and insert ". On July 1, 1976, the commission".

Page 19, line 22, delete "on July 1, 1976" and insert "as provided in subdivision 2, the council shall assume the appropriate bonding obligations of the city of Minneapolis as provided in subdivision 3, and the commission shall employ persons currently employed by the metropolitan sports area commission as provided in subdivision 4".

Page 20, line 13, delete "19" and insert "20".

Page 22, line 20, delete "or" and insert a comma.

Page 22, line 21, after "grants," insert "or loans,".

Page 22, line 22, delete "12" and insert "13".

Page 22, line 22, delete "6" and insert "8".

Page 22, line 24, delete "12" and insert "13".

Page 22, line 26, after "grants," insert "loans,".

Page 23, line 12, delete "construction" and insert "acquisition".

Page 23, after line 15, insert:

"Sec. 19. Minnesota Statutes 1974, Chapter 473, is amended by adding a section to read:

[473.860] [SPORTS FACILITIES COMMISSION; AGREEMENTS.] *Subdivision 1. Before the commencement of construction of a sports facility and before the issuance of bonds under section 20, subdivision 1, clause (a), in excess of \$1,500,000, the commission shall have entered into the agreements specified in this section.*

Subd. 2. Agreements shall be executed with the professional baseball and football organizations to lease, use, and play scheduled regular season games, at least three home exhibition games, and league play-off home games in the sports facility for a period

of not 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 completion of the sports facility. The agreements shall include binding undertakings by the professional baseball and football organizations and their present or future stockholders prohibiting the use of any league franchises or television, radio, and player contracts which they now or in the future may own, enter into, or otherwise control, whether directly or indirectly, except in connection with football, baseball, or other sports activities at the sports facility herein contemplated.

Subd. 3. Agreements shall be executed by the professional sports organizations which have agreed to use the sports facility which provide the maximum possible guarantees by the organizations for payment of any deficits, including as a minimum but not limited to (1) a provision which requires that in any year in which (a) the debt service fund at any time is less than \$2,000,000 above the amount required for debt service, and (b) there is a deficit, the professional sports organizations shall pay together into the debt service fund, in proportion to the annual rentals, fees, and charges to be paid by each for the use of the sports facility, an amount equal to one-half of the deficit, and (2) a provision which requires that, in any year in which (a) a one percent tax is imposed pursuant to section 21, subdivision 2, and (b) there is a deficit, and (c) the proceeds from the tax and from the payment of the organizations required under subclause (1) of this clause are less than the deficit, the professional sports organizations shall pay together into the debt service fund, in proportion to the annual rentals, fees, and charges to be paid by each for the use of the sports facility, in addition to the payment required under subclause (1), an amount equal to the difference between the annual debt service, required to meet the council's obligations under sections 14 and 20, and the sum of net revenue, proceeds from the tax, and the payment required under subclause (1).

Subd. 4. Agreements shall be executed by the professional baseball and football organizations to pay, in the event of breach of the agreements with the commission, liquidated damages in the amount of \$5,000,000.

Subd. 5. Agreements shall be executed by each league on behalf of its owners that the franchises of the professional football and baseball organizations described herein will not in any way be assigned or transferred from use in the facility herein contemplated, or otherwise terminated for the term of the leases with said teams.

Subd. 6. Agreements shall be executed by the appropriate labor organizations and construction contractor organizations that no labor strikes or management lockouts will halt, delay or impede construction."

Page 23, line 20, after "*commission*" insert "*and in accordance with the determinations of the arbitration panel under section 11*".

Page 23, line 25, delete "*and section 18*".

Page 23, line 27, delete "*13*" and insert "*14*".

Page 24, line 5, delete "*and section 18*".

Page 24, line 8, delete the period and insert "*and*".

Page 24, line 8, delete "*except as*".

Page 24, line 9, delete "*provided in subdivision 3, clause (c)*".

Page 24, line 15, delete "*including a stadium seating*".

Page 24, delete lines 16 to 18.

Page 24, line 19, delete "*automobiles and*" and insert "*and for*".

Page 24, line 19, delete "*situated within*".

Page 24, delete lines 20 and 21 and insert "*in accordance with the determinations of the arbitration panel pursuant to section 11,*".

Page 24, line 24, delete "*construction*" and insert "*acquisition*".

Page 24, line 27, after "*preparation*" delete the remainder of the line.

Page 24, line 28, delete "*shall be placed in the debt service fund*".

Page 24, after line 28, insert:
"*(b) No less than \$3,000,000 of the proceeds shall be placed in the debt service fund,*".

Page 24, line 29, delete "*(b)*" and insert "*(c)*".

Page 24, line 32, delete "*(c)*" and insert "*(d)*".

Page 25, line 1, delete "*the requirements of section 18 have been*".

Page 25, delete lines 2 to 5 and insert "*: (i) the council has reviewed the activities, plans, determinations, reports, studies,*

and agreements relating to the sports facility, completed under sections 11 and 19 and has determined them to be consistent with the purposes of sections 9 to 24; (ii) the council has determined that the requirements, conditions, and procedures of sections 11 and 19 have been satisfied; (iii) the council has determined that the environmental impact statement for the location chosen for the sports facility has been accepted by the environmental quality council and that the necessary permits have been issued by the pollution control agency and other governmental agencies; (iv) the council has determined that total expenditures, excluding interest, by all units of government for the sports facility and for road access improvements and bridges and similar supporting facilities will not likely exceed \$50 million; and (v) the council has reported its findings and determinations to the legislature, in the manner provided in Minnesota Statutes, Section 3.195, and at least 30 days have elapsed following the report.”.

Page 25, line 7, delete “19” and insert “21”.

Page 26, delete lines 11 to 32.

Page 27, delete lines 1 to 32.

Page 28, delete lines 1 to 32.

Page 29, delete lines 1 to 32.

Page 30, delete lines 1 to 25.

Page 31, line 25, delete “new”.

Page 31, line 26, delete “constructed” and insert “acquired”.

Page 31, line 28, delete “new”.

Page 31, line 31, after “Subd. 2.” insert “[ON SALE LIQUOR TAX.]”.

Page 32, line 5, after “reserves” insert “plus any payments from the professional sports organizations pursuant to section 19, subdivision 3, clause (1),”.

Page 32, line 12, after the period add “If in any year in which a one percent tax is imposed pursuant to this subdivision, the council estimates that the net revenue to be deposited in the fund plus reserves plus revenues from the one percent tax plus payments from the professional sports organizations pursuant to section 19, subdivision 3, will not exceed the amount of revenue required in the fund for that year by at least \$1,000,000, it shall impose a tax, effective January 1, in addition to the one percent tax already in effect, and supplemental to the general sales tax

imposed in Minnesota Statutes, Chapter 297A, in the amount of one percent on all sales of intoxicating liquor and fermented malt beverages when sold at licensed on-sale liquor establishments located in the metropolitan area."

Page 32, line 26, delete "section 17" and insert "sections 14 and 20".

Page 33, line 21, delete "section 13" and insert "sections 14 and 15".

Page 34, line 3, delete "a major tenant" and insert "the university of Minnesota, a professional baseball organization, or a professional football organization".

Page 34, line 15, delete "constructed" and insert "acquired".

Page 35, delete lines 1 to 22.

Page 35, line 28, delete ", other than facilities situated in the present".

Page 35, line 29, delete "metropolitan sports area".

Page 35, line 29, after "issued" insert "by the commission".

Page 36, line 5, delete "to".

Page 36, line 6, delete "establishments" and insert "for the existing indoor public assembly facility".

Page 36, line 11, before "The" insert "Effective beginning in the year 1977,".

Page 36, delete lines 21 to 24 and insert:

"If a sports facility is constructed pursuant to sections 9 to 24 in a location other than within the metropolitan sports area, the commission may sell only that portion of the metropolitan sports area which is not used for a public purpose. The".

Page 37, line 16, delete "land retained by the commission".

Page 37, line 17, delete "at the metropolitan sports area" and insert "the metropolitan sports area which currently is used for the operation of the existing indoor public assembly facility, including necessary parking,".

Page 37, line 19, delete "the real" and insert "such".

Page 37, line 26, delete "*the real*" and insert "*such*".

Page 38, line 23, delete "*until expended*" and insert "*for the fiscal year ending June 30, 1977*".

Renumber sections in sequence and correct the proposed coding accordingly.

Further amend the title:

Line 9, after "facilities;" insert "creating an arbitration panel and prescribing its powers and duties;"

Line 19, after "facility;" insert "providing for a tax levy;"

With the recommendation that when so amended the bill do pass.

The report was adopted.

Norton from the Committee on Appropriations to which was referred:

S. F. No. 175, A bill for an act relating to corrections; increasing the scope of the jurisdiction and power of the ombudsman; preserving the rights of complainants; providing a penalty for persons hindering the ombudsman; removing an expiration date; appropriating money; amending Minnesota Statutes 1974, Sections 241.42, Subdivision 2; 241.44, Subdivisions 1 and 3, and by adding a subdivision; and Chapter 241, by adding a section; repealing Minnesota Statutes 1974, Section 241.42, Subdivision 4; and Laws 1973, Chapter 553, Section 7.

Reported the same back with the following amendments:

Page 4, after line 26, insert:

"Sec. 5. Minnesota Statutes 1974, Section 260.015, is amended by adding a subdivision to read:

Subd. 15. "Detention facility" means a facility used for the temporary care of a child in a shelter care or secure detention facility, pending court disposition.

Sec. 6. Minnesota Statutes 1974, Section 260.015, is amended by adding a subdivision to read:

Subd. 16. "Secure detention facility" means a physically restricting detention facility, including a detention home.

Sec. 7. Minnesota Statutes 1974, Section 260.015, is amended by adding a subdivision to read:

Subd. 17. "Shelter care facility" means a physically unrestricting detention facility, such as a group home or a licensed facility for foster care, excluding a detention home.

Sec. 8. Minnesota Statutes 1974, Section 260.101, is amended to read:

260.101 [DETENTION HOMES.] In any county or group of counties the county boards may purchase, lease, erect, equip, and maintain a detention home for boys and girls, or a separate detention home for boys and girls, or a separate detention home for boys or a separate detention home for girls. (ANY CHILD ALLEGED TO BE DELINQUENT MAY BE DETAINED IN THE DETENTION HOME IN THE MANNER PROVIDED IN SECTION 260.171, SUBDIVISION 2.) The detention home may, with the approval of the district court judges in counties now or hereafter having a population of more than 200,000 or of the juvenile court judges in all other counties be a separate institution, or it may be established and operated in connection with a county home school or any organized charitable or educational institution. However, the plans, location, equipment, and operation of the detention home shall in all cases have the approval of the judges. Necessary staff shall be appointed and removed by the judges. The salaries of the staff shall be fixed by the judges, subject to the approval of the county boards. The county board of each county to which this section applies shall provide the necessary funds to carry out the provisions of this section.

Sec. 9. Minnesota Statutes 1974, Section 260.171, Subdivision 1, is amended to read:

260.171 [RELEASE OR DETENTION.] Subdivision 1. (WHEN) *If a child is taken into custody as provided in section 260.165, the parent, guardian, or custodian of the child shall be notified as soon as possible, (EXCEPT WHERE THE IMMEDIATE WELFARE OF THE CHILD OR THE PROTECTION OF THE COMMUNITY REQUIRE THAT THE CHILD BE DETAINED) Unless there is reason to believe that the child would physically endanger himself or others, not return for a court hearing, not remain in the care or control of the person to whose lawful custody he is released, or that the child's health or welfare would be immediately endangered, the child shall be released to the custody of his parent, guardian, custodian, or other suitable person. (ON THE PROMISE OF) That (SUCH) person shall promise to bring the child to the court, if necessary, at (SUCH) the time (AS) the court may direct. If the person taking the child into custody believes it desirable he may request the parent, guardian, custodian, or other person designated by the court to sign a written promise to bring the child to court as*

provided above. *The intentional violation of such a promise, whether given orally or in writing, shall be punishable as contempt of court.*

The court may require the parent, guardian, custodian or other person to whom the child is released, to post any reasonable bail or bond required by the court which shall be forfeited to the court if the child does not appear as directed. The court may also release the child on his own promise to appear in juvenile court.

Sec. 10. Minnesota Statutes 1974, Section 260.171, Subdivision 2, is amended to read:

Subd. 2. If the child is not released as provided in subdivision 1, the person taking the child into custody shall notify the court as soon as possible of the detention of the child and the reasons for detention. (THE) No child may be detained in a (PLACE OF) detention (SPECIFIED IN SECTION 260.175 FOR NOT) facility longer than 24 hours, excluding (SATURDAYS,) Sundays and holidays, after the taking into custody unless an order for detention, specifying the reason for detention, is signed by the judge or referee. No child may be held longer than (40) 36 hours, excluding (SATURDAYS,) Sundays or holidays, after the taking into custody unless a petition has been filed and the judge or referee determines pursuant to section 14 that the child shall remain in (CUSTODY) detention.

(WHERE) If a child described in section 15, subdivision 4, is to be detained in a jail (BEYOND) up to 48 hours, the judge or referee, in accordance with rules and procedures established by the commissioner of corrections, shall notify the commissioner of the place of (SUCH CONTINUED) the detention and the reasons therefor. The commissioner shall thereupon (OFFER THE SERVICES OF HIS DEPARTMENT TO) assist the court in the relocation of (SUCH) the child in an appropriate detention (FACILITIES) facility within the county or elsewhere in the state, or in determining suitable alternatives. If approved regional juvenile detention facilities exist, the commissioner (SHALL HAVE THE POWER TO) may direct that the child be detained in the nearest approved regional juvenile detention facility. If the court refers the matter to the prosecuting authority (IN ACCORDANCE WITH THE PROVISIONS OF) pursuant to section 260.125, notice to the commissioner shall not be required. (THE PARENT, GUARDIAN, OR CUSTODIAN OF THE CHILD SHALL BE NOTIFIED OF THE PLACE OF DETENTION AS SOON AS POSSIBLE.)

Sec. 11. Minnesota Statutes 1974, Section 260.171, is amended by adding a subdivision to read:

Subd. 4. *If the person who has taken the child into custody determines that the child should be placed in a detention facility,*

he shall advise the child and as soon as is possible, the child's parent, guardian, or custodian:

(a) of the reasons why the child has been taken into custody and why he is being placed in a detention facility; and

(b) of the location of the detention facility; and

(c) that the child's parent, guardian, or custodian and attorney may make an initial visit to the detention facility at any time. Subsequent visits by a parent, guardian, or custodian may be made on a reasonable basis during visiting hours and by the child's attorney at reasonable hours; and

(d) that the child may telephone his parents and an attorney from the detention facility immediately after being admitted to the detention facility and thereafter on a reasonable basis to be determined by the director of the facility; and

(e) that the child may not be held at the detention facility longer than 36 hours, excluding Sundays and holidays, unless a petition has been filed within that time and the court orders the child's continued detention.

Sec. 12. Minnesota Statutes 1974, Section 260.171, is amended by adding a subdivision to read:

Subd. 5. If a child is to be detained, the detention facility where the child is to be placed shall promptly provide for transportation of the child to the facility or secure a written transportation order from the court authorizing transportation by the sheriff or other qualified person. The person who has determined that the child should be detained shall deliver to the court and the supervisor of the detention facility where the child is placed, a signed report, setting forth:

(a) the time the child was taken into custody; and

(b) the time the child was delivered for transportation to the detention facility; and

(c) the reasons why the child was taken into custody; and

(d) the reasons why the child has been placed in detention; and

(e) a statement that the child and his parent have received the notification required by section 11 or the reasons why they have not been so notified.

Sec. 13. Minnesota Statutes 1974, Section 260.171, is amended by adding a subdivision to read:

Subd. 6. When a child has been delivered to a detention facility, the supervisor of the facility shall deliver to the court a signed report acknowledging receipt of the child stating the time of the child's arrival. The supervisor of the facility shall ascertain from the report of the person who has taken the child into custody whether the child and his parent, guardian, or custodian have the received notification required by section 11. If the child or his parent, guardian or custodian, or both, have not been so notified, the supervisor of the facility shall immediately make the notification, and shall include in his report to the court a statement that notification has been received or the reasons why it has not.

Sec. 14. Minnesota Statutes 1974, Chapter 260, is amended by adding a section to read:

[260.172] [DETENTION HEARING.] *Subdivision 1. Within 36 hours of a child's being taken into custody, excluding Sundays and holidays, a hearing shall be held to determine whether the child should continue in detention. Unless there is reason to believe that the child would be dangerous to himself or others, not return for a court hearing, not remain in the care or control of the person to whose lawful custody he is released, or that the child's health or welfare would be immediately endangered, the child shall be released to the custody of his parent, guardian, custodian or other suitable person.*

Subd. 2. If the court determines that the child should continue in detention, it may order detention continued for eight days, excluding Sundays and holidays, from and including the date of the order. The court shall include in its order the reasons for continued detention and the findings of fact which support these reasons.

Subd. 3. Copies of the court's order shall be served upon the parties, including the supervisor of the detention facility, who shall release the child or continue to hold him as the court orders.

Subd. 4. If a child held in detention under a court order issued under subdivision 2 has not been released prior to expiration of the order, an additional hearing to determine under the standards provided by subdivision 1, shall be held to determine whether detention should be continued. If detention is continued thereafter, hearings such as these shall be held within every eight days, excluding Sundays and holidays, of the child's detention.

Sec. 15. Minnesota Statutes 1974, Chapter 260, is amended by adding a section to read:

[260.173] [PLACE OF TEMPORARY CARE.] *Subdivision 1. If a child is taken into custody pursuant to section*

260.165, subdivision 1, clause (a) or is found in surroundings or conditions reasonably believed to endanger his health or welfare and the child is not alleged to be delinquent, he may be detained only in a shelter care facility. These children may not be detained in a shelter care facility in which children described under subdivision 3 are detained.

Subd. 2. If a child is taken into custody as one who is:

(a) alleged to be uncontrolled by his parent, guardian, or other custodian by reason of being wayward or habitually disobedient; or

(b) alleged to have committed an offense which would not constitute a violation of state law or a local ordinance if he were an adult; or

(c) reasonably believed to have violated probation, parole, or other field supervision under which he has been placed as a result of behavior described under this subdivision; he may be placed in a shelter care facility.

Subd. 3. If a child described under subdivision 2 has previously escaped from a shelter care facility, or is from another state and absent from his home for more than 24 hours without the permission of his parent, guardian or other custodian he may be placed in a secure detention facility.

Subd. 4. If a child is taken into custody as one who:

(a) has allegedly committed an act which would constitute a violation of a state law or a local ordinance if he were an adult; or

(b) is reasonably believed to have violated the terms of his probation, parole, or other field supervision under which he had been placed as a result of behavior described under clause (a); he may be detained in a shelter care or secure detention facility. If the child cannot be detained in another type of detention facility, a child described in this subdivision may be detained up to 48 hours in a jail, lock-up or other facility used for the confinement of adults who have been charged with or convicted of a crime, in quarters separate from any adult confined in the facility. No child under the age of 14 may be detained in a jail, lock-up or other facility used for the confinement of adults who have been charged with or convicted of a crime.

Subd. 5. In order for a child to be detained at a state correctional institution for juveniles, the commissioner of corrections must first consent thereto, and the county must agree to pay the costs of the child's detention.

Sec. 16. Minnesota Statutes 1974, Section 641.14, is amended to read:

641.14 [JAILS, HOW KEPT.] The sheriff of each county, by himself or deputy, shall have charge of the jail, and be responsible for its condition. No female prisoner shall be kept in the same room with a male prisoner, and no minor under (16) 18 years shall be kept in the same room with (OTHER) adult prisoners (.). No insane prisoner shall be kept in the same room with any other prisoner unless (SUCH) that person (SHALL BE) is detailed as a nurse; and, so far as the construction of the jail will permit, strict separation of prisoners shall be maintained. No person awaiting trial shall be kept in a room with any other prisoner.”

Page 5, line 3, after “appropriated” insert “to the corrections ombudsman”.

Page 5, after line 4, insert a new section to read:

“Sec. 19. [APPROPRIATION.] *The sum of \$927,465 is appropriated from the general fund to a special corrections contingent account to be used in the event of increased costs to the department of corrections related to commitments resulting from separate legislation enacted by the 1976 legislature. Transfers from the special contingent account shall be in accordance with section 3.30.*”

Page 5, line 5, delete “Section” and insert “Sections”.

Page 5, line 6, after the semicolon insert “260.171, Subdivision 3; 260.175;”.

Renumber the sections in sequence.

Further strike the title in its entirety and insert the following:

“A bill for an act relating to corrections and juveniles; increasing the scope of the jurisdiction and power of the ombudsman; preserving the rights of complainants; providing limitations on procedures for juvenile detention; providing definitions; setting standards; removing an expiration date; appropriating money; amending Minnesota Statutes 1974, Sections 241.42, Subdivision 2; 241.44, Subdivisions 1 and 3, and by adding a subdivision; 260.015, by adding subdivisions; 260.101; 260.171, Subdivisions 1, 2, and by adding subdivisions; 641.14; and Chapter 260, by adding sections; repealing Minnesota Statutes 1974, Sections 241.42, Subdivision 4; 260.171, Subdivision 3; 260.175; and Laws 1973, Chapter 553, Section 7.”

With the recommendation that when so amended the bill do pass.

The report was adopted.

Norton from the Committee on Appropriations to which was referred:

S. F. No. 1223, A bill for an act relating to public welfare; authorizing grants for programs of child care services; altering allocations of grants; amending Minnesota Statutes 1974, Sections 245.83, Subdivisions 2 and 5; 245.84; 245.85; 245.86; and 245.87.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1974, Section 245.83, Subdivision 2, is amended to read:

Subd. 2. [PUBLIC WELFARE; CHILD CARE SERVICES.] "Child care (SERVICE) *services*" means (A) family day care (HOME) *homes*, group day care (CENTER FOR SIX OR MORE CHILDREN) *centers*, nursery schools, day nurseries, child day care centers (AND), play groups and (GROUP FAMILY DAY CARE HOMES) *head start and parent cooperatives*, as defined by (SUCH) rules (AND REGULATIONS AS) of the commissioner (SHALL PROMULGATE FROM TIME TO TIME); and *in-home child care as defined in the Minnesota plan for social services to families and children.*

Sec. 2. Minnesota Statutes 1974, Section 245.83, Subdivision 5, is amended to read:

Subd. 5. "Interim financing" means funds to carry out such activities as are necessary for family day care homes, group family day care homes and cooperative child care centers to receive *and maintain* state licensing, and operating funds for a period of six consecutive months following receipt of state licensing by a family day care home, group family day care home, or cooperative child care center. (INTERIM FINANCING MAY NOT EXCEED A PERIOD OF 18 MONTHS EXCEPT UNDER SUCH CONDITIONS AS THE COMMISSIONER MAY PROMULGATE FROM TIME TO TIME.)

Sec. 3. Minnesota Statutes 1974, Section 245.84, is amended to read:

245.84 [AUTHORIZATION TO MAKE GRANTS.] *Subdivision 1.* The commissioner is authorized to make (SUCH PROVISIONAL) grants from the general fund in the state treasury to any municipality, county, corporation or combination thereof for (PLANNING, ESTABLISHING, MAINTAINING OR OPERATING A) *the cost of providing technical assistance and child care (SERVICE) services* as the commissioner deems necessary or proper to carry out the purposes of sections 245.83 to 245.87.

(THE PLANNING, ESTABLISHING, MAINTAINING OR OPERATING OF A CHILD CARE SERVICE MAY INCLUDE BUT IS NOT LIMITED TO THE LEASING, RENTING, CONSTRUCTING, RENOVATING, OR PURCHASING OF NECESSARY FACILITIES, EQUIPMENT OR SUPPLIES FOR SUCH SERVICE.)

The commissioner is further authorized to make (PROVISIONAL) grants (AS PROVIDED BY SECTIONS 245.83 TO 245.87) to any (SUCH) municipality, county, *incorporated licensed child care facility*, or (PRIVATE) corporation or combination thereof (, TO ESTABLISH AND OPERATE A PROGRAM TO AID IN THE COORDINATION OF CHILD CARE WITHIN A DEFINED COMMUNITY, TO AID IN THE DEVELOPMENT OF SOCIAL, EMOTIONAL, EDUCATIONAL AND PHYSICAL CONDITIONS UNDER WHICH CHILDREN CAN BEST DEVELOP WITHIN A DEFINED COMMUNITY AND TO PROVIDE FOR THE NEEDS OF ECONOMICALLY DISADVANTAGED CHILDREN. NO GRANT SHALL EXCEED 50 PERCENT OF THE TOTAL COST OF THE ESTABLISHMENT AND OPERATION OF A CHILD CARE SERVICE OR A PROGRAM AS SET FORTH IN THIS SECTION EXCEPT FOR AN INTERIM FINANCING GRANT WHICH SHALL NOT EXCEED 75 PERCENT.)

(THE COMMISSIONER SHALL APPOINT AN ADVISORY COMMITTEE ON CHILD CARE OF NOT MORE THAN 25 PEOPLE WHICH SHALL ADVISE THE COMMISSIONER ON GRANTS-IN-AID TO LICENSED CHILD CARE FACILITIES, ONE-THIRD OF THOSE APPOINTED SHALL CONSIST OF PARENT USERS OF LICENSED CHILD DAY CARE FACILITIES.) *for any of the following purposes:*

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

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

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

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

(e) *For interim financing.*

Subd. 2. The commissioner may make grants to counties, municipalities, corporations or incorporated licensed day care facilities and may promulgate rules for grants using a sliding fee scale. The commissioner shall review the program annually. Excluding that portion charged to parents, grants made pursuant to the sliding fee scale shall not exceed 95 percent of the total cost of the program for fiscal year 1977, 85 percent for fiscal year 1978, and 75 percent for each year thereafter.

Subd. 3. For the purposes of this section, donated professional and volunteer services, program materials, equipment, supplies, and facilities may be approved as part of a matching share of the cost, provided that total costs shall be reduced by the costs charged to parents if a sliding fee scale has been used.

Subd. 4. The commissioner may appoint an advisory council of not more than 35 members which shall advise the commissioner on grants and other child care issues. One third of the members of the advisory council shall be parents who use child care services. The membership terms, compensation and removal from office of members of the advisory council shall be according to section 15.059.

Subd. 5. The commissioner shall annually develop a plan for the distribution of funds for child care services. All licensed child care programs shall be given written notice concerning the availability of funds and the application process.

Sec. 4. Minnesota Statutes 1974, Section 245.85, is amended to read:

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

Funds (WHICH HAVE NOT BEEN ALLOCATED BY THE END OF THE 18TH MONTH) for each year of the biennium

(SHALL) which have not been granted by the end of the sixth month of that year may be allocated without regard to (AREA) restrictions set forth in section (245.86) 245.87.

Sec. 5. Minnesota Statutes 1974, Section 245.86, is amended to read:

245.86 [AUTHORIZATION TO COUNTIES AND MUNICIPALITIES TO MAKE GRANTS.] Any county or municipality may make grants from special tax revenues or from its general fund to any organization, governmental or corporate, for the same purposes for which the commissioner is authorized to make grants by sections 245.83 to 245.87. (THE ABOVE FUNDS AND AN AMOUNT OF FUNDS ESTABLISHED AS A USUAL RATE FOR DONATIONS OF TIME OR SERVICES, OR ANY COMBINATION THEREOF, ARE TO PROVIDE FOR A 50 PERCENT MATCHING OF COUNTY, LOCAL OR PRIVATE FUNDS.)

Sec. 6. Minnesota Statutes 1974, Section 245.87, is amended to read:

245.87 [ALLOCATIONS.] For the purposes of sections 245.83 to 245.87 grants shall be (EQUALLY) distributed between the metropolitan area, comprising the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott and Washington, and the (OUTSTATE) area *outside the metropolitan area* so that no more than 55 percent of the total fund goes to either area *after excluding allocations for migrant day care services, administrative costs and statewide projects*. At least ten percent of the total *program* allocation shall be designated for interim financing. (FOR THE PURPOSE OF LAWS 1973, CHAPTER 504.) The commissioner is further instructed that the allocation in each area be based on a need and population basis.

Sec. 7. *For the purposes of this act section 3, subdivision 4, is effective July 1, 1976.*

Strike the title in its entirety and insert:

“A bill for an act relating to public welfare; authorizing grants for child care services; defining terms requiring certain allocations, amending Minnesota Statutes 1974, Sections 245.83, Subdivisions 2 and 5; 245.84; 245.85; 245.86; and 245.87”.

With the recommendation that when so amended the bill do pass.

The report was adopted.

Norton from the Committee on Appropriations to which was referred:

S. F. No. 1644, A bill for an act relating to public welfare; establishing a senior companion program; appropriating funds.

Reported the same back with the following amendments:

Page 2, line 30, delete "council" and insert "board".

Page 3, line 6, delete "\$250,000" and insert "\$50,000".

With the recommendation that when so amended the bill do pass.

The report was adopted.

Norton from the Committee on Appropriations to which was referred:

S. F. No. 1959, A bill for an act relating to health facilities; establishing an office of health facility ombudsman; appropriating money.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert:

"Section 1. [144A.51] [DEFINITIONS.] Subdivision 1. For the purposes of sections 1 to 6 of this act, the terms defined in this section have the meanings given them.

Subd. 2. "Administrative agency" or "agency" means any division, official, or employee of a state or local governmental agency, but does not include:

- (a) Any member of the senate or house of representatives;
- (b) The governor or his personal staff;
- (c) Any instrumentality of the federal government of the United States; or
- (d) Any court or judge.

Subd. 3. "Director" means the director of the office of health facility complaints.

Subd. 4. "Health care provider" means any professional licensed by the state to provide medical or health care services who does provide the services to a resident of a health facility.

Subd. 5. "Health facility" means a facility or that part of a facility which is required to be licensed pursuant to Minnesota Statutes, Sections 144.50 to 144.58.

Subd. 6. "Resident" means any resident or patient of a health facility, or the guardian or conservator of a resident or patient of a health facility, if one has been appointed.

Sec. 2. [144A.52] [OFFICE OF HEALTH FACILITY COMPLAINTS.] Subdivision 1. The office of health facility complaints is hereby created in the department of health. The office shall be headed by a director appointed by the board of health. The director shall report to and serve at the pleasure of the board of health.

The commissioner of health shall provide the office with office space, administrative services and secretarial and clerical assistance.

Subd. 2. The director may appoint a deputy director and one personal secretary to discharge the responsibilities of his office. Any deputy director or personal secretary shall serve at the director's pleasure and shall be in the unclassified service. All other employees of the office shall be classified employees of the department of health.

Subd. 3. The director may delegate to members of his staff any of his authority or duties except the duty of formally making recommendations to the legislature, administrative agencies, health facilities, health care providers, and the board of health.

Subd. 4. The director shall attempt to include on his staff persons with expertise in areas such as law, health care, social work, dietary needs, sanitation, financial audits, health-safety requirements as they apply to health facilities and any other relevant fields.

Sec. 3. [144A.53] [POWERS AND DUTIES OF DIRECTOR.] Subdivision 1. [POWERS.] The director may:

(a) Promulgate by rule, pursuant to Minnesota Statutes, Chapter 15, within the limits set forth in subdivision 2, the methods by which complaints against health facilities, health care providers or administrative agencies are to be made, reviewed, investigated, and acted upon; provided, however, that he may not charge a fee for filing a complaint;

(b) Recommend legislation and changes in rules to the board of health, legislature, governor, administrative agencies or the federal government;

(c) Investigate, upon a complaint or upon his own initiative, any action or failure to act by a health care provider, or a health facility;

(d) Request and receive access to relevant information, records, or documents in the possession of an administrative agency, health care provider or a health facility which he deems necessary for the discharge of his responsibilities;

(e) Enter and inspect, at any time, a health facility provided that the director shall not unduly interfere with or disturb the activities of a resident unless the resident consents;

(f) Recommend that the board of health issue a correction order pursuant to section 144.653 or any law which supersedes that section;

(g) Assist residents of health facilities in the enforcement of their rights under Minnesota law; and

(h) Work with administrative agencies, health facilities, health care providers and organizations representing consumers on programs designed to provide information about health facilities to the public and to health facility residents.

Subd. 2. [COMPLAINTS.] The director may receive a complaint from any source concerning an action of an administrative agency, a health care provider, or a health facility. He may require a complainant to pursue other remedies or channels of complaint open to the complainant before accepting or investigating the complaint.

The director shall keep written records of all complaints and his action upon them. After completing his investigation of a complaint, he shall inform the complainant, the administrative agency having jurisdiction over the subject matter, the health care provider and the health facility of the action taken.

Subd. 3. [RECOMMENDATIONS.] If, after duly considering a complaint and whatever material he deems pertinent, the director determines that the complaint is valid, he may recommend that an administrative agency, a health care provider or a health facility should:

(a) Modify or cancel the actions which gave rise to the complaint;

(b) Alter the practice, rule or decision which gave rise to the complaint;

(c) Provide more information about the action under investigation; or

(d) Take any other step which the director considers appropriate.

If the director requests, the administrative agency, a health care provider or health facility shall, within the time specified, inform the director about the action taken on his recommendation.

Subd. 4. [REFERRAL OF COMPLAINTS.] If a complaint received by the director relates to a matter more properly within the jurisdiction of an occupational licensing board, the office of consumer services or any other governmental agency, the director shall forward the complaint to that agency and shall inform the complaining party of the forwarding. The agency shall promptly act in respect to the complaint, and shall inform the complaining party and the director of its disposition. If a governmental agency receives a complaint which is more properly within the jurisdiction of the director, it shall promptly forward the complaint to the director, and shall inform the complaining party of the forwarding. If the director has reason to believe that any official or employee of an administrative agency or health facility has acted in a manner warranting criminal or disciplinary proceedings, he shall refer the matter to the board of health, department of public welfare, an appropriate prosecuting authority, or other appropriate agency.

Sec. 4. [144A.54] [PUBLICATION OF RECOMMENDATIONS; REPORTS.] Subdivision 1. Except as otherwise provided by this section, the director may determine the form, frequency, and distribution of his conclusions and recommendations. The director shall transmit his conclusions and recommendations to the board of health and the legislature. Before announcing a conclusion or recommendation that expressly or by implication criticizes an administrative agency, a health care provider or a health facility, the director shall consult with that agency, health care provider or facility. When publishing an opinion adverse to an administrative agency, a health care provider or a health facility, he shall include in the publication any statement of reasonable length made to him by that agency, health care provider or health facility in defense or explanation of the action.

Subd. 2. In addition to whatever other reports the director may make, he shall, at the end of each year, report to the board of health and the legislature concerning the exercise of his functions during the preceding year. The board of health may, at any time, request and receive information, other than resident records, from the director.

Subd. 3. In performing his duties under this act, the director shall preserve the confidentiality of resident records. He may release a resident's records with the written approval of the resident who is the subject of the records.

Sec. 5. [HEALTH DEPARTMENT COMPLAINT TEAM.] It is the intent of the legislature that the complaint team of the

department of health be superseded by the office of health facility complaints and that funds currently allocated to the complaint team by the department of health be allocated to the office of health facility complaints.

Sec. 6. [ADVISORY COMMITTEE.] The director of health facility complaints shall appoint a 15 member task force to advise the director in the establishment of the office under this act. The appointment, compensation and term of office of the task force shall be governed by the provisions of section 15.059, subdivision 6.

Sec. 7. [APPROPRIATION.] The sum of \$67,000 is hereby appropriated from the general fund to the state board of health for the purposes of sections 1 to 6 of this act.

Sec. 8. [144.97] [GRIEVANCE PROCEDURES ESTABLISHED.] Subdivision 1. All acute care hospitals, health maintenance organizations licensed pursuant to Minnesota Statutes, Chapter 62D, and outpatient surgery centers shall be required to establish a grievance or complaint mechanism designed to process and resolve promptly and effectively grievances by patients or their representatives related to billing, inadequacies in treatment, and other factors which may be recognized as having an influence on malpractice claims and suits. For the purposes of sections 8 to 11, the following definitions apply:

"Acute care hospital" means a hospital, as defined in section 144.50, whose patients have an average length of stay not exceeding 30 days.

"Outpatient surgery center" means a free standing facility organized for the specific purpose of providing elective outpatient surgery for preexamined prediagnosed low risk patients limited to procedures which utilize local or general anesthesia and which do not require overnight inpatient care. Outpatient surgery center excludes emergency medical services, physician and dentist offices or clinics for the practice of medicine or the delivery of primary care.

Subd. 2. [PATIENT NOTICE.] A patient treated at acute care hospitals, health maintenance organizations or outpatient surgery centers shall be notified of the existing grievance or complaint mechanism which is available to him for the purposes stated in subdivision 1.

Subd. 3. [RULES PROMULGATED.] The state board of health shall, by February 1, 1977, by rule establish, pursuant to Minnesota Statutes, Chapter 15,

(a) minimum standards and procedural requirements for the grievance or complaint mechanism;

(b) descriptions of the types of complaints subject to the grievance or complaint procedure;

(c) the form and manner in which patient notices shall be made; and

(d) provisions for fines of up to \$200 for failure to comply with this act.

The rules promulgated in accordance with clauses (a), (b) or (c) shall not apply to health maintenance organizations regulated pursuant to Minnesota Statutes, Chapter 62D. Minnesota Statutes, Section 62D.11, and the rules promulgated thereunder shall govern complaint procedures and patient notice requirements for health maintenance organizations.

Sec. 9. [144.971] [IN-SERVICE EDUCATION.] The board of health shall study and make recommendations to facilities for in-service education of all personnel employed at acute care hospitals, health maintenance organizations and outpatient surgery centers.

Sec. 10. [144.972] [INSURERS REPORT MALPRACTICE CLAIMS.] Subdivision 1. On or before September 1, 1976, and on or before March 1 and September 1 of each year thereafter, as prescribed by the board of health, each insurer providing professional liability insurance to acute care hospital, health maintenance organizations, and outpatient surgery centers shall submit to the board a report listing by facility the claims which have been made against each during the six month period ending two months and a day prior to the reporting date. The report shall contain, but not be limited to, the following information:

(a) the total number of pending and closed claims made against the facility;

(b) the date the claims were made;

(c) the allegations contained in the claim;

(d) the disposition of each claim;

(e) the dollar amount of the award or settlement for each claim closed.

Subd. 2. The board of health shall collect and review information reported in subdivision 1. On December 1, 1976 and every December 1 thereafter, the board shall report to the legislature its findings related to the incidence and size of malpractice claims, and its recommendations for hospital action to reduce these occurrences. The claim information on each facility shall be reported in

the form of summary data as defined in Minnesota Statutes, 1975 Supplement, Section 15.162, Subdivision 9.

Subd. 3. The state board of health shall have the authority to request records of claims made against hospitals in years prior to 1976 if they feel it is necessary to complete their report to the legislature.

Subd. 4. A report from an insurer submitted pursuant to this section is private data, as defined in Minnesota Statutes, 1975 Supplement, Section 15.162, Subdivision 5a, accessible to the authorized agents of the facility which is the subject of the data.

Sec. 11. [APPROPRIATION.] The sum of \$35,000 is hereby appropriated from the general fund to the state board of health for the purpose of sections 8 to 10 of this act for the biennium ending June 30, 1977.

Sec. 12. [EFFECTIVE DATE.] Section 2, subdivision 1, is effective the day after final enactment. The remainder of sections 1 to 7 is effective upon appointment of the director of health facility complaints. Sections 8 and 9 are effective on February 1, 1977 or upon the promulgation of rules pursuant to section 8, subdivision 3, whichever occurs first. Sections 10 and 11 are effective the day following final enactment.”

Further amend by striking the title in its entirety and inserting:

“A bill for an act relating to health; establishing an office of nursing home complaints; requiring health care facilities grievance procedures; providing for in-service education, reporting of malpractice claims; appropriating money.”

With the recommendation that when so amended the bill do pass.

The report was adopted.

Norton from the Committee on Appropriations to which was referred:

S. F. No. 2175, A bill for an act relating to medical assistance for the needy; allowing the cost of certain home care services provided by public health nurses to be paid by medical assistance; authorizing an experimental program for the cost of home care of the physically disabled or elderly; amending Minnesota Statutes 1974, Chapter 256B, by adding a section; and Minnesota Statutes, 1975 Supplement, Section 256B.02, Subdivision 7.

Reported the same back with the following amendments:

Page 3, after line 1 add a new section as follows:

"Sec. 3. *This act is effective July 1, 1977.*"

With the recommendation that when so amended the bill do pass.

The report was adopted.

Norton from the Committee on Appropriations to which was referred:

S. F. No. 2309, A bill for an act relating to retirement; distribution of state aid to policemen's relief associations; volunteer firemen's lump sum and monthly benefits; amending Minnesota Statutes 1974, Sections 69.011, Subdivisions 1, 2, and 4; 69.021, Subdivisions 5, 6, and 7; 69.031, Subdivision 5; and 69.06.

Reported the same back with the recommendation that the bill do pass.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 1397, 2254 and 2281 were read for the second time.

SECOND READING OF SENATE BILLS

S. F. Nos. 175, 1223, 1644, 1959, 2175 and 2309 were read for the second time.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 354, A bill for an act relating to public welfare; providing for the licensing of facilities and services for the handicapped and children; prescribing penalties; amending Minnesota Statutes 1974, Section 252.28; repealing Minnesota Statutes 1974, Sections 245.78; 245.79; 245.80; 245.81; 245.82; 257.081; 257.082; 257.091; 257.101; 257.102; 257.111; 257.123; and 257.124.

PATRICK E. FLAHAVEN, Secretary of the Senate

Dahl moved that the House refuse to concur in the Senate amendments to H. F. No. 354, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two Houses. The motion prevailed.

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendments to:

S. F. No. 2241, A bill for an act relating to game and fish; requiring a migratory waterfowl stamp; providing for disposition of proceeds of sale.

And the Senate respectfully requests that a Conference Committee of 3 members be appointed thereon. Messrs. Merriam, Dünn and Willet have been appointed as such committee on the part of the Senate.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

PATRICK E. FLAHAVEN, Secretary of the Senate

Savelkoul moved that the House accede to the request of the Senate for the appointment of a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two Houses on S. F. No. 2241. The motion prevailed.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 2492, A bill for an act relating to environmental protection; limiting the sale and use of organic compounds known as polychlorinated biphenyls; permitting exemptions; requiring labels; defining terms; providing penalties.

PATRICK E. FLAHAVEN, Secretary of the Senate

Munger moved that the House refuse to concur in the Senate amendments to H. F. No. 2492, that the Speaker appoint a Conference Committee of 3 members of the House, and that the

House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two Houses. The motion prevailed.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 1130, A bill for an act relating to the organization, operation and financing of state government; establishing an indirect cost billing system; requiring revolving fund billing rates to be determined by the commissioner of finance; transferring certain powers and duties relating to finance and recordation from and to the department of finance; appropriating money; amending the expense provisions for district court judges; amending Minnesota Statutes 1974, Sections 3.30, Subdivision 2; 15.191, Subdivision 2; 16A.055; 16A.129; 16A.15, Subdivision 3; 16A.17, Subdivisions 1, 4, 5, 6, 7, and by adding a subdivision; 16A.28; 84A.04; 93.12; 276.09; 276.10; 293.10; 348.04; 379.05; 379.07; 379.09; 385.21; 473F.07, Subdivisions 1 and 2; Chapter 16, by adding a section; and Chapter 16A, by adding sections; Minnesota Statutes, 1975 Supplement, Sections 124.28, Subdivision 2; and 484.54; repealing Minnesota Statutes 1974, Sections 3.30, Subdivision 2a; 10.16; 16.141; 16.16; 16.161; 16.164; 16.18; 16.19; 16A.09; 16A.125, Subdivisions 1, 2, 3, 7, 8, 9, and 10; 16A.17, Subdivision 2; and 136.06.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Arlandson moved that the House concur in the Senate amendments to H. F. No. 1130 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1130, A bill for an act relating to the organization, operation and financing of state government; establishing an indirect cost billing system; requiring revolving fund billing rates to be determined by the commissioner of finance; transferring certain powers and duties relating to finance and recordation from and to the department of finance; appropriating money; amending the expense provisions for district court judges; amending Minnesota Statutes 1974, Sections 3.30, Subdivision 2; 15.191, Subdivision 2; 16A.055; 16A.129; 16A.15, Subdivision 3; 16A.17, Subdivisions 1, 4, 5, 6, 7, and by adding a subdivision; 16A.28; 84A.04; 93.12; 276.09; 276.10; 293.10; 348.04; 379.05; 379.07; 379.09; 385.21; 473F.07, Subdivisions 1 and 2; Chapter 16, by adding a section; and Chapter 16A, by adding sections; Minnesota Statutes, 1975 Supplement, Section

484.54; repealing Minnesota Statutes 1974, Sections 3.30, Subdivision 2a; 10.16; 16.141; 16.16; 16.161; 16.164; 16.18; 16.19; 16A.09; 16A.125, Subdivisions 1, 2, 3, 7, 8, 9, and 10; 16A.17, Subdivision 2; and 136.06.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question being taken on the repassage of the bill and the roll being called, there were yeas 126, and nays 2, as follows:

Those who voted in the affirmative were:

Abeln	Eken	Kempe, A.	Niehaus	Simoneau
Adams, L.	Enebo	Kempe, R.	Norton	Skoglund
Adams, S.	Esau	Ketola	Novak	Smith
Anderson, G.	Evans	Knickerbocker	Osthoff	Smogard
Anderson, I.	Ewald	Knoll	Parish	Spanish
Arlandson	Faricy	Kostohryz	Patton	Stanton
Beauchamp	Fjoslien	Kroening	Pehler	Suss
Berg	Forsythe	Kvam	Peterson	Swanson
Berglin	Friedrich	Laidig	Petrafeso	Tomlinson
Biersdorf	Fudro	Langseth	Philbrook	Ulland
Birnstihl	Fugina	Lemke	Pleasant	Vanasek
Brinkman	George	Lindstrom	Prahl	Vento
Byrne	Hanson	Luther	Reding	Volk
Carlson, A.	Haugerud	Mangan	Rice	Voss
Carlson, L.	Heinitz	Mann	St. Onge	Wenstrom
Carlson, R.	Hokanson	McCarron	Samuelson	Wenzel
Casserly	Jacobs	McCauley	Sarna	White
Clark	Jensen	McCollar	Savelkoul	Wieser
Clawson	Johnson, D.	McEachern	Schreiber	Wigley
Corbid	Jopp	Menning	Schulz	Williamson
Dahl	Jude	Metzen	Schumacher	Zubay
Dean	Kahn	Moe	Setzepfandt	Speaker Sabo
DeGroat	Kaley	Munger	Sherwood	
Dieterich	Kalis	Neisen	Sieben, H.	
Doty	Kelly, R.	Nelsen	Sieben, M.	
Eckstein	Kelly, W.	Nelson	Sieloff	

Those who voted in the negative were:

Begich Braun

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee, consisting of 3 members of the Senate, on the amendments adopted by the Senate to the following House File:

H. F. No. 471, A bill for an act relating to condominiums; providing for registration and disclosure prior to sale; providing penalties; amending Minnesota Statutes 1974, Section 83.26,

Subdivision 1; and repealing Minnesota Statutes 1974, Chapter 515.

The Senate has appointed as such committees Messrs. Tennesen, Davies and Ogdahl.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

H. F. No. 525, A bill for an act relating to state government; creating a department of transportation; prescribing its duties and responsibilities; transferring the functions of some state departments; appropriating money; amending Minnesota Statutes 1974, Sections 43.09, Subdivision 2a; and 360.017, Subdivision 1; repealing Minnesota Statutes 1974, Sections 4.20; 161.03; and 360.014.

The Senate has repassed said bill, in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

H. F. No. 1382, A bill for an act relating to transportation; authorizing the commissioner of administration to acquire vehicles for the car pooling of state employees; removing, restricting or clarifying certain laws which discourage use of shared ride commuter vans to transport employees to and from work; providing certain incentives; appropriating money; amending Minnesota Statutes 1974, Chapter 221, by adding a section; and Sections 16.85, Subdivision 1; and 65B.47, Subdivisions 1 and 2; and Minnesota Statutes, 1975 Supplement, Sections 65B.43, Subdivision 12; 221.011, Subdivision 22; repealing Minnesota Statutes 1974, Section 16.755.

The Senate has repassed said bill, in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

SPECIAL ORDERS

S. F. No. 1188, A bill for an act relating to forestry; authorizing forest officers to issue notices having the effect of a summons and complaint; amending Minnesota Statutes 1974, Section 88.10, Subdivision 1.

The bill was read for the third time and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 37, and nays 77, as follows:

Those who voted in the affirmative were:

Byrne	Forsythe	Kvam	Pleasant	Ulland
Carlson, A.	Friedrich	Laidig	Reding	Voss
Corbid	George	Luther	Savekoul	White
Dahl	Heinitz	McCauley	Schreiber	Williamson
Doty	Kaley	Nelsen	Sherwood	Zubay
Esau	Kelly, R.	Niehaus	Sieben, M.	
Evans	Ketola	Novak	Sieloff	
Fjoslien	Knickerbocker	Peterson	Smith	

Those who voted in the negative were:

Abeln	Eckstein	Knoll	Parish	Spanish
Adams, L.	Eken	Kostohryz	Patton	Stanton
Albrecht	Enebo	Kroening	Pehler	Suss
Anderson, G.	Ewald	Langseth	Petrafaso	Swanson
Anderson, I.	Fudro	Lemke	Prahl	Tomlinson
Beauchamp	Fugina	Lindstrom	Rice	Vanasek
Begich	Hokanson	Mangan	St. Onge	Vento
Berglin	Jensen	Mann	Samuelson	Volk
Birnstihl	Johnson, D.	McCarron	Sarna	Wenstrom
Braun	Jopp	McCollar	Schulz	Wenzel
Brinkman	Jude	McEachern	Schumacher	Wieser
Carlson, L.	Kahn	Menning	Setzpfandt	Wiegley
Cassery	Kalis	Metzen	Sieben, H.	Speaker Sabo
Clark	Kelly, W.	Moe	Simoneau	
Clawson	Kempe, A.	Neisen	Skoglund	
Dieterich	Kempe, R.	Osthoff	Smogard	

The bill was not passed.

S. F. No. 2436 was reported to the House.

Prahl moved to amend S. F. No. 2436, as follows:

Page 2, line 18, after "auction" insert "in lots of not more than 40 acres".

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll being called, there were yeas 10, and nays 111, as follows:

Those who voted in the affirmative were:

Byrne	Dean	Kahn	Laidig	Skoglund
Carlson, A.	Dieterich	Kalis	Prahl	Stanton

Those who voted in the negative were:

Abeln	Eckstein	Kempe, R.	Norton	Simoneau
Adams, L.	Eken	Knickerbocker	Novak	Smith
Adams, S.	Enebo	Knoll	Osthoff	Spanish
Albrecht	Esau	Kostohryz	Parish	Suss
Anderson, G.	Evans	Kroening	Patton	Swanson
Anderson, I.	Ewald	Kvam	Pehler	Tomlinson
Arlandson	Fjoslien	Langseth	Peterson	Ulland
Beauchamp	Forsythe	Lemke	Petraleso	Vanasek
Begich	Friedrich	Lindstrom	Philbrook	Vento
Berg	Fudro	Luther	Pleasant	Volk
Berglin	Fugina	Mangan	Reding	Voss
Bjersdorf	George	Mann	Rice	Wenstrom
Birnsthil	Haugerud	McCarron	Samuelson	Wenzel
Braun	Heinitz	McCauley	Sarna	White
Brinkman	Hokanson	McCollar	Savelkoul	Wieser
Carlson, L.	Jensen	McEachern	Schreiber	Wigley
Carlson, R.	Johnson, D.	Metzen	Schulz	Williamson
Cassery	Jopp	Moe	Schumacher	Zubay
Clark	Jude	Munger	Setzpfandt	Speaker Sabo
Clawson	Kaley	Neisen	Sherwood	
Corbid	Kelly, R.	Nelson	Sieben, H.	
DeGroat	Kelly, W.	Nelson	Sieben, M.	
Doty	Kempe, A.	Niehaus	Sieloff	

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

S. F. No. 2436, A bill for an act relating to public lands; authorizing the commissioner of natural resources to sell certain state owned lands; and authorizing certain county boards to sell certain tax-forfeited lands.

The bill was read for the third time and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 109, and nays 13, as follows:

Those who voted in the affirmative were:

Abeln	Carlson, L.	Ewald	Jopp	Langseth
Adams, L.	Carlson, R.	Fjoslien	Jude	Lemke
Adams, S.	Clark	Forsythe	Kaley	Lindstrom
Anderson, G.	Clawson	Friedrich	Kalis	Luther
Anderson, I.	Corbid	Fudro	Kelly, R.	Mangan
Arlandson	Dahl	Fugina	Kelly, W.	Mann
Beauchamp	DeGroat	George	Kempe, A.	McCarron
Begich	Doty	Haugerud	Kempe, R.	McCauley
Berg	Eckstein	Heinitz	Ketola	McCollar
Bjersdorf	Eken	Hokanson	Knickerbocker	McEachern
Birnsthil	Enebo	Jensen	Knoll	Menning
Braun	Esau	Johnson, C.	Kroening	Metzen
Brinkman	Evans	Johnson, D.	Kvam	Moe

Munger	Pehler	Samuelson	Simoneau	Volk
Neisen	Peterson	Sarna	Smith	Wenstrom
Nelsen	Petrafaso	Savelkoul	Spanish	Wenzel
Niehaus	Philbrook	Schreiber	Stanton	White
Norton	Pleasant	Schulz	Swanson	Wieser
Novak	Prahl	Schumacher	Tomlinson	Wigley
Osthoff	Reding	Sieben, H.	Ulland	Zubay
Parish	Rice	Sieben, M.	Vanasek	Speaker Sabo
Patton	St. Onge	Sieloff	Vento	

Those who voted in the negative were:

Berglin	Dean	Kostohryz	Skoglund	Williamson
Byrne	Dieterich	Laidig	Suss	
Carlson, A.	Kahn	Nelson	Voss	

The bill was passed and its title agreed to.

ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to the Conference Committee on H. F. No. 354:

Dahl, McEachern and Kaley.

The Speaker announced the appointment of the following members of the House to the Conference Committee on H. F. No. 2492:

Munger, Vento and Carlson, A.

The Speaker announced the appointment of the following members of the House to the Conference Committee on S. F. No. 2241:

Savelkoul, Eken and Kahn.

SPECIAL ORDERS, Continued

S. F. No. 855 was reported to the House.

Casserly moved to amend S. F. No. 855, as follows:

Strike everything after the enacting clause and insert in lieu thereof the following:

"Section 1. Laws 1975, Chapter 13, Section 18, is amended to read:

Sec. 18. [473.173] [COUNCIL REVIEW; METROPOLITAN SIGNIFICANCE.] Subdivision 1. The council shall review all proposed matters of metropolitan significance to be

undertaken by any private organization, independent commission, board or agency, local governmental unit, or any state agency in accordance with the regulations adopted pursuant to this section and the provisions of any other relevant statute.

Subd. 2. (WITHIN 12 MONTHS FOLLOWING APRIL 12, 1974) *By September 1, 1976*, the council shall adopt *and put into effect* regulations (PURSUANT TO THE ADMINISTRATIVE PROCEDURES ACT, MINNESOTA STATUTES, CHAPTER 15,) establishing standards (AND), guidelines *and procedures* for determining whether any proposed matter is of metropolitan significance, and establishing a procedure for the review of (ALL PROPOSED MATTERS REQUIRED TO BE CONSIDERED AND REVIEWED BY THE COUNCIL) *and final determination on such matters in accordance with the powers and requirements set forth in this section.* (THESE REGULATIONS SHALL TAKE EFFECT ON JULY 1, 1975.) The purpose of these regulations shall be to promote the orderly and economic development, public and private, of the metropolitan area. (THE METROPOLITAN COUNCIL SHALL SUBMIT THE REGULATIONS ADOPTED PURSUANT TO THIS SECTION TO THE SESSION OF THE LEGISLATURE IN 1975 FOR APPROVAL. THE COUNCIL SHALL ESTABLISH AN ADVISORY COMMITTEE, CONSISTING OF ELECTED OFFICIALS OF LOCAL GOVERNMENTAL UNITS AND REPRESENTING ALL COUNCIL DISTRICTS EQUALLY, TO PROVIDE ADVICE AND MAKE RECOMMENDATIONS IN THE PREPARATION OF THESE REGULATIONS AND MAY THEREAFTER REVIEW AND MAKE RECOMMENDATIONS TO THE COUNCIL CONCERNING THE METROPOLITAN SIGNIFICANCE OF ANY PROPOSED MATTER CONSIDERED BY THE COUNCIL. THE REGULATIONS ADOPTED SHALL PROVIDE FOR A PUBLIC HEARING PRIOR TO THE DETERMINATION THAT AN ACTION IS OF METROPOLITAN SIGNIFICANCE.)

Subd. 2a. *The council shall establish an advisory committee comprised of 16 officials of local governmental units, one from each council district, plus a chairperson and such other members as may be necessary to ensure at least one representative from each metropolitan county, one from each generalized policy area identified in the development framework adopted by the council on March 27, 1975 and one from metropolitan school districts. Not less than one half of the members of the advisory committee shall be elected officials. The committee shall provide advice and make recommendations in the preparation and amendment of these regulations. The committee may review and make recommendations to the council concerning the metropolitan significance of any proposed matter considered by the council.*

Subd. 3. In developing the (ABOVE) regulations (ESTABLISHING STANDARDS AND GUIDELINES FOR DETERMINING METROPOLITAN SIGNIFICANCE) the council and the committee shall give consideration to all factors deemed rele-

vant (TO THAT DETERMINATION) including *but not limited to* the following:

(1) The impact a proposed matter will have on the orderly, economic development, public and private, of the metropolitan area and its consistency with the *metropolitan* development guide;

(2) The relationship a proposed matter will have to the policy statement goals, standards, programs and other applicable provisions of the development guide;

(3) The impact a proposed matter will have on policy plans adopted by the council and on the development programs and functions performed and to be performed by (THE) a *metropolitan* commission;

(4) Functions of municipal governments in respect to control of land use as provided for under the municipal planning act(;).

(5) SUCH OTHER FACTORS AS ARE DEEMED RELEVANT.)

Subd. 4. The regulations (ESTABLISHING A PROCEDURE FOR THE REVIEW OF PROPOSED MATTERS) shall include, (AMONG OTHER PROVISIONS) *without limitation*, (THE FOLLOWING) *provisions to effectuate and comply with the following powers and requirements:*

(1) No applicant shall be required to submit a proposed matter for review more than once unless it is materially altered.

(1a) *A public hearing shall be held prior to the final determination with regard to a proposed matter.*

(2) The council shall be empowered to suspend action on a proposed matter *during the period of review and for a period not to exceed 12 months following the issuance of its (RECOMMENDATION OR) final determination. In its final determination, the council may prescribe appropriate conditions with regard to a proposed matter which, if incorporated or complied with, would cause the council to remove the suspension.*

(3) The council's recommendation or determination concerning a proposed matter, including the determination as to its metropolitan significance, shall be issued within 90 days following its receipt of (AN ADEQUATELY SUPPORTED AND DOCUMENTED) *a proposal accompanied by adequate supporting information. To avoid duplication, the review may be suspended for not more than 90 days to await completion of review of a matter by another public agency.*

(4) The council shall be required to review a proposed matter upon request of an affected local governmental unit or metropolitan commission. The regulations shall include a procedure for review of a proposed matter upon petition by a specified number of residents of the metropolitan area *18 years of age or older*.

(5) The council shall be empowered to review all proposed matters of metropolitan significance regardless of whether the council has received a request from an affected body to conduct that review.

(6) The council shall review all proposed matters determined to be of metropolitan significance as to their consistency with the (COMPREHENSIVE) *airport portion of the metropolitan development guide (AND, IF APPROPRIATE, AN APPLICABLE POLICY PLAN), and the policy plans, development programs, and capital budgets for metropolitan waste control, transportation, and regional recreation open space, and as to adverse effects on other local governmental units.*

((7) ANY MAJOR ALTERATION OR AMENDMENT TO THE REGULATIONS ADOPTED BY THE COUNCIL SHALL BE DEVELOPED AND PROMULGATED BY THE COUNCIL IN THE SAME MANNER AS THE ORIGINAL REGULATIONS.)

((8)) (7) Previously approved policy plans and development programs and areas of operational authority of the metropolitan commissions shall not be subject to review under this section, except as specifically provided in section 17.

(8) *The regulations shall not incorporate recommendations made by the council pursuant to Minnesota Statutes, Chapter 116G.*

(9) *By November 1, 1976 the council shall reconsider each adopted comprehensive plan submitted to it prior to January 1, 1976 pursuant to Laws 1975, Chapter 13, Section 19, and shall either accept or reject each plan in whole or in part for the purposes of the review required or authorized by this section and the council's regulations promulgated pursuant thereto. Any such plan, or parts thereof, not rejected by the council by November 1, 1976 shall be deemed accepted by the council for the purposes of that review. For these purposes also, the council thereafter at its discretion may accept in whole or in part any adopted comprehensive plan submitted to it by a local governmental unit. Any adopted comprehensive plan of a city, county or town approved by the council, pursuant to a law requiring such plans or parts thereof to be prepared and submitted to the council for approval, shall be deemed accepted by the council for the purposes of the review required or authorized by this section and the council's regulations promulgated pursuant thereto.*

If a plan is rejected by the council, within 90 days the council shall provide comments to the local unit of government indicating the council's specific objections to the plan. The local unit of government may submit an amended plan within 90 days of the receipt of the council's comments, for review. The council shall then review the amended plan within 90 days and either accept or reject the plan.

Subd. 5. The regulations and any major alteration or amendment thereto shall be developed and promulgated by the council in accordance with the provisions of this section and, to the extent not inconsistent or at variance with this section, in accordance with the administrative procedures act, Minnesota Statutes, Chapter 15, and regulations pursuant thereto. Once the development of all of the regulations has been completed by the council and the committee, and no later than 30 days prior to the date specified for their adoption, the council shall hold a public hearing for the purpose of considering the developed regulations and receiving comments and recommendations thereon. Notice of the hearing (, CONTAINING THE DEVELOPED REGULATIONS AND SUCH OTHER COMMENTS AS ARE DEEMED APPROPRIATE,) shall be published in (A NEWSPAPER OR) appropriate newspapers (CIRCULATED THROUGHOUT) of general circulation in the metropolitan area and mailed to all persons who have registered for that purpose under Minnesota Statutes, Chapter 15, appropriate state and regional agencies and all (LOCAL GOVERNMENTAL UNITS WHICH MAY BE AFFECTED BY THESE REGULATIONS) cities, counties, towns, school districts, and watershed districts within the metropolitan area no later than 30 days prior to the hearing. In adopting or amending the regulations the enactment of this section shall be deemed to establish or show the need for and to provide evidence in support of the regulations or amendments as required in Minnesota Statutes, Chapter 15, and regulations pursuant thereto, but the council shall prepare for distribution a written summary describing the basis for the composition of the draft regulations or amendments submitted for hearing and shall afford to all interested persons an opportunity at the hearing to question and make suggestions concerning their composition. Following the hearing, the council may revise the proposed regulations, giving consideration to all comments received, and thereafter the council shall finally adopt these regulations.

Subd. 6. The council and the advisory committee shall review and assess the regulations throughout the first year following their effective date and thereafter at least every two years. At least one public hearing shall be part of the review and assessment, in order to afford interested persons an opportunity to testify on the regulations and their effects and to propose amendments to the regulations. On or before January 15 of 1977 and of each odd-numbered year thereafter, the council shall report to the legislature concerning metropolitan significance, the effects of the regulations, proposed and recommended amendments

to the regulations, testimony at public hearings, and other information and comments elicited during the review and assessment. The report shall also account for any amendments to the regulations that the council has adopted or proposes to adopt. The council may at its discretion make reports to the legislature on metropolitan significance other than those required by this section, but any such report shall be submitted to the legislature between January 1 and January 15. No major alteration or amendments to standards for determining the necessity for a comprehensive review shall be put into effect by the council until 90 days have elapsed following the report to the legislature in which the alteration or amendment was proposed and recommended by the council.

Sec. 2. *This act applies to the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott and Washington.*

Sec. 3. *This act is effective the day following final enactment.*

Further amend the title, by striking it in its entirety and insert the following:

"A bill for an act relating to metropolitan government; providing for metropolitan council review of matters of metropolitan significance; amending Laws 1975, Chapter 13, Section 18.

The motion prevailed and the amendment was adopted.

Casserly moved to amend S. F. No. 855, as amended, as follows:

Page 1, line 7, delete "Laws 1975, Chapter 13, Section 18" and insert "Minnesota Statutes, 1975 Supplement, Section 473.173".

Page 5, line 13, delete "17" and insert "473.171".

Page 5, line 19, delete "Laws 1975, Chapter 13,".

Page 5, line 20, delete "19" and insert "473.175".

Page 8, line 10, delete "to" and insert "in".

Further amend the title as follows:

Line 4, delete "Laws 1975,".

Line 5, delete "Chapter 13, Section 18" and insert "Minnesota Statutes, 1975 Supplement, Section 473.175".

The motion prevailed and the amendment was adopted.

S. F. No. 855, A bill for an act relating to metropolitan government; authorizing council regulations establishing standards and guidelines for determining matters of metropolitan significance to be adopted without specific legislative approval; providing for a joint committee to study governmental structure; amending Laws 1975, Chapter 13, Section 18, Subdivision 2.

The bill was read for the third time, as amended, and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 85, and nays 37, as follows:

Those who voted in the affirmative were:

Abeln	Dean	Kahn	Moe	Schreiber
Adams, L.	Dieterich	Kelly, R.	Neisen	Schulz
Anderson, G.	Eckstein	Kelly, W.	Nelson	Schumacher
Anderson, I.	Eken	Kempe, A.	Norton	Sieben, M.
Arlandson	Enebo	Knickerbocker	Novak	Sieloff
Beauchamp	Ewald	Knoll	Osthoff	Simoneau
Begich	Faricy	Kostohryz	Parish	Skoglund
Berg	Forsythe	Kroening	Patton	Smogard
Berglin	Fudro	Kvam	Pehler	Spanish
Braun	Fugina	Langseth	Petrafeso	Stanton
Byrne	George	Lemke	Philbrook	Tomlinson
Carlson, A.	Hanson	Lindstrom	Pleasant	Vento
Carlson, L.	Heinitz	Luther	Prahl	Voss
Carlson, R.	Hokanson	Mann	Reding	Wenstrom
Casserty	Jacobs	McCarron	Rice	Williamson
Clark	Jaros	McCollar	St. Onge	Zubay
Corbid	Johnson, D.	Menning	Sarna	Speaker Sabo

Those who voted in the negative were:

Adams, S.	Esau	Kaley	Niehaus	Volk
Albrecht	Evans	Kempe, R.	Peterson	Wenzel
Biersdorf	Fjoslien	Ketola	Samuelson	White
Birnstihl	Friedrich	Laidig	Savelkoul	Wieser
Brinkman	Jensen	Mangan	Sieben, H.	Wigley
Clawson	Johnson, C.	McCauley	Smith	
DeGroat	Jopp	Metzen	Suss	
Doty	Jude	Nelsen	Vanasek	

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

S. F. No. 556, A bill for an act relating to financial institutions and mortgages; modifying the maximum interest rate that may be charged on certain loans; requiring interest to be paid on certain escrow accounts; providing penalties; amending Minnesota Statutes 1974, Sections 47.20; and 47.21.

The bill was read for the third time and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 104, and nays 24, as follows:

Those who voted in the affirmative were:

Abeln	Eckstein	Kalis	Munger	Sieben, H.
Adams, L.	Eken	Kelly, R.	Neisen	Sieben, M.
Adams, S.	Esau	Kelly, W.	Nelson	Sieloff
Albrecht	Evans	Kempe, R.	Niehaus	Simoneau
Anderson, G.	Ewald	Ketola	Norton	Skoglund
Arlandson	Fariy	Knickerbocker	Novak	Spanish
Beauchamp	Fjoslien	Knoll	Osthoff	Stanton
Berg	Forsythe	Kostohryz	Patton	Suss
Biersdorf	Friedrich	Kvam	Pehler	Swanson
Birnstihl	George	Laidig	Peterson	Tomlinson
Brinkman	Graba	Langseth	Petrafeso	Ulland
Byrne	Heinitz	Lemke	Philbrook	Vanasek
Carlson, A.	Hokanson	Lindstrom	Pleasant	Volk
Casserly	Jacobs	Luther	Reding	Voss
Clark	Jaros	Mangan	St. Onge	White
Clawson	Jensen	Mann	Samuelson	Wieser
Corbid	Johnson, C.	McCarron	Savalkoul	Wigley
Dahl	Jopp	McCauley	Schreiber	Williamson
Dean	Jude	McEachern	Schulz	Zubay
DeGroat	Kahn	Metzen	Searle	Speaker Sabo
Doty	Kaley	Moe	Setzepfandt	

Those who voted in the negative were:

Anderson, I.	Carlson, R.	Hanson	Menning	Schumacher
Begich	Dieterich	Johnson, D.	Parish	Sherwood
Berglin	Enebo	Kempe, A.	Prahl	Vento
Braun	Fudro	Kroening	Rice	Wenzel
Carlson, L.	Fugina	McCollar	Sarna	

The bill was passed and its title agreed to.

Abeln was excused for the remainder of today's session.

H. F. No. 2593 was reported to the House and given its third reading.

UNANIMOUS CONSENT

Schreiber requested unanimous consent to offer an amendment. The request was granted.

Schreiber moved to amend H. F. No. 2593, as follows:

Page 1, line 20, delete "eight" insert "seven".

Page 2, line 7, delete "eight" and insert "seven".

The motion prevailed and the amendment was adopted.

H. F. No. 2593, A bill for an act proposing an amendment to the Minnesota Constitution, Article XIV Section 11; raising limits on interest and increasing the authorized amount of high-way bonds; restoring certain language stricken in an earlier pro-

posed constitutional amendment; amending Laws 1975, Chapter 203, Sections 25 and 26.

The bill was read for the third time, as amended, and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 87, and nays 43, as follows:

Those who voted in the affirmative were:

Adams, L.	George	Langseth	Petrafaso	Spanish
Anderson, G.	Graba	Lemke	Philbrook	Stanton
Anderson, I.	Hanson	Lindstrom	Prahl	Suss
Arlandson	Haugerud	Luther	Reding	Swanson
Beauchamp	Hokanson	Mangan	St. Onge	Tomlinson
Begich	Jacobs	Mann	Samuelson	Ulland
Braun	Jaros	McCollar	Sarna	Vanasek
Carlson, L.	Jensen	Menning	Savelkoul	Vento
Clawson	Johnson, C.	Metzen	Schreiber	Volk
Corbid	Johnson, D.	Moe	Schumacher	Voss
Dahl	Kalis	Munger	Searle	Wenstrom
DeGroat	Kelly, W.	Neisen	Setzpfandt	Wenzel
Doty	Kempe, A.	Nelsen	Sherwood	White
Eckstein	Kempe, R.	Norton	Sieben, H.	Williamson
Eken	Ketola	Novak	Sieben, M.	Speaker Sabo
Esau	Knickerbocker	Osthoff	Sieloff	
Fudro	Knoll	Patton	Smith	
Fugina	Laidig	Pehler	Smogard	

Those who voted in the negative were:

Adams, S.	Casserly	Forsythe	Kvam	Rice
Albrecht	Clark	Friedrich	McCarron	Schulz
Berg	Dean	Heinitz	McCauley	Simoneau
Berglin	Dieterich	Jude	McEachern	Skoglund
Biersdorf	Enebo	Kahn	Nelson	Wieser
Birnstihl	Evans	Kaley	Nelhaus	Wigley
Brinkman	Ewald	Kelly, R.	Parish	Zubay
Byrne	Farcy	Kostohryz	Peterson	
Carlson, A.	Fjoslien	Kroening	Pleasant	

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

H. F. No. 2094 was reported to the House.

Kempe, A., moved to amend H. F. No. 2094, as follows:

Page 1, strike lines 18 to 20 and insert:

"Shall the Minnesota Constitution be amended to make the governance of the University of Minnesota subject to legislation?"

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll being called, there were yeas 34, and nays 87, as follows:

Those who voted in the affirmative were:

Adams, S.	Evans	Kelly, R.	Nelsen	Rice
Albrecht	Ewald	Kempe, A.	Nelson	Schulz
Carlson, A.	Fjoslien	Kempe, R.	Niehaus	Sherwood
Dean	Forsythe	Ketola	Osthoff	Ulland
Dieterich	Heinitz	Kvam	Philbrook	Wieser
Doty	Jopp	Laidig	Pleasant	Wigley
Esau	Kaley	Menning	Prahl	

Those who voted in the negative were:

Adams, L.	Eken	Knickerbocker	Pehler	Smogard
Anderson, G.	Enebo	Knoll	Peterson	Stanton
Anderson, I.	Faricy	Kroening	Petrafeso	Suss
Arlandson	Friedrich	Langseth	Reding	Swanson
Beauchamp	Fudro	Lemke	St. Onge	Tomlinson
Begich	Fugina	Luther	Samuelson	Vanasek
Berglin	George	Mangan	Sarna	Vento
Biersdorf	Graba	Mann	Savelkoul	Volk
Birnstihl	Hanson	McCarron	Schreiber	Voss
Braun	Haugerud	McCauley	Schumacher	Wenstrom
Byrne	Hokanson	McEachern	Searle	Wenzel
Carlson, L.	Jacobs	Metzen	Setzepfandt	White
Carlson, R.	Jaros	Moe	Sieben, H.	Williamson
Clark	Johnson, C.	Munger	Sieben, M.	Zubay
Clawson	Johnson, D.	Neisen	Sieloff	Speaker Sabo
Corbid	Jude	Norton	Simoneau	
DeGroat	Kalis	Novak	Skoglund	
Eckstein	Kelly, W.	Patton	Smith	

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

H. F. No. 2094, A bill for an act proposing an amendment to the Minnesota Constitution, Article XIII, Section 3; allowing the status of the University of Minnesota to be provided by law.

The bill was read for the third time and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 71, and nays 53, as follows:

Those who voted in the affirmative were:

Adams, L.	Byrne	Graba	Kelly, W.	Menning
Anderson, G.	Carlson, R.	Hanson	Knickerbocker	Metzen
Anderson, I.	Clawson	Haugerud	Kroening	Munger
Arlandson	Corbid	Jacobs	Lemke	Neisen
Beauchamp	Eckstein	Jensen	Lindstrom	Nelson
Begich	Eken	Johnson, C.	Luther	Osthoff
Berglin	Evans	Johnson, D.	McCarron	Pehler
Birnstihl	Fudro	Jude	McCauley	Petrafeso
Braun	Fugina	Kaley	McCollar	Pleasant
Brinkman	George	Kalis	McEachern	Prahl

Reding,	Sherwood	Stanton	Voss	Zubay
St. Onge	Sieben, H.	Suss	Wenzel	
Samuelson	Sieben, M.	Tomlinson	White	
Sarna	Simoneau	Vanasek	Wieser	
Schulz	Smogard	Volk	Williamson	

Those who voted in the negative were:

Adams, S.	Enebo	Kelly, R.	Niehaus	Searle
Albrecht	Esau	Kempe, A.	Norton	Setzepfandt
Biersdorf	Ewald	Kempe, R.	Novak	Sieloff
Carlson, A.	Fjoslien	Ketola	Parish	Skoglund
Carlson, L.	Forsythe	Knoll	Patton	Smith
Casserly	Friedrich	Kostohryz	Peterson	Ulland
Clark	Heinitz	Kvam	Philbrook	Wenstrom
Dean	Hokanson	Laidig	Rice	Wigley
DeGroat	Jaros	Mann	Savelkoul	Speaker Sabo
Dieterich	Jopp	Moe	Schreiber	
Doty	Kahn	Nelsen	Schumacher	

The bill was passed and its title agreed to.

Enebo and Volk were excused for the remainder of today's session.

S. F. No. 2486, A bill for an act relating to highways; construction limitations on certain trunk highways; requiring the preparation of environmental impact statements for such highways; amending Minnesota Statutes, 1975 Supplement, Section 161.123.

The bill was read for the third time and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 125, and nays 3, as follows:

Those who voted in the affirmative were:

Adams, L.	DeGroat	Jensen	Luther	Philbrook
Adams, S.	Dieterich	Johnson, C.	Mann	Pleasant
Albrecht	Doty	Johnson, D.	McCarron	Prahl
Anderson, G.	Eckstein	Jopp	McCauley	Reding
Anderson, I.	Eken	Jude	McCollar	Rice
Beauchamp	Esau	Kahn	McEachern	St. Onge
Begich	Evans	Kaley	Menning	Samuelson
Berglin	Ewald	Kalis	Metzen	Sarna
Biersdorf	Faricy	Kelly, R.	Moe	Savelkoul
Birnstihl	Fjoslien	Kelly, W.	Munger	Schreiber
Braun	Forsythe	Kempe, A.	Neisen	Schulz
Brinkman	Friedrich	Kempe, R.	Nelsen	Schumacher
Byrne	Fudro	Ketola	Nelson	Searle
Carlson, A.	Fugina	Knickerbocker	Niehaus	Setzepfandt
Carlson, L.	George	Knoll	Norton	Sherwood
Carlson, R.	Graba	Kostohryz	Novak	Sieben, H.
Casserly	Hanson	Kroening	Osthoff	Sieben, M.
Clark	Haugerud	Kvam	Parish	Sieloff
Clawson	Heinitz	Laidig	Patton	Simoneau
Corbid	Hokanson	Langseth	Pehler	Smith
Dahl	Jacobs	Lemke	Peterson	Smogard
Dean	Jaros	Lindstrom	Petrafeso	Spanish

Stanton
Suss
Swanson

Tomlinson
Ulland
Vanasek

Vento
Voss
Wenstrom

Wenzel
White
Wigley

Williamson
Zubay
Speaker Sabo

Those who voted in the negative were:

Arlandson Berg Skoglund

The bill was passed and its title agreed to.

There being no objection the order of business reverted to Messages From The Senate.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee, consisting of 3 members of the Senate, on the amendments adopted by the Senate to the following House File:

H. F. No. 1767, A bill for an act relating to bingo; providing penalties; amending Minnesota Statutes 1974, Section 609.75, Subdivision 3; repealing Minnesota Statutes 1974, Chapter 349.

The Senate has appointed as such committee Messrs. Stokowski, Moe and Stassen.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee, consisting of 3 members of the Senate, on the amendments adopted by the Senate to the following House File:

H. F. No. 586, A bill for an act relating to the housing finance agency; providing for certain powers relating to low income housing; amending Minnesota Statutes 1974, Section 462A.07, Subdivision 13.

The Senate has appointed as such committee Messrs. Humphrey, Stumpf and Ogdahl.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee, consisting of 3 members of the Senate, on the amendments adopted by the Senate to the following House File:

H. F. No. 1333, A bill for an act relating to coroners; providing for fees and traveling expenses; prohibiting interference with a dead body or the scene of death; prescribing penalties; amending Minnesota Statutes 1974, Sections 357.11; and 390.11, Subdivision 8.

The Senate has appointed as such committee Messrs. Brown, Schmitz and Patton.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee, consisting of 3 members of the Senate, on the amendments adopted by the Senate to the following House File:

H. F. No. 1865, A bill for an act relating to crimes; providing increased sentences for persons convicted of certain second or subsequent violations of theft; prescribing penalties; amending Minnesota Statutes 1974, Section 609.52, Subdivision 3.

The Senate has appointed as such committee Messrs. McCutcheon, Nelson and Davies.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee, consisting of 5 members of the Senate, on the amendments adopted by the Senate to the following House File:

H. F. No. 1909, A bill for an act relating to health; prohibiting sale and use of certain chemicals; providing penalties.

The Senate has appointed as such committee Messrs. Conzemius, Olhoft, Spear, Dunn and Sillers.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendments to:

S. F. No. 2581, A bill for an act relating to the organization and operation of state government; appropriating and reappropriating money for the general administrative expenses of state government and limiting the use thereof; providing for payment of claims against the state; abolishing the state claims commission; amending Minnesota Statutes 1974, Sections 3.732, Subdivisions 1, 2, and 5; 3.751, Subdivision 1; 176.011, Subdivision 9; 192.38; 238.04, by adding a subdivision; 345.48, Subdivision 2; and Chapter 3, by adding a section; Minnesota Statutes, 1975 Supplement, Section 4.19; repealing Minnesota Statutes 1974, Sections 3.66 to 3.7311; 3.735; 3.752; 3.753; 3.76 to 3.83; and 15.315.

And the Senate respectfully requests that a Conference Committee of 5 members be appointed thereon. Messrs. Arnold, Anderson, Davies, Fitzsimons and Josefson have been appointed as such committee on the part of the Senate.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

PATRICK E. FLAHAVEN, Secretary of the Senate

Norton moved that the House accede to the request of the Senate for the appointment of a Conference Committee of 5 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two Houses on S. F. No. 2581. The motion prevailed.

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendments to:

S. F. No. 1963, A bill for an act relating to the operation of state government; raising base salaries for certain executive branch employees, 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; extending the open meeting law to the legislature; amending Minnesota Statutes 1974, Sections 15A.081; 15A.083, as amended; 43.062,

Subdivision 3; and 43.067; 471.705, Subdivision 1; and Chapter 43, by adding a section; and Minnesota Statutes, 1975 Supplement, Section 15A.081, Subdivision 1; repealing Minnesota Statutes 1974, Sections 15A.081, Subdivisions 1a and 4; 43.066; 43.069; and 487.05.

And the Senate respectfully requests that a Conference Committee of 3 members be appointed thereon. Messrs. Gearty, McCutcheon and Hansen, Mel have been appointed as such committee on the part of the Senate.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

PATRICK E. FLAHAVEN, Secretary of the Senate

Sieben, H., moved that the House accede to the request of the Senate for the appointment of a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two Houses on S. F. No. 1963. The motion prevailed.

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendments to:

S. F. No. 2177, A bill for an act relating to retirement; miscellaneous amendments to the public employees retirement law; providing for a medical adviser in disability cases; inclusions and exclusions under the Minnesota state retirement system; mandatory retirement age for correctional officers; miscellaneous amendments to the elective state officers retirement plan and the unclassified employees retirement plan; providing for privacy of individual retirement data; providing for release of necessary data to governmental agencies; requiring an annual report to the legislature; excluding overtime payments for pension purposes; service credit for teachers on parental or maternity leave; elections to receive a combined service annuity; amending Minnesota Statutes 1974, Sections 352.01, Subdivisions 2A and 2B; 352C.02, Subdivisions 2, 3, and by adding a subdivision; 352C.04, Subdivisions 1 and 2a; 352C.05; 352C.09, Subdivision 1; 353.01; Subdivisions 2b, 16, and 30; 353.03, Subdivision 1, and by adding a subdivision; 353.27, Subdivision 7; 353.30, Subdivision 3; 353.33, Subdivision 11, and by adding subdivisions; 353.34, Subdivision 6; 353.35; 353.656, Subdivision 6; Chapter 352C, by adding a section; Chapter 354, by adding a section; Chapter 356, by adding sections; and Minnesota Statutes, 1975 Supplement, Sections 43.051, Subdivision 3; 352D.02, Subdivision 1; 353.01, Subdivision 24; 353.03, Subdivision 2a; 353.15; and 353.29, Subdivision 7; and repealing Minnesota Statutes 1974, Section 352C.04, Subdivisions 2 and 2b.

And the Senate respectfully requests that a Conference Committee of 3 members be appointed thereon. Messrs. Stokowski, Chenoweth and Ogdahl have been appointed as such committee on the part of the Senate.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

PATRICK E. FLAHAVEN, Secretary of the Senate

Beauchamp moved that the House accede to the request of the Senate for the appointment of a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two Houses on S. F. No. 2177. The motion prevailed.

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendments to:

S. F. No. 2208, A bill for an act relating to courts; changing the status of the Hennepin county juvenile court judge; providing for continuous district court terms in all counties; providing that retired district court judges be reimbursed for expenses incurred while acting as district judges; authorizing additional power to judges of county court; requiring certain distributions of Minnesota Statutes and Session Laws; amending Minnesota Statutes 1974, Sections 260.021, Subdivision 2; 484.08; 484.09, as amended; 484.11; 484.13; 484.14; 484.15; 484.16; 484.17; 484.18; 484.62; 648.39, Subdivision 1; and Chapter 487, by adding a section; repealing Minnesota Statutes 1974, Sections 260.021, Subdivision 3; and 490.025, Subdivision 8.

And the Senate respectfully requests that a Conference Committee of 3 members be appointed thereon. Messrs. Tennessen, Doty and Sillers have been appointed as such committee on the part of the Senate.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

PATRICK E. FLAHAVEN, Secretary of the Senate

Faricy moved that the House accede to the request of the Senate for the appointment of a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two Houses on S. F. No. 2208. The motion prevailed.

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendments to:

S. F. No. 1788, A bill for an act relating to banks and banking; authorizing consumer banking facilities and credit union facilities; providing penalties; amending Minnesota Statutes 1974, Chapter 52, by adding a section.

And the Senate respectfully requests that a Conference Committee of 3 members be appointed thereon. Messrs. Olson, A. G.; Kowalczyk and Kleinbaum have been appointed as such committee on the part of the Senate.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

PATRICK E. FLAHAVEN, Secretary of the Senate

Hanson moved that the House accede to the request of the Senate for the appointment of a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two Houses on S. F. No. 1788. The motion prevailed.

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendments to:

S. F. No. 2014, A bill for an act relating to retirement; increasing certain benefits and annuities; appropriating money.

And the Senate respectfully requests that a Conference Committee of 3 members be appointed thereon. Messrs. Chenoweth, Ogdahl and Stokowski have been appointed as such committee on the part of the Senate.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

PATRICK E. FLAHAVEN, Secretary of the Senate

Moe moved that the House accede to the request of the Senate for the appointment of a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two Houses on S. F. No. 2014. The motion prevailed.

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendments to:

S. F. No. 1764, A bill for an act relating to safe deposit companies; exempting savings associations from licensing and bonding requirements; deleting a limitation on examination fees; amending Minnesota Statutes 1974, Sections 55.06, Subdivision 1; and 55.095.

And the Senate respectfully requests that a Conference Committee of 3 members be appointed thereon. Messrs. Spear, Kowalczyk and Merriam have been appointed as such committee on the part of the Senate.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

PATRICK E. FLAHAVEN, Secretary of the Senate

Suss moved that the House accede to the request of the Senate for the appointment of a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two Houses on S. F. No. 1764. The motion prevailed.

ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to the Conference Committee on S. F. No. 2581:

Haugerud, Kahn, Faricy, Forsythe and Parish.

The Speaker announced the appointment of the following members of the House to the Conference Committee on S. F. No. 1963:

Sieben, H.; Voss and Norton.

The Speaker announced the appointment of the following members of the House to the Conference Committee on S. F. No. 1764:

Suss, Casserly and Abeln.

The Speaker announced the appointment of the following members of the House to the Conference Committee on S. F. No. 2014:

Moe, Patton and Biersdorf.

The Speaker announced the appointment of the following members of the House to the Conference Committee on S. F. No. 1788:

Hanson, Corbid and Suss.

The Speaker announced the appointment of the following members of the House to the Conference Committee on S. F. No. 2208:

Faricy, Berg and Savelkoul.

The Speaker announced the appointment of the following members of the House to the Conference Committee on S. F. No. 2177:

Beauchamp, Biersdorf and Patton.

SPECIAL ORDERS

S. F. No. 1999 was reported to the House.

Osthoff moved to amend S. F. No. 1999, as follows:

Page 1, after line 13, insert new sections to read:

"Section 1. Minnesota Statutes, 1975 Supplement, Section 202A.32, Subdivision 1, is amended to read:

202A.32 [NOMINATING PETITIONS, FILED WITH SECRETARY OF STATE, TIME.] Subdivision 1. [FILING, ACKNOWLEDGEMENT OF FILING, FEE.] Nominating petitions for names to be placed on the state white ballot shall be filed with the secretary of state when to be voted for in more than one county, and with the county auditor when to be voted for in a single county. The secretary of state or the county auditor shall give or send to the person filing a nominating petition an acknowledgment thereof on the same day it is received, and he shall file and preserve the nominating petitions, subject to public inspection. No filing of any nominating petition is effective unless at the time thereof the prescribed fee is paid or tendered. *The nominating petitions filed with the secretary of state shall be inspected by the secretary of state to verify that all signatures on the petition for nomination are persons residing within the district or political division from which the candidate is presented.*

The nominating petitions filed with the county auditor shall be inspected in like manner, by the county auditor.

Sec. 2. Minnesota Statutes, 1975 Supplement, Section 203A.12, Subdivision 2, is amended to read:

Subd. 2. [CANDIDATES AND OFFICES.] On all ballots the name of each candidate shall be printed at right angles with the length of the ballot. In the general election, except in the case of presidential electors, (EACH NAME SHALL BE FOLLOWED ON THE SAME LINE IN UPPER AND LOWER CASE LETTERS, BY) the political party designation of (THE) each candidate, or in the case of nonpartisan offices, (EACH NAME SHALL BE FOLLOWED BY) the words, "Nominated without party designation", shall be printed above or below the name of the candidate. The political party designation for all candidates shall be printed in upper and lower case letters of the same type style and the upper case letters shall be at least one-half the height of the upper case letters used for names of the candidates. At the general election, below the name of the last candidate for each office shall be placed as many blank lines as there are offices of that kind to be filed, and on the blank lines the voter may write the names of persons not printed on the ballot for whom he desires to vote, and when no person has filed for an office to be filled, the title of the office shall be printed on the ballot with as many blank lines below the title as there are offices to be filled, on which the voter's choice may be written. On the left side of the ballot and on a line with the names of the candidates and the blank lines, there shall be placed a square, each square to be of the same size, in which the voter may designate his choice by a mark (X). Above the first name on each ballot shall be printed the words, "Put an (X) opposite the name of each candidate you wish to vote for, in the square indicated by the arrow," and on a line with the words and directly above the squares shall be printed a small arrow, or point, pointing downward. Directly underneath the official title of each office shall be printed the words, "Vote for one," or more, according to the number to be elected."

Renumber Section 1 as Section 3.

Page 2, line 1, strike "the next", delete "smallest", strike "number" and insert "succeedingly higher numbers".

Page 2, after line 8, insert "On voting machines, 'first name printed for each office' means the position nearest the top or farthest left, whichever applies."

Page 2, after the new language after line 8 insert new sections to read:

"Sec. 4. Minnesota Statutes 1974, Section 205.17, Subdivision 2, is amended to read:

Subd. 2. In all cities of the first class however organized, for the regular municipal election, the city clerk shall prepare and cause to be printed in blocks of 50 a partisan ballot upon which the names of all candidates for the office of mayor and for the

city council are printed, and a nonpartisan ballot upon which the names of all candidates for all other city offices are printed. The partisan ballot shall be printed on light orange paper and shall be headed "Partisan City Election Ballot". The nonpartisan ballot shall be printed on light green paper and shall be headed "Nonpartisan City Election Ballot". Both ballots shall state the name of the city, the date of the elections and otherwise conform to the white ballot used at the general election. The names of the candidates on the nonpartisan ballot shall be rotated in the manner prescribed for the rotation of names on nonpartisan ballots in state elections.

On the partisan ballot the name of the candidates for mayor shall be placed first. The order of the names of the candidates shall be (ROTATED IN THE SAME MANNER AS ARE THE NAMES ON NONPARTISAN BALLOTS EXCEPT THAT THE NAMES OF THE CANDIDATES OF A POLITICAL PARTY SHALL BE ROTATED IN CONCERT SO THAT THE NAMES OF ALL CANDIDATES OF A POLITICAL PARTY ARE PLACED IN THE SAME ROW OR COLUMN) *in the manner prescribed for state elections.*

Sec. 5. Minnesota Statutes 1974, Section 206.07, Subdivision 1, is amended to read:

206.07 [CANDIDATES, ARRANGEMENT OF NAMES.] Subdivision 1. [PLACEMENT.] Where voting machines are authorized and employed, the titles of offices (MAY) *shall be arranged either horizontally with the names of the candidates arranged vertically under the title of the office, or (THE TITLES OF THE OFFICES MAY BE ARRANGED) vertically with the names of the candidates arranged horizontally opposite the respective titles. The names of all candidates of a political party shall be placed in the same row or column. If for any office there is no candidate of a party named at the primary such that a blank space would appear on the voting machine ballot, the blank space shall contain a notice in the same type size and style as names of candidates, indicating that names of candidates for the office appear [above and] below, or to the [left and] right, of the space, whichever applies.* On the "Consolidated Primary Election Ballot" prepared for primary elections, and on the white ballot prepared for the general election, the order of the names of nominees, or names of candidates for election, as the case may be, shall be the same as is required for paper ballots. More than one column or row may be used for the same office or party. (QUESTIONS, CONSTITUTIONAL AMENDMENTS, OR OTHER PROPOSITIONS SHALL BE PLACED ON THE MACHINES IN THE SPACE PROVIDED FOR THAT PURPOSE AND SHALL BE ARRANGED IN THE MANNER WHICH THE CONSTRUCTION OF THE MACHINE REQUIRES.)

Sec. 6. Minnesota Statutes 1974, Section 206.07, is amended by adding a subdivision to read:

Subd. 1b. [QUESTIONS, CONSTITUTIONAL AMENDMENTS, PROPOSITIONS.] When a question, constitutional amendment, or other proposition is to be voted upon on a mechanical voting machine, the question, constitutional amendment, or other proposition shall occupy an area no smaller than three inches by four inches in the space provided for that purpose and shall be arranged in a manner which construction of the machine requires. A prominent notice of the question, constitutional amendment, or other proposition shall follow the last office title, or, if there is inadequate space, in the next available column or row. The notice shall contain at least one arrow pointing toward the question, constitutional amendment, or other proposition and shall contain language in the same type size as used for office titles, directing the voter to the location on the machine where it is to be found."

Renumber the following sections:

Page 4, line 10, after "208.35" insert "; and Minnesota Statutes, 1975 Supplement, Section 203A.12, Subdivision 4."

And further, to amend the title as follows:

Page 1, line 2, after "elections;" and before "preparation" insert "providing for".

Page 1, line 4, after "auditor;" and before "repealing" insert "providing for arrangement of the ballot on mechanical voting machines;"

Page 1, line 5, after "providing for" insert "voting of".

Page 1, line 7, strike "to vote", and strike "Section" and insert "Sections: 205.17, Subdivision 2; 206.07, Subdivision 1, and by adding a subdivision; and".

Page 1, line 9, after "Sections" insert "202A.32, Subdivision 1; 203A.12, Subdivision 2;"

Page 1, line 11, strike "Subdivision" and insert "Subdivisions 2 and "

Page 1, line 12, after "208.35" and before the period insert "; and Minnesota Statutes, 1975 Supplement, Section 203A.12, Subdivision 4".

POINT OF ORDER

Laidig raised a point of order pursuant to rule 3.9 that the Osthoff amendment was out of order. The Speaker ruled the point of order not well taken.

Carlson, A., moved to amend the Osthoff amendment to S. F. No. 1999, as follows:

Page 1, delete all of the language in Sec. 2., and insert the following:

"Sec. 2. [CANDIDATES AND OFFICES.] All ballots designed by all units of government shall be submitted to the Minnesota Ethics Commission at least 40 days prior to an election or primary for approval. The Ethics Commission shall make any and all changes and return such ballot design to the unit of government at least 20 days prior to an election. The Minnesota Ethics Commission shall promulgate all rules and regulations necessary to carry out the intent of this provision."

A roll call was requested and properly seconded.

Haugerud, Jopp, Mangan, Smith and Voss were excused for the remainder of today's session.

CALL OF THE HOUSE

On the motion of Ulland and on the demand of 10 members, a call of the House was ordered. The following members answered to their names:

Adams, L.	Dieterich	Kalis	Neisen	Setzepfandt
Adams, S.	Doty	Kelly, R.	Nelson	Sherwood
Albrecht	Eckstein	Kelly, W.	Nelson	Sieben, H.
Anderson, G.	Eken	Kempe, A.	Niehaus	Sieben, M.
Anderson, I.	Esau	Kempe, R.	Norton	Sieloff
Arlandson	Evans	Ketola	Novak	Simoneau
Beauchamp	Ewald	Knickerbocker	Osthoff	Skoglund
Begich	Faricy	Knoll	Parish	Smith
Berg	Fjoslien	Kostohryz	Patton	Smogard
Berglin	Friedrich	Kroening	Pehler	Spanish
Biersdorf	Fudro	Kvam	Peterson	Stanton
Birnstihl	Fugina	Laidig	Petrafeso	Suss
Braun	George	Langseth	Philbrook	Swanson
Brinkman	Graba	Lemke	Pleasant	Tomlinson
Byrne	Hanson	Lindstrom	Prahl	Ulland
Carlson, A.	Heinitz	Luther	Reding	Vanasek
Carlson, L.	Hokanson	Mann	Rice	Vento
Carlson, R.	Jacobs	McCarron	St. Onge	Wenstrom
Casserly	Jaros	McCauley	Samuelson	Wenzel
Clark	Jensen	McCollar	Sarna	White
Clawson	Johnson, C.	McEachern	Savelkoul	Wieser
Corbid	Johnson, D.	Menning	Schreiber	Wigley
Dahl	Jude	Metzen	Schulz	Williamson
Dean	Kahn	Moe	Schumacher	Zubay
DeGroat	Kaley	Munger	Searle	Speaker Sabo

Ulland moved that further proceedings of the roll call be dispensed with and that the Sergeant at Arms be instructed to bring in the absentees. The motion prevailed and it was so ordered.

The question recurred on the adoption of the Carlson, A., amendment to the Osthoff amendment and the roll being called, there were yeas 28, and nays 94, as follows:

Those who voted in the affirmative were:

Adams, S.	Evans	Kaley	Niehaus	Ulland
Albrecht	Ewald	Knickerbocker	Peterson	Wieser
Biersdorf	Fjoslien	Kvam	Pleasant	Wigley
Carlson, A.	Forsythe	Laidig	Savelkoul	Zubay
DeGroat	Friedrich	McCaughey	Schreiber	
Esau	Heinitz	Nelsen	Sieloff	

Those who voted in the negative were:

Adams, L.	Dieterich	Kelly, R.	Neisen	Sherwood
Anderson, G.	Doty	Kelly, W.	Nelson	Sieben, H.
Anderson, I.	Eckstein	Kempe, A.	Norton	Sieben, M.
Arlandson	Eken	Ketola	Novak	Simoneau
Beauchamp	Faricy	Knioll	Osthoff	Skoglund
Begich	Fudro	Kostohryz	Parish	Smogard
Berg	Fugina	Kroening	Patton	Spanish
Berglin	George	Langseth	Pehler	Stanton
Birnstihl	Graha	Lemke	Petrafeso	Suss
Braun	Hanson	Lindstrom	Philbrook	Swanson
Brinkman	Hokanson	Luther	Prahl	Tomlinson
Byrne	Jacobs	Mann	Reding	Vanasek
Carlson, L.	Jaros	McCarron	Rice	Vento
Carlson, R.	Jensen	McCollar	St. Onge	Wenstrom
Cassery	Johnson, C.	McEachern	Samuelson	Wenzel
Clark	Johnson, D.	Menning	Sarna	White
Clawson	Jude	Metzen	Schulz	Williamson
Corbid	Kahn	Moe	Schumacher	Speaker Sabo
Dahl	Kalis	Munger	Setzepfandt	

The motion did not prevail and the amendment to the amendment was not adopted.

Savelkoul requested a division of the Osthoff amendment.

The first portion of the Osthoff amendment reads as follows:

Page 1, after line 13, insert new sections to read:

“Section 1. Minnesota Statutes, 1975 Supplement, Section 202A.32, Subdivision 1, is amended to read:

202A.32 [NOMINATING PETITIONS, FILED WITH SECRETARY OF STATE, TIME.] Subdivision 1. [FILING, ACKNOWLEDGEMENT OF FILING, FEE.] Nominating petitions for names to be placed on the state white ballot shall be filed with the secretary of state when to be voted for in more than one county, and with the county auditor when to be voted for in a single county. The secretary of state or the county auditor shall give or send to the person filing a nominating petition an acknowledgment thereof on the same day it is received, and he shall file and preserve the nominating petitions, subject to

public inspection. No filing of any nominating petition is effective unless at the time thereof the prescribed fee is paid or tendered. *The nominating petitions filed with the secretary of state, shall be inspected by the secretary of state to verify that all signatures on the petition for nomination are persons residing within the district or political division from which the candidate is presented.*

The nominating petitions filed with the county auditor shall be inspected in like manner, by the county auditor.

Sec. 2. Minnesota Statutes, 1975 Supplement, Section 203A.12, Subdivision 2, is amended to read:

Subd. 2. [CANDIDATES AND OFFICES.] On all ballots the name of each candidate shall be printed at right angles with the length of the ballot. In the general election, except in the case of presidential electors, (EACH NAME SHALL BE FOLLOWED ON THE SAME LINE IN UPPER AND LOWER CASE LETTERS, BY) the political party designation of (THE) each candidate, or in the case of nonpartisan offices, (EACH NAME SHALL BE FOLLOWED BY) the words, "Nominated without party designation", shall be printed above or below the name of the candidate. *The political party designation for all candidates shall be printed in upper and lower case letters of the same type style and the upper case letters shall be at least one-half the height of the upper case letters used for names of the candidates.* At the general election, below the name of the last candidate for each office shall be placed as many blank lines as there are offices of that kind to be filled, and on the blank lines the voter may write the names of persons not printed on the ballot for whom he desires to vote, and when no person has filed for an office to be filled, the title of the office shall be printed on the ballot with as many blank lines below the title as there are offices to be filled, on which the voter's choice may be written. On the left side of the ballot and on a line with the names of the candidates and the blank lines, there shall be placed a square, each square to be of the same size, in which the voter may designate his choice by a mark (X). Above the first name on each ballot shall be printed the words, "Put an (X) opposite the name of each candidate you wish to vote for, in the square indicated by the arrow," and on a line with the words and directly above the squares shall be printed a small arrow, or point, pointing downward. Directly underneath the official title of each office shall be printed the words, "Vote for one," or more, according to the number to be elected."

Renumber Section 1 as Section 3.

Page 2, line 1, strike "the next", delete "smallest", strike "number" and insert "succeedingly higher numbers".

Page 2, after line 8, insert "On voting machines, 'first name printed for each office' means the position nearest the top or farthest left, whichever applies."

"Sec. 6. Minnesota Statutes 1974, Section 206.07, is amended by adding a subdivision to read:

Subd. 1b. [QUESTIONS, CONSTITUTIONAL AMENDMENTS, PROPOSITIONS.] When a question, constitutional amendment, or other proposition is to be voted upon on a mechanical voting machine, the question, constitutional amendment, or other proposition shall occupy an area no smaller than three inches by four inches in the space provided for that purpose and shall be arranged in a manner which construction of the machine requires. A prominent notice of the question, constitutional amendment, or other proposition shall follow the last office title, or, if there is inadequate space, in the next available column or row. The notice shall contain at least one arrow pointing toward the question, constitutional amendment, or other proposition and shall contain language in the same type size as used for office titles, directing the voter to the location on the machine where it is to be found."

Renumber the following sections.

Page 4, line 10, after "208.35" insert "; and Minnesota Statutes, 1975 Supplement, Section 203A.12, Subdivision 4,".

And further, to amend the title as follows:

Page 1, line 2, after "elections;" and before "preparation" insert "providing for".

Page 1, line 3, after "auditor;" and before "repealing" insert "providing for arrangement of the ballot on mechanical voting machines;".

Page 1, line 5, after "providing for" insert "voting of".

Page 1, line 7, strike "to vote", and strike "Section" and insert "Sections 205.17, Subdivision 2; 206.07, Subdivision 1, and by adding a subdivision; and".

Page 1, line 9, after "Sections" insert "202A.32, Subdivision 1; 203A.12, Subdivision 2;".

Page 1, line 11, strike "Subdivision" and insert "Subdivisions 2 and".

Page 1, line 12, after "208.35" and before the period insert "; and Minnesota Statutes, 1975 Supplement, Section 203A.12, Subdivision 4".

The motion prevailed and the first portion of the Osthoff amendment was adopted.

The second portion of the Osthoff amendment reads as follows:

Page 2, after the new language after line 8 insert new sections to read:

“Sec. 4. Minnesota Statutes 1974, Section 205.17, Subdivision 2, is amended to read:

Subd. 2. In all cities of the first class however organized, for the regular municipal election, the city clerk shall prepare and cause to be printed in blocks of 50 a partisan ballot upon which the names of all candidates for the office of mayor and for the city council are printed; and a nonpartisan ballot upon which the names of all candidates for all other city offices are printed. The partisan ballot shall be printed on light orange paper and shall be headed “Partisan City Election Ballot”. The nonpartisan ballot shall be printed on light green paper and shall be headed “Nonpartisan City Election Ballot”. Both ballots shall state the name of the city, the date of the elections and otherwise conform to the white ballot used at the general election. The names of the candidates on the nonpartisan ballot shall be rotated in the manner prescribed for the rotation of names on nonpartisan ballots in state elections.

On the partisan ballot the name of the candidates for mayor shall be placed first. The order of the names of the candidates shall be (ROTATED IN THE SAME MANNER AS ARE THE NAMES ON NONPARTISAN BALLOTS EXCEPT THAT THE NAMES OF THE CANDIDATES OF A POLITICAL PARTY SHALL BE ROTATED IN CONCERT SO THAT THE NAMES OF ALL CANDIDATES OF A POLITICAL PARTY ARE PLACED IN THE SAME ROW OR COLUMN) *in the manner prescribed for state elections.*”

A roll call was requested and properly seconded.

The question was taken on the adoption of the second portion of the Osthoff amendment and the roll being called, there were yeas 86, and nays 38, as follows:

Those who voted in the affirmative were:

Adams, L.	Byrne	Fugina	Kahn	Luther
Anderson, G.	Carlson, L.	George	Kalis	Mann
Anderson, I.	Carlson, R.	Graba	Kelly, R.	McCarron
Arlandson	Casserly	Hanson	Kelly, W.	McCollar
Beauchamp	Clark	Hokanson	Kempe, A.	McEachern
Begich	Clawson	Jacobs	Ketola	Menning
Berg	Corbid	Jaros	Kostohryz	Metzen
Berglin	Dieterich	Jensen	Kroening	Moe
Birnstihl	Eckstein	Johnson, C.	Langseth	Munger
Braun	Eken	Johnson, D.	Lemke	Neisen
Brinkman	Fudro	Jude	Lindstrom	Nelson

Norton	Prahl	Schumacher	Spanish	Wenzel
Novak	Reding	Setzepfandt	Stanton	White
Osthoff	Rice	Sieben, H.	Suss	Speaker Sabo
Parish	St. Onge	Sieben, M.	Swanson	
Patton	Samuelson	Simoneau	Vanasek	
Pehler	Sarna	Skoglund	Vento	
Petrafeso	Schulz	Smogard	Wenstrom	

Those who voted in the negative were:

Adams, S.	Evans	Kempe, R.	Peterson	Tomlinson
Albrecht	Ewald	Knickerbocker	Philbrook	Ulland
Biersdorf	Farcy	Knoll	Pleasant	Wieser
Carlson, A.	Fjoslien	Kvam	Savelkoul	Wigley
Dean	Forsythe	Laidig	Schreiber	Williamson
DeGroat	Friedrich	McCauley	Searle	Zubay
Doty	Heinitz	Nelsen	Sherwood	
Esau	Kaley	Niehaus	Sieloff	

The motion prevailed and the second portion of the Osthoff amendment was adopted.

The third portion of the Osthoff amendment reads as follows:

"Sec. 5. Minnesota Statutes 1974, Section 206.07, Subdivision 1, is amended to read:

206.07 [CANDIDATES, ARRANGEMENT OF NAMES.]
 Subdivision 1. [PLACEMENT.] Where voting machines are authorized and employed, the titles of offices (MAY) shall be arranged *either* horizontally with the names of the candidates arranged vertically under the title of the office, or (THE TITLES OF THE OFFICES MAY BE ARRANGED) vertically with the names of the candidates arranged horizontally opposite the respective titles. *The names of all candidates of a political party shall be placed in the same row or column. If for any office there is no candidate of a party named at the primary such that a blank space would appear on the voting machine ballot, the blank space shall contain a notice in the same type size and style as names of candidates, indicating that names of candidates for the office appear [above and] below, or to the [left and] right, of the space, whichever applies.* On the "Consolidated Primary Election Ballot" prepared for primary elections, and on the white ballot prepared for the general election, the order of the names of nominees, or names of candidates for election, as the case may be, shall be the same as is required for paper ballots. More than one column or row may be used for the same office or party. (QUESTIONS, CONSTITUTIONAL AMENDMENTS, OR OTHER PROPOSITIONS SHALL BE PLACED ON THE MACHINES IN THE SPACE PROVIDED FOR THAT PURPOSE AND SHALL BE ARRANGED IN THE MANNER WHICH THE CONSTRUCTION OF THE MACHINE REQUIRES.)"

A roll call was requested and properly seconded.

The question was taken on the adoption of the third portion of the Osthoff amendment and the roll being called, there were yeas 97, and nays 28, as follows:

Those who voted in the affirmative were:

Adams, L.	Dieterich	Kelly, W.	Nelson	Sieben, M.
Anderson, G.	Doty	Kempe, A.	Norton	Simoneau
Anderson, I.	Eckstein	Kempe, E.	Novak	Skoglund
Arlandson	Eken	Ketola	Osthoff	Smogard
Beauchamp	Faricy	Knoll	Parish	Spanish
Begich	Fudro	Kostohryz	Patton	Stanton
Berg	Fugina	Kroening	Pehler	Suss
Berglin	George	Langseth	Petrafeso	Swanson
Biersdorf	Graba	Lemke	Philbrook	Tomlinson
Birnstihl	Hanson	Lindstrom	Prahl	Vanasek
Braun	Hokanson	Luther	Reding	Vento
Brinkman	Jacobs	Mann	Rice	Wenstrom
Byrne	Jaros	McCarron	St. Onge	Wenzel
Carlson, L.	Jensen	McCollar	Samuelson	White
Carlson, R.	Johnson, C.	McEachern	Sarna	Wieser
Casserly	Johnson, D.	Menning	Schulz	Williamson
Clark	Jude	Metzen	Schumacher	Speaker Sabo
Clawson	Kahn	Moe	Setzepfandt	
Corbid	Kalis	Munger	Sherwood	
Dahl	Kelly, R.	Neisen	Sieben, H.	

Those who voted in the negative were:

Adams, S.	Evans	Kaley	Niehaus	Sieloff
Albrecht	Ewald	Knickerbocker	Peterson	Ulland
Carlson, A.	Fjoslien	Kvam	Pleasant	Wigley
Dean	Forsythe	Laidig	Savelkoul	Zubay
DeGroat	Friedrich	McCauley	Schreiber	
Esau	Heinitz	Nelsen	Searle	

The motion prevailed and the third portion of the Osthoff amendment was adopted.

Laidig; Carlson, A.; Ulland and Peterson moved to amend S. F. No. 1999, as follows:

Page 1, line 14, to page 2, line 8, delete section 1 and insert:

"Section 1. Minnesota Statutes, 1975 Supplement, Section 203A.35, Subdivision 1, is amended to read:

Subdivision 1. At the general election, (AND IN THE CASE OF NONPARTISAN OFFICES ONLY,) the names of all candidates for the same office shall be rotated on the ballots in the manner provided for primary election ballots by section 203A.23, subdivision 5, and all the provisions of section 203A.23, subdivisions 5 and 6 are applicable to general election ballots, so far as practicable."

Page 4, line 10, after "208.34," strike "and 208.35" and insert: "208.35, and Minnesota Statutes, 1975 Supplement, 203A.33, Subdivision 4".

Further, in the title, page 1, line 11, after "Subdivision 4;" insert "203A.35, Subdivision 1;"

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll being called, there were yeas 46, and nays 79, as follows:

Those who voted in the affirmative were:

Adams, S.	Esau	Kempe, R.	Munger	Spanish
Albrecht	Evans	Knickerbocker	Nelsen	Ulland
Biersdorf	Ewald	Knoll	Niehaus	White
Carlson, A.	Fjoslien	Kvam	Peterson	Wieser
Dahl	Forsythe	Laidig	Pleasant	Wigley
Dean	Friedrich	Langseth	Savelkoul	Zubay
DeGroat	Heinitz	Mann	Schreiber	
Dieterich	Jensen	McCauley	Searle	
Doty	Johnson, C.	Menning	Sherwood	
Eckstein	Kaley	Metzen	Sieloff	

Those who voted in the negative were:

Adams, L.	Clawson	Kelly, R.	Novak	Sieben, H.
Anderson, G.	Corbid	Kelly, W.	Osthoff	Sieben, M.
Anderson, I.	Eken	Kempe, A.	Parish	Simoneau
Arlandson	Faricy	Ketola	Patton	Skoglund
Beauchamp	Fudro	Kostohryz	Pehler	Smogard
Begich	Fugina	Kroening	Petrafeso	Stanton
Berg	George	Lemke	Philbrook	Suss
Berglin	Graba	Lindstrom	Prahl	Swanson
Birnstihl	Hanson	Luther	Reding	Tomlinson
Braun	Hokanson	McCarron	Rice	Vanasek
Brinkman	Jacobs	McCollar	St. Onge	Vento
Byrne	Jaros	McEachern	Samuelson	Wenstrom
Carlson, L.	Johnson, D.	Moe	Sarna	Wenzel
Carlson, R.	Jude	Neisen	Schulz	Williamson
Casserly	Kahn	Nelson	Schumacher	Speaker Sabo
Clark	Kalis	Norton	Setzepfandt	

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

S. F. No. 1999, A bill for an act relating to elections; preparation of ballots; changing rotation of names; imposing duties on the county auditor; repealing special provisions for voting in presidential elections; providing for eligible voters residing outside the United States to vote; amending Minnesota Statutes 1974, Section 208.04; and Chapter 207, by adding a section; Minnesota Statutes, 1975 Supplement, Sections 203A.31 by adding a subdivision; 203A.33, Subdivision 4; repealing Minnesota Statutes 1974, Sections 208.21 to 208.35.

The bill was read for the third time, as amended, and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 93, and nays 32, as follows:

Those who voted in the affirmative were:

Adams, L.	Dieterich	Kelly, W.	Nelson	Sieben, H.
Anderson, G.	Doty	Kempe, A.	Norton	Sieben, M.
Anderson, I.	Eckstein	Kempe, R.	Novak	Simoneau
Arlandson	Eken	Ketola	Osthoff	Skoglund
Beauchamp	Faricy	Kostohryz	Parish	Smogard
Begich	Fudro	Kroening	Patton	Spanish
Berg	Fugina	Langseth	Pehler	Stanton
Berglin	George	Lemke	Petrafeso	Suss
Birnstihl	Graba	Lindstrom	Philbrook	Swanson
Braun	Hanson	Luther	Prahl	Tomlinson
Brinkman	Hokanson	Mann	Reding	Vanasek
Byrne	Jacobs	McCarron	Rice	Vento
Carlson, L.	Jensen	McCollar	St. Onge	Wenstrom
Carlson, R.	Johnson, C.	McEachern	Samuelson	Wenzel
Casserly	Johnson, D.	Menning	Sarna	White
Clark	Jude	Metzen	Schulz	Williamson
Clawson	Kahn	Moe	Schumacher	Speaker Sabo
Corbid	Kalis	Munger	Setzepfandt	
Dahl	Kelly, R.	Neisen	Sherwood	

Those who voted in the negative were:

Adams, S.	Evans	Kaley	Niehaus	Ulland
Albrecht	Ewald	Knickerbocker	Peterson	Wieser
Biersdorf	Fjoslien	Knoll	Pleasant	Wigley
Carlson, A.	Forsythe	Kvam	Savelkoul	Zubay
Dean	Friedrich	Laidig	Schreiber	
DeGroat	Heinitz	McCauley	Searle	
Esau	Jaros	Nelsen	Sieloff	

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

The following conference committee report was received:

CONFERENCE COMMITTEE REPORT ON H. F. NO. 1827

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 out-patient treatment of alcoholism, chemical dependency or drug addiction; amending Minnesota Statutes 1974, Section 62A.149.

March 30, 1976

The Honorable Alec G. Olson
 President of the Senate
 The Honorable Martin O. Sabo
 Speaker of the House of Representatives

We, the undersigned conferees for H. F. No. 1827, 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: DON SAMUELSON, PAUL MCCARRON and STANLEY ENEBO.

Senate Conferees: JOSEPH O'NEILL, WINSTON BORDEN and WILLIAM MCCUTCHEON.

Samuelson moved that the report of the Conference Committee on H. F. No. 1827 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 1827, 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 out-patient treatment of alcoholism, chemical dependency or drug addiction; amending Minnesota Statutes 1974, Section 62A.149.

The bill was read for the third time, as amended by Conference and placed upon its repassage.

The question being taken on the repassage of the bill and the roll being called, there were yeas 123, and nays 0, as follows:

Those who voted in the affirmative were:

Adams, L.	Dieterich	Kalis	Neisen	Setzepfandt
Adams, S.	Doty	Kelly, R.	Nelsen	Sherwood
Albrecht	Eckstein	Kelly, W.	Nelson	Sieben, H.
Anderson, G.	Eken	Kempe, A.	Niehau	Sieben, M.
Anderson, I.	Esau	Kempe, R.	Norton	Sieloff
Arlandson	Ewald	Ketola	Novak	Skoglund
Beauchamp	Fariy	Knickerbocker	Osthoff	Smogard
Begich	Fjoslien	Knoll	Parish	Spanish
Berg	Forsythe	Kostohryz	Patton	Stanton
Berglin	Friedrich	Kroening	Pehler	Suss
Biersdorf	Fudro	Kvam	Peterson	Swanson
Birnstihl	Fugina	Laidig	Petrafeso	Tomlinson
Braun	George	Langseth	Philbrook	Ulland
Brinkman	Graba	Lemke	Pleasant	Vanasek
Byrne	Hanson	Lindstrom	Prahl	Vento
Carlson, A.	Heinitz	Luther	Reding	Wenstrom
Carlson, L.	Hokanson	Mann	Rice	Wenzel
Carlson, R.	Jacobs	McCarron	St. Onge	White
Casserly	Jaros	McCauley	Samuelson	Wieser
Clark	Jensen	McCollar	Sarna	Wigley
Clawson	Johnson, C.	McEachern	Savelkoul	Williamson
Corbid	Johnson, D.	Menning	Schreiber	Zubay
Dahl	Jude	Metzen	Schulz	Speaker Sabo
Dean	Kahn	Moe	Schumacher	
DeGroat	Kaley	Munger	Searle	

The bill was repassed, as amended by Conference, and its title agreed to.

GENERAL ORDERS

There being no objection, the bills on General Orders for today were continued on General Orders until Wednesday, March 31, 1976.

MOTIONS AND RESOLUTIONS

House Concurrent Resolution No. 24 was reported to the House.

HOUSE CONCURRENT RESOLUTION NO. 24

A house concurrent resolution relating to the delivery of bills to the governor after final adjournment.

Be It Resolved, by the House of Representatives, the Senate concurring, that on adjournment sine die of the 69th regular session of the Legislature, bills shall be presented to the Governor in conformity with the provisions of this resolution and as follows:

(a) That the Speaker of the House of Representatives, the Chief Clerk of the House of Representatives, the President of the Senate, and the Secretary of the Senate shall certify and sign each bill in the same manner and upon the same certification as each bill is signed for presentation to the Governor prior to adjournment sine die, and each of those officers shall continue in his designated capacity during the three days following the date of final adjournment;

(b) That the Chief Clerk of the House of Representatives and the Secretary of the Senate in accordance with the rules of the respective bodies and under the supervision and direction of the standing Committee on Rules and Legislative Administration and the standing Committee on Rules and Administration shall carefully engross and enroll each bill and make delivery thereof to the Governor in the same manner as each bill is engrossed and enrolled and delivered to the Governor prior to the adjournment of the Legislature sine die;

(c) That the Revisor of Statutes shall continue to assist in all of the functions relating to the engrossment and enrollment of bills of the House of Representatives and of the Senate under the supervision of the Chief Clerk of the House of Representatives and the Secretary of the Senate in the same manner that his assistance was rendered prior to the adjournment of the Legislature sine die;

(d) That this concurrent resolution is enacted in accordance with the requirements of the Constitution, Article IV, Section 23; and

Be It Further Resolved, that the Chief Clerk of the House of Representatives deliver a copy of this Resolution to the Governor, and the Secretary of State.

Anderson, I., moved that House Concurrent Resolution No. 24 be now adopted. The motion prevailed and House Resolution No. 24 was adopted.

Spanish introduced:

House Resolution No. 40, A house resolution congratulating the world championship curling team of the Bruce Roberts Rink of Hibbing, Minnesota.

The resolution was referred to the Committee on Rules and Legislative Administration.

Spanish introduced:

House Resolution No. 41, A house resolution congratulating the Hibbing High School basketball team on winning second place in the state class AA basketball tournament.

The resolution was referred to the Committee on Rules and Legislative Administration.

Fugina and Johnson, D., introduced:

House Resolution No. 42, A house resolution congratulating the Orr High School Basketball team on winning the class A consolation title.

The resolution was referred to the Committee on Rules and Legislative Administration.

Anderson, I., moved that the following bills be unofficially engrossed and printed for the House, to include committee amendments.

S. F. Nos. 2195, 1223, 1644, 2175, 175 and 1959.

The motion prevailed.

ADJOURNMENT

Anderson, I., moved that when the House adjourns today it adjourn until 12:00 noon, Wednesday, March 31, 1976. The motion prevailed.

Anderson, I., moved that the House adjourn. The motion prevailed and the Speaker declared the House adjourned until 12:00 noon, Wednesday, March 31, 1976.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

STATE OF MINNESOTA

SIXTY-NINTH SESSION - 1976

ONE HUNDRED-SECOND DAY

SAINT PAUL, MINNESOTA, WEDNESDAY, MARCH 31, 1976

The House convened at 12:00 noon and was called to order by the Speaker.

Prayer was offered by the Chaplain.

The roll was called and the following members were present:

Abeln	Doty	Kahn	Munger	Sherwood
Adams, L.	Eckstein	Kaley	Neisen	Sieben, H.
Adams, S.	Eken	Kalis	Nelsen	Sieben, M.
Albrecht	Enebo	Kelly, R.	Nelson	Sieloff
Anderson, G.	Erickson	Kelly, W.	Niehaus	Simoneau
Anderson, L.	Esau	Kempe, A.	Norton	Skoglund
Arlandson	Evans	Kempe, R.	Novak	Smith
Beauchamp	Ewald	Ketola	Osthoff	Smogard
Begich	Faricy	Knickerbocker	Parish	Spanish
Berg	Fjoslien	Knoll	Patton	Stanton
Berglin	Forsythe	Kostohryz	Pehler	Suss
Biersdorf	Friedrich	Kroening	Peterson	Swanson
Birnstihl	Fudro	Kvam	Petraleso	Tomlinson
Braun	Fugina	Laidig	Philbrook	Ulland
Brinkman	George	Langseth	Pleasant	Vanasek
Byrne	Graba	Lemke	Prahl	Vento
Carlson, A.	Hanson	Lindstrom	Reding	Volk
Carlson, L.	Haugerud	Luther	Rice	Voss
Carlson, R.	Heinitz	Mangan	St. Onge	Wenstrom
Casserly	Hokanson	Mann	Samuelson	Wenzel
Clark	Jacobs	McCarron	Sarna	White
Clawson	Jaros	McCauley	Savelkoul	Wieser
Corbid	Jensen	McCollar	Schreiber	Williamson
Dahl	Johnson, C.	McEachern	Schulz	Zubay
Dean	Johnson, D.	Menning	Schumacher	Speaker Sabo
DeGroat	Jopp	Metzen	Searle	
Dieterich	Jude	Moe	Setzpfandt	

A quorum was present.

Wigley was excused until 2:00 p.m.

The Chief Clerk proceeded to read the Journal of the preceding day. On the motion of Laidig the further reading was dispensed with and the Journal was approved as corrected.

REPORTS OF CHIEF CLERK

Pursuant to Rules of the House, printed copies of H. F. Nos. 2254, 2493, 2281, 1397, 2593 and 2657 and S. F. Nos. 2195, 175, 1223, 1644, 1959 and 2175 have been placed in the members' files.

PETITIONS AND COMMUNICATIONS

The following communication was received:

STATE OF MINNESOTA
OFFICE OF THE GOVERNOR
ST. PAUL 55155

March 30, 1976

The Honorable Martin Sabo
Speaker of the House

Sir:

I have the honor to inform you that I received, approved, signed and deposited in the office of the Secretary of State the following House File:

H. F. No. 527, An act relating to the purchase of surplus government property by public employees; providing a penalty.

Sincerely,

WENDELL R. ANDERSON
Governor

HOUSE ADVISORY BILLS

Pursuant to Rule 5.3, the following House Advisory Bill was introduced:

Mann, Eckstein, Sabo, Swanson and Vento introduced:

H. A. B. No. 77, Dread diseases.

The bill was referred to the Committee on Health and Welfare.

REPORTS FROM THE COMMITTEE ON RULES AND
LEGISLATIVE ADMINISTRATION

Pursuant to Rule 1.9, Anderson, I., for the Committee on Rules and Legislative Administration, designated the following bill as a Special Order for Wednesday, March 31, 1976:

S. F. No. 2195.

Pursuant to Rule 1.9, Anderson, I., for the Committee on Rules and Legislative Administration, designated the following bills as a Special Order for Wednesday, March 31, 1976 to be acted upon immediately following S. F. No. 2195 on Special Orders for today:

S. F. Nos. 175 and 1959; H. F. Nos. 1397 and 2254; S. F. Nos. 1223, 1644, 2175 and 2309; and H. F. Nos. 2281.

PROGRESS REPORTS ON CONFERENCE COMMITTEES

Pursuant to Joint Rule 13, Munger reported on the progress of H. F. No. 500, now in Conference Committee.

Pursuant to Joint Rule 13, Swanson reported on the progress of S. F. No. 60, now in Conference Committee.

Pursuant to Joint Rule 13, Philbrook reported on the progress of S. F. No. 819, now in Conference Committee.

Pursuant to Joint Rule 13, Clark reported on the progress of S. F. No. 1097, now in Conference Committee.

MESSAGES FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker:

I hereby announce that the Senate accede to the request of the House for the return of House File No. 2560 for further consideration:

H. F. No. 2560, A bill for an act relating to highway traffic regulations; prescribing the width of vehicles; amending Minnesota Statutes 1974, Section 169.80, Subdivision 2.

House File No. 2560 is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Fjoslien moved that the action whereby the House refused to concur in the Senate amendments to H. F. No. 2560 and appointed a conference committee on March 26, 1976, be now reconsidered. The motion prevailed.

CONCURRENCE AND REPASSAGE

Fjoslien moved that the House concur in the Senate amendments to H. F. No. 2560 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 2560, A bill for an act relating to highway traffic regulations; prescribing the width of vehicles; amending Minnesota Statutes 1974, Section 169.80, Subdivision 2.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question being taken on the repassage of the bill and the roll being called, there were yeas 126, and nays 1, as follows:

Those who voted in the affirmative were:

Abeln	Doty	Kaley	Munger	Sieben, H.
Adams, L.	Eckstein	Kalis	Neisen	Sieben, M.
Adams, S.	Eken	Kelly, R.	Nelsen	Sieloff
Albrecht	Enebo	Kelly, W.	Nelson	Skoglund
Anderson, G.	Erickson	Kempe, A.	Niehaus	Smith
Anderson, I.	Esau	Kempe, R.	Norton	Smogard
Arlandson	Evans	Ketola	Novak	Stanton
Beauchamp	Ewald	Knickerbocker	Osthoff	Suss
Begich	Faricy	Knoll	Parish	Swanson
Berg	Fjoslien	Kostohryz	Patton	Tomlinson
Berglin	Forsythe	Kroening	Pehler	Ulland
Biersdorf	Friedrich	Kvam	Peterson	Vanasek
Birnstihl	Fudro	Laidig	Petraieso	Vento
Braun	Fugina	Langseth	Philbrook	Volk
Brinkman	George	Lemke	Pleasant	Voss
Byrne	Graba	Lindstrom	Prahl	Wenstrom
Carlson, A.	Hanson	Luther	St. Onge	Wenzel
Carlson, L.	Heinitz	Mangan	Samuelson	White
Carlson, R.	Hokanson	Mann	Sarna	Wieser
Cassery	Jacobs	McCarron	Savelkoul	Williamson
Clark	Jaros	McCauley	Scheiber	Zubay
Clawson	Johnson, C.	McCollar	Schulz	Speaker Sabo
Corbid	Johnson, D.	McEachern	Schumacher	
Dahl	Jopp	Menning	Searle	
Dean	Jude	Metzen	Setzepfandt	
Dieterich	Kahn	Moe	Sherwood	

Those who voted in the negative were:

Jensen

The bill was repassed, as amended by the Senate, and its title agreed to.

The following conference committee report was received:

CONFERENCE COMMITTEE REPORT ON H. F. NO. 1330

A bill for an act relating to labor; directing the commissioner of labor and industry to enforce the prohibition against admin-

istering polygraph tests to employees; prescribing penalties; amending Minnesota Statutes 1974, Section 181.75; repealing Minnesota Statutes 1974, Section 181.77.

March 30, 1976

The Honorable Martin O. Sabo
Speaker of the House of Representatives
The Honorable Alec G. Olson
President of the Senate

We, the undersigned conferees for H. F. No. 1330 report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that H. F. No. 1330, House printed page 339, be amended as follows:

Page 1, line 15, strike "request" and insert "solicit".

Page 1, line 17, after the period insert a new sentence to read, "*No person shall sell to or interpret for an employer or his agent a test that he knows has been solicited or required by an employer or his agent to test the honesty of an employee or prospective employee.*".

Page 1, line 18, after "person" insert "knowingly".

Page 1, line 19, strike "such".

Page 1, line 20, after the period insert a new sentence to read, "*If an employee requests a polygraph test any employer or agent administering the test shall inform him that taking the test is voluntary.*".

Page 1, line 23, strike "such" and insert "any".

Page 1, line 23, strike "as is".

Page 2, line 12, strike "or is about to be violated,".

Page 2, line 19, strike "and" and insert "to".

Page 2, line 20, after "recover" insert "any and all".

Page 2, line 20, after "damages" insert "recoverable at law".

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

House Conferees: MICHAEL SIEBEN, MIKE JAROS and JAMES PEHLER.

Senate Conferees: RALPH DOTY, JOSEPH O'NEILL and ALLAN SPEAR.

Sieben, M., moved that the report of the Conference Committee on H. F. No. 1330 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 1330, A bill for an act relating to labor; directing the commissioner of labor and industry to enforce the prohibition against administering polygraph tests to employees; prescribing penalties; amending Minnesota Statutes 1974, Section 181.75; repealing Minnesota Statutes 1974, Section 181.77.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question being taken on the repassage of the bill and the roll being called, there were yeas 129, and nays 0, as follows:

Those who voted in the affirmative were:

Abeln	Dieterich	Jude	Moe	Setzepfandt
Adams, L.	Doty	Kahn	Munger	Sherwood
Adams, S.	Eckstein	Kaley	Neisen	Sieben, H.
Albrecht	Eken	Kalis	Nelsen	Sieben, M.
Andersos, G.	Enebo	Kelly, R.	Nelson	Sieloff
Anderson, I.	Erickson	Kelly, W.	Niehaus	Simoneau
Arlandson	Esau	Kempe, A.	Norton	Skoglund
Beauchamp	Evans	Kempe, R.	Novak	Smith
Begich	Ewald	Ketola	Osthoff	Smogard
Berg	Faricy	Knickerbocker	Parish	Stanton
Berglin	Fjoslien	Knoll	Patton	Suss
Biersdorf	Forsythe	Kostohryz	Pehler	Swanson
Birnstihl	Friedrich	Kroening	Peterson	Tomlinson
Braun	Fudro	Laidig	Petrafaso	Ulland
Brinkman	Fugina	Langseth	Philbrook	Vanasek
Byrne	George	Lemke	Prahl	Vento
Carlson, A.	Graba	Lindstrom	Reding	Volk
Carlson, L.	Hanson	Luther	Rice	Voss
Carlson, R.	Heinitz	Mangan	St. Onge	Wenstrom
Casserly	Hokanson	Mann	Samuelson	Wenzel
Clark	Jacobs	McCarron	Sarna	White
Clawson	Jaros	McCaughey	Savelkoul	Wieser
Corbid	Jensen	McCollar	Schreiber	Williamson
Dahl	Johnson, C.	McEachern	Schulz	Zubay
Dean	Johnson, D.	Menning	Schumacher	Speaker Sabo
DeGroat	Jopp	Metzen	Searle	

The bill was repassed, as amended by Conference, and its title agreed to.

SPECIAL ORDERS

S. F. No. 2195, A bill for an act relating to cities; authorizing cities engaged in electric power distribution to secure electric power by individual or joint action; authorizing the creation of municipal power agencies; defining their powers and responsibilities; authorizing the issuance of bonds.

The bill was read for the third time and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 125, and nays 0, as follows:

Those who voted in the affirmative were:

Abeln	Doty	Jude	Menning	Sherwood
Adams, L.	Eckstein	Kahn	Metzen	Sieben, H.
Albrecht	Eken	Kaley	Moe	Sieben, M.
Anderson, G.	Enebo	Kalis	Munger	Sieloff
Anderson, I.	Erickson	Kelly, R.	Neisen	Simoneau
Arlandson	Esau	Kelly, W.	Nelsen	Skoglund
Beauchamp	Evans	Kempe, A.	Nelson	Smith
Begich	Ewald	Kempe, R.	Niehaus	Smogard
Berg	Faricy	Ketola	Norton	Spanish
Berglin	Fjoslien	Knickerbocker	Novak	Stanton
Birnsthil	Forsythe	Knoll	Osthoff	Suss
Braun	Friedrich	Kostohryz	Parish	Swanson
Brinkman	Fudro	Kroening	Patton	Tomlinson
Byrne	Fugina	Kvam	Pehler	Ulland
Carlson, A.	George	Laidig	Peterson	Vanasek
Carlson, L.	Graba	Langseth	Petrafaso	Vento
Carlson, R.	Hanson	Lemke	Philbrook	Volk
Casserly	Heinitz	Lindstrom	Pleasant	Voss
Clark	Hokanson	Luther	Prahl	Wenstrom
Clawson	Jacobs	Mangan	St. Onge	Wenzel
Corbid	Jaros	Mann	Sarna	White
Dahl	Jensen	McCarron	Schulz	Wieser
Dean	Johnson, C.	McCauley	Schumacher	Williamson
DeGroat	Johnson, D.	McCollar	Searle	Zubay
Dieterich	Jopp	McEachern	Setzepfandt	Speaker Sabo

The bill was passed and its title agreed to.

S. F. No. 175 was reported to the House.

Schulz and Lemke moved to amend S. F. No. 175, the unofficial engrossment, as follows:

Page 1, line 23, delete "county or".

The motion prevailed and the amendment was adopted.

Nelson moved to amend S. F. No. 175, the unofficial engrossment, as follows:

Page 11, line 10, delete "3" and insert "4".

The motion prevailed and the amendment was adopted.

S. F. No. 175, A bill for an act relating to corrections; increasing the scope of the jurisdiction and power of the ombudsman; preserving the rights of complainants; providing a penalty for persons hindering the ombudsman; removing an expiration date; appropriating money; amending Minnesota Statutes 1974, Sections 241.42, Subdivision 2; 241.44, Subdivisions 1 and 3, and by adding a subdivision; and Chapter 241, by adding a section; repealing Minnesota Statutes 1974, Section 241.42, Subdivision 4; and Laws 1973, Chapter 553, Section 7.

The bill was read for the third time, as amended, and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 102, and nays 25, as follows:

Those who voted in the affirmative were:

Abeln	Dieterich	Kelly, W.	Norton	Simoneau
Adams, L.	Doty	Kempe, A.	Novak	Skoglund
Adams, S.	Eken	Kempe, R.	Parish	Smith
Anderson, G.	Enebo	Ketola	Patton	Smogard
Anderson, I.	Erickson	Knickerbocker	Pehler	Spanish
Arlandson	Ewald	Knoll	Petrafeso	Stanton
Beauchamp	Fariay	Kostohryz	Philbrook	Suss
Begich	Fudro	Laidig	Pleasant	Swanson
Berg	Fugina	Langseth	Prahl	Tomlinson
Berglin	George	Lemke	Reding	Ulland
Braun	Hanson	Luther	Rice	Vento
Brinkman	Heinitz	Mangan	St. Onge	Volk
Byrne	Hokanson	McCarron	Sarna	Voss
Carlson, A.	Jacobs	McCollar	Schreiber	Wenstrom
Carlson, L.	Jaros	McEachern	Schulz	Wenzel
Carlson, R.	Jensen	Menning	Schumacher	White
Cassery	Johnson, C.	Metzen	Setzepfandt	Williamson
Clark	Johnson, D.	Moe	Sherwood	Speaker Sabo
Clawson	Jude	Munger	Sieben, H.	
Corbid	Kahn	Neisen	Sieben, M.	
Dean	Kelly, R.	Nelson	Sieloff	

Those who voted in the negative were:

Albrecht	Esau	Graba	Mann	Savelkoul
Biersdorf	Evans	Jopp	McCauley	Searle
Birnstihl	Fjoslien	Kaley	Nelsen	Vanasek
DeGroat	Forsythe	Kvam	Niehaus	Wieser
Eckstein	Friedrich	Lindstrom	Peterson	Zuby

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

S. F. No. 1959, A bill for an act relating to health facilities; establishing an office of health facility ombudsman; appropriating money.

The bill was read for the third time and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 108, and nays 15, as follows:

Those who voted in the affirmative were:

Abeln	Dahl	Jude	Menning	Sieben, H.
Adams, L.	Dean	Kahn	Metzen	Sieben, M.
Adams, S.	Dieterich	Kalis	Moe	Sieloff
Anderson, G.	Doty	Kelly, R.	Neisen	Simoneau
Anderson, I.	Enebo	Kelly, W.	Nelsen	Skoglund
Arlandson	Evans	Kempe, A.	Nelson	Smith
Beauchamp	Faricy	Kempe, R.	Norton	Smogard
Begich	Fjoslien	Ketola	Novak	Spanish
Berg	Forsythe	Knickerbocker	Osthoff	Suss
Berglin	Fudro	Knoll	Parish	Swanson
Biersdorf	Fugina	Kostohryz	Patton	Tomlinson
Birnstihl	George	Kroening	Pehler	Ulland
Braun	Graba	Laidig	Petrafeso	Vento
Brinkman	Hanson	Langseth	Philbrook	Volk
Byrne	Heinitz	Lemke	Prahl	Wenstrom
Carlson, A.	Hokanson	Lindstrom	Rice	Wenzel
Carlson, L.	Jacobs	Luther	St. Onge	White
Carlson, R.	Jaros	Mangan	Sarna	Wieser
Casserly	Jensen	Mann	Schreiber	Williamson
Clark	Johnson, C.	McCarron	Schulz	Speaker Sabo
Clawson	Johnson, D.	McCollar	Schumacher	
Corbid	Jopp	McEachern	Sherwood	

Those who voted in the negative were:

Albrecht	Eken	Kaley	Niehaus	Setzepfandt
DeGroat	Erickson	Kvam	Peterson	Vanasek
Eckstein	Friedrich	McCauley	Searle	Zubay

The bill was passed and its title agreed to.

H. F. No. 1397, A bill for an act relating to the creation of a legislative advisory task force; appropriating money.

The bill was read for the third time and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 87, and nays 30, as follows:

Those who voted in the affirmative were:

Abeln	Brinkman	Eken	Jaros	Ketola
Adams, L.	Carlson, L.	Enebo	Johnson, C.	Knickerbocker
Anderson, G.	Carlson, R.	Evans	Johnson, D.	Knoll
Anderson, I.	Casserly	Forsythe	Jude	Kostohryz
Beauchamp	Clark	Friedrich	Kahn	Kroening
Begich	Clawson	Fugina	Kaley	Lemke
Berg	Dahl	George	Kalis	Lindstrom
Berglin	Dieterich	Hanson	Kelly, R.	Luther
Braun	Doty	Jacobs	Kelly, W.	Mangan

McCarron	Nelson	Prahl	Smith	Wenzel
McCauley	Norton	Reding	Smogard	White
McCollar	Novak	Rice	Stanton	Wieser
McEachern	Osthoff	Sarna	Suss	Williamson
Menning	Parish	Schulz	Swanson	Zubay
Metzen	Patton	Schumacher	Tomlinson	Speaker Sabo
Moe	Pehler	Sieben, H.	Vanasek	
Neisen	Peterson	Sieben, M.	Vento	
Nelsen	Petrafeso	Skoglund	Wenstrom	

Those who voted in the negative were:

Adams, S.	Dean	Hokanson	Laidig	Schreiber
Albrecht	DeGroat	Jensen	Niehaus	Sherwood
Biersdorf	Eckstein	Jopp	Philbrook	Sieloff
Byrne	Esau	Kempe, A.	Pleasant	Simoneau
Carlson, A.	Fjoslien	Kempe, R.	St. Onge	Ulland
Corbid	Heinitz	Kvam	Savelkoul	Volk

The bill was passed and its title agreed to.

H. F. No. 2254, A bill for an act appropriating money to the commissioner of natural resources for mineländ reclamation purposes.

The bill was read for the third time and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 115, and nays 0, as follows:

Those who voted in the affirmative were:

Abeln	DeGroat	Kaley	Metzen	Sherwood
Adams, L.	Dieterich	Kalis	Moe	Sieben, H.
Adams, S.	Doty	Kelly, R.	Munger	Sieben, M.
Anderson, G.	Eken	Kelly, W.	Neisen	Sieloff
Anderson, I.	Enebo	Kempe, A.	Nelsen	Simoneau
Arlandson	Evans	Kempe, R.	Nelson	Skoglund
Beauchamp	Ewald	Ketola	Niehaus	Smith
Begich	Fariy	Knickerbocker	Norton	Smogard
Berg	Fjoslien	Knoll	Novak	Stanton
Berglin	Forsythe	Kostohryz	Osthoff	Suss
Biersdorf	Fudro	Kroening	Parish	Swanson
Braun	Fugina	Kvam	Patton	Tomlinson
Brinkman	George	Laidig	Petrafeso	Ulland
Byrne	Hanson	Lemke	Philbrook	Vanasek
Carlson, A.	Heinitz	Lindstrom	Pleasant	Vento
Carlson, L.	Jacobs	Luther	Prahl	Volk
Carlson, R.	Jaros	Mangan	Rice	Wenstrom
Casserly	Jensen	Mann	St. Onge	Wenzel
Clark	Johnson, C.	McCarron	Sarna	White
Clawson	Johnson, D.	McCauley	Savelkoul	Wieser
Corbid	Jopp	McCollar	Schreiber	Williamson
Dahl	Jude	McEachern	Schulz	Zubay
Dean	Kahn	Menning	Schumacher	Speaker Sabo

The bill was passed and its title agreed to.

S. F. No. 1223, A bill for an act relating to public welfare; authorizing grants for programs of child care services; altering allocations of grants; amending Minnesota Statutes 1974, Sections 245.83, Subdivisions 2 and 5; 245.84; 245.85; 245.86; and 245.87.

The bill was read for the third time and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 112, and nays 13, as follows:

Those who voted in the affirmative were:

Abeln	Doty	Kempe, A.	Norton	Sieben, M.
Adams, L.	Eken	Kempe, R.	Novak	Simoneau
Adams, S.	Enebo	Knickerbocker	Osthoff	Skoglund
Anderson, G.	Evans	Knoll	Parish	Smith
Anderson, I.	Ewald	Kostohryz	Patton	Smogard
Arlandson	Faricy	Kroening	Pehler	Spanish
Beauchamp	Forsythe	Laidig	Peterson	Stanton
Begich	Fudro	Langseth	Petraleso	Suss
Berg	George	Lemke	Philbrook	Swanson
Berglin	Graba	Lindstrom	Prahl	Tomlinson
Birnstihl	Hanson	Luther	Reding	Ulland
Brinkman	Heinitz	Mangan	Rice	Vanasek
Byrne	Hokanson	Mann	St. Onge	Vento
Carlson, A.	Jacobs	McCarron	Samuelson	Volk
Carlson, L.	Jaros	McCauley	Sarna	Wenstrom
Carlson, R.	Jensen	McCollar	Savelkoul	Wenzel
Casserly	Johnson, C.	McEachern	Schreiber	White
Clark	Johnson, D.	Menning	Schulz	Williamson
Clawson	Jude	Metzen	Schumacher	Zubay
Corbid	Kahn	Moe	Searle	Speaker Sabo
Dahl	Kaley	Neisen	Setzepfandt	
Dean	Kelly, R.	Nelsen	Sherwood	
Dieterich	Kelly, W.	Nelson	Sieben, H.	

Those who voted in the negative were:

Albrecht	Eckstein	Jopp	Kvam	Wieser
Braun	Erickson	Kalis	Niehaus	
DeGroat	Fjoslien	Ketola	Pleasant	

The bill was passed and its title agreed to.

S. F. No. 1644, A bill for an act relating to public welfare; establishing a senior companion program; appropriating funds.

The bill was read for the third time and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 127, and nays 0, as follows:

Those who voted in the affirmative were:

Abeln	Dieterich	Kaley	Nelsen	Sieben, H.
Adams, L.	Doty	Kalis	Nelson	Sieben, M.
Adams, S.	Eckstein	Kelly, R.	Niehaus	Sieloff
Albrecht	Eken	Kelly, W.	Norton	Simoneau
Anderson, G.	Enebo	Kempe, A.	Novak	Skoglund
Anderson, I.	Erickson	Kempe, R.	Osthoff	Smith
Arlandson	Esau	Ketola	Parish	Smogard
Beauchamp	Evans	Knickerbocker	Patton	Spanish
Begich	Ewald	Knoll	Pehler	Stanton
Berg	Faricy	Kostohryz	Peterson	Suss
Berglin	Fjoslien	Kroening	Petrafraso	Swanson
Biersdorf	Forsythe	Kvam	Philbrook	Tomlinson
Birnstihl	Friedrich	Laidig	Pleasant	Ulland
Braun	Fudro	Langseth	Prahl	Vanasek
Brinkman	George	Lemke	Reding	Vento
Byrne	Graba	Lindstrom	Rice	Volk
Carlson, A.	Hanson	Luther	St. Onge	Wenstrom
Carlson, L.	Heinitz	Mangan	Samuelson	Wenzel
Carlson, R.	Hokanson	Mann	Sarna	White
Casserly	Jacobs	McCarron	Savelkoul	Wieser
Clark	Jaros	McCauley	Schreiber	Williamson
Clawson	Jensen	McCollar	Schulz	Zubay
Corbid	Johnson, D.	McEachern	Schumacher	Speaker Sabo
Dahl	Jopp	Menning	Searle	
Dean	Jude	Metzen	Setzepfandt	
DeGroat	Kahn	Neisen	Sherwood	

The bill was passed and its title agreed to.

S. F. No. 2175, A bill for an act relating to medical assistance for the needy; allowing the cost of certain home care services provided by public health nurses to be paid by medical assistance; authorizing an experimental program for the cost of home care of the physically disabled or elderly; amending Minnesota Statutes 1974, Chapter 256B, by adding a section; and Minnesota Statutes, 1975 Supplement, Section 256B.02, Subdivision 7.

The bill was read for the third time and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 127, and nays 0, as follows:

Those who voted in the affirmative were:

Abeln	Braun	Dieterich	Fudro	Jude
Adams, L.	Brinkman	Doty	Fugina	Kahn
Adams, S.	Byrne	Eckstein	George	Kaley
Albrecht	Carlson, A.	Eken	Graba	Kalis
Anderson, G.	Carlson, L.	Enebo	Hanson	Kelly, R.
Anderson, I.	Carlson, R.	Erickson	Heinitz	Kelly, W.
Arlandson	Casserly	Esau	Hokanson	Kempe, A.
Beauchamp	Clark	Evans	Jacobs	Kempe, R.
Begich	Clawson	Ewald	Jaros	Ketola
Berg	Corbid	Faricy	Jensen	Knickerbocker
Berglin	Dahl	Fjoslien	Johnson, C.	Knoll
Biersdorf	Dean	Forsythe	Johnson, D.	Kostohryz
Birnstihl	DeGroat	Friedrich	Jopp	Kroening

Kvam	Moe	Philbrook	Sherwood	Vanasek
Laidig	Neisen	Pleasant	Sieben, H.	Vento
Lemke	Nelsen	Prahl	Sieben, M.	Volk
Lindstrom	Nelson	Reding	Sieloff	Wenstrom
Luther	Niehaus	Rice	Simoneau	Wenzel
Mangan	Norton	St. Onge	Skoglund	White
Mann	Novak	Sarna	Smith	Wieser
McCarron	Osthoff	Savelkoul	Smogard	Williamson
McCauley	Parish	Schreiber	Spanish	Zubay
McCollar	Patton	Schulz	Stanton	Speaker Sabo
McEachern	Pehler	Schumacher	Suss	
Menning	Peterson	Searle	Swanson	
Metzen	Petrafeso	Setzepfandt	Ulland	

The bill was passed and its title agreed to.

There being no objection the order of business reverted to Messages from the Senate.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

H. F. No. 1519, A bill for an act relating to the city of St. Paul; providing for and authorizing issuance of general obligation bonds for capital improvement budget purposes; amending Laws 1971, Chapter 773, Section 1, as amended.

The Senate has repassed said bill, in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 2007, A bill for an act relating to the city of Wayzata; volunteer firemen's service pensions; amending Laws 1973, Chapter 472, Section 1.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Adams, S., moved that the House concur in the Senate amendments to H. F. No. 2007 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 2007, A bill for an act relating to local government; retirement; increasing volunteer firemen's service pensions for the cities of Wayzata and Newport; authorizing the city of Maple Grove to refund certain temporary improvements bonds; amending Laws 1973, Chapter 472, Section 1.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question being taken on the repassage of the bill and the roll being called, there were yeas 126, and nays 0, as follows:

Those who voted in the affirmative were:

Abeln	Dieterich	Kahn	Neisen	Sieben, H.
Adams, L.	Doty	Kaley	Nelsen	Sieben, M.
Adams, S.	Eckstein	Kalis	Niehaus	Sieloff
Albrecht	Eken	Kelly, R.	Norton	Simoneau
Anderson, G.	Enebo	Kelly, W.	Novak	Skoglund
Anderson, I.	Erickson	Kempe, A.	Osthoff	Smith
Arlandson	Evans	Kempe, R.	Parish	Smogard
Beauchamp	Ewald	Ketola	Patton	Stanton
Begich	Faricy	Knickerbocker	Pehler	Suss
Berg	Fjoslien	Knoll	Peterson	Swanson
Berglin	Forsythe	Kostohryz	Petrafero	Tomlinson
Biersdorf	Friedrich	Kroening	Philbrook	Ulland
Birnsthil	Fudro	Kvam	Pleasant	Vanasek
Braun	Fugina	Laidig	Prahl	Vento
Brinkman	George	Lemke	Reding	Voss
Byrne	Graba	Lindstrom	Rice	Wenstrom
Carlson, A.	Hanson	Luther	St. Onge	Wenzel
Carlson, L.	Heinitz	Mangan	Samuelson	White
Carlson, R.	Hokanson	Mann	Sarna	Wieser
Casserly	Jacobs	McCarron	Savelkoul	Williamson
Clark	Jaros	McCauley	Schreiber	Zubay
Clawson	Jensen	McCollar	Schulz	Speaker Sabo
Corbid	Johnson, C.	McEachern	Schumacher	
Dahl	Johnson, D.	Menning	Searle	
Dean	Jopp	Metzen	Setzepfandt	
DeGroat	Jude	Moe	Sherwood	

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 1435, A bill for an act relating to game and fish; taking of animals by falconry; amending Minnesota Statutes 1974, Section 100.27, Subdivision 8.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Laidig moved that the House concur in the Senate amendments to H. F. No. 1435 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1435, A bill for an act relating to game and fish; taking of animals by falconry; amending Minnesota Statutes 1974, Section 100.27, Subdivision 8.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question being taken on the repassage of the bill and the roll being called, there were yeas 127, and nays 1, as follows:

Those who voted in the affirmative were:

Abeln	Doty	Kahn	Moe	Sherwood
Adams, L.	Eckstein	Kaley	Neisen	Sieben, H.
Adams, S.	Eken	Kalis	Nelsen	Sieben, M.
Albrecht	Enebo	Kelly, R.	Nelson	Sieloff
Anderson, G.	Erickson	Kelly, W.	Niehaus	Simoneau
Anderson, I.	Esau	Kempe, A.	Norton	Skoglund
Arlandson	Evans	Kempe, R.	Novak	Smith
Beauchamp	Ewald	Ketola	Osthoff	Smogard
Begich	Faricy	Knickerbocker	Parish	Spanish
Berg	Fjoslien	Knoll	Patton	Stanton
Berglin	Forsythe	Kostohryz	Pehler	Suss
Biersdorf	Friedrich	Kroening	Peterson	Swanson
Birnstihl	Fudro	Kvam	Petrafeso	Tomlinson
Brinkman	Fugina	Laidig	Philbrook	Ulland
Byrne	George	Langseth	Pleasant	Vanasek
Carlson, A.	Graba	Lemke	Reding	Vento
Carlson, L.	Hanson	Lindstrom	Rice	Wenstrom
Carlson, R.	Heinitz	Luther	St. Onge	Wenzel
Casserly	Hokanson	Mangan	Samuelson	White
Clark	Jacobs	Mann	Sarna	Wieser
Clawson	Jaros	McCarron	Savelkoul	Williamson
Corbid	Jensen	McCauley	Schreiber	Zubay
Dahl	Johnson, C.	McCollar	Schulz	Speaker Sabo
Dean	Johnson, D.	McEachern	Schumacher	
DeGroat	Jopp	Menning	Searle	
Dieterich	Jude	Metzen	Setzepfandt	

Those who voted in the negative were:

Braun

The bill was repassed, as amended by the Senate, and its title agreed to.

Anderson, I., moved that the House recess subject to the call of the Chair. The motion prevailed.

RECESS

RECONVENED

The House reconvened and was called to order by the Speaker.

SPECIAL ORDERS

Anderson, I., moved that the remaining bills on Special Orders for today be continued on Special Orders for Thursday, April 1, 1976, immediately following the Calendar. The motion prevailed.

GENERAL ORDERS

There being no objection, the bills on General Orders for today were continued on General Orders until Thursday, April 1, 1976.

MOTIONS AND RESOLUTIONS

Mann moved that the name of Mann be stricken and the name of Eken be shown as chief author on H. A. B. No. 76. The motion prevailed.

SUSPENSION OF RULES

Volk moved that rule 4.11 be suspended for the remainder of today's session. The motion prevailed.

ADJOURNMENT

Anderson, I., moved that when the House adjourns today it adjourn until 11:00 a.m., Thursday, April 1, 1976. The motion prevailed.

Anderson, I., moved that the House adjourn. The motion prevailed and the Speaker declared the House adjourned until 11:00 a.m., Thursday, April 1, 1976.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

STATE OF MINNESOTA

SIXTY-NINTH SESSION - 1976.

ONE HUNDRED-THIRD DAY

SAINT PAUL, MINNESOTA, THURSDAY, APRIL 1, 1976

The House convened at 11:00 a.m. and was called to order by the Speaker.

Prayer was offered by the Chaplain.

The roll was called and the following members were present:

Abeln	Eckstein	Kaley	Neisen	Sieben, H.
Adams, L.	Eken	Kalis	Neisen	Sieben, M.
Adams, S.	Enebo	Kelly, R.	Nelson	Sieloff
Albrecht	Erickson	Kelly, W.	Niehaus	Simoneau
Anderson, G.	Esau	Kempe, A.	Norton	Skoglund
Anderson, I.	Evans	Kempe, R.	Novak	Smith
Arlandson	Ewald	Ketola	Osthoff	Smogard
Beauchamp	Faricy	Knickerbocker	Parish	Spanish
Begich	Fjoslien	Knoll	Patton	Stanton
Berg	Forsythe	Kostohryz	Pehler	Suss
Berglin	Friedrich	Kroening	Peterson	Swanson
Biersdorf	Fudro	Kvam	Petraleso	Tomlinson
Braun	Fugina	Laidig	Philbrook	Ulland
Brinkman	George	Langseth	Pleasant	Vanasek
Byrne	Graba	Lemke	Prahl	Vento
Carlson, A.	Hanson	Lindstrom	Reding	Volk
Carlson, L.	Haugerud	Luther	Rice	Voss
Carlson, R.	Heinitz	Mangan	St. Onge	Wenstrom
Casserly	Hokanson	Mann	Samuelson	Wenzel
Clark	Jacobs	McCarron	Sarna	White
Clawson	Jaros	McCauley	Savelkoul	Wieser
Corbid	Jensen	McCollar	Schreiber	Wigley
Dahl	Johnson, C.	McEachern	Schulz	Williamson
Dean	Johnson, D.	Menning	Schumacher	Zubay
DeGroat	Jopp	Metzen	Searle	Speaker Sabo
Dieterich	Jude	Moe	Setzepfandt	
Doty	Kahn	Munger	Sherwood	

A quorum was present.

Birnstihl was excused until 3:00 p.m.

The Chief Clerk proceeded to read the Journal of the preceding day. On the motion of Savelkoul the further reading was dispensed with and the Journal was approved as corrected.

PETITIONS AND COMMUNICATIONS

The following communication was received:

STATE OF MINNESOTA
OFFICE OF THE SECRETARY OF STATE
ST. PAUL 55155

March 31, 1976

The Honorable Martin O. Sabo
Speaker of the House of Representatives
The Honorable Alec G. Olson
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1976 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:

<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Date Approved 1976</i>	<i>Date Filed 1976</i>
	527	92	March 30	March 30
733		93	March 30	March 30
2344		94	March 30	March 30

Sincerely,

JOAN ANDERSON GROWE
Secretary of State

HOUSE ADVISORY BILLS

Pursuant to Rule 5.3, the following House Advisory Bills were introduced:

Fugina introduced:

H. A. B. No. 78, Study of a proposal designating Voyageurs National Park as a recreation area.

The bill was referred to the Committee on Environment and Natural Resources.

Fugina introduced:

H. A. B. No. 79, Elected commission form of control of the Department of Natural Resources.

The bill was referred to the Committee on Governmental Operations.

Fugina introduced:

H. A. B. No. 80, Study a St. Louis county split proposal.

The bill was referred to the Committee on Local and Urban Affairs.

PROGRESS REPORTS ON CONFERENCE COMMITTEES

Pursuant to Joint Rule 13, Jacobs reported on the progress of H. F. No. 746, now in Conference Committee

Pursuant to Joint Rule 13, Vento reported on the progress of H. F. No. 2043, now in Conference Committee.

Pursuant to Joint Rule 13, Petrafeso reported on the progress of H. F. No. 2203, now in Conference Committee.

Pursuant to Joint Rule 13, Patton reported on the progress of S. F. No. 919, now in Conference Committee.

MESSAGES FROM THE SENATE

The following messages were received from the Senate.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned:

H. F. No. 1918, A bill for an act relating to the city of Shakopee; authorizing an increase in fire department relief association lump sum service benefits.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 1892, A bill for an act relating to civil defense; requiring the executive council to declare an emergency when a disaster has occurred or is imminent; requiring the division of emergency service to assist in the provision of relief measures when a disaster occurs and to coordinate interjurisdictional disaster planning; amending Minnesota Statutes 1974, Sections 12.01; 12.02, Subdivision 1; 12.03; and Chapters 9, by adding a section; and 12, by adding sections.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Wenzel moved that the House concur in the Senate amendments to H. F. No. 1892 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1892, A bill for an act relating to emergency services; defining disaster and emergency; specifying powers of political subdivisions in relation to local emergencies; providing for loans in disaster areas; amending Minnesota Statutes 1974, Section 12.03; and Chapter 12, by adding sections.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question being taken on the repassage of the bill and the roll being called, there were yeas 107, and nays 22, as follows:

Those who voted in the affirmative were:

Abeln	Erickson	Kempe, A.	Nelsen	Sieben, H.
Adams, L.	Esau	Kempe, R.	Novak	Sieben, M.
Adams, S.	Evans	Ketola	Osthoff	Sieloff
Anderson, G.	Ewald	Knickerbocker	Parish	Simoneau
Anderson, I.	Faricy	Knoll	Patton	Smith
Beauchamp	Fjoslien	Kroening	Pehler	Smogard
Begich	Forsythe	Kvam	Petrafeso	Spanish
Berg	Fudro	Laidig	Philbrook	Swanson
Berglin	Fugina	Langseth	Pleasant	Ulland
Biersdorf	George	Lemke	Prahl	Vanasek
Braun	Graba	Lindstrom	Reding	Vento
Brinkman	Hanson	Luther	Rice	Volk
Byrne	Hokanson	Mangan	St. Onge	Voss
Carlson, A.	Jacobs	Mann	Samuelson	Wenstrom
Carlson, L.	Jaros	McCarron	Sarna	Wenzel
Carlson, R.	Jensen	McCauley	Savelkoul	White
Clark	Johnson, C.	McCollar	Schreiber	Wigley
Clawson	Johnson, D.	McEachern	Schulz	Williamson
Dahl	Jopp	Menning	Schumacher	Speaker Sabo
Dean	Jude	Metzen	Searle	
Doty	Kelly, R.	Munger	Setzepfandt	
Enebo	Kelly, W.	Neisen	Sherwood	

Those who voted in the negative were:

Albrecht	Arlandson	Cassery	Corbid	DeGroat
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Dieterich	Haugerud	Kalis	Peterson	Zubay
Eckstein	Heinitz	Kostohryz	Skoglund	
Eken	Kahn	Moe	Stanton	
Friedrich	Kaley	Niehaus	Wieser	

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 2233, A bill for an act relating to human services; permitting Otter Tail county to designate a human services board; amending Minnesota Statutes 1974, Section 402.01, Subdivision 1.

PATRICK E. FLAHAVEN, Secretary of the Senate

Wenstrom moved that the House refuse to concur in the Senate amendments to H. F. No. 2233, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two Houses.

A roll call was requested and properly seconded.

The question was taken on the motion and the roll being called, there were yeas 83, and nays 47, as follows:

Those who voted in the affirmative were:

Abeln	Dieterich	Kahn	Moe	Skoglund
Adams, L.	Eckstein	Kalis	Munger	Smogard
Adams, S.	Eken	Kelly, R.	Nelsen	Stanton
Albrecht	Enebo	Kelly, W.	Nelson	Suss
Arlandson	Evans	Knoll	Norton	Swanson
Beauchamp	Faricy	Kostohryz	Petraleso	Tomlinson
Berg	Fjoslien	Kroening	Philbrook	Ulland
Berglin	Forsythe	Kvam	Reding	Vento
Braun	George	Laidig	Rice	Voss
Brinkman	Hanson	Langseth	Samuelson	Wenstrom
Carlson, A.	Heinitz	Lemke	Schulz	Wieser
Carlson, L.	Hokanson	Lindstrom	Schumacher	Wigley
Casserly	Jacobs	Luther	Sherwood	Williamson
Clark	Jaros	Mangan	Sieben, H.	Zubay
Corbid	Jensen	Mann	Sieben, M.	Speaker Sabo
Dean	Johnson, C.	McCarron	Sieloff	
DeGroat	Jopp	McCollar	Simoneau	

Those who voted in the negative were:

Anderson, G.	Anderson, I.	Begich	Biersdorf	Byrne
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Carlson, R.	Fugina	McCauley	Pehler	Smith
Clawson	Graba	McEachern	Peterson	Spanish
Dahl	Johnson, D.	Menning	Pleasant	Vanasek
Doty	Jude	Metzen	Prahl	Volk
Erickson	Kaley	Neisen	St. Onge	Wenzel
Esau	Kempe, A.	Niehaus	Sarna	White
Ewald	Kempe, R.	Novak	Savelkoul	
Friedrich	Ketola	Osthoff	Schreiber	
Fudro	Knickerbocker	Patton	Setzepfandt	

The motion prevailed.

SUSPENSION OF RULES

Petraleso moved that rule 4.11 be suspended for the remainder of today's session. The motion prevailed.

ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to the Conference Committee on H. F. No. 2233:

Wenstrom, Rice and Schumacher.

The following conference committee report was received:

CONFERENCE COMMITTEE REPORT ON H. F. NO. 1997

A bill for an act relating to the operation of state government; providing for aids to education, tax levies and the distribution of tax revenues; changing the funding of special education, adult vocational education and secondary vocational education to a current funding basis; granting certain powers and duties to school districts, the commissioner of education, and the state board of education; establishing a uniform financial accounting and reporting system for Minnesota school districts; requiring the provision of special education on a shared time basis to non-public school pupils; appropriating money; amending Minnesota Statutes 1974, Sections 120.17, by adding a subdivision; 120.73, Subdivision 1; 120.74, Subdivision 1; 121.21, by adding a subdivision; 122.45, Subdivisions 2 and 3a; 124.212, by adding a subdivision; 124.32, as amended; Chapter 124, by adding sections; Minnesota Statutes, 1975 Supplement, Sections 122.23, Subdivision 15; 122.45, Subdivision 1; 124.04; 124.17, Subdivisions 1 and 2; 124.212, Subdivision 8a; 124.271, Subdivision 2; 124.43, Subdivision 1; 124.561, Subdivision 3, and by adding a subdivision; 124.562, Subdivision 2; 124.563, Subdivision 3, and by adding a subdivision; 124.564; 124.565, Subdivision 2; 124.611, Subdivisions 1 and 2; 275.125, Subdivisions 2a, 4, 5, 8, 9, and 14; repealing Minnesota Statutes 1974, Sections 122.54 and 275.39.

March 22, 1976

The Honorable Martin O. Sabo
Speaker of the House of Representatives
The Honorable Alec G. Olson
President of the Senate

We, the undersigned conferees for H. F. No. 1997 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. 1997 be amended as follows:

Strike everything after the enacting clause and insert:

"Section 1. [DECLARATION OF POLICY.] *The legislature finds that a process for curriculum evaluation and planning is needed for continued improvement of the educational program for all public school children in the state and to allow for better evaluation of educational programs by local communities. The legislature further finds that such a process is needed to facilitate decisions by school boards and communities as to which services can best be provided by the public schools and which services can or should be provided by other institutions such as the family, the private sector or other public agencies.*

Sec. 2. [PLANNING, EVALUATION AND REPORTING TO PUBLIC; CURRICULUM ADVISORY COMMITTEES.]
Subdivision 1. *The school board of each school district in the state shall develop and adopt a written educational policy which establishes educational goals for the district, a process for achieving these goals, and procedures for evaluating and reporting progress toward the goals. The school board shall review this policy each year and adopt revisions which it deems desirable. School boards are encouraged to develop this school district policy and any revisions after consultation with the staff of each school building.*

Subd. 2. *The school board shall instruct the administrative and professional staff of the district to develop an instructional plan for the purpose of implementing the goals established in the district educational policy within resources available to the district. Insofar as possible the instructional plan shall include measurable instructional objectives to assist in directing and measuring progress toward the goals established in the district educational policy. For goals toward which progress is not easily measurable, the instructional plan shall include other appropriate means to direct and evaluate progress.*

Subd. 3. *Each school board is encouraged to appoint a curriculum advisory committee to provide for active community participation in the process of developing and revising the dis-*

strict educational policy, developing the instructional plan, evaluating progress and reporting to the public.

Subd. 4. Each year a final evaluation of progress shall be conducted, including both professional and consumer evaluations. The professional staff evaluation shall utilize test results and other performance data along with faculty interpretations and judgments. Consumer evaluation shall include the opinions of students, parents and other residents of the community served by the school. Upon receipt of the evaluation reports, each school board shall review the results and develop appropriate school improvement plans to improve areas where goals of the district educational policy have not been met.

Subd. 5. The district educational policy, the reports of the annual evaluation including summary test results, and the plans for school improvement shall be made available to the citizens of the school district through media releases and other means of communicating with the public. These documents shall also be on file and available for inspection by the public. Information copies of the reports shall be sent to the state board of education. All activities and reports pursuant to this section shall comply with Minnesota Statutes, Sections 15.162 to 15.167, and any other law governing data on individuals in school districts.

Sec. 3. [ASSISTANCE TO LOCAL SCHOOL DISTRICTS.]

Subdivision 1. Insofar as possible, the state board of education and educational cooperative service units shall make technical assistance for planning and evaluation available to school districts upon request during the 1976-1977 school year. The department shall collect the annual evaluation reports from local districts as provided in section 2, subdivision 5 of this act, and shall make this data available upon request to any district seeking to use it for purposes of comparisons of student performance.

Subd. 2. The department upon written agreement with local school districts may perform testing and evaluation of students. The department may collect a reasonable fee not to exceed the actual cost of services.

Sec. 4. [TIME OF IMPLEMENTATION.] School districts are encouraged to begin planning, evaluation and reporting to the public pursuant to sections 1 and 2 of this act during the 1976-1977 and 1977-1978 school years. All school districts in the state shall engage in planning, evaluation and reporting to the public pursuant to sections 1 and 2 of this act during the 1978-1979 school year and shall submit a report, which has been shared with the public and adopted by the school board, to the state board of education by August 1, 1979. During the summer of 1977, the state board of education shall report to the districts of the state the experiences of the demonstration projects authorized in section 5 of this act and of any similar projects funded from other sources.

Sec. 5. [DEMONSTRATION PROJECTS.] *For the 1976-1977 school year, the state board of education shall make grants to several school districts to develop local plans, evaluation techniques using valid and reliable instruments, and procedures for reporting to the citizens of the school districts. The state board shall encourage these school districts to engage in alternative procedures for planning and reporting. The state board of education is encouraged to use available federal funds to support additional demonstration projects. By November 15, 1977, the state board shall report to the education committees of the legislature on the demonstration projects and their direct and indirect costs.*

Sec. 6. [REPORT TO LEGISLATURE.] *By February 1, 1977, the state board shall report to the legislature on the nature and number of requests for technical assistance received pursuant to section 3 of this act. This report shall contain recommendations on the need for any legislation to provide for improvement in the ability of the department of education to provide this assistance to districts.*

Sec. 7. [APPROPRIATION OF FUNDS.] *There is annually appropriated from the general fund to the department of education any and all amounts received by the department pursuant to section 3, subdivision 2, of this act.*

Sec. 8. [ADVISORY TASK FORCE.] *Subdivision 1. The governor shall appoint a five member advisory task force on nonpublic schools within 30 days of the effective date of this section. The five members shall be representative of the various areas of the state and shall be knowledgeable about nonpublic schools. The task force shall expire May 15, 1977 and the compensation, removal of members and filling of vacancies shall be as provided in Minnesota Statutes, Section 15.059.*

Subd. 2. The task force study shall include, but not be limited to the following areas:

- (a) nonpublic school enrollments and enrollment trends;*
- (b) special education needs of students enrolled in nonpublic schools;*
- (c) special education facilities available to students enrolled in nonpublic schools;*
- (d) nonpublic school curriculum needs;*
- (e) nonpublic school staffing, staffing ratios, and teacher certification;*
- (f) the use of shared time by nonpublic school students;*
- (g) the sharing of facilities by nonpublic and public schools;*

(h) the use of the educational cooperative service units by nonpublic schools;

(i) transportation problems faced by nonpublic schools;

(j) the services provided the nonpublic schools by the department of education or any other educational agency; and

(k) any other problems of nonpublic schools which affect their abilities to provide sound educational programs for children.

Subd. 3. The task force shall report the results of its study and any recommendations it may have developed to the appropriate education committees of the legislature prior to January 15, 1977, and shall be available for consultation during the 1977 legislative session.

Subd. 4. As used in this section, "nonpublic school" means a school as defined in Minnesota Statutes, Section 123.932, Subdivision 3.

Sec. 9. Subdivision 1. Any school district which has been or will be providing educational services to Southeast Asian refugee children from Vietnam, Cambodia, Laos, or Thailand for whom English is a second language may apply before July 1, 1976 to the commissioner of education for state categorical aid. The commissioner shall review the petition by September 1, 1976 to determine whether the district has incurred in the 1975-1976 school year additional and uncompensated costs because of the provision of these services. If the commissioner determines that the district has incurred an additional and uncompensated cost, he shall pay to the district an amount not to exceed \$40 for each Southeast Asian child served.

Subd. 2. All aid distributed pursuant to this section shall be utilized by a school district for the purpose of paying additional and uncompensated costs which have been incurred in the provision of these services.

Subd. 3. Prior to January 15, 1977, the commissioner shall report to the education committees of the senate and the house of representatives on the distribution of these aids. The report shall include (a) the recipients of the aid; (b) the amounts distributed; and (c) the reasons for these distributions.

Sec. 10. For the 1975-76 school year, if a district provides post-secondary vocational-technical education to pupils who are not residents of that district, it shall receive foundation aid for any such pupils who qualify to attend a post-secondary vocational-technical school without tuition pursuant to section 124.565, subdivision 1 or 2.

Sec. 11. *On or before January 15, 1977, the commissioner of education shall gather and report to the committees on education of the senate and the house of representatives the following information:*

(a) *An enumeration and description of educational alternative programs operating in the state in fiscal years 1974, 1975, 1976 and 1977 to meet the needs of children who are identified as having such learning and behavioral problems as to have little or no interest in participating in regular school programs or of children who have had a history of appearances before a juvenile court, as defined in Minnesota Statutes, Section 260.021, or contact with other agencies exercising similar corrective functions;*

(b) *An enumeration and description of alternative programs of education attempted to be provided by schools pursuant to Minnesota Statutes, Section 127.29;*

(c) *The relationship and the degree of coordination of programs identified pursuant to clauses (a) and (b) with each other and with special instruction and services for handicapped children as defined in Minnesota Statutes, Section 120.03, Subdivision 3;*

(d) *The sponsor, source of funding, amount of funding and number of children served, for programs identified pursuant to clauses (a) and (b);*

(e) *A summary of the results of any evaluation performed of programs identified pursuant to clauses (a) and (b).*

The report shall include any recommendations the commissioner may have for legislation to encourage or coordinate the provision of educational alternative programs.

Sec. 12. *Notwithstanding any law to the contrary, the final distribution in August 1976 of foundation aid for the 1975-1976 school year to area vocational technical institutes shall be recognized as revenue of fiscal year 1977, and the state board for vocational education may consider this payment to be funding available for expenditure in fiscal year 1977 in its apportionment of post-secondary vocational categorical and capital expenditure aid for fiscal year 1977.*

Sec. 13. Minnesota Statutes, 1975 Supplement, Section 120.17, Subdivision 1, is amended to read:

120.17 [HANDICAPPED CHILDREN.] Subdivision 1. **[SPECIAL INSTRUCTION FOR HANDICAPPED CHILDREN OF SCHOOL AGE.]** Every district shall provide special instruction and services, either within the district or in another district, for handicapped children of school age who are residents of the district and who are handicapped as set forth in section

120.03. When the provision of instruction, training, and services may result in hardship or injury to the child, the school board may appeal the mandatory provisions of Laws 1971, Chapter 689 to the commissioner of education who shall determine what provisions shall be made by the district for the education of the child. School age means the ages of four years to 21 years for children who are (DEAF, BLIND, CRIPPLED OR HAVE SPEECH DEFECTS, AND FIVE YEARS TO 21 YEARS FOR MENTALLY RETARDED CHILDREN;) *handicapped as defined in section 120.03* and shall not extend beyond secondary school or its equivalent. Every district may provide special instruction and services for handicapped children who have not attained school age. Districts with less than the minimum number of eligible handicapped children as determined by the state board shall cooperate with other districts to maintain a full sequence of programs for education, training and services for handicapped children as defined in section 120.03, subdivisions 1 to 3. A district that decides to maintain programs for trainable handicapped children is encouraged to cooperate with other districts to maintain a full sequence of programs.

Sec. 14. Minnesota Statutes 1974, Section 120.17, Subdivision 2, is amended to read:

Subd. 2. [METHOD OF SPECIAL INSTRUCTION.] Special instruction or training and services for handicapped children may be provided by one or more of the following methods:

(a) Special instruction and services in connection with attending regular elementary and secondary school classes;

(b) The establishment of special classes;

(c) Instruction and services at the home or bedside of the child;

(d) Instruction and services in other districts;

(e) Instruction and services in a state college laboratory school or a University of Minnesota laboratory school;

(f) Instruction and services in a state residential school or a school department of a state institution approved by the commissioner; or by any other method approved by him;

(g) Instruction and services in other states;

(h) Contract with public, private or voluntary agencies.

The primary responsibility for the education of a handicapped child shall remain with the district of the child's residence regardless of which method of providing special instruction or training and services is used.

Sec. 15. Minnesota Statutes 1974, Section 120.17, Subdivision 5, is amended to read:

Subd. 5. [SCHOOL OF PARENTS' CHOICE.] Nothing in this chapter shall be construed as preventing parents of a handicapped educable child from sending such child to a school of their choice, if they so elect, subject to admission standards and policies to be adopted pursuant to the provisions of (MINNESOTA STATUTES, CHAPTER 240) sections 66 to 73 of this act, and all other provisions of (CHAPTER 71, EXTRA SESSION LAWS 1959) chapters 120 to 129.

Sec. 16. Minnesota Statutes 1974, Section 120.17, is amended by adding a subdivision to read:

Subd. 7a. [ATTENDANCE AT SCHOOL FOR THE DEAF OR BRAILLE AND SIGHT-SAVING SCHOOL.] *Responsibility for special instruction and services for a visually disabled or hearing impaired child attending the Minnesota school for the deaf or the Minnesota braille and sight-saving school shall be determined in the following manner:*

(a) *The legal residence of the child shall be the school district in which his parent or guardian resides;*

(b) *When it is determined pursuant to section 70, subdivision 1 or 2 of this act that the child is entitled to attend either school, the state board shall provide the appropriate educational program for the child. The state board shall make a tuition charge to the child's district of residence for the actual cost of providing the program; provided, however, that the amount of tuition charged shall not exceed \$2,000 for any school year. The district of the child's residence shall pay the tuition and may claim foundation aid for the child. All tuition so received shall be deposited in the state treasury, subject to the order of the state board;*

(c) *When it is determined that the child can benefit from public school enrollment but that the child should also remain in attendance at the applicable school, the school district where the institution is located shall provide an appropriate educational program for the child and shall make a tuition charge to the state board for the actual cost of providing the program, less any amount of aid received pursuant to section 124.32. The state board shall pay the tuition and other program costs including the unreimbursed transportation costs. Aids for handicapped children shall be paid to the district providing the special instruction and services. Special transportation shall be provided by the district providing the educational program and the state shall reimburse such district within the limits provided by law.*

Sec. 17. Minnesota Statutes 1974, Section 120.17, is amended by adding a subdivision to read:

Subd. 9. After August 15, 1977, no resident of a district who is eligible for special instruction and services pursuant to this section shall be denied provision of this instruction and service on a shared time basis because of attendance at a nonpublic school defined in section 123.932, subdivision 3. Nothing in this subdivision shall be construed to prevent any school district from providing special instruction and services pursuant to section 120.17 on a shared time basis prior to August 15, 1977.

Sec. 18. Minnesota Statutes 1974, Section 120.17, is amended by adding a subdivision to read:

Subd. 10. All tuition billing for the education of nonresident children pursuant to section 120.17 shall be done on uniform forms prescribed by the commissioner. The billing shall contain an itemized statement of costs which are being charged to the district of residence. One copy of each such billing shall be filed with the commissioner.

Sec. 19. Minnesota Statutes 1974, Section 120.73, Subdivision 1, is amended to read:

120.73 [AUTHORIZED FEES.] Subdivision 1. A school board is authorized to require payment of fees in the following areas:

(a) In any program where the resultant product, in excess of minimum requirements and at the pupil's option, becomes the personal property of the pupil;

(b) Admission fees or charges for extra curricular activities, where attendance is optional;

(c) A security deposit for the return of materials, supplies, or equipment;

(d) Personal physical education and athletic equipment and apparel, although any pupil may provide his own if it meets reasonable requirements and standards relating to health and safety established by the school board;

(e) Items of personal use or products which a student may purchase at his own option such as student publications, class rings, annuals, and graduation announcements;

(f) Fees specifically permitted by any other statute, *including but not limited to section 171.04, clause (1)*;

(g) Field trips considered supplementary to a district educational program;

(h) Any authorized voluntary student health and accident benefit plan;

(i) For the use of musical instruments owned or rented by the district, a reasonable rental fee not to exceed either the rental cost to the district or the annual depreciation plus the actual annual maintenance cost for each instrument;

(j) *Transportation of pupils to and from extra curricular activities conducted at locations other than school, where attendance is optional;*

(k) *Motorcycle classroom education courses conducted outside of regular school hours; provided the charge shall not exceed the actual cost of these courses to the school district.*

Sec. 20. Minnesota Statutes 1974, Section 120.74, Subdivision 1, is amended to read:

120.74 [PROHIBITED FEES.] Subdivision 1. A school board is not authorized to charge fees in the following areas:

(a) Textbooks, workbooks, art materials, laboratory supplies, towels;

(b) Supplies necessary for participation in any instructional course except as authorized in sections 120.73 and 120.75;

(c) Field trips which are required as a part of a basic education program or course;

(d) Graduation caps, gowns, any specific form of dress necessary for any educational program, and diplomas;

(e) Instructional costs for necessary school personnel employed in any course or educational program required for graduation;

(f) Library books required to be utilized for any educational course or program;

(g) Admission fees, dues, or fees for any activity the pupil is required to attend;

(h) Any admission or examination cost for any required educational course or program;

(i) Locker rentals;

(j) *Transportation of pupils (1) to and from school as authorized pursuant to section 123.39 or (2) for which state transportation aid is authorized pursuant to section 124.223.*

Sec. 21. Minnesota Statutes, 1975 Supplement, 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 27 of this act.* With the cooperation of the legislative auditor, (IT) 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. 22. Minnesota Statutes, 1975 Supplement, Section 121.165, is amended to read:

121.165 [REPORTS BY THE COMMISSIONER.] *Prior to January 15 of each year, the commissioner of education shall gather and report to the committees on education of the senate and house of representatives from presently available reports or from new reports it may require of school districts, the following types of information: the number of classroom teachers in every district at each training, experience and salary level; the ratio of pupils to full time equivalent certified classroom teachers in every district; and any other district staffing characteristics of fiscal import. This information shall be gathered in such a manner as to render it capable of district by district, regional and statewide comparison and analysis.*

Sec. 23. *Subdivision 1. The report to the 1977 legislature required pursuant to section 121.165 shall also include an analysis of any staffing characteristics which may be causing special financial problems to high cost districts.*

Subd. 2. The commissioner of education shall gather information and report to the 1977 legislature on financial problems of school districts with small populations or with low density populations.

Sec. 24. Minnesota Statutes 1974, Section 121.21, is amended by adding a subdivision to read:

Subd. 4a. No district shall expend funds from any source for construction of, additions to or expansion of facilities of an area vocational-technical school without the approval of the state board if the construction, addition or expansion requires the expenditure of an amount equal to or greater than \$75 per pupil unit in average daily membership in the school or changes the perimeter walls of an existing facility. No construction, addition or expansion which requires the expenditure of less than \$75 per pupil unit in average daily membership in the school and which does

not change a perimeter wall shall be carried out without the approval of the commissioner of education.

Sec. 25. [121.90] [DEFINITIONS.] "Receivables", "liabilities", "fund balances", "revenues" and "expenditures" have the meanings specified in the uniform financial accounting and reporting system for Minnesota school districts unless otherwise provided by law.

Sec. 26. [121.91] [ADVISORY COUNCIL ON UNIFORM FINANCIAL ACCOUNTING AND REPORTING STANDARDS.] Subdivision 1. There is created an advisory council on uniform financial accounting and reporting standards, composed of 13 members appointed as follows:

(1) Two employees of the state department of education appointed by the commissioner of education;

(2) An employee of the office of state auditor appointed by the state auditor;

(3) One licensed certified public accountant appointed by the state board of education;

(4) Nine persons who are representative of the various size school districts in the state and who are public school employees whose positions involve activities related to school financing and accounting, appointed by the state board.

Professional associations composed of persons eligible to be appointed under clauses (3) and (4) may recommend nominees from their associations to the state board.

Subd. 2. The council shall expire, and the terms, compensation and removal of members shall be as provided in section 15.059. The state board shall determine the length of terms of the initial members consistent with section 15.059.

Subd. 3. The council shall annually select a chairman and secretary from its membership. Meetings shall be held at the call of the chairman or any three members.

Sec. 27. [121.92] [UNIFORM FINANCIAL ACCOUNTING AND REPORTING STANDARDS.] 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 uniform financial accounting and reporting standards which are consistent with sections 24 to 34 of this act 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 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. 28. [121.93] [REVENUE RECOGNITION.] *Subdivision 1. School district revenues shall be recognized and reported on the district books of account in accordance with this section.*

Subd. 2. Revenues shall be recorded in a manner which clearly indicates that they are applicable to a specific accounting period and fund.

Subd. 3. Receivables shall be recorded in a manner which clearly reflects the amounts of money due to a particular fund from public and private sources at the date of each accounting statement.

Subd. 4. All current levies of local taxes, including portions assumed by the state, shall be recognized as receivable at the beginning of the calendar year during which collection normally takes place. Such receivables shall be reserved for use in the subsequent fiscal year. Payments of current taxes including but not limited to March personal property tax settlements, received prior to July 1, shall be recorded as revenue to be earned as of July 1 with appropriate adjustments to the receivables and the reserves for such taxes. All current taxes received prior to July 1 plus the balance of the reserves shall be recognized as revenue on July 1.

Subd. 5. Foundation aid, endowment fund apportionment, and guarantee aid shall be recognized as revenue of the fiscal year for which the aids are designated by statute.

Subd. 6. Transportation aids, including depreciation aid, and any categorical aids not otherwise provided for in this section shall be recognized as revenue of the fiscal year for which these aids are designated by statute.

Subd. 7. Summer school aids shall be recognized as revenues and recorded as receivables during the fiscal year in which the summer school session ends; provided that nothing in this subdivision shall be construed to provide for a different rate of aid than that provided in section 124.20.

Subd. 8. "Categorical reimbursement" aids are those aids for which the expenditures of the prior fiscal year are used only for determination of the amount. These aids shall be recognized

as revenues and recorded as receivables in the fiscal year designated for payment.

Subd. 9. Interest shall be recognized in the fiscal year during which earned, and shall be allocated proportionally to the funds from which the resources were invested.

Subd. 10. Federal aids or grants shall be recognized as revenues and recorded as receivables in the fiscal year during which the eligible expenditures are recognized.

Subd. 11. State aids or grants, that are paid as a matching of an expenditure, shall be recognized as revenues and recorded as receivables in the fiscal year during which the eligible expenditure is recognized.

Subd. 12. Other revenues not specified in this section shall be recognized as revenue and shall be recorded in the fiscal year earned.

Subd. 13. Deviations from the principles set forth in this section shall be evaluated and explained in footnotes to audited financial statements.

Subd. 14. The state board shall specify the fiscal year or years to which the revenue from any aid or tax levy is applicable if Minnesota Statutes do not so specify.

Sec. 29. [121.94] [EXPENDITURE RECOGNITION.] *Subdivision 1. School district expenditures shall be recognized and reported on the district books of account in accordance with this section.*

Subd. 2. There shall be fiscal year-end recognition of expenditures and the related offsetting liabilities recorded in each fund in accordance with the uniform financial accounting and reporting system for Minnesota school districts.

Subd. 3. Purchase orders, itemized in detail, for other than inventory supply items, which are issued to outside vendors and based on firm prices shall be recorded as expenditures in the fiscal year designated at the time of the issuance of the order.

Subd. 4. Inventory supply items may be recorded as expenditures at the time of the issuance of the purchase order or at the time of delivery to the school district's subordinate unit or other consumer of the item.

Subd. 5. Salaries and wages shall be recorded as expenditures in the fiscal year in which the personal services are performed.

Subd. 6. Other payable items shall be recorded in the fiscal year in which the liability is incurred.

Subd. 7. Deviations from the principles set forth in this section shall be evaluated and explained in footnotes to audited financial statements.

Sec. 30. [121.95] [REQUIREMENT-FOR ACCOUNTING, BUDGETING AND REPORTING.] *Subdivision 1. On or before June 30, 1977, each Minnesota school district shall adopt the uniform financial accounting and reporting system for Minnesota school districts provided for in section 27 of this act.*

Subd. 2. [UNAUDITED FINANCIAL STATEMENTS.] Each Minnesota school district shall submit to the commissioner by August 15, 1977 and August 15 of each year thereafter, an unaudited financial statement for the preceding fiscal year. This statement shall be submitted on forms prescribed by the commissioner after consultation with the advisory council on uniform financial accounting and reporting standards.

Subd. 3. [AUDITED FINANCIAL STATEMENTS.] Prior to June 30 of the calendar year following the submission of the unaudited financial statement, the school district shall provide to the commissioner and state auditor an audited financial statement prepared in a form which will allow comparison with and correction of the unaudited statement.

Subd. 4. [BUDGET REPORTING.] Each Minnesota school district shall submit to the department by August 15, 1977, and by August 15 of each year thereafter, on forms prescribed by the commissioner, the revenue and expenditure budgets adopted for that fiscal year.

Subd. 5. All governmental units formed by joint powers agreements entered into by school districts pursuant to Minnesota Statutes, Sections 120.17, 123.351, 471.59, or any other law and all educational cooperative service units shall be subject to the provisions of this section.

Sec. 31. [121.96] [CASH FLOW; SCHOOL DISTRICT REVENUES; BORROWING FOR CURRENT OPERATING COSTS.] *Subdivision 1. The commissioner of finance shall remit all payments of state aids to school districts in conformance with the dates provided by law or, when not so provided, with a schedule of aid payments to be established by the commissioner of education in consultation with other affected state agencies.*

Subd. 2. The auditors or finance officers of Minnesota counties shall remit all payments of taxes to the school districts in conformance with the provisions of Minnesota Statutes, Section 276.11. School districts which have need for tax remittance advances may secure them from the counties by making formal requests in conformance with Minnesota Statutes, Section 276.11.

Subd. 3. Minnesota school districts may issue tax and aid anticipation certificates in conformance with the provisions of Minnesota Statutes, Sections 124.71 to 124.781, with the additional provision that the proceeds of such borrowing or any other method of borrowing shall be recorded as liabilities of funds for which the taxes were levied, or for which the aids are receivable. Nothing in this subdivision shall provide authority for borrowing against the tax levies and aids of one school district fund for the purpose of increasing the available cash balance of another fund.

Subd. 4. Unless otherwise provided by law, no district shall, for the purpose of increasing the available cash balance of another fund, borrow or transfer funds from the building construction fund, debt redemption fund, trust and agency fund, or from any sinking fund for outstanding bonds issued for any purpose. However, if the contemplated use for which funds were originally placed in the building construction fund or a sinking fund is afterwards abandoned or if a balance remains after the use is accomplished, a district may devote these funds as provided in Minnesota Statutes, Section 475.65. For the purpose of insuring fund integrity, if the commissioner determines that a district is in violation of this subdivision or section 28 of this act, he shall require that such district maintain separate bank accounts for building construction funds, debt redemption funds, trust and agency funds, and sinking funds for outstanding bonds. Nothing in this subdivision shall be construed to prohibit the use of common bank accounts for other funds unless prohibited by law.

Sec. 32. [121.97] [STATUTORY OPERATING DEBT.]
Subdivision 1. The "statutory operating debt" of a school district means the net negative 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.

Subd. 2. 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.

Subd. 3. If an audit or other verification procedure conducted pursuant to subdivision 2 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 88 of this act to eliminate this operating debt.

Subd. 4. If the amount of the statutory operating debt verified pursuant to subdivision 2 is less 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 fund balance shall not qualify as statutory operating debt for the purposes of this section and sections 33 and 88 of this act.

Subd. 5. The commissioner of education shall certify the amount of statutory operating debt for each school district. Prior to June 30, 1979, the commissioner may, on the basis of corrected figures, adjust the total amount of statutory operating debt certified for any district.

Subd. 6. On January 15, 1998, the commissioner of education shall report to the legislature on the districts for which the levy allowable under section 88 of this act has been insufficient to eliminate the statutory operating debt of the district, determined as of June 30, 1977.

Subd. 7. This section and the provisions of section 88 of this act shall be applicable only to common, independent, and special school districts and districts formed pursuant to Laws 1967, Chapter 822, as amended, and Laws 1969, Chapters 775 and 1060, as amended. This section and the provisions of section 88 of this act shall not apply to Independent School District No. 625.

Subd. 8. Any district eligible to receive any amounts pursuant to section 88 of this act shall disclose its statutory operating debt retirement plan by footnote to the audited financial statement.

Subd. 9. The commissioner shall establish a uniform reporting procedure for school districts to determine whether a statutory operating debt exists in any Minnesota school district as of June 30, 1976, and to estimate the amount of such statutory operating debt. This procedure shall also identify all interfund transfers made during fiscal year 1976 from a fund included in computing statutory operating debt to a fund not included in computing statutory operating debt.

Subd. 10. (a) On or before January 1, 1977, the commissioner shall report to the legislature his findings concerning the amount of statutory operating debt for districts as of June 30, 1976, and interfund transfers during fiscal year 1976 which are identified pursuant to subdivision 9. This report shall include any information available to the commissioner regarding possible increases in statutory operating debt for districts between June 30, 1976, and June 30, 1977, and justifications for these increases.

(b) On or before January 1, 1978, the commissioner shall report to the legislature his findings concerning the amount of statutory operating debt for districts as of June 30, 1977, inter-fund transfers during fiscal year 1977 which are identified pursuant to subdivision 2, and actual increases in statutory operating debt for districts between June 30, 1976, and June 30, 1977.

Sec. 33. [121.98] [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 32 of this act 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 that fiscal year pursuant to section 32 of this act 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.

(c) When a district is no longer required to levy pursuant to section 88 of this act, subdivision 2 of this section shall be applicable.

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 fund balances shall not constitute statutory operating debt as defined and limited in section 32 of this act.

Subd. 3. If a school district does not limit its expenditures in accordance with this section, the commissioner shall so notify the appropriate committees of the legislature by no later than January 1 of the year following the end of that fiscal year.

Sec. 34. [121.99] [PARTICIPATION IN COMPUTER SYSTEMS.] Subdivision 1. On or before July 1, 1980, all Minnesota school districts shall convert financial accounting and reporting operations to a computer based financial management accounting and reporting system utilizing regional or other computing facilities and utilizing multi-dimensional accounts and records defined in accordance with the uniform financial accounting and reporting system for Minnesota school districts.

Subd. 2. After July 1, 1980, participation in a computer based financial management accounting and reporting system shall be mandatory. The form of this participation shall be appealable to the commissioner.

Sec. 35. Minnesota Statutes, 1975 Supplement, Section 122.23, Subdivision 15, is amended to read:

Subd. 15. If no district is divided by virtue of the proceedings, all of the assets, real and personal, of the districts involved and all legally valid and enforceable claims and contract obligations of the districts pass to the new district. If a district is divided by virtue of the proceedings, upon receipt of the order of the commissioner, the auditor of the county containing the greatest land area of the new district shall present a copy of the plat and supporting statement and orders issued in the proceedings to the (COUNTY BOARD AT ITS NEXT REGULAR MEETING) *commissioner*, together with such information as is available to him concerning the assets and liabilities not secured by bonds of each district, any part of which is included in the newly created district. Thereafter within 30 days the (COUNTY BOARD) *commissioner* shall issue (ITS) *his* order providing for a division of the assets *and liabilities* of the districts involved and apportioning and dividing these assets *and liabilities* according to such terms as (IT) *he* may deem just and equitable. In making this division of assets and liabilities, the (COUNTY BOARD) *commissioner* may consider the amount of bonded debt to be assumed by property in each area under the provisions of this section. If the order of consolidation transfers any real estate interest to the new district or to another district, the order apportioning assets and liabilities may impose a dollar claim on the district receiving the real estate in favor of any other district involved in an amount not exceeding the reasonable value of the real estate interest involved, which claim shall be paid in the manner provided by law for the enforcement of judgments.

Sec. 36. Minnesota Statutes, 1975 Supplement, Section 122.45, Subdivision 1, is amended to read:

122.45 [DISTRIBUTION AND DIVISION OF ASSETS AND LIABILITIES; TAXATION.] Subdivision 1. Title to all the property, real and personal, of any district dissolved under the provisions of sections 122.41 to 122.52 and all legally valid and enforceable claims and contract obligations, pass to the district to which such dissolved district is attached. If a district is divided by virtue of the proceedings, the (COUNTY BOARD) *commissioner* shall issue (ITS) *his* subsequent order providing for the division of the assets and liabilities according to such terms as (IT) *he* may deem just and equitable.

Sec. 37. Minnesota Statutes 1974, Section 122.45, Subdivision 2, is amended to read:

Subd. 2. As of the effective date of the attachment, all the taxable property in the newly enlarged district is taxable for the payment of any bonded debt theretofore incurred by any component district or territory in the proportion which the assessed valuation of that part of a preexisting district which is included in the newly enlarged district bears to the assessed valuation of the entire preexisting district as of the time of the attachment. This apportionment shall be made by the county auditor and shall be incorporated as an annex to the order of the (COUNTY BOARD) *commissioner* dividing the assets and liabilities of the component parts. This subdivision shall not relieve any property from any tax liability for payment of any bonded obligation but taxable property in the newly enlarged district becomes primarily liable for the payment of bonded debts to the extent of the proportion stated.

Sec. 38. Minnesota Statutes 1974, Section 122.45, Subdivision 3a, is amended to read:

Subd. 3a. (a) Liabilities of a dissolved district existing at the time of the attachment other than bonded debt within the purview of subdivision 2 shall be obligations of the consolidated district after attachment (in the amount and kind determined by the (COUNTY BOARD) *commissioner* according to subdivision 1, where a dissolved district is divided), for the payment of which the consolidated district has a right to reimbursement by special levy or levies. The amount of reimbursement will be equal to the liabilities of the dissolved district for which the consolidated district is obligated less the aggregate of the following which has been or will be received by the consolidated district at or after the time of attachment from or as a result of the dissolution and attachment of the dissolved district:

(1) All taxes inuring to the consolidating district upon levies made by the dissolved district;

(2) All cash, bank accounts, investments, and other current assets;

(3) Earned state aids of the dissolved districts;

(4) Returns from the sale of property of the dissolved district.

(b) The amount of such special levy so computed shall be certified to the county auditor with the other tax requirements of the consolidated district but separately stated and identified. The auditor shall add the amount of special levy so certified to the school rate for the territory in the consolidated district which came from the dissolved district and include it in the levy on the taxable property in that territory; provided, the county auditor shall not spread more of the amount certified for special levy in any year than will amount to 20 percent of the school levy with-

out the special levy, leaving the remaining part of the certified amount for levy in successive years without further certification. Any amount of reimbursement to which it is entitled omitted by the consolidated district from its initial certification for special levy may be certified in a subsequent year for levy in the same manner as the levy upon initial certification.

The levy authorized by this subdivision shall be in addition to those otherwise authorized by (EXTRA SESSION LAWS 1971, CHAPTER 31, ARTICLE 20) *section 275.125*.

Sec. 39. Minnesota Statutes 1974, Section 123.37, Subdivision 1, is amended to read:

123.37 [INDEPENDENT SCHOOL DISTRICTS, CONTRACTS.] Subdivision 1. No contract for work or labor, or for the purchase of furniture, fixtures, or other property, except books registered under the copyright laws, or for the construction or repair of school houses, the estimated cost or value of which shall exceed (: (A) \$3,000 FOR SCHOOL DISTRICTS WITH AN ENROLLMENT OF STUDENTS IN GRADES 1 TO 12 OF LESS THAN 10,000, OR (B) \$5,000 FOR ALL OTHER SCHOOL DISTRICTS) *that specified in section 471.-345, subdivision 3*, shall be made by the school board without first advertising for bids or proposals by two weeks' published notice in the official newspaper. Such notice shall state the time and place of receiving bids and contain a brief description of the subject matter.

Such additional publication in the official newspaper or elsewhere may be made as the board shall deem necessary.

After taking into consideration conformity with the specifications, terms of delivery, and other conditions imposed in the call for bids, every such contract shall be awarded to the lowest responsible bidder, duly executed in writing, and the person to whom the same is awarded shall give a sufficient bond to the board for its faithful performance, and otherwise conditioned as required by law. A record shall be kept of all bids, with names of bidders and amount of bids, and with the successful bid indicated thereon. A bid containing an alteration or erasure of any price contained in the bid which is used in determining the lowest responsible bid shall be rejected unless the alteration or erasure is corrected as herein provided. An alteration or erasure may be crossed out and the correction thereof printed in ink or typewritten adjacent thereto and initialed in ink by the person signing the bid. In the case of identical low bids from two or more bidders, the board may, at its discretion, utilize negotiated procurement methods with the tied low bidders for that particular transaction, so long as the price paid does not exceed the low tied bid price. In the case where only a single bid is received, the board may, at its discretion, negotiate a mutually agreeable contract with the bidder so long as the price paid does not exceed the original bid. If no satisfactory bid is received, the board may

readvertise. Standard requirement price contracts established for supplies or services to be purchased by the district shall be established by competitive bids. Such standard requirement price contracts may contain escalation clauses and may provide for a negotiated price increase or decrease based upon a demonstrable industrywide or regional increase or decrease in the vendor's costs. Either party to the contract may request that the other party demonstrate such increase or decrease. The term of such contracts shall not exceed two years with an option on the part of the district to renew for an additional two years. Provided that in the case of purchase of perishable food items except milk for school lunches and vocational training programs a contract of any amount may be made by direct negotiation by obtaining two or more written quotations for the purchase or sale, when possible, without advertising for bids or otherwise complying with the requirements of this section or section 471.345, subdivision 3. All quotations obtained shall be kept on file for a period of at least one year after receipt thereof.

Every contract made without compliance with the provisions of this section shall be void. Provided, that in case of the destruction of buildings or injury thereto, where the public interest would suffer by delay, contracts for repairs may be made without advertising for bids.

Firm bid contracts for the purchase of milk and ice cream renegotiated between August 25, 1973 and July 1, 1974 which provide for a price increase or decrease based upon a demonstrable industrywide or regional increase in the vendor's costs are valid and not void under this subdivision; provided that the adjustment shall not exceed the increase or decrease authorized in the applicable federal marketing order for raw milk; and provided further that a school district which did not renegotiate its contract before February 1, 1974, shall not adjust its contract to provide for price increases or decreases for purchases made before February 1, 1974.

Sec. 40. Minnesota Statutes 1974, Section 123.37, Subdivision 1b, is amended to read:

Subd. 1b. Notwithstanding the provisions of subdivision 1 or section 471.345, a contract for the transportation of school children may be made (EITHER) by direct negotiation, by obtaining two or more written quotations for the service (,) when possible, or upon sealed bids. At least 30 days before awarding a directly negotiated contract, the school district shall, by published notice, request quotations for the service to be provided. All quotations obtained shall be kept on file for a period of at least one year after receipt thereof. If a contract is made by direct negotiation, negotiations shall be (CARRIED ON AT A MEETING OF THE SCHOOL BOARD) open to the public. If a contract is made upon sealed bids, the procedure for advertising and awarding bids shall conform to the provisions of subdivision 1.

Sec. 41. Minnesota Statutes, 1975 Supplement, Section 124.04, is amended to read:

124.04 [CAPITAL EXPENDITURE TAXING AUTHORITY.] In addition to the tax levy prescribed by law for general and special school purposes, the board of any district may levy annually an amount such that the sum of the levy and attached machinery aid for capital outlay purposes calculated pursuant to section 273.138, subdivision 3, clause (1), shall not exceed (\$70) \$75 per pupil unit or, in districts where the pupil unit count is increased pursuant to section 124.17, subdivision 1, clause (7), (\$75) \$80 per pupil unit. *For purposes of computing allowable levies under section 124.04, 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 on each dollar of assessed valuation of the taxable property in the district as adjusted for the preceding year by the equalization aid review committee notwithstanding the provisions of sections 272.64 and 275.49 (, PROVIDED THAT SAID LEVY MAY NOT EXCEED BY MORE THAN TWO MILLS (THREE MILLS IF THE DISTRICT ADDS UNITS PURSUANT TO SECTION 124.17, SUBDIVISION 1, CLAUSE (7)) THE LEVY UNDER THIS SECTION IN THE PREVIOUS YEAR AND PROVIDED FURTHER THAT ANY DISTRICT WHICH DID NOT LEVY PURSUANT TO THIS SECTION IN 1972 MAY CERTIFY A MAXIMUM LEVY OF SIX MILLS NOT TO EXCEED \$65 PER PUPIL UNIT IN 1974). The tax so levied shall be collected in the manner provided by law for the collection of school taxes. The proceeds of the tax may be used only to acquire land, (IMPROVE AND REPAIR SCHOOL SITES,) to equip (,) and re-equip (, REPAIR AND IMPROVE) buildings and permanent attached fixtures, and to pay leasing fees for (COMPUTERS AND) computer (SERVICES) systems hardware, computer terminals, and telecommunications equipment and related proprietary software. *The proceeds of this 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.* 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.

The board shall establish a fund in which the proceeds of this tax shall be accumulated until expended.

The proceeds of the tax shall not be used for custodial or other maintenance services.

Sec. 42. Minnesota Statutes, 1975 Supplement, 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 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.

Sec. 43. Minnesota Statutes, 1975 Supplement, Section 124.-17, Subdivision 2, is amended to read:

Subd. 2. Membership for pupils in grades kindergarten through twelve and for handicapped prekindergarten pupils shall mean the number of pupils on the current roll of the school,

counted from the date of entry until withdrawal. The date of withdrawal shall mean the day the pupil permanently leaves the school or the date it is officially known that the pupil has left or has been legally excused; provided that any pupil, regardless of age, who has been absent from school without a legally justifiable excuse for 15 consecutive school days shall be dropped from the roll and classified as withdrawn. Nothing in Extra Session Laws 1971, Chapter 31, shall be construed as waiving the compulsory attendance provisions cited in section 120.10. Average daily membership shall equal the sum for all pupils of the number of days of the school year each pupil is enrolled in the district's schools divided by the number of days said schools are in session. For districts operating 12 months schools, days schools are in session shall mean the number of session days required by section 124.19, subdivision 1. The average daily membership of a pupil enrolled on a shared time basis shall equal the ratio of the total minutes for which such pupil is enrolled and the minimum minutes required during the year for a regularly enrolled public school pupil. Foundation aid for shared time pupils shall equal the amount which would accrue if shared time pupil units, counted pursuant to (THIS SECTION) *subdivision 1, clauses (1) and (2)*, were added to the district's total pupil units used in determining its foundation aid. *Foundation aid for shared time pupils shall be in addition to any other aid to which the district is otherwise entitled and shared time pupil units shall not be used for any other computation under subdivision 1 or for any computation under section 124.04.* A district shall not be entitled to transportation aid under section (124.22) *124.222* for pupils enrolled on a shared time basis unless the statutes specifically provide for transportation aid to such student. This subdivision shall be effective July 1, 1975 as applied to shared time foundation aid and July 1, 1976 as applied to pupils in area vocational-technical schools.

Sec. 44. Minnesota Statutes, 1975 Supplement, 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; (360.133; 360.135; AND 124.20) 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 275.-125, but not to exceed 45 percent in 1975-1976 and 50 percent in 1976-1977 of the previous year's payment.

(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 distributing

proceeds in lieu of ad valorem tax assessments on copper or nickel properties; the foundation aid shall be reduced in the August adjustment payment 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. 45. Minnesota Statutes, 1975 Supplement, Section 124.212, Subdivision 11a, is amended to read:

Subd. 11a. (1) If in any year the assessed value of any district is less than the assessed value of the immediate preceding year, the equalization aid review committee shall, upon notification by the county assessor prior to October 16 of that assessment year, redetermine for all purposes the adjusted assessed value of the immediate preceding year taking into account the decrease in assessed value. On or before November 1 of the assessment year, the equalization aid review committee shall file the redetermined adjusted assessed value with the commissioner of education who shall thereupon certify to the county auditors and school districts affected the redetermined adjusted assessed value and the appropriate levy limits of the school districts affected pursuant to section 275.125, subdivision 10. Notwithstanding section 275.07, the districts affected may certify the taxes voted to the county auditor on or before December 1.

(2) *If in any year the assessed value of class 1 and class 1a property, as defined in section 273.13, subdivision 2, in any district is less than the assessed value of such property in the immediately preceding year, the equalization aid review committee shall redetermine for all purposes the adjusted assessed value of the immediately preceding year taking into account only the decrease in assessed value of class 1 and class 1a property. If subdivision 11, clause (a) is applicable to such a district, the decrease in class 1 and class 1a property shall be applied to the adjusted assessed value as limited therein. In all other respects, the provisions of clause (1) shall be applicable.*

Sec. 46. Minnesota Statutes 1974, Section 124.212, is amended by adding a subdivision to read:

Subd. 20. *No adjustments to foundation aid payments 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. Any school district educating children who are residents of another school district shall notify the district of residence within 60 days of the date the child is determined by the district to be*

a nonresident, but not later than October 1 following the end of the school year in which the child is educated. If the district of residence does not receive a notification from the providing district pursuant to this subdivision, it shall not be liable to that district for any tuition billing received after October 1 of the next school year.

Sec. 47. Minnesota Statutes 1974, Chapter 124, is amended by adding a section to read:

[124.213] [AID RECAPTURE.] *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.*

Sec. 48. Minnesota Statutes 1974, Section 124.222, is amended by adding a subdivision to read:

Subd. 6. For the purposes of payment of transportation aids in the 1976 fiscal year and thereafter, the commissioner of education may adjust the base cost per eligible pupil transported during the 1974 fiscal year to reflect changes in costs resulting from alterations in school district boundaries.

Sec. 49. Minnesota Statutes, 1975 Supplement, Section 124.223, is amended to read:

124.223 [TRANSPORTATION AID AUTHORIZATION.] For the 1974-1975 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;

(4) Transportation or board and lodging of a handicapped pupil when he 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;*

(8) (9) Services described in clauses (1) to (7) (8) when provided in conjunction with a state board approved summer school program.

Sec. 50. Minnesota Statutes, 1975 Supplement, Section 124.26, is amended by adding a subdivision to read:

Subd. 4. [PAYMENT SCHEDULE.] 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, December 31, and March 31. The actual balance due the district shall be paid on or before August 31 of the following fiscal year.

Sec. 51. Minnesota Statutes, 1975 Supplement, Section 124.271, Subdivision 2, is amended to read:

Subd. 2. In fiscal year 1977 and each year thereafter, the state shall pay 50 cents per capita to each school district which is operating a community school program in compliance with the rules (AND REGULATIONS) established 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, for use in that year.*

Sec. 52. Minnesota Statutes 1974, Section 124.32, as amended by Laws 1975, Chapter 432, Sections 48 to 50, is amended to read:

124.32 [HANDICAPPED CHILDREN.] Subdivision 1. The state shall pay to any district (AND UNORGANIZED TERRITORY):

(a) for the employment in its educational program for handicapped children, (65) *no less than 55 and no more than 75* percent of the salary of essential personnel, but this amount shall not exceed (\$10,000) *\$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, (INCLUDING BUT NOT LIMITED TO SUMMER SCHOOL) *whether the essential personnel are employed by a district alone or jointly with another district or districts;*

(b) (FOR THE EMPLOYMENT OF AN INDIVIDUAL JOINTLY WITH ANOTHER DISTRICT OR DISTRICTS OR UNORGANIZED TERRITORY IN ITS EDUCATIONAL PROGRAM FOR HANDICAPPED CHILDREN, 65 PERCENT OF THE SALARY OF ESSENTIAL PERSONNEL, BUT THIS AMOUNT SHALL NOT EXCEED \$10,000 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 INCLUDING BUT NOT LIMITED TO SUMMER SCHOOL) *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 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 services. 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 section 124.32, 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 section 124.32 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 section 124.32, 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 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 (REIMBURSE) pay each district (OR UNORGANIZED TERRITORY) for supplies and equipment purchased or rented for use in the instruction of handicapped children (IN THE) an amount (OF) equal to one-half of the sum actually expended by the district (OR UNORGANIZED TERRITORY) 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.

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 (OR UN-

ORGANIZED TERRITORY) of the pupils' residence. The total amount of aid paid may not exceed the amount expended for handicapped children (FOR) 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 (65) the 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 (PER PUPIL UNIT PAYABLE TO) *formula allowance* in 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 (REIMBURSE) *pay* each district (OR UNORGANIZED TERRITORY) the actual cost incurred in providing instruction and services for a handicapped child whose district of residence has been determined by (SECTIONS) *section 120.17, (SUBDIVISIONS 7 OR) 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 (OR UNORGANIZED TERRITORY) 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 edu-*

cation aid, transportation aid, and any other aid earned in behalf of such child, such action pursuant to limits set forth in section 124.32, 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 section 124.32 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 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, December 30 and March 31. The final aid distribution to the district shall be made on or before August 31 of the following year.

Subd. 10. Beginning with the summer of 1977, 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 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 section 124.32.

(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 the effective date of this section.

(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 32 of this act.

(c) Notwithstanding the provisions of section 88, clause (2) of this act, 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 88 of this act and the amount deposited pursuant to section 94 of this act 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 88 of this act 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 pur-

poses 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.

(e) 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.

Sec. 53. Minnesota Statutes, 1975 Supplement, Section 124.43, Subdivision 1, is amended to read:

124.43 [CAPITAL LOANS.] Subdivision 1. To the extent moneys are from time to time available hereunder, the committee is authorized, after review and recommendation by the state board of education, to effect capital loans to school districts. Proceeds of such loans shall be used only for sites for school buildings and for acquiring, bettering, furnishing, or equipping school buildings under contracts to be entered into within 12 months from and after the date on which each loan is granted. Applications with the accompanying data specified in subdivision 2 shall be filed between October 1 of any year and June 1 next following. No application shall be approved unless the state board of education certifies that the loan is needed to replace facilities dangerous to the health and safety of pupils, or to provide for pupils for whom no adequate facilities exist; that such facilities could not be made available by consolidating the district with an adjacent district without substantially lowering the fiscal capacity of that district or so increasing its area that it would no longer be viable; and that existing institutions or facilities within the area could not be acquired or leased to provide the needed facilities safely and at a lower cost. The state board shall make recommendations to the committee. No loan shall be approved for any district exceeding an amount computed as follows:

- (1) The amount voted by the district under subdivision 2;
- (2) Plus the aggregate principal amount of general obligation bonds of the district outstanding on the date of approval, not exceeding the limitation on net debt of the district in section

475.53, subdivision 4, or 30 percent of the adjusted assessed value, whichever is less;

(3) Less the maximum net debt permissible for the district on the date of approval, under the limitation in section 475.53, subdivision 4, or 30 percent of the adjusted assessed value, whichever is less; and

(4) Less any amount by which the amount voted exceeds the total cost of the facilities for which the loan is granted, as estimated in accordance with subdivision 4, provided that the loan may be approved in an amount computed as provided in clauses (1) to (3), subject to subsequent reduction in accordance with this clause (4).

Sec. 54. Minnesota Statutes, 1975 Supplement, Section 124.561, Subdivision 3, is amended to read:

Subd. 3. [BUDGETS.] Before January 1, 1976, and before January 1 of each year thereafter post-secondary vocational-technical school budgets for the following fiscal year shall be submitted to the state board for vocational education. The state board for vocational education shall approve the budgets for each district (AT) *prior to June 1 of each year after a consolidated public hearing held pursuant to (CHAPTER 15, WHICH SHALL BE HELD PRIOR TO JUNE 1 OF EACH YEAR AND WHICH SHALL CONTINUE UNTIL ALL INTERESTED PERSONS, REPRESENTATIVES, AND ORGANIZATIONS HAVE HAD AN OPPORTUNITY TO BE HEARD) section 55 of this act.* The total amount of reimbursement payments approved for fiscal year 1975 payable in fiscal year 1976 shall not exceed by more than 14 percent the amount appropriated for post-secondary vocational-technical education for payment in fiscal year 1975. No district shall increase its operating deficit during fiscal year 1976 unless authorized to do so by the state board for vocational education. The state board for vocational education shall before September 1, 1975 promulgate rules and regulations which establish the approval criteria for budgets, including responsiveness to current and projected manpower needs of population groups to be served in the various geographic areas and communities of the state, particularly disadvantaged and handicapped persons; adequacy of evaluation of programs; and other criteria set forth in the state plan for vocational education. The commissioner, in cooperation with the department of finance, shall establish program budget standards by which area vocational-technical institutes shall submit financial requests.

Sec. 55. Minnesota Statutes, 1975 Supplement, Section 124.561, is amended by adding a subdivision to read:

Subd. 3a. The consolidated public hearing held by the state board pursuant to section 124.561, subdivision 3 shall take place with at least six board members present and shall continue until

all interested persons, representatives, and organizations have had an opportunity to be heard. Notice of intention to hold the hearing shall be given at least 20 days prior to the date set for the hearing by United States mail to each district submitting a post-secondary vocational school budget, to other interested persons, representatives, and organizations who register their names with the commissioner of education for that purpose, and in the state register. The department of education shall make available at least one free copy of the proposed disposition of budgets to any person requesting it. Unless the commissioner determines that the use of an audio magnetic recording device is more appropriate, a court reporter shall keep a record at every hearing. A transcript of the hearing record shall be made available upon the request of any person, provided that the request is in writing and the cost of preparing the transcript is borne by the requesting person. After allowing written material to be submitted and added to the hearing record for five days after the public hearing ends, the commissioner of education shall proceed as promptly as possible to write a report containing the proposed final disposition of budgets. This report shall contain findings and conclusions based on substantial evidence from the hearing record to support the proposed final disposition. The report shall be available to all affected school districts upon request for at least 15 days before the state board takes final action on the budgets. Any district which is adversely affected by the proposed final disposition of budgets may demand and shall be given an opportunity to be heard in support of modification of the proposed disposition at the meeting at which the state board takes final action on the budgets; provided, the state board may place reasonable restrictions on the length of time allowed for testimony.

Sec. 56. Minnesota Statutes, 1975 Supplement, Section 124.562, Subdivision 2, is amended to read:

Subd. 2. Membership for pupils in post-secondary vocational-technical schools shall mean the number of pupils on the current roll of the school, counted from the date of entry until withdrawal. The date of withdrawal shall mean the day the pupil permanently leaves the school or the date it is officially known that he has left or has been legally excused; provided that any pupil, regardless of age, who has been absent from school without a legally justifiable excuse for 15 consecutive school days shall be dropped from the roll and classified as withdrawn. No pupil who is counted in average daily membership pursuant to this section shall be counted in average daily membership in any district pursuant to section 124.17, subdivision 2 (AVERAGE DAILY MEMBERSHIP SHALL EQUAL THE SUM FOR ALL PUPILS OF THE NUMBER OF DAYS OF THE SCHOOL YEAR EACH PUPIL IS ENROLLED IN A POST-SECONDARY VOCATIONAL-TECHNICAL SCHOOL IN A DISTRICT DIVIDED BY 175), unless he is eligible to earn foundation aid pursuant to section 120.80 or is attending a post-secondary vocational-technical school course on a part time basis in addition to spending six hours per day in a secondary program. Average daily mem-

bership for pupils who are enrolled (ON A PART TIME BASIS) in post-secondary vocational-technical schools, but not including adult vocational pupils, shall equal (a) the sum for all pupils of the number of days of the school year each pupil is enrolled in a post-secondary vocational-technical school in the district times the number of hours per day each student is enrolled divided by (THE NUMBER OF HOURS THE SCHOOL IS IN SESSION PER DAY) six (b) divided by 175; provided the number of hours which are counted for average daily membership for any pupil in any one program shall in no event exceed the number of hours approved by the state board for completion of the program. For a post-secondary vocational-technical school, the normal school year shall be at least the number of session days required by section 124.19, subdivision 1. In all post-secondary vocational-technical schools, the minimum length of the school day for each pupil, exclusive of the noon intermission, shall be six hours. Exceptions may be made by the local school administration for approved programs to meet individual student needs.

Sec. 57. Minnesota Statutes, 1975 Supplement, 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 (IN) before February (PURSUANT TO CHAPTER 15) 15 of that year in the manner specified in section 55 of this act. 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. The report shall include (a) the recipients of the aid; (b) the amounts distributed, and (c) the reasons for these distributions.

Sec. 58. Minnesota Statutes, 1975 Supplement, Section 124.564, is amended to read:

124.564 [POST-SECONDARY VOCATIONAL DEBT SERVICE CREDITS.] The state board for vocational education shall (PAY TO) provide, for credit against the debt service levy of qualifying districts, post-secondary vocational debt service aid equal to the state portion of debt service costs. The state portion of debt service costs shall equal the amount necessary to make payments (FOR) due in each school year ending June 30 with respect to bonds issued to finance post-secondary vocational facilities and (FOR) interest thereon, multiplied by the average

of the district's nonresident reimbursement percentage pursuant to Minnesota Statutes 1974, Section 121.21, Subdivision 5, in fiscal years ended June 30, 1973, 1974, and 1975. (THE LOCAL PORTION OF DEBT SERVICE COSTS SHALL EQUAL THE AMOUNT NECESSARY TO MAKE THESE PAYMENTS, LESS THE STATE PORTION OF DEBT SERVICE COSTS.) No district shall qualify for this post-secondary vocational debt service aid unless it has certified a levy (EQUAL) in the total amount (TO THE LOCAL PORTION OF DEBT SERVICE COSTS, PURSUANT TO) required by section (275.125, SUBDIVISION 4) 475.61, for collection in the calendar year in which the aid credit is to be given. Post-secondary vocational debt service aid shall be (UTILIZED SOLELY FOR PAYMENTS FOR BONDS ISSUED TO FINANCE POST-SECONDARY VOCATIONAL FACILITIES AND FOR INTEREST THEREON, AND THESE BOND AND INTEREST PAYMENTS SHALL BE MADE SOLELY WITH PROCEEDS FROM THIS AID AND THE LOCAL DEBT SERVICE LEVY) computed each year before October 1, commencing October 1, 1976, by the state board for vocational education with reference to each school district bond issue financing post-secondary vocational facilities, as a percentage of the sum of the bonds and interest to become due in the school year commencing on the following July 1. The amount for each school district shall be certified by the board on or before October 1 to the school district, and to the county auditors of all counties containing taxable property within the school district, and to the state commissioner of finance. This amount shall be deducted by the county auditors from the amount of the debt service levies of the school district to be assessed and extended against the taxable property therein for collection in the following year, and shall be payable instead from the appropriation made by this section. The commissioner of finance shall issue to the state treasurer warrants for payment of one-half of the amount to the treasurer of the school district on or before July 15 and one half thereof on or before November 15 in the following year, in lieu of the distributions of this amount otherwise payable by county treasurers at these times under the provisions of section 276.11. The amount of \$7,500,000 is annually appropriated from the general fund to the respective districts entitled to these payments, for expenditure in fiscal years beginning with fiscal year 1978. This appropriation shall not lapse until and unless otherwise provided by law, but shall be reduced by the amount of any funds specifically appropriated for the same purpose in any year from any state fund. In the event that the appropriation is revoked in any future year, the state board for vocational education shall certify this fact to each school district theretofore entitled to an aid credit under this subdivision. The appropriation heretofore made for post-secondary vocational debt service aid payable in the school year ending June 30, 1977, is confirmed, and the board shall continue to provide for the payment of debt service aids therefrom at or before the due dates of school district bonds and interest in that school year. In addition, the state board for vocational education shall pay to districts which expended cash balances to finance the construction of new post-secondary voca-

tional facilities and which the state board prior to May 15, 1975 agreed to repay for these expenditures the amount of the repayment specified in the agreement. Funds received in repayment shall revert to the fund of origin in the district. (THIS SECTION SHALL BE EFFECTIVE JULY 1, 1976.)

Sec. 59. Minnesota Statutes, 1975 Supplement, Section 124.565, Subdivision 2, is amended to read:

Subd. 2. Any person who has attained his 21st birthday and who would, but for that fact, qualify under subdivision 1 to attend a post-secondary vocational-technical school without tuition, may attend the school without tuition (SUBJECT TO THE OTHER PROVISIONS OF THIS SUBDIVISION), if he entered active military service in any branch of the armed forces of the United States before his 21st birthday, *with a Minnesota resident at the time of induction into the armed forces and had been a Minnesota resident during the six months immediately preceding induction*, and (WHO) has (THEN) been separated or discharged from active military service under conditions other than dishonorable, and if he applies for admission to the school before his 29th birthday. Time after separation or discharge from military service spent as an in-patient in a hospital or similar institution for treatment of an illness or disability or in recovery from an illness or disability that prevents gainful occupation or study shall be added to the time allowed for application.

Sec. 60. Minnesota Statutes 1974, Chapter 124, is amended by adding a section to read:

[124.566] *Notwithstanding the provisions of section 16.16 or 16A.57 or any other law to the contrary, the state board for vocational education may expend amounts appropriated by the legislature for post-secondary vocational categorical aid to pay post-secondary vocational foundation aid in any year when the appropriation for post-secondary vocational foundation aid is insufficient because of an increase in average daily membership. On the date of any expenditure pursuant to this section, the state board shall report the expenditure to the appropriate committees of the legislature.*

Sec. 61. Minnesota Statutes 1974, Chapter 124, is amended by adding a section to read:

[124.572.] [CURRENT FUNDING FOR ADULT VOCATIONAL EDUCATION.] *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.*

Sec. 62. Minnesota Statutes 1974, Chapter 124, is amended by adding a section to read:

[124.573] [CURRENT FUNDING FOR SECONDARY VOCATIONAL EDUCATION.] *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.*

Sec. 63. Minnesota Statutes, 1975 Supplement, Section 124.611, Subdivision 1, is amended to read:

124.611 [ELIGIBLE TEACHER PROGRAM.] Subdivision 1. Any teacher who has been (OR WILL BE) 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 (BY MAY 1, 1976,) 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 (FROM DISTRICTS WHICH, ACCORDING TO CRITERIA ESTABLISHED BY THE STATE BOARD, ARE EXPERIENCING COST LIMITATIONS BECAUSE OF SEVERELY DECLINING ENROLLMENTS) 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.

Sec. 64. Minnesota Statutes, 1975 Supplement, Section 124.611, Subdivision 2, is amended to read:

Subd. 2. Any district which has not placed (OR WILL NOT PLACE) 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 (BY JULY 1, 1976) to be eligible to receive aid for hiring an eligible teacher.

(THE STATE BOARD OF EDUCATION SHALL APPROVE OR DISAPPROVE EACH PETITION BY AUGUST 1, 1976, GIVING PRIORITY TO DISTRICTS WHICH HAVE A HIGH PROPORTION OF INEXPERIENCED TEACHERS, INCREASING ENROLLMENTS AND COST LIMITATIONS

WHICH PREVENT THE EMPLOYMENT OF EXPERIENCED TEACHERS.)

Eligible teacher aid shall be paid *according to the following schedule:*

(1) In the 1976-1977 school year (TO), the hiring school district (IN) 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 1977-1978 school year, the hiring district shall receive (ELIGIBLE TEACHER) aid equal to 60 percent of the (AMOUNT CALCULATED IN THE FIRST YEAR) salary difference in clause (1);

(3) In the 1978-1979 school year the hiring district shall receive (ELIGIBLE TEACHER) aid equal to 40 percent of the (AMOUNT CALCULATED FOR THE FIRST YEAR,) salary difference in clause (1); and

(4) In the 1979-1980 school year and thereafter such aids shall terminate.

Sec. 65. Minnesota Statutes 1974, Section 125.185, Subdivision 4, is amended to read:

Subd. 4. The commission shall develop and create criteria, rules, and regulations for the certification of public school teachers and interns, which shall be submitted to the state board of education for approval, and from time to time the commission shall revise or supplement the criteria for certification of public school teachers subject to approval by the state board. It shall be the duty of the commission to establish criteria for the approval of teacher education programs subject to approval by the board. Subject to criteria, rules, and regulations approved by the state board of education, the commission shall also grant certificates to interns and to candidates for original certificates and receive recommendations from local committees as established by the commission for the renewal of teaching certificates, to grant life certificates to those who qualify according to requirements established by the commission, and suspend or revoke certificates pursuant to section 125.09. With regard to vocational education teachers the commission shall adopt and maintain as its criteria the state plan for vocational education.

In the event the state board of education disapproves any proposal from the commission, it shall give written notice of such disapproval within (120) 60 days after the receipt of the proposal including its reasons. Any proposal disapproved by the

state board may be resubmitted by the commission at any time after the expiration of (90) 45 days after the date of disapproval.

Sec. 66. [128A.01] [LOCATION.] *The Minnesota school for the deaf and the Minnesota braille and sight-saving school shall be continued at Faribault, and shall be grouped and classed with the educational institutions of the state.*

Sec. 67. [128A.02] [TRANSFER OF AUTHORITY.] *Subdivision 1. The state board of education shall be responsible for the control, management and administration of the Minnesota school for the deaf and the Minnesota braille and sight-saving school, and all the property real or personal appertaining thereto.*

Subd. 2. The state board shall promulgate rules regarding the maintenance and conduct of both schools and the individuals in attendance, and shall perform all duties necessary to provide the most beneficial and least restrictive program of education for each child handicapped by visual disability or hearing impairment.

Subd. 3. The state board may employ central administrative staffs and other personnel as necessary to provide and support programs and services in each school. These schools shall be deemed to be public schools for the purposes of sections 125.03 and 125.04, and all teachers as defined in those sections who are employed at these schools shall be subject to the standards of the board of teacher standards and certification and the state board of education; provided that any teacher who does not meet these standards as of July 1, 1977 shall be required to meet these standards by September 15, 1978 in order to continue in employment.

Subd. 4. The state board may enter into contracts with other public and private agencies and institutions to provide residential and building maintenance services if it determines that these services could thus be provided in a more efficient and less expensive manner. The state board may also enter into contracts with public and private agencies and institutions, school districts or combinations thereof, and educational cooperative service units to provide supplementary educational instruction and services.

Sec. 68. [128A.03] [ADVISORY COUNCILS.] *Subdivision 1. The state board of education shall appoint an advisory council on the Minnesota school for the deaf and an advisory council on the Minnesota braille and sight-saving school. These councils shall advise the state board on policies pertaining to the control, management, and administration of these schools.*

Subd. 2. Each advisory council shall consist of seven members. The members shall be representative of the various geographic regions of the state, shall include parents or guardians

of visually disabled or hearing impaired children, and shall include two representatives from groups representing the interest of visually disabled or hearing impaired individuals, as applicable. All members shall have knowledge, experience and interest in the problems of visually disabled or hearing impaired children.

Subd. 3. The councils shall expire and the terms, compensation and removal of members shall be as provided in section 15.059.

Sec. 69. [128A.04] [GIFTS AND CONVEYANCES.] *The state board of education shall take and hold in trust all lands or other property granted, given, devised, or conveyed to the schools, or to either of them. All moneys and securities so received and all income from this property shall be deposited in the state treasury in compliance with section 16.18, subject to the order of the state board.*

Sec. 70. [128A.05] [ATTENDANCE.] *Subdivision 1. [SCHOOL FOR THE DEAF.] Any individual who is between four and 21 years of age and who is deaf or hard of hearing shall be entitled to attend the school for the deaf if it is determined pursuant to the provisions of section 120.17, that the nature or severity of the hearing impairment is such that education in regular or special education classes provided for by the school district of residence cannot be achieved satisfactorily and that attendance at the school would be the least restrictive alternative for that individual. Nothing in this subdivision shall be construed as a limitation on the attendance at this school of children who have other handicaps in addition to being deaf or hard of hearing.*

Subd. 2. [BRAILLE AND SIGHT-SAVING SCHOOL.] *Any individual who is between four and 21 years of age and who is blind or partially seeing shall be entitled to attend the braille and sight-saving school if it is determined pursuant to the provisions of section 120.17, that the nature of severity of the visual impairment is such that education in regular or special education classes provided for by the school district of residence cannot be achieved satisfactorily and that attendance at the school would be the least restrictive alternative for that individual. Nothing in this subdivision shall be construed as a limitation on the attendance at this school of children who have other handicaps in addition to being blind or partially seeing.*

Subd. 3. *Attendance at the school for the deaf and the braille and sight-saving schools shall be subject to the compulsory attendance provisions of section 120.10 except that attendance may be excused pursuant to that section by the commissioner of education or his designee. Any person failing to comply with the provisions of section 120.10 shall be subject to the provisions of section 120.12. The superintendent of the applicable school shall exercise the duties imposed by section 120.12. Attendance at the*

school for the deaf or the braille and sight-saving school shall fulfill the mandatory requirements of section 120.17.

Sec. 71. [128A.06] [ADMITTANCE AND DISCHARGE.]
Subdivision 1. The admissions and discharge committee of each school shall include the field consultant of the applicable school and four members who are knowledgeable in the fields of hearing impairment or visual disability, as applicable, to be appointed by the state board.

Subd. 2. Preliminary application for admission shall be made by the district of the child's residence to the admissions and discharge committee by June 1 upon the appropriate forms provided by the field consultant or the district superintendent. The admissions and discharge committee shall make its decisions by July 1 on the basis of a review of the educational record and needs of the child. An admittance shall be provisional until it is determined that that individual comes within the provisions of section 70, subdivision 1 or 2 of this act.

Subd. 3. An individual in attendance at either school prior to July 1, 1977, shall be entitled to continue in attendance without reapplication provided that it is determined by September 1, 1977 that that individual comes within the provisions of section 70, subdivision 1 or 2 of this act.

Subd. 4. The admissions and discharge committee shall determine whether any child in attendance at the applicable school can also benefit from public school enrollment. This decision shall be subject to the provisions of section 120.17, and shall be made only after consultation with the parents and the school district of residence.

Subd. 5. The progress of an individual in attendance at either school shall be evaluated by the professional staff of that school as provided by the rules of the state board. The individual shall be returned to the district of residence when deemed appropriate by the admissions and discharge committee.

Subd. 6. Decisions concerning admittance and discharge shall be subject to appeal to the commissioner by the child's parent or guardian or school district of residence pursuant to rules promulgated by the state board, and shall be made only after consultation with the parents and the school district of residence.

Sec. 72. [128A.07] [EXPENSE OF PUPILS.] *Any individual attending the school for the deaf or the braille and sight-saving school shall be provided, by the person legally liable for his support, with sufficient funds to furnish him with proper clothing, postage, and necessary incidental expenses. If the person legally liable for his support is unable to make these provisions for him, the county welfare board of the county of which he is a resident shall pay to the superintendent of the school in*

which he is a pupil a sum to be fixed by the commissioner of education pursuant to rules promulgated by the state board. In addition, the school district of residence shall be liable for the actual transportation of the pupil to and from the school in which he is a pupil.

Applicants from other states who can benefit by being enrolled may be accepted so long as acceptance does not preclude acceptance of an eligible Minnesota resident. The commissioner of education shall obtain reimbursement from other states for the costs incurred in connection with nonresidents accepted and may contract with the appropriate authorities of other states to effect reimbursement. All money received from other states shall be paid to the state treasurer and placed in the general fund subject to the order of the state board.

Sec. 73. [128A.08] [FIELD CONSULTANTS.] *The state board of education shall employ a field consultant for each of these schools. The duties of the field consultant shall include visiting all visually disabled or hearing impaired children residing in the state and assisting them and their parents in any and all matters relating to their educations. The field consultant shall have knowledge of the problems of visually disabled or hearing impaired persons, shall be learned and experienced in counseling and shall possess such other educational qualifications as may be determined by the state board. He shall have an office and secretarial staff in his respective school. He shall have access to reports and statistics of all schools and social agencies in the state to the extent consistent with state and federal law and shall attempt to identify all visually disabled and hearing impaired children, their abilities and educational status, and shall provide this information to the state board. He shall meet with parents and guardians of visually disabled or hearing impaired children and assist them in making decisions as to the types of education most beneficial to their children. He shall also make arrangements for the education of their children in either of these schools. The activities of the field consultant shall be conducted in cooperation with the appropriate consultant or administrative staff of the state department.*

Sec. 74. [EFFECT OF TRANSFER TO STATE BOARD OF EDUCATION.] *Subdivision 1. [TRANSFER OF FUNCTIONS.] The powers, duties and functions of the commissioner of public welfare relating to the Minnesota school for the deaf and the Minnesota braille and sight-saving school are transferred to the state board of education which shall be the successor to the commissioner of public welfare as to all powers and duties heretofore vested in and imposed upon the commissioner of public welfare relating to these schools.*

Subd. 2. [TRANSFER NOT TO CONSTITUTE NEW AUTHORITY.] Except as provided in this section, the transfer of powers, duties and functions under sections 66 to 74 shall not constitute the creation of a new authority, but shall constitute

a continuation of the powers, duties and functions. For the purpose of succession, all rights, authorities, powers, duties, functions and obligations existing at the time of transfer shall continue with the same force and effect as if no transfer had been made.

Subd. 3. [CONTINUATION OF RULES.] Any order or rule issued or existing and in force at the time of the transfer of powers, duties and functions under sections 66 to 74, and not otherwise inconsistent with these sections shall continue in full force and effect as an order or rule of the state board, or program under the control of the state board, until the order or rule is amended, repealed or superseded, or the program terminated.

Subd. 4. [TRANSFER NOT TO AFFECT LEGAL ACTION.] The transfer of powers, duties and functions as provided in sections 66 to 74 shall not affect any action or proceeding whether of an administrative, civil or criminal nature pending at the time of the transfer, but the action shall be prosecuted or defended in the name of the state board, and the state board, upon application to the appropriate court, shall be substituted as a party to the action or proceeding. No contract entered into according to law shall be affected by the transfer, but shall be performed as if the transfer had not occurred.

Subd. 5. [TRANSFER OF STATUTORY REFERENCE.] Whenever a person or authority whose powers, duties and functions are transferred hereunder is referred to in any statute, contract or document, the reference or designation shall be deemed to refer to the board, department or officer to which the powers, duties and functions have been transferred.

Subd. 6. [CONTINUATION OF RIGHTS OF EMPLOYMENT.] All employees in the classified or unclassified service, pursuant to the provisions of the state personnel act, of the department of public welfare employed at these schools on the effective date of this section are transferred to the department of education, and the employees shall not lose any rights or benefits now accorded them by law.

Subd. 7. [TRANSFER OF PROPERTY.] All books, maps, plans, papers, records and property of every description within the jurisdiction and control of the commissioner of public welfare relating to these schools and necessary for their operation shall be delivered and turned over to the state board of education, and it is authorized to take possession thereof.

Subd. 8. [TRANSFER OF FUNDS.] The unencumbered and unexpended balance of all funds appropriated to the commissioner of public welfare for the Minnesota school for the deaf and the Minnesota braille and sight-saving school are transferred and reappropriated to the department of education. All state and federal aids from any source which have heretofore been avail-

able to the commissioner of public welfare for the use of these schools are hereby granted to the department of education.

Sec. 75. *On or before January 15, 1977, the commissioner of public welfare shall report to the legislature as to whether the transfer of any funds under sections 67 and 74 of this act would violate any federal laws or regulation or would cause the loss of any federal money or aid. The report shall specify the programs involved, shall cite the specific authority which would be violated, and shall detail the consequence of this violation.*

Sec. 76. Minnesota Statutes 1974, Section 246.01, is amended to read:

246.01 [POWERS AND DUTIES.] The commissioner of public welfare is hereby specifically constituted the guardian of both the estate and person of all feeble-minded or epileptic persons, the guardianship of whom has heretofore been vested in the state board of control or in the director of social welfare whether by operation of law or by an order of court without any further act or proceeding, and all the powers and duties vested in or imposed upon the state board of control or the director of social welfare, with reference to mental testing of persons mentally deficient or epileptic, and with reference to the institutions of the state of Minnesota except correctional institutions administered and managed by the commissioner of corrections, are hereby transferred to, vested in, and imposed upon the commissioner of public welfare, and in relation thereto he is hereby charged with and shall have the exclusive power of administration and management of all of the following state institutions: The schools and hospitals for the mentally retarded and epileptic, state hospitals for the mentally ill, (THE MINNESOTA BRAILLE AND SIGHTSAVING SCHOOL, THE STATE SCHOOL FOR THE DEAF,) and the state hospital for inebriates. He shall have power and authority to determine all matters relating to the unified and continuous development of all of the foregoing institutions and of such other institutions, the supervision of which may, from time to time, be vested in him. It is intended that there be vested in him all of the powers, functions, and authority heretofore vested in the state board of control relative to such state institutions. He shall have the power and authority to accept, in behalf of the state, contributions and gifts of money and personal property for the use and benefit of the inmates of the public institutions under his control, and all moneys and securities so received shall be deposited in the state treasury subject to the order of the commissioner of public welfare. If the gift or contribution is designated by the donor for a certain institution or purpose, the commissioner of public welfare shall expend or use the same as nearly as may be in accordance with the conditions of the gift or contribution, compatible with the best interests of the inmates and the state. The commissioner of public welfare is hereby constituted the "state agency" as defined by the social security act of the

United States and the laws of this state for all purposes relating to mental health and mental hygiene.

For the purpose of carrying out his duties, the commissioner of public welfare shall accept from mentally deficient wards for whom he is specifically appointed guardian a signed application for his consent to the marriage of said ward. Upon receipt of such application he shall promptly conduct such investigation as he deems proper and determine if the contemplated marriage is for the best interest of the ward and the public. A signed copy of the commissioner's determination shall be mailed to the ward and to the clerk of the district court of the county where the application for such marriage license was made.

There is hereby appropriated to such persons or institutions as are entitled to such sums as are provided for in this section, from the fund or account in the state treasury to which the money was credited, an amount sufficient to make such payment.

Sec. 77. Minnesota Statutes 1974, Section 248.07, Subdivision 3, is amended to read:

Subd. 3. [SPECIAL ATTENTION.] The commissioner of public welfare shall give special attention to the cases of (SUCH BLIND) *handicapped* youth (AS) *who* are eligible to (ATTENDANCE AT) *attend* the Minnesota braille and sight-saving school, *the Minnesota School for the deaf*, or the public school classes for (THE BLIND) *handicapped children*, but are not in attendance thereat, or are not receiving adequate instruction elsewhere (AND SEEK TO SECURE SUCH ATTENDANCE BY ALL PRACTICABLE MEANS). *The commissioner shall report all such cases to the school district of the individual's residence and to the state board of education.*

Sec. 78. Minnesota Statutes, 1975 Supplement, Section 268.08, Subdivision 5, is amended to read:

Subd. 5. [SERVICES PERFORMED FOR STATE, MUNICIPALITIES OR CHARITABLE CORPORATIONS.] (EFFECTIVE JANUARY 1, 1974,) Benefits based on service in employment defined in section 268.04, subdivision 12, clauses (7), (8), and (9), shall be payable in the same amount, on the same terms and subject to the same conditions as compensation payable on the basis of other service subject to this law except that, (a) benefits based on service in an instructional, research, or principal administrative capacity in an institution of higher education (as defined in section 268.04, subdivision 12, clause (15)) shall not be paid to an individual for any week of unemployment which begins during the period between two successive academic years, or during a similar period between two regular terms, whether or not successive, or during a period of paid sabbatical leave provided for in the individual's contract, if the individual has a contract or contracts to perform services in any such capacity

for any institution or institutions of higher education for both such academic years or both such terms; (b) benefits based on wage credits earned in the employment of a public or private school, or a political subdivision for service with respect to a school, shall not be paid to an individual during any period between two successive school years when the activity in which the wage credits were earned is not normally performed. This provision shall not apply to any individual who, prior to the end of a school year, has voluntarily left or has been indefinitely separated from such employment *unless the individual has obtained employment with the same or another public or private school to commence at the beginning of the next school year.* For the purposes of this clause, school year means that period established by a school board in accordance with (MINNESOTA STATUTES 1971,) section 126.12.

Sec. 79. Minnesota Statutes, 1975 Supplement, 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) 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) A levy to pay the principal and interest on debt service loans, pursuant to section 124.42;
- (4) A levy to pay the principal and interest on capital loans, pursuant to section 124.43;
- (5) A levy to pay amounts required in support of a teacher retirement fund, pursuant to section 422.13;
- (6) A levy for additional maintenance cost in excess of (30) 29 mills times the adjusted assessed valuation of the school district, pursuant to section 275.125, subdivision 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. 80. Minnesota Statutes, 1975 Supplement, Section 275-125, Subdivision 2a, is amended to read:

Subd. 2a. (1) In 1975, a school district may levy for all general and special school purposes, an amount equal to the amount raised by the 1974 adjusted assessed valuation of the district 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, a school district may levy for all general and special school purposes, an amount equal to the amount raised by the 1975 adjusted assessed valuation of the district 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) 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 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). If approved, the amount provided by the millage applied to each year's assessed valuation shall be authorized for certification until revoked by the voters of the district at a subsequent referendum, which 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. A petition authorized by 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. 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. 81. Minnesota Statutes, 1975 Supplement, 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 (, AND); 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 amount authorized for liabilities of dissolved districts pursuant to section 122.45 (AND); 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. 82. Minnesota Statutes, 1975 Supplement, 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 (, AND PROVIDED FURTHER THAT). Beginning with the levy certified in (1975) 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.*

Sec. 83. Minnesota Statutes, 1975 Supplement, Section 275.125, Subdivision 6, is amended to read:

Subd. 6. (1) In 1975 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 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. 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 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.

(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.

(3) IN 1977 AND EACH YEAR THEREAFTER, ANY DISTRICT WHICH QUALIFIED IN 1976 FOR AN EXTRA LEVY UNDER CLAUSE (2) SHALL BE ALLOWED TO LEVY THE SAME AMOUNT PER PUPIL UNIT ALLOWED BY THAT CLAUSE, REDUCED BY TWO AND ONE-HALF PERCENT EACH YEAR.)

((4)) (3) 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.

Sec. 84. Minnesota Statutes 1974, Section 275.125, is amended by adding a subdivision to read:

Subd. 6a. (1) In addition to the excess levy authorized in subdivision 6, in 1976 any district within a city of the first class which was authorized in 1975 to make a retirement levy under sections 275.127 and 422A.01 to 422A.25 may levy an amount per pupil unit which is equal to the amount levied in 1975 payable 1976, under sections 275.127 and 422A.01 to 422A.25, divided by the number of pupil units in the district in 1976-1977.

(2) In 1977 and each year thereafter, any district which qualified in 1976 for an extra levy under clause (1) shall be allowed to levy the same amount per pupil unit allowed by that clause, reduced each year by ten percent of the difference between the amount levied for retirement in 1971 under Minnesota Statutes 1971, Sections 275.127 and 422.01 to 422.54 and the amount levied for retirement in 1975 under Minnesota Statutes 1974, Sections 275.127 and 422A.01 to 422A.25.

Sec. 85. Minnesota Statutes, 1975 Supplement, Section 275.-125, Subdivision 7, is amended to read:

Subd. 7. (1) In addition to the excess levy authorized in subdivision 6, any district in Hennepin county or Ramsey county, other than a district with boundaries coterminous with the boundaries of a city of the first class, whose excess levy per pupil unit pursuant to Minnesota Statutes 1974, Section 275.125, Subdivision 3, Clause (5), was among the lowest 20 percent of these levies in such districts shall be allowed in 1975 to make an excess levy if the district has had a decrease in actual pupil units for the previous three years. This additional permitted excess levy per pupil unit shall equal the difference between the excess levy per pupil unit for the district and the average excess levy per pupil unit for the districts in Hennepin and Ramsey counties,

other than districts with boundaries coterminous with the boundaries of a city of the first class, allowed pursuant to Minnesota Statutes 1974, Section 275.125, Subdivision 3, Clause (5), or 2.0 mills times the 1974 adjusted assessed valuation of the property in the district, whichever is less.

(2) In 1976 and each year thereafter, any district which in 1975 qualified for an additional levy under the provisions of clause (1) and which continues to decline in enrollment may levy that same amount per pupil unit plus an amount equal to 2.0 mills times the 1975 adjusted assessed valuation of the taxable property in the district.

(3) IN 1977 AND EACH YEAR THEREAFTER, ANY DISTRICT WHICH IN 1976 QUALIFIED FOR AN ADDITIONAL LEVY UNDER THE PROVISIONS OF CLAUSE (2) AND WHICH CONTINUES TO DECLINE IN ENROLLMENT MAY LEVY THE SAME AMOUNT PER PUPIL UNIT REDUCED BY TWO AND ONE-HALF PERCENT EACH YEAR.)

Sec. 86. Minnesota Statutes, 1975 Supplement, 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, 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 EARC mills not to exceed the number of EARC mills necessary in 1975 to raise \$2 per capita in 1975. These levies shall be used for community services including summer school, nonvocational adult programs, recreation 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 an 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. 624 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) 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.

(4) 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. 87. Minnesota Statutes, 1975 Supplement, 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, subdivision 8a, *clause (1)*, shall reduce the permissible levies authorized by subdivisions 3 to 14 by (25 PERCENT IN 1973, 50 PERCENT IN 1974, 75 PERCENT IN 1975, AND 100 PERCENT FOR EACH YEAR THEREAFTER OF) that portion of the previous year's payment not deducted from foundation aid on account of the payment (, UNLESS SUCH A LEVY REDUCTION IS OTHERWISE REQUIRED BY LAW). 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) 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 section 275.125 to be (SPREAD) *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) *No reduction pursuant to this subdivision shall reduce the levy made by the district pursuant to section 275.125, 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 section 275.125, subdivision 2a, clause (4) shall not be reduced pursuant to this subdivision. The amount of any levy authorized by section 275.125, subdivision 4, to make payments for bonds issued and for interest thereon, shall not be reduced pursuant to this subdivision.

(4) 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 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 1977 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 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. 88. Minnesota Statutes 1974, Section 275.125, is amended by adding a subdivision 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 com-

mittee. When the cumulative proceeds of the 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 which shall be designated "reserve account for purposes of reducing statutory operating debt" on its books and records. This account shall reflect the proceeds of the 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 section 275.125, subdivision 2a, clause (1) or (2) in that same year.

Sec. 89. Minnesota Statutes, 1975 Supplement, Section 275.125, Subdivision 14, is amended to read:

Subd. 14. Districts maintaining a post-secondary vocational-technical school may levy additional amounts as follows:

(1) A district maintaining a post-secondary vocational-technical school shall assume responsibility for a local share of the district post-secondary vocational deficit. The local share shall be 30 percent, or 15 percent in Independent School District Nos. 595 and 793, of the district post-secondary vocational deficit as of July 1, 1975, as certified to the commissioner of education pursuant to section 124.561, subdivision 4.

(2) For the purpose of eliminating the local share of its post-secondary vocational deficit, a district may petition the commissioner of education for authority to make an additional levy. Before such a levy may be made, it must be approved by the commissioner. The approval shall specify the years in which the additional levy may be made and shall specify its dollar amount. No levy so approved shall be made in more than four successive years, beginning with the levy certified in 1975, and shall not annually exceed .25 mills in a district in a city of the first class, 1.5 mills in districts formed pursuant to Laws 1969, Chapter 1060, as amended; Laws 1969, Chapter 775, as amended; or Laws 1967, Chapter 822, as amended, or three mills in any other district maintaining a post-secondary vocational-technical school times the adjusted assessed valuation of the district for the preceding year as determined by the equalization aid review committee. Under no circumstances may a district levy a total amount greater than the local share of its post-secondary vocational deficit as of July 1, 1975, as certified to the commissioner of education.

(3) If the additional levy allowed in clause (2) of this subdivision would be insufficient to eliminate the local share of the

district's post-secondary vocational deficit as of July 1, 1975, as certified to the commissioner of education, it may petition the commissioner of education for authority to issue general obligation bonds in an amount sufficient to meet the deficiency. Before the bonds may be issued, they must be authorized by the commissioner. The authorization shall specify a term not to exceed seven years and the amount of the bond issue, provided that the (LEVY AUTHORIZATION TO PAY THE PRINCIPAL AND INTEREST ON THE BONDS MAY NOT ANNUALLY) amount of principal and interest due in any year on the bonds will not, based on the 1974 adjusted assessed valuation of the district as determined by the equalization aid review committee, exceed .25 mills in a district in a city of the first class, .5 mills in districts formed pursuant to Laws 1969, Chapter 1060, as amended; Laws 1969, Chapter 775, as amended; or Laws 1967, Chapter 822, as amended, or six mills in any other district maintaining a post-secondary vocational-technical school (TIMES THE 1974 ADJUSTED ASSESSED VALUATION OF THE DISTRICT AS DETERMINED BY THE EQUALIZATION AID REVIEW COMMITTEE; PROVIDED, HOWEVER, THAT THE MILL LIMITATION IS SUBJECT TO THE PROVISIONS OF SECTION 475.74). The bonds authorized by this section shall be secured, sold and issued pursuant to the provisions of chapter 475, except as otherwise provided (HEREIN) in this subdivision. The bonds shall not be included in computing any debt limitation for (A) the district and no election shall be required for their sale and issuance.

(4) A district may not be authorized an additional levy under both clauses (2) and (3) of this subdivision.

(5) The state shall assume responsibility for 70 percent, or in Independent School District Nos. 595 and 793 for 85 percent, of a district's post-secondary vocational deficit as of July 1, 1975, as certified to the commissioner of education. The state portion of the deficit shall be paid to each district in fiscal years 1977 and 1978 in two equal payments, provided that the levy for the district's portion of the deficit has been approved by the commissioner and the required portion for the 1975 levy has been certified to the county auditor.

Sec. 90. Minnesota Statutes, 1975 Supplement, Section 275.-125, Subdivision 15, is amended to read:

Subd. 15. Any district which in any year levies an amount which is greater than the amount allowed by subdivisions 2a to 14, shall lose an amount of state foundation aid equal to one-half of the excess in the levy (, PROVIDED THAT). However, if any levy (WHICH) is found to be excessive as a result of a decision of the tax court or a redetermination by the equalization aid review committee under section 124.212, subdivisions 11 to 18, (SHALL NOT BE COMPENSATED FOR IN THE NEXT LEVY OF THE DISTRICT) the amount of the excess shall be deducted from the levy certified in the next year for the same

purpose; provided that if no levy is certified in the next year for the same purpose or if the amount certified is less than the amount of the excess, the excess shall be deducted from that levy and the levy certified pursuant to subdivision 2a. The amount of aid lost shall be deducted from the aid which would otherwise have been received for the school year which commences in the calendar year during which the excessive levy is being collected. Any foundation aid so withheld shall be withheld in accordance with the procedures specified in section 124.15. (A LEVY MADE IN 1971 PRIOR TO THE EFFECTIVE DATE OF EXTRA SESSION LAWS 1971, CHAPTER 31, ARTICLE 20 SHALL BE REVIEWED, AND MAY BE MODIFIED, BY THE APPROPRIATE AUTHORITY OF THE DISTRICT FOR THE PURPOSE OF REDUCING SUCH LEVY TO CONFORM TO THE LIMITATION IMPOSED BY EXTRA SESSION LAWS 1971, CHAPTER 31, ARTICLE 20. ANY REDUCTION IN SUCH LEVY MADE PRIOR TO DECEMBER 15, 1971 SHALL BE GIVEN THE SAME EFFECT AS THOUGH SUCH REDUCTION HAD BEEN MADE PRIOR TO THE EXPIRATION OF THE TIME ALLOWED BY LAW FOR MAKING THE LEVY.)

Sec. 91. Minnesota Statutes, 1975 Supplement, Section 298.-244, Subdivision 1, as amended by Laws 1976, Chapter 18, Section 4, is amended to read:

298.244 [DIVISION OF PROCEEDS OF SUPPLEMENTARY TAX ON TACONITE AND IRON SULPHIDES.] Subdivision 1. The proceeds of the tax collected under section 298.-243 shall be distributed by the commissioner of revenue, to various taxing districts and to the general fund in the following manner:

(1) Ten cents per gross ton of merchantable iron ore concentrate, hereinafter referred to as "taxable ton", on which the tax is imposed in section 298.243, shall be distributed to the county in which the taconite is mined or quarried or in which the concentrate is produced, less any amount which is to be distributed pursuant to clause (1a). The commissioner shall follow the apportionment formula prescribed in section 298.28, subdivision 1. The commissioner of revenue shall make all the necessary calculations and certify these calculations to the county auditor of each qualifying county. Payments provided herein shall be deducted in determining the county government's levy limitations under sections 275.50 to 275.56.

(1a) If an electric power plant owned by and providing the primary source of power for a taxpayer mining and concentrating taconite is located in a county other than the county in which the mining and the concentrating processes are conducted, one cent per gross ton of the tax distributed to the counties pursuant to clause (1) and imposed on and collected from such taxpayer shall be distributed by the commissioner of revenue to the county in which the power plant is located.

(2) Twenty cents per taxable ton, less any amount distributed under clause (2a), shall be distributed to a group of school districts comprised of those school districts wherein the taconite was mined or quarried or the concentrate produced or in which there is a qualifying municipality as defined by section 273.134 or in which is located property which is entitled to the reduction of tax pursuant to section 273.135. The 20 cents, less any amount distributed under clause (2a), shall be distributed in direct proportion to school district tax levies as follows: each district shall receive that portion of the total distribution which its permitted levy for the prior year, computed pursuant to section 275.125, comprises of the sum of permitted levies for the prior year for all qualifying districts, computed pursuant to section 275.125. That portion of the amount so distributed to a school district which is not deducted from state aids in section 124.212, subdivision 8a, shall be included in computing the permissible levies under section 275.125. *For purposes of distributions pursuant to this clause, permitted levies for the prior year computed pursuant to section 275.125 shall not include the amount of any increased levy authorized by referendum pursuant to section 275.125, subdivision 2a, clause (4).*

(2a) In 1976 and each year thereafter, there shall be distributed to any school district the amount which the school district was entitled to receive under section 298.32, in 1975.

(3) One cent per taxable ton shall be deposited in the state treasury to the credit of the iron range resources and rehabilitation commission account in the special revenue fund and is hereby appropriated for the purposes of section 298.22. This money is to be used to provide environmental development grants to local governments located within any county in region 3 as defined in governor's executive order number 60 issued on June 12, 1970, which does not contain a municipality qualifying pursuant to section 273.134.

(4) Eight cents per taxable ton shall be paid to the property tax relief account in the apportionment fund in the state treasury and shall be distributed as provided in sections 273.134 to 273.136.

Sec. 92. Minnesota Statutes 1974, Chapter 422A, is amended by adding a section to read:

[422A.081] [FINANCING OF RETIREMENT BENEFITS OF SCHOOL DISTRICT EMPLOYEES.] *Notwithstanding any law to the contrary, for taxes levied in 1976 and payable in 1977 and thereafter, levies for the cost of the financial requirements of the municipal employees' retirement fund under sections 422A.01 to 422A.25 for employees of the Minneapolis school district are disallowed except as provided in this section and the school district shall assume these costs. Beginning January 1, 1977, the school district shall pay to the retirement fund the*

amount of these costs for each year on the basis of an itemized statement of the employer's share of the financial requirements of the retirement board which are attributable to school district employees. The retirement board shall submit this statement to the school board prior to September 15, 1976 and September 15 of each year thereafter and the school district shall pay the retirement fund pursuant to this section at times designated by the retirement board. The school district may levy for its contribution pursuant to this section only to the extent allowed under section 84 of this act.

Sec. 93. Notwithstanding the provisions of Minnesota Statutes, Sections 16.16 or 16A.57 or any other law to the contrary, the state board for vocational education may expend any part of the amount appropriated by Laws 1975, Chapter 432, Section 96, Clause (11), which is not needed for post-secondary vocational deficit payments, to pay post-secondary vocational foundation aid for the 1976-1977 school year.

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.

Sec. 95. Subdivision 1. The department of education may pay school districts sufficient sums from the appropriations in Laws 1975, Chapter 432, Section 96, Clause (2) for the years ending June 30, 1976 and 1977, to insure that each district receives the same amount for depreciation on buses which are nine or more years of age as of July 1, 1975 as the district would have received for those buses had the depreciation computation remained at ten percent per year for 1976 and 1977 in section 124.222. The state shall not be obligated for any amount in excess of this appropriation in future years because of this change in computation method.

Subd. 2. The department of education may pay \$27,090.75 from the sum appropriated pursuant to Laws 1975, Chapter 432, Section 96, Clause (1) for the year ending June 30, 1976, to Independent School District No. 332 for foundation aid not paid in fiscal years 1972 and 1973.

Subd. 3. The department of education may pay \$5,501.58 from the sum appropriated pursuant to Laws 1975, Chapter 432, Section 96, Clause (1) for the year ending June 30, 1976, to Independent School District Numbers 200, 213, 276, and 492 for payment of unpaid aid for shared time instructional programs determined to be due by the public examiner.

Subd. 4. Notwithstanding the provisions of Laws 1975, Chapter 433, Section 2, Subdivision 9, Paragraph 4, the council on quality education may transfer \$31,110 from the appropriation in Laws 1975, Chapter 433, Section 2, Subdivision 4, Clause (2), to the appropriation in Laws 1975, Chapter 433, Section 2, Subdivision 4, Clause (1).

Subd. 5. Notwithstanding the provisions of Laws 1975, Chapter 433, Section 2, Subdivision 9, any additional federal funds which become available to the state of Minnesota for vocational rehabilitation purposes after March 1, 1976 and April 1 of each fiscal year thereafter as a result of a reallocation of funds returned by other states or release of additional funds may be carried over and expended in the next fiscal year. The state of Minnesota shall have earned these funds in the year they are received with state expenditures in accordance with the federal-state formula in effect for that year.

Subd. 6. After it has completed a financial audit of Independent School District No. 761 for the appropriate years, the department of education may pay any foundation aid found to be due to Independent School District No. 761 for fiscal years 1973, 1974, and 1975 because of accounting errors made by that district in the 1970-71 school year. These payments shall be made from the sum appropriated pursuant to Laws 1975, Chapter 432, Section 96, Clause (1) for the year ending June 30, 1976.

Subd. 7. Notwithstanding the provisions of Laws 1975, Chapter 432, Section 96, Clause 13, no more than \$30,000 may be expended in the fiscal year ending June 30, 1977 for dissemination of information and administration of early childhood identification and education programs pursuant to sections 3.9271 to 3.9275, and for the employment of one unclassified person by the council beyond the existing complement of the department of education for those purposes. Of this \$30,000, no more than \$15,000 may be expended in the fiscal year ending June 30, 1977 for evaluation of these programs.

Sec. 96. There is appropriated from the general fund of the state treasury to the department of education the sum of \$90,000 for the fiscal year ending June 30, 1977. 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 1976-1977 school year, the foundation aid formula allowance per pupil unit shall be \$960 for Independent School District No. 625.

Sec. 97. [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. [EMERGENCY AID.] For emergency aid there is appropriated:

\$300,000 1977.

The appropriation in this subdivision shall be added to the sum appropriated in Laws 1975, Chapter 432, Section 96, Clause (1) for this purpose.

Subd. 3. [SPECIAL EDUCATION AID.] For special education aid there is appropriated:

\$1,000,000 1976,

\$2,925,600 1977.

(a) The appropriations in this subdivision shall be added to the sums appropriated for the years designated in Laws 1975, Chapter 432, Section 96, Clause (3).

(b) The appropriations in this subdivision and in Laws 1975, Chapter 432, Section 96, Clause (3), for the year ending June 30, 1977, include \$2,300,000 for the payment of special education aid for 1976 summer school programs and if the appropriation for this purpose is insufficient, the aid shall be prorated among all qualifying districts. This payment shall be made on the basis and at the rate prescribed for 1975 summer school programs in Minnesota Statutes, 1975 Supplement, Section 124.32, Subdivision 1 and Minnesota Statutes 1974, Section 124.32, Subdivision 2. This payment shall be made on or before October 1, 1976. This payment shall be made notwithstanding the provisions of Minnesota Statutes, 1975 Supplement, Section 124.32, Subdivision 3a.

(c) The appropriations in this subdivision and in Laws 1975, Chapter 432, Section 96, Clause (3), for the year ending June 30, 1977, include \$200,000 for reimbursement of the actual costs incurred by school districts for instruction and services for handicapped children whose districts of residence are determined pursuant to Minnesota Statutes, Section 120.17, Subdivision 8a, and who are temporarily placed in state institutions or licensed residential facilities for care and treatment for the 1975-1976 school year and 1976 summer school. If the appropriation for

this purpose is insufficient, the aid shall be prorated among all qualifying districts. This reimbursement shall be made on the same basis and at the same rate as for the 1974-1975 school year and 1975 summer school pursuant to Minnesota Statutes 1974, Section 124.32, Subdivision 6. This reimbursement shall be made notwithstanding the provisions of Minnesota Statutes, 1975 Supplement, Section 124.32, Subdivision 3a.

(d) The appropriations in this subdivision and in Laws 1975, Chapter 432, Section 96, Clause (3), for the year ending June 30, 1977, include \$2,500,000 for the payment of aid according to the provisions of Minnesota Statutes, 1975 Supplement, Section 124.32, Subdivision 5, for educational programs during the 1975-1976 school year and 1976 summer school. This payment shall be made notwithstanding the annual expenditure limit of \$400,000 specified in Minnesota Statutes, 1975 Supplement, Section 124.32, Subdivision 5, and notwithstanding the provisions of Minnesota Statutes, 1975 Supplement, Section 124.32, Subdivision 3a.

Subd. 4. [ADULT EDUCATION.] For adult education aid there is appropriated:

\$117,925.....1976,

\$178,500.....1977.

The appropriation in this subdivision shall be added to the sums appropriated for the years designated in Laws 1975, Chapter 432, Section 96, Clause (13), and shall be used solely as aid for programs conducted pursuant to Minnesota Statutes, Section 124.26. If the appropriations in this subdivision, when added to the appropriations made pursuant to Laws 1975, Chapter 432, Section 96, Clause (13) are insufficient in either year, the aid shall be prorated among all qualifying districts and the state shall not be obligated for any amount in excess of these appropriations for this purpose.

Subd. 5. [SOUTHEAST ASIAN CHILDREN.] For educational services to Southeast Asian children, there is appropriated:

\$50,000.....1977.

The appropriation in this subdivision shall be used solely for the purpose of section 9 of this act. If the appropriation in this subdivision is insufficient for this purpose, the aids shall be prorated among all qualifying districts and the state shall not be obligated for any amount in excess of this appropriation for this purpose.

Subd. 6. [TRANSFER OF SCHOOL FOR DEAF AND BRAILLE AND SIGHT-SAVING SCHOOL.] For the transfer

of the Minnesota school for the deaf and the Minnesota braille and sight-saving school, there is appropriated:

\$30,000 1977.

The appropriation in this subdivision is for the purpose of planning the transfer of the Minnesota school for the deaf and the Minnesota braille and sight-saving school from under the jurisdiction of the commissioner of welfare to the state board of education. Not to exceed \$20,000 of the appropriation in this subdivision shall be used to hire additional personnel beyond the existing complement of the department of education for this purpose.

Subd. 7. [U.F.A.R.S. IMPLEMENTATION.] For implementation of the uniform financial accounting and reporting system for Minnesota school districts, there is appropriated:

\$250,000 1976.

The appropriation in this subdivision shall be used for dissemination of materials, inservice training of public school personnel, and for additional departmental personnel necessary to implement this system; provided that this appropriation shall not be used to hire more than one professional and one clerical employee beyond the existing complement of the department of education for this purpose. Any unexpended balance remaining from the appropriation in this subdivision shall not cancel but shall be available for the second year of the biennium.

Subd. 8. [GROSS EARNINGS.] For gross earnings aid pursuant to Minnesota Statutes, Section 124.28, there is appropriated:

\$191,442 1977.

(a) The appropriation in this subdivision shall be added to the sum appropriated for the year ending June 30, 1977 in Laws 1975, Chapter 432, Section 96, Clause (20).

(b) The appropriation in this subdivision, when added to the sum appropriated for the year ending June 30, 1977 in Laws 1975, Chapter 432, Section 96, Clause (20), includes \$291,442 which shall be expended to pay \$237,884 to Independent School District No. 181, \$43,980 to Independent School District No. 703, and \$9,578 to Independent School District No. 381, for gross earnings aid not paid in fiscal years 1974 and 1975. These payments pursuant to this clause shall not be prorated pursuant to Minnesota Statutes, Section 124.28, Subdivision 2, among all districts entitled to gross earnings aid, but these payments shall be deemed fiscal year 1977 payments to the designated districts pursuant to Minnesota Statutes, Section 124.28 for other purposes, including

deduction from all foundation aid pursuant to Minnesota Statutes, Section 124.212 and reductions of levies pursuant to Minnesota Statutes, Section 275.125.

Subd. 9. [SPECIAL EDUCATION PROGRAM AND BUDGET REVIEW.] *For special education program and budget review and approval there is appropriated:*

\$150,000 1976.

The appropriation in this subdivision shall be used for the employment of four additional professional employees and two additional clerical employees beyond the existing complement of the department of education, and for other necessary and related expenses incurred in connection with the review and approval of special education programs and budgets. Any unexpended balance remaining from the appropriation in this subdivision shall not cancel but shall be available for the second year of the biennium.

Subd. 10. [BOARD OF TEACHER STANDARDS AND CERTIFICATION.] *For the board of teacher standards and certification and for any successor board or agency, there is appropriated:*

\$30,000 1977.

The appropriation in this subdivision shall be used for the purposes of Minnesota Statutes, Section 125.184, Subdivision 2.

Subd. 11. [CURRICULUM PLANNING, EVALUATION AND REPORTING.] *For the purposes of sections 1 to 5 of this act, there is appropriated:*

\$200,000 1976.

The appropriation in this subdivision includes \$60,000 which shall be expended for the purpose of making grants to demonstration projects pursuant to section 5 of this act. Any unexpended balance remaining from the appropriation in this subdivision shall not cancel but shall be available for the second year of the biennium.

Subd. 12. [ADVISORY TASK FORCE ON NONPUBLIC SCHOOLS.] *To fund the advisory task force on nonpublic schools, there is appropriated:*

\$25,000 1976.

The appropriation in this subdivision shall be used solely for the purposes of section 8 of this act. Any unexpended balance remaining from the appropriation in this subdivision shall not cancel but shall be available for the second year of the biennium.

Subd. 13. [TEEN CORPS.] For the Teen Corps of America-Minnesota Teen Corps, there is appropriated:

\$10,000 1976.

The department shall pay this sum to Teen Corps of America-Minnesota Teen Corps for the purpose of taking referrals of youth under age 20 from school districts or juvenile courts. The money shall be paid on the first day of each month at the rate of \$25 per day per youth provided with room, board, and education during the preceding month. Any unexpended balance remaining from the appropriation in this subdivision shall not cancel but shall be available for the second year of the biennium.

Sec. 98. [REPEALER.] Subdivision 1. Minnesota Statutes 1974, Sections 122.54; 125.185, Subdivision 8; 275.127; 275.39; 275.41; 275.42; and Minnesota Statutes, 1975 Supplement, Section 275.125, Subdivision 11, are repealed.

Subd. 2. Minnesota Statutes 1974, Sections 248.01; 248.02; 248.05; 248.06; and 248.09 are repealed. This subdivision shall be effective July 1, 1977.

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.

Sec. 99. [EFFECTIVE DATES.] Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 19, 20, 24, 35, 36, 37, 38, 42, 43, 44, 46, 48, 50, 53, 54, 55, 63, 64, 78, 88, 89, 90, 94, 95 and 97 shall be effective the day following final enactment. Section 52, subdivisions 7 and 11, shall be effective the day following final enactment. Sections 15, 16, 49, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76 and 77 shall be effective July 1, 1977. Section 13 shall be effective August 15, 1977."

Further strike the title in its entirety and insert the following:

"A bill for an act relating to the operation of government; providing for aids to education, tax levies, and the distribution of tax revenues; changing the funding of special education, adult vocational education, and secondary vocational education to a current funding basis; granting certain powers and duties to school districts, the commissioner of education, the state board of education, and the state board for vocational education; providing for the adoption of the uniform financial accounting and reporting system for Minnesota school districts; transferring the Minnesota school for the deaf and the Minnesota braille and sight-saving school from the jurisdiction of the commissioner of welfare to the state board of education; authorizing and prohibiting certain fees; establishing a uniform definition of school age for all handicapped children; appropriating money; amend-

ing Minnesota Statutes 1974, Sections 120.17, Subdivisions 2 and 5, and by adding subdivisions; 120.73, Subdivision 1; 120.74, Subdivision 1; 121.21 by adding a subdivision; 122.45, Subdivisions 2 and 3a; 123.37, Subdivisions 1 and 1b; 124.212 by adding a subdivision; 124.222 by adding a subdivision; 124.32 as amended; 125.185, Subdivision 4; 246.01; 248.07, Subdivision 3; and 275.125 by adding subdivisions; Chapter 124 by adding sections; and Chapter 422A by adding a section; and Minnesota Statutes, 1975 Supplement, Sections 120.17, Subdivision 1; 121.11, Subdivision 5; 121.165; 122.23, Subdivision 15; 122.45, Subdivision 1; 124.04; 124.17, Subdivisions 1 and 2; 124.212, Subdivisions 8a and 11a; 124.223; 124.26 by adding a subdivision; 124.271, Subdivision 2; 124.43, Subdivision 1; 124.561, Subdivision 3 and by adding a subdivision; 124.562, Subdivision 2; 124.563, Subdivision 3; 124.564; 124.565, Subdivision 2; 124.611, Subdivisions 1 and 2; 268.08, Subdivision 5; 273.138, Subdivision 3; 275.125, Subdivisions 2a, 4, 5, 6, 7, 8, 9, 14 and 15, and by adding subdivisions; and 298.244, Subdivision 1, as amended; repealing Minnesota Statutes 1974, Sections 122.54; 124.28, as amended; 124.281; 124.29; 125.185, Subdivision 8; 248.01; 248.02; 248.05; 248.06; 248.09; 275.127; 275.39; 275.41; and 275.42; and Minnesota Statutes, 1975 Supplement, Section 275.125, Subdivision 11."

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

House Conferees: JOSEPH P. GRABA, CARL M. JOHNSON, SALISBURY ADAMS, BRUCE F. VENTO and TOM K. BERG.

Senate Conferees: JERALD C. ANDERSON, JEROME M. HUGHES, JOSEPH T. O'NEILL, DOUGLAS H. SILLERS and B. ROBERT LEWIS.

Graba moved that the report of the Conference Committee on H. F. No. 1997 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 1997, A bill for an act relating to the operation of state government; providing for aids to education, tax levies and the distribution of tax revenues; changing the funding of special education, adult vocational education and secondary vocational education to a current funding basis; granting certain powers and duties to school districts, the commissioner of education, and the state board of education; establishing a uniform financial accounting and reporting system for Minnesota school districts; requiring the provision of special education on a shared time basis to nonpublic school pupils; appropriating money; amending Minnesota Statutes 1974, Sections 120.17, by adding a subdivision; 120.73, Subdivision 1; 120.74, Subdivision 1; 121.21, by adding a subdivision; 122.45, Subdivisions 2 and 3a; 124.212, by adding a subdivision; 124.32, as amended; Chapter 124, by adding sections; Minnesota Statutes, 1975 Supplement, Sections 122.23, Subdivision 15; 122.45, Subdivision 1; 124.04; 124.17, Subdivisions 1 and 2; 124.212, Subdivision 8a; 124.271, Subdi-

vision 2; 124.43, Subdivision 1; 124.561, Subdivision 3, and by adding a subdivision; 124.562, Subdivision 2; 124.563, Subdivision 3, and by adding a subdivision; 124.564; 124.565, Subdivision 2; 124.611, Subdivisions 1 and 2; 275.125, Subdivisions 2a, 4, 5, 8, 9, and 14; repealing Minnesota Statutes 1974, Sections 122.54 and 275.39.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question being taken on the repassage of the bill and the roll being called, there were yeas 126, and nays 5, as follows:

Those who voted in the affirmative were:

Abeln	Eken	Kelly, R.	Nelsen	Sieloff
Adams, L.	Enebo	Kelly, W.	Nelson	Simoneau
Adams, S.	Erickson	Kempe, A.	Niehaus	Skoglund
Albrecht	Esau	Kempe, R.	Norton	Smith
Anderson, G.	Evans	Ketola	Novak	Smogard
Anderson, I.	Ewald	Knickerbocker	Osthoff	Spanish
Arlandson	Faricy	Knoll	Patton	Stanton
Beauchamp	Fjoslien	Kostohryz	Pehler	Suss
Berg	Forsythe	Kroening	Peterson	Swanson
Berglin	Friedrich	Kvam	Petrafeso	Ulland
Biersdorf	Fudro	Laidig	Philbrook	Vanasek
Braun	George	Langseth	Pleasant	Vento
Brinkman	Graba	Lemke	Prahl	Volk
Byrne	Hanson	Lindstrom	Reding	Voss
Carlson, A.	Haugerud	Luther	Rice	Wenstrom
Carlson, L.	Heimitz	Mangan	St. Onge	Wenzel
Casserly	Hokanson	Mann	Samuelson	White
Clark	Jacobs	McCarron	Sarna	Wieser
Clawson	Jaros	McCauley	Savelkoul	Wigley
Corbid	Jensen	McCollar	Schreiber	Williamson
Dahl	Johnson, C.	McEachern	Schumacher	Zubay
Dean	Jopp	Menning	Searle	Speaker Sabo
DeGroat	Jude	Metzen	Setzepfandt	
Dieterich	Kahn	Moe	Sherwood	
Doty	Kaley	Munger	Sieben, H.	
Eckstein	Kalis	Neisen	Sieben, M.	

Those who voted in the negative were:

Begich	Carlson, R.	Fugina	Johnson, D.	Schulz
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The bill was repassed, as amended by Conference, and its title agreed to.

Anderson, I., moved that the House recess subject to the call of the Chair. The motion prevailed.

RECESS

RECONVENED

The House reconvened and was called to order by the Speaker.

SPECIAL ORDERS

S. F. No. 2309 was reported to the House.

Patton moved that S. F. No. 2309 be continued on Special Orders for one day. The motion prevailed.

H. F. No. 2281 was reported to the House.

Tomlinson moved to amend H. F. No. 2281, as follows:

Page 9, line 14, delete "7" and insert "8".

Page 9, line 20, delete "11" and insert "12".

Page 10, line 26, delete "24" and insert "25".

Page 11, line 23, delete ", subdivision 4".

Page 20, line 1, delete "24" and insert "25".

Page 20, line 20, delete "26" and insert "25".

Page 20, line 22, delete "462.325" and insert "462.525".

Page 20, line 27, delete the comma and "subdivision 2".

Page 22, line 1, delete "15" and insert "16".

Page 27, line 6, delete "24" and insert "25".

Page 28, line 16, delete "subclause" and insert "clause".

Page 28, line 16, after "this" delete "clause" and insert "subdivision".

Page 28, line 21, delete "subclause" and insert "clause".

Page 28, line 25, delete "subclause" and insert "clause".

Page 29, line 21, delete the comma and "subdivision".

Page 29, line 22, delete "2".

Page 30, line 26, delete "24" and insert "25".

Page 36, line 22, delete "24" and insert "25".

Page 38, line 5, delete "24" and insert "25".

Page 12, line 29, after "*acquisition*" insert "*and betterment*".

Page 27, line 4, after "*acquisition*" insert "*and betterment*".

Page 27, line 22, delete "*completion*" and insert "*acquisition and betterment*".

Page 30, line 12, delete "*acquisition*" and insert "*construction*".

Page 33, line 15, delete "*acquired*" and insert "*constructed*".

Page 36, line 21, delete "*acquired*" and insert "*constructed*".

Page 15, line 3, delete everything after "*is*" and insert "*located in the Minneapolis facility*".

Page 15, line 4, delete "*sports*".

Page 16, line 22, delete "*seven county*".

Page 31, line 5, delete "*likely*".

Page 38, line 4, delete "*If a*".

Page 38, delete lines 5 and 6.

Page 38, line 7, delete "*area*".

Page 9, line 10, delete "*recreational and sports*" and insert "*indoor public assembly facilities and sports*".

Page 9, line 11, delete "*auditorium and stadium*".

Page 9, line 30, delete "*public regional sports and auditorium*" and insert "*publicly financed sports facilities and indoor public assembly*".

Page 10, line 8, delete "*regional*".

Page 10, line 9, delete "*auditorium*" and insert "*indoor public assembly*".

Page 10, line 11, delete "*regional*".

Page 10, line 17, delete "*public regional*" and insert "*publicly financed*".

Page 10, line 18, delete "*auditorium*" and insert "*indoor public assembly facility*".

Page 14, line 1, delete "*a stadium at*" and insert "*the sports facility*".

Page 14, line 2, delete "*the site*".

Page 14, line 4, delete "*site*" and insert "*location*".

Page 14, line 8, delete "*stadium site*" and insert "*sports facility*".

Page 14, delete lines 15 to 17, and insert: "*(f) The construction of the sports facility shall be accomplished within the limitations and conditions provided for in section 20, subdivision 3.*".

Page 14, line 25, delete "*through private box lease rate*" and insert "*by means of reductions in lease rates for the use of sports facility private boxes, or by other means, offered in connection with the acquisition of title to real property or clearance of such real property necessary for the construction and operation of a sports facility, as described in clause (h).*".

Page 14, delete lines 26 to 28.

Page 15, line 4, after "*property*" insert "*other than the metropolitan sports area*".

Page 27, line 17, delete "*lease,*" and insert "*use the sports facility for all scheduled regular season home games and play-off and championship home games, and, in the case of the football organization, for at least three of its exhibition games played each season.*".

Page 27, delete lines 18 and 19.

Page 27, line 20, delete "*sports facility*" and insert "*Such agreements shall be*".

Page 30, delete lines 18 to 20 and insert the following: "*(e) None of the proceeds shall be used for acquisition of real property for construction and operation of the sports facility.*".

Page 16, line 9, delete "*transmit*" and insert "*transit*".

Page 20, line 15, before the period insert "*and within the limits of the metropolitan sports area*".

The motion prevailed and the amendment was adopted.

Tomlinson moved to amend H. F. No. 2281, as amended, as follows:

Page 17, line 28, delete everything after "of" and insert "*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 with the term of the governor and the terms of remaining members shall*".

Page 17, delete lines 29 and 30.

Page 18, line 7, after "7" insert ", except that the chairman shall be compensated in the same manner as other commission members".

Page 18, line 13, after "law." insert "*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 1978.*".

Page 24, line 25, after "privilege" insert ", except that the executive director shall be appointed solely according to the provisions of section 12, subdivision 7".

Page 26, line 20, delete "and" and insert a comma.

Page 26, line 21, after "expenditures" insert ", and (c) the financial solvency of each existing publicly financed indoor public assembly facility in the metropolitan area having a simultaneous capacity of at least 8,000 seats and 15,000 square feet of exhibit space".

Page 35, after line 17, insert a subdivision to read:

"Subd. 4. [BUDGET PREPARATION; REVIEW AND APPROVAL.] *Commencing with the operation of a sports facility constructed pursuant to sections 9 to 25 of this act, the commission shall prepare, submit to the council and adopt a budget in the manner provided in, and otherwise comply with, the provisions of section 473.163.*".

Page 35, after line 17 (after the new subdivision 4 above), insert the following:

"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. The council is authorized to examine the commission's books and accounts at any time.*".

Page 35, line 18, delete "4" and insert "6".

The motion prevailed and the amendment was adopted.

Tomlinson moved to amend H. F. 2281, as amended, as follows:

Page 11, line 22, strike "fund".

Page 11, line 22, strike "the fund,".

Page 11, strike line 23.

Page 11, line 24, strike "which are payable".

Page 11, line 24, after "interest" insert "due each year".

Page 11, line 25, strike "debt obligations".

Page 13, lines 11 and 12, strike "the proceeds of bonds issued" and insert "taxes levied".

Page 13, line 12, strike "20" and insert "21".

Page 13, line 12, strike "1," and insert "2."

Page 13, strike line 13.

Page 24, line 4, delete "section 20" and insert "sections 20 and 21".

Page 27, lines 13 and 14, strike "in excess of \$1,500,000,".

Page 29, line 15, strike "general obligation revenue".

Page 29, line 27, after "chapter 475" and before the comma insert "for bonds payable solely from revenues".

Page 29, line 30, after "chapter" and before the period insert "except that there shall be no limit on the interest rates, and the bonds may be sold at any price and at public or private sale as determined by the council, and they shall be payable solely from tax and other revenues referred to in section 21, and shall not be a general obligation or debt of the metropolitan council or of the commission".

Page 30, line 21, strike "in excess of \$1,500,000".

Page 31, strike lines 10 to 22 and insert:

"Subd. 4. [SECURITY.] The tax and other revenues described in section 21 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 14, subdivision 2 and all bonds issued pursuant to this section are fully paid. The bonds referred to in section 14, 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 until these 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 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 net revenues from the date when bonds are first issued under the resolution or indenture, and shall secure not only the payment of principal and interest and redemption premiums when due, but also the maintenance at all times of a reserve securing such payments, to be established from proceeds of the bonds or of the tax authorized in Section 21, Subdivision 2, at the time of first issuance of the bonds or within three years thereafter, in an amount at least equal to the maximum amount of principal and interest (except any amount of term maturity bonds required to be redeemed before maturity) to become due or subject to mandatory redemption in any subsequent year, with respect to all bonds outstanding under the bond resolution or indenture. 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 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, including but not limited to covenants regarding deposit, investment, and disposition of bond proceeds and revenues in the hands of the treasurer or the trustee; construction, acquisition, repair, replacement, operation, and insurance of facilities; funds, accounting, and reports; establishment and revision of rentals, fees, and charges to produce sufficient revenues; conditions of use and agreements for the use of facilities; establishment and maintenance of reserves for working capital, debt service, repairs, and replacements; amendment of covenants and other provisions; conditions for satisfaction and discharge of bond obligations; conditions for issuance of additional bonds as a superior, equal, or subordinate charge on the revenues pledged and the property mortgaged; duties and liabilities of the trustee; events of default and the waiver thereof; remedies, including acceleration; and limitations upon the prosecution of remedies. 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."

Page 31, line 27, after the comma, insert "*but subject to any limitation or prohibition in a bond resolution or indenture,*".

Page 31, line 23, strike "[CERTIFICATES OF INDEBTEDNESS]" and insert "[REVENUE ANTICIPATION CERTIFICATES]".

Page 31, line 30, strike "*general obligation*" and insert "*revenue anticipation*".

Page 31, line 30, following "*certificates*" strike "*of*".

Page 31, line 31, strike "*indebtedness*".

Page 32, line 5, strike "*debt service*".

Page 32, line 12, after "*revenues received*", strike the rest of the line and all of lines 13 and 14 and insert "*, and the council shall raise the rate of the tax not to exceed two percent authorized in section 21, subdivision 2 so far as necessary to restore the deficiency and produce revenues sufficient to pay all costs of operation, maintenance, administration and debt service in the then current and following budget years.*".

Page 33, strike lines 20 to 30 and insert:

"Subd. 2. [ON SALE LIQUOR TAX.] *The council may impose a tax, effective June 1, 1976.*"

Page 34, line 3, strike "*in which a one*".

Page 34, strike lines 4 to 16 and insert "*the commission experiences a cash deficit or the council estimates that the tax and other revenues to be received in the current or following year will not be sufficient to avoid a cash deficit, the council may and shall increase the rate of the tax not to exceed two percent to such percent of the sales price as it estimates will be sufficient to remove any present and prevent any future deficit. It may reduce the rate at any time after 12 months of operation without a deficit, to such rate as it estimates will be adequate to prevent the recurrence of a deficit. Nothing herein shall affect the computation of a deficit requiring contributions from professional sports organizations under section 19, subdivision 3.*".

Page 34, line 25, strike "*and shall be paid*" and insert a period.

Page 34, strike lines 26 to 31.

Page 35, strike lines 28 to 30 and insert "*capital, and shall remit the net revenues to the council at the times and in the amounts required for performance of all of its obligations under sections 14 and 20 and the provisions of any bond resolution or indenture, or required by resolutions adopted by the council consistent therewith.*"

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll being called, there were yeas 116, and nays 10, as follows:

Those who voted in the affirmative were:

Abeln	Enebo	Kelly, R.	Neisen	Sieben, M.
Adams, L.	Erickson	Kelly, W.	Nelsen	Sieloff
Adams, S.	Esau	Kempe, A.	Nelson	Simoneau
Albrecht	Evans	Kempe, R.	Norton	Skoglund
Anderson, G.	Ewald	Ketola	Novak	Smith
Arlandson	Faricy	Knickerbocker	Osthoff	Smogard
Beauchamp	Fjoslien	Knoll	Patton	Stanton
Begich	Forsythe	Kostohryz	Pehler	Swanson
Berg	Friedrich	Kroening	Peterson	Tomlinson
Berglin	Fudro	Laidig	Petrafeso	Ulland
Brinkman	George	Langseth	Philbrook	Vanasek
Carlson, A.	Graba	Lemke	Prahl	Vento
Carlson, L.	Hanson	Lindstrom	Reding	Wenstrom
Carlson, R.	Heinitz	Luther	Rice	Wenzel
Casserly	Hokanson	Mangan	Samuelson	White
Clark	Jacobs	Mann	Sarna	Wieser
Clawson	Jaros	McCarron	Savelkoul	Wigley
Corbid	Jensen	McCauley	Schreiber	Williamson
Dahl	Johnson, C.	McCollar	Schulz	Zubay
Dean	Johnson, D.	McEachern	Schumacher	Speaker Sabo
Dieterich	Jude	Menning	Searle	
Doty	Kahn	Metzen	Setzepfandt	
Eckstein	Kaley	Moe	Sherwood	
Eken	Kalis	Munger	Sieben, H.	

Those who voted in the negative were:

Anderson, I.	Braun	DeGroat	Pleasant	Volk
Biersdorf	Byrne	Niehaus	St. Onge	Voss

The motion prevailed and the amendment was adopted.

Petrafeso moved to amend H. F. No. 2281.

POINT OF ORDER

Savelkoul raised a point of order pursuant to rule 3.9 that the Petrafeso amendment was out of order. The Speaker ruled the point of order well taken and the amendment out of order.

Suss was excused for the remainder of today's session.

Jacobs moved to amend H. F. No. 2281, as amended, as follows:

Page 39, after line 12, insert:

"Sec. 26. [TELEVISION BROADCAST OF GAMES AT STADIUM.] *Subdivision 1. [DEFINITIONS.] For the purposes of this section:*

(1) "Professional sports club" includes any professional football, baseball, or soccer club located in this state which is a tenant of a stadium facility constructed pursuant to sections 9 to 25;

(2) "League television contract" means any joint agreement by or among professional sports clubs by which any league of the clubs sells or otherwise transfers all or part of the rights of the league's member clubs in the sponsored telecasting of the games engaged in or conducted by the clubs;

(3) "Agreement" includes any contract, arrangement, or other understanding;

(4) "Available for purchase by the general public", when used with respect to tickets of admission for seats at a game to be played by a professional sports club, means only those tickets on sale at the stadium where the game is to be played, or, if the tickets are not sold at the stadium, only those tickets on sale at the box office closest to the stadium;

(5) "Metropolitan area" has the meaning given it in section 473.121.

Subd. 2. [RESTRICTIVE AGREEMENTS PROHIBITED.] No professional sports club shall be a party to or benefit from an agreement which would prevent the broadcasting by means of television within the metropolitan area of any game of the club which is to be broadcast by television pursuant to a league television contract and for which 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 have been purchased 72 hours or more before the beginning time. The right to broadcast the game by means of television shall be made available, by the person or persons having such right, to a television broadcast licensee on reasonable terms and conditions unless the broadcasting, by means of television of the game at such time and in such area would be a telecasting which Title 15 U.S.C. Section 1293 is intended to prevent.

Subd. 3. 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 stadium facility is located.

Sec. 27. [SEVERABILITY.] *If section 26 is found to be unconstitutional and void, the remaining provisions of this act shall remain valid.*"

Renumber the remaining sections.

Amend the title:

Page 1, line 12, after the semicolon insert "requiring the television broadcast within the metropolitan area of certain games;"

A roll call was requested and properly seconded.

Ulland moved to amend the Jacobs amendment to H. F. No. 2281, as amended, as follows:

Page 2, line 12, delete "90" and insert "95".

A roll call was requested and properly seconded.

The question was taken on the adoption of the Ulland amendment to the Jacobs amendment and the roll being called, there were yeas 24, and nays 92, as follows:

Those who voted in the affirmative were:

Adams, S.	Doty	Knickerbocker	Schulz	Vanasek
Anderson, G.	Eken	Lindstrom	Setzepfandt	Wenstrom
Brinkman	Erickson	McCauley	Skoglund	Williamson
Casserly	Ewald	Nelsen	Tomlinson	Zubay
Dieterich	Heinitz	Savelkoul	Ulland	

Those who voted in the negative were:

Abeln	Dean	Jopp	Metzen	Sieben, H.
Adams, L.	Eckstein	Jude	Moe	Sieben, M.
Albrecht	Enebo	Kahn	Neisen	Sieloff
Anderson, I.	Esau	Kaley	Nelson	Simoneau
Arlandson	Evans	Kelly, R.	Niehäus	Smogard
Beauchamp	Faricy	Kempe, A.	Norton	Spanish
Begich	Fjoslien	Kempe, R.	Novak	Stanton
Berg	Forsythe	Ketola	Osthoff	Swanson
Berglin	Friedrich	Knoll	Patton	Vento
Biersdorf	Fudro	Kostohryz	Pehler	Volk
Braun	George	Kroening	Peterson	Voss
Byrne	Graba	Kvam	Petrafeso	Wenzel
Carlson, A.	Hanson	Laidig	Pleasant	White
Carlson, L.	Hokanson	Langseth	Prahl	Wieser
Carlson, R.	Jacobs	Lemke	Reding	Wigley
Clark	Jaros	Luther	St. Onge	Speaker Sabo
Clawson	Jensen	Mann	Samuelson	
Corbid	Johnson, C.	McCollar	Sarna	
Dahl	Johnson, D.	McEachern	Schumacher	

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

Tomlinson moved to amend the Jacobs amendment to H. F. No. 2281, as amended, as follows:

Page 2, line 20 after "conditions" insert "including adequate compensation to the commission for the resulting reduction in revenue from tickets and concessions".

A roll call was requested and properly seconded.

The question was taken on the adoption of the Tomlinson amendment to the Jacobs amendment and the roll being called, there were yeas 82, and nays 32, as follows:

Those who voted in the affirmative were:

Adams, L.	Dieterich	Jopp	Moe	Skoglund
Adams, S.	Doty	Kahn	Nelsen	Smith
Anderson, G.	Eken	Kaley	Nelson	Stanton
Arlandson	Enebo	Kelly, R.	Novak	Tomlinson
Begich	Erickson	Kelly, W.	Patton	Ulland
Berg	Esau	Knickerbocker	Pehler	Vanasek
Berglin	Ewald	Knoll	Peterson	Vento
Biersdorf	Faricy	Kostohryz	Petraleso	Wenstrom
Braun	Fjoslien	Kroening	Philbrook	Wenzel
Brinkman	Forsythe	Laidig	Samuelson	White
Byrne	Friedrich	Langseth	Savelkoul	Wigley
Carlson, A.	George	Lemke	Schreiber	Williamson
Carlson, L.	Graba	Lindstrom	Schulz	Zubay
Casserly	Hanson	Mann	Schumacher	Speaker Sabo
Clark	Heinitz	McCarron	Setzepfandt	
Dean	Jaros	McCauley	Sieben, H.	
DeGroat	Johnson, D.	McCollar	Sieloff	

Those who voted in the negative were:

Abeln	Eckstein	Kempe, R.	Niehaus	Simoneau
Albrecht	Hangerud	Ketola	Osthoff	Smogard
Anderson, I.	Hokanson	Kvam	Pleasant	Spanish
Beauchamp	Jacobs	Luther	Prahl	Wieser
Birnstihl	Jensen	McEachern	Sarna	
Clawson	Jude	Metzen	Sherwood	
Corbid	Kempe, A.	Neisen	Sieben, M.	

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

Savelkoul moved to amend the Jacobs amendment to H. F. No. 2281, as amended, as follows:

Page 2, delete lines 5 and 6.

Page 10, delete "metropolitan area" and insert "state of Minnesota".

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

Lindstrom moved to amend the Jacobs amendment, to H. F. No. 2281, as amended, as follows:

Page 2, line 28, after "to be" insert "pre-empted by Federal Law or".

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

The question recurred on the adoption of the Jacobs amendment, as amended, and the roll being called, there were yeas 127, and nays 0, as follows:

Those who voted in the affirmative were:

Abeln	Dieterich	Kaley	Nelsen	Sieben, M.
Adams, L.	Doty	Kalis	Nelson	Sieloff
Adams, S.	Eckstein	Kelly, R.	Niehaus	Simoneau
Albrecht	Eken	Kelly, W.	Norton	Skoglund
Anderson, G.	Enebo	Kempe, A.	Novak	Smith
Anderson, I.	Esau	Kempe, R.	Osthoff	Smogard
Arlandson	Evans	Knickerbocker	Patton	Spanish
Beauchamp	Ewald	Knoll	Pehler	Stanton
Begich	Faricy	Kostohryz	Peterson	Swanson
Berg	Fjoslien	Kvam	Petrafeso	Tomlinson
Berglin	Forsythe	Laidig	Philbrook	Ulland
Biersdorf	Friedrich	Langseth	Pleasant	Vanasek
Birnstihl	Fudro	Lemke	Prahl	Vento
Braun	Fugina	Lindstrom	Reding	Volk
Brinkman	George	Luther	Rice	Voss
Byrne	Graba	Mangan	St. Onge	Wenstrom
Carlson, A.	Hanson	Mann	Samuelson	Wenzel
Carlson, L.	Heinitz	McCarron	Sarna	White
Carlson, R.	Hokanson	McCauley	Savelkoul	Wieser
Casserly	Jacobs	McCollar	Schreiber	Wigley
Clark	Jaros	McEachern	Schulz	Williamson
Clawson	Jensen	Menning	Schumacher	Zubay
Corbid	Johnson, D.	Metzen	Searle	Speaker Sabo
Dahl	Jopp	Moe	Setzepfandt	
Dean	Jude	Munger	Sherwood	
DeGroat	Kahn	Neisen	Sieben, H.	

The motion prevailed and the amendment, as amended, was adopted.

Stanton moved to amend H. F. No. 2281, as amended, as follows:

Page 6, line 10, after "Subd. 2." insert "Except as may be provided in accordance with subdivision 6,".

Page 9, after line 5, insert:

"Subd. 6. Notwithstanding the foregoing provisions for the establishment of regional arts task forces, in any or all of development regions 6E, 6W, or 8, the regional development commission may by resolution request that the Southwest Minnesota Arts and Humanities Council Incorporated perform all of the functions and duties of a regional arts task force within the development region or regions in lieu of establishment of a task

force for that region or regions. If a regional development commission or commissions shall so resolve, the council may perform all of the functions and duties of a regional arts task force within the development region or regions in lieu of establishment of a task force for that region or regions pursuant to Laws 1976, Chapter 3, Section 5, Subdivision 4; provided that nothing contained herein shall be construed to affect or impair authority of the council to accept or disburse other funds which may become available."

The motion prevailed and the amendment was adopted.

Anderson, G., moved to amend H. F. No. 2281.

POINT OF ORDER

Tomlinson raised a point of order pursuant to rule 3.9 that the Anderson, G., amendment was out of order. The Speaker ruled the point of order well taken and the amendment out of order.

McCauley; Reding; Adams, S.; and Sherwood moved to amend H. F. No. 2281, as amended, as follows:

Page 13, lines 5 and 6, delete "three members appointed by the governor" and insert "five members, one appointed by the professional baseball organization which would be a major tenant of the facility, one appointed by the professional football organization which would be a major tenant of the facility and three appointed by the governor, one who shall be a person holding a season ticket to either the professional football or baseball organization who does not reside in the metropolitan area, one expert on business and finance who does not reside in the state and one expert in marketing who does not reside in the state".

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

McCauley, Reding, Sherwood and Adams, S., moved to amend H. F. No. 2281, as amended, as follows:

Page 13, line 6, after "governor" insert "one who shall be a person holding a season ticket to either the professional football or baseball organization who does not reside in the metropolitan area, one expert on business and finance who does not reside in the state and one expert in marketing who does not reside in the state".

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

Hanson moved to amend H. F. No. 2281, as amended, as follows:

Page 13, delete lines 18 and 19 and insert: "*seven-county metropolitan area.*".

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll being called, there were yeas 57, and nays 66, as follows:

Those who voted in the affirmative were:

Albrecht	Doty	Kaley	Novak	Spanish
Anderson, G.	Evans	Kempe, A.	Osthoff	Vanasek
Anderson, I.	Ewald	Kempe, R.	Peterson	Volk
Beauchamp	Fjoslien	Ketola	Philbrook	Voss
Begich	Friedrich	Knickerbocker	Prahl	Wenstrom
Biersdorf	George	Kostohryz	Samuelson	White
Birnstihl	Hanson	Luther	Schulz	Wieser
Braun	Heinitz	McCarron	Schumacher	Wigley
Carlson, L.	Jacobs	McCauley	Sherwood	Zubay
Carlson, R.	Jensen	McCollar	Sieloff	
Clawson	Jopp	Metzen	Simoneau	
DeGroat	Jude	Neisen	Smogard	

Those who voted in the negative were:

Abeln	Eckstein	Kalis	Nelson	Sieben, M.
Adams, L.	Eken	Kelly, R.	Niehaus	Skoglund
Adams, S.	Enebo	Kelly, W.	Norton	Smith
Arlandson	Erickson	Knoll	Pehler	Stanton
Berg	Esau	Kroening	Petrafeso	Tomlinson
Berglin	Forsythe	Kvam	Pleasant	Ulland
Brinkman	Fudro	Laidig	Reding	Vento
Byrne	Fugina	Langseth	Rice	Wenzel
Carlson, A.	Graba	Lemke	Sarna	Williamson
Casserly	Hokanson	Lindstrom	Savelkoul	Speaker Sabo
Clark	Jaros	Mangan	Schreiber	
Dahl	Johnson, C.	Mann	Searle	
Dean	Johnson, D.	Munger	Setzepfandt	
Dieterich	Kahn	Nelsen	Sieben, H.	

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

Mann moved to amend H. F. No. 2281, as amended, as follows:

Page 13, line 17, after "*located*" strike "*within the*" and insert "*in the city of Heron Lake. All highways leading thereto, including highways to the South Dakota border, highways to the Iowa border, and the highways leading to the Twin Cities, including Highway 60 to Madelia, shall be upgraded.*".

Page 13, strike lines 18 and 19.

Eckstein moved to amend the Mann amendment to H. F. No. 2281, as amended, as follows:

Line 2, delete "*Heron Lake*" and insert "*New Ulm*".

A roll call was requested and properly seconded.

The question was taken on the adoption of the Eckstein amendment to the Mann amendment and the roll being called, there were yeas 58, and nays 45, as follows:

Those who voted in the affirmative were:

Adams, L.	Fjoslien	Knoll	Nelson	Simoneau
Beauchamp	Friedrich	Kostohryz	Niehaus	Smith
Birnstihl	Graba	Laidig	Norton	Spanish
Braun	Hanson	Langseth	Novak	Tomlinson
Brinkman	Heinitz	Lemke	Patton	Vanasek
Byrne	Jensen	Lindstrom	Peterson	Wenstrom
Carlson, R.	Johnson, C.	McCollar	Philbrook	Wenzel
Clawson	Johnson, D.	McEachern	St. Onge	Wieser
Dean	Jopp	Metzen	Samuelson	Wigley
DeGroat	Jude	Moe	Schreiber	Speaker Sabo
Doty	Kaley	Neisen	Searle	
Eckstein	Knickerbocker	Nelsen	Setzpfandt	

Those who voted in the negative were:

Arlandson	Corbid	Fugina	Mann	Sieben, M.
Begich	Dieterich	Hokanson	McCarron	Sieloff
Berg	Eken	Jaros	Osthoff	Skoglund
Berglin	Erickson	Kahn	Pehler	Smogard
Biersdorf	Esau	Kelly, W.	Prahl	Stanton
Carlson, A.	Evans	Kempe, A.	Sarna	Ulland
Carlson, L.	Ewald	Ketola	Schulz	Vento
Cassery	Forsythe	Luther	Schumacher	Volk
Clark	Fudro	Mangan	Sieben, H.	White

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

The question recurred on the Mann amendment as amended.

Mann withdrew his amendment as amended.

Schreiber moved to amend H. F. No. 2281, as amended, as follows:

Page 16, line 20, before the period insert “; (vi) the needs of the university of Minnesota for athletic facilities for a prospective 20 year period”.

A roll call was requested and properly seconded.

Williamson moved to amend the Schreiber amendment to H. F. No. 2281, as amended, as follows:

Line 3, after “prospective” delete “20” and insert “10”.

The motion did not prevail and the amendment to the amendment was not adopted.

Williamson moved to amend the Schreiber amendment to H. F. No. 2281, as amended, as follows:

After "period" and "including the consideration as stated in the University of Minnesota long range development plan document entitled "Planning Framework" dated January, 1976".

The motion did not prevail and the amendment to the amendment was not adopted.

The question recurred on the adoption of the Schreiber amendment and the roll being called, there were yeas 70, and nays 56, as follows:

Those who voted in the affirmative were:

Adams, L.	Dean	Kalis	Nelson	Sieben, H.
Anderson, G.	Dieterich	Kelly, R.	Norton	Sieloff
Anderson, I.	Doty	Kelly, W.	Osthoff	Simoneau
Arlandson	Eckstein	Ketola	Patton	Skoglund
Beauchamp	Enebo	Knoll	Pehler	Smith
Berg	Erickson	Kostohryz	Petraleso	Spanish
Berglin	Esau	Kroening	Prahl	Stanton
Byrne	Fudro	Laidig	Rice	Tomlinson
Carlson, A.	George	Lemke	Samuelson	Ulland
Carlson, L.	Hanson	Lindstrom	Sarna	Vanasek
Carlson, R.	Jacobs	Luther	Savelkoul	Voss
Casserly	Johnson, D.	Mann	Schreiber	Wenstrom
Clark	Jude	Menning	Searle	Wenzel
Corbid	Kahn	Munger	Setzepfandt	Speaker Sabo

Those who voted in the negative were:

Abeln	Evans	Jopp	Nelsen	Smogard
Adams, S.	Ewald	Kaley	Niehaus	Swanson
Albrecht	Fjoslien	Kempe, A.	Novak	Volk
Begich	Forsythe	Kempe, R.	Peterson	White
Biersdorf	Friedrich	Knickerbocker	Philbrook	Wieser
Birnstihl	Fugina	Kvam	Pleasant	Wigley
Braun	Graba	Langseth	Reding	Williamson
Brinkman	Heinitz	McCarron	St. Onge	Zubay
Clawson	Hokanson	McCauley	Schulz	
Dahl	Jaros	McCollar	Schumacher	
DeGroat	Jensen	McEachern	Sherwood	
Eken	Johnson, C.	Metzen	Sieben, M.	

The motion prevailed and the amendment was adopted.

Luther moved to amend H. F. No. 2281, as amended, as follows:

Page 21, line 20, after the period insert "The commission shall, with the advice of the state designers selection board, establish the procedures which shall be used for the selection of the persons, firms or corporations to perform the functions of architect, engineer, construction manager and contractor. Such procedures shall include a public hearing on proposals and shall be approved by the council."

The motion prevailed and the amendment was adopted.

Schreiber moved to amend H. F. No. 2281, as amended, as follows:

Page 34, line 1, before "sales" insert "retail on-".

Page 34, line 3, after "area" insert "*and on all retail on-sales of intoxicating liquor and fermented malt beverages at municipal liquor stores within the metropolitan area*".

The motion prevailed and the amendment was adopted.

Kelly, R., moved to amend H. F. No. 2281, as amended, as follows:

Page 35, line 17, before the period add "*except that the commission shall not enter into any contract that permits the other contracting party to reduce the revenues derived by the commission from the sale of tickets*".

The motion prevailed and the amendment was adopted.

Hanson moved to amend H. F. No. 2281, as amended, as follows:

Subdivision 4, page 2 of the language in the third Tomlinson amendment on line 22, strike "*or of the tax authorized*".

Line 23, strike "in section 21, subdivision 2".

Page 32, line 12, reinsert "*in the following budget year*" deleted by the Tomlinson amendment.

Further, delete all of subd. 2 [ON SALE LIQUOR TAX.] starting on page 33, line 20, of the bill as amended by the third Tomlinson amendment and as amended by the second Schreiber amendment.

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll being called, there were yeas 56, and nays 65, as follows:

Those who voted in the affirmative were:

Abeln	Clawson	Ewald	Haugerud	Jude
Biersdorf	Dahl	Faricy	Hokanson	Kaley
Birnstihl	DeGroat	Fjoslien	Jacobs	Kelly, R.
Braun	Dieterich	Friedrich	Jaros	Kempe, A.
Brinkman	Eckstein	George	Jensen	Kempe, R.
Byrne	Evans	Hanson	Jopp	Knickerbocker

Kostohryz	Metzen	Peterson	Searle	Wieser
Kvam	Neisen	Philbrook	Sieloff	Wigley
Lemke	Nelsen	Pleasant	Simoneau	
Mangan	Niehais	Prähl	Volk	
McCarron	Novak	Samuelson	Voss	
McCauley	Osthoff	Sarna	Wenzel	

Those who voted in the negative were:

Adams, L.	Corbid	Ketola	Norton	Sieben, M.
Anderson, G.	Dean	Knoll	Patton	Skoglund
Anderson, I.	Doty	Kroening	Pehler	Smith
Arlandson	Eken	Laidig	Petraleso	Smogard
Beauchamp	Enebo	Langseth	Reding	Spanish
Begich	Erickson	Lindstrom	Rice	Stanton
Berg	Forsythe	Luther	St. Onge	Tomlinson
Berglin	Fugina	Mann	Savelkoul	Ulland
Carlson, A.	Graba	McCollar	Schreiber	Vanasek
Carlson, L.	Johnson, C.	McEachern	Schulz	Vento
Carlson, R.	Johnson, D.	Menning	Schumacher	Wenstrom
Casserly	Kahn	Moe	Setzepfandt	White
Clark	Kelly, W.	Nelson	Sieben, H.	Speaker Sabo

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

Biersdorf moved to amend H. F. No. 2281, as amended, as follows:

Page 13, line 5, after "members" insert "at least one of whom resides anywhere inside the state but outside the metropolitan area".

The motion prevailed and the amendment was adopted.

McCauley, Voss and Kempe, A., moved to amend H. F. No. 2281, as amended, as follows:

Page 29, before line 28, insert "after the approval of the electors in the metropolitan area has been obtained in an election on the question,".

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll being called, there were yeas 57, and nays 68, as follows:

Those who voted in the affirmative were:

Abeln	DeGroat	Fjoslien	Jopp	Kostohryz
Albrecht	Eckstein	Friedrich	Kaley	Kvam
Biersdorf	Erickson	Hanson	Kalis	Lemke
Birnstihl	Esau	Heinitz	Kelly, R.	Luther
Byrne	Evans	Hokanson	Kempe, A.	Mangan
Carlson, L.	Ewald	Jacobs	Kempe, R.	McCarron
Clark	Faricy	Jensen	Knickerbocker	McCauley

McCollar	Osthoff	Sherwood	Voss	Wigley
Neisen	Peterson	Sieloff	Wenstrom	Zubay
Nelsen	Philbrook	Simoneau	Wenzel	
Niehaus	Pleasant	Spanish	White	
Novak	Searle	Volk	Wieser	

Those who voted in the negative were:

Adams, L.	Corbid	Kahn	Nelson	Setzepfandt
Adams, S.	Dahl	Kelly, W.	Norton	Sieben, H.
Anderson, G.	Dean	Ketola	Parish	Sieben, M.
Anderson, I.	Dieterich	Knoll	Patton	Skoglund
Arlandson	Doty	Kroening	Pehler	Smith
Beauchamp	Eken	Laidig	Petrafeso	Smogard
Begich	Enebo	Langseth	Prahl	Stanton
Berg	Forsythe	Lindstrom	Rice	Tomlinson
Berglin	Fudro	Mann	St. Onge	Ulland
Braun	Graba	McEachern	Sarna	Vanasek
Brinkman	Jaros	Menning	Savelkoul	Williamson
Carlson, A.	Johnson, C.	Metzen	Schreiber	Speaker Sabo
Carlson, R.	Johnson, D.	Moe	Schulz	
Cassery	Jude	Munger	Schumacher	

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

Pleasant moved to amend H. F. No. 2281, as amended by the Schreiber amendment to page 16, line 20, as follows:

After the word "period" insert "shall be provided at both sites".

The motion prevailed and the amendment was adopted.

Adams, L., Luther and Carlson, L., moved to amend H. F. No. 2281, as amended, as follows:

Page 29, after line 7, insert:

"Subd. 7. Agreements shall be executed by the professional baseball and football organizations to offer at least seven percent of all admission tickets for each game played in the facility to the general public on a first come first served basis. The tickets shall be offered individually and shall not be sold so as to constitute a season ticket. The tickets offered under this subdivision shall be for seats chosen by lot which are located throughout the stadium in every price range of tickets, and shall include a proportional number in all price ranges."

Setzepfandt moved to amend the Adams, L., amendment to H. F. No. 2281, as amended, as follows:

Strike the last sentence.

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

The question recurred on the adoption of the Adams, L., Luther and Carlson, L., amendment as amended. The motion prevailed and the amendment as amended was adopted.

Dahl and Jude moved to amend H. F. No. 2281, as amended, as follows:

Page 34, line 19, after "*Scott county*" insert "*and also shall not include those portions of the city of Hanover and the city of Rockford that are located in Hennepin County*".

The motion prevailed and the amendment was adopted.

Hanson moved to amend H. F. No. 2281, as amended, as follows:

Page 34, line 18, delete "*not include that portion of the*".

Page 34, line 19, delete "*city of New Prague that is located in Scott county and also shall not include those portions of the city of Hanover and the city of Rockford that are located in Hennepin county*" and insert "*only apply to the county in which the stadium is located*".

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll being called, there were yeas 40, and nays 78, as follows:

Those who voted in the affirmative were:

Birnstihl	Fjoslien	Kaley	Moe	Sherwood
Braun	Friedrich	Kelly, R.	Neisen	Sieloff
Byrne	Fugina	Kempe, A.	Nelsen	Simoneau
DeGroat	George	Kempe, R.	Novak	Spanish
Dieterich	Hanson	Kostohryz	Osthoff	Vanasek
Eckstein	Heinitz	Lemke	Peterson	Volk
Evans	Jensen	Mangan	Philbrook	Wieser
Faricy	Jopp	Metzen	Prahl	Wigley

Those who voted in the negative were:

Abeln	Carlson, R.	Graba	Kroening	Parish
Adams, L.	Casserly	Hokanson	Kvam	Pehler
Adams, S.	Clark	Jacobs	Laidig	Petrafeso
Anderson, G.	Clawson	Jaros	Langseth	Pleasant
Anderson, I.	Corbid	Johnson, C.	Lindstrom	Reding
Arlandson	Dahl	Johnson, D.	Luther	Rice
Beauchamp	Dean	Jude	Mann	Sarna
Begich	Doty	Kahn	McCollar	Savelkoul
Berg	Eken	Kalis	Menning	Schreiber
Berglin	Enebo	Kelly, W.	Munger	Schulz
Brinkman	Ewald	Ketola	Nelson	Schumacher
Carlson, A.	Forsythe	Knickerbocker	Niehaus	Setzepandt
Carlson, L.	Fudro	Knoll	Norton	Sieben, H.

Sieben, M.	Smogard	Tomlinson	Wenzel	Speaker Sabo
Skoglund	Stanton	Ulland	White	
Smith	Swanson	Wenstrom	Williamson	

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

Hanson moved to amend H. F. No. 2281, as amended by the Tomlinson amendment, as follows:

Page 33, delete all of the language in Subd. 2., and insert the following:

"Subd. 2. [ADDITIONAL TAX.] If in any year the commission experiences a cash deficit or the council estimates that the tax and other revenues to be received in the current or following year will not be sufficient to avoid a cash deficit, the council shall increase the rate of the tax described in Subdivision 1 to such percent as it estimates will be sufficient to remove any present and prevent any future deficit. It may reduce the rate at any time after twelve months of operation without a deficit, to such rate as it estimates will be adequate to prevent the recurrence of a deficit. Nothing herein shall affect the computation of a deficit requiring contributions from professional sports organizations under section 19, subdivision 3."

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

Anderson, I., moved to amend H. F. No. 2281, as amended, as follows:

Page 7, line 13, after "area" insert "*Such guidelines or criteria shall ensure an equitable distribution of benefits to smaller cities and towns and rural areas but shall not be based upon population*".

Page 7, line 13, delete "*and shall ensure an*".

Page 7, delete all of line 14.

Page 7, line 15, delete "*towns and rural areas*".

The motion prevailed and the amendment was adopted.

CALL OF THE HOUSE

On the motion of Tomlinson and on the demand of 10 members, a call of the House was ordered. The following members answered to their names:

Abeln	Adams, L.	Adams, S.	Albrecht	Anderson, G.
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Anderson, I.	Enebo	Kaley	Nelson	Sieben, M.
Arlandson	Erickson	Kalis	Niehaus	Sieloff
Begich	Esau	Kelly, R.	Norton	Simoneau
Berg	Evans	Kelly, W.	Novak	Skoglund
Berglin	Ewald	Kempe, A.	Osthoff	Smith
Biersdorf	Faricy	Kempe, R.	Parish	Smogard
Birnstihl	Fjoslien	Ketola	Patton	Spanish
Braun	Forsythe	Knickerbocker	Pehler	Stanton
Brinkman	Friedrich	Knoll	Peterson	Swanson
Byrne	Fudro	Kostohryz	Philbrook	Tomlinson
Carlson, A.	Fugina	Kroening	Pleasant	Ulland
Carlson, L.	George	Kvam	Prahl	Vanasek
Carlson, R.	Graba	Laidig	Reding	Vento
Casserly	Hanson	Langseth	St. Onge	Volk
Clark	Heinitz	Lemke	Samuelson	Voss
Clawson	Hokanson	Lindstrom	Sarna	Wenstrom
Corbid	Jacobs	Luther	Savelkoul	Wenzel
Dahl	Jaros	Mangan	Schreiber	White
Dean	Jensen	Mann	Schulz	Wieser
DeGroat	Johnson, C.	McCollar	Schumacher	Williamson
Dieterich	Johnson, D.	Metzen	Searle	Zubay
Doty	Jopp	Munger	Setzepfandt	Speaker Sabo
Eckstein	Jude	Neisen	Sherwood	
Eken	Kahn	Nelsen	Sieben, H.	

Tomlinson moved that further proceedings of the roll call be dispensed with and that the Sergeant at Arms be instructed to bring in the absentees. The motion prevailed and it was so ordered.

H. F. No. 2281, A bill for an act relating to cultural and recreational activities; prescribing powers and duties of the state board of arts; establishing a local arts development program and a program of general operating support for major arts institutions; requiring a certificate of need for construction of certain new public regional sports and auditorium facilities; creating an arbitration panel and prescribing its powers and duties; creating the metropolitan sports facilities commission and prescribing its powers and duties; authorizing the metropolitan council to issue bonds and levy taxes; 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; appropriating money; amending Minnesota Statutes 1974, Chapters 139 and 473, by adding sections; Minnesota Statutes, 1975 Supplement, Sections 139.08, Subdivision 5; 139.10, Subdivisions 1 and 2 and by adding a subdivision; repealing Minnesota Statutes 1974, Section 340.11, Subdivision 11a.

The bill was read for the third time, as amended, and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 69, and nays 62, as follows:

Those who voted in the affirmative were:

Adams, L.	Dahl	Kelly, W.	Munger	Sieben, H.
Adams, S.	Dean	Ketola	Nelson	Sieben, M.
Anderson, G.	Doty	Knoll	Norton	Simoneau
Anderson, I.	Eken	Kroening	Patton	Skoglund
Arlandsham	Enebo	Laidig	Pehler	Stangard
Beauchamp	Fudro	Langseth	Petrafeso	Stanton
Begich	Fugina	Lindstrom	Reding	Swanson
Berg	George	Mangan	Rice	Tomlinson
Berglin	Graba	Mann	Samuelson	Ulland
Carlson, A.	Jacobs	McCarron	Sarna	Vanasek
Carlson, L.	Jaros	McCauley	Savelkoul	Wenzel
Carlson, R.	Johnson, C.	McCollar	Schreiber	Williamson
Casserly	Johnson, D.	Menning	Schulz	Speaker Sabo
Corbid	Kahn	Metzen	Schumacher	

Those who voted in the negative were:

Abeln	Esau	Kaley	Nelsen	Sieloff
Albrecht	Evans	Kalis	Niehaus	Smith
Biersdorf	Ewald	Kelly, R.	Novak	Spanish
Birnstihl	Faricy	Kempe, A.	Osthoff	Vento
Braun	Fjoslien	Kempe, R.	Parish	Volk
Brinkman	Forsythe	Knickerbocker	Peterson	Voss
Byrne	Friedrich	Kostohryz	Philbrook	Wenstrom
Clark	Hanson	Kvam	Pleasant	White
Clawson	Heinitz	Lemke	Prahl	Wieser
DeGroat	Hokanson	Luther	St. Onge	Zubay
Dieterich	Jensen	McEachern	Searle	
Eckstein	Jopp	Moe	Setzepfandt	
Erickson	Jude	Neisen	Sherwood	

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

There being no objection the order of business reverted to Messages From the Senate.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned:

H. F. No. 2175, A bill for an act relating to taxation; altering calculation of levy limit base adjustments; amending Minnesota Statutes, 1975 Supplement, Section 275.52, Subdivision 4.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee, consist-

ing of 3 members of the Senate, on the amendments adopted by the Senate to the following House File:

H. F. No. 2492, A bill for an act relating to environmental protection; limiting the sale and use of organic compounds known as polychlorinated biphenyls; permitting exemptions; requiring labels; defining terms; providing penalties.

The Senate has appointed as such committee Messrs. Conzemius, Ashbach and Borden.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the adoption by the Senate of the following House Concurrent Resolution, herewith returned:

House Concurrent Resolution No. 24

A Concurrent Resolution relating to the delivery of bills to the governor after final adjournment.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

H. F. No. 1827, 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 out-patient treatment of alcoholism, chemical dependency or drug addiction; amending Minnesota Statutes 1974, Section 62A.149.

The Senate has repassed said bill, in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

H. F. No. 1330, A bill for an act relating to labor; directing the commissioner of labor and industry to enforce the prohibition against administering polygraph tests to employees; prescribing penalties; amending Minnesota Statutes 1974, Section 181.75; repealing Minnesota Statutes 1974, Section 181.77.

The Senate has repassed said bill, in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee, consisting of 3 members of the Senate, on the amendments adopted by the Senate to the following House File:

H. F. No. 354, A bill for an act relating to public welfare; providing for the licensing of facilities and services for the handicapped and children; prescribing penalties; amending Minnesota Statutes 1974, Section 252.28; repealing Minnesota Statutes 1974, Sections 245.78; 245.79; 245.80; 245.81; 245.82; 257.081; 257.082; 257.091; 257.101; 257.102; 257.111; 257.123; and 257.124.

The Senate has appointed as such committee Messrs. North and Milton and Mrs. Brataas.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 2657, A bill for an act relating to natural resources; increasing certain permit and license fees; authorizing the issuance of Minnesota sportsman licenses; appropriating money; amending Minnesota Statutes 1974, Sections 85.05, Subdivision 2; 98.46, Subdivisions 2, 4, 7, 8, 9, 14, 15, 16, 17, as amended, 19, and by adding a subdivision; 101.44; and Chapter 105, by adding a section; and Minnesota Statutes, 1975 Supplement, Section 98.46, Subdivision 5.

PATRICK E. FLAHAVEN, Secretary of the Senate

Kahn moved that the House refuse to concur in the Senate amendments to H. F. No. 2657, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two Houses. The motion prevailed.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 1940, A bill for an act relating to the legislature; establishing a council on the economic status of women; appropriating money; repealing Minnesota Statutes 1974, Section 363.04, Subdivisions 7 and 8.

PATRICK E. FLAHAVEN, Secretary of the Senate

Enebo moved that the House refuse to concur in the Senate amendments to H. F. No. 1940, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two Houses. The motion prevailed.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 2019, A bill for an act relating to controlled substances; scheduling certain substances; amending Minnesota Statutes 1974, Section 152.02, Subdivisions 2, 3, 4, 5, and by adding a subdivision.

PATRICK E. FLAHAVEN, Secretary of the Senate

Clawson moved that the House refuse to concur in the Senate amendments to H. F. No. 2019, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two Houses. The motion prevailed.

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendments to:

S. F. No. 175, A bill for an act relating to corrections; increasing the scope of the jurisdiction and power of the ombudsman; preserving the rights of complainants; providing a penalty for persons hindering the ombudsman; removing an expiration date; appropriating money; amending Minnesota Statutes 1974, Sections 241.42, Subdivision 2; 241.44, Subdivisions 1 and 3, and by adding a subdivision; and Chapter 241, by adding a section; repealing Minnesota Statutes 1974, Section 241.42, Subdivision 4; and Laws 1973, Chapter 553, Section 7.

And the Senate respectfully requests that a Conference Committee of 3 members be appointed thereon. Messrs. Conzemius, Renneke and Lewis have been appointed as such committee on the part of the Senate.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

PATRICK E. FLAHAVEN, Secretary of the Senate

Clark moved that the House accede to the request of the Senate for the appointment of a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two Houses on S. F. No. 175. The motion prevailed.

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendments to:

S. F. No. 320, A bill for an act relating to taxation; increasing the percentage of unrefunded gasoline excise taxes attributable to snowmobile operation; appropriating money; amending Minnesota Statutes 1974, Sections 296.16, Subdivision 1; and 296.421, Subdivisions 6 and 7.

And the Senate respectfully requests that a Conference Committee of 3 members be appointed thereon. Messrs. Olhoff, Willet and Fitzsimons have been appointed as such committee on the part of the Senate.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

PATRICK E. FLAHAVEN, Secretary of the Senate

Prahl moved that the House accede to the request of the Senate for the appointment of a Conference Committee of 3 members

of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two Houses on S. F. No. 320. The motion prevailed.

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendments to:

S. F. No. 1959, A bill for an act relating to health facilities; establishing an office of health facility ombudsman; appropriating money.

And the Senate respectfully requests that a Conference Committee of 3 members be appointed thereon. Messrs. Keefe, S. and Milton and Mrs. Brataas have been appointed as such committee on the part of the Senate.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

PATRICK E. FLAHAVEN, Secretary of the Senate

Volk moved that the House accede to the request of the Senate for the appointment of a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two Houses on S. F. No. 1959. The motion prevailed.

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendments to:

S. F. No. 2032, A bill for an act relating to public welfare; establishing pilot programs for community mental health treatment; appropriating money; amending Minnesota Statutes 1974, Chapter 245, by adding a section.

And the Senate respectfully requests that a Conference Committee of 3 members be appointed thereon. Messrs. Moe, Knutson and Hughes have been appointed as such committee on the part of the Senate.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

PATRICK E. FLAHAVEN, Secretary of the Senate

Hanson moved that the House accede to the request of the Senate for the appointment of a Conference Committee of 3

members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two Houses on S. F. No. 2032. The motion prevailed.

Mr. Speaker:

I hereby announce the adoption by the Senate of the following Senate Concurrent Resolution, herewith transmitted:

Senate Concurrent Resolution No. 13.

A Concurrent Resolution designating June 26, 1976 as Freedom Fest '76, a celebration of freedom from alcohol and drug dependency.

PATRICK E. FLAHAVER, Secretary of the Senate

Senate Concurrent Resolution No. 13 was referred to the Committee on Rules and Legislative Administration.

ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to the Conference Committee on S. F. No. 320:

Prahl, Eken and McCauley.

The Speaker announced the appointment of the following members of the House to the Conference Committee on H. F. No. 2019:

Clawson, Forsythe and Berglin.

The Speaker announced the appointment of the following members of the House to the Conference Committee on S. F. No. 175:

Clark, McCarron and Nelson.

The Speaker announced the appointment of the following members of the House to the Conference Committee on S. F. No. 1959:

Swanson, Berglin and Heinitz.

The Speaker announced the appointment of the following members of the House to the Conference Committee on S. F. No. 2032:

Hanson, Samuelson and McCarron.

The Speaker announced the appointment of the following members of the House to the Conference Committee on H. F. No. 1940:

Enebo, Kahn and Forsythe.

The Speaker announced the appointment of the following members of the House to the Conference Committee on H. F. No. 2657:

Kahn, Vento and Searle.

There being no objection, upon the motion of Faricy, General Orders will not be reprinted for Friday, April 2, 1976.

Anderson, I., moved that the remaining bills on Special Orders for today be continued on Special Orders for Friday, April 2, 1976, immediately following the Calendar. The motion prevailed.

ADJOURNMENT

Anderson, I., moved that when the House adjourns today it adjourn until 11:00 a.m., Friday, April 2, 1976. The motion prevailed.

Anderson, I., moved that the House adjourn. The motion prevailed and the Speaker declared the House adjourned until 11:00 a.m., Friday, April 2, 1976.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

STATE OF MINNESOTA

SIXTY-NINTH SESSION - 1976

ONE HUNDRED-FOURTH DAY

SAINT PAUL, MINNESOTA, FRIDAY, APRIL 2, 1976

The House convened at 11:00 a.m. and was called to order by the Speaker.

Prayer was offered by the Chaplain.

The roll was called and the following members were present:

Abeln	Doty	Kahn	Munger	Sherwood
Adams, L.	Eckstein	Kaley	Neisen	Sieben, H.
Adams, S.	Eken	Kalis	Nelsen	Sieben, M.
Albrecht	Enebo	Kelly, R.	Nelson	Sieloff
Anderson, G.	Erickson	Kelly, W.	Niehaus	Simoneau
Anderson, I.	Esau	Kempe, A.	Norton	Skoglund
Arlandson	Evans	Kempe, R.	Novak	Smith
Beauchamp	Ewald	Ketola	Osthoff	Smogard
Begich	Faricy	Knickerbocker	Parish	Spanish
Berg	Fjoslien	Knoll	Patton	Stanton
Berglin	Forsythe	Kostohryz	Pehler	Suss
Biersdorf	Friedrich	Kroening	Peterson	Swanson
Birnstihl	Fudro	Kvam	Petrafero	Tomlinson
Braun	Fugina	Laidig	Philbrook	Ulland
Brinkman	George	Langseth	Pleasant	Vanasek
Byrne	Graba	Lemke	Prahl	Vento
Carlson, A.	Hanson	Lindstrom	Reding	Voss
Carlson, L.	Haugerud	Luther	Rice	Wenstrom
Carlson, R.	Heinitz	Mangan	St. Onge	Wenzel
Casseri	Hokanson	Mann	Samuelson	White
Clark	Jacobs	McCarron	Sarna	Wieser
Clawson	Jaros	McCauley	Savelkoul	Wigley
Corbid	Jensen	McCollar	Schreiber	Williamson
Dahl	Johnson, C.	McEachern	Schulz	Zubay
Dean	Johnson, D.	Menning	Schumacher	Speaker Sabo
DeGroat	Jopp	Metzen	Searle	
Dieterich	Jude	Moe	Setzepfandt	

A quorum was present.

Volk was excused.

The Chief Clerk proceeded to read the Journal of the preceding day. On the motion of Vanasek the further reading was dispensed with the Journal was approved as corrected.

REPORTS OF CHIEF CLERK

Pursuant to Rules of the House, printed copies of H. F. No. 2281 has been placed in the members' files.

PETITIONS AND COMMUNICATIONS

The following communication was received:

STATE OF MINNESOTA
OFFICE OF THE GOVERNOR
ST. PAUL 55155

April 1, 1976

The Honorable Martin Sabo
Speaker of the House

Sir:

I have the honor to inform you that I received, approved, signed and deposited in the office of the Secretary of State the following House Files:

H. F. No. 595, An Act relating to retirement; authorized expenditures of firemen's relief associations.

H. F. No. 1957, An act relating to natural resources; providing general condemnation power upon obtaining consent of the landowner.

H. F. No. 1963, An act relating to the city of Mound; firemen's service pensions.

H. F. No. 1966, An act relating to judges; authorizing certain retired judges and their dependents to participate in the state employee hospital benefits and medical benefits program.

H. F. No. 2010, An act relating to the cities of Eveleth and Duluth; an increase in police pensions in the city of Eveleth; police survivor benefits in the city of Duluth.

H. F. No. 2090, An act relating to the city of Worthington; volunteer firemen's service pensions.

H. F. No. 2216, An act relating to interim claims against the state; appropriating moneys for the payment thereof.

H. F. No. 2244, An act relating to public employment labor relations; providing for determination of the fair share fee; providing for appeal of that determination.

H. F. No. 2326, An act relating to highway traffic regulations; driving restrictions on certain juveniles.

H. F. No. 2463, An act relating to highway traffic regulations; defining terms; authorizing flashing lights on certain vehicles; authorizing certain vehicles to be equipped with a flashing amber lamp and to display the lighted lamp under certain conditions.

Sincerely,

WENDELL R. ANDERSON
Governor

HOUSE ADVISORY BILLS

Pursuant to Rule 5.3, the following House Advisory Bills were introduced:

Fugina introduced:

H. A. B. No. 81, To study the reapportionment of St. Louis county by the Legislature.

The bill was referred to the Committee on General Legislation and Veterans Affairs.

Munger; Anderson, G.; Wenstrom; Searle and Schumacher introduced:

H. A. B. No. 82, Minnesota agricultural conservation program.

The bill was referred to the Committee on Environment and Natural Resources.

Lemke and Eken introduced:

H. A. B. No. 83, Seasonal motor vehicle registration study.

The bill was referred to the Committee on Transportation.

The following conference committee reports were received:

CONFERENCE COMMITTEE REPORT ON H. F. NO. 2204

A bill for an act relating to collection and dissemination of data; providing definitions; requiring a public document on data collection; authorizing audits of data collection practices and policies; providing for emergency classification in certain situations; amending Minnesota Statutes 1974, Section 15.17, Subdivision 4; and Minnesota Statutes, 1975 Supplement, Sec-

tions 15.162, Subdivisions 2a, 4, 5a and 8; 15.163, Subdivisions 1 and 2.

March 31, 1976

The Honorable Martin O. Sabo
Speaker of the House of Representatives
The Honorable Alec G. Olson
President of the Senate

We, the undersigned conferees for H. F. No. 2204 report that we have agreed upon the items in dispute and recommend as follows:

That H. F. No. 2204 be amended as follows:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1974, Section 15.162, is amended by adding a subdivision to read:

Subd. 1a. "Arrest information" shall include (a) the name, age, and address of an arrested individual; (b) the nature of the charge against the arrested individual; (c) the time and place of the arrest; (d) the identity of the arresting agency; (e) information as to whether an individual has been incarcerated and the place of incarceration. "Arrest information" does not include data specifically made private, confidential or nonpublic pursuant to section 260.161 or any other statute.

Sec. 2. Minnesota Statutes, 1975 Supplement, Section 15.162, Subdivision 2a, is amended to read:

Subd. 2a. "Confidential data on individuals" means data which is : (a) made not public (BUT IS (A) EXPRESSLY MADE CONFIDENTIAL BY LAW AS) 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; (C) DATA WHICH SUPPLIES THE BASIS FOR THE DIAGNOSIS OF THE MEDICAL OR PSYCHIATRIC CONDITION OF AN INDIVIDUAL AS DETERMINED BY A LICENSED PHYSICIAN). Confidential data on individuals does not include arrest information that is reasonably contemporaneous with an arrest or incarceration. The provision of clause (b) in this subdivision 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, whichever occurs first.

Sec. 3. Minnesota Statutes, 1975 Supplement, Section 15.162, Subdivision 5, is amended to read:

Subd. 5. "Political subdivision" includes counties, municipalities, school districts and any boards, commissions, districts or authorities created pursuant to local ordinance. It includes any nonprofit corporation which is a community action agency organized to qualify for public funds, or any nonprofit social service agency which performs services under contract to any political subdivision, statewide system or state agency, *to the extent that the nonprofit social service agency or nonprofit corporation collects, stores, disseminates, and uses data on individuals because of a contractual relationship with state agencies, political subdivisions or statewide systems.*

Sec. 4. Minnesota Statutes, 1975 Supplement, Section 15.162, Subdivision 5a, is amended to read:

Subd. 5a. "Private data on individuals" means data which is *made by statute or federal law applicable to the data: (a) not public (BUT WHICH BY LAW); and (b) (IS) accessible to the individual subject of that data. Private data on individuals does not include arrest information that is reasonably contemporaneous with an arrest or incarceration.*

Sec. 5. Minnesota Statutes, 1975 Supplement, Section 15.162, Subdivision 8, is amended to read:

Subd. 8. "Statewide system" includes any record-keeping system in which data on individuals is collected, stored, disseminated and used by means of a system common to one or more state agencies (OF THE STATE) or more than one of its political subdivisions or any combination of state agencies and political subdivisions.

Sec. 6. Minnesota Statutes, 1975 Supplement, Section 15.163, Subdivision 1, is amended to read:

15.163 [REPORTS TO THE LEGISLATURE.] Subdivision 1. On or before August 1 (OF EACH YEAR), 1976, the responsible authority shall (DOCUMENT AND FILE A REPORT WITH THE COMMISSIONER OF ADMINISTRATION, WHICH SHALL BE A PUBLIC RECORD. THE REPORT SHALL CONTAIN THE FOLLOWING INFORMATION:)

((A) THE TITLE, NAME, AND ADDRESS, OF THE RESPONSIBLE AUTHORITY.)

((B) A STATEMENT OF WHICH RECORDS CONTAINING DATA ON INDIVIDUALS MAINTAINED BY THE RESPONSIBLE AUTHORITY ARE CLASSIFIED AS CONFIDENTIAL AND WHICH ARE CLASSIFIED AS PRIVATE. THE RESPONSIBLE AUTHORITY SHALL SUBMIT SAM-

PLE COPIES OF ANY FORMS WHICH WILL, WHEN EXECUTED, CONTAIN DATA ON INDIVIDUALS CLASSIFIED AS PRIVATE OR CONFIDENTIAL.)

((C) THE PURPOSE FOR WHICH PRIVATE OR CONFIDENTIAL DATA ON INDIVIDUALS IS AUTHORIZED TO BE USED, COLLECTED, DISSEMINATED AND STORED.)

((D) THE RESPONSIBLE AUTHORITY'S POLICIES AND PRACTICES REGARDING STORAGE, DURATION OF RETENTION, AND DISPOSAL OF DATA ON INDIVIDUALS, INCLUDING A DESCRIPTION OF THE PROVISIONS FOR MAINTAINING THE INTEGRITY OF PRIVATE AND CONFIDENTIAL DATA ON INDIVIDUALS.) *prepare a public document containing his name, title and address, and a description of each category of record, file, or process relating to private or confidential data on individuals maintained by his state agency, statewide system, or political subdivision. Forms used to collect private and confidential data shall be included in the public document. Beginning August 1, 1977 and annually thereafter, the responsible authority shall update the public document and make any changes necessary to keep it accurate.*

Sec. 7. Minnesota Statutes, 1975 Supplement, Section 15.163, Subdivision 2, is amended to read:

Subd. 2. (ON OR BEFORE DECEMBER 1 OF EACH YEAR,) The commissioner (SHALL PREPARE A REPORT TO THE LEGISLATURE SUMMARIZING THE INFORMATION FILED BY) *may require responsible authorities (PURSUANT TO SUBDIVISION 1 AND NOTIFYING THE LEGISLATURE OF ANY PROBLEMS RELATING TO THE ADMINISTRATION, IMPLEMENTATION AND ENFORCEMENT OF SECTIONS 15.162 TO 15.168 WHICH MIGHT, IN HIS OPINION, REQUIRE LEGISLATIVE ACTION) to submit copies of the public document required in subdivision 1, and may request additional information relevant to data collection practices, policies and procedures.*

Sec. 8. Minnesota Statutes 1974, Chapter 15, is amended by adding a section to read:

[15.1642] [EMERGENCY CLASSIFICATION.] *Subdivision 1. [APPLICATION.] The responsible authority of a state agency, political subdivision or statewide system may apply to the commissioner for permission to classify data or types of data under section 15.162, subdivision 2a or 5a, for its own use and for the use of other similar agencies, subdivisions or systems on an emergency basis until a proposed statute can be acted upon by the legislature. The application for emergency classification is public data.*

Subd. 2. [CONTENTS OF APPLICATION.] *An application for emergency classification shall include and the applicant shall*

have the burden of clearly establishing at least the following information:

(a) That no statute currently exists which either allows or forbids classification under section 15.162, subdivision 2a or 5a;

(b) That the data on individuals has been treated as either private or confidential by custom of long standing which has been recognized by other similar state agencies or other similar political subdivisions, if any, and by the public;

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

If the commissioner grants the emergency classification, it shall be submitted with the complete record relating to the application to the attorney general, who shall review the classification as to form and legality. The attorney general shall, within 20 days, either approve or disapprove the classification.

Subd. 3. [EXPIRATION OF EMERGENCY CLASSIFICATION.] All emergency classifications granted under this section and still in effect shall expire on June 30, 1977. No emergency classifications shall be granted after June 30, 1977.

Sec. 9. Section 8 of this act shall be effective the day following its final enactment. Sections 1 to 7 of this act shall be effective June 1, 1976."

Further strike the title and insert:

"A bill for an act relating to collection and dissemination of data; providing definitions; requiring a public document on data collection; authorizing audits of data collection practices and policies; providing for emergency classification in certain situations; amending Minnesota Statutes 1974, Chapter 15, by adding a section; and Minnesota Statutes, 1975 Supplement, Sections 15.162, Subdivisions 2a, 5, 5a and 8, and by adding a subdivision; 15.163, Subdivisions 1 and 2."

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

House Conferees: JOHN C. LINDSTROM, JOHN R. ARLANDSON and WILLIAM D. DEAN.

Senate Conferees: ROBERT J. TENNESSEN, BILL MCCUTCHEON and JOHN B. KEEFE.

Lindstrom moved that the report of the Conference Committee on H. F. No. 2204 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 2204, A bill for an act relating to collection and dissemination of data; providing definitions; requiring a public document on data collection; authorizing audits of data collection practices and policies; providing for emergency classification in certain situations; amending Minnesota Statutes 1974, Section 15.17, Subdivision 4; and Minnesota Statutes, 1975 Supplement, Sections 15.162, Subdivisions 2a, 4, 5a and 8; 15.163, Subdivisions 1 and 2.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question being taken on the repassage of the bill and the roll being called, there were yeas 130, and nays 0, as follows:

Those who voted in the affirmative were:

Abeln	Doty	Jude	Moe	Searle
Adams, L.	Eckstein	Kahn	Munger	Setzepfandt
Adams, S.	Eken	Kaley	Neisen	Sherwood
Anderson, G.	Enebo	Kalis	Nelsen	Sieben, H.
Anderson, I.	Erickson	Kelly, R.	Nelson	Sieben, M.
Arlandson	Esau	Kempe, A.	Niehaus	Sieloff
Beauchamp	Evans	Kempe, R.	Norton	Simoneau
Begich	Ewald	Ketola	Novak	Skoglund
Berg	Faricy	Knickerbocker	Osthoff	Smith
Berglin	Fjoslien	Knoll	Parish	Smogard
Biersdorf	Forsythe	Kostohryz	Patton	Spanish
Birnstihl	Friedrich	Kroening	Pehler	Stanton
Braun	Fudro	Kvam	Peterson	Suss
Brinkman	Fugina	Laidig	Petraleso	Swanson
Byrne	George	Langseth	Philbrook	Tomlinson
Carlson, A.	Graba	Lemke	Pleasant	Ulland
Carlson, L.	Hanson	Lindstrom	Prahl	Vanasek
Carlson, R.	Haugerud	Luther	Reding	Vento
Casserly	Heinitz	Mangan	Rice	Voss
Clark	Hokanson	Mann	St. Onge	Wenstrom
Clawson	Jacobs	McCarron	Samuelson	Wenzel
Corbid	Jaros	McCauley	Sarna	White
Dahl	Jensen	McCollar	Savelkoul	Wieser
Dean	Johnson, C.	McEachern	Schreiber	Wigley
DeGroat	Johnson, D.	Menning	Schulz	Zubay
Dieterich	Jopp	Metzen	Schumacher	Speaker Sabo

The bill was repassed, as amended by Conference, and its title agreed to.

CONFERENCE COMMITTEE REPORT ON H. F. NO. 2203

A bill for an act relating to medical assistance for the needy; establishing guidelines for reimbursement of medical services furnished by nursing homes; prescribing certain responsibilities for the department of public welfare.

April 1, 1976

The Honorable Martin O. Sabo
Speaker of the House of Representatives
The Honorable Alec G. Olson
President of the Senate

We, the undersigned conferees for H. F. No. 2203 report that we have agreed upon the items in dispute and recommend that H. F. No. 2203 be amended as follows:

Strike everything after the enacting clause and insert:

“Section 1. [256B.41] [POLICY; INTENT.] Subdivision 1. The state agency shall by rule establish a formula for establishing payment rates for nursing homes which qualify as vendors of medical assistance.

Subd. 2. It is the intent of the legislature to establish certain limitations on the state agency in setting standards for nursing home rate setting for the care of recipients of medical assistance pursuant to Minnesota Statutes, Chapter 256B. It is not the intent of the legislature to repeal or change any existing or future rule promulgated by the state agency relating to the setting of rates for nursing homes unless the rule is clearly in conflict with sections 1 to 8 of this act. If any provision of sections 1 through 8 of this act is determined by the United States government to be in conflict with existing or future requirements of the United States government with respect to federal participation in medical assistance, the federal requirements shall prevail.

Sec. 2. [256B.42] [DEFINITIONS.] Subdivision 1. For the purpose of this act the following terms and phrases shall have the meaning given to them.

Subd. 2. “Facility” means the building in which a nursing home is located and all permanent fixtures attached to it. “Facility” does not include the land or any supplies and equipment which are not fixtures.

Subd. 3. “Original value” means the value of the facility established pursuant to section 3, subdivisions 1 and 2.

Subd. 4. “Purchase” means the acquisition of a nursing home by a new owner or the construction of a new nursing home.

Subd. 5. “Net asset value” means the total of the original value of the facility less accumulated depreciation on it and the value of the land.

Subd. 6. “Net debt” means the total of capital indebtedness and loans used for operating expenses.

Sec. 3. [256B.43] [FIXED ASSETS; DEPRECIATION.] Subdivision 1. The state agency shall by rule establish a de-

preciation allowance for nursing homes purchased on or after January 1, 1977. The depreciation allowance shall be based on the lesser of the purchase price or the appraised value of the facility at the time of the purchase. After the purchase of a nursing home, the purchaser of the nursing home or the state agency may request an appraisal of the facility pursuant to the provisions of subdivision 3. The value of the facility determined pursuant to this subdivision shall be the original value and shall be the basis for depreciation.

Subd. 2. If any nursing home expands its facility or makes any other capital expenditures which increases the value of the facility subsequent to January 1, 1977, the cost of the expansion or capital expenditure shall be added to the original value, and the total shall become the new original value and basis for depreciation. If the state agency disputes the cost attributed to the expansion or capital expenditure, it may request an appraisal pursuant to subdivision 3.

Subd. 3. The state agency shall establish a list of not more than 25 appraisers who have experience in appraising nursing homes. In the event that an appraisal is requested pursuant to this section, or section 4, the state agency and the owner of the nursing home shall select an appraiser from the list in accordance with procedures established by the state agency by rule. The appraisal shall be based on the depreciated replacement cost of the facility. The cost of the appraisal shall be paid by the party requesting it. The cost of an appraisal requested by a nursing home shall not be reimbursed by the state agency.

Subd. 4. Depreciation on any new construction or expansion of facilities commenced on or after January 1, 1977, other than governmentally owned facilities, shall be on a basis of not less than 30 years.

Sec. 4. [256B.44] [INTEREST EXPENSE.] Subdivision 1. Except as provided in subdivision 2, the state agency shall recognize interest expense as an allowable cost for any nonproprietary or governmentally owned nursing home if the interest rate is not in excess of what a borrower would have had to pay in an arms-length transaction in the money market at the time the loan was made, and the net debt is directly related to purchasing or improving the nursing home or providing patient care at the nursing home. Except as provided in subdivision 3, the state agency shall not recognize interest expense as an allowable cost for any proprietary nursing home.

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.

Subd. 3. A proprietary nursing home which pays interest on capital indebtedness at an interest rate in excess of nine percent may be reimbursed for one half of its interest expenses in excess of the nine percent up to 12 percent if (1) the proceeds of the indebtedness are used for the purchase or operation of the nursing home and (2) the interest rate is not in excess of what a borrower would have had to pay in an arms-length transaction at the time the loan was made.

Sec. 5. [256B.45] [INVESTMENT ALLOWANCE.] Subdivision 1. The state agency shall by rule establish an investment allowance for nursing homes. For the fiscal year beginning July 1, 1977, the allowance for proprietary homes shall be nine percent of the original value of the facility for depreciation purposes. For the fiscal year beginning July 1, 1977, the allowance for nonproprietary homes shall be two percent of the original value of the facility for depreciation purposes. Beginning in 1977 the state agency shall, no later than May 1 of each year, conduct a public hearing pursuant to the rule making provisions of chapter 15 to determine the percentages to be used in the following fiscal year. There shall be no other cost of capital or profit allowance for proprietary homes.

Subd. 2. The owner of a nursing home or the state agency may request a new appraisal of the facility not more often than every seven years. If a new appraisal is made, the new appraised value less depreciation, computed on the basis of the value established pursuant to this subdivision, shall become the new basis for that nursing home's investment allowance. The appraiser shall be selected and the appraisal undertaken in accordance with the provisions of section 3, subdivision 3. The basis for depreciation shall continue to be the original value of the facility established pursuant to section 3.

Subd. 3. The seven year period used for the purposes of subdivision 2 shall commence with the date of purchase. The state agency or the owner of any nursing home purchased before January 1, 1977, may request an appraisal on July 1, 1977 or seven years after the date of purchase, whichever occurs later in time.

Subd. 4. If a nursing home is operated on a lease basis, the state agency shall not recognize as an allowable cost any rental fee in excess of the total amount it would pay to the owner of the facility as interest, investment allowance and depreciation allowance.

Sec. 6. [256B.46] [INCENTIVE ALLOWANCE.] In the event that the United States government disallows the investment allowance provided for in section 5 for nonproprietary homes, the state agency shall by rule establish an incentive allowance for nonproprietary nursing homes consistent with federal requirements. The incentive allowance shall include incentives to reward efficient management and quality care. The incentive allowance may also be graduated so that it increases with (1) the length of time that a nursing home is owned by the same owner and (2)

the owner's net investment as a percentage of the net asset value of the facility. The rule shall provide that if a nonproprietary nursing home is operated on a lease basis, the state agency shall not recognize as an allowable cost for the operator any rental fee in excess of the total amount it would pay for depreciation and pursuant to this section.

Sec. 7. [256B.47] [RATE LIMITS.] Subdivision 1. The state agency shall by rule establish separate overall limitations on the costs for items which directly relate to the provision of patient care to residents of nursing homes and those which do not directly relate to the provision of care. The state agency may also by rule, establish limitations for specific cost categories. All costs determined otherwise allowable shall be subject to these limitations. The categorical limits on patient care related items may be hourly limits based on the needs of the residents of the nursing home up to maximum limits established by the state agency.

Subd. 2. The following costs shall not be recognized as allowable: (1) political contributions; (2) salaries or expenses of a lobbyist, as defined in section 10A.01, subdivision 11, for lobbying activities; (3) advertising designed to encourage potential residents to select a particular nursing home; (4) assessments levied by the health department for uncorrected violations; (5) legal fees for unsuccessful challenges to decisions by state agencies; and (6) dues paid to a nursing home or hospital association. 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.

Subd. 3. On or before January 1, 1977 the state agency shall by rule establish a procedure affording notice of the approved rate for medical assistance recipients to nursing homes within 120 days after the close of the fiscal year of the nursing home.

Sec. 8. [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; 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 nursing home may (1) charge non-medical 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 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.

Subd. 2. Effective July 1, 1976, no nursing home shall be eligible to receive medical assistance payments unless it agrees in writing to:

(a) Provide the state agency with its most recent (1) balance sheet and statement of revenues and expenses as audited by a certified public accountant licensed by this state or by a public accountant as defined in section 412.222; (2) statement of ownership for the nursing home; and (3) a separate audited balance sheet and statement of revenues and expenses for each nursing home if more than one nursing home or other business operation is owned by the same owner; a governmentally owned nursing home may comply with the auditing requirements of this clause by submitting an audit report prepared by the state auditor's office;

(b) Provide the state agency with copies of leases, purchase agreements and other related documents related to the lease or purchase of the nursing home; and

(c) Provide to the state agency upon request copies of leases, purchase agreements, or similar documents for the purchase or acquisition of equipment, goods and services which are claimed as allowable costs.

Subd. 3. The state agency may reject any annual cost report filed by a nursing home pursuant to this chapter if it determines that the report or the information required in subdivision 2, clause (a) has been filed in a form that is incomplete or inaccurate. In the event that a report is rejected pursuant to this subdivision, the state agency may make payments to a nursing home at the rate determined for its prior fiscal year, or at an interim rate established by the state agency, until the information is completely and accurately filed.

Sec. 9. [EFFECTIVE DATE.] Except as otherwise provided, this act shall be effective for cost reports filed after December 31, 1976."

Further amend the title by striking it in its entirety and inserting:

“A bill for an act relating to medical assistance for the needy; establishing guidelines for allowed costs of services furnished by nursing homes; prescribing certain responsibilities for the commissioner of public welfare.”.

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

House Conferees: PAUL PETRAFESO, DONALD SAMUELSON and JAMES SWANSON.

Senate Conferees: JOHN MILTON, WILLIAM KIRCHNER and ALLAN H. SPEAR.

Petrafeso moved that the report of the Conference Committee on H. F. No. 2203 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 2203, A bill for an act relating to medical assistance for the needy; establishing guidelines for reimbursement of medical services furnished by nursing homes; prescribing certain responsibilities for the department of public welfare.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question being taken on the repassage of the bill and the roll being called, there were yeas 110, and nays 18, as follows:

Those who voted in the affirmative were:

Abeln	Dean	Kempe, A.	Nelsen	Sherwood
Adams, L.	Dieterich	Kempe, R.	Nelson	Sieben, H.
Adams, S.	Doty	Ketola	Norton	Sieben, M.
Anderson, I.	Eckstein	Knickerbocker	Novak	Sieloff
Arlandson	Enebo	Knoll	Osthoff	Simoneau
Beauchamp	Ewald	Kostohryz	Parish	Skoglund
Begich	Faricy	Kroening	Patton	Smith
Berg	Fjoslien	Laidig	Pehler	Smogard
Berglin	Forsythe	Langseth	Petrafeso	Spanish
Biersdorf	Fudro	Lemke	Philbrook	Stanton
Birnstihl	Fugina	Lindstrom	Pleasant	Suss
Braun	George	Luther	Prahl	Swanson
Brinkman	Hanson	Mangan	Reding	Tomlinson
Byrne	Hokanson	Mann	Rice	Ulland
Carlson, A.	Jacobs	McCarron	St. Onge	Vanasek
Carlson, L.	Jaros	McCollar	Samuelson	Vento
Carlson, R.	Jensen	McEachern	Sarna	Voss
Cassery	Johnson, D.	Manning	Savelkoul	Wenstrom
Clark	Jopp	Metzen	Schreiber	Wenzel
Clawson	Jude	Moe	Schulz	White
Corbid	Kahn	Munger	Schumacher	Wigley
Dahl	Kelly, R.	Neisen	Setzepfandt	Speaker Sabo

Those who voted in the negative were:

Albrecht	Esau	Heinitz	McCauley	Wieser
Anderson, G.	Evans	Kaley	Niehaus	Zubay
DeGroat	Friedrich	Kalis	Peterson	
Eken	Graba	Kvam	Searle	

The bill was repassed, as amended by Conference, and its title agreed to.

CONFERENCE COMMITTEE REPORT ON H. F. NO. 2188

A bill for an act relating to motor vehicles; defining powers of the registrar of motor vehicles; providing for the appointment of private deputy registrars; providing for the appointment of a county license bureau director as deputy registrar; amending Minnesota Statutes 1974, Sections 168.33, Subdivision 7; and 373.35, Subdivision 1; and Minnesota Statutes, 1975 Supplement, Section 168.33, Subdivision 2; repealing Minnesota Statutes 1974, Section 373.36.

March 30, 1976

The Honorable Martin O. Sabo
Speaker of the House of Representatives
The Honorable Alec G. Olson
President of the Senate

We, the undersigned conferees for H. F. No. 2188 report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that H. F. No. 2188 be amended as follows:

Page 4, line 13, strike "or" and insert "*a filing fee of 50 cents and for each application*".

Page 4, line 13, after "at" strike "a" and insert "*the*".

Page 5, after line 7, insert:

"Sec. 4. Minnesota Statutes, 1975 Supplement, Section 16.753, is amended to read:

16.753 [USE OF STATE-OWNED VEHICLES.] *Subdivision 1.* By October 1, 1975, the commissioner of administration shall develop, implement, and, as needed, amend rules, reimbursement rates and necessary operating policies regarding state-owned vehicles assigned to individual employees for extended use in the performance of their assigned duties. Reimbursement to the state by employees shall be made for the full cost to the

state for travel by the employee to and from his place of residence. Such rules, rates and operating policies shall not be subject to the provisions of the administrative procedures act. All moneys received under this provision shall be deposited as non-dedicated receipts to the credit of the fund from which the costs of operating the individual vehicles are paid.

Subd. 2. The provisions of subdivision 1 shall not apply to any member of the state highway patrol, nor to the commissioner and deputy commissioner of public safety.

Sec. 5. The commissioner of public safety is hereby authorized to retain, acquire, maintain and operate helicopters and fixed wing aircraft for the purposes of highway patrol and to employ highway patrol officer pilots as required.

Sec. 6. The provisions of the fourth paragraph of Laws 1975, Chapter 204, Section 31, Subdivision 2, insofar as they refer to helicopters and fixed wing aircraft are superseded by this act."

Renumber the remaining sections.

Further, amend the title by striking it in its entirety and inserting

"A bill for an act relating to public safety; authorizing the commissioner of public safety to maintain certain aircraft; defining powers of the registrar of motor vehicles; providing for the appointment of private deputy registrars; providing for the appointment of a county license bureau director as deputy registrars; providing for the appointment of a county license bureau director as deputy registrar; amending Minnesota Statutes 1974, Sections 168.33, Subdivision 7; and 373.35, Subdivision 1; and Minnesota Statutes, 1975 Supplement, Sections 16.753; and 168.33, Subdivision 2; repealing Minnesota Statutes 1974, Section 373.36."

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

House Conferees: ROY C. CARLSON, ROBERT E. VANASEK, JOHN J. SARNA, C. THOMAS OSTHOFF and RONALD G. EVANS.

Senate Conferees: FLORIAN CHMIELEWSKI, ROBERT J. SCHMITZ, CLARENCE M. PURFEERST, MEL FREDERICK and MEL HANSEN.

Carlson, R., moved that the report of the Conference Committee on H. F. No. 2188 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 2188, A bill for an act relating to motor vehicles; defining powers of the registrar of motor vehicles; providing

for the appointment of private deputy registrars; providing for the appointment of a county license bureau director as deputy registrar; amending Minnesota Statutes 1974, Sections 168.33, Subdivision 7; and 373.35, Subdivision 1; and Minnesota Statutes, 1975 Supplement, Section 168.33, Subdivision 2; repealing Minnesota Statutes 1974, Section 373.36.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question being taken on the repassage of the bill and the roll being called, there were yeas 128, and nays 0, as follows:

Those who voted in the affirmative were:

Abeln	Dieterich	Kahn	Neisen	Sherwood
Adams, L.	Doty	Kaley	Nelsen	Sieben, H.
Adams, S.	Eckstein	Kalis	Nelson	Sieben, M.
Albrecht	Eken	Kelly, R.	Niehaus	Sieloff
Anderson, G.	Enebo	Kempe, A.	Norton	Simoneau
Anderson, I.	Erickson	Kempe, R.	Novak	Skoglund
Arlandson	Esau	Ketola	Osthoff	Smith
Beauchamp	Evans	Knickerbocker	Parish	Smogard
Begich	Ewald	Knoll	Patton	Spanish
Berg	Faricy	Kostohryz	Pehler	Stanton
Berglin	Fjoslien	Kroening	Peterson	Suss
Biersdorf	Forsythe	Laidig	Petrafaso	Swanson
Birnstihl	Friedrich	Langseth	Philbrook	Tomlinson
Braun	Fudro	Lemke	Pleasant	Ulland
Brinkman	Fugina	Lindstrom	Prahl	Vanasek
Byrne	George	Luther	Reding	Vento
Carlson, A.	Graba	Mangan	Rice	Voss
Carlson, L.	Hanson	Mann	St. Onge	Wenstrom
Carlson, R.	Heinitz	McCarron	Samuelson	Wenzel
Casserly	Hokanson	McCauley	Sarna	White
Clark	Jacobs	McCollar	Savelkoul	Wieser
Clawson	Jaros	McEachern	Schreiber	Wigley
Corbid	Jensen	Menning	Schulz	Zubay
Dahl	Johnson, D.	Metzen	Schumacher	Speaker Sabo
Dean	Jopp	Moe	Searle	
DeGroat	Jude	Munger	Setzepfandt	

The bill was repassed, as amended by Conference, and its title agreed to.

CONFERENCE COMMITTEE REPORT ON H. F. NO. 1767

A bill for an act relating to bingo; providing penalties; amending Minnesota Statutes 1974, Section 609.75, Subdivision 3; repealing Minnesota Statutes 1974, Chapter 349.

March 31, 1976

The Honorable Martin O. Sabo
Speaker of the House of Representatives
The Honorable Alec G. Olson
President of the Senate

We, the undersigned conferees for H. F. No. 1767 report that we have agreed upon the items in dispute and recommend as follows:

That the House accede to the Senate amendments and that H. F. No. 1767, the unofficial engrossment, be further amended as follows:

Page 5, line 3, after "assistants" insert "who are not active members of the organization, or its auxiliary, or the spouse or surviving spouse of an active member,".

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

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

House Conferees: STANLEY J. FUDRO, JOHN J. SARNA and WILLIAM H. SCHREIBER.

Senate Conferees: EUGENE E. STOKOWSKI, ROGER D. MOE and J. ROBERT STASSEN.

Fudro moved that the report of the Conference Committee on H. F. No. 1767 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 1767, A bill for an act relating to bingo; providing penalties; amending Minnesota Statutes 1974, Section 609.75, Subdivision 3; repealing Minnesota Statutes 1974, Chapter 349.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question being taken on the repassage of the bill and the roll being called, there were yeas 122, and nays 2, as follows:

Those who voted in the affirmative were:

Abeln	Cassery	Friedrich	Kelly, R.	McCollar
Adams, L.	Clark	Fudro	Kempe, A.	McEachern
Adams, S.	Clawson	Fugina	Kempe, R.	Menning
Albrecht	Corbid	George	Ketola	Metzen
Anderson, G.	Dahl	Graba	Knickerbocker	Moe
Anderson, I.	Dean	Hanson	Knoll	Munger
Arlandson	DeGroat	Heinitz	Kostohryz	Neisen
Beauchamp	Dieterich	Hokanson	Kroening	Nelsen
Begich	Doty	Jacobs	Kvam	Nelson
Berglin	Eken	Jaros	Laidig	Niehaus
Biersdorf	Enebo	Jensen	Langseth	Norton
Birnstihl	Erickson	Johnson, D.	Lemke	Novak
Brinkman	Evans	Jopp	Lindstrom	Osthoff
Byrne	Ewald	Jude	Luther	Parish
Carlson, A.	Faricy	Kahn	Mangan	Patton
Carlson, L.	Fjoslien	Kaley	Mann	Pehler
Carlson, R.	Forsythe	Kalis	McCarron	Peterson

Petrafeso	Sarna	Sieben, H.	Suss	Wenzel
Philbrook	Savelkoul	Sieben, M.	Swanson	White
Pleasant	Schreiber	Sieloff	Tomlinson	Wigley
Prahl	Schulz	Simoneau	Ulland	Zubay
Reding	Schumacher	Skoglund	Vanasek	Speaker Sabo
Rice	Searle	Smogard	Vento	
St. Onge	Setzepfandt	Spanish	Voss	
Samuelson	Sherwood	Stanton	Wenstrom	

Those who voted in the negative were:

McCauley Wieser

The bill was repassed, as amended by Conference, and its title agreed to.

CONFERENCE COMMITTEE REPORT ON H. F. NO. 348

A bill for an act relating to insurance; clarifying the application of state law to certain insurance contracts; amending Minnesota Statutes 1974, Chapter 60A, by adding a section.

March 31, 1976

The Honorable Martin O. Sabo
Speaker of the House of Representatives
The Honorable Alec G. Olson
President of the Senate

We, the undersigned conferees for H. F. No. 348 report that we have agreed upon the items in dispute and recommend as follows:

That H. F. No. 348 be amended as follows:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1974, Section 62A.15, is amended by adding a subdivision to read:

Subd. 3. No carrier referred to in subdivision 1 shall, in the payment of claims to employees in this state, deny benefits payable for services covered by the policy or contract if the services are lawfully performed by a duly licensed chiropractor.

Sec. 2. Sections 2 to 15 may be cited as the "Temporary Joint Underwriting Association Act."

Sec. 3. [JOINT UNDERWRITING ASSOCIATION.] Subdivision 1. [CREATION.] There is created a temporary joint underwriting association to provide medical malpractice insurance coverage to any licensed health care provider unable to obtain this insurance through ordinary methods. Every insurer

authorized to write and writing personal injury liability insurance in this state shall be a member of the association as a condition to obtaining and retaining a license to write insurance in this state.

Subd. 2. [DIRECTORS.] The association shall have a board of directors composed of 11 persons chosen annually as follows: five persons elected by members of the association at a meeting called by the commissioner; three members who are health care providers appointed by the commissioner prior to the election by the association; and three public members, as defined in section 214.02, appointed by the governor prior to the election by the association.

Sec. 4. [DEFINITIONS.] Subdivision 1. As used in sections 2 to 15, the following words shall have the meanings given.

Subd. 2. "Association" means the temporary joint underwriting association.

Subd. 3. "Commissioner" means the commissioner of insurance.

Subd. 4. "Medical malpractice insurance" means insurance against loss, damage or expense incident to a claim arising out of the death or injury of any person as the result of negligence or malpractice in rendering professional service by any licensed health care provider.

Subd. 5. "Member" means every insurer authorized to write and writing personal injury liability insurance in this state.

Subd. 6. "Net direct premiums" means gross direct premiums written on personal injury liability insurance, including the liability component of multiple peril package policies as computed by the commissioner, less return premiums for the unused or unabsorbed portions of premium deposits.

Subd. 7. "Personal injury liability insurance" means insurance described in section 60A.06, subdivision 1, clause (13).

Sec. 5. [AUTHORIZATION TO ISSUE INSURANCE.] Subdivision 1. If the commissioner determines after a hearing that medical malpractice insurance cannot be made available for either physicians, hospitals or other specific types of health care providers in the voluntary market, he shall authorize the association to issue medical malpractice insurance on a primary basis for physicians, hospitals or other health care providers. If the commissioner determines after a hearing that insurance issued by the association can be made available in the voluntary market, he shall revoke the association's authorization to issue that insurance which can be made available.

Subd. 2. If the association is authorized by the commissioner to issue insurance, it shall:

(a) Issue or cause to be issued insurance policies to applicants, including incidental coverages, subject to limits as specified in the plan of operation but not to exceed one million dollars for each claimant under one policy and three million dollars for all claimants under one policy in any one year;

(b) Underwrite the insurance and adjust and pay losses with respect thereto, or appoint service companies to perform those functions;

(c) Assume reinsurance from its members; and

(d) Cede reinsurance.

Sec. 6. [PLAN OF OPERATION.] Subdivision 1. Within 45 days following the effective date of this act, the directors of the association shall submit to the commissioner for his review, a proposed plan of operation, consistent with the provisions of sections 2 to 15.

The plan of operation shall provide for economic, fair and non-discriminatory administration and for prompt and efficient providing of medical malpractice insurance. It may contain other provisions, including but not limited to preliminary assessment of all members for initial expenses necessary to commence operations, establishment of necessary facilities, management of the association, assessment of members of defray losses and expenses, commission arrangements, reasonable and objective underwriting standards, acceptance and cession of reinsurance, appointment of servicing carriers or other servicing arrangements and procedures for determining amounts of insurance to be provided by the association.

Subd. 2. The plan of operation shall be subject to approval by the commissioner after consultation with the members of the association, representatives of the public and other affected individuals and organizations. If the commissioner disapproves all or any part of the proposed plan of operation, the directors shall within 15 days submit for review an appropriate revised plan of operation or part thereof. If a revised plan is not submitted within 15 days the commissioner shall promulgate a plan of operation or part thereof, as the case may be. The plan of operation approved or promulgated by the commissioner shall become effective and operational upon order of the commissioner.

Subd. 3. Amendments to the plan of operation may be made by the commissioner or by the directors of the association, subject to the approval of the commissioner.

Sec. 7. [POLICY FORMS AND RATES.] *Subdivision 1.* A policy issued by the association shall provide for a continuous period of coverage beginning with its effective date and terminating automatically at 12:01 a.m. on September 1, 1978, or sooner as provided in sections 2 to 15. The policy shall be issued subject to the group retrospective rating plan and the stabilization reserve fund authorized by section 10. The policy shall be written to apply to injury which results from acts or omissions during the policy period. No policy form shall be used by the association unless it has been filed with the commissioner, and the commissioner may disapprove the form within 30 days if he determines it is misleading or violates public policy.

Subd. 2. If an insured fails to pay a stabilization reserve fund charge the association may cancel a policy by mailing or delivering to the insured at the address shown on the policy at least ten days written notice stating the date the cancellation is effective.

Subd. 3. The rates, rating plans, rating rules, rating classifications and territories applicable to the insurance written by the association and statistics relating thereto shall be subject to chapter 70A. Rates shall be on an actuarially sound basis, giving consideration to the group retrospective rating plan and the stabilization reserve fund. The commissioner shall take all appropriate steps to make available to the association the loss and expense experience of insurers previously writing medical malpractice insurance in this state.

Subd. 4. All policies issued by the association are subject to a nonprofit group retrospective rating plan approved by the commissioner under which the final premium for the insureds of the association, as a group, will be equal to the administrative expenses, loss and loss adjustment expenses and taxes, plus a reasonable allowance for contingencies and servicing. Policyholders shall be given full credit for all investment income, net of expenses and a reasonable management fee, on policyholder supplied funds. The standard premium, before retrospective adjustment, for each policy issued by the association shall be established for portions of the policy period coinciding with the association's fiscal year on the basis of the association's rates, rating plans, rating rules, rating classifications and territories then in effect. The maximum premium for all policyholders of the association, as a group, shall be limited as provided in sections 2 to 15.

Subd. 5. The commissioner shall examine the business of the association as often as he deems appropriate to insure that the group retrospective rating plan is operating in a manner consistent with sections 2 to 15. If he finds that the operation is deficient or inconsistent with sections 2 to 15, he may order the association to take corrective action.

Subd. 6. The association shall certify to the commissioner the estimated amount of any deficit remaining after the stabilization reserve fund has been exhausted in payment of the maximum

final premium for all policyholders of the association. Within 60 days after such certification, the commissioner shall authorize the association to recover the members' respective shares of the deficit by one of the following procedures:

(a) Applying a surcharge determined by the association at a rate not to exceed two percent of the annual premiums on future policies affording those kinds of insurance which form the basis for their participation in the association; or

(b) Deducting the members' share of the deficit from past or future premium taxes due the state. If the commissioner fails to authorize a procedure in 60 days, the association may recover its deficit pursuant to clause (b). The association shall submit an amended certification and shall adjust the recovery procedure as its incurred losses become finalized.

Subd. 7. If sufficient funds are not available for the sound financial operation of the association, pending recovery as provided in subdivision 6, all members shall, on a temporary basis contribute to the association in the manner provided in section 8. The contribution shall be reimbursed to the members by the recovery procedure authorized in subdivision 6.

Sec. 8. [PARTICIPATION.] A member of the association shall participate in its writings, expenses, servicing allowance, management fees and losses in the proportion that the net direct premiums of the member, excluding that portion of premiums attributable to the operation of the association, written during the preceding calendar year bears to the aggregate net direct premiums written in this state by all members. The member's participation in the association shall be determined annually on the basis of net direct premiums written during the preceding calendar year, as reported in the annual statements and other reports filed by the member with the commissioner.

Sec. 9. [PROCEDURES.] Subdivision 1. Beginning on the effective date of the plan of operation, a licensed health care provider may apply to the association for medical malpractice insurance. An application may be made by an authorized agent of the health care provider.

Subd. 2. If the association determines that the applicant meets the underwriting standards of the association as described in the plan of operation and there is no unpaid, uncontested premium due from the applicant for prior insurance, including failure to make written objection to premium charges within 30 days after billing, the association, upon receipt of the premium or portion thereof as is prescribed in the plan of operation, shall issue a policy of medical malpractice insurance.

Sec. 10. [STABILIZATION RESERVE FUND.] Subdivision 1. There is created a stabilization reserve fund adminis-

tered by three directors, as follows: the commissioner; a representative of the association appointed by the commissioner; and a representative of the policyholders of the association, appointed by the commissioner.

Subd. 2. The directors shall act by majority vote with two directors constituting a quorum for the transaction of any business or the exercise of any power of the fund. The directors shall serve without salary, but shall be reimbursed for expenses in the manner provided for state employees. The directors shall not be subject to personal liability or accountability in the administration of the fund.

Subd. 3. Each policyholder shall pay to the association a stabilization reserve fund charge of 33 percent of each premium payment due for insurance through the association. This charge shall be separately stated in the policy. The association shall cancel the policy of any policyholder who fails to pay the stabilization reserve fund charge.

Subd. 4. The association shall promptly pay into the stabilization reserve fund charges which it collects from its policyholders and any retrospective premium refunds payable under the group retrospective rating plan.

Subd. 5. All moneys paid into the fund shall be held in trust by a corporate trustee selected by the directors. The corporate trustee may invest the moneys held in trust, subject to the approval of the directors. All investment income shall be credited to the fund. All expenses of administration of the fund shall be charged against the fund. The moneys held in trust shall be used solely for the purpose of discharging when due any retrospective premium charges payable by policyholders of the association under the group retrospective rating plan. Payment of retrospective premium charges shall be made by the directors upon certification to them by the association of the amount due. If all moneys accruing to the fund are exhausted in payment of retrospective premium charges, all liability and obligations of the association's policyholders with respect to the payment of retrospective premium charges shall terminate and shall be conclusively presumed to have been discharged. Any moneys remaining in the fund after all retrospective premium charges have been paid shall be returned to policyholders under procedures authorized by the directors.

Sec. 11. [INVESTIGATION.] *The commissioner shall investigate the association at least annually. The investigation shall be conducted and a report filed in the manner prescribed in section 60A.031. The expenses of the examination shall be paid by the association in the manner prescribed by section 60A.03, subdivision 5.*

Sec. 12. [PRIVILEGED COMMUNICATIONS.] *No cause of action of any nature shall arise against the association, the com-*

missioner or his authorized representatives or any other person or organization, for any statements made in good faith by them during any proceedings or concerning any matters within the scope of sections 2 to 15.

Sec. 13. [APPEALS AND JUDICIAL REVIEW.] Any applicant to the association, any person insured pursuant to sections 2 to 15, or their representatives, or any affected insurer, may appeal to the commissioner within 30 days after any ruling, action or decision by or on behalf of the association, with respect to those items the plan of operation defines as appealable matters.

Sec. 14. [PUBLIC OFFICERS OR EMPLOYEES.] No director of the stabilization reserve fund who is otherwise a public officer or employee shall forfeit his office or employment or lose the rights and privileges pertaining thereto, by reason of membership on the board of directors of the stabilization reserve fund.

Sec. 15. [ANNUAL STATEMENTS.] On March 1 of each year the association shall file with the commissioner, a report of its transactions, financial condition, and operations during the preceding year. The report shall be in a form approved by the commissioner. The commissioner may at any time require the association to furnish additional information to assist in evaluating the scope, operation and experience of the association.

Sec. 16. Sections 2 to 15 of this act shall expire two years after their effective date.

Sec. 17. Sections 2 to 16 of this act shall be effective the day following final enactment."

Further, strike the title and insert:

"A bill for an act relating to insurance; establishing a temporary joint underwriting association for medical malpractice insurance; requiring membership; setting standards; providing for appeals; recovery of contributions and reporting of financial conditions; extending the required inclusion of chiropractic services under group accident and health policies and subscriber contracts; amending Minnesota Statutes 1974, Section 62A.15, by adding a subdivision."

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

House Conferees: HARRY A. SIEBEN, BILL LUTHER and MAURICE MCCOLLAR.

Senate Conferees: ROGER LAUFENBURGER, AL KOWALCZYK and JOHN MILTON.

Sieben, H., moved that the report of the Conference Committee on H. F. No. 348 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 348, A bill for an act relating to insurance; clarifying the application of state law to certain insurance contracts; amending Minnesota Statutes 1974, Chapter 60A, by adding a section.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question being taken on the repassage of the bill and the roll being called, there were yeas 111, and nays 16, as follows:

Those who voted in the affirmative were:

Abeln	Doty	Kelly, W.	Norton	Simoneau
Adams, L.	Eken	Kempe, A.	Novak	Skoglund
Anderson, G.	Enebo	Kempe, R.	Osthoff	Smith
Anderson, I.	Ewald	Ketola	Parish	Smogard
Arlandson	Fariely	Knickerbocker	Patton	Spanish
Beauchamp	Fjoslien	Knoll	Pehler	Stanton
Begich	Forsythe	Kostohryz	Petraleso	Suss
Berg	Fudro	Kroening	Philbrook	Swanson
Birnstihl	Fugina	Laidig	Prahl	Tomlinson
Braun	George	Langseth	Reding	Ulland
Brinkman	Graba	Lindstrom	Rice	Vanasek
Byrne	Hanson	Luther	St. Onge	Vento
Carlson, A.	Haugerud	Mangan	Samuelson	Voss
Carlson, L.	Hokanson	Mann	Sarna	Wenstrom
Carlson, R.	Jacobs	McCarron	Savelkoul	Wenzel
Casserly	Jaros	McCollar	Schulz	White
Clark	Jensen	McEachern	Schumacher	Wieser
Clawson	Johnson, D.	Menning	Searle	Wigley
Corbid	Jopp	Metzen	Setzepfandt	Speaker Sabo
Dahl	Jude	Moe	Sherwood	
Dean	Kahn	Munger	Sieben, H.	
DeGroat	Kalis	Neisen	Sieben, M.	
Dieterich	Kelly, R.	Nelson	Sieloff	

Those who voted in the negative were:

Adams, S.	Esau	Kaley	Niehaus	Pleasant
Albrecht	Evans	Kvam	Peterson	Zubay
Biersdorf	Friedrich	McCauley		
Eckstein	Heinitz	Nelsen		

The bill was repassed, as amended by Conference, and its title agreed to.

CONFERENCE COMMITTEE REPORT ON H. F. NO. 1137

A bill for an act relating to housing; increasing range of eligibility for assistance from housing finance agency; providing for revolving loan funds and direct subsidies; appropriating money; amending Minnesota Statutes 1974, Sections 462A.03, Subdivi-

sion 13; 462A.05, Subdivisions 2 and 14; 462A.07, by adding a subdivision; 462A.19, Subdivision 1; 462A.21, by adding subdivisions; and 462A.22, Subdivision 9.

April 1, 1976

The Honorable Martin O. Sabo
Speaker of the House of Representatives
The Honorable Alec G. Olson
President of the Senate

We, the undersigned conferees for H. F. No. 1137 report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that H. F. No. 1137 be amended as follows:

Strike everything after the enacting cause and insert:

"Section 1. Minnesota Statutes 1974, Section 462A.03, Subdivision 13, is amended to read:

Subd. 13. "Eligible mortgagor" means a nonprofit corporation (OR), 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 (ENTRY) entity shall not exceed (EIGHT) 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. 2. Minnesota Statutes 1974, Section 462A.04, Subdivision 1, is amended to read:

462A.04 [HOUSING FINANCE AGENCY.] Subdivision 1. There is created a public body corporate and politic to be known as the "Minnesota Housing Finance Agency(.)", *which shall perform the governmental functions and exercise the sovereign powers delegated to it in chapter 462A in furtherance of the public policies and purposes declared in section 462A.02.* The agency shall consist of the state planning director, state auditor, and

five public members appointed by the governor with advice and consent of the senate for terms of four years commencing on the dates their predecessors' terms expire; provided, that the first public members appointed by the governor shall serve terms as designated by the governor expiring on January 1, 1973, 1974, 1975, 1976, and 1977, respectively. No more than two public members shall reside in the area of jurisdiction of the metropolitan council as provided in section 483B.02, subdivision 1, and no more than one public member shall reside in any one of the development regions established under the provisions of sections 462.381 to 462.396. Each member shall hold office until his successor has been appointed and has qualified. A certificate of appointment or reappointment of any member shall be conclusive evidence of the due and proper appointment of the member.

Sec. 3. Minnesota Statutes 1974, Section 462A.05, Subdivision 2, is amended to read:

Subd. 2. It may make or participate in the making of eligible construction loans to sponsors *or builders* of residential housing for occupancy of persons or families of low and moderate income. Such loans shall be made only upon determination by the agency that construction loans are not otherwise available, wholly or in part, from private lenders upon equivalent terms and conditions.

Sec. 4. Minnesota Statutes 1974, 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 (SPONSORS) *owners* of existing residential housing for occupancy by such persons and families, for the rehabilitation of existing residential housing owned by them. Such loans may be insured or uninsured and may be made with such security, or may be unsecured, as the agency deems advisable. 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 loan 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 (STANDARD) *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 (LAWS 1974, CHAPTER 441) *chapter 462A*, 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 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. 5. Minnesota Statutes 1974, 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 (e). No such grant shall be made unless the agency determines that such 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, 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 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 residential housing in full compliance with all state, county or municipal building, housing maintenance, fire, health or similar codes and standards applicable to housing. 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 person or family without spending an unreasonable portion of the income of such person or family thereon. 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. 6. Minnesota Statutes 1974, Section 462A.05, is amended by adding a subdivision to read:

Subd. 17. The agency may make conventional loans, as defined in and in accordance with the conditions and limitations prescribed in section 47.20, but without the necessity that such conventional loans and purchases of obligations representing conventional loans be eligible for purchase by the federal national mortgage association or the federal home loan mortgage corporation as authorized by and defined by the emergency home finance act of 1970, as amended.

Sec. 7. Minnesota Statutes 1974, Section 462A.07, is amended by adding a subdivision to read:

Subd. 9a. In the exercise of the powers granted to it under chapter 462A, it shall promulgate rules as may be necessary to encourage counties and municipalities to promote the economical construction of housing units for persons and families of low and moderate income.

Sec. 8. Minnesota Statutes 1974, Section 462A.07, Subdivision 13, is amended to read:

Subd. 13. (IT MAY ENGAGE IN THE DEVELOPMENT AND ADMINISTRATION OF LOW RENT HOUSING, BUT ONLY IF (1) THE FEDERAL GOVERNMENT PROVIDES ASSISTANCE IN CONNECTION WITH SUCH HOUSING PURSUANT TO 42 U.S.C. 1401—1435, AND (2) THE APPLICABLE COUNTY OR MUNICIPAL GOVERNMENT BODY OR RESERVATION HOUSING AUTHORITY HAS REQUESTED THE AGENCY TO ENGAGE IN SUCH DEVELOPMENT AND ADMINISTRATION. FOR THE PURPOSE OF THIS SUBDIVISION, THE TERMS "DEVELOPMENT", "ADMINISTRATION", AND "LOW RENT HOUSING" SHALL HAVE THE MEANINGS SET FORTH IN 42 U.S.C. 1401—1435, AS IN EFFECT ON APRIL 11, 1974. IN THE ALLOCATION OF FEDERAL HOUSING ASSISTANCE FUNDS PROVIDED PURSUANT TO THIS SUBDIVISION, THE AGENCY SHALL GIVE PRIORITY TO PROGRAMS WHICH INCREASE OPPORTUNITIES FOR LOW COST RESIDENTIAL HOUSING ON OR ADJACENT TO THE INDIAN RESERVATIONS OF THIS STATE) *It may engage or assist in the development and operation of low income housing if the federal government provides assistance in connection with the housing and the development and operation is in conformity with the applicable provisions of federal laws and regulations. The agency shall determine whether the applicable federal laws governing use of such funds permit a portion thereof to be used for residential housing for native Americans within the state.*

Sec. 9. Minnesota Statutes 1974, Section 462A.07, is amended by adding a subdivision to read:

Subd. 14. It may engage in housing programs for low and moderate income native Americans, as that term is defined in

section 254A.02, subdivision 11, developed and administered separately or in combination by the Minnesota Chippewa tribe, the Red Lake band of Chippewa Indians, and the Sioux communities as determined by such tribe, band, or communities. In developing such housing programs the tribe, band, or communities shall take into account the housing needs of all native Americans residing both on and off reservations within the state. A plan for each such program, which specifically describes the program (a) content, (b) utilization of funds, (c) administration, (d) operation, (e) implementation and other matters, as determined by the agency, must be submitted to the agency for its review and approval prior to the making of eligible loans pursuant to section 462A.21. All such programs must conform to rules promulgated by the agency concerning program administration, including but not limited to rules concerning costs of administration; the quality of housing; interest rates, fees and charges in connection with making eligible loans; and other matters determined by the agency to be necessary in order to effectuate the purposes of this subdivision and sections 10 and 11 of this act. All such programs must provide for a reasonable balance in the distribution of funds appropriated for the purpose of this section between native Americans residing on and off reservations within the state. Nothing in this section shall preclude such tribe, band, or communities from requesting and receiving cooperation, advice, and assistance from the agency as regards program development, operation, delivery, financing, or administration. As a condition to the making of such eligible loans, the Minnesota Chippewa tribe, the Red Lake band of Chippewa Indians and the Sioux communities shall:

(a) enter into a loan agreement and other contractual arrangements with the agency for the purpose of transferring the allocated portion of loan funds as set forth in section 16 of this act and to insure compliance with the provisions of this section and chapter 462A, and

(b) shall agree that all of their official books and records related to such housing programs shall be subjected to audit by the legislative auditor in the manner prescribed for agencies of state government.

The agency shall submit a biennial report concerning the various housing programs for native Americans, and related receipts and expenditures as provided in section 462A.22, subdivision 9, and such tribe, band, or communities to the extent that they administer such programs, shall be responsible for any costs and expenses related to such administration provided, however, they shall be eligible for payment for costs, expenses and services pursuant to section 462A.07, subdivision 12, and section 10 of this act. The agency may provide or cause to be provided essential general technical services as set forth in section 462A.07, subdivision 2, and general consultative project assistance services, including, but not limited to, management training, and home

ownership counseling as set forth in section 462A.07, subdivision 3. Rules promulgated under this subdivision may be promulgated as emergency rules under chapter 15.

Sec. 10. Minnesota Statutes 1974, Section 462A.21, is amended by adding a subdivision 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 financed wholly or in part by any such loan to meet his housing costs without expending an unreasonable portion of his income on them.

Sec. 11. Minnesota Statutes 1974, Section 462A.21, is amended by adding a subdivision to read:

Subd. 4c. It may establish a revolving loan fund and may make eligible loans, pursuant to section 10 of this act, to low and moderate income native Americans as provided in section 9 of this act and may pay the costs and expenses necessary and incidental to the development and operation of such programs.

Sec. 12. Minnesota Statutes 1974, Section 462A.21, is amended by adding a subdivision to read:

Subd. 7. The agency may make loans to low and moderate income persons who own existing residential housing for the purpose of improving the efficient energy utilization of the housing. Permitted improvements shall include installation or upgrading of ceiling, wall, floor and duct insulation, storm windows and doors, and caulking and weatherstripping. The improvements shall not be inconsistent with the energy standards as promulgated as part of the state building code; provided that the improvements need not bring the housing into full compliance with the energy standards. Any loan for such purpose shall be made only upon determination by the agency that such loan is not otherwise available, wholly or in part, from private lenders upon equivalent terms and conditions. The agency may promulgate rules as necessary to implement and make specific the provisions of this subdivision. The rules shall be designed to permit the state, to the extent not inconsistent with chapter 462A, to seek federal grants or loans for energy purposes.

Sec. 13. Minnesota Statutes 1974, 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.

Sec. 14. Minnesota Statutes 1974, Chapter 462A, is amended by adding a section to read:

[462A.235] [DUTIES OF COMMISSIONER OF BANKS.]
The commissioner of banks shall strongly encourage all financial institutions organized under chapter 47 to cooperate with the Minnesota housing finance agency to effectuate the purposes of the Minnesota housing finance agency law of 1971, as amended.

Sec. 15. *The legislative auditor shall study and report to the legislative audit commission and the Minnesota housing finance agency no later than March 1, 1977, on the performance, management and operations of the agency. The report of the legislative auditor may include recommendations for statutory amendments or changes in agency operations, and shall include discussions of such matters as funding for agency operations, transfer and investment of agency money, and security for agency loans. The legislative auditor shall consult with and receive the assistance of the commissioners of finance and administration, the executive secretary of the state investment board and the executive director of the agency.*

Sec. 16. [APPROPRIATIONS.] *Subdivision 1. The sum of \$34,200,000 is appropriated from the general fund in the state treasury to the housing development fund under the jurisdiction of the Minnesota housing finance agency to be used for the purposes identified in Minnesota Statutes, Section 462A.21, Subdivision 4a, and in sections 10, 11 and 12 of this act and for the administrative costs and expenses related to these purposes. Not more than five percent of the amounts allocated in (a) and (c) below may be used for such administrative costs and expenses. The amounts determined by the agency to be used for each of those purposes shall not exceed:*

(a) *\$21,000,000 for making rehabilitation grants and low interest rehabilitation loans to persons and families of low and moderate income, of which \$6,000,000 shall be used for the purpose of improving the energy efficiency of dwellings, and of which \$6,000,000 shall be used for the purpose of making loans and grants to owners of residential housing who are senior citizens or owners of residential housing occupied by senior citizens, as determined by the agency. Up to \$9,000,000 of this appropriation may be used for making rehabilitation grants.*

Grants made under terms of this appropriation 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 year after receipt 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 second year after receipt 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 third year after receipt 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 fourth year after receipt 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 fifth year after receipt 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 sixth year after receipt of the grant, or thereafter, there shall be no repayment requirement;

(b) \$5,000,000 for the purpose of establishing a revolving loan fund for the development of housing for occupancy by native Americans as described in sections 9 and 11 of this act, and for the payment of costs and expenses necessary and incidental to such programs provided, however, that 64 percent of said appropriations shall be used in the development and operation of housing programs by the Minnesota Chippewa tribe; 30 percent of such appropriations shall be used in the development and operation of housing programs by the Red Lake band; six percent of such appropriations shall be used in the development and operation of housing programs by the Sioux communities;

(c) \$5,000,000 for establishing a revolving loan fund for financing low income purchasers of low cost basic homes;

(d) \$3,000,000 for deposit in a debt service account to be allocated by the agency in the manner specified in this clause as security for bonds or notes to be issued by the agency to provide loans for single and multi-family housing for persons and families of low and moderate income or refunding bonds or notes issued for such purpose. In connection with each issuance of bonds or notes for this purpose, the agency shall determine the amount, if any, of the account which shall be transferred to any fund or account required to be established by the agency under terms of any bond resolution or indenture to provide additional security for such bonds or notes;

(e) \$150,000 to engage in research, design, coordination, and marketing of alternative housing delivery systems for senior citizens;

(f) \$50,000 to research the potential for utilization of resources provided in Minnesota Statutes, Chapter 462A for the

development, purchase or rehabilitation of mobile homes and other alternative housing delivery systems.

Notwithstanding the provisions of Minnesota Statutes, Section 16A.28, or any other law relating to lapse of an appropriation, the appropriation made by this subdivision shall not lapse but shall continue until fully expended. Earnings from investments of any of the amounts appropriated by this subdivision shall be appropriated to the agency to be used for the same purposes as the respective original appropriations in this subdivision.

Subd. 2. The sum of \$100,000 is appropriated from the general fund in the state treasury to the legislative auditor to be used for the purposes identified in section 15 of this act. Any unexpended balance remaining in the first year shall not cancel but shall be available for the second year of the biennium.

Sec. 17. [EFFECTIVE DATE.] *This act shall be effective the day following final enactment."*

Further, strike the title and insert:

"A bill for an act relating to housing; increasing range of eligibility for assistance from housing finance agency; proscribing agency powers; authorizing the making of loans; promoting the economical construction of housing; providing for a report of legislative auditor; establishing a debt service account; establishing revolving loan funds; appropriating money; amending Minnesota Statutes 1974, Sections 462A.03, Subdivision 13; 462A.04, Subdivision 1; 462A.05, Subdivisions 2, 14, 15, and by adding a subdivision; 462A.07, Subdivision 13, and by adding subdivisions; 462A.21, by adding subdivisions; 462A.22, Subdivision 9; and Chapter 462A, by adding a section."

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

House Conferees: FRANKLIN J. KNOLL, FRED C. NORTON, JOHN C. LINDSTROM, CARL W. KROENING and DOUGLAS R. EWALD.

Senate Conferees: HUBERT H. HUMPHREY III; JOHN KEEFE, WINSTON W. BORDEN, DAVID D. SCHAAF and HARMON T. OGDahl.

Knoll moved that the report of the Conference Committee on H. F. No. 1137 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 1137, A bill for an act relating to housing; increasing range of eligibility for assistance from housing finance agency; providing for revolving loan funds and direct subsidies; appropriating money; amending Minnesota Statutes 1974, Sections 462A.03, Subdivision 13; 462A.05, Subdivisions 2 and 14; 462A.07, by adding a subdivision; 462A.19, Subdivision 1; 462A.21, by adding subdivisions; and 462A.22, Subdivision 9.

The bill was read for the third time, as amended by Conference and placed upon its repassage.

The question being taken on the repassage of the bill and the roll being called, there were yeas 114, and nays 19, as follows:

Those who voted in the affirmative were:

Abeln	DeGroat	Kalis	Munger	Sieben, H.
Adams, L.	Dieterich	Kelly, R.	Neisen	Sieben, M.
Anderson, G.	Doty	Kelly, W.	Nelson	Sieloff
Anderson, I.	Eken	Kempe, A.	Norton	Simoneau
Arlandson	Enebo	Kempe, R.	Novak	Skoglund
Beauchamp	Evans	Ketola	Osthoff	Smith
Begich	Ewald	Knickerbocker	Parish	Smogard
Berg	Faricy	Knoll	Patton	Spanish
Berglin	Forsythe	Kostohryz	Pehler	Stanton
Biersdorf	Fudro	Kroening	Petrafeso	Suss
Birnstihl	Fugina	Laidig	Philbrook	Swanson
Braun	George	Langseth	Pleasant	Tomlinson
Brinkman	Graba	Lemke	Prahl	Ulland
Byrne	Hanson	Lindstrom	Reding	Vanasek
Carlson, A.	Haugerud	Luther	Rice	Vento
Carlson, L.	Hokanson	Mangan	St. Onge	Voss
Carlson, R.	Jacobs	Mann	Samuelson	Wenstrom
Casserly	Jaros	McCarron	Sarna	Wenzel
Clark	Jensen	McCollar	Schreiber	White
Clawson	Johnson, C.	McEachern	Schulz	Wieser
Corbid	Johnson, D.	Menning	Schumacher	Williamson
Dahl	Jude	Metzen	Setzepfandt	Speaker Sabo
Dean	Kahn	Moe	Sherwood	

Those who voted in the negative were:

Adams, S.	Esau	Jopp	Nelsen	Searle
Albrecht	Fjoslien	Kaley	Niehaus	Wigley
Eckstein	Friedrich	Kvam	Peterson	Zubay
Erickson	Heinitz	McCauley	Savelkoul	

The bill was repassed, as amended by Conference, and its title agreed to.

CONFERENCE COMMITTEE REPORT ON H. F. NO. 2492

A bill for an act relating to environmental protection; limiting the sale and use of organic compounds known as polychlorinated biphenyls; permitting exemptions; requiring labels; defining terms; providing penalties.

April 2, 1976

The Honorable Martin O. Sabo
Speaker of the House of Representatives
The Honorable Alec G. Olson
President of the Senate

We, the undersigned conferees for H. F. No. 2492 report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that H. F. No. 2492 be amended as follows:

Strike everything after the enacting clause and insert:

"Section 1. [DEFINITIONS.] *Subdivision 1. For the purposes of this section the following terms shall have the meanings given;*

Subd. 2. "Agency" means the Minnesota pollution control agency.

Subd. 3. "Director" means the director of the pollution control agency.

Subd. 4. "PCB" means the class of organic compounds known as polychlorinated biphenyls and includes any of several compounds produced by replacing one or more hydrogen atoms on the biphenyl molecule with chlorine. PCB does not include chlorinated biphenyl compounds that have functional groups attached other than chlorine.

Subd. 5. "Person" has the meaning specified in Minnesota Statutes, Section 115.01, Subdivision 10.

Sec. 2. [PROHIBITED USE OF PCB.] *Subdivision 1. [CERTIFICATE OF EXEMPTION.] Beginning January 1, 1978, no person shall use, possess, sell, purchase or manufacture PCB or any product containing PCB unless the use, possession, sale, purchase or manufacture of PCB or products containing PCB is exempted by the agency. If the agency finds after there is opportunity for a public hearing on an application presented by any person, that no substitutes or feasible alternatives are reasonably available for PCB or a product containing PCB or class of products containing PCB, it shall grant a certificate of exemption which shall clearly set out the permitted use, possession, sale or purchase of PCB or a PCB product containing PCB. If the agency grants a certificate of exemption, it shall be valid for all subsequent uses of PCB or products containing PCB if the subsequent uses are consistent with the terms and conditions of the certificate of exemption. In granting certificates of exemption the agency shall at all times consider the public health and safety threatened by the use of PCB. In the consideration of certificates of exemption for the use or replacement of existing electrical transformers and capacitors the agency shall review, but not be limited to, considerations of the safety of proven alternatives, replacement costs and rules controlling the final disposal of PCB.*

Subd. 2. [EXCLUSION.] In no event shall the certificate of exemption requirement or the labeling requirement of this section apply to any individual person who purchases or otherwise acquires a product containing PCB intended for consumer

use in the home, provided that the use has previously been exempted by the agency and that the use is consistent with the terms and conditions of the certificate of exemption. Waste-paper, pulp, or other wood fiber materials purchased for use within this state in the manufacture of recycled paper products are exempt from the requirements of this section.

Subd. 3. [LABELS REQUIRED.] Beginning July 1, 1977, no person in this state shall add PCB in the manufacture of any new item, product or material, nor shall any person in this state sell any new item, product or material to which PCB has been added unless the PCB or products containing PCB are conspicuously labeled to disclose the presence of PCB and the concentrations of PCB.

Subd. 4. [RULES.] The agency shall promulgate rules by January 1, 1977, governing the granting of certificates of exemption and the requirements of labels specified in subdivision 3. The rules governing the requirement of labels specified in subdivision 3 may require other information relating to the public health and environmental effects of PCB and shall apply to persons holding certificates of exemption.

Subd. 5. [PENALTIES.] Violations of this act shall be subject to the provisions of Minnesota Statutes, Section 115.071.

Sec. 3. Minnesota Statutes 1974, Chapter 116D, is amended by adding a section to read:

[116D.045] [COST OF PREPARATION OF ENVIRONMENTAL IMPACT STATEMENTS.] Subdivision 1. The board shall, no later than January 1, 1977, by rule adopt procedures to assess the proposer of a specific action, when the proposer is a private person, for reasonable costs of preparing and distributing an environmental impact statement on that action required pursuant to section 116D.04. Such costs shall be determined by the responsible agency pursuant to the rules promulgated by the board in accordance with subdivision 5 and shall be assessed for projects for which an environmental impact statement preparation notice has been issued after February 15, 1977.

Subd. 2. In the event of a disagreement between the proposer of the action and the responsible agency over the cost of an environmental impact statement, the responsible agency shall consult with the board, which may modify the cost or determine that the cost assessed by the responsible agency is reasonable.

Subd. 3. The proposer shall pay the assessed cost to the board. All money received pursuant to this subdivision shall be deposited in the general fund.

Subd. 4. No agency or governmental subdivision shall commence with the preparation of an environmental impact state-

ment until at least one half of the assessed cost of the environmental impact statement is paid pursuant to subdivision 3. Other laws notwithstanding, no state agency may issue any permits for the construction or operation of a project for which an environmental impact statement is prepared until the assessed cost for the environmental impact statement has been paid in full.

Subd. 5. For actions proposed by a private person there shall be no assessment for preparation and distribution of an environmental impact statement for an action which has a total value less than one million dollars. For actions which are greater than one million dollars but less than ten million dollars, the assessment to the proposer as determined by the agency shall not exceed .3 percent of the total value except that the total value shall not include the first one million dollars of value. For actions the value of which exceed ten million dollars but are less than 50 million dollars, an additional charge may be made to the proposer by the agency which will not exceed .2 percent of each one million dollars of value over ten million dollars. For actions which are greater than 50 million dollars in total value, an additional charge may be made to the proposer by the agency which will not exceed .1 percent of each one million dollars of value over 50 million dollars. The proposer shall pay the assessed cost to the board when a state agency is designated the responsible agency. All money received by the board pursuant to this subdivision shall be deposited in the general fund. The proposer shall pay the assessed cost to the designated lead agency when such agency is a local unit of government.

Sec. 4. *This act is 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 environmental protection; limiting the sale and use of organic compounds known as polychlorinated biphenyls; permitting exemptions; requiring labels; providing penalties; providing for the assessment of the cost of preparing an environmental impact statement; amending Minnesota Statutes 1974, Chapter 116D, by adding a section.”.

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

House Conferees: WILLARD M. MUNGER, BRUCE F. VENTO and ARNE H. CARLSON.

Senate Conferees: GEORGE R. CONZEMIUS and WINSTON W. BORDEN.

Munger moved that the report of the Conference Committee on H. F. No. 2492 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 2492, A bill for an act relating to environmental protection; limiting the sale and use of organic compounds known as polychlorinated biphenyls; permitting exemptions; requiring labels; defining terms; providing penalties.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question being taken on the repassage of the bill and the roll being called, there were yeas 103, and nays 27, as follows:

Those who voted in the affirmative were:

Abeln	Dieterich	Kelly, W.	Nelsen	Sieben, M.
Adams, L.	Doty	Kempe, A.	Nelson	Simoneau
Anderson, I.	Enebo	Kempe, R.	Norton	Skoglund
Arlandson	Ewald	Ketola	Novak	Smith
Beauchamp	Faricy	Knickerbocker	Osthoff	Smogard
Begich	Fjoslien	Knoll	Parish	Spanish
Berg	Fudro	Kostohryz	Patton	Stanton
Berglin	Fugina	Kroening	Pehler	Suss
Birnstihl	George	Laidig	Petrafeso	Swanson
Braun	Graba	Langseth	Philbrook	Tomlinson
Byrne	Hanson	Lemke	Pleasant	Ulland
Carlson, A.	Haugerud	Luther	Prahl	Vanasek
Carlson, L.	Hokanson	Mangan	Reding	Vento
Carlson, R.	Jacobs	Mann	Rice	Voss
Casserly	Jaros	McCarron	St. Onge	Wenstrom
Clark	Jensen	McCauley	Sarna	Wenzel
Clawson	Johnson, C.	McCollar	Schreiber	White
Corbid	Johnson, D.	Metzen	Schulz	Williamson
Dahl	Jude	Moe	Schumacher	Speaker Sabo
Dean	Kahn	Munger	Sherwood	
DeGroat	Kelly, R.	Neisen	Sieben, H.	

Those who voted in the negative were:

Adams, S.	Erickson	Jopp	Peterson	Wieser
Albrecht	Esau	Kaley	Samuelson	Wigley
Anderson, G.	Evans	Kalis	Savelkoul	Zubay
Biersdorf	Forsythe	Kvam	Searle	
Eckstein	Friedrich	Menning	Setzpfandt	
Eken	Heinitz	Niehaus	Sieloff	

The bill was repassed, as amended by Conference, and its title agreed to.

Anderson, I., moved that the House recess subject to the call of the Chair. The motion prevailed.

RECESS

RECONVENED

The House reconvened and was called to order by the Speaker.

There being no objection the order of business reverted to Reports of Standing Committees.

REPORTS OF STANDING COMMITTEES

Kelly, W., from the Committee on Taxes to which was referred:

S. F. No. 633, A bill for an act relating to taxation; inheritance and gift taxes; amending Minnesota Statutes 1974, Sections 291.03; 291.05; 292.05, Subdivision 1; and 292.07, Subdivisions 3 and 5.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1974, Section 291.03, is amended to read:

291.03 [RATES.] When the property or any beneficial interest therein passes by any such transfer where the amount of the property shall exceed in value the exemption or exemptions hereinafter specified, where applicable, the tax hereby imposed shall be:

(1) Where the person entitled to any beneficial interest in such property shall be the (WIDOW) *surviving spouse*, minor or dependent child of the decedent, or any minor or dependent legally adopted child at the following prescribed rates:

1 1/2 percent on that part of the first \$25,000 which exceeds the applicable exemption or exemptions specified in section 291.05, clauses (3) through (7).

2 percent on the next \$25,000 or part thereof.

3 percent on the next \$50,000 or part thereof.

4 percent on the next \$50,000 or part thereof.

5 percent on the next \$50,000 or part thereof.

6 percent on the next \$100,000 or part thereof.

7 percent on the next \$100,000 or part thereof.

8 percent on the next \$100,000 or part thereof.

9 percent on the next \$500,000 or part thereof.

10 percent on the excess over \$1,000,000.

(2) Where the person or persons entitled to any beneficial interest in such property shall be the (HUSBAND,) adult child or other lineal descendant of the decedent, adult legally adopted child or issue, lineal ancestor of the decedent, stepchild as defined in section 291.005, or any child to whom such decedent for not less than ten years prior to such transfer stood in the mutually acknowledged relation of a parent; provided, such mutually acknowledged relationship began at or before the child's fifteenth birthday and was continuous for said ten years thereafter, or any lineal issue of such mutually acknowledged child, at the following prescribed rates:

2 percent on that part of the first \$25,000 which exceeds the applicable exemption or exemptions specified in section 291.05, clauses (3) through (7).

4 percent on the next \$25,000 or part thereof.

6 percent on the next \$50,000 or part thereof.

7 percent on the next \$100,000 or part thereof.

8 percent on the next \$200,000 or part thereof.

9 percent on the next \$600,000 or part thereof.

10 percent on the excess over \$1,000,000.

(3) Where the person or persons entitled to any beneficial interest in such property shall be the brother or sister or a descendant of a brother or sister of the decedent, a wife or widow of a son, or (THE) a husband or *widower* of a daughter of the decedent, at the following prescribed rates:

6 percent on that part of the first \$25,000 which exceeds the applicable exemption or exemptions specified in section 291.05, clauses (3) through (7).

8 percent on the next \$25,000 or part thereof.

10 percent on the next \$50,000 or part thereof.

12 percent on the next \$50,000 or part thereof.

14 percent on the next \$50,000 or part thereof.

16 percent on the next \$100,000 or part thereof.

- 18 percent on the next \$100,000 or part thereof.
- 20 percent on the next \$100,000 or part thereof.
- 22 percent on the next \$500,000 or part thereof.
- 25 percent on the excess over \$1,000,000.

(4) Where the person or persons entitled to any beneficial interest in such property shall be in any other degree of collateral consanguinity than is hereinbefore stated, or shall be a stranger in blood to the decedent, or shall be a body politic or corporate, at the following prescribed rates:

8 percent on that part of the first \$25,000 which exceeds the applicable exemption or exemptions specified in section 291.05, clauses (3) through (7).

- 10 percent on the next \$25,000 or part thereof.
- 12 percent on the next \$50,000 or part thereof.
- 14 percent on the next \$50,000 or part thereof.
- 16 percent on the next \$50,000 or part thereof.
- 18 percent on the next \$100,000 or part thereof.
- 20 percent on the next \$100,000 or part thereof.
- 22 percent on the next \$100,000 or part thereof.
- 26 percent on the next \$500,000 or part thereof.
- 30 percent on the excess over \$1,000,000.

Sec. 2. Minnesota Statutes 1974, Section 291.05, is amended to read:

291.05 [EXEMPTIONS.] The following exemptions from the tax are hereby allowed:

(1) Any devise, bequest, gift, or transfer to or for the use of the United States of America or any state or any political subdivision thereof for public purposes exclusively, and any devise, bequest, gift, or transfer to or for the use of any corporation, fund, foundation, trust, or association operated within this state for religious, charitable, scientific, literary, education or public cemetery purposes exclusively, including the encouragement of art and the prevention of cruelty to children or animals, no part

of which devise, bequest, gift, or transfer inures to the profit of any private stockholder or individual, and any bequest or transfer to a trustee or trustees exclusively for such purposes shall be exempt. Any devise, bequest, gift, or transfer to an employee stock ownership trust as defined in section 290.01, subdivision (3) 25, shall be exempt. Where the beneficiaries of a stock ownership trust include the transferor, his spouse, children, grandchildren, parents, siblings or their children, the amount of the exemption shall be reduced by the product of multiplying said amount by their percentage interest in the trust.

Any devise, bequest, gift, or transfer, not to exceed \$1,000 made to a clergyman, the proceeds of which are to be used for religious purposes or rites designated by the testator, shall be exempt. Any devise, bequest, gift, or transfer to or for the use of any corporation, fund, foundation, trust, or association operated for religious, charitable, scientific, literary, education, or public cemetery purposes exclusively, including the encouragement of art, and the prevention of cruelty to children or animals, no part of which devise, bequest, gift, or transfer inures to the profit of any private stockholder or any individual, and any bequest or transfer to a trustee or trustees exclusively for such purposes, shall be exempt, if, at the date of the decedent's death, the laws of the state under the laws of which the transferee was organized or existing, either (1) did not impose a death tax of any character, in respect of property transferred to a similar corporation, fund, foundation, trust, or association, organized or existing under the laws of this state, or (2) contained a reciprocal provision under which transfers to a similar corporation, fund, foundation, trust, or association, organized or existing under the laws of another state were exempted from death taxes of every character if such other state allowed a similar exemption to a similar corporation, fund, foundation, trust, or association, organized under the laws of such state.

(2) The homestead of a decedent, and the proceeds thereof if sold during administration, transferred to the spouse or to any minor or dependent child of the decedent, or to any minor or dependent legally adopted child of the decedent, shall be exempt to the extent of (\$30,000) \$45,000 of the appraised value thereof. *In the case of a decedent's estate wherein no property or beneficial interest therein passing by reason of death is eligible for the homestead exemption because the decedent did not have an interest in property constituting a homestead at the time of his death, there shall be allowed an exemption in lieu of the homestead exemption, in the amount of \$10,000. The exemption shall be allocated among the surviving spouse and the decedent's natural or adopted minor or dependent children in proportion to the total amount of property or any interest therein passing to such spouse and children.*

Proceeds of any insurance policy issued by the United States and generally known as war risk insurance, United States government life insurance or national service life insurance payable

upon the death of any person dying on or after June 24, 1950, shall be exempt.

Proceeds of life insurance issued pursuant to Public Law 89-214 and generally known as servicemen's group life insurance payable upon the death of any person on or after September 1, 1965, shall be exempt. Claims for refunds of inheritance tax paid on such proceeds shall be accepted by the commissioner if filed with him by December 31, 1970, or within 18 months after such payment, whichever is later.

Proceeds of payments from the United States railroad retirement fund; or from the United States as social security benefit, shall be exempt.

(3) (i) Property or any beneficial interest therein of the clear value of (\$30,000) \$60,000 transferred to the (WIDOW) *surviving spouse*, shall be exempt.

(ii) Provided, where the amount of family maintenance allowed by the probate court is less than the maximum deductible under the provisions of section 291.10, or if no such maintenance is allowed, there shall be allowed to the (WIDOW) *surviving spouse* an additional exemption equal in amount to the difference between the maximum deduction as provided by section 291.10 and the amount of such family maintenance allowed by the probate court. Further provided, where no probate proceedings are had there shall be allowed to the (WIDOW) *surviving spouse* an additional exemption equal to the maximum deduction allowed for family maintenance under the provisions of section 291.10.

(4) (i) Property or any beneficial interest therein of the clear value of (\$15,000) \$30,000 transferred to each minor or dependent child of the decedent, or any minor or dependent legally adopted child of the decedent, shall be exempt.

(ii) Provided, where the decedent left no (WIDOW) *surviving spouse* entitled to the exemption allowed by clause (3) of this section the exemption allowed by subparagraph (ii) of clause (3) shall be allowed to beneficiaries entitled to exemption under the provisions of this clause (4). In no event shall the aggregate amount of exemption so allowed be in excess of the additional amount that would have been allowed under subparagraph (ii) of clause (3) had such paragraph been applicable.

(5) Property or any beneficial interest therein of the clear value of \$6,000 transferred to (THE HUSBAND,) any adult child or other lineal descendant of the decedent, any adult legally adopted child, stepchild as defined in section 291.005, or any child to whom the decedent, for not less than ten years prior to his death, stood in the mutually acknowledged relation

of a parent; provided, such mutually acknowledged relationship began at or before the child's fifteenth birthday, and was continuous for ten years thereafter, or any lineal issue of such adopted or mutually acknowledged child, or any lineal ancestor of the decedent, shall be exempt.

(6) Property or any beneficial interest therein of the clear value of \$1,500 transferred to any brother or sister or a descendant of a brother or sister of the decedent, a wife or widow of a son, or (THE) a husband or widower of a daughter of the decedent, shall be exempt.

(7) Property or any beneficial interest therein of the clear value of \$500 transferred to any person in any other degree of collateral consanguinity than is hereinbefore stated, or shall be a stranger in blood to the decedent, or shall be a body politic or corporate not exempt under this chapter, shall be exempt.

Sec. 3. Minnesota Statutes 1974, Chapter 291, is amended by adding a section to read:

[291.051] [MARITAL EXEMPTION TAX.] *Subdivision 1. [DEFINITIONS.] For the purposes of this section, the terms defined in this subdivision shall have the meaning given them herein.*

"Marital exemption" means 50 percent, but not more than \$250,000, of the net taxable value passing to the surviving spouse of a decedent domiciled in Minnesota at the time of his death, reduced by the value of real property outside Minnesota and tangible personal property permanently located outside Minnesota.

"Net taxable value" means the gross value passing to the surviving spouse reduced by the deductions attributable to such gross value pursuant to section 291.07, except subdivision 1, clause (5), but without regard to the exemptions allowed to the surviving spouse by sections 291.05, clauses (1), (2), and (3), and 291.10.

"Marital exemption tax" means a tax imposed at the rates provided by chapter 291 on the value of property passing to the surviving spouse less the marital exemption, but without regard to the exemptions allowed to the surviving spouse by sections 291.05, clauses (1), (2) and (3) and 291.10.

Subd. 2. [ALTERNATE TAX.] If the marital exemption tax on the property passing to the surviving spouse is less than a tax computed on that property under the other provisions of chapter 291, the marital exemption tax shall be imposed in lieu of the tax computed under the other provisions.

Sec. 4. Minnesota Statutes 1974, Section 291.10, is amended to read:

291.10 [MAINTENANCE OF FAMILY IN INHERITANCE TAX CASES.] In determining the value of any estate subject to an inheritance tax, the amount deducted for the maintenance of the family shall not be greater than the amount allowed (BY THE PROBATE COURT FOR ONE YEAR, AND WHICH IS REASONABLY REQUIRED OR ACTUALLY EXPENDED FOR THEIR SUPPORT DURING THE SETTLEMENT OF THE ESTATE) under section 525.151, not exceeding in any event the sum of (\$5,000) \$9,000.

Sec. 5. Minnesota Statutes 1974, Section 291.11, Subdivision 1, is amended to read as follows:

291.11 [TIME EFFECTIVE.] Subdivision 1. [UPON DEATH; TIME OF ASSESSMENT.] (a) All taxes imposed by this chapter shall take effect at and upon the death of the person from whom the transfer is made and shall be due and payable at the expiration of 12 months from such death, except as otherwise provided in this chapter. *Provided, that any taxpayer who owes at least \$5,000 in taxes may choose to pay these taxes in five equal installments over a period of time not to exceed five years from the death of the person from whom the transfer is made. When a taxpayer elects to pay the tax in installments, he shall notify the commissioner in writing no later than 12 months after the death of the person from whom the transfer is made. If the taxpayer fails to pay an installment on time, the election shall be revoked and the entire amount of unpaid tax shall be due and payable 90 days after the date on which the installment was payable.*

(b) (A) False return — in the case of a false or fraudulent return with the intent to evade tax, any additional tax resulting therefrom may be assessed at any time.

(B) No return — in the case of failure to file a return, the tax may be assessed at any time.

(C) Omissions — in the case where there is omitted from the estate items subject to tax under this chapter the tax on such omitted items may be assessed at any time.

In determining the items omitted, there shall not be taken into account any item which has been disclosed in the return or in a statement attached to the return in a manner adequate to apprise the commissioner of the nature and amount of such item.

(c) Where, before the expiration of the time prescribed in this chapter for the determination or adjustment of the tax, the commissioner and the taxpayer shall consent in writing to the extension of time for such determination or adjustment the tax may be determined at any time prior to the expiration agreed upon and in the manner agreed upon. The period so agreed upon

may be extended by subsequent agreements in writing made before the expiration of the period previously agreed upon.

(d) The estate tax prescribed in section 291.34, notwithstanding the period of limitations prescribed for determination of the inheritance tax in this chapter shall be determined by the commissioner not later than 90 days following the filing of the Minnesota estate tax return with the commissioner, together with a copy of the federal audit report or the closing letter accepting the federal return as originally filed.

Sec. 6. Minnesota Statutes, 1975 Supplement, Section 291.-131, Subdivision 6, is amended to read:

Subd. 6. The amount of tax not timely paid, *including the amount of unpaid tax when the taxpayer elects to pay the tax in installments*, together with any penalty provided by this section, shall bear interest at the rate specified in section 270.75 from the time such tax should have been paid until paid. All interest and penalty shall be added to the tax and collected as a part thereof.

Sec. 7. Minnesota Statutes, 1975 Supplement, Section 291.-132, is amended to read:

291.132 [EXTENSION TO FILE OR PAY.] The commissioner may extend the time for filing returns or making payment of the tax, without penalty, for a period not to exceed six months. *In lieu of the six month extension, the commissioner may extend the time for payment of the tax, without penalty, for a period not to exceed two years if the payment of the tax would result in an undue hardship on the estate. The written request for the undue hardship extension shall be made to the commissioner no later than 12 months after the death of the person from whom the transfer is made. The taxpayer may elect to pay the taxes in installments as specified in section 291.11, subdivision 1, provided that the period of time for the payment of the taxes shall not exceed five years from the expiration of the extension granted by the commissioner.* Where an extension of time has been granted, interest shall be payable at the rate specified in section 270.75 from the date when such payment should have been made, if no extension had been granted, until such tax is paid.

Sec. 8. Minnesota Statutes 1974, Section 291.14, Subdivision 2, is amended to read:

Subd. 2. (1) Except as provided in clause (4) of this subdivision, where a lien for inheritance tax imposed under this chapter may be enforced against real property transferred to surviving joint tenants, or upon property transferred by a decedent during such decedent's lifetime, the surviving joint tenants or the transferees of the property so transferred by the decedent

shall file on a form prescribed by the commissioner a schedule of non-probate assets listing the property or interest taxable. Any tax due on the transfer of such property or interest to the surviving joint tenants or to the transferees of the property so transferred by the decedent shall be reported on an inheritance tax return filed with the commissioner pursuant to section 291.-09, and shall be a lien upon the interest of the surviving joint tenants or the transferees, until paid, and the surviving joint tenants or the transferees shall be personally liable for such tax to the extent of the value of such property.

(2) No lien shall be enforced against real property subject to the provision of clause (1) of this subdivision unless the state shall assert the same by filing a statement of such lien in the office of the register of deeds or registrar of titles in the county wherein such real estate may be situated within ten years from the date of recording a copy of the death record of the deceased joint tenant or deceased transferor, together with a copy of the schedule of non-probate assets required to be filed with the commissioner pursuant to clause (1) of this subdivision, which copy shall have been duly acknowledged by the commissioner.

(3) Where the tax on property subject to the provisions of clause (1) of this subdivision has been paid, or if there is deposited with the commissioner cash in an amount equal to the tax which, in the judgment of the commissioner, may be due upon the transfer of such property, or if there is no tax required to be paid, the commissioner shall certify on an affidavit of survivorship-remainderman, described by the commissioner, that the lien has been satisfied or waived as the case may be. The affidavit so certified may be recorded as are other instruments affecting the title to real estate.

(4) (a) (i) When the decedent's death occurred subsequent to April 20, 1939, the provisions of this clause shall apply to the spouse, minor or dependent natural or adopted child of the decedent, or to the combination of classes of persons included herein,

(ii) When decedent's death occurred in the period beginning on April 21, 1939, and ending April 25, 1949, the provisions of this clause shall apply to the spouse, minor or dependent natural or adopted child or any other issue of the decedent, or to any combination of classes of persons included in this subparagraph (ii),

(b) Where the homestead is held in joint tenancy with the right of survivorship by the decedent and persons meeting the conditions described in (a) above, an affidavit in the form and manner prescribed by the commissioner, may be delivered to the register of deeds or the registrar of titles. Such affidavit shall declare

(i) that the surviving joint tenant or tenants were members of the classes described in (a) above at the date of decedent's death (if any of the surviving joint tenants were minors, state date of such minor's birth),

(ii) that the property described as the homestead was owned and occupied by the decedent as his principal dwelling place at date of death,

(iii) that the quantity of land included in such property is not in excess of (THE MAXIMUM AMOUNT ALLOWED FOR PURPOSES OF THE HOMESTEAD EXEMPTION BY SECTION 510.02) *120 acres, and not included in the laid out or platted portion of any city. If the land is within a laid out or platted portion of a city, its area shall not exceed one-half of an acre,*

(iv) that the gross market value of such property at date of death was not in excess of (\$30,000) *\$45,000,*

(v) the affidavit to be delivered to the register of deeds or registrar of titles shall have attached thereto a certified copy of the death certificate with respect to the death of the deceased joint tenant.

The affidavit shall be in lieu of an affidavit of survivorship certified by the commissioner and shall extinguish the lien imposed on such property by clause (2) of this subdivision, and shall be recorded or filed as a document affecting the title to the real estate. The register of deeds or registrar of titles shall not be required to verify the declarations made in such affidavit.

(c) A copy of the affidavit (which need not bear a copy of the death certificate) shall be supplied to the register of deeds or registrar of titles; he will forward this copy to the commissioner at his office in St. Paul, Minnesota.

(d) Where it appears that a schedule of non-probate assets would otherwise not be required to be filed, the property, the lien on which has been extinguished in accordance with the provisions of paragraph (a) above, need not be reported on a schedule of non-probate assets.

Sec. 9. Minnesota Statutes, 1975 Supplement, Section 291.14, Subdivision 4, is amended to read:

Subd. 4. The lien of the state for inheritance taxes payable by a personal representative shall not extend to any right acquired by a bona fide purchaser, mortgagee, or lessee through any conveyance made by such personal representative, provided that such personal representative delivers to the register of deeds or registrar of titles, as the case may be, a declaration that the

property described therein has been sold to a bona fide purchaser, or has been mortgaged or leased, as the case may be. The declaration so submitted shall have attached thereto a certified copy of letters evidencing the appointment of such personal representative. The register of deeds or registrar of titles shall submit a copy of such declaration to the commissioner at his office in St. Paul, Minnesota, without any requirement that the statements made therein by such personal representative have been verified. The lien so extinguished with respect to such bona fide purchaser, *mortgagee or lessee* shall not be reinstated or challenged by the commissioner.

Sec. 10. Minnesota Statutes 1974, Section 291.20, Subdivision 1, is amended to read:

291.20 [SAFETY DEPOSIT COMPANIES NOT TO TRANSFER FUNDS.] Subdivision 1. No person holding securities (OF) or assets belonging at the time of death of a decedent to him or to him and another or others as joint tenants, or having on deposit funds in excess of \$1,000 to the credit of a decedent, or to the decedent and another or others as joint tenants, or to the credit of the decedent as trustee for another or others, or renting a safe deposit box or other place of safekeeping to a decedent, individually or as joint tenant or tenant in common, shall deliver or transfer the same to any person, or permit any person to have access thereto, unless notice of the time and place of such intended transfer or access be served upon the county treasurer, personally or by representative, in which event the county treasurer, personally or by representative, may examine said securities, assets, funds or contents of such safe deposit box, at the time of such delivery, transfer or access. If, upon such examination the county treasurer or his representative shall for any cause deem it advisable that such securities, assets or funds should not be immediately delivered or transferred, or access to said safe deposit box or other place of safekeeping should not immediately be granted, he may forthwith notify in writing such person to defer delivery or transfer or access, as the case may be, for a period not to exceed ten days from the date of such notice, and thereupon it shall be the duty of the person notified to defer such delivery, transfer or access until the time stated in such notice or until prior revocation thereof. Failure to serve the notice first above mentioned, or to allow such examination, or to defer delivery or transfer of such securities, assets, or funds, or to refuse access to such safe deposit box or other place of safekeeping for the time stated in the second of such notices, shall render such person liable to the payment of the tax due, not exceeding \$1,000, upon the transfer of said securities, assets, or funds, or upon securities, assets, or moneys in such safe deposit box or other place of safekeeping, pursuant to the provisions of this act; provided, however, that nothing herein contained shall subject such person to liability for the payment of any such tax unless such person had knowledge of the death of the decedent prior to such delivery or transfer of such securities, assets, or funds, or entry to said safe

deposit box or other place of safekeeping. (NOTHING HEREIN CONTAINED SHALL APPLY WITH RESPECT TO NEGOTIABLE INSTRUMENTS ON WHICH SUCH PERSON IS OBLIGATED, NOR TO THE DELIVERY OR TRANSFER OF SECURITIES OR ASSETS STANDING IN THE NAME OF DECEDENT ALONE, EXCEPT CONTENTS OF SAFE DEPOSIT BOXES, SO HIS DULY QUALIFIED EXECUTOR, ADMINISTRATOR OR PERSONAL REPRESENTATIVE.) The word "person" as used herein shall include individual persons, safe deposit companies, banks, trust companies, savings and loan associations, partnerships and all other organizations.

Any person seeking access to any safe deposit box upon the death of any person who at the time of his death was a tenant thereof either individually or as joint tenant or tenant in common, or seeking to withdraw securities, assets or funds belonging to the decedent or which decedent had the right to withdraw, shall notify the person renting such safe deposit box or holding such securities, assets or funds of the decedent's death. Any person who wilfully fails to give the notice of the death of the decedent required by this paragraph with intent to evade taxes due hereunder shall be guilty of a misdemeanor. It shall be a complete defense to any prosecution under the provisions of this subdivision that no inheritance tax was due from the decedent's estate.

Sec. 11. Minnesota Statutes 1974, Section 291.20, Subdivision 4, is amended to read:

Subd. 4. Every corporation, partnership, association or individual required to pay benefits to the estate or to a beneficiary of a deceased employee or former employee under a pension, stock bonus or profit sharing plan taxable under section 291.065, or to a beneficiary under an individual retirement account described in section 408 of the internal revenue code, as amended, whether in the form of periodic payments or in a lump sum, and whether directly or through a trust or fund created by the employer for such purpose, shall give notice of such obligation to the commissioner within 30 days after the date of payment, or the date of initial payment if more than one payment is to be made either to the estate or to a named beneficiary of such deceased employee or deceased former employee. Such notice shall be given on the forms prescribed by the commissioner and such notice shall set forth such information as the commissioner shall prescribe.

Sec. 12. *Section 9 of this act is effective on January 1, 1976. The remainder of this act is effective for estates of decedents dying after June 30, 1976.*

Further, strike the title and insert:

"A bill for an act relating to taxation; increasing inheritance tax exemptions; providing that the same inheritance rates and

exemptions apply to widow and widower; increasing the maintenance deduction; providing for the payment of the inheritance tax in installments over five years; providing an undue hardship deferral; amending Minnesota Statutes 1974, Sections 291.03; 291.05; 291.10; 291.11, Subdivision 1; 291.14, Subdivision 2; 291.20, Subdivisions 1 and 4; and Chapter 291, by adding a section; and Minnesota Statutes, 1975 Supplement, Sections 291.131, Subdivision 6; 291.132; and 291.14, Subdivision 4."

With the recommendation that when so amended the bill do pass.

The report was adopted.

Kelly, W., from the Committee on Taxes to which was referred:

S. F. No. 2082, A bill for an act relating to taxation; providing for payments from the taconite municipal aid account to certain cities and towns; amending Minnesota Statutes 1974, Section 298.282, Subdivision 2, and by adding a subdivision.

Reported the same back with the recommendation that the bill do pass.

The report was adopted.

SECOND READING OF SENATE BILLS

S. F. Nos. 633 and 2082 were read for the second time.

The following Conference Committee reports were received.

CONFERENCE COMMITTEE REPORT ON H. F. NO. 471

A bill for an act relating to condominiums; providing for registration and disclosure prior to sale; providing penalties; amending Minnesota Statutes 1974, Section 83.26, Subdivision 1; and repealing Minnesota Statutes 1974, Chapter 515.

April 1, 1976

The Honorable Martin O. Sabo
Speaker of the House of Representatives
The Honorable Alec G. Olson
President of the Senate

We, the undersigned conferees for H. F. No. 471 report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that H. F. No. 471 be amended as follows:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1974, Chapter 515, is amended by adding a section to read:

[515.175] [INCORPORATION OF ASSOCIATION.] *Subsequent to July 1, 1976, an association of apartment owners shall be incorporated under Minnesota Statutes, Chapter 317 before the declaration is recorded.*

Sec. 2. Minnesota Statutes 1974, Section 515.19, is amended to read:

515.19 [CONTENTS OF BYLAWS.] *Subdivision 1.* The bylaws may provide for the following:

(a) The election from among the apartment owners of a board of directors, the number of persons constituting the same, and that the terms of at least one third of the directors shall expire annually; the powers and duties of the board; the compensation, if any, of the directors; the method of removal from office of directors; and whether or not the board may engage the services of a manager or managing agent.

(b) Method of calling meetings of the apartment owners; what percentage, if other than a majority of apartment owners, shall constitute a quorum.

(c) Election of a president from among the board of directors who shall preside over the meetings of the board of directors and of the association of apartment owners.

(d) Election of a secretary who shall keep the minute book wherein resolutions shall be recorded.

(e) Election of a treasurer who shall keep the financial records and books of account.

(f) Maintenance, repair and replacement of the common areas and facilities and payments therefor, including the method of approving payment vouchers.

(g) Manner of collecting from the apartment owners their share of the common expenses.

(h) Designation and removal of personnel necessary for the maintenance, repair and replacement of the common areas and facilities.

(i) Method of adopting and of amending administrative rules and regulations governing the details of the operation and use of the common areas and facilities.

(j) Such restrictions on and requirements respecting the use and maintenance of the apartments and the use of the common areas and facilities, not set forth in the declaration, as are designed to prevent unreasonable interference with the use of their respective apartments and of the common areas and facilities by the several apartment owners.

(k) The percentage of votes required to amend the bylaws.

(l) Other provisions as may be deemed necessary for the administration of the property consistent with sections 515.01 to 515.29.

Subd. 2. The bylaws shall provide that the association of apartment owners shall meet at least once each year. The bylaws shall specify an officer who shall, at least 21 days in advance of any annual or regularly scheduled meeting and at least seven days in advance of any other meeting, send to each apartment owner notice of the time, place and complete agenda of the meeting. The notice shall be sent by United States mail to all apartment owners of record and at the address of their respective apartments and to other addresses as any of them may have designated to the officer.

Subd. 3. The bylaws shall provide that no vote in the association of apartment owners shall be deemed to inure to any apartment during the time when the apartment owner thereof is the association of apartment owners.

Subd. 4. The bylaws shall provide that an annual report be prepared by the association of apartment owners, that a copy of the report be provided to each apartment owner, and that the report contains at a minimum the following:

(a) A statement of any capital expenditures in excess of \$1,000 anticipated by the association of apartment owners during the current year or succeeding two fiscal years;

(b) A statement of the status and amount of any reserve for replacement fund and any portion of the fund designated for any specified project by the board of directors;

(c) A copy of the statement of financial condition for the association of apartment owners for the last fiscal year;

(d) A statement of the status of any pending suits or judgments in which the association of apartment owners is a party;

(e) A statement of the insurance coverage provided by the association of apartment owners; and

(f) A statement of any unpaid assessments by the association of apartment owners on individual apartments, identifying the apartment number and the amount of the unpaid assessment.

Sec. 3. Minnesota Statutes 1974, Chapter 515, is amended by adding a section to read:

[515.195] [RESTRICTIONS ON CONTROL OF CREATOR OF THE CONDOMINIUM.] *Subdivision 1. At the first annual meeting subsequent to the earlier of (a) five years from the date of recording the declaration or (b) when three-fifths of the apartment owners are other than the owner who submits the property to the provisions of Minnesota Statutes, Chapter 515, the terms of office of all then existing officers and directors shall terminate.*

Subd. 2. No contract, lease, management contract, employment contract, or lease of recreational areas or facilities, which is directly or indirectly made by or on behalf of the association of apartment owners shall be entered into for a period exceeding two years.

Sec. 4. Minnesota Statutes 1974, Chapter 515, is amended by adding a section to read:

[515.215] [DISCLOSURE REQUIREMENTS.] *Subdivision 1. Not later than 15 days prior to the closing of the first conveyance of each apartment, the vendor shall furnish to the purchaser the following:*

- (1) *The purchase agreement for the apartment;*
- (2) *A copy of the declaration and bylaws;*
- (3) *A copy of the articles of incorporation of the association of apartment owners;*
- (4) *A copy of any management contract, employment contract, or other contract affecting the use, maintenance, or access of all or part of the condominium;*
- (5) *A copy of the annual operating budget for the condominium including reasonable details concerning the monthly payments by the purchaser for assessments, and monthly charges for the use, rental, or lease of any facilities;*
- (6) *A copy of any lease to which it is anticipated the apartment owners or the association of apartment owners will be a party following closing;*
- (7) *A copy of the floor plan of the apartment;*

(8) A description of any recreational or other facilities which are to be used by the apartment owners and maintained by them or by the association of apartment owners and a statement as to whether or not they are to be part of the common areas and facilities;

(9) A statement as to whether streets within the condominium are to be dedicated to public use or maintained by the association of apartment owners; and

(10) In the case of condominiums containing buildings substantially completed more than five years prior to the recording of the declaration, a statement of the physical condition and state of repair of the major structural, mechanical, electrical, and plumbing components of the improvements to the extent reasonably ascertainable. The vendor is entitled to rely on the reports of architects or engineers authorized to practice their profession in this state;

(11) A statement of the total number of apartments in the association of apartment owners, and the number of apartments sold which shall be updated at least monthly;

(12) A statement concerning any plans for future development or expansion of the project, including any buildings, apartments or common areas and facilities that may be added; if the plans are used in the promotion of the project, or the plats and plans or blueprints of the future development have been prepared;

(13) A statement of the terms of any financing being offered by the vendor in connection with the sale of apartments;

(14) A statement of the provisions of any warranties offered by the vendor in connection with the sale of apartments;

(15) A statement of the insurance coverage that will be provided by the association of apartment owners.

Subd. 2. Any material furnished pursuant to subdivision 1 may not be changed or amended following delivery to the purchaser, if the change or amendment would affect materially the rights of the purchaser, without first obtaining approval of the purchaser. A copy of any amendments shall be delivered promptly to the purchaser.

Subd. 3. Any vendor referred to in subdivision 1 who, in disclosing the information required pursuant to subdivisions 1 and 2, makes any untrue statement of a material fact, or omits to state a material fact necessary in order to make the statements made, in the light of circumstances under which they were made, not misleading, shall be liable to any person purchasing an apart-

ment from him. However, no action may be maintained to enforce any liability created under this section unless brought within three years after the date of closing.

Subd. 4. The rights of purchasers under this section may not be waived in the purchase agreement and any attempted waiver is void. However, if any purchaser proceeds to closing, his right under this section to rescind is terminated.

Subd. 5. The requirements of this section do not apply to the sale of any unit which is to be occupied and used for nonresidential purposes.

Subd. 6. (a) A purchaser has an unconditional right to rescind a purchase agreement at any time within five days after the date the purchaser receives all the information contained in subdivision 1.

(b) Each purchase agreement shall prominently contain upon its face the following notice printed in bold type, stating:

"Notice to Purchaser

You are entitled to rescind this agreement at anytime within five days from the day you actually receive the information required by law. Such rescission must be in writing and mailed to the vendor or his agent or his lender at the address stated in this document. Upon rescission, you will receive a refund of all moneys paid."

(c) Rescission occurs when the purchaser gives written notice of rescission to the vendor, or his agent or the lender at the address stated in the purchase agreement. Notice of rescission, if given by mail, is effective when it is deposited in a mailbox properly addressed and postage prepaid.

Subd. 7. When the purchase agreement relates to a condominium not yet formed, the applicable information required by subdivision 1, may be a proposed form."

Further, amend the title as follows:

Page 1, line 2, strike "providing for registration".

Page 1, strike lines 3 to 6, and insert "regulating the association of apartment owners; requiring certain disclosure before initial sale of apartments; amending Minnesota Statutes 1974, Section 515.19, and Chapter 515 by adding sections."

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

House Conferees: NEIL B. DIETERICH, MICHAEL GEORGE and RONALD B. SIELOFF.

Senate Conferees: ROBERT J. TENNESSEN, JACK DAVIES and HARMON T. OGDahl.

Dieterich moved that the report of the Conference Committee on H. F. No. 471 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 471, A bill for an act relating to condominiums; providing for registration and disclosure prior to sale; providing penalties; amending Minnesota Statutes 1974, Section 83.26, Subdivision 1; and repealing Minnesota Statutes 1974, Chapter 515.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question being taken on the repassage of the bill and the roll being called, there were yeas 131, and nays 0, as follows:

Those who voted in the affirmative were:

Abeln	Eckstein	Kaley	Neisen	Sieben, H.
Adams, L.	Eken	Kalis	Nelsen	Sieben, M.
Adams, S.	Enebo	Kelly, R.	Nelson	Sieloff
Albrecht	Erickson	Kelly, W.	Niehaus	Simoneau
Anderson, G.	Esau	Kempe, A.	Norton	Skoglund
Anderson, I.	Evans	Kempe, R.	Novak	Smith
Arlandson	Ewald	Ketola	Osthoff	Smogard
Beauchamp	Faricy	Knickerbocker	Parish	Stanton
Begich	Fjoslien	Knoll	Patton	Suss
Berg	Forsythe	Kostohryz	Pehler	Swanson
Berglin	Friedrich	Kroening	Peterson	Tomlinson
Biersdorf	Fudro	Kvam	Petrafeso	Ulland
Birnsthil	Fugina	Laidig	Philbrook	Vanasek
Braun	George	Langseth	Pleasant	Vento
Brinkman	Graba	Lemke	Prahl	Voss
Byrne	Hanson	Lindstrom	Reding	Wenstrom
Carlson, A.	Haugerud	Luther	Rice	Wenzel
Carlson, L.	Heinitz	Mangan	St. Onge	White
Carlson, R.	Hokanson	Mann	Samuelson	Wieser
Casserly	Jacobs	McCarron	Sarna	Wigley
Clark	Jaros	McCauley	Savelkoul	Williamson
Corbid	Jensen	McCollar	Schreiber	Zubay
Dahl	Johnson, C.	McEachern	Schulz	Speaker Sabo
Dean	Johnson, D.	Menning	Schumacher	
DeGroat	Jopp	Metzen	Searle	
Dieterich	Jude	Moe	Setzepfandt	
Doty	Kahn	Munger	Sherwood	

The bill was repassed, as amended by Conference, and its title agreed to.

CONFERENCE COMMITTEE REPORT ON H. F. NO. 354

A bill for an act relating to public welfare; providing for the licensing of facilities and services for the handicapped and children; prescribing penalties; amending Minnesota Statutes 1974,

Section 252.28; repealing Minnesota Statutes 1974, Sections 245.-78; 245.79; 245.80; 245.81; 245.82; 257.081; 257.082; 257.091; 257.101; 257.102; 257.111; 257.123; and 257.124.

April 1, 1976

The Honorable Martin O. Sabo
Speaker of the House of Representatives
The Honorable Alec G. Olson
President of the Senate

We, the undersigned conferees for H. F. No. 354 report that we have agreed upon the items in dispute and recommend as follows:

That H. F. No. 354, as amended by the Senate, be further amended as follows:

Strike the Page 6, line 28 amendment placed on H. F. No. 354 by the Senate on March 26, 1976 and insert:

“(5) A private hospital whose psychiatric or chemical dependency program is located within the hospital and is reviewed by the appropriate review committee of a national professional organization whose membership is limited to medical students, enrollees in residency programs and licensed medical doctors.”.

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

House Conferees: HAROLD J. DAHL, BOB MCEACHERN and JOHN R. KALEY.

Senate Conferees: ROBERT D. NORTH, JOHN MILTON and NANCY BRATAAS.

Dahl moved that the report of the Conference Committee on H. F. No. 354 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 354, A bill for an act relating to public welfare; providing for the licensing of facilities and services for the handicapped and children; prescribing penalties; amending Minnesota Statutes 1974, Section 252.28; repealing Minnesota Statutes 1974, Sections 245.78; 245.79; 245.80; 245.81; 245.82; 257.081; 257.082; 257.091; 257.101; 257.102; 257.111; 257.123; and 257.124.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question being taken on the repassage of the bill and the roll being called, there were yeas 130, and nays 0, as follows:

Those who voted in the affirmative were:

Abeln	Doty	Jude	Metzen	Searle
Adams, L.	Eckstein	Kahn	Moe	Setzepfandt
Adams, S.	Eken	Kaley	Munger	Sherwood
Albrecht	Enebo	Kalis	Neisen	Sieben, H.
Anderson, G.	Erickson	Kelly, R.	Nelsen	Sieben, M.
Anderson, I.	Esau	Kelly, W.	Nelson	Sieloff
Arlandson	Evans	Kempe, A.	Niehaus	Simoneau
Beauchamp	Ewald	Kempe, R.	Norton	Skoglund
Begich	Faricy	Ketola	Novak	Smith
Berg	Fjoslien	Knickerbocker	Osthoff	Smogard
Berglin	Forsythe	Knoll	Patton	Spanish
Biersdorf	Friedrich	Kostohryz	Pehler	Stanton
Birnstihl	Fudro	Kroening	Peterson	Swanson
Braun	Fugina	Kvam	Petrafaso	Tomlinson
Brinkman	George	Laidig	Philbrook	Ulland
Byrne	Graba	Langseth	Pleasant	Vanasek
Carlson, A.	Hanson	Lemke	Prahl	Vento
Carlson, L.	Haugerud	Lindstrom	Reding	Voss
Carlson, R.	Heinitz	Luther	Rice	Wenstrom
Casserly	Hokanson	Mangan	St. Onge	Wenzel
Clark	Jacobs	Mann	Samuelson	White
Corbid	Jaros	McCarron	Sarna	Wieser
Dahl	Jensen	McCauley	Savelkoul	Wigley
Dean	Johnson, C.	McCollar	Schreiber	Williamson
DeGroat	Johnson, D.	McEachern	Schulz	Zubay
Dieterich	Jopp	Menning	Schumacher	Speaker Sabo

The bill was repassed, as amended by Conference, and its title agreed to.

CONFERENCE COMMITTEE REPORT ON H. F. NO. 1333

A bill for an act relating to coroners; providing for fees and traveling expenses; prohibiting interference with a dead body or the scene of death; prescribing penalties; amending Minnesota Statutes 1974, Sections 357.11; and 390.11, Subdivision 8.

April 1, 1976

The Honorable Martin O. Sabo
Speaker of the House of Representatives
The Honorable Alec G. Olson
President of the Senate

We, the undersigned conferees for H. F. No. 1333 report that we have agreed upon the items in dispute and recommend as follows:

That the House accede to the Senate amendments.

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

House Conferees: GARY W. LAIDIG, MARION D. MENNING,
RUSSELL P. STANTON.

Senate Conferees: ROBERT J. BROWN, ROBERT J. SCHMITZ and JOHN M. PATTON.

Laidig moved that the report of the Conference Committee on H. F. No. 1333 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 1333, A bill for an act relating to coroners; providing for fees and traveling expenses; prohibiting interference with a dead body or the scene of death; prescribing penalties; amending Minnesota Statutes 1974, Section 357.11; and 390.11, Subdivision 8.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question being taken on the repassage of the bill and the roll being called, there were yeas 130, and nays 1, as follows:

Those who voted in the affirmative were:

Abeln	Dieterich	Jopp	Menning	Schumacher
Adams, L.	Doty	Jude	Metzen	Searle
Adams, S.	Eckstein	Kahn	Moe	Setzpfandt
Albrecht	Eken	Kaley	Munger	Sherwood
Anderson, G.	Enebo	Kalis	Neisen	Sieben, H.
Anderson, I.	Erickson	Kelly, R.	Nelsen	Sieben, M.
Arlandson	Esau	Kelly, W.	Nelson	Sieloff
Beauchamp	Evans	Kempe, A.	Niehaus	Simoneau
Begich	Ewald	Kempe, R.	Norton	Skoglund
Berg	Faricy	Ketola	Novak	Smith
Berglin	Fjoslien	Knickerbocker	Osthoff	Smogard
Biersdorf	Forsythe	Knoll	Patton	Spanish
Birnstihl	Friedrich	Kostohryz	Pehler	Stanton
Braun	Fudro	Kroening	Peterson	Swanson
Brinkman	Fugina	Kvam	Petrafeso	Tomlinson
Byrne	George	Laidig	Philbrook	Ulland
Carlson, A.	Graba	Langseth	Pleasant	Vanasek
Carlson, L.	Hanson	Lemke	Prahl	Vento
Carlson, R.	Haugerud	Lindstrom	Reding	Voss
Casserly	Heinitz	Luther	Rice	Wenstrom
Clark	Hokanson	Mangan	St. Onge	Wenzel
Clawson	Jacobs	Mann	Samuelson	White
Corbid	Jaros	McCarron	Sarna	Wieser
Dahl	Jensen	McCauley	Savelkoul	Wigley
Dean	Johnson, C.	McCollar	Schreiber	Zubay
DeGroat	Johnson, D.	McEachern	Schulz	Speaker Sabo

Those who voted in the negative were:

Williamson

The bill was repassed, as amended by Conference, and its title agreed to.

CONFERENCE COMMITTEE REPORT ON H. F. NO. 1865

A bill for an act relating to crimes; providing increased sentences for persons convicted of certain second or subsequent vio-

lations of theft; prescribing penalties; amending Minnesota Statutes 1974, Section 609.52, Subdivision 3.

April 1, 1976

The Honorable Martin O. Sabo
Speaker of the House of Representatives
The Honorable Alec G. Olson
President of the Senate

We, the undersigned conferees for H. F. No. 1865 report that we have agreed upon the items in dispute and recommend that H. F. No. 1865 be amended as follows:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1974, Section 152.15, is amended to read:

152.15 [VIOLATIONS; PENALTIES.] Subdivision 1. Any person who violates section 152.09, subdivision 1, clause (1) with respect to:

(1) A controlled substance classified in Schedule I or II which is a narcotic drug, is guilty of a crime and upon conviction (MAY) *shall* be imprisoned for (NOT MORE THAN 15 YEARS OR FINED NOT MORE THAN \$25,000, OR BOTH FOR A FIRST VIOLATION, AND FOR A SECOND OR SUBSEQUENT VIOLATION, UPON CONVICTION, SHALL BE IMPRISONED FOR NOT LESS THAN ONE YEAR NOR MORE THAN 30 YEARS OR FINED NOT MORE THAN \$50,000, OR BOTH) *6 years*;

(2) Any other controlled substance classified in Schedule I, II, or III, is guilty of a crime and upon conviction (MAY) *shall* be imprisoned for (NOT MORE THAN FIVE YEARS, FINED NOT MORE THAN \$15,000, OR BOTH FOR A FIRST VIOLATION, AND FOR A SECOND OR SUBSEQUENT VIOLATION, UPON CONVICTION, SHALL BE IMPRISONED FOR NOT LESS THAN ONE YEAR NOR MORE THAN TEN YEARS OR FINED NOT MORE THAN \$30,000, OR BOTH) *two years*;

(3) A substance classified in Schedule IV, is guilty of a crime and upon conviction (MAY) *shall* be imprisoned for (NOT MORE THAN THREE YEARS, FINED NOT MORE THAN \$10,000, OR BOTH FOR A FIRST VIOLATION, AND FOR A SECOND OR SUBSEQUENT VIOLATION UPON CONVICTION, SHALL BE IMPRISONED FOR NOT LESS THAN SIX MONTHS NOR MORE THAN SIX YEARS OR FINED NOT MORE THAN \$20,000, OR BOTH) *one year and one day*;

(4) A substance classified in Schedule V, is guilty of a crime and upon conviction may be imprisoned for not more than one year, fined not more than \$1,000, or both;

(5) The distribution of a small amount of marijuana for no remuneration, shall be treated as provided in subdivision 2, clause (5).

Subd. 2. Any person who violates section 152.09, Subdivision 1, clause (2), with respect to:

(1) A controlled substance classified in Schedule I or II which is a narcotic drug, is guilty of a crime and upon conviction (MAY) *shall* be imprisoned for (NOT MORE THAN FIVE YEARS OR FINED NOT MORE THAN \$5,000, OR BOTH) *two years*;

(2) Any other controlled substance classified in Schedule I, II, or III, is guilty of a crime and upon conviction (MAY) *shall* be imprisoned for (NOT MORE THAN THREE YEARS, FINED NOT MORE THAN \$3,000, OR BOTH) *one year and one day*;

(3) A substance classified in Schedule IV, is guilty of a crime and upon conviction (MAY) *shall* be imprisoned for (NOT MORE THAN THREE YEARS, FINED NOT MORE THAN \$3,000, OR BOTH) *one year and one day*;

(4) A substance classified in Schedule V, is guilty of a crime and upon conviction may be imprisoned for not more than one year, fined not more than \$1,000, or both; provided, however, that any person convicted under this section of possessing a substance classified under Schedule V or a small amount of marijuana, and placed on probation may be required to take part in a drug education program as specified by the court;

(5) A small amount of marijuana is guilty of a misdemeanor. A subsequent violation of this clause within one year is a misdemeanor, and a person so convicted may be required to participate in a medical evaluation. A person who is the owner of a private motor vehicle, or the driver of the motor vehicle if the owner is not present, and who possesses on his person or knowingly keeps or allows to be kept in a motor vehicle within the area of the vehicle normally occupied by the driver or passengers more than .05 ounce of marijuana is guilty of a misdemeanor. This area of the vehicle shall not include the trunk of the motor vehicle when such vehicle is equipped with a trunk or another area of the vehicle not normally occupied by the driver or passengers if the vehicle is not equipped with a trunk. A utility or glove compartment shall be deemed to be within the area occupied by the driver and passengers.

Subd. 3. Any person who violates section 152.09, subdivision 2, is guilty of a crime and upon conviction (MAY) *shall be imprisoned for (NOT MORE THAN FOUR YEARS, OR FINED NOT MORE THAN \$30,000, OR BOTH) one year and six months.*

Subd. 4. Any person 18 years of age or over who violates section 152.09, subdivision 1, clause (1), by distributing a controlled substance listed in Schedules I or II which is a narcotic drug to a person under 18 years of age who is at least three years his junior (IS PUNISHABLE) *shall be punished by (THE FINE AUTHORIZED BY SECTION 152.15, SUBDIVISION 1, CLAUSE (1), BY) a term of imprisonment (OF UP TO) twice that authorized by section 152.15, subdivision 1, clause (1), (OR BY BOTH).* Any person 18 years of age or over who violates section 152.09, subdivision 1, by distributing any other controlled substance listed in Schedules I, II, III, IV, and V, except marijuana, to a person under 18 years of age who is at least three years his junior (IS PUNISHABLE) *shall be punished by (THE FINE AUTHORIZED BY SECTION 152.15, SUBDIVISION 1, CLAUSES (2), (3), OR (4), BY) a term of imprisonment (UP TO TWICE THAT AUTHORIZED) required by section 152.15, subdivision 1, clauses (2), (3), or (4) (, OR BOTH).*

(SUBD. 5. ANY PERSON CONVICTED OF A SECOND OR SUBSEQUENT OFFENSE UNDER LAWS 1971, CHAPTER 937, EXCEPT AS PROVIDED IN SUBDIVISION 1, CLAUSES (1), (2), (3) AND (5) MAY BE IMPRISONED FOR A TERM UP TO TWICE THE TERM OTHERWISE AUTHORIZED, FINED AN AMOUNT UP TO TWICE THAT OTHERWISE AUTHORIZED, OR BOTH.)

Sec. 2. [DEFINITIONS.] *Subdivision 1. For purposes of sections 2 to 11, the following terms shall have the meanings given to them.*

Subd. 2. *"Inmate" means any person convicted of a felony and confined in a state correctional institution.*

Subd. 3. *"Commissioner" means the commissioner of corrections or his designee.*

Subd. 4. *"Correctional institution" means any institution under the operational authority of the commissioner of corrections.*

Subd. 5. *"Crime against the person" means murder in the first degree, murder in the second degree, murder in the third degree, manslaughter in the first degree, aggravated assault, aggravated robbery, kidnapping, false imprisonment, criminal sexual conduct in the first degree, criminal sexual conduct in the second degree, criminal sexual conduct in the third degree, aggravated arson and burglary, as described under section 609.58, subdivision 2, clause (1)(b).*

Sec. 3. [DETERMINATE SENTENCING.] *After a person has been convicted of a felony and sentenced to imprisonment, the court shall immediately place that person in the commissioner's custody. That person shall serve the determinate sentence provided by law for the crime of his conviction and he shall not be paroled or otherwise released from the correctional institution wherein he is confined until that determinate sentence expires, except as is provided in section 8 of this act, and except as his sentence is reduced by any good time earned.*

Sec. 4. [MUTUAL AGREEMENT PROGRAMS.] *The commissioner of corrections shall draft, at the request of an inmate and within 90 days after assuming custody of the inmate, a mutual agreement program. The mutual agreement program shall be drafted after a post-conviction investigation of the inmate has been made by the commissioner. In drafting a mutual agreement program, the commissioner shall also refer to any presentence investigation which has been made of the inmate. The agreement shall provide the following:*

(a) *A program of vocational or educational training with specific chronological and achievement objectives, including completion of specified educational and vocational programs;*

(b) *Frequent and regular evaluation of the inmate by the commissioner; and*

(c) *A consideration of any educational qualifications or skills of the inmate when specifying certain types of work expectations.*

In addition, the agreement may specify participation of the inmate in non-institutional or extra-institutional programs.

The inmate may decline to enter into the agreement. Whether or not an inmate consents to participate in a mutual agreement program, he shall serve the sentence imposed by the sentencing court, reduced by good time credited.

Sec. 5. [MUTUAL AGREEMENT PROGRAM; INMATE'S RIGHTS.] *Subdivision 1. The inmate shall have the right to appeal to the commissioner if he believes the terms of his agreement have been violated. The commissioner shall promptly investigate any appeal filed under this subdivision and shall take appropriate action if he determines the terms of the mutual agreement program have been violated.*

Subd. 2. The inmate and his counsel shall be informed of and have the right to inspect the inmate's records, including any evaluations of his progress in fulfilling the terms of his mutual agreement program.

Sec. 6. [OTHER PROGRAMS.] *The commissioner shall, to the extent made feasible by appropriations, provide programs with rehabilitative or therapeutic objectives for those inmates who desire to voluntarily participate. These programs shall include, but not be limited to, programs in the areas of chemical dependency and alcoholism.*

Sec. 7. [GOOD TIME.] *By April 1, 1977, the commissioner shall promulgate, pursuant to chapter 15, rules specifying offenses which may result in denial of "good time" and the amount of "good time" which may be denied as a result of each offense. Each sentence imposed for a felony offense shall be reduced in duration by one day for each day during which the inmate violates no "good time" rules as promulgated by the commissioner. In no case shall an individual offense result in the denial of more than 30 days of "good time". In no case shall "good time" earned be taken away. The denial of "good time" shall be considered to be a disciplinary measure taken against an inmate, and the procedure for denial of "good time" and the inmate's rights in that process shall be those in effect for disciplinary procedures in each correctional institution on March 1, 1976.*

Sec. 8. [CONDITIONAL RELEASE.] *Subdivision 1. If the mutual agreement program requires participation in noninstitutional or extra-institutional programs, or the commissioner determines that an inmate should participate in noninstitutional or extra-institutional programs with rehabilitative or therapeutic objectives, and the inmate consents to participate in these programs, the commissioner may conditionally release the participating inmate under the provisions of section 241.26.*

Subd. 2. If consistent with the public interest, the commissioner may also, under rules prescribed by him, conditionally release any inmate in his custody to any point within the state for up to five days. These releases may be granted to assist the inmate with family needs, with personal health needs, or his reintegration into society. No inmate may receive more than three releases under this subdivision within any 12 month period.

Sec. 9. [POST-RELEASE PROGRAMS.] *Upon the completion of the term to which an inmate is sentenced, as reduced by "good time" earned, the commissioner shall offer to the inmate a voluntary program not to exceed six months designed to facilitate reintegration of the inmate into society. The program may include such assistance as aid in finding employment and housing.*

Sec. 10. [241.046] [TRANSFER OF POWERS AND DUTIES FROM MINNESOTA CORRECTIONS AUTHORITY.] *Subdivision 1. Except as provided in this section, the provisions of sections 1 to 90 shall not apply to persons convicted of a felony committed before April 1, 1977.*

Subd. 2. The Minnesota corrections authority shall retain all powers and duties vested in and imposed upon it through December 30, 1978, with relation to persons sentenced for crimes committed before April 1, 1977. On December 31, 1978, all the powers and duties vested in and imposed upon the Minnesota corrections authority as then constituted, including but not limited to those relating to the disposition of persons committed to the authority by the district courts of this state and issuing final discharge to persons convicted of crimes and committed to the authority, shall be transferred to and imposed upon the commissioner of corrections, and the corrections authority shall be abolished.

Subd. 3. The provisions of sections 1 to 90 shall apply to all persons convicted of a felony committed on or after April 1, 1977.

Subd. 4. Nothing in sections 1 to 90 shall be deemed to limit the powers and duties otherwise provided by law to the commissioner of corrections with regard to the management of correctional institutions or the disposition of inmates unless those powers and duties are inconsistent with the provisions of sections 1 to 90, in which case those powers and duties shall be superseded by the provisions of sections 1 to 90.

Subd. 5. All references in Minnesota Statutes to the Minnesota corrections authority relating to persons committed to the authority by the district courts of this state shall, on and after December 31, 1978, be deemed to refer to the commissioner of corrections.

Subd. 6. The Minnesota corrections authority shall take into consideration the sentence terms and sentence reductions provided in sections 1 to 90, and the penal philosophy therein embodied in its deliberations relative to parole, probation, release, or other disposition of inmates who commit the offenses giving rise to their sentences before April 1, 1977.

Sec. 11. Minnesota Statutes 1974, 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) corrections board 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) three years, (NOR SHALL) or for which mandatory terms of imprisonment are required by law. The amount charged a participating county for the costs of confinement shall not exceed the amount of subsidy to which (THE) a county is eligible. The commissioner shall annually determine costs and deduct them from the subsidy due and payable to the respective

participating counties. All charges shall be a charge upon the county of commitment.

Sec. 12. Minnesota Statutes 1974, Section 609.03, is amended to read:

609.03. [PUNISHMENT WHEN NOT OTHERWISE FIXED.] If a person is convicted of a crime for which no punishment is otherwise provided he may be sentenced as follows:

(1) If the crime is a felony, to imprisonment for (NOT MORE THAN FIVE YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$5,000, OR BOTH) *two years*; or

(2) If the crime is a gross misdemeanor, to imprisonment for not more than one year or to payment of a fine of not more than \$1,000, or both; or

(3) If the crime is a misdemeanor, to imprisonment for not more than 90 days or to payment of a fine of not more than \$300, or both; or

(4) If the crime is other than a misdemeanor and a fine is imposed but the amount is not specified, to payment of a fine of not more than \$500, or to imprisonment for a specified term of not more than six months if the fine is not paid.

Sec. 13. Minnesota Statutes 1974, Section 609.10, is amended to read:

609.10. [SENTENCES AVAILABLE.] *Subdivision 1.* Upon conviction of a felony and compliance with the other provisions of this chapter the court, if it imposes sentence (,) may (SENTENCE THE DEFENDANT TO THE EXTENT AUTHORIZED BY LAW AS FOLLOWS:

((1) TO LIFE IMPRISONMENT; OR

(2) TO IMPRISONMENT FOR A MAXIMUM TERM OF YEARS FIXED BY THE COURT; OR

(3) TO AN INDETERMINATE TERM OF IMPRISONMENT WHICH SHALL BE DEEMED TO BE FOR THE MAXIMUM TERM AUTHORIZED BY LAW; OR

(4) TO BOTH IMPRISONMENT AND PAYMENT OF A FINE; OR

(5) TO PAYMENT OF A FINE WITHOUT IMPRISONMENT OR TO IMPRISONMENT IF THE FINE IS NOT PAID.)

, unless the sentence is to an extended term of imprisonment, increase or decrease the statutory time period of the sentence by up to 15 percent. If the length of the sentence imposed is increased or decreased, consecutive sentences imposed for multiple offenses, or an extended term of imprisonment is imposed, the sentencing court shall state the reasons for the increase, decrease, imposition of consecutive sentences, or imposition of an extended term in a memorandum accompanying the imposition of sentence.

Subd. 2. An appeal from the district court to the supreme court of the increased or decreased sentence or consecutive sentences or an extended term imposed may be filed by a defendant.

Subd. 3. On appeal pursuant to subdivision 2 the supreme court may review the sentence imposed to determine whether the sentence is inconsistent with statutory requirements, is unjustifiably disparate in comparison with cases of a similar nature, or is excessive, unreasonable or inappropriate under the circumstances. This power shall be in addition to all other powers of review presently existing or hereafter conferred by law. Upon consideration of the appeal, the supreme court may dismiss the appeal, affirm, reduce, vacate, or set aside the sentence imposed, remand the case and direct the entry of an appropriate sentence or order, or direct such further proceedings to be had as may be required under the circumstances. The supreme court shall state the reasons for its actions except when the appeal is dismissed or the sentence is affirmed.

Subd. 4. The procedure for taking an appeal under this section shall follow the criminal rules of procedure for an appeal to the supreme court. A dismissal of an appeal brought under this section shall not prejudice any aspect of an appeal brought under any other section.

Subd. 5. When an appeal is filed, the clerk of the district court shall certify to the supreme court transcripts of the proceedings, records, reports, documents, and other information relating to the offense of the defendant and to the sentence imposed on him as the supreme court by rule or order may require. Any report or document contained in the record on appeal shall be available to the defendant to the extent that it was available in the trial court.

Subd. 6. This section shall not be construed to confer or enlarge any right of a defendant to be released following his conviction pending a determination of his application for leave to appeal or pending an appeal under this section.

Sec. 14. Minnesota Statutes 1974, Section 609.135, Subdivision 1, is amended to read:

609.135 [STAY OF IMPOSITION OR EXECUTION OF SENTENCE.] Subdivision 1. (EXCEPT WHEN A SEN-

TENCE OF LIFE IMPRISONMENT IS REQUIRED BY LAW) *Except as herein provided*, 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.

The execution or imposition of sentence may not be stayed:

(a) *upon a conviction for a violation of sections 609.185, 609.19, 609.342; or*

(b) *in any case in which the defendant is convicted of a second or subsequent crime against the person and during the commission of each of those crimes, he had on his person a firearm or used another dangerous weapon. Provided that each conviction must arise from a separate course of conduct; or*

(c) *upon the conviction of the defendant for at least his third felony violation within a ten year period, if the violations arose out of at least three separate courses of conduct; provided that*

(1) *at least one of the felony violations was a crime against the person; or*

(2) *in the commission of at least one of the felonies the defendant had on his person a firearm or used another dangerous weapon.*

Sec. 15. [EXTENDED TERM.] *Subdivision 1. An extended term hearing shall be held in any case where the imposition or execution of sentence is not permitted to be stayed. An extended term of imprisonment may be imposed if:*

(1) *Notice is served on the defendant or on his attorney advising him of the hearing at least 14 days prior to the hearing; and*

(2) *A summary hearing, at which the defendant is entitled to be heard on the issues raised and to be represented by counsel, is held pursuant to the notice to consider evidence for and against the imposition of an extended term of imprisonment; and*

(3) *The court finds:*

(a) *that the defendant in the commission of the felony for which he is presently being sentenced inflicted on another death or permanent or protracted loss of the function of any bodily member or organ; or*

(b) *that the defendant has been convicted of at least three felony offenses within a ten year period, including the felony violations giving rise to the hearing, if the violations arose out of at least three separate courses of conduct; provided that*

(1) *at least one of the felony violations was a crime against the person; or*

(2) *in the commission of at least one of the felonies the defendant had on his person a firearm or used another dangerous weapon.*

The provisions of this clause shall apply if the prior convictions occurred in the state or were for similar crimes prosecuted in another state or federal court.

Sec. 16. Minnesota Statutes 1974, Section 609.145, Subdivision 1, is amended to read:

609.145 [CREDIT FOR PRIOR IMPRISONMENT.] Subdivision 1. When a person has been imprisoned pursuant to a conviction which is set aside and is thereafter convicted of a crime growing out of the same act or omission, the (MAXIMUM) period of imprisonment to which he (MAY BE) is sentenced is reduced by the period of the prior imprisonment and the time earned thereby in diminution of sentence. (IF SENTENCE IS FOR LESS THAN THIS MAXIMUM, THE PRIOR IMPRISONMENT AND TIME EARNED IN DIMINUTION OF SENTENCE SHALL BE CREDITED TOWARD THE SENTENCE UNLESS THE COURT OTHERWISE DIRECTS.)

Sec. 17. Minnesota Statutes 1974, Section 609.165, Subdivision 2, is amended to read:

Subd. 2. The discharge may be:

(1) By order of the court following stay of sentence or stay of execution of sentence; or

(2) By order of the Minnesota corrections authority prior to expiration of sentence; or

(3) Upon expiration of sentence *as reduced by good time earned, if any.*

Sec. 18. Minnesota Statutes 1974, Section 609.17, Subdivision 4, is amended to read:

Subd. 4. *An attempt to commit a crime is punishable as follows: Who ever attempts to commit a crime (MAY) punishable as a felony shall be sentenced (AS FOLLOWS):*

((1) IF THE MAXIMUM SENTENCE PROVIDED FOR THE CRIME IS LIFE IMPRISONMENT, TO NOT MORE THAN 20 YEARS; OR)

((2) FOR ANY OTHER ATTEMPT,) to (NOT MORE THAN) one half of the (MAXIMUM) imprisonment (OR FINE OR BOTH) provided for the crime attempted (, BUT SUCH MAXIMUM IN ANY CASE SHALL NOT BE LESS THAN IMPRISONMENT FOR 90 DAYS OR A FINE OF \$100); *whoever attempts to commit any other crime may be sentenced to one half of the maximum imprisonment or fine provided for the crime attempted, but the maximum in no case shall be less than imprisonment for 90 days or a fine of \$300.*

Sec. 19. Minnesota Statutes 1974, Section 609.175, Subdivision 2, is amended to read:

Subd. 2. [TO COMMIT CRIME.] Whoever conspires with another to commit a crime and in furtherance of the conspiracy one or more of the parties does some overt act in furtherance of such conspiracy (MAY BE SENTENCED AS FOLLOWS):

(1) *May be sentenced to imprisonment for not more than 90 days or to payment of a fine of not more than \$300, or both if the crime intended is a misdemeanor (, BY A SENTENCE TO IMPRISONMENT FOR NOT MORE THAN 90 DAYS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$300, OR BOTH); or*

(2) *May be sentenced to imprisonment or to payment of a fine of not more than one half the imprisonment or fine provided if the crime intended is (MURDER IN THE FIRST DEGREE OR TREASON, TO IMPRISONMENT FOR NOT MORE THAN 20 YEARS) a gross misdemeanor; or*

(3) (IF THE CRIME INTENDED IS ANY OTHER FELONY OR A GROSS MISDEMEANOR,) *shall be sentenced to imprisonment (OR TO PAYMENT OF A FINE OF NOT MORE THAN) for one half the imprisonment (OR FINE) provided (FOR THAT) if the crime intended is a felony (OR GROSS MISDEMEANOR OR BOTH).*

Sec. 20. Minnesota Statutes, 1975 Supplement, Section 609.185, is amended to read:

609.185 [MURDER IN THE FIRST DEGREE.] Whoever does either of the following is guilty of murder in the first degree and shall be sentenced to (IMPRISONMENT FOR LIFE) *a term of 20 years:*

(1) Causes the death of a human being with premeditation and with intent to effect the death of such person or of another; or

(2) Causes the death of a human being while committing or attempting to commit criminal sexual conduct in the first or second degree with force or violence, either upon or affecting such person or another.

Sec. 21. Minnesota Statutes 1974, Section 609.19, is amended to read:

609.19 [MURDER IN THE SECOND DEGREE.] Whoever causes the death of a human being with intent to effect the death of such person or another, but without premeditation, is guilty of murder in the second degree and (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN 40) *16* years.

Sec. 22. Minnesota Statutes 1974, Section 609.195, is amended to read:

609.195 [MURDER IN THE THIRD DEGREE.] Whoever, without intent to effect the death of any person, causes the death of another by either of the following means, is guilty of murder in the third degree and (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN 25) *ten* years:

(1) Perpetrates an act eminently dangerous to others and evincing a depraved mind, regardless of human life; or

(2) Commits or attempts to commit a felony upon or affecting the person whose death was caused or another, except rape or sodomy with force or violence within the meaning of section 609.185.

Sec. 23. Minnesota Statutes 1974, Section 609.20, is amended to read:

609.20 [MANSLAUGHTER IN THE FIRST DEGREE.] Whoever does any of the following is guilty of manslaughter in the first degree and (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN 15 YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$15,000, OR BOTH) *six* years:

(1) Intentionally causes the death of another person in the heat of passion provoked by such words or acts of another as would provoke a person (OR) *of* ordinary self-control under like circumstances; or

(2) Causes the death of another in committing or attempting to commit a crime with such force and violence that death of or

great bodily harm to any person was reasonably foreseeable, and murder in the first or second degree was not committed thereby; or

(3) Intentionally causes the death of another person because the actor is coerced by threats made by someone other than his co-conspirator and which cause him reasonably to believe that his act is the only means of preventing imminent death to himself or another.

Sec. 24. Minnesota Statutes 1974, Section 609.205, is amended to read:

609.205 [MANSLAUGHTER IN THE SECOND DEGREE.] Whoever causes the death of another by any of the following means is guilty of manslaughter in the second degree and (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN SEVEN YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$7,000, OR BOTH) *three years*:

(1) By his culpable negligence whereby he creates an unreasonable risk, and consciously takes chances of causing death or great bodily harm to another; or

(2) By shooting another with a firearm or other dangerous weapon as a result of negligently believing him to be a deer or other animal; or

(3) By setting a spring gun, pit fall, deadfall, snare, or other like dangerous weapon or device; or

(4) By negligently or intentionally permitting any animal, known by him to have vicious propensities, to go at large, or negligently failing to keep it properly confined, and the victim was not at fault.

Sec. 25. Minnesota Statutes 1974, Section 609.21, is amended to read:

609.21 [CRIMINAL NEGLIGENCE RESULTING IN DEATH.] Whoever operates a vehicle as defined in Minnesota Statutes, Section 169.01, Subdivision 2, or an aircraft or watercraft, in a grossly negligent manner and thereby causes the death of a human being not constituting murder or manslaughter is guilty of criminal negligence in the operation of a vehicle resulting in death and (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN FIVE YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$5,000, OR BOTH) *two years*.

Sec. 26. Minnesota Statutes 1974, Section 609.215, is amended to read:

609.215 [SUICIDE.] Subdivision 1. [AIDING SUICIDE.] Whoever intentionally advises, encourages, or assists another in taking his own life (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN 15 YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$15,000, OR BOTH) *six years*.

Subd. 2. [AIDING ATTEMPTED SUICIDE.] Whoever intentionally advises, encourages, or assists another who attempts but fails to take his own life (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN SEVEN YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$7,000, OR BOTH) *three years*.

Sec. 27. Minnesota Statutes 1974, Section 609.225, is amended to read:

609.225 [AGGRAVATED ASSAULT.] Subdivision 1. Whoever assaults another and inflicts great bodily harm (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN TEN YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$10,000, OR BOTH) *four years*.

Subd. 2. Whoever assaults another with a dangerous weapon but without inflicting great bodily harm (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN FIVE YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$5,000, OR BOTH) *two years*.

Sec. 28. Minnesota Statutes 1974, Section 609.235, is amended to read:

609.235 [USE OF DRUGS TO INJURE OR FACILITATE CRIME.] Whoever administers to another or causes another to take any poisonous, stupefying, overpowering, narcotic or anesthetic substance with intent thereby to injure or to facilitate the commission of a crime (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN FIVE YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$5,000, OR BOTH) *two years*.

Sec. 29. Minnesota Statutes 1974, Section 609.24, is amended to read:

609.24 [SIMPLE ROBBERY.] Whoever, knowing he is not entitled thereto, takes personal property from the person or in the presence of another and uses or threatens the imminent use of force against any person to overcome his resistance or powers of resistance to, or to compel acquiescence in, the taking or carrying away of the property is guilty of robbery and (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN TEN YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$10,000, OR BOTH) *four years*.

Sec. 30. Minnesota Statutes 1974, Section 609.245, is amended to read:

609.245 [AGGRAVATED ROBBERY.] Whoever, while committing a robbery, is armed with a dangerous weapon or inflicts bodily harm upon another is guilty of aggravated robbery and (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN 20 YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$20,000, OR BOTH) *eight years*.

Sec. 31. Minnesota Statutes 1974, Section 609.25, Subdivision 2, is amended to read:

Subd. 2. [SENTENCE.] Whoever violates subdivision 1 (MAY) *shall* be sentenced as follows:

(1) If the victim is released in a safe place without great bodily harm, to imprisonment for (NOT MORE THAN 20 YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$20,000, OR BOTH) *eight years*; or

(2) Otherwise to imprisonment for (NOT MORE THAN 40 YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$40,000, OR BOTH) *16 years*.

Sec. 32. Minnesota Statutes 1974, Section 609.255, is amended to read:

609.255 [FALSE IMPRISONMENT.] Whoever, knowing he has no lawful authority to do so, intentionally confines or restrains a child not his own under the age of 18 years without his parent's or legal custodian's consent, or any other person without his consent, is guilty of false imprisonment and (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN THREE YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$3,000, OR BOTH) *one year and one day*.

Sec. 33. Minnesota Statutes 1974, Section 609.26, is amended to read:

609.26 [DETAINING OWN CHILD.] Whoever intentionally detains his own child under the age of 18 years outside the state of Minnesota, with intent to deny another's rights under an existing court order may be sentenced to imprisonment for not more than (TWO YEARS) *one year* or to payment of a fine of not more than (\$2,000) *\$1,000*, or both.

Sec. 34. Minnesota Statutes 1974, Section 609.27, Subdivision 2, is amended to read:

Subd. 2. [SENTENCE.] Whoever violates subdivision 1 (MAY) *shall* be sentenced as follows:

(1) To imprisonment for not more than 90 days or to payment of a fine of not more than \$300, or both if neither the pecuniary gain received by the violator nor the loss suffered by the person threatened or another as a result of the threat exceeds \$100, or the benefits received or harm sustained are not susceptible of pecuniary measurement; or

(2) To imprisonment for (NOT MORE THAN FIVE YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$5,000, OR BOTH) *two years*, if such pecuniary gain or loss is more than \$100 but less than \$2,500; or

(3) To imprisonment for (NOT MORE THAN TEN YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$10,000, OR BOTH) *four years*, if such pecuniary gain or loss is \$2,500, or more.

Sec. 35. Minnesota Statutes 1974, Section 609.31, is amended to read:

609.31 [LEAVING THE STATE TO EVADE ESTABLISHMENT OF PATERNITY.] Whoever with intent to evade proceedings to establish his paternity leaves the state knowing that a woman with whom he has had sexual intercourse is pregnant or has given birth within the previous 60 days to a living child may be sentenced to imprisonment for not more than (TWO YEARS) *one year* or to payment of a fine of not more than (\$2,000) *\$1,000*, or both.

Sec. 36. Minnesota Statutes 1974, Section 609.32, 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, as defined in section 609.29, 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.

Subd. 2. [ACTS PROHIBITED.] Whoever intentionally does any of the following (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN TEN YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$10,000, OR BOTH) *four years*:

(1) Solicits or induces another under the age of 18 years to practice prostitution; or

(2) Being a parent, guardian, or other custodian of the person of a child under the age of 18 years consents to his being taken or detained for the purposes of prostitution.

Subd. 3. [OTHER ACTS PROHIBITED.] Whoever intentionally does any of the following (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN FIVE YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$5,000, OR BOTH) *two years*:

- (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 sexual intercourse 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 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.

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 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 with a prostitute.
- (4) Hires or offers or agrees to hire another person to engage in sexual intercourse or sodomy.

Sec. 37. Minnesota Statutes, 1975 Supplement, Section 609.342, is amended to read:

609.342 [CRIMINAL SEXUAL CONDUCT IN THE FIRST DEGREE.] A person is guilty of criminal sexual conduct in the first degree and (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN 20) *eight* years, if he engages in sexual

penetration with another person and if any of the following circumstances exists:

(a) The complainant is under 13 years of age and the actor is more than 36 months older than the complainant. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense; or

(b) The complainant is at least 13 but less than 16 years of age and the actor is more than 48 months older than the complainant and in a position of authority over the complainant, and uses this authority to coerce the complainant to submit. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense; or

(c) Circumstances existing at the time of the act cause the complainant to have a reasonable fear of imminent great bodily harm to the complainant or another; or

(d) The actor is armed with a dangerous weapon or any article used or fashioned in a manner to lead the complainant to reasonably believe it to be a dangerous weapon and uses or threatens to use the weapon or article to cause the complainant to submit; or

(e) The actor causes personal injury to the complainant, and either of the following circumstances exist:

(i) The actor uses force or coercion to accomplish sexual penetration; or

(ii) The actor knows or has reason to know that the complainant is mentally defective, mentally incapacitated, or physically helpless; or

(f) the actor is aided or abetted by one or more accomplices within the meaning of section 609.05, and either of the following circumstances exists:

(i) An accomplice uses force or coercion to cause the complainant to submit; or

(ii) An accomplice is armed with a dangerous weapon or any article used or fashioned in a manner to lead the complainant reasonably to believe it to be a dangerous weapon and uses or threatens to use the weapon or article to cause the complainant to submit.

Sec. 38. Minnesota Statutes, 1975 Supplement, Section 609.343, is amended to read:

609.343 [CRIMINAL SEXUAL CONDUCT IN THE SECOND DEGREE.] A person is guilty of criminal sexual conduct

in the second degree and (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN 15) *six* years if he engages in sexual contact with another person and if any of the following circumstances exists:

(a) The complainant is under 13 years of age and the actor is more than 36 months older than the complainant. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense; or

(b) The complainant is at least 13 but less than 16 years of age and the actor is more than 48 months older than the complainant and in a position of authority over the complainant, and uses this authority to coerce the complainant to submit. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense; or

(c) Circumstances existing at the time of the act cause the complainant to have a reasonable fear of imminent great bodily harm to the complainant or another; or

(d) The actor is armed with a dangerous weapon or any article used or fashioned in a manner to lead the complainant to reasonably believe it to be a dangerous weapon and uses or threatens to use the dangerous weapon to cause the complainant to submit; or

(e) The actor causes personal injury to the complainant, and either of the following circumstances exist:

(i) The actor uses force or coercion to accomplish the sexual contact; or

(ii) The actor knows or has reason to know that the complainant is mentally defective, mentally incapacitated, or physically helpless; or

(f) The actor is aided or abetted by one or more accomplices within the meaning of section 609.05, and either of the following circumstances exists:

(i) An accomplice uses force or coercion to cause the complainant to submit; or

(ii) An accomplice is armed with a dangerous weapon or any article used or fashioned in a manner to lead the complainant to reasonably believe it to be a dangerous weapon and uses or threatens to use the weapon or article to cause the complainant to submit.

Sec. 39. Minnesota Statutes, 1975 Supplement, Section 609.344, is amended to read:

609.344 [CRIMINAL SEXUAL CONDUCT IN THE THIRD DEGREE.] A person is guilty of criminal sexual conduct in the third degree and (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN TEN) *four* years, if he engages in sexual penetration with another person and any of the following circumstances exists:

(a) The complainant is under 13 years of age and the actor is no more than 36 months older than the complainant. Neither mistake as to the complainant's age nor consent to the act by the complainant shall be a defense; or

(b) The complainant is at least 13 but less than 16 years of age and the actor is more than 24 months older than the complainant and not in a position of authority over the complainant. In any such case it shall be an affirmative defense, which must be proved by a preponderance of the evidence, that the actor believes the complainant to be 16 years of age or older. If the actor in such a case is no more than 48 months but more than 24 months older than the complainant, he (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN FIVE) *two* years. Consent by the complainant is not a defense; or

(c) The actor uses force or coercion to accomplish the penetration; or

(d) The actor knows or has reason to know that the complainant is mentally defective, mentally incapacitated, or physically helpless.

Sec. 40. Minnesota Statutes, 1975 Supplement, Section 609.345, is amended to read:

609.345 [CRIMINAL SEXUAL CONDUCT IN THE FOURTH DEGREE.] A person is guilty of criminal sexual conduct in the fourth degree and (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN FIVE) *two* years, if he engages in sexual contact with another person and if any of the following circumstances exists:

(a) The complainant is under 13 years of age and the actor is no less than 36 months older than the complainant. Neither mistake as to the complainant's age or consent to the act by the complainant is a defense; or

(b) The complainant is at least 13 but less than 16 years of age and the actor is more than 48 months older than the complainant or in a position of authority over the complainant and uses this authority to coerce the complainant to submit. In any such case, it shall be an affirmative defense which must be proved by a preponderance of the evidence that the actor reasonably believes the complainant to be 16 years of age or older; or

(c) The actor uses force or coercion to accomplish the sexual contact; or

(d) The actor knows or has reason to know that the complainant is mentally defective, mentally incapacitated, or physically helpless.

Sec. 41. Minnesota Statutes 1974, Section 609.355, Subdivision 2, is amended to read:

Subd. 2. [ACTS CONSTITUTING.] Whoever does any of the following is guilty of bigamy and (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN FIVE YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$5,000, OR BOTH) *two years*:

(1) Contracts a marriage in this state with knowledge that his prior marriage is not dissolved; or

(2) Contracts a marriage in this state with knowledge that the prior marriage of the person he marries is not dissolved; or

(3) Cohabits in this state with a person whom he married outside this state with knowledge that his own prior marriage has not been dissolved or with knowledge that the prior marriage of the person he married had not been dissolved.

Sec. 42. Minnesota Statutes 1974, Section 609.365, is amended to read:

609.365 [INCEST.] Whoever has sexual intercourse with another nearer of kin to him than first cousin, computed by rules of the civil law, whether of the half or the whole blood, with knowledge of the relationship, is guilty of incest and (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN TEN) *four years*.

Sec. 43. Minnesota Statutes 1974, Section 609.375, Subdivision 2, is amended to read:

Subd. 2. If the knowing omission and failure without lawful excuse to provide care and support to a minor child or a pregnant wife continues for a period in excess of 90 days such person is guilty of a felony and (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN FIVE) *two years*.

Sec. 44. Minnesota Statutes 1974, Section 609.39, is amended to read:

609.39 [MISPRISION OF TREASON.] Whoever, owing allegiance to this state and having knowledge of the commission of treason against this state, does not, as soon as may be, disclose

and make known the same to the governor or a judge of the supreme court or of the district court, is guilty of misprision of treason against this state and (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN FIVE YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$5,000, OR BOTH) *two years*.

Sec. 45. Minnesota Statutes 1974, Section 609.395, is amended to read:

609.395 [STATE MILITARY FORCES; INTERFERING WITH, OBSTRUCTING, OR OTHER.] Whoever, when the United States is at war, does either of the following (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN 20 YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$20,000, OR BOTH) *eight years*:

(1) Intentionally makes or conveys false reports or statements with intent to interfere with the operation or success of the military or naval forces of this state; or

(2) Intentionally causes or incites insubordination, disloyalty, mutiny, or refusal of duty in the military or naval forces of this state, or obstructs the recruiting or enlistment service of this state.

Sec. 46. Minnesota Statutes 1974, Section 609.405, Subdivision 2, is amended to read:

Subd. 2. [ACTS PROHIBITED.] Whoever does any of the following (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN FIVE YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$5,000, OR BOTH) *two years*:

(1) Orally or by means of writing advocates or promotes the doctrine of criminal syndicalism; or

(2) Intentionally organizes or becomes a member of any assembly, group, or organization which he knows is advocating or promoting the doctrine of criminal syndicalism; or

(3) For or on behalf of another person, distributes, sells, publishes, or publicly displays any writing, which is intended by that person to be used to, and which does, advocate or promote the doctrine of criminal syndicalism.

Sec. 47. Minnesota Statutes 1974, Section 609.42, Subdivision 1, is amended to read:

609.42 [BRIBERY.] Subdivision 1. [ACTS CONSTITUTING.] Whoever does any of the following is guilty of bribery and (MAY) *shall* be sentenced to imprisonment for (NOT

MORE THAN TEN YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$10,000, OR BOTH) *four years*:

(1) Offers, gives, or promises to give, directly or indirectly, to any public officer or employee any benefit, reward or consideration to which he is not legally entitled with intent thereby to influence such officer or employee with respect to the performance of his powers or duties as such officer or employee; or

(2) Being a public officer or employee, requests, receives or agrees to receive, directly or indirectly, any such benefit, reward or consideration upon the understanding that he will be so influenced; or

(3) Offers, gives, or promises to give, directly or indirectly any such benefit, reward, or consideration to a witness or one who is about to become a witness in a proceeding before a judicial or hearing officer, with intent that his testimony be influenced thereby, or that he will absent himself from the proceeding; or

(4) By any other means induces a witness or one who is about to become a witness to withhold his true testimony or to absent himself from the proceeding; or

(5) Is, or is about to become such witness and requests, receives, or agrees to receive, directly or indirectly, any such benefit, reward, or consideration upon the understanding that his testimony will be so influenced, or that he will absent himself from the proceeding; or

(6) Accepts directly or indirectly a benefit, reward or consideration upon an agreement or understanding, express or implied, that he will refrain from giving information that may lead to the prosecution of a crime or purported crime or that he will abstain from, discontinue, or delay prosecution therefor, except in a case where a compromise is allowed by law.

Sec. 48. Minnesota Statutes 1974, Section 609.425, is amended to read:

609.425 [CORRUPTLY INFLUENCING LEGISLATOR.] Whoever by menace, deception, concealment of facts, or other corrupt means, attempts to influence the vote or other performance of duty of any member of the legislature or person elected thereto (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN FIVE YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$5,000, OR BOTH) *two years*.

Sec. 49. Minnesota Statutes 1974, Section 609.445, is amended to read:

609.445 [FAILURE TO PAY OVER STATE FUNDS.] Whoever receives money on behalf of or for the account of the state or any of its agencies or subdivisions and intentionally refuses or omits to pay the same to the state or its agency or subdivision entitled thereto, or to an officer or agent authorized to receive the same, (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN THREE YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$3,000, OR BOTH) *one year and one day*.

Sec. 50. Minnesota Statutes 1974, Section 609.455, is amended to read:

609.455 [PERMITTING FALSE CLAIMS AGAINST GOVERNMENT.] A public officer or employee who audits, allows, or pays any claim or demand made upon the state or subdivision thereof or other governmental instrumentality within the state which he knows is false or fraudulent in whole or in part, (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN FIVE YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$5,000, OR BOTH) *two years*.

Sec. 51. Minnesota Statutes 1974, Section 609.465, is amended to read:

609.465 [PRESENTING FALSE CLAIMS TO PUBLIC OFFICER OR BODY.] Whoever, with intent to defraud, presents a claim or demand, which to his knowledge is false in whole or in part, for audit, allowance or payment to a public officer or body authorized to make such audit, allowance or payment is guilty of an attempt to commit theft of public funds and (MAY) *shall* be sentenced accordingly.

Sec. 52. Minnesota Statutes 1974, Section 609.48, Subdivision 1, is amended to read:

609.48 [PERJURY.] Subdivision 1. [ACTS CONSTITUTING.] Whoever makes a false material statement which he does not believe to be true in any of the following cases is guilty of perjury and (MAY) *shall* be sentenced as provided in subdivision 4:

(1) In or for an action, hearing or proceeding of any kind in which the statement is required or authorized by law to be made under oath or affirmation; or

(2) In any writing which is required or authorized by law to be under oath or affirmation; or

(3) In any other case in which the penalties for perjury are imposed by law and no specific sentence is otherwise provided.

Sec. 53. Minnesota Statutes 1974, Section 609.48, Subdivision 4, is amended to read:

Subd. 4. [SENTENCE.] Whoever violates this section (MAY) *shall* be sentenced as follows:

(1) If the false statement was made upon the trial of a felony charge, or upon an application for an explosives license or use permit, to imprisonment for (NOT MORE THAN FIVE YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$5,000, OR BOTH) *two years*; or

(2) In all other cases, to imprisonment for (NOT MORE THAN THREE YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$3,000, OR BOTH) *one year and one day*.

Sec. 54. Minnesota Statutes 1974, Section 609.485, Subdivision 4, is amended to read:

Subd. 4. [SENTENCE.] Whoever violates this section (MAY) *shall* be sentenced as follows:

(1) If the person who escapes is in lawful custody on a charge or conviction of a felony, to imprisonment for (NOT MORE THAN FIVE YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$5,000, OR BOTH) *two years*.

(2) If such charge or conviction is for a gross misdemeanor, to imprisonment for not more than one year or to payment of a fine of not more than \$1,000, or both.

(3) If such charge or conviction is for a misdemeanor, to imprisonment for not more than 90 days or to payment of a fine of not more than \$300, or both.

(4) If the escape was effected by violence or threat of violence against a person, the sentence (MAY) *shall* be increased to (NOT MORE THAN) twice those permitted in clauses (1), (2), and (3).

(5) Unless a concurrent term is specified by the court, a sentence under this section shall be consecutive to any sentence previously imposed or which may be imposed for any crime or offense for which the person was in custody when he escaped.

Sec. 55. Minnesota Statutes 1974, Section 609.495, Subdivision 1, is amended to read:

609.495 [AIDING AN OFFENDER TO AVOID ARREST.] Subdivision 1. Whoever harbors, conceals or aids another known by him to have committed a felony under the laws of this or another state or of the United States with intent that such offender shall avoid or escape from arrest, trial, conviction, or punishment, (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN THREE YEARS OR TO PAYMENT OF

A FINE OF NOT MORE THAN \$3,000, OR BOTH) *one year and one day.*

Sec. 56. Minnesota Statutes, 1975 Supplement, Section 609.52, Subdivision 2, is amended to read:

Subd. 2. [ACTS CONSTITUTING THEFT.] Whoever does any of the following commits theft and (MAY) *shall* be sentenced as provided in subdivision 3:

(1) Intentionally and without claim of right takes, uses, transfers, conceals or retains possession of movable property of another without his consent and with intent to deprive the owner permanently of possession of the property; or

(2) Having a legal interest in movable property, intentionally and without consent, takes such property out of the possession of a pledgee or other person having a superior right of possession, with intent thereby to deprive the pledgee or other person permanently of the possession of the property; or

(3) Obtains for himself or another the possession, custody or title to property of a third person by intentionally deceiving him with a false representation which is known to be false, made with intent to defraud, and which does defraud the person to whom it is made. "False representation" includes without limitation:

(a) The issuance of a check, draft, or order for the payment of money or the delivery of property knowing that he is not entitled to draw upon the drawee therefor or to order the payment or delivery thereof; or

(b) A promise made with intent not to perform. Failure to perform is not evidence of intent not to perform unless corroborated by other substantial evidence; or

(c) The unauthorized use of a credit card, credit plate, charge plate, or other identification device issued by an organization to a person for use in purchasing goods on credit; or

(4) By swindling, whether by artifice, trick, device, or any other means, obtains property from another person; or

(5) Intentionally commits any of the acts listed in this subdivision but with intent to exercise temporary control only and;

(a) The control exercised manifests an indifference to the rights of the owner or the restoration of the property to him; or

(b) He pledges or otherwise attempts to subject the property to an adverse claim; or

(c) He intends to restore the property only on condition that the owner pay a reward or buy back or make other compensation; or

(6) Finds lost property and, knowing or having reasonable means of ascertaining the true owner, appropriates it to his own use or to that of another not entitled thereto without first having made reasonable effort to find the owner and offer and surrender the property to him; or

(7) Intentionally obtains property or services, offered upon the deposit of a sum of money or tokens in a coin or token operated machine or other receptacle, without making the required deposit or otherwise obtaining the consent of the owner; or

(8) Intentionally and without claim of right converts any article representing a trade secret, knowing it to be such, to his own use or that of another person or makes a copy of an article representing a trade secret, knowing it to be such, and intentionally and without claim of right converts the same to his own use or that of another person. It shall be a complete defense to any prosecution under this clause for the defendant to show that information comprising the trade secret was rightfully known or available to him from a source other than the owner of the trade secret; or

(9) Leases or rents personal property under a written instrument and who with intent to place such property beyond the control of the lessor conceals or aids or abets the concealment of such property or any part thereof, or any lessee of such property who sells, conveys or encumbers such property or any part thereof without the written consent of the lessor, without informing the person to whom he sells, conveys, or encumbers that the same is subject to such lease and with intent to deprive the lessor of possession thereof. Evidence that a lessee used a false or fictitious name or address in obtaining such property or fails or refuses to return such property to lessor within five days after written demand for such return has been served personally in the manner provided for service of process of a civil action or sent by registered or certified mail to the last known address of the lessee, whichever shall occur later, shall be evidence of intent to violate this clause. Service by certified or registered mail shall be deemed to be complete upon deposit in the United States mail of such demand, postpaid and addressed to such person at the address for such person set forth in the lease or rental agreement, or, in the absence of such address, to such person's last known place of residence; or

(10) Alters, removes or obliterates numbers or symbols placed on movable property for purpose of identification by the owner or person who has legal custody or right to possession thereof with the intent to prevent identification, if the person who alters, removes or obliterates the numbers or symbols is not

the owner and does not have the permission of the owner to make the alteration, removal or obliteration.

Sec. 57. Minnesota Statutes 1974, Section 609.52, Subdivision 3, is amended to read:

Subd. 3. [SENTENCE.] Whoever commits theft (MAY) *shall* 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) *four years*, 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) *two years*, if the value of the property or services is more than \$100 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) *two years*, notwithstanding the value of the property or services is not more than \$100, 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) *four years*, 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 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. 58. Minnesota Statutes, 1975 Supplement, Section 609.521, is amended to read:

609.521 [POSSESSION OF SHOPLIFTING GEAR.] Whoever has in his possession any device, gear, or instrument specially designed to assist in shoplifting with intent to use the same to shoplift and thereby commit theft (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN THREE YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$3,000, OR BOTH) *one year and one day*.

Sec. 59. Minnesota Statutes 1974, Section 609.525, Subdivision 1, is amended to read:

609.525 [BRINGING STOLEN GOODS INTO STATE.] Subdivision 1. Whoever brings property into the state which he has stolen outside the state, or received outside of the state knowing it to have been stolen, (MAY) *shall* be sentenced in accordance with the provisions of section 609.52, subdivision 3. He may be charged, indicted, and tried in any county, but not more than one county, into or through which he has brought such property.

Sec. 60. Minnesota Statutes 1974, 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) *shall* be sentenced as follows:

(1) If the value of the property received, bought or concealed is \$100 or more, to imprisonment for (NOT MORE THAN TEN YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$10,000, OR BOTH) *four years*;

(2) If the value of the property received, bought or concealed is less than \$100, to punishment as a misdemeanor.

Sec. 61. Minnesota Statutes 1974, Section 609.53, Subdivision 3, is amended to read:

Subd. 3. Any person convicted of a second or subsequent violation under subdivision 2 within a period of one year (MAY) *shall* be sentenced as provided in subdivision 1, clause (1).

Sec. 62. Minnesota Statutes 1974, Section 609.54, is amended to read:

609.54 [EMBEZZLEMENT OF PUBLIC FUNDS.] Whoever does an act which constitutes embezzlement under the provisions of Minnesota Constitution, Article IX, Section 12 (MAY) shall be sentenced as follows:

(1) If the value of the funds so embezzled is \$2,500, or less, to imprisonment for (NOT MORE THAN FIVE YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$5,000, OR BOTH) *two years*; or

(2) If such value is more than \$2,500, to imprisonment for (NOT MORE THAN TEN YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$10,000, OR BOTH) *four years*.

Sec. 63. Minnesota Statutes 1974, Section 609.55, Subdivision 2, is amended to read:

Subd. 2. [ACTS CONSTITUTING.] Whoever intentionally takes or drives a motor vehicle without the consent of the owner or his authorized agent (MAY) shall be sentenced to imprisonment for (NOT MORE THAN THREE YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$3,000, OR BOTH) *one year and one day*.

Sec. 64. Minnesota Statutes, 1975 Supplement, Section 609.551, Subdivision 1, is amended to read:

609.551 [RUSTLING AND LIVESTOCK THEFT; PENALTIES.] Subdivision 1. Whoever intentionally and without claim of right shoots, kills, takes, uses, transfers, conceals or retains possession of live cattle, swine or sheep or the carcasses thereof belonging to another without his consent and with the intent to permanently deprive the owner thereof (MAY) shall be sentenced as follows:

(a) If the value of the animals which are shot, killed, taken, used, transferred, concealed or retained exceeds \$2,500, the defendant (MAY) shall be sentenced to imprisonment for (NOT MORE THAN TEN) *four years* (, AND MAY BE FINED UP TO \$10,000);

(b) If the value of the animals which are shot, killed, taken, used, transferred, concealed or retained exceeds \$100 but is less than \$2,500, the defendant (MAY) shall be sentenced to imprisonment for (NOT MORE THAN FIVE) *two years* (, AND MAY BE FINED UP TO \$5,000);

(c) If the value of the animals which are shot, killed, taken, used, transferred, concealed, or retained is \$100 or less, the de-

endant may be sentenced to imprisonment for not more than 90 days or to payment of a fine of not more than \$300 or both.

Sec. 65. Minnesota Statutes 1974, Section 609.56, is amended to read:

609.56 [AGGRAVATED ARSON.] Whoever, by means of fire or explosives, intentionally destroys or damages a dwelling house or other property, real or personal, whether his own or that of another, and thereby creates an imminent danger to life or risk of great bodily harm commits aggravated arson and (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN 25 YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$25,000, OR BOTH) *ten years* if the danger or risk was known or reasonably foreseeable.

Sec. 66. Minnesota Statutes 1974, Section 609.565, is amended to read:

609.565 [SIMPLE ARSON.] Whoever, by means of fire or explosives, intentionally damages or destroys any property of another without his consent is guilty of simple arson, if the act does not constitute aggravated arson, and (MAY) *shall* be sentenced as follows:

(1) To imprisonment for (NOT MORE THAN FIVE YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$5,000, OR BOTH) *two years*, if:

(a) The property intended by the actor to be damaged or destroyed had a value of \$100 or more; or

(b) Property of the value of \$100 or more was unintentionally damaged or destroyed but such damage or destruction could reasonably have been foreseen; or

(c) The property specified in clauses (a) and (b) in the aggregate had a value of \$100 or more; or

(2) To imprisonment for not more than 90 days or to payment of a fine of not more than \$300, or both in all other cases.

Sec. 67. Minnesota Statutes 1974, Section 609.58, Subdivision 2, is amended to read:

Subd. 2. [ACTS CONSTITUTING.] Whoever enters a building without the consent of the person in lawful possession, with intent to commit a crime therein, or whoever remains within a building without the consent of the person in lawful authority, with intent to commit a crime therein, commits burglary and (MAY) *shall* be sentenced as follows:

(1) To imprisonment for (NOT MORE THAN 20 YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$20,000, OR BOTH) *eight years*, if:

(a) When entering or while in the building, he possesses an explosive or tool to gain access to money or property; or

(b) The building entered is a dwelling and he possesses a dangerous weapon when entering or while in the building or he commits an assault upon a person present therein; or

(c) The portion of the building entered contains a banking business or other business of receiving securities or other valuable papers for deposit or safekeeping, the entry is with force or threat of force, the intent is to steal or commit a felony therein.

(2) To imprisonment for (NOT MORE THAN TEN YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$10,000, OR BOTH) *four years*, if the building entered is a dwelling and another person not an accomplice is present therein.

(3) In any other case, to imprisonment for (NOT MORE THAN FIVE YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$5,000, OR BOTH) *two years*, if the intent is to steal or commit a felony or gross misdemeanor or to imprisonment for not more than one year or to payment of a fine of not more than \$1,000, or both, if the intent is to commit a misdemeanor.

Sec. 68. Minnesota Statutes 1974, Section 609.59, is amended to read:

609.59 [POSSESSION OF BURGLARY TOOLS.] Whoever has in his possession any device, explosive, or other instrumentality with intent to use or permit the use of the same to commit burglary (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN THREE YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$3,000, OR BOTH) *one year and one day*.

Sec. 69. Minnesota Statutes 1974, Section 609.595, Subdivision 1, is amended to read:

609.595 [DAMAGE TO PROPERTY.] Subdivision 1. [AGGRAVATED CRIMINAL DAMAGE TO PROPERTY.] Whoever intentionally causes damage to physical property of another without the latter's consent (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN FIVE YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$5,000, OR BOTH) *two years*, if:

(1) The damage to the property caused a reasonably foreseeable risk of bodily harm; or

(2) The property damaged belongs to a public utility or a common carrier and the damage impairs the service to the public rendered by them; or

(3) The damage reduces the value of the property by more than \$100 measured by the cost of repair or replacement, whichever is less.

Sec. 70. Minnesota Statutes 1974, Section 609.60, is amended to read:

609.60 [DANGEROUS TRESPASSES AND OTHER ACTS.] Whoever intentionally does any of the following is guilty of a misdemeanor; except, if to his knowledge a risk of death or bodily harm or serious property damage is thereby created, he (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN FIVE YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$5,000, OR BOTH) *two years*:

(1) Smokes in the presence of explosives or inflammable materials; or

(2) Interferes with or obstructs the prevention or extinguishing of any fire, or disobeys the lawful orders of a law enforcement officer or fireman present at the fire; or

(3) Shows a false light or signal or interferes with any light, signal, or sign controlling or guiding traffic upon a highway, railway track, navigable waters, or in the air; or

(4) Places an obstruction upon a railroad track; or

(5) Exposes another or his property to an obnoxious or harmful gas, fluid or substance, with intent to injure, molest, or coerce.

Sec. 71. Minnesota Statutes 1974, Section 609.61, is amended to read:

609.61 [DEFRAUDING INSURER.] Whoever burns, destroys, or otherwise damages any property with intent to defraud an insurer of that property, when aggravated arson is not committed thereby, (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN THREE YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$3,000, OR BOTH) *one year and one day*.

Sec. 72. Minnesota Statutes 1974, Section 609.615, is amended to read:

609.615 [DEFEATING SECURITY ON REALTY.] Whoever removes or damages real property which is subject to a mortgage, mechanic's lien, or contract for deed, with intent to impair the value of the security, without the consent of the security holder, (MAY) *shall* be sentenced as follows:

(1) If the value of the property is impaired by \$100 or less, to imprisonment for not more than 90 days or to payment of a fine of not more than \$300, or both; or

(2) If the value of the property is impaired by more than \$100, to imprisonment for (NOT MORE THAN FIVE YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$5,000, OR BOTH) *two years*.

Sec. 73. Minnesota Statutes 1974, Section 609.62, Subdivision 2, is amended to read:

Subd. 2. [ACTS CONSTITUTING.] Whoever, with intent to defraud, does any of the following may be sentenced to imprisonment for not more than (TWO YEARS) *one year* or to payment of a fine of not more than (\$2,000) *\$1,000*, or both:

(1) Conceals, removes, or transfers any personal property in which he knows that another has a security interest; or

(2) Being an obligor and knowing the location of the property refuses to disclose the same to an obligee entitled to possession thereof.

Sec. 74. Minnesota Statutes 1974, Section 609.625, is amended to read:

609.625 [AGGRAVATED FORGERY.] Subdivision 1. [MAKING OR ALTERING WRITING OR OBJECT.] Whoever, with intent to defraud, falsely makes or alters a writing or object of any of the following kinds so that it purports to have been made by another or by himself under an assumed or fictitious name, or at another time, or with different provisions, or by authority of one who did not give such authority, is guilty of aggravated forgery and (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN TEN YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$10,000, OR BOTH) *four years*:

(1) A writing or object whereby, when genuine, legal rights, privileges, or obligations are created, terminated, transferred, or evidenced, or any writing normally relied upon as evidence of debt or property rights; or

(2) An official seal or the seal of a corporation; or

- (3) A public record or an official authentication or certification of a copy thereof; or
- (4) An official return or certificate entitled to be received as evidence of its contents; or
- (5) A court order, judgment, decree, or process; or
- (6) The records or accounts of a public body, office, or officer; or
- (7) The records or accounts of a bank or person, with whom funds of the state or any of its agencies or subdivisions are deposited or entrusted, relating to such funds.

Subd. 2. [MEANS FOR FALSE REPRODUCTION.] Whoever, with intent to defraud, makes, engraves, possesses or transfers a plate or instrument for the false reproduction of a writing or object mentioned in subdivision 1 (MAY) *shall* be sentenced as provided in subdivision 1.

Subd. 3. [UTTERING OR POSSESSING.] Whoever, with intent to defraud, utters or possesses with intent to utter any forged writing or object mentioned in subdivision 1, knowing it to have been so forged, (MAY) *shall* be sentenced as provided in subdivision 1.

Sec. 75. Minnesota Statutes 1974, Section 609.63, is amended to read:

609.63 [FORGERY.] Subdivision 1. Whoever, with intent to injure or defraud, does any of the following is guilty of forgery and (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN THREE YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$3,000, OR BOTH) *one year and one day*:

- (1) Uses a false writing, knowing it to be false, for the purpose of identification or recommendation; or
- (2) Without consent, places, or possesses with intent to place, upon any merchandise an identifying label or stamp which is or purports to be that of another craftsman, tradesman, packer, or manufacturer, or disposes or possesses with intent to dispose of any merchandise so labeled or stamped; or
- (3) Falsely makes or alters a membership card purporting to be that of a fraternal, business, professional, or other association, or of any labor union, or possesses any such card knowing it to have been thus falsely made or altered; or

(4) Falsely makes or alters a writing, or possesses a falsely made or altered writing, evidencing a right to transportation on a common carrier; or

(5) Destroys, mutilates, or by alteration, false entry or omission, falsifies any record, account, or other document relating to a private business; or

(6) Without authority of law, destroys, mutilates, or by alteration, false entry, or omission, falsifies any record, account, or other document relating to a person, corporation, or business, or filed in the office of, or deposited with, any public office or officer; or

(7) Destroys a writing or object to prevent it from being produced at a trial, hearing, or other proceeding authorized by law.

Subd. 2. Whoever, with knowledge that it is forged, offers in evidence in any trial, hearing or other proceedings authorized by law, as genuine, any forged writing or object (MAY) *shall* be sentenced as follows:

(1) If the writing or object is offered in evidence in the trial of a felony charge, to imprisonment for (NOT MORE THAN FIVE YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$5,000, OR BOTH) *two years*; or

(2) In all other cases, to imprisonment for (NOT MORE THAN THREE YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$3,000, OR BOTH) *one year and one day*.

Sec. 76. Minnesota Statutes 1974, Section 609.635, is amended to read:

609.635 [OBTAINING SIGNATURE BY FALSE PRETENSE.] Whoever, by false pretense, obtains the signature of another to a writing which is a subject of forgery under section 609.625, subdivision 1, (MAY) *shall* be punished as therein provided.

Sec. 77. Minnesota Statutes 1974, Section 609.64, is amended to read:

609.64 [RECORDING, FILING OF FORGED INSTRUMENT.] Whoever intentionally presents for filing, registering, or recording, or files, registers, or records a false or forged instrument relating to or affecting real or personal property in a public office entitled to file, register, or record such instrument when genuine (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN THREE YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$3,000, OR BOTH) *one year and one day*.

Sec. 78. Minnesota Statutes 1974, Section 609.645, is amended to read:

609.645 [FRAUDULENT STATEMENTS.] Whoever, with intent to injure or defraud, does any of the following (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN THREE YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$3,000, OR BOTH) *one year and one day*:

(1) Circulates or publishes a false statement, oral or written, relating to a corporation, association, or individual, intending thereby to give a false apparent value to securities issued or to be issued by, or to the property of, such corporation, association, or individual; or

(2) Makes a false ship's or airplane's manifest, invoice, register, or protest.

Sec. 79. Minnesota Statutes 1974, Section 609.65, is amended to read:

609.65 [FALSE CERTIFICATION BY NOTARY PUBLIC.] Whoever, when acting or purporting to act as a notary public or other public officer, certifies falsely that an instrument has been acknowledged or that any other act was performed by a party appearing before him or that as such notary public or other public officer he performed any other official act (MAY) *shall* be sentenced as follows:

(1) If he so certifies with intent to injure or defraud, to imprisonment for (NOT MORE THAN THREE YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$3,000, OR BOTH) *one year and one day*; or

(2) In any other case, to imprisonment for not more than 90 days or to payment of a fine of not more than \$300, or both.

Sec. 80. Minnesota Statutes 1974, Section 609.67, Subdivision 2, is amended to read:

Subd. 2. [ACTS PROHIBITED.] Except as otherwise provided herein, whoever owns, possesses, or operates a machine gun (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN FIVE YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$5,000, OR BOTH) *two years*.

Sec. 81. Minnesota Statutes 1974, Section 609.71, is amended to read:

609.71 [RIOT.] When three or more persons assembled disturb the public peace by an intentional act or threat of unlawful force or violence to person or property, each participant therein

is guilty of riot and 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, or, if the offender, or to his knowledge any other participant, is armed with a dangerous weapon or is disguised, *he shall be sentenced to imprisonment for (NOT MORE THAN FIVE YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$5,000, OR BOTH) two years.*

Sec. 82. Minnesota Statutes 1974, Section 609.713, is amended to read:

609.713 [TERRORISTIC THREATS.] Subdivision 1. Whoever threatens to commit any crime of violence with purpose to terrorize another or to cause evacuation of a building, place of assembly or facility of public transportation or otherwise to cause serious public inconvenience, or in a reckless disregard of the risk of causing such terror or inconvenience (MAY) *shall be sentenced to imprisonment for (NOT MORE THAN FIVE YEARS) two years.*

Subd. 2. Whoever communicates to another with purpose to terrorize another or in reckless disregard of the risk of causing such terror, that explosives or an explosive device or any incendiary device is present at a named place or location, whether or not the same is in fact present, (MAY) *shall be sentenced to imprisonment for (NOT MORE THAN THREE YEARS) one year and one day.*

Sec. 83. Minnesota Statutes 1974, Section 609.785, is amended to read:

609.785 [FRAUDULENT LONG DISTANCE TELEPHONE CALLS.] Whoever obtains long distance telephone service by intentionally requesting of the operator that the cost thereof be charged to a false or non-existent telephone or credit card number or to the telephone or credit card number of another without his authority may be sentenced to imprisonment for not more than 90 days or to payment of a fine of not more than \$300, or both, when the value of the telephone service obtained is not more than \$100; and *shall be sentenced by imprisonment for (NOT MORE THAN FIVE YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$5,000, OR BOTH) two years*, if the value of the telephone service obtained in a single transaction, or in separate transactions within any six month period, is more than \$100.

Sec. 84. Minnesota Statutes 1974, Section 609.82, is amended to read:

609.82 [FRAUD IN OBTAINING CREDIT.] Whoever, with intent to defraud, obtains credit for himself or another from a bank, trust company, savings or building and loan association,

or credit union, by means of a present or past false representation as to his or another's financial ability may be sentenced as follows:

(1) If no money or property is obtained by the defendant by means of such credit, to imprisonment for not more than 90 days or to payment of a fine of not more than \$300, or both; or

(2) If money or property is so obtained, the value thereof shall be determined as provided in section 609.52, subdivision 1, clause (3) and he (MAY) *shall* be sentenced as provided in section 609.52, subdivision 3.

Sec. 85. Minnesota Statutes 1974, Section 609.825, Subdivision 2, is amended to read:

Subd. 2. [ACTS PROHIBITED.] Whoever does any of the following (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN FIVE YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$5,000, OR BOTH) *two years*:

(1) Offers, gives, or agrees to give, directly or indirectly, any benefit, reward or consideration to a participant, manager, director, or other official, or to one who intends to become such participant or official, in any sporting event, race or other contest of any kind whatsoever with intent thereby to influence such participant not to use his best effort to win or enable his team to win or to attain a maximum score or margin of victory, or to influence such official in his decisions with respect to such contest; or

(2) Requests, receives, or agrees to receive, directly or indirectly, any benefit, reward or consideration upon the understanding that he will be so influenced as such participant or official.

Sec. 86. Minnesota Statutes 1974, Section 609.83, is amended to read:

609.83 [FALSELY IMPERSONATING ANOTHER.] Whoever does either of the following (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN FIVE YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$5,000, OR BOTH) *two years*:

(1) Assumes to enter into a marriage relationship with another by falsely impersonating a third person; or

(2) By falsely impersonating another with intent to defraud him or a third person, appears, participates, or executes an instrument to be used in a judicial proceeding.

Sec. 87. [LEGISLATIVE STUDY.] *The legislative standing committees having jurisdiction over the subject matter, shall jointly study the actual and potential impact of this act on the state's criminal justice system. These committees shall report to the legislature on or before March 1, 1977, making any appropriate recommendations for legislative change.*

Sec. 88. [EFFECTIVE DATE.] *Sections 1 to 86 and 88 to 90 are effective as to crimes committed on or after April 1, 1977, except as specifically provided in section 10. Section 87 is effective the day following final enactment.*

Sec. 89. *In the next and subsequent editions of the Minnesota Statutes the revisor of statutes shall make such changes in terminology as may be necessary to record the functions, powers and duties of the commissioner of corrections as established by this act.*

Sec. 90. [REPEALER.] *Minnesota Statutes 1974, Sections 243.06; 243.14; 243.18; 246.43; 609.11, as amended by Laws 1975, Chapter 378, Section 8; 609.13, Subdivision 1; 609.155; 609.16; and 609.293, Subdivisions 2, 3, and 4, are repealed. Minnesota Statutes 1974, Sections 241.045, as amended by Laws 1975, Chapters 61, Section 4, and 304, Section 3; and 242.24 are repealed on December 31, 1978."*

Further strike the title in its entirety and insert:

"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 authority to the commissioner of corrections; abolishing the Minnesota corrections authority; providing for determinate sentencing; providing for a mutual agreement program; amending Minnesota Statutes 1974, Sections 152.15; 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; 609.19; 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; 609.355, 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; 609.52, Subdivision 3; 609.525, Subdivision 1; 609.53, Subdivisions 1 and 3; 609.54; 609.55, Subdivision 2; 609.56; 609.565; 609.58, Subdivision 2; 609.59; 609.595, Subdivision 1; 609.60; 609.61; 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; Minnesota Statutes, 1975 Supplement, Sections 609.185; 609.342; 609.343; 609.344; 609.345; 609.52, Subdivision 2; 609.521; and 609.551, Subdivision 1; repealing Minnesota Statutes 1974, Sections 241.045, as amended; 242.24; 243.06; 243.14; 243.18;

246.43; 609.11, as amended; 609.13, Subdivision 1; 609.155; 609.-16; and 609.293, Subdivisions 2, 3, and 4.”

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

House Conferees: RAY W. FARICY and RODNEY N. SEARLE.

Senate Conferees: BILL MCCUTCHEON, ROLF NELSON and JACK DAVIES.

Faricy moved that the report of the Conference Committee on H. F. No. 1865 be adopted and that the bill be repassed as amended by the Conference Committee.

A roll call was requested and properly seconded.

CALL OF THE HOUSE

On the motion of Adams, S., and on the demand of 10 members, a call of the House was ordered. The following members answered to their names:

Abeln	Dieterich	Kahn	Moe	Searle
Adams, L.	Doty	Kaley	Munger	Setzepfandt
Adams, S.	Eckstein	Kalis	Neisen	Sherwood
Albrecht	Eken	Kelly, R.	Nelsen	Sieben, H.
Anderson, G.	Enebo	Kelly, W.	Nelson	Sieben, M.
Anderson, I.	Erickson	Kempe, A.	Niehaus	Sieloff
Arlandson	Esau	Kempe, R.	Norton	Simoneau
Beauchamp	Evans	Ketola	Novak	Skoglund
Begich	Ewald	Knickerbocker	Osthoff	Smith
Berg	Faricy	Knoll	Parish	Smogard
Berglin	Fjoslien	Kostohryz	Patton	Spanish
Biersdorf	Forsythe	Kroening	Peehler	Stanton
Birnstihl	Friedrich	Kvam	Peterson	Suss
Braun	Fudro	Laidig	Petraleso	Swanson
Brinkman	George	Langseth	Philbrook	Ulland
Byrne	Graba	Lemke	Pleasant	Vanasek
Carlson, A.	Hanson	Lindstrom	Prahl	Vento
Carlson, L.	Haugerud	Luther	Reding	Voss
Carlson, R.	Heinitz	Mangan	Rice	Wenstrom
Casserly	Hokanson	Mann	St. Onge	Wenzel
Clark	Jacobs	McCarron	Samuelson	White
Clawson	Jaros	McCauley	Sarna	Wieser
Corbid	Jensen	McCollar	Saveikoul	Wigley
Dahl	Johnson, C.	McEachern	Schreiber	Williamson
Dean	Jopp	Menning	Schulz	Speaker Sabo
DeGroat	Jude	Metzen	Schumacher	

Adams, S., moved that further proceedings of the roll call be dispensed with and that the Sergeant at Arms be instructed to bring in the absentees. The motion prevailed and it was so ordered.

The question recurred on the motion to adopt the Conference Committee Report and the roll being called, there were yeas 90, and nays 41, as follows:

Those who voted in the affirmative were:

Abeln	Doty	Kaley	McEachern	Schreiber
Adams, L.	Eckstein	Kalis	Menning	Schumacher
Adams, S.	Erickson	Kelly, R.	Metzen	Searle
Albrecht	Esau	Kelly, W.	Neisen	Setzepfandt
Anderson, G.	Evans	Kempe, A.	Nelsen	Sieben, M.
Anderson, I.	Ewald	Kempe, R.	Niehaus	Sieloff
Arlandson	Faricy	Ketola	Novak	Simoneau
Begich	Fjoslien	Knickerbocker	Osthoff	Smogard
Biersdorf	Forsythe	Knoll	Patton	Swanson
Birnsthil	Friedrich	Kostohryz	Peterson	Tomlinson
Braun	Fudro	Kroening	Petrafeso	Vento
Byrne	Hanson	Laidig	Philbrook	Wenstrom
Carlson, A.	Heinitz	Langseth	Pleasant	Wenzel
Carlson, L.	Hokanson	Lemke	Prahl	White
Carlson, R.	Jacobs	Luther	Reding	Wieser
Dahl	Jensen	Mann	St. Onge	Wigley
Dean	Jopp	McCauley	Sarna	Williamson
DeGroat	Jude	McCollar	Savelkoul	Zubay

Those who voted in the negative were:

Beauchamp	Eken	Kahn	Rice	Suss
Berg	Enebo	Lindstrom	Samuelson	Ulland
Berglin	Fugina	Mangan	Schulz	Vanasek
Brinkman	George	McCarron	Sherwood	Voss
Casserly	Graba	Moe	Sieben, H.	Speaker Sabo
Clark	Haugerud	Nelson	Skoglund	
Clawson	Jaros	Norton	Smith	
Corbid	Johnson, C.	Parish	Spanish	
Dieterich	Johnson, D.	Pehler	Stanton	

The motion prevailed.

H. F. No. 1865, A bill for an act relating to crimes; providing increased sentences for persons convicted of certain second or subsequent violations of theft; prescribing penalties; amending Minnesota Statutes 1974, Section 609.52, Subdivision 3.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question being taken on the repassage of the bill and the roll being called, there were yeas 94, and nays 36, as follows:

Those who voted in the affirmative were:

Abeln	Byrne	Ewald	Jopp	Kroening
Adams, L.	Carlson, A.	Faricy	Jude	Laidig
Adams, S.	Carlson, L.	Fjoslien	Kaley	Langseth
Albrecht	Carlson, R.	Forsythe	Kalis	Lemke
Anderson, G.	Dahl	Friedrich	Kelly, R.	Luther
Anderson, I.	Dean	Fudro	Kelly, W.	Mangan
Arlandson	DeGroat	George	Kempe, A.	Mann
Beauchamp	Doty	Hanson	Kempe, R.	McCauley
Begich	Eckstein	Heinitz	Ketola	McCollar
Biersdorf	Enebo	Hokanson	Knickerbocker	McEachern
Birnsthil	Esau	Jacobs	Knoll	Menning
Braun	Evans	Jensen	Kostohryz	Metzen

Neisen	Petrafeso	Sarna	Sieloff	Wenzel
Nelsen	Philbrook	Savelkoul	Simoneau	White
Niehaus	Pleasant	Schreiber	Smogard	Wieser
Novak	Prahl	Schumacher	Swanson	Wigley
Osthoff	Reding	Searle	Tomlinson	Williamson
Patton	St. Onge	Setzepfandt	Vento	Zubay
Peterson	Samuelson	Sieben, M.	Wenstrom	

Those who voted in the negative were:

Berg	Eken	Lindstrom	Schulz	Ulland
Berglin	Fugina	McCarron	Sherwood	Vanasek
Brinkman	Graba	Moe	Sieben, H.	Voss
Cassery	Haugerud	Nelson	Skoglund	Speaker Sabo
Clark	Jaros	Norton	Smith	
Clawson	Johnson, C.	Parish	Spanish	
Corbid	Johnson, D.	Pehler	Stanton	
Dieterich	Kahn	Rice	Suss	

The bill was repassed, as amended by Conference, and its title agreed to.

CALL OF THE HOUSE LIFTED

Anderson, I., moved that the call of the House be dispensed with. The motion prevailed and it was so ordered.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

H. F. No. 1997, A bill for an act relating to the operation of government; providing for aids to education, tax levies, and the distribution of tax revenues; changing the funding of special education, adult vocational education, and secondary vocational education to a current funding basis; granting certain powers and duties to school districts, the commissioner of education, the state board of education, and the state board for vocational education; providing for the adoption of the uniform financial accounting and reporting system for Minnesota school districts; transferring the Minnesota school for the deaf and the Minnesota braille and sight-saving school from the jurisdiction of the commissioner of welfare to the state board of education; authorizing and prohibiting certain fees; establishing a uniform definition of school age for all handicapped children; appropriating money; amending Minnesota Statutes 1974, Sections 120.17, Subdivisions 2 and 5, and by adding subdivisions; 120.73, Subdivision 1; 120.74, Subdivision 1; 121.21 by adding a subdivision; 122.45, Subdivisions 2 and 3a; 123.37, Subdivisions 1 and 1b; 124.212 by adding a subdivision; 124.222 by adding a subdivision; 124.32 as

amended; 125.185, Subdivision 4; 246.01; 248.07, Subdivision 3; and 275.125 by adding subdivisions; Chapter 124 by adding sections; and Chapter 422A by adding a section; and Minnesota Statutes, 1975 Supplement, Sections 120.17, Subdivision 1; 121.11, Subdivision 5; 121.165; 122.23, Subdivision 15; 122.45, Subdivision 1; 124.04; 124.17, Subdivisions 1 and 2; 124.212, Subdivisions 8a and 11a; 124.223; 124.26 by adding a subdivision; 124.271, Subdivision 2; 124.43, Subdivision 1; 124.561, Subdivision 3 and by adding a subdivision; 124.562, Subdivision 2; 124.563, Subdivision 3; 124.564; 124.565, Subdivision 2; 124.611, Subdivisions 1 and 2; 268.08, Subdivision 5; 273.138, Subdivision 3; 275.125, Subdivisions 2a, 4, 5, 6, 7, 8, 9, 14 and 15, and by adding subdivisions; and 298.244, Subdivision 1, as amended; repealing Minnesota Statutes 1974, Sections 122.54; 124.28, as amended; 124.281; 124.29; 125.185, Subdivision 8; 248.01; 248.02; 248.05; 248.06; 248.09; 275.127; 275.39; 275.41 and 275.42; and Minnesota Statutes, 1975 Supplement, Section 275.125, Subdivision 11.

The Senate has repassed said bill, in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee, consisting of 3 members of the Senate, on the amendments adopted by the Senate to the following House File:

H. F. No. 2019, A bill for an act relating to controlled substances; scheduling certain substances; amending Minnesota Statutes 1974, Section 152.02, Subdivisions 2, 3, 4, 5, and by adding a subdivision.

The Senate has appointed as such committee Messrs. Schaaf, Anderson and Keefe, J.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee, consisting of 3 members of the Senate, on the amendments adopted by the Senate to the following House File:

H. F. No. 1940, A bill for an act relating to the legislature; establishing a council on the economic status of women; ap-

appropriating money; repealing Minnesota Statutes 1974, Section 363.04, Subdivisions 7 and 8.

The Senate has appointed as such committee Messrs. Keefe, S. and Hughes and Mrs. Brataas.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee, consisting of 3 members of the Senate, on the amendments adopted by the Senate to the following House File:

H. F. No. 2657, A bill for an act relating to natural resources; increasing certain permit and license fees; authorizing the issuance of Minnesota sportsman licenses; appropriating money; amending Minnesota Statutes 1974, Sections 85.05, Subdivision 2; 98.46, Subdivisions 2, 4, 7, 8, 9, 14, 15, 16, 17, as amended, 19, and by adding a subdivision; 101.44; and Chapter 105, by adding a section; and Minnesota Statutes, 1975 Supplement, Section 98.46, Subdivision 5.

The Senate has appointed as such committee Messrs. Moe, Merriam and Frederick.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee, consisting of 3 members of the Senate, on the amendments adopted by the Senate to the following House File:

H. F. No. 2233, A bill for an act relating to human services; permitting Otter Tail county to designate a human services board; amending Minnesota Statutes 1974, Section 402.01, Subdivision 1.

The Senate has appointed as such committee Messrs. Olhoff, Chmielewski and Renneke.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendments to:

S. F. No. 1644, A bill for an act relating to public welfare; establishing a senior companion program; appropriating funds.

And the Senate respectfully requests that a Conference Committee of 3 members be appointed thereon. Messrs. Chenoweth, Moe and Knutson have been appointed as such committee on the part of the Senate.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

PATRICK E. FLAHAVEN, Secretary of the Senate

Kelly, R., moved that the House accede to the request of the Senate for the appointment of a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two Houses on S. F. No. 1644. The motion prevailed.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 2374, A bill for an act relating to highway traffic regulation; requiring courts to report to the commissioner of public safety a stay of imposition of sentence granted under provisions of law relating to driving while under the influence of drugs or alcoholic beverages; amending Minnesota Statutes 1974, Sections 169.121, Subdivision 6; and 609.135, Subdivision 3.

PATRICK E. FLAHAVEN, Secretary of the Senate

Luther moved that the House refuse to concur in the Senate amendments to H. F. No. 2374, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two Houses. The motion prevailed.

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendments to:

S. F. No. 855, A bill for an act relating to metropolitan government; authorizing council regulations establishing standards and guidelines for determining matters of metropolitan significance to be adopted without specific legislative approval; providing for a joint committee to study governmental structure; amending Laws 1975, Chapter 13, Section 18, Subdivision 2.

And the Senate respectfully requests that a Conference Committee of 3 members be appointed thereon. Messrs. Chenoweth, Humphrey and Stassen have been appointed as such committee on the part of the Senate.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

PATRICK E. FLAHAVER, Secretary of the Senate

Casserly moved that the House accede to the request of the Senate for the appointment of a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two Houses on S. F. No. 855. The motion prevailed.

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

S. F. No. 840, A bill for an act relating to the department of human rights; creating a private right of action to enforce the provisions of the human rights act in certain cases; amending Minnesota Statutes 1974, Section 363.06, Subdivision 1; and Chapter 363, by adding a section.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said Senate File is herewith transmitted to the House.

PATRICK E. FLAHAVER, Secretary of the Senate

CONFERENCE COMMITTEE REPORT ON S. F. NO. 840

A bill for an act relating to the department of human rights; creating a private right of action to enforce the provisions of the human rights act in certain cases; amending Minnesota Statutes 1974, Section 363.06, Subdivision 1; and Chapter 363, by adding a section.

March 26, 1976

The Honorable Alec G. Olson
 President of the Senate
 The Honorable Martin O. Sabo
 Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 840 report that we have agreed upon the items in dispute and recommend as follows:

The Senate accede to the House amendments and that S. F. No. 840 be further amended as follows:

Page 8, line 24, after the semicolon insert "or".

Page 8, strike lines 25 to 32.

Page 9, strike lines 1 and 2 and insert:

"(b) After 90 days but within one year after the filing of a charge if at or prior to the time of bringing the civil action a hearing has not been held pursuant to section 363.071."

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

Senate Conferees: ROBERT J. TENNESSEN, EUGENE E. STOKOWSKI and CARL A. JENSEN.

House Conferees: JAMES R. CASSERLY, PAUL MCCARRON and RUSSELL P. STANTON.

Casserly moved that the report of the Conference Committee on S. F. No. 840 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 840, A bill for an act relating to the department of human rights; creating a private right of action to enforce the provisions of the human rights act in certain cases; amending Minnesota Statutes 1974, Section 363.06, Subdivision 1; and Chapter 363, by adding a section.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question being taken on the repassage of the bill and the roll being called, there were yeas 120, and nays 2, as follows:

Those who voted in the affirmative were:

Abeln	Anderson, I.	Berg	Braun	Carlson, L.
Adams, L.	Arlandson	Berglin	Brinkman	Carlson, R.
Adams, S.	Beauchamp	Biersdorf	Byrne	Casserly
Anderson, G.	Begich	Birnstihl	Carlson, A.	Clark

Clawson	Hokanson	Langseth	Pehler	Simoneau
Corbid	Jacobs	Lemke	Peterson	Skoglund
Dahl	Jaros	Lindstrom	Petrafeso	Smogard
Dean	Jensen	Luther	Philbrook	Spanish
DeGroat	Johnson, C.	Mangan	Pleasant	Stanton
Dieterich	Johnson, D.	Mann	Prahl	Suss
Doty	Jude	McCarron	Rading	Swanson
Eckstein	Kahn	McCauley	Rice	Tomlinson
Eken	Kaley	McCollar	St. Onge	Ulland
Enebo	Kalis	McEachern	Samuelson	Vanasek
Evans	Kelly, R.	Metzen	Sarna	Vento
Ewald	Kelly, W.	Moe	Savelkoul	Voss
Faricy	Kempe, A.	Neisen	Schreiber	Wenstrom
Fjoslien	Ketola	Nelsen	Schulz	Wenzel
Friedrich	Knickerbocker	Nelson	Schumacher	White
Fugina	Knoll	Norton	Setzepfandt	Wieser
Graba	Kostohryz	Novak	Sherwood	Wigley
Hanson	Kroening	Osthoff	Sieben, H.	Williamson
Haugerud	Kvam	Parish	Sieben, M.	Zubay
Heinitz	Laidig	Patton	Sieloff	Speaker Sabo

Those who voted in the negative were:

Jopp Niehaus

The bill was repassed, as amended by Conference, and its title agreed to.

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

S. F. No. 919, A bill for an act relating to the environment; directing creation of an environmental permits coordination unit within the environmental quality council; authorizing an optional consolidated application and hearing procedure for certain permits; directing establishment of permit information centers; appropriating money.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said Senate File is herewith transmitted to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONFERENCE COMMITTEE REPORT ON S. F. NO. 919

A bill for an act relating to the environment; directing creation of an environmental permits coordination unit within the environmental quality council; authorizing an optional consolidated application and hearing procedure for certain permits; directing establishment of permit information centers; appropriating money.

February 23, 1976

The Honorable Alec G. Olson
President of the Senate
The Honorable Martin O. Sabo
Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 919 report that we have agreed upon the items in dispute and recommend as follows:

That S. F. No. 919 be further amended as follows:

Delete everything after the enacting clause and insert the following:

“Section 1. [116C.22] [CITATION.] Sections 1 to 14 may be cited as the Minnesota environmental coordination procedures act.

Sec. 2. [116C.23] [PURPOSES.] It shall be the purpose of sections 1 to 14:

(a) to provide an optional procedure to assist those who, in the course of satisfying the requirements of state government prior to undertaking a project which contemplates the use of the state's air, land, or water resources, must obtain more than one state permit, by establishing a mechanism in state government which will coordinate administrative decision-making procedures, and related quasi-judicial and judicial review, pertaining to these permits;

(b) to provide to the members of the public a better and easier opportunity to present their views comprehensively on proposed uses of natural resources and related environmental matters prior to the making of decisions on these uses by state or local agencies;

(c) to provide to the members of the public a greater degree of certainty in terms of permit requirements of state and local government;

(d) to provide better coordination and understanding between state and local agencies in the administration of the various programs relating to air, water, and land resources; and

(e) to establish the opportunity for members of the public to obtain information pertaining to requirements of federal and state law which must be satisfied prior to undertaking a project in this state.

Sec. 3. [116C.24] [DEFINITIONS.] Subdivision 1. For the purposes of sections 1 to 14, the terms defined in this section have the meanings given them.

Subd. 2. "Council" means the Minnesota environmental quality council.

Subd. 3. "Coordination unit" means the environmental coordination unit established pursuant to section 4.

Subd. 4. "Local governmental unit" means a county, city, town, or special district with legal authority to issue a permit.

Subd. 5. "Permit" means a license, permit, certificate, certification, approval, compliance schedule, or other similar document pertaining to a regulatory or management program related to the protection, conservation, or use of, or interference with, the natural resources of land, air or water, which is required to be obtained from a state agency prior to constructing or operating a project in this state.

Nothing in sections 1 to 14 shall relate to the granting of a proprietary interest in publicly owned property through a sale, lease, easement, use permit, license or other conveyance.

Subd. 6. "Person" means an individual, an association or partnership, or a cooperative, or a municipal, public or private corporation, including but not limited to a state agency and a county.

Subd. 7. "Project" means a new activity or an expansion of or addition to an existing activity, which is fixed in location and for which permits are required from an agency prior to construction or operation, including but not limited to industrial and commercial operations and developments. Sections 1 to 14 shall not apply to projects which are:

(a) Covered by Minnesota Statutes, Chapter 93, Minnesota Statutes, Sections 116C.51 to 116C.69 or Minnesota Statutes, Section 116H.13; or

(b) Initiated for the purpose of taconite tailings disposal or mining, or the producing or beneficiating of copper, nickel or copper-nickel.

Subd. 8. "Agency" means a state department, commission, board or other agency of the state however titled or a local governmental unit or instrumentality, only when that unit or instrumentality is acting within existing legal authority to grant or deny a permit that otherwise would be granted or denied by a state agency.

Sec. 4. [116C.25] [CREATION OF ENVIRONMENTAL PERMITS COORDINATION UNIT.] The council shall establish an environmental permits coordination unit to implement and administer the provisions of sections 1 to 14 and the chair-

man of the council shall employ necessary staff to work for the coordination unit on a continuous basis.

Sec. 5. [116C.26] [MASTER APPLICATION PROCEDURE.] Subdivision 1. A person proposing a project which may require more than one permit may, prior to the initial construction of the project or prior to the initial operation of the project if construction of the project required no state permits, submit a master application to the coordination unit requesting the issuance of all state permits necessary for construction and operation of the project. The master application shall be on a form furnished by the coordination unit and shall contain precise information as to the location of the project, and shall describe the nature of the project including any contemplated discharges of wastes therefrom and any uses of, or interferences with, natural resources. No master application shall be accepted for processing by the coordination unit pursuant to sections 1 to 14, unless it is accompanied by the certifications issued not more than 120 days prior to the date of the master application as required by section 10. No master application shall be accepted for processing by the coordination unit pursuant to sections 1 to 14, unless it is accompanied by a certification from the council that either an environmental impact statement concerning the project has been completed or that an environmental impact statement is not required concerning the project.

Subd. 2. Upon receipt of a completed master application, the coordination unit shall immediately notify in writing each agency having a possible interest in the master application arising from requirements pertaining to a permit program under its jurisdiction. The notification from the coordination unit shall be accompanied by a copy of the master application together with the date by which the agency shall respond to the notice. Each notified agency shall respond in writing to the coordination unit within the specified date, not exceeding 20 days from receipt, as determined by the coordination unit, advising whether the agency does or does not have an interest in the master application. If an agency timely responds that it has an interest in the master application, the response shall include information concerning the specific permit programs under its jurisdiction which are pertinent to the project described in the master application. The agency response shall also advise the coordination unit whether a public hearing concerning the master application as provided in section 7 would or would not be required or of value considering the overall public interest.

Subd. 3. Each notified agency which responds within the specified date that it does not have an interest in the master application or which does not respond as required by subdivision 2 within the specified date, shall not subsequently require a permit of the applicant for the project described in the master application; provided the bar to requiring a permit subsequently shall not be applicable if:

(a) The master application provided to the notified agency contained false, misleading, or deceptive information, or lacked information, which would reasonably lead an agency to misjudge its interest in a master application; or

(b) Subsequent laws or rules require additional permits; or

(c) Unusual circumstances prevented the agency from notifying the coordination unit and the agency can establish that failure to require a permit would result in substantial harm to the public health or welfare, in which case the council may order that the permit be required.

Subd. 4. The coordination unit shall submit application forms concerning the permit programs identified in the affirmative responses under subdivision 2 to the applicant with a direction to complete and return them to the coordination unit within 90 days.

Subd. 5. Within ten days of receipt of the full set of completed application forms by the coordination unit, each application shall be transmitted to the appropriate agency for the performance of its responsibilities of decision making in accordance with the procedures of sections 1 to 12.

Subd. 6. If an agency has a procedure for setting priorities in issuing a permit according to the date of the application for the permit, the date used shall be the date upon which a master application is received by the coordination unit.

Sec. 6. [116C.27] [NOTICE.] Subdivision 1. The coordination unit immediately after transmittal of the completed applications to the appropriate agency shall cause a notice to be published at the applicant's expense once each week on the same day of the week for three consecutive weeks in a newspaper of general circulation within each county in which the project is proposed to be constructed or operated. The notice shall describe the nature of the master application including, with reasonable specificity, the project proposed, its location, the various permits applied for, and the agency having jurisdiction over each permit. Except as provided in subdivision 2, the notice shall also state the time and place of the public hearing, to be held not less than 20 days after the date of last publication of the notice. It shall further state that a copy of the master application and a copy of all permit applications for the project are available for public inspection in the office of the county auditor of each county in which the project is proposed to be constructed or operated, as well as in other locations which the coordination unit may designate.

Subd. 2. If the responses to the master application received by the coordination unit from the state agencies unanimously state the position that a public hearing in relation to a master

application would not be of value in consideration of the overall public interest and are not required by any other law or rule, the provisions of subdivision 1 pertaining to the time and place of a public hearing shall not be included in the notice. In place thereof the notice shall state that members of the public may present relevant views and supporting materials in writing to the coordination unit concerning any of the permits applied for within 30 days after the last date of publication of the notice in a newspaper.

Sec. 7. [116C.28] [PUBLIC HEARING.] Subdivision 1. When one or more agencies notifies the coordination unit that a public hearing is required or appropriate on matters relating to the project described in the master application, the coordination unit shall set the time and place for a hearing in which each of the affected agencies shall participate. The hearing shall be held pursuant to the contested case provisions of Minnesota Statutes, Chapter 15 and Section 6 of this act.

Subd. 2. Each participating state agency shall be represented at the public hearing by its chief administrative officer or his designee. The representative of any state agency within whose jurisdiction a specific application lies shall participate in the portion of the hearing pertaining to submission of information, views, and supporting materials which are relevant to its application. The hearing examiner may, when appropriate, continue a hearing from time to time and place to place. The hearing shall be recorded in any manner suitable for transcription pursuant to Minnesota Statutes, Chapter 15.

Subd. 3. Within 60 days of receipt of the hearing examiner's report, each state agency which is a party to the hearing shall forward its final decision on permit applications within its jurisdiction to the coordination unit, provided that this date may be extended by the chairman of the council for reasonable cause. Every final decision shall set forth the basis for the decision together with a final order denying the permit or granting the permit including the specifying of any conditions under which the permit is issued.

Subd. 4. If notice has been published pursuant to section 6, subdivision 2, and no public hearing is conducted, the coordination unit shall, not less than 30 days after the last notice publication in the newspaper, submit a copy of all views and supporting material received by it to each agency having jurisdiction concerning any permit application described in the notice. Concurrently therewith, the coordination unit shall notify each state agency, in writing, of the date not to exceed 60 days by which final decisions on applications shall be forwarded to the coordination unit; provided that this date may be extended by the chairman of the council for reasonable cause. Each final decision shall set forth the information required by subdivision 3.

Subd. 5. As soon as all final decisions are received by the coordination unit from the various participating state agencies, the coordination unit shall immediately incorporate them, without modification, into one document and shall transmit the document to the applicant either personally or by registered mail.

Sec. 8. [116C.29] [WITHDRAWAL OF AGENCY PARTICIPATION.] After an agency has responded that it has an interest in the master application, it may withdraw from further participation in the processing of the master application at any time by written notification to the coordination unit, if it subsequently appears to the agency that it has no permit programs under its jurisdiction which are applicable to the project.

Sec. 9. [116C.30] [APPLICATION.] Subdivision 1. A person aggrieved by a final decision of an agency in granting or denying a permit shall seek redress directly and individually from that agency in the manner provided by Minnesota Statutes, Chapter 15, or any other statute authorizing either judicial or administrative review of an agency decision.

Subd. 2. Each state agency having jurisdiction to approve or deny an application for a permit shall have continuing power as vested in it prior to the effective date of this section, to make such determinations. Nothing in sections 1 to 14 shall lessen or reduce such powers, and such sections shall modify only the procedures to be followed in the carrying out of such powers.

Subd. 3. A state agency may in the performance of its responsibilities of decision making under sections 1 to 12, request or receive additional information from an applicant.

Subd. 4. Fee schedules authorized by statute for an application or permit shall continue to be applicable even though the application or permit is processed under the provisions set forth in sections 1 to 12. The coordination unit shall not charge the applicant or participating agencies a fee for its services.

Subd. 5. Sections 1 to 12 shall have no applicability to an application for a permit renewal, amendment, extension, or other similar document required subsequent to the completion of decisions and proceedings under sections 6 to 8, or to a replacement thereof or to a quasi-judicial or judicial proceeding held pursuant to an order of remand or similar order by a court in relation to a final decision of a state agency.

Subd. 6. Nothing in sections 1 to 14 shall modify in any manner whatsoever the applicability or inapplicability of any land use regulation statute or local zoning ordinance to the lands of any state agency.

Sec. 10. [116C.31] [LOCAL CERTIFICATION.] Subdivision 1. No master application shall be processed pursuant to

sections 1 to 12 unless it is accompanied by a certification issued not more than 120 days prior to the date the master application is first received by the coordination unit, from the local governmental units in whose jurisdiction the proposed project is located, certifying that the project is in compliance with all zoning ordinances, subdivision regulations, and environmental regulations administered by the local governmental unit and certifying that the preparation of any environmental impact statement which the local governmental unit is authorized to require pursuant to local ordinance, state statute, or council rule, has been completed or deemed not necessary. If the local governmental unit has required any environmental impact statement concerning the project, a copy of the completed environmental impact statement shall be attached to the local governmental unit's certification. If the local governmental unit has no zoning ordinances, subdivision regulations, or environmental regulations, the certification from the local governmental unit shall so state. A local governmental unit may accept applications for certifications as provided in this section and shall rule upon the same expeditiously to insure that the purposes of sections 1 to 12 are accomplished fully. After issuing a certification for the purposes of this section, no local government shall rescind it even though the local government may have changed its zoning ordinances, subdivision regulations, or environmental regulations. A change of zoning ordinances, subdivision regulations, or environmental regulations shall not invalidate a previously given certification for the purpose of securing a state permit under sections 1 to 12. Upon certification, the local government may change such zoning ordinances, subdivision regulations, or environmental regulations, but not so as to affect the proposed project until the procedures of sections 1 to 12, including any administrative or judicial reviews, are completed.

Subd. 2. A ruling by a local governmental unit denying an application for certification shall not be appealable under sections 1 to 14. The denial of an application for certification by a local governmental unit shall not preclude the applicant from filing a permit application under any other available statute or procedure.

Sec. 11. [116C.32] [RULES; COOPERATION.] The council shall as soon as practicable adopt rules, not inconsistent with rules of procedure established by the office of hearing examiners, to implement the provisions of sections 1 to 14, including master application procedures, notice procedures, and public hearing procedures and costs.

Sec. 12. [116C.33] [CONFLICT WITH FEDERAL REQUIREMENTS.] Subdivision 1. If in a final order of a court of competent jurisdiction, any part of sections 1 to 14 as enacted or administered is found to be in conflict with federal requirements which are a condition precedent to the allocation of federal funds authorized to this state, the conflicting part of sec-

tions 1 to 14 shall be void to the limited extent necessary to remove the conflict and the remainder of sections 1 to 14 shall remain effective.

Subd. 2. The council, to the limited extent necessary to comply with procedural requirements of federal statutes relating to permit systems operated by the state, may modify the notice, timing, hearing and related procedural matters provided in sections 1 to 14.

Sec. 13. [116C.34] [PERMIT INFORMATION CENTERS.] Subdivision 1. The council shall establish a permit information center in its office at St. Paul, which center shall establish and maintain an information and referral system to assist the public in the understanding and compliance with the requirements of state and local governmental regulations concerning the use of natural resources and protection of the environment. The system shall provide a telephone information service and disseminate printed materials. The council shall provide assistance to regional development commissions desiring to create a permit information center.

Subd. 2. The permit information center in St. Paul shall:

(a) Identify all existing state licenses, permit certifications, approvals, compliance schedules, or other programs which pertain to the use of natural resources and to protection of the environment.

(b) Standardize permit titles and assign designation codes to all such permits which would thereafter be imprinted on all permit forms.

(c) Develop permit profiles including applicable rules and regulations, copies of all appropriate permit forms, statutory mandate and legislative history, names of individuals administering the program, permit processing procedures, documentation of the magnitude of the program and of geographic and seasonal distribution of the workload, and estimated application processing time.

(d) Identify the public information procedures currently associated with each permit program.

(e) Identify the data monitored or acquired through each permit and ascertain current users of that data.

(f) Recommend revisions to the list of natural resource management and development permits contained in the 1974 edition of Minnesota Statutes, Section 116D.04, Subdivision 5.

(g) Recommend legislative or administrative modifications of existing permit programs to increase their efficiency and utility.

Subd. 3. The auditor of each county shall post in a conspicuous place in his office the telephone numbers of the permit information centers established in St. Paul and in the office of the applicable regional development commission; copies of any master applications or permit applications forwarded to the auditor pursuant to section 6, subdivision 1; and copies of any information published by any permit information center pursuant to subdivision 1 of this section.

Sec. 14. [116C.35] [REPORT TO LEGISLATURE.] The council, after consultation with other agencies and local governments, shall submit to the legislature by January 1, 1978, a report setting forth the results of the experiences under sections 1 to 14 including any recommendations concerning methods to improve the procedures.

Sec. 15. [EFFECTIVE DATE.] Sections 1 to 4 and 10 to 16 shall be effective the date following final enactment. Sections 5 to 9 shall be effective on February 15, 1977.

Sec. 16. [APPROPRIATION.] The sum of \$140,000 is appropriated from the general fund to the director of the state planning agency for the biennium ending June 30, 1977, for purposes of sections 1 to 14 of this act. Of this amount, \$60,000 is appropriated for grants to regional development commissions, excluding the metropolitan council, for the purpose of establishing permit information centers. Not more than \$5,000 of this second amount may be awarded by the director to any regional development commission for the purpose of establishing a permit information center."

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

Senate Conferees: MYRTON O. WEGENER, ROGER D. MOE and ROBERT G. DUNN.

House Conferees: AL PATTON, HARRY A. SIEBEN, JR. and M. J. MCCAULEY.

Patton moved that the report of the Conference Committee on S. F. No. 919 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 919, A bill for an act relating to the environment; directing creation of an environmental permits coordination unit within the environmental quality council; authorizing an optional consolidated application and hearing procedure for certain permits; directing establishment of permit information centers; appropriating money.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question being taken on the repassage of the bill and the roll being called, there were yeas 125, and nays 1, as follows:

Those who voted in the affirmative were:

Abeln	DeGroat	Kaley	Munger	Setzepfandt
Adams, L.	Doty	Kalis	Neisen	Sherwood
Adams, S.	Eken	Kelly, R.	Nelsen	Sieben, H.
Albrecht	Erickson	Kelly, W.	Nelson	Sieben, M.
Anderson, G.	Esau	Kempe, A.	Niehaus	Sieloff
Anderson, I.	Evans	Kempe, R.	Norton	Simoneau
Arlandson	Ewald	Ketola	Novak	Skoglund
Beauchamp	Faricy	Knickerbocker	Osthoff	Smogard
Begich	Fjoslien	Knoll	Parish	Spanish
Berg	Friedrich	Kostohryz	Patton	Stanton
Berglin	Fudro	Kroening	Pehler	Suss
Biersdorf	Fugina	Laidig	Peterson	Swanson
Birnstihl	Graba	Langseth	Petrafeo	Tomlinson
Braun	Hanson	Lemke	Philbrook	Ulland
Brinkman	Haugerud	Lindstrom	Prahl	Vanasek
Byrne	Heinitz	Luther	Reding	Vento
Carlson, A.	Hokanson	Mangan	Rice	Voss
Carlson, L.	Jacobs	Mann	St. Onge	Wenstrom
Carlson, R.	Jaros	McCarron	Samuelson	Wenzel
Casserly	Jensen	McCauley	Sarna	White
Clark	Johnson, C.	McCollar	Savelkoul	Wieser
Clawson	Johnson, D.	McEachern	Schreiber	Wigley
Corbid	Jopp	Menning	Schulz	Williamson
Dahl	Jude	Metzen	Schumacher	Zubay
Dean	Kahn	Moe	Searle	Speaker Sabo

Those who voted in the negative were:

Dieterich

The bill was repassed, as amended by Conference, and its title agreed to.

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

S. F. No. 1051, A bill for an act relating to attorneys; providing for investigation of accusations against attorneys; amending Minnesota Statutes 1974, Section 481.15, by adding a subdivision.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said Senate File is herewith transmitted to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONFERENCE COMMITTEE REPORT ON S. F. NO. 1051

A bill for an act relating to attorneys; providing for investigation of accusations against attorneys; amending Minnesota Statutes 1974, Section 481.15, by adding a subdivision.

March 29, 1976

The Honorable Alec G. Olson
President of the Senate
The Honorable Martin O. Sabo
Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 1051 report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendment and that S. F. No. 1051 be amended as follows:

Page 1, after line 6, insert:

“Section 1. Minnesota Statutes 1974, Section 481.11, is amended to read:

481.11 [CHANGE OF ATTORNEY.] The attorney in (AN) *a civil* action or proceeding may be changed at any time (UPON HIS CONSENT, OR, BY ORDER OF THE COURT, UPON THE APPLICATION OF THE CLIENT FOR CAUSE; BUT NO CHANGE CAN BE MADE ON APPLICATION OF THE CLIENT UNLESS THE CHARGES OF THE ATTORNEY BE PAID). When such change is made, written notice of the substitution of a new attorney shall be given to adverse parties; until such notice, they shall recognize the former attorney.

Sec. 2. Minnesota Statutes 1974, Section 481.13, is amended to read:

481.13 [LIEN FOR ATTORNEY FEES.] An attorney has a lien for his compensation whether the agreement therefor be expressed or implied:

((1) UPON THE PAPERS OF HIS CLIENT COMING INTO HIS POSSESSION IN THE COURSE OF HIS EMPLOYMENT;)

((2) UPON MONEY IN HIS HANDS BELONGING TO HIS CLIENT;)

((3)) (1) Upon the cause of action from the time of the service of the summons therein, or the commencement of the pro-

ceeding, and upon the interest of his client in any money or property involved in or affected by any action or proceeding in which he may have been employed, from the commencement of the action or proceeding, and, as against third parties, from the time of filing the notice of such lien claim, as provided in this section;

((4) UPON MONEY OR PROPERTY IN THE HANDS OF THE ADVERSE PARTY TO THE ACTION OR PROCEEDING IN WHICH THE ATTORNEY WAS EMPLOYED, FROM THE TIME SUCH PARTY IS GIVEN NOTICE OF THE LIEN. IF THE CLIENT HAS AN INTEREST IN ANY REAL OR PERSONAL PROPERTY, WHETHER HELD BY ANY BAILEE, PLEDGEE, JUDGMENT CREDITOR OR OTHERWISE, THE ATTORNEY SHALL BE ENTITLED TO A LIEN UPON SUCH PROPERTY WHEREVER SITUATED, FOR THE VALUE OF HIS SERVICES, WHETHER UNDER A SPECIAL AGREEMENT AS TO COMPENSATION OR FOR THE REASONABLE VALUE THEREOF, AND SHALL ALSO HAVE A LIEN FOR ANY CONTRIBUTIONS IN MONEY OR SERVICES WHICH THE ATTORNEY MAKES FOR THE PRESERVATION OF THE CLIENT'S INTEREST IN THE PROPERTY OR FOR THE ENHANCEMENT OF THE VALUE THEREOF. IF THE CLIENT IS NOT A RESIDENT OF THIS STATE, JURISDICTION MAY BE HAD BY SERVICE OF NOTICE OF ORDER TO SHOW CAUSE WITHOUT THE STATE OR BY MAILING A COPY THEREOF TO THE CLIENT OUTSIDE OF THE STATE, WITHOUT THE NEED OF FURTHER JURISDICTIONAL REQUIREMENTS, PROVIDED THE PROPERTY ITSELF IS WITHIN THE STATE OF MINNESOTA;)

((5) (2) Upon a judgment, and whether there be a special agreement as to compensation, or whether a lien is claimed for the reasonable value of the services, the lien shall extend to the amount thereof from the time of giving notice of his claim to the judgment debtor, but this lien is subordinate to the rights existing between the parties to the action or proceeding;

((6) (3) The liens provided by clauses ((3) (1) (, (4),) and ((5) (2) may be established, and the amount thereof determined, by the court, summarily, in the action or proceeding, on the application of the lien claimant or of any person or party interested in the property subject to such lien, on such notice to all parties interested therein as the court may, by order to show cause, prescribe, or such liens may be enforced, and the amount thereof determined, by the court, in an action for equitable relief brought for that purpose.

Judgment shall be entered under the direction of the court, adjudging the amount due (AND THE SALE OF THE PROPERTY SUBJECTED TO THE LIEN, OR SOME PART THEREOF, TO SATISFY SAID AMOUNT, AND DIRECTING THE SHERIFF TO PROCEED TO SELL THE SAME AC-

CORDING TO THE PROVISIONS OF LAW RELATING TO THE SALE OF REAL ESTATE ON EXECUTION, AND TO MAKE REPORT TO THE COURT.)

(A CERTIFIED TRANSCRIPT OF THE JUDGMENT SHALL BE DELIVERED TO THE SHERIFF, AND SHALL BE HIS AUTHORITY FOR MAKING THE SALE.)

(IF THE PROPERTY SO SOLD IS REAL ESTATE, THE SAME SHALL BE SUBJECT TO REDEMPTION IN THE MANNER PROVIDED BY LAW FOR REDEMPTION OF REAL PROPERTY SOLD ON EXECUTION.)

(SUCH LIENS SHALL NOT AFFECT THE RIGHT OR TITLE OF BONA FIDE PURCHASERS OR ENCUMBRANCERS OF THE PROPERTY SUBJECT THERETO, FOR VALUE AND WITHOUT NOTICE, BUT A DULY VERIFIED NOTICE OF INTENTION TO CLAIM SUCH LIEN, SPECIFYING THE PROPERTY ON WHICH THE LIEN IS CLAIMED, AND THE AMOUNT THEREOF, IF UNDER EXPRESS AGREEMENT, OR, IF NOT, THEN THE REASONABLE VALUE OF THE SERVICES FOR WHICH SUCH LIEN IS CLAIMED, FILED AS HEREIN PROVIDED, SHALL CHARGE SUBSEQUENT PURCHASERS AND ENCUMBRANCERS OF SUCH PROPERTY WITH NOTICE OF SAID LIEN FROM THE TIME OF SUCH FILING.)

(4) If the lien is claimed on the client's interest in real estate involved in or affected by the action or proceeding, such notice of intention to claim a lien thereon shall be filed in the office of the register of deeds or registrar of titles, where appropriate, and therein noted on the certificate or certificates of title affected, in and for the county within which the same is situated. If the lien is claimed on the client's interest in personal property involved in or affected by the action or proceeding, the notice shall be filed in the same manner as provided by law for the filing of a (CHATTEL MORTGAGES) security interest.

Sec. 3. Minnesota Statutes 1974, Section 481.14, is amended to read:

481.14 [REFUSAL TO SURRENDER PROPERTY TO CLIENTS.] When an attorney shall refuse to deliver money or papers to a person from or for whom he has received them in the course of his professional employment, he may be required to do so, upon petition, by an order of court. Such order may be granted by the court in which the action was prosecuted, or, if no action was prosecuted, by the district court of the county where he resides, or by the supreme court, and may require him to make delivery within a time specified, or show cause why he should not be punished for contempt. In the event an attorney shall retain money of a client under a claim of right, including a claim for fees and expenses, the court shall determine the

amount, if any, due such attorney; and shall order that any surplus amount remaining after deduction thereof be surrendered to the client. (IF THE ATTORNEY CLAIMS A LIEN UPON THE PROPERTY, THE COURT MAY:)

((1) AS A CONDITION OF MAKING THE ORDER, REQUIRE THE CLIENT TO GIVE SECURITY, IN FORM AND AMOUNT AS DIRECTED, TO SATISFY THE LIEN WHEN DETERMINED IN AN ACTION; OR)

((2) SUMMARILY INQUIRE INTO AND DETERMINE THE FACTS UPON WHICH THE LIEN CLAIM IS FOUND-ED; OR)

((3) DIRECT A TRIAL OF THE CONTROVERSY BY A JURY, OR REFER IT, AND DETERMINE THE SAME UPON THE VERDICT OR REPORT AS IN OTHER CASES.)"

Renumber the remaining section.

Page 1, line 15, strike "*dispostion*" and insert "*disposition*".

Further, amend the title as follows:

Page 1, line 2, after "attorneys;" insert "authorizing change of attorney at any time; abolishing lien of an attorney upon money and papers of his client in his possession;".

Page 1, line 4 delete "Section" and insert "Sections 481.11; 481.13; 481.14; and".

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

Senate Conferees: NICHOLAS D. COLEMAN, GEORGE S. PILLSBURY and WINSTON W. BORDEN.

House Conferees: WESLEY J. SKOGLUND, HENRY J. SAVELKOUL and RICHARD J. PARISH.

Skoglund moved that the report of the Conference Committee on S. F. No. 1051 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 1051, A bill for an act relating to attorneys; providing for investigation of accusations against attorneys; amending Minnesota Statutes 1974, Section 481.15, by adding a subdivision.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question being taken on the repassage of the bill and the roll being called, there were yeas 127, and nays 0, as follows:

Those who voted in the affirmative were:

Abeln	Doty	Kalis	Nelsen	Sieben, H.
Adams, L.	Eckstein	Kelly, R.	Nelson	Sieben, M.
Adams, S.	Eken	Kelly, W.	Niehaus	Sieloff
Albrecht	Erickson	Kempe, A.	Norton	Simoneau
Anderson, G.	Esau	Kempe, R.	Novak	Skoglund
Anderson, I.	Evans	Ketola	Osthoff	Smogard
Arlandson	Ewald	Knickerbocker	Parish	Spanish
Beauchamp	Faricy	Knoll	Patton	Stanton
Begich	Fjoslien	Kostohryz	Pehler	Suss
Berg	Forsythe	Kroening	Peterson	Swanson
Berglin	Friedrich	Kvam	Petrafeso	Tomlinson
Biersdorf	Fudro	Laidig	Philbrook	Ulland
Birnstihl	Fugina	Langseth	Pleasant	Vanasek
Braun	Graba	Lindstrom	Prahl	Vento
Brinkman	Hanson	Luther	Reding	Voss
Byrne	Haugerud	Mangan	Rice	Wenstrom
Carlson, A.	Heinitz	Mann	St. Onge	Wenzel
Carlson, L.	Jacobs	McCarron	Samuelson	White
Carlson, R.	Jaros	McCauley	Sarna	Wieser
Casserly	Jensen	McCollar	Savelkoul	Wigley
Clark	Johnson, C.	McEachern	Schreiber	Williamson
Corbid	Johnson, D.	Menning	Schulz	Zubay
Dahl	Jopp	Metzen	Schumacher	Speaker Sabo
Dean	Jude	Moe	Searle	
DeGroat	Kahn	Munger	Setzepfandt	
Dieterich	Kaley	Neisen	Sherwood	

The bill was repassed, as amended by Conference, and its title agreed to.

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

S. F. No. 1097, A bill for an act relating to health; providing for pilot programs for dental care for senior citizens; establishing means of administration; subsidizing premiums to cover cost of services; appropriating money.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said Senate File is herewith transmitted to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONFERENCE COMMITTEE REPORT ON S. F. NO. 1097

A bill for an act relating to health; providing for pilot programs for dental care for senior citizens; establishing means of administration; subsidizing premiums to cover cost of services; appropriating money.

March 30, 1976

The Honorable Alec G. Olson
President of the Senate
The Honorable Martin O. Sabo
Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 1097 report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments and that S. F. No. 1097 be amended as follows:

Strike everything after the enacting clause and insert the following:

"Section 1. [PURPOSE.] The purpose of the pilot dental program is to determine the need for and the feasibility of establishing a statewide dental program for eligible senior citizens; the optimal methods of providing dental service, whether the provision of dental services causes the general health of the participants to be improved and whether the provision of dental services to the eligible senior citizens provides comparable benefits to society as if provided to others.

Sec. 2. [PILOT PROGRAMS; ESTABLISHMENT.] The commissioner of public welfare, hereinafter the commissioner, shall establish two pilot programs to provide dental care to senior citizens. One pilot program shall be established in the metropolitan area, composed of Hennepin, Ramsey, Anoka, Washington, Dakota, Scott, and Carver counties; and one pilot program shall be established in an area selected by the commissioner and located outside of the seven metropolitan counties.

Sec. 3. [ADMINISTRATION.] The pilot programs shall be administered by the commissioner. The commissioner shall appoint a seven member advisory task force to advise the commissioner on the operation of the pilot programs. All of the members of the advisory task force shall be senior citizens. The compensation of members, their removal from office, and the filling of vacancies shall be as provided in Minnesota Statutes, Section 15.059.

Sec. 4. [SERVICE CONTRACTS; REVIEW.] Subdivision 1. [SERVICE CONTRACTS.] For each pilot program, the commissioner shall contract for the provision and financing of dental services under the terms set forth in this act. The commissioner may contract (a) with an insurance company regulated under Minnesota Statutes, Chapter 62A, or a nonprofit health service plan corporation regulated under Minnesota Statutes, Chapter 62C, or a health maintenance organization established pursuant to Minnesota Statutes, Chapter 62D; or (b) directly with one or more qualified providers of dental services. The party or parties with whom the commissioner contracts under clause (a) shall be known as the dental carriers. All participants

in the pilot programs shall have a free choice of vendor for the delivery of dental services.

Subd. 2. [REVIEW.] The commissioner and the dental carriers shall monitor the pilot programs. Review of the extent and quality of dental service provided shall be done only by one or more licensed dentists.

Subd. 3. [EVALUATION AND REPORT.] The commissioner shall evaluate and report the results of the pilot programs to the legislature by January 2, 1978, and each year thereafter for five years. The reports shall include but not be limited to: (a) the optimal methods of providing dental services including the cost effectiveness of each pilot program; (b) the effect, if any, upon the general health of the individual receiving the dental services; (c) the extent and quality of dental services provided by the pilot program; (d) the number of participants in each pilot program; and (e) the types of dental care most used or needed by the participants.

Sec. 5. [ELIGIBILITY FOR BENEFITS.] Subdivision 1. The commissioner shall select participants for each pilot program from among the applicants who meet the eligibility criteria set forth in subdivision 2. At least ten percent of the senior citizens selected by the commissioner for participation in each pilot program must be residents of a nursing home.

Subd. 2. [FULL SUBSIDY.] The full cost of premiums for participation in a pilot program shall be paid by the commissioner for individuals who live in an area to be serviced by a pilot program and who:

(a) Are not eligible to receive dental services or reimbursement for dental services under any other program authorized by law, or who do not have coverage for dental services from an insurance company, a nonprofit service plan corporation, or a health maintenance organization; and

(b) Are retired and aged 62 or over; and

(c) Have an annual net income of less than \$3,900 if single, or \$4,875 if married.

Sec. 6. [SERVICES AND PAYMENT.] Subdivision 1. [SERVICES COVERED.] Services to be made available to participants in each pilot program shall include the following if provided or prescribed by a licensed dentist:

(a) routine examinations,

(b) x-rays,

- (c) emergency treatment for relief of pain,
- (d) restorative services,
- (e) oral surgery, including preoperative and postoperative care,
- (f) surgical and nonsurgical periodontics,
- (g) endodontics, including pulpal therapy and root canal filling, and
- (h) prosthetics.

Subd. 2. [PAYMENT.] The cost of the dental services, equal to at least 80 percent of the usual, customary and reasonable fee of the treating dentist, will be paid by the dental carrier, or if the commissioner has contracted directly with the provider of the services, by the commissioner, with no deductible amount. Participants shall be responsible for the remaining 20 percent of the fee and for any amounts in excess of the limits set forth in subdivision 3.

Subd. 3. [LIMITATION.] No services shall be provided nor shall any payment for services be made by the commissioner or by a dental carrier in excess of \$500 per participant per year.

Sec. 7. [FINANCIAL REQUIREMENTS.] Subdivision 1. The commissioner shall have access to all financial data of each dental carrier relating to the pilot programs.

Subd. 2. [PROFIT.] Any amount of profit earned by a dental carrier over ten percent of the total annual premiums, after payment of claims and administrative expenses, shall be returned by the dental carrier to the commissioner.

Sec. 8. [OUTSIDE FUNDING.] The commissioner shall investigate the availability of additional public and private funding for the purposes of this act. The commissioner may solicit and accept, on behalf of the pilot programs established pursuant to this act, contributions, gifts, and grants from any public or private sources.

Sec. 9. [APPROPRIATION.] There is appropriated from the general fund of the state treasury the sum of \$400,000 to the commissioner for the biennium ending June 30, 1977, for the purposes of this act. No more than 55 percent of the appropriation shall be expended for each pilot program established in section 2 of this act.

Sec. 10. This act shall expire June 30, 1977."

Further, amend the title as follows:

Page 1, line 2, strike "health" and insert "public welfare".

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

Senate Conferees: ROBERT J. TENNESSEN, ROGER D. MOE and WILLIAM KIRCHNER.

House Conferees: JANET H. CLARK, DONALD SAMUELSON and MARY M. FORSYTHE.

Clark moved that the report of the Conference Committee on S. F. No. 1097 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 1097, A bill for an act relating to health; providing for pilot programs for dental care for senior citizens; establishing means of administration; subsidizing premiums to cover cost of services; appropriating money.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question being taken on the repassage of the bill and the roll being called, there were yeas 126, and nays 3, as follows:

Those who voted in the affirmative were:

Abeln	Doty	Kalis	Neisen	Sieben, M.
Adams, L.	Eckstein	Kelly, R.	Nelsen	Sieloff
Albrecht	Eken	Kelly, W.	Nelson	Simoneau
Anderson, G.	Erickson	Kempe, A.	Niehaus	Skoglund
Anderson, I.	Esau	Kempe, R.	Norton	Smogard
Arlandson	Evans	Ketola	Novak	Spanish
Beauchamp	Ewald	Knickerbocker	Osthoff	Stanton
Begich	Faricy	Knoll	Parish	Suss
Berg	Fjoslien	Kostohryz	Patton	Swanson
Berglin	Forsythe	Kroening	Pehler	Tomlinson
Biersdorf	Fudro	Kvam	Peterson	Ulland
Birnstihl	Fugina	Laidig	Petrafeso	Vanasek
Braun	Graba	Langseth	Philbrook	Vento
Brinkman	Hanson	Lemke	Prahl	Voss
Byrne	Haugerud	Lindstrom	Reding	Wenstrom
Carlson, A.	Heinitz	Luther	Rice	Wenzel
Carlson, L.	Hokanson	Mangan	St. Onge	White
Carlson, R.	Jacobs	Mann	Samuelson	Wieser
Casserly	Jaros	McCarron	Sarna	Wigley
Clark	Jensen	McCauley	Savelkoul	Williamson
Clawson	Johnson, C.	McCollar	Schreiber	Zubay
Corbid	Johnson, D.	McEachern	Schulz	Speaker Sabo
Dahl	Jopp	Menning	Schumacher	
Dean	Jude	Metzen	Setzepfandt	
DeGroat	Kahn	Moe	Sherwood	
Dieterich	Kaley	Munger	Sieben, H.	

Those who voted in the negative were:

Adams, S. Friedrich Pleasant

The bill was repassed, as amended by Conference, and its title agreed to.

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

S. F. No. 2288, A bill for an act relating to Indian affairs; renaming the board on Indian affairs; providing a change in membership for the board; creating an advisory council; changing the duties of the board; appropriating money; amending Minnesota Statutes 1974, Section 3.922, as amended.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said Senate File is herewith transmitted to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONFERENCE COMMITTEE REPORT ON S. F. NO. 2288

A bill for an act relating to Indian affairs; renaming the board on Indian affairs; providing a change in membership for the board; creating an advisory council; changing the duties of the board; appropriating money; amending Minnesota Statutes 1974, Section 3.922, as amended.

March 30, 1976

The Honorable Alec G. Olson
President of the Senate
The Honorable Martin O. Sabo
Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 2288 report that we have agreed upon the items in dispute and recommend as follows:

That S. F. No. 2288 be amended as follows:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1974, Section 3.922, as amended by Laws 1975, Chapter 54, Section 1, is amended to read:

3.922 [INDIAN AFFAIRS INTERTRIBAL BOARD.] Sub-division 1. [CREATION, MEMBERSHIP.] There is created a state (COMMISSION ON) Indian affairs *intertribal board* to consist of the following *ex officio* members: The governor or a member of his official staff designated by him, the commissioner of education, the commissioner of public welfare, the commissioner of natural resources, the commissioner of human rights, (AND) the commissioner of economic development, (WHO SHALL BE EX OFFICIO MEMBERS THEREOF, BUT) *the commissioner of corrections, the executive director of the Minnesota housing finance agency, the commissioner of iron range resources and rehabilitation, and the commissioner of health* each of whom may designate a member of his staff to serve in his place (: THE CHAIRMEN OF THE FOND DU LAC, GRAND PORTAGE, LEECH LAKE, MILLE LACS, NETT LAKE AND WHITE EARTH RESERVATION BUSINESS COMMITTEES, EACH OF WHOM SHALL BE AN EX OFFICIO MEMBER THEREOF IF THEIR RESERVATION IS NOT REPRESENTED BY A VOTING MEMBER, BUT EACH MAY DESIGNATE ANOTHER MEMBER OF THEIR COMMITTEE OR ANOTHER PERSON OF SPECIAL QUALIFICATIONS BY UNANIMOUS VOTE OF THEIR RESERVATION BUSINESS COMMITTEE, TO SERVE IN HIS PLACE; EIGHT PERSONS WHO ARE OF AT LEAST ONE-FOURTH INDIAN ANCESTRY, ONE OF WHOM SHALL BE A MEMBER OF THE RED LAKE BAND OF CHIPPEWA INDIANS, TWO OF WHOM SHALL BE MEMBERS OF THE MINNESOTA CHIPPEWA TRIBE, WITH ONE TO BE SELECTED TO REPRESENT THE FOND DU LAC, NETT LAKE, AND GRAND PORTAGE RESERVATIONS AND THE OTHER TO BE SELECTED TO REPRESENT THE MILLE LACS, WHITE EARTH, AND LEECH LAKE RESERVATIONS, ONE OF WHOM SHALL BE A MEMBER OF THE SIOUX INDIAN TRIBES, ONE OF WHOM SHALL BE A RESIDENT OF THE CITY OF DULUTH, ONE A RESIDENT OF THE CITY OF ST. PAUL, AND TWO RESIDENTS OF THE CITY OF MINNEAPOLIS, ALL SUCH EIGHT MEMBERS SHALL BE APPOINTED BY THE RESPECTIVE INDIAN GROUPS WHICH THEY REPRESENT AND SHALL BE SUBJECT TO REMOVAL BY SUCH APPOINTING GROUPS;), three members of the state house of representatives appointed by the speaker of the house of representatives, and three members of the state senate appointed by the committee on committees of the senate. *Voting members of the board shall be: the duly elected tribal chairmen of the Fond Du Lac reservation business committee; the Grand Portage reservation business committee; the Mille Lacs reservation business committee; the White Earth reservation business committee; the Bois Forte (Nett Lake) reservation business committee; the Leech Lake reservation business committee; the Red Lake tribal council; the Upper Sioux board of trustees; the Lower Sioux tribal council; the Shakopee-Mdewankanton general council; the Prairie Island tribal council; and two members to be selected pursuant to subdivision 2. The chairmen of the above Indian committees, trusts, or councils may designate in writing a member who shall have been elected at*

large to an office in the committee, trust, or council, to serve in his place. (COMMISSION) Board members appointed to represent the state house of representatives (AND), the state senate or tribal governments shall no longer serve on the (COMMISSION) board at such time as they are no longer members of the bodies which they represent, and upon such circumstances, their offices shall be vacant. A member who is a designee of a tribal chairman shall cease to be a member at the end of the term of the tribal chairman who designated him. Ex officio members or their designees on the (COMMISSION) board shall not be voting members of the (COMMISSION) board.

Subd. 2. [ADDITIONAL MEMBERS.] (TO ENSURE A CONTINUITY OF WORK, THE INITIAL APPOINTMENTS SHALL BE: ONE OF THE THREE MEMBERS SELECTED FROM THE INDIAN TRIBES SHALL BE FOR A TERM OF ONE YEAR, ONE THEREOF FOR A TERM OF TWO YEARS, AND ONE THEREOF FOR A TERM OF THREE YEARS, AND TWO OF THE MEMBERS SELECTED FROM THE CITIES SHALL BE FOR A TERM OF ONE YEAR, ONE FOR A TERM OF TWO YEARS, AND ONE FOR A TERM OF THREE YEARS, AND UNTIL THEIR SUCCESSORS ARE APPOINTED AND QUALIFIED. APPOINTMENTS FOR SUCCEEDING TERMS SHALL ALL BE FOR THREE YEARS AND UNTIL THEIR SUCCESSORS ARE APPOINTED AND QUALIFIED.) Two members of the board shall be elected at large by Indian residents of Minnesota who (1) are legal members and eligible voters of a federally recognized tribe in accordance with the criteria of said tribe and (2) are not members of any federally recognized tribe with a reservation in Minnesota. The election of at large members shall be in a manner prescribed by the secretary of state with the first such election for at large members to take place at a reasonable time, but no later than one year, following enactment of this section. The manner of election, certification, and contest shall, insofar as reasonably possible, be consistent with procedures employed in general elections in the state so as to insure a fair election and ready access to the election process by eligible voters. The voting procedure shall include voting by absentee ballot. A person shall be eligible to serve as an at large member of the board if at the time of the election he is a qualified voter within the requirements of the Minnesota Constitution, Article VII and a member of a federally recognized tribe that does not have a reservation in Minnesota. The at large election described herein shall be certified and regulated by the secretary of state. The term for at large members shall be two years and until a successor is elected and qualified.

Subd. 3. [MEMBERSHIP; COMPENSATION; EXPENSES.] (MEMBERS OF THE COMMISSION, OTHER THAN STATE OFFICIALS, SHALL RECEIVE AS COMPENSATION FOR THEIR SERVICES IN ATTENDING MEETINGS OF THE COMMISSION OR A COMMITTEE THEREOF, THE SUM OF \$35 FOR EACH SUCH MEETING DAY SO ATTENDED.

EACH MEMBER OF THE COMMISSION SHALL RECEIVE REIMBURSEMENT FOR ACTUAL AND NECESSARY TRAVELING EXPENSES INCURRED ON OFFICIAL BUSINESS. REIMBURSEMENT SHALL BE MADE IN THE MANNER AND RATE PROVIDED BY LAW FOR STATE EMPLOYEES) *Compensation of nonlegislator members shall be as provided for other administrative boards in chapter 15.* Expenses of the (COMMISSION) board shall be approved by two of any three members of the (COMMISSION) board designated by the (COMMISSION) board and shall then be paid in the same manner as other state expenses are paid. The commissioner of finance shall be informed in writing by the executive secretary of the names of the persons authorized to approve expenses.

Subd. 4. [MEETINGS.] (THE COMMISSION SHALL MEET QUARTERLY. SPECIAL) Meetings may be called by the chairman or at the written request of five members of the (COMMISSION) board. A majority of the *voting* members of the (COMMISSION) board constitutes a quorum.

Subd. 5. [OFFICERS, PERSONNEL.] The (STATE COMMISSION ON INDIAN AFFAIRS) board shall *annually* elect a chairman and such other officers as it may deem necessary. *The chairman shall have the authority to appoint subcommittees necessary to fulfill the duties of the board.* It shall also employ (, FIX THE COMPENSATION), and prescribe the duties of such clerks, employees, and agents as it deems necessary. The chairman shall be an ex officio member of the state board of human rights. The appropriations and other funds of this (COMMISSION) board are subject to the provisions of chapter 16. *The board shall maintain its primary office in Bemidji and shall also maintain personnel and office space in St. Paul.*

Subd. 6. [DUTIES.] (THE COMMISSION SHALL HAVE AS ITS PRIMARY DUTY TO ACQUIRE INFORMATION IN THE FIELDS OF EMPLOYMENT AND HOUSING, CIVIL RIGHTS, EDUCATION, HEALTH AND WELFARE, AND LAW AND ORDER SO THAT:)

((A) THROUGH ITS REPORTS AND RECOMMENDATIONS ADEQUATE LEGISLATION MAY BE ENACTED WHEN IT IS REQUIRED;)

((B) PLANS AND PROGRAMS MAY BE WORKED OUT WITH INDIAN PEOPLE WHO NEED ASSISTANCE IN FINDING EMPLOYMENT, ACQUIRING EDUCATION, IMPROVING HOUSING, GETTING MEDICAL CARE, DEVELOPING NATURAL RESOURCES AND GENERALLY IN BECOMING SELF-SUFFICIENT.)

(FURTHER DUTIES OF THE COMMISSION SHALL BE:)

((A) TO PROVIDE INFORMATION FOR AND DIRECTION TO A PROGRAM DESIGNED TO ASSIST OUR INDIAN CITIZENS TO ASSUME ALL THE RIGHTS, PRIVILEGES, AND DUTIES OF FULL CITIZENSHIP;)

((B) TO COORDINATE AND COOPERATE WITH THE MANY GOVERNMENTAL AND PRIVATE AGENCIES PROVIDING SERVICES TO INDIAN PEOPLE ON THE LOCAL, STATE, AND NATIONAL LEVEL;)

((C) TO HELP IMPLEMENT THE FINDINGS OF VARIOUS PRIVATE AND GOVERNMENTAL STUDIES DEALING WITH INDIAN NEEDS IN MINNESOTA.) *The primary duties of the board shall be to:*

(1) Clarify for the legislature and state agencies the nature of tribal governments, the relationship of tribal governments to the Indian people of Minnesota;

(2) Assist the secretary of state in establishing an election of at large members of the board;

(3) Make recommendations to members of the legislature on desired and needed legislation for the benefit of the statewide Indian community and communicate to the members of the legislature when legislation has or will have an adverse effect on the statewide Indian community;

(4) Provide, through the elected apparatus of the board, an effective conduit for programs, proposals and projects to the legislature submitted by tribal governments, organizations, committees, groups or individuals;

(5) Provide a continuing dialogue with members of the appropriate tribal governments in order to improve their knowledge of the legislative process, state agencies and governmental due process;

(6) Assist in establishing Indian advisory councils in cooperation with state agencies delivering services to the Indian community;

(7) Assist state agencies in defining what groups, organizations, committees, councils or individuals are eligible for delivery of their respective services;

(8) Assist in providing resources, tribal and other, in the delivery of services to the statewide Indian community;

(9) Act as a liaison between local, state and national units of government in the delivery of services to the Indian population of Minnesota;

(10) *Assist state agencies in the implementation and updating of studies of services delivered to the Indian community;*

(11) *Provide, for the benefit of all levels of state government, a continuing liaison between those governmental bodies and duly elected tribal governments and officials;*

(12) *Interreact with private organizations involved with Indian concerns in the development and implementation of programs designed to assist Indian people, insofar as they affect state agencies and departments; and*

(13) *Act as an intermediary, when requested and if necessary between Indian interests and state agencies and departments when questions, problems or conflicts exist or arise.*

Subd. 7. [STATE OFFICIALS AND DEPARTMENTS; COOPERATION.] In carrying out these objectives and to ascertain Indian needs the (COMMISSION) board shall have the right to confer with state officials and other governmental units, and to have access to such records as are necessary to obtain needed information. The (COMMISSION) board also shall have the right to call upon various state departments for such technical advice and service as are needed to fulfill the purposes of the (COMMISSION) board.

Subd. 8. [ADVISORY COUNCIL.] *There is created an advisory council on urban Indians to advise the board on the unique problems and concerns of Minnesota Indians who are residing in urban areas of the state. The council shall be appointed by the board and shall consist of five Indians residing in the vicinity of Minneapolis, St. Paul and Duluth. At least one member of the council shall be a resident of each of the aforementioned cities. The council shall expire, and the terms, compensation and removal of members shall be as provided in section 15.059.*

Subd. (8) 7. [ANNUAL REPORT.] The (COMMISSION) board shall make an annual report to the governor and the legislature on its activities, its findings, and its recommendations (, AND A FULL REPORT TO THE LEGISLATURE ON) prior to November 15 in each (EVEN NUMBERED) year.

Sec. 2. *There is appropriated to the board on Indian affairs the sum of \$155,550 for the biennium ending June 30, 1977.*

Sec. 3. *This act is effective upon final enactment. The board shall expire on June 30, 1983."*

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

Senate Conferees: GERALD L. WILLET, SAM G. SOLON and ROGER HANSON.

House Conferees: DOUGLAS J. ST. ONGE, WILLIS R. EKEN and GARY W. LAIDIG.

St. Onge moved that the report of the Conference Committee on S. F. No. 2288 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 2288, A bill for an act relating to Indian affairs; renaming the board on Indian affairs; providing a change in membership for the board; creating an advisory council; changing the duties of the board; appropriating money; amending Minnesota Statutes 1974, Section 3.922, as amended.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question being taken on the repassage of the bill and the roll being called, there were yeas 117, and nays 12, as follows:

Those who voted in the affirmative were:

Abeln	Eken	Kelly, W.	Nelsen	Sieloff
Adams, L.	Erickson	Kempe, A.	Niehaus	Simoneau
Adams, S.	Evans	Kempe, R.	Norton	Skoglund
Anderson, G.	Ewald	Ketola	Novak	Smith
Anderson, I.	Fjoslien	Knickerbocker	Osthoff	Smogard
Arlandson	Forsythe	Knoll	Parish	Spanish
Beauchamp	Fudro	Kostohryz	Patton	Stanton
Begich	Fugina	Kroening	Pehler	Suss
Berg	George	Kvam	Philbrook	Swanson
Biersdorf	Graba	Laidig	Pleasant	Tomlinson
Braun	Hanson	Langseth	Prahl	Ulland
Brinkman	Haugerud	Lemke	Reding	Vanasek
Byrne	Heinitz	Lindstrom	St. Onge	Vento
Carlson, A.	Hokanson	Luther	Samuelson	Voss
Carlson, L.	Jacobs	Mangan	Sarna	Wenstrom
Carlson, R.	Jaros	Mann	Savelkoul	Wenzel
Clark	Jensen	McCarron	Schreiber	White
Clawson	Johnson, C.	McCauley	Schulz	Wieser
Corbid	Johnson, D.	McCollar	Schumacher	Williamson
Dahl	Jopp	McEachern	Searle	Zubay
DeGroat	Jude	Menning	Setzpfandt	Speaker Sabo
Dieterich	Kaley	Metzen	Sherwood	
Doty	Kalis	Munger	Sieben, H.	
Eckstein	Kelly, R.	Neisen	Sieben, M.	

Those who voted in the negative were:

Albrecht	Dean	Kahn	Peterson	Wigley
Berglin	Faricy	Moe	Rice	
Casserly	Friedrich	Nelson		

The bill was repassed, as amended by Conference, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested.

H. F. No. 1471, A bill for an act relating to public improvements; allowing certain fees to discharge cancelled special assessments.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Schreiber moved that the House concur in the Senate amendments to H. F. No. 1471 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1471, A bill for an act relating to local improvements; authorizing a reassessment or new assessment as to tax forfeited lands returned to private ownership; requiring inclusion of certain information in notice of sale of tax forfeited lands; amending Minnesota Statutes 1974, Section 429.071, by adding a subdivision.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question being taken on the repassage of the bill and the roll being called, there were yeas 130, and nays 0, as follows:

Those who voted in the affirmative were:

Abeln	Dieterich	Jude	Menning	Schreiber
Adams, L.	Doty	Kahn	Metzen	Schulz
Albrecht	Eckstein	Kaley	Moe	Schumacher
Anderson, G.	Eken	Kalis	Munger	Searle
Anderson, I.	Erickson	Kelly, R.	Neisen	Setzepfandt
Arlandson	Esau	Kelly, W.	Nelsen	Sherwood
Beauchamp	Evans	Kempe, A.	Nelson	Sieben, H.
Begich	Ewald	Kempe, R.	Niehaus	Sieben, M.
Berg	Farcy	Ketola	Norton	Sieloff
Berglin	Fjoslien	Knickerbocker	Novak	Simoneau
Biersdorf	Forsythe	Knoll	Osthoff	Skoglund
Birstihl	Friedrich	Kostohryz	Parish	Smith
Braun	Fudro	Kroening	Patton	Smogard
Brinkman	Fugina	Kvam	Pehler	Spanish
Byrne	George	Laidig	Peterson	Stanton
Carlson, A.	Graba	Langseth	Petrafaso	Suss
Carlson, L.	Hanson	Lemke	Philbrook	Swanson
Carlson, R.	Haugerud	Lindstrom	Pleasant	Tomlinson
Casslerly	Heinitz	Luther	Prahl	Ulland
Clark	Hokanson	Mangan	Reding	Vanasek
Clawson	Jacobs	Mann	Rice	Vento
Corbid	Jaros	McCarron	St. Onge	Voss
Dahl	Jensen	McCauley	Samuelson	Wenstrom
Dean	Johnson, C.	McCollar	Sarna	Wenzel
DeGroat	Johnson, D.	McEachern	Savelkoul	White

Wieser

Wigley

Williamson

Zubay

Speaker Sabo

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested.

H. F. No. 1866, A bill for an act relating to tort liability; raising the liability limits of political subdivisions; limiting the liability of individuals employed by political subdivisions; amending Minnesota Statutes 1974, Sections 466.04, Subdivision 1, and by adding subdivisions; and 466.05, Subdivision 2.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Kempe, A., moved that the House concur in the Senate amendments to H. F. No. 1866 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1866, A bill for an act relating to tort liability; raising the liability limits of political subdivisions; limiting the liability of individuals employed by political subdivisions; extending time for notice; amending Minnesota Statutes 1974, Sections 466.04, Subdivision 1, and by adding subdivisions; and 466.05, Subdivisions 1 and 2.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question being taken on the repassage of the bill and the roll being called, there were yeas 131, and nays 0, as follows:

Those who voted in the affirmative were:

Abeln	Byrne	Erickson	Hokanson	Ketola
Adams, L.	Carlson, A.	Esau	Jacobs	Knickerbocker
Adams, S.	Carlson, L.	Evans	Jaros	Knoll
Albrecht	Carlson, R.	Ewald	Jensen	Kostohryz
Anderson, G.	Casserly	Faricy	Johnson, C.	Kroening
Anderson, I.	Clark	Fjoslien	Johnson, D.	Kvam
Arlandson	Clawson	Forsythe	Jopp	Laidig
Beauchamp	Corbid	Friedrich	Jude	Langseth
Begich	Dahl	Fudro	Kahn	Lemke
Berg	Dean	Fugina	Kaley	Lindstrom
Berglin	DeGroat	George	Kalis	Luther
Biersdorf	Dieterich	Graba	Kelly, R.	Mangan
Birnstihl	Doty	Hanson	Kelly, W.	Mann
Braun	Eckstein	Haugerud	Kempe, A.	McCarron
Brinkman	Eken	Heinitz	Kempe, R.	McCauley

McCollar	Osthoff	Samuelson	Simoneau	Wenstrom
McEachern	Parish	Sarna	Skoglund	Wenzel
Menning	Patton	Savelkoul	Smith	White
Metzen	Pehler	Schreiber	Smogard	Wieser
Moe	Peterson	Schulz	Spanish	Wigley
Munger	Petrafeso	Schumacher	Stanton	Williamson
Neisen	Philbrook	Searle	Suss	Zubay
Nelsen	Pleasant	Setzpfandt	Swanson	Speaker Sabo
Nelson	Prahl	Sherwood	Tomlinson	
Niehaus	Reding	Sieben, H.	Ulland	
Norton	Rice	Sieben, M.	Vanasek	
Novak	St. Onge	Sjeloff	Vento	

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested.

H. F. No. 101, A bill for an act relating to insurance; establishing certain compulsory insurance for aircraft; providing penalties; amending Minnesota Statutes 1974, Sections 60A.081; 360.59, by adding a subdivision; 360.91; and Chapter 360, by adding sections.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Sieben, H., moved that the House concur in the Senate amendments to H. F. No. 101 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 101, A bill for an act relating to insurance; establishing certain compulsory insurance for aircraft; amending Minnesota Statutes 1974, Sections 60A.081; 360.59, by adding a subdivision; and Chapter 360, by adding sections.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question being taken on the repassage of the bill and the roll being called, there were yeas 107, and nays 22, as follows:

Those who voted in the affirmative were:

Abeln	Anderson, I.	Berg	Brinkman	Carlson, R.
Adams, L.	Arlandson	Berglin	Byrne	Casserly
Adams, S.	Beauchamp	Biersdorf	Carlson, A.	Clark
Anderson, G.	Begich	Birnstihl	Carlson, L.	Corbid

Dahl	Jude	McCarron	Prahl	Smogard
Dean	Kahn	McCollar	Reding	Spanish
Dieterich	Kelly, R.	McEachern	Rice	Stanton
Doty	Kelly, W.	Menning	St. Onge	Suss
Enebo	Kempe, A.	Metzen	Samuelson	Swanson
Erickson	Kempe, R.	Moe	Sarna	Tomlinson
Evans	Ketola	Munger	Schreiber	Ulland
Ewald	Knickerbocker	Neisen	Schulz	Vanasek
Faricy	Knoll	Nelson	Schumacher	Vento
Fudro	Kostohryz	Norton	Searle	Voss
George	Kroening	Novak	Setzepfandt	Wenstrom
Graba	Kvam	Osthoff	Sherwood	Wenzel
Hanson	Laidig	Parish	Sieben, H.	White
Hokanson	Langseth	Patton	Sieben, M.	Williamson
Jacobs	Lindstrom	Pehler	Sieloff	Speaker Sabo
Jaros	Luther	Petraleso	Simoneau	
Jensen	Mangan	Philbrook	Skoglund	
Johnson, D.	Mann	Pleasant	Smith	

Those who voted in the negative were:

Albrecht	Esau	Heinitz	McCauley	Wigley
Braun	Fjoslien	Johnson, C.	Nelsen	Zubay
DeGroat	Friedrich	Jopp	Niehaus	
Eckstein	Fugina	Kaley	Peterson	
Eken	Haugerud	Kalis	Wieser	

The bill was repassed, as amended by the Senate, and its title agreed to.

Mangan was excused for the remainder of today's session.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 617, A bill for an act relating to taxation; adding certain disabled persons to those paying reduced property taxes; amending Minnesota Statutes, 1975 Supplement, Section 273.13, Subdivision 7.

PATRICK E. FLAHAVERN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Brinkman moved that the House concur in the Senate amendments to H. F. No. 617 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 617, A bill for an act relating to taxation; adding certain disabled persons to those paying reduced property taxes; defining "claimant" for purposes of certain homestead credits; amending Minnesota Statutes, 1975 Supplement, Sections 273.13,

Subdivision 7; 290A.03, Subdivision 8; and 290A.04, Subdivisions 2 and 3.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question being taken on the repassage of the bill and the roll being called, there were yeas 132, and nays 0, as follows:

Those who voted in the affirmative were:

Abeln	Doty	Kahn	Neisen	Sieben, H.
Adams, L.	Eckstein	Kaley	Nelsen	Sieben, M.
Adams, S.	Eken	Kalis	Nelson	Sieloff
Albrecht	Enebo	Kelly, R.	Niehaus	Simoneau
Anderson, G.	Erickson	Kelly, W.	Norton	Skoglund
Anderson, I.	Esau	Kempe, A.	Novak	Smith
Arlandson	Evans	Kempe, R.	Osthoff	Smogard
Beauchamp	Ewald	Ketola	Parish	Spanish
Begich	Faricy	Knickerbocker	Patton	Stanton
Berg	Fjoslien	Knoll	Pehler	Suss
Berglin	Forsythe	Kostohryz	Peterson	Swanson
Biersdorf	Friedrich	Kroening	Petrafeso	Tomlinson
Birnstihl	Fudro	Kvam	Philbrook	Ulland
Braun	Fugina	Laidig	Pleasant	Vanasek
Brinkman	George	Langseth	Prahl	Vento
Byrne	Graba	Lenke	Reding	Voss
Carlson, A.	Hanson	Lindstrom	Rice	Wenstrom
Carlson, L.	Haugerud	Luther	St. Onge	Wenzel
Carlson, R.	Heinitz	Mann	Samuelson	White
Casserly	Hokanson	McCarron	Sarna	Wieser
Clark	Jacobs	McCauley	Savelkoul	Wigley
Clawson	Jaros	McCollar	Schreiber	Williamson
Corbid	Jensen	McEachern	Schulz	Zubay
Dahl	Johnson, C.	Menning	Schumacher	Speaker Sabo
Dean	Johnson, D.	Metzen	Searle	
DeGroat	Jopp	Moe	Setzepfandt	
Dieterich	Jude	Munger	Sherwood	

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 2041, A bill for an act relating to the elderly; establishing a state policy for older citizens dependent on long-term care and treatment.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Swanson moved that the House concur in the Senate amendments to H. F. No. 2041 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 2041, A bill for an act relating to the elderly and handicapped; requiring the board on aging to develop a proposal for a state policy for citizens dependent on long-term care and services; amending Minnesota Statutes 1974, Section 256.975, by adding a subdivision.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question being taken on the repassage of the bill and the roll being called, there were yeas 131, and nays 0, as follows:

Those who voted in the affirmative were:

Abeln	Doty	Kahn	Neisen	Sieben, H.
Adams, L.	Eckstein	Kaley	Nelsen	Steben, M.
Adams, S.	Eken	Kalis	Nelson	Sieloff
Albrecht	Enebo	Kelly, R.	Niehaus	Simoneau
Anderson, G.	Erickson	Kelly, W.	Norton	Skoglund
Anderson, I.	Esau	Kempe, A.	Novak	Smith
Arlandson	Evans	Kempe, R.	Osthoff	Smogard
Beauchamp	Ewald	Ketola	Parish	Spanish
Begich	Faricy	Knickerbocker	Patton	Stanton
Berg	Fjoslien	Knoll	Pehler	Suss
Berglin	Forsythe	Kostohryz	Peterson	Swanson
Biersdorf	Friedrich	Kroening	Petrafeso	Tomlinson
Birnstihl	Fudro	Kvam	Philbrook	Ulland
Braun	Fugina	Laidig	Pleasant	Vanasek
Brinkman	George	Langseth	Prahl	Vento
Byrne	Graba	Lemke	Reding	Wenstrom
Carlson, A.	Hanson	Lindstrom	Rice	Wenzel
Carlson, L.	Haugerud	Luther	St. Onge	White
Carlson, R.	Heinitz	Mann	Samuelson	Wieser
Casserly	Hokanson	McCarron	Sarna	Wigley
Clark	Jacobs	McCauley	Savelkoul	Williamson
Clawson	Jaros	McCollar	Schreiber	Zubay
Corbid	Jensen	McEachern	Schulz	Speaker Sabo
Dahl	Johnson, C.	Menning	Schumacher	
Dean	Johnson, D.	Metzen	Searle	
DeGroat	Jopp	Moe	Setzepfandt	
Dieterich	Jude	Munger	Sherwood	

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 1608, A bill for an act relating to legal assistance; providing state aid to certain legal assistance corporations; appropriating money.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Berglin moved that the House concur in the Senate amendments to H. F. No. 1608 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1608, A bill for an act relating to legal assistance; providing state aid to certain legal assistance corporations; providing a penalty; appropriating money.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question being taken on the repassage of the bill and the roll being called, there were yeas 116, and nays 12, as follows:

Those who voted in the affirmative were:

Abeln	Doty	Kelly, W.	Nelsen	Sieben, M.
Adams, L.	Eckstein	Kempe, A.	Nelson	Sieloff
Adams, S.	Enebo	Kempe, R.	Norton	Simoneau
Anderson, I.	Erickson	Ketola	Novak	Skoglund
Arlandson	Esau	Knickerbocker	Osthoff	Smith
Beauchamp	Evans	Knoll	Parish	Smogard
Begich	Ewald	Kostohryz	Patton	Spanish
Berg	Faricy	Kroening	Pehler	Stanton
Berglin	Fjoslien	Kvam	Peterson	Suss
Biersdorf	Fudro	Laidig	Petraleso	Swanson
Birnstihl	Fugina	Langseth	Philbrook	Tomlinson
Braun	George	Lemke	Pleasant	Ulland
Brinkman	Graba	Lindstrom	Prahl	Vanasek
Byrne	Hanson	Luther	Reding	Vento
Carlson, A.	Heinitz	Mann	Rice	Voss
Carlson, L.	Hokanson	McCarron	St. Onge	Wenstrom
Carlson, R.	Jacobs	McCauley	Samuelson	Wenzel
Casserly	Jaros	McCollar	Sarna	White
Clark	Jensen	McEachern	Savelkoul	Williamson
Clawson	Johnson, C.	Menning	Schreiber	Speaker Sabo
Corbid	Johnson, D.	Metzen	Schulz	
Dahl	Jude	Moe	Setzepfandt	
Dean	Kahn	Munger	Sherwood	
Dieterich	Kelly, R.	Neisen	Sieben, H.	

Those who voted in the negative were:

Albrecht	Eken	Kalis	Wieser	Zubay
Anderson, G.	Friedrich	Niehaus	Wigley	
DeGroat	Jopp	Schumacher		

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 2414, A bill for an act relating to motor vehicles; motor vehicle excise tax on vehicles purchased for resale; use of motor vehicles bearing motor vehicle dealer plates; amending Minnesota Statutes 1974, Sections 168.27, Subdivision 5; 297B.-01, Subdivision 6; and Chapter 297B, by adding a section.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Vanasek moved that the House concur in the Senate amendments to H. F. No. 2414 and that the bill be repassed as amended by the Senate.

Braun moved that the House refuse to concur in the Senate amendments to H. F. No. 2414, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two Houses. The motion prevailed.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 2688, A resolution urging Congress and the President to establish the Solar Energy Research Institute in Minnesota.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Vanasek moved that the House concur in the Senate amendments to H. F. No. 2688 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 2688, A resolution urging Congress and the President to establish the Solar Energy Research Institute in Minnesota.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question being taken on the repassage of the bill and the roll being called, there were yeas 128, and nays 0, as follows:

Those who voted in the affirmative were:

Abeln	Eckstein	Kaley	Nelsen	Sieben, H.
Adams, L.	Eken	Kalis	Nelson	Sieben, M.
Adams, S.	Erickson	Kelly, R.	Niehaus	Sieloff
Albrecht	Esau	Kelly, W.	Norton	Simoneau
Anderson, G.	Evans	Kempe, A.	Novak	Skoglund
Anderson, I.	Ewald	Kempe, R.	Osthoff	Smith
Arlandson	Faricy	Ketola	Parish	Smogard
Beauchamp	Fjoslien	Knickerbocker	Patton	Spanish
Begich	Forsythe	Knoll	Pehler	Stanton
Berg	Friedrich	Kostohryz	Peterson	Suss
Berglin	Fudro	Kvam	Petrafeso	Swanson
Biersdorf	Fugina	Laidig	Philbrook	Tomlinson
Birnstihl	George	Langseth	Pleasant	Ulland
Brinkman	Graba	Lemke	Prahl	Vanasek
Byrne	Hanson	Lindstrom	Reding	Vento
Carlson, A.	Haugerud	Luther	Rice	Voss
Carlson, L.	Heinitz	Mann	St. Onge	Wenstrom
Carlson, R.	Hokanson	McCarron	Samuelson	Wenzel
Casserly	Jacobs	McCauley	Sarna	White
Clark	Jaros	McCollar	Savelkoul	Wieser
Clawson	Jensen	McEachern	Schreiber	Wigley
Corbid	Johnson, C.	Menning	Schulz	Williamson
Dahl	Johnson, D.	Metzen	Schumacher	Zubay
Dean	Jopp	Moe	Searle	Speaker Sabo
Dieterich	Jude	Munger	Setzepfandt	
Doty	Kahn	Neisen	Sherwood	

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

S. F. No. 1499, A bill for an act relating to the conduct of public officials and campaigns for public office; defining "lobbying"; redefining "lobbyist" and certain other terms; providing for the filing of certain reports and statements; providing penalties; amending Minnesota Statutes 1974, Sections 10A.01, Subdivisions 2, 5, 7, 10 and 11, and by adding a subdivision; 10A.02, Subdivisions 1, 5, 8 and 11; 10A.04, Subdivision 4; 10A.07, Subdivision 1; 10A.09, Subdivision 5; 10A.11, Subdivision 6; 10A.14, Subdivision 2; 10A.19, Subdivision 1; 10A.20, Subdivisions 1, 2, and 3, and by adding a subdivision; 10A.21, Subdivision 1; 10A.22, Subdivision 5; 10A.23; 10A.25, Subdivisions 3, 6 and 7; 10A.27, Subdivision 3; repealing Minnesota Statutes 1974,

Sections 10A.01, Subdivision 14; 10A.14, Subdivision 3; 10A.20, Subdivision 4; 10A.22, Subdivisions 2 and 8.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said Senate File is herewith transmitted to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONFERENCE COMMITTEE REPORT ON S. F. NO. 1499

A bill for an act relating to the conduct of public officials and campaigns for public office; defining "lobbying"; redefining "lobbyist" and certain other terms; providing for the filing of certain reports and statements; providing penalties; amending Minnesota Statutes 1974, Sections 10A.01, Subdivisions 2, 5, 7, 10 and 11, and by adding a subdivision; 10A.02, Subdivisions 1, 5, 8 and 11; 10A.04, Subdivision 4; 10A.07, Subdivision 1; 10A.09, Subdivision 5; 10A.11, Subdivision 6; 10A.14, Subdivision 2; 10A.19, Subdivision 1; 10A.20, Subdivisions 1, 2, and 3, and by adding a subdivision; 10A.21, Subdivision 1; 10A.22, Subdivision 5; 10A.23; 10A.25, Subdivisions 3, 6 and 7; 10A.27, Subdivision 3; repealing Minnesota Statutes 1974, Sections 10A.01, Subdivision 14; 10A.14, Subdivision 3; 10A.20, Subdivision 4; 10A.22, Subdivisions 2 and 8.

March 29, 1976

The Honorable Alec G. Olson
President of the Senate
The Honorable Martin O. Sabo
Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 1499 report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments and that S. F. No. 1499 be amended as follows:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1974, Section 10A.01, Subdivision 2, is amended to read:

Subd. 2. "Administrative action" means an action (OF A NON-MINISTERIAL NATURE) by any official, board, commission or agency of the executive branch to make rules. "Administrative action" does not include the application or administration of those rules, except in cases of rate setting, power plant siting and others specified by the commission.

Sec. 2. Minnesota Statutes 1974, Section 10A.01, Subdivision 5, is amended to read:

Subd. 5. "Candidate" means an individual who seeks nomination for election or election to any statewide office or legislative office, other than a federal office for which candidates are required to report under federal laws. The term candidate shall also include *an individual who seeks nomination for election or election to supreme court and district court (JUDGES) judge-ships of the state.* An individual shall be deemed to seek nomination for election or election if he has taken the action necessary under the law of the state of Minnesota to qualify himself for nomination for election or election to an office, has received contributions or made expenditures in excess of \$100, or has given his consent, implicit or explicit, for any other person to receive contributions or make expenditures in excess of \$100 with a view to bringing about his nomination for election or election to an office.

Sec. 3. Minnesota Statutes 1974, Section 10A.01, Subdivision 11, is amended to read:

Subd. 11. "Lobbyist" means any *individual*:

(a) (INDIVIDUAL WHO IS) Engaged for pay or other consideration, or (IS) authorized by another (PERSON) *individual or association to spend money, who spends more than five hours in any month or more than \$250, not including travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or*

(b) (OFFICIALLY DESIGNATED REPRESENTATIVES OF ANY PERSON OR ASSOCIATION WHICH HAS AS A MAJOR PURPOSE THE INFLUENCING OF LEGISLATIVE OR ADMINISTRATIVE ACTION WHO ATTEMPT TO INFLUENCE AN ACTION BY COMMUNICATING WITH PUBLIC OFFICIALS; OR)

((C) INDIVIDUALS) Who spends more than \$250, not including traveling expenses and membership dues, in any year for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials:

"Lobbyist" does not include *any*:

(a) (A) Public official or employee of the state or any of its political subdivisions or public bodies acting in his official capacity;

(b) (PARTIES AND THEIR REPRESENTATIVES) *Party or his representative* appearing in a proceeding before a state

board, commission or agency of the executive branch unless the board, commission or agency is (ACTING IN A NON-MINISTERIAL CAPACITY) *taking administrative action*;

(c) (INDIVIDUALS) *Individual* in the course of selling goods or services to be paid for by public funds; (OR)

(d) News media or their employees or agents (, BUT ONLY WHILE) acting in the ordinary course of business of publishing or broadcasting news items, editorials or other comments or paid advertisements which directly or indirectly urge official action;

(e) Paid expert (WITNESSES) *witness* whose testimony is requested *either* by the body before which (THEY ARE) *he* is appearing or one of the parties to a proceeding, but only (WHILE ACTING IN THE ORDINARY COURSE) *to the extent* of preparing or delivering testimony; *or*

(f) *Stockholder of a family farm corporation as defined in section 500.24, subdivision 1, who does not spend over \$250, excluding travel expenses, in any year in communicating with public officials.*

Sec. 4. Minnesota Statutes 1974, Section 10A.01, is amended by adding a subdivision to read:

Subd. 19. "Office holder" means an individual who holds any statewide or legislative office, except a federal office for which candidates are required to report under federal laws; state supreme court justice or district court judge.

Sec. 5. Minnesota Statutes 1974, Section 10A.02, Subdivision 1, is amended to read:

10A.02 [STATE ETHICS COMMISSION.] Subdivision 1. There is hereby created a state ethics commission composed of six members. The members shall be appointed by the governor with the advice and consent of three-fifths of both the senate and the house of representatives acting separately. Failure by either house to confirm the appointment of a commission member within 45 legislative days after his appointment shall be deemed to be a refusal to advise and consent and his appointment shall terminate immediately after 45 legislative days or non-confirmation, whichever is earlier. One member shall be a former state legislator from a *major* political party different from that of the governor; one member shall be a former state legislator from the same political party as the governor; two members shall be persons who have not been public officials, held office in a political party other than precinct delegate, or been elected to public office for which party designation is required by statute in the three years prior to the time of their appointment; and the other two members shall not support the same political party. No more

than three of the members of the commission shall support the same political party.

Sec. 6. Minnesota Statutes 1974, Section 10A.02, Subdivision 5, is amended to read:

Subd. 5. The commission shall appoint an executive director who shall be in the unclassified service. The commission may also employ and prescribe the duties of other permanent or temporary employees in the unclassified service as may be necessary to administer sections 10A.01 to 10A.34, subject to appropriation. The executive director and all other employees shall serve at the pleasure of the commission. (ALL ADMINISTRATIVE SERVICES SUCH AS SUPPLIES, OFFICE SPACE AND FURNISHINGS, PAYROLL PREPARATION AND ACCOUNTING SERVICES SHALL BE PROVIDED TO THE COMMISSION BY THE SECRETARY OF STATE.) Expenses of the commission shall be approved by the chairman or such other member as the rules of the commission may provide and the expenses shall then be paid in the same manner as other state expenses are paid.

Sec. 7. Minnesota Statutes 1974, Section 10A.02, Subdivision 8, is amended to read:

Subd. 8. The commission shall: (a) Report at the close of each fiscal year to the legislature, the governor and the public concerning the action it has taken, the names, salaries, and duties of all individuals in its employ and the money it has disbursed. The commission shall include and identify in its report any other reports it has made during the fiscal year. It may indicate apparent abuses and offer legislative recommendations;

(b) Prescribe forms for statements and reports required to be filed under sections 10A.01 to 10A.34 and make the forms available to persons required to file them;

(c) Make available to the persons required to file the reports and statements a manual setting forth the recommended uniform methods of bookkeeping and reporting;

(d) Develop a filing, coding and cross-indexing system consistent with the purposes of sections 10A.01 to 10A.34;

(e) Make the reports and statements filed with it available for public inspection and copying by the end of the second day following the day on which they were received. Any person may copy a report or statement by hand or by duplicating machine and the commission shall provide duplicating services at cost for this purpose. No information copied from reports and statements shall be sold or utilized by any person for any commercial purpose;

(f) *Notwithstanding the provisions of section 138.163, preserve reports and statements for a period of (SIX) five years from the date of receipt;*

(g) Compile and maintain a current list and summary of all statements or parts of statements pertaining to each candidate; and

(h) Prepare and publish reports as it may deem appropriate.

Sec. 8. Minnesota Statutes 1974, Section 10A.02, Subdivision 11, is amended to read:

Subd. 11. Any hearing or action of the commission concerning any complaint or investigation shall be confidential and all information obtained by the commission shall be privileged until the commission makes a finding that the commission believes there is or is not probable cause to conclude that a violation of Laws 1974, Chapter 470 (OR OTHER CAMPAIGN LAWS) has occurred. Any person, including any member or employee of the commission, violating the confidentiality provisions of this subdivision shall be guilty of a gross misdemeanor. *The commission shall make a finding within 30 days of receipt of a written complaint unless a majority of the commission agrees to extend the time limit.* After determination of its findings the commission shall report any finding of probable cause to the appropriate law enforcement authorities.

Sec. 9. Minnesota Statutes 1974, Section 10A.04, Subdivision 4, is amended to read:

Subd. 4. The report shall include (ALL) *such* information (REQUIRED ON) *as the commission 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 commission, 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 (OR), 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. The list shall include the name, address and employer, or, if self employed, the occupation and principal place of business, or each payer of funds in excess of \$500.

Sec. 10. Minnesota Statutes 1974, Section 10A.04, is amended by adding a subdivision to read:

Subd. 4a. If in any reporting period the lobbyist's reportable disbursements total not over \$100 and no honorarium, gift, loan, item or benefit equal in value to \$20 or more was given or paid to any public official, a statement to that effect in lieu of the report may be filed for that period. The unreported disbursements shall be included in the report for the following period, unless the total for that period, including the carryover, is not over \$100. The October 15 report shall include all previously unreported disbursements, even though the total for the year is not over \$100.

Sec. 11. Minnesota Statutes 1974, Section 10A.09, Subdivision 5, is amended to read:

Subd. 5. A statement of economic interest required by this section shall be on a form prescribed by the commission. The individual filing shall provide the following information:

(a) His name, address, occupation and principal place of business;

(b) The name of each business with which he is associated and the nature of that association; and

(c) A listing of all real property within the state, excluding homestead property, in which he has a fee simple interest, a contract for deed or an option to buy, whether direct or indirect, and which interest is valued in excess of \$2,500. The filing shall indicate *the street address and the municipality (, IF ANY) or the section, township, range and approximate acreage, whichever applies*, and the county wherein the property is located.

Sec. 12. Minnesota Statutes 1974, Section 10A.14, Subdivision 2, is amended to read:

Subd. 2. The statement of organization shall include:

(a) The name and address of the political committee or political fund;

(b) The names and addresses of the supporting associations of a political fund;

((C) THE GEOGRAPHIC AREA IN WHICH IT WILL OPERATE AND THE PURPOSE OF THE POLITICAL COMMITTEE OR POLITICAL FUND;)

((D) THE NAME, ADDRESS AND POSITION OF THE CUSTODIAN OF BOOKS AND ACCOUNTS;)

((E)) (c) The name and address of the chairman, the treasurer, and any (OTHER PRINCIPAL OFFICERS INCLUDING) deputy treasurers (, IF ANY);

((F) THE NAME, ADDRESS, OFFICE SOUGHT, AND PARTY AFFILIATION, IF ANY, OF EACH CANDIDATE WHOM THE COMMITTEE OR POLITICAL FUND IS SUPPORTING, OR IF THE COMMITTEE OR POLITICAL FUND IS SUPPORTING THE ENTIRE TICKET OF ANY PARTY, THE NAME OF THE PARTY;)

((G) A STATEMENT AS TO WHETHER THE COMMITTEE OR POLITICAL FUND IS A CONTINUING ONE;)

((H)) (d) A listing of all depositories or safety deposit boxes used; and

((I)) (e) A statement as to whether the committee is a principal campaign committee.

Sec. 13. Minnesota Statutes 1974, Section 10A.19, Subdivision 1, is amended to read:

10A.19 [PRINCIPAL CAMPAIGN COMMITTEE.] Subdivision 1. Every candidate shall designate and cause to be formed a single principal campaign committee *which shall be responsible for reporting contributions and authorized expenditures on behalf of the candidate.*

Sec. 14. Minnesota Statutes 1974, Section 10A.20, Subdivision 1, is amended to read:

10A.20 [CAMPAIGN REPORTS.] Subdivision 1. (EVERY) The treasurer of (A) *every* political committee (OR) *and* political fund shall *begin to* file the reports required by this section in (ANY) *the first year it receives contributions or make expenditures in excess of \$100 and shall continue to file until the committee or fund is terminated.*

Sec. 15. Minnesota Statutes 1974, Section 10A.20, Subdivision 2, is amended to read:

Subd. 2. The reports shall be filed with the commission (BY THE FOLLOWING DATES:)

(A) IN YEARS IN WHICH ANY CANDIDATE BEING SUPPORTED DOES NOT STAND FOR ELECTION:)

((1) JANUARY 7; AND)

((2) JULY 7;)

(B) IN YEARS IN WHICH ANY CANDIDATE BEING SUPPORTED DOES STAND FOR ELECTION:)

((1) JANUARY 7;)

((2) JULY 7;)

((3) FIVE) *on or before January 31 of each year, and in each year in which the name of the candidate being supported is on the ballot, ten days before* (ANY) the primary (ELECTION IN WHICH THE CANDIDATE STANDS FOR ELECTION;)

((4) FIVE DAYS BEFORE ANY) *or special primary and general or special election* (IN WHICH THE CANDIDATE STANDS FOR ELECTION; AND)

((5) 30 DAYS AFTER THE LAST ELECTION IN WHICH A CANDIDATE STANDS FOR ELECTION;)

(C) IN SPECIAL OR SPECIAL PRIMARY ELECTIONS IN WHICH A CANDIDATE STANDS FOR ELECTION:)

((1) 30 DAYS BEFORE THE ELECTION; AND)

((2) FIVE DAYS BEFORE THE ELECTION).

If a scheduled filing date falls on a Saturday, Sunday or legal holiday, the filing date shall be the next regular business day.

Sec. 16. Minnesota Statutes 1974, Section 10A.20, Subdivision 3, is amended to read:

Subd. 3. Each report under this section shall disclose:

(a) The amount of liquid assets on hand at the beginning of the reporting period;

(b) The name, address and employer, or, if self-employed, occupation of each person, political committee or political fund who has made one or more contributions to or for the political committee or political fund including the purchase of tickets for dinners, luncheons, rallies, and similar fund raising events within the year in an aggregate amount or value in excess of \$50 for leg-

islative candidates and in excess of \$100 for statewide candidates, together with the amount and date of the contributions, and the aggregate amount of contributions within the year (OF) from each contributor so disclosed. The lists of contributors shall be in alphabetical order;

(c) The total sum of individual contributions made to or for the political committee or political fund during the reporting period and not reported under clause (b);

((D) THE NAME AND ADDRESS OF EACH POLITICAL COMMITTEE, POLITICAL FUND OR CANDIDATE FROM WHICH THE REPORTING COMMITTEE OR FUND RECEIVED, OR TO WHICH THAT COMMITTEE MADE, ANY TRANSFER OF FUNDS, TOGETHER WITH THE AMOUNTS AND DATES OF ALL TRANSFERS. THE LISTS SHALL BE IN ALPHABETICAL ORDER;)

((E)) (d) Each loan to or from any person within the year in an aggregate amount or value in excess of \$100, together with the (FULL NAMES) *name* and (MAILING) address, (OCCUPATIONS) *occupation* and the principal (PLACES) *place* of business, if any, of the lender or (ENDORSEES, IF ANY,) *any endorser* and the date and amount of the (LOANS) *loan*;

((F)) (e) Each receipt in excess of \$100 not otherwise listed under clauses (b) to ((E)) (d);

((G)) (f) The total sum of all receipts by or for the political committee or political fund during the reporting period;

((H)) (g) The name (,) *and* address (,) OCCUPATION AND THE PRINCIPAL PLACE OF BUSINESS, IF ANY,) of each person to whom expenditures have been made by the political committee or political fund or on its behalf within the year in an aggregate amount in excess of \$100, the amount, date and purpose of each expenditure and the name and address of, and office sought by, each candidate on whose behalf the expenditure was made;

((I)) (h) The sum of individual expenditures (WHICH IS) not otherwise reported under clause ((H)) (g);

((J) THE NAME, ADDRESS, OCCUPATION AND THE PRINCIPAL PLACE OF BUSINESS, IF ANY, OF EACH PERSON TO WHOM AN EXPENDITURE FOR PERSONAL SERVICES, SALARIES, AND REIMBURSABLE EXPENSES IN EXCESS OF \$100 HAS BEEN MADE, AND WHICH IS NOT OTHERWISE REPORTED, INCLUDING THE AMOUNT, DATE AND PURPOSE OF THE EXPENDITURE;)

((K) THE SUM OF INDIVIDUAL EXPENDITURES FOR PERSONAL SERVICES, SALARIES AND REIMBURSABLE EXPENSE WHICH IS NOT OTHERWISE REPORTED UNDER (J));

((L)) (i) The total expenditures made by the political committee or political fund during the reporting period;

((M)) (j) The amount and nature of (DEBTS AND OBLIGATION) *any debt or obligation* owed by or to the political committee or political fund, *continuously reported until extinguished*, and (A CONTINUOUS REPORTING OF THEIR DEBTS AND OBLIGATIONS AFTER THE ELECTION UNTIL THE DEBTS AND OBLIGATIONS ARE EXTINGUISHED);

((N) THE AMOUNT AND NATURE OF) *any written contract, promise or agreement (, IN WRITING, WHETHER OR NOT LEGALLY ENFORCEABLE,)* to make a contribution or expenditure; *and*

((O)) (k) *For principal campaign committees only:* The name of each person, committee or political fund, which has been authorized by the treasurer to make expenditures on behalf of the candidate and the nature and amount of each authorized expenditure.

Sec. 17. Minnesota Statutes 1974, Section 10A.20, is amended by adding a subdivision to read:

Subd. 3a. The reports of a principal campaign committee of a legislative candidate required by this section shall list in a prominent place on the first page of every report each county in which the legislative district lies.

Sec. 18. Minnesota Statutes 1974, Section 10A.20, is amended by adding a subdivision to read:

Subd. 12. The commission shall notify any person who fails to file a statement required by this section. A person who knowingly fails to file the statement within seven days after receiving notice from the commission is guilty of a misdemeanor.

Sec. 19. Minnesota Statutes 1974, Section 10A.21, Subdivision 1, is amended to read:

10A.21 [REPORTS TO COUNTY AUDITOR.] Subdivision 1. All reports or statements that must be filed with the commission by the principal campaign committee of legislative candidates shall (ALSO) be *duplicated and filed by the commission* with the county auditor of each county in which the legislative district lies *within 72 hours of the date the report or state-*

ment is required to be filed or, if the report or statement is delinquent, within 72 hours of the time the report is actually filed.

Sec. 20. Minnesota Statutes 1974, Section 10A.23, is amended to read:

10A.23 [CHANGES AND CORRECTIONS.] Any material changes in information previously submitted and any corrections to a report or statement shall be reported in writing to the commission within ten days following the date of the event prompting the change or the date upon which the person filing became aware of the inaccuracy. The change or correction shall identify the form and the paragraph containing the information to be changed or corrected. Any person who wilfully fails to report a material change or correction is guilty of a gross misdemeanor.

Sec. 21. Minnesota Statutes 1974, Section 10A.25, Subdivision 3, is amended to read:

Subd. 3. Notwithstanding subdivision 2, clause (a), a candidate for the endorsement for the office of lieutenant governor at the convention of a political party may spend \$30,000 or five percent of the amount in subdivision 2, clause (a) (, PRIOR TO THE TIME OF) to seek endorsement. This (MONEY) amount shall be in addition to the (MONEY) amount which may be expended pursuant to subdivision 2, clause (a).

Sec. 22. Minnesota Statutes 1974, Section 10A.25, Subdivision 6, is amended to read:

Subd. 6. In a year in which (A CANDIDATE DOES NOT STAND FOR ELECTION) an election does not occur for an office held or sought, no expenditures shall be made and no obligations to make expenditures shall be incurred by a candidate or officeholder or by a political committee, political fund or individual which makes expenditures with the authorization, express or implied, and under the control, direct or indirect, of the candidate or officeholder or his agents which shall result in the aggregate expenditure on behalf of the candidate or officeholder in that year of an amount in excess of 20 percent of the amount of the aggregate expenditure permitted by subdivision 2. Expenditures permitted by this subdivision shall be in addition to expenditures permitted by subdivision 2.

Sec. 23. Minnesota Statutes 1974, Section 10A.25, Subdivision 7, is amended to read:

Subd. 7. On or before January 15 of each year, the (COMMISSIONER OF HEALTH) state demographer shall certify to the commission the estimated population of the state of Minnesota for the last (CALENDAR) year ending before the date of certification. In determining the per capita amounts for each office in section 10A.25, subdivision 2, the commission shall use:

(a) In the case of the elections for governor and lieutenant governor, attorney general, secretary of state, state treasurer and state auditor, the total *estimated* population of the state;

(b) In the case of the elections for state senator, 1/67 of the total *estimated* population of the state;

(c) In the case of elections for state representative, 1/134 of the total *estimated* population of the state.

Sec. 24. Minnesota Statutes 1974, Section 10A.27, Subdivision 3, is amended to read:

Subd. 3. Expenditures by (A) *the state or local committee of any political party on behalf of candidates of that party generally, without referring to any of them specifically in any advertisement published (OR), posted, (ON ANY) or broadcast, or (IN) any official party sample ballot or telephone conversation (, IF THAT CONVERSATION MENTIONS) listing three or more (CANDIDATES) persons whose names are to appear on the ballot, shall not be allocated to any candidate or subject to the limitations of section 10A.25, subdivision 2.*

Sec. 25. Minnesota Statutes 1974, Section 10A.30, Subdivision 2, is amended to read:

Subd. 2. Within the state elections campaign fund account there shall be maintained (SEPARATE ACCOUNTS) *a separate account for the candidates of each political party and a general account.*

Sec. 26. Minnesota Statutes 1974, Section 10A.31, Subdivision 3, is amended to read:

Subd. 3. The commissioner of the department of revenue shall on the first page of the income tax form notify the taxpayer of his right to allocate \$1 of his taxes (\$2 if filing a joint return) to finance the election campaigns of state candidates. The form shall also contain language prepared by the commissioner which permits the taxpayer to direct the state to allocate the \$1 (\$2 if filing a joint return) to (ONE OF THE FOLLOWING): (i) *one of the major political parties; (ii) (THE NAME OF) any minor political party (PROVIDED THAT IF A PETITION IS FILED TO QUALIFY AS A MINOR POLITICAL PARTY IT BE FILED BY JUNE 1 OF THAT TAXABLE YEAR; AND) which qualifies under the provisions of subdivision 3a of this section; or (iii) (DISTRIBUTION TO) all qualifying candidates as provided by subdivision 7 of this section.*

Sec. 27. Minnesota Statutes 1974, Section 10A.31, is amended by adding a subdivision to read:

Subd. 3a. A minor political party qualifies for inclusion on the income tax form as provided in subdivision 3 if a candidate of that party filed for an office in the preceding general election, or if a petition on behalf of that party is filed as provided in section 10A.01, subdivision 13, by June 1 of the taxable year.

Sec. 28. Minnesota Statutes 1974, Section 10A.31, Subdivision 5, is amended to read:

Subd. 5. ((A) IN EACH FISCAL YEAR, 40 PERCENT OF THE MONEYS IN EACH ACCOUNT SHALL BE SET ASIDE FOR CANDIDATES FOR STATEWIDE OFFICE.)

((B) OF THE AMOUNT SET ASIDE IN CLAUSE (A), 40 PERCENT SHALL BE DISTRIBUTED TO THE CANDIDATES FOR GOVERNOR AND LIEUTENANT GOVERNOR JOINTLY; 24 PERCENT SHALL BE DISTRIBUTED TO THE CANDIDATE FOR ATTORNEY GENERAL; AND 12 PERCENT EACH SHALL BE DISTRIBUTED TO THE CANDIDATES FOR SECRETARY OF STATE, STATE TREASURER AND STATE AUDITOR. IF THERE IS NO NOMINEE OF THAT PARTY FOR ONE OF THE OFFICES, THE SHARE SET ASIDE FOR THAT OFFICE SHALL BE DISTRIBUTED TO THE OTHER STATEWIDE CANDIDATES OF THAT PARTY IN THE SAME PROPORTIONS AS THE ORIGINAL AMOUNT.)

((C) WITHIN TWO WEEKS OF THE CERTIFICATION BY THE STATE CANVASSING BOARD OF THE RESULTS OF THE PRIMARY ELECTION, THE STATE TREASURER SHALL DISTRIBUTE AVAILABLE FUNDS IN EACH ACCOUNT, OTHER THAN THE GENERAL ACCOUNT, OF THE STATE ELECTIONS FUND TO THE APPROPRIATE CANDIDATES WHO ARE TO APPEAR ON THE BALLOT FOR THE GENERAL ELECTION AS PRESCRIBED IN CLAUSES (A) AND (B).)

((D) WITHIN TWO WEEKS OF THE CERTIFICATION BY THE STATE CANVASSING BOARD OF THE RESULTS OF THE GENERAL ELECTION, THE STATE TREASURER SHALL DISTRIBUTE THE AVAILABLE FUNDS IN THE GENERAL ACCOUNT IN THE SAME PROPORTIONS AS PROVIDED IN CLAUSE (B), IN AN EQUAL AMOUNT TO EACH CANDIDATE WHO RECEIVED AT LEAST FIVE PERCENT OF THE VOTE CAST IN THE GENERAL ELECTION FOR THE OFFICE FOR WHICH HE WAS A CANDIDATE.) *In each calendar year the moneys in each party account and the general account shall be allocated to candidates as follows:*

(a) 16 percent for the offices of governor and lieutenant governor jointly;

- (b) 9.6 percent for the office of attorney general;
- (c) 4.8 percent each for the offices of secretary of state, state auditor and state treasurer;
- (d) in each calendar year during the period in which state senators serve a four year term, 20 percent for the office of state senator and 40 percent for the office of state representative;
- (e) in each calendar year during the period in which state senators serve a two year term, and in 1975 and 1976, 30 percent each for the offices of state senator and state representative;
- (f) all candidates of one party for the state senate and state house of representatives whose names are to appear on the ballot in the general election shall share equally in the funds allocated to their respective offices from their party account.

Moneys from any party account refused by any candidate shall be distributed to all other candidates of that party in proportion to their shares as provided in this subdivision. Moneys from the general account refused by any candidate shall be distributed to all other qualifying candidates in proportion to their shares as provided in this subdivision.

Beginning with calendar year 1977 and applying to taxable year 1976, the allocations from the state elections campaign fund shall be: 21 percent for the offices of governor and lieutenant governor filing jointly; 3.6 percent for the office of attorney general; 1.8 percent each for the offices of secretary of state, state auditor, and state treasurer; in each calendar year during the period in which state senators serve a four year term, 23 1/3 percent for the office of state senator and 46 2/3 percent for the office of state representative; and in each calendar year during the period in which state senators serve a two year term, 35 percent each for the offices of state senator and state representative.

Sec. 29. Minnesota Statutes 1974, Section 10A.31, Subdivision 6, is amended to read:

Subd. 6. ((A) IN EACH OF THE FISCAL YEARS DURING THE PERIOD IN WHICH THE STATE SENATE SERVES A FOUR YEAR TERM WHICH COMMENCES AFTER APRIL 13, 1974, 20 PERCENT OF THE MONEYS IN EACH ACCOUNT SHALL BE SET ASIDE FOR CANDIDATES FOR STATE SENATE. IN EACH OF THE FISCAL YEARS DURING THE PERIOD IN WHICH THE STATE SENATE SERVES A TWO YEAR TERM, AND IN 1975 AND 1976, 30 PERCENT OF THE MONEYS IN EACH ACCOUNT SHALL BE SET ASIDE FOR CANDIDATES FOR STATE SENATE.)

((B) THE AMOUNT SET ASIDE IN CLAUSE (A) SHALL BE DISTRIBUTED IN EQUAL SHARES TO EACH OF THE CANDIDATES FOR STATE SENATE OF THAT PARTY.)

((C)) Within two weeks (OF THE) *after* certification by the state canvassing board of the results of the primary (ELECTION), the state treasurer shall distribute *the* available funds in each *party* account, (OTHER THAN THE GENERAL ACCOUNT TO THE APPROPRIATE CANDIDATES WHO) *as certified by the commissioner of revenue on September 15, to the candidates of that party who have signed the agreement as provided in section 10A.32, subdivision 3, and whose names are to appear on the ballot (FOR) in the general election (AS PRESCRIBED IN CLAUSES (A) AND (B)), according to the allocations set forth in subdivision 5. If there is no candidate of a party for any one office designated in subdivision 5 in any year in which that office appears on the ballot, the allocation for that office shall be distributed to all other candidates of that party in proportion to their shares as set forth in subdivision 5.*

((D) WITHIN TWO WEEKS OF THE CERTIFICATION BY THE STATE CANVASSING BOARD OF THE RESULTS OF THE GENERAL ELECTION, THE STATE TREASURER SHALL DISTRIBUTE THE AVAILABLE FUNDS IN THE GENERAL ACCOUNT IN AN EQUAL AMOUNT TO EACH CANDIDATE WHO RECEIVED AT LEAST TEN PERCENT OF THE VOTES CAST IN THE GENERAL ELECTION FOR THE OFFICE FOR WHICH HE WAS A CANDIDATE.)

Sec. 30. Minnesota Statutes 1974, Section 10A.31, Subdivision 7, is amended to read:

Subd. 7. ((A) IN EACH OF THE FISCAL YEARS DURING THE PERIOD IN WHICH THE STATE SENATE SERVES A FOUR YEAR TERM WHICH COMMENCES AFTER APRIL 13, 1974, 40 PERCENT OF THE MONEYS IN EACH ACCOUNT SHALL BE SET ASIDE FOR CANDIDATES FOR STATE REPRESENTATIVES. IN EACH OF THE FISCAL YEARS DURING THE PERIOD IN WHICH THE STATE SENATE SERVES A TWO YEAR TERM, AND IN 1975 AND 1976, 30 PERCENT OF THE MONEYS IN EACH ACCOUNT SHALL BE SET ASIDE FOR CANDIDATES FOR STATE REPRESENTATIVES.)

((B) THE AMOUNT SET ASIDE IN CLAUSE (A) SHALL BE DISTRIBUTED IN EQUAL SHARES TO EACH OF THE CANDIDATES FOR STATE REPRESENTATIVE OF THAT PARTY.)

((C) WITHIN TWO WEEKS OF THE CERTIFICATION BY THE STATE CANVASSING BOARD OF THE RESULTS OF THE PRIMARY ELECTION, THE STATE TREASURER

SHALL DISTRIBUTE AVAILABLE FUNDS IN EACH ACCOUNT, OTHER THAN THE GENERAL ACCOUNT, TO THE APPROPRIATE CANDIDATES WHO ARE TO APPEAR ON THE BALLOT FOR THE GENERAL ELECTION AS PRESCRIBED IN CLAUSES (A) AND (B).)

((D)) Within two weeks (OF THE) *after* certification by the state canvassing board of the results of the general election, the state treasurer shall distribute the available funds in the general account, *as certified by the commissioner of revenue on November 15 and according to the allocations set forth in subdivision 5,* in (AN) equal (AMOUNT) amounts to (EACH CANDIDATE) *all candidates for each statewide office who received at least five percent of the votes cast in the general election for that office, and to all candidates for legislative office who received at least ten percent of the votes cast in the general election for the specific office for which (HE WAS A CANDIDATE) they were candidates.*

Sec. 31. Minnesota Statutes 1974, Section 10A.31, is amended by adding a subdivision to read:

Subd. 8. Within one week after certification by the state canvassing board of the results of the primary, the commission shall certify to the state treasurer the name of each candidate who has signed the agreement as provided in section 10A.32, subdivision 3, and the amount he is to receive from the available funds in his party account.

Sec. 32. Minnesota Statutes 1974, Section 10A.31, is amended by adding a subdivision to read:

Subd. 9. Within one week after certification by the state canvassing board of the results of the general election, the commission shall certify to the state treasurer the name of each candidate who is qualified to receive funds from the general account, together with the amount he is to receive from the available funds in the general account.

Sec. 33. Minnesota Statutes 1974, Section 10A.31, is amended by adding a subdivision to read:

Subd. 10. In the event that on November 15 less than 98 percent of the tax returns have been processed, the commissioner of revenue shall certify to the commission on December 7 the amount accumulated in each account since the previous certification. Within one week thereafter, the commission shall certify to the state treasurer the amount to be distributed to each candidate according to the allocations as provided in subdivision 5. As soon as practicable thereafter, the state treasurer shall distribute the amounts to the candidates. Any moneys accumulated after the final certification shall be maintained in the respective accounts for distribution in the next general election year.

Sec. 34. Minnesota Statutes 1974, Section 10A.32, is amended to read:

10A.32 [LIMITATIONS UPON THE STATE ELECTION CAMPAIGN FUND.] Subdivision 1. No candidate shall be entitled to receive from the state elections campaign fund an amount greater than the total amount of expenditures which may be made by *him* or on *his* behalf (**OF THE CANDIDATE**) under sections 10A.25 and 10A.27. *The amount by which the allocation exceeds the expenditure limit shall be distributed to all other candidates of the same party whose shares do not exceed their expenditure limits in proportion to their shares as set forth in section 10A.31.*

Subd. 2. No candidate shall be entitled to receive from the state election campaign fund an amount greater than the total amount actually expended by *him* or on *his* behalf (**OF THE CANDIDATE DURING HIS CAMPAIGN**) *in the year of the election. If the report required to be filed on or before January 31 in the year following the general election indicates that the amount received by the candidate is greater than the amount authorized to be expended on his behalf, the treasurer of his principal campaign committee shall refund to the state treasurer an amount equal to the difference. The refund in the form of a check or money order shall be submitted with such report and the commission shall forward the refund to the state treasurer for deposit in the general fund of the state.*

Subd. 3. As a condition of receiving any funds from the state elections campaign fund, any candidate, prior to receipt of the funds, shall agree by *stating in writing to the commission on or before September 1 that authorized expenditures on his behalf shall not exceed the expenditure limits as set forth in section 10A.25 and that his principal campaign committee shall not accept contributions (EXCEEDING) for the period beginning with January 1 of the election year or the registration of his principal campaign committee, whichever occurs later, and ending December 31 of the election year which exceed 105 percent of the difference between the amount which may legally be expended by him or on his behalf (OF THAT CANDIDATE), and the amount which (THE CANDIDATE) he receives from the state elections campaign fund. Any amount by which his total contributions exceed 105 percent of the difference shall be refunded to the state treasurer. The refund in the form of a check or money order shall be submitted in the same manner as provided in subdivision 2.*

For the purposes of this subdivision only, the total amount to be distributed to each candidate is calculated to be his share of the total estimated funds in his party account as provided in subdivision 3a, plus the total amount estimated as provided in subdivision 3a, to be in the general account and set aside for that office divided by the number of candidates whose names are to

appear on the general election ballot for that office. If the amount actually received by the candidate is greater by reason of a lesser number of qualifying candidates sharing in the funds in each account, and his contributions thereby exceed 105 percent of the difference, the agreement shall not be considered violated.

Subd. 3a. The commissioner of revenue shall certify to the commission on or before the last day for filing for office his estimate of the total to be accumulated in each account in the state elections campaign fund after 100 percent of the tax returns have been processed. Within seven days after the last day for filing for office the secretary of state shall certify to the commission the name, address, office sought, and party affiliation of each candidate who has filed with that office his affidavit of candidacy or petition to appear on the ballot. The auditor of each county shall certify to the commission the same information for each candidate who has filed with that county his affidavit of candidacy or petition to appear on the ballot. Within seven days thereafter the commission shall estimate the minimum amount to be received by each candidate who qualifies as provided in section 10A.31, subdivisions 6 and 7, and notify all candidates on or before August 15 of the applicable amount.

Subd. 4. If a political party for whose candidates funds have been accumulated in the state elections campaign fund does not have a candidate for (STATEWIDE) any office (, STATE REPRESENTATIVE OR STATE SENATOR), the moneys (WHICH WOULD BE USED FOR DISTRIBUTION TO THAT CATEGORY OR CATEGORIES) shall be (TRANSFERRED TO THE GENERAL) maintained in that account until the year of the next general election. If in two successive general election years that political party does not have a candidate for any office, the accumulated funds shall be transferred to the general fund of the state.

Sec. 35. Minnesota Statutes 1974, Sections 10A.01, Subdivision 14; 10A.14, Subdivision 3; and 10A.22, Subdivisions 2 and 8, are repealed.

Sec. 36. This act is effective the day following final enactment.”.

Further strike the title and insert:

“A bill for an act relating to the conduct of public officials and campaigns for public office; redefining “lobbyist” and certain other terms; providing for the filing of certain reports and statements; providing for distribution of moneys in the state elections campaign fund; providing penalties; amending Minnesota Statutes 1974, Sections 10A.01, Subdivisions 2, 5, and 11, and by adding a subdivision; 10A.02, Subdivisions 1, 5, 8 and 11; 10A.04, Subdivision 4, and by adding a subdivision; 10A.09, Sub-

division 5; 10A.14, Subdivision 2; 10A.19, Subdivision 1; 10A.20, Subdivisions 1, 2, and 3, and by adding subdivisions; 10A.21, Subdivision 1; 10A.23; 10A.25, Subdivisions 3, 6 and 7; 10A.27, Subdivision 3; 10A.30, Subdivision 2; 10A.31, Subdivisions 3, 5, 6, and 7, and by adding subdivisions; and 10A.32; repealing Minnesota Statutes 1974, Sections 10A.01, Subdivision 14; 10A.14, Subdivision 3; 10A.22, Subdivisions 2 and 8.”

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

Senate Conferees: STEVE KEEFFE, ROBERT J. BROWN and PETER P. STUMPF.

House Conferees: BRUCE F. VENTO, THOMAS C. OSTHOFF and GERALD KNICKERBOCKER.

Vento moved that the report of the Conference Committee on S. F. No. 1499 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 1499, A bill for an act relating to the conduct of public officials and campaigns for public office; defining “lobbying”; redefining “lobbyist” and certain other terms; providing for the filing of certain reports and statements; providing penalties; amending Minnesota Statutes 1974, Sections 10A.01, Subdivisions 2, 5, 7, 10 and 11, and by adding a subdivision; 10A.02, Subdivisions 1, 5, 8 and 11; 10A.04, Subdivision 4; 10A.07, Subdivision 1; 10A.09, Subdivision 5; 10A.11, Subdivision 6; 10A.14, Subdivision 2; 10A.19, Subdivision 1; 10A.20, Subdivisions 1, 2, and 3, and by adding a subdivision; 10A.21, Subdivision 1; 10A.22, Subdivision 5; 10A.23; 10A.25, Subdivisions 3, 6 and 7; 10A.27, Subdivision 3; repealing Minnesota Statutes 1974, Sections 10A.01, Subdivision 14; 10A.14, Subdivision 3; 10A.20, Subdivision 4; 10A.22, Subdivisions 2 and 8.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question being taken on the repassage of the bill and the roll being called, there were yeas 129, and nays 1, as follows:

Those who voted in the affirmative were:

Abeln	Brinkman	Doty	Fugina	Jude
Adams, L.	Byrne	Eckstein	George	Kahn
Adams, S.	Carlson, A.	Eken	Graba	Kaley
Albrecht	Carlson, L.	Enebo	Hanson	Kalis
Anderson, G.	Carlson, R.	Erickson	Haugerud	Kelly, R.
Anderson, I.	Casserly	Esau	Heinitz	Kelly, W.
Arlandson	Clark	Evans	Hokanson	Kempe, A.
Beauchamp	Clawson	Ewald	Jacobs	Kempe, R.
Begich	Corbid	Farijcy	Jaros	Ketola
Berg	Dahl	Fjoslien	Jensen	Knickerbocker
Berglin	Dean	Forsythe	Johnson, C.	Knoll
Biersdorf	DeGroat	Friedrich	Johnson, D.	Kostohryz
Birnsthil	Dieterich	Fudro	Jopp	Kroening

Kvam	Moe	Petrafeso	Searle	Ulland
Laidig	Munger	Philbrook	Setzepfandt	Vanasek
Langseth	Neisen	Pleasant	Sherwood	Vento
Lenke	Nelsen	Prahl	Sieben, H	Voss
Lindstrom	Nelson	Reding	Sieben, M.	Wenstrom
Luther	Niehaus	Rice	Simoneau	Wenzel
Mann	Norton	St. Onge	Skoglund	White
McCarron	Novak	Samuelson	Smith	Wieser
McCaughey	Osthoff	Sarna	Smogard	Wigley
McCollar	Parish	Savelkoul	Stanton	Williamson
McEachern	Patton	Schreiber	Suss	Zubay
Menning	Pehler	Schulz	Swanson	Speaker Sabo
Metzen	Peterson	Schumacher	Tomlinson	

Those who voted in the negative were:

Sieloff

The bill was repassed, as amended by Conference, and its title agreed to.

A message from the Senate requesting the concurrence of the House in the Senate amendments to H. F. No. 424 was reported to the House.

There being no objection, the message from the Senate relating to H. F. No. 424, as amended by the Senate, was laid over one day.

Mr. Speaker:

I hereby announce that the Senate refuses to adopt the Conference Committee report on Senate File No. 1963, that the present Conference Committee has been discharged, and that the Committee on Committees has appointed a new Conference Committee consisting of three members on the part of the Senate:

S. F. No. 1963, A bill for an act relating to the operation of state government; raising base salaries for certain executive branch employees, 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; extending the open meeting law to the legislature; amending Minnesota Statutes 1974, Sections 15A.081; 15A.083, as amended; 43.062, Subdivision 3; and 43.067; 471.705, Subdivision 1; and Chapter 43, by adding a section; and Minnesota Statutes, 1975 Supplement, Section 15A.081, Subdivision 1; repealing Minnesota Statutes 1974, Sections 15A.081, Subdivisions 1a and 4; 43.066; 43.069; and 487.05.

The Senate has appointed as such committee Messrs. Arnold, Blatz and Merriam.

PATRICK E. FLAHAVEN, Secretary of the Senate

Sieben, H., moved that the House Conference Committee on S. F. No. 1963 be discharged, that the Speaker appoint a new Conference Committee of 3 members on the part of the House, and that the Senate be advised of the House action. The motion prevailed.

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

H. F. No. 2204, A bill for an act relating to collection and dissemination of data; providing definitions; requiring a public document on data collection; authorizing audits of data collection practices and policies; providing for emergency classification in certain situations; amending Minnesota Statutes 1974, Section 15.17, Subdivision 4; and Minnesota Statutes, 1975 Supplement, Sections 15.162, Subdivisions 2a, 4, 5a and 8; 15.163, Subdivisions 1 and 2.

The Senate has repassed said bill, in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

H. F. No. 2203, A bill for an act relating to medical assistance for the needy; establishing guidelines for reimbursement of medical services furnished by nursing homes; prescribing certain responsibilities for the department of public welfare.

The Senate has repassed said bill, in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to the Conference Committee on H. F. No. 2414:

Vanasek, Braun and Lindstrom.

The Speaker announced the appointment of the following members of the House to the Conference Committee on S. F. No. 1644:

Kelly, R.; Samuelson and Forsythe.

The Speaker announced the appointment of the following members of the House to the Conference Committee on H. F. No. 2374:

Luther, Dieterich and Parish.

The Speaker announced the appointment of the following members of the House to the Conference Committee on S. F. No. 855:

Casserly, Berg and Schreiber.

The Speaker announced the appointment of the following members of the House to the Conference Committee on S. F. No. 1963:

Sieben, H.; Sabo and Anderson, I.

GENERAL ORDERS

There being no objection, the bills on General Orders for today were continued on General Orders until Saturday, April 3, 1976.

MOTIONS AND RESOLUTIONS

Kempe, A., moved that the names of Knoll and Adams, S., be added as authors on H. F. No. 1865. The motion prevailed.

Anderson, I.; Johnson, D.; Begich; Fugina and Carlson, R., introduced:

House Resolution No. 43, A house resolution relating to the eastern timber wolf; recommending and urging that the commissioner of natural resources pursue legal means to regain management control over the eastern timber wolf.

The resolution was referred to the Committee on Rules and Legislative Administration.

McCollar introduced:

House Resolution No. 44, A house resolution congratulating Mariner High School of White Bear Lake on winning first place in the statewide high school mathematics contest.

The resolution was referred to the Committee on Rules and Legislative Administration.

Anderson, I., moved that S. F. No. 633 be unofficially engrossed and printed for the House, to include committee amendments. The motion prevailed.

Anderson, I., moved that the remaining bill on Special Orders for today be continued on Special Orders for Saturday, April 3, 1976, immediately following the Calendar. The motion prevailed.

ADJOURNMENT

Anderson, I., moved that when the House adjourns today it adjourn until 10:00 a.m., Saturday, April 3, 1976. The motion prevailed.

Anderson, I., moved that the House adjourn. The motion prevailed and the Speaker declared the House adjourned until 10:00 a.m., Saturday, April 3, 1976.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

STATE OF MINNESOTA

SIXTY-NINTH SESSION - 1976

ONE HUNDRED-FIFTH DAY

SAINT PAUL, MINNESOTA, SATURDAY, APRIL 3, 1976

The House convened at 10:00 a.m. and was called to order by the Speaker.

Prayer was offered by the Chaplain.

The roll was called and the following members were present:

Abeln	Dieterich	Jopp	Munger	Setzepfandt
Adams, L.	Doty	Jude	Neisen	Sieben, H.
Adams, S.	Eckstein	Kahn	Nelsen	Sieben, M.
Albrecht	Eken	Kaley	Nelson	Sieloff
Anderson, G.	Enebo	Kalis	Niehaus	Smith
Anderson, I.	Erickson	Kelly, R.	Norton	Smogard
Arlandson	Esau	Kelly, W.	Novak	Spanish
Beauchamp	Evans	Kempe, A.	Osthoff	Stanton
Begich	Ewald	Kempe, R.	Parish	Suss
Berg	Faricy	Ketola	Patton	Swanson
Berglin	Fjoslien	Knickerbocker	Pehler	Tomlinson
Biersdorf	Forsythe	Kostohryz	Peterson	Ulland
Birnstihl	Friedrich	Kvam	Petrafeso	Vanasek
Braun	Fudro	Laidig	Philbrook	Vento
Brinkman	Fugina	Langseth	Pleasant	Voss
Byrne	George	Lemke	Prahl	Wenstrom
Carlson, A.	Graba	Lindstrom	Reding	Wenzel
Carlson, L.	Hanson	Luther	Rice	White
Carlson, R.	Haugerud	Mangan	St. Onge	Wieser
Cassery	Heinitz	Mann	Samuelson	Wigley
Clark	Hokanson	McCauley	Sarna	Williamson
Clawson	Jacobs	McCollar	Savelkoul	Zubay
Corbid	Jaros	McEachern	Schreiber	Speaker Sabo
Dahl	Jensen	Menning	Schulz	
Dean	Johnson, C.	Metzen	Schumacher	
DeGroat	Johnson, D.	Moe	Searle	

A quorum was present.

Kroening, McCarron, Sherwood, Simoneau and Volk were excused. Knoll and Skoglund were excused until 11:50 a.m.

The Chief Clerk proceeded to read the Journal of the preceding day. On the motion of Esau the further reading was dispensed with and the Journal was approved as corrected.

REPORTS OF CHIEF CLERK

Pursuant to Rules of the House, printed copies of S. F. No. 633 have been placed in the members' files.

PETITIONS AND COMMUNICATIONS

The following communications were received:

STATE OF MINNESOTA
OFFICE OF THE GOVERNOR
ST. PAUL 55155

April 2, 1976

The Honorable Martin Sabo
Speaker of the House

Sir:

I have the honor to inform you that I received, approved, signed and deposited in the office of the Secretary of State the following House Files:

H. F. No. 290, An act relating to sex discrimination; abolishing discrimination on the basis of sex in certain insurance laws.

H. F. No. 435, An act relating to the city of Two Harbors in Lake county and the city of Eveleth in St. Louis county; providing for reimbursement of officers of the city of Two Harbors for wages lost during time spent on official business; authorizing the city of Eveleth to sell certain lands dedicated to the public for park or recreation purposes.

H. F. No. 718, An act relating to forcible entry and unlawful detainer; providing for stay of writ of restitution.

H. F. No. 910, An act relating to crimes; specifying the acts constituting arson and the possession of certain explosives; correcting an error in the definition of certain criminal sexual conduct; providing penalties.

H. F. No. 1199, An act relating to treatment for alcohol and drug abuse; providing for programs of intervention and treatment for employees, native Americans, and underserved groups.

H. F. No. 1372, An act relating to waters and drainage; drainage systems; authorizing reconsideration of engineers' and viewers' reports in certain instances; allowing consideration of changed circumstances due to inflation.

H. F. No. 1530, An act relating to land planning in the metropolitan area; requiring local adoption of minimum plans and controls.

H. F. No. 1751, An act relating to game and fish; authorizing use of muzzle loading muskets to take game; regulating the shining of wild animals.

H. F. No. 1870, An act relating to public employees; administrative expenses of salary deductions for annuity contracts.

H. F. No. 2155, An act relating to retirement; proportionate annuities for members of various funds; classification and allowances of Minneapolis city employees.

H. F. No. 2157, An act relating to public welfare; providing for administrative and judicial review of certain actions and decisions of local welfare agencies.

H. F. No. 2201, An act relating to the state planning agency; providing additional responsibilities for the state demographer.

H. F. No. 2263, An act relating to game and fish; clothing required during certain seasons.

Sincerely,

WENDELL R. ANDERSON
Governor

STATE OF MINNESOTA
OFFICE OF THE SECRETARY OF STATE
ST. PAUL 55155

April 2, 1976

The Honorable Martin O. Sabo
Speaker of the House of Representatives
The Honorable Alec G. Olson
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1976 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:

<i>S.F.</i> No.	<i>H.F.</i> No.	<i>Session Laws</i> <i>Chapter No.</i>	<i>Date Approved</i> 1976	<i>Date Filed</i> 1976
	595	95	March 31	April 1

<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Date Approved 1976</i>	<i>Date Filed 1976</i>
	1957	96	April 1	April 1
	1963	97	March 31	April 1
	1966	98	March 31	April 1
	2010	99	March 31	April 1
	2090	100	March 31	April 1
	2216	101	March 31	April 1
	2244	102	March 31	April 1
	2326	103	March 31	April 1
	2463	104	March 31	April 1
749		105	March 31	April 1
916		106	March 31	April 1
932		107	April 1	April 1
1273		108	April 1	April 1
1624		109	April 1	April 1
1627		110	April 1	April 1
1636		111	April 1	April 1
1825		112	March 31	April 1
1868		113	April 1	April 1
2030		114	April 1	April 1
2155		115	April 1	April 1
2161		116	March 31	April 1
2173		117	April 1	April 1
2174		118	March 31	April 1

S.F. No.	H.F. No.	Session Laws Chapter No.	Date Approved 1976	Date Filed 1976
2284		119	April 1	April 1

Sincerely,

JOAN ANDERSON GROWE
Secretary of State

The following conference committee reports were received:

CONFERENCE COMMITTEE REPORT ON H. 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 serve at the pleasure of the governor; eliminating obsolete language; amending Minnesota Statutes 1974, Sections 16.01; 16A.01, Subdivision 2; 17.01; 45.02; 45.15; 84.01, Subdivision 2; 116.03, Subdivision 1; 161.03, Subdivision 1; 175.001, Subdivision 1; 179.02; 196.02, Subdivision 1; 216A.06; 241.01, Subdivision 1; 245.03; 268.12, Subdivision 1; 270.02, Subdivision 2; 298.22, Subdivision 1; 299A.01, Subdivision 1; 360.014, Subdivision 2; 362.09, Subdivision 1; and 363.04, Subdivision 1.

March 29, 1976

The Honorable Martin O. Sabo
Speaker of the House of Representatives
The Honorable Alec G. Olson
President of the Senate

We, the undersigned conferees for H. F. No. 109 report that we have agreed upon the items in dispute and recommend as follows:

That H. F. No. 109, be amended as follows:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1974, Section 15.06, is amended to read:

15.06 [APPOINTMENT OF DEPARTMENT HEADS; TERMS, DEPUTIES.] *Subdivision 1.* [APPLICABILITY.] *This section applies to the following departments or agencies: the departments of administration, aeronautics, agriculture, corrections, economic development, education, employment services, finance, health, highways, human rights, labor and industry, natural resources, personnel, public safety, public welfare, revenue, and veterans affairs; the banking, insurance and securities divi-*

sions and the consumer services section of the department of commerce; the energy, housing finance and pollution control agencies; the office of director of the department of public service; the office of commissioner of iron range resources and rehabilitation; and the bureau of mediation services. The heads of the foregoing departments or agencies are referred to in this section as "commissioners".

Subd. 2. [ASSUMPTION OF OFFICE.] *The appointing authority shall submit to the president of the senate the name of an appointee as commissioner within 90 days after the end of the term of a commissioner as defined in subdivision 3 and within 90 days after the occurrence of a vacancy. The commissioner shall take office when the senate notifies the appointing authority that it has advised and consented to the appointment. Prior to the advice and consent of the senate, the appointing authority may designate the appointee as "acting commissioner", and upon this designation the appointee shall immediately have all the powers and emoluments and perform all the duties of the office. No person shall serve as acting commissioner after the senate has voted to refuse to advise and consent to his appointment.*

Subd. 3. [TERM.] *The term of a commissioner shall end with the term of the governor. Other than the commissioner of personnel a commissioner shall serve at the pleasure of the appointing authority.*

Subd. 4. [END OF TERM; VACANCY; ACTING COMMISSIONER.] *At the end of the term of a commissioner, the incumbent commissioner may at the discretion of the appointing authority serve as acting commissioner until his successor is appointed and qualifies. If at the end of a term of a commissioner the incumbent commissioner is not designated as acting commissioner, or if a vacancy occurs in the office of a commissioner, the deputy commissioner as defined in subdivision 6 shall immediately become temporary commissioner without further official action. If there is more than one deputy commissioner, the appointing authority of the commissioner shall designate which of the deputies shall be temporary commissioner. If there is no deputy commissioner, the appointing authority of the commissioner shall designate an acting commissioner. Upon the appointment of a commissioner and the designation of the appointee as acting commissioner, the appointee shall immediately take the place of any other acting or temporary commissioner. Notice of the designation of an acting commissioner or assumption of office by a temporary commissioner shall be filed with the president of the senate with a copy delivered to the secretary of state.*

Subd. 5. [GENERAL POWERS OF COMMISSIONERS.] *Except as otherwise expressly provided by law, (THE) a commissioner (OR HEAD OF ANY STATE DEPARTMENT OR AGENCY) shall have the following powers:*

((I) TO DESIGNATE A DIVISION DIRECTOR OR OTHER SUBORDINATE AS HIS DEPUTY TO SERVE AS SUCH AT HIS PLEASURE, WITH FULL AUTHORITY TO ACT FOR

HIM, BUT SUBJECT TO HIS CONTROL; AND IN CASE OF A VACANCY IN THE OFFICE OF SUCH COMMISSIONER OR HEAD, SUCH DEPUTY SHALL DISCHARGE THE NECESSARY DUTIES OF THE OFFICE UNTIL THE VACANCY BE FILLED;)

((2)) (1) To delegate to any of his subordinate (OFFICERS OR) employees the exercise (OF SUCH) of his *specified statutory* powers or duties as he may deem advisable, subject to his control; provided, that every (SUCH) delegation shall be made by written order, filed with the secretary of state; and further provided that only a deputy commissioner may have all the powers or duties of the commissioner;

((3)) (2) To appoint all subordinate (OFFICERS AND) employees (IN HIS DEPARTMENT OR AGENCY) and to prescribe their duties (AND FIX THEIR COMPENSATION); provided, that all departments and agencies (HEREUNDER) shall be subject to the provisions of (ANY CIVIL SERVICE LAW NOW OR HEREAFTER ENACTED, SO FAR AS APPLICABLE) *chapter 43*;

((4)) (3) With the approval of the commissioner of administration, to (ESTABLISH WITHIN) *organize* his department or agency (SUCH BUREAUS OR SUBDIVISIONS) as he may deem advisable in the interest of economy and efficiency; and

((5)) (4) To prescribe (RULES AND REGULATIONS, NOT INCONSISTENT WITH LAW,) *procedures* for the (CONDUCT) *internal management* of his department or agency (AND OTHER MATTERS WITHIN THE SCOPE OF THE FUNCTIONS THEREOF, INCLUDING THE CUSTODY AND PRESERVATION OF BOOKS, RECORDS, PAPERS, DOCUMENTS, AND OTHER PROPERTY, AND THE CERTIFICATION OF COPIES OF PAPERS AND DOCUMENTS; PROVIDED, THAT EVERY RULE OR REGULATION AFFECTING ANY PERSON OR AGENCY, OTHER THAN A MEMBER OF THE DEPARTMENT OR AGENCY CONCERNED, SHALL BE FILED WITH THE SECRETARY OF STATE) *to the extent that the procedures do not directly affect the rights of or procedure available to the public.*

Subd. 6. [DEPUTY COMMISSIONER.] For purposes of this section, a "deputy commissioner" shall also include a "deputy director" when the department head bears the title "director". A deputy commissioner of a department or agency specified in subdivision 1 shall be in the unclassified civil service and shall be immediately subordinate to the commissioner. He shall have all the powers and authority of the commissioner unless the commissioner directs otherwise, and he shall speak for the commissioner within and without the department or agency. The primary duty of a deputy shall be to assist the commissioner in the general management of the entire department or agency or of major parts thereof, and shall not consist of operating single functional areas. A deputy commissioner serves at the pleasure of the commissioner.

Subd. 7. [NUMBER OF DEPUTY COMMISSIONERS.] Unless specifically prescribed by statute, or unless a deputy commissioner position has been authorized and approved pursuant to section 43.09, subdivision 2a, prior to the effective date of this act, no department or agency specified in subdivision 1 shall have more than one deputy commissioner. Notwithstanding any other law to the contrary, none of the departments or agencies shall have more than two deputy commissioners.

Subd. 8. [PRIVATE EMPLOYMENT.] No commissioner or deputy commissioner shall, within one year after leaving his position as commissioner or deputy commissioner, accept private employment in a matter in which he had substantial responsibility during his preceding two years as a state employee.

Sec. 2. [4.035] [EXECUTIVE ORDERS.] Subdivision 1. [APPLICABILITY.] A written statement or order executed by the governor pursuant to his constitutional or statutory authority and denominated by him as an executive order, or a statement or order of the governor required by law to be in the form of an executive order, shall be uniform in format, shall be numbered consecutively, and shall be effective and expire as provided in this section. Executive orders creating agencies shall be consistent with the provisions of this section and section 5.

Subd. 2. [EFFECTIVE DATE.] An executive order issued pursuant to sections 12.31 to 12.32 or any other emergency executive order issued to protect a person from an imminent threat to his health and safety shall be effective immediately and shall be filed with the secretary of state and published in the state register as soon as possible after its issuance. Emergency executive orders shall be identified as such in the order. Any other executive order shall be effective, and shall be filed with the secretary of state, 15 days after its publication in the state register. The governor shall submit a copy of the executive order to the commissioner of administration to facilitate publication in the state register.

Subd. 3. [EXPIRATION DATE.] Unless an earlier date is specified by statute or by executive order, an executive order shall expire 30 days after the date that the governor who issued the order vacates his office.

Sec. 3. Minnesota Statutes, 1975 Supplement, Section 15.051, Subdivision 1, is amended to read:

15.051 [STATE REGISTER.] Subdivision 1. [PURPOSE.] The commissioner of administration shall publish a state register containing all notices for hearings concerning rules, giving time, place and purpose of the hearing and the full text of the action being proposed. Further, the register shall contain all rules, amendments, suspensions, or repeals thereof, pursuant to the provisions of this chapter. The commissioner shall further pub-

lish any executive order issued by the governor which shall be come effective (UPON SUCH) 15 days after publication except as provided in section 2, subdivision 2. The commissioner shall further publish any official notices in the register which a state agency requests him to publish. Such notices shall include, but shall not be limited to, the date on which a new agency becomes operational, the assumption of a new function by an existing state agency, or the appointment of commissioners. The commissioner may prescribe the form and manner in which agencies submit any material for publication in the state register, and he may withhold publication of any material not submitted according to the form or procedures he has prescribed.

The commissioner of administration may organize and distribute the contents of the register according to such categories as will provide economic publication and distribution and will offer easy access to information by any interested party.

Sec. 4. Minnesota Statutes 1974, Section 15.051, Subdivision 3, is amended to read:

Subd. 3. [SUBMISSION OF ITEMS FOR PUBLICATION.] Any state agency which desires to publish a notice of hearing, rule or regulation or change thereof (, OR AN EXECUTIVE ORDER,) shall submit a copy of the entire document, including dates when adopted, and filed with the secretary of state, to the commissioner of administration in addition to any other copies which may be required to be filed with the commissioner by other law.

Sec. 5. [15.0593] [AGENCIES CREATED BY EXECUTIVE ORDER.] *The governor may by executive order create in his office advisory task forces, councils and committees to advise or assist him on matters relating to the laws of this state. A task force, council or committee so created shall have no more than 15 members, and vacancies may be filled by the governor. Members of a task force, council or committee shall receive no per diem but may be paid expenses in the same manner as state employees. A task force, council or committee shall expire two years after the date of order unless otherwise specified consistent with section 2, subdivision 3. The task force, council or committee shall be named beginning with the prefix "Governor's Task Force on", "Governor's Council on" or "Governor's Committee on". The governor shall not create a board, commission, authority or other similar multi-member agency except as provided in this section. A multi-member agency previously created by executive order shall be renamed and shall be consistent with the provisions of this section. Nothing in this section shall apply, to the extent inconsistent with statute or federal law, to any multi-member agency specifically authorized by statute or specifically authorized by federal law as a condition precedent to the receipt of federal moneys.*

Sec. 6. Minnesota Statutes 1974, Section 16.01, is amended to read:

16.01 [COMMISSIONER OF ADMINISTRATION.] The department of administration shall be under the supervision and control of a commissioner of administration, in (SECTIONS 16.01 TO 16.23) *chapter 16* also referred to as the commissioner (, WHO SHALL BE EX OFFICIO THE STATE BUDGET DIRECTOR AND STATE PURCHASING AGENT).

The commissioner (OF ADMINISTRATION, WHO SHALL BE IN UNCLASSIFIED SERVICE,) shall be appointed by the governor (, BY AND WITH THE ADVICE AND CONSENT OF THE SENATE FOR A FOUR YEAR TERM WHICH SHALL COINCIDE WITH THE TERM OF THE GOVERNOR AND UNTIL HIS SUCCESSOR IS DULY APPOINTED AND HAS QUALIFIED. THE GOVERNOR MAY REMOVE THE COMMISSIONER AT ANY TIME FOR CAUSE AFTER NOTICE AND HEARING. IN CASE OF A VACANCY, THE GOVERNOR MAY APPOINT A COMMISSIONER WHO SHALL IMMEDIATELY TAKE OFFICE AND SHALL CARRY ON ALL OF THE DUTIES OF THE OFFICE UNTIL THE NEXT SESSION OF THE LEGISLATURE, WHEN HIS APPOINTMENT SHALL BE SUBMITTED TO THE SENATE FOR APPROVAL) *under the provisions of section 1.*

Sec. 7. Minnesota Statutes 1974, Section 16A.01, Subdivision 2, is amended to read:

Subd. 2. The commissioner of finance is appointed by the governor (BY AND WITH THE ADVICE AND CONSENT OF THE SENATE) *under the provisions of section 1.* The commissioner (SO APPOINTED) shall have broad experience as an executive financial manager. (THE COMMISSIONER SHALL SERVE AT THE PLEASURE OF THE GOVERNOR. A VACANCY IN THE OFFICE OF THE COMMISSIONER SHALL BE FILLED BY THE GOVERNOR, WITH THE ADVICE AND CONSENT OF THE SENATE.)

Sec. 8. Minnesota Statutes 1974, Section 16A.01, Subdivision 3, is amended to read:

Subd. 3. The commissioner may appoint two deputy commissioners, and a confidential secretary, each of whom shall serve at the pleasure of the commissioner in the unclassified service. (EXCEPT AS MAY BE OTHERWISE PROVIDED FOR BY LAW, THE COMMISSIONER SHALL FIX THE COMPENSATION OF EACH DEPUTY. A DEPUTY MAY PERFORM AND EXERCISE A POWER, DUTY, OR RESPONSIBILITY IMPOSED BY LAW ON THE COMMISSIONER WHEN AUTHORIZED SO TO DO BY THE COMMISSIONER.)

Sec. 9. Minnesota Statutes 1974, Section 16.125, is amended to read:

16.125 [TRANSFER OF POWERS OR DUTIES.] *Subdivision 1.* The (AUTHORITY OF THE) commissioner of administration (UNDER SECTIONS 16.13 AND 16.135, INCLUDES THE AUTHORITY TO TRANSFER FUNCTIONS), *in order to improve efficiency or avoid duplication, may transfer powers or duties, and personnel necessary to perform the powers or duties, of a department (TO ANOTHER WITH THE APPROVAL OF THE GOVERNOR) or agency to another department or agency that has been in existence for at least one year prior to the date of transfer. A transfer must have received the prior approval of the governor.*

Subd. 2. [FORM OF TRANSFER; EFFECTIVE DATE.] A transfer made pursuant to subdivision 1 shall be in the form of a reorganization order. A reorganization order shall be filed with the secretary of state, shall be uniform in format and shall be numbered consecutively. An order shall be effective upon filing with the secretary of state and shall remain in effect until amended or superseded. Copies of the filed order shall be delivered promptly by the commissioner to the secretary of the senate and the chief clerk of the house. A reorganization order which transfers all or substantially all of the powers or duties or personnel of a department, the energy agency, the housing finance or the pollution control agency shall not be effective until ratified by concurrent resolution or enacted into law.

Subd. 3. (IN CASE OF TRANSFER OF FUNCTION) The commissioner of finance shall determine the fractional part of the appropriation to the department or agency from which the (FUNCTION) power or duty is transferred (FOR THE FUNCTION) represented by that transferred power or duty, and that part of the appropriation is hereby reappropriated to the transferee department (ASSIGNED THE FUNCTION. THE COMMISSIONER SHALL FORTHWITH REPORT THE TRANSFERS TO THE COMMITTEE ON FINANCE IN THE SENATE AND THE COMMITTEE ON APPROPRIATIONS IN THE HOUSE OF REPRESENTATIVES) or agency.

Sec. 10. Minnesota Statutes 1974, Section 17.01, is amended to read:

17.01 [CREATION OF DEPARTMENT; COMMISSIONER; DEPUTY.] There is (HEREBY) created a department of agriculture, which shall be in the charge of a commissioner (, WHO SHALL BE IN UNCLASSIFIED SERVICE, TO BE KNOWN AS THE COMMISSIONER) of agriculture, in chapter 17 called the commissioner (, WHO). He shall be appointed by the governor (, BY AND WITH THE ADVICE AND CONSENT OF THE SENATE FOR A FOUR YEAR TERM WHICH SHALL COINCIDE WITH THE TERM OF THE GOVERNOR AND UNTIL HIS SUCCESSOR IS DULY APPOINTED AND HAS QUALIFIED. THE GOVERNOR MAY REMOVE THE COMMISSIONER AT ANY TIME FOR CAUSE AFTER NOTICE AND HEARING. ON JANUARY 4, 1971, THE TERM OF THE IN-

CURRENT COMMISSIONER OF AGRICULTURE SHALL EXPIRE. IN CASE OF A VACANCY, THE GOVERNOR MAY APPOINT A COMMISSIONER WHO SHALL IMMEDIATELY TAKE OFFICE AND SHALL CARRY ON ALL OF THE DUTIES OF THE OFFICE UNTIL THE NEXT SESSION OF THE LEGISLATURE, WHEN HIS APPOINTMENT SHALL BE SUBMITTED TO THE SENATE FOR APPROVAL) *under the provisions of section 1.* Before entering upon the duties of his office, he shall take (AND SUBSCRIBE) the oath required of state officials (AND GIVE HIS BOND TO THE STATE OF MINNESOTA, TO BE APPROVED BY, AND FILED WITH, THE SECRETARY OF STATE, FOR THE SUM OF \$5,000, CONDITIONED FOR THE FAITHFUL PERFORMANCE OF HIS DUTIES). He may appoint a deputy (WHO SHALL BE IN THE UNCLASSIFIED SERVICE,) *commissioner* (AND SUCH OTHER ASSISTANTS, CLERKS, AND EMPLOYEES AS OCCASION MAY REQUIRE).

Sec. 11. Minnesota Statutes 1974, Section 43.001, Subdivision 2, is amended to read:

Subd. 2. The commissioner of personnel is appointed by the governor (BY AND WITH THE ADVICE AND CONSENT OF THE SENATE FOR A TERM WHICH COINCIDES WITH THE TERM OF THE GOVERNOR AND UNTIL HIS SUCCESSOR IS DULY APPOINTED AND QUALIFIES) *under the provisions of section 1.* He shall have broad experience in a managerial position including about five years as an executive personnel manager in one or more organizations essentially similar in complexity to state government. The governor may remove the commissioner only for cause, and after a public hearing. (A VACANCY IN THE OFFICE OF THE COMMISSIONER SHALL BE FILLED BY THE APPOINTING AUTHORITY FOR THE UNEXPIRED TERM.)

Sec. 12. Minnesota Statutes 1974, Section 43.001, Subdivision 3 is amended to read:

Subd. 3. The commissioner may appoint two deputy commissioners and a confidential secretary, each of whom shall serve at the pleasure of the commissioner in the unclassified service. (EXCEPT AS MAY BE OTHERWISE PROVIDED FOR BY LAW, THE COMMISSIONER SHALL FIX THE COMPENSATION OF EACH DEPUTY COMMISSIONER. A DEPUTY COMMISSIONER MAY PERFORM AND EXERCISE A POWER, DUTY, OR RESPONSIBILITY IMPOSED BY LAW ON THE COMMISSIONER WHEN AUTHORIZED SO TO DO BY THE COMMISSIONER.)

Sec. 13. Minnesota Statutes 1974, Section 45.02, is amended to read:

45.02 [COMMISSIONERS; APPOINTMENT, TERMS, VACANCIES.] The governor(, BY AND WITH THE ADVICE

AND CONSENT OF THE SENATE,) shall appoint the members of the commission *under the provisions of section 1.* (THE TERM OF EACH MEMBER SHALL BE SIX YEARS. IN CASE OF A VACANCY IT SHALL BE FILLED FOR THE UNEXPIRED PORTION OF THE TERM.) Each member of the commission, before entering upon the discharge of his duties, shall take(, SUBSCRIBE,) and file with the secretary of state(,) the oath of office prescribed by the constitution (, AND SHALL GIVE BOND TO THE STATE, THE COMMISSIONER OF BANKS IN THE AMOUNT OF \$50,000, THE COMMISSIONER OF INSURANCE IN THE AMOUNT OF \$25,000, AND THE COMMISSIONER OF SECURITIES IN THE AMOUNT OF \$10,000, CONDITIONED FOR THE FAITHFUL DISCHARGE OF HIS DUTIES DURING HIS CONTINUANCE IN OFFICE AND FOR THE PAYMENT WITHOUT DELAY TO THE OFFICER OR PERSON ENTITLED BY LAW THERETO OF ALL MONEYS WHICH SHALL COME INTO HIS HANDS BY VIRTUE THEREOF).

A majority of the commission shall constitute a quorum.

(EACH COMMISSONER SHALL RECEIVE A SALARY IN AN AMOUNT SET BY THE LEGISLATURE PAYABLE SEMI-MONTHLY, AND EACH SHALL DEVOTE HIS ENTIRE TIME TO THE DUTIES OF HIS OFFICE.)

Sec. 14. Minnesota Statutes 1974, Section 45.15, is amended to read:

45.15 [ESTABLISHMENT OF CONSUMER SERVICES SECTION.] A section of consumer services is established in the department of commerce under the supervision and control of a director of consumer services. The director of consumer services is appointed by the governor (, BY AND WITH THE ADVICE AND CONSENT OF THE SENATE, FOR A FOUR YEAR TERM WHICH SHALL COINCIDE WITH THE TERM OF THE GOVERNOR AND UNTIL A SUCCESSOR IS DULY APPOINTED AND QUALIFIES. A VACANCY IN THE OFFICE OF DIRECTOR SHALL BE FILLED FOR THE UNEXPIRED TERM) *under the provisions of section 1.*

Sec. 15. Minnesota Statutes 1974, Section 84.01, Subdivision 2, is amended to read:

Subd. 2. The commissioner of natural resources is appointed by the governor (, BY AND WITH THE ADVICE AND CONSENT OF THE SENATE FOR A FOUR YEAR TERM WHICH SHALL COINCIDE WITH THE TERM OF THE GOVERNOR AND UNTIL HIS SUCCESSOR IS DULY APPOINTED AND QUALIFIES. A VACANCY IN THE OFFICE OF THE COMMISSIONER SHALL BE FILLED FOR THE UNEXPIRED PORTION OF THE TERM) *under the provisions of section 1.* The commissioner may appoint a deputy (WHO SHALL SERVE

AT THE PLEASURE OF THE COMMISSIONER IN THE UNCLASSIFIED SERVICE. THE SALARY OF SUCH DEPUTY IS FIXED BY THE COMMISSIONER EXCEPT WHEN OTHERWISE EXPRESSLY PROVIDED FOR BY LAW. THE DEPUTY MAY PERFORM AND EXERCISE EVERY POWER, DUTY, AND RESPONSIBILITY IMPOSED BY LAW UPON THE COMMISSIONER WHEN AUTHORIZED SO TO DO BY THE COMMISSIONER) *commissioner*.

Sec. 16. Minnesota Statutes 1974, Section 116.03, Subdivision 1, is amended to read:

116.03 [DIRECTOR.] Subdivision 1. (a) The office of director of the pollution control agency is created and is under the supervision and control of the director, who is appointed by the governor (BY AND WITH THE CONSENT OF THE SENATE FOR A FOUR YEAR TERM, WHICH SHALL COINCIDE WITH THE TERM OF THE GOVERNOR, AND UNTIL HIS SUCCESSOR IS DULY APPOINTED AND QUALIFIES. THE GOVERNOR MAY REMOVE THE DIRECTOR AT ANY TIME AT HIS PLEASURE. A VACANCY IN THE OFFICE OF DIRECTOR SHALL BE FILLED BY THE GOVERNOR BY AND WITH THE CONSENT OF THE SENATE, FOR THE UNEXPIRED PORTION OF THE TERM) *under the provisions of section 1.*

((B) IN ORDER TO EXPEDITE THE ESTABLISHING AND FUNCTIONING OF THE POLLUTION CONTROL AGENCY, THE GOVERNOR SHALL FORTHWITH APPOINT AN ACTING DIRECTOR, WHO SHALL HAVE ALL THE POWERS AND DUTIES OF THE DIRECTOR AS PROVIDED IN SECTIONS 116.01 TO 116.08. THE ACTING DIRECTOR MAY BE A PERSON IN THE SERVICE OF THE STATE AT THE TIME OF HIS APPOINTMENT, AND WHO WHILE SERVING AS ACTING DIRECTOR IS ON LEAVE OF ABSENCE FROM HIS REGULAR OFFICE OR POSITION IN THE STATE SERVICE. THE ACTING DIRECTOR SHALL SERVE AS SUCH UNTIL THE DIRECTOR IS APPOINTED AND QUALIFIES AS SUCH DIRECTOR. PENDING THE ABOLISHMENT OF THE WATER POLLUTION CONTROL COMMISSION AS SPECIFIED IN SECTION 116.02, SUBDIVISION 5, THE DIRECTOR OR ACTING DIRECTOR, AS THE CASE MAY BE, IS THE SECRETARY OF SUCH COMMISSION IN LIEU OF THE SECRETARY AND EXECUTIVE OFFICER OF THE STATE BOARD OF HEALTH.)

((C)) (b) The director may appoint a deputy director and an assistant director who shall be in the unclassified service. (THE DIRECTOR MAY DESIGNATE THE DEPUTY DIRECTOR TO THE AGENCY TO ACT IN HIS STEAD AS A MEMBER, WITH ALL HIS RIGHTS AND PRIVILEGES THEREIN, OF ANY AGENCY, BOARD, COMMITTEE, OR COMMISSION THAT THE DIRECTOR IS MADE A MEMBER OF BY LAW. THE DESIGNATION SHALL BE FILED WITH SEC-

RETARY OF STATE. THE SALARY OF THE DEPUTY DIRECTOR AND OF THE ASSISTANT DIRECTOR SHALL BE PROVIDED BY LAW.)

Sec. 17. Minnesota Statutes 1974, Section 116H.03, Subdivision 2, is amended to read:

Subd. 2. The agency shall be under the supervision of the director who shall organize the agency (AND EMPLOY SUCH OTHER OFFICERS, AGENTS AND EMPLOYEES AS ARE NECESSARY TO CARRY OUT THE FUNCTIONS OF THE AGENCY. DUTIES OF SUCH OFFICERS, AGENTS AND EMPLOYEES SHALL BE AS SPECIFIED BY THE DIRECTOR).

Sec. 18. Minnesota Statutes 1974, Section 116H.03, Subdivision 3, is amended to read:

Subd. 3. The director shall be appointed by the governor (WITH THE ADVICE AND CONSENT OF THE SENATE, TO A FOUR YEAR TERM WHICH SHALL COINCIDE WITH THE TERM OF THE GOVERNOR AND UNTIL HIS SUCCESSOR IS DULY APPOINTED AND QUALIFIED) *under the provisions of section 1.* In appointing the director the governor should give due consideration to the listing of names submitted by the commission pursuant to section 116H.04. (THE DIRECTOR SHALL SERVE AT THE PLEASURE OF THE GOVERNOR.)

(A VACANCY IN THE OFFICE OF DIRECTOR SHALL BE FILLED BY THE GOVERNOR AND THE NEW APPOINTEE SHALL IMMEDIATELY TAKE OFFICE AND CARRY OUT ALL DUTIES UNTIL THE NEXT SESSION OF THE LEGISLATURE WHEN HIS APPOINTMENT SHALL BE SUBMITTED TO THE SENATE FOR CONFIRMATION.)

The director may appoint a deputy (WHO SHALL SERVE AT HIS PLEASURE). The salaries of the director and the deputy shall be fixed by the governor until otherwise expressly provided for by law. (THE DEPUTY MAY BE AUTHORIZED BY THE DIRECTOR TO PERFORM EVERY DUTY, POWER AND RESPONSIBILITY IMPOSED ON THE DIRECTOR UNLESS EXPRESSLY FORBIDDEN BY LAW.) The director and his deputy shall serve in the unclassified service and shall be members of the Minnesota state retirement system.

Sec. 19. Minnesota Statutes 1974, Section 161.03, Subdivision 1, is amended to read:

161.03 [COMMISSONER OF HIGHWAYS.] Subdivision 1. [OFFICE CREATED.] The office of commissioner of highways is created. He shall be appointed by the governor (, BY AND WITH THE ADVICE AND CONSENT OF THE SEN-

ATE FOR A FOUR YEAR TERM WHICH SHALL COINCIDE WITH THE TERM OF THE GOVERNOR AND UNTIL HIS SUCCESSOR IS DULY APPOINTED AND QUALIFIES. THE GOVERNOR MAY REMOVE ANY COMMISSIONER AT ANY TIME FOR CAUSE AFTER NOTICE AND HEARING. IN CASE OF A VACANCY, THE GOVERNOR MAY APPOINT A COMMISSIONER, WHO SHALL IMMEDIATELY TAKE OFFICE AND SHALL CARRY ON ALL OF THE DUTIES OF THE OFFICE UNTIL THE NEXT SESSION OF THE LEGISLATURE; WHEN HIS APPOINTMENT SHALL BE SUBMITTED TO THE SENATE FOR APPROVAL. THE COMMISSIONER SHALL BE IN UNCLASSIFIED SERVICE. ON JANUARY 4, 1971, THE TERM OF THE INCUMBENT COMMISSIONER OF HIGHWAYS SHALL EXPIRE) *under the provisions of section 1.*

Sec. 20. Minnesota Statutes 1974, Section 161.03, Subdivision 4, is amended to read:

Subd. 4. [DEPUTY COMMISSIONER.] The commissioner may appoint a deputy (WHO SHALL SERVE IN THE CLASSIFIED SERVICE OF THE STATE) *commissioner.* (THE DEPUTY MAY PERFORM AND EXERCISE EVERY POWER, DUTY, AND RESPONSIBILITY IMPOSED BY LAW UPON THE COMMISSIONER WHEN SO AUTHORIZED BY THE COMMISSIONER.)

Sec. 21. Minnesota Statutes 1974, Section 175.001, Subdivision 1, is amended to read:

175.001 [DEPARTMENT OF LABOR AND INDUSTRY.] Subdivision 1. [CREATION AND ORGANIZATION.] The department of labor and industry is created under the supervision and control of the commissioner of labor and industry which office is hereby established. The commissioner of labor and industry (, WHO SHALL BE IN UNCLASSIFIED SERVICE,) shall be appointed by the governor (BY AND WITH THE ADVICE AND CONSENT OF THE SENATE FOR A FOUR YEAR TERM WHICH SHALL COINCIDE WITH THE TERM OF THE GOVERNOR AND UNTIL HIS SUCCESSOR IS DULY APPOINTED AND HAS QUALIFIED. THE GOVERNOR MAY REMOVE THE COMMISSIONER AT ANY TIME FOR CAUSE AFTER NOTICE AND HEARING. IN CASE OF A VACANCY, THE GOVERNOR MAY APPOINT A COMMISSIONER, WHO SHALL IMMEDIATELY TAKE OFFICE AND SHALL CARRY ON ALL OF THE DUTIES OF THE OFFICE UNTIL THE NEXT SESSION OF THE LEGISLATURE, WHEN HIS APPOINTMENT SHALL BE SUBMITTED TO THE SENATE FOR APPROVAL. ON JANUARY 4, 1971, THE TERM OF THE INCUMBENT COMMISSIONER SHALL EXPIRE) *under the provisions of section 1.*

Sec. 22. Minnesota Statutes 1974, Section 179.02, is amended to read:

179.02 [BUREAU OF MEDIATION SERVICES.] *Subdivision 1.* There is (HEREBY) established (IN THE DEPARTMENT OF LABOR AND INDUSTRY) a bureau of mediation services (, BUT NOT IN ANY WAY SUBJECT TO THE CONTROL OF THE DEPARTMENT. THIS BUREAU SHALL BE) under the supervision and control of a director. (THE OFFICE OF DIRECTOR SHALL, AS OF THE EFFECTIVE DATE OF THIS ACT, BE FILLED BY THE PERSON THEN HOLDING THE OFFICE OF LABOR CONCILIATOR AND HIS TERM SHALL EXPIRE AS OF THE DATE HIS TERM AS LABOR CONCILIATOR WOULD HAVE EXPIRED. THEREAFTER) The director shall be appointed by the governor (WITH THE ADVICE AND CONSENT OF THE SENATE. HE SHALL HOLD OFFICE FOR A TERM OF FOUR YEARS) *under the provisions of section 1.*

Subd. 2. The governor may, from time to time, appoint special mediators to aid in the settlement of particular labor disputes or controversies who shall have the same power and authority as the director with respect to such dispute and such appointment shall be for the duration only of the particular dispute. Such special mediators shall be paid a per diem of \$75 per day while so engaged and their necessary expenses. The director shall prepare a roster of persons qualified to act as such special mediators and keep the same revised at all times and available to the governor and the public.

(THE DIRECTOR MAY EMPLOY AND DISCHARGE MEDIATORS, CLERKS AND OTHER EMPLOYEES AS NEEDED, FIX THEIR COMPENSATION, AND ASSIGN THEM THEIR DUTIES. AS OF THE EFFECTIVE DATE OF THIS ACT THE DIVISION OF CONCILIATION, HERETOFORE ESTABLISHED, SHALL BE ABOLISHED, AND ALL OF ITS POWERS AND DUTIES TRANSFERRED TO THE BUREAU OF MEDIATION SERVICES. ANY MATTERS PENDING IN OR BY THE DIVISION OF CONCILIATION AS OF SUCH DATE SHALL THEN AND THEREAFTER BE CARRIED ON IN THE NAME OF THE BUREAU OF MEDIATION SERVICES.)

Sec. 23. Minnesota Statutes 1974, Section 196.02, Subdivision 1, is amended to read:

196.02 [COMMISSIONER OF VETERANS AFFAIRS.] *Subdivision 1.* [APPOINTMENT; QUALIFICATIONS.] The department shall be under the supervision and control of a commissioner of Veterans' Affairs who shall be appointed by the governor (BY AND WITH THE ADVICE AND CONSENT OF THE SENATE FOR A FOUR YEAR TERM WHICH SHALL COINCIDE WITH THE TERM OF THE GOVERNOR AND UNTIL HIS SUCCESSOR IS DULY APPOINTED AND HAS QUALIFIED. THE GOVERNOR MAY REMOVE THE COMMISSIONER AT ANY TIME FOR CAUSE AFTER NOTICE

AND HEARING. THE COMMISSIONER SHALL BE IN UNCLASSIFIED SERVICE) *under the provisions of section 1.* No person shall be eligible to receive appointment as commissioner 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 of the armed forces of the United States as defined in section 197.447. (IN CASE OF A VACANCY, THE GOVERNOR MAY APPOINT A COMMISSIONER, WHO SHALL IMMEDIATELY TAKE OFFICE AND SHALL CARRY ON ALL OF THE DUTIES OF THE OFFICE UNTIL THE NEXT SESSION OF THE LEGISLATURE, WHEN HIS APPOINTMENT SHALL BE SUBMITTED TO THE SENATE FOR APPROVAL. ON JANUARY 4, 1971, THE TERM OF THE INCUMBENT COMMISSIONER SHALL EXPIRE.)

Sec. 24. Minnesota Statutes 1974, Section 216A.06, Subdivision 1, is amended to read:

216A.06 [DIRECTOR.] Subdivision 1. [ESTABLISHMENT OF OFFICE, APPOINTMENT; TERM.] The office of director (OF THE ADMINISTRATIVE DIVISION) of the department of public service is hereby established. He shall be appointed by the governor (WITH THE ADVICE AND CONSENT OF THE SENATE, FOR A FOUR YEAR TERM AND THE INITIAL TERM TO EXPIRE ON THE FIRST MONDAY IN JANUARY, 1971) *under the provisions of section 1.*

Sec. 25. Minnesota Statutes 1974, Section 241.01, Subdivision 1, is amended to read:

241.01 [CREATION OF DEPARTMENT.] Subdivision 1. [COMMISSIONER.] The department of corrections is (HEREBY) created under the control and supervision of the commissioner of corrections which office is (HEREBY) established. The commissioner of corrections (, WHO SHALL BE IN UNCLASSIFIED SERVICE,) shall be selected without regard to political affiliation and shall have wide and successful administrative experience in correctional programs embodying rehabilitative concepts. The commissioner shall be appointed by the governor (, BY AND WITH THE ADVICE AND CONSENT OF THE SENATE FOR A FOUR YEAR TERM WHICH SHALL COINCIDE WITH THE TERM OF THE GOVERNOR AND UNTIL HIS SUCCESSOR IS DULY APPOINTED AND HAS QUALIFIED. THE GOVERNOR MAY REMOVE THE COMMISSIONER AT ANY TIME FOR CAUSE AFTER NOTICE AND HEARING. IN CASE OF A VACANCY, THE GOVERNOR MAY APPOINT A COMMISSIONER, WHO SHALL IMMEDIATELY TAKE OFFICE AND SHALL CARRY ON ALL OF THE DU-

TIES OF THE OFFICE UNTIL THE NEXT SESSION OF THE LEGISLATURE, WHEN HIS APPOINTMENT SHALL BE SUBMITTED TO THE SENATE FOR APPROVAL. ON JANUARY 4, 1971, THE TERM OF THE INCUMBENT COMMISSIONER SHALL EXPIRE) *under the provisions of section 1.*

Sec. 26. Minnesota Statutes 1974, Section 241.01, Subdivision 2, is amended to read:

Subd. 2. [DIVISIONS; DEPUTIES.] The commissioner of corrections may appoint and employ no more than (FOUR) *two* deputy commissioners (WHO SHALL SERVE AT THE PLEASURE OF THE COMMISSIONER IN THE UNCLASSIFIED SERVICE OF THE STATE CIVIL SERVICE). (EACH DEPUTY MAY PERFORM AND EXERCISE EVERY DUTY, POWER AND RESPONSIBILITY IMPOSED BY LAW UPON THE COMMISSIONER WHEN AUTHORIZED TO SO DO BY THE COMMISSIONER. APPOINTMENTS TO EXERCISE DELEGATED POWER SHALL BE BY WRITTEN ORDER FILED WITH THE SECRETARY OF STATE. EACH DEPUTY MAY PERFORM AND EXERCISE EVERY DUTY, POWER, AND RESPONSIBILITY IMPOSED BY LAW UPON THE COMMISSIONER WHEN AUTHORIZED SO TO DO BY THE COMMISSIONER.) The commissioner may also appoint a personal secretary, who shall serve at his pleasure in the unclassified *civil* service (OF THE STATE, AND FIX THE SALARY OF SAID SECRETARY COMMENSURATE WITH SALARIES FOR SIMILAR SERVICES IN THE CLASSIFIED SERVICE).

Sec. 27. Minnesota Statutes 1974, Section 245.03, is amended to read:

245.03 [DEPARTMENT OF PUBLIC WELFARE ESTABLISHED; COMMISSIONER.] There is (HEREBY) created (AND ESTABLISHED) a department of public welfare. A commissioner of public welfare shall be appointed by the governor (WITH THE ADVICE AND CONSENT OF THE SENATE FOR A FOUR YEAR TERM WHICH SHALL COINCIDE WITH THE TERM OF THE GOVERNOR AND UNTIL HIS SUCCESSOR IS DULY APPOINTED AND HAS QUALIFIED. THE GOVERNOR MAY REMOVE THE COMMISSIONER AT ANY TIME FOR CAUSE AFTER NOTICE AND HEARING. IN CASE OF A VACANCY, THE GOVERNOR MAY APPOINT A COMMISSIONER, WHO SHALL IMMEDIATELY TAKE OFFICE AND SHALL CARRY ON ALL OF THE DUTIES OF THE OFFICE UNTIL THE NEXT SESSION OF THE LEGISLATURE, WHEN HIS APPOINTMENT SHALL BE SUBMITTED TO THE SENATE FOR APPROVAL) *under the provisions of section 1.* The commissioner (, WHO SHALL BE IN UNCLASSIFIED SERVICE,) shall be selected on the basis of ability and experience in welfare and without regard

to political affiliations. (SUBJECT TO THE PROVISIONS OF SECTIONS 245.03 TO 245.12 AND OTHER APPLICABLE LAWS, NOW OR HEREINAFTER ENACTED,) The commissioner shall (HAVE THE POWER TO ORGANIZE HIS DEPARTMENT IN SUCH MANNER AS HE MAY DEEM NECESSARY, AND TO) appoint a deputy commissioner (IN UNCLASSIFIED SERVICE). (HE SHALL ALSO APPOINT SUCH OTHER SUBORDINATE OFFICERS, EMPLOYEES AND AGENTS AS HE MAY DEEM NECESSARY TO DISCHARGE THE FUNCTIONS OF THE DEPARTMENT; AND DEFINE THE DUTIES OF SUCH OFFICERS, EMPLOYEES AND AGENTS AND TO DELEGATE TO THEM ANY OF HIS POWERS OR DUTIES SUBJECT TO HIS CONTROL AND UNDER SUCH CONDITIONS AS HE MAY PRESCRIBE. APPOINTMENTS TO EXERCISE DELEGATED POWERS SHALL BE WRITTEN ORDERS FILED WITH THE SECRETARY OF STATE. THE COMMISSIONER SHALL GIVE BOND IN THE SUM OF \$10,000. ON JANUARY 4, 1971, THE TERM OF THE INCUMBENT COMMISSIONER SHALL EXPIRE.)

Sec. 28. Minnesota Statutes 1974, Section 268.12, Subdivision 1, is amended to read:

268.12 [CREATION.] Subdivision 1. [DEPARTMENT OF EMPLOYMENT SERVICES; COMMISSIONER.] ((1)) There is (HEREBY) created (AND ESTABLISHED) a department of employment (SECURITY WHICH SHALL BE THE SUCCESSOR TO THE DIVISION OF EMPLOYMENT AND SECURITY, WHICH SAID DIVISION IS HEREBY ABOLISHED AS A DIVISION OF THE DEPARTMENT OF SOCIAL SECURITY AS ESTABLISHED BY LAWS 1939, ARTICLE VII, SECTION 1.) *services under the control of* ((2)) a commissioner (OF EMPLOYMENT SECURITY) *who* shall be appointed by the governor (WITH THE ADVICE AND CONSENT OF THE SENATE FOR A FOUR YEAR TERM WHICH SHALL COINCIDE WITH THE TERM OF THE GOVERNOR AND UNTIL HIS SUCCESSOR IS DULY APPOINTED AND HAS QUALIFIED, TO ADMINISTER THIS CHAPTER AS THE SAME MAY HEREAFTER FROM TIME TO TIME BE AMENDED. THE COMMISSIONER, WHO SHALL BE IN UNCLASSIFIED SERVICE, MAY BE REMOVED BY THE GOVERNOR AT ANY TIME FOR CAUSE AFTER NOTICE AND HEARING *under the provisions of section 1.* The commissioner shall be selected on the basis of ability and experience and without regard to political affiliations. (IN CASE OF A VACANCY, THE GOVERNOR MAY APPOINT A COMMISSIONER, WHO SHALL IMMEDIATELY TAKE OFFICE AND SHALL CARRY ON ALL OF THE DUTIES OF THE OFFICE UNTIL THE NEXT SESSION OF THE LEGISLATURE, WHEN HIS APPOINTMENT SHALL BE SUBMITTED TO THE SENATE FOR APPROVAL. ON JANUARY 4, 1971, THE TERM OF THE INCUMBENT COMMISSIONER SHALL EXPIRE. SUBJECT TO THE PROVISIONS OF SECTIONS

268.03 TO 268.24 AND OTHER APPLICABLE LAWS NOW OR HEREAFTER ENACTED, THE COMMISSIONER SHALL HAVE THE POWER TO ORGANIZE HIS DEPARTMENT IN SUCH MANNER AS HE MAY DEEM NECESSARY. APPOINTMENTS TO EXERCISE DELEGATED POWERS SHALL BE WRITTEN ORDERS FILED WITH THE SECRETARY OF STATE. THE SALARY OF THE COMMISSIONER SHALL BE PRESCRIBED BY THE LEGISLATURE AND HE SHALL GIVE BOND IN THE SUM OF \$10,000.)

((3) ALL PROCEEDINGS, COURT ACTIONS, PROSECUTIONS OR OTHER BUSINESS UNDERTAKEN OR COMMENCED PRIOR TO APRIL 21, 1953, BY THE DIVISION OF EMPLOYMENT AND SECURITY AND ANY OTHER MATTERS OF THE DIVISION OF EMPLOYMENT AND SECURITY PENDING AT THE TIME OF THE PASSAGE OF THIS ACT MAY BE CONDUCTED AND COMPLETED BY THE NEW DEPARTMENT OF EMPLOYMENT SECURITY IN THE SAME MANNER AND UNDER THE SAME TERMS AND CONDITIONS AND WITH THE SAME EFFECT AS THOUGH IT WERE UNDERTAKEN, COMMENCED OR CONDUCTED OR COMPLETED BY SAID DIVISION OF EMPLOYMENT AND SECURITY PRIOR TO SUCH CHANGE. ALL FUNCTIONS, POWERS AND DUTIES OF SUCH DIVISION OF EMPLOYMENT AND SECURITY ARE BY THIS ACT ASSIGNED AND TRANSFERRED TO THE DEPARTMENT OF EMPLOYMENT SECURITY.)

((4) ALL THE POWERS AND DUTIES NOW VESTED IN OR IMPOSED UPON THE DIRECTOR OF THE DIVISION OF EMPLOYMENT AND SECURITY AS A DIVISION OF THE DEPARTMENT OF SOCIAL SECURITY ARE HEREBY VESTED IN AND IMPOSED UPON THE COMMISSIONER OF EMPLOYMENT SECURITY.)

(ALL OF THE EMPLOYEES OF SAID DIVISION OF EMPLOYMENT AND SECURITY ARE HEREBY TRANSFERRED TO THE DEPARTMENT OF EMPLOYMENT SECURITY CREATED BY THIS SECTION, AND SAID COMMISSIONER SHALL TAKE CHARGE OF SAID EMPLOYEES AND SHALL EMPLOY THEM IN THE EXERCISE OF THE RESPECTIVE FUNCTIONS, POWERS AND DUTIES TRANSFERRED AS AFORESAID WITHOUT REDUCTION OF COMPENSATION OR CIVIL SERVICE STATUS ENJOYED BY SAID EMPLOYEES AT THE TIME OF SUCH TRANSFER, SUBJECT, HOWEVER, TO CHANGE OR TERMINATION OF EMPLOYMENT, COMPENSATION OR CIVIL SERVICE STATUS AS MAY BE OTHERWISE PROVIDED BY LAW.)

((5) ALL OTHER ACTS OR PARTS OF ACTS NOW IN EFFECT INCONSISTENT WITH THE PROVISIONS OF THIS SECTION ARE HEREBY REPEALED, SUPERSEDED, MODIFIED OR AMENDED SO FAR AS NECESSARY TO

CONFORM TO AND GIVE FULL FORCE AND EFFECT TO THE PROVISIONS OF THIS SECTION.)

((6) LAWS 1953, CHAPTER 603, SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER ITS PASSAGE, PROVIDED, THAT NO TRANSFER OF FUNCTIONS, RIGHTS, POWERS, DUTIES, OR FUNDS MADE THEREBY SHALL TAKE EFFECT UNTIL THE COMMISSIONER OF THE DEPARTMENT TO WHOM THE SAME ARE TRANSFERRED SHALL HAVE BEEN APPOINTED; TAKEN HIS OATH OF OFFICE AND FILED OATH AND BOND IN THE OFFICE OF THE SECRETARY OF STATE; AND UNTIL THEN THE FORMER DIVISION OR AGENCY VESTED THEREWITH SHALL CONTINUE TO EXERCISE AND PERFORM SUCH FUNCTIONS, RIGHTS, POWERS, AND DUTIES, AND TO HAVE CHARGE OF SUCH FUNDS.

Sec. 29. Minnesota Statutes 1974, Section 270.02, Subdivision 2, is amended to read:

Subd. 2. [TERM.] The commissioner of revenue shall be appointed by the governor (BY AND WITH THE ADVICE AND CONSENT OF THE SENATE FOR A FOUR YEAR TERM WHICH SHALL COINCIDE WITH THE TERM OF THE GOVERNOR UNTIL HIS SUCCESSOR IS DULY APPOINTED AND QUALIFIED) *under the provisions of section 1.* The commissioner (, WHO SHALL BE IN UNCLASSIFIED SERVICE,) shall be selected on the basis of ability and experience in the field of (TAXATION AND) tax administration and without regard to political affiliations. (THE GOVERNOR MAY REMOVE THE COMMISSIONER AT ANY TIME FOR CAUSE, AFTER NOTICE AND HEARING. IN CASE OF A VACANCY, THE GOVERNOR MAY APPOINT A COMMISSIONER, WHO SHALL TAKE OFFICE IMMEDIATELY AND SHALL CARRY ON THE DUTIES OF THE OFFICE UNTIL THE NEXT SESSION OF THE LEGISLATURE, WHEN HIS APPOINTMENT IS SUBMITTED TO THE SENATE FOR APPROVAL. THE COMMISSIONER SHALL GIVE BOND TO THE STATE IN THE SUM OF \$200,000. THE PERSON OCCUPYING THE POSITION OF COMMISSIONER OF TAXATION ON JULY 1, 1973, SHALL BE DESIGNATED AS COMMISSIONER OF REVENUE, AND HIS TERM OF OFFICE SHALL COINCIDE WITH THE TERM OF THE OFFICE OF GOVERNOR.)

Sec. 30. Minnesota Statutes 1974, Section 298.22, Subdivision 1, is amended to read:

298.22 [IRON RANGE RESOURCES AND REHABILITATION.] Subdivision 1. (ON AND AFTER JULY 1, 1969,) (1) There is (HEREBY) appropriated from the general fund for the purposes hereinafter set forth, five percent of all amounts

paid and credited to said fund from the proceeds of taxes paid under the provisions of sections 298.01 to 298.21.

(2) The office of commissioner of iron range resources and rehabilitation is (HEREBY) created. The commissioner shall be appointed by the governor (, WITH THE ADVICE AND CONSENT OF THE SENATE FOR A FOUR YEAR TERM WHICH SHALL COINCIDE WITH THE TERM OF THE GOVERNOR UNTIL HIS SUCCESSOR IS DULY APPOINTED AND HAS QUALIFIED. THE GOVERNOR MAY REMOVE THE COMMISSIONER AT ANY TIME FOR CAUSE AFTER NOTICE AND HEARING. IN CASE OF A VACANCY, THE GOVERNOR MAY APPOINT A COMMISSIONER, WHO SHALL TAKE OFFICE IMMEDIATELY AND SHALL CARRY ON THE DUTIES OF THE OFFICE UNTIL THE NEXT SESSION OF THE LEGISLATURE, WHEN HIS APPOINTMENT SHALL BE SUBMITTED TO THE SENATE FOR APPROVAL) *under the provisions of section 1.*

(3) The salary of the commissioner (, WHO SHALL BE IN UNCLASSIFIED SERVICE,) shall be paid from the amounts appropriated by this section; provided, that such salary shall be reduced by such amount as he may receive from other funds, and the commissioner may hold such other positions or appointments as are not incompatible with his duties as commissioner of iron range resources and rehabilitation. The commissioner may appoint a deputy commissioner (WHO SHALL SERVE IN THE UNCLASSIFIED SERVICE AT THE PLEASURE OF THE COMMISSIONER). All expenses of the commissioner, including the payment of such assistance as may be necessary, shall be paid out of the amounts appropriated by this section.

(4) When the commissioner shall determine that distress and unemployment exists or may exist in the future in any county by reason of the removal of natural resources or a possibly limited use thereof in the future and the decrease in employment resulting therefrom, now or hereafter, he may use such amounts of the appropriation made to him in this section as he may determine to be necessary and proper in the development of the remaining resources of said county and in the vocational training and rehabilitation of its residents. For the purposes of this section, "development of remaining resources" includes, but is not limited to, the promotion of tourism.

Sec. 31. Minnesota Statutes 1974, Section 299A.01, Subdivision 1, is amended to read:

299A.01 [DEPARTMENT OF PUBLIC SAFETY; CREATION AND ORGANIZATION.] Subdivision 1. (IN ORDER THAT THE FUNCTIONS AND SERVICES OF THE STATE OF MINNESOTA RELATING TO THE SAFETY AND CONVENIENCE OF ITS CITIZENS MIGHT BE COORDINATED AND DIRECTED IN AN ACCESSIBLE, IDENTIFIABLE MANNER; AND TO PROMOTE AND INSURE THE EXIST-

ING PUBLIC SAFETY OPERATIONS OF THAT GOVERNMENT,) The department of public safety is created under the supervision and control of the commissioner of public safety, which office is established. The commissioner of public safety is appointed by the governor (, BY AND WITH THE ADVICE AND CONSENT OF THE SENATE FOR FOUR YEAR TERM. THE GOVERNOR MAY REMOVE THE COMMISSIONER ONLY FOR CAUSE, AFTER A PUBLIC HEARING. A VACANCY IN THE OFFICE OF THE COMMISSIONER SHALL BE FILLED FOR THE UNEXPIRED PORTION OF THE TERM) *under the provisions of section 1.* The commissioner may appoint a deputy *commissioner* (WHO SHALL SERVE AT THE PLEASURE OF THE COMMISSIONER IN THE UNCLASSIFIED SERVICE). (THE SALARY OF SUCH DEPUTY IS FIXED BY THE COMMISSIONER EXCEPT WHEN OTHERWISE EXPRESSLY PROVIDED FOR BY LAW. THE DEPUTY MAY PERFORM AND EXERCISE EVERY POWER, DUTY, AND RESPONSIBILITY IMPOSED BY LAW UPON THE COMMISSIONER WHEN AUTHORIZED SO TO DO BY THE COMMISSIONER.)

Sec. 32. Minnesota Statutes 1974, Section 299A.01, Subdivision 2, is amended to read:

Subd. 2. The duties of the (DEPUTY) *commissioner* shall include (, IN ADDITION TO SUCH OTHER FUNCTIONS AND RESPONSIBILITIES AS MAY BE DELEGATED OR ASSIGNED BY THE COMMISSIONER OR IMPOSED BY LAW,) the following: (a) The coordination, development and maintenance of services contracts with existing state departments and agencies assuring the efficient and economic use of advanced business machinery including computers;

(b) The execution of contracts and agreements with existing state departments for the maintenance and servicing of vehicles and communications equipment, and the use of related buildings and grounds;

(c) The development of integrated fiscal services for all divisions, and the preparation of an integrated budget for the department;

(d) The establishment of a planning bureau within the department, which bureau shall consult and coordinate its activities with the state planning director.

Sec. 33. Minnesota Statutes 1974, Section 360.014, Subdivision 2, is amended to read:

Subd. 2. There is (HEREBY) created the office of commissioner of aeronautics (, THE INCUMBENT OF WHICH SHALL HAVE THE POWERS AND DUTIES AND PRIVI-

LEGES HEREIN SET FORTH). The governor (, BY AND WITH THE ADVICE AND CONSENT OF THE SENATE,) shall appoint (A SUITABLE PERSON, TO SERVE IN UNCLASSIFIED SERVICE,) a *commissioner* having (A) knowledge of aeronautics (TO SAID OFFICE, TO SERVE FOR A FOUR YEAR TERM WHICH SHALL COINCIDE WITH THE TERM OF THE GOVERNOR UNTIL HIS SUCCESSOR IS DULY APPOINTED AND HAS QUALIFIED. THE GOVERNOR MAY REMOVE THE COMMISSIONER AT ANY TIME FOR CAUSE AFTER NOTICE AND HEARING. IN CASE OF A VACANCY, THE GOVERNOR MAY APPOINT A COMMISSIONER, WHO SHALL IMMEDIATELY TAKE OFFICE AND SHALL CARRY ON THE DUTIES OF THE OFFICE UNTIL THE NEXT SESSION OF THE LEGISLATURE, WHEN HIS APPOINTMENT SHALL BE SUBMITTED TO THE SENATE FOR APPROVAL. ON JANUARY 4, 1971, THE TERM OF THE INCUMBENT COMMISSIONER OF AERONAUTICS SHALL EXPIRE) *under the provisions of section 1.*

Sec. 34. Minnesota Statutes 1974, Section 362.09, Subdivision 1, is amended to read:

362.09 [COMMISSIONER; ADVISORY COMMISSION.] Subdivision 1. The department shall be under the supervision and control of a commissioner of economic development, (IN UNCLASSIFIED SERVICE,) who shall be appointed by the governor (, BY AND WITH THE ADVICE AND CONSENT OF THE SENATE FOR A TERM OF FOUR YEARS TO COINCIDE WITH THAT OF THE GOVERNOR AND UNTIL HIS SUCCESSOR IS DULY APPOINTED AND HAS QUALIFIED. THE GOVERNOR MAY REMOVE THE COMMISSIONER AT ANY TIME FOR CAUSE AFTER NOTICE AND HEARING) *under the provisions of section 1.* He shall be chosen with regard to his knowledge, training, experience, and ability in administering the functions of the department. (IN CASE OF A VACANCY, THE GOVERNOR MAY APPOINT A COMMISSIONER WHO SHALL THEREUPON IMMEDIATELY TAKE OFFICE AND SHALL CARRY ON ALL THE DUTIES OF THE OFFICE UNTIL THE NEXT SESSION OF THE LEGISLATURE, WHEN HIS APPOINTMENT SHALL BE SUBMITTED TO THE SENATE FOR APPROVAL. THE COMMISSIONER SHALL RECEIVE A SALARY AS PROVIDED BY LAW. HE SHALL GIVE A BOND TO THE STATE IN THE SUM OF \$10,000. ON JANUARY 4, 1971, THE TERM OF THE INCUMBENT COMMISSIONER SHALL EXPIRE.)

The commissioner shall appoint a deputy (, FIX HIS SALARY UNLESS OTHERWISE PRESCRIBED BY LAW AND DEFINE HIS DUTIES. THE DEPUTY SHALL ENJOY A CONFIDENTIAL RELATIONSHIP WITH THE COMMISSIONER AND IS IN THE UNCLASSIFIED SERVICE OF THE STATE) *commissioner.*

Sec. 35. Minnesota Statutes 1974, Section 363.04, Subdivision 1, is amended to read:

363.04 [DEPARTMENT OF HUMAN RIGHTS.] Subdivision 1. [CREATION; COMMISSIONER.] There is (HEREBY) established (AT THE SEAT OF GOVERNMENT AN EXECUTIVE) a department (TO BE KNOWN AS THE DEPARTMENT) of human rights (. THERE SHALL BE AT THE HEAD OF THE DEPARTMENT) *under the direction and supervision of* a commissioner (OF HUMAN RIGHTS,) who shall be appointed by the governor (, BY AND WITH THE ADVICE AND CONSENT OF THE SENATE FOR A FOUR YEAR TERM WHICH SHALL COINCIDE WITH THE TERM OF THE GOVERNOR AND UNTIL HIS SUCCESSOR IS DULY APPOINTED AND HAS QUALIFIED. THE GOVERNOR MAY REMOVE THE COMMISSIONER AT ANY TIME FOR CAUSE AFTER NOTICE AND HEARING. IN CASE OF A VACANCY, THE GOVERNOR MAY APPOINT A COMMISSIONER, WHO SHALL IMMEDIATELY TAKE OFFICE AND SHALL CARRY ON ALL OF THE DUTIES OF THE OFFICE UNTIL THE NEXT SESSION OF THE LEGISLATURE, WHEN HIS APPOINTMENT SHALL BE SUBMITTED TO THE SENATE FOR APPROVAL. ON JANUARY 4, 1971, THE TERM OF THE INCUMBENT COMMISSIONER SHALL EXPIRE. THE DEPARTMENT SHALL BE ADMINISTERED UNDER THE SUPERVISION AND DIRECTION OF THE COMMISSIONER, WHO SHALL BE IN UNCLASSIFIED SERVICE, AND SHALL RECEIVE COMPENSATION AT THE RATE PRESCRIBED BY LAW) *under the provisions of section 1.*

Sec. 36. Minnesota Statutes, 1975 Supplement, Section 144.02, is amended to read:

144.02 [MEETINGS; OFFICERS; QUORUM.] The (STATE) board of health shall (HOLD AN ANNUAL MEETING DURING THE FIRST QUARTER OF EVERY YEAR AT A TIME AND PLACE DESIGNATED BY THE BOARD AT WHICH TIME IT SHALL) *annually* elect from its members a president. (REGULAR MEETINGS, ONE OF WHICH SHALL INCLUDE THE ANNUAL MEETING, SHALL BE HELD NOT LESS THAN FOUR TIMES A YEAR. AT LEAST ONE SUCH REGULAR MEETING SHALL BE HELD EACH QUARTER.) The time and place of (ALL SUCH) *regular* meetings shall be determined by the board, and all board members shall be notified thereof by mail seven days in advance. Special meetings may be held (AT SUCH TIMES AND PLACES AS) *on the request of* the (SECRETARY) *commissioner* or any two members of the board (SHALL APPOINT) upon three days' notice to the members by mail. (THE BOARD SHALL ELECT A SECRETARY, WITH THE ADVICE AND CONSENT OF THE SENATE, TO SERVE DURING ITS PLEASURE, WHO

MAY OR MAY NOT BE ONE OF ITS MEMBERS.) A majority shall be a quorum and any meeting may be adjourned from time to time.

Sec. 37. Minnesota Statutes 1974, Chapter 144, is amended by adding a section to read:

[144.031] [COMMISSIONER.] *Subdivision 1.* [APPOINTMENT.] *The department of health shall be under the administrative control of the commissioner of health which office is established. He shall be appointed by the governor under the provisions of section 1. The commissioner so appointed shall have experience in public health administration. The board of health, and any professional health organization through the board of health, may recommend to the governor names of possible appointees.*

Subd. 2. [DUTIES.] *The commissioner shall be the chief administrative officer of the department and shall be responsible for the enforcement of all appropriate laws, the rules of the board, and for the management of the department. He shall appoint employees as he deems necessary to perform the functions mandated by law or rule of the board. He shall serve ex-officio without vote as secretary of the board.*

Sec. 38. Minnesota Statutes 1974, Section 144.04, is amended to read:

144.04 [EXPENSES.] The members of the board shall receive compensation of (THE SUM OF) \$35 per day for attendance at board meetings and (ORDINARY AND NECESSARY) expenses in the same amount and manner as state employees. (SUBJECT TO THE PROVISIONS OF LAWS 1939, CHAPTER 441, THE BOARD MAY EMPLOY, AND AT PLEASURE DISMISS, SUCH AGENTS, EXPERTS, AND OTHER ASSISTANTS AS IT MAY DEEM NECESSARY AND FIX THEIR COMPENSATION, PRESCRIBE THEIR DUTIES, AND ALLOW THEIR NECESSARY EXPENSES: ALL SUCH SALARIES, COMPENSATION, AND EXPENSES SHALL BE PAID BY THE STATE UPON VOUCHERS; BUT THE TOTAL FOR ANY YEAR SHALL NOT EXCEED THE APPROPRIATION OF THE YEAR THEREFOR.)

Sec. 39. Minnesota Statutes 1974, Section 121.09, is amended to read:

121.09 [ADMINISTRATION; EXCEPTIONS.] The (STATE BOARD) *commissioner* shall administer all laws and rules promulgated by the board relating to (THE COMMISSIONER,) libraries (,) and other public educational institutions, except such laws as may relate to the (STATE) university of Minnesota and to the state *universities and community colleges.*

Sec. 40. Minnesota Statutes 1974, Section 121.16, is amended to read:

121.16 [COMMISSIONER OF EDUCATION.] (SUBDIVISION 1. THE STATE BOARD SHALL ELECT A) *The department shall be under the administrative control of the commissioner (WHO) of education which office is established. The commissioner shall be the (EXECUTIVE OFFICER AND) secretary of the (STATE) board (AND WHOSE TERM OF OFFICE SHALL BE FOUR YEARS). He shall be appointed by the board with the approval of the governor under the provisions of section 1. For purposes of section 1, the board of education shall be the appointing authority.*

(HE) *The commissioner shall be a person who possesses educational attainment and breadth of experience in the administration of public education and of the finances pertaining thereto commensurate with the spirit and intent of this code. The commissioner shall (HAVE AUTHORITY TO NOMINATE, FOR APPROVAL BY THE STATE BOARD, SUCH OFFICIALS AND) appoint employees as may be necessary (TO PERFECT AND TO MAINTAIN) for the organization of the department (AS RECOMMENDED BY HIM AND AS ADOPTED BY THE STATE BOARD). He shall perform such duties as the law and the rules of the (STATE) board may provide and be held responsible for the efficient administration and discipline of (THE VARIOUS OFFICES AND DIVISION IN) the (ORGANIZATION OF THE) department. He shall (BE REQUIRED TO) make recommendations to the (STATE) board (WHICH SHALL FACILITATE ALL OF THE WORK OF THE STATE BOARD), and he shall be charged with the execution of powers and duties which the (STATE) board may prescribe, from time to time, to promote public education in the state, to safeguard the finances pertaining thereto, and to enable the (STATE) board to carry out (THE PROVISIONS OF THIS CODE) its duties.*

(SUBD. 2. THIS SECTION SHALL APPLY TO THE APPOINTMENT OF THE COMMISSIONER OF EDUCATION ON THE EXPIRATION OF THE TERM OF THE COMMISSIONER OCCUPYING THE OFFICE ON THE EFFECTIVE DATE OF THIS ARTICLE.)

Sec. 41. Minnesota Statutes 1974, Section 462A.04, Subdivision 8, is amended to read:

Subd. 8. The agency shall (EMPLOY AN EXECUTIVE DIRECTOR, LEGAL AND TECHNICAL EXPERTS AND SUCH OTHER OFFICERS, AGENTS AND EMPLOYEES, PERMANENT AND TEMPORARY, AS IT MAY REQUIRE, AND SHALL DETERMINE THEIR QUALIFICATIONS, DUTIES AND COMPENSATION) *be under the administrative control of an executive director which office is established. He*

shall be appointed by the governor under the provisions of section 1.

The executive director may appoint a deputy director. The executive director may further appoint such permanent and temporary employees as he deems necessary subject to the approval of the commissioner of personnel. (THE AGENCY MAY DELEGATE TO ONE OR MORE OF ITS AGENTS OR EMPLOYEES SUCH POWERS OR DUTIES AS IT MIGHT DEEM PROPER.) All permanent employees of the agency, except the executive director, and deputy director are in the classified civil service (OF THE STATE).

Sec. 42. [TEMPORARY PROVISIONS.] The term of any department head or commissioner dealt with in this act shall expire the first Monday in January 1979, unless Minnesota Statutes provide for an earlier expiration date. In this event, the new appointment shall be made so as to expire the first Monday of January 1979. Notwithstanding the foregoing, the term of the commissioner of health shall expire on the day following the effective date of this act.

Any department head or commissioner dealt with in this act and serving on the effective date of this act is deemed to have been appointed in compliance with the provisions of this act.

If any position which currently bears the title of deputy loses this title pursuant to section 1, subdivision 6, or any other provision of this act, the commissioner of personnel shall assign a new title under the provisions of Minnesota Statutes, Section 15A.071. If the position is currently in the unclassified civil service, it shall remain in the unclassified civil service. In the event that authorized, unclassified deputy positions are not filled, the department head or commissioner may fill these positions but only as permitted by applicable personnel complement limitations.

Sec. 43. [APPLICATION; INSTRUCTION TO REVISOR.] If by any other law a department is created to be the successor to the department of highways and the department of aeronautics the commissioner of that successor department shall, notwithstanding any other law to the contrary, serve at the pleasure of the governor. In the law creating such a successor department any subdivision pertaining to the appointment of the commissioner of the successor department shall be of no effect and shall not be printed in the next edition of the statutes. In place of the subdivision the revisor shall insert the following: The department shall be supervised and controlled by the commissioner of transportation, who shall be appointed by the governor and serve under the provisions of section 1.

If a law is enacted in the same year as this act that creates such a successor department the revisor shall delete from section 1,

subdivision 1, of this act the words "aeronautics" and "highway" and insert after "revenue" the word "transportation". In any conflict between the provisions of this act and the repealer section of any act creating such a successor department, the provisions of the repealer section of the act creating the successor department shall govern.

Sec. 44. [INSTRUCTION TO REVISOR.] *The revisor of statutes shall eliminate from the statutes any reference to the "secretary" or "executive officer" of the board of health or any similar title with this meaning, and shall substitute "commissioner" or "commissioner of health" as appropriate.*

Sec. 45. [REPEALER.] *Minnesota Statutes 1974, Sections 16.13, 121.07, 121.08, 121.10, 175.003, Subdivision 4, 216A.06, Subdivision 2, and 144.03, are repealed.*

Sec. 46. [EFFECTIVE DATE.] *This act shall be effective the day following its final enactment."*

Further strike the title and insert:

"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 1974, Sections 15.051, Subdivision 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; 144.04; 161.03, Subdivisions 1 and 4; 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; 360.014, Subdivision 2; 362.09, Subdivision 1; and 363.04, Subdivision 1; 462A.04, Subdivision 8; and Chapter 144, by adding a section; and Minnesota Statutes, 1975 Supplement, Sections 15.051, Subdivision 1; and 144.02; repealing Minnesota Statutes 1974, Sections 16.13; 121.07; 121.08; 121.10; 175.003, Subdivision 4; 216A.06, Subdivision 2; and 144.03."

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

House Conferees: HARRY A. SIEBEN, JR., TAD JUDE and AL PATTON.

Senate Conferees: DAVID D. SCHAFF and EUGENE E. STOKOWSKI.

Sieben, H., moved that the report of the Conference Committee on H. F. No. 109 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. 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 serve at the pleasure of the governor; eliminating obsolete language; amending Minnesota Statutes 1974, Sections 16.01; 16A.01, Subdivision 2; 17.01; 45.02; 45.15; 84.01, Subdivision 2; 116.03, Subdivision 1; 161.03, Subdivision 1; 175.001, Subdivision 1; 179.02; 196.02, Subdivision 1; 216A.06; 241.01, Subdivision 1; 245.03; 268.12, Subdivision 1; 270.02, Subdivision 2; 298.22, Subdivision 1; 299A.01, Subdivision 1; 360.014, Subdivision 2; 362.09, Subdivision 1; and 363.04, Subdivision 1.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question being taken on the repassage of the bill and the roll being called, there were yeas 111, and nays 2, as follows:

Those who voted in the affirmative were:

Abeln	Dieterich	Kalis	Nelsen	Sieben, H.
Adams, L.	Eckstein	Kelly, R.	Nelson	Sieben, M.
Albrecht	Eken	Kelly, W.	Niehaus	Sieloff
Anderson, G.	Erickson	Kempe, A.	Novak	Smith
Anderson, I.	Esau	Kempe, R.	Osthoff	Smogard
Arlandson	Evans	Ketola	Parish	Stanton
Begich	Faricy	Knickerbocker	Patton	Swanson
Berg	Fjoslien	Kvam	Pehler	Tomlinson
Berglin	Forsythe	Laidig	Peterson	Ulland
Biersdorf	Friedrich	Langseth	Petrafeso	Vanasek
Birnstihl	Fudro	Lenke	Philbrook	Vento
Braun	Fugina	Lindstrom	Pleasant	Voss
Byrne	Graba	Luther	Prahl	Wenstrom
Carlson, A.	Hanson	Mangan	Reding	Wenzel
Carlson, L.	Hokanson	Mann	Rice	White
Carlson, R.	Jacobs	McCauley	St. Onge	Wieser
Casserly	Jaros	McCollar	Samuelson	Wigley
Clark	Jensen	McEachern	Sarna	Zubay
Clawson	Johnson, C.	Menning	Savelkoul	Speaker Sabo
Corbid	Johnson, D.	Metzen	Schulz	
Dahl	Jopp	Moe	Schumacher	
Dean	Jude	Munger	Searle	
DeGroat	Kahn	Neisen	Setzepfandt	

Those who voted in the negative were:

Adams, S. Kaley

The bill was repassed, as amended by Conference, and its title agreed to.

CONFERENCE COMMITTEE REPORT ON H. F. NO. 500

A bill for an act relating to energy; energy commission, public members; providing for compensation and reimbursement of traveling and other expenses; amending Minnesota Statutes 1974, Section 116H.04, Subdivision 2.

April 2, 1976

The Honorable Martin O. Sabo
Speaker of the House of Representatives
The Honorable Alec G. Olson
President of the Senate

We, the undersigned conferees for H. F. No. 500 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. 500 be amended as follows:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1974, Section 116H.02, is amended by adding a subdivision to read:

Subd. 10. "Decorative gas lamp" means a device installed for the purpose of producing illumination by burning natural, mixed, or LP gas and utilizing either a mantle or an open flame, but does not include portable camp lanterns or gas lamps.

Sec. 2. Minnesota Statutes 1974, Section 116H.02, is amended by adding a subdivision to read:

Subd. 11. "Solar energy system" means a set of devices whose primary purpose is to collect solar energy and convert and store it for useful purposes including heating and cooling buildings or other energy-using processes, or to produce generated power by means of any combination of collecting, transferring, or converting solar-generated energy.

Sec. 3. Minnesota Statutes 1974, Section 116H.03, Subdivision 3, is amended to read:

Subd. 3. The director shall be appointed by the governor with the advice and consent of the senate, to a four-year term which shall coincide with the term of the governor and until his successor is duly appointed and qualified. In appointing the director the governor should give due consideration to the listing of names submitted by the commission pursuant to section 116H.04. The director shall serve at the pleasure of the governor.

A vacancy in the office of director shall be filled by the governor and the new appointee shall immediately take office and carry out all duties until the next session of the legislature when his appointment shall be submitted to the senate for confirmation.

The director may appoint a deputy (WHO SHALL) *director and a personal secretary* to serve at his pleasure. The salaries of the director and the deputy shall be fixed by the governor until otherwise expressly provided for by law. The deputy may be authorized by the director to perform every duty, power and responsibility imposed on the director unless expressly forbidden by law. The director and his deputy *and his personal secretary* shall serve in the unclassified service and shall be members of the Minnesota state retirement system.

Sec. 4. Minnesota Statutes 1974, Chapter 116H, is amended by adding a section to read:

[116H.085] [ENERGY CONSERVATION INFORMATION CENTER.] *The director shall establish an energy conservation information center in the agency's offices in St. Paul. The information center shall maintain a toll-free telephone information service and disseminate printed materials on energy conservation topics, including but not limited to, availability of loans and other public and private financing methods for energy conservation physical improvements, the techniques and materials used to conserve energy in buildings, including retrofitting or upgrading insulation and installing weatherstripping, the projected prices and availability of different sources of energy, and the alternative sources of energy.*

Sec. 5. Minnesota Statutes 1974, Section 116H.12, is amended by adding a subdivision to read:

Subd. 3a. Beginning 12 months after the effective date of this act, no person shall use a decorative gas lamp in Minnesota except as provided in section 6 of this act. All natural gas utilities and LP gas distributors doing business in Minnesota shall notify each of their customers of this prohibition, in writing, at least 120 days prior to the deadline including such information as the agency may require. The agency shall notify all natural gas utilities and LP gas distributors of this requirement and of the entire form and contents of such notice within 30 days of the effective date of this act, including the necessary technological information to adapt gas lights to electricity.

Sec. 6. Minnesota Statutes 1974, Section 116H.12, is amended by adding a subdivision to read:

Subd. 3b. The director may grant a variance where conversion is not possible with reasonable cost.

Sec. 7. Minnesota Statutes 1974, Section 116H.12, is amended by adding a subdivision to read:

Subd. 10. The director shall report to the legislature not later than March 1, 1977, on the economic and technological feasibility of implementing a program of energy conservation in Minnesota with respect to room air conditioners and standing pilot light equipment. The study shall include consideration of:

(1) The economic feasibility of the program and the impact on consumers, agriculture, business and interstate commerce;

(2) The technological feasibility of implementing the program including safety considerations;

(3) The potential reduction in energy consumed in Minnesota which would result from implementing the program;

(4) Substantial state need for the program in relation to the progress of similar energy conservation programs undertaken by the federal energy agency under the mandate of the federal energy policy and conservation act of 1975.

For the purposes of this subdivision "economic feasibility" means that the benefits from reduced energy consumption and the savings in operating costs throughout the estimated average life of the product outweigh:

(a) Any increase to purchasers in initial charges for, or, maintenance expenses of, the product which is likely to result from implementing the program;

(b) Any lessening of the utility, safety, dependability or performance of the product; and

(c) Any negative effects on competition.

Sec. 8. Minnesota 1974, Chapter 116H, is amended by adding a section to read:

[116H.121] [ENERGY CONSERVATION STANDARDS IN CERTAIN PUBLIC BUILDINGS.] *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.*

Sec. 9. Minnesota Statutes 1974, Chapter 116H, is amended by adding a section to read:

[116H.122] [ENERGY CONSERVATION IN STATE OWNED BUILDINGS.] *Before January 1, 1980, the commissioner of administration, in cooperation with the director, shall survey all buildings which are heated by oil, coal, gas, or electric units and which are owned by the state of Minnesota, including buildings and associated facilities of the state university system, the state fairgrounds as defined in section 37.01, the Minnesota historical society building, and all buildings under the administration or supervision of the commissioners of natural resources, corrections, welfare, or transportation, to determine the energy savings that can be accomplished through insulation, climate control or illumination modifications. The survey shall determine, based upon a formula specified by the director, the estimated remaining useful life of each building, together with the present degree and estimated cost of compliance with the energy conservation standards promulgated pursuant to section 8 of this act. The survey shall include an estimate, based upon a formula specified by the director, of the annual potential savings in fuel procurement costs for existing heating and cooling systems which would be realized for each state-owned building if it were improved to comply with the energy conservation standards. Buildings heated by oil or interruptable gas shall be surveyed first. If the commissioner determines that a modification is economically feasible, in that savings in fuel procurement costs will exceed the cost of the modification amortized over the remaining useful life of the building he shall recommend implementation of the modification to the legislature. The commissioner shall submit to the legislature an interim progress report by January 1, 1977 and a final report by January 1, 1980.*

Sec. 10. Minnesota Statutes 1974, Chapter 116H, is amended by adding a section to read:

[116H.123] [ENERGY CONSERVATION IN UNIVERSITY BUILDINGS.] *Before January 1, 1980, the university of Minnesota, after consultation with the director, shall survey all buildings and associated facilities of the university of Minnesota which are heated by oil, coal, electric, or gas units to determine whether energy savings could be accomplished through insulation, climate control or illumination modifications. The survey shall determine, based upon a formula specified by the director, the estimated remaining useful life of each building, together with the present degree and estimated cost of compliance with the energy conservation standards promulgated pursuant to section 8 of this act. The survey shall include an estimate, based upon a formula specified by the director, of the annual potential savings in fuel procurement costs for existing heating and cooling systems, which savings would be realized for each university-owned building if it were improved to comply with the energy conservation standards. Buildings heated by oil or interruptable gas shall be surveyed first. If the university determines, based*

upon a formula specified by the director, that a modification is economically feasible, in that estimated savings in fuel procurement costs will exceed the cost of the modification amortized over the remaining useful life of the building, it shall implement the modification in a manner designed to maximize the reduction in costs resulting from the modification. The university shall submit to the legislature an interim progress report before January 1, 1977 and a final report before January 1, 1980, indicating the number and percentage of university-owned buildings surveyed, the estimated costs of implementing the economically feasible modifications and its preliminary findings, recommendations, and priorities for implementing economically feasible modifications based upon the continuing survey.

Sec. 11. Minnesota Statutes 1974, Chapter 116H, is amended by adding a section to read:

[116H.124] [LOCAL GOVERNMENTAL SURVEYS AND FUEL COST ESTIMATES.] *Before January 1, 1980, the governing body of each city and county shall complete a survey of all existing city-owned or county-owned buildings within their respective jurisdictions which buildings are heated by oil, coal, electric, or gas units. Buildings heated by oil or interruptable gas shall be surveyed first. The survey shall determine, based upon a formula specified by the director, the estimated remaining useful life of each building, together with the present degree and estimated cost of compliance with the energy conservation standards promulgated pursuant to section 8 of this act. The governing body of a city or county may contract with any municipal building official appointed pursuant to section 16.861, or with the state building inspector to perform the energy conservation survey. Each governing body shall estimate, based upon a formula specified by the director, the annual potential savings in fuel procurement costs for existing heating and cooling systems, which savings would be realized for each building within its jurisdiction if that building were improved to comply with the energy conservation standards. Each governing body shall file the energy conservation survey and estimated fuel procurement data for the buildings within its jurisdiction with the director before December 31, 1978, for his review and comment.*

Sec. 12. Minnesota Statutes 1974, Chapter 116H, is amended by adding a section to read:

[116H.125] [ENERGY CONSERVATION IN PUBLIC SCHOOLS; LEGISLATIVE REPORT.] *Before February 1, 1977, the commissioner of education after consultation with the director shall analyze the reports required under section 120.78, and report to the legislature on the energy efficiency of public school buildings including the recommendations of the commissioner of education and the director.*

Sec. 13. Minnesota Statutes 1974, Chapter 116H, is amended by adding a section 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 8 of this act. 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 public school building within the district with the director before December 31, 1978, for his review and comment.

Sec. 14. Minnesota Statutes 1974, Chapter 116H, is amended by adding a section to read:

[116H.127] [SOLAR ENERGY SYSTEM STANDARDS OF PERFORMANCE.] *The building code division of the department of administration in consultation with the agency shall promulgate rules by December 31, 1976, concerning quality and performance standards which are in reasonable conformance with the Interim Performance Criteria for Solar Heating and Combined Heating/Cooling Systems and Dwellings, National Bureau of Standards, January 1, 1975; and the Interim Performance Criteria for Commercial Solar Heating and Combined Heating/Cooling Systems and Facilities, National Aeronautics and Space Administration, February 28, 1975, to insure that within the existing state of development, solar energy systems as defined in section 2 of this act, which are sold or installed within this state, are effective and represent a high standard of quality of material, workmanship, design, and performance. The department of administration in consultation with the energy agency shall modify existing standards and promulgate new standards subsequent to December 31, 1976, as new technology and materials become available, or as standards are revised by the federal government.*

Manufacturers or retailers of solar energy systems shall disclose to each bona fide potential purchaser of a system the extent to which the system meets or exceeds each quality standard.

Sec. 15. Minnesota Statutes 1974, Chapter 116H, is amended by adding a section to read:

[116H.128] [REVIEW OF ENERGY RESEARCH AND DEMONSTRATION PROJECTS.] *The director shall continuously identify, monitor, and evaluate in terms of potential direct benefit to, and possible implementation in Minnesota, research studies and demonstration projects of alternative energy systems and methodologies currently performed in Minnesota and other states and countries including:*

- (a) *Solar energy systems for heating and cooling;*
- (b) *Energy systems using wind, agricultural wastes, forestry products, peat, and other nonconventional energy resources;*
- (c) *Devices and technologies increasing the energy efficiency of energy consuming appliances, equipment, and systems;*
- (d) *Hydroelectric power; and*
- (e) *Such other projects as the director deems appropriate and of direct benefit to Minnesota and other states of the upper midwest.*

Sec. 16. *Persons who served as public members of the legislative commission on energy, created pursuant to Laws 1974, Chapter 307, Section 4, shall be compensated the sum of \$25 per day for each day spent in the performance of their duties subsequent to April 1, 1974. They shall also be reimbursed for expenses incurred during that period in the same manner and amounts as provided for state employees during that period.*

Sec. 17. [APPROPRIATIONS.] *Subdivision 1. There is appropriated and added to the general contingent account for fiscal year 1977 the sum of \$200,000. This appropriation shall be available for making grants for demonstration projects of alternative energy systems and methodology particularly appropriate to Minnesota.*

Subd. 2. The sum of \$195,400 is appropriated from the general fund to the commissioner of administration for the purposes of sections 8, 9 and 14. The sum of \$150,000 is appropriated from the general fund to the director of the Minnesota energy agency for purposes of sections 4, 7 and 15. The sum of \$50,000 is appropriated from the general fund to the director of the Minnesota energy agency to contract for infrared aerial photographs, at least 50 percent of which shall be conducted outside the metropolitan area as defined in Minnesota Statutes, Section 473.121, Subdivision 2. Notwithstanding Minnesota Statutes, Section 16A.28, the appropriations made by this subdivision shall not lapse but shall be available for the biennium ending June 30, 1977.

Sec. 18. [EFFECTIVE DATE.] *This act takes effect on the day following its final enactment.*"

Further amend the title as follows:

Strike the title in its entirety and insert:

"A bill for an act relating to energy; authorizing the director of the Minnesota energy agency to appoint certain employees; establishing an energy conservation information center; prohibiting the use of certain gas lamps; requiring certain reports to the legislature; requiring promulgation of energy conservation rules; requiring surveys of certain public buildings; providing for solar energy performance standards; providing for monitoring of energy research; providing compensation and expense reimbursement for public members of the energy commission; appropriating money; amending Minnesota Statutes 1974, Sections 116H.02, by adding subdivisions; 116H.03, Subdivision 3; 116H.12, by adding subdivisions; and Chapter 116H, by adding sections."

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

House Conferees: WILLARD M. MUNGER, GORDON O. VOSS, WALTER R. HANSON, BILL LUTHER and JOHN S. BIERSDORF.

Senate Conferees: HUBERT H. HUMPHREY III, BILL MCCUTCHEON, WINSTON W. BORDEN, JOHN BERNHAGEN and ROGER HANSON.

Munger moved that the report of the Conference Committee on H. F. No. 500 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 500, A bill for an act relating to energy; energy commission, public members; providing for compensation and reimbursement of traveling and other expenses; amending Minnesota Statutes 1974, Section 116H.04, Subdivision 2.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question being taken on the repassage of the bill and the roll being called, there were yeas 121, and nays 0, as follows:

Those who voted in the affirmative were:

Abeln	Begich	Carlson, L.	DeGroat	Evans
Adams, L.	Berg	Carlson, R.	Dieterich	Ewald
Adams, S.	Berglin	Casserly	Doty	Faricy
Albrecht	Biersdorf	Clark	Eckstein	Fjoslien
Anderson, G.	Birnsthil	Clawson	Eken	Forsythe
Anderson, I.	Braun	Corbid	Enebo	Friedrich
Arlandson	Byrne	Dahl	Erickson	Fudro
Beauchamp	Carlson, A.	Dean	Esau	Fugina

George	Kempe, R.	Moe	Rice	Suss
Graba	Ketola	Munger	St. Onge	Swanson
Hanson	Knickerbocker	Neisen	Samuelson	Tomlinson
Heinitz	Kostohryz	Nelsen	Sarna	Ulland
Hokanson	Kvam	Nelson	Savelkoul	Vanasek
Jacobs	Laidig	Niehaus	Schreiber	Vento
Jaros	Langseth	Novak	Schulz	Voss
Jensen	Lemke	Osthoff	Schumacher	Wenstrom
Johnson, C.	Lindstrom	Parish	Searle	Wenzel
Johnson, D.	Luther	Patton	Setzepfandt	White
Jude	Mangan	Pehler	Sieben, H.	Wieser
Kahn	Mann	Peterson	Sieben, M.	Zubay
Kaley	McCauley	Petraffeso	Sieloff	Speaker Sabo
Kalis	McCollar	Philbrook	Smith	
Kelly, R.	McEachern	Pleasant	Smogard	
Kelly, W.	Menning	Prahl	Spanish	
Kempe, A.	Metzen	Reding	Stanton	

The bill was repassed, as amended by Conference, and its title agreed to.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

H. F. No. 1137, A bill for an act relating to commerce; rates of interest on money; increasing availability of housing; increasing range of eligibility for assistance from housing finance agency; limiting assistance for areas with certain zoning code restrictions; providing for revolving loan funds; appropriating money; amending Minnesota Statutes 1974, Sections 334.01, Subdivision 2, and by adding a subdivision; 462A.03, Subdivision 13; 462A.05, Subdivisions 2, 14 and 15; 462A.07, Subdivision 13, and by adding subdivisions; 462A.21, by adding subdivisions; 462A.22, Subdivision 9; and Chapter 462A, by adding a section; repealing Laws 1974, Chapter 238, Section 2.

The Senate has repassed said bill, in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

H. F. No. 1865, 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 authority to the commissioner of corrections; abolishing the Minnesota corrections authority; providing for determinate sentencing; providing for a mutual agreement program; amending Minnesota Statutes 1974, Sections 152.15; 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; 609.19; 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; 609.355, 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; 609.52, Subdivision 3; 609.525, Subdivision 1; 609.53, Subdivisions 1 and 3; 609.54; 609.55, Subdivision 2; 609.56; 609.565; 609.58, Subdivision 2; 609.59; 609.595, Subdivision 1; 609.60; 609.61; 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; Minnesota Statutes, 1975 Supplement, Sections 609.185; 609.342; 609.343; 609.344; 609.345; 609.52, Subdivision 2; 609.521; and 609.551, Subdivision 1; repealing Minnesota Statutes 1974, Sections 241.045, as amended; 242.24; 243.06; 243.14; 243.18; 246.43; 609.11, as amended; 609.13, Subdivision 1; 609.155; 609.16; and 609.293, Subdivisions 2, 3, and 4.

The Senate has repassed said bill, in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

H. F. No. 348, A bill for an act relating to insurance; establishing a temporary joint underwriting association for medical malpractice insurance; requiring membership; setting standards; providing for appeals; recovery of contributions and reporting of financial conditions; extending the required inclusion of chiropractic services under group accident and health policies and subscriber contracts; amending Minnesota Statutes 1974, Section 62A.15, by adding a subdivision.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

H. F. 354, A bill for an act relating to public welfare; providing for the licensing of facilities and services for the handicapped and children; prescribing penalties; amending Minnesota Statutes 1974, Section 252.28; repealing Minnesota Statutes 1974, Sections 245.78; 245.79; 245.80; 245.81; 245.82; 257.081; 257.082; 257.091; 257.101; 257.102; 257.111; 257.123; and 257.124.

The Senate has repassed said bill, in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

H. F. No. 471, A bill for an act relating to condominiums; regulating the association of apartment owners; requiring certain disclosure before initial sale of apartments; amending Minnesota Statutes 1974, Section 515.19, and Chapter 515 by adding sections.

The Senate has repassed said bill, in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

H. F. No. 1333, A bill for an act relating to coroners; providing for fees and traveling expenses; prohibiting interference with a dead body or the scene of death; prescribing penalties; amending Minnesota Statutes 1974, Section 357.11; and Chapter 609, by adding a section.

The Senate has repassed said bill, in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

H. F. No. 1767, A bill for an act relating to bingo; providing penalties; amending Minnesota Statutes 1974, Section 609.75, Subdivision 3; repealing Minnesota Statutes 1974, Chapter 349.

The Senate has repassed said bill, in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee, consisting of 3 members of the Senate, on the amendments adopted by the Senate to the following House File:

H. F. No. 2414, A bill for an act relating to motor vehicles; motor vehicle excise tax on vehicles purchased for resale; use of motor vehicles bearing motor vehicle dealer plates; amending Minnesota Statutes 1974, Sections 168.27, Subdivision 5; 297B.-01, Subdivision 6; and Chapter 297B, by adding a section.

The Senate has appointed as such committee Messrs. Conzemius; Olson, A. G. and Ueland.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee, consisting of 3 members of the Senate, on the amendments adopted by the Senate to the following House File:

H. F. No. 2374, A bill for an act relating to highway traffic regulation; requiring courts to report to the commissioner of public safety a stay of imposition of sentence granted under provisions of law relating to driving while under the influence of drugs or alcoholic beverages; amending Minnesota Statutes 1974, Sections 169.121, Subdivision 6; and 609.135, Subdivision 3.

The Senate has appointed as such committee Messrs. Olson, A. G.; Jensen and Schaaf.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 955, A bill for an act relating to mobile homes; providing certain procedures for repossession of mobile homes; amending Minnesota Statutes 1974, Section 336.9-104.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Langseth moved that the House concur in the Senate amendments to H. F. No. 955 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 955, A bill for an act relating to mobile homes; providing certain procedures for repossession of mobile homes; amending Minnesota Statutes 1974, Section 336.9-104.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question being taken on the repassage of the bill and the roll being called, there were yeas 122, and nays 0, as follows:

Those who voted in the affirmative were:

Abeln	Corbid	Haugerud	Laidig	Patton
Adams, L.	Dahl	Heinitz	Langseth	Pehler
Adams, S.	Dean	Hokanson	Lemke	Peterson
Albrecht	Dieterich	Jacobs	Luther	Petrafeso
Anderson, G.	Doty	Jaros	Mangan	Philbrook
Anderson, I.	Eckstein	Jensen	Mann	Pleasant
Arlandson	Eken	Johnson, C.	McCauley	Prahl
Beauchamp	Enebo	Johnson, D.	McCollar	Reding
Begich	Erickson	Jopp	McEachern	Rice
Berg	Esau	Jude	Menning	St. Onge
Berglin	Evans	Kahn	Metzen	Samuelson
Biersdorf	Ewald	Kaley	Moe	Sarna
Birnstihl	Faricy	Kalis	Munger	Savelkoul
Braun	Fjoslien	Kelly, R.	Neisen	Schreiber
Byrne	Forsythe	Kelly, W.	Nelsen	Schulz
Carlson, A.	Friedrich	Kempe, A.	Nelson	Schumacher
Carlson, L.	Fudro	Kempe, R.	Niehaus	Searle
Carlson, R.	Fugina	Ketola	Norton	Setzepfandt
Casserly	George	Knickerbocker	Novak	Sieben, H.
Clark	Graba	Kostohryz	Osthoff	Sieben, M.
Clawson	Hanson	Kvam	Parish	Sieloff

Smith	Swanson	Vento	White	Speaker Sabo
Spanish	Tomlinson	Voss	Wieser	
Stanton	Ulland	Wenstrom	Wigley	
Suss	Vanasek	Wenzel	Zubay	

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

S. F. No. 60, A bill for an act relating to insurance; providing for the establishment and administration of plans of health insurance to provide certain minimum benefits to all persons in the state; creating a comprehensive health care association; providing a dual option for health care for certain employees; regulating health maintenance organizations' coverage of dental services and conversion privileges; appropriating money; amending Minnesota Statutes 1974, Section 62D.12, by adding a subdivision.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said Senate File is herewith transmitted to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONFERENCE COMMITTEE REPORT ON S. F. NO. 60

A bill for an act relating to insurance; providing for the establishment and administration of plans of health insurance to provide certain minimum benefits to all persons in the state; creating a comprehensive health care association; providing a dual option for health care for certain employees; regulating health maintenance organizations' coverage of dental services and conversion privileges; appropriating money; amending Minnesota Statutes 1974, Section 62D.12, by adding a subdivision.

April 1, 1976

The Honorable Alec G. Olson
 President of the Senate
 The Honorable Martin O. Sabo
 Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 60 report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments and S. F. No. 60 be amended as follows:

Strike everything after the enacting clause and insert:

"ARTICLE I

Section 1. [62E.01] [CITATION.] Sections 1 to 17 of this article may be cited as the Minnesota comprehensive health insurance act of 1976.

Sec. 2. [62E.02] [DEFINITIONS.] Subdivision 1. For the purposes of sections 1 to 17 of this article, the terms and phrases defined in this section have the meanings given them.

Subd. 2. "Employer" means any person, partnership, association, trust, estate or corporation, which employs ten or more individuals who are residents of this state.

Subd. 3. "Health maintenance organization" means a non-profit corporation licensed and operated as provided in Minnesota Statutes, Chapter 62D.

Subd. 4. "Qualified plan" means those health benefit plans which have been certified by the commissioner as providing the minimum benefits required by section 6 of this article or the actuarial equivalent of those benefits.

Subd. 5. "Qualified medicare supplement plan" means those health benefit plans which have been certified by the commissioner as providing the minimum benefits required by section 7 of this article or the actuarial equivalent of those benefits.

Subd. 6. "Commissioner" means the commissioner of insurance.

Subd. 7. "Dependent" means a spouse or unmarried child under the age of 19 years, a dependent child who is a student under the age of 25 and financially dependent upon the parent, or a dependent child of any age who is disabled.

Subd. 8. "Employee" means any Minnesota resident who has entered into the employment of or works under contract or service or apprenticeship with any employer. "Employee" does not include a person who has been employed for less than 30 days by his present employer, nor one who is employed less than an average of 30 hours per week by his present employer.

Subd. 9. "Plan of health coverage" means any plan or combination of plans of coverage, including combinations of self insurance, individual accident and health insurance policies, group accident and health insurance policies, coverage under a non-profit health service plan, or coverage under a health maintenance organization subscriber contract.

Subd. 10. "Insurer" means those companies operating pursuant to Minnesota Statutes Chapters 62A or 62C and offering or selling policies or contracts of accident and health insurance. "Insurer" does not include health maintenance organizations.

Subd. 11. "Accident and health insurance policy" or "policy" means insurance or nonprofit health service plan contracts providing benefits for hospital, surgical and medical care. "Policy" does not include coverage which is (1) limited to disability or income protection coverage, (2) automobile medical payment coverage, (3) supplemental to liability insurance, (4) sold by fraternal and provides payments on a per diem, daily indemnity or non-expense incurred basis, or (5) credit accident and health insurance issued pursuant to Minnesota Statutes, Chapter 62B.

Subd. 12. "Health benefits" means benefits offered to employees on an indemnity or prepaid basis which pay the costs of or provide medical, surgical or hospital care.

Subd. 13. "Eligible person" means an individual who is a resident of Minnesota and meets the enrollment requirements of section 14 of this article.

Subd. 14. "Minnesota comprehensive health association" or "association" means the association created by section 10 of this article.

Subd. 15. "Medicare" means part A and part B of the United States Social Security Act, Title XVIII, as amended, 42 U.S.C. Sections 1394, et seq.

Subd. 16. "Medicare supplement plan" means any plan of insurance protection which provides benefits for the costs of medical, surgical or hospital care and which is marketed as providing benefits which complement or supplement the benefits provided by medicare.

Subd. 17. "State plan premium" means the premium determined pursuant to section 8 of this article.

Subd. 18. "Writing carrier" means the insurer or insurers and health maintenance organization or organizations selected by the association and approved by the commissioner to administer the comprehensive health insurance plan.

Subd. 19. "Fraternal beneficiary association" or "fraternal" means a corporation, society, order, or voluntary association without capital stock which sells health and accident insurance in accordance with Minnesota Statutes, Chapter 64A.

Subd. 20. "Comprehensive health insurance plan" or "state plan" means policies of insurance and contracts of health mainte-

nance organization coverage offered by the association through the writing carrier.

Subd. 21. "Self insurer" means an employer who directly provides a plan of health coverage to his employees and administers the plan of health coverage himself or through an insurer. "Self insurer" does not include an employer engaged in the business of providing health care services to the public who provides health care services directly to his employees at no charge to them.

Subd. 22. "Self insurance" means a plan of health coverage offered by a self insurer.

Sec. 3. [62E.03] [DUTIES OF THE EMPLOYER.] Subdivision 1. Each employer who provides or makes available to his employees a plan of health coverage shall make available to his employees employed in this state a plan or combination of plans which have been certified by the commissioner as a number two qualified plan. If the plan of health coverage does not meet the requirements of section 6 of this article for a number two qualified plan, the employer shall make available a supplemental plan of health benefits which, when combined with the existing plan of health benefits, constitutes a number two coverage plan. The plan or combinations of plans may be financed from funds contributed solely by the employer or solely by the employees or any combination thereof. The plans may consist of self insurance, health maintenance contracts, group policies or individual policies or any combination thereof.

Subd. 2. In the event that an employer fails to make available at least a number two qualified plan of health benefits to his employees employed in this state, none of the employer's cost for health benefits shall qualify as an income tax deduction pursuant to Minnesota Statutes, Section 290.09, Subdivision 2, Clause (a)(1). In the case of an employer who meets the requirements of Minnesota Statutes, Section 297A.25, Subdivision 1, Clause (p) if the employer fails to make available at least a number two qualified plan to his employees, the employer shall lose his status as an exempt organization under Minnesota Statutes, Section 297A.25, Subdivision 1, Clause (p).

Sec. 4. [62E.04] [DUTIES OF INSURERS.] Subdivision 1. [INDIVIDUAL POLICIES.] For each type of qualified plan described in section 6 of this article, an insurer or fraternal issuing individual policies of accident and health insurance in this state, other than group conversion policies, shall develop and file with the commissioner an individual policy which meets the minimum standards of that type of qualified plan. An insurer or fraternal issuing individual policies of accident and health insurance in this state shall offer each type of qualified plan to each person who applies and is eligible for accident and health insurance from that insurer or fraternal.

Subd. 2. [MEDICARE SUPPLEMENT PLAN.] An insurer or fraternal issuing medicare supplement plans in this state shall develop and file with the commissioner a medicare supplement policy which meets the minimum standards of a qualified medicare supplement plan. An insurer or fraternal issuing medicare supplement plans in this state shall offer a qualified medicare supplement plan to each person who is eligible for coverage and who applies for a medicare supplement plan.

Subd. 3. [GROUP POLICIES.] For each type of qualified plan described in section 6 of this article, an insurer or fraternal issuing group policies of accident and health insurance in this state shall develop and file with the commissioner a group policy which provides for each member of the group the minimum benefits required by that type of qualified plan. An insurer or fraternal issuing group policies of accident and health insurance in this state shall offer each type of qualified plan to each eligible applicant for group accident and health insurance.

Subd. 4. [MAJOR MEDICAL COVERAGE.] Each insurer and fraternal shall include coverage of major medical costs in every unqualified policy of accident and health insurance, unless the applicant for a new or renewal policy declines the coverage in writing. The coverage shall provide that when a covered individual incurs out-of-pocket expenses of \$5,000 or more within a calendar year for services covered in section 6, subdivision 1, benefits shall be payable, subject to any copayment authorized by the commissioner, up to a maximum life-time limit of \$250,000.

Subd. 5. [EFFECT OF NON-COMPLIANCE.] No policy of accident and health insurance may be issued or renewed in this state 180 days after the effective date of this section by an insurer or a fraternal which has not complied with the requirements of this section.

Subd. 6. [REINSURANCE ALLOWED.] An insurer or fraternal may fulfill its obligations under this section by issuing the required coverages in their own name and reinsuring the risk and administration of the coverages with the association in accordance with section 10, subdivision 7, clauses (e) and (f) of this article.

Subd. 7. [UNDERWRITING STANDARDS MAY APPLY.] Nothing in this section shall require an insurer or fraternal to offer or issue a policy to any person who does not meet the underwriting or membership requirements of the insurer or fraternal.

Sec. 5. [62E.05] [CERTIFICATION OF QUALIFIED PLANS.] *Upon application by an insurer, fraternal, or employer for certification of a plan of health coverage as a qualified plan or a qualified medicare supplement plan for the purposes*

of sections 1 to 17 of this article, the commissioner shall make a determination within 90 days as to whether the plan is qualified. All plans of health coverage shall be labelled as "qualified" or "non-qualified" on the front of the policy or evidence of insurance. All qualified plans shall indicate whether they are number one, two, or three coverage plans.

Sec. 6. [62E.06] [MINIMUM BENEFITS OF QUALIFIED PLAN.] *Subdivision 1. [NUMBER THREE PLAN.] A plan of health coverage shall be certified as a number three qualified plan if it otherwise meets the requirements established by Minnesota Statutes, Chapter 62A and Chapter 62C, and the other laws of this state, whether or not the policy is issued in Minnesota, and meets or exceeds the following minimum standards:*

(a) *The minimum benefits for a covered individual shall, subject to the other provisions of this subdivision, be equal to at least 80 percent of the cost of covered services in excess of an annual deductible which does not exceed \$150 per person. The coverage shall include a limitation of \$3,000 per person on total annual out-of-pocket expenses for services covered under this subdivision. The coverage may be subject to a maximum lifetime benefit of not less than \$250,000. Covered expenses shall be the usual and customary charges for the following services and articles when prescribed by a physician:*

- (1) *Hospital services;*
- (2) *Professional services for the diagnosis or treatment of injuries, illnesses, or conditions, other than outpatient mental or dental, which are rendered by a physician or at his direction;*
- (3) *Drugs requiring a physician's prescription;*
- (4) *Services of a nursing home for not more than 120 days in a year if the services commence within 14 days following confinement of at least three days in a hospital for the same condition;*
- (5) *Service of a home health agency up to a maximum of 180 visits per year;*
- (6) *Use of radium or other radioactive materials;*
- (7) *Oxygen;*
- (8) *Anesthetics;*
- (9) *Prostheses;*

(10) *Rental or purchase, as appropriate, of durable medical equipment;*

(11) *Diagnostic X-rays and laboratory tests;*

(12) *Oral surgery for partially or completely unerupted impacted teeth, a tooth root without the extraction of the entire tooth, or the gums and tissues of the mouth when not performed in connection with the extraction or repair of teeth; and*

(13) *Services of a physical therapist.*

(b) *Covered expenses for the services and articles specified in this subdivision do not include the following:*

(1) *Any charge for any care for any injury or disease either (i) arising out of an injury in the course of employment and subject to a workmen's compensation or similar law, (ii) for which benefits are payable without regard to fault under coverage statutorily required to be contained in any motor vehicle, or other liability insurance policy or equivalent self-insurance, or (iii) for which benefits are payable under another policy of accident and health insurance or medicare;*

(2) *Any charge for treatment for cosmetic purposes other than surgery for the repair of an injury or birth defect;*

(3) *Any charge for travel other than travel by ambulance to the nearest health care institution qualified to treat the illness or injury;*

(4) *Any charge for confinement in a private room to the extent it is in excess of the institution's charge for its most common semi-private room, unless a private room is prescribed as medically necessary by a physician;*

(5) *That part of any charge for services or articles rendered or prescribed by a physician, dentist, or other health care personnel which exceeds the prevailing charge in the locality where the service is provided; and*

(6) *Any charge for services or articles the provision of which is not within the scope of authorized practice of the institution or individual rendering the services or articles.*

(c) *Effective January 1, 1980, the minimum benefits for a qualified plan shall include, in addition to those benefits specified in clause (a), benefits for the following services subject to applicable deductibles, coinsurance provisions, and maximum lifetime benefit limitations:*

(1) *Well baby care;*

(2) *Physicians' services for routine check-ups and annual physicals when prescribed by a physician; and*

(3) *Multiphasic screening and other diagnostic testing. The commissioner by rule shall prescribe reasonable limits on the reimbursement required for services listed in this clause.*

Subd. 2. [NUMBER TWO PLAN.] A plan of health coverage shall be certified as a number two qualified plan if it meets the requirements established by the laws of this state and provides for payment of 80 percent of the covered expenses required by this section in excess of a deductible which does not exceed \$500 per person.

Subd. 3. [NUMBER ONE PLAN.] A plan of health coverage shall be certified as a number one qualified plan if it meets the requirements established by the laws of this state and provides for payment of 80 percent of the covered expenses required by this section in excess of a deductible which does not exceed \$1,000 per person.

Subd. 4. [HEALTH MAINTENANCE PLANS.] A health maintenance organization which provides the services required by Minnesota Statutes, Chapter 62D shall be deemed to be providing a number three qualified plan.

Sec. 7. [62E.07] [QUALIFIED MEDICARE SUPPLEMENT PLAN.] Any plan which provides benefits to persons over the age of 65 years may be certified as a qualified medicare supplement plan if the plan is designed to supplement medicare and provides coverage of 50 percent of the deductible and co-payment required under medicare and 80 percent of the charges for covered services described in section 6, subdivision 1, which charges are not paid by medicare. The coverage shall include a limitation of \$1,000 per person on total annual out-of-pocket expenses for the covered services. The coverage may be subject to a maximum lifetime benefit of not less than \$100,000.

Sec. 8. [62E.08] [STATE PLAN PREMIUM.] Subdivision 1. For the first year of operation of the comprehensive health insurance plan the association shall establish the following premiums to be charged for membership in the comprehensive health insurance plan:

(a) The premium for the number one qualified plan shall be the average of rates charged by the five insurers with the largest number of individuals in a number one individual qualified plan of insurance in force in Minnesota;

(b) The premium for the number two qualified plan shall be the average of rates charged by the five insurers with the largest number of individuals in a number two individual qualified plan of insurance in force in Minnesota;

(c) *The premium for a qualified medicare supplement plan shall be the average of rates charged by the five insurers with the largest number of individuals enrolled in a qualified medicare supplement plan; and*

(d) *The charge for health maintenance organization coverage shall be based on generally accepted actuarial principles.*

Subd. 2. For the second and subsequent years the schedule of premiums for membership in the comprehensive health insurance plan shall be designed to be self-supporting and based on generally accepted actuarial principles.

Sec. 9. [62E.09] [DUTIES OF COMMISSIONER.] *The commissioner may:*

(a) *Formulate general policies to advance the purposes of sections 1 to 17 of this article; the commissioner may also adopt, promulgate, repeal, and amend rules pursuant to the rule making provisions of Minnesota Statutes, Chapter 15, to carry out the provisions of sections 1 to 17 of this article;*

(b) *Supervise the creation of the Minnesota comprehensive health association within the limits described in section 10 of this article;*

(c) *Approve the selection of the writing carrier by the association and approve the association's contract with the writing carrier including the state plan coverage and premiums to be charged;*

(d) *Appoint advisory committees;*

(e) *Conduct periodic audits to assure the general accuracy of the financial data submitted by the writing carrier and the association;*

(f) *Contract with the federal government or any other unit of government to ensure coordination of the state plan with other governmental assistance programs;*

(g) *Undertake directly or through contracts with other persons studies or demonstration programs to develop awareness of the benefits of sections 1 to 17 of this article, so that the residents of this state may best avail themselves of the health care benefits provided by these sections; and*

(h) *Contract with insurers and others for administrative services.*

Sec. 10. [62E.10] [COMPREHENSIVE HEALTH ASSOCIATION.] *Subdivision 1. [CREATION.] There is estab-*

lished a comprehensive health association with membership consisting of all insurers, self insurers, fraternal and health maintenance organizations licensed or authorized to do business in this state.

Subd. 2. [BOARD OF DIRECTORS; ORGANIZATION.] The board of directors of the association shall be made up of seven individuals selected by participating members, subject to approval by the commissioner. To select the initial board of directors, and to initially organize the association, the commissioner shall give notice to all members of the time and place of the organizational meeting. In determining voting rights at the organizational meeting each member shall be entitled to vote in person or proxy. The vote shall be a weighted vote based upon the member's cost of self insurance, accident and health insurance premium, subscriber contract charges, or health maintenance contract payment derived from or on behalf of Minnesota residents in the previous calendar year, as determined by the commissioner. If the board of directors is not selected within 60 days after notice of the organizational meeting, the commissioner may appoint the initial board. In approving or selecting members of the board, the commissioner shall consider, among other things, whether all types of members are fairly represented. Members of the board may be reimbursed from the moneys of the association for expenses incurred by them as members, but shall not otherwise be compensated by the association for their services. The costs of conducting meetings of the association and its board of directors shall be borne by members of the association.

Subd. 3. [MANDATORY MEMBERSHIP.] All members shall maintain their membership in the association as a condition of doing business in this state. The association shall submit by-laws and operating rules to the commissioner for approval.

Subd. 4. [OPEN MEETINGS.] All meetings of the association, its board, and any committees of the association shall comply with the provisions of Minnesota Statutes, Section 471.705.

Subd. 5. [CONTRACT OF REINSURANCE.] All members shall enter into a contract with the association according to terms specified in section 11. The contract of reinsurance shall be executed on or before January 1, 1977, for a period of one year and shall be renewed annually thereafter. A company which ceases to do business within the state shall remain liable under the contract for the reinsurance contracted for during that calendar year.

Subd. 6. [ANTITRUST EXEMPTION.] In the performance of their duties as members of the association, the members shall be exempt from the provisions of Minnesota Statutes, Sections 325.8011 to 325.8028.

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 4 and 16 of this article 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. 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) of this subdivision. 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 administra-*

tion shall not be less than 110 percent of the total anticipated expenses incurred by the association for the administration.

Sec. 11. [62E.11] [OPERATION OF COMPREHENSIVE PLAN.] Subdivision 1. Upon certification as an eligible person in the manner provided by section 14 of this article, an eligible person may enroll in the comprehensive health insurance plan by payment of the state plan premium to the writing carrier.

Subd. 2. Any employer which has in its employ one or more eligible persons enrolled in the comprehensive health insurance plan may make all or any portion of the state plan premium payment to the state plan directly to the writing carrier.

Subd. 3. Not less than 87-1/2 percent of the state plan premium paid to the writing carrier shall be used to pay claims, and not more than 12-1/2 percent shall be used for the payment of agent referral fees as authorized in section 15, subdivision 3 of this article and for payment of the writing carrier's direct and indirect expenses, as specified in section 13, subdivision 7 of this article.

Subd. 4. Any income in excess of the costs incurred by the association in providing reinsurance or administrative services pursuant to section 7, clauses (e) and (f) of this article shall be held at interest and used by the association to offset losses due to claims expenses of the state plan or allocated to reduce state plan premiums.

Subd. 5. Each member of the association shall share the losses due to claims expenses of the comprehensive health insurance plan pursuant to the terms of the individual reinsurance contracts executed by the association with each member in accordance with section 10, subdivision 5 of this article. Deviations in the claim experience of the state plan from the premium payments allocated to the payment of benefits shall be the liability of the association members. Association members shall share in the excess costs of the state plan in an amount equal to the ratio of the member's total cost of self insurance, accident and health insurance premium, subscriber contract charges, or health maintenance organization contract charges received from or on behalf of Minnesota residents as divided into the total cost of self insurance, accident and health insurance premium, subscriber contract charges, and health maintenance organization contract charges received by all association members from or on behalf of Minnesota residents, as determined by the commissioner. The reinsurance contract shall provide for a retroactive determination of each member's liability and payment due within 30 days after each renewal date of the reinsurance contract. Failure by a member to tender to the association the assessed reinsurance payment within 30 days of notification by the association shall be grounds for termination of the member's membership.

Net gains, if any, from the operation of the state plan shall be held at interest and used by the association to offset future losses due to claims expenses of the state plan or allocated to reduce state plan premiums.

Sec. 12. [62E.12] [MINIMUM BENEFITS OF COMPREHENSIVE HEALTH INSURANCE PLAN.] *The association through its comprehensive health insurance plan shall offer policies which provide the benefits of a number one qualified plan, a number two qualified plan and a qualified medicare supplement plan. They shall offer health maintenance organization contracts in those areas of the state where a health maintenance organization has agreed to make the coverage available and has been selected as a writing carrier.*

Sec. 13. [62E.13] [ADMINISTRATION OF PLAN.]
Subdivision 1. *Any member of the association may submit to the commissioner the policies of accident and health insurance or the health maintenance organization contracts which are being proposed to serve in the comprehensive health insurance plan. The time and manner of the submission shall be prescribed by rule of the commissioner.*

Subd. 2. *Upon the commissioner's approval of the policy forms and contracts submitted pursuant to Minnesota Statutes, Section 62A.10, the association shall select policies and contracts submitted by a member or members of the association to be the comprehensive health insurance plan. This selection shall be based upon criteria including the member's proven ability to handle large group accident and health insurance cases, efficient claim paying capacity, and the estimate of total charges for administering the plan. The association may select separate writing carriers for the two types of qualified plans, the qualified medicare supplement plan, and the health maintenance organization contract.*

Subd. 3. *The writing carrier shall perform all administrative and claims payment functions required by this section. The writing carrier shall provide these services for a period of three years, unless a request to terminate is approved by the commissioner. The commissioner shall approve or deny a request to terminate within 90 days of its receipt. A failure to make a final decision in a request to terminate within the specified period shall be deemed to be an approval. Six months prior to the expiration of each three year period, the association shall invite submissions of policy forms from members of the association, including the writing carrier. The association shall follow the provisions of subdivision 2 in selecting a writing carrier for the subsequent three year period.*

Subd. 4. *The writing carrier shall provide to all eligible persons enrolled in the plan an individual certificate, setting forth a statement as to the insurance protection to which he is entitled,*

with whom claims are to be filed and to whom benefits are payable. The certificate shall indicate that coverage was obtained through the association.

Subd. 5. The writing carrier shall submit to the association and the commissioner on a monthly basis a report on the operation of the state plan. Specific information to be contained in this report shall be determined by the association prior to the effective date of the state plan.

Subd. 6. All claims shall be paid by the writing carrier pursuant to the provisions of sections 1 to 17 of this article, and shall indicate that the claim was paid by the state plan. Each claim payment shall include information specifying the procedure to be followed in the event of a dispute over the amount of payment.

Subd. 7. The writing carrier shall be reimbursed from the state plan premiums received for its direct and indirect expenses. Direct and indirect expenses shall include, but need not be limited to, a pro rata reimbursement for that portion of the writing carrier's administrative, printing, claims administration, management and building overhead expenses which are assignable to the maintenance and administration of the state plan. The association shall approve cost accounting methods to substantiate the writing carrier's cost reports consistent with generally accepted accounting principles. Direct and indirect expenses shall not include costs directly related to the original submission of policy forms prior to selection as the writing carrier.

Subd. 8. The writing carrier shall at all times when carrying out its duties under sections 1 to 17 of this article be considered an agent of the association and the commissioner with civil liability subject to the provisions of Minnesota Statutes, Section 3.751.

Subd. 9. Premiums received by the writing carrier for the comprehensive health insurance plan are specifically exempted from the provisions of Minnesota Statutes, Section 60A.15.

Sec. 14. [62E.14] [ENROLLMENT BY AN ELIGIBLE PERSON.] Subdivision. 1. The comprehensive health insurance plan shall be open for enrollment by eligible persons. An eligible person may enroll by submission of a certificate of eligibility to the writing carrier. The certificate shall provide the following:

(a) Name, address, age, and length of time at residence of the applicant;

(b) Name, address, and age of spouse and children if any, if they are to be insured;

(c) Evidence of rejection, or a requirement of restrictive riders, or a pre-existing conditions limitation on a qualified plan, the effect of which is to substantially reduce coverage from that received by a person considered a standard risk, by at least two association members within six months of the date of the certificate; and

(d) A designation of the coverage desired.

An eligible person may not purchase more than one policy from the state plan.

Subd. 2. [WRITING CARRIER'S RESPONSE.] Within 30 days of receipt of the certificate described in subdivision 1, the writing carrier shall either reject the application for failing to comply with the requirements in subdivision 1 or forward the eligible person a notice of acceptance and billing information. Insurance shall be effective immediately upon receipt of the first month's state plan premium, and shall be retroactive to the date of the application, if the applicant otherwise complies with the requirements of sections 1 to 17 of this article.

Subd. 3. No person who obtains coverage pursuant to this section shall be covered for any pre-existing condition during the first six months of coverage under the state plan if the person was diagnosed or treated for that condition during the 90 days immediately preceding the filing of an application.

Sec. 15. [62E.15] [SOLICITATION OF ELIGIBLE PERSONS.] Subdivision 1. The association pursuant to a plan approved by the commissioner shall disseminate appropriate information to the residents of this state regarding the existence of the comprehensive health insurance plan and the means of enrollment. Means of communication may include use of the press, radio and television, as well as publication in appropriate state offices and publications.

Subd. 2. The association shall devise and implement means of maintaining public awareness of the provisions of sections 1 to 17 of this article and shall administer these sections in a manner which facilitates public participation in the state plan.

Subd. 3. The writing carrier shall pay an agent's referral fee of \$25 to each insurance agent who refers an applicant to the state plan, if the application is accepted. Selling or marketing of qualified state plans shall not be limited to the writing carrier or its agents. The referral fees shall be paid by the writing carrier from money received as premiums for the state plan.

Subd. 4. Every insurer which rejects or applies underwriting restrictions to an applicant for accident and health insurance shall notify the applicant of the existence of the state plan, the requirements for being accepted in it, and the procedure for applying to it.

Sec. 16. [62E.16] [CONVERSION PRIVILEGES.] *Every program of self insurance, policy of group accident and health insurance or contract of coverage by a health maintenance organization written or renewed in this state, shall include, in addition to the provisions required by Minnesota Statutes, Section 62A.17, the right to convert to an individual coverage qualified plan without the addition of underwriting restrictions regardless of the reason for leaving the group. The person leaving the group may exercise his right to conversion within 30 days of leaving the group. Plans of health coverage shall also include a provision which, upon the death of the individual in whose name the contract was issued, permits every other individual then covered under the contract to elect, within the period specified in the contract, to continue his coverage under the same or a different contract without the addition of underwriting restrictions until he would have ceased to have been entitled to coverage had the individual in whose name the contract was issued lived. An individual conversion contract issued by a health maintenance organization shall not be deemed to be an individual enrollment contract for the purposes of Minnesota Statutes, Section 62D.10.*

Sec. 17. [62E.17] [DUAL OPTION.] *Subdivision 1. An employer who employs in this state, on the average during a calendar quarter, 100 employees or more, other than employees engaged in seasonal employment as defined in Minnesota Statutes, Section 268.07, Subdivision 5, and who offers a health benefits plan to employees, whether (i) purchased from an insurer or a health maintenance organization, or (ii) provided on a self insured basis, shall, upon the next renewal of the health benefits plan contract, offer his employees a dual option to obtain health benefits through either an accident and health insurance policy or a health maintenance organization contract if one is available. An option need not be provided if less than 25 employees select that option.*

Subd. 2. An employer may make the dual offers through an insurer, a health maintenance organization or on a self insured basis. If an offer is made on a self insured basis, the accident and health insurance type of coverage or health maintenance organization type of coverage shall meet the requirements of the laws of this state as to the services covered or benefits provided, but need not otherwise be approved by the commissioner or the board of health.

Subd. 3. No insurer shall make acceptance of its offer to provide insurance coverage contingent on acceptance by the employer of health maintenance organization coverage by a particular health maintenance organization. No health maintenance organization shall make acceptance of its offer to provide health maintenance organization coverage contingent on acceptance by the employer of insurance coverage by a particular insurer. No offer to provide the accident and health insurance policy and

the health maintenance organization contract shall combine the two in a single price package.

Subd. 4. The board of health, in consultation with the commissioner, shall adopt rules to implement the provisions of this section.

Sec. 18. Minnesota Statutes 1974, Section 62D.12, is amended by adding a subdivision to read:

Subd. 11. Any health maintenance organization which includes coverage of comprehensive dental services in its comprehensive health maintenance services shall not include the charge for the dental services in the same rate as the charge for other comprehensive health maintenance services. The rates for dental services shall be computed, stated and bid separately. No employer shall be required to purchase dental services in combination with other comprehensive health services. An employer may purchase dental services separately.

Sec. 19. [APPROPRIATION.] *There is appropriated from the general fund to the commissioner of insurance for the biennium ending June 30, 1977, \$107,000 for the purpose of implementing article I.*

Sec. 20. [EFFECTIVE DATES.] *Section 18 of this article is effective the day following its final enactment. Sections 1, 2, 4, 5, 6, 7, 8, 9, 10, 13, 15 and 19 of this article are effective July 1, 1976. Sections 3, 11, 12, 14, 16 and 17 of this article are effective January 1, 1977.*

ARTICLE II

Section 1. [CITATION.] *Sections 1 to 9 of this article may be cited as the Minnesota hospital administration act of 1976.*

Sec. 2. [DEFINITIONS.] *Subdivision 1. Unless the context clearly indicates otherwise, for the purposes of sections 1 to 9 of this article, the terms defined in this section have the meanings given them.*

Subd. 2. "Board" means the state board of health.

Subd. 3. "Hospital" means any acute care institution licensed pursuant to Minnesota Statutes, Sections 144.50 to 144.58, but does not include any health care institution conducted for those who rely primarily upon treatment by prayer or spiritual means in accordance with the creed or tenets of any church or denomination.

Subd. 4. "Commissioner" means the commissioner of insurance.

Subd. 5. "Insurer" means a person selling policies of accident and health insurance pursuant to Minnesota Statutes, Chapter 62A, or nonprofit health service plan subscriber contracts pursuant to Minnesota Statutes, Chapter 62C.

Sec. 3. [GENERAL POWERS AND DUTIES OF STATE BOARD.] *Subdivision 1. The board may contract with third parties for services necessary to carry out its activities where this will promote economy, avoid duplication of effort, and make best use of available expertise.*

Subd. 2. The board may apply for and receive grants and gifts from any governmental agency, private entity or other person.

Subd. 3. To further the purpose of sections 1 to 9 of this article, the board may create committees from its membership and may appoint ad hoc advisory committees.

Subd. 4. The board shall coordinate regulation and inspection of hospitals to avoid, to the extent possible, conflicting rules and duplicative inspections.

Sec. 4. [REPORTING REQUIREMENTS.] *Subdivision 1. Each hospital, which has not filed the financial information required by this section with a voluntary, nonprofit rate review organization pursuant to section 8 of this article, shall file annually with the board after the close of its fiscal year:*

(a) A balance sheet detailing the assets, liabilities, and net worth of the hospital;

(b) A detailed statement of income and expenses; and

(c) A copy of its most recent cost report filed pursuant to requirements of Title XVIII of the United States Social Security Act.

Subd. 2. If more than one licensed hospital is operated by the reporting organization, the board may require that the information be reported separately for each hospital.

Subd. 3. The board may require attestation by responsible officials of the hospital that the contents of the reports are true.

Subd. 4. All reports, except privileged medical information, filed pursuant to this section, section 7 or section 8, subdivision 3 or 4 of this article shall be open to public inspection.

Subd. 5. The board shall have the right to inspect hospital books, audits, and records as reasonably necessary to verify hospital reports.

Sec. 5. [CONTINUING ANALYSIS.] Subdivision 1. The board may:

(a) Undertake analyses and studies relating to hospital costs and to the financial status of any hospital subject to the provisions of sections 1 to 9 of this article; and

(b) Publish and disseminate the information relating to hospital costs.

Subd. 2. The board shall prepare and file summaries and compilations or other supplementary reports based on the information filed with or made available to the board, which reports will advance the purposes of sections 1 to 9 of this article.

Sec. 6. [ANNUAL REPORT.] The board shall prepare and prior to each legislative session transmit to the governor and to the members of the legislature an annual report of the board's operations and activities for the preceding fiscal year as they relate to the duties imposed on the board by sections 1 to 9 of this article. This report shall include a compilation of all summaries and reports required by sections 1 to 9 of this article together with any findings and recommendations of the board.

Sec. 7. [INVESTIGATIVE POWER.] Subdivision 1. The board may initiate reviews or investigations as necessary to assure all purchasers of hospital health care services that the total costs of a hospital are reasonably related to the total services offered, that the hospital's aggregate revenues as expressed by rates are reasonably related to the hospital's aggregate costs, and that rates are set equitably. The board shall prohibit hospitals from discriminating among insurers in its rates.

Subd. 2. In order to properly discharge these obligations, the board may review projected annual revenues and expenses of hospitals and comment on them.

Subd. 3. In the interest of promoting the most efficient and effective use of hospitals, the board may promote experimental alternative methods of budgeting, cost control, rate determination and payment.

Subd. 4. The board shall begin to compile relevant financial and accounting data concerning hospitals in order to have statistical information available for legislative policy making.

Subd. 5. The board shall obtain from each hospital a current rate schedule. Any subsequent amendments or modifications of that schedule shall be filed with the board at least 60 days in advance of their effective date. The board may, by rule, exempt from this requirement rate increases which have a minimal impact on hospital costs. If the hospital has not agreed to submit

to a voluntary rate review in accordance with section 8 of this article, the board may hold a public hearing pursuant to Minnesota Statutes, Chapter 15, on any increase which it determines is excessive and may publicly comment on any increase.

Subd. 6. Each report which is required to be submitted to the board pursuant to subdivision 5 and which is not to be reviewed by a voluntary nonprofit rate review organization in accordance with section 8 of this article shall be accompanied by a filing fee in an amount prescribed by rule of the board. Filing fees shall be set at a level sufficient to cover the costs of any reviews undertaken pursuant to subdivision 5, and may take into consideration the length or complexity of the report being filed. Fees received pursuant to this subdivision shall be deposited in the general fund of the state treasury.

Sec. 8. [VOLUNTARY PEER REVIEW OF HOSPITAL COSTS.] Subdivision 1. A hospital may agree to submit its financial reports to, and be subject to a review of its rates by, a voluntary, nonprofit rate review organization whose reporting and review procedures have been approved by the board in accordance with this section.

Subd. 2. The board may approve voluntary reporting and rate review procedures which are substantially equivalent to reporting requirements and rate review procedures adopted by the board for reporting and rate reviews conducted pursuant to sections 4 and 7 of this article. The board shall, by rule, prescribe standards for approval of voluntary rate review procedures, which standards shall provide for:

(a) The filing of appropriate financial information with the rate review organization;

(b) Adequate analysis and verification of that financial information; and

(c) Timely publication of the review organization's findings and comments prior to the effective date of any proposed rate increase. The board shall annually review the procedures approved pursuant to this subdivision.

Subd. 3. Any voluntary, nonprofit rate review organization which conducts a review of the rates of a hospital located in this state shall file a copy of its findings and comments with the board within 30 days of completion of the review process, together with a summary of the financial information acquired by the organization during the course of its review.

Subd. 4. Any voluntary, nonprofit rate review organization which receives the financial information required in section 4 of this article shall make the information available to the board in accordance with procedures prescribed by the board.

Subd. 5. If the reporting and rate review procedures of a voluntary, nonprofit rate review organization have been approved by the board those reporting and rate reviewing activities of the organization shall be exempt from the provisions of Minnesota Statutes, Sections 325.8011 to 325.8028.

Subd. 6. For the purposes of this section "rate review organization" means an association or other organization which has as one of its primary functions the peer review of hospital rates.

Sec. 9. [ADDITIONAL POWERS OF INSURANCE COMMISSIONER AND BOARD OF HEALTH.] *Subdivision 1. In addition to the other powers granted to the board and the commissioner by law, the board and the commissioner may each:*

(a) Adopt, amend, and repeal rules in accordance with Minnesota Statutes, Chapter 15;

(b) Hold public hearings, conduct investigations, and administer oaths or affirmations in any hearing or investigation.

Subd. 2. Any person aggrieved by a final determination of the board or the commissioner as to any rule or determination under sections 1 to 9 of this article; or under Minnesota Statutes, Section 62A.02, Subdivision 3; or 62C.15, Subdivision 2, shall be entitled to an administrative hearing and judicial review in accordance with the contested case provisions of Minnesota Statutes, Chapter 15.

Sec. 10. Minnesota Statutes 1974, Section 62A.02, Subdivision 1, is amended to read:

62A.02 [POLICY FORMS.] *Subdivision 1. [FILING.] (ON AND AFTER APRIL 18, 1957.) No policy of accident and sickness insurance shall be issued or delivered to any person in this state, nor shall any application, rider, or endorsement be used in connection therewith, until a copy of the form thereof and of the classification of risks and the premium rates pertaining thereto have been filed with the commissioner. The filing for nongroup policies shall include a statement of actuarial reasons and data to support the need for any premium rate increase.*

Sec. 11. Minnesota Statutes 1974, Section 62A.02, Subdivision 3, is amended to read:

Subd. 3. [DISAPPROVAL.] *The commissioner (MAY) shall, within 30 days after the filing of any (SUCH) form, disapprove (SUCH) the form:*

(1) If the benefits provided therein are unreasonable in relation to the premium charged (, OR);

(2) If it contains a provision or provisions which are unjust, unfair, inequitable, misleading, deceptive or encourage misrepresentation of (SUCH) the policy; or

(3) *If the proposed premium rate is excessive because the insurer has failed to exercise reasonable cost control.*

If the commissioner (SHALL NOTIFY THE) *notifies an insurer which has filed any (SUCH) form that (IT) the form does not comply with the provisions of this section or sections 62A.03 to 62A.05 and section 72A.20, subdivision 1, it shall be unlawful thereafter for (SUCH) the insurer to issue (SUCH) the form or use it in connection with any policy. In (SUCH) the notice the commissioner shall specify the reasons for his disapproval and state that a hearing will be granted within 20 days after request in writing by the insurer.*

Sec. 12. Minnesota Statutes 1974, Section 62C.15, Subdivision 2, is amended to read:

Subd. 2. No service plan corporation shall deliver, issue for delivery, extend, continue, or renew any form of nongroup (SUBSCRIBER'S) *subscriber* contract until schedules of charges applicable thereto, including any endorsement, rider, amendment or application which is a part thereof, have been filed with the commissioner; nor shall (SUCH) the corporation deliver, issue for delivery, extend, continue or renew any form of group (SUBSCRIBERS) *subscriber* contract until a schedule of the rating structures and formulae applicable thereto, including any endorsement, rider, amendment or application which is a part thereof, has been filed with the commissioner. *The filing for a nongroup subscriber contract shall include the actuarial data needed to justify any increase in subscriber charges. The commissioner may disapprove the schedule of charges for any group or nongroup subscriber contract if (AFTER DECEMBER 31, 1970.):*

(a) *The unencumbered reserve or surplus is less than the required minimum or more than the required maximum (, THE RATING STRUCTURES AND FORMULAE FILED AS ABOVE PROVIDED, AND ALL CHARGES FOR NONGROUP SUBSCRIBERS' CONTRACTS SHALL, UPON REVIEW, BE SUBJECT TO THE COMMISSIONER'S DISAPPROVAL, UNTIL SUCH RESERVES OR SURPLUS ARE IN AMOUNTS PRESCRIBED BY LAWS 1971, CHAPTER 568. IN ADDITION, THE COMMISSIONER MAY, IN HIS DISCRETION, REQUIRE THE CHARGES DEVELOPED FOR GROUP SUBSCRIBER CONTRACTS TO BE FILED, AND, IF SUCH CHARGES ARE REQUIRED TO BE SO FILED, THEY SHALL, UPON REVIEW, ALSO BE SUBJECT TO THE COMMISSIONER'S DISAPPROVAL); or*

(b) *The schedule charges meet the criteria specified in section 62A.02, subdivision 3.*

Sec. 13. [APPROPRIATIONS.] *Subdivision 1. There is appropriated from the general fund to the state board of health for the purposes of this article, the sum of \$125,000.*

Subd. 2. *There is appropriated from the general fund to the commissioner of insurance for the purpose of this article, the sum of \$43,000.*

Subd. 3. *The sums appropriated by this section shall not cancel but shall be available for the biennium ending June 30, 1977.*

Sec. 14. [EFFECTIVE DATES.] *Section 13 is effective May 1, 1976. Sections 1 to 12 are effective August 1, 1976.*

ARTICLE III

Section 1. [62E.51] [CITATION.] *Sections 1 to 5 of this article may be cited as the Minnesota catastrophic health expense protection act of 1976.*

Sec. 2. [62E.52] [DEFINITIONS.] *Subdivision 1. For the purposes of sections 1 to 5 of this article, the terms defined in this section have the meanings given them.*

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 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.*

Subd. 3. *"Qualified expense" means any charge incurred subsequent to July 1, 1977 for a health service which is included in the list of covered services described in article I, section 6, subdivision 1, of this act, and for which no third party is liable.*

Subd. 4. *"Dependent" means a spouse or unmarried child under the age of 19 years, a child who is a student under the age of 25 and financially dependent upon the parent, or a child of any age who is disabled and dependent upon the parent.*

Subd. 5. *"Household income" means the gross income of an eligible person and all his dependents for the calendar year pre-*

ceding the year in which an application is filed pursuant to section 3.

Subd. 6. "Gross income" means income as defined in Minnesota Statutes, Section 290A.03, Subdivision 3.

Subd. 7. "Commissioner" means the commissioner of public welfare.

Subd. 8. "Third party" means any person other than the eligible person or his dependents.

Sec. 3. [62E.53] [APPLICATION FOR ASSISTANCE.] Subdivision 1. Any person who believes that they are 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. 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 Minnesota Statutes, 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 Minnesota Statutes, 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.

Sec. 4. [62E.54] [DUTIES OF COMMISSIONER.] Subdivision 1. The commissioner shall:

(a) Promulgate reasonable rules to implement sections 1 to 5 of this article;

(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.*

Subd. 2. The commissioner may:

(a) *Enter into contracts with the United States or any state agency, instrumentality or political subdivision for the purpose of coordinating the program established by sections 1 to 5 of this article, with other programs which provide or pay for the delivery of health services;*

(b) *Enter into contracts with third parties to perform some or all of the duties imposed on the commissioner by sections 3 and 4 of this article.*

Sec. 5. [62E.55] [APPEALS.] *The final decision of the commissioner denying an application for status as an eligible person or denying all or part of the charges for a health service may be appealed by any interested party pursuant to Minnesota Statutes, Chapter 15.*

Sec. 6. [EFFECTIVE DATE.] *This article is effective July 1, 1977."*

Further delete the title in its entirety and insert:

"A bill for an act relating to health care; providing for establishment and administration of certain plans of health insurance to make minimum health care benefits available to all persons in the state; creating a comprehensive health care association; requiring review of hospital and insurance premium rates; providing protection against catastrophic health care expenses, regulating coverage of dental services by health maintenance organizations; appropriating money; amending Minnesota Statutes 1974, Sections 62A.02, Subdivisions 1 and 3; 62C.15, Subdivision 2; and 62D.12, by adding a subdivision."

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

Senate Conferees: GEORGE R. CONZEMIUS, AL KOWALCZYK and ROLF NELSON.

House Conferees: JAMES C. SWANSON, JAMES I. RICE and MARTIN O. SABO.

Swanson moved that the report of the Conference Committee on S. F. No. 60 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 60, A bill for an act relating to insurance; providing for the establishment and administration of plans of health insurance to provide certain minimum benefits to all persons in the state; creating a comprehensive health care association; providing a dual option for health care for certain employees; regulating health maintenance organizations' coverage of dental services and conversion privileges; appropriating money; amending Minnesota Statutes 1974, Section 62D.12, by adding a subdivision.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question being taken on the repassage of the bill and the roll being called, there were yeas 121, and nays 0, as follows:

Those who voted in the affirmative were:

Abeln	Dieterich	Jude	Neisen	Sieben, H.
Adams, L.	Doty	Kahn	Nelsen	Sieben, M.
Adams, S.	Eckstein	Kaley	Nelson	Sieloff
Albrecht	Eken	Kalis	Niehaus	Smith
Anderson, G.	Enebo	Kelly, R.	Norton	Smogard
Anderson, I.	Erickson	Kempe, A.	Novak	Spanish
Arlandson	Esau	Kempe, R.	Osthoff	Stanton
Beauchamp	Evans	Ketola	Parish	Suss
Begich	Ewald	Knickerbocker	Patton	Swanson
Berg	Faricy	Kostohryz	Pehler	Tomlinson
Berglin	Fjoslien	Kvam	Peterson	Ulland
Biersdorf	Forsythe	Laidig	Petrafeso	Vanasek
Birnstihl	Fudro	Langseth	Philbrook	Vento
Braun	Fugina	Lemke	Pleasant	Voss
Byrne	George	Lindstrom	Prahl	Wenstrom
Carlson, A.	Graba	Luther	Reding	Wenzel
Carlson, L.	Hanson	Mangan	Rice	White
Carlson, R.	Haugerud	Mann	St. Onge	Wieser
Casserly	Heinitz	McCauley	Samuelson	Wigley
Clark	Hokanson	McCollar	Sarna	Zubay
Clawson	Jacobs	McEachern	Savelkoul	Speaker Sabo
Corbid	Jaros	Menning	Schreiber	
Dahl	Jensen	Metzen	Schulz	
Dean	Johnson, C.	Moe	Schumacher	
DeGroat	Johnson, D.	Munger	Setzepfandt	

The bill was repassed, as amended by Conference, and its title agreed to.

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

S. F. No. 2025, A bill for an act relating to nursing homes; requiring training for certain nursing assistants; providing a penalty.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said Senate File is herewith transmitted to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONFERENCE COMMITTEE REPORT ON S. F. NO. 2025

A bill for an act relating to nursing homes; requiring training for certain nursing assistants; providing a penalty.

March 30, 1976

The Honorable Alec G. Olson
President of the Senate
The Honorable Martin O. Sabo
Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 2025 report that we have agreed upon the items in dispute and recommend as follows:

That the House recedes from its amendments, and that S. F. No. 2025 be further amended as follows:

Strike everything after the enacting clause and insert:

"Section 1. [144A.61] [NURSING ASSISTANT TRAINING.] Subdivision 1. [PURPOSE.] The purpose of this act is to improve the quality of care provided to patients of nursing homes by assuring that approved programs for the training of nursing assistants are established as necessary throughout the state.

Subd. 2. [NURSING ASSISTANTS.] For the purposes of this act "nursing assistant" means a nursing home employee, including a nurse's aide or an orderly, who is assigned by the director of nursing to provide or assist in the provision of direct patient care services under the supervision of a registered nurse. The board of nursing may, by rule, establish categories of nursing assistants who are not required to comply with the educational requirements of this act.

Subd. 3. [CURRICULA.] The commissioner of education shall develop curricula which may be used for nursing assistant training programs for employees of nursing homes. The curricula, as approved by the board of nursing, shall be utilized by

all facilities, institutions, or programs offering nursing assistant training programs.

Subd. 4. [TECHNICAL ASSISTANCE.] The commissioner of education shall, upon request, provide necessary and appropriate technical assistance in the development of nursing assistant training programs.

Subd. 5. [APPROVAL OF CURRICULA.] The board of nursing shall review and approve curricula developed by the commissioner of education and any other educational authorities for nursing assistant training programs for employees of nursing homes.

Subd. 6. [TRAINING MANDATED.] Each nursing assistant hired to work in a nursing home on or after July 1, 1977, 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.

Subd. 7. [CORRECTION ORDERS.] Violation of this act by a nursing home shall be grounds for the issuance of a correction order to the nursing home by the state board of health. The failure of the nursing home to correct the deficiency or deficiencies specified in the correction order shall result in the assessment of a fine in accordance with the schedule of fines promulgated by rule of the state board of health.

Subd. 8. [EMPLOYEES EXEMPTED.] Employees of nursing homes conducted in accordance with the teachings of the body known as the Church of Christ, Scientist, shall be exempt from the requirements of this act.

Sec. 2. [144A.611] [COST REIMBURSEMENT.] Subdivision 1. [NURSING HOMES.] The actual costs of tuition and reasonable expenses for that approved program deemed by the board of nursing to be minimally necessary to protect the health and welfare of nursing home residents, which are paid to nursing home assistants pursuant to subdivision 2 of this section, shall be a reimbursable expense for nursing homes under the provisions of Minnesota Statutes, Chapter 256B and the rules promulgated thereunder.

Subd. 2. [NURSING ASSISTANTS.] A nursing assistant who has completed an approved training program shall be reimbursed by the nursing home for his actual costs of tuition and reasonable expenses for the training program 90 days after the date of his employment, or upon completion of the approved training program, whichever is later.

Subd. 3. [RULES.] The commissioner of public welfare shall promulgate any rules necessary to implement the provisions of this section. The rules shall include, but not be limited to:

(a) Provisions designed to prevent reimbursement by the commissioner under this act to a nursing home or a nursing assistant for the assistant's training in more than one approved program;

(b) Provisions designed to prevent reimbursement by the commissioner under this act to more than one nursing home for the training of any individual nursing assistant; and

(c) Provisions permitting the reimbursement by the commissioner to nursing homes and nursing assistants for the re-training of a nursing assistant after an absence from the labor market of not less than five years.

Sec. 3. [EFFECTIVE DATE.] This bill shall be effective the day following final enactment."

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

Senate Conferees: NANCY BRATAAS, SAM G. SOLON, HOWARD A. KNUTSON, JOHN MILTON and ROBERT D. NORTH.

House Conferees: LYNDON R. CARLSON, JAMES C. SWANSON, HAROLD J. DAHL, BRUCE NELSEN and JAMES PEHLER.

Carlson, L., moved that the report of the Conference Committee on S. F. No. 2025 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

Setzepfandt moved that the House refuse to adopt the Conference Committee report on S. F. No. 2025, and that the bill be returned to the Conference Committee.

A roll call was requested and properly seconded.

The question was taken on the motion and the roll being called, there were yeas 58, and nays 64, as follows:

Those who voted in the affirmative were:

Adams, S.	Carlson, A.	Fjoslien	Kelly, W.	Neisen
Albrecht	Clawson	Friedrich	Ketola	Niehaus
Anderson, G.	Corbid	Graba	Kvam	Patton
Anderson, I.	Dean	Haugerud	Langseth	Peterson
Beauchamp	Doty	Johnson, C.	Lemke	Prahl
Begich	Eckstein	Johnson, D.	Mann	Reding
Biersdorf	Eken	Jude	McCollar	St. Onge
Birnstihl	Esau	Kaley	McEachern	Samuelson
Braun	Evans	Kalis	Menning	

Savelkoul	Sieloff	Stanton	Wenstrom	Wigley
Schreiber	Smith	Suss	Wenzel	Speaker Sabo
Setzpfandt	Smogard	Ulland	Wieser	

Those who voted in the negative were:

Abeln	Enebo	Kahn	Nelsen	Searle
Adams, L.	Erickson	Kelly, R.	Nelson	Sieben, H.
Arlandson	Ewald	Kempe, A.	Novak	Sieben, M.
Berg	Faricy	Kempe, R.	Osthoff	Spanish
Berglin	Forsythe	Knickerbocker	Parish	Swanson
Byrne	Fudro	Knoll	Pehler	Tomlinson
Carlson, L.	George	Kostohryz	Petrafeso	Vanasek
Carlson, R.	Hanson	Laidig	Philbrook	Vento
Casserly	Heinitz	Luther	Pleasant	Voss
Clark	Hokanson	Mangan	Rice	White
Dahl	Jaros	McCauley	Sarna	Williamson
DeGroat	Jensen	Metzen	Schulz	Zubay
Dieterich	Jopp	Moe	Schumacher	

The motion did not prevail.

The question recurred on the Carlson, L., motion to adopt the Conference Committee Report. The motion prevailed.

S. F. No. 2025, A bill for an act relating to nursing homes; requiring training for certain nursing assistants; providing a penalty.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question being taken on the repassage of the bill and the roll being called, there were yeas 97, and nays 27, as follows:

Those who voted in the affirmative were:

Abeln	Doty	Kaley	Neisen	Sieben, M.
Adams, L.	Enebo	Kelly, R.	Nelsen	Sieloff
Adams, S.	Erickson	Kelly, W.	Nelson	Spanish
Arlandson	Ewald	Kempe, A.	Norton	Stanton
Beauchamp	Faricy	Kempe, R.	Novak	Suss
Berg	Fjoslien	Knickerbocker	Osthoff	Swanson
Berglin	Forsythe	Knoll	Parish	Tomlinson
Birnstihl	Fudro	Kostohryz	Pehler	Ulland
Byrne	Fugina	Laidig	Petrafeso	Vanasek
Carlson, A.	George	Langseth	Philbrook	Vento
Carlson, L.	Hanson	Lemke	Pleasant	Voss
Carlson, R.	Haugerud	Lindstrom	Prahl	Wenstrom
Casserly	Heinitz	Luther	Rice	Wenzel
Clark	Hokanson	Mangan	Sarna	White
Clawson	Jacobs	McCauley	Savelkoul	Williamson
Corbid	Jaros	McCollar	Schreiber	Zubay
Dahl	Jensen	McEachern	Schulz	Speaker Sabo
Dean	Jopp	Menning	Schumacher	
DeGroat	Jude	Metzen	Searle	
Dieterich	Kahn	Moe	Sieben, H.	

Those who voted in the negative were:

Albrecht	Eckstein	Johnson, D.	Peterson	Smogard
Anderson, G.	Eken	Kalis	Reding	Wieser
Anderson, I.	Esau	Kvam	St. Onge	Wigley
Begich	Evans	Mann	Samuelson	
Biersdorf	Graba	Niehaus	Setzepfandt	
Braun	Johnson, C.	Patton	Smith	

The bill was repassed, as amended by Conference, and its title agreed to.

Mr. Speaker:

I hereby announce that the Senate wishes to recall for the purpose of further consideration House File No. 424.

H. F. No. 424, A bill for an act relating to tort liability of cities, counties, towns, public authorities, certain public corporations, school districts and political subdivisions of the state; amending Minnesota Statutes 1974, Section 466.05, Subdivision 1.

PATRICK E. FLAHAVEN, Secretary of the Senate

Faricy moved that the House accede to the request of the Senate for the return of H. F. No. 424 for further consideration by the Senate. The motion prevailed.

SPECIAL ORDERS

S. F. No. 2309 was reported to the House.

Reding moved to amend S. F. No. 2309, as follows:

Pages 1 to 12, delete sections 1 through 7 and insert in lieu thereof the following:

"Section 1. Minnesota Statutes 1974, Section 69.021, Subdivision 5, is amended to read:

Subd. 5. [CALCULATION OF STATE AID.] The amount of state aid available for apportionment shall be two percent of the fire, lightning, sprinkler leakage and extended coverage premium reported to the commissioner by insurers on the Minnesota Firetown Premium Report and (ONE) two percent of the premiums reported to the commissioner by insurers on the Minnesota Aid to Police Premium Report. The amount for apportionment in respect to firemen's state aid shall not be greater or lesser than the amount of premium taxes paid to the state upon the premiums reported to the commissioner by insurers on the Minnesota Firetown Premium Report. The total amount for apportionment in respect to *police* state aid shall not be greater or lesser than

(ONE-HALF) the amount of premium taxes paid to the state upon the premiums reported to the commissioner by insurers on the Minnesota Aid to Police Premium Report. Of the total amount of apportionment in respect to police state aid, 20 percent of this amount shall be paid to the treasurer of the police and fire fund of the public employees retirement association to be applied against the deficit of said fund, and the remaining 80 percent shall be distributed to the counties for apportionment to municipalities maintaining police departments. The commissioner shall calculate the percentage of increase or decrease reflected in the apportionment over or under the previous years available premiums using the same premiums as a basis for comparison.”.

Page 14, line 10, delete “8” and insert “2”.

Page 14, delete line 11.

Page 14, line 12, delete “*remainder of the act*” and insert “*Section 1*”.

Renumber sections in sequence.

Further amend the title.

Page 1, line 2, delete “distribution of”.

Page 1, line 5, delete “69.011,”.

Page 1, line 6, delete “Subdivisions 1, 2, and 4;”.

Page 1, line 6, delete “Subdivisions 5,” and insert “Subdivision 5;”.

Page 1, line 7, delete “6, and 7; 69.031, Subdivision 5;”.

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll being called, there yeas 36, and nays 85, as follows:

Those who voted in the affirmative were:

Abeln	Eken	Jensen	McEachern	Savelkoul
Adams, S.	Esau	Johnson, C.	Neisen	Swanson
Albrecht	Evans	Jude	Niehaus	Wieser
Anderson, G.	Ewald	Kempe, R.	Novak	Williamson
Braun	Forsythe	Knickerbocker	Philbrook	
Carlson, L.	Haugerud	Mangan	Pleasant	
Clawson	Heinitz	Mann	Reding	
Eckstein	Hokanson	McCollar	Samuelson	

Those who voted in the negative were:

Adams, L.	Dieterich	Kalis	Nelson	Skoglund
Anderson, I.	Doty	Kelly, R.	Osthoff	Smith
Arlandson	Enebo	Kelly, W.	Patton	Smogard
Beauchamp	Erickson	Kempe, A.	Pehler	Spanish
Begich	Faricy	Knoll	Peterson	Stanton
Berg	Fjoslien	Kostohryz	Petrafeso	Suss
Berglin	Friedrich	Kvam	Rice	Tomlinson
Biersdorf	Fudro	Laidig	St. Onge	Ulland
Birnstihl	Fugina	Langseth	Sarna	Vanasek
Byrne	George	Lemke	Schreiber	Vento
Carlson, A.	Graba	Lindstrom	Schulz	Voss
Carlson, R.	Hanson	Luther	Schumacher	Wenstrom
Casserly	Jacobs	Menning	Searle	Wenzel
Clark	Johnson, D.	Metzen	Setzepfandt	White
Corbid	Jopp	Moe	Sieben, H.	Wigley
Dean	Kahn	Munger	Sieben, M.	Zubay
DeGroat	Kaley	Nelsen	Sieloff	Speaker Sabo

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

Moe moved to amend S. F. No. 2309, as follows:

Page 6, line 12, after "and" insert ", except in municipalities with a population of less than 1,000 according to the most recent federal census,".

Page 6, line 14, after "board" delete the balance of the line.

Page 6, line 15, delete the new language.

Page 10, line 1, after "county" delete the balance of the line and insert a semi colon.

Page 10, delete lines 2 and 3.

Page 10, line 8, after "obligation" delete the period and insert "; and".

Page 10, after line 8, insert:

"(c) No municipality entitled to receive police state aid shall be apportioned less police state aid for any year under this act than the amount which was apportioned to it for calendar year 1975 based on premiums reported to the commissioner for calendar year 1974; provided, the amount of police state aid to other municipalities and counties shall be adjusted in proportion to the total number of police officers in such municipalities and counties, so that the amount of police state aid apportioned shall not exceed the amount of police state aid available for apportionment."

Page 12, line 7, after "receipt," insert "provided, the amount of the police state aid which is estimated in accordance with sec-

tion 69.77, subdivision 2, clause (2), to be received by the relief association pursuant to this act shall reduce the municipality's minimum obligation required by section 69.77 only to the extent that such estimated state aid does not exceed the greater of (1) one half of such estimated state aid or (2) the amount of police state aid which was apportioned to the municipality for calendar year 1975 based on premiums reported to the commissioner for calendar year 1974;".

Page 12, line 28, before the period insert "*; provided, commencing in the year 1980 or, if later, the first year in which all police officers newly employed by such municipality are required to be members of the public employees police and fire fund rather than the local police relief association, the municipality shall, in addition to the minimum obligation required by section 69.77, provide additional financing to the police relief association sufficient to amortize, within 30 years from the date such additional financing commences, the unfunded liability of the relief association as determined in accordance with section 69.73, unless a different amortization requirement is provided by special law*".

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

S. F. No. 2309, A bill for an act relating to retirement; distribution of state aid to policemen's relief associations; volunteer firemen's lump sum and monthly benefits; amending Minnesota Statutes 1974, Sections 69.011, Subdivisions 1, 2, and 4; 69.021, Subdivisions 5, 6, and 7; 69.031, Subdivision 5; and 69.06.

The bill was read for the third time and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 115, and nays 11, as follows:

Those who voted in the affirmative were:

Abeln	Clark	Fudro	Ketola	Munger
Adams, L.	Clawson	Fugina	Knickerbocker	Nelsen
Anderson, G.	Corbid	George	Knoll	Nelson
Anderson, I.	Dahl	Graba	Kostohryz	Niehaus
Arlandson	Dean	Hanson	Kvam	Norton
Beauchamp	DeGroat	Hokanson	Laidig	Osthoff
Begich	Dieterich	Jacobs	Langseth	Parish
Berg	Doty	Jaros	Lemke	Patton
Berglin	Eckstein	Johnson, C.	Lindstrom	Pehler
Biersdorf	Enebo	Jopp	Luther	Peterson
Birnsthil	Erickson	Jude	Mangan	Petrafeso
Braun	Esau	Kahn	Mann	Pleasant
Brinkman	Evans	Kaley	McCauley	Prahl
Byrne	Ewald	Kalis	McCollar	Reding
Carlson, A.	Faricy	Kelly, R.	McEachern	Rice
Carlson, L.	Fjoslien	Kelly, W.	Menning	St. Onge
Carlson, R.	Forsythe	Kempe, A.	Metzen	Samuelson
Casserly	Friedrich	Kempe, R.	Moe	Sarna

Savelkoul	Sieben, M.	Spanish	Ulland	Wenzel
Schulz	Sieloff	Stanton	Vanasek	White
Schumacher	Skoglund	Suss	Vento	Wigley
Setzepfandt	Smith	Swanson	Voss	Zubay
Sieben, H.	Smogard	Tomlinson	Wenstrom	Speaker Sabo

Those who voted in the negative were:

Adams, S.	Haugerud	Neisen	Searle	Williamson
Albrecht	Heinitz	Novak		
Eken	Jensen	Philbrook		

The bill was passed and its title agreed to.

REPORT FROM THE COMMITTEE ON RULES AND
LEGISLATIVE ADMINISTRATION

Anderson, I., for the Committee on Rules and Legislative Administration, offered the following report:

Whereas, those named below were candidates for the office of state representative; and

Whereas, they incurred legal fees in primary or general election contests; now therefore,

Be It Resolved, by the Committee on Rules and Legislative Administration that these candidates be reimbursed from the Legislative Expense Fund of the House of Representatives for such expenses as follows:

B. J. Philbrook	\$1,727.48
Kenneth Greene	698.00
Irvin N. Anderson	3,534.77
Robert Lessard	2,461.76
David Cummiskey	821.60

Sieben, H., moved to amend the report of the Committee on Rules and Legislative Administration, as follows:

After "David Cummiskey \$821.60" add "Richard Helgeson \$4,882.44".

The motion prevailed and the amendment to the report was adopted.

Sieben, H., moved the adoption of the report of the Committee on Rules and Legislative Administration as amended.

The question was taken on the adoption of the report as amended and the roll being called, there were yeas 117, and nays 0, as follows:

Those who voted in the affirmative were:

Abeln	Doty	Kaley	Nelsen	Sieben, M.
Adams, L.	Eckstein	Kalis	Nelson	Skoglund
Adams, S.	Eken	Kelly, R.	Niehaus	Smith
Anderson, G.	Enebo	Kelly, W.	Norton	Smogard
Arlandson	Erickson	Kempe, A.	Novak	Spanish
Beauchamp	Esau	Kempe, R.	Osthoff	Stanton
Begich	Ewald	Ketola	Parish	Suss
Berg	Faricy	Knickerbocker	Patton	Swanson
Berglin	Fjoslien	Knoll	Pehler	Tomlinson
Biersdorf	Forsythe	Kostohryz	Peterson	Ulland
Birnstihl	Fudro	Laidig	Petrafaso	Vanasek
Braun	Fugina	Langseth	Prahl	Vento
Byrne	George	Lindstrom	Reding	Voss
Carlson, A.	Graba	Luther	Rice	Wenstrom
Carlson, L.	Hanson	Mangan	St. Onge	Wenzel
Carlson, R.	Haugerud	Mann	Samuelson	White
Casserly	Heinitz	McCauley	Sarna	Wieser
Clark	Hokanson	McCollar	Savelkoul	Wigley
Clawson	Jacobs	McEachern	Schreiber	Williamson
Corbid	Jensen	Menning	Schulz	Zubay
Dahl	Johnson, C.	Metzen	Schumacher	Speaker Sabo
Dean	Johnson, D.	Moe	Searle	
DeGroat	Jude	Munger	Setzepfandt	
Dieterich	Kahn	Neisen	Sieben, H.	

The motion prevailed and the report, as amended, was adopted.

There being no objection, upon the motion of Anderson, I., General Orders will not be reprinted for Monday, April 5, 1976.

ADJOURNMENT

Anderson, I., moved that when the House adjourns today it adjourn until 10:00 a.m., Monday, April 5, 1976. The motion prevailed.

Anderson, I., moved that the House adjourn. The motion prevailed and the Speaker declared the House adjourned until 10:00 a.m., Monday, April 5, 1976.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

STATE OF MINNESOTA

SIXTY-NINTH SESSION - 1976

ONE HUNDRED-SIXTH DAY

SAINT PAUL, MINNESOTA, MONDAY, APRIL 5, 1976

The House convened at 10:00 a.m. and was called to order by the Speaker.

Prayer was offered by the Chaplain.

The roll was called and the following members were present:

Abeln	Doty	Kahn	Munger	Sherwood
Adams, L.	Eckstein	Kaley	Neisen	Sieben, H.
Adams, S.	Eken	Kalis	Nelsen	Sieben, M.
Albrecht	Enebo	Kelly, R.	Nelson	Sieloff
Anderson, G.	Erickson	Kelly, W.	Niehaus	Simoneau
Anderson, I.	Esau	Kempe, A.	Norton	Skoglund
Arlandson	Evans	Kempe, R.	Novak	Smith
Beauchamp	Ewald	Ketola	Osthoff	Smogard
Begich	Faricy	Knickerbocker	Parish	Spanish
Berg	Fjoslien	Knoll	Patton	Stanton
Berglin	Forsythe	Kostohryz	Pehler	Suss
Biersdorf	Friedrich	Kroening	Peterson	Swanson
Birnstihl	Fudro	Kvam	Petrafeso	Tomlinson
Braun	Fugina	Laidig	Philbrook	Ulland
Brinkman	George	Langseth	Pleasant	Vanasek
Byrne	Graba	Lemke	Prahl	Vento
Carlson, A.	Hanson	Lindstrom	Reding	Voss
Carlson, L.	Haugerud	Luther	Rice	Wenstrom
Carlson, R.	Heinitz	Mangan	St. Onge	Wenzel
Casserly	Hokanson	Mann	Samuelson	White
Clark	Jacobs	McCarron	Sarna	Williamson
Clawson	Jaros	McCauley	Savelkoul	Zubay
Corbid	Jensen	McCollar	Schreiber	Speaker Sabo
Dahl	Johnson, C.	McEachern	Schulz	
Dean	Johnson, D.	Menning	Schumacher	
DeGroat	Jopp	Metzen	Searle	
Dieterich	Jude	Moe	Setzepfandt	

A quorum was present.

Volk, Wieser and Wigley were excused.

The Chief Clerk proceeded to read the Journal of the preceding day. On the motion of Vento the further reading was dispensed with the Journal was approved as corrected.

UNANIMOUS CONSENT

Norton requested unanimous consent to make a motion. The request was granted.

Norton moved that H. F. Nos. 2677 and 2678 be recalled from the Senate for further consideration by the House. The motion prevailed.

The following conference committee report was received:

CONFERENCE COMMITTEE REPORT ON H. F. NO. 2414

A bill for an act relating to motor vehicles; motor vehicle excise tax on vehicles purchased for resale; use of motor vehicles bearing motor vehicle dealer plates; amending Minnesota Statutes 1974, Sections 168.27, Subdivision 5; 297B.01, Subdivision 6; and Chapter 297B, by adding a section.

April 3, 1976

The Honorable Martin O. Sabo
Speaker of the House of Representatives
The Honorable Alec G. Olson
President of the Senate

We, the undersigned conferees for H. F. No. 2414 report that we have agreed upon the items in dispute and recommend as follows:

That the house concur in the senate amendments and that H. F. No. 2414, the senate amendment adopted March 31, 1976 be further amended as follows:

Page 6, subdivision 10, clause (1) (a), line 2, delete "*by the licensee or under lease*" and insert "*or under lease by the licensee. The lease shall be for a minimum term of one year. The building shall contain office space*".

Delete line 3.

Line 4, delete "*building*".

Page 7, clause (2), line 3, delete "*by the licensee or under lease for not*" and insert "*or under lease by the licensee. The lease shall be for a minimum term of one year. The building shall contain office space*".

Delete line 4.

Page 7, clause (3), line 3, delete "*by the licensee or under lease for not*" and insert "*or under lease by the licensee. The*

lease shall be for a minimum term of one year. The building shall contain office space".

Line 4, delete "*less than one year, with office space in that building*".

Page 7, clause (6), line 2, after "*building*" insert "*, within or without the state,*".

Page 8, line 1, delete "*by the licensee or under lease for not*" and insert "*or under lease by the licensee. The lease shall be for a minimum term of one year. The building shall contain office space*".

Page 8, line 2, delete "*less than one year with office space in that building*".

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

House Conferees: ROBERT E. VANASEK, ARTHUR M. BRAUN and JOHN C. LINDSTROM.

Senate Conferees: GEORGE R. CONZEMIUS, ALEC G. OLSON and ARNULF UELAND, JR.

Vanasek moved that the report of the Conference Committee on H. F. No. 2414 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 2414, A bill for an act relating to motor vehicles; motor vehicle excise tax on vehicles purchased for resale; use of motor vehicles bearing motor vehicle dealer plates; amending Minnesota Statutes 1974, Sections 168.27, Subdivision 5; 279B.01, Subdivision 6; and Chapter 297B, by adding a section.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question being taken on the repassage of the bill and the roll being called, there were yeas 82, and nays 44, as follows:

Those who voted in the affirmative were:

Abeln	Clark	Hokanson	Knickerbocker	Nelson
Adams, L.	Clawson	Jacobs	Knoll	Norton
Anderson, G.	Dahl	Jaros	Kostohryz	Novak
Arlandson	Dean	Jensen	Kroening	Osthoff
Beauchamp	Dieterich	Johnson, D.	Laidig	Patton
Berg	Doty	Jopp	Langseth	Pehler
Berglin	Enebo	Jude	Lindstrom	Petrafeso
Birnstihl	Ewald	Kahn	Luther	Philbrook
Carlson, A.	Faricy	Kelly, R.	Metzen	Prahl
Carlson, L.	Fudro	Kempe, A.	Moe	Samuelson
Carlson, R.	George	Kempe, R.	Munger	Sarna
Cassery	Hanson	Ketola	Neisen	Savelkoul

Schreiber	Sieloff	Suss	Vento	Williamson
Schulz	Simoneau	Swanson	Voss	Speaker Sabo
Schumacher	Skoglund	Tomlinson	Wenstrom	
Sieben, H.	Smith	Ulland	Wenzel	
Sieben, M.	Stanton	Vanasek	White	

Those who voted in the negative were:

Adams, S.	DeGroat	Fugina	Lemke	Pleasant
Albrecht	Eckstein	Graba	Mann	Reding
Anderson, I.	Eken	Haugerud	McCauley	St. Onge
Begich	Erickson	Heinitz	McCollar	Searle
Biersdorf	Esau	Johnson, C.	McEachern	Sherwood
Braun	Evans	Kaley	Menning	Smogard
Brinkman	Fjoslien	Kalis	Nelsen	Spanish
Byrne	Forsythe	Kelly, W.	Niehaus	Zubay
Corbid	Friedrich	Kvam	Peterson	

The bill was repassed, as amended by Conference, and its title agreed to.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce the passage by the Senate of the following House Files, herewith returned:

H. F. No. 1947, A bill for an act relating to taxation; providing for the assessment of dwelling units in certain buildings; amending Minnesota Statutes 1974, Section 273.133; and Minnesota Statutes, 1975 Supplement, Section 290A.03, Subdivision 12.

H. F. No. 2218, A bill for an act relating to the department of public welfare; providing for funding for detoxification programs; amending Minnesota Statutes 1974, Section 254A.08, Subdivision 3.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 1397, A bill for an act relating to the creation of a legislative advisory task force; appropriating money.

PATRICK E. FLAHAVEN, Secretary of the Senate

Fugina moved that the House refuse to concur in the Senate amendments to H. F. No. 1397, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two Houses. The motion prevailed.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 2489, A bill for an act relating to highway traffic regulations; special permits for oversize and overweight vehicles; authorizing an annual permit for refuse compactor vehicles and prescribing maximum loads thereon; providing a fee therefor; redefining farm trucks; amending Minnesota Statutes 1971, Section 168.011, Subdivision 17, as amended; and Minnesota Statutes 1974, Section 169.86, Subdivision 5; repealing Minnesota Statutes 1974, Section 169.831.

PATRICK E. FLAHAVEN, Secretary of the Senate

Schreiber moved that the House refuse to concur in the Senate amendments to H. F. No. 2489, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two Houses. The motion prevailed.

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

S. F. No. 1959, A bill for an act relating to health facilities; establishing an office of health facility ombudsman; appropriating money.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said Senate File is herewith transmitted to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONFERENCE COMMITTEE REPORT ON S. F. NO. 1959

A bill for an act relating to health facilities; establishing an office of health facility ombudsman; appropriating money.

April 2, 1976

The Honorable Alec G. Olson
 President of the Senate
 The Honorable Martin O. Sabo
 Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 1959 report that we have agreed upon the items in dispute and recommend as follows:

That the house recede from its amendments and that S. F. No. 1959 be amended as follows:

Strike everything after the enacting clause and insert:

"Section 1. [144A.51] [DEFINITIONS.] Subdivision 1. For the purposes of sections 1 to 6 of this act, the terms defined in this section have the meanings given them.

Subd. 2. "Administrative agency" or "agency" means any division, official, or employee of a state or local governmental agency, but does not include:

- (a) Any member of the senate or house of representatives;
- (b) The governor or his personal staff;
- (c) Any instrumentality of the federal government of the United States; or
- (d) Any court or judge.

Subd. 3. "Director" means the director of the office of health facility complaints.

Subd. 4. "Health care provider" means any professional licensed by the state to provide medical or health care services who does provide the services to a resident of a health facility.

Subd. 5. "Health facility" means a facility or that part of a facility which is required to be licensed pursuant to Minnesota Statutes, Sections 144.50 to 144.58, and a facility or that part of a facility which is required to be licensed under any law of this state which provides for the licensure of nursing homes.

Subd. 6. "Resident" means any resident or patient of a health facility, or the guardian or conservator of a resident or patient of a health facility, if one has been appointed.

Sec. 2. [144A.52] [OFFICE OF HEALTH FACILITY COMPLAINTS.] Subdivision 1. The office of health facility complaints is hereby created in the department of health. The office shall be headed by a director appointed by the state board

of health. The director shall report to and serve at the pleasure of the state board of health.

The commissioner of health shall provide the office of health facility complaints with office space, administrative services and secretarial and clerical assistance.

Subd. 2. The director may appoint a deputy director and one personal secretary to discharge the responsibilities of his office. Any deputy director or personal secretary shall serve at the director's pleasure and shall be in the unclassified service. All other employees of the office shall be classified employees of the state board of health.

Subd. 3. The director may delegate to members of his staff any of his authority or duties except the duty of formally making recommendations to the legislature, administrative agencies, health facilities, health care providers, and the state board of health.

Subd. 4. The director shall attempt to include on his staff persons with expertise in areas such as law, health care, social work, dietary needs, sanitation, financial audits, health-safety requirements as they apply to health facilities, and any other relevant fields. To the extent possible, employees of the office shall meet federal training requirements for health facility surveyors.

Sec. 3. [144A.53] [POWERS AND DUTIES OF DIRECTOR.] Subdivision 1. [POWERS.] The director may:

(a) Promulgate by rule, pursuant to Minnesota Statutes, Chapter 15, and within the limits set forth in subdivision 2, the methods by which complaints against health facilities, health care providers or administrative agencies are to be made, reviewed, investigated, and acted upon; provided, however, that he may not charge a fee for filing a complaint;

(b) Recommend legislation and changes in rules to the state board of health, legislature, governor, administrative agencies or the federal government;

(c) Investigate, upon a complaint or upon his own initiative, any action or failure to act by a health care provider or a health facility;

(d) Request and receive access to relevant information, records, or documents in the possession of an administrative agency, a health care provider, or a health facility which he deems necessary for the discharge of his responsibilities;

(e) Enter and inspect, at any time, a health facility; provided that the director shall not unduly interfere with or disturb the activities of a resident unless the resident consents;

(f) Issue a correction order pursuant to Minnesota Statutes, Section 144.653 or any other law which provides for the issuance of correction orders to health care facilities;

(g) Recommend the certification or decertification of health facilities pursuant to Title XVIII or Title XIX of the United States Social Security Act;

(h) Assist residents of health facilities in the enforcement of their rights under Minnesota law; and

(i) Work with administrative agencies, health facilities, health care providers and organizations representing consumers on programs designed to provide information about health facilities to the public and to health facility residents.

Subd. 2. [COMPLAINTS.] The director may receive a complaint from any source concerning an action of an administrative agency, a health care provider, or a health facility. He may require a complainant to pursue other remedies or channels of complaint open to the complainant before accepting or investigating the complaint.

The director shall keep written records of all complaints and his action upon them. After completing his investigation of a complaint, he shall inform the complainant, the administrative agency having jurisdiction over the subject matter, the health care provider and the health facility of the action taken.

Subd. 3. [RECOMMENDATIONS.] If, after duly considering a complaint and whatever material he deems pertinent, the director determines that the complaint is valid, he may recommend that an administrative agency, a health care provider or a health facility should:

(a) Modify or cancel the actions which gave rise to the complaint;

(b) Alter the practice, rule or decision which gave rise to the complaint;

(c) Provide more information about the action under investigation; or

(d) Take any other step which the director considers appropriate.

If the director requests, the administrative agency, a health care provider or health facility shall, within the time specified, inform the director about the action taken on his recommendation.

Subd. 4. [REFERAL OF COMPLAINTS.] If a complaint received by the director relates to a matter more properly within the jurisdiction of an occupational licensing board, the office of consumer services or any other governmental agency, the director shall forward the complaint to that agency and shall inform the complaining party of the forwarding. The agency shall promptly act in respect to the complaint, and shall inform the complaining party and the director of its disposition. If a governmental agency receives a complaint which is more properly within the jurisdiction of the director, it shall promptly forward the complaint to the director, and shall inform the complaining party of the forwarding. If the director has reason to believe that any official or employee of an administrative agency or health facility has acted in a manner warranting criminal or disciplinary proceedings, he shall refer the matter to the state board of health, the commissioner of public welfare, an appropriate prosecuting authority, or any other appropriate agency.

Sec. 4. [144A.54] [PUBLICATION OF RECOMMENDATIONS; REPORTS.] Subdivision 1. Except as otherwise provided by this section, the director may determine the form, frequency, and distribution of his conclusions and recommendations. The director shall transmit his conclusions and recommendations to the state board of health and the legislature. Before announcing a conclusion or recommendation that expressly or by implication criticizes an administrative agency, a health care provider or a health facility, the director shall consult with that agency, health care provider or facility. When publishing an opinion adverse to an administrative agency, a health care provider or a health facility, he shall include in the publication any statement of reasonable length made to him by that agency, health care provider or health facility in defense or explanation of the action.

Subd. 2. In addition to whatever other reports the director may make, he shall, at the end of each year, report to the state board of health and the legislature concerning the exercise of his functions during the preceding year. The state board of health may, at any time, request and receive information, other than resident records, from the director.

Subd. 3. In performing his duties under this act, the director shall preserve the confidentiality of resident records. He may release a resident's records with the written approval of the resident who is the subject of the records.

Sec. 5. [HEALTH DEPARTMENT COMPLAINT TEAM.] It is the intent of the legislature that the complaint team of the department of health be superseded by the office of health facility complaints and that funds currently allocated to the complaint team by the state board of health be allocated to the office of health facility complaints.

Sec. 6. [ADVISORY TASK FORCE.] The director of the office of health facility complaints shall appoint a 15 member task force to advise him in the establishment of the office under this act. The appointment, compensation and term of office of the members of the task force shall be governed by the provisions of Minnesota Statutes, Section 15.059, Subdivision 6.

Sec. 7. [APPROPRIATION.] The sum of \$67,000 is hereby appropriated from the general fund to the state board of health for the biennium ending June 30, 1977 for the purposes of sections 1 to 6 of this act.

Sec. 8. [144.97] [GRIEVANCE PROCEDURES.] Subdivision 1. [FACILITIES.] Every hospital licensed as such pursuant to Minnesota Statutes, Sections 144.50 to 144.56, and every outpatient surgery center shall establish a grievance or complaint mechanism designed to process and resolve promptly and effectively grievances by patients or their representatives related to billing, inadequacies of treatment, and other factors which may have an impact on the incidence of malpractice claims and suits.

For the purposes of sections 8 to 10 of this act, "outpatient surgery center" shall mean a free standing facility organized for the specific purpose of providing elective outpatient surgery for preexamined prediagnosed low risk patients. Services provided at an outpatient surgery center shall be limited to surgical procedures which utilize local or general anesthesia and which do not require overnight inpatient care. "Outpatient surgery center" does not mean emergency medical services, or physician or dentist offices.

Subd. 2. [PATIENT NOTICE.] Each patient receiving treatment at a hospital or an outpatient surgery center shall be notified of the grievance or complaint mechanism which is available to him.

Subd. 3. [RULES.] The state board of health shall, by January 1, 1977, establish by rule promulgated pursuant to Minnesota Statutes, Chapter 15:

(a) Minimum standards and procedural requirements for grievance and complaint mechanism;

(b) A list of patient complaints which may be processed through a complaint or grievance mechanism;

(c) The form and manner in which patient notices shall be made; and

(d) A schedule of fines, not to exceed \$200 per offense, for the failure of a hospital or outpatient surgery center to comply with the provisions of this section.

Subd. 4. [REPORTS.] Each hospital and outpatient surgery center, and every health maintenance organization required under Minnesota Statutes, Section 62D.11 to implement a complaint system, shall at least annually submit to the state board of health a report on the operation of its complaint or grievance mechanism. The frequency, form and content of each report shall be as prescribed by rule of the state board of health. Data relating to patient records collected by the state board of health pursuant to this section shall be summary data within the meaning of Minnesota Statutes, Section 15.162, Subdivision 9. The state board of health shall collect, analyze and evaluate the data submitted by the hospitals, health maintenance organizations, and outpatient surgery centers; and shall periodically publish reports and studies designed to improve patient complaint and grievance mechanisms.

Sec. 9. [144.971] [IN-SERVICE TRAINING.] The state board of health shall study and publish recommendations for in-service personnel training programs designed to reduce the incidence of malpractice claims and suits against hospitals, outpatient surgery centers and health maintenance organizations regulated under Minnesota Statutes, Chapter 62D.

Sec. 10. [144.972] [INSURER REPORTS OF MEDICAL MALPRACTICE CLAIMS.] Subdivision 1. On or before September 1, 1976, and on or before March 1 and September 1 of each year thereafter, each insurer providing professional liability insurance to one or more hospitals, outpatient surgery centers, or health maintenance organizations, shall submit to the state board of health a report listing by facility or organization all claims which have been closed by or filed with the insurer during the period ending December 31 of the previous year or June 30 of the current year. The report shall contain, but not be limited to, the following information:

(a) The total number of claims made against each facility or organization which were filed or closed during the reporting period;

(b) The date each new claim was filed with the insurer;

(c) The allegations contained in each claim filed during the reporting period;

(d) The disposition and closing date of each claim closed during the reporting period;

(e) The dollar amount of the award or settlement for each claim closed during the reporting period; and

(f) Any other information the board of health may, by rule, require.

Any hospital, outpatient surgery center, or health maintenance organization which is self insured shall be considered to be an insurer for the purposes of this section and shall comply with the reporting provisions of this section.

A report from an insurer submitted pursuant to this section is private data, as defined in Minnesota Statutes, Section 15.162, Subdivision 5a, accessible to the facility or organization which is the subject of the data, and to its authorized agents. Any data relating to patient records which is reported to the state board of health pursuant to this section shall be reported in the form of summary data, as defined in Minnesota Statutes, Section 15.162, Subdivision 9.

Subd. 2. The state board of health shall collect and review the data reported pursuant to subdivision 1. On December 1, 1976, and on January 2 of each year thereafter, the state board of health shall report to the legislature its findings related to the incidence and size of malpractice claims against hospitals, outpatient surgery centers, and health maintenance organizations, and shall make any appropriate recommendations to reduce the incidence and size of the claims. Data published by the state board of health pursuant to this subdivision with respect to malpractice claims information shall be summary data within the meaning of Minnesota Statutes, Section 15.162, Subdivision 9.

Subd. 3. The state board of health shall have access to the records of any insurer relating to malpractice claims made against hospitals, outpatient surgery centers, and health maintenance organizations in years prior to 1976 if it determines the records are necessary to fulfill its duties under this act.

Sec. 11. [EFFECTIVE DATE.] Section 2, subdivision 1, and section 10 are effective the day following final enactment. The remainder of sections 1 to 7 is effective upon appointment of the director of the office of health facility complaints. Sections 8 and 9 are effective on January 1, 1977 or upon the promulgation of rules pursuant to section 8, subdivision 3, whichever occurs first."

Further, strike the title and insert:

"A bill for an act relating to health; establishing an office of nursing home complaints; requiring the establishment of health care facility grievance procedures; providing for the reporting of malpractice claims to the state board of health; authorizing studies of in-service training for health care facility personnel; appropriating money."

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

Senate Conferees: STEVE KEEFE, JOHN MILTON and NANCY BRATAAS.

House Conferees: JAMES C. SWANSON, LINDA L. BERGLIN and O. J. HEINITZ.

Swanson moved that the report of the Conference Committee on S. F. No. 1959 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 1959, A bill for an act relating to health facilities; establishing an office of health facility ombudsman; appropriating money.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question being taken on the repassage of the bill and the roll being called, there were yeas 117, and nays 10, as follows:

Those who voted in the affirmative were:

Abeln	Dieterich	Kelly, R.	Neisen	Sieben, H.
Adams, L.	Doty	Kelly, W.	Nelsen	Sieben, M.
Adams, S.	Enebo	Kempe, A.	Nelson	Sieloff
Anderson, G.	Evans	Kempe, R.	Norton	Simoneau
Anderson, I.	Ewald	Ketola	Novak	Skoglund
Arlandson	Faricy	Knickerbocker	Osthoff	Smith
Beauchamp	Fjoslien	Knoll	Parish	Smogard
Begich	Porsythe	Kostohryz	Patton	Spanish
Berg	Fudro	Kroening	Pehler	Stanton
Berglin	Fugina	Laidig	Petrafeso	Suss
Biersdorf	George	Langseth	Philbrook	Swanson
Birnstihl	Graba	Lemke	Pleasant	Tomlinson
Braun	Hanson	Lindstrom	Prahl	Ulland
Brinkman	Haugerud	Luther	Reding	Vanasek
Byrne	Heinitz	Mangan	St. Onge	Vento
Carlson, A.	Hokanson	Mann	Samuelson	Voss
Carlson, L.	Jacobs	McCarron	Sarna	Wenstrom
Carlson, R.	Jaros	McCauley	Savelkoul	Wenzel
Casserly	Jensen	McCollar	Schreiber	White
Clark	Johnson, C.	McEachern	Schulz	Williamson
Clawson	Johnson, D.	Menning	Schumacher	Speaker Sabo
Corbid	Jude	Metzen	Searle	
Dahl	Kahn	Moe	Setzpfandt	
Dean	Kalis	Munger	Sherwood	

Those who voted in the negative were:

Albrecht	Eken	Friedrich	Kvam	Peterson
DeGroat	Erickson	Kaley	Niehaus	Zubay

The bill was repassed, as amended by Conference, and its title agreed to.

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

S. F. No. 320, A bill for an act relating to taxation; increasing the percentage of unrefunded gasoline excise taxes attributable to snowmobile operation; appropriating money; amending Minnesota Statutes 1974, Sections 296.16, Subdivision 1; and 296.421, Subdivisions 6 and 7.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said Senate File is herewith transmitted to the House.

PATRICK E. FLAHAVER, Secretary of the Senate

CONFERENCE COMMITTEE REPORT ON S. F. NO. 320

A bill for an act relating to taxation; increasing the percentage of unrefunded gasoline excise taxes attributable to snowmobile operation; appropriating money; amending Minnesota Statutes 1974, Sections 296.16, Subdivision 1; and 296.421, Subdivisions 6 and 7.

April 2, 1976

The Honorable Alec G. Olson
President of the Senate
The Honorable Martin O. Sabo
Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 320 report that we have agreed upon the items in dispute and recommend as follows:

That S. F. No. 320 be amended as follows:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1974, Section 296.16, Subdivision 1, is amended to read:

296.16 [USE IN MOTOR VEHICLES.] Subdivision 1. [INTENT.] All gasoline received in this state and all gasoline produced in or brought into this state except aviation gasoline and marine gasoline shall be determined to be intended for use in motor vehicles in this state. (IT IS HEREBY FOUND AND DETERMINED THAT) Approximately three fourths of one percent of all gasoline received in this state and three fourths of one percent of all gasoline produced or brought into this state, except gasoline used for aviation purposes, is being used as fuel for the operation of motor boats on the waters of this state and (THAT) of the total revenue derived from the imposition of the

gasoline fuel tax for uses other than in motor boats, three fourths of one percent of such revenues is the amount of tax on fuel used in motor boats operated on the waters of this state. (IT IS FURTHER FOUND AND DETERMINED THAT) Approximately (THREE-EIGHTHS) *three fourths* of one percent of all gasoline received in and produced or brought into this state, except gasoline used for aviation purposes, is being used as fuel for the operation of snowmobiles in this state, and (THAT) of the total revenue derived from the imposition of the gasoline fuel tax for uses other than in snowmobiles, (THREE-EIGHTHS) *three fourths* of one percent of such revenues is the amount of tax on fuel used in snowmobiles operated in this state.

Sec. 2. [APPROPRIATION.] *There is appropriated from the general fund to the commissioner of natural resources for the biennium ending June 30, 1977, the sum of \$1,300,000 for the following purposes:*

(a) *30 percent shall be paid in grants in aid to local units of government for purposes of enforcement of laws relating to recreational trail usage and for the construction of recreational trails.*

(b) *40 percent shall be allocated by the commissioner for the provision and maintenance of snowmobile trails and trails to be used exclusively for non-motorized recreation.*

(c) *30 percent shall be allocated by the commissioner for the provision of access to snowmobile trails and the provision of snowmobile areas in those parts of the state where trails prove unfeasible to provide.*

No more than ten percent of this appropriation shall be used for central staff administration.

This appropriation is intended to approximate the amount of tax paid on gasoline used as fuel for the operation of snowmobiles in this state but paid into the highway user distribution fund for highway purposes. It is based on the assumption that approximately three-fourths of one percent of all gasoline received in and produced or brought into this state, except gasoline used for aviation purposes, is being used as fuel for the operation of snowmobiles in this state.

This appropriation is in addition to and not in replacement for all other appropriations for recreational trails, including appropriations to match snowmobile license fee receipts.

The commissioner of natural resources shall exercise care and discretion in establishing snowmobile trails to the end that the trails will be distributed equitably throughout the state for the recreational use of the people and the preservation of natural wild areas.

Sec. 3. *Minnesota Statutes 1974, Section 296.421, Subdivisions 6 and 7, are repealed.*

Sec. 4. *This act is effective the day following final enactment."*

Further strike the title and insert:

"A bill for an act relating to taxation; increasing the percentage of unrefunded gasoline excise taxes attributable to snowmobile operation; appropriating money; amending Minnesota Statutes 1974, Section 296.16, Subdivision 1; repealing Minnesota Statutes 1974, Section 296.421, Subdivisions 6 and 7."

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

Senate Conferees: WAYNE OLHOFT, GERALD L. WILLET and RICHARD W. FITZSIMONS.

House Conferees: NORMAN R. PRAHL, WILLIS R. EKEN and M. J. MCCAULEY.

Prahl moved that the report of the Conference Committee on S. F. No. 320 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 320, A bill for an act relating to taxation; increasing the percentage of unrefunded gasoline excise taxes attributable to snowmobile operation; appropriating money; amending Minnesota Statutes 1974, Sections 296.16, Subdivision 1; and 296.421, Subdivisions 6 and 7.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question being taken on the repassage of the bill and the roll being called, there were yeas 129, and nays 1, as follows:

Those who voted in the affirmative were:

Abeln	Byrne	Enebo	Haugerud	Kelly, W.
Adams, L.	Carlson, A.	Erickson	Heinitz	Kempe, A.
Adams, S.	Carlson, L.	Esau	Hokanson	Kempe, R.
Anderson, G.	Carlson, R.	Evans	Jacobs	Ketola
Anderson, I.	Casserly	Ewald	Jaros	Knickerbocker
Arlandson	Clark	Farcy	Jensen	Knoll
Beauchamp	Clawson	Fjoslien	Johnson, C.	Kostohryz
Begich	Corbid	Forsythe	Johnson, D.	Kroening
Berg	Dahl	Friedrich	Jopp	Kvam
Berglin	Dean	Fudro	Jude	Laidig
Biersdorf	DeGroat	Fugina	Kahn	Langseth
Birnstihl	Dieterich	George	Kaley	Lemke
Braun	Doty	Graba	Kalis	Lindstrom
Brinkman	Eken	Hanson	Kelly, R.	Luther

Mangan	Nelson	Prahl	Sherwood	Tomlinson
Mann	Niehaus	Reding	Sieben, H.	Ulland
McCarron	Norton	Rice	Sieben, M.	Vanasek
McCauley	Novak	St. Onge	Sieloff	Vento
McCollar	Osthoff	Samuelson	Simoneau	Voss
McEachern	Parish	Sarna	Skoglund	Wenstrom
Menning	Patton	Savelkoul	Smith	Wenzel
Metzen	Pehler	Schreiber	Smogard	White
Moe	Peterson	Schulz	Spanish	Williamson
Munger	Petrafeso	Schumacher	Stanton	Zubay
Neisen	Philbrook	Searle	Suss	Speaker Sabo
Nelsen	Pleasant	Setzepfandt	Swanson	

Those who voted in the negative were:

Eckstein

The bill was repassed, as amended by Conference, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate File, herewith transmitted:

S. F. No. 2455.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate File, herewith transmitted:

S. F. No. 2453.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 2455, A bill for an act relating to taxation; cultural, recreational and welfare activities; changing the metropolitan parks and open space commission to the metropolitan parks, recreation and open space commission and prescribing its powers and duties; authorizing the metropolitan council to issue bonds and levy taxes therefor; authorizing the council to impose an admissions tax; authorizing the council to impose a tax on certain sales in the metropolitan area; requiring the completion of an environmental impact statement and pollution control agency permits prior to construction of a new sports facility; establishing a panel to select a site; authorizing a liquor license for the commission; requiring a certificate of need for regional recreational facilities; providing for the distribution of moneys to cultural and artistic organizations; authorizing capital improvements; to the Minnesota veterans home; providing for a refund

of certain amounts of taxes paid for the 1975 taxable year; appropriating money; amending Minnesota Statutes 1974, Sections 297A.14; 297A.25, Subdivision 1; Chapters 139, by adding sections; 473, by adding sections; Minnesota Statutes, 1975 Supplement, Sections 139.08, Subdivision 5; 139.10, Subdivisions 1 and 2, and by adding a subdivision; 297A.01, Subdivision 3; 473.121, Subdivisions 7 and 14; 473.147; 473.301; 473.302; and 473.303, Subdivision 1; repealing Minnesota Statutes 1974, Section 340.11, Subdivision 11a.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

S. F. No. 2453, A bill for an act relating to taxation; changing the means of calculation and adjustment of levy limits in certain counties; adjusting population limits for communities exempt from levy limits; amending Minnesota Statutes, 1975 Supplement, Sections 275.51, Subdivision 3c; and 275.59.

The bill was read for the first time and referred to the Committee on Taxes.

The following conference committee report was received:

CONFERENCE COMMITTEE REPORT ON H. F. NO. 2043

A bill for an act relating to elections; providing for uniform reporting dates for campaign disclosure forms; providing for disclosure of campaign contributions and expenditures of political committees and candidates for local office; amending Minnesota Statutes 1974, Chapters 123, 373, and 471, by adding sections; and Minnesota Statutes, 1975 Supplement, Sections 210A.01, Subdivisions 1, 5, 6, 8, 9, and by adding subdivisions; 210A.05, Subdivision 1; 210A.16; 210A.23; 210A.24; 210A.25; 210A.26; 210A.27, Subdivision 1; 210A.29; 210A.32; 210A.33; Chapter 210A, by adding sections; repealing Minnesota Statutes, 1975 Supplement, Sections 123.015; 210A.01, Subdivisions 4 and 7; 210A.22; 210A.28; and 210A.31.

April 3, 1976

The Honorable Martin O. Sabo
Speaker of the House of Representatives
The Honorable Alec G. Olson
President of the Senate

We, the undersigned conferees for H. F. No. 2043 report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that H. F. No. 2043 be amended as follows:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1974, Chapter 123, is amended by adding a section to read:

[123.016] [CODES OF ETHICS.] *The board of any school district however organized may adopt and enforce by resolution a code of ethics not inconsistent with state law for its elected and appointed officials and employees.*

Sec. 2. Minnesota Statutes, 1975 Supplement, Section 201.021, is amended to read:

201.021 [PERMANENT REGISTRATION SYSTEM.] A permanent system of voter registration by county is established. (ANY COUNTY CONTAINING NO CITY WITH A POPULATION OF 10,000 OR MORE MAY BY RESOLUTION OF THE COUNTY BOARD BE EXEMPTED FROM THE PROVISIONS OF SECTIONS 201.021 TO 201.221.) The county auditor shall be chief registrar of voters and the chief custodian of the official registration records in each county.

Sec. 3. Minnesota Statutes, 1975 Supplement, Chapter 204A, is amended by adding a section to read:

[204A.171] [ELECTION LAW CONFERENCES.] *The secretary of state shall conduct conferences for county auditors before each state primary election for the purpose of giving instructions on the administration of election laws.*

The county auditor or his designee is authorized to conduct in-service training for municipal clerks and chairmen of election boards.

Sec. 4. Minnesota Statutes, 1975 Supplement, Section 210A.01, Subdivision 1, is amended to read:

210A.01 [ELECTIONS; FAIR CAMPAIGN PRACTICES ACT; DEFINITIONS.] Subdivision 1. *Unless otherwise provided herein, the words used in (SECTIONS 210A.01 TO 210A.44) chapter 210A have the meanings prescribed to them in chapter 200; and the words defined in this section are applicable for the purpose of construing (SECTIONS 210A.01 TO 210A.44) this chapter.*

Sec. 5. Minnesota Statutes, 1975 Supplement, Section 210A.01, Subdivision 3, is amended to read:

Subd. 3. *Except as otherwise provided in this chapter, "candidate" means every person for whom it is contemplated or desired that votes may be cast at any election or primary, and who either tacitly or expressly consents to be so considered, ex-*

cept candidates for president and vice president of the United States. (IN SECTIONS 210A.22 TO 210A.28, 210A.32 AND 210A.33, "CANDIDATE" DOES NOT MEAN A PERSON FOR WHOM IT IS CONTEMPLATED OR DESIRED THAT VOTES MAY BE CAST AT ANY ELECTION OR PRIMARY, AND WHO EITHER TACITLY OR EXPRESSLY CONSENTS TO BE SO CONSIDERED FOR GOVERNOR, STATE OFFICER, STATE SENATOR OR MEMBERSHIP IN THE HOUSE OF REPRESENTATIVES.)

Sec. 6. Minnesota Statutes, 1975 Supplement, Section 210A.-01, is amended by adding a subdivision to read:

Subd. 3a. For the purposes of this Chapter "election" includes any school district election unless the context clearly indicates otherwise.

Sec. 7. Minnesota Statutes, 1975 Supplement, Section 210A.-01, Subdivision 5, is amended to read:

Subd. 5. "Filing office", when used with reference to any candidate, (SHALL BE CONSTRUED TO MEAN) *means* the officer (WHO IS AUTHORIZED BY LAW TO ISSUE A CERTIFICATE OF NOMINATION OR ELECTION TO SUCH CANDIDATE IF HE BE SUCCESSFUL IF THERE BE NO OFFICER AUTHORIZED TO ISSUE SUCH CERTIFICATE OF NOMINATION OR ELECTION, THEN SUCH TERM SHALL BE CONSTRUED TO MEAN THE CLERK OF THE TOWN OR CITY IN WHICH SUCH CANDIDATE RESIDES) *with whom the candidate files his affidavit of candidacy.*

Sec. 8. Minnesota Statutes, 1975 Supplement, Section 210A.-01, Subdivision 6, is amended to read:

Subd. 6. "(PERSONAL) *Principal* campaign committee" means (ANY) *the single political* committee (APPOINTED) *designated* by a candidate for any election.

Sec. 9. Minnesota Statutes, 1975 Supplement, Section 210A.-01, Subdivision 8, is amended to read:

Subd. 8. (EVERY TWO OR MORE PERSONS ELECTED OR APPOINTED BY ANY POLITICAL PARTY OR ASSOCIATION FOR THE PURPOSE, WHOLLY OR PARTLY, OF RAISING, COLLECTING, OR DISBURSING MONEY, OR DIRECTING THE RAISING, COLLECTING OR DISBURSING THEREOF, FOR NOMINATION OR ELECTION PURPOSES, AND EVERY TWO OR MORE PERSONS WHO SHALL COOPERATE IN THE RAISING, COLLECTING, OR DISBURSING OF MONEY USED, OR TO BE USED FOR OR AGAINST THE ELECTION TO PUBLIC OFFICE OF ANY PERSON OR ANY CLASS OR NUMBER OF PERSONS, OR FOR OR

AGAINST THE ADOPTION OF ANY LAW, ORDINANCE, OR CONSTITUTIONAL AMENDMENT, SHALL BE DEEMED A "POLITICAL COMMITTEE" WITHIN THE MEANING OF SECTIONS 210A.01 TO 210A.44.) *"Political committee" means any political party, association, or person other than an individual, which supports or opposes any question on the ballot or influences the nomination or election of a candidate.*

Sec. 10. Minnesota Statutes, 1975 Supplement, Section 210A.-01, is amended by adding a subdivision to read:

Subd. 10. "Expenditure" means: (a) A purchase, payment, distribution, loan, advance, deposit or gift of money or anything of value, made for the purpose of influencing the nomination for election or election of any candidate to office; or

(b) A transfer of funds between political committees or political funds. "Expenditure" does not include services provided without compensation by individuals volunteering their time on behalf of a candidate, political committee, or political fund.

Sec. 11. Minnesota Statutes, 1975 Supplement, Section 210A.-01, is amended by adding a subdivision to read:

Subd. 11. "Contribution" means: (a) A gift, subscription, loan, advance, the providing of supplies, materials or equipment, or deposit of money or anything else of value made to influence the nomination for election or election of a candidate to office;

(b) A transfer of funds between political committees; or

(c) The payment of compensation for the personal services of another person which are rendered to a candidate or political committee to influence the nomination for election or election of a candidate to office by any person other than that candidate or political committee.

"Contribution" does not include services provided without compensation by individuals volunteering their time on behalf of a candidate or political committee, or coverage by news media, but only while acting in the ordinary course of business of publishing or broadcasting news items, editorials or other comments.

Sec. 12. Minnesota Statutes, 1975 Supplement, Chapter 210A, is amended by adding a section to read:

[210A.025] [PAPER COLOR FOR SAMPLE BALLOTS.]
Except that sample ballots may be printed in newspapers as news matter, it is a misdemeanor to print sample ballots on paper of the same color as any official ballots.

Sec. 13. Minnesota Statutes, 1975 Supplement, Section 210A.-05, Subdivision 1, is amended to read:

210A.05 [PAID ADVERTISEMENTS IN NEWS.] Subdivision 1. No publisher of a newspaper, periodical, or magazine shall insert either in the advertising columns of such newspaper, magazine, or periodical, or elsewhere therein, any matter paid or to be paid for which is intended or tends to influence directly or indirectly any voting at any primary or (GENERAL) election unless at the head or the foot of the matter is printed in six point capital letters the words "Paid Advertisement," and unless there is a statement at the head or the foot of the matter of the amount paid or to be paid therefor, or a statement that the same is to be paid at regular advertising rates, the name of the candidate in whose behalf the matter is inserted and of any other person or the names of the officer and the committee authorizing the publication.

Sec. 14. Minnesota Statutes, 1975 Supplement, Section 210A.-09, is amended to read:

210A.09 [SHALL NOT INDUCE PERSON TO BECOME A CANDIDATE OR REFRAIN THEREFROM.] *Subdivision 1.* No person shall pay, or promise to reward another in any manner or form for the purpose of inducing him to be or refrain from or cease being a candidate, and no person shall solicit or receive any payment, promise, or reward from another for such purpose.

Subd. 2. Any person elected to a public office shall be permitted time off from his regular employment to attend meetings of his public office. No retaliatory action may be taken by the employer for absences necessary for the employee to attend the meetings. Such time off may be without pay, with pay, or made up with other hours, as agreed between the employee and employer.

Sec. 15. Minnesota Statutes, 1975 Supplement, Section 210A.-16, is amended to read:

210A.16 [LEGAL EXPENDITURES.] *Subdivision 1.* The expenditure of money or other thing of value by any candidate, (PERSONAL) principal campaign committee, (PARTY COMMITTEE,) or other political committee for (POLITICAL) purposes other than those provided in this section is prohibited. The following are permitted expenditures:

- (a) Salaries, wages, and fees;
- (b) Communications, mailing, transportation, and travel;
- (c) Campaign advertising;

(d) Printing;

(e) Office and other space and necessary equipment, furnishings, and supplies incidental thereto;

(f) Other expenses, not included in the above, which are reasonably related to the conduct of election campaigns.

Subd. 2. No funds contributed to a candidate, principal campaign committee or political committee shall be commingled with any personal funds of the candidate or officers or members of the principal campaign committee or the political committee.

Sec. 16. Minnesota Statutes, 1975 Supplement, Section 210A.21, is amended to read:

210A.21 [CERTAIN SOLICITATIONS PROHIBITED.] No person shall solicit, receive, or accept any money, property, or other thing of value, or any promise or pledge thereof, constituting (A DISBURSEMENT) *an expenditure or contribution prohibited by sections 210A.01 to 210A.44.*

Sec. 17. Minnesota Statutes, 1975 Supplement, Chapter 210A, is amended by adding a section to read:

[210A.211] [EXPENDITURES OF CANDIDATE TAX DEDUCTIBLE.] *Expenditures authorized by this chapter by a candidate in his own behalf may be deducted as expenses for production of income or a business expense under section 290.09, subdivision 2, in an amount not to exceed \$500.*

Sec. 18. Minnesota Statutes, 1975 Supplement, Chapter 210A, is amended by adding a section to read:

[210A.215] [PRINTED MATERIALS.] *No elected, administrative, or executive officer of any school district, city, county, town, or other political subdivision shall cause to be printed or authorize the printing of official reports and publications printed with public funds and intended for general public circulation, which contain pictures of elected officials or names of public officials or any other device which tends to attribute the publication to an individual or individuals instead of the governmental unit from which it emanates.*

Sec. 19. [210A.220] [DEFINITIONS.] *Subdivision 1. For the purposes of sections 19 to 31 of this act, the following terms have the meanings given them unless the context clearly indicates otherwise.*

Subd. 2. "Candidate" means every person who seeks nomination or election to any county office, any city office in a city with a population of 20,000 or more, and any school district office in

any school district with a population of 20,000 or more as determined by, or estimated by the chief administrative officer of a school district from the last decennial census.

Subd. 3. "Business with which he is associated" means any association in connection with which the individual is compensated in excess of \$50 excluding reimbursement for actual expenses in any month as a director, officer, owner, member, partner, employer, or employee, or is a holder of securities worth \$2,500 or more at fair market value.

Sec. 20. [210A.221] [POLITICAL COMMITTEES.] *Every political committee shall have a chairman and a treasurer. The treasurer of a political committee shall be responsible for filing the campaign statements required in this act.*

Sec. 21. [210A.222] [PRINCIPAL CAMPAIGN COMMITTEES.] *Subdivision 1. Each candidate shall designate a principal campaign committee which shall receive contributions and make expenditures on his behalf.*

Subd. 2. *Any candidate may serve as the chairman and treasurer of his principal campaign committee.*

Subd. 3. *A candidate shall file with his filing office a written statement designating his principal campaign committee no later than seven days after the committee has received any contributions or made any expenditures in excess of \$200. The statement shall include the name and address of the chairman and treasurer.*

Subd. 4. *In civil actions and proceedings brought under this chapter, the acts of every member of a principal campaign committee are presumed to be with the knowledge and approval of the candidate until it has been clearly proved that he did not know of and approve the act, and that, in the exercise of reasonable care and diligence, he could not have known of and had the opportunity to disapprove the act.*

Sec. 22. [210A.223] [EXPENDITURES.] *Subdivision 1. Any individual, who makes an expenditure in excess of \$200 on behalf of any candidate, including himself, other than by contribution to a political committee, shall file the campaign statements required in this act.*

Subd. 2. *Except as provided in subdivision 1, a candidate may make expenditures only through his principal campaign committee.*

Sec. 23. [210A.224] [STATEMENTS OF POLITICAL COMMITTEES.] *Subdivision 1. Campaign statements of any political committee shall be filed with the filing office.*

(a) Ten days before any primary or election and 30 days after the election in which a candidate being supported stands for election or a question being supported or opposed appears on the ballot; and

(b) January 31 of each year until the committee has terminated. A committee may file a termination statement when the total of the committee's assets and obligations does not exceed \$100.

Subd. 2. The campaign statements shall cover the period from the last day covered by the previous statement to seven days prior to the filing date.

Subd. 3. The campaign statements shall be filed with the appropriate filing office, or for a committee which is organized to support or oppose a constitutional amendment, with the secretary of state.

Subd. 4. Each campaign statement shall itemize:

(a) The amount of cash on hand at the beginning of the reporting period.

(b) The name, address and employer or, if self-employed, occupation of each person or committee which made a contribution in an aggregate amount in excess of \$50 during the calendar year; and the date and amount of the contribution.

(c) The total amount of all contributions received by the committee.

(d) The name and address of each person to whom any expenditure was made in an aggregate amount in excess of \$100 during the calendar year; and the date and amount of the expenditure.

(e) The total amount of all expenditures made by the committee.

(f) The name, address and employer, or if self-employed, occupation of any person to whom the committee owes a debt or obligation in excess of \$100; and the date incurred and amount of the debt or obligation.

Subd. 5. The treasurer of each political committee shall keep records of the financial transactions of the committee in sufficient detail to insure that each contribution in an aggregate amount in excess of \$50 and each expenditure, debt or obligation in an aggregate amount in excess of \$100 shall be reported.

Sec. 24. [210A.231] [CHANGES AND CORRECTIONS.] *Any material changes in information previously submitted or any substantial corrections to a statement required by this act shall be included in the next required statement or reported in writing within 30 days following the date of the event prompting the change. Any person who wilfully fails to report a material change or substantial correction is guilty of a misdemeanor.*

Sec. 25. [210A.232] [CIRCUMVENTION PROHIBITED.] *Any attempt by a person to circumvent the disclosure provisions of this act by redirecting funds through, or contributing funds on behalf of, another person, is guilty of a gross misdemeanor.*

Sec. 26. Minnesota Statutes, 1975 Supplement, Section 210A.24, is amended to read:

210A.24 [BILLS, WHEN RENDERED AND PAID.] Every person who (SHALL HAVE ANY) *has* a bill, charge, or claim (UPON OR) against any (PERSONAL CAMPAIGN OR PARTY) *political* committee or (ANY) candidate, for any (DISBURSEMENT) *expenditure* made, (SERVICES) *service* rendered, or thing of value furnished, (FOR POLITICAL PURPOSES, OR INCURRED IN ANY MANNER IN RELATION TO ANY PRIMARY OR ELECTION,) shall render in writing to (SUCH) *the candidate or treasurer of the political committee* (OR CANDIDATE SUCH) *the bill, charge, or claim* within (TEN) *60* days after the (DAY OF THE PRIMARY OR ELECTION IN CONNECTION WITH WHICH SUCH BILL, CHARGE, OR CLAIM WAS INCURRED) *material or service is provided.* (NO CANDIDATE AND NO PERSONAL CAMPAIGN OR PARTY COMMITTEE SHALL PAY ANY) *Failure to timely render the bill, charge, or claim* (SO INCURRED PRIOR TO ANY PRIMARY OR ELECTION, WHICH IS NOT SO PRESENTED WITHIN TEN DAYS AFTER SUCH PRIMARY OR ELECTION) *is a misdemeanor.*

Sec. 27. Minnesota Statutes, 1975 Supplement, Chapter 210A, is amended by adding a section to read:

[210A.255] [CERTAIN ASSOCIATIONS, INDIVIDUALS EXEMPTED.] *Any association which or individual who has been granted exemption from the reporting requirements of section 10A.20 shall be exempted from the reporting requirements of this chapter.*

Sec. 28. Minnesota Statutes, 1975 Supplement, Chapter 210A, is amended by adding a section to read:

[210A.261] [STATEMENTS OF ECONOMIC INTEREST.] *Every candidate except a candidate for school district office in any school district with a population of less than 30,000 shall file*

a statement of economic interest with his respective filing office within 14 days after filing an affidavit of candidacy or petition to appear on the ballot. The statement of economic interest shall contain the following:

(a) *his name, address, occupation and principal place of business;*

(b) *the name of each business with which he is associated, and the nature of the association; and*

(c) *a listing of all real property within the state, excluding homestead property, in which he has a fee simple interest, a contract for deed or an option to buy, whether direct or indirect, and which interest is valued in excess of \$2,500. The filing shall indicate the street address and the municipality, or if there is no street address, the section, township, range and approximate acreage, and the county wherein the property is located.*

Each candidate specified in this section elected to office shall file a supplementary statement of economic interest on April 15 of each year he is in office.

Sec. 29. Minnesota Statutes, 1975 Supplement, Section 210A.-27, Subdivision 1, is amended to read:

210A.27 [STATEMENT OF EXPENSE, BLANKS; DIGEST OF LAWS.] Subdivision 1. (BLANKS) *Forms for all statements required by (SECTIONS 210A.01 TO 210A.44) this chapter shall be prepared by the secretary of state (AND). Copies (THEREOF) of the forms shall be furnished (THROUGH THE COUNTY AUDITOR OR OTHERWISE, AS THE SECRETARY OF STATE MAY DEEM EXPEDIENT, TO THE SECRETARY OF EVERY COMMITTEE, AND TO EVERY CANDIDATE UPON FILING OF NOMINATION PAPERS, AND TO ALL OTHER PERSONS REQUIRED BY LAW TO FILE SUCH STATEMENTS WHO MAY APPLY THEREFOR) to filing officers, candidates and treasurers. The secretary of state shall have emergency rule making authority as provided in chapter 15 for the purpose of providing forms for elections held in 1976 after the effective date of this act.*

Sec. 30. Minnesota Statutes, 1975 Supplement, Section 210A.-29, is amended to read:

210A.29 [FILING STATEMENTS; PENALTY.] (EVERY TREASURER OR OTHER PERSON WHO RECEIVES ANY MONEY TO BE APPLIED TO ANY OF THE ELECTION PURPOSES FOR WHICH EXPENDITURES ARE PERMITTED BY LAW,) *Any individual who knowingly fails to file any (THE) statement (AND ACCOUNT RESPECTING THE SAME) required by (SECTIONS 210A.01 TO 210A.44) this*

chapter within (THE TIME PRESCRIBED,) seven days after receiving notice from the filing office shall be guilty of a misdemeanor.

Sec. 31. Minnesota Statutes, 1975 Supplement, Section 210A.-32, is amended to read:

210A.32 [DUTIES OF FILING OFFICERS.] *Subdivision 1. The (OFFICER WITH WHOM THE EXPENSE ACCOUNT) filing office where a statement (OF ANY CANDIDATE FOR PUBLIC OFFICE OR COMMITTEE) is required to be filed by the provisions of (SECTIONS 210A.01 TO 210A.-44) this chapter, shall notify (SUCH CANDIDATE OR COMMITTEE) the person responsible for filing the statement of the failure to comply with (SUCH) the law (,) immediately upon the expiration of the (TIME FIXED BY ANY LAW OF THIS STATE FOR) filing (OF THE SAME, AND SHALL NOTIFY THE COUNTY ATTORNEY OF THE COUNTY WHERE SUCH CANDIDATE RESIDES OR IN WHICH THE HEAD-QUARTERS OF THE COMMITTEE IS LOCATED, OF THE FACT OF THE FAILURE TO FILE SUCH EXPENSE ACCOUNT AND THE COUNTY ATTORNEY SHALL THEREUPON NOTIFY SUCH CANDIDATE OR THE SECRETARY OF THE COMMITTEE OF SUCH DELINQUENCY AND) date for such statement. If the person fails to comply with the provisions of (SECTIONS 210A.01 TO 210A.44) this chapter (SHALL NOT BE COMPLIED WITH) within (TEN) seven days after the mailing of (SUCH) the notice, the filing office shall notify the county attorney of the county of residence of the person responsible for filing the statement. The county attorney shall thereupon prosecute (SUCH CANDIDATE OR) the (OFFICER OF THE COMMITTEE) person required by law to file (SUCH) the statement.*

Subd. 2. Notwithstanding the provisions of section 138.163, the filing office where statements are filed shall destroy all statements five years after the year in which they were filed. Failure to destroy such statements shall constitute misfeasance.

Sec. 32. Minnesota Statutes, 1975 Supplement, Chapter 210A, is amended by adding a section to read:

[210A.435] [LOCAL ELECTIONS.] *Notwithstanding any provision of Minnesota Statutes, Section 410.21 or other law or ordinance, the provisions of this chapter apply to all municipal, county and school district elections, except where any provision of this chapter specifically exempts any municipality or school district election.*

Sec. 33. Minnesota Statutes, 1975 Supplement, 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) 17 of this act, 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) 17 of this act:

(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.

Sec. 34. Minnesota Statutes 1974, Chapter 375, is amended by adding a section to read:

[375.191] [CODES OF ETHICS.] *Each organized county may adopt and enforce by ordinance or resolution a code of ethics, not inconsistent with any state law, for its elected officials and employees.*

Sec. 35. Minnesota Statutes 1974, Chapter 471, is amended by adding a section to read:

[471.625] [MUNICIPALITIES; ADOPT CODES OF ETHICS.] *Notwithstanding any law to the contrary, any city however organized may adopt and enforce by ordinance or resolution a code of ethics not inconsistent with state law for its employees and elected officials.*

Sec. 36. Laws 1976, Chapter 108, Section 1, Subdivision 8, is amended to read:

Subd. 8. The total amount of any expenditure or contribution or any one project permitted by subdivisions 5 and 7 which exceeds \$100, together with the date, purpose and the names and addresses of the persons receiving the (CONTRIBUTION) contributions or expenditures, shall be reported to the secretary of state. The reports shall be filed on a form provided by the secretary of state on (THE DATES REQUIRED FOR POLITICAL COMMITTEES UNDER THE PROVISIONS OF SECTION 210A.26, SUBDIVISION 1) *October 1 of each year.* Failure to comply shall be subject to the penalties related to campaign finance reporting under the provisions of this chapter.

Sec. 37. [REPEALER.] *Minnesota Statutes, 1975 Supplement, Sections 123.015; 210.22; 210A.01, Subdivisions 4, 7, 8, and 9; 210A.22; 210A.23; 210A.25; 210A.26; 210A.28; 210A.30; 210A.31; 210A.33; and 211.10 are repealed.*

Sec. 38. [EFFECTIVE DATE.] *This act is effective July 1, 1976.*"

Further strike the title and insert:

"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 elected

officials time off from their regular employment to attend meetings of their offices; permitting codes of ethics for counties, cities, and school districts; providing penalties; amending Minnesota Statutes 1974, Chapters 123, 375 and 471, by adding sections; Minnesota Statutes, 1975 Supplement, Chapters 204A and 210A, by adding sections; Sections 201.021; 210A.01, Subdivisions 1, 3, 5, 6, and 8, and by adding subdivisions; 210A.05, Subdivision 1; 210A.09; 210A.16; 210A.21; 210A.24; 210A.27, Subdivision 1; 210A.29; 210A.32; and 290.09, Subdivision 2; and Laws 1976, Chapter 108, Section 1, Subdivision 8; repealing Minnesota Statutes, 1975 Supplement, Sections 123.015; 210.22; 210A.01, Subdivisions 4, 7, 8, and 9; 210A.22; 210A.23; 210A.25; 210A.26; 210A.28; 210A.30; 210A.31; 210A.33; and 211.10."

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

House Conferees: BRUCE F. VENTO, JOHN J. SARNA and JOHN S. BIERSDORF.

Senate Conferees: STEVE KEEFE and ALEC G. OLSON.

Vento moved that the report of the Conference Committee on H. F. No. 2043 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 2043, A bill for an act relating to elections; providing for uniform reporting dates for campaign disclosure forms; providing for disclosure of campaign contributions and expenditures of political committees and candidates for local office; amending Minnesota Statutes 1974, Chapters 123, 373, and 471, by adding sections; and Minnesota Statutes, 1975 Supplement, Sections 210A.01, Subdivisions 1, 5, 6, 8, 9, and by adding subdivisions; 210A.05, Subdivision 1; 210A.16; 210A.23; 210A.24; 210A.25; 210A.26; 210A.27, Subdivision 1; 210A.29; 210A.32; 210A.33; Chapter 210A, by adding sections; repealing Minnesota Statutes, 1975 Supplement, Sections 123.015; 210A.01, Subdivisions 4 and 7; 210A.22; 210A.28; and 210A.31.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question being taken on the repassage of the bill and the roll being called, there were yeas 83, and nays 45, as follows:

Those who voted in the affirmative were:

Abeln	Biersdorf	Clawson	Fudro	Jude
Adams, L.	Braun	Corbid	Fugina	Kahn
Anderson, I.	Byrne	Dean	George	Kelly, R.
Arlandson	Carlson, A.	Dieterich	Hanson	Kelly, W.
Beauchamp	Carlson, L.	Enebo	Hokanson	Kempe, A.
Begich	Carlson, R.	Ewald	Jacobs	Kempe, R.
Berg	Cassery	Farcy	Jaros	Ketola
Berglin	Clark	Fjoslien	Johnson, D.	Knickerbocker

Knoll	Metzen	Patton	Sieben, H.	Ulland
Kostohryz	Moe	Pehler	Sieben, M.	Vento
Kroening	Munger	Petrafeso	Simoneau	Voss
Laidig	Neisen	Philbrook	Skoglund	Wenzel
Lindstrom	Nelson	Pleasant	Smith	White
Luther	Norton	Rice	Stanton	Williamson
Mangan	Novak	St. Onge	Suss	Speaker Sabo
McCarron	Osthoff	Samuelson	Swanson	
McCollar	Parish	Sarna	Tomlinson	

Those who voted in the negative were:

Adams, S.	Erickson	Johnson, C.	Menning	Searle
Albrecht	Esau	Jopp	Nelsen	Setzpfandt
Anderson, G.	Evans	Kaley	Niehaus	Sherwood
Birnstihl	Forsythe	Kalis	Peterson	Sieloff
Brinkman	Friedrich	Kvam	Reding	Smogard
DeGroat	Graba	Langseth	Savelkoul	Spanish
Doty	Haugerud	Lemke	Schreiber	Vanasek
Eckstein	Heinitz	Mann	Schulz	Wenstrom
Elken	Jensen	McCauley	Schumacher	Zubay

The bill was repassed, as amended by Conference, and its title agreed to.

Anderson, I., moved that the House recess subject to the call of the Chair. The motion prevailed.

RECESS

RECONVENED

The House reconvened and was called to order by the Speaker.

The following conference committee reports were received:

CONFERENCE COMMITTEE REPORT ON H. F. NO. 1909

A bill for an act relating to health; prohibiting sale and use of certain chemicals; providing penalties.

April 3, 1976

The Honorable Martin O. Sabo
Speaker of the House of Representatives
The Honorable Alec G. Olson
President of the Senate

We, the undersigned conferees for H. F. No. 1909 report that we have agreed upon the items in dispute and recommend as follows:

Strike everything after the enacting clause and insert:

“Section 1. [SALE OR USE OF CERTAIN COMPOUND PROHIBITED.] No person shall sell, offer for sale, or use any

pesticide as defined by Laws 1976, Chapter 53, Section 1, Subdivision 25, containing in excess of 0.1 parts per million of 2,3,7,8-tetrachlorodibenzo-para-dioxin (TCDD).

Sec. 2. The application of any pesticide containing TCDD shall be restricted to those licensed commercial applicators regulated by the commissioner of agriculture under the provisions of Laws 1976, Chapter 53, for any application to an area greater than 10 acres. An application in an area of less than 10 acres by a private applicator as defined in Laws 1976, Chapter 53, Section 1, Subdivision 27, shall be lawful.

Sec. 3. No aerial application of a pesticide containing TCDD shall be made by other than a licensed commercial applicator. Prior to any such aerial application the applicator must obtain a special permit from the commissioner of agriculture who, with the concurrence of the commissioner of the department of natural resources, shall certify the proposed use is safe and that there is no feasible alternative.

Sec. 4. A violation of this act is a misdemeanor. Each day of violation is a separate offense."

Strike the title in its entirety and insert:

"A bill for an act relating to health; prohibiting sale and use of certain chemicals; restricting the application of pesticides; providing penalties."

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

House Conferees: NEIL B. DIETERICH, DOUGLAS J. JOHNSON, WENDELL O. ERICKSON, GEORGE L. MANN and CARL M. JOHNSON.

Senate Conferees: GEORGE R. CONZEMIUS, WAYNE OLHOFT, ALLAN H. SPEAR, ROBERT G. DUNN and DOUGLAS H. SILLERS.

Dieterich moved that the report of the Conference Committee on H. F. No. 1909 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 1909, A bill for an act relating to health; prohibiting sale and use of certain chemicals; providing penalties.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question being taken on the repassage of the bill and the roll being called, there were yeas 108, and nays 19, as follows:

Those who voted in the affirmative were:

Abeln	Doty	Kaley	Moe	Sieben, H.
Adams, L.	Eckstein	Kelly, R.	Neisen	Sieben, M.
Adams, S.	Enebo	Kempe, A.	Nelsen	Sieloff
Anderson, I.	Erickson	Kempe, R.	Nelson	Simoneau
Arlandson	Ewald	Ketola	Norton	Skoglund
Beauchamp	Faricy	Knickerbocker	Novak	Smith
Begich	Forsythe	Knoll	Osthoff	Stanton
Berg	Friedrich	Kostohryz	Parish	Suss
Berglin	Fudro	Kroening	Patton	Swanson
Biersdorf	Fugina	Kvam	Pehler	Tomlinson
Braun	George	Laidig	Petrafeso	Ulland
Brinkman	Graba	Lemke	Philbrook	Vanasek
Byrne	Hanson	Lindstrom	Pleasant	Vento
Carlson, A.	Heinitz	Luther	Prah	Voss
Carlson, L.	Hokanson	Mangan	Reding	Wenstrom
Carlson, R.	Jacobs	Mann	Rice	Wenzel
Casserly	Jaros	McCarron	Samuelson	White
Clark	Jensen	McCauley	Sarna	Williamson
Clawson	Johnson, C.	McCollar	Savelkoul	Zubay
Dahl	Johnson, D.	McEachern	Schreiber	Speaker Sabo
Dean	Jude	Menning	Setzepfandt	
Dieterich	Kahn	Metzen	Sherwood	

Those who voted in the negative were:

Albrecht	DeGroat	Fjoslien	Langseth	Schulz
Anderson, G.	Eken	Jopp	Niehaus	Schumacher
Birnstihl	Esau	Kalis	Peterson	Smogard
Corbid	Evans	Kelly, W.	St. Onge	

The bill was repassed, as amended by Conference, and its title agreed to.

CONFERENCE COMMITTEE REPORT ON H. F. NO. 1940

A bill for an act relating to the legislature; establishing a council on the economic status of women; appropriating money; repealing Minnesota Statutes 1974, Section 363.04, Subdivisions 7 and 8.

April 3, 1976

The Honorable Martin O. Sabo
Speaker of the House of Representatives
The Honorable Alec G. Olson
President of the Senate

We, the undersigned conferees for H. F. No. 1940 report that we have agreed upon the items in dispute and recommend as follows:

That the senate recede from its amendments and that H. F. No. 1940 be further amended as follows:

Strike everything after the enacting clause and insert:

“Section 1. [ADVISORY COUNCIL ON THE ECONOMIC STATUS OF WOMEN.] Subdivision 1. An advisory council is hereby created to study and report on the economic status of women in Minnesota.

Subd. 2. The council shall consist of five members of the house of representative appointed by the speaker, five members of the senate appointed by the committee on committees, and eight citizens appointed by the governor. At least 50 percent of those appointed by the governor and by the speaker of the house shall be women. Members shall serve until the expiration date of this act or until the expiration of their legislative terms. The compensation of non-legislator members, their removal from office and the filling of vacancies shall be as provided in section 15.059. The persons appointed by the governor shall be representative of a range of economic interests and vocations and shall include persons who are not regularly employed on a full-time or part-time basis outside their homes.

Subd. 3. The council shall study all matters relating to the economic status of women in Minnesota, including matters of credit, family support and inheritance laws relating to economic security of the homemaker, educational opportunities, career counseling, contribution of women to Minnesota's per capita and family income and state revenues, job and promotion opportunities, and laws and business practices constituting barriers to the full participation by women in the economy. In addition, the council shall study the adequacy of programs, services and facilities relating to families in Minnesota, including single-parent families and members beyond the nuclear or immediate family.

Subd. 4. The council shall report its findings and recommendations to the governor and the legislature not later than December 15, 1977, and shall supplement its findings and recommendations not later than June 30, 1978. The report shall recommend any necessary changes in laws and programs designed to enable women to achieve full participation in the economy. The report shall also recommend methods to encourage the development of coordinated, interdepartmental goals and objectives and the coordination of programs, services and facilities among all state departments and public and private providers of services related to children, youth and families.

Subd. 5. The council may hold meetings and hearings at the times and places it designates to accomplish the purposes set forth in this act. It shall select a chairman and other officers from its membership as it deems necessary.

Subd. 6. The legislature coordinating commission shall supply the council with necessary staff, office space and administrative services.

Subd. 7. When any person, corporation, the United States government, or any other entity offers funds to the council by way of gift, grant or loan, for the purpose of assisting the council to carry out its powers and duties, the council may accept the offer by majority vote and upon acceptance the chairman shall receive the funds subject to the terms of the offer, but no money shall be accepted or received as a loan nor shall any indebtedness be incurred except in the manner and under the limitations otherwise provided by law.

Sec. 2. [APPROPRIATION.] There is appropriated from the general fund to the legislative coordinating commission the sum of \$95,000 for the period ending June 30, 1978, to pay the expenses incurred by the commission. Notwithstanding Minnesota Statutes, Section 16A.28, or any other law relating to the lapse of an appropriation, the appropriation made by this section shall not lapse but shall continue until June 30, 1978.

Sec. 3. [REPEALER.] Minnesota Statutes 1974, Section 363.04, Subdivisions 7 and 8 are repealed. This section does not abolish any positions in or affect the complement of the human rights department.

Sec. 4. [EFFECTIVE DATE.] Sections 1 and 2 of this act shall be effective May 1, 1976 and shall expire June 30, 1978. Section 3 of this act shall be effective July 1, 1976."

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

House Conferees: STANLEY A. ENEBO, PHYLLIS KAHN and MARY M. FORSYTHE.

Senate Conferees: STEVE KEEFFE and JEROME M. HUGHES.

Enebo moved that the report of the Conference Committee on H. F. No. 1940 be adopted and that the bill be repassed as amended by the Conference Committee.

A roll call was requested and properly seconded.

The question was taken on the motion and the roll being called, there were yeas 96, and nays 21, as follows:

Those who voted in the affirmative were:

Abeln	Berg	Clark	Eken	George
Adams, L.	Berglin	Clawson	Enebo	Graba
Adams, S.	Biersdorf	Corbid	Evans	Hanson
Anderson, G.	Byrne	Dahl	Ewald	Heinitz
Anderson, I.	Carlson, A.	Dean	Faricy	Hokanson
Arlandson	Carlson, L.	DeGroat	Forsythe	Jacobs
Beauchamp	Carlson, R.	Dieterich	Fudro	Jaros
Begich	Casserly	Eckstein	Fugina	Jensen

Johnson, C.	Lindstrom	Novak	Sieben, H.	Vanasek
Johnson, D.	Luther	Parish	Sieben, M.	Vento
Jude	Mangan	Pehler	Sieloff	Voss
Kahn	Mann	Peterson	Simoneau	Wenstrom
Kelly, R.	McCarron	Petraffeso	Skoglund	Wenzel
Kelly, W.	McCollar	Philbrook	Smogard	White
Kempe, A.	Metzen	Prahl	Spanish	Williamson
Knickerbocker	Moe	Reding	Stanton	Speaker Sabo
Knoll	Munger	Rice	Suss	
Kostohryz	Neisen	Savelkoul	Swanson	
Kroening	Nelson	Schreiber	Tomlinson	
Laidig	Norton	Schulz	Ulland	

Those who voted in the negative were:

Albrecht	Erickson	Ketola	Menning	Zubay
Birnsthil	Fjoslien	Kvam	Nelsen	
Braun	Friedrich	Lemke	Niehaus	
Brinkman	Jopp	McCauley	Schumacher	
Doty	Kaley	McEachern	Sherwood	

The motion prevailed.

H. F. No. 1940, A bill for an act relating to the legislature; establishing a council on the economic status of women; appropriating money; repealing Minnesota Statutes 1974, Section 363.04, Subdivisions 7 and 8.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question being taken on the repassage of the bill and the roll being called, there were yeas 106, and nays 20, as follows:

Those who voted in the affirmative were:

Abeln	Dieterich	Kahn	Neisen	Simoneau
Adams, L.	Eckstein	Kaley	Nelson	Skoglund
Adams, S.	Eken	Kalis	Norton	Smith
Anderson, G.	Enebo	Kelly, R.	Novak	Smogard
Anderson, I.	Erickson	Kelly, W.	Parish	Spanish
Arlandson	Evans	Kempe, A.	Pehler	Stanton
Beauchamp	Ewald	Kempe, R.	Peterson	Suss
Begich	Faricy	Knickerbocker	Petraffeso	Swanson
Berg	Forsythe	Knoll	Philbrook	Tomlinson
Berglin	Fudro	Kostohryz	Pleasant	Ulland
Biersdorf	Fugina	Kroening	Prahl	Vanasek
Byrne	George	Laidig	Reding	Vento
Carlson, A.	Graba	Langseth	Rice	Voss
Carlson, L.	Hanson	Lindstrom	Samuelson	Wenstrom
Carlson, R.	Heinitz	Luther	Sarna	Wenzel
Casserly	Hokanson	Mangan	Savelkoul	White
Clark	Jacobs	Mann	Schreiber	Williamson
Clawson	Jaros	McCarron	Schulz	Speaker Sabo
Corbid	Jensen	McCollar	Setzepfandt	
Dahl	Johnson, C.	Metzen	Sieben, H.	
Dean	Johnson, D.	Moe	Sieben, M.	
DeGroat	Jude	Munger	Sieloff	

Those who voted in the negative were:

Albrecht	Doty	Ketola	Menning	St. Onge
Birnstihl	Fjoslien	Kvam	Nelsen	Schumacher
Braun	Friedrich	Lemke	Niehaus	Sherwood
Brinkman	Jopp	McCauley	Osthoff	Zubay

The bill was repassed, as amended by Conference, and its title agreed to.

CONFERENCE COMMITTEE REPORT ON H. F. NO. 2019

A bill for an act relating to controlled substances; scheduling certain substances; amending Minnesota Statutes 1974, Section 152.02, Subdivisions 2, 3, 4, 5, and by adding a subdivision.

April 3, 1976

The Honorable Martin O. Sabo
Speaker of the House of Representatives
The Honorable Alec G. Olson
President of the Senate

We, the undersigned conferees for H. F. No. 2019 report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that H. F. No. 2019 be amended as follows:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1974, Section 152.02, Subdivision 2, is amended to read:

Subd. 2. The following items are listed in Schedule I:

(1) Any of the following substances, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, unless specifically excepted, whenever the existence of such isomers, esters, ethers and salts is possible within the specific chemical designation: Acetylmethadol; Allylprodine; Alphacetylmethadol; Alphameprodine; Alphamethadol; Benzethidine; Betacetylmethadol; Betameprodine; Betamethadol; Betaprodine; Clonitazene; Dextromoramide; Dextrorphan; Diampromide; Diethyl-iambutene; Dimenoxadol; Dimepheptanol; Dimethyl-iambutene; Dioxaphetyl butyrate; Dipipanone; Ethylmethylthiambutene; Etonitazene; Etoxadidine; Furethidine; Hydroxypethidine; Ketobemidone; Levomoramide; Levophenacylmorphan; Morpheridine; Noracymethadol; Norlevorphanol; Normethadone; Norpipanone; Phenadoxone; Phenampromide; Phenomorphan; Phenoperidine; Piritramide; Proheptazine; Propéridine; Racemoramide; Trimeperidine.

(2) Any of the following opium derivatives, their salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation: Acetorphine; Acetyldihydrocodeine; Acetylcodeine; Benzylmorphine; Codeine methylbromide; Codeine-N-Oxide; Cyprenorphine; Desomorphine; Dihydromorphine; Etorphine; Heroin; Hydromorphanol; Methyldesorphine; Methylhydromorphine; Morphine methylbromide; Morphine methylsulfonate; Morphine-N-Oxide; Myrophine; Nicocodeine; Nicomorphine; Normorphine; Pholcodine; Thebacon.

(3) Any material, compound, mixture or preparation which contains any quantity of the following hallucinogenic substances, their salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation: 3,4-methylenedioxy amphetamine; 4-bromo-2,5-dimethoxyamphetamine; 2,5-dimethoxyamphetamine; 4-methoxyamphetamine; 5-methoxy-3, 4-methylenedioxy amphetamine; Bufotenine; Diethyltryptamine; Dimethyltryptamine; 3,4,5-trimethoxy amphetamine; 4-methyl-2, 5-dimethoxyamphetamine; Ibogaine; Lysergic acid diethylamide; marijuana; Mescaline; N-ethyl-3-piperidyl benzilate; N-methyl-3-piperidyl benzilate; Psilocybin; Psilocyn; Tetrahydrocannabinols 1-[1-(2-thienyl) cyclohexyl] piperidine.

(4) Peyote, providing the listing of peyote as a controlled substance in schedule I does not apply to the nondrug use of peyote in bona fide religious ceremonies of the Native American Church, and members of the Native American Church are exempt from registration. Any person who manufactures peyote for or distributes peyote to the Native American Church, however, is required to obtain federal registration annually and to comply with all other requirements of law.

(5) *Unless specifically excepted or unless listed in another schedule, any material compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:*

Mecloqualone

Sec. 2. Minnesota Statutes 1974, Section 152.02, Subdivision 3, is amended to read:

Subd. 3. The following items are listed in Schedule II:

(1) Unless specifically excepted or unless listed in another schedule, any of the following substances whether produced

directly or indirectly by extraction from substances of vegetable origin or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

(a) Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate, including the following: raw opium, opium extracts, opium fluidextracts, powdered opium, granulated opium, tincture of opium, apomorphine, codeine, ethylmorphine, hydrocodone, hydromorphone, metopon, morphine, oxycodone, oxymorphone, thebaine.

(b) Any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in clause (a), except that these substances shall not include the isoquinoline alkaloids of opium.

(c) Opium poppy and poppy straw.

(d) Coca leaves and any salt, compound, derivative, or preparation of coca leaves, and any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical with any of these substances, except that the substances shall not include decocainized coca leaves or extraction of coca leaves, which extractions do not contain cocaine or ecgonine.

(2) Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters and ethers, unless specifically excepted, or unless listed in another schedule, whenever the existence of such isomers, esters, ethers and salts is possible within the specific chemical designation: Alphaprodine; Anileridine; Bezitramide; Dihydrocodeine; Dihydromorphinone; Diphenoxylate; Fentanyl; Isomethadone; Levomethorphan; Levorphanol; Metazocine; Methadone; Methadone-Intermediate, 4-cyano-2-dimethylamino-4, 4-diphenylbutane; Moramide-Intermediate, 2-methyl-3-morpholino-1, 1-diphenylpropane-carboxylic acid; Pethidine; Pethidine-Intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine; Pethidine-Intermediate-B, ethyl-4-phenylpiperidine-4-carboxylate; Pethidine-Intermediate-C, 1-methyl-4-phenylpiperidine-4-carboxylic acid; Phenazocine; Piminodine; Racemethorphan; Racemorphan.

(3) Unless specifically excepted or unless listed in another schedule, any (INJECTABLE LIQUID WHICH CONTAINS ANY QUANTITY OF METHAMPHETAMINE, INCLUDING ITS SALTS, ISOMERS, AND SALTS OF ISOMERS.) material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system:

(a) Amphetamine, its salts, optical isomers, and salts of its optical isomers;

(b) *Methamphetamine, its salts, isomers, and salts of its isomers;*

(c) *Phenmetrazine and its salts;*

(d) *Methylphenidate.*

(4) *Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:*

(a) *Methaqualone*

(b) *Amobarbital*

(c) *Secobarbital*

(d) *Pentobarbital.*

Sec. 3. Minnesota Statutes 1974, Section 152.02, Subdivision 4, is amended to read:

Subd. 4. The following items are listed in Schedule III:

(1) (ANY MATERIAL, COMPOUND, MIXTURE, OR PREPARATION WHICH CONTAINS ANY QUANTITY OF THE FOLLOWING SUBSTANCES HAVING A POTENTIAL FOR ABUSE ASSOCIATED WITH A STIMULANT EFFECT ON THE CENTRAL NERVOUS SYSTEM:

((A) AMPHETAMINE, ITS SALTS, OPTICAL ISOMERS, AND SALTS OF ITS OPTICAL ISOMERS;)

((B) PHENMETRAZINE AND ITS SALTS;)

((C) ANY SUBSTANCE, EXCEPT AN INJECTABLE LIQUID, WHICH CONTAINS ANY QUANTITY OF METHAMPHETAMINE, INCLUDING ITS SALTS, ISOMERS, AND SALTS OF ISOMERS;)

((D) METHYLPHENIDATE) *Any material, compounds, mixture, or preparation which contains any quantity of Amphetamine, its salts, optical isomers, and salts of its optical isomers; Phenmetrazine and its salts; Methamphetamine, its salts, isomers, and salts of isomers; Methpyphenidate; and which is required by federal law to be labeled with the symbol prescribed by 21 Code of Federal Regulations Section 1302.03 and in effect on*

February 1, 1976 designating that the drug is listed as a Schedule III controlled substance under federal law.

(2) Any material, compound, mixture, or preparation which contains any quantity of the following substances having a potential for abuse associated with a depressant effect on the central nervous system:

(a) Any compound, mixture, or preparation containing amobarbital, secobarbital, pentobarbital or any salt thereof and one or more other active medicinal ingredients which are not listed in any schedule.

(b) Any suppository dosage form containing amobarbital, secobarbital, pentobarbital, or any salt of any of these drugs and approved by the food and drug administration for marketing only as a suppository.

(c) Any substance which contains any quantity of a derivative of barbituric acid, or any salt of a derivative of barbituric acid, except those substances which are specifically listed in other schedules: Chlorhexadol; Glutethimide; Lysergic acid; Lysergic acid amide; Methyprylon; Phencyclidine; Sulfondiethylmethane; Sulfonethylmethane; Sulfonmethane.

(3) Any material, compound, mixture, or preparation which contains any quantity of the following substances having a potential for abuse associated with a stimulant effect on the central nervous system:

(a) Benzphetamine

(b) Chlorphentermine

(c) Clortermine

(d) Mazindol

(e) Phendimetrazine.

((3)) (4) Nalorphine.

((4)) (5) Any material, compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs, or any salts thereof:

(a) Not more than 1.80 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium.

(b) Not more than 1.80 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more

active, non-narcotic ingredients in recognized therapeutic amounts.

(c) Not more than 300 milligrams of dihydrocodeinone per 100 milliliters or not more than 15 milligrams per dosage unit, with a fourfold or greater quantity of an isoquinoline alkaloid of opium.

(d) Not more than 300 milligrams of dihydrocodeinone per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, non-narcotic ingredients in recognized therapeutic amounts.

(e) Not more than 1.80 grams of dihydrocodeine per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, non-narcotic ingredients in recognized therapeutic amounts.

(f) Not more than 300 milligrams of ethylmorphine per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, non-narcotic ingredients in recognized therapeutic amounts.

(g) Not more than 500 milligrams of opium per 100 milliliters or per 100 grams, or not more than 25 milligrams per dosage unit, with one or more active, non-narcotic ingredients in recognized therapeutic amounts.

(h) Not more than 50 milligrams of morphine per 100 milliliters or per 100 grams with one or more active, non-narcotic ingredients in recognized therapeutic amounts.

Sec. 4. Minnesota Statutes 1974, Section 152.02, Subdivision 5, is amended to read:

Subd. 5. The following items are listed in Schedule IV: Barbital; Chloral betaine; Chloral hydrate; *Chlordiazepoxide*; Clonazepam; Clorazepate; Diazepam; Diethylpropion; Ethchlorvynol; Ethinamate; Fenfluramine; Flurazepam; Mebutamate; Methohexital; Meprobamate *except when in combination with the following drugs or lower concentrations: conjugated estrogens, 0.4 mg; tridioxethyl chloride, 25 mg; pentaerythritol tetranitrate, 20 mg*; Methylphenobarbital; Oxazepam; Paraldehyde; Pemoline; Petrichloral; Phenobarbital; and Phentermine.

Sec. 5. Minnesota Statutes, 1975 Supplement, Section 151.212, Subdivision 2, is amended to read:

Subd. 2. [CONTROLLED SUBSTANCES.] In addition to the requirements of subdivision 1, when the use of any drug containing a controlled substance, as defined in chapter 152, or any other drug determined by the board, either alone or in conjunction with alcoholic beverages, may impair the ability of the user to operate a motor vehicle, (THAT FACT SHALL) *the board shall require by rule that notice be prominently set forth on the label or container. Rules promulgated by the board shall specify exemptions from this requirement when there is evidence that the user will not operate a motor vehicle while using the drug.*

Sec. 6. Minnesota Statutes 1974, Section 151.37, Subdivision 5, is amended to read:

Subd. 5. Nothing in this chapter shall prohibit the sale to, or the possession of, a legend drug by registered drug wholesalers, registered manufacturers, registered pharmacies, (ANY) *local detoxification centers*, licensed (HOSPITAL OR) *hospitals*, bona fide hospitals wherein animals are treated, or licensed pharmacists and licensed practitioners while acting within the course of their practice only.”

Further, strike the title and insert:

“A bill for an act relating to controlled substances; scheduling certain substances; authorizing notices on prescription drugs when driving may be impaired; clarifying the prohibition against sale or possession of legend drugs by certain persons; authorizing county detoxification centers to purchase and possess legend drugs; amending Minnesota Statutes 1974, Sections 151.37, Subdivision 5; 152.02, Subdivisions 2, 3, 4, and 5; Minnesota Statutes, 1975 Supplement, Section 151.212, Subdivision 2.”

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

House Conferees: JOHN T. CLAWSON, MARY M. FORSYTHE and LINDA L. BERGLIN.

Senate Conferees: DAVID D. SCHAAF, JERALD C. ANDERSON and JOHN B. KEEFE.

Clawson moved that the report of the Conference Committee on H. F. No. 2019 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 2019, A bill for an act relating to controlled substances; scheduling certain substances; amending Minnesota Statutes 1974, Section 152.02, Subdivisions 2, 3, 4, 5, and by adding a subdivision.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question being taken on the repassage of the bill and the roll being called, there were yeas 129, and nays 0, as follows:

Those who voted in the affirmative were:

Abeln	Dieterich	Jude	Metzen	Schumacher
Adams, L.	Doty	Kahn	Moe	Setzepfandt
Adams, S.	Eckstein	Kaley	Munger	Sherwood
Albrecht	Eken	Kalis	Neisen	Sieben, H.
Anderson, G.	Enebo	Kelly, R.	Nelsen	Sieben, M.
Anderson, I.	Erickson	Kelly, W.	Nelson	Sieloff
Arlandson	Esau	Kempe, A.	Niehaus	Simoneau
Beauchamp	Evans	Kempe, R.	Norton	Skoglund
Begich	Ewald	Ketola	Novak	Smith
Berg	Faricy	Knickerbocker	Osthoff	Smogard
Berglin	Fjoslien	Knoll	Parish	Spanish
Biersdorf	Forsythe	Kostohryz	Patton	Stanton
Birnstihl	Friedrich	Kroening	Pehler	Suss
Braun	Fudro	Kvam	Peterson	Swanson
Brinkman	Fugina	Laidig	Petraleso	Tomlinson
Byrne	George	Langseth	Philbrook	Ulland
Carlson, A.	Graba	Lemke	Pleasant	Vanasek
Carlson, L.	Hanson	Lindstrom	Prahl	Vento
Carlson, R.	Heinitz	Luther	Reding	Voss
Casserly	Hokanson	Mangan	Rice	Wenstrom
Clark	Jacobs	Mann	St. Onge	Wenzel
Clawson	Jaros	McCarron	Samuelson	White
Corbid	Jensen	McCauley	Sarna	Williamson
Dahl	Johnson, C.	McCollar	Savelkoul	Zubay
Dean	Johnson, D.	McEachern	Schreiber	Speaker Sabo
DeGroat	Jopp	Menning	Schulz	

The bill was repassed, as amended by Conference, and its title agreed to.

CONFERENCE COMMITTEE REPORT ON H. F. NO. 2657

A bill for an act relating to natural resources; increasing certain permit and license fees; authorizing the issuance of Minnesota sportsman licenses; appropriating money; amending Minnesota Statutes 1974, Sections 85.05, Subdivision 2; 98.46, Subdivisions 2, 4, 7, 8, 9, 14, 15, 16, 17, as amended, 19, and by adding a subdivision; 101.44; and Chapter 105, by adding a section; and Minnesota Statutes, 1975 Supplement, Section 98.46, Subdivision 5.

April 3, 1976

The Honorable Martin O. Sabo
Speaker of the House of Representatives
The Honorable Alec G. Olson
President of the Senate

We, the undersigned conferees for H. F. No. 2657 report that we have agreed upon the items in dispute and recommend as follows:

That the senate recede from its amendments and that H. F. No. 2657 be amended as follows:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1974, Section 85.05, Subdivision 1, is amended to read:

85.05 [STATE PARK CAMP SITES.] Subdivision 1. [RULES, FEES.] The commissioner is hereby authorized to make rules and regulations for the use of state parks and charge appropriate fees for such uses, as hereinafter specified:

(1) Provide special parking space for automobile or other motor-driven vehicle in any state park or state recreation area;

(2) Provide special parking spurs and camp grounds for automobiles and sites for tent-camping and special auto trailer coach parking spaces for the use of the individual charged for such space according to the daily rates which shall be determined and fixed by the commissioner of natural resources consistent with the type of facility provided for the accommodation of guests in any particular park and with similar facilities offered for tourist camping in the area;

(3) Improve and maintain golf courses already established in state parks, and charge reasonable fees for the use thereof;

(4) May charge a fee for entrance to any pageant grounds which may be created in any state park for the purpose of having historical or other pageants conducted by the commissioner of any other authorized agency.

When deemed necessary by the commissioner, for the purpose of better carrying out any such state park pageants, he may stage such pageants in any municipal park or other lands near or adjoining any state park, and all receipts from such pageants shall be used in the same manner as though the pageants were carried on in a state park;

(5) Provide water, sewer, and electric service to trailer or tent camp sites and charge a reasonable fee therefor.

Any individual age 65 or over who furnishes satisfactory proof of age shall (PAY ON MONDAY THROUGH THURSDAY ONE HALF) *be exempt from payment of the fees set pursuant to clauses 1 to 4 on Monday through Thursday of each calendar week.*

Sec. 2. Minnesota Statutes 1974, Section 85.05, Subdivision 2, is amended to read:

Subd. 2. [PERMITS FOR MOTOR VEHICLES.] (a) Except as provided in clauses (b), (c), (d) and (e) of this subdivision, no motor vehicle shall enter or be permitted to enter any state park, state monument, state recreation area or state wayside over 50 acres in area unless it has affixed to its windshield in the lower right corner thereof a permit which is provided for hereinafter. The commissioner of natural resources shall procure permits in such form as he shall prescribe for each calendar year which by appropriate language shall grant permission to use any state park, state monument, state recreation area or state wayside over 50 acres in area. Permits for each calendar year shall be provided and placed on sale before October 1 next preceding, and may be affixed and used on or at any time after said date until the end of the calendar year for which issued. Such permits in each category shall be numbered consecutively for each year of issue. A fee of (\$3) \$5 shall be charged for each permit issued, except that permits of appropriate special design may be sold individually at (\$1) \$1.50 covering the use of state parks, state monuments, state recreation areas or state waysides under such conditions as the commissioner may prescribe for a designated period of not more than two days. The fee collected shall be deposited in the state park development account in the state treasury. Such permits shall be issued by such employees of the division of parks and recreation as the commissioner of natural resources may designate in writing and as hereinbefore provided.

(b) The commissioner shall issue without charge an employee's motor vehicle permit to any state employee who, for the purpose of performing official duties, must enter places where park stickers are required. The employee shall display his employee's permit on his motor vehicle in the same manner as state park stickers are displayed. A motor vehicle displaying only an employee's permit may not enter a place where park stickers are required if the vehicle is used for purposes other than those authorized by this clause (b).

(c) The commissioner shall issue without charge a motor vehicle permit to any individual of the age of 65 years or over who furnishes satisfactory proof of age. Such permit or the decal evidencing its issuance shall be valid only when displayed upon the vehicle owned and occupied by the person to whom issued.

(d) No state park permit is necessary for entry of a motor vehicle into a state park, state monument, state recreation area, or state wayside, on one day each calendar year which the commissioner may designate as state park open house day for the purpose of acquainting the public with state parks, monuments, recreation areas, and waysides. The commissioner shall announce the date of state park open house day at least 30 days in advance of the open house.

(e) No state park permit is necessary, nor shall any fee, including a parking fee, be charged, for entry of a motor vehicle

into that part of Fort Snelling state park commonly known as Fort Snelling Memorial Chapel island.

Sec. 3. Minnesota Statutes 1974, Section 85.32, Subdivision 1, is amended to read:

85.32 [CANOE AND BOATING ROUTES.] Subdivision 1. [AREAS MARKED.] The commissioner of natural resources is authorized in cooperation with local units of government and private individuals and groups when feasible to mark canoe and boating routes on the Little Fork, Big Fork, Minnesota, St. Croix, Snake, Mississippi, Red Lake, Cannon, Des Moines, Crow Wing, St. Louis, Rum, Kettle, Cloquet, Root, *Zumbro* and Crow rivers which have historic and scenic values and to mark appropriately points of interest, portages, camp sites, and all dams, rapids, waterfalls, whirlpools, and other serious hazards which are dangerous to canoe and watercraft travelers.

Sec. 4. Minnesota Statutes 1974, Section 98.45, is amended by adding a subdivision to read:

Subd. 8. Any resident whose age is 65 years or over may purchase a small game license for 50 percent of the fee specified in section 98.46, subdivision 2, plus the surcharge authorized pursuant to section 97.482.

Sec. 5. Minnesota Statutes 1974, 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, (\$4) \$5;
- (2) To take deer or bear, or both, with firearms during the period in which the licensee may take deer, (\$7.50) \$10;
- (3) To take deer or bear, or both, with bow and arrow during the period in which the licensee may take deer, (\$7.50) \$10;
- (4) To take fish by angling, (\$4) \$5;
- (5) Combination husband and wife, to take fish by angling, (\$6) \$8;
- (6) To take moose, \$100 for an individual or for a party of not to exceed four persons;
- (7) To take bear only, (\$5.00) \$7.50.

Sec. 6. Minnesota Statutes 1974, Section 98.46, is amended by adding a subdivision to read:

Subd. 2a. The commissioner of natural resources may issue Minnesota sportsman licenses. The licenses shall be issued to residents only. The fee for licenses shall be \$17 if the angling license is for one person and \$19 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. 7. Minnesota Statutes 1974, Section 98.46, Subdivision 4, is amended to read:

Subd. 4. Fees for the following licenses, to be issued to residents only, shall be:

- (1) To trap fur bearing animals, except beaver, (\$3) \$5;
- (2) To buy or sell raw furs anywhere within the state, (\$20) \$50;
- (3) To buy or sell raw furs anywhere within the state as authorized in (2) and including the privilege of selling to resident manufacturers or to unlicensed non-residents, representing unlicensed non-residents as a broker or agent, or conducting a fur auction wherein sales are made to unlicensed non-residents or resident manufacturers, (\$200) \$400, provided that no raw furs shall be delivered to any unlicensed non-resident until a registration card disclosing the purchaser's name and place of business, the number and species of fur and the name and place of business of the licensee from whom the purchase is being made has been forwarded by such licensee to the division of game and fish, and provided further that any employee, partner or officer buying or selling at the established place of business only for such licensee may secure a supplemental license for (\$10) \$20;
- (4) To trap beaver during an open season or by permit when doing damage, \$2.50.

Sec. 8. Minnesota Statutes, 1975 Supplement, Section 98.46, Subdivision 5, as amended by Laws 1976, Chapter 55, Section 4, is amended to read:

Subd. 5. Fees for the following licenses, to be issued to residents only, shall be:

- (1) To spear fish from a dark house, (\$3) \$5;
- (2) For any fish house or dark house used during the winter fishing season, \$3 for each fish house or dark house not rented or offered for hire, and (\$6) \$10 for each fish house or dark house rented or offered for hire. Each such fish house or dark house shall have attached to the outside a metal tag at least two inches in diameter with a 3/16 inch hole in the center, which will be issued with a license. Each metal tag shall be stamped with a number to correspond with the fish house or dark house license and also shall be stamped with the year of issuance. The metal tag shall be attached to the fish house or dark house as designated by commissioner's order;
- (3) To net whitefish, tullibees or herring from inland lakes or international waters, for domestic use only, for each net, (\$1) \$3;
- (4) To conduct a taxidermist business, (\$2) \$10;
- (5) To maintain fur and game farms, including deer, (\$5) \$10;
- (6) To take mussels or clams, (\$5) \$25;
- (7) To take, transport, purchase and possess for sale unprocessed turtles and tortoises within the state, \$25;
- (8) To prepare dressed game fish shipments for nonresidents as provided by section 97.45, subdivision 6, as amended, \$10;
- (9) Minnow dealer, (\$15) \$50 plus \$10 for each vehicle;
- (10) Minnow dealer's helper, (\$2.50) \$5 for each helper. Minnow dealer's helpers' licenses shall be issued to the minnow dealer and are transferable by the dealer at will to his own helpers;
- (11) Exporting minnow dealer, \$200* plus \$10 for one vehicle only. No licenses to transport fathead minnows beyond the boundaries of the state will be issued for 1961 calendar year after the effective date of Laws 1961, Chapter 477, and the number issued prior to the effective date of Laws 1961, Chapter 477 will not be exceeded in subsequent years. The renewal of such existing licenses will be reserved through April 1 of the following year; licenses not so renewed will not be made available until the total number has been reduced to below 35 licenses.

Each vehicle license shall cover a specified vehicle. The serial number, license number, make, and model shall be specified on the license which must be conspicuously posted in the vehicle licensed. No vehicle shall be licensed if the maximum tank capacity exceeds 300 cubic feet, inside measurement, and unless it complies with reasonable regulations adopted pursuant to the provisions of section 101.42, subdivision 5.

The exporting minnow dealer's license and vehicle license are void upon the sale of the business or death of the licensee. Provided, however, a succeeding owner of the business upon meeting the required qualifications will be issued the required licenses upon application and payment therefor. In the event of the death of the licensee the administrator or executor of the estate may purchase such licenses and operate the business until the sale thereof. If there is no estate then the widow or a member of the immediate family, if qualified, will be issued the required licenses upon application and payment therefor.

Sec. 9. Minnesota Statutes 1974, Section 98.46, Subdivision 7, is amended to read:

Subd. 7. Fees for the following licenses to net for commercial purposes in the boundary waters between Wisconsin and Minnesota from Lake St. Croix to the Iowa border, which, except in the case of helpers licenses, shall be issued to residents only, shall be:

(1) For each gill net not exceeding 500 feet in length, (\$2.50) \$10;

(2) For each gill net exceeding 500 feet, but not over 1,000 feet, (\$5) \$20;

(3) For each fyke net or hoop net, (\$5) \$10;

(4) For each bait or turtle net, \$1;

(5) For each set line, (\$1.25) \$10 for each identification tag to be attached to each set line;

(6) For helper's license, \$5.

Sec. 10. Minnesota Statutes 1974, Section 98.46, Subdivision 8, is amended to read:

Subd. 8. Fees for the following licenses to take rough fish with set lines, or seines, in the Mississippi River from the St. Croix River junction to St. Anthony Falls, to be issued to residents only, shall be:

(1) For a seine not exceeding 500 feet, \$20; for a seine in excess of 500 feet, but not over 1,000 feet, \$30; for each 100 feet of seine or fraction thereof in excess of 1,000 feet, \$2;

(2) For each set line, (\$5) \$10;

(3) For helper's license, \$5.

Sec. 11. Minnesota Statutes 1974, Section 98.46, Subdivision 9, is amended to read:

Subd. 9. A license to take rough fish with one set line, containing not more than ten hooks, in the Minnesota River from Mankato to its junction with the Mississippi River, and in the Mississippi River from St. Anthony Falls to the St. Croix junction, for domestic use, shall be issued to residents only, upon payment of the fee of (\$1) \$10.

Sec. 12. Minnesota Statutes 1974, 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 (, OR TIMBER WOLF, ANY OR ALL OF THEM,) during the period in which the licensee may take deer, and unprotected quadrupeds with firearms and bow and arrows, (\$50.25) \$60;

(3) To take deer (,) *and* bear (, OR TIMBER WOLF, ANY OR ALL OF THEM,) during the period in which the licensee may take deer, and unprotected quadrupeds with a bow and arrows only, (\$10.25) \$25;

(4) To take bear (OR TIMBER WOLF, OR BOTH), \$25.25.

Sec. 13. Minnesota Statutes 1974, Section 98.46, Subdivision 15, is amended to read:

Subd. 15. Fees for the following licenses, to be issued to non-residents, shall be:

(1) To take fish by angling, (\$6.50) \$10;

(2) A short term individual license to take fish by angling for three consecutive days, (\$3) \$5;

(3) Combination husband and wife, to take fish by angling, (\$10) \$15.

Sec. 14. Minnesota Statutes 1974, Section 98.46, Subdivision 16, is amended to read:

Subd. 16. Fee for the following license, to be issued to non-residents, shall be:

To buy or sell raw furs, (\$200) \$400, except that a license shall not be required to buy from those licensed under subdivision 4(3).

Sec. 15. Minnesota Statutes 1974, Section 98.46, Subdivision 17, as amended by Laws 1976, Chapter 55, Section 5, is amended to read:

Subd. 17. Fees for the following licenses, to be issued to either residents or nonresidents, shall be:

(1) To deal in live or engage in the business of preserving minnows; minnow retailer, (\$2.50) \$5, plus \$10 for each vehicle used to transport minnows.

(2) To raise fish in a private hatchery, (\$5) \$25.

(3) To take under state supervision sucker eggs from public waters, for private fish hatchery purposes:

(a) To take not to exceed 100 quarts, (\$50) \$100;

(b) To take in excess of 100 quarts, (\$1) \$2 per quart for such excess.

Sec. 16. Minnesota Statutes 1974, Section 98.46, Subdivision 19, is amended to read:

Subd. 19. Fees for the following licenses, to be issued to either residents or nonresidents, shall be:

(1) To buy fish from licensed commercial fishermen on Lake Superior:

(a) For the purpose of selling to retailers, \$25;

(b) For the purpose of retail selling only, \$5.

(2) To buy fish from licensed commercial fishermen on Lake of the Woods, Namakan, Sand Point, or Rainy Lake:

(a) Wholesale fish buyer's license, \$100;

(b) Fish buyer's license to ship from one place to another on international waters only, \$10.

(3) To tan or dress raw furs, (\$2) \$10;

(4) Fish peddler's license, to peddle with the use of a motor vehicle, any fish lawfully salable within the state, \$5. It shall be unlawful to misrepresent the species of any fish sold by any licensed fish peddler or his employee. Upon conviction of misrepresentation of the species of fish sold by any fish peddler licensed hereunder or his employee, his license shall be revoked, and such licensee shall not be eligible to obtain a fish peddler's license for the period of one year after said revocation. Misrepresentation shall include the following acts in addition to any other acts constituting misrepresentation in fact: (1) The designation of any fish by any name other than its common name in Minnesota; (2) The designation of any fish by any other name than its common name in the locality where it was taken if it is not generally known by any common name in Minnesota.

Sec. 17. Minnesota Statutes 1974, Section 101.44, is amended to read:

101.44 [FROGS; SEASON, REGULATION, LICENSES.] Except as otherwise permitted, frogs may not be taken or possessed during the months of April and the first 15 days of May. During the open season, frogs not exceeding six inches in length, measured from tip of nose to tip of hind toes, legs fully extended, may be possessed in any numbers, bought, sold, and transported for angling purposes only. Except as otherwise provided under commissioner's regulations, not to exceed 150 frogs over six inches in length may be possessed in or transported through the state, except by common carrier, and may be possessed in any quantity and sold during the open season. It shall be unlawful to use cloth screens or other similar contrivances in catching frogs. Provided, the taking of frogs may be prohibited in such areas of the state and during such periods as the commissioner may by order prescribe. Provided, further, that no person shall be permitted to take or possess frogs unless legally entitled to take fish within the state. The commissioner shall establish regulations dealing with the purchase, possession and transportation of frogs for purposes other than bait. The fee for this license shall be (\$25) \$50 for resident; (\$100) \$150 for non-residents. The commissioner may issue licenses to residents to take, possess, transport and sell frogs for purposes other than bait. The license fee shall be \$2.50.

Sec. 18. Minnesota Statutes 1974, Chapter 105, is amended by adding a section 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, adopt rules containing standards and criteria for the issuance and denial of the permits required by sections 105.41 and 105.42.

Sec. 19. [APPROPRIATION.] *There is appropriated from the game and fish fund to the commissioner of natural resources the sum of \$300,000 for fiscal year 1977 for deer habitat improvement, providing that a deer hunting season is held.*

Sec. 20. [EFFECTIVE DATES.] *This act is effective as to all big game licenses issued for 1976 and subsequent big game seasons and as to all other licenses and permits, except permits for motor vehicles, for licensing years commencing after December 31, 1976. Sections 1, 2, 3 and 18 are effective the day following final enactment."*

Further, strike the title in its entirety and insert:

"A bill for an act relating to natural resources; exempting senior citizens from payment of certain camping fees; increasing motor vehicle permit fees; authorizing the designation of the Zumbro river as a canoe and boating route; providing a reduced fee for small game licenses for senior citizens; authorizing the issuance of Minnesota sportsman licenses; requiring the promulgation of rules concerning certain water permits; appropriating money; amending Minnesota Statutes 1974, Sections 85.05, Subdivisions 1 and 2; 85.32, Subdivision 1; 98.45, by adding a subdivision; 98.46, Subdivisions 2, 4, 7, 8, 9, 14, 15, 16, 17, as amended, and 19, and by adding a subdivision; 101.44; and Chapter 105, by adding a section; and Minnesota Statutes, 1975 Supplement, Section 98.46, Subdivision 5, as amended."

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

House Conferees: PHYLLIS KAHN, BRUCE F. VENTO and RODNEY N. SEARLE.

Senate Conferees: ROGER D. MOE, GENE MERRIAM and MEL FREDERICK.

Kahn moved that the report of the Conference Committee on H. F. No. 2657 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 2657, A bill for an act relating to natural resources; increasing certain permit and license fees; authorizing the issuance of Minnesota sportsman licenses; appropriating money; amending Minnesota Statutes 1974, Sections 85.05, Subdivision

2; 98.46, Subdivisions 2, 4, 7, 8, 9, 14, 15, 16, 17, as amended, 19, and by adding a subdivision; 101.44; and Chapter 105, by adding a section; and Minnesota Statutes, 1975 Supplement, Section 98-46, Subdivision 5.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question being taken on the repassage of the bill and the roll being called, there were yeas 92, and nays 35, as follows:

Those who voted in the affirmative were:

Adams, L.	Dieterich	Kaley	Norton	Sieben, M.
Adams, S.	Eken	Ketola	Novak	Sieloff
Arlandson	Enebo	Knickerbocker	Osthoff	Simoneau
Beauchamp	Erickson	Knoll	Parish	Skoglund
Berg	Esau	Kostohryz	Patton	Smogard
Berglin	Evans	Kvam	Pehler	Stanton
Biersdorf	Ewald	Laidig	Peterson	Suss
Braun	Faricy	Langseth	Petraffeso	Swanson
Byrne	Fjoslien	Lindstrom	Philbrook	Tomlinson
Carlson, A.	Forsythe	Luther	Pleasant	Ulland
Carlson, E.	Friedrich	Mangan	Reding	Vento
Carlson, R.	Graba	Mann	Savelkoul	Voss
Casserly	Hanson	McCollar	Schreiber	Wenstrom
Clark	Heinitz	Menning	Schulz	White
Clawson	Hokanson	Metzen	Schumacher	Zubay
Corbid	Jaros	Moe	Searle	Speaker Sabo
Dahl	Jensen	Munger	Setzpfandt	
Dean	Jude	Nelsen	Sherwood	
DeGroat	Kahn	Nelson	Sieben, H.	

Those who voted in the negative were:

Abeln	Eckstein	Jopp	McCarron	St. Onge
Albrecht	Fudro	Kalis	McCauley	Samuelson
Anderson, G.	Fugina	Kelly, R.	McEachern	Sarna
Anderson, I.	George	Kelly, W.	Neisen	Smith
Begich	Haugerud	Kempe, R.	Niehaus	Spanish
Birnstihl	Johnson, C.	Kroening	Prahl	Vanasek
Brinkman	Johnson, D.	Lemke	Rice	Wenzel

The bill was repassed, as amended by Conference, and its title agreed to.

ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to the Conference Committee on H. F. No. 2489:

Schreiber, Voss and Sieben, H.

The Speaker announced the appointment of the following members of the House to the Conference Committee on H. F. No. 1397:

Fugina, Smith and Searle.

Carlson, R., and DeGroat were excused for the remainder of today's session.

There being no objection the order of business reverted to Messages from the Senate.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

H. F. No. 500, A bill for an act relating to energy; authorizing the director of the Minnesota energy agency to appoint certain employees; establishing an energy conservation information center; prohibiting the use of certain gas lamps; requiring certain reports to the legislature; requiring promulgation of energy conservation rules; requiring surveys of certain public buildings; providing for solar energy performance standards; providing for monitoring of energy research; providing compensation and expense reimbursement for public members of the energy commission; appropriating money; amending Minnesota Statutes 1974, Sections 116H.02, by adding subdivisions; 116H.03, Subdivision 3; 116H.12, by adding subdivisions; and Chapter 116H, by adding sections.

The Senate has repassed said bill, in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

H. F. No. 2414, A bill for an act relating to motor vehicles; motor vehicle excise tax on vehicles purchased for resale; use of motor vehicles bearing motor vehicle dealer plates; amending Minnesota Statutes 1974, Sections 168.27, Subdivision 5; 297B.-01, Subdivision 6; and Chapter 297B, by adding a section.

The Senate has repassed said bill, in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

H. F. No. 2492, A bill for an act relating to environmental protection; limiting the sale and use of organic compounds known as polychlorinated biphenyls; permitting exemptions; requiring labels; providing penalties; providing for the assessment of the cost of preparing an environmental impact statement; amending Minnesota Statutes 1974, Chapter 116D, by adding a section.

The Senate has repassed said bill, in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee, consisting of 5 members of the Senate, on the amendments adopted by the Senate to the following House File:

H. F. No. 2677, A bill for an act relating to public improvements; authorizing alteration, repair, rehabilitation, equipping, and replacement of equipment of public buildings; appropriating money.

The Senate has appointed as such committee Messrs. Arnold, Willet, Renneke, Davies and Kirchner.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee, consisting of 5 members of the Senate, on the amendments adopted by the Senate to the following House File:

H. F. No. 2678, A bill for an act relating to public improvements; authorizing the acquisition and betterment of public land and buildings and other public improvements of a capital nature; authorizing issuance of state building bonds; appropriating money; amending Minnesota Statutes 1974, Sections 16.16,

Subdivision 2; 16A.28; 137.02, Subdivision 3; repealing Laws 1973, Chapter 778, Section 20.

The Senate has appointed as such committee Messrs. Arnold, Willet, Renneke, Davies and Kirchner.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

S. F. No. 1788, A bill for an act relating to banks and banking; authorizing consumer banking facilities and credit union facilities; providing penalties; amending Minnesota Statutes 1974, Chapter 52, by adding a section.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said Senate File is herewith transmitted to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONFERENCE COMMITTEE REPORT ON S. F. NO. 1788

A bill for an act relating to banks and banking; authorizing consumer banking facilities and credit union facilities; providing penalties; amending Minnesota Statutes 1974, Chapter 52, by adding a section.

April 2, 1976

The Honorable Alec G. Olson
President of the Senate
The Honorable Martin O. Sabo
Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 1788 report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments and that S. F. No. 1788 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 given them.

Subd. 2. "Automated teller machine" means an unattended free standing information processing device, located separate and apart from a financial institution's principal office, branch or detached facility, by which, through, or by means of electronic, automated, or mechanical signals or impulses generated through the use of electronic, automated, or mechanical equipment, a customer of a financial institution may complete banking transactions pursuant to an existing contractual agreement.

Subd. 3. "Commissioner" means the commissioner of banks.

Subd. 4. "Consumer banking facility" means either an automated teller machine or a point-of-sale terminal.

Subd. 5. "Financial institution" means a national banking association, savings and loan association or credit union having its main office in this state or a bank, savings bank, a savings and loan association, or a credit union established and operating under the laws of this state.

Subd. 6. "Municipality" means the geographical area within the legal boundaries of any city or organized town located in Minnesota.

Subd. 7. "Point-of-sale terminal" means a manned electronic information processing device other than a telephone capable of performing banking transactions; provided, a point-of-sale terminal shall include an electronic information processing device which can be physically attached to a standard telephone and which transfers funds in accordance with the foregoing.

Sec. 2. [AUTHORIZATION.] Subdivision 1. Any financial institution may establish and maintain at a specific location one or more consumer banking facilities for use by its customers. Any person may establish and maintain at a specific location one or more point-of-sale terminals. Any person may establish facilities used for transmitting information from a consumer banking facility to a financial institution. Any financial institution may provide for its customers the use of a consumer banking facility by entering into agreement with any person who has established and maintains one or more consumer banking facilities if that person authorizes use of the consumer banking facility to all financial institutions on a non-discriminatory basis.

Subd. 2. No consumer banking facility shall be established or used by a person other than a federally chartered savings and loan association or credit union unless the commissioner has authorized the establishment and maintenance of the facility.

For the purposes of this section consumer banking facility shall include all facilities used for transmitting information from the consumer banking facility to a financial institution.

Subd. 3. Application for authorization shall be made in the manner prescribed by rule. The commissioner shall grant authorization for an automatic teller machine unless he finds that (a) there is reason to believe that the facility will not be properly and safely managed, (b) that the applicant is not financially sound, (c) that no reasonable public demand exists for the facility, or (d) that the applicant has not furnished all of the information required by rule. If the commissioner has not denied the application within 45 days of the submission of the application, the authorization shall be deemed to be granted.

The commissioner shall grant authorization for point-of-sale terminal unless he finds that (a) there is reason to believe that the facility will not be properly and safely managed, (b) that the applicant is not financially sound, or (c) that the applicant has not furnished all of the information required by rule. If the commissioner has not denied the application within 45 days of the submission of the application, the authorization shall be deemed to be granted.

Subd. 4. For each application, a \$100 fee shall be paid to the commissioner. If the \$100 fee is less than the costs actually incurred by the commissioner in approving or disapproving the application, the fee shall be equal to those costs. When more than one point-of-sale terminal is established at a single place of business and maintained by the same person a single application and fee shall be sufficient.

Subd. 5. Subject to the procedures in this section, a consumer banking facility may be established and maintained except within a municipality in which only one financial institution is located, unless that financial institution makes use of one or more consumer banking facilities. The location and placement of consumer banking facilities shall not be designed to give or promote an unfair competitive advantage to any financial institution in Minnesota.

Sec. 3. [FUNCTIONS OF A CONSUMER BANKING FACILITY.] Subdivision 1. Pursuant to a preexisting contractual agreement, banking transactions which may be performed by a consumer banking facility shall be limited to the disbursement of funds under a pre-authorized credit agreement, the withdrawal of funds from a customer's account, the deposit of funds in a customer's account, the receiving of cash or checks, the disbursement of cash, the payment of loan payments and the transfer of funds to or from one or more accounts in financial institutions. Accounts may not be opened at such facilities. Any person may also operate a device which is capable of performing

the functions of a consumer banking facility for any internal business activity of that person.

Subd. 2. The methods by which a consumer banking facility performs banking transactions shall be limited to the use of electronic based systems which utilize devices capable of processing electronic information through or by means of which information relating to financial services rendered to the public is stored and transmitted, whether instantaneously or otherwise, to a financial institution and which devices, for activation and account access, are dependent upon the use of a machine readable instrument in the possession and control of the holder of an account with a financial institution.

Subd. 3. A point-of-sale terminal shall be operated exclusively by a person who is not employed by any financial institution, any financial institution holding company, or subsidiary thereof. Persons assisting customers of financial institutions at the site of the point-of-sale terminal may be trained by employees of a financial institution, financial institution holding company, or subsidiary thereof. Nothing in this section shall be construed to prohibit periodic servicing of a consumer banking facility terminal by an employee of a financial institution, financial institution holding company, or subsidiary thereof.

Sec. 4. [ESTABLISHMENT, MAINTENANCE AND USE OF A CONSUMER BANKING FACILITY.] Subdivision 1. One or more consumer banking facilities may be established and maintained by a person; provided, the person or persons holding legal title to a consumer banking facility, exclusive of any supporting equipment, structure or system, limits its use in the performance of banking transactions to transactions for customers of Minnesota financial institutions. The authority of third parties referred to in this act is limited to ownership, operation and maintenance of consumer banking facilities and any supporting equipment, structures or systems, and nothing in this act shall be construed to authorize any person, other than a bank, to engage in the business of banking. Provided, a person that affords to any financial institution the use of a consumer banking facility may be examined by the commissioner as to any banking transaction by, with or involving a financial institution solely for the purpose of reconciling accounts and verifying the security and accuracy of such consumer banking facility including any supporting equipment, structures or systems, and all facts and information obtained in the course of such examination shall not be disclosed except as otherwise provided by law. The person examined shall pay examination fees as determined by the commissioner.

Subd. 2. Any person establishing and maintaining a consumer banking facility shall, upon written request, make its services available to any requesting financial institution on a fair, equitable and nondiscriminatory basis approved by the commissioner which shall include a pricing structure limited to the

owner's direct costs, including a reasonable return on the capital expenditures incurred by the owner in establishing and maintaining consumer banking facilities and which except for an initial fee, shall be based on a per transaction cost. The initial fee shall not be greater than the actual cost incurred in establishing the participation and the per transaction cost shall not exceed the actual average cost of all transactions. Subject to the provisions of this act, any person establishing and maintaining a consumer banking facility may make the same available for use by one or more savings and loan associations and credit unions and the customers thereof. A financial institution may participate upon contractual agreement in the use of a device which is capable of performing the functions of a consumer banking facility and is owned or operated by one or more savings and loan associations or credit unions. Any financial institution requesting use of a consumer banking facility shall be permitted its use if the financial institution conforms to reasonable technical operation standards which have been established by the facility provider as approved by the commissioner; provided that the requesting party agrees to grant reciprocal use of all similar devices owned or maintained by it.

For the purposes of this subdivision consumer banking facility shall include all facilities used for transmitting information from the consumer banking facility to a financial institution.

Subd. 3. A person primarily engaged in the business of selling goods or services at retail who operates a consumer banking facility including any supporting equipment, structures or systems may limit his contractual agreement with any financial institution to only one or more types of banking transactions which, except in the case of any open-end type of consumer credit sales plan, agreement and arrangement such person shall make available upon request to any other financial institution on a non-discriminatory basis.

Sec. 5. [ADVERTISING.] No advertisement by a person which relates to a consumer banking facility may be inaccurate or misleading with respect to such a facility. Except with respect to direct mailings by financial institutions to their customers, the advertising of rate of interest paid on accounts in connection with consumer banking facilities is prohibited. Any advertisement, either on or off the site of a consumer banking facility, promoting the use or identifying the location of a consumer banking facility, which identifies any financial institution, group or combination of financial institutions, or third parties as owning or providing for the use of its services, is prohibited. The following shall be expressly permitted:

(1) A simple directory listing placed at the site of a consumer banking facility identifying the particular financial institution using its services;

(2) The use of a generic name, either on or off the site of a consumer banking facility, which does not promote or identify any particular financial institution, group or combination of financial institutions, or any third parties; and

(3) Media advertising or direct mailing of information by a financial institution identifying locations of consumer banking facilities and promoting their usage.

Sec. 6. [BANK SECURITY.] Every owner of a consumer banking facility and every financial institution using a consumer banking facility shall adopt and maintain safeguards to insure the safety of funds, items and other information, which safeguards shall include security devices consistent with the appropriate requirements specified under the federal bank protection act or such alternative security precautions as are approved by the commissioner.

Sec. 7. [CONSUMER PRIVACY.] Subdivision 1. To protect the privacy of customers using consumer banking facilities, including any supporting equipment, structures or systems, information received by or processed through such facilities supporting equipment, structures or systems shall be treated and used only in accordance with applicable law relating to the dissemination and disclosure of such information. Provided, further, that the person operating a consumer banking facility including any supporting equipment, structures or systems shall take such steps as are reasonably necessary to safeguard any information received or obtained about a customer or his account from misuse by any person manning a consumer banking facility including any supporting equipment, structures or systems.

Subd. 2. The commissioner shall have the authority by rule to require each financial institution operating pursuant to this act to supply information to customers using consumer banking facilities of the financial institutions' consumer protection policies including the rights and liabilities of the consumer and protection against wrongful or accidental disclosure of confidential information, including the rights and liabilities of the consumer and protection against wrongful or accidental disclosure of confidential information.

Subd. 3. Every financial institution using a consumer banking facility shall maintain reasonable procedures to minimize losses from unauthorized withdrawals from its customers' accounts by use of a consumer banking facility. A financial institution shall be liable for all unauthorized withdrawals unless the unauthorized withdrawal was (a) due to the negligent conduct or the intentional misconduct of the operator of a consumer banking facility or his agent in which case the operator shall be liable, or (b) due to the loss or theft of the customer machine readable card in which case the customer shall be liable for

those unauthorized withdrawals made prior to the time the financial institution is notified of the loss or theft subject to a maximum liability of \$50. Transactions which involve deposits or payments by a customer to a financial institution at a consumer banking facility are completed when the deposit or payment is made and the customer receives his receipt at the consumer banking facility. Any loss due to theft or other reason subsequent to that time shall not be borne by the customer. For purposes of this subdivision, "unauthorized withdrawal" means a withdrawal by a person other than the customer who does not have actual, implied, or apparent authority for such withdrawal, and from which withdrawal the customer receives no benefit.

Subd. 4. No person's social security number shall be used as the personal identification number or as any code to activate any consumer banking facility.

Subd. 5. Any customer of a financial institution may bring a civil action against any person violating the provisions of this section in district court in the county in which the alleged violator resides or has his principal place of business or in the county wherein the alleged violation occurred. Upon adverse adjudication, the defendant shall be liable for actual damages, or \$500, whichever is greater, together with the court costs and reasonable attorneys' fees incurred by the plaintiff. The court may provide such equitable relief as it deems necessary or proper, including enjoining the defendant from further violations.

Sec. 8. [ANTI-TRUST.] No person engaged in consumer banking facility activities shall contract, combine, or conspire to restrain trade in the market for consumer banking facilities, or engage in anti-competitive practices to the detriment of the public interest. Notwithstanding Minnesota Statutes, Section 325.8017, Subdivision 2, the provisions of sections 325.8011 to 325.8028 shall apply to persons engaged in consumer banking facility activities. For the purposes of this section consumer banking facility shall include all facilities used for transmitting information from the consumer banking facility to a financial institution.

Sec. 9. [RULES AND REGULATIONS.] The commissioner may promulgate such rules and regulations as are reasonably necessary to carry out and make effective the provisions and purposes of this act pursuant to Minnesota Statutes, Chapter 15.

Sec. 10. [VIOLATIONS; PENALTIES' HEARINGS.] A violation of this act shall be subject to penalties applicable to violations of laws affecting financial institutions. In addition, violations of this act may be enjoined by civil action for an injunction by any aggrieved financial institution or by the commissioner. For the purposes of this section consumer banking facility shall include all facilities used for transmitting informa-

tion from the consumer banking facility to a financial institution.

Sec. 11. [EFFECTIVE DATE.] Provisions authorizing the commissioner to promulgate rules and regulations are effective the day after final enactment. The remaining provisions are effective October 1, 1976."

Further strike the title and insert:

"A bill for an act relating to consumer banking facilities; providing penalties."

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

Senate Conferees: ALEC G. OLSON, AL KOWALCZYK and JACK I. KLEINBAUM.

House Conferees: WALTER R. HANSON, JOHN CORBID and TED SUSS.

Hanson moved that the report of the Conference Committee on S. F. No. 1788 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

George was excused for the remainder of today's session.

S. F. No. 1788, A bill for an act relating to banks and banking; authorizing consumer banking facilities and credit union facilities; providing penalties; amending Minnesota Statutes 1974, Chapter 52, by adding a section.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question being taken on the repassage of the bill and the roll being called, there were yeas 85, and nays 37, as follows:

Those who voted in the affirmative were:

Abeln	Casserly	Jacobs	Langseth	Novak
Adams, L.	Clark	Jensen	Lemke	Patton
Albrecht	Corbid	Jude	Lindstrom	Pehler
Anderson, G.	Dean	Kahn	Luther	Peterson
Arlandson	Doty	Kaley	Mangan	Petraleso
Beauchamp	Eckstein	Kelly, R.	Mann	Philbrook
Berg	Enebo	Kelly, W.	McCarron	Pleasant
Biersdorf	Evans	Kempe, A.	McCauley	Reding
Birnstihl	Ewald	Kempe, R.	McCollar	St. Onge
Braun	Faricy	Ketola	McEachern	Savelkoul
Brinkman	Forsythe	Knickerbocker	Metzen	Schreiber
Byrne	Friedrich	Knoll	Munger	Schulz
Carlson, A.	Hanson	Kvam	Nelsen	Schumacher
Carlson, L.	Hokanson	Laidig	Norton	Searle

Setzepfandt	Skoglund	Stanton	Tomlinson	Voss
Sieloff	Smogard	Suss	Ulland	Wenstrom
Simoneau	Spanish	Swanson	Vento	Williamson

Those who voted in the negative were:

Anderson, I.	Fjoslien	Kostohryz	Parish	Smith
Begich	Fudro	Kroening	Prahl	Vanasek
Berglin	Fugina	Menning	Rice	Wenzel
Clawson	Graba	Moe	Samuelson	White
Dahl	Heinitz	Neisen	Sarna	Speaker Sabo
Dieterich	Johnson, C.	Nelson	Sherwood	
Eken	Johnson, D.	Niehaus	Sieben, H.	
Erickson	Kalis	Osthoff	Sieben, M.	

The bill was repassed, as amended by Conference, and its title agreed to.

REPORTS FROM THE COMMITTEE ON RULES AND LEGISLATIVE ADMINISTRATION

Anderson, I., for the Committee on Rules and Legislative Administration, offered the following report and moved its adoption:

Resolved, that the Committee on Rules and Legislative Administration shall contract for necessary printing of the House of Representatives for the 70th regular session, and any extra sessions held prior to the 71st regular session; and, be it

Further Resolved, that the Committee on Rules and Legislative Administration be and hereby is assigned, during the interim following final adjournment, all functions within its usual jurisdiction.

The question was taken on the adoption of the report, and the report was adopted.

Anderson, I., for the Committee on Rules and Legislative Administration, offered the following report and moved its adoption:

Resolved, that the Chief Clerk of the House of Representatives be instructed that during the period of time between adjournment sine die, and the convening of the House of Representatives in 1977, the House Chamber, House Retiring Room, House Hearing and Conference Rooms, House Offices, and the Chief Clerk's Offices, shall be left in their present status and reserved for use by the House of Representatives, Legislative Interim Committees, House Standing Committees and Subcommittees, and to such other use as the Speaker of the House may deem necessary. The House Chamber and House Retiring Room shall be let out for the annual meeting of the Territorial Pioneers; and the House Chamber,

House Retiring Room and the unused hearing rooms shall be available annually to the Hi-Y Model Legislature, Girls' State, the Young Leaders Organization, and the 4-H Leadership Conference.

Be It Further Resolved, that the Custodian of the State Capital shall be instructed to keep the corridors and rotunda clear of all furniture and that all legislative furniture remain in the legislative rooms.

The question was taken on the adoption of the report, and the report was adopted.

Anderson, I., for the Committee on Rules and Legislative Administration, offered the following report and moved its adoption.

Be It Resolved, that the House of Representatives retain those parts of parking lots B, D and E for the period from adjournment sine die to the convening of the 70th legislative session, necessary for use of members and employees of the House of Representatives.

Be It Further Resolved, that the Sergeant at Arms be directed to provide for public fee parking at such times members are not required to be in attendance at the Capitol.

The question was taken on the adoption of the report, and the report was adopted.

ADJOURNMENT

Anderson, I., moved that when the House adjourns today it adjourn until 10:00 a.m., Tuesday, April 6, 1976. The motion prevailed.

Anderson, I., moved that the House adjourn. The motion prevailed and the Speaker declared the House adjourned until 10:00 a.m., Tuesday, April 6, 1976.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

STATE OF MINNESOTA

SIXTY-NINTH SESSION - 1976

ONE HUNDRED-SEVENTH DAY

SAINT PAUL, MINNESOTA, TUESDAY, APRIL 6, 1976

The House convened at 10:00 a.m. and was called to order by the Speaker.

Prayer was offered by the Chaplain.

The roll was called and the following members were present:

Abeln	Eckstein	Kaley	Neisen	Sherwood
Adams, L.	Eken	Kalis	Nelsen	Sieben, H.
Adams, S.	Enebo	Kelly, R.	Nelson	Sieben, M.
Albrecht	Erickson	Kelly, W.	Neihaus	Sjeloff
Anderson, G.	Esau	Kempe, A.	Norton	Simoneau
Anderson, I.	Evans	Kempe, R.	Novak	Skoglund
Arlandson	Ewald	Ketola	Osthoff	Smith
Beauchamp	Faricy	Knickerbocker	Parish	Smogard
Begich	Fjoslien	Knoll	Patton	Spanish
Berg	Forsythe	Kostohryz	Pehler	Stanton
Berglin	Friedrich	Kroening	Peterson	Suss
Biersdorf	Fudro	Kvam	Petrafeso	Swanson
Birnstihl	Fugina	Laidig	Philbrook	Tomlinson
Braun	George	Langseth	Pleasant	Ulland
Brinkman	Graba	Lemke	Prahl	Vanasek
Byrne	Hanson	Lindstrom	Reding	Vento
Carlson, A.	Haugerud	Luther	Rice	Voss
Carlson, L.	Heinitz	Mangan	St. Onge	Wenstrom
Casserly	Hokanson	McCarron	Samuelson	Wenzel
Clark	Jacobs	McCauley	Sarna	White
Clawson	Jaros	McCollar	Savelkoul	Wieser
Corbid	Jensen	McEachern	Schreiber	Williamson
Dahl	Johnson, C.	Menning	Schulz	Zubay
Dean	Johnson, D.	Metzen	Schumacher	Speaker Sabo
Dieterich	Jude	Moe	Searle	
Doty	Kahn	Munger	Setzepfandt	

A quorum was present.

Volk was excused. DeGroat was excused until 5:00 p.m. Carlson, R., was excused until 1:00 p.m. Jopp was excused until 2:30 p.m. Mann and Wigley were excused until 6:30 p.m.

The Chief Clerk proceeded to read the Journal of the preceding day. On the motion of Enebo the further reading was dispensed with and the Journal was approved as corrected.

REPORTS OF CHIEF CLERK

Pursuant to Rules of the House, printed copies of S. F. Nos. 2455 and 2453 have been placed in the members' files.

PETITIONS AND COMMUNICATIONS

The following communications were received:

STATE OF MINNESOTA
OFFICE OF THE GOVERNOR
ST. PAUL 55155

April 3, 1976

The Honorable Martin Sabo
Speaker of the House

Sir:

I have the honor to inform you that I received, approved, signed and deposited in the office of the Secretary of State the following House Files:

H. F. No. 429, An act relating to labor; increasing the minimum wage.

H. F. No. 525, An act relating to state government; creating a department of transportation; prescribing its powers, duties and functions.

H. F. No. 1026, An act relating to land use planning; establishing a land use planning assistance program of grants for local government units to be administered by the state planning agency.

H. F. No. 1057, An act relating to education; school districts; powers and duties; requiring a public hearing before closing a schoolhouse.

H. F. No. 1075, An act relating to public health; reducing to 17 the age at which a person is eligible to be a blood donor.

H. F. No. 1615, An act relating to public health; providing for care, medical treatment, and legal rights of live births resulting from abortions.

H. F. No. 2518, An act relating to local government in Dakota county; removing certain restrictions on the use of certain lands conveyed by the state to the city of Hastings.

H. F. No. 2683, An act relating to claims against the state; appropriating moneys for the payment thereof.

Sincerely,

WENDELL R. ANDERSON
Governor

STATE OF MINNESOTA
OFFICE OF THE SECRETARY OF STATE
ST. PAUL 55155

April 5, 1976

The Honorable Martin O. Sabo
Speaker of the House of Representatives
The Honorable Alec G. Olson
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1976 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:

<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Date Approved 1976</i>	<i>Date Filed 1976</i>
357		120	April 2	April 2
	290	121	April 2	April 2
	435	122	April 2	April 2
	718	123	April 2	April 2
	910	124	April 2	April 2
	1199	125	April 2	April 2
	1372	126	April 2	April 2
	1530	127	April 2	April 2
	1751	128	April 2	April 2
	1870	129	April 2	April 2
	2155	130	April 2	April 2

<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Date Approved 1976</i>	<i>Date Filed 1976</i>
	2157	131	April 2	April 2
	2201	132	April 2	April 2
	2263	133	April 2	April 2
1047		134	April 3	April 3
10		135	April 3	April 3
161		136	April 3	April 3
454		137	April 3	April 3
674		138	April 3	April 3
1039		139	April 3	April 3
1156		140	April 3	April 3
1262		141	April 3	April 3
1296		142	April 3	April 3
1530		143	April 2	April 3
1575		144	April 3	April 3

Sincerely,

JOAN ANDERSON GROWE
Secretary of State

STATE OF MINNESOTA
OFFICE OF THE SECRETARY OF STATE
ST. PAUL 55155

April 5, 1976

The Honorable Martin O. Sabo
Speaker of the House of Representatives
The Honorable Alec G. Olson
President of the Senate

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of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Date Approved 1976</i>	<i>Date Filed 1976</i>
1792		145	April 3	April 3
1813		146	April 3	April 3
1873		147	April 3	April 3
1874		148	April 3	April 3
1876		149	April 3	April 3
1920		150	April 3	April 3
1928		151	April 3	April 3
1944		152	April 3	April 3
1973		153	April 3	April 3
1976		154	April 3	April 3
2033		155	April 3	April 3
2051		156	April 3	April 3
2077		157	April 3	April 3
2108		158	April 3	April 3
2130		159	April 3	April 3
2147		160	April 3	April 3
2373		161	April 3	April 3
2210		162	April 3	April 3
2277		163	April 3	April 3
2318		164	April 3	April 3
	429	165	April 3	April 3

<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Date Approved 1976</i>	<i>Date Filed 1976</i>
	525	166	April 2	April 3
	1026	167	April 3	April 3
	1057	168	April 3	April 3

Sincerely,

JOAN ANDERSON GROWE
Secretary of State

STATE OF MINNESOTA
OFFICE OF THE SECRETARY OF STATE
ST. PAUL 55155

April 5, 1976

The Honorable Martin O. Sabo
Speaker of the House of Representatives
The Honorable Alec G. Olson
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1976 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:

<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Date Approved 1976</i>	<i>Date Filed 1976</i>
	1075	169	April 2	April 3
	1615	170	April 3	April 3
	2518	171	April 3	April 3
	2683	172	April 3	April 3

Sincerely,

JOAN ANDERSON GROWE
Secretary of State

REPORTS OF STANDING COMMITTEES

Anderson, I., from the Committee on Rules and Legislative Administration to which was referred:

S. F. No. 1675, A bill for an act relating to public indebtedness; revising and clarifying provisions as to manner of sale and execution of obligations; designation of paying agents; cremation of obligations; payment of grant anticipation certificates; use of investment income from proceeds; administration of debt service funds; refunding; method of payment and interest rate on special assessments and obligations payable from special assessments; amending Minnesota Statutes 1974, Sections 48.15, by adding a subdivision; 124.05, Subdivisions 3 and 4; 138.17, Subdivision 1; 429.061, Subdivision 2; 429.091, Subdivisions 1, 3, and 4; 471.56, Subdivisions 1 and 3; 475.51, Subdivision 6, and adding a subdivision; 475.52, Subdivision 1; 475.55; 475.553, Subdivisions 1, 2, 3, and 5; 475.60, Subdivisions 2 and 3; 475.61, Subdivision 5; 475.65; 475.66; and 475.67, Subdivisions 7 and 12; and repealing Minnesota Statutes 1974, Section 475.553, Subdivision 4, and Minnesota Statutes, 1975 Supplement, Section 471.561.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert the following:

"Section 1. Minnesota Statutes 1974, Section 475.51, Subdivision 6, is amended to read:

Subd. 6. ("SINKING FUND") "*Debt service fund*" means any (FUND OR) money (HELD) and investments in the treasury of a municipality appropriated (OR SET ASIDE) to pay the principal (AND), interest, or (EITHER OF THEM, OR) premiums for the redemption of any of its obligations. "*Sinking fund*" means debt service fund. A separate balance sheet need not be maintained for any debt service fund, and the fund need not be segregated from other funds of the municipality in a separate bank deposit account or in a separate investment fund or account, unless so provided in a resolution or other instrument securing obligations payable from the debt service fund; but a separate bookkeeping account or accounts shall be maintained in the official financial records of the municipality reflecting all receipts and disbursements of money and investments of principal and income appropriated for the purposes of each debt service fund.

Sec. 2. Minnesota Statutes 1974, Section 475.51, is amended by adding a subdivision to read:

Subd. 11. "*Reporting dealer to the federal reserve bank of New York*" means a securities broker-dealer licensed pursuant to chapter 80A, or an affiliate thereof, which makes primary markets in United States government securities and reports daily to the federal reserve bank of New York its position with respect to such securities held by it and amounts borrowed thereon.

Sec. 3. Minnesota Statutes 1974, Section 475.52, Subdivision 1, is amended to read:

475.52 [BOND ISSUES; PURPOSES.] Subdivision 1. [STATUTORY CITIES.] (ANY CITY NOT GOVERNED BY A HOME RULE CHARTER, OR) Any statutory city may issue bonds or other obligations for the acquisition or betterment of public buildings, means of garbage disposal, hospitals, nursing homes, homes for the aged, schools, libraries, museums, art galleries, parks, playgrounds, stadia, sewers, sewage disposal plants, subways, streets, sidewalks; for any utility or other public convenience from which a revenue is or may be derived; for a permanent improvement revolving fund; for changing, controlling or bridging streams and other waterways; for the acquisition and betterment of bridges and roads within two miles of the corporate limits; and for acquisition of equipment for snow removal, street construction and maintenance, or fire fighting. Without limitation by the foregoing (ANY SUCH) *the* city may issue bonds to provide money for any authorized corporate purpose except current expenses.

Sec. 4. Minnesota Statutes 1974, Section 475.55, is amended to read:

475.55 [EXECUTION; NEGOTIABILITY; INTEREST RATES.] Subdivision 1. All obligations shall be signed by (THE) officers (AS) authorized by resolution of the governing body *or by persons authorized to sign on behalf of a bank designated by the resolution as authenticating agent*, and shall express the amount and the terms of payment. Interest thereon shall not exceed the rate of seven percent per annum, payable half yearly. All obligations shall be negotiable (INSTRUMENTS NOTWITHSTANDING ANY LIMITATION IN THE SOURCE OF THE FUNDS FOR PAYMENT) *investment securities as provided in the uniform commercial code, chapter 336, article 8*. The validity of (EVERY) *an* obligation (SO EXECUTED) shall (REMAIN UNIMPAIRED) *not be impaired* by the fact that one or more (OF SUCH) *officers authorized to execute it* shall have ceased to be in office before delivery to the purchaser or shall not have been in office on the formal *issue* date of the (BONDS) *obligation*. (SUCH RESOLUTION MAY PROVIDE THAT ONE OF THE OFFICERS SHALL SIGN SUCH BONDS MANUALLY AND THAT THE) *Every obligation shall be signed manually by one officer or authenticating agent*. Other signatures and the seal of the issuer may be printed, lithographed, stamped or engraved thereon *and on any interest coupons to be attached thereto*. (WHERE) The (MUNICIPALITY HAS A SEAL SUCH) seal (MAY) *need not be* (IMPRESSED ON EACH BOND OR A FACSIMILE THEREOF MAY BE PRINTED, LITHOGRAPHED OR ENGRAVED ON EACH BOND AS DETERMINED BY THE RESOLUTION OF THE GOVERNING BODY) *used*.

Subd. 2. The (INTEREST LIMITATION STATED IN THIS SECTION) *provisions of subdivision 1* shall supersede all (LOWER LIMITATIONS CONTAINED IN) *provisions of any law or charter (APPLICABLE) fixing a lower maximum interest rate with respect to obligations of the state or any municipality or governmental or public subdivision, district, corporation, commission, board, council, or authority of whatsoever kind, including warrants or orders issued in evidence of allowed claims for property or services furnished to the issuer, but shall not restrict the power of the issuer to fix the interest on any obligation in accordance with the law authorizing its issuance.*

Sec. 5. Minnesota Statutes 1974, Section 475.553, Subdivision 1, is amended to read:

475.553 [PAYING AGENT; DESTRUCTION OF OBLIGATIONS AND COUPONS.] Subdivision 1. The governing body may appoint as paying agent for an issue of obligations one or more national banks, or banks incorporated under the laws of any state, *provided that no bank shall be appointed as paying agent for obligations of any issuer except one within whose corporate limits the principal office of the bank is situated, unless it is authorized to execute corporate trust powers pursuant to the laws under which it is organized; and the governing body may direct the treasurer to remit funds for payment of both principal and interest to such paying agent although such paying agent has not complied with statutes relating to public depositories. It may also direct the county treasurer to remit any proceeds from assessments or taxes levied for payment of obligations directly to such paying agent. In such case, the county treasurer shall furnish a duplicate statement of each remittance to the treasurer of the municipality who shall enter the amount on his books.*

Sec. 6. Minnesota Statutes 1974, Section 475.553, Subdivision 2, is amended to read:

Subd. 2. The governing body may by resolution direct that all bonds, obligations, coupons appertaining thereto, or any specified obligations or coupons, when paid, shall be cancelled (AND CREMATED) by the paying agent *and destroyed as herein provided. Before such authority is granted, the municipality shall enter into an agreement with (THE PAYING AGENT) a bank or banking association incorporated under the laws of the United States or of any state and authorized by such laws to exercise corporate trust powers, specifying (a) the obligations and coupons to be (CREMATED) destroyed, (b) the (PROCEDURE THEREFOR) method of destruction, (c) the information to be recorded in a (CREMATION) certificate of destruction to be delivered (BY THE PAYING AGENT) to the municipality and the paying agent, (d) the indemnification of the municipality (BY THE PAYING AGENT) in the event of duplicate payment, wrongful and improper payment to unauthorized persons*

and nonpayment to authorized persons (BY THE AGENT) occurring as a result of any (CREMATION) *destruction* of bonds, obligations, or coupons, and (e) such other terms and conditions as may be determined by the governing body of such municipality. *Obligations and coupons may be destroyed by cremation, shredding, or any other effective means.*

Sec. 7. Minnesota Statutes 1974, Section 475.553, Subdivision 3, is amended to read:

Subd. 3. (CREMATION) Certificates provided under subdivision 2 shall be retained in the official records of the municipality and the paying agent. Such (CREMATION) certificates may subsequently be destroyed at the times and upon the conditions otherwise permitted by law, but no earlier than the time of final payment and redemption of all obligations of the respective issues to which they pertain.

Sec. 8. Minnesota Statutes 1974, Section 475.553, Subdivision 5, is amended to read:

Subd. 5. Any obligation as defined in section 475.51, issued or to be issued by the state or any agency, instrumentality, or subdivision thereof, by written order and agreement executed by the officer or officers authorized by law to issue such obligations, may be (CREMATED) *destroyed* as provided herein, and for this purpose such officers shall have all the powers granted herein to governing bodies of municipalities. The state auditor, pursuant to the administrative procedures act, may formulate and prescribe requirements for resolutions, orders, agreements, and certificates relating to the (CREMATION) *destruction* of public obligations and coupons. The provisions of any other law relating to the destruction of public records shall not apply to the (CREMATION) *destruction* of obligations and coupons.

Sec. 9. Minnesota Statutes 1974, Section 475.60, Subdivision 2, is amended to read:

Subd. 2. [REQUIREMENTS WAIVED.] The requirements as to public sale shall not apply to:

(1) Obligations issued under the provisions of a home rule charter or of a law specifically authorizing a different method of sale, or *authorizing them to be issued in such manner or on such terms and conditions as the governing body may determine;*

(2) Obligations (PAYABLE WHOLLY OR PARTLY FROM THE PROCEEDS OF SPECIAL ASSESSMENTS WHEN SUCH OBLIGATIONS DO NOT EXCEED) *sold by an issuer in an amount not exceeding the total sum of \$100,000 in any three month period;*

(3) Obligations (PAYABLE WHOLLY FROM THE INCOME OF REVENUE PRODUCING CONVENIENCES WHEN SUCH OBLIGATIONS DO NOT EXCEED THE TOTAL SUM OF \$50,000) issued in anticipation of the collection of taxes or other revenues appropriated for expenditure in a single year, if sold in accordance with the most favorable of two or more proposals solicited privately; and

(4) Obligations sold to any board, department, or agency of the United States of America or of the state of Minnesota, in accordance with rules or regulations promulgated by such board, department, or agency.

Sec. 10. Minnesota Statutes 1974, Section 475.60, Subdivision 3, is amended to read:

Subd. 3. Published notice, where required, shall specify the principal amount (AND PURPOSE) of the obligations, the time and place of receipt and consideration of bids and such other details as to the obligations and terms of sale (WHICH) as the governing body deems suitable. *The governing body may employ an agent to receive and open the bids at any place within or outside the corporate limits of the municipality, in the presence of an officer of the municipality, but the obligations shall not be sold except by action of the governing body or authorized officers of the municipality after communication of the bids to them.* Additional notice may be given for such time and in such manner as the governing body deems suitable. At the time and place so fixed, the bids shall be opened and the offer complying with the terms of sale and deemed most favorable shall be accepted, but the governing body may reject any and all such offers (AND), *in which event, or if no offers have been received, it may award the (BONDS) obligations to (A LOWER BIDDER) any person who within 30 days thereafter presents an offer complying with the terms of sale and deemed more favorable than any received previously, or upon like notice (IT) the governing body may invite other bids upon the same or different terms and conditions.*

Sec. 11. Minnesota Statutes 1974, Section 475.61, Subdivision 5, is amended to read:

Subd. 5. When all conditions exist precedent to the (ISSUANCE) offering for sale of obligations of any municipality in any amount for any purpose authorized by law, and the municipality has applied for a grant or loan of state or federal funds to aid in payment of cost incurred for the authorized purpose, its governing body may by resolution issue and sell temporary obligations not exceeding the total amount authorized, maturing within not more than three years from the date such obligations are issued. In this event so much of the proceeds of the grant or loan when received shall be (IRREVOCABLY APPROPRIATED) credited to the (SINKING) debt service fund for the

temporary obligations *as may be needed for the payment thereof, with interest, when due*, and the (ESTIMATED AMOUNT THEREOF MAY BE DEDUCTED FROM THE) tax which would otherwise be required by subdivision 1 (TO) *need not* be levied. Any amount of the temporary obligations which cannot be paid at maturity, from the proceeds of the grant or loan or from any other funds appropriated by the governing body for the purpose, shall be paid from the proceeds of definitive obligations to be issued and sold before the maturity date; or if sufficient funds are not available for payment in full of the temporary obligations at maturity, the holders thereof shall have the right to require the issuance in exchange therefor of definitive obligations secured in the manner provided in subdivision 1 and bearing interest at the maximum rate permitted by law.

Sec. 12. Minnesota Statutes 1974, Section 475.65, is amended to read:

475.65 [DELIVERY OF BONDS; USE OF PROCEEDS.] Upon payment to the treasurer of the purchase price by the successful bidder, the obligations shall be delivered, and the treasurer shall (HOLD) *account for the receipt and disbursement of the proceeds thereof (AS A SEPARATE FUND) for the use named in the resolution or other instrument or instruments authorizing such obligations, in a separate fund or account in the official financial records of the municipality. Pending such use the proceeds may be invested and reinvested in accordance with law, and the income and gain therefrom shall be held as part of the proceeds and applied to such use or to the payment of the obligations and interest thereon or otherwise as provided in any city charter or any other law.* The purchaser shall not be obligated to see to the application of the purchase price. When the use authorized is the acquisition or betterment of any land, easements, buildings, structures, machinery, or equipment, the proceeds may be used to pay all expenses, incurred and to be incurred, which are reasonably necessary and incidental to such acquisition or betterment, including, but without limitation, the cost of necessary professional planning studies to determine desirable locations, architectural, engineering, legal, *financial advisory*, and other professional services, printing and publication, and interest to accrue on the obligations prior to the anticipated date of commencement of the collection of taxes or special assessments to be levied or other (REVENUES) *funds* pledged for the payment of the obligations and interest thereon. When the obligations are payable wholly from the income from a utility or other (PUBLIC CONVENIENCE) *project*, for the acquisition or betterment of which the obligations are issued, the proceeds may be used in part to establish a reserve (IN AN AMOUNT NOT EXCEEDING THE MAXIMUM AMOUNT OF PRINCIPAL AND INTEREST TO BECOME DUE ON THE OBLIGATIONS IN ANY SUBSEQUENT YEAR,) *as further security for the payment of (ALL) such principal and interest when due.* If the contemplated use be afterward abandoned, or if any bal-

ance of the proceeds of the obligations remains after the use is accomplished, such fund may be devoted to any other public use authorized by law, and approved by resolution adopted or vote taken in the manner required to authorize bonds for such new use and purpose. Any balance remaining after the improvement has been completed and paid for, unless devoted to a new use as herein authorized, shall become a part of the (SINKING) *debt service* fund of the municipality.

Sec. 13. Minnesota Statutes 1974, Section 475.66, is amended to read:

475.66 [DEBT SERVICE FUND.] *Subdivision 1.* All (SINKING) *debt service* funds shall be deposited and secured as provided in chapter 118, except for amounts invested as authorized in this section, and may be deposited in interest bearing accounts, and such deposits may be evidenced by certificates of deposit with fixed maturities. **(THERE SHALL ALWAYS BE RETAINED IN ANY SINKING FUND) Sufficient cash (TO PROVIDE) for (THE ANNUAL PAYMENTS) payment of principal (AND), interest (ON), and redemption premiums when due with respect to the obligations for which (THE) any debt service fund (WAS) is created shall be provided by crediting to the fund the collections of tax, special assessment, or other revenues appropriated for that purpose, and depositing all such receipts in a depository bank or banks duly qualified according to law or investing and reinvesting such receipts in securities authorized in this section. Time deposits shall be withdrawable and certificates of deposit and investments shall mature and shall bear interest payable at times and in amounts which, in the judgment of the governing body or its treasurer or other officer or committee to which it has delegated investment decisions, will provide cash at the times and in the amounts required for the purposes of the debt service fund; except that the governing body may authorize the purchase of longer term investments subject to an agreement, with a bank or dealer referred to in subdivision 2, to repurchase such investments at times and prices sufficient to yield the amounts estimated to be so required.**

Subd. 2. Investments may be held in safekeeping with any federal reserve bank or any bank authorized under the laws of the United States or any state to exercise corporate trust powers, including but not limited to the bank from which the investment is purchased, provided that the municipality's ownership of all securities in which the fund is invested is evidenced by written acknowledgments signed by authorized officers or employees of the custodian banks and identifying the securities by the names of the issuers, maturity dates, interest rates, and serial numbers or other distinguishing marks. Repurchase agreements may be entered into with a bank qualified as depository of money held in the debt service fund, or with any national or state bank in the United States which is a member of the federal reserve system and whose combined capital and surplus equals or exceeds

\$10,000,000 or a reporting dealer to the federal reserve bank of New York.

Subd. 3. Subject to the provisions of any resolutions (OF THE GOVERNING BODY RELATING TO THE MAINTENANCE OF RESERVES OF CASH OR INVESTMENTS FOR THE SECURITY OF HOLDERS OF SUCH) or other instruments securing obligations payable from a debt service fund, any (SURPLUS) balance in (ANY SINKING) the fund (ABOVE SUCH AMOUNT) may be invested (UNDER THE DIRECTION OF THE GOVERNING BODY) in any (GENERAL) security which is a direct obligation of or is guaranteed as to payment of principal and interest by the United States(,) or any agency or instrumentality of the United States, or in shares of an investment company registered under the federal investment company act of 1940, whose shares are registered under the federal securities act of 1933, and whose only investments are in securities described in the preceding clause, or in any security which is a general obligation of the state of Minnesota or any of its municipalities (, AND IN SECURITIES ISSUED BY THE FOLLOWING AGENCIES OF THE UNITED STATES: FEDERAL HOME LOAN BANKS, FEDERAL INTERMEDIATE CREDIT BANKS, FEDERAL LAND BANKS, BANKS FOR COOPERATIVES, AND THE FEDERAL NATIONAL MORTGAGE ASSOCIATION AND IN SHARES OF AN INVESTMENT COMPANY REGISTERED UNDER THE INVESTMENT COMPANY ACT OF 1940, WHOSE SHARES ARE REGISTERED UNDER THE SECURITIES ACT OF 1933, PROVIDED THAT THE ONLY INVESTMENTS OF THAT COMPANY ARE IN OBLIGATIONS OF THE UNITED STATES GOVERNMENT, IN OBLIGATIONS FULLY GUARANTEED BY THE UNITED STATES GOVERNMENT OR IN OBLIGATIONS OF INSTRUMENTALITIES OF THE UNITED STATES GOVERNMENT SUCH AS THOSE LISTED ABOVE. IN ADDITION SUCH SURPLUS MAY BE DEPOSITED IN TIME DEPOSITS OF ANY STATE OR NATIONAL BANKS SUBJECT TO THE LIMITATIONS AND REQUIREMENTS OF CHAPTER 118). (SUCH SURPLUS) *The fund* may also be used to purchase any obligation, whether general or special, of (THE) an issue (FOR) which is payable from the fund (IS CREATED), at such price, which may include a premium, as shall be agreed to by the holder, or may be used to redeem any obligation of (SAID) such an issue prior to maturity in accordance with its terms. The (OBLIGATIONS) securities representing any such investment may be sold or hypothecated by the (GOVERNING BODY) municipality at any time, but the money so received remains a part of (SUCH) the fund until used for the purpose for which the fund was created.

Subd. 4. Any obligation held in the (SINKING) debt service fund from which it is payable may be cancelled at any time (WHEN MONEYS IN SUCH FUND ARE SUFFICIENT TO PAY ALL OTHER OBLIGATIONS ISSUED PRIOR TO JULY

1, 1961, PAYABLE THEREFROM WITH INTEREST TO MATURITY OR TO THEIR EARLIEST REDEMPTION DATES. ANY OBLIGATION ISSUED AFTER JULY 1, 1961, HELD IN THE SINKING FUND FROM WHICH IT IS PAYABLE MAY BE CANCELLED AT ANY TIME) unless otherwise provided (IN THE OTHER OBLIGATIONS PAYABLE FROM SUCH FUND OR) in a resolution or (ORDINANCE AUTHORIZING THEIR ISSUANCE) *other instrument securing obligations payable from the fund.*

Sec. 14. Minnesota Statutes 1974, Section 475.67, Subdivision 7, is amended to read:

Subd. 7. Notice of the call of (ALL PREPAYABLE) *any refunded obligations (OF EACH ISSUE REFUNDED) to be redeemed before maturity* shall be given in accordance with their terms, and in accordance with section 475.54, subdivision 4. (EACH PREPAYABLE OBLIGATION OF THE ISSUE REFUNDED SHALL BE CALLED FOR REDEMPTION ON THE EARLIEST DATE ON WHICH, ACCORDING TO ITS TERMS, IT MAY BE PREPAID FROM THE PROCEEDS OF REFUNDING OBLIGATIONS OR FROM SUCH OTHER FUNDS, IF ANY, AS ARE APPROPRIATED FOR SUCH PREPAYMENT, AND) *No such obligation shall (NOT) subsequently be called for redemption on any date earlier than that designated in the notice, unless such call is required by the terms of the refunded bonds to be made from (SURPLUS) funds subsequently becoming available from a designated source.*

Sec. 15. Minnesota Statutes 1974, Section 475.67, Subdivision 12, is amended to read:

Subd. 12. In the refunding of general obligations, for which the full faith and credit of the issuing municipality has been pledged, the following additional conditions shall be observed: No refunding obligations shall be issued and sold more than ten years before the date on which all general obligations of the issue to be refunded will have matured or (ARE) *been redeemed, and each such obligation shall be called for redemption on the earliest date on which it may be redeemed* in accordance with (THEIR) *its* terms. No refunding obligations shall be issued and sold more than six months before said date, unless the average annual net interest rate of the refunding obligations, computed to their stated maturity dates, is lower by at least one fourth of one percent per annum than the average annual net interest rate of the general obligations refunded, computed to their stated maturity dates; provided that in computing the average annual net interest rate of the refunding obligations, the expenses of the refunding shall be added to the dollar amount of interest on the refunding obligations. Expenses of the refunding include the amount, if any, in excess of the proceeds of the refunding obligations, which is required to be deposited in escrow to provide cash and purchase securities sufficient to retire the refunded obligations in accordance with subdivision 5;

charges of the escrow agent and of the paying agent for the refunding obligations; and expenses of printing and publications and of fiscal, legal, or other professional service necessarily incurred in the issuance of the refunding obligations.

Sec. 16. Minnesota Statutes 1974, Section 471.56, Subdivision 1, is amended to read:

471.56 [MUNICIPAL FUNDS.] Subdivision 1. Any municipal funds, not presently needed for other purposes, may be *deposited or* invested in (ANY OBLIGATIONS IN WHICH SINKING FUNDS ARE NOW AUTHORIZED TO BE INVESTED PURSUANT TO) *the manner and subject to the conditions provided in section 475.66 (, INCLUDING APPRECIATION BONDS ISSUED BY THE UNITED STATES OF AMERICA ON A DISCOUNT BASIS) for the deposit and investment of debt service funds.* (MUNICIPAL FUNDS MAY ALSO BE DEPOSITED IN TIME DEPOSITS OF ANY STATE OR NATIONAL BANK SUBJECT TO THE LIMITATIONS AND REQUIREMENTS OF CHAPTER 118.) The term "municipal funds" as used herein shall include all general, special, permanent, trust, and other funds, regardless of source or purpose, held or administered by any county or city, or by any officer or agency thereof, in the state of Minnesota.

Sec. 17. Minnesota Statutes 1974, Section 471.56, Subdivision 3, is amended to read:

Subd. 3. Such county, city, or official or agency thereof, may at any time sell (SUCH) obligations purchased pursuant to this section, and the money received from such sale, and the interest and profits or loss on such investment shall be credited or charged, as the case may be, to the fund from which the investment was made. Neither such official nor agency, nor any other official responsible for the custody of such funds shall be personally liable for any loss (SO) *sustained from the deposit or investment of funds in accordance with the provisions of section 475.66.* (ANY SUCH OBLIGATION MAY BE DEPOSITED FOR SAFEKEEPING WITH ANY BANK OR TRUST COMPANY.)

Sec. 18. Minnesota Statutes 1974, Section 429.061, Subdivision 2, is amended to read:

Subd. 2. [ADOPTION; INTEREST.] At such meeting or at any adjournment thereof the council shall hear and pass upon all objections to the proposed assessment, whether presented orally or in writing. The council may amend the proposed assessment as to any parcel and by resolution adopt the same as the special assessment against the lands named in the assessment roll. Notice of any adjournment of the hearing shall be adequate if the minutes of the meeting so adjourned show the time and place when and where the hearing is to be continued, or if three days notice thereof be published in the newspaper. The assessment, with accruing interest, shall be a lien upon all private and public property included therein, from the date of the resolution adopting the assessment, concurrent with general taxes; but the

lien shall not be enforceable against public property as long as it is publicly owned, and during such period the assessment shall be recoverable from the owner of such property only in the manner and to the extent provided in section 435.19. *Except as provided below*, all assessments shall be payable in equal annual installments extending over such period, not exceeding 30 years, as the resolution determines (**THE FIRST INSTALLMENT SHALL BE**), payable on the first Monday in January (**NEXT FOLLOWING THE ADOPTION OF THE ASSESSMENT UNLESS THE ASSESSMENT IS ADOPTED TOO LATE TO PERMIT ITS COLLECTION DURING THE FOLLOWING**) *in each year, but the number of installments need not be uniform for all assessments included in a single assessment roll if a uniform criterion for determining the number of installments is provided by the resolution. The first installment of each assessment shall be included in the first tax rolls completed after its adoption and shall be payable in the same year as the taxes contained therein; except that the payment of the first installment of any assessment levied upon unimproved property may be deferred until a designated future year, or until the platting of the property or the construction of improvements thereon, upon such terms and conditions and based upon such standards and criteria as may be provided by resolution of the council. In any event, every assessment the payment of which is so deferred, when it becomes payable, shall be divided into a number of installments such that the last installment thereof will be payable not more than 30 years after the levy of the assessment. All assessments shall bear interest at such rate as the resolution determines, not exceeding eight percent per annum, except that the rate may in any event equal the average annual interest rate on bonds issued to finance the improvement for which the assessments are levied. To the first installment of each assessment shall be added interest on the entire assessment from (THE) a date (OF) specified in the resolution levying the assessment, not earlier than the date of the resolution, until December 31 of the year in which the first installment is payable (.), and to each subsequent installment shall be added interest for one year on all unpaid installments (.); or alternatively, (SPECIAL ASSESSMENTS) any assessment may be made payable in equal annual installments including principal and interest, each in the amount annually required to pay the principal over such period with interest at such rate as the resolution determines, not exceeding the maximum period and rate specified above. In (THIS) the latter event no prepayment shall be accepted under subdivision 3 without payment of all installments due to and including December 31 of the year of prepayment, (AND) together with the original principal amount reduced only by the amounts of principal included in such installments, computed on an annual amortization basis. When payment of an assessment is deferred, as authorized in this subdivision, interest thereon for the period of deferment may be made payable annually at the same times as the principal installments of the assessment would have been payable if not deferred; or interest for this period may be added to the principal amount of the assessment when it becomes payable; or, if so pro-*

vided in the resolution levying the assessment, interest thereon to December 31 of the year before the first installment is payable may be forgiven.

Sec. 19. Minnesota Statutes 1974, Section 429.091, Subdivision 1, is amended to read:

429.091 [FINANCING.] Subdivision 1. [AUTHORITY.] At any time after (A CONTRACT FOR THE CONSTRUCTION OF ALL OR PART OF AN IMPROVEMENT HAS BEEN ENTERED INTO OR THE WORK HAS BEEN ORDERED DONE WITHOUT A CONTRACT AS AUTHORIZED IN SECTION 429.041) *one or more improvements are ordered as contemplated in section 429.031, the council may issue obligations in such amount as it deems necessary to defray in whole or in part the expense incurred and estimated to be incurred in making (AN) the improvement or improvements, including every item of cost (FROM INCEPTION TO COMPLETION AND ALL FEES AND EXPENSES INCURRED IN CONNECTION WITH THE IMPROVEMENT OR THE FINANCING THEREOF. MORE THAN ONE IMPROVEMENT MAY BE FINANCED BY A SINGLE ISSUE OF OBLIGATIONS WITHOUT OTHER CONSOLIDATION OF THE PROCEEDINGS) of the kinds authorized in section 475.65. In the event of any omission, error, or mistake in any of the proceedings required precedent to the ordering of any improvement, the validity of the obligations shall not be affected thereby. The council shall cause all further actions and proceedings to be taken with due diligence that are required for the construction of each improvement financed wholly or partly from the proceeds of obligations issued hereunder, and for the final and valid levy of special assessments and the appropriation of any other funds needed to pay the obligations and interest thereon when due.*

Sec. 20. Minnesota Statutes 1974, Section 429.091, Subdivision 3, is amended to read:

Subd. 3. [METHOD OF ISSUANCE.] All obligations shall be issued in accordance with the provisions of chapter 475, except that an election shall be required for bonds if less than 20 percent of the cost of the improvement to the municipality is to be assessed against benefited property. The maturities shall be such as in the opinion of the council are warranted by the anticipated collections of assessments and ad valorem levies for the municipality's share of the cost; except that the council may in its discretion issue and sell temporary improvement bonds at any time prior to completion of the work to be financed, maturing within not more than three years from their date of issue, in which event the municipality shall be obligated to pay such bonds and the interest thereon out of the proceeds of definitive improvement bonds which the council shall issue and sell at or prior to the maturity of the temporary bonds, to the extent that the same cannot be paid out of the assessments and taxes theretofore collected, or out of any other municipal funds which are properly available and are appropriated by the council for such purpose. The holders of such temporary bonds, and the taxpayers of the

municipality, shall have and may enforce, by mandamus or other appropriate proceedings, all rights respecting the levy and collection of sufficient assessments and taxes to pay the cost of the improvements financed thereby which are granted by law to holders of other improvement bonds, except the right to require such levies to be collected prior to the maturity of the temporary bonds, and shall have the additional right to require the offering of said definitive improvement bonds (FOR) *at public sale* or, if such bonds have not been sold and delivered prior to the maturity of the temporary bonds, to require the issuance (OF BONDS) in exchange therefor, on a par for par basis, *of either new temporary bonds or definitive bonds*, bearing interest at the *maximum rate (OF SIX PERCENT PER ANNUM) permitted by law.* (THE BONDS SO ISSUED IN EXCHANGE FOR ANY ISSUE OF TEMPORARY IMPROVEMENT BONDS SHALL BE NUMBERED AND SHALL MATURE SERIALLY AT SUCH TIMES AND IN SUCH AMOUNTS THAT THE PRINCIPAL AND INTEREST CAN BE PAID WHEN DUE BY THE COLLECTION OF TAXES AND ASSESSMENTS LEVIED FOR THE IMPROVEMENTS FINANCED BY THE TEMPORARY BOND ISSUE, AND SHALL BE SUBJECT TO REDEMPTION AND PREPAYMENT ON ANY INTEREST PAYMENT DATE, UPON 30 DAYS' NOTICE MAILED TO EACH HOLDER THEREOF WHO HAS REGISTERED HIS NAME AND ADDRESS WITH THE MUNICIPAL TREASURER; AND SUCH BONDS SHALL BE DELIVERED IN ORDER OF THEIR SERIAL NUMBERS, LOWEST NUMBERS FIRST, TO THE HOLDERS OF THE TEMPORARY BONDS IN ORDER OF THE SERIAL NUMBERS HELD BY THEM.) Any funds of the issuing municipality may be invested in temporary improvement bonds in accordance with the provisions of sections 471.56 and 475.66, except that such temporary bonds may be purchased upon their initial issue, and they shall be purchased only out of funds which the council determines will not be required for other purposes prior to their maturity, and shall be resold prior to maturity only in case of unforeseen emergency. When such purchase is made out of moneys held in a (SINKING) *debt service* fund for other bonds of the municipality, the holders of such other bonds shall have the right to enforce the municipality's obligation to sell definitive bonds at or before the maturity of the temporary bonds, or to exchange the same, in the same manner as holders of such temporary bonds. All obligations shall state upon their face the purpose of the issue and the fund from which they are payable. The amount of any obligations issued hereunder shall not be included in determining the net indebtedness of any municipality under the provisions of any law limiting such indebtedness.

Sec. 21. Minnesota Statutes 1974, Section 429.091, Subdivision 4, is amended to read:

Subd. 4. [FUNDS.] (A SEPARATE FUND SHALL BE PROVIDED FOR EACH IMPROVEMENT.) The proceeds from the sale of (ANY) *each issue of obligations (ISSUED)* and from

collections of special assessments (AND TAXES) levied and other moneys appropriated for (THE) each improvement to be financed wholly or partly from such proceeds (AND ANY OTHER MONEYS APPROPRIATED THERETO BY THE MUNICIPALITY) shall be (PAID TO SUCH) credited to a separate construction fund (, AND IT) which shall be used solely to defray expenses of (THE IMPROVEMENT) such improvements and payment of principal and interest due upon the obligations (UNTIL) prior to completion and payment of all costs of the (IMPROVEMENT) improvements so financed. (THEREUPON THE FUND MAY BE DISCONTINUED, AND) Any balance of the proceeds of bonds remaining therein may be (TRANSFERRED BY THE COUNCIL TO THE FUND) used to pay the cost, in whole or in part, of any other improvement instituted pursuant to this chapter. (ALL MONEYS NOT SO TRANSFERRED AND) A separate account shall be maintained in the construction fund to record expenditures for each improvement, and when the total cost thereof has been paid all subsequent collections of special assessments (AND TAXES) levied for the improvement shall be credited and paid into (A SEPARATE SINKING FUND CREATED) the debt service fund for the obligations issued to finance the improvement, as provided in (MINNESOTA STATUTES,) section 475.61 (, OR TO THE GENERAL FUND IF NO SUCH OBLIGATIONS HAVE BEEN ISSUED). Any taxes levied for improvements financed by an issue of obligations shall be credited directly to the debt service fund.

Sec. 22. Minnesota Statutes 1974, Section 138.17, Subdivision 1, is amended to read:

138.17. [PUBLIC RECORDS; ADMINISTRATION.] Subdivision 1. [DESTRUCTION, PRESERVATION, REPRODUCTION OF RECORDS; PRIMA FACIE EVIDENCE.] The attorney general, legislative auditor and director of the Minnesota state historical society, hereinafter director, collectively referred to as the records disposition panel, if all consent, shall have power to direct the destruction, the sale for salvage or the disposition by gift or otherwise of public records as they may determine to be no longer of any value, and for the preservation of which no reason exists. The records disposition panel may by unanimous consent order any of such records to be reproduced by photographic or other means, and may make an order that such photographic or other reproductions be substituted for the originals thereof, and may direct the destruction or sale for salvage or other disposition of the originals from which the same were made. Any such photographic or other reproductions so made shall for all purposes be deemed the originals of such records so reproduced when so ordered by the records disposition panel, and shall be admissible as evidence in all courts and in proceedings of every kind. A facsimile, exemplified or certified copy of any such photographic or other reproduction, or any enlargement or reduction thereof, shall have the same effect and weight as evidence as would a certified or exemplified copy of the

original. The records disposition panel, by unanimous consent, shall have power to direct the storage of any public records of the state, except as herein provided, and to direct the storage of such photographic or other reproductions. For the purposes of this chapter: (1) The term public "records" means state records, local records, all cards, correspondence, discs, maps, memoranda, microfilms, papers, photographs, recordings, reports, tapes, writings and other data, information or documentary material, regardless of physical form or characteristics, storage media or conditions of use, made or received by any officer or agency of the state and any officer or agency of a county, city, town, school district, municipal subdivision or corporation or other public authority or political entity within the state in pursuance of state law or in connection with the transaction of public business by such officer or agency; (2) The term "state record" means a record of a state agency; that is, a department, office, officer, commission, board or any other agency, however styled or designated, of the executive branch of state government; a record of the state legislature; a record of any court, whether of statewide or local jurisdiction; and any other record designated or treated as a state record under state law; (3) The term "local record" means a record of an agency of local government; that is, a county, city, town, school district, municipal subdivision or corporation or other public authority or political entity; (4) Not included within the definition of the term "records" as used in (LAWS 1973, CHAPTER 32) *this chapter* are data and information that does not become part of an official transaction, library and museum material made or acquired and kept solely for reference or exhibit purposes, extra copies of documents kept only for convenience of reference and stock of publications and processed documents, *and bonds, coupons, or other obligations or evidences of indebtedness, the destruction or other disposition of which is governed by other laws*; (5) Those records preserved or appropriate for preservation as evidence of the organization, functions, policies, decisions, procedures, operations or other activities of government or because of the value of the information contained therein, when determined to have sufficient historical or other value to warrant continued preservation by the state of Minnesota and accepted for deposit in the collections of the Minnesota Historical Society, shall be known as the state archives.

Sec. 23. Minnesota Statutes 1974, Section 124.05, Subdivision 3, is amended to read:

Subd. 3. When the board (, BY UNANIMOUS RESOLUTION,) deems it advisable, it may (INVEST) *authorize the investment or deposit of* such amount of funds as will not in the opinion of the board be currently needed by the district in (ANY OF THE BONDS OF ANY COUNTY, CITY, TOWN, SCHOOL DISTRICT, DRAINAGE OR OTHER DISTRICT CREATED PURSUANT TO LAW FOR PUBLIC PURPOSES IN MINNESOTA, IOWA, WISCONSIN, AND NORTH AND SOUTH DAKOTA, OR IN U.S. TREASURY BONDS WITH MATURITY

DATE NOT TO EXCEED FIVE YEARS FROM THE TIME OF PURCHASE, OR IN SECURITIES ISSUED BY THE FOLLOWING AGENCIES OF THE UNITED STATES, MATURING NOT TO EXCEED FIVE YEARS FROM THE TIME OF PURCHASE: FEDERAL HOME LOAN BANKS, FEDERAL INTERMEDIATE CREDIT BANKS, FEDERAL LAND BANKS, AND THE FEDERAL NATIONAL MORTGAGE ASSOCIATION, OR IN U.S. TREASURY BILLS, U.S. CERTIFICATES OF INDEBTEDNESS, OR U.S. TREASURY NOTES. THE BOARD MAY ALSO INVEST SUCH AMOUNT OF FUNDS AS IN ITS OPINION MAY NOT BE CURRENTLY NEEDED IN CERTIFICATES OF DEPOSIT OF ANY STATE OR NATIONAL BANK, PROVIDED THE BANK SHALL DEPOSIT A BOND TO THE DISTRICT, EXECUTED BY A CORPORATE SURETY COMPANY EQUAL TO THE AMOUNT OF THE CERTIFICATE OF DEPOSIT OR, IN LIEU OF SUCH BOND, SHALL ASSIGN TO THE SCHOOL DISTRICT COLLATERAL SECURITIES FOR DEPOSITS IN ACCORDANCE WITH MINNESOTA STATUTES 1961, SECTION 118.01 TO THE EXTENT SUCH CERTIFICATES OF DEPOSIT MAY NOT BE INSURED UNDER THE PROVISIONS OF MINNESOTA STATUTES 1961, SECTION 118.10, AND ANY ACTS AMENDATORY THEREOF) *the manner and subject to the conditions provided in section 475.66 for the deposit and investment of debt service funds.*

Sec. 24. Minnesota Statutes 1974, Section 124.05, Subdivision 4, is amended to read:

Subd. 4. Any board investing funds in (SUCH) authorized securities shall deposit such securities for safekeeping with the county treasurer of the county wherein (SUCH) *the* district is located or with any bank (MAINTAINING A SAFEKEEPING DEPARTMENT. SUCH COUNTY TREASURER OR BANK SHALL GIVE A RECEIPT FOR EACH AND ALL OF SUCH SECURITIES TO THE BOARD, AND SUCH COUNTY TREASURER OR BANK SHALL KEEP SUCH SECURITIES FOR SAFEKEEPING UNTIL SUCH TIME AS THE BOARD SHALL ADOPT A RESOLUTION REQUESTING THE COUNTY TREASURER OR BANK TO TURN SUCH SECURITIES OR ANY OF THEM OVER TO THE TREASURER OF SUCH DISTRICT) *or dealer qualified as provided in section 475.66.*

Sec. 25. Minnesota Statutes 1974, Section 48.15, is amended by adding a subdivision to read:

Subd. 3. *No such bank shall act as paying agent of any municipality of other public issuer of obligations, other than an issuer within whose corporate limits the principal office of the bank is situated, unless the bank is authorized to execute the powers conferred in section 48.38.*

Sec. 26. [INSTRUCTION TO REVISOR.] *In the next edition of Minnesota Statutes the revisor of statutes is directed to*

delete the words "sinking fund" wherever they appear in chapter 475 and in sections referring to that chapter and to substitute in lieu thereof the words "debt service fund".

Sec. 27. *Minnesota Statutes 1974, Section 475.553, Subdivision 4, and Minnesota Statutes, 1975 Supplement, Section 471.561, are repealed.*

Sec. 28. *This act is effective the day following final enactment."*

With the recommendation that when so amended the bill do pass.

The report was adopted.

Anderson, I., from the Committee on Rules and Legislative Administration to which was referred:

S. F. No. 2313, A bill for an act relating to commitment and discharge of inebriate persons; limiting length of commitment for inebriates; amending: Minnesota Statutes 1974, Section 253A.07, Subdivision 25; Minnesota Statutes, 1975 Supplement, Sections 253A.07, Subdivision 17; and 253A.15, Subdivision 1.

Reported the same back with the recommendation that the bill do pass.

The report was adopted.

Anderson, I., from the Committee on Rules and Legislative Administration to which was referred:

Senate Concurrent Resolution No. 13, A Senate concurrent resolution designating June 26, 1976 as Freedom Fest '76, a celebration of freedom from alcohol and drug dependency.

Reported the same back with the following amendments:

Page 2, strike lines 3 to 7.

With the recommendation that when so amended the resolution be adopted.

The report was adopted.

SECOND READING OF SENATE BILLS

S. F. No. 1675 was read for the second time.

SUSPENSION OF RULES

Pursuant to Article IV, Section 19, of the Constitution of the state of Minnesota, Neisen moved that the rule therein be suspended and an urgency be declared so that S. F. No. 1675 be given its third reading and be placed upon its final passage. The motion prevailed.

Neisen moved that the rules of the House be so far suspended that S. F. No. 1675 be given its third reading and be placed upon its final passage. The motion prevailed.

S. F. No. 1675, A bill for an act relating to public indebtedness; revising and clarifying provisions as to manner of sale and execution of obligations; designation of paying agents; cremation of obligations; payment of grant anticipation certificates; use of investment income from proceeds; administration of debt service funds; refunding; method of payment and interest rate on special assessments and obligations payable from special assessments; amending Minnesota Statutes 1974, Sections 48.15, by adding a subdivision; 124.05, Subdivisions 3 and 4; 138.17, Subdivision 1; 429.061, Subdivision 2; 429.091, Subdivisions 1, 3, and 4; 471.56, Subdivisions 1 and 3; 475.51, Subdivision 6, and adding a subdivision; 475.52, Subdivision 1; 475.55; 475.553, Subdivisions 1, 2, 3, and 5; 475.60, Subdivisions 2 and 3; 475.61, Subdivision 5; 475.65; 475.66; and 475.67, Subdivisions 7 and 12; and repealing Minnesota Statutes 1974, Section 475.553, Subdivision 4; and Minnesota Statutes, 1975 Supplement, Section 471.561.

The bill was read for the third time and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 108, and nays 16, as follows:

Those who voted in the affirmative were:

Abeln	Corbid	Jacobs	Luther	Philbrook
Adams, L.	Dahl	Jaros	Mangan	Pleasant
Adams, S.	Dean	Jensen	Mann	Prahl
Anderson, G.	Doty	Johnson, C.	McCarron	Reding
Anderson, I.	Eckstein	Johnson, D.	McCauley	Rice
Arlandson	Eken	Jude	McCollar	St. Onge
Beauchamp	Enebo	Kahn	McEachern	Samuelson
Begich	Evans	Kalis	Metzen	Sarna
Berglin	Ewald	Kempe, A.	Moe	Schreiber
Biersdorf	Farcy	Kempe, R.	Munger	Schulz
Birnstihl	Fjoslien	Ketola	Neisen	Schumacher
Braun	Forsythe	Knickerbocker	Nelson	Setzepfandt
Brinkman	Fudro	Knoll	Norton	Sherwood
Byrne	Fugina	Kostohryz	Novak	Sieben, H.
Carlson, A.	George	Kroening	Osthoff	Sieben, M.
Carlson, L.	Graba	Laidig	Parish	Simoneau
Casserly	Hanson	Langseth	Patton	Skoglund
Clark	Heinitz	Lemke	Pehler	Smith
Clawson	Hokanson	Lindstrom	Petrafeso	Smogard

Spanish	Swanson	Vento	Wenzel	Speaker Sabo
Stanton	Ulland	Voss	White	
Suss	Vanasek	Wenstrom	Wieser	

Those who voted in the negative were:

Albrecht	Friedrich	Menning	Savelkoul	Sieloff
Dieterich	Kaley	Nelsen	Searle	Zubay
Erickson	Kelly, R.	Niehaus		
Esau	Kvam	Peterson		

The bill was passed and its title agreed to.

SUSPENSION OF RULES

Suss moved that rule 4.11 be suspended for the remainder of today's session. The motion prevailed.

SECOND READING OF SENATE BILLS, Continued

S. F. No. 2313 was read for the second time.

SUSPENSION OF RULES

Pursuant to Article IV, Section 19, of the Constitution of the state of Minnesota, Dieterich moved that the rule therein be suspended and an urgency be declared so that S. F. No. 2313 be given its third reading and be placed upon its final passage. The motion prevailed.

Dieterich moved that the rules of the House be so far suspended that S. F. No. 2313 be given its third reading and be placed upon its final passage. The motion prevailed.

S. F. No. 2313, A bill for an act relating to commitment and discharge of inebriate persons; limiting length of commitment for inebriates; amending Minnesota Statutes 1974, Section 253A.07, Subdivision 25; Minnesota Statutes, 1975 Supplement, Sections 253A.07, Subdivision 17; and 253A.15, Subdivision 1.

The bill was read for the third time and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 122, and nays 3, as follows:

Those who voted in the affirmative were:

Abeln	Anderson, I.	Biersdorf	Carlson, A.	Dahl
Adams, L.	Arlandson	Birnstihl	Carlson, L.	Dean
Adams, S.	Beauchamp	Braun	Casserly	Dieterich
Albrecht	Begich	Brinkman	Clark	Doty
Anderson, G.	Berg	Byrne	Clawson	Eckstein

Eken	Jensen	Mangan	Peterson	Skoglund
Enebo	Johnson, C.	Mann	Petrafeso	Smith
Erickson	Johnson, D.	McCarron	Philbrook	Smogard
Esau	Jude	McCauley	Pleasant	Spanish
Evans	Kahn	McCollar	Prahl	Stanton
Ewald	Kaley	McEachern	Reding	Suss
Faricy	Kalis	Menning	St. Onge	Swanson
Fjoslien	Kelly, R.	Metzen	Samuelson	Ulland
Forsythe	Kempe, A.	Moe	Sarna	Vanasek
Friedrich	Kempe, R.	Munger	Savelkoul	Vento
Fudro	Knickerbocker	Neisen	Schreiber	Voss
Fugina	Knoll	Nelsen	Schulz	Wenstrom
George	Kostohryz	Nelson	Schumacher	Wenzel
Graba	Kroening	Niehaus	Searle	White
Hanson	Kvam	Norton	Setzepfandt	Wieser
Haugerud	Laidig	Novak	Sherwood	Zubay
Heinitz	Langseth	Osthoff	Sieben, H.	Speaker Sabo
Hokanson	Lemke	Parish	Sieben, M.	
Jacobs	Lindstrom	Patton	Sieloff	
Jaros	Luther	Pehler	Simoneau	

Those who voted in the negative were:

Berglin Corbid Rice

The bill was passed and its title agreed to.

REPORT FROM THE COMMITTEE ON RULES AND LEGISLATIVE ADMINISTRATION

Pursuant to Rule 1.9, Anderson, I., for the Committee on Rules and Legislative Administration, designated the following bills as Special Orders for Tuesday, April 6, 1976.

S. F. Nos. 633 and 2082.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House File was introduced:

Sieloff introduced:

H. F. No. 2703, A bill for an act relating to retirement; optional exclusion from the state retirement system; amending Minnesota Statutes 1974, Chapter 352, by adding a section.

The bill was read for the first time and referred to the Committee on Governmental Operations.

HOUSE ADVISORY BILLS

Pursuant to Rule 5.3, the following House Advisory Bills were introduced:

Fugina introduced:

H. A. B. No. 84, Off-sale liquor licensing study in rural areas.

The bill was referred to the Committee on Commerce and Economic Development.

Mann, Munger, Kalis and Vento introduced:

H. A. B. No. 85, Snow and ice control on roads and streets.

The bill was referred to the Committee on Transportation.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

H. F. No. 1909, A bill for an act relating to health; prohibiting sale and use of certain chemicals; providing penalties.

The Senate has repassed said bill, in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

H. F. No. 1940, A bill for an act relating to the legislature; establishing a council on the economic status of women; appropriating money; repealing Minnesota Statutes 1974, Section 363.04, Subdivisions 7 and 8.

The Senate has repassed said bill, in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

H. F. No. 2188, A bill for an act relating to motor vehicles; defining powers of the registrar of motor vehicles; providing for the appointment of private deputy registrars; providing for the appointment of a county license bureau director as deputy registrar; amending Minnesota Statutes 1974, Sections 168.33, Subdivision 7; and 373.35, Subdivision 1; and Minnesota Statutes, 1975 Supplement, Section 168.33, Subdivision 2; repealing Minnesota Statutes 1974, Section 373.36.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee, consisting of 3 members of the Senate, on the amendments adopted by the Senate to the following House File:

H. F. No. 1397, A bill for an act relating to the creation of a legislative advisory task force; appropriating money.

The Senate has appointed as such committee Messrs. Coleman, Anderson and Ogdahl.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee, consisting of 3 members of the Senate, on the amendments adopted by the Senate to the following House File:

H. F. No. 2489, A bill for an act relating to highway traffic regulations; special permits for oversize and overweight vehicles; authorizing an annual permit for refuse compactor vehicles and prescribing maximum loads thereon; providing a fee therefor; redefining farm trucks; amending Minnesota Statutes 1971, Section 168.011, Subdivision 17, as amended; and Minnesota Statutes 1974, Section 169.86, Subdivision 5; repealing Minnesota Statutes 1974, Section 169.831.

The Senate has appointed as such committee Messrs. Chmielewski, Frederick and Anderson.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate refuses to adopt the Conference Committee report on House File No. 2043 and has moved that it be returned to the present Conference Committee for further consideration.

H. F. No. 2043, A bill for an act relating to elections; providing for uniform reporting dates for campaign disclosure forms; providing for disclosure of campaign contributions and expenditures of political committees and candidates for local office; amending Minnesota Statutes 1974, Chapters 123, 373, and 471, by adding sections; and Minnesota Statutes, 1975 Supplement, Sections 210A.01, Subdivisions 1, 5, 6, 8, 9, and by adding subdivisions; 210A.05, Subdivision 1; 210A.16; 210A.23; 210A.24; 210A.25; 210A.26; 210A.27, Subdivision 1; 210A.29; 210A.32; 210A.33; Chapter 210A, by adding sections; repealing Minnesota Statutes, 1975 Supplement, Sections 123.015; 210A.01, Subdivisions 4 and 7; 210A.22; 210A.28; and 210A.31.

House File No. 2043 is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Vento moved that the House reconsider the vote whereby the House repassed H. F. No. 2043 as amended by Conference Committee on April 5, 1976. The motion prevailed.

Vento moved that the House reconsider the action whereby H. F. No. 2043 was read for the third time as amended by Conference Committee on April 5, 1976. The motion prevailed.

Vento moved that the House reconsider the action whereby the House adopted the report of the Conference Committee on H. F. No. 2043 on April 5, 1976. The motion prevailed.

Vento moved that the House accede to the request of the Senate for the return of H. F. No. 2043 to the Conference Committee. The motion prevailed.

The following conference committee reports were received:

CONFERENCE COMMITTEE REPORT ON H. F. NO. 2374

A bill for an act relating to highway traffic regulation; requiring courts to report to the commissioner of public safety a stay of imposition of sentence granted under provisions of law relating to driving while under the influence of drugs or alcoholic

beverages; amending Minnesota Statutes 1974, Sections 169.121, Subdivision 6; and 609.135, Subdivision 3.

April 5, 1976

The Honorable Martin O. Sabo
Speaker of the House of Representatives
The Honorable Alec G. Olson
President of the Senate

We, the undersigned conferees for H. F. No. 2374 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. 2374 be amended as follows:

Page 1, delete lines 12 to 21 and insert "is amended by adding a subdivision to read:

Subd. 7. Any person whose license has been revoked pursuant to section 2 of this act shall not be subject to the mandatory revocation provision of subdivision 3 of this section.

Sec. 2. Minnesota Statutes 1974, Chapter 169, is amended by adding a section to read:

[169.124] [REPORTING OF CHEMICAL TESTS; NOTICE OF REVOCATION; HEARING.] *Subdivision 1. [CHEMICAL TEST REPORTS.] When a peace officer, as defined in section 169.123, subdivision 1, has administered a chemical test of a person's breath, other than a preliminary screening test, pursuant to section 169.123, he 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 169.123, 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 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. 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 hearing shall include whether the peace officer had reasonable and probable grounds to believe the person was driving or operating a motor vehicle while under the influence of an alcoholic beverage; 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; 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 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 Minnesota Statutes, Section 171.19. Notice to other states shall be 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 this act on a prior occasion during the preceding three year period for another incident."

Page 2, delete lines 4 and 5.

Renumber sections in order.

Page 2, after line 5, insert:

"Sec. 4. [APPROPRIATION.] There is appropriated from the general fund to the department of public safety the sum of \$159,300 for the purpose of this act."

Further, amend the title as follows:

Page 1, line 4, delete "granted" and insert "for motor vehicle offenses; providing for the revocation of a driver's license or permit by the commissioner of public safety upon receipt of chemical test that person's blood contains .10 percent or more by weight of alcohol; providing procedural safeguards; providing for issuance of a limited license; providing for reinstatement of a revoked license; prescribing penalties; and appropriating money".

Page 1, delete lines 5 and 6.

Page 1, line 7, delete "beverages".

Page 1, line 8, delete "Subdivision 6" and insert "by adding a subdivision".

Page 1, line 8, delete "and".

Page 1, line 9, after "3" insert "; and Chapter 169, by adding a section".

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

House Conferees: BILL LUTHER, NEIL B. DIETERICH and RICHARD J. PARISH.

Senate Conferees: ALEC G. OLSON and DAVID D. SCHAAF.

Luther moved that the report of the Conference Committee on H. F. No. 2374 be adopted and that the bill be repassed as amended by the Conference Committee.

George moved that the House refuse to adopt the Conference Committee report on H. F. No. 2374, and that the bill be returned to the Conference Committee.

A roll call was requested and properly seconded.

The question was taken on the motion and the roll being called, there were yeas 55, and nays 60, as follows:

Those who voted in the affirmative were:

Albrecht	Corbid	Knickerbocker	Novak	Sieben, H.
Arlandson	Eckstein	Knoll	Osthoff	Sieben, M.
Begich	Fjoslien	Kostohryz	Philbrook	Sieloff
Berglin	Friedrich	Lemke	Pleasant	Simoneau
Birnstihl	Fudro	McCarron	Reding	Skoglund
Braun	Fugina	McEachern	Rice	Spanish
Brinkman	George	Metzen	St. Onge	Suss
Carlson, A.	Jacobs	Moe	Samuelson	Tomlinson
Casserly	Johnson, D.	Neisen	Sarna	Voss
Clark	Kempe, R.	Nelson	Schreiber	Wenzel
Clawson	Ketola	Norton	Searle	Williamson

Those who voted in the negative were:

Abeln	Eken	Johnson, C.	McCollar	Setzepfandt
Adams, L.	Enebo	Jude	Menning	Sherwood
Adams, S.	Erickson	Kahn	Nelsen	Smith
Anderson, G.	Esau	Kaley	Niehaus	Smogard
Beauchamp	Evans	Kalis	Parish	Stanton
Biersdorf	Ewald	Kroening	Patton	Swanson
Byrne	Forsythe	Kvam	Pehler	Vento
Carlson, L.	Graba	Laidig	Peterson	Wenstrom
Dahl	Hanson	Lindstrom	Prahl	White
Dean	Haugerud	Luther	Savelkoul	Wieser
Dieterich	Heinitz	Mangan	Schulz	Zubay
Doty	Jensen	McCauley	Schumacher	Speaker Sabo

The motion did not prevail.

The question recurred on the Luther motion to adopt the Conference Committee report. The motion prevailed.

H. F. No. 2374, A bill for an act relating to highway traffic regulation; requiring courts to report to the commissioner of public safety a stay of imposition of sentence granted under provisions of law relating to driving while under the influence of drugs or alcoholic beverages; amending Minnesota Statutes 1974, Sections 169.121, Subdivision 6; and 609.135, Subdivision 3.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question being taken on the repassage of the bill and the roll being called, there were yeas 92, and nays 27, as follows:

Those who voted in the affirmative were:

Abeln	Esau	Kelly, R.	Nelson	Sherwood
Adams, L.	Evans	Kempe, A.	Niehaus	Skoglund
Adams, S.	Ewald	Kempe, R.	Novak	Smith
Anderson, G.	Faricy	Knickerbocker	Parish	Smogard
Beauchamp	Fjoslien	Kostohryz	Patton	Stanton
Berg	Forsythe	Kroening	Pehler	Suss
Berglin	Friedrich	Kvam	Peterson	Swanson
Biersdorf	Fudro	Laidig	Philbrook	Tomlinson
Brinkman	Graba	Langseth	Pleasant	Ulland
Byrne	Hanson	Lemke	Prahl	Vento
Carlson, A.	Haugerud	Lindstrom	Reding	Wenstrom
Carlson, L.	Heinitz	Luther	St. Onge	White
Dahl	Hokanson	Mangan	Sarna	Wieser
Dean	Jensen	McCauley	Savelkoul	Williamson
Dieterich	Johnson, C.	McCollar	Schreiber	Zubay
Doty	Jude	Menning	Schulz	Speaker Sabo
Eken	Kahn	Munger	Schumacher	
Enebo	Kaley	Neisen	Searle	
Erickson	Kalis	Nelsen	Setzefandt	

Those who voted in the negative were:

Albrecht	Clark	Knoll	Rice	Spanish
Arlandson	Clawson	McCarron	Samuelson	Voss
Begich	Eckstein	McEachern	Sieben, H.	Wenzel
Birnstihl	George	Metzen	Sieben, M.	
Braun	Jaros	Moe	Sieloff	
Casserly	Ketola	Norton	Simoneau	

The bill was repassed, as amended by Conference, and its title agreed to.

CONFERENCE COMMITTEE REPORT ON H. F. NO. 746

A bill for an act relating to commerce; requiring prices on certain retail food packages.

April 5, 1976

The Honorable Martin O. Sabo
Speaker of the House of Representatives
The Honorable Alec G. Olson
President of the Senate

We, the undersigned conferees for H. F. No. 746 report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that H. F. No. 746 be further amended as follows:

Strike everything after the enacting clause and insert:

"Section 1. [PRICE MARKING.] In any store using an electronic scanner to read the price of items presented for check-out, every canned, bottled, boxed or bagged item of food sold or offered for sale at retail shall have the selling price in arabic numerals clearly affixed to each item by a stamp, tag, label or other conspicuous marking device when presented for check-out. If the product is canned, bottled, boxed or bagged, but sold only in quantities of more than one in the containers in which the product came from the manufacturer or distributor, the price may be marked on the outer container rather than on each individual item.

Sec. 2. [EXCEPTIONS.] Section 1 shall not apply to food items intended to be consumed on or about the retail premises, nor to confectionery items which have a total retail price of 25 cents or less; nor to items actually sold through vending machines nor to items offered at a sale price that is below the normal price at which the item is usually sold in that store if the item is offered at the sale price for a period of four days or less. In any store the provisions of this section shall not apply to any item which was not generally item-priced in that store on April 1, 1976. In any store that was not in existence on April 1, 1976, the provisions of this section shall not apply to any item which was not generally item-priced in similar grocery stores without electronic scanners in that market area on April 1, 1976."

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

House Conferees: JOEL JACOBS, SHIRLEY A. HOKANSON and LEO ADAMS.

Senate Conferees: SAM G. SOLON and ROGER LAUFENBURGER.

Jacobs moved that the report of the Conference Committee on H. F. No. 746 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 746, A bill for an act relating to commerce; requiring prices on certain retail food packages.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question being taken on the repassage of the bill and the roll being called, there were yeas 125, and nays 2, as follows:

Those who voted in the affirmative were:

Abeln	Albrecht	Beauchamp	Berglin	Braun
Adams, L.	Anderson, G.	Begich	Biersdorf	Brinkman
Adams, S.	Arlandson	Berg	Birnstihl	Byrne

Carlson, A.	George	Kroening	Novak	Sieben, H.
Carlson, L.	Graba	Kvam	Osthoff	Sieben, M.
Casserly	Hanson	Laidig	Parish	Sieloff
Clark	Haugerud	Langseth	Patton	Simoneau
Clawson	Heinitz	Lemke	Pehler	Skoglund
Corbid	Hokanson	Lindstrom	Peterson	Smith
Dahl	Jacobs	Luther	Petrafeso	Smogard
Dieterich	Jaros	Mangan	Philbrook	Spanish
Doty	Jensen	Mann	Pleasant	Stanton
Eckstein	Johnson, C.	McCarron	Prahl	Suss
Eken	Johnson, D.	McCauley	Reding	Swanson
Enebo	Jude	McCollar	Rice	Tomlinson
Erickson	Kahn	McEachern	St. Onge	Ulland
Esau	Kalis	Menning	Samuelson	Vanasek
Evans	Kelly, R.	Metzen	Sarna	Vento
Ewald	Kelly, W.	Moe	Savelkoul	Voss
Faricy	Kempe, A.	Munger	Schreiber	Wenstrom
Fjoslien	Kempe, R.	Neisen	Schulz	Wenzel
Forsythe	Ketola	Nelsen	Schumacher	White
Friedrich	Knickerbocker	Nelson	Searle	Wieser
Fudro	Knoll	Niehaus	Setzepfandt	Williamson
Fugina	Kostohryz	Norton	Sherwood	Speaker Sabo

Those who voted in the negative were:

Dean Kaley

The bill was repassed, as amended by Conference, and its title agreed to.

CONFERENCE COMMITTEE REPORT ON H. F. NO. 2678

A bill for an act relating to public improvement; authorizing the acquisition and betterment of public land and buildings and other public improvements of a capital nature; authorizing issuance of state building bonds; appropriating money; amending Minnesota Statutes 1974, Sections 16.16, Subdivision 2; 16A.28; 137.02, Subdivision 3; repealing Laws 1973, Chapter 778, Section 20.

April 5, 1976

The Honorable Martin O. Sabo
Speaker of the House of Representatives
The Honorable Alec G. Olson
President of the Senate

We, the undersigned conferees for H. F. No. 2678 report that we have agreed upon the items in dispute and recommend as follows:

Strike everything after the enacting clause and insert:

“Section 1. [PUBLIC LAND AND BUILDINGS; BUILDING FUND APPROPRIATIONS.] There is appropriated from the state building fund in the state treasury to the state agencies

indicated the sums set forth in the column designated "APPROPRIATIONS", to be expanded for the acquisition and betterment of public land and buildings and other public improvements of a capital nature, as more specifically described in the following sections of this act.

APPROPRIATIONS

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Sec. 2. [CAPITOL COMPLEX.] Subdivision 1. To the commissioner of administration for the purposes specified in this section.

Subd. 2. Rehabilitation and remodeling of 1246 University avenue building for the bureau of criminal apprehension 1,165,000

To include planning complete rehabilitation and modernization of the exterior, basement, laboratories, and other analytical investigatory, classroom, and office spaces.

The appropriation in this clause is available only upon guaranteed federal participation of 50 percent of the total cost of planning, rehabilitation, and remodeling of the building for the bureau of criminal apprehension.

The entire federal share need not be made immediately available, but shall be totally available upon completion of the project.

Subd. 3. Improvements to 117 University avenue building 809,000

(a) Rehabilitation and remodeling of interior, climate control system, roof, windows and exterior face 800,000

(b) Modification of oil storage tank 9,000

Sec. 3. To the commissioner of administration for the veterans home.

Subdivision 1. Construct and equip a nursing care facility of approximately 250 beds plus dining facilities for the total home. Cost to include planning and demolition of buildings 1, 2, and laundry building.

State share 1,925,000

\$

Subd. 2. Fire protection, air conditioning, and bathroom modernization, nursing care unit.

State share 66,150

Subd. 3. Fire protection, building 16, and centralized call system for home.

State share 40,000

Sec. 4. [STATE UNIVERSITIES.] Subdivision 1. To the commissioner of administration for the purposes specified in this section.

Subd. 2. Construction of building Center for the arts—Moorhead 2,414,000

Subd. 3. Remodeling of facilities 1,502,470

(a) Hickory Hall—Bemidji 1,077,470

(b) Stewart Hall—St. Cloud 275,000

(c) Somsen Hall—Winona 150,000

Subd. 4. Preliminary plans, remodeling of Deputy and Sanford Hall—Bemidji 120,000

Subd. 5. Mankato Campus Consolidation 3,500,000

(a) Notwithstanding any law to the contrary, all money appropriated by this act and all previous acts from the Minnesota state building fund to the commissioner of administration for construction and equipment of state university buildings, not to exceed \$1,800,000, is available for the purposes of this subdivision and is in addition to the appropriation contained in this subdivision.

(1) Remodeling valley physical education building to house Wilson lab school.

(2) Demolition of old main annex.

(3) Construct and equip a general purpose building.

(4) Maintenance service building.

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(5) Remodel Wilson lab school for art and physical education.

(6) Remodel Trafton Hall.

(7) Physical education addition.

(b) It is the intent of the legislature that the Mankato independent school district no. 77 enter into a long term commitment through a lease agreement with the Mankato state university to reimburse the state for remodeling of valley campus physical education building not to exceed \$756,000 to be used for housing the Wilson laboratory school.

In the event that a commitment is not forthcoming from independent school district no. 77 and an agreement is not completed by June 1, 1976, the above appropriation of \$756,000 shall not be expended and the state university board is instructed to proceed with the consolidation of all programs on the upper campus.

(c) Not more than \$300,000 of the appropriations made in this subdivision may be used to develop a consolidation plan including architectural and working drawings for the Highland Campus and the plans for a maintenance services building. The balance of the appropriation shall be available at such time as:

(1) The commissioner has developed a plan for utilization or disposal of not less than 60 percent of the lower campus, and;

(2) The consolidation plan and utilization plan have been submitted to the house appropriations committee and the senate finance committee and the committees have made their recommendations thereon. The recommendations shall be submitted to the commissioner within 60 days of receipt of the consolidation and utilization plans and shall be advisory only. Failure or refusal to make a recommendation within 60 days shall be deemed a negative recommendation.

(d) The commissioner of administration may expend this appropriation to remodel or demolish buildings on the lower campus of the Mankato State University

250,000

These funds are available for remodeling buildings that are to be leased. Leases for the buildings shall

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include charges adequate to amortize the remodeling costs in a reasonable period of time.

(e) Notwithstanding any other law to the contrary, the commissioner of administration may, without any other approval, lease buildings on the lower campus of Mankato State University to any public or private person or group for periods not to exceed 10 years.

(f) Notwithstanding any other law to the contrary, the commissioner of administration may sell any portion of the lower campus of Mankato State University. The commissioner may undertake sale to other governmental units by negotiation. Sales to any other purchasers shall be through competitive bidding under such terms and conditions as the commissioner deems appropriate. Any proposed sale shall be submitted to the house appropriations committee and the senate finance committee and the sale shall not be final until the committees have made their recommendations thereon. The recommendations shall be submitted to the commissioner within 60 days of receipt of the proposed sale and shall be advisory only. Failure or refusal to make a recommendation within 60 days shall be deemed a negative recommendation.

Subd. 6. To the chancellor of the state university system for construction of maintenance facilities	800,000
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Notwithstanding provisions of any law to the contrary, the chancellor of the state university system may select nonconventional construction techniques in order to remain within budgetary constraints.

Sec. 5. [COMMUNITY COLLEGES.] Subdivision 1. To the commissioner of administration to plan, construct and equip facilities at the following community colleges	3,345,570
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(a) Preliminary plans for metropolitan community college	50,000
(b) Inver Hills	368,000
(c) Lakewood	2,497,870
(d) Rainy River	253,000
(e) North Hennepin	153,700

\$

(f) Hibbing 23,000

Subd. 2. To the chancellor of the community college system for construction of storage facilities 400,000

Notwithstanding provisions of any law to the contrary, the chancellor of the community college system may select nonconventional construction techniques in order to remain within budgetary constraints.

Subd. 3. The commissioner of administration is hereby authorized to convey by quitclaim deed to special school district no. 1, city of Minneapolis the following described state real property, to wit: All of lots 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10 of Block 1 of the Washington Yale addition to the city of Minneapolis, all according to the respective recorded plats or maps thereof, Hennepin county, Minnesota.

In consideration of said transfer, special school district no. 1, Minneapolis, Minnesota shall reimburse the state of Minnesota an amount equal to the purchase price of the real property, demolition and all other expenses incurred by the state in the purchase of said property. The commissioner of administration is hereby authorized to expend all or a portion of said funds for the acquisition of land, demolition and site preparation for the expansion of metropolitan community college and the construction of a parking ramp in conjunction with special school district no. 1, Minneapolis, Minnesota.

Sec. 6. [UNIVERSITY OF MINNESOTA.] Subdivision 1. To the regents of the university of Minnesota for the purposes specified in this section.

Subd. 2. At the university of Minnesota, twin city campus

- (a) Complete St. Paul library learning resource center including equipment 4,897,489
- (b) Complete home economics building 1,435,500
- (c) Remodeling and rehabilitation 500,000
- (d) Upgrade for the physically handicapped — university wide 400,000
- (e) O.S.H.A. projects university wide 500,000

\$

(f) Boiler and baghouse — St. Paul	1,996,000
(g) Pollution control and heating plant modification — Minneapolis	1,000,000
(h) St. Anthony storm sewer assessment	383,000
(i) Primary electric system, St. Paul	521,950
(j) Greenhouse and headhouse — St. Paul	350,000
(k) Basic sciences remodeling	4,937,150
(l) Remodeling and Reassignment — Plans	300,000

To be expended for the purpose of producing plans for remodeling existing and future structures for pharmacy and nursing programs. The plans for remodeling shall be presented to the Legislature by February 1, 1977.

Subd. 3. At the university of Minnesota, Duluth campus

(a) Construct and equip basic sciences building ..	1,422,400
(b) Campus utilities, water distribution system improvements, and road and campus improvements	500,000

Subd. 4. At the university of Minnesota, Morris campus — Development roadway

155,000

Subd. 5. At the technical college, Crookston

(a) Food service building, working drawings	100,000
(b) Learning resources center addition	1,118,150

Subd. 6. At the technical college, Waseca

(a) Renovation of school facilities	220,000
(b) Addition and renovation of plant services area	150,000

Subd. 7. At the North Central Experiment Station, Grand Rapids — Construct greenhouse and headhouse

150,000

Subd. 8. At the southern experiment station, Waseca — Office, laboratory, and meeting facility

300,000

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Subd. 9. The University of Minnesota shall conduct a study to explore the feasibility of remodeling an existing building or buildings or constructing new facilities to accommodate the programs of the department of vocational and technical education on the twin cities campus. A report containing the results and recommendations including the location, cost estimate, and square footage of the alternatives examined shall be submitted to the legislature by January 15, 1977.

Subd. 10. All construction authorized and appropriations provided in this section shall be subject to the terms and provisions of Minnesota Statutes, Sections 16.823 to 16.827.

Sec. 7. [PUBLIC WELFARE.] Subdivision 1. To the commissioner of administration for the purposes specified in this section.

Subd. 2. Construction of buildings	3,500,000
(a) Willmar State Hospital	2,000,000
(b) Anoka State Hospital	1,500,000
Subd. 3. Life Safety	5,500,000

A priority rating of buildings shall be conducted taking into account program plans, age and location of the buildings. The merits and cost of installing sprinkling equipment shall be considered in lieu of other life safety code requirements. Within the plan developed, sprinkling systems shall be installed where practical.

Subd. 4. Major Remodeling and Renovation	3,500,000
Subd. 5. Air conditioning	800,000
Subd. 6. Carpeting	300,000

Sec. 8. [CORRECTIONS.] Subdivision 1. To the commissioner of administration for the purposes specified in this section.

Subd. 2. Security Modifications, New Construction and major remodeling	1,700,000
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The commissioner of corrections shall make application and seek nonstate money for modifications to the

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Minnesota metropolitan training center. The commissioner of corrections shall consider optional security measures in modifications to the Minnesota metropolitan training center.

Sec. 9. [EXPENSES OF BOND SALE.] To the commissioner of finance for bond sale expenses pursuant to Minnesota Statutes, Section 16A.64, Subdivision 4 50,000

Sec. 10. [ADMINISTRATION.] To the Commissioner of administration for administration of the building program authorized by this act, including the employment of personnel 150,000

The commissioner may expend this money for microfilming of plans for all state buildings.

Sec. 11. [STATE BUILDING CONTINGENT.] To the commissioner of administration for the state building contingent account..... 500,000

This appropriation may be spent for plans, studies and surveys, and for alterations, betterments, construction, reconstruction, improvements, or rehabilitation of any state owned building or structure, if it appears to the commissioner that the expenditure is necessary in the public interest in order to avoid injury or damage to persons or property and money has not been otherwise appropriated for these purposes. The commissioner, however, shall not authorize any expenditures from the account until he has first consulted with the chairman of the house appropriations committee and the chairman of the senate finance committee and has received their recommendations thereon. The recommendations shall be advisory only. Failure or refusal to make a recommendation promptly shall be deemed a negative recommendation. The unobligated balance remaining on June 30, 1978 shall cancel.

Sec. 12. [STATE BUILDING ASSISTANCE.] To the commissioner of administration for the state building assistance account..... 50,000

This appropriation may be spent for the purpose of preparing preliminary plans or other documentation that may be required for assistance in obtaining non-state participation in state building programs.

Sec. 13. [FUEL CONVERSION PLANS.] To the commissioner of administration for plans to convert major state institutional heating plants from gas-oil to coal..... 200,000

Sec. 14. [BOND SALE; DEBT SERVICE.] To provide the money appropriated in this act from the state building fund the commissioner of finance upon request of the governor shall sell and issue bonds of the state in the amount of \$53,934,000 in the manner and upon the terms prescribed by Minnesota Statutes, Sections 16A.63 to 16A.67 and by the Constitution, Article XI, Sections 4 to 7.

Sec. 15. Minnesota Statutes 1974, Section 16.16, Subdivision 2, is amended to read:

Subd. 2. [FUNDS TO WHICH SYSTEM APPLIES.] Except as otherwise expressly provided therein, the provisions of Laws 1939, Chapter 431, relating to the allotment system and to the encumbering of funds shall apply to appropriations and funds of all kinds, including standing or annual appropriations and dedicated funds from which expenditures are to be made, from time to time, by or under the authority of any agency, but shall not apply to appropriations for the courts or the legislature, nor to payment of unemployment compensation benefits nor to the funds deposited in the state treasury for disbursement by the commissioner of highways when acting as the agent of a political subdivision pursuant to law. In the case of construction (CONTRACTS) or other permanent improvements of a capital nature and transactions for the acquisition of real estate for public purposes, where periodical allotments are impracticable, the commissioner may dispense therewith and prescribe such regulations as will insure proper application and encumbering of funds. Contingent funds appropriated for the governor or the attorney general shall not be subject to the provisions thereof relating to allotment, but shall be subject to the other provisions thereof relating to expenditure and encumbering of funds.

Sec. 16. [REVIEW OF BUILDING PLANS.] *Neither the commissioner of administration nor the board of regents of the university of Minnesota shall prepare final plans and specifications for any building authorized by this act until the using agency or department has presented the program and schematic plans to the chairman of the house appropriations committee and the chairman of the senate finance committee and the chairmen have made their recommendations thereon. The recommendations shall be advisory only. Failure or refusal to make a recommendation promptly shall be deemed a negative recommendation.*

Sec. 17. [METHODS OF ACQUISITION.] *Where money has been appropriated by this act to the commissioner of administration to acquire lands or sites for public buildings or real estate, acquisition may be by gift, purchase, or condemnation proceedings. Condemnation proceedings shall be pursuant to chapter 117.*

Sec. 18. [APPROPRIATIONS FOR CONSTRUCTION; TRANSFER.] *Upon the awarding of final contracts for the*

completion of any project for construction or other permanent improvement authorized by this act, the commissioner as to appropriations made to him and the regents as to appropriations made to them may transfer any unexpended balance in the project account to any other project enumerated in the same section of the appropriation act as the project about to be completed. The money transferred pursuant to this section is appropriated for the purposes for which transferred. The commissioner of administration and the regents of the university of Minnesota shall report to the chairman of the house appropriations committee and the chairman of the senate finance committee on any transfer made pursuant to this section.

Sec. 19. [TRANSFER OF BUILDINGS.] *Notwithstanding the provisions of any other laws to the contrary, any buildings at Hastings state hospital declared surplus by the department of welfare may, with the approval of the commissioner of administration, be transferred to the control of the department of veterans affairs if the commissioner of veterans affairs determines that such buildings are appropriate and needed to carry out his responsibilities for residential care. The department of veterans affairs shall pay the prorata costs of the operations and maintenance of any buildings so transferred.*

Sec. 20. [APPROPRIATIONS FOR CONSTRUCTION; FEDERAL MONEY; EXCEEDING AUTHORIZED COST.] *The commissioner of administration and the board of regents of the university of Minnesota shall apply for the maximum federal share for each capital improvement project for which money is appropriated by this act. Encumbrance or expenditure of money in excess of the project authorization shall be made only after the commissioner of administration and the board of regents have consulted with the chairman of the house appropriations committee and the chairman of the senate finance committee and the chairmen have made their recommendations thereon. The recommendations shall be advisory only. Failure or refusal to make a recommendation promptly shall be deemed a negative recommendation.*

Sec. 21. Minnesota Statutes 1974, Section 137.02, Subdivision 3, is amended to read:

Subd. 3. [POWER OF EMINENT DOMAIN GRANTED.] *The Board of Regents may use any money not specifically appropriated for other purposes for acquiring land by purchase or condemnation. In case it is desired to use the fund for the acquisition of land by eminent domain, the power of eminent domain (MAY) shall be exercised (EITHER) in accordance with (GENERAL STATUTES 1894, SECTIONS 4085 TO 4091, OR) chapter 117.*

Sec. 22. [CANCELLATION OF BALANCES.] *Any balance of the following appropriations which remain unobligated*

June 30, 1976, or become unobligated anytime thereafter, shall be cancelled to the bond fund. For the purposes of this section, a requisition shall not constitute an encumbrance. Any encumbrance which remains unliquidated on June 30, 1977 shall be cancelled.

Laws 1963, Chapter 839, Section 5, Subdivisions 2 (1), 5 (1) and 6; Laws 1965, Chapter 882, Section 4, Subdivisions 3 (1), (2) and (3), 4 (2), 5 (1), 6 (1), and 7 (1); Extra Session Laws 1967, Chapter 8, Section 2, Subdivisions 12 (1) and (3), 16 (1), 17 (1), Section 4, Section 5, Section 8, Subdivision 1 (1), (2) and (4); Laws 1969, Chapter 1159, Section 2, Subdivisions 12 (1), 13 (1), 14 (1), and 15 (1), Section 7, Subdivisions 1 (6) and 2, and Section 13; Laws 1971, Chapter 963, Section 2, Subdivisions 15 (1), (2) and (4), 16 (2), (3), (4), and (5), 17 (1) and (2), 18 (1), Section 4, Section 7, Subdivisions 1 (2), (3), (4), (5) and (6), Sections 14 and 15; Laws 1973, Chapter 778, Section 3, Section 6, Subdivision 1 (1) and (9), Sections 13 and 14.

Sec. 23. [REAPPROPRIATION.] *The unobligated balance of the appropriation made by Laws 1969, Chapter 1159, Section 15 is reappropriated and added to the appropriation made by Laws 1971, Chapter 963, Section 3, for metropolitan community college.*

Sec. 24. [REPEALER.] *Laws 1973, Chapter 778, Section 20, is repealed."*

Further strike the title and insert:

"A bill for an act relating to public improvements; authorizing the acquisition and betterment of public land and buildings and other public improvements of a capital nature; authorizing issuance of state building bonds; appropriating money; amending Minnesota Statutes 1974, Sections 16.16, Subdivision 2; 137.02, Subdivision 3; repealing Laws 1973, Chapter 778, Section 20."

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

House Conferees: FRED C. NORTON, HOWARD E. SMITH, DONALD B. SAMUELSON, RODNEY N. SEARLE and NEIL S. HAUGERUD.

Senate Conferees: NORBERT ARNOLD, JACK DAVIES, GERALD L. WILLET, WILLIAM G. KIRCHNER and EARL W. RENNEKE.

Norton moved that the report of the Conference Committee on H. F. No. 2678 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 2678, A bill for an act relating to public improvements; authorizing the acquisition and betterment of public land and buildings and other public improvements of a capital nature;

authorizing issuance of state building bonds; appropriating money; amending Minnesota Statutes 1974, Sections 16.16, Subdivision 2; 16A.28; 137.02, Subdivision 3; repealing Laws 1973, Chapter 778, Section 20.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question being taken on the repassage of the bill and the roll being called, there were yeas 125, and nays 4, as follows:

Those who voted in the affirmative were:

Abeln	Doty	Kaley	Munger	Setzepfandt
Adams, L.	Eckstein	Kalis	Neisen	Sherwood
Adams, S.	Eken	Kelly, R.	Nelsen	Sieben, H.
Albrecht	Enebo	Kelly, W.	Nelson	Sieben, M.
Anderson, G.	Erickson	Kempe, A.	Niehaus	Sieloff
Anderson, I.	Esau	Kempe, R.	Norton	Simoneau
Arlandson	Evans	Ketola	Novak	Skoglund
Beauchamp	Ewald	Knickerbocker	Osthoff	Smith
Begich	Faricy	Knoll	Parish	Smogard
Berg	Fjoslien	Kostohryz	Patton	Spanish
Berglin	Forsythe	Kroening	Pehler	Stanton
Biersdorf	Friedrich	Laidig	Peterson	Suss
Birnstihl	Fudro	Langseth	Petraleso	Swanson
Braun	Fugina	Lemke	Philbrook	Tomlinson
Brinkman	George	Lindstrom	Prahl	Ulland
Byrne	Graba	Luther	Reding	Vanasek
Carlson, A.	Hanson	Mangan	Rice	Vento
Carlson, L.	Haugerud	Mann	St. Onge	Voss
Cassery	Hokanson	McCarron	Samuelson	Wenstrom
Clark	Jacobs	McCauley	Sarna	Wenzel
Clawson	Jaros	McCollar	Savelkoul	White
Corbid	Jensen	McEachern	Schreiber	Wieser
Dahl	Johnson, C.	Menning	Schulz	Williamson
Dean	Jude	Metzen	Schumacher	Zubay
Dieterich	Kahn	Moe	Searle	Speaker Sabo

Those who voted in the negative were:

Heinitz	Johnson, D.	Kvam	Pleasant
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The bill was repassed, as amended by Conference, and its title agreed to.

CONFERENCE COMMITTEE REPORT ON H. F. NO. 2677

A bill for an act relating to public improvements; authorizing alteration, repair, rehabilitation, equipping, and replacement of equipment of public buildings; appropriating money.

April 5, 1976

The Honorable Martin O. Sabo
Speaker of the House of Representatives
The Honorable Alec G. Olson
President of the Senate

We, the undersigned conferees for H. F. No. 2677 report that we have agreed upon the items in dispute and recommend as follows:

That H. F. No. 2677, be amended as follows:

Strike everything after the enacting clause and insert:

“Section 1. [PUBLIC LAND AND BUILDINGS; GENERAL FUND APPROPRIATIONS.] There is appropriated from the general fund, or other funds as designated, in the state treasury to the state agencies indicated the sums set forth in the column designated “APPROPRIATIONS”, to be expended in accordance with the provisions of this act.

APPROPRIATIONS

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Sec. 2. [CAPITOL COMPLEX.] Subdivision 1. To the commissioner of administration for the purposes specified in this section.

Subd. 2. Modification to buildings and grounds to provide safe use by handicapped persons	85,000
Subd. 3. Modifications to buildings as required by the state fire marshal	50,000
Subd. 4. General purpose remodeling within state buildings	125,000
Subd. 5. Additional money for completion of emergency lighting and evacuation warning system in all major buildings in complex	110,000
Subd. 6. Repair perimeter water leaks, state historical and capitol square buildings	100,000
Subd. 7. Enclose and improve capitol square freight elevator	40,000
Subd. 8. Improvements to state historical building	
(a) Replacement interior rain leaders	55,500
(b) Exterior stairway handrails	10,000
(c) Replace windows	70,000

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(d) Sprinkler system—main building and research center	120,000
Subd. 9. Improvements to veterans service building	80,000
(a) Exterior caulking	45,000
(b) Roof replacement	35,000
Subd. 10. Improvements to Centennial building air handling system	18,500
Subd. 11. Hydraulic lift for central maintenance loading dock	9,500
Subd. 12. Improvements to highway building air handling system	25,000
Sec. 3. [STATE UNIVERSITIES.] Subdivision 1. To the chancellor of the state university system for the purposes specified in this section.	
Subd. 2. Repair of buildings, roofs, boilers, tennis courts, track and purchase of land	1,038,000
Subd. 3. Assessments—Mankato and Southwest	126,511
Sec. 4. [COMMUNITY COLLEGES.] To the chancellor of the community college system for remodeling, site work and repairs. This appropriation shall not cancel but be available until all projects have been completed	750,000
Sec. 5. [MINNESOTA HISTORICAL SOCIETY.] Subdivision 1. Equipment for research center, humidity and temperature control for rare documents	325,000
Subd. 2. Oliver H. Kelley farm repair	75,000
Subd. 3. Exhibit construction	100,000
Sec. 6. [COMMISSIONER OF HIGHWAYS.] Subdivision 1. Eden Prairie equipment storage	780,000
Subd. 2. Interstate safety rest area Enfield (I-94)	125,000

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The appropriations in this section are from the trunk highway fund.

The highway department shall cancel into the trunk highway fund the unobligated balances of appropriations made for land acquisition, plant, equipment and building construction by Laws 1967, Chapter 887, Section 4; Laws 1969, Chapter 800, Section 5; and Laws 1971, Chapter 965, Section 10.

Sec. 7. [PUBLIC WELFARE.] Subdivision 1. To the commissioner of administration for the purposes specified in this section.

Subd. 2. Plant Repairs and Renovation 2,200,000

\$12,300 of this appropriation is to be used for construction of a tennis court at the Minnesota School for the Deaf, and shall cancel if not expended by June 30, 1977.

Subd. 3. Furniture 1,000,000

Subd. 4. Demolition 50,000

Sec. 8. [CORRECTIONS.] Subdivision 1. To the commissioner of administration for the purposes specified in this section.

Subd. 2. Plant repairs and renovation 1,300,000

Subd. 3. Preliminary planning, working drawings and plans—adult maximum security institution 800,000

The appropriation in this subdivision is immediately available upon final enactment.

Subd. 4. Occupational Safety and Health Act and fire marshal regulation compliance 300,000

Sec. 9. [REVIEW OF BUILDING PLANS.] Neither the commissioner of administration nor the board of regents of the university of Minnesota shall prepare final plans and specifications for any building authorized by this act until the using agency or department has presented the program and schematic plans to the chairman of the house appropriations committee and the chairman of the senate finance committee and the chairmen have made their recommendations thereon. The recommendations shall be advisory only. Failure or refusal to make a recommendation promptly shall be deemed a negative recommendation.

Sec. 10. [METHODS OF ACQUISITION.] Where money has been appropriated by this act to the commissioner of administration to acquire lands or sites for public buildings or real estate, acquisition may be by gift, purchase, or condemnation proceedings. Condemnation proceedings shall be pursuant to chapter 117.

Sec. 11. [APPROPRIATIONS FOR CONSTRUCTION; TRANSFER.] Upon the awarding of final contracts for the completion of any project for construction or other permanent improvement authorized by this act, the commissioner as to appropriations made to him and the regents as to appropriations made to them may transfer any unexpended balance in the project account to any other project enumerated in the same section of the appropriation act as the project about to be completed. The money transferred pursuant to this section is appropriated for the purposes for which transferred. The commissioner of administration and the regents of the university of Minnesota shall report to the chairman of the house appropriations committee and the chairman of the senate finance committee on any transfer made pursuant to this section.

Sec. 12. [APPROPRIATIONS FOR CONSTRUCTION; FEDERAL MONEY; EXCEEDING AUTHORIZED COST.] The commissioner of administration and the board of regents of the university of Minnesota shall apply for the maximum federal share for each capital improvement project for which money is appropriated by this act. Encumbrance or expenditure of money in excess of the project authorization shall be made only after the commissioner of administration and the board of regents have consulted with the chairman of the house appropriations committee and the chairman of the senate finance committee and the chairmen have made their recommendations thereon. The recommendations shall be advisory only. Failure or refusal to make a recommendation promptly shall be deemed a negative recommendation.

Sec. 13. [BALANCES AVAILABLE.] The unobligated balances in only the following welfare department building accounts may be used for remodeling for life safety and licensure requirements as provided in Laws of Minnesota 1975, Chapter 434, Section 2, Subdivision 17; Extra Session Laws 1961, Chapter 72, Section 2, Subdivision 7; Laws 1965, Chapter 882, Section 2, Subdivision 4 (1); Extra Session Laws 1967, Chapter 8, Section 2, Subdivisions 3 (1), 8 (1) and (2), and 9 (1); Laws 1969, Chapter 1155, Section 2, Subdivisions 2 (1), 5 (1), 9 (1), 11 (1), 14 (1); Laws 1969, Chapter 1159, Section 2, Subdivisions 2 (1), 4 (1), 6 (2), 9 (1); Laws 1971, Chapter 963, Section 2, Subdivisions 2 (1) and (3), 3 (1) and (2), 4 (1), 5 (1) and (2), 6 (1) and (2), 7 (1), 8 (1), 9 (1), (2) and (3), 10 (1) and (2), 13, 14 (1), (2) and (3); Laws 1971, Chapter 964, Section 2, Subdivisions 2 (1), 3 (1), 4 (1), 5 (1), 6 (3), 8 (1), 10 (1), 11 (1), 12 (2), (3) and (4), 14 (1), 16 (1), (2), (3), (6), 17

(1); Laws 1973, Chapter 777, Section 2, Subdivision 2 (1); Laws 1973, Chapter 778, Section 2, Subdivision 2 (1) and (3).

Any unobligated balances of the above accounts remaining after June 30, 1979 shall cancel to the appropriate fund.

Sec. 14. [CONVEYANCE OF UTILITY EASEMENT.] The governor, upon the recommendation of the commissioner of administration, may convey, by proper instrument, in a form approved by the attorney general, a perpetual easement, including the right of access, to the city of Mankato in certain real estate situated in Blue Earth county, Minnesota, a 30 foot permanent easement and an 80 foot construction easement, the centerline of which is described as follows:

Commencing at the Southwest corner of the Northeast Quarter of the Southeast Quarter of Section 19, township 108 North, Range 26 West; thence East on the South line of the Northeast Quarter of the Southeast Quarter of said Section 19 a distance of 323 feet to the point of beginning; thence North and parallel with the West line of the Northeast Quarter of the Southeast Quarter of said Section 19 a distance of 440 feet, thence West and parallel with the South line of the Northeast Quarter of the Southeast Quarter a distance of 290 feet and there terminating.

Said tract containing approximately .50 acres for permanent easement and .84 acres for construction easement.

The conveyance of said easement shall be made to the said city of Mankato upon such consideration as may be agreed upon for the purpose of right of way for utility purposes upon, over and across said property above described, together with any other incidental or necessary use connected with the purpose aforesaid.

Sec. 15. [EFFECTIVE DATE.] Section 14 of this act is effective upon its approval by the governing body of the city of Mankato, and upon compliance with the provisions of Minnesota Statutes, Section 645.021.

Sec. 16. [CANCELLATIONS.] Any balance of the following appropriations which remain unobligated June 30, 1976, or become unobligated anytime thereafter, shall be cancelled to the general fund. For the purposes of this section, a requisition shall not constitute an encumbrance. Any encumbrance which remains unliquidated on June 30, 1977 shall be cancelled.

Extra Session Laws 1961, Chapter 60, Section 2, Subdivision 26; Extra Session Laws 1967, Chapter 13, Section 2, Subdivisions 20, 21, 24, 26, 28, 29 (1) and (2), 30 (2), 31 (2), 32, 33 (2), 34 (1) and 35 (1); Laws 1969, Chapter 1136, Section 4, Subdivision 1; Laws 1969, Chapter 1154, Section 32, Subdivision 2; Laws 1969, Chapter 1155, Section 2, Subdivisions 17 (1)

and (3), 19 (1), (2), (6), (7), (8) and (9), 20 (2) and (5), 25 (2), (3) and (8), 26 (1) and (2), and 27 (1); Laws 1971, Chapter 964, Section 2, Subdivisions 18 (1), (2) and (5), 19 (1) and (2), 20 (2); (3), (4), (5), (7), (9) and (10), 21 (1) and (3), 22 (1), (2) and (3), 23 (1), 24 (1) and (2), and 25 (2); Laws 1973, Chapter 777, Section 2, Subdivisions 3 (2) and (3), 4 (3), 5 (1), 6 (1) and (2), and 7 (3) and (5).”.

Further strike the title and insert:

“A bill for an act relating to public improvements; authorizing alteration, repair, rehabilitation, equipping, and replacement of equipment of public buildings; authorizing conveyance by the state of an easement for utility purposes over certain state lands in Blue Earth county; appropriating money.”.

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

House Conferees: FRED C. NORTON, HOWARD E. SMITH, DONALD B. SAMUELSON, RODNEY N. SEARLE and NEIL S. HAUGERUD.

Senate Conferees: NORBERT ARNOLD, JACK DAVIES, GERALD L. WILLET, WILLIAM G. KIRCHNER and EARL W. RENNEKE.

Norton moved that the report of the Conference Committee on H. F. No. 2677 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 2677, A bill for an act relating to public improvements; authorizing alteration, repair, rehabilitation, equipping, and replacement of equipment of public buildings; appropriating money.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question being taken on the repassage of the bill and the roll being called, there were yeas 124, and nays 3, as follows:

Those who voted in the affirmative were:

Abeln	Brinkman	Eckstein	Hanson	Kelly, W.
Adams, L.	Byrne	Enebo	Haugerud	Kempe, A.
Adams, S.	Carlson, A.	Erickson	Heinitz	Kempe, R.
Albrecht	Carlson, L.	Esau	Hokanson	Ketola
Anderson, I.	Carlson, R.	Evans	Jacobs	Knickerbocker
Arlandson	Casserly	Ewald	Jaros	Knoll
Beauchamp	Clark	Faricy	Jensen	Kostohryz
Begich	Clawson	Fjoshien	Johnson, C.	Kroening
Berg	Corbid	Forsythe	Jude	Kvam
Berglin	Dahl	Fudro	Kahn	Laidig
Biersdorf	Dean	Fugina	Kaley	Langseth
Birnstihl	Dieterich	George	Kalis	Lemke
Braun	Doty	Graba	Kelly, R.	Lindstrom

Luther	Nelson	Reding	Sieben, H.	Ulland
Mangan	Niehaus	Rice	Sieben, M.	Vanasek
Mann	Norton	St. Onge	Sieloff	Vento
McCarron	Novak	Samuelson	Simoneau	Voss
McCauley	Osthoff	Sarna	Skoglund	Wenstrom
McCollar	Parish	Savelkoul	Smith	Wenzel
McEachern	Patton	Schreiber	Smogard	White
Metzen	Pehler	Schulz	Spanish	Wieser
Moe	Peterson	Schumacher	Stanton	Williamson
Munger	Petrafeso	Searle	Suss	Zubay
Neisen	Philbrook	Setzepfandt	Swanson	Speaker Sabo
Nelsen	Prahl	Sherwood	Tomlinson	

Those who voted in the negative were:

Friedrich Johnson, D. Pleasant

The bill was repassed, as amended by Conference, and its title agreed to.

CONFERENCE COMMITTEE REPORT ON H. F. NO. 2489

A bill for an act relating to highway traffic regulations; special permits for oversize and overweight vehicles; authorizing an annual permit for refuse compactor vehicles and prescribing maximum loads thereon; providing a fee therefor; redefining farm trucks; amending Minnesota Statutes 1971, Section 168.011, Subdivision 17, as amended; and Minnesota Statutes 1974, Section 169.86, Subdivision 5; repealing Minnesota Statutes 1974, Section 169.831.

April 5, 1976

The Honorable Martin O. Sabo
Speaker of the House of Representatives
The Honorable Alec G. Olson
President of the Senate

We, the undersigned conferees for H. F. No. 2489 report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that H. F. No. 2489 be further amended as follows:

Page 1, line 24, delete "\$25" and insert "\$50".

Page 3, after line 15 insert:

"Sec. 3. Notwithstanding any law to the contrary, a refuse compactor vehicle taxed and licensed as an urban truck pursuant to section 168.013 may operate within the towns of Oak Grove and Burns in Anoka county. This section expires January 1, 1977.

Sec. 4. *There is appropriated from the highway user tax distribution fund to the commissioner of public safety, the sum of \$290,000 for the manufacture of graphic design license plates. This appropriation is in addition to the appropriation pursuant to Laws 1975, Chapter 204, Section 31, and shall be available until June 30, 1977.*

Sec. 5. Minnesota Statutes 1974, Section 168.12, is amended by adding a subdivision to read:

Subd. 5. [ADDITIONAL FEE.] In addition to any fee otherwise authorized or any tax otherwise imposed upon any motor vehicle, the payment of which is required as a condition to the issuance of any number license plate or plates, the commissioner of public safety may impose a fee of up to 25 cents but not to exceed the actual cost of manufacture and distribution of any graphic design license plate or plates upon the issuance of said plate or plates, provided that these plates shall only be issued for vehicles registered pursuant to section 168.017 and recreational vehicles registered pursuant to section 168.013, subdivision 1g."

Renumber the remaining sections.

Further amend the title:

Page 1, line 2, delete "highway traffic regulations" and insert "motor vehicles".

Page 1, line 6, after "trucks;" insert "providing for graphic design license plates; appropriating money;".

Page 1, line 9, delete "Section" and insert "Sections 168.12, by adding a subdivision;".

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

House Conferees: WILLIAM H. SCHREIBER, GORDON O. VOSS and HARRY A. SIEBEN.

Senate Conferees: FLORIAN CHMIELEWSKI, MEL FREDERICK and JERALD C. ANDERSON.

Schreiber moved that the report of the Conference Committee on H. F. No. 2489 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 2489, A bill for an act relating to highway traffic regulations; special permits for oversize and overweight vehicles; authorizing an annual permit for refuse compactor vehicles and prescribing maximum loads thereon; providing a fee therefor; redefining farm trucks; amending Minnesota Statutes 1971, Section 168.011, Subdivision 17, as amended; and Minnesota Stat-

utes 1974, Section 169.86, Subdivision 5; repealing Minnesota Statutes 1974, Section 169.831.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question being taken on the repassage of the bill and the roll being called, there were yeas 119, and nays 6, as follows:

Those who voted in the affirmative were:

Adams, L.	Eckstein	Jude	Metzen	Searle
Adams, S.	Eken	Kahn	Moe	Setzepfandt
Albrecht	Enebo	Kaley	Munger	Sherwood
Anderson, G.	Erickson	Kalis	Neisen	Sieben, H.
Anderson, I.	Esau	Kelly, R.	Nelsen	Sieben, M.
Begich	Evans	Kelly, W.	Nelson	Sieloff
Berg	Ewald	Kempe, A.	Niehaus	Simoneau
Berglin	Faricy	Kempe, R.	Norton	Skoglund
Biersdorf	Fjoslien	Ketola	Novak	Smith
Birnstihl	Forsythe	Knickerbocker	Osthoff	Smogard
Braun	Friedrich	Knoll	Parish	Stanton
Brinkman	Fudro	Kostohryz	Patton	Suss
Byrne	Fugina	Kroening	Peterson	Swanson
Carlson, A.	George	Laidig	Petrafeso	Ulland
Carlson, L.	Graba	Langseth	Philbrook	Vanasek
Carlson, R.	Hanson	Lemke	Prahl	Vento
Casserly	Haugerud	Lindstrom	Reding	Voss
Clark	Heinitz	Luther	St. Onge	Wenstrom
Clawson	Hokanson	Mangan	Samuelson	Wenzel
Corbid	Jacobs	McCarron	Sarna	Wieser
Dahl	Jaros	McCauley	Savelkoul	Williamson
Dean	Jensen	McCollar	Schreiber	Zubay
Dieterich	Johnson, C.	McEachern	Schulz	Speaker Sabo
Doty	Johnson, D.	Menning	Schumacher	

Those who voted in the negative were:

Abeln	Pehler	Pleasant	Spanish	White
Kvam				

The bill was repassed, as amended by Conference, and its title agreed to.

CONFERENCE COMMITTEE REPORT ON H. F. NO. 2043

A bill for an act relating to elections; providing for uniform reporting dates for campaign disclosure forms; providing for disclosure of campaign contributions and expenditures of political committees and candidates for local office; amending Minnesota Statutes 1974, Chapters 123, 373, and 471, by adding sections; and Minnesota Statutes, 1975 Supplement, Sections 210A.01, Subdivisions 1, 5, 6, 8, 9, and by adding subdivisions; 210A.05, Subdivision 1; 210A.16; 210A.23; 210A.24; 210A.25; 210A.26; 210A.27, Subdivision 1; 210A.29; 210A.32; 210A.33; Chapter 210A, by adding sections; repealing Minnesota Statutes, 1975 Supplement, Sections 123.015; 210A.01, Subdivisions 4 and 7; 210A.22; 210A.28; and 210A.31.

April 3, 1976

The Honorable Martin O. Sabo
Speaker of the House of Representatives
The Honorable Alec G. Olson
President of the Senate

We, the undersigned conferees for H. F. No. 2043 report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that H. F. No. 2043 be amended as follows:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1974, Chapter 123, is amended by adding a section to read:

[123.016] [CODES OF ETHICS.] *The board of any school district however organized may adopt and enforce by resolution a code of ethics not inconsistent with state law for its elected and appointed officials and employees.*

Sec. 2. Minnesota Statutes, 1975 Supplement, Section 201.021, is amended to read:

201.021 [PERMANENT REGISTRATION SYSTEM.] A permanent system of voter registration by county is established. (ANY COUNTY CONTAINING NO CITY WITH A POPULATION OF 10,000 OR MORE MAY BY RESOLUTION OF THE COUNTY BOARD BE EXEMPTED FROM THE PROVISIONS OF SECTIONS 201.021 TO 201.221.) The county auditor shall be chief registrar of voters and the chief custodian of the official registration records in each county.

Sec. 3. Minnesota Statutes, 1975 Supplement, Chapter 204A, is amended by adding a section to read:

[204A.171] [ELECTION LAW CONFERENCES.] *The secretary of state shall conduct conferences for county auditors before each state primary election for the purpose of giving instructions on the administration of election laws.*

The county auditor or his designee is authorized to conduct in-service training for municipal clerks and chairmen of election boards.

Sec. 4. Minnesota Statutes, 1975 Supplement, Section 210A.01, Subdivision 1, is amended to read:

210A.01 [ELECTIONS; FAIR CAMPAIGN PRACTICES ACT; DEFINITIONS.] Subdivision 1. *Unless otherwise pro-*

vided herein, the words used in (SECTIONS 210A.01 TO 210A.44) *chapter 210A* have the meanings prescribed to them in chapter 200; and the words defined in this section are applicable for the purpose of construing (SECTIONS 210A.01 TO 210A.44) *this chapter*.

Sec. 5. Minnesota Statutes, 1975 Supplement, Section 210A.01, Subdivision 3, is amended to read:

Subd. 3. *Except as otherwise provided in this chapter*, "candidate" means every person for whom it is contemplated or desired that votes may be cast at any election or primary, and who either tacitly or expressly consents to be so considered, except candidates for president and vice president of the United States. (IN SECTIONS 210A.22 TO 210A.28, 210A.32 AND 210A.33, "CANDIDATE" DOES NOT MEAN A PERSON FOR WHOM IT IS CONTEMPLATED OR DESIRED THAT VOTES MAY BE CAST AT ANY ELECTION OR PRIMARY, AND WHO EITHER TACITLY OR EXPRESSLY CONSENTS TO BE SO CONSIDERED FOR GOVERNOR, STATE OFFICER, STATE SENATOR OR MEMBERSHIP IN THE HOUSE OF REPRESENTATIVES.)

Sec. 6. Minnesota Statutes, 1975 Supplement, Section 210A.01, is amended by adding a subdivision to read:

Subd. 3a. For the purposes of this chapter "election" includes any school district election unless the context clearly indicates otherwise.

Sec. 7. Minnesota Statutes, 1975 Supplement, Section 210A.01, Subdivision 5, is amended to read:

Subd. 5. "Filing office", when used with reference to any candidate, (SHALL BE CONSTRUED TO MEAN) *means* the officer (WHO IS AUTHORIZED BY LAW TO ISSUE A CERTIFICATE OF NOMINATION OR ELECTION TO SUCH CANDIDATE IF HE BE SUCCESSFUL. IF THERE BE NO OFFICER AUTHORIZED TO ISSUE SUCH CERTIFICATE OF NOMINATION OR ELECTION, THEN SUCH TERM SHALL BE CONSTRUED TO MEAN THE CLERK OF THE TOWN OR CITY IN WHICH SUCH CANDIDATE RESIDES) *with whom the candidate files his affidavit of candidacy.*

Sec. 8. Minnesota Statutes, 1975 Supplement, Section 210A.01, Subdivision 6, is amended to read:

Subd. 6. "(PERSONAL) *Principal* campaign committee" means (ANY) *the single political* committee (APPOINTED) *designated by a candidate for any election.*

Sec. 9. Minnesota Statutes, 1975 Supplement, Section 210A.01, Subdivision 8, is amended to read:

Subd. 8. (EVERY TWO OR MORE PERSONS ELECTED OR APPOINTED BY ANY POLITICAL PARTY OR ASSOCIATION FOR THE PURPOSE, WHOLLY OR PARTLY, OF RAISING, COLLECTING, OR DISBURSING MONEY, OR DIRECTING THE RAISING, COLLECTING OR DISBURSING THEREOF, FOR NOMINATION OR ELECTION PURPOSES, AND EVERY TWO OR MORE PERSONS WHO SHALL COOPERATE IN THE RAISING, COLLECTING, OR DISBURSING OF MONEY USED, OR TO BE USED FOR OR AGAINST THE ELECTION TO PUBLIC OFFICE OF ANY PERSON OR ANY CLASS OR NUMBER OF PERSONS, OR FOR OR AGAINST THE ADOPTION OF ANY LAW, ORDINANCES, OR CONSTITUTIONAL AMENDMENT, SHALL BE DEEMED A "POLITICAL COMMITTEE" WITHIN THE MEANING OF SECTIONS 210A.01 TO 210A.44.) *"Political committee" means any political party, association, or person other than an individual, which supports or opposes any question on the ballot or influences the nomination or election of a candidate.*

Sec. 10. Minnesota Statutes, 1975 Supplement, Section 210A.01, is amended by adding a subdivision to read:

Subd. 10. *"Expenditure" means: (a) A purchase, payment, distribution, loan, advance, deposit or gift of money or anything of value, made for the purpose of influencing the nomination for election or election of any candidate to office; or*

(b) A transfer of funds between political committees or political funds. "Expenditure" does not include services provided without compensation by individuals volunteering their time on behalf of a candidate, political committee, or political fund.

Sec. 11. Minnesota Statutes, 1975 Supplement, Section 210A.01, is amended by adding a subdivision to read:

Subd. 11. *"Contribution" means: (a) A gift, subscription, loan, advance, the providing of supplies, materials or equipment, or deposit of money or anything else of value made to influence the nomination for election or election of a candidate to office;*

(b) A transfer of funds between political committees; or

(c) The payment of compensation for the personal services of another person which are rendered to a candidate or political committee to influence the nomination for election or election of a candidate to office by any person other than that candidate or political committee.

"Contribution" does not include services provided without compensation by individuals volunteering their time on behalf of a candidate or political committee, or coverage by news media,

but only while acting in the ordinary course of business of publishing or broadcasting news items, editorials or other comments.

Sec. 12. Minnesota Statutes, 1975 Supplement, Chapter 210A, is amended by adding a section to read:

[210A.025] [PAPER COLOR FOR SAMPLE BALLOTS.] *Except that sample ballots may be printed in newspapers as news matter, it is a misdemeanor to print sample ballots on paper of the same color as any official ballots.*

Sec. 13. Minnesota Statutes, 1975 Supplement, Section 210A.-05, Subdivision 1, is amended to read:

210A.05 [PAID ADVERTISEMENTS IN NEWS.] Subdivision 1. No publisher of a newspaper, periodical, or magazine shall insert either in the advertising columns of such newspaper, magazine, or periodical, or elsewhere therein, any matter paid or to be paid for which is intended or tends to influence directly or indirectly any voting at any primary or (GENERAL) election unless at the head or the foot of the matter is printed in six point capital letters the words "Paid Advertisement," and unless there is a statement at the head or the foot of the matter of the amount paid or to be paid therefor, or a statement that the same is to be paid at regular advertising rates, the name of the candidate in whose behalf the matter is inserted and of any other person or the names of the officer and the committee authorizing the publication.

Sec. 14. Minnesota Statutes, 1975 Supplement, Section 210A.-09, is amended to read:

210A.09 [SHALL NOT INDUCE PERSON TO BECOME A CANDIDATE OR REFRAIN THEREFROM.] *Subdivision 1. No person shall pay, or promise to reward another in any manner or form for the purpose of inducing him to be or refrain from or cease being a candidate, and no person shall solicit or receive any payment, promise, or reward from another for such purpose.*

Subd. 2. Any person elected to a public office shall be permitted time off from his regular employment to attend meetings of his public office. No retaliatory action may be taken by the employer for absences necessary for the employee to attend the meetings. Such time off may be without pay, with pay, or made up with other hours, as agreed between the employee and employer.

Sec. 15. Minnesota Statutes, 1975 Supplement, Section 210A.-16, is amended to read:

210A.16 [LEGAL EXPENDITURES.] *Subdivision 1. The expenditure of money or other thing of value by any candidate,*

(PERSONAL) *principal* campaign committee, (PARTY COMMITTEE,) or *other* political committee for (POLITICAL) purposes other than those provided in this section is prohibited. The following are permitted expenditures:

- (a) Salaries, wages, and fees;
- (b) Communications, mailing, transportation, and travel;
- (c) Campaign advertising;
- (d) Printing;
- (e) Office and other space and necessary equipment, furnishings, and supplies incidental thereto;
- (f) Other expenses, not included in the above, which are reasonably related to the conduct of election campaigns.

Subd. 2. No funds contributed to a candidate, principal campaign committee or political committee shall be commingled with any personal funds of the candidate or officers or members of the principal campaign committee or the political committee.

Sec. 16. Minnesota Statutes, 1975 Supplement, Section 210A.21, is amended to read:

210A.21 [CERTAIN SOLICITATIONS PROHIBITED.] No person shall solicit, receive, or accept any money, property, or other thing of value, or any promise or pledge thereof, constituting (A DISBURSEMENT) *an expenditure or contribution* prohibited by sections 210A.01 to 210A.44.

Sec. 17. Minnesota Statutes, 1975 Supplement, Chapter 210A, is amended by adding a section to read:

[210A.211] [EXPENDITURES OF CANDIDATE TAX DEDUCTIBLE.] *Expenditures authorized by this chapter by a candidate in his own behalf may be deducted as expenses for production of income or a business expense under section 290.09, subdivision 2, in an amount not to exceed \$500.*

Sec. 18. Minnesota Statutes, 1975 Supplement, Chapter 210A, is amended by adding a section to read:

[210A.215] [PRINTED MATERIALS.] *No elected, administrative, or executive officer of any school district, city, county, town, or other political subdivision shall cause to be printed or authorize the printing of official reports and publications printed with public funds and intended for general public circulation, which contain pictures of elected officials or names*

of public officials or any other device which tends to attribute the publication to an individual or individuals instead of the governmental unit from which it emanates.

Sec. 19. [210A.220] [DEFINITIONS.] Subdivision 1. For the purposes of sections 19 to 31 of this act, the following terms have the meanings given them unless the context clearly indicates otherwise.

Subd. 2. "Candidates" means every person who seeks nomination or election to any county office, any city office in a city with a population of 20,000 or more, and any school district office in any school district with a population of 20,000 or more as determined by, or estimated by the chief administrative officer of a school district from the last decennial census.

Subd. 3. "Business with which he is associated" means any association in connection with which the individual is compensated in excess of \$50 excluding reimbursement for actual expenses in any month as a director, officer, owner, member, partner, employer, or employee, or is a holder of securities worth \$2,500 or more at fair market value.

Sec. 20. [210A.221] [POLITICAL COMMITTEES.] Every political committee shall have a chairman and a treasurer. The treasurer of a political committee shall be responsible for filing the campaign statements required in this act.

Sec. 21. [210A.222] [PRINCIPAL CAMPAIGN COMMITTEES.] Subdivision 1. Each candidate shall designate a principal campaign committee which shall receive contributions and make expenditures on his behalf.

Subd. 2. Any candidate may serve as the chairman and treasurer of his principal campaign committee.

Subd. 3. A candidate shall file with his filing office a written statement designating his principal campaign committee no later than seven days after the committee has received any contributions or made any expenditures in excess of \$200. The statement shall include the name and address of the chairman and treasurer.

Subd. 4. In civil actions and proceedings brought under this chapter, the acts of every member of a principal campaign committee are presumed to be with the knowledge and approval of the candidate until it has been clearly proved that he did not know of and approve the act, and that, in the exercise of reasonable care and diligence, he could not have known of and had the opportunity to disapprove the act.

Sec. 22. [210A.223] [EXPENDITURES.] Subdivision 1. Any individual, who makes an expenditure in excess of \$200 on

behalf of any candidate, including himself, other than by contribution to a political committee, shall file the campaign statements required in this act.

Subd. 2. Except as provided in subdivision 1, a candidate may make expenditures only through his principal campaign committee.

Sec. 23. [210A.224] [STATEMENTS OF POLITICAL COMMITTEES.] *Subdivision 1. Campaign statements of any political committee shall be filed with the filing office:*

(a) Ten days before any primary or election and 30 days after the election in which a candidate being supported stands for election or a question being supported or opposed appears on the ballot; and

(b) January 31 of each year until the committee has terminated. A committee may file a termination statement when the total of the committee's assets and obligations does not exceed \$100.

Subd. 2. The campaign statements shall cover the period from the last day covered by the previous statement to seven days prior to the filing date.

Subd. 3. The campaign statements shall be filed with the appropriate filing office, or for a committee which is organized to support or oppose a constitutional amendment, with the secretary of state.

Subd. 4. Each campaign statement shall itemize:

(a) The amount of cash on hand at the beginning of the reporting period.

(b) The name, address and employer or, if self-employed, occupation of each person or committee which made a contribution in an aggregate amount in excess of \$50 during the calendar year; and the date and amount of the contribution.

(c) The total amount of all contributions received by the committee.

(d) The name and address of each person to whom any expenditure was made in an aggregate amount in excess of \$100 during the calendar year; and the date and amount of the expenditure.

(e) The total amount of all expenditures made by the committee.

(f) *The name, address and employer, or if self-employed, occupation of any person to whom the committee owes a debt or obligation in excess of \$100; and the date incurred and amount of the debt or obligation.*

Subd. 5. The treasurer of each political committee shall keep records of the financial transactions of the committee in sufficient detail to insure that each contribution in an aggregate amount in excess of \$50 and each expenditure, debt or obligation in an aggregate amount in excess of \$100 shall be reported.

Sec. 24. [210A.231] [CHANGES AND CORRECTIONS.] *Any material changes in information previously submitted or any substantial corrections to a statement required by this act shall be included in the next required statement or reported in writing within 30 days following the date of the event prompting the change. Any person who wilfully fails to report a material change or substantial correction is guilty of a misdemeanor.*

Sec. 25. [210A.232] [CIRCUMVENTION PROHIBITED.] *Any attempt by a person to circumvent the disclosure provisions of this act by redirecting funds through, or contributing funds on behalf of, another person, is guilty of a gross misdemeanor.*

Sec. 26. Minnesota Statutes, 1975 Supplement, Section 210A.24, is amended to read:

210A.24 [BILLS, WHEN RENDERED AND PAID.] *Every person who (SHALL HAVE ANY) has a bill, charge, or claim (UPON OR) against any (PERSONAL CAMPAIGN OR PARTY) political committee or (ANY) candidate, for any (DISBURSEMENT) expenditure made, (SERVICES) service rendered, or thing of value furnished, (FOR POLITICAL PURPOSES, OR INCURRED IN ANY MANNER IN RELATION TO ANY PRIMARY OR ELECTION,) shall render in writing to (SUCH) the candidate or treasurer of the political committee (OR CANDIDATE SUCH) the bill, charge, or claim within (TEN) 60 days after the (DAY OF THE PRIMARY OR ELECTION IN CONNECTION WITH WHICH SUCH BILL, CHARGE, OR CLAIM WAS INCURRED) material or service is provided. (NO CANDIDATE AND NO PERSONAL CAMPAIGN OR PARTY COMMITTEE SHALL PAY ANY) Failure to timely render the bill, charge, or claim (SO INCURRED PRIOR TO ANY PRIMARY OR ELECTION, WHICH IS NOT SO PRESENTED WITHIN TEN DAYS AFTER SUCH PRIMARY OR ELECTION) is a misdemeanor.*

Sec. 27. Minnesota Statutes, 1975 Supplement, Chapter 210A, is amended by adding a section to read:

[210A.255] [CERTAIN ASSOCIATIONS, INDIVIDUALS EXEMPTED.] *Any association which or individual who has*

been granted exemption from the reporting requirements of section 10A.20 shall be exempted from the reporting requirements of this chapter.

Sec. 28. Minnesota Statutes, 1975 Supplement, Chapter 210A, is amended by adding a section to read:

[210A.261] [STATEMENTS OF ECONOMIC INTEREST.]
Every candidate except a candidate for school district office in any school district with a population of less than 100,000 or a candidate for city or county office in a city or county with a population of less than 50,000 shall file a statement of economic interest with his respective filing office within 14 days after filing an affidavit of candidacy or petition to appear on the ballot. The statement of economic interest shall contain the following:

(a) *his name, address, occupation and principal place of business;*

(b) *the name of each business with which he is associated, and the nature of the association; and*

(c) *a listing of all real property within the state, excluding homestead property, in which he has a fee simple interest, a contract for deed or an option to buy, whether direct or indirect, and which interest is valued in excess of \$2,500. The filing shall indicate the street address and the municipality, or if there is no street address, the section, township, range and approximate acreage, and the county wherein the property is located.*

Each candidate specified in this section elected to office shall file a supplementary statement of economic interest on April 15 of each year he is in office.

Sec. 29. Minnesota Statutes, 1975 Supplement, Section 210A.27, Subdivision 1, is amended to read:

210A.27 [STATEMENT OF EXPENSE, BLANKS; DIGEST OF LAWS.] Subdivision 1. (BLANKS) *Forms for all statements required by (SECTIONS 210A.01 TO 210A.44) this chapter shall be prepared by the secretary of state (AND) Copies (THEREOF) of the forms shall be furnished (THROUGH THE COUNTY AUDITOR OR OTHERWISE, AS THE SECRETARY OF STATE MAY DEEM EXPEDIENT, TO THE SECRETARY OF EVERY COMMITTEE, AND TO EVERY CANDIDATE UPON FILING OF NOMINATION PAPERS, AND TO ALL OTHER PERSONS REQUIRED BY LAW TO FILE SUCH STATEMENTS WHO MAY APPLY THEREFOR) to filing officers, candidates and treasurers. The secretary of state shall have emergency rule making authority*

as provided in chapter 15 for the purpose of providing forms for elections held in 1976 after the effective date of this act.

Sec. 30. Minnesota Statutes, 1975 Supplement, Section 210A.-29, is amended to read:

210A.29 [FILING STATEMENTS; PENALTY.] (EVERY TREASURER OR OTHER PERSON WHO RECEIVES ANY MONEY TO BE APPLIED TO ANY OF THE ELECTION PURPOSES FOR WHICH EXPENDITURES ARE PERMITTED BY LAW,) *Any individual who knowingly fails to file any (THE) statement (AND ACCOUNT RESPECTING THE SAME) required by (SECTIONS 210A.01 TO 210A.44) this chapter within (THE TIME PRESCRIBED,) seven days after receiving notice from the filing office shall be guilty of a misdemeanor.*

Sec. 31. Minnesota Statutes, 1975 Supplement, Section 210A.-32, is amended to read:

210A.32 [DUTIES OF FILING OFFICERS.] *Subdivision 1. The (OFFICER WITH WHOM THE EXPENSE ACCOUNT) filing office where a statement (OF ANY CANDIDATE FOR PUBLIC OFFICE OR COMMITTEE) is required to be filed by the provisions of (SECTIONS 210A.01 TO 210A.-44) this chapter, shall notify (SUCH CANDIDATE OR COMMITTEE) the person responsible for filing the statement of the failure to comply with (SUCH) the law(,) immediately upon the expiration of the (TIME FIXED BY ANY LAW OF THIS STATE FOR) filing (OF THE SAME, AND SHALL NOTIFY THE COUNTY ATTORNEY OF THE COUNTY WHERE SUCH CANDIDATE RESIDES OR IN WHICH THE HEAD-QUARTERS OF THE COMMITTEE IS LOCATED, OF THE FACT OF THE FAILURE TO FILE SUCH EXPENSE ACCOUNT AND THE COUNTY ATTORNEY SHALL THEREUPON NOTIFY SUCH CANDIDATE OR THE SECRETARY OF THE COMMITTEE OF SUCH DELINQUENCY AND) date for such statement. If the person fails to comply with the provisions of (SECTIONS 210A.01 TO 210A.44) this chapter (SHALL NOT BE COMPLIED WITH) within (TEN) seven days after the mailing of (SUCH) the notice, the filing office shall notify the county attorney of the county of residence of the person responsible for filing the statement. The county attorney shall thereupon prosecute (SUCH CANDIDATE OR) the (OFFICER OF THE COMMITTEE) person required by law to file (SUCH) the statement.*

Subd. 2. Notwithstanding the provisions of section 138.163, the filing office where statements are filed shall destroy all statements five years after the year in which they were filed. Failure to destroy such statements shall constitute misfeasance.

Sec. 32. Minnesota Statutes, 1975 Supplement, Chapter 210A, is amended by adding a section to read:

[210A.435] [LOCAL ELECTIONS.] *Notwithstanding any provision of Minnesota Statutes, Section 410.21 or other law or ordinance, the provisions of this chapter apply to all municipal, county and school district elections, except where any provision of this chapter specifically exempts any municipality or school district election.*

Sec. 33. Minnesota Statutes, 1975 Supplement, 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) 17 of this act, 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) 17 of this act:

(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.

Sec. 34. Minnesota Statutes 1974, Chapter 375, is amended by adding a section to read:

[375.191] [CODES OF ETHICS.] *Each organized county may adopt and enforce by ordinance or resolution a code of ethics, not inconsistent with any state law, for its elected officials and employees.*

Sec. 35. Minnesota Statutes 1974, Chapter 471, is amended by adding a section to read:

[471.625] [MUNICIPALITIES; ADOPT CODES OF ETHICS.] *Notwithstanding any law to the contrary, any city however organized may adopt and enforce by ordinance or resolution a code of ethics not inconsistent with state law for its employees and elected officials.*

Sec. 36. Laws 1976, Chapter 108, Section 1, Subdivision 8, is amended to read:

Subd. 8. The total amount of any expenditure or contribution or any one project permitted by subdivisions 5 and 7 which exceeds \$100, together with the date, purpose and the names and addresses of the persons receiving the (CONTRIBUTION) contributions or expenditures, shall be reported to the secretary of state. The reports shall be filed on a form provided by the secretary of state on (THE DATES REQUIRED FOR POLITICAL COMMITTEES UNDER THE PROVISIONS OF SECTION 210A.26, SUBDIVISION 1) *October 1 of each year.* Failure to comply shall be subject to the penalties related to campaign finance reporting under the provisions of this chapter.

Sec. 37. [REPEALER.] *Minnesota Statutes, 1975 Supplement, Sections 123.015; 210.22; 210A.01, Subdivisions 4, 7, 8, and 9; 210A.22; 210A.23; 210A.25; 210A.26; 210A.28; 210A.30; 210A.31; 210A.33; and 211.10 are repealed.*

Sec. 38. [EFFECTIVE DATE.] *This act is effective July 1, 1976."*

Further strike the title and insert:

"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 elected officials time off from their regular employment to attend meetings of their offices; permitting codes of ethics for counties, cities, and school districts; providing penalties; amending Minnesota Statutes 1974, Chapters 123, 375 and 471, by adding sections; Minnesota Statutes, 1975 Supplement, Chapters 204A and 210A, by adding sections; Sections 201.021; 210A.01, Subdivisions 1, 3, 5, 6, and 8, and by adding subdivisions; 210A.05, Subdivision 1; 210A.09; 210A.16; 210A.21; 210A.24; 210A.27, Subdivision 1; 210A.29; 210A.32; and 290.09, Subdivision 2; and Laws 1976, Chapter 108, Section 1, Subdivision 8; repealing Minnesota Statutes, 1975 Supplement, Sections 123.015; 210.22; 210A.01, Subdivisions 4, 7, 8, and 9; 210A.22; 210A.23; 210A.25; 210A.26; 210A.28; 210A.30; 210A.31; 210A.33; and 211.10."

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

House Conferees: BRUCE F. VENTO, JOHN J. SARNA and JOHN S. BIERSDORF.

Senate Conferees: STEVE KEEFFE and J. ROBERT STASSEN.

Vento moved that the report of the Conference Committee on H. F. No. 2043 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 2043, A bill for an act relating to elections; providing for uniform reporting dates for campaign disclosure forms; providing for disclosure of campaign contributions and expenditures of political committees and candidates for local office; amending Minnesota Statutes 1974, Chapters 123, 373, and 471, by adding sections; and Minnesota Statutes, 1975 Supplement, Sections 210A.01, Subdivisions 1, 5, 6, 8, 9, and by adding subdivisions; 210A.05, Subdivision 1; 210A.16; 210A.23; 210A.24; 210A.25; 210A.26; 210A.27, Subdivision 1; 210A.29; 210A.32; 210A.33; Chapter 210A, by adding sections; repealing Minnesota Statutes, 1975 Supplement, Sections 123.015; 210A.01, Subdivisions 4 and 7; 210A.22; 210A.28; and 210A.31.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question being taken on the repassage of the bill and the roll being called, there were yeas 107, and nays 19, as follows:

Those who voted in the affirmative were:

Abeln	Dean	Kelly, R.	Neisen	Sieben, M.
Adams, L.	Dieterich	Kelly, W.	Nelson	Simoneau
Adams, S.	Doty	Kempe, A.	Novak	Skoglund
Anderson, G.	Enebo	Kempe, R.	Osthoff	Smith
Anderson, I.	Ewald	Ketola	Parish	Smogard
Arlandson	Faricy	Knickerbocker	Patton	Stanton
Beauchamp	Fjoslien	Knoll	Pehler	Suss
Begich	Fudro	Kostohryz	Petrafeso	Swanson
Berg	Fugina	Kroening	Philbrook	Tomlinson
Berglin	George	Laidig	Prahl	Ulland
Biersdorf	Hanson	Lindstrom	Reding	Vanasek
Braun	Haugerud	Luther	Rice	Vento
Brinkman	Heinitz	Mangan	St. Onge	Voss
Byrne	Hokanson	Mann	Samuelson	Wenstrom
Carlson, A.	Jacobs	McCarron	Sarna	Wenzel
Carlson, L.	Jaros	McCauley	Savelkoul	White
Carlson, R.	Jensen	McCollar	Schreiber	Wieser
Casserly	Johnson, C.	McEachern	Schulz	Williamson
Clark	Johnson, D.	Menning	Schumacher	Speaker Sabo
Clawson	Jude	Metzen	Setzepfandt	
Corbid	Kahn	Moe	Sherwood	
Dahl	Kaley	Munger	Sieben, H.	

Those who voted in the negative were:

Albrecht	Erickson	Kalis	Nelsen	Searle
Birnstihl	Esau	Kvam	Niehaus	Sieloff
Eckstein	Forsythe	Langseth	Peterson	Zubay
Eken	Friedrich	Lemke	Pleasant	

The bill was repassed, as amended by Conference, and its title agreed to.

SPECIAL ORDERS

S. F. No. 633, A bill for an act relating to taxation; inheritance and gift taxes; amending Minnesota Statutes 1974, Sections 291.03; 291.05; 292.05, Subdivision 1; and 292.07, Subdivisions 3 and 5.

The bill was read for the third time and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 129, and nays 0, as follows:

Those who voted in the affirmative were:

Abeln	Anderson, G.	Begich	Birnstihl	Carlson, A.
Adams, L.	Anderson, I.	Berg	Braun	Carlson, L.
Adams, S.	Arlandson	Berglin	Brinkman	Carlson, R.
Albrecht	Beauchamp	Biersdorf	Byrne	Casserly

Clark	Hanson	Kvam	Osthoff	Sieloff
Clawson	Haugerud	Laidig	Parish	Simoneau
Corbid	Heinitz	Langseth	Pehler	Skoglund
Dahl	Hokanson	Lenke	Peterson	Smith
Dean	Jacobs	Lindstrom	Petraleso	Smogard
Dieterich	Jaros	Luther	Philbrook	Spanish
Doty	Jensen	Mangan	Pleasant	Stanton
Eckstein	Johnson, C.	Mann	Prahl	Suss
Eken	Johnson, D.	McCarron	Reding	Swanson
Enebo	Jude	McCauley	Rice	Tomlinson
Erickson	Kahn	McCollar	St. Onge	Ulland
Esau	Kaley	McEachern	Samuelson	Vanasek
Evans	Kalis	Menning	Sarna	Vento
Ewald	Kelly, R.	Metzen	Savelkoul	Voss
Faricy	Kelly, W.	Moe	Schreiber	Wenstrom
Fjoslien	Kempe, A.	Munger	Schulz	Wenzel
Forsythe	Kempe, R.	Neisen	Schumacher	White
Friedrich	Ketola	Nelsen	Searle	Wieser
Fudro	Knickerbocker	Nelson	Setzepfandt	Williamson
Fugina	Knoll	Niehaus	Sherwood	Zubay
George	Kostohryz	Norton	Sieben, H.	Speaker Sabo
Graba	Kroening	Novak	Sieben, M.	

The bill was passed and its title agreed to.

S. F. No. 2082 was reported to the House.

Johnson, D., moved to amend S. F. No. 2082, as follows:

Page 1, line 10, delete "1976" and insert "1977".

Page 2, line 8, delete "1976" and insert "1977".

Page 2, delete line 9.

Page 2, line 10, delete "commissioner of revenue," and insert "revenue".

The motion prevailed and the amendment was adopted.

S. F. No. 2082, A bill for an act relating to taxation; providing for payments from the taconite municipal aid account to certain cities and towns; amending Minnesota Statutes 1974, Section 298.282, Subdivision 2, and by adding a subdivision.

The bill was read for the third time, as amended, and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 128, and nays 0, as follows:

Those who voted in the affirmative were:

Abeln	Anderson, I.	Berg	Braun	Carlson, L.
Adams, L.	Arlandson	Berglin	Brinkman	Carlson, R.
Albrecht	Beauchamp	Biersdorf	Byrne	Casserly
Anderson, G.	Begich	Birnstihl	Carlson, A.	Clark

Clawson	Haugerud	Laidig	Parish	Simoneau
Corbid	Heinitz	Langseth	Pehler	Skoglund
Dahl	Hokanson	Lemke	Peterson	Smith
Dean	Jacobs	Lindstrom	Petraleso	Smogard
Dieterich	Jaros	Luther	Philbrook	Spanish
Doty	Jensen	Mangan	Pleasant	Stanton
Eckstein	Johnson, C.	Mann	Prahl	Suss
Eken	Johnson, D.	McCarron	Reding	Swanson
Enebo	Jude	McCauley	Rice	Tomlinson
Erickson	Kahn	McCollar	St. Onge	Ulland
Esau	Kaley	McEachern	Samuelson	Vanasek
Evans	Kalis	Menning	Sarna	Vento
Ewald	Kelly, R.	Metzen	Savelkoul	Voss
Farley	Kelly, W.	Moe	Schreiber	Wenstrom
Fjoslien	Kempe, A.	Munger	Schulz	Wenzel
Forsythe	Kempe, R.	Neisen	Schumacher	White
Friedrich	Ketola	Nelsen	Searle	Wieser
Fudro	Knickerbocker	Nelson	Setzepfandt	Williamson
Fugina	Knoll	Niehaus	Sherwood	Zubay
George	Kostohryz	Norton	Sieben, H.	Speaker Sabo
Graba	Kroening	Novak	Sieben, M.	
Hanson	Kvam	Osthoff	Sieloff	

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

MESSAGES FROM THE SENATE, Continued

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

H. F. No. 2657, A bill for an act relating to natural resources; exempting senior citizens from payment of certain camping fees; increasing motor vehicle permit fees; authorizing the designation of the Zumbro river as a canoe and boating route; providing a reduced fee for small game licenses for senior citizens; authorizing the issuance of Minnesota sportsman licenses; requiring the promulgation of rules concerning certain water permits; appropriating money; amending Minnesota Statutes 1974, Sections 85.05, Subdivisions 1 and 2; 85.32, Subdivision 1; 98.45, by adding a subdivision; 98.46, Subdivisions 2, 4, 7, 8, 9, 14, 15, 16, 17, as amended, and 19, and by adding a subdivision; 101.44; and Chapter 105, by adding a section; and Minnesota Statutes, 1975 Supplement, Section 98.46, Subdivision 5, as amended.

The Senate has repassed said bill, in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

H. F. No. 2019, A bill for an act relating to controlled substances; scheduling certain substances; authorizing notices on

prescription drugs when driving may be impaired; clarifying the prohibition against sale or possession of legend drugs by certain persons; authorizing county detoxification centers to purchase and possess legend drugs; amending Minnesota Statutes 1974, Sections 151.37, Subdivision 5; 152.02, Subdivisions 2, 3, 4, and 5; Minnesota Statutes, 1975 Supplement, Section 151.212; Subdivision 2.

The Senate has repassed said bill, in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker :

I hereby announce that the Senate refuses to adopt the Conference Committee report on Senate File No. 1963 and has moved that it be returned to the present Conference Committee for further consideration.

S. F. No. 1963, A bill for an act relating to the operation of state government; raising base salaries for certain executive branch employees, 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; extending the open meeting law to the legislature; amending Minnesota Statutes 1974, Sections 15A.081; 15A.083, as amended; 43.062, Subdivision 3; and 43.067; 471.705, Subdivision 1; and Chapter 43, by adding a section; and Minnesota Statutes, 1975 Supplement, Section 15A.081, Subdivision 1; repealing Minnesota Statutes 1974, Sections 15A.081, Subdivisions 1a and 4; 43.066; 43.069; and 487.05.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker :

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

S. F. No. 2581, A bill for an act relating to the organization and operation of state government; appropriating and reappropriating money for the general administrative expenses of state government and limiting the use thereof; providing for payment of claims against the state; abolishing the state claims commission; amending Minnesota Statutes 1974, Sections 3.732, Subdivisions 1, 2, and 5; 3.751, Subdivision 1; 176.011, Subdivision 9; 192.38; 238.04, by adding a subdivision; 345.48, Subdivision 2; and Chapter 3, by adding a section; Minnesota Statutes, 1975 Supplement, Section 4.19; repealing Minnesota Statutes

1974, Sections 3.66 to 3.7311; 3.735; 3.752; 3.753; 3.76 to 3.83; and 15.315.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said Senate File is herewith transmitted to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONFERENCE COMMITTEE REPORT ON S. F. NO. 2581

A bill for an act relating to the organization and operation of state government; appropriating and reappropriating money for the general administrative expenses of state government and limiting the use thereof; providing for payment of claims against the state; abolishing the state claims commission; amending Minnesota Statutes 1974, Sections 3.732, Subdivisions 1, 2, and 5; 3.751, Subdivision 1; 176.011, Subdivision 9; 192.38; 238.04, by adding a subdivision; 345.48, Subdivision 2; and Chapter 3, by adding a section; Minnesota Statutes, 1975 Supplement, Section 4.19; repealing Minnesota Statutes 1974, Sections 3.66 to 3.7311; 3.735; 3.752; 3.753; 3.76 to 3.83; and 15.315.

April 3, 1976

The Honorable Alec G. Olson
President of the Senate
The Honorable Martin O. Sabo
Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 2581 report that we have agreed upon the items in dispute and recommend as follows:

Strike everything after the enacting clause and insert:

“Section 1. [STATE GOVERNMENT APPROPRIATIONS.] Except as herein otherwise specifically provided the sums hereinafter set forth in the columns designated “APPROPRIATIONS”, or so much thereof as may be necessary, are hereby appropriated out of the general fund in the state treasury, or any other fund herein designated, for the purposes specified in the following sections of this act, to be available for the fiscal years indicated for each purpose. The figures “1976” and “1977” wherever used in this act, shall mean that the appropriations listed thereunder shall be available for the year ending June 30, 1976, and June 30, 1977, respectively.

APPROPRIATIONS

Available for the Year

Ending June 30,

1976 1977

\$ \$

Sec. 2. LEGISLATURE

To the legislative joint committee for review of administrative rules 30,000

This appropriation shall not cancel but shall be available until June 30, 1977.

Sec. 3. CONTINGENT ACCOUNT 25,000

This sum is appropriated to the general contingent account for the purposes of sections 37 and 38 of this act dealing with prevailing wage administration.

Sec. 4. MINNESOTA BICENTENNIAL COMMISSION 300,000

No more than 80 percent of this appropriation may be expended in grants to state agencies or political subdivisions as defined in section 15.162, subdivisions 5 and 7. No more than 20 percent of the appropriation may be expended for statewide bicentennial commission programs. Notwithstanding the provisions of Laws 1975, Chapter 411, the Minnesota American Revolution Bicentennial Commission shall terminate December 1, 1976.

Sec. 5. ATTORNEY GENERAL

Subdivision 1. For moving, remodeling, furnishings, and related costs involved in the consolidation of offices in the highway, veterans service and capital square buildings 95,000

Any unexpended balance remaining in the first year shall not cancel but shall be available for the second year of the biennium.

Subd. 2. Salaries, supplies and expense for defending tort claims against the state 200,000

	1976	1977
	\$	\$
Sec. 6. STATE TREASURER	15,000	

For advertising expenses relating to the disposition of unclaimed property.

Sec. 7. ADMINISTRATION

Subdivision 1. Utility Services	310,250	322,250
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These sums shall be added to the amounts appropriated in Laws 1975, Chapter 204, Section 18, Subdivision 1.

Subd. 2. Statewide licensing system development	113,000	
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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.

Subd. 3. The commissioner of administration is authorized to pay this sum to the National Governor's Conference		3,085
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Subd. 4. Interstate Co-op Commission	5,000	
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The sums appropriated in subdivisions 3 and 4 shall be added to the appropriations made in Laws 1975, Chapter 204, Section 18, Subdivision 1.

Subd. 5. In the event the income from parking lots and facilities under the jurisdiction of the commissioner of administration is inadequate to make the annual payment of \$203,200 in November, 1975 and 1976, as required by Laws 1973, Chapter 778, Section 21, these payments may be wholly or partially deferred. To the extent these payments are deferred, the commissioner shall, from time to time, make additional payments so as to pay to the Minnesota state building account in the state bond fund the total sum of \$4,064,000.

Subd. 6. Notwithstanding the provisions of any law to the contrary, the commissioner of administration shall sell the

1976

1977

\$

\$

state owned property comprising the Orr airport in the manner which will realize the greatest return to the state, if the airport is not returned to the community, county or region by December 31, 1976. The sale shall be made only after advertising the sale of the property and inviting sealed bids which shall be opened at the time specified and read aloud. The sale shall be made to the best bidder. The advertisement of such sale shall be made in local and national publications including, but not limited to, such publications as the Wall Street Journal and the New York Times. The state reserves the right to reject any and all bids.

Subd. 7. North Capitol Area Improvement

800,000

To rehabilitate and redevelop the area north and west of the capitol bounded by Aurora Street, Marion Street, Edmund Avenue, Como Avenue, Park Street, Sherburne Avenue and Rice Street. The commissioner of administration shall consult with and coordinate development activities with the city of St. Paul or the St. Paul housing and redevelopment authority in performing the rehabilitation and redevelopment. The rehabilitation and redevelopment activities shall be consistent with the Minnesota State Capitol Area North Study as adopted and interpreted by the capitol area architectural and planning board. This appropriation is contingent upon the following events occurring prior to July 1, 1977: (1) the appropriation by the city of St. Paul of an equal or greater amount for the same purposes, and (2) the securing by the city of St. Paul or the St. Paul housing and redevelopment authority of a commitment from a qualified developer to construct housing units in the capitol north study area.

Prior to the expenditure of any moneys from the appropriation in this subdivision, the commissioner of administration shall consult with the chairman of the house appropriations committee and the chairman of the senate finance committee, and the

1976 1977

\$ \$

chairmen will make their recommendations thereon. The recommendations shall be advisory only. Failure or refusal to make a recommendation promptly shall be deemed a negative recommendation.

Subd. 8. Acquisition of Mechanic Arts High School 2,000,000

Notwithstanding any other law to the contrary, the commissioner of administration is authorized to negotiate and proceed with the acquisition of Mechanic Arts High School and adjacent athletic fields owned by the St. Paul School District.

Notwithstanding the provisions of Minnesota Statutes, Section 117.52, no relocation assistance, services, payments or benefits shall be provided by the commissioner of administration in connection with the acquisition.

Independent School District No. 625 shall place any money paid to it by the state for acquisition of the Mechanic Arts High School and its adjacent lands in its building construction fund.

Sec. 8. FINANCE

Tort Claims 500,000

This appropriation is available to pay tort claims against the state, as approved by the commissioner of finance pursuant to section 33 of this act.

Sec. 9. PERSONNEL

Labor Negotiator 13,938 84,476

Notwithstanding the approved complement provision of Laws 1975, Chapter 204, Section 20, the approved complement shall be 94.

The appropriations made in this section shall be added to the appropriations made in Laws 1975, Chapter 204, Section 20.

	1976	1977
	\$	\$

Sec. 10. STATE PLANNING AGENCY

Subdivision 1. The state planning agency may during the biennium ending June 30, 1977 conduct training activities for local and regional government officials and the public in general as necessary to the implementation of its functions and responsibilities and may charge fees to the participants necessary to cover the agency costs for the activities. All fees received shall be paid into the state treasury and reappropriated to the state planning agency. The agency shall use these receipts to pay expenses relating to the activities for which the fees are paid.

Subd. 2. LOCAL GOVERNMENT TRAINING

75,000

The state planning agency may use this appropriation to organize and conduct training seminars for elected and appointed officials of municipalities and political subdivisions.

Subd. 3. Study of local government fiscal problems, debts, and fiscal management

50,000

This appropriation shall not cancel but shall be available until June 30, 1977.

Sec. 11. INDIAN AFFAIRS BOARD

10,000

Notwithstanding the approved complement provision of Laws 1975, Chapter 204, Section 27, the approved complement shall be 7.

This sum shall be added to the appropriation for 1976 made in Laws 1975, Chapter 204, Section 27.

Sec. 12. VETERANS AFFAIRS

Notwithstanding the provisions of Laws 1976, Chapter 3, Section 4, Subdivision 1,

	1976	1977
	\$	\$
Paragraph (a), the Minnesota veterans home may not expend any income in excess of \$1,472,300 for 1976.		

Sec. 13. PUBLIC SAFETY

Subdivision 1. Crime Victims Reparation Board	100,000	100,000
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These sums shall be added to the amounts appropriated in Laws 1975, Chapter 204, Section 31, Subdivision 8.

Subd. 2. MINCIS

Of the amount appropriated to the commissioner of public safety by Laws 1975, Chapter 204, Section 31, Subdivision 2, for fiscal year 1977, \$170,000 is hereby transferred and reappropriated to the same account for fiscal year 1976 to convert computer hardware for the Minnesota crime information system.

Subd. 3. Fire Services Advisory Council	4,500	
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This sum shall be in addition to the amounts appropriated in Laws 1975, Chapter 204, Section 31.

Sec. 14. COMMERCE

Hearings costs and employee expenses	102,000	
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This appropriation shall be added to the appropriation made in Laws 1975, Chapter 204, Section 32.

Sec. 15. LABOR AND INDUSTRY

Subdivision 1. Salaries		92,200
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Notwithstanding the approved complement provision of Laws 1975, Chapter 204, Section 41, Subdivision 1, the approved complement shall be 238.

Subd. 2. Supplies and Expense		6,000
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1976 1977

\$

\$

The appropriations made in this section shall be added to the appropriations made in Laws 1975, Chapter 204, Section 41.

Sec. 16. REVENUE

Subdivision 1. Administrative costs — circuit breaker		400,000
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This amount shall be added to the appropriation for 1977 made in Laws 1975, Chapter 437, Article XIV, Section 1.

Subd. 2. State Board of Assessors	28,865	28,865
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Sec. 17. AERONAUTICS

Operations and maintenance of the state owned airport at Orr		10,000
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Notwithstanding the provisions of Laws 1975, Chapter 204, Section 45, Subdivision 8, the commissioner may operate the airport until December 31, 1976.

This appropriation is from the state airport fund.

Sec. 18. ENERGY

Subdivision 1. Salaries	7,911	37,517
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Notwithstanding the complement provision of Laws 1975, Chapter 204, Section 50, the approved complement of the agency is 30 for 1976 and 31 for 1977.

Subd. 2. Supplies and Expense	86,100	119,200
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The appropriations in this section shall be added to the appropriations in Laws 1975, Chapter 204, Section 50.

It is the intent of the legislature that environmental impact statements shall not be prepared in conjunction with the certificate of need process defined in Minnesota Statutes 1974, Section 116H.13, and the sums

	1976	1977
	\$	\$

appropriated by this section shall not be expended for environmental reports of any kind.

Sec. 19. NATURAL RESOURCES

Subdivision 1. Administrative Management — employee relocation expense	43,000	43,000
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Of the amounts provided herein, \$14,000 each year is appropriated from the game and fish fund.

Subd. 2. Field Services Support — real estate taxes	75,000	150,000
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Of the amounts provided herein, \$18,750 for the first year and \$37,500 in the second year are appropriated from the game and fish fund.

Subd. 3. Water Resources Management

a. Hydrologic studies	192,000	183,750
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b. Supplies and expense		87,000
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Subd. 4. Forest Management — labor service	50,000	50,000
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Subd. 5. Parks and Recreation Management — labor service	50,000	50,000
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Subd. 6. Enforcement

The provisions of the labor agreement negotiated between the state of Minnesota and the Minnesota conservation officers' association and signed by the parties on September 17, 1975, relating to wages and economic fringe benefits are hereby accepted. The commissioners of administration and finance are authorized to make available such moneys as are required to fulfill the state's responsibilities from the moneys appropriated and under the conditions re-

	1976	1977
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\$

\$

quired in Laws 1975, Chapter 204, Section 60.

The appropriations made in subdivisions 1 to 6 shall be added to the appropriations made in Laws 1975, Chapter 204, Section 51, Subdivision 1.

Subd. 7.

Of the amount appropriated by Laws 1975, Chapter 204, Section 51 for the program Administrative Management Services for 1976 a sum of not to exceed \$150,000 is transferred and reappropriated for development of a cost distribution and cost accounting system in 1977. The system shall be developed under the direction and control of the commissioner of finance.

Subd. 8. Environmental Impact Statement — Reserve Mining Company Disposal Site	1,300,000
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This appropriation shall be added to the appropriation made in Laws 1975, Chapter 204, Section 51, Subdivision 3, and shall be used to repay those appropriations from which moneys have been transferred to continue this activity. The commissioner of finance shall transfer from this account to the department of natural resources general operation and management account the sum of \$975,000, and to the pollution control agency salaries, supplies, and expense account the sum of \$325,000 for the 1976 year.

That portion of the rider in section 51, subdivision 3 which states "should this appropriation prove to be insufficient, the commissioner shall inform the commissioner of administration and request that additional moneys be available from whatever sources are appropriated" is repealed.

Subd. 9. Peat information program	25,000	75,000
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Sec. 20. STATE PLANNING AGENCY

	1976	1977
	\$	\$
Copper-nickel regional environmental impact study — phase II		1,400,000

This appropriation shall be added to the appropriation made in Laws 1975, Chapter 204, Section 55, Subdivision 7, Paragraph (e).

The requirements of Laws 1975, Chapter 204, Section 55 shall be satisfied by the study undertaken with this appropriation.

Sec. 21. GAME AND FISH APPROPRIATION CONTINGENT

Subdivision 1. There is appropriated the sum of \$2,500,000 from the general fund in the state treasury for the period ending June 30, 1978 as a contingent appropriation for the use and benefit of the game and fish fund in the state treasury. Transfers from the general fund account to maintain a balance in the game and fish fund may be made when authorized by the governor, but no such transfer shall be made until the governor has consulted with the legislative advisory commission and the commission has made its recommendation thereon. The recommendation shall be advisory only. Failure or refusal on the part of the commission to make its recommendation promptly shall be considered a negative recommendation.

Subd. 2. Any moneys transferred from the general fund shall be repaid to the general fund prior to June 30, 1978.

Sec. 22. Subdivision 1. The unencumbered balance of \$205,694.73 remaining in the appropriation made in Laws 1971, Chapter 963, Section 7, Subdivision 1, (1), to relocate computer facilities and install inverter is cancelled to the bond fund.

Subd. 2. The commissioner of finance is directed to transfer from the general fund to the computer services revolving fund the sum of \$205,694.73 to adjust

1976

1977

\$

\$

the cost to the computer services revolving fund to the actual cost of relocation of computer facilities.

Sec. 23. PUBLIC WELFARE

Subdivision 1. Notwithstanding the provisions of Laws 1975, Chapter 434, Section 2, the appropriation for centralized disbursement in Laws 1975, Chapter 434, Section 2, Subdivision 2 for 1976 shall not be reduced unless the federal reimbursement is less than \$3,560,000.

Subd. 2. Notwithstanding the provisions of Laws 1975, Chapter 434, Section 2, federal funds budgeted to be earned in the Community Based Residential Services for the Chemically Dependent (subdivision 4) Activity shall be earned by the Daytime Activity Center grant in aid (subdivision 13) activity.

Sec. 24. CORRECTIONS

Notwithstanding any other law to the contrary, the commissioner of finance upon the request of the commissioner of corrections, may for purposes of budgeting and accounting, transfer and combine the amounts appropriated by Laws 1975, Chapter 434, Section 3, Subdivision 11, items a, b, c and d into single bookkeeping accounts. Provided, however, that reports of expenditures shall be available from the amounts expended for items a, b, c and d for each correctional institution.

Sec. 25. BOARD OF DENTISTRY

37,000

This appropriation shall be added to the appropriation made in Laws 1975, Chapter 434, Section 4, Subdivision 8.

Sec. 26. BOARD OF HEALTH

Subdivision 1. Preventive and personal Health Services

123,344

126,482

	1976	1977
	\$	\$
Water Conditioners and Installers		
Licensing	\$ 9,631	\$ 9,967
Plumbers Licensing	\$113,713	\$116,515

Notwithstanding the approved complement provision of Laws 1975, Chapter 434, Section 5, Subdivision 1, the approved complement shall be 188.5.

Subd. 2. Health Systems Quality Assurance	79,006	85,296
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Mortuary Science	\$ 59,724	\$ 65,520
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Hospital Administrators		
Registration	\$ 19,282	\$ 19,776

Notwithstanding the approved complement provision of Laws 1975, Chapter 434, Section 5, Subdivision 2, the approved complement shall be 58.75.

The appropriations made in subdivisions 1 and 2 shall be added to the appropriations made in Laws 1975, Chapter 434, Section 5.

Subd. 3. Notwithstanding any law to the contrary, the commissioner of finance may, upon the request of the commissioner of health, transfer amounts between appropriations for purposes of reflecting changes in the account structure of the department of health. Any transfer shall be reported to the committee on finance of the senate and the committee on appropriations in the house of representatives.

Sec. 27. Subdivision 1. All moneys appropriated for fiscal year 1977 in Laws 1975, Chapter 433, as shown in the worksheets of the conferees of the Senate and House of Representatives to the University of Minnesota, State University System, Community College System and Department of education for the purpose of providing funding for the use of and communications costs for the Minnesota educational computing consortium (MECC) managed Univac 1110 instructional time sharing system, and which are unencumbered after completion of the system acceptance test period commencing April 15, 1976, shall not

be expended except under the conditions of subdivision 3, unless Univac meets the acceptance test criteria as defined in the contract between MECC and Univac, including the requirements that:

(1) The criteria that the system be available to users for productive operational use an average of 90 percent or more of the principal period of maintenance (have an average effectiveness level of 90 percent) for a period of 30 consecutive days shall include unavailability from failure of hardware, software and Univac related communications capability and compatibility and shall provide system security as set forth in the MECC bid specifications and Univac's response thereto. The average effectiveness level shall be the percentage figure determined by dividing the total productive operational use time by the total productive operational use time plus associated down time for all users except for intervals specifically provided for in the MECC/Univac contract.

(2) The MECC Acceptance Test Guide shall be used by MECC as the governing document for acceptance test procedures except that it shall not conflict with or lessen any of the performance requirements of the MECC/Univac contract itself.

(3) The systems acceptance criteria shall require throughput and response time for demand mode processing to be reasonably close to the throughput and response time required in the MECC/Univac contract for real time processing considering the functions being performed. The response time for real time processing as required in the benchmark performance demonstration criteria is four seconds or less.

(4) In the event that any of the terms or provisions in subparts 1, 2 and 3 of this subdivision conflict with the language of the contract, the language of the contract shall prevail.

Provided, however, that if any portion of the successful 30 continuous day performance period occurs after May 28, 1976, Univac shall be required to again successfully perform the acceptance test during the period beginning October 1, 1976 and continuing through December 22, 1976. If the acceptance test is not successfully performed within 90 days of April 15, 1976 or by December 22, 1976, if the second acceptance period is utilized, MECC shall terminate the agreement without further extension. Utilization of the second acceptance test period shall not relieve the contracting parties of any of the contract provisions relating to delivery of required features at the conclusion of the first acceptance period.

Subd. 2. The governor shall, using the procedures of Minnesota Statutes, Section 3.30, obtain the services of a consultant to monitor the contract and acceptance test and shall, again using the procedures of Minnesota Statutes, Section 3.30, determine

whether the Univac 1110 has successfully passed the acceptance test. The governor's decision shall be binding on MECC. There is appropriated to the general contingent account the sum of \$100,000 which may be expended to accomplish the purposes of this subdivision.

Subd. 3. In the event that the Univac 1110 fails the acceptance test as defined in subdivision 1, or in the event that Univac removes the 1110 prior to the completion of the test the unencumbered funds may be expended and shall be used to provide back up computer service to the MECC users. There is appropriated to the general contingent account the sum of \$500,000 which may be expended to provide additional back up service in the event the unencumbered funds are not sufficient.

Sec. 28. [INSERVICE TRAINING FOR RIGHT TO READ PROGRAM STAFF MEMBERS.] *The department of education shall implement an inservice training program for the staff members of the right to read program. The training shall be conducted jointly by the division of instruction and the division of special and compensatory education of the department of education. This section shall expire June 30, 1977.*

Sec. 29. *The higher education coordinating board shall not, prior to March 1, 1977, enforce any provisions of sections 136A.61 to 136A.71 or any rules or regulations promulgated thereunder.*

Sec. 30. Minnesota Statutes 1974, Section 3.732, Subdivision 1, is amended to read:

3.732 [SETTLEMENT OF CLAIMS.] Subdivision 1. As used in this section and section 33 of this act the terms defined in this section have the meanings given them.

(1) "State" means each of its departments, boards, commissions, officers in the executive branch financed in whole or in part with moneys appropriated by the legislature and includes but is not limited to the University of Minnesota, state colleges, community colleges, state hospitals, state penal institutions, and other state agencies. It does not include a city, town, county, school district, or other body corporate and politic.

(2) "Employee of the state" means all officers or employees of the state or of any of the aforesaid enumerated agencies thereof, members of the national guard, or persons acting on behalf of such enumerated agencies in an official capacity, temporarily or permanently, with or without compensation, but does not include an independent contractor.

(3) "Scope of his office or employment" means that the employee was acting on behalf of the state in the performance

of duties or tasks lawfully assigned to him by competent authority.

Sec. 31. Minnesota Statutes 1974, Section 3.732, Subdivision 2, is amended to read:

Subd. 2. The head of each department or agency of the state, or his designee, acting on behalf of the state, shall attempt to determine, adjust and settle, at any time, any claim for money damages of (\$500) \$2,500 or less against the state for injury to or loss of property or personal injury or death caused by an act or omission of any employee of the state while acting within the scope of his office or employment, under circumstances where the state, if a private person, would be liable to the claimant. Any such settlement shall be final and conclusive on all officers of the state, except where procured by fraud. The acceptance by the claimant of any such settlement shall be final and conclusive on the claimant and shall constitute a complete release of any claim against the state and against the employee of the state whose act or omission gave rise to the claim, by reason of the same subject matter.

Sec. 32. Minnesota Statutes 1974, Section 3.732, Subdivision 5, is amended to read:

Subd. 5. Nothing in this section is to be construed as to deny a claimant who is not paid pursuant to the provisions hereof from (PRESENTING A CLAIM TO THE STATE CLAIMS COMMISSION OR THE LEGISLATURE) *bringing an action at law in the courts of this state.*

Sec. 33. Minnesota Statutes 1974, Chapter 3, is amended by adding a section to read:

[3.736] [TORT CLAIMS.] *Subdivision 1. [GENERAL RULE.] The state will pay compensation for injury to or loss of property or personal injury or death caused by an act or omission of any employee of the state while acting within the scope of his office or employment, under circumstances where the state, if a private person, would be liable to the claimant.*

Subd. 2. [PROCEDURE.] *Claims of various kinds shall be considered and paid only in accordance with the statutory procedures provided. Where there is no other applicable statute, a claim shall be brought pursuant to this section as a civil action in the courts of the state.*

Subd. 3. [EXCLUSIONS.] *Without intent to preclude the courts from finding additional cases where the state and its employees should not, in equity and good conscience, pay compensation for personal injuries or property losses, the legislature declares that the state and its employees are not liable for the following losses:*

(a) Any loss caused by an act or omission of a state employee exercising due care in the execution of a valid or invalid statute or regulation;

(b) Any loss caused by the performance or failure to perform a discretionary duty, whether or not the discretion is abused;

(c) Any loss in connection with the assessment and collection of taxes;

(d) Any loss caused by snow or ice conditions on any highway or other public place, except when the condition is affirmatively caused by the negligent acts of a state employee;

(e) Any loss caused by wild animals in their natural state;

(f) Any loss other than injury to or loss of property or personal injury or death;

(g) Any loss caused by the condition of unimproved real property owned by the state, which means land that the state has not improved, and appurtenances, fixtures and attachments to land that the state has neither affixed nor improved;

(h) Any loss arising from the construction, operation, or maintenance of the outdoor recreation system, as defined in section 86A.04, or from the clearing of land, removal of refuse, and creation of trails or paths without artificial surfaces, except that the state is liable for conduct that would entitle a trespasser to damages against a private person;

(i) Any loss of benefits or compensation due under a program of public assistance or public welfare, except where state compensation for loss is expressly required by federal law in order for the state to receive federal grants-in-aid;

(j) Any loss based on the failure of any person to meet the standards needed for a license, permit, or other authorization issued by the state or its agents;

(k) Any loss based on the usual care and treatment, or lack of care and treatment, of any person at a state hospital or state corrections facility where reasonable use of available appropriations has been made to provide care;

(l) Any loss, damage, or destruction of property of a patient or inmate of a state institution.

The state will not pay punitive damages.

Subd. 4. [LIMITS.] The total liability of the state and its employees acting within the scope of their employment on any tort claim shall not exceed:

(a) \$100,000 when the claim is one for death by wrongful act or omission and \$100,000 to any claimant in any other case.

(b) \$500,000 for any number of claims arising out of a single occurrence. If the amount awarded to or settled upon multiple claimants exceeds \$500,000, any party may apply to any district court to apportion to each claimant his proper share of the \$500,000. The share apportioned each claimant shall be in the proportion that the ratio of the award or settlement made to him bears to the aggregate awards and settlements for all claims arising out of the occurrence.

The limitation imposed by this subdivision on individual claimants includes damages claimed for loss of services or loss of support arising out of the same tort.

Subd. 5. [NOTICE REQUIRED.] Except as provided in subdivision 6, every person, whether plaintiff, defendant or third party plaintiff or defendant, who claims compensation from the state or a state employee acting within the scope of his employment for or on account of any loss or injury shall present to the attorney general of the state or, in the case of a claim against the university of Minnesota, to the person designated by the regents of the university as the university attorney, and any state employee from whom the claimant will seek compensation, within 180 days after the alleged loss or injury is discovered, a notice stating the time, place and circumstances thereof, the names of any state employees known to be involved, and the amount of compensation or other relief demanded. Actual notice of sufficient facts to reasonably put the state or its insurer on notice of a possible claim complies with the notice requirements of this section. Failure to state the amount of compensation or other relief demanded does not invalidate the notice, but the claimant shall furnish full information available regarding the nature and extent of the injuries and damages within 15 days after demand by the state. The time for giving the notice does not include the time during which the person injured is incapacitated by the injury from giving the notice.

Subd. 6. [CLAIMS FOR WRONGFUL DEATH; NOTICE.] When the claim is one for death by wrongful act or omission, the notice may be presented by the personal representative, surviving spouse, or next of kin, or the consular officer of the foreign country of which the deceased was a citizen, within one year after the alleged injury or loss resulting in the death. If the person for whose death the claim is made has presented a notice that would have been sufficient had he lived, an action for wrongful death may be brought without any additional notice.

Subd. 7. [PAYMENT.] A state agency, including any entity defined as part of the state in section 3.732, subdivision 1, clause (1), incurring a tort claim judgment or settlement obligation or whose employees acting within the scope of their employment incur the obligation may seek payment from money appropriated for this purpose by submitting a written request to the commissioner of finance. The request shall contain a description of the tort claim precipitating the request, specify the amount of the obligation and be accompanied by copies of judgments, settlement agreements or other documentation relevant to the obligation for which the agency is seeking payment. Upon receipt of the request and review of the claim, the commissioner of finance shall transfer money necessary to pay the obligation to the agency. On January 1 and July 1 of each year, the commissioner of finance shall transmit to the legislature and to the chairman of the house appropriations and senate finance committees copies of all requests in the preceding six months together with a report on the transfers made with respect to each request. Payment shall be made only upon receipt of a written release by the claimant in a form approved by the attorney general, or the person designated as the university attorney, as the case may be.

No attachment or execution shall issue against the state.

Subd. 8. [LIABILITY INSURANCE.] A state agency, including any entity defined as a part of the state in section 3.732, subdivision 1, clause (1), may procure insurance against liability of the agency and its employees for damages resulting from the torts of the agency and its employees. The procurement of this insurance constitutes a waiver of the defense of governmental immunity to the extent of the liability stated in the policy but has no effect on the liability of the agency and its employees beyond the coverage so provided.

Subd. 9. [INDEMNIFICATION.] The state shall defend, save harmless, and indemnify any state employee against any tort claim or demand, whether groundless or otherwise, arising out of an alleged act or omission if the employee provides complete disclosure and cooperation in the defense of the claim or demand and if, except for elected employees, the employee's appointing authority certifies that the employee was acting within the scope of his employment. This determination may be overruled by the attorney general. This subdivision does not apply in case of malfeasance in office or willful or wanton neglect of duty.

Subd. 10. [JUDGMENT AS BAR.] The judgment in an action under this section is a complete bar to any action by the claimant, by reason of the same subject matter, against the state employee whose act or omission gave rise to the claim.

Subd. 11. [STATUTE OF LIMITATIONS.] The statute of limitations for all tort claims brought against the state shall be as set forth in chapter 541 and other applicable laws.

Sec. 34. Minnesota Statutes 1974, Section 3.751, Subdivision 1, is amended to read:

3.751 [CONTRACT CLAIMS.] Subdivision 1: When a controversy arises out of any contract for work, services, or the delivery of goods entered into by any state agency through established procedure, in respect to which controversy a person to the contract would be entitled to redress against the state, in a court of appropriate jurisdiction, if the state were suable, and when no claim against the state has been (FILED IN THE STATE CLAIMS COMMISSION OR) made in a bill pending in the legislature for the same redress against it, the state hereby waives immunity from suit in connection with such controversy and confers jurisdiction on the district court to hear and determine any such controversy in the manner provided for the trial of causes in the district court. Only a party to the contract may bring action against the state. (THE STATE DOES NOT WAIVE IMMUNITY WITH RESPECT TO CLAIMS OF PATIENTS OR OTHER INMATES OF STATE INSTITUTIONS.)

Sec. 35. Minnesota Statutes, 1975 Supplement, Section 4.19, is amended to read:

4.19 [CONSULTING CONTRACTS BY STATE AGENCIES OR DEPARTMENTS, FUNCTION OF STATE PLANNING AGENCY.] When any state agency or department proposes to contract with a person, other than a state employee, for information relating to whether or not an activity should be undertaken, that agency or department shall (CONSULT WITH) *obtain the approval of the state planning agency prior to entering into any contract or contracts relating to the same project or study when the aggregate amount is \$15,000 or more. The state planning agency shall (ADVISE AS TO) determine whether the information to be obtained through the proposed contract or contracts can be obtained more economically in another way, such as through the services of another state agency or department. A copy of all proposed contracts shall be furnished to the state planning agency, the senate finance committee and the house appropriations committee. Before a contract is approved or rejected, the state planning agency shall obtain the recommendations of the senate finance committee and the house appropriations committee. The recommendations are advisory only. Failure or refusal to make a recommendation promptly is deemed a negative recommendation. If a consulting contract is entered into by the state, a copy of the contract shall be immediately filed with the state planning agency, which shall continuously monitor work performed under the contract. The contracting agency shall also continuously monitor work performed under the contract.*

Sec. 36. Minnesota Statutes 1974, Section 176.011, Subdivision 9, is amended to read:

Subd. 9. [EMPLOYEE.] "Employee" means any person who performs services for another for hire; and includes the following:

- (1) an alien;
- (2) a minor;
- (3) a sheriff, deputy sheriff, constable, marshal, policeman, fireman, a county highway engineer, and a peace officer while engaged in the enforcement of peace or in and about the pursuit or capture of any person charged with or suspected of crime;
- (4) a county assessor;
- (5) an elected or appointed official of the state, except members of the state legislature, or of any county, city, town, school district or governmental subdivision therein but an officer of a political subdivision elected or appointed for a regular term of office or to complete the unexpired portion of any such regular term, shall be included only after the governing body of the political subdivision has adopted an ordinance or resolution to that effect;
- (6) an executive officer of a corporation;
- (7) a voluntary uncompensated worker, other than an inmate, rendering services in state institutions under the commissioner of public welfare and state institutions under the commissioner of corrections similar to those of officers and employees of such institutions, and whose services have been accepted or contracted for by the commissioner of public welfare or the commissioner of corrections as authorized by law, shall be employees within the meaning of this subdivision. In the event of injury or death of any such voluntary uncompensated worker, the daily wage of the worker, for the purpose of calculating compensation payable under this chapter, shall be the usual going wage paid at the time of such injury or death for similar services in institutions where such services are performed by paid employees;
- (8) a voluntary uncompensated worker engaged in peace time in the civil defense program when ordered to training or other duty by the state or any political subdivision thereof, shall be employees. The daily wage of the worker for the purpose of calculating compensation payable under this chapter, shall be the usual going wage paid at the time of such injury or death for similar services where such services are performed by paid employees;

(9) a voluntary uncompensated worker participating in a program established by a county welfare board shall be an employee within the meaning of this subdivision. In the event of injury or death of any such voluntary uncompensated worker, the wage of the worker, for the purpose of calculating compensation payable under this chapter, shall be the usual going wage paid in the county at the time of such injury or death for similar services where such services are performed by paid employees working a normal day and week;

(10) a voluntary uncompensated worker accepted by the commissioner of natural resources who is rendering services as a volunteer pursuant to section 85.041 shall be an employee. The daily wage of the worker for the purpose of calculating compensation payable under chapter 176, shall be the usual going wage paid at the time of injury or death for similar services where such services are performed by paid employees(.);

(11) a member of the military forces, as defined in section 190.05, while in "active service" or "on duty" as defined in section 190.05, when the service or duty is ordered by state authority. The daily wage of the member for the purpose of calculating compensation payable under this chapter shall be based on the member's usual earnings in civil life. If there is no evidence of previous occupation or earning, the commission shall consider the member's earnings as a member of the military forces;

In the event it is difficult to determine the daily wage as herein provided, then the commission may determine the wage upon which the compensation is payable.

Sec. 37. Minnesota Statutes, 1975 Supplement, Section 177.43, Subdivision 4, is amended to read:

Subd. 4. The prevailing wage rates, prevailing hours of labor and hourly basic rates of pay for all trades and occupations required in any contemplated project shall be ascertained before the state asks for bids. The (DEPARTMENT) commissioner of labor and industry shall make such investigations as may be necessary to enable (IT) *him* to ascertain such information. The (DEPARTMENT) commissioner shall keep the information posted on the project in at least one conspicuous place for the information of the employees working on the project. *A person aggrieved by a final determination of the commissioner may petition the commissioner for reconsideration of his findings. A person aggrieved by a decision of the commissioner after reconsideration may within 20 days after the decision petition the commissioner for a public hearing in the manner of a contested case under the administrative procedures act, sections 15.0418 to 15.0421.*

Sec. 38. Minnesota Statutes, 1975 Supplement, Section 177.44, Subdivision 4, is amended to read:

Subd. 4. The commissioner of labor and industry shall at least once a year certify the prevailing hours of labor, the prevailing wage rate and the hourly basic rate of pay for all classes of laborers and mechanics referred to in subdivision 3 in each area. The certification shall in addition to the current prevailing hours of labor, the prevailing wage rates and the hourly basic rates of pay include future hours and rates when such hours and rates can be determined for any such classes of laborers and mechanics in any area and shall specifically set forth the effective dates thereof when future hours and rates are certified. If a construction project extends into more than one area there shall be but one standard of hours of labor and wage rates for the entire project. *A person aggrieved by a final determination of the commissioner may petition the commissioner for reconsideration of his findings. A person aggrieved by a decision of the commissioner after reconsideration may within 20 days after the decision petition the commissioner for a public hearing in the manner of a contested case under the administrative procedures act, sections 15.0418 to 15.0421.* If, in the opinion of the commissioner, a change in the certified prevailing hours of labor, prevailing wage rate and the hourly basic rate of pay for any class of laborers or mechanics in any area is required, the commissioner may at any time certify that change.

Sec. 39. Minnesota Statutes 1974, Section 192.38, is amended to read:

192.38 [ILLNESS, INJURY, OR DEATH OF MEMBER OF MILITARY FORCES; COMPENSATION.] Subdivision 1. [TEMPORARY EMERGENCY RELIEF.] If any officer or enlisted man of the military forces is wounded or otherwise disabled, dies from disease contracted or injuries received, or is killed while in "active service" or "on duty" as defined in Minnesota Statutes 1961, Section 190.05, and acts amendatory thereof, when such service or duty is ordered by state authority, he, or in the case of his death his dependent widow, child, or parent, may be provided with such immediate temporary relief as may be necessary in cases of severe hardship, in amount to be determined by the adjutant general and approved by the governor. All such payments under this subdivision shall be made from appropriations for the maintenance of the state military forces. *The adjutant general shall notify the workers' compensation commission of any payments made pursuant to this subdivision and the amount thereof shall be subtracted from any award made by the commission.*

Subd. 2. [ASSISTANCE TO CLAIMANTS.] To the extent information is available to him, the adjutant general shall provide information to a person seeking a benefit from the state or federal government or instituting a claim before a state or federal claims commission arising from loss, damage, or destruction of property or for injury or death incurred or sustained by a member of the military forces. *The adjutant general shall notify the workers' compensation commission of any payments made*

pursuant to federal law, other than the federal social security act or the federal government life insurance program for members of the armed forces, for the same personal injury as the claimant is seeking workers' compensation for, and the amount thereof shall be subtracted from any award made by the commission.

Sec. 40. Minnesota Statutes 1974, Section 238.04, is amended by adding a subdivision to read:

Subd. 5a. [CABLE COMMUNICATIONS BOARD MEMBERS EXPENSE.] The chairman and other members of the board shall receive their ordinary and necessary expenses in the same manner and amount as state employees.

Sec. 41. Minnesota Statutes 1974, Section 345.48, Subdivision 2, is amended to read:

Subd. 2. Before making any deposit to the credit of the general fund, the state treasurer may deduct: (a) costs incurred in connection with any sale of abandoned property, (b) any costs of mailing and publication in connection with any abandoned property, and (c) reasonable service charges. Any amounts so deducted shall be credited to a special account and are appropriated to pay costs required by the state treasurer for administration of this section.

Sec. 42. [REPEALER.] *Minnesota Statutes 1974, Sections 3.66; 3.67; 3.68; 3.69; 3.70; 3.71; 3.72; 3.7311; 3.735; 3.752; 3.753; 3.76; 3.77; 3.78; 3.79; 3.80; 3.81; 3.82; and 3.83; are repealed.*

Sec. 43. [REPEALER.] *Minnesota Statutes 1974, Section 15.315, is repealed.*

Sec. 44. [REPEALER.] *Minnesota Statutes, 1975 Supplement, Section 299F.55, is repealed.*

Sec. 45. [EFFECTIVE DATES.] *Section 40 is effective January 1, 1976. Section 44 is effective July 1, 1976. Section 43 is effective August 1, 1976. Sections 30 to 34 apply to claims arising from events occurring on and after August 1, 1976. The remainder of this act is effective the day following its final enactment."*

Further, strike the title and insert:

"A bill for an act relating to the organization and operation of state government; appropriating and reappropriating money for the general administrative expenses of state government and limiting the use thereof; providing for payment of claims against the state; abolishing the state claims commission; amending Minnesota Statutes 1974, Sections 3.732, Subdivisions 1, 2, and

5; 3.751, Subdivision 1; 176.011, Subdivision 9; 192.38; 238.04, by adding a subdivision; 345.48, Subdivision 2; and Chapter 3, by adding a section; Minnesota Statutes, 1975 Supplement, Sections 4.19; 177.43, Subdivision 4; and 177.44, Subdivision 4; repealing Minnesota Statutes 1974, Sections 3.66 to 3.7311; 3.735; 3.752; 3.753; 3.76 to 3.83; 15.315; and Minnesota Statutes, 1975 Supplement, Section 299F.55.”

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

Senate Conferees: NORBERT ARNOLD, JERALD C. ANDERSON, JACK DAVIES, RICHARD W. FITZSIMONS and J. A. JOSEFSON.

House Conferees: NEIL S. HAUGERUD, PHYLLIS KAHN, RAY W. FARICY, MARY M. FORSYTHE and RICHARD J. PARISH.

Haugerud moved that the report of the Conference Committee on S. F. No. 2581 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 2581, A bill for an act relating to the organization and operation of state government; appropriating and reappropriating money for the general administrative expenses of state government and limiting the use thereof; providing for payment of claims against the state; abolishing the state claims commission; amending Minnesota Statutes 1974, Sections 3.732, Subdivisions 1, 2, and 5; 3.751, Subdivision 1; 176.011, Subdivision 9; 192.38; 238.04, by adding a subdivision; 345.48, Subdivision 2; and Chapter 3, by adding a section; Minnesota Statutes, 1975 Supplement, Section 4.19; repealing Minnesota Statutes 1974, Sections 3.66 to 3.7311; 3.735; 3.752; 3.753; 3.76 to 3.83; and 15.315.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question being taken on the repassage of the bill and the roll being called, there were yeas 112, and nays 13, as follows:

Those who voted in the affirmative were:

Abeln	Casserly	Ewald	Johnson, C.	Langseth
Adams, L.	Clark	Faricy	Johnson, D.	Lemke
Anderson, G.	Clawson	Forsythe	Jude	Lindstrom
Anderson, I.	Corbid	Fudro	Kahn	Luther
Arlandson	Dahl	Fugina	Kalis	Mangan
Beauchamp	Dean	George	Kelly, R.	Mann
Begich	Dieterich	Graba	Kelly, W.	McCarron
Berg	Doty	Hanson	Kempe, A.	McCauley
Biersdorf	Eckstein	Haugerud	Kempe, R.	McCollar
Brinkman	Eken	Heinitz	Knickerbocker	McEachern
Byrne	Enebo	Hokanson	Knoll	Menning
Carlson, A.	Erickson	Jacobs	Kostohryz	Metzen
Carlson, L.	Esau	Jaros	Kroening	Moe
Carlson, R.	Evans	Jensen	Laidig	Munger

Nelson	Prahl	Searle	Smogard	Wenstrom
Norton	Reding	Setzepfandt	Stanton	Wenzel
Novak	Rice	Sherwood	Suss	White
Osthoff	St. Onge	Sieben, H.	Swanson	Wieser
Parish	Samuelson	Sieben, M.	Tomlinson	Williamson
Patton	Sarna	Sieloff	Ulland	Speaker Sabo
Pehler	Schreiber	Simoneau	Vanasek	
Petrafeso	Schulz	Skoglund	Vento	
Philbrook	Schumacher	Smith	Voss	

Those who voted in the negative were:

Albrecht	Friedrich	Kvam	Peterson	Zubay
Braun	Kaley	Nelsen	Pleasant	
Fjoslien	Ketola	Niehaus	Savelkoul	

The bill was repassed, as amended by Conference, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 424, A bill for an act relating to tort liability of cities, counties, towns, public authorities, certain public corporations, school districts and political subdivisions of the state; amending Minnesota Statutes 1974, Section 466.05, Subdivision 1.

PATRICK E. FLAHAVER, Secretary of the Senate

Samuelson moved that the House refuse to concur in the Senate amendments to H. F. No. 424, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two Houses.

A roll call was requested and properly seconded.

The question was taken on the motion and the roll being called, there were yeas 39, and nays 89, as follows:

Those who voted in the affirmative were:

Anderson, I.	Eckstein	Langseth	Parish	Suss
Begich	Eken	Lemke	Petrafeso	Swanson
Berg	Fugina	Mangan	Rice	Vanasek
Birnstihl	Graba	McCarron	Samuelson	Vento
Braun	Haugerud	McCollar	Schulz	Voss
Casserly	Johnson, D.	Moe	Schumacher	White
Clark	Kalis	Munger	Searle	Speaker Sabo
Corbid	Kelly, W.	Norton	Smith	

Those who voted in the negative were:

Abeln	Doty	Johnson, C.	McEachern	Schreiber
Adams, L.	Enebo	Jopp	Menning	Setzepfandt
Adams, S.	Erickson	Jude	Metzen	Sherwood
Albrecht	Esau	Kahn	Neisen	Sieben, M.
Anderson, G.	Evans	Kaley	Nelsen	Sieloff
Arlandson	Ewald	Kelly, R.	Nelson	Simoneau
Beauchamp	Farcy	Kempe, A.	Niehaus	Skoglund
Berglin	Fjoslien	Kempe, R.	Novak	Smogard
Biersdorf	Forsythe	Ketola	Osthoff	Spanish
Brinkman	Friedrich	Knickerbocker	Pehler	Stanton
Byrne	Fudro	Knoll	Peterson	Tomlinson
Carlson, A.	George	Kostohryz	Philbrook	Ulland
Carlson, L.	Hanson	Kroening	Pleasant	Wenstrom
Carlson, R.	Heinitz	Kvam	Prahl	Wenzel
Clawson	Hokanson	Laidig	Reding	Wieser
Dahl	Jacobs	Lindstrom	St. Onge	Williamson
Dean	Jaros	Luther	Sarna	Zubay
Dieterich	Jensen	McCauley	Savelkoul	

The motion did not prevail.

CONCURRENCE AND REPASSAGE

Farcy moved that the House concur in the Senate amendments to H. F. No. 424 and that the bill be repassed as amended by the Senate.

A roll call was requested and properly seconded.

The question was taken on the motion and the roll being called, there were yeas 98, and nays 29, as follows:

Those who voted in the affirmative were:

Abeln	Eckstein	Jude	Munger	Sieben, M.
Adams, L.	Enebo	Kahn	Neisen	Sieloff
Adams, S.	Erickson	Kaley	Nelsen	Simoneau
Albrecht	Esau	Kalis	Nelson	Skoglund
Anderson, I.	Evans	Kelly, R.	Niehaus	Smogard
Arlandson	Ewald	Kempe, A.	Novak	Spanish
Beauchamp	Farcy	Kempe, R.	Osthoff	Stanton
Berglin	Fjoslien	Ketola	Patton	Suss
Biersdorf	Forsythe	Knickerbocker	Pehler	Tomlinson
Byrne	Friedrich	Knoll	Peterson	Ulland
Carlson, A.	Fudro	Kostohryz	Philbrook	Vanasek
Carlson, L.	George	Kroening	Pleasant	Vento
Carlson, R.	Hanson	Kvam	Prahl	Wenstrom
Casserly	Heinitz	Laidig	Reding	Wenzel
Clark	Hokanson	Luther	St. Onge	White
Clawson	Jacobs	McCauley	Sarna	Wieser
Dahl	Jaros	McCollar	Savelkoul	Williamson
Dean	Jensen	McEachern	Schreiber	Zubay
Dieterich	Johnson, C.	Menning	Setzepfandt	
Doty	Jopp	Metzen	Sherwood	

Those who voted in the negative were:

Anderson, G.	Begich	Berg	Birnstihl	Braun
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Corbid	Johnson, D.	McCarron	Rice	Smith
Eken	Kelly, W.	Moe	Samuelson	Swanson
Fugina	Langseth	Norton	Schulz	Voss
Graba	Lemke	Parish	Schumacher	Speaker Sabo
Haugerud	Mangan	Petrafeso	Searle	

The motion prevailed.

H. F. No. 424, A bill for an act relating to the operation of state government; creating a department of vocational rehabilitation; transferring the powers and duties of the division of vocational rehabilitation to the department; transferring personnel and appropriations; repealing Minnesota Statutes 1974, Sections 121.29; 121.30; 121.301; 121.31; 121.32; 121.33; 121.331; 121.71; 121.711; 121.712; 121.713; and 121.714.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question being taken on the repassage of the bill and the roll being called, there were yeas 99, and nays 27, as follows:

Those who voted in the affirmative were:

Abel	Eckstein	Jopp	Menning	Setzepfandt
Adams, L.	Enebo	Jude	Metzen	Sherwood
Adams, S.	Erickson	Kahn	Munger	Sieben, M.
Albrecht	Esau	Kaley	Neisen	Sieloff
Anderson, I.	Evans	Kalis	Nelsen	Simoneau
Beauchamp	Ewald	Kelly, R.	Nelson	Skoglund
Begich	Faricy	Kempe, A.	Niehaus	Smogard
Berglin	Fjoslien	Kempe, R.	Novak	Spanish
Biersdorf	Forsythe	Ketola	Osthoff	Stanton
Byrne	Friedrich	Knickerbocker	Patton	Tomlinson
Carlson, A.	Fudro	Knoll	Pehler	Ulland
Carlson, L.	George	Kostohryz	Peterson	Vanasek
Carlson, R.	Hanson	Kroening	Philbrook	Vento
Casserly	Heinitz	Kvam	Pleasant	Wenstrom
Clark	Hokanson	Laidig	Prahl	Wenzel
Corbid	Jacobs	Langseth	Reding	White
Dahl	Jaros	Lemke	St. Onge	Wieser
Dean	Jensen	Luther	Sarna	Williamson
Dieterich	Johnson, C.	McCauley	Savelkoul	Zubay
Doty	Johnson, D.	McEachern	Schreiber	

Those who voted in the negative were:

Anderson, G.	Fugina	McCollar	Samuelson	Swanson
Birnstihl	Graba	Moe	Schulz	Voss
Braun	Haugerud	Norton	Schumacher	Speaker Sabo
Brinkman	Kelly, W.	Parish	Searle	
Clawson	Mangan	Petrafeso	Smith	
Eken	McCarron	Rice	Suss	

The bill was repassed, as amended by the Senate, and its title agreed to.

Anderson, I., moved that the House recess subject to the call of the Chair. The motion prevailed.

RECESS

RECONVENED

The House reconvened and was called to order by the Speaker.

Adams, L., was excused between the hours of 4:30 and 5:00 p.m. Jopp was excused for the remainder of today's session.

MESSAGES FROM THE SENATE, Continued

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 2546, A bill for an act relating to taxation; providing for certain limitations on real property valuation; amending Minnesota Statutes, 1975 Supplement, Sections 273.11, Subdivision 2 and 273.17, Subdivision 1; repealing Minnesota Statutes 1974, Section 273.11, Subdivision 4.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Suss moved that the House concur in the Senate amendments to H. F. No. 2546 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 2546, A bill for an act relating to taxation; providing for certain limitations on real property valuation; amending Minnesota Statutes, 1975 Supplement, Sections 273.11, Subdivision 2 and 273.17, Subdivision 1; repealing Minnesota Statutes 1974, Section 273.11, Subdivision 4.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question being taken on the repassage of the bill and the roll being called, there were yeas 114, and nays 0, as follows:

Those who voted in the affirmative were:

Abeln	Doty	Kaley	Munger	Setzepfandt
Adams, S.	Eckstein	Kalis	Neisen	Sieben, H.
Albrecht	Eken	Kelly, R.	Nelsen	Sieben, M.
Anderson, G.	Enebo	Kelly, W.	Nelson	Sieloff
Anderson, I.	Esau	Kempe, A.	Niehau	Simoneau
Arlandson	Evans	Kempe, R.	Novak	Skoglund
Beauchamp	Ewald	Ketola	Osthoff	Smith
Begich	Faricy	Knickerbocker	Parish	Smogard
Berg	Forsythe	Knoll	Patton	Stanton
Berglin	Friedrich	Kostohryz	Pehler	Suss
Biersdorf	Fudro	Kroening	Peterson	Swanson
Birnstihl	Fugina	Lemke	Petraffeso	Tomlinson
Braun	George	Lindstrom	Philbrook	Vanasek
Brinkman	Graba	Luther	Prahl	Vento
Byrne	Hanson	Mangan	Reding	Voss
Carlson, L.	Heinitz	Mann	Rice	Wenstrom
Carlson, R.	Hokanson	McCarron	St. Onge	Wenzel
Casserly	Jacobs	McCauley	Samuelson	White
Clark	Jaros	McCollar	Sarna	Wieser
Clawson	Jensen	McEachern	Savelkoul	Williamson
Corbid	Johnson, D.	Menning	Schreiber	Zubay
Dahl	Jude	Metzen	Schulz	Speaker Sabo
Dieterich	Kahn	Moe	Schumacher	

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

S. F. No. 1615, A bill for an act relating to natural resources; prohibiting, except in national emergencies, certain activities in the boundary waters canoe area; prohibiting certain activities outside the boundary waters canoe area which cause degradation of a natural resource within the boundary waters canoe area.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said Senate File is herewith transmitted to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONFERENCE COMMITTEE REPORT ON S. F. NO. 1615

A bill for an act relating to natural resources; prohibiting, except in national emergencies, certain activities in the boundary waters canoe area; prohibiting certain activities outside the boundary waters canoe area which cause degradation of a natural resource within the boundary waters canoe area.

April 3, 1976

The Honorable Alec G. Olson
President of the Senate
The Honorable Martin O. Sabo
Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 1615 report that we have agreed upon the items in dispute and recommend as follows:

That the house recede from its amendments and that S. F. No. 1615 be amended as follows:

Strike everything after the enacting clause and insert:

"Section 1. [84.523] [MANAGEMENT OF STATE MINERALS AND RELATED RESOURCES IN THE BOUNDARY WATERS CANOE AREA OF THE SUPERIOR NATIONAL FOREST.] Subdivision 1. [DEFINITION.] For the purposes of this section, the term "boundary waters canoe area" means that area of lands and waters included within the boundaries designated in federal regulation REG U-3, 36 Code of Federal Regulations 293.16, as that regulation provided on January 1, 1975.

Subd. 2. [LEGISLATIVE FINDINGS AND PURPOSE.] The legislature finds that a combination of state legislative and administrative actions and court decisions have established a public policy of primarily wilderness management for state lands and waters within the boundary waters canoe area. This state policy, together with a similar federal policy and international actions consistent with these state and federal policies, has created an area of hundreds of thousands of acres of land and water containing myriad lakes and streams, wooded shores, virgin forests, and other natural attractions of surpassing scenic beauty and solitude, free from substantially all commercial activities and artificial development such as hydroelectric dams and power lines, resorts, roads, sawmills, and timber harvesting in no-cut zones.

Subd. 3. [MINING, AND USE OF STATE NATURAL RESOURCES FOR MINING, PROHIBITED IN B.W.C.A.] Except with the prior approval of the legislature in those cases of national emergency which have been declared by the Congress and which direct the need for exploration and mining of federal lands within the boundary waters canoe area, and after an investigation and determination by the commissioner of natural resources pursuant to subdivision 5 no state owned or administered land may be leased for exploration or mining of minerals, and no state permits, licenses or leases shall be issued to use any other state natural resources for any mineral exploration or mining operations in the boundary waters canoe area.

Subd. 4. [PEAT HARVESTING PROHIBITED IN BOUNDARY WATERS CANOE AREA.] Except with prior approval of the legislature in those cases of national emergency which have been declared by the Congress and which direct the need for exploitation of peat deposits on federal land within the boundary waters canoe area, and after an investigation and determination by the commissioner of natural resources pursuant to subdivision 5 no state owned or administered land may be leased for the purpose of harvesting peat, and no state permits, licenses or leases shall be issued to use any other state natural resources for the purpose of harvesting peat in the boundary waters canoe area.

Subd. 5. [INVESTIGATION AND DETERMINATION.] In the event of a national emergency declared by Congress which requires, for the protection of national interests, exploitation of natural resources of the type found in the boundary waters canoe area, the commissioner of natural resources shall investigate and determine if there are reasonable alternative methods for providing the needed resources. If the investigation shows there are reasonable alternatives to exploitation of natural resources in the area, no permit for development shall be issued. If the commissioner of natural resources determines there is a need to provide resources from within the boundary waters canoe area, and that there is no reasonable alternative available to meet the need, a permit may be issued upon approval by the state legislature.

Sec. 2. The sum of \$147,000 is appropriated from the general fund to the commissioner of natural resources for salaries, supplies, and expenses related to mineland reclamation, including but not limited to the following: (1) the completion of development and promulgation of mineland reclamation rules, (2) development of administrative guidelines, procedures, and forms, and (3) development of supply-demand land use evaluations of mining districts for use in analyzing and granting mining permits. The money so appropriated is available for expenditure on the effective date of this act and shall remain available for expenditure until June 30, 1977, notwithstanding the provisions of Minnesota Statutes, Section 16A.28, or any other law relating to the lapse of appropriations to the contrary.

Sec. 3. This act is effective the day following final enactment."

Strike the title and insert:

"A bill for an act relating to natural resources; prohibiting, except in national emergencies, the leasing of state minerals and the use of state natural resources in connection with mining in the boundary waters canoe area; for mineland reclamation purposes; appropriating money."

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

Senate Conferees: A. J. PERPICH, JOHN MILTON and GERALD L. WILLET.

House Conferees: DOUGLAS J. JOHNSON, B. J. PHILBROOK and JOHN S. BIEDSDORF.

Johnson, D., moved that the report of the Conference Committee on S. F. No. 1615 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 1615, A bill for an act relating to natural resources; prohibiting, except in national emergencies, certain activities in the boundary waters canoe area; prohibiting certain activities outside the boundary waters canoe area which cause degradation of a natural resource within the boundary waters canoe area.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question being taken on the repassage of the bill and the roll being called, there were yeas 124, and nays 0, as follows:

Those who voted in the affirmative were:

Abeln	Doty	Kalis	Munger	Setzepfandt
Adams, S.	Eckstein	Kelly, R.	Neisen	Sherwood
Albrecht	Eken	Kelly, W.	Nelson	Sieben, H.
Anderson, G.	Enebo	Kempe, A.	Niehaus	Sieben, M.
Anderson, I.	Erickson	Kempe, R.	Norton	Sieloff
Arlandson	Esau	Ketola	Novak	Simoneau
Beauchamp	Evans	Knickerbocker	Osthoff	Skoglund
Begich	Ewald	Knoll	Parish	Smith
Berg	Faricy	Kostohryz	Patton	Smogard
Berglin	Forsythe	Kroening	Pehler	Stanton
Biersdorf	Friedrich	Kvam	Peterson	Suss
Birnstihl	Fudro	Laidig	Petraieso	Swanson
Braun	Fugina	Langseth	Philbrook	Tomlinson
Brinkman	George	Lemke	Pleasant	Ulland
Byrne	Graba	Lindstrom	Prahl	Vanasek
Carlson, A.	Hanson	Luther	Reding	Vento
Carlson, L.	Heinitz	Mangan	Rice	Voss
Carlson, R.	Hokanson	Mann	St. Onge	Wenstrom
Casserly	Jacobs	McCarron	Samuelson	Wenzel
Clark	Jaros	McCauley	Sarna	White
Clawson	Jensen	McCollar	Savelkoul	Wieser
Corbid	Johnson, D.	McEachern	Schreiber	Williamson
Dahl	Jude	Menning	Schulz	Zubay
Dean	Kahn	Metzen	Schumacher	Speaker Sabo
Dieterich	Kaley	Moe	Searle	

The bill was repassed, as amended by Conference, and its title agreed to.

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

S. F. No. 175, A bill for an act relating to corrections; increasing the scope of the jurisdiction and power of the ombudsman; preserving the rights of complainants; providing a penalty for persons hindering the ombudsman; removing an expiration date; appropriating money; amending Minnesota Statutes 1974, Sections 241.42, Subdivision 2; 241.44, Subdivisions 1 and 3, and by adding a subdivision; and Chapter 241, by adding a section; repealing Minnesota Statutes 1974, Section 241.42, Subdivision 4; and Laws 1973, Chapter 553, Section 7.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said Senate File is herewith transmitted to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONFERENCE COMMITTEE REPORT ON S. F. NO. 175

A bill for an act relating to corrections; increasing the scope of the jurisdiction and power of the ombudsman; preserving the rights of complainants; providing a penalty for persons hindering the ombudsman; removing an expiration date; appropriating money; amending Minnesota Statutes 1974, Sections 241.42, Subdivision 2; 241.44, Subdivisions 1 and 3, and by adding a subdivision; and Chapter 241, by adding a section; repealing Minnesota Statutes 1974, Section 241.42, Subdivision 4; and Laws 1973, Chapter 553, Section 7.

April 3, 1976

The Honorable Alec G. Olson
President of the Senate
The Honorable Martin O. Sabo
Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 175 report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments and that S. F. No. 175 be further amended as follows:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1974, Section 241.42, Subdivision 2, is amended to read:

Subd. 2. "Administrative agency" or "agency" means any division, official, or employee of the Minnesota department of corrections, the Minnesota corrections authority, (AND) the board of pardons *and regional correction or detention facilities or agencies for correction or detention programs including those programs or facilities operating under chapter 401*, but does not include:

- (a) any court or judge;
- (b) any member of the senate or house of representatives of the state of Minnesota;
- (c) the governor or his personal staff;
- (d) any instrumentality of the federal government of the United States;
- (e) any political subdivision of the state of Minnesota;
- (f) any interstate compact.

Sec. 2. Minnesota Statutes 1974, Section 241.44, Subdivision 1, is amended to read:

241.44 [POWERS OF OMBUDSMAN; INVESTIGATIONS; ACTION ON COMPLAINTS; RECOMMENDATIONS.] Subdivision 1. [POWERS.] The ombudsman shall have the following powers:

(a) He may prescribe the methods by which complaints are to be made, reviewed, and acted upon; provided, however, that he may not levy a complaint fee;

(b) He may determine the scope and manner of investigations to be made;

(c) Except as otherwise provided, he may determine the form, frequency, and distribution of his conclusions, recommendations, and proposals; provided, however, that the governor or his representative may, at any time the governor deems it necessary, request and receive information from the ombudsman. *Neither the ombudsman nor any member of his staff shall be compelled to testify in any court with respect to any matter involving the exercise of his official duties except as may be necessary to enforce the provisions of sections 241.41 to 241.45;*

(d) He may investigate, upon a complaint (IN WRITING) or upon his own initiative, any action of an administrative agency;

(e) He may request and shall be given access to information in the possession of an administrative agency which he deems necessary for the discharge of his responsibilities;

(f) He may examine the records and documents of an administrative agency;

(g) He may enter and inspect, at any time, premises within the control of an administrative agency;

(h) He may (ORDER) *subpoena* any person to appear, give testimony, or produce documentary or other evidence which the ombudsman deems relevant to a matter under his inquiry, and may petition the appropriate state court to seek enforcement with the subpoena; provided, however, that any witness at a hearing or before an investigation as herein provided, shall possess the same privileges reserved to such a witness in the courts or under the laws of this state;

(i) The ombudsman may bring an action in an appropriate state court to provide the operation of the powers provided in this subdivision. The ombudsman may use the services of legal assistance to Minnesota prisoners for legal counsel. The provisions of sections 241.41 to 241.45 are in addition to other provisions of law under which any remedy or right of appeal or objection is provided for any person, or any procedure provided for inquiry or investigation concerning any matter. Nothing in sections 241.41 to 241.45 shall be construed to limit or affect any other remedy or right of appeal or objection nor shall it be deemed part of an exclusionary process(.); and

(j) *He may be present at Minnesota correction authority parole and parole revocation hearings and deliberations.*

Sec. 3. Minnesota Statutes 1974, Section 241.44, is amended by adding a subdivision to read:

Subd. 1a. No proceeding or civil action except removal from office or a proceeding brought pursuant to sections 15.162 to 15.168 shall be commenced against the ombudsman for actions taken pursuant to the provisions of sections 241.41 to 241.45, unless the act or omission is actuated by malice or is grossly negligent.

Sec. 4. Minnesota Statutes 1974, Section 241.44, Subdivision 3, is amended to read:

Subd. 3. [COMPLAINTS.] The ombudsman may receive a complaint from any source concerning an action of an administrative agency. He may, on his own motion or at the request of another, investigate any action of an administrative agency.

The ombudsman may exercise his powers without regard to the finality of any action of an administrative agency; however, he may require a complainant to pursue other remedies or channels of complaint open to the complainant before accepting or investigating the complaint.

After completing his investigation of a complaint, the ombudsman shall inform the complainant, the administrative agency, and the official or employee, of the action taken.

A letter to the ombudsman from a person in an institution under the control of an administrative agency shall be forwarded immediately and unopened to the ombudsman's office. *A reply from the ombudsman to the person shall be delivered unopened to the person, promptly after its receipt by the institution.*

No complainant shall be punished nor shall the general condition of his confinement or treatment be unfavorably altered as a result of his having made a complaint to the ombudsman.

Sec. 5. Minnesota Statutes 1974, Section 260.015, is amended by adding a subdivision to read:

Subd. 15. "Detention facility" means a facility used for the temporary care of a child in a shelter care or secure detention facility, pending court disposition.

Sec. 6. Minnesota Statutes 1974, Section 260.015, is amended by adding a subdivision to read:

Subd. 16. "Secure detention facility" means a physically restricting detention facility, including a detention home.

Sec. 7. Minnesota Statutes 1974, Section 260.015, is amended by adding a subdivision to read:

Subd. 17. "Shelter care facility" means a physically unrestricting detention facility, such as a group home or a licensed facility for foster care, excluding a detention home.

Sec. 8. Minnesota Statutes 1974, Section 260.101, is amended to read:

260.101 [DETENTION HOMES.] In any county or group of counties the county boards may purchase, lease, erect, equip, and maintain a detention home for boys and girls, or a separate detention home for boys and girls, or a separate detention home for boys or a separate detention home for girls. (ANY CHILD ALLEGED TO BE DELINQUENT MAY BE DETAINED IN THE DETENTION HOME IN THE MANNER PROVIDED IN SECTION 260.171, SUBDIVISION 2.) The detention home

may, with the approval of the district court judges in counties now or hereafter having a population of more than 200,000 or of the juvenile court judges in all other counties be a separate institution, or it may be established and operated in connection with a county home school or any organized charitable or educational institution. However, the plans, location, equipment, and operation of the detention home shall in all cases have the approval of the judges. Necessary staff shall be appointed and removed by the judges. The salaries of the staff shall be fixed by the judges, subject to the approval of the county boards. The county board of each county to which this section applies shall provide the necessary funds to carry out the provisions of this section.

Sec. 9. Minnesota Statutes 1974, Section 260.171, Subdivision 1, is amended to read:

260.171 [RELEASE OR DETENTION.] Subdivision 1. (WHEN) *If a child is taken into custody as provided in section 260.165, the parent, guardian, or custodian of the child shall be notified as soon as possible. (EXCEPT WHERE THE IMMEDIATE WELFARE OF THE CHILD OR THE PROTECTION OF THE COMMUNITY REQUIRE THAT THE CHILD BE DETAINED) Unless there is reason to believe that the child would physically endanger himself or others, not return for a court hearing, not remain in the care or control of the person to whose lawful custody he is released, or that the child's health or welfare would be immediately endangered, the child shall be released to the custody of his parent, guardian, custodian, or other suitable person (ON THE PROMISE OF). That (SUCH) person shall promise to bring the child to the court, if necessary, at (SUCH) the time (AS) the court may direct. If the person taking the child into custody believes it desirable he may request the parent, guardian, custodian, or other person designated by the court to sign a written promise to bring the child to court as provided above. The intentional violation of such a promise, whether given orally or in writing, shall be punishable as contempt of court.*

The court may require the parent, guardian, custodian or other person to whom the child is released, to post any reasonable bail or bond required by the court which shall be forfeited to the court if the child does not appear as directed. The court may also release the child on his own promise to appear in juvenile court.

Sec. 10. Minnesota Statutes 1974, Section 260.171, Subdivision 2, is amended to read:

Subd. 2. If the child is not released as provided in subdivision 1, the person taking the child into custody shall notify the court as soon as possible of the detention of the child and the reasons for detention. (THE) *No child may be detained in a (PLACE OF) detention (SPECIFIED IN SECTION 260.175*

FOR NOT) *facility* longer than 24 hours, excluding (SATURDAYS,) Sundays and holidays, after the taking into custody unless an order for detention, specifying the reason for detention, is signed by the judge or referee. No child may be held longer than (48) *36* hours, excluding (SATURDAYS,) Sundays or holidays, after the taking into custody unless a petition has been filed and the judge or referee determines *pursuant to section 14* that the child shall remain in (CUSTODY) *detention*.

(WHERE) *If a child described in section 15, subdivision 4, is to be detained in a jail (BEYOND) up to 48 hours, the judge or referee, in accordance with rules and procedures established by the commissioner of corrections, shall notify the commissioner of the place of (SUCH CONTINUED) the detention and the reasons therefor. The commissioner shall thereupon (OFFER THE SERVICES OF HIS DEPARTMENT TO) assist the court in the relocation of (SUCH) the child in an appropriate detention (FACILITIES) facility within the county or elsewhere in the state, or in determining suitable alternatives. If approved regional juvenile detention facilities exist, the commissioner (SHALL HAVE THE POWER TO) may direct that the child be detained in the nearest approved regional juvenile detention facility. If the court refers the matter to the prosecuting authority (IN ACCORDANCE WITH THE PROVISIONS OF) pursuant to section 260.125, notice to the commissioner shall not be required. (THE PARENT, GUARDIAN, OR CUSTODIAN OF THE CHILD SHALL BE NOTIFIED OF THE PLACE OF DETENTION AS SOON AS POSSIBLE.)*

Sec. 11. Minnesota Statutes 1974, Section 260.171, is amended by adding a subdivision to read:

Subd. 4. If the person who has taken the child into custody determines that the child should be placed in a detention facility, he shall advise the child and as soon as is possible, the child's parent, guardian, or custodian:

(a) of the reasons why the child has been taken into custody and why he is being placed in a detention facility; and

(b) of the location of the detention facility; and

(c) that the child's parent, guardian, or custodian and attorney may make an initial visit to the detention facility at any time. Subsequent visits by a parent, guardian, or custodian may be made on a reasonable basis during visiting hours and by the child's attorney at reasonable hours; and

(d) that the child may telephone his parents and an attorney from the detention facility immediately after being admitted to the detention facility and thereafter on a reasonable basis to be determined by the director of the facility; and

(e) that the child may not be held at the detention facility longer than 36 hours, excluding Sundays and holidays, unless a petition has been filed within that time and the court orders the child's continued detention.

Sec. 12. Minnesota Statutes 1974, Section 260.171, is amended by adding a subdivision to read:

Subd. 5. If a child is to be detained, the detention facility where the child is to be placed shall promptly provide for transportation of the child to the facility or secure a written transportation order from the court authorizing transportation by the sheriff or other qualified person. The person who has determined that the child should be detained shall deliver to the court and the supervisor of the detention facility where the child is placed, a signed report, setting forth:

- (a) the time the child was taken into custody; and*
- (b) the time the child was delivered for transportation to the detention facility; and*
- (c) the reasons why the child was taken into custody; and*
- (d) the reasons why the child has been placed in detention; and*
- (e) a statement that the child and his parent have received the notification required by section 11 or the reasons why they have not been so notified.*

Sec. 13. Minnesota Statutes 1974, Section 260.171, is amended by adding a subdivision to read:

Subd. 6. When a child has been delivered to a detention facility, the supervisor of the facility shall deliver to the court a signed report acknowledging receipt of the child stating the time of the child's arrival. The supervisor of the facility shall ascertain from the report of the person who has taken the child into custody whether the child and his parent, guardian, or custodian have the received notification required by section 11. If the child or his parent, guardian or custodian, or both, have not been so notified, the supervisor of the facility shall immediately make the notification, and shall include in his report to the court a statement that notification has been received or the reasons why it has not.

Sec. 14. Minnesota Statutes 1974, Chapter 260, is amended by adding a section to read:

[260.172] [DETENTION HEARING.] *Subdivision 1. Within 36 hours of a child's being taken into custody, excluding*

Sundays and holidays, a hearing shall be held to determine whether the child should continue in detention. Unless there is reason to believe that the child would be dangerous to himself or others, not return for a court hearing, not remain in the care or control of the person to whose lawful custody he is released, or that the child's health or welfare would be immediately endangered, the child shall be released to the custody of his parent, guardian, custodian or other suitable person.

Subd. 2. If the court determines that the child should continue in detention, it may order detention continued for eight days, excluding Sundays and holidays, from and including the date of the order. The court shall include in its order the reasons for continued detention and the findings of fact which support these reasons.

Subd. 3. Copies of the court's order shall be served upon the parties, including the supervisor of the detention facility, who shall release the child or continue to hold him as the court orders.

Subd. 4. If a child held in detention under a court order issued under subdivision 2 has not been released prior to expiration of the order, an additional hearing to determine under the standards provided by subdivision 1, shall be held to determine whether detention should be continued. If detention is continued thereafter, hearings such as these shall be held within every eight days, excluding Sundays and holidays, of the child's detention.

Sec. 15. Minnesota Statutes 1974, Chapter 260, is amended by adding a section to read:

[260.173] [PLACE OF TEMPORARY CARE.] Subdivision 1. *If a child is taken into custody pursuant to section 260.165, subdivision 1, clause (a) or is found in surroundings or conditions reasonably believed to endanger his health or welfare and the child is not alleged to be delinquent, he may be detained only in a shelter care facility. These children may not be detained in a shelter care facility in which children described under subdivision 4 are detained.*

Subd. 2. If a child is taken into custody as one who is:

(a) alleged to be uncontrolled by his parent, guardian, or other custodian by reason of being wayward or habitually disobedient; or

(b) alleged to have committed an offense which would not constitute a violation of state law or a local ordinance if he were an adult; or

(c) reasonably believed to have violated probation, parole, or other field supervision under which he has been placed as a result of behavior described under this subdivision; he may be placed in a shelter care facility.

Subd. 3. If a child described under subdivision 2 has previously escaped from a shelter care facility, or is from another state and absent from his home for more than 24 hours without the permission of his parent, guardian or other custodian, he may be placed in a secure detention facility.

Subd. 4. If a child is taken into custody as one who:

(a) has allegedly committed an act which would constitute a violation of a state law or a local ordinance if he were an adult; or

(b) is reasonably believed to have violated the terms of his probation, parole, or other field supervision under which he had been placed as a result of behavior described under clause (a); he may be detained in a shelter care or secure detention facility. If the child cannot be detained in another type of detention facility, a child described in this subdivision may be detained up to 48 hours in a jail, lock-up or other facility used for the confinement of adults who have been charged with or convicted of a crime, in quarters separate from any adult confined in the facility. No child under the age of 14 may be detained in a jail, lock-up or other facility used for the confinement of adults who have been charged with or convicted of a crime.

Subd. 5. In order for a child to be detained at a state correctional institution for juveniles, the commissioner of corrections must first consent thereto, and the county must agree to pay the costs of the child's detention.

Sec. 16. Minnesota Statutes 1974, Section 641.14, is amended to read:

641.14 [JAILS, HOW KEPT.] The sheriff of each county, by himself or deputy, shall have charge of the jail, and be responsible for its condition. No female prisoner shall be kept in the same room with a male prisoner, and no minor under (16) 18 years shall be kept in the same room with (OTHER) adult prisoners (;). No insane prisoner shall be kept in the same room with any other prisoner unless (SUCH) that person (SHALL BE) is detailed as a nurse; and, so far as the construction of the jail will permit, strict separation of prisoners shall be maintained. No person awaiting trial shall be kept in a room with any other prisoner.

Sec. 17. [APPROPRIATIONS.] *The sum of \$10,000 is appropriated to the corrections ombudsman from the general fund for the purposes of this act.*

Sec. 18. [REPEALER.] *Minnesota Statutes 1974, Sections 241.42, Subdivision 4; 260.171, Subdivision 3; 260.175; and Laws 1973, Chapter 553, Section 7, are repealed."*

Amend the title by deleting it in its entirety and inserting:

“A bill for an act relating to corrections and juveniles; increasing the scope of the jurisdiction and power of the ombudsman; preserving the rights of complainants; providing limitations on procedures for juvenile detention; providing definitions; setting standards; removing an expiration date; appropriating money; amending Minnesota Statutes 1974, Sections 241.42, Subdivision 2; 241.44, Subdivisions 1 and 3, and by adding a subdivision; 260.015, by adding subdivisions; 260.101; 260.171, Subdivisions 1, 2, and by adding subdivisions; 641.14; and Chapter 260, by adding sections; repealing Minnesota Statutes 1974, Sections 241.42, Subdivision 4; 260.171, Subdivision 3; 260.175; and Laws 1973, Chapter 553, Section 7.”

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

Senate Conferees: GEORGE R. CONZEMIUS, EARL W. RENNEKE and B. ROBERT LEWIS.

House Conferees: JANET H. CLARK and KEN NELSON.

Clark moved that the report of the Conference Committee on S. F. No. 175 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 175, A bill for an act relating to corrections; increasing the scope of the jurisdiction and power of the ombudsman; preserving the rights of complainants; providing a penalty for persons hindering the ombudsman; removing an expiration date; appropriating money; amending Minnesota Statutes 1974, Sections 241.42, Subdivision 2; 241.44, Subdivisions 1 and 3, and by adding a subdivision; and Chapter 241, by adding a section; repealing Minnesota Statutes 1974, Section 241.42, Subdivision 4; and Laws 1973, Chapter 553, Section 7.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question being taken on the repassage of the bill and the roll being called, there were yeas 106, and nays 16, as follows:

Those who voted in the affirmative were:

Abeln	Biersdorf	Clawson	Ewald	Hokanson
Adams, S.	Braun	Corbid	Faricy	Jacobs
Anderson, G.	Brinkman	Dahl	Forsythe	Jaros
Anderson, I.	Byrne	Dean	Fudro	Jensen
Arlandson	Carlson, A.	Dieterich	Fugina	Johnson, C.
Beauchamp	Carlson, L.	Eckstein	George	Johnson, D.
Begich	Carlson, R.	Eken	Graba	Jude
Berg	Casserly	Enebo	Hanson	Kahn
Berglin	Clark	Erickson	Heinitz	Kalis

Kelly, R.	Luther	Novak	Schumacher	Tomlinson
Kelly, W.	Mangan	Parish	Searle	Ulland
Kempe, A.	McCarron	Patton	Setzepfandt	Vanasek
Ketola	McCauley	Pehler	Sieben, H.	Vento
Knickerböcker	McCollar	Petrafeso	Sieben, M.	Voss
Knoll	McEachern	Philbrook	Sieloff	Wenstrom
Kostohryz	Menning	Pleasant	Simoneau	Wenzel
Kroening	Metzen	Reding	Skoglund	Williamson
Kvam	Moe	Rice	Smogard	Speaker Sabo
Laidig	Munger	St. Onge	Spanish	
Langseth	Neisen	Sarna	Stanton	
Lemke	Nelson	Schreiber	Suss	
Lindstrom	Norton	Schulz	Swanson	

Those who voted in the negative were:

Albrecht	Evans	Osthoff	Sherwood	Wieser
Birnstihl	Friedrich	Peterson	White	Zubay
Doty	Kaley	Prahl		
Esau	Niehaus	Savelkoul		

The bill was repassed, as amended by Conference, and its title agreed to.

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

S. F. No. 2032, A bill for an act relating to public welfare; establishing pilot programs for community mental health treatment; appropriating money; amending Minnesota Statutes 1974, Chapter 245, by adding a section.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said Senate File is herewith transmitted to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONFERENCE COMMITTEE REPORT ON S. F. NO. 2032

A bill for an act relating to public welfare; establishing pilot programs for community mental health treatment; appropriating money; amending Minnesota Statutes 1974, Chapter 245, by adding a section.

April 2, 1976

The Honorable Alec G. Olson
 President of the Senate
 The Honorable Martin O. Sabo
 Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 2032 report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendment, and that S. F. No. 2032 be amended as follows:

Page 1, line 21, delete "\$615,000" and insert "\$350,000 solely".

Page 1, line 23, after the period insert "*The commissioner of public welfare shall monitor and evaluate each pilot program funded under this act and shall report his findings to the appropriate standing committees of both houses of the legislature by March 15, 1977.*".

Page 2, line 1, delete "April 1, 1976" and insert "*the day following final enactment*".

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

Senate Conferees: ROGER D. MOE, HOWARD A. KNUTSON and JEROME M. HUGHES.

House Conferees: WALTER R. HANSON, DONALD B. SAMUELSON and PAUL MCCARRON.

Hanson moved that the report of the Conference Committee on S. F. No. 2032 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 2032, A bill for an act relating to public welfare; establishing pilot programs for community mental health treatment; appropriating money; amending Minnesota Statutes 1974, Chapter 245, by adding a section.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question being taken on the repassage of the bill and the roll being called, there were yeas 121, and nays 3, as follows:

Those who voted in the affirmative were:

Abeln	Byrne	Erickson	Jensen	Kroening
Adams, L.	Carlson, A.	Esau	Johnson, C.	Kvam
Adams, S.	Carlson, L.	Evans	Johnson, D.	Laidig
Albrecht	Carlson, R.	Ewald	Jude	Langseth
Anderson, G.	Casserly	Faricy	Kahn	Lemke
Anderson, I.	Clark	Forsythe	Kaley	Lindstrom
Arlandson	Clawson	Fudro	Kalis	Luther
Beauchamp	Corbid	Fugina	Kelly, R.	Mangan
Begich	Dahl	George	Kelly, W.	McCarron
Berg	Dean	Graba	Kempe, A.	McCauley
Berglin	Dieterich	Hanson	Kempe, R.	McCollar
Biersdorf	Doty	Heinitz	Ketola	McEachern
Birnstihl	Eckstein	Hokanson	Knickerbocker	Menning
Braun	Eken	Jacobs	Knoll	Metzen
Brinkman	Enebo	Jaros	Kostohryz	Moe

Munger	Peterson	Schreiber	Skoglund	Voss
Neisen	Petraleso	Schulz	Smogard	Wenstrom
Nelson	Philbrook	Schumacher	Spanish	Wenzel
Niehaus	Pleasant	Searle	Stanton	White
Norton	Prahl	Setzepfandt	Suss	Wieser
Novak	Reding	Sherwood	Swanson	Williamson
Osthoff	Rice	Sieben, H.	Tomlinson	Speaker Sabo
Parish	St. Onge	Sieben, M.	Ulland	
Patton	Sarna	Sieloff	Vanasek	
Pehler	Savelkoul	Simoneau	Vento	

Those who voted in the negative were:

Friedrich Samuelson Zubay

The bill was repassed, as amended by Conference, and its title agreed to.

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

S. F. No. 855, A bill for an act relating to metropolitan government; authorizing council regulations establishing standards and guidelines for determining matters of metropolitan significance to be adopted without specific legislative approval; providing for a joint committee to study governmental structure; amending Laws 1975, Chapter 13, Section 18, Subdivision 2.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said Senate File is herewith transmitted to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONFERENCE COMMITTEE REPORT ON S. F. NO. 855

A bill for an act relating to metropolitan government; authorizing council regulations establishing standards and guidelines for determining matters of metropolitan significance to be adopted without specific legislative approval; providing for a joint committee to study governmental structure; amending Laws 1975, Chapter 13, Section 18, Subdivision 2.

April 5, 1976

The Honorable Alec G. Olson
 President of the Senate
 The Honorable Martin O. Sabo
 Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 855, report that we have agreed upon the items in dispute and recommend as follows:

That the house recede from its amendments and that S. F. No. 855, be amended as follows:

Strike everything after the enacting clause and insert:

"Section 1. [COMMITTEE TO STUDY GOVERNMENTAL STRUCTURE.] *A joint committee, consisting of members of the house local and urban affairs committee, the senate metropolitan and urban affairs committee, and the governmental operations committees of house and senate, is established to study governmental structure in the seven county metropolitan area.*

The study shall include responsibility of city and county government, and the role and function of these units of government in relation to the metropolitan council.

The joint committee shall make a report to the 1977 session of the legislature.

Sec. 2. Minnesota Statutes, 1975 Supplement, Section 473.173, is amended to read:

473.173 [COUNCIL REVIEW; METROPOLITAN SIGNIFICANCE.] Subdivision 1. The council shall review all proposed matters of metropolitan significance to be undertaken by any private organization, independent commission, board or agency, local governmental unit, or any state agency in accordance with the regulations adopted pursuant to this section and the provisions of any other relevant statute.

Subd. 2. (WITHIN 12 MONTHS FOLLOWING APRIL 12, 1974) *By September 1, 1976*, the council shall adopt and put into effect regulations (PURSUANT TO THE ADMINISTRATIVE PROCEDURES ACT, CHAPTER 15,) establishing standards (AND), guidelines and procedures for determining whether any proposed matter is of metropolitan significance, and establishing a procedure for the review of (ALL PROPOSED MATTERS REQUIRED TO BE CONSIDERED AND REVIEWED BY THE COUNCIL) and final determination on such matters in accordance with the powers and requirements set forth in this section. (THESE REGULATIONS SHALL TAKE EFFECT ON JULY 1, 1975.) The purpose of these regulations shall be to promote the orderly and economic development, public and private, of the metropolitan area. (THE METROPOLITAN COUNCIL SHALL SUBMIT THE REGULATIONS ADOPTED PURSUANT TO THIS SECTION TO THE SESSION OF THE LEGISLATURE IN 1975 FOR APPROVAL. THE COUNCIL SHALL ESTABLISH AN ADVISORY COMMITTEE, CONSISTING OF ELECTED OFFICIALS OF LOCAL GOVERNMENTAL UNITS AND REPRESENTING ALL COUNCIL

DISTRICTS EQUALLY, TO PROVIDE ADVICE AND MAKE RECOMMENDATIONS IN THE PREPARATION OF THESE REGULATIONS AND MAY THEREAFTER REVIEW AND MAKE RECOMMENDATIONS TO THE COUNCIL CONCERNING THE METROPOLITAN SIGNIFICANCE OF ANY PROPOSED MATTER CONSIDERED BY THE COUNCIL. THE REGULATIONS ADOPTED SHALL PROVIDE FOR A PUBLIC HEARING PRIOR TO THE DETERMINATION THAT AN ACTION IS OF METROPOLITAN SIGNIFICANCE.)

Subd. 3. In developing the (ABOVE) regulations (ESTABLISHING STANDARDS AND GUIDELINES FOR DETERMINING METROPOLITAN SIGNIFICANCE) the council and the *advisory metropolitan land use committee, as defined in Laws 1976, Chapter 127, Section 2*, shall give consideration to all factors deemed relevant (TO THAT DETERMINATION) including *but not limited to* the following:

(1) The impact a proposed matter will have on the orderly, economic development, public and private, of the metropolitan area and its consistency with the *metropolitan development guide*;

(2) The relationship a proposed matter will have to the policy statement goals, standards, programs and other applicable provisions of the development guide;

(3) The impact a proposed matter will have on policy plans adopted by the council and on the development programs and functions performed and to be performed by (THE) *a metropolitan commission*;

(4) Functions of municipal governments in respect to control of land use as provided for under the municipal planning act();

((5) SUCH OTHER FACTORS AS ARE DEEMED RELEVANT.)

Subd. 4. The regulations (ESTABLISHING A PROCEDURE FOR THE REVIEW OF PROPOSED MATTERS) shall include, (AMONG OTHER PROVISIONS, THE FOLLOWING) *without limitation, provisions to effectuate and comply with the following powers and requirements*:

(1) No applicant shall be required to submit a proposed matter for review more than once unless it is materially altered.

(1a) *A public hearing shall be held prior to the final determination with regard to a proposed matter.*

(2) The council shall be empowered to suspend action on a proposed matter *during the period of review and for a period not to exceed 12 months following the issuance of its (RECOMMENDATION OR) final determination. In its final determination, the council may prescribe appropriate conditions with regard to a proposed matter which, if incorporated or complied with, would cause the council to remove the suspension.*

(3) The council's recommendation or determination concerning a proposed matter, including the determination as to its metropolitan significance, shall be issued within 90 days following its receipt of (AN ADEQUATELY SUPPORTED AND DOCUMENTED) *a proposal accompanied by adequate supporting information. To avoid duplication, the review may be suspended for not more than 90 days to await completion of review of a matter by another public agency.*

(4) The council shall be required to review a proposed matter upon request of an affected local governmental unit or metropolitan commission. The regulations shall include a procedure for review of a proposed matter upon petition by a specified number of residents of the metropolitan area *18 years of age or older.*

(5) The council shall be empowered to review all proposed matters of metropolitan significance regardless of whether the council has received a request from an affected body to conduct that review.

(6) The council shall review all proposed matters determined to be of metropolitan significance as to their consistency with (THE COMPREHENSIVE DEVELOPMENT GUIDE AND, IF APPROPRIATE, AN APPLICABLE POLICY PLAN) *and effect upon metropolitan system plans as defined in Laws 1976, Chapter 127, Section 2 and their adverse effects on other local governmental units.*

((7) ANY MAJOR ALTERATION OR AMENDMENT TO THE REGULATIONS ADOPTED BY THE COUNCIL SHALL BE DEVELOPED AND PROMULGATED BY THE COUNCIL IN THE SAME MANNER AS THE ORIGINAL REGULATIONS.)

((8)) (7) Previously approved policy plans and development programs and areas of operational authority of the metropolitan commissions shall not be subject to review under this section, except as specifically provided in section 473.171.

Subd. 5. *The regulations and any major alteration or amendment thereto shall be developed and promulgated by the council in accordance with the provisions of this section and, to the extent not inconsistent or at variance with this section, in accordance with the administrative procedures act, Minnesota Statutes, Chapter 15, and regulations pursuant to thereto. Once the devel-*

opment of all of the regulations has been completed by the council and the committee, and no later than 30 days prior to the date specified for their adoption, the council shall hold a public hearing for the purpose of considering the developed regulations and receiving comments and recommendations thereon. Notice of the hearing (, CONTAINING THE DEVELOPED REGULATIONS AND SUCH OTHER COMMENTS AS ARE DEEMED APPROPRIATE,) shall be published in (A NEWSPAPER OR) appropriate newspapers (CIRCULATED THROUGHOUT) of general circulation in the metropolitan area and mailed to all persons who have registered for that purpose under Minnesota Statutes, Chapter 15, appropriate state and regional agencies and all (LOCAL GOVERNMENTAL UNITS WHICH MAY BE AFFECTED BY THESE REGULATIONS) cities, counties, towns, school districts, and watershed districts within the metropolitan area no later than 30 days prior to the hearing. In adopting or amending the regulations the enactment of this section shall be deemed to establish or show the need for and to provide evidence in support of the regulations or amendments as required in Minnesota Statutes, Chapter 15, and regulations pursuant thereto, but the council shall prepare for distribution a written summary describing the basis for the composition of the draft regulations or amendments submitted for hearing and shall afford to all interested persons an opportunity at the hearing to question and make suggestions concerning their composition. Following the hearing, the council may revise the proposed regulations, giving consideration to all comments received, and thereafter the council shall finally adopt these regulations.

Subd. 6. The council and the advisory metropolitan land use committee shall review and assess the regulations following their effective date and at least every two years thereafter. On or before January 15 of each year, the council shall report to the legislature concerning metropolitan significance. No major alteration or amendments to standards for determining the necessity for a comprehensive review shall be put into effect by the council until 90 days have elapsed following the report to the legislature in which the alteration or amendment was proposed and recommended by the council.

Sec. 3. Minnesota Statutes, 1975 Supplement, Chapter 473, is amended by adding a section to read:

[473.164] [PAYMENT OF METROPOLITAN COUNCIL COSTS.] *Subdivision 1. The metropolitan parks and open space commission, the metropolitan transit commission, the metropolitan waste control commission, and the metropolitan airports commission shall annually reimburse the council for costs incurred by the council in the discharge of its responsibilities relating to the commission. The costs may be charged against any revenue sources of the commission as determined by the commission.*

Subd. 2. On or before May 1 of each year, the council shall transmit to each commission an estimate of the costs which the council will incur in the discharge of its responsibilities related to the commission in the next budget year including, without limitation, costs in connection with the preparation, review, implementation and defense of plans, programs and budgets of the commission. Each commission shall include the estimates in its budget for the next budget year and may transmit its comments concerning the estimated amount to the council during the budget review process. Prior to December 15 of each year, the amount budgeted by each commission for the next budget year may be changed following approval by the council. During each budget year, the commission shall transfer budgeted funds to the council in advance when requested by the council.

Subd. 3. At the conclusion of each budget year, the council, in cooperation with each commission, shall adopt a final statement of costs incurred by the council for each commission. Where costs incurred in the budget year have exceeded the amount budgeted, each commission shall transfer to the council the additional moneys needed to pay the amount of the costs in excess of the amount budgeted, and shall include a sum in its next budget. Any excess of budgeted costs over actual costs may be retained by the council and applied to the payment of budgeted costs in the next year. Costs incurred during 1976 shall be reimbursed to the council by each commission on or before December 31, 1976 following receipt and in accordance with a statement of costs transmitted by the council.

Sec. 4. This act applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott and Washington.

Sec. 5. This act is effective the day following final enactment."

Further, strike the title and insert:

"A bill for an act relating to metropolitan government; standards and guidelines for determining matters of metropolitan significance; allocation of costs among agencies; establishing a committee to study governmental structure; amending Minnesota Statutes, 1975 Supplement, Section 474.173 and Chapter 473, by adding a section."

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

Senate Conferees: JOHN C. CHENOWETH, HUBERT H. HUMPHREY III and J. ROBERT STASSEN.

House Conferees: JAMES R. CASSERLY, TOM K. BERG and WILLIAM H. SCHREIBER.

Casserly moved that the report of the Conference Committee on S. F. No. 855 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 855, A bill for an act relating to metropolitan government; authorizing council regulations establishing standards and guidelines for determining matters of metropolitan significance to be adopted without specific legislative approval; providing for a joint committee to study governmental structure; amending Laws 1975, Chapter 13, Section 18, Subdivision 2.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question being taken on the repassage of the bill and the roll being called, there were yeas 68, and nays 59, as follows:

Those who voted in the affirmative were:

Abeln	Clark	Johnson, D.	Munger	Sieloff
Adams, L.	Corbid	Kahn	Nelson	Simoneau
Anderson, G.	Dahl	Kelly, R.	Norton	Skoglund
Arlandson	Dean	Kelly, W.	Novak	Smogard
Beauchamp	Dieterich	Kempe, A.	Osthoff	Stanton
Begich	Doty	Knickerbocker	Patton	Tomlinson
Berg	Eken	Knoll	Pehler	Ulland
Berglin	Enebo	Kostohryz	Petrafeso	Vento
Braun	Fariy	Kroening	Philbrook	Voss
Byrne	Fudro	Lindstrom	Prahl	Wenstrom
Carlson, A.	Fugina	Luther	Rice	Williamson
Carlson, L.	George	McCollar	Sarna	Speaker Sabo
Carlson, R.	Hanson	Menning	Schreiber	
Casserly	Jaros	Moe	Schumacher	

Those who voted in the negative were:

Adams, S.	Ewald	Kaley	Nelsen	Sieben, H.
Albrecht	Fjoslien	Kalis	Niehaus	Sieben, M.
Anderson, I.	Forsythe	Kempe, R.	Parish	Smith
Biersdorf	Friedrich	Ketola	Peterson	Spanish
Birnstihl	Graba	Kvam	Pleasant	Suss
Brinkman	Haugerud	Laidig	Reding	Swanson
Clawson	Heinitz	Langseth	St. Onge	Vanasek
DeGroat	Hokanson	Lemke	Samuelson	Wenzel
Eckstein	Jacobs	Mangan	Savelkoul	White
Erickson	Jensen	McCauley	Searle	Wieser
Esau	Johnson, C.	Metzen	Setzepfandt	Zubay
Evans	Jude	Neisen	Sherwood	

The bill was repassed, as amended by Conference, and its title agreed to.

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

S. F. No. 2014, A bill for an act relating to retirement; increasing certain benefits and annuities; appropriating money.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said Senate File is herewith transmitted to the House.

PATRICK E. FLAHAVER, Secretary of the Senate

CONFERENCE COMMITTEE REPORT ON S. F. NO. 2014

A bill for an act relating to retirement; increasing certain benefits and annuities; appropriating money.

April 6, 1976

The Honorable Alec G. Olson
President of the Senate
The Honorable Martin O. Sabo
Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 2014 report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments and that S. F. No. 2014 be further amended as follows:

Page 1, line 19, after "fund;" insert "January 1, 1970, with respect to the St. Paul teachers retirement fund; July 1, 1971, with respect to the Duluth teachers retirement fund;"

Page 2, line 1, before the semicolon insert "of a covered fund".

Page 2, line 4, before the period insert "of a covered fund".

Page 2, line 22, delete "or".

Page 2, line 23, delete the period and insert a semicolon.

Page 2, after line 23, insert:

"(8) the St. Paul teachers retirement fund; or

(9) the Duluth teachers retirement fund."

Page 2, line 31, delete "payment" and insert "accruing".

Page 3, line 5, delete "\$500" and insert "\$300".

Page 3, line 6, after the period insert "Provided further, that no plan participant who is less than 70 years of age and is receiving a permanent disability benefit or a retirement annuity from the St. Paul teachers retirement fund shall be entitled to an increase in the benefit or annuity pursuant to this act until the plan participant attains the age of 70 years."

Page 4, line 9, delete "payment" and insert "accruing".

Page 4, line 17, delete "\$500 per month." and insert "\$300 per month."

Page 5, line 9, delete "\$19,852,833" and insert "\$21,207,456".

Page 5, line 12, delete "\$210,075" and insert "\$237,356".

Page 5, line 14, delete "\$361,079" and insert "\$359,302".

Page 5, line 15, delete "\$8,668,120" and insert "\$8,668,197".

Page 5, line 28, delete the period and insert a semicolon.

Page 5, after line 28, insert:

"(9) To the St. Paul teachers retirement fund association \$942,137;

(10) To the Duluth teachers retirement fund association \$386,905."

Page 6, line 13, after the period insert "Provided however, that with respect to any plan participant who is less than 70 years of age and is receiving a permanent disability benefit or retirement annuity from the St. Paul teachers retirement fund, the increase in such benefit or annuity pursuant to this act shall commence when the plan participant attains the age of 70 years and shall not include retroactivity."

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

Senate Conferees: JOHN C. CHENOWETH, HARMON T. OGDahl and EUGENE E. STOKOWSKI.

House Conferees: DONALD M. MOE, AL PATTON and JOHN S. BIERSDORF.

Moe moved that the report of the Conference Committee on S. F. No. 2014 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 2014, A bill for an act relating to retirement; increasing certain benefits and annuities; appropriating money.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question being taken on the repassage of the bill and the roll being called, there were yeas 130, and nays 0, as follows:

Those who voted in the affirmative were:

Abeln	Dieterich	Jude	Moe	Searle
Adams, L.	Doty	Kahn	Munger	Setzepfandt
Adams, S.	Eckstein	Kaley	Neisen	Sherwood
Albrecht	Eken	Kalis	Nelsen	Sieben, H.
Anderson, G.	Enebo	Kelly, R.	Nelson	Sieben, M.
Anderson, I.	Erickson	Kelly, W.	Niehau	Sieloff
Arlandson	Esau	Kempe, A.	Norton	Simoneau
Beauchamp	Evans	Kempe, R.	Novak	Skoglund
Begich	Ewald	Ketola	Osthoff	Smith
Berg	Faricy	Knickerbocker	Parish	Smogard
Berglin	Fjoslien	Knoll	Patton	Spanish
Biersdorf	Forsythe	Kostohryz	Pehler	Stanton
Birnstihl	Friedrich	Kroening	Peterson	Suss
Braun	Fudro	Kvam	Petrafeso	Swanson
Brinkman	Fugina	Laidig	Philbrook	Tomlinson
Byrne	George	Langseth	Pleasant	Ulland
Carlson, A.	Graba	Lemke	Prahl	Vanasek
Carlson, L.	Hanson	Lindstrom	Reding	Vento
Carlson, R.	Haugerud	Luther	Rice	Voss
Casserly	Heinitz	Mangan	St. Onge	Wenstrom
Clark	Hokanson	McCarron	Samuelson	Wenzel
Clawson	Jacobs	McCauley	Sarna	White
Corbid	Jaros	McCollar	Savelkoul	Wieser
Dahl	Jensen	McEachern	Schreiber	Williamson
Dean	Johnson, C.	Menning	Schulz	Zubay
DeGroat	Johnson, D.	Metzen	Schumacher	Speaker Sabo

The bill was repassed, as amended by Conference, and its title agreed to.

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

S. F. No. 1644, A bill for an act relating to public welfare; establishing a senior companion program; appropriating funds.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said Senate File is herewith transmitted to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONFERENCE COMMITTEE REPORT ON S. F. NO. 1644

A bill for an act relating to public welfare; establishing a senior companion program; appropriating funds.

April 6, 1976

The Honorable Alec G. Olson
 President of the Senate
 The Honorable Martin O. Sabo
 Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 1644 report that we have agreed upon the items in dispute and recommend as follows:

That the Senate accede to the House amendments except that on page 3, line 6, "\$250,000" be deleted and "\$100,000" be inserted in lieu thereof.

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

Senate Conferees: JOHN C. CHENOWETH, ROGER D. MOE and HOWARD A. KNUTSON.

House Conferees: RANDY C. KELLY, DONALD B. SAMUELSON and MARY M. FORSYTHE.

Kelly, R., moved that the report of the Conference Committee on S. F. No. 1644 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 1644, A bill for an act relating to public welfare; establishing a senior companion program; appropriating funds.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question being taken on the repassage of the bill and the roll being called, there were yeas 130, and nays 0, as follows:

Those who voted in the affirmative were:

Abeln	Carlson, A.	Esau	Jaros	Kroening
Adams, L.	Carlson, L.	Evans	Jensen	Kvam
Adams, S.	Carlson, R.	Ewald	Johnson, C.	Laidig
Albrecht	Casserly	Faricy	Johnson, D.	Langseth
Anderson, G.	Clark	Fjoslien	Jude	Lemke
Anderson, I.	Clawson	Forsythe	Kahn	Lindstrom
Arlandson	Corbid	Friedrich	Kaley	Luther
Beauchamp	Dahl	Fudro	Kalis	Mangan
Begich	Dean	Fugina	Kelly, R.	McCarron
Berg	DeGroat	George	Kelly, W.	McCauley
Berglin	Dieterich	Graba	Kempe, A.	McCollar
Biersdorf	Doty	Hanson	Kempe, R.	McEachern
Birnstihl	Eckstein	Haugerud	Ketola	Menning
Braun	Eken	Heinitz	Knickerbocker	Metzen
Brinkman	Enebo	Hokanson	Knoll	Moe
Byrne	Erickson	Jacobs	Kostohryz	Munger

Neisen	Peterson	Savelkoul	Simoneau	Yanasek
Nelsen	Petraleso	Schreiber	Skoglund	Vento
Nelson	Philbrook	Schulz	Smith	Voss
Niehaus	Pleasant	Schumacher	Smogard	Wenstrom
Norton	Prahl	Searle	Spanish	Wenzel
Novak	Reding	Setzepfandt	Stanton	White
Osthoff	Rice	Sherwood	Suss	Wieser
Parish	St. Onge	Sieben, H.	Swanson	Williamson
Patton	Samuelson	Sieben, M.	Tomlinson	Zubay
Pehler	Sarna	Sieloff	Ulland	Speaker Sabo

The bill was repassed, as amended by Conference, and its title agreed to.

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

S. F. No. 2241, A bill for an act relating to game and fish; requiring a migratory waterfowl stamp; providing for disposition of proceeds of sale.

The Senatè has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said Senate File is herewith transmitted to the House.

PATRICK E. FLAHAVERN, Secretary of the Senate

CONFERENCE COMMITTEE REPORT ON S. F. NO. 2241

A bill for an act relating to game and fish; requiring a migratory waterfowl stamp; providing for disposition of proceeds of sale.

March 31, 1976

The Honorable Alec G. Olson
 President of the Senate
 The Honorable Martin O. Sabo
 Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 2241 report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments and that S. F. No. 2241 be further amended as follows:

Strike everything after the enacting clause and insert:

"Section 1. [MIGRATORY WATERFOWL STAMPS.] Sub-division 1. [DEFINITIONS.] As used in this section:

(1) "Migratory waterfowl" means any wild goose, brant, or wild duck

(2) "Department" means department of natural resources.

(3) "Stamp" means the state migratory waterfowl stamp furnished by the department.

(4) "Development" includes, but is not limited to, the construction of dikes, water control structures and impoundments, nest cover, rough fish barriers, limited acquisition of sites necessary to allow development, and any and all facilities for the management of existing waterfowl habitat and the creation of waterfowl management lakes.

Subd. 2. [STAMP REQUIRED.] No person required to possess a Minnesota small game license shall hunt or take any migratory waterfowl within this state without first procuring a state migratory waterfowl stamp and having such stamp in his possession while hunting or taking any migratory waterfowl. Each stamp shall be validated by the signature of the licensee written across the face of such stamp. The department shall determine the form of the stamp and shall furnish the stamps to the county auditors and their designated agents for issuance or sale in the same manner as hunting licenses are issued or sold under Minnesota Statutes, Chapter 98; except that, county auditors or their designated agents shall not receive any fees pursuant to Minnesota Statutes, Section 98.50, Subdivision 5, for issuing a migratory waterfowl stamp pursuant to this act.

Subd 3. [FEE.] The fee for a migratory waterfowl stamp shall be \$1.50.

Subd. 4. [USE OF REVENUE.] All revenue shall be used for projects approved by the department for the purpose of development of state wetland and designated waterfowl management lakes for maximum waterfowl production, protecting and propagating migratory waterfowl and for the development, restoration, maintenance or preservation of wetlands.

Sec. 2. [APPROPRIATION.] Subdivision 1. Of the amounts appropriated by Laws 1975, Chapter 204, Section 51, for wildlife management for fiscal year 1977 from the wildlife acquisition account, the sum of \$200,000 shall be used for the development of state wetland and designated waterfowl management lakes for maximum waterfowl production, protecting and propagating migratory waterfowl and for the development, restoration, maintenance or preservation of wetlands.

Subd. 2. There is hereby appropriated from the game and fish fund the sum of \$200,000 for the purpose of this act for fis-

cal year ending July 1, 1977, provided that the commissioner of finance shall not permit the allotment, encumbrance, or expenditure of any funds appropriated in this subdivision in excess of the anticipated annual revenue from the migratory waterfowl stamps.”.

Further, amend the title:

Page 1, line 4, before the period insert “; appropriating money”.

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

Senate Conferees: GENE MERRIAM, ROBERT G. DUNN and GERALD L. WILLET.

House Conferees: HENRY J. SVELKOU, WILLIS R. EKEN and PHYLLIS KAHN.

Savelkoul moved that the report of the Conference Committee on S. F. No. 2241 be adopted and that the bill be repassed as amended by the Conference Committee.

Johnson, D., moved that the House refuse to adopt the Conference Committee report on S. F. No. 2241, and that the bill be returned to the Conference Committee.

A roll call was requested and properly seconded.

The question was taken on the Johnson, D., motion and the roll being called, there were yeas 44, and nays 76, as follows:

Those who voted in the affirmative were:

Abeln	Corbid	Kelly, R.	Menning	Sarna
Anderson, G.	DeGroat	Ketola	Moe	Schumacher
Anderson, I.	Doty	Kostohryz	Novak	Sherwood
Arlandson	Faricy	Kroening	Pehler	Skoglund
Beauchamp	Fugina	Langseth	Petraieso	Smith
Begich	Graba	Mann	Prahl	Spanish
Braun	Hanson	McCarron	Rice	Wenzel
Brinkman	Haugerud	McCollar	St. Onge	Wieser
Carlson, R.	Johnson, D.	McEachern	Samuelson	

Those who voted in the negative were:

Adams, L.	Casserly	Esau	Hokanson	Knickerbocker
Adams, S.	Clark	Evans	Jaros	Knoll
Berg	Clawson	Ewald	Jensen	Kvam
Berglin	Dean	Fjoslien	Johnson, C.	Laidig
Biersdorf	Dieterich	Forsythe	Jude	Lemke
Birnstihl	Eckstein	Friedrich	Kahn	Lindstrom
Byrne	Eken	Fudro	Kaley	Luther
Carlson, A.	Enebo	George	Kalis	Mangan
Carlson, L.	Erickson	Heinitz	Kempe, A.	McCauley

Metzen	Parish	Schulz	Smogard	Wenstrom
Munger	Peterson	Searle	Stanton	White
Nelsen	Philbrook	Setzepfandt	Suss	Speaker Sabo
Nelson	Pleasant	Sieben, H.	Swanson	
Niehaus	Reding	Sieben, M.	Tomlinson	
Norton	Savelkoul	Sieloff	Ulland	
Osthoff	Schreiber	Simoneau	Vanasek	

The motion did not prevail.

The question recurred on the Savelkoul motion to adopt the Conference Committee Report. The motion did not prevail.

Johnson, D., moved that the House refuse to adopt the Conference Committee report on S. F. No. 2241, that the present House Conference Committee be discharged, that the Speaker appoint a new Conference Committee consisting of 5 members on the part of the House, and that the Senate be advised of the House action and be requested to appoint a like committee to confer on the differences between the Senate and the House on S. F. No. 2241.

A roll call was requested and properly seconded.

The question was taken on the Johnson, D., motion to refuse to adopt the Conference Committee Report and the roll being called, there were yeas 43, and nays 83, as follows:

Those who voted in the affirmative were:

Abeln	Corbid	Kroening	Metzen	Samuelson
Anderson, G.	Doty	Langseth	Moe	Skoglund
Anderson, I.	Eckstein	Lemke	Neisen	Smith
Arlandson	Fugina	Mangan	Novak	Spanish
Begich	Hanson	Mann	Pehler	Vanasek
Birnstihl	Haugerud	McCarron	Petrafeso	Wenzel
Braun	Johnson, D.	McCollar	Prahl	Wieser
Brinkman	Ketola	McEachern	Rice	
Carlson, R.	Kostohryz	Menning	St. Onge	

Those who voted in the negative were:

Adams, L.	Enebo	Jude	Niehaus	Sieben, M.
Adams, S.	Erickson	Kahn	Norton	Sieloff
Beauchamp	Esau	Kaley	Osthoff	Simoneau
Berg	Evans	Kelly, R.	Parish	Smogard
Berglin	Ewald	Kelly, W.	Peterson	Stanton
Biersdorf	Fjoslien	Kempe, A.	Philbrook	Suss
Byrne	Forsythe	Kempe, R.	Pleasant	Swanson
Carlson, A.	Friedrich	Knickerbocker	Reding	Tomlinson
Carlson, L.	Fudro	Knoll	Sarna	Ulland
Cassery	George	Kvam	Savelkoul	Voss
Clark	Graba	Laidig	Schreiber	Wenstrom
Clawson	Heinitz	Lindstrom	Schulz	White
Dahl	Hokanson	Luther	Schumacher	Williamson
Dean	Jacobs	McCauley	Searle	Zubay
DeGroat	Jaros	Munger	Setzepfandt	Speaker Sabo
Dieterich	Jensen	Nelsen	Sherwood	
Eken	Johnson, C.	Nelson	Sieben, H.	

The motion did not prevail.

Clawson moved that the House reconsider the action whereby the motion to adopt the conference committee report on S. F. No. 2241 did not prevail.

A roll call was requested and properly seconded.

Johnson, D., moved that the message from the Senate relating to S. F. No. 2241 and the accompanying conference committee report be laid over until Wednesday, April 7, 1976.

A roll call was requested and properly seconded.

The question was taken on the Johnson, D., motion and the roll being called, there were yeas 31, and nays 88, as follows:

Those who voted in the affirmative were:

Abeln	Doty	Kroening	Prahl	Spanish
Anderson, G.	Eckstein	McCarron	Rice	Wenzel
Anderson, I.	Fugina	McCollar	St. Onge	Wieser
Begich	Hagerud	McEachern	Samuelson	
Braun	Johnson, D.	Menning	Schumacher	
Brinkman	Ketola	Pehler	Skoglund	
Carlson, R.	Kostohryz	Petrafeso	Smith	

Those who voted in the negative were:

Adams, L.	Enebo	Johnson, C.	Nelsen	Sieloff
Adams, S.	Erickson	Jude	Nelson	Simoneau
Arlandson	Esau	Kahn	Niehaus	Smogard
Beauchamp	Evans	Kaley	Norton	Stanton
Berg	Ewald	Kelly, R.	Novak	Suss
Berglin	Faricy	Kempe, A.	Osthoff	Swanson
Biersdorf	Fjoslien	Kempe, R.	Parish	Tomlinson
Byrne	Forsythe	Knickerbocker	Peterson	Ulland
Carlson, A.	Friedrich	Knoll	Philbrook	Vanasek
Carlson, L.	Fudro	Kvam	Pleasant	Voss
Casserly	George	Laidig	Reding	Wenstrom
Clark	Graba	Lindstrom	Savelkoul	White
Clawson	Hanson	Luther	Schreiber	Wigley
Corbid	Heinitz	Mangan	Schulz	Williamson
Dean	Hokanson	McCauley	Searle	Zubay
DeGroat	Jacobs	Metzen	Setzepfandt	Speaker Sabo
Dieterich	Jaros	Munger	Sieben, H.	
Eken	Jensen	Neisen	Sieben, M.	

The motion did not prevail.

The question recurred on the Clawson motion to reconsider and the roll being called, there were yeas 94, and nays 35, as follows:

Those who voted in the affirmative were:

Adams, L.	Berglin	Carlson, A.	Clawson	Eckstein
Adams, S.	Biersdorf	Carlson, L.	Dean	Eken
Beauchamp	Birnstihl	Casserly	DeGroat	Enebo
Berg	Byrne	Clark	Dieterich	Erickson

Esau	Jensen	Lemke	Peterson	Smogard
Evans	Johnson, C.	Lindstrom	Philbrook	Stanton
Ewald	Jude	Luther	Pleasant	Suss
Faricy	Kahn	Mangan	Reding	Swanson
Fjoslien	Kaley	Mann	Sarna	Tomlinson
Forsythe	Kalis	McCauley	Savelkoul	Ulland
Friedrich	Kelly, W.	Metzen	Schreiber	Vanasek
Fudro	Kempe, A.	Munger	Schulz	Voss
George	Kempe, R.	Neisen	Searle	Wenstrom
Graba	Knickerbocker	Nelsen	Setzepfandt	White
Hanson	Knoll	Nelson	Sherwood	Wigley
Heinitz	Kostohryz	Niehaus	Sieben, H.	Williamson
Hokanson	Kroening	Norton	Sieben, M.	Zubay
Jacobs	Kvam	Osthoff	Sieloff	Speaker Sabo
Jaros	Laidig	Parish	Simoneau	

Those who voted in the negative were:

Abeln	Carlson, R.	Ketola	Novak	Schumacher
Anderson, G.	Corbid	Langseth	Pehler	Skoglund
Anderson, I.	Doty	McCarron	Petrafeso	Smith
Arlandson	Fugina	McCollar	Prahl	Spanish
Begich	Haugerud	McEachern	Rice	Vento
Braun	Johnson, D.	Menning	St. Onge	Wenzel
Brinkman	Kelly, R.	Moe	Samuelson	Wieser

The motion prevailed, and the following question was before the House.

Savelkoul moved that the report of the Conference Committee on S. F. No. 2241 be adopted and that the bill be repassed as amended by the Conference Committee.

A roll call was requested and properly seconded.

The question was taken on the motion to adopt the Conference Committee Report and the roll being called, there were yeas 66, and nays 57, as follows:

Those who voted in the affirmative were:

Adams, L.	Evans	Kaley	Parish	Stanton
Adams, S.	Ewald	Knickerbocker	Peterson	Suss
Berglin	Fjoslien	Knoll	Philbrook	Swanson
Biersdorf	Forsythe	Kvam	Pleasant	Tomlinson
Carlson, A.	Friedrich	Laidig	Reding	Ulland
Carlson, L.	George	Lindstrom	Savelkoul	Vanasek
Casserly	Heinitz	Luther	Schreiber	Voss
Clark	Hokanson	Mann	Searle	White
Dean	Jacobs	McCauley	Setzepfandt	Wigley
Dieterich	Jaros	Munger	Sieben, H.	Zubay
Eckstein	Jensen	Neisen	Sieben, M.	
Eken	Johnson, C.	Nelson	Sieloff	
Erickson	Jude	Norton	Simoneau	
Esau	Kahn	Osthoff	Smogard	

Those who voted in the negative were:

Abeln	Anderson, G.	Anderson, I.	Arlandson	Beauchamp
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Begich	Faricy	Kroening	Pehler	Smith
Berg	Fudro	Langseth	Petraffeso	Spanish
Birnstihl	Fugina	Lemke	Prahl	Vento
Braun	Graba	Mangan	Rice	Wenstrom
Brinkman	Hanson	McCarron	St. Onge	Wenzel
Byrne	Haugerud	McCollar	Samuelson	Wieser
Carlson, R.	Johnson, D.	McEachern	Sarna	Williamson
Clawson	Kelly, R.	Menning	Schulz	Speaker Sabo
Corbid	Kelly, W.	Metzen	Schumacher	
Doty	Ketola	Moe	Sherwood	
Enebo	Kostohryz	Novak	Skoglund	

The motion prevailed.

S. F. No. 2241, A bill for an act relating to game and fish; requiring a migratory waterfowl stamp; providing for disposition of proceeds of sale.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question being taken on the repassage of the bill and the roll being called, there were yeas 69, and nays 57, as follows:

Those who voted in the affirmative were:

Adams, L.	Eken	Jensen	Nelson	Sieloff
Adams, S.	Erickson	Johnson, C.	Norton	Simoneau
Berg	Esau	Jude	Osthoff	Smogard
Berglin	Evans	Kahn	Parish	Stanton
Biersdorf	Ewald	Kaley	Peterson	Suss
Byrne	Faricy	Knickerbocker	Philbrook	Swanson
Carlson, A.	Fjosien	Knoll	Pleasant	Tomlinson
Carlson, L.	Forsythe	Kvam	Reding	Ulland
Cassery	Friedrich	Laidig	Savelkoul	Voss
Clark	George	Lindstrom	Schreiber	White
Clawson	Heinitz	Luther	Searle	Wigley
Dahl	Hokanson	McCauley	Setzepfandt	Williamson
Dean	Jacobs	Munger	Sieben, H.	Zubay
Dieterich	Jaros	Neisen	Sieben, M.	

Those who voted in the negative were:

Abeln	Doty	Kempe, R.	Moe	Sherwood
Anderson, G.	Eckstein	Ketola	Niehaus	Skoglund
Anderson, I.	Enebo	Kostohryz	Novak	Smith
Arlandson	Fudro	Kroening	Pehler	Spanish
Beauchamp	Fugina	Langseth	Petraffeso	Vento
Begich	Graba	Lemke	Prahl	Wenstrom
Birnstihl	Hanson	Mangan	Rice	Wenzel
Braun	Haugerud	McCarron	St. Onge	Wieser
Brinkman	Johnson, D.	McCollar	Samuelson	Speaker Sabo
Carlson, R.	Kelly, R.	McEachern	Sarna	
Corbid	Kelly, W.	Menning	Schulz	
DeGroat	Kempe, A.	Metzen	Schumacher	

The bill was repassed, as amended by Conference, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 2144, A bill for an act relating to the state transportation system; creating the Minnesota state transportation fund; appropriating money therefrom for construction and reconstruction of bridges and bridge approaches; authorizing the issuance of state bonds therefor pursuant to article XI of the constitution.

PATRICK E. FLAHAVEN, Secretary of the Senate

Lemke moved that the House refuse to concur in the Senate amendments to H. F. No. 2144, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two Houses. The motion prevailed.

ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to the Conference Committee on H. F. No. 2144:

Lemke, Patton and Schreiber.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 980, A bill for an act relating to taxation; providing for taxation of certain types of air commerce; amending Minnesota Statutes 1974, Sections 270.071, Subdivision 6; and 270.072, Subdivisions 2 and 3.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Kelly, W., moved that the House concur in the Senate amendments to H. F. No. 980 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 980. A bill for an act relating to taxation; taxes measured by net income; assessment of ad valorem taxes; providing for taxation of certain types of air commerce; amending Minnesota Statutes 1974, Sections 270.071, Subdivision 6; 270.072, Subdivisions 2 and 3; 270.13; 276.05; 276.06; 290.066, Subdivision 1; and Chapters 256 and 273, by adding sections; Minnesota Statutes, 1975 Supplement, Sections 270.16, Subdivision 2; 274.14; 276.04; 290.012, Subdivision 4; 290.21, Subdivision 4; 290A.03, Subdivision 13; 290A.06; 290A.14; and Chapter 209A, by adding a section; and Laws 1975, Chapter 349, Section 32; repealing Minnesota Statutes, 1975 Supplement, Section 124.03.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question being taken on the repassage of the bill and the roll being called, there were yeas 129, and nays 0, as follows:

Those who voted in the affirmative were:

Abeln	Dieterich	Kahn	Moe	Setzepfandt
Adams, L.	Doty	Kaley	Munger	Sherwood
Adams, S.	Eckstein	Kalis	Neisen	Sieben, H.
Albrecht	Eken	Kelly, R.	Nelsen	Sieben, M.
Anderson, G.	Enebo	Kelly, W.	Nelson	Sieloff
Anderson, I.	Erickson	Kempe, A.	Niehaus	Simoneau
Arlandson	Esau	Kempe, R.	Norton	Skoglund
Beauchamp	Evans	Ketola	Novak	Smith
Begich	Ewald	Knickerbocker	Osthoff	Smogard
Berg	Faricy	Knoll	Parish	Spanish
Berglin	Fjoslien	Kostohryz	Patton	Stanton
Biersdorf	Forsythe	Kroening	Pehler	Suss
Birnstihl	Friedrich	Kvam	Peterson	Swanson
Braun	Fudro	Laidig	Petrafeso	Tomlinson
Brinkman	Fugina	Langseth	Philbrook	Ulland
Byrne	George	Lemke	Pleasant	Vento
Carlson, A.	Graba	Lindstrom	Prahl	Voss
Carlson, L.	Hanson	Luther	Reding	Wenstrom
Carlson, R.	Haugerud	Mangan	Rice	Wenzel
Casserly	Heinitz	Mann	St. Onge	White
Clark	Hokanson	McCarron	Sarna	Wieser
Clawson	Jacobs	McCauley	Savelkoul	Wigley
Corbid	Jensen	McCollar	Schreiber	Williamson
Dahl	Johnson, C.	McEachern	Schulz	Zubay
Dean	Johnson, D.	Menning	Schumacher	Speaker Sabo
DeGroat	Jude	Metzen	Searle	

The bill was repassed, as amended by the Senate, and its title agreed to.

Anderson, I., moved that the House recess subject to the call of the Chair. The motion prevailed.

RECESS

RECONVENED

The House reconvened and was called to order by the Speaker.

MESSAGES FROM THE SENATE, Continued

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

H. F. No. 2677, A bill for an act relating to public improvements; authorizing alteration, repair, rehabilitation, equipping, and replacement of equipment of public buildings; authorizing conveyance by the state of an easement for utility purposes over certain state lands in Blue Earth county; appropriating money.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

H. F. No. 2678, A bill for an act relating to public improvements; authorizing the acquisition and betterment of public land and buildings and other public improvements of a capital nature; authorizing issuance of state building bonds; appropriating money; amending Minnesota Statutes 1974, Sections 16.16, Subdivision 2; 137.02, Subdivision 3; repealing Laws 1973, Chapter 778, Section 20.

The Senate has repassed said bill, in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate has discharged its Conference Committee on House File No. 2233 and that the Committee on Committees has appointed a new Conference Committee consisting of three members on the part of the Senate.

H. F. No. 2233, A bill for an act relating to human services; permitting Otter Tail county to designate a human services

board; amending Minnesota Statutes 1974, Section 402.01, Subdivision 1.

The Senate has appointed as such committee Messrs. Olhoff, Borden and Josefson.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee, consisting of 3 members of the Senate, on the amendments adopted by the Senate to the following House File:

H. F. No. 2144, A bill for an act relating to the state transportation system; creating the Minnesota state transportation fund; appropriating money therefrom for construction and reconstruction of bridges and bridge approaches; authorizing the issuance of state bonds therefor pursuant to article XI of the constitution.

The Senate has appointed as such committee Messrs. Laufenburger, Frederick and Anderson.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

S. F. No. 2177, A bill for an act relating to retirement; miscellaneous amendments to the public employees retirement law; providing for a medical adviser in disability cases; inclusions and exclusions under the Minnesota state retirement system; mandatory retirement age for correctional officers; miscellaneous amendments to the elective state officers retirement plan and the unclassified employees retirement plan; providing for privacy of individual retirement data; providing for release of necessary data to governmental agencies; requiring an annual report to the legislature; excluding overtime payments for pension purposes; service credit for teachers on parental or maternity leave; elections to receive a combined service annuity; amending Minnesota Statutes 1974, Sections 352.01, Subdivisions 2A and 2B; 352C.02, Subdivisions 2, 3, and by adding a subdivision; 352C.04, Subdivisions 1 and 2a; 352C.05; 352C.09, Subdivision 1; 353.01, Subdivisions 2b, 16, and 30; 353.03, Subdivision 1, and by adding a subdivision; 353.27, Subdivision 7; 353.30, Subdivision 3; 353.33, Subdivision 11, and by adding subdivisions; 353.34, Sub-

division 6; 353.35; 353.656, Subdivision 6; Chapter 352C, by adding a section; Chapter 354, by adding a section; Chapter 356, by adding sections; and Minnesota Statutes, 1975 Supplement, Sections 43.051, Subdivision 3; 352D.02, Subdivision 1; 353.01, Subdivision 24; 353.03, Subdivision 2a; 353.15; and 353.29, Subdivision 7; and repealing Minnesota Statutes 1974, Section 352C.04, Subdivisions 2 and 2b.

The Senate has repassed said bill, in accordance with the recommendation and report of the Conference Committee. Said Senate File is herewith transmitted to the House.

PATRICK E. FLAHAVER, Secretary of the Senate

CONFERENCE COMMITTEE REPORT ON S. F. NO. 2177

A bill for an act relating to retirement; miscellaneous amendments to the public employees retirement law; providing for a medical adviser in disability cases; inclusions and exclusions under the Minnesota state retirement system; mandatory retirement age for correctional officers; miscellaneous amendments to the elective state officers retirement plan and the unclassified employees retirement plan; providing for privacy of individual retirement data; providing for release of necessary data to governmental agencies; requiring an annual report to the legislature; excluding overtime payments for pension purposes; service credit for teachers on parental or maternity leave; elections to receive a combined service annuity; amending Minnesota Statutes 1974, Sections 352.01, Subdivisions 2A and 2B; 352C.02, Subdivisions 2, 3, and by adding a subdivision; 352C.04, Subdivisions 1 and 2a; 352C.05; 352C.09, Subdivision 1; 353.01, Subdivisions 2b, 16, and 30; 353.03, Subdivision 1, and by adding a subdivision; 353.27, Subdivision 7; 353.30, Subdivision 3; 353.33, Subdivision 11, and by adding subdivisions; 353.34, Subdivision 6; 353.35; 353.656, Subdivision 6; Chapter 352C, by adding a section; Chapter 354, by adding a section; Chapter 356, by adding sections; and Minnesota Statutes, 1975 Supplement, Sections 43.051, Subdivision 3; 352D.02, Subdivision 1; 353.01, Subdivision 24; 353.03, Subdivision 2a; 353.15; and 353.29, Subdivision 7; and repealing Minnesota Statutes 1974, Section 352C.04, Subdivisions 2 and 2b.

April 3, 1976

The Honorable Alec G. Olson
President of the Senate

The Honorable Martin O. Sabo
Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 2177 report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments and that S. F. No. 2177 be further amended as follows:

Page 2, line 15, strike "of one year".

Page 2, line 16, delete "1977" and insert "1980".

Page 2, line 18 to 23, delete the underscored language and reinstate the stricken language.

Page 2, delete lines 30 to 35.

Page 3, delete lines 1 to 29.

Page 13, delete lines 5 to 9, and insert:

"(5) The chairman, chief administrator, and not to exceed nine positions at the division director or administrative deputy level of the metropolitan waste control commission as designated by the commission, and the chairman, executive director, and not to exceed nine positions at the division director or administrative deputy level of the metropolitan council as designated by the council; provided that upon initial designation of all positions provided for in this clause, no further designations or redesignations shall be made without approval of the board of directors of the Minnesota state retirement system."

Page 16, line 23, delete the underscored language and reinstate the stricken language.

Page 16, following line 30 insert: *"Payments under this clause shall include interest at the rate of six percent per annum from the date of the termination of the leave of absence or temporary layoff to the date payment is made."*

Page 18, following line 6, insert:

"Sec. 17. Minnesota Statutes 1974, Chapter 353, is amended by adding a section to read:

[353.0185] [RETIREMENT; PUBLIC EMPLOYEES RETIREMENT ASSOCIATION; MINNESOTA MUNICIPAL UTILITIES ASSOCIATION EMPLOYEES.] *Subdivision 1. From and after July 1, 1976, employees of the Minnesota Municipal Utilities Association, hereinafter referred to as the association, shall become coordinated members of the public employees retirement association unless specifically exempt under section 353.01, subdivision 2b, and the association shall be deemed to be a governmental subdivision for purposes of this chapter.*

Subd. 2. A person who becomes a member of the public employees retirement association pursuant to subdivision 1 may

purchase prior service credit with respect to full time employment with the association subsequent to October 19, 1975 by (a) paying to the public employees retirement association prior to August 1, 1976 an employee contribution in an amount equal to four percent of his or her salary at the time the prior service was rendered, as certified by the association, plus interest at the rate of six percent per annum; (b) the member at the same time shall pay additionally an amount equal to five and one half percent of salary at the time the prior service was rendered, plus interest at the rate of six percent per annum; provided the association may, in its sole discretion, for all employees included hereunder, pay the public employees retirement association the obligation under (b)."

Page 19, delete lines 30 and 31 and insert: "*the date of the board election held in the year 1977. A board election shall be held prior to October 1, 1977.*"

Page 19, delete line 32.

Page 20, delete lines 1 to 15.

Page 26, following line 13, insert:

"Sec. 31. Minnesota Statutes, 1975 Supplement, Section 354.44, Subdivision 1a, is amended to read:

Subd. 1a. [MANDATORY RETIREMENT.] Notwithstanding the provisions of sections 43.30 or 197.45 to 197.48, a member shall terminate employment on August 31, 1976, or at the end of the academic year in which he reaches the age of 65, whichever is later. For purposes of this subdivision, an academic year shall be deemed to end August 31. A member who terminates employment at any time during the academic year at the end of which such person is required to terminate employment pursuant to this subdivision shall, for the purpose of determining eligibility for a proportionate retirement annuity, be considered to have been required to terminate employment at age 65 or earlier pursuant to this subdivision. *Nothing contained in this subdivision shall preclude a district from employing a retired teacher as a substitute teacher; provided, no teacher required to terminate employment by this subdivision shall resume membership in the retirement association by virtue of employment as a substitute teacher; provided further that upon having earned \$3,000 in any academic year from employment as a substitute teacher, any person over the age of 65 years shall terminate employment for the remainder of that academic year.*

Sec. 32. Minnesota Statutes, 1975 Supplement, Section 354A.21, is amended to read:

354A.21 [MANDATORY RETIREMENT; PROPORTIONATE ANNUITY.] Notwithstanding the provisions of sections

197.45 to 197.48 or 354A.05, a teacher subject to the provisions of this chapter shall terminate employment on August 31, 1976, or at the end of the academic year in which such teacher reaches the age of 65, whichever is later. For purposes of this section, an academic year shall be deemed to end August 31. A teacher who terminates employment at any time during the academic year at the end of which such person is required to terminate employment pursuant to this section and who has less than the minimum required number of years of service to otherwise qualify for a retirement annuity shall be entitled upon application to a proportionate retirement annuity based on service prior to termination. *Nothing contained in this subdivision shall preclude a district from employing a retired teacher as a substitute teacher; provided, no teacher required to terminate employment by this section shall resume membership in the retirement association by virtue of employment as a substitute teacher; provided further that upon having earned \$3,000 in any academic year from employment as a substitute teacher, any person over the age of 65 years shall terminate employment for the remainder of that academic year."*

Page 26, delete lines 16 to 30.

Page 27, delete lines 1 to 9 and insert:

"[356.34] [LIMITATION ON AVERAGE SALARY FOR BENEFITS.] *Subdivision 1. Effective for any disability benefit or retirement annuity commencing after June 30, 1977 from a fund enumerated in subdivision 2, which benefit or annuity is based on a final average salary, no year of salary used in determining the final average salary as defined by the laws governing the fund shall exceed the salary paid in the previous year by more than 15 percent.*

Subd. 2. The provisions of this section shall apply to the following retirement funds:

- (1) state employees retirement fund, established pursuant to chapter 352;*
- (2) correctional employees retirement program, established pursuant to chapter 352;*
- (3) highway patrolmen's retirement fund, established pursuant to chapter 352B;*
- (4) public employees retirement fund, established pursuant to chapter 353;*
- (5) public employees police and fire fund, established pursuant to chapter 353;*

(6) *teachers retirement fund, established pursuant to chapter 354.*"

Page 28, line 8, following the period insert: "*With respect to such persons who are over 65 years of age and whose public service terminated between May 1, 1975 and the effective date of this act, proportionate annuity payments may be made retroactive to January 1, 1976 or the date of termination of public service, whichever is later.*"

Page 28, line 14, delete "3" and insert "2".

Renumber the sections in sequence.

Further, amend the title:

Page 1, line 11, delete "providing for release".

Page 1, delete lines 12 to 14 and insert "limitation on average salary for benefits;"

Page 1, line 18, delete "Subdivisions 2A and" and insert "Subdivision".

Page 1, lines 22 and 23, delete ", and by adding a subdivision".

Page 1, line 27, after the semicolon insert "Chapter 353, by adding a section;"

Page 1, line 32, delete the first "and" and following "Subdivision 7;" insert "354.44, Subdivision 1a; and 354A.21;"

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

Senate Conferees: EUGENE E. STOKOWSKI, JOHN C. CHENOWETH and HARMON T. OGDahl.

House Conferees: DAVID BEAUCHAMP, JOHN S. BIERSDORF and AL PATTON.

Beauchamp moved that the report of the Conference Committee on S. F. No. 2177 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 2177, A bill for an act relating to retirement; miscellaneous amendments to the public employees retirement law; providing for a medical adviser in disability cases; inclusions and exclusions under the Minnesota state retirement system; mandatory retirement age for correctional officers; miscel-

laneous amendments to the elective state officers retirement plan and the unclassified employees retirement plan; providing for privacy of individual retirement data; providing for release of necessary data to governmental agencies; requiring an annual report to the legislature; excluding overtime payments for pension purposes; service credit for teachers on parental or maternity leave; elections to receive a combined service annuity; amending Minnesota Statutes 1974, Sections 352.01, Subdivisions 2A and 2B; 352C.02, Subdivisions 2, 3, and by adding a subdivision; 352C.04, Subdivisions 1 and 2a; 352C.05; 352C.09, Subdivision 1; 353.01, Subdivisions 2b, 16, and 30; 353.03, Subdivision 1, and by adding a subdivision; 353.27, Subdivision 7; 353.30, Subdivision 3; 353.33, Subdivision 11, and by adding subdivisions; 353.34, Subdivision 6; 353.35; 353.656, Subdivision 6; Chapter 352C, by adding a section; Chapter 354, by adding a section; Chapter 356, by adding sections; and Minnesota Statutes, 1975 Supplement, Sections 43.051, Subdivision 3; 352D.02, Subdivision 1; 353.01, Subdivision 24; 353.03, Subdivision 2a; 353.15; and 353.29, Subdivision 7; and repealing Minnesota Statutes 1974, Section 352C.04, Subdivisions 2 and 2b.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question being taken on the repassage of the bill and the roll being called, there were yeas 123, and nays 0, as follows:

Those who voted in the affirmative were:

Abeln	Dieterich	Kaley	Neisen	Sherwood
Adams, L.	Doty	Kalis	Nelsen	Sieben, H.
Adams, S.	Eckstein	Kelly, R.	Nelson	Sieben, M.
Albrecht	Eken	Kelly, W.	Niehaus	Sieloff
Anderson, G.	Enebo	Kempe, A.	Norton	Simoneau
Anderson, I.	Erickson	Kempe, R.	Osthoff	Skoglund
Arlandson	Esau	Ketola	Parish	Smith
Beauchamp	Evans	Knoll	Patton	Smogard
Begich	Faricy	Kostohryz	Pehler	Stanton
Berg	Fjoslien	Kroening	Peterson	Suss
Berglin	Forsythe	Kvam	Petrafeso	Swanson
Biersdorf	Friedrich	Laidig	Philbrook	Tomlinson
Birnstihl	Fudro	Langseth	Pleasant	Ulland
Braun	Fugina	Lemke	Prahl	Vanasek
Brinkman	George	Lindstrom	Reding	Vento
Byrne	Graba	Luther	Rice	Voss
Carlson, A.	Hanson	Mann	St. Onge	Wenstrom
Carlson, L.	Haugerud	McCarron	Samuelson	Wenzel
Carlson, R.	Jacobs	McCauley	Sarna	White
Casserly	Jaros	McCollar	Savelkoul	Wigley
Clark	Jensen	McEachern	Schreiber	Williamson
Corbid	Johnson, C.	Menning	Schulz	Zubay
Dahl	Johnson, D.	Metzen	Schumacher	Speaker Sabo
Dean	Jude	Moe	Searle	
DeGroat	Kahn	Munger	Setzpfandt	

The bill was repassed, as amended by Conference, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 1326, A bill for an act relating to garnishment and execution; amending Minnesota Statutes 1974, Sections 550.04; 550.142; 550.37, Subdivisions 4, 13, 14, 18, 19, and by adding a subdivision; 571.41, Subdivisions 1 and 2, and by adding subdivision; 571.55, Subdivisions 1 and 2; 571.61, Subdivision 1; 571.67; and Chapters 550, by adding a section; and 571, by adding sections; repealing Minnesota Statutes 1974, Sections 571.47; 571.48; and 571.49.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Casserly moved that the House concur in the Senate amendments to H. F. No. 1326 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1326, A bill for an act relating to garnishment, execution, and wage assignment; amending Minnesota Statutes 1974, Sections 550.041; 550.142; 550.37, Subdivisions 13, 14, 18, 19, and by adding a subdivision; 571.41, Subdivisions 1 and 2, and by adding subdivisions; 571.55, Subdivisions 1 and 2; 571.61, Subdivision 1; 571.67; and Chapters 181, by adding a section; 550, by adding a section; and 571, by adding sections; repealing Minnesota Statutes 1974, Sections 571.47; 571.48; and 571.49.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question being taken on the repassage of the bill and the roll being called, there were yeas 70, and nays 58, as follows:

Those who voted in the affirmative were:

Abeln	Dieterich	Kostohryz	Pehler	Smogard
Adams, L.	Eken	Laidig	Petrafeso	Spanish
Adams, S.	Ewald	Langseth	Philbrook	Stanton
Anderson, G.	George	Lindstrom	Pleasant	Suss
Arlandson	Haugerud	Luther	Prahl	Swanson
Beauchamp	Heinitz	Mangan	Reding	Tomlinson
Berg	Hokanson	McCollar	Schreiber	Ulland
Byrne	Jacobs	Metzen	Schumacher	Vanasek
Carlson, A.	Jaros	Moe	Setzepfandt	Vento
Carlson, L.	Kahn	Munger	Sieben, H.	Voss
Casserly	Kelly, R.	Neisen	Sieben, M.	Wenstrom
Clark	Kelly, W.	Norton	Simoneau	White
Clawson	Knickerbocker	Novak	Skoglund	Williamson
Dean	Knoll	Parish	Smith	Speaker Sabo

Those who voted in the negative were:

Albrecht	Doty	Graba	Mann	St. Onge
Anderson, I.	Eckstein	Hanson	McCarron	Sarna
Begich	Enebo	Jensen	McCauley	Schulz
Berglin	Erickson	Johnson, C.	McEachern	Searle
Biersdorf	Esau	Johnson, D.	Menning	Sherwood
Birnstihl	Evans	Jude	Nelsen	Sieloff
Braun	Faricy	Kaley	Nelson	Wenzel
Brinkman	Fjoslien	Kalis	Niehaus	Wieser
Carlson, R.	Forsythe	Ketola	Osthoff	Wigley
Corbid	Friedrich	Kroening	Patton	Zubay
Dahl	Fudro	Kvam	Peterson	
DeGroat	Fugina	Lemke	Rice	

The bill was repassed, as amended by the Senate, and its title agreed to.

The following conference committee reports were received:

CONFERENCE COMMITTEE REPORT ON H. F. NO. 2144

A bill for an act relating to the state transportation system; creating the Minnesota state transportation fund; appropriating money therefrom for construction and reconstruction of bridges and bridge approaches; authorizing the issuance of state bonds therefor pursuant to article XI of the constitution.

April 6, 1976

The Honorable Martin O. Sabo
Speaker of the House of Representatives
The Honorable Alec G. Olson
President of the Senate

We, the undersigned conferees for H. F. No. 2144 report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that H. F. No. 2144 be further amended as follows:

Page 2, line 28, strike "highways" and insert "transportation".

Page 2, line 29, strike "director of planning" and insert "commissioner".

Page 3, line 5, strike "highways" and insert "transportation".

Page 3, line 6, strike "director of planning" and insert "commissioner".

Page 3, line 11, strike "state".

Page 3, line 12, strike "planning agency" and insert "department of transportation".

Page 3, line 29, strike "state planning" and insert "department of transportation".

Page 3, line 30, strike "agency".

Page 4, line 10, strike "highways" and insert "transportation".

Page 4, line 18, strike "highways" and insert "transportation".

Pages 8 and 9, strike section 3 in its entirety and insert:

"Sec. 3. [BOND AUTHORIZATIONS.] Subdivision 1. The commissioner of finance is authorized upon the request of the commissioner of transportation to sell and issue Minnesota state transportation bonds for the purposes provided in section 2, subdivision 1, in the aggregate principal amount of \$12,500,000, in the manner and upon the conditions prescribed in section 2 and in article XI of the constitution; provided that no bonds may be sold in any year unless the money appropriated by section 4, subdivision 2, clause (a), has been expended. The proceeds of the bonds, except as provided in section 2, subdivision 5, are appropriated to the Minnesota state transportation fund for expenditure in accordance with section 1 and section 4, subdivision 1, clause (a).

Subd. 2. The commissioner of finance is authorized upon the request of the commissioner of transportation to sell and issue Minnesota state transportation bonds for the purposes provided in section 2, subdivision 1, in the aggregate principal amount of \$12,500,000, in the manner and upon the conditions prescribed in section 2 and in article XI of the constitution; provided that no bonds shall be sold in any year unless the money appropriated by section 4, subdivision 2, clause (b), has been expended. The proceeds of the bonds, except as provided in section 2, subdivision 5, are appropriated to the Minnesota state transportation fund for expenditure in accordance with this section and section 1 and section 4, subdivision 1, clause (b).

Sec. 4. [APPROPRIATION.] Subdivision 1. The following sums, or so much thereof as is determined to be needed are appropriated from the Minnesota state transportation fund to the department of transportation for the following purposes:

(a) \$25,000,000 for the construction and reconstruction of key bridges and bridge approaches on the trunk highway system, including interstate routes;

(b) For disbursement in the form of grants to political subdivisions by the commissioner of transportation for the construc-

tion and reconstruction of key bridges on the following road systems:

- | | |
|------------------------------------|---------------|
| (1) County highway systems | \$13,500,000 |
| (2) Municipal street systems | \$ 4,000,000 |
| (3) Township road systems | \$ 7,500,000. |

Subd. 2. The following sums shall be appropriated from the general fund in the fiscal year ending June 30, 1977, to the department of transportation for deposit in the Minnesota state transportation fund:

(a) \$12,500,000 for expenditure in accordance with subdivision 1, clause (a); and

(b) \$12,500,000 for expenditure in accordance with subdivision 1, clause (b)."

Renumber remaining section.

Page 9, line 6, strike "Section 3 is" and insert "Sections 3 and 4 are".

Further, amend the title as follows:

Page 1, line 7, after "constitution" insert "; appropriating money".

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

House Conferees: RICHARD R. LEMKE, AL PATTON and WILLIAM H. SCHREIBER.

Senate Conferees: ROGER LAUFENBURGER, MEL FREDERICK and JERALD C. ANDERSON.

Lemke moved that the report of the Conference Committee on H. F. No. 2144 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 2144, A bill for an act relating to the state transportation system; creating the Minnesota state transportation fund; appropriating money therefrom for construction and reconstruction of bridges and bridge approaches; authorizing the issuance of state bonds therefor pursuant to article XI of the constitution.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question being taken on the repassage of the bill and the roll being called, there were yeas 112, and nays 17, as follows:

Those who voted in the affirmative were:

Abeln	Eckstein	Kahn	Moe	Searle
Adams, L.	Eken	Kalis	Munger	Setzepfandt
Adams, S.	Enebo	Kelly, R.	Neisen	Sherwood
Albrecht	Erickson	Kelly, W.	Nelsen	Sieben, H.
Anderson, G.	Esau	Kempe, A.	Nichaus	Sieben, M.
Anderson, I.	Evans	Kempe, R.	Norton	Sieloff
Beauchamp	Ewald	Ketola	Novak	Smith
Begich	Farcy	Knickerbocker	Osthoff	Smogard
Biersdorf	Forsythe	Kostohryz	Parish	Spanish
Birnstihl	Fudro	Kroening	Patton	Stanton
Braun	Fugina	Kvam	Pehler	Swanson
Brinkman	George	Laidig	Peterson	Tomlinson
Carlson, A.	Graba	Langseth	Philbrook	Ulland
Carlson, L.	Hanson	Lemke	Pleasant	Vanasek
Carlson, R.	Haugerud	Lindstrom	Prahl	Vento
Casserly	Heinitz	Luther	Reding	Voss
Clawson	Hokanson	Mangan	St. Onge	Wenstrom
Corbid	Jacobs	Mann	Samuelson	Wenzel
Dahl	Jaros	McCarron	Sarna	White
Dean	Jensen	McCauley	Savelkoul	Wieser
DeGroat	Johnson, C.	McEachern	Schreiber	
Dieterich	Johnson, D.	Menning	Schulz	
Doty	Jude	Metzen	Schumacher	

Those who voted in the negative were:

Arlandson	Clark	McCollar	Simoneau	Speaker Sabo
Berg	Fjoslien	Nelson	Skoglund	
Berglin	Friedrich	Petrafeso	Wigley	
Byrne	Kaley	Rice	Zubay	

The bill was repassed, as amended by Conference, and its title agreed to.

CONFERENCE COMMITTEE REPORT ON H. F. NO. 2233

A bill for an act relating to human services; permitting Otter Tail county to designate a human services board; amending Minnesota Statutes 1974, Section 402.01, Subdivision 1.

April 6, 1976

The Honorable Martin O. Sabo
Speaker of the House of Representatives
The Honorable Alee G. Olson
President of the Senate

We, the undersigned conferees for H. F. No. 2233 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. 2233 be amended as follows:

Page 2, after line 4, insert:

"Sec. 4. Subdivision 1. Notwithstanding the population requirements of Minnesota Statutes, Section 402.01, Subdivision 1, any two contiguous counties of the counties of Aitkin, Carlton, Itasca, or Koochiching may, by resolution of their county boards of commissioners, designate a human services board having the composition, powers and duties provided in Minnesota Statutes, Sections 402.01 to 402.10.

Subd. 2. This section shall be effective for each county named in subdivision 1 upon its approval by the board of county commissioners of the county and upon compliance with Minnesota Statutes, Section 645.021."

Further, amend the title as follows:

Page 1, line 3, delete "county" and insert ", Aitkin, Carlton, Itasca, and Koochiching counties".

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

House Conferees: GENE WENSTROM, JAMES I. RICE and WAYNE O. SCHUMACHER.

Senate Conferees: WAYNE OLHOFT, J. A. JOSEFSON and WINSTON BORDEN.

Wenstrom moved that the report of the Conference Committee on H. F. No. 2233 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 2233, A bill for an act relating to human services; permitting Otter Tail county to designate a human services board; amending Minnesota Statutes 1974, Section 402.01, Subdivision 1.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question being taken on the repassage of the bill and the roll being called, there were yeas 120, and nays 9, as follows:

Those who voted in the affirmative were:

Abeln	Anderson, G.	Berg	Braun	Carlson, L.
Adams, L.	Arlandson	Berglin	Brinkman	Cassery
Adams, S.	Beauchamp	Biersdorf	Byrne	Clark
Albrecht	Begich	Birnstihl	Carlson, A.	Clawson

Corbid	Hanson	Kvam	Parish	Simoneau
Dahl	Haugerud	Laidig	Pehler	Skoglund
Dean	Heinitz	Langseth	Peterson	Smith
DeGroat	Hokanson	Lindstrom	Petrafeso	Smogard
Dieterich	Jacobs	Luther	Philbrook	Spanish
Eckstein	Jaros	Mangan	Pleasant	Stanton
Eken	Jensen	Mann	Reding	Suss
Enebo	Johnson, C.	McCarron	Rice	Swanson
Erickson	Johnson, D.	McCauley	St. Onge	Tomlinson
Esau	Jude	McCollar	Sarna	Ulland
Evans	Kahn	McEachern	Savelkoul	Vanasek
Ewald	Kaley	Menning	Schreiber	Vento
Faricy	Kelly, R.	Moe	Schulz	Voss
Fjoslien	Kelly, W.	Munger	Schumacher	Wenstrom
Forsythe	Kempe, A.	Nelsen	Searle	Wenzel
Friedrich	Kempe, R.	Nelson	Setzepfandt	White
Fudro	Knickerbocker	Niehaus	Sherwood	Wieser
Fugina	Knoll	Norton	Sieben, H.	Wigley
George	Kostohryz	Novak	Sieben, M.	Zubay
Graba	Kroening	Osthoff	Sieloff	Speaker Sabo

Those who voted in the negative were:

Anderson, I.	Doty	Ketola	Metzen	Prahl
Carlson, R.	Kalis	Lemke	Neisen	

The bill was repassed, as amended by Conference, and its title agreed to.

ADJOURNMENT

Anderson, I., moved that when the House adjourns today it adjourn until 11:00 a.m., Wednesday, April 7, 1976. The motion prevailed.

Anderson, I., moved that the House adjourn. The motion prevailed and the Speaker declared the House adjourned until 11:00 a.m., Wednesday, April 7, 1976.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

STATE OF MINNESOTA

SIXTY-NINTH SESSION - 1976

ONE HUNDRED-EIGHTH DAY

SAINT PAUL, MINNESOTA, WEDNESDAY, APRIL 7, 1976

The House convened at 11:00 a.m. and was called to order by the Speaker.

Prayer was offered by the Chaplain.

The roll was called and the following members were present:

Abeln	Doty	Kalis	Nelsen	Sieben, M.
Adams, L.	Eckstein	Kelly, R.	Nelson	Sieloff
Adams, S.	Eken	Kelly, W.	Niehaus	Simoneau
Albrecht	Enebo	Kempe, A.	Norton	Skoglund
Anderson, G.	Erickson	Kempe, R.	Novak	Smith
Anderson, I.	Esau	Ketola	Osthoff	Smogard
Arlandson	Evans	Knickerbocker	Parish	Spanish
Beauchamp	Faricy	Knoll	Patton	Stanton
Begich	Fjoslien	Kostohryz	Pehler	Suss
Berg	Forsythe	Kroening	Peterson	Swanson
Berglin	Friedrich	Kvam	Petraleso	Tomlinson
Biersdorf	Fudro	Laidig	Philbrook	Ulland
Birnstihl	Fugina	Langseth	Pleasant	Vanasek
Braun	George	Lemke	Prahl	Vento
Brinkman	Graba	Lindstrom	Reding	Voss
Byrne	Hanson	Luther	Rice	Wenstrom
Carlson, A.	Haugerud	Mangan	St. Onge	Wenzel
Carlson, L.	Hokanson	McCarron	Samuelson	White
Casserly	Jacobs	McCauley	Sarna	Wieser
Clark	Jaros	McCollar	Savelkoul	Williamson
Clawson	Jensen	McEachern	Schreiber	Zubay
Corbid	Johnson, C.	Menning	Schulz	Speaker Sabo
Dahl	Johnson, D.	Metzen	Schumacher	
Dean	Jude	Moe	Setzepfandt	
DeGroat	Kahn	Munger	Sherwood	
Dieterich	Kaley	Neisen	Sieben, H.	

A quorum was present.

Carlson, R.; Ewald; Heinitz; Jopp; Mann; Searle; Volk; and Wigley were excused.

The Chief Clerk proceeded to read the Journal of the preceding day. On the motion of Vanasek the further reading was dispensed with and the Journal was approved as corrected.

HOUSE ADVISORY BILLS

Pursuant to Rule 5.3, the following House Advisory Bill was introduced:

Williamson, McCarron, Knickerbocker, Metzen and Jensen introduced:

H. A. B. No. 86, A study of the immediate and long-range impacts of the Fiscal Disparities Act.

The bill was referred to the Committee on Local and Urban Affairs.

REPORT FROM THE COMMITTEE ON RULES AND
LEGISLATIVE ADMINISTRATION

Anderson, I., for the Committee on Rules and Legislative Administration, offered the following report and moved its adoption:

Resolved, that the Chief Clerk of the House be and he is hereby authorized to correct and approve the Journal of the House for the last day of the 69th Regular Session; and, be it

Further Resolved, that the Chief Clerk of the House be and he is hereby authorized to include in the Journal for the last day communications received subsequent to adjournment sine die and announcements of appointments to committees or commissions made by legislative action or by law.

The question was taken on the adoption of the report and the report was adopted.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

H. F. No. 2489, A bill for an act relating to motor vehicles; special permits for oversize and overweight vehicles; authorizing an annual permit for refuse compactor vehicles and prescribing maximum loads thereon; providing a fee therefor; redefining farm trucks; providing for graphic design license plates; appropriating money; amending Minnesota Statutes 1971, Section 168.011, Subdivision 17, as amended; and Minnesota Statutes 1974, Sections 168.12, by adding a subdivision;

169.86, Subdivision 5; repealing Minnesota Statutes 1974, Section 169.831.

The Senate has repassed said bill, in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

H. F. No. 2374, A bill for an act relating to highway traffic regulation; requiring courts to report to the commissioner of public safety a stay of imposition of sentence for motor vehicle offenses; providing for the revocation of a driver's license or permit by the commissioner of public safety upon receipt of chemical test that person's blood contains .10 percent or more by weight of alcohol; providing procedural safeguards; providing for issuance of a limited license; providing for reinstatement of a revoked license; prescribing penalties; and appropriating money; amending Minnesota Statutes 1974, Sections 169.121, by adding a subdivision; 609.135, Subdivision 3; and Chapter 169, by adding a section.

The Senate has repassed said bill, in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

H. F. No. 2233, A bill for an act relating to human services; permitting Otter Tail, Aitkin, Carlton, Itasca, and Koochiching counties to designate a human services board; amending Minnesota Statutes 1974, Section 402.01, Subdivision 1.

The Senate has repassed said bill, in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

H. F. No. 2144, A bill for an act relating to the state transportation system; creating the Minnesota state transportation fund; appropriating money therefrom for construction and reconstruction of bridges and bridge approaches; authorizing the issuance of state bonds therefor pursuant to article XI of the constitution; appropriating money.

The Senate has repassed said bill, in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 2281, A bill for an act relating to cultural and recreational activities; prescribing powers and duties of the state board of arts; establishing a local arts development program and a program of general operating support for major arts institutions; requiring a certificate of need for construction of certain new public regional sports and auditorium facilities; creating an arbitration panel and prescribing its powers and duties; 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 bonds and levy taxes; 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; appropriating money; amending Minnesota Statutes 1974, Chapters 139 and 473, by adding sections; Minnesota Statutes, 1975 Supplement, Sections 139.08, Subdivision 5; 139.10, Subdivisions 1 and 2 and by adding a subdivision; repealing Minnesota Statutes 1974, Section 340.11, Subdivision 11a.

PATRICK E. FLAHAVEN, Secretary of the Senate

MOTIONS AND RESOLUTIONS

Dean moved that the name of Fugina be stricken as an author on H. A. B. No. 24. The motion prevailed.

Mann moved that the name of Fudro be added as an author on H. A. B. No. 85. The motion prevailed.

Mann moved that his name be stricken as an author on H. A. B. No. 70. The motion prevailed.

Senate Concurrent Resolution No. 13 was reported to the House.

SENATE CONCURRENT RESOLUTION NO. 13

A Senate concurrent resolution designating June 26, 1976 as Freedom Fest '76, a celebration of freedom from alcohol and drug dependency.

Whereas, the State of Minnesota is recognized for leadership among the fifty states in the recognition, early intervention and treatment of alcohol and drug dependency; and

Whereas, on the 26th day of June, 1976, more than 40,000 recovering and concerned people from all areas of Minnesota will assemble in Bloomington, Minnesota to celebrate freedom from dependency on alcohol and other drugs; and

Whereas, the Legislature of the State of Minnesota finds and believes that the best interest of the State requires continued support for efforts to encourage treatment of alcohol and drug dependency by reducing the stigma attached to these diseases; now, therefore

Be It Resolved, by the Senate of the State of Minnesota, the House of Representatives concurring therein, that June 26, 1976 be designated as Freedom Fest '76 and that the citizens of Minnesota be encouraged to support this positive demonstration of encouragement for persons suffering alcohol and drug dependency.

Anderson, I., moved that Senate Concurrent Resolution No. 13 be now adopted. The motion prevailed and the resolution was adopted.

MOTION TO ADJOURN SINE DIE

Anderson, I., moved that the House adjourn sine die. The motion prevailed; and the Speaker declared the House adjourned sine die.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

COMMUNICATIONS AND ANNOUNCEMENTS RECEIVED
SUBSEQUENT TO ADJOURNMENT SINE DIE

The following communications were received:

STATE OF MINNESOTA
OFFICE OF THE GOVERNOR
ST. PAUL 55155

April 8, 1976

The Honorable Martin Sabo
Speaker of the House

Sir:

I have the honor to inform you that I received, approved, signed and deposited in the office of the Secretary of State the following House Files:

H. F. No. 374, An act relating to local government; local improvements; establishing procedures for deferment of special assessments against homesteads of senior citizens; imposing certain duties on county auditors.

H. F. No. 404, An act relating to financial institutions; allowing loans guaranteed by certain federal authorities; providing for certain installment loans and open end loan accounts.

H. F. No. 447, An act relating to real estate brokers and salespersons; authorizing establishment of special licenses applicable solely to the rental or management of real estate.

H. F. No. 790, An act relating to public welfare; providing visitation rights to unmarried minor children for grandparents in certain cases.

H. F. No. 920, An act relating to recreation; environmental preservation and energy conservation; conserving human and natural resources by promoting health and recreation and abating environmental pollution by encouraging the use of bicycles; providing for a bicycle registration system.

H. F. No. 1984, An act relating to agriculture; establishing a family farm security program to encourage loans for farm real estate.

H. F. No. 1143, An act relating to public health; providing that chiropractic colleges shall be entitled to receive cadavers for the purpose of anatomical study.

H. F. No. 1293, An act relating to public television; providing grants for instructional television stations serving Minnesota.

H. F. No. 1323, An act relating to health; setting standards for contract emergency ambulance services.

H. F. No. 1440, An act relating to private cemeteries; recovery of abandoned lots.

H. F. No. 1876, An act relating to transportation; creating a rail service improvement account; authorizing contractual agreements for rail line rehabilitation.

H. F. No. 1895, An act relating to highway traffic regulations; brakes.

H. F. No. 1913, An act relating to the city of Waseca; authorizing lump-sum firemen's service pensions.

H. F. No. 1929, An act relating to health care; requiring that certain insurance contracts and subscriber contracts provide benefits for certain services performed by podiatrists.

H. F. No. 1962, An act relating to the city of Wadena; increasing payments for firemen's relief association service pensions.

H. F. No. 1967, An act relating to the city of Rockford; proportionate service pensions and financing requirements of the firemen's relief association.

H. F. No. 1993, An act relating to education; providing standards for the education of handicapped children; requiring a hearing and appeals process.

H. F. No. 1996, An act relating to education; requiring school boards to take control of all co-curricular school activities; changing the method of accounting for co-curricular and extra-curricular activities.

H. F. No. 2335, An act relating to insurance; revising financial requirements for certain insurance companies.

H. F. No. 2338, An act relating to the city of Fergus Falls; firemen's service pensions.

H. F. No. 2442, An act relating to Minnesota Statutes; restoring certain erroneously omitted language.

H. F. No. 2520, An act relating to education; requiring school districts to provide instructional materials for certain nonpublic school children.

Sincerely,

WENDELL R. ANDERSON
Governor

STATE OF MINNESOTA
OFFICE OF THE GOVERNOR
ST. PAUL 55155

April 9, 1976

The Honorable Martin Sabo
Speaker of the House

Sir:

I have the honor to inform you that I received, approved, signed and deposited in the office of the Secretary of State the following House Files:

H. F. No. 1078, An act relating to real estate; requiring certain real estate developers to comply with trust account requirements.

H. F. No. 1130, An act relating to the organization, operation and financing of state government; establishing an indirect cost billing system.

H. F. No. 1271, An act relating to labor and employment; providing for transfer of pension or retirement fund contributions.

H. F. No. 1382, An act relating to transportation; authorizing the commissioner of administration to acquire vehicles for the car pooling of state employees.

H. F. No. 1519, An act relating to the city of St. Paul; providing for and authorizing issuance of general obligation bonds for capital improvement budget purposes and for expending moneys for the capitol area.

H. F. No. 1828, An act relating to industrial loan and thrift companies; requiring approval of name by commissioner of banks; regulating renewals of loans and refunds of interest or discounts.

H. F. No. 2117, An act relating to public welfare; authorizing the assignment of accident insurance proceeds by any recipient of medical assistance.

H. F. No. 2225, An act relating to veterans affairs; application for adjusted compensation; establishing an application time limit.

H. F. No. 2230, An act relating to retirement; approval of benefits and contributions of teachers' retirement associations in cities of the first class.

H. F. No. 2441, An act relating to Minnesota Statutes; providing for the correction of erroneous, ambiguous, omitted and obsolete references and text; reenacting certain laws inadvertently repealed.

Sincerely,

WENDELL R. ANDERSON
Governor

STATE OF MINNESOTA
OFFICE OF THE GOVERNOR
ST. PAUL 55155

April 13, 1976

The Honorable Martin O. Sabo
Speaker of the Minnesota
House of Representatives
276 State Office Building
St. Paul, Minnesota 55155

Sir:

I am returning H. F. No. 1865, the determinate sentencing bill without my signature.

I support the concept of determinate sentencing, and I believe that it should be tried in Minnesota. I also appreciate the great and sincere effort that has been made to carry this concept into law during this session of the Legislature.

However, H. F. No. 1865 has a number of serious inadequacies that could be corrected by further legislative attention, and I am convinced that should be done before we permit determinate sentencing to become law in Minnesota.

My major concern is that H. F. No. 1865 simply deals inadequately with chronic dangerous offenders. While there is provision for extended terms for such offenders in the legislation, there is no definition of penalty. At best, the omission of such a definition results in confusion for judges who are required to develop their own standards for extended terms. At

worst, it will result in non-use of extended terms; the basic determinate sentences in the bill would then result in sentences that are too short for chronic dangerous offenders convicted of first and second degree murder and aggravated rape.

Without an extended term, for example, the heaviest sentence that could be imposed for first degree murder would be twenty years plus fifteen percent, or twenty-three years. The "good time," or good behavior provisions of the bill, would permit a prisoner to reduce such a sentence to eleven and one-half years, and be released unconditionally, no matter what his previous record had been or what were the circumstances under which the murder was committed.

In 1973, I vetoed legislation which would have reduced the *minimum* penalty for first degree murder to ten years and three months with good behavior. Without the extended term option, H. F. No. 1865 would reduce the *maximum* term, with good behavior, almost to that level.

Supporters of the legislation indicate that the absence of a definition of extended terms is an inadvertent omission and can be corrected before the bill is to take effect next April.

No doubt, that is true. But I believe the best way to insure that such a correction is made, and to protect the public from potential early release of prisoners convicted of major felonies, is to veto the bill at this time.

Additional work will also clarify the groupings to which present law, interim law, and future law apply. It is unclear, for example, whether persons now imprisoned become eligible for release under the provisions of this legislation. More specific language would reduce the likelihood of litigation over this issue, in my judgment.

What is proposed in this legislation is a major policy change, from indeterminate sentencing with a significant judgment role for the State Parole Board to determinate sentencing without later opportunities for modification by such a board. Such a step has consequences that must be carefully considered. Any changes we make in our criminal code must receive careful and sensitive consideration.

The bill itself anticipates problems by establishing a special study to make changes before the bill goes into effect. In my judgment, the wiser course is to wait until that study is completed before attempting to place this concept into law. I will be happy to cooperate with the legislative leadership in establishing such a study, in the absence of legislative authority in the vetoed bill. I look forward to receiving a corrected bill, perhaps in time to take effect in April, after the Legislature has given additional attention to the inadequacies of H. F. No.

1865. In my judgment, that is the most positive way to achieve our common goal of providing determinate sentencing along with adequate protection from the premature release of dangerous prisoners.

Sincerely,

WENDELL R. ANDERSON
Governor

STATE OF MINNESOTA
OFFICE OF THE GOVERNOR
ST. PAUL 55155

April 13, 1976

The Honorable Martin Sabo
Speaker of the House

Sir:

I have the honor to inform you that I received, approved, signed and deposited in the office of the Secretary of State the following House Files:

H. F. No. 81, An act relating to real property; termination of contract for sale; providing differing times of notice in accordance with percentage of purchase price paid.

H. F. No. 753, An act relating to game and fish; prohibiting taking of birds by certain methods.

H. F. No. 771, An act relating to the cities of Albert Lea and Buhl; placing the chief of police of Albert Lea under the public employees police and fire fund; providing membership of police officers of the city of Buhl in the public employees retirement association police and fire fund.

H. F. No. 814, An act relating to taxation; authorizing an increase in fees charged for preparation of delinquent tax, current tax and federal tax lien certificates.

H. F. No. 943, An act relating to cable communications; making the cable communications commission a permanent part of the department of administration.

H. F. No. 1056, An act relating to crimes; prohibiting occupying or entering buildings without a claim of right or the owner's consent except in the case of an emergency.

H. F. No. 1069, An act relating to the operation of state government; state employees; adoption of rules by state commis-

sioner of personnel; providing for agreement of rules with employment contracts.

H. F. No. 1087, An act relating to privacy of communications; authorization for interception of wire or oral communications.

H. F. No. 1284, An act relating to aeronautics; prescribing powers of certain political subdivisions to create joint airport zoning boards; prescribing powers of joint airport zoning boards.

H. F. No. 1330, An act relating to labor; directing the commissioner of labor and industry to enforce the prohibition against administering polygraph tests to employees.

H. F. No. 1435, An act relating to game and fish; taking of animals by falconry.

H. F. No. 1827, An act relating to health care; requiring certain insurance policies, health care plans and group subscriber contracts to provide certain benefits for out-patient treatment of alcoholism, chemical dependency or drug addiction.

H. F. No. 1847, An act relating to dentistry; providing for registration of dental assistants; changing the membership of the board of dentistry; providing for continuing education.

H. F. No. 1885, An act relating to the metropolitan airports commission; requiring the installation of aircraft noise suppressing equipment at certain Minneapolis-St. Paul International Airport sites.

H. F. No. 1892, An act relating to emergency services; defining disaster and emergency; specifying powers of political subdivisions in relation to local emergencies.

H. F. No. 1918, An act relating to the city of Shakopee; authorizing an increase in fire department relief association lump sum service benefits.

H. F. No. 1955, An act relating to crimes; exempting guards from pistol permit requirements when on duty.

H. F. No. 1988, An act relating to port authorities; authorizing port authorities to apply for and exercise powers of a foreign trade zone.

H. F. No. 2007, An act relating to local government; retirement; increasing volunteer firemen's service pensions for the cities of Wayzata and Newport.

H. F. No. 2038, An act relating to medical assistance for the needy; directing the commissioner of public welfare to identify and investigate certain medical assistance abuses.

H. F. No. 2039, An act relating to health care; clarifying and expanding the patient's bill of rights; requiring certain notices; providing penalties.

H. F. No. 2068, An act relating to hospitals; providing for loans to medical students who agree to practice in the hospital district.

H. F. No. 2107, An act relating to public employees; providing for payment of attorney's fees necessary to obtain benefits for survivors of peace officers killed in line of duty.

H. F. No. 2147, An act relating to traffic regulation; providing for traffic and parking regulation by school boards.

H. F. No. 2159, An act relating to retirement; amending the Minneapolis municipal employees retirement act as applied to survivors benefits; permitting a credit union to act as trustee or custodian for individual retirement accounts.

H. F. No. 2175, An act relating to taxation; altering calculation of levy limit base adjustments.

H. F. No. 2215, An act relating to aeronautics; appropriating and transferring money for construction of hangars.

H. F. No. 2217, An act relating to veterinary medicine; prescribing certain practices by unlicensed persons; authorizing practice by students in certain circumstances.

H. F. No. 2292, An act relating to Independent School District No. 834, No. 832 and No. 833; instruction to pupils from other districts; authorizing the districts to enter into agreements for the furnishing of instruction to non-resident pupils.

H. F. No. 2321, An act relating to local government in Benton, Sherburne and Stearns counties; increasing fireman's lump sum service pensions in the city of Sauk Rapids.

H. F. No. 2342, An act relating to state hospitals; providing certain name changes.

H. F. No. 2440, An act relating to the administration of justice; authorizing judicially imposed fees for county law libraries.

H. F. No. 2472, An act relating to Independent School District No. 624 and Independent School District No. 12; providing for the exchange of territory between the districts.

H. F. No. 2490, An act relating to highways; designating and establishing the route of the "Glacial Ridge Trail".

H. F. No. 2534, An act relating to local government in Carlton, Chisago, Isanti and Pine counties; providing retirement benefits for certain county judges.

H. F. No. 2560, An act relating to highway traffic regulations; prescribing the width of vehicles.

H. F. No. 2600, An act relating to highway traffic regulations; license requirements for operating motorcycles; requiring enrollment in two-wheeled vehicle safety course prior to issuance of instruction permit.

Sincerely,

WENDELL R. ANDERSON
Governor

STATE OF MINNESOTA
OFFICE OF THE GOVERNOR
ST. PAUL 55155

April 13, 1976

The Honorable Martin Sabo
Speaker of the House

Sir:

I have the honor to inform you that I received, approved, signed and deposited in the office of the Secretary of State the following House Files:

H. F. No. 101, An act relating to insurance; establishing certain compulsory insurance for aircraft.

H. F. No. 348, An act relating to insurance; establishing a temporary joint underwriting association for medical malpractice insurance.

H. F. No. 354, An act relating to public welfare; providing for the licensing of facilities and services for the handicapped and children.

H. F. No. 471, An act relating to condominiums; regulating the association of apartment owners; requiring certain disclosure before initial sale of apartments.

H. F. No. 617, An act relating to taxation; adding certain disabled persons to those paying reduced property taxes.

H. F. No. 955, An act relating to mobile homes; providing certain procedures for repossession of mobile homes.

H. F. No. 1137, An act relating to housing; increasing range of eligibility for assistance from housing finance agency; prescribing agency powers.

H. F. No. 1333, An act relating to coroners; providing for fees and traveling expenses; prohibiting interferences with a dead body or the scene of death.

H. F. No. 1471, An act relating to local improvements; authorizing a reassessment or new assessment or the imposition of fees or charges as to tax forfeited lands returned to private ownership.

H. F. No. 1608, An act relating to legal assistance; providing state aid to certain legal assistance corporations.

H. F. No. 1767, An act relating to bingo; providing penalties.

H. F. No. 1866, An act relating to tort liability; raising the liability limits of political subdivisions; limiting the liability of individuals employed by political subdivisions.

H. F. No. 1947, An act relating to taxation; providing for the assessment of dwelling units in certain buildings.

H. F. No. 1997, An act relating to the operation of government; providing for aids to education, tax levies, and the distribution of tax revenues; changing the funding of special education, adult vocational education, and secondary vocational education to a current funding basis.

H. F. No. 2041, An act relating to the elderly and handicapped; requiring the board on aging to develop a proposal for a state policy for citizens dependent on long-term care and services.

H. F. No. 2188, An act relating to public safety; authorizing the commissioner of public safety to maintain certain aircraft.

H. F. No. 2203, An act relating to medical assistance for the needy; establishing guidelines for allowed costs of services furnished by nursing homes.

H. F. No. 2204, An act relating to collection and dissemination of data; providing definitions; requiring a public document on data collection.

H. F. No. 2218, An act relating to the department of public welfare; providing for funding for detoxification programs.

H. F. No. 2688, An act urging Congress and the President to establish the Solar Energy Research Institute in Minnesota.

Sincerely,

WENDELL R. ANDERSON
Governor

STATE OF MINNESOTA
OFFICE OF THE GOVERNOR
ST. PAUL 55155

April 20, 1976

The Honorable Martin Sabo
Speaker of the House

Sir:

I have the honor to inform you that I received, approved, signed and deposited in the office of the Secretary of State the following House Files:

H. F. No. 424, An act relating to the operation of state government; creating a department of vocational rehabilitation; transferring the powers and duties of the division of vocational rehabilitation to the department; transferring personnel and appropriations; repealing Minnesota Statutes 1974, Sections 121.29; 121.30; 121.301; 121.31; 121.32; 121.33; 121.331; 121.71; 121.711; 121.712; 121.713; and 121.714.

H. F. No. 500, An act relating to energy; authorizing the director of the Minnesota energy agency to appoint certain employees; establishing an energy conservation information center; prohibiting the use of certain gas lamps; requiring certain reports to the legislature; requiring promulgation of energy conservation rules; requiring surveys of certain public buildings; providing for solar energy performance standards; providing for monitoring of energy research; providing compensation and expense reimbursement for public members of the energy commission; appropriating money; amending Minnesota Statutes 1974, Sections 116H.02, by adding subdivisions; 116H.03, Subdivision 3; 116H.12, by adding subdivisions; and Chapter 116H, by adding sections.

H. F. No. 980, An act relating to taxation; taxes measured by net income; assessment of ad valorem taxes; providing for taxation of certain types of air commerce.

H. F. No. 1326, An act relating to garnishment, execution, and wage assignment; amending Minnesota Statutes 1974.

H. F. No. 1909, An act relating to health; prohibiting sale and use of certain chemicals; restricting the application of pesticides; providing penalties.

H. F. No. 1940, An act relating to the legislature; establishing a council on the economic status of women; appropriating money; repealing Minnesota Statutes 1974, Section 363.04, subdivisions 7 and 8.

H. F. No. 2019, An act relating to controlled substances; scheduling certain substances; authorizing notices on prescription drugs when driving may be impaired; clarifying the prohibition against sale or possession of legend drugs by certain persons; authorizing county detoxification centers to purchase and possess legend drugs.

H. F. No. 2144, An act relating to the state transportation system; creating the Minnesota state transportation fund; appropriating money therefrom for construction and reconstruction of bridges and bridge approaches; authorizing the issuance of state bonds therefor pursuant to article XI of the constitution; appropriating money.

H. F. No. 2233, An act relating to human services; permitting Otter Tail, Aitkin, Carlton, Itasca, and Koochiching counties to designate a human services board.

H. F. No. 2374, An act relating to highway traffic regulation; requiring courts to report to the commissioner of public safety a stay of imposition of sentence for motor vehicle offenses; providing for the revocation of a driver's license or permit by the commissioner of public safety upon receipt of chemical test that person's blood contains .10 percent or more by weight of alcohol; providing procedural safeguards; providing for issuance of a limited license; providing for reinstatement of a revoked license; prescribing penalties; and appropriating money.

H. F. No. 2414, An act relating to motor vehicles; defining terms; motor vehicle excise tax on vehicles purchased for resale; use of motor vehicles bearing motor vehicle dealer plates; providing for the licensure and regulation of certain motor vehicle dealers; prescribing penalties; appropriating money.

H. F. No. 2489, An act relating to motor vehicles; special permits for oversize and overweight vehicles; authorizing an annual permit for refuse compactor vehicles and prescribing maximum loads thereon; providing a fee therefor; redefining farm trucks; providing for graphic design license plates; appropriating money.

H. F. No. 2492, An act relating to environmental protection; limiting the sale and use of organic compounds known as poly-

chlorinated biphenyls; permitting exemptions; requiring labels; providing penalties; providing for the assessment of the cost of preparing an environmental impact statement.

H. F. No. 2546, An act relating to taxation; providing for certain limitations on real property valuation; amending Minnesota Statutes, 1975 Supplement.

H. F. No. 2657, An act relating to natural resources; exempting senior citizens from payment of certain camping fees; increasing motor vehicle permit fees; authorizing the designation of the Zumbro river as a canoe and boating route; providing a reduced fee for small game licenses for senior citizens; authorizing the issuance of Minnesota sportsman licenses; requiring the promulgation of rules concerning certain water permits; appropriating money.

H. F. No. 2677, An act relating to public improvements; authorizing alteration, repair, rehabilitation, equipping, and replacement of equipment of public buildings; authorizing conveyance by the state of an easement for utility purposes over certain state lands in Blue Earth county; appropriating money.

H. F. No. 2678, An act relating to public improvements; authorizing the acquisition and betterment of public land and buildings and other public improvements of a capital nature; authorizing issuance of state building bonds; appropriating money.

Sincerely,

WENDELL R. ANDERSON
Governor

STATE OF MINNESOTA
OFFICE OF THE SECRETARY OF STATE
ST. PAUL, 55155

April 7, 1976

The Honorable Martin O. Sabo
Speaker of the House of Representatives
The Honorable Alec G. Olson
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1976 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:

<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Date Approved 1976</i>	<i>Date Filed 1976</i>
1956		173	April 6	April 6

Sincerely,

JOAN ANDERSON GROWE
Secretary of State

STATE OF MINNESOTA
OFFICE OF THE SECRETARY OF STATE
ST. PAUL 55155

April 9, 1976

The Honorable Martin O. Sabo
Speaker of the House of Representatives
The Honorable Alec G. Olson
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1976 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:

<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Date Approved 1976</i>	<i>Date Filed 1976</i>
4		174	April 8	April 8
499		175	April 8	April 8
687		176	April 8	April 8
975		177	April 8	April 8
1105		178	April 8	April 8
1383		179	April 8	April 8
1570		180	April 8	April 8
1635		181	April 8	April 8
1740		182	April 8	April 8
1821		183	April 8	April 8
1838		184	April 8	April 8

<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Date Approved 1976</i>	<i>Date Filed 1976</i>
1848		185	April 8	April 8
1872		186	April 8	April 8
1932		187	April 8	April 8
1957		188	April 8	April 8
1997		189	April 8	April 8
2011		190	April 8	April 8
2078		191	April 8	April 8
2232		192	April 8	April 8
2251		193	April 8	April 8
2375		194	April 8	April 8

Sincerely,

JOAN ANDERSON GROWE
Secretary of State

STATE OF MINNESOTA
OFFICE OF THE SECRETARY OF STATE
ST. PAUL 55155

April 9, 1976

The Honorable Martin O. Sabo
Speaker of the House of Representatives
The Honorable Alec G. Olson
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1976 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:

<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Date Approved 1976</i>	<i>Date Filed 1976</i>
	374	195	April 8	April 8
	404	196	April 8	April 8

<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Date Approved 1976</i>	<i>Date Filed 1976</i>
	447	197	April 8	April 8
	790	198	April 8	April 8
	920	199	April 8	April 8
	1143	200	April 8	April 8
	1293	201	April 8	April 8
	1323	202	April 8	April 8
	1440	203	April 8	April 8
	1876	204	April 8	April 8
	1895	205	April 8	April 8
	1913	206	April 8	April 8
	1929	207	April 8	April 8
	1962	208	April 8	April 8
	1967	209	April 8	April 8
	1984	210	April 8	April 8
	1993	211	April 8	April 8
	1996	212	April 8	April 8
	2335	213	April 8	April 8
	2338	214	April 8	April 8
	2442	215	April 8	April 8
	2520	216	April 8	April 8

Sincerely,

JOAN ANDERSON GROWE
Secretary of State

STATE OF MINNESOTA
OFFICE OF THE SECRETARY OF STATE
ST. PAUL 55155

April 12, 1976

The Honorable Martin O. Sabo
Speaker of the House of Representatives
The Honorable Alec G. Olson
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1976 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:

<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Date Approved 1976</i>	<i>Date Filed 1976</i>
360		217	April 9	April 9
1552		218	April 9	April 9
1753		219	April 9	April 9
1812		220	April 9	April 9
1865		221	April 9	April 9
1906		222	April 9	April 9
1998		223	April 9	April 9
1999		224	April 9	April 9
2151		225	April 9	April 9
2223		226	April 9	April 9
2300		227	April 9	April 9
2436		228	April 9	April 9
2560		229	April 9	April 9
	1078	230	April 9	April 9
	1130	231	April 9	April 9
	1271	232	April 9	April 9

<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Date Approved 1976</i>	<i>Date Filed 1976</i>
	1382	233	April 9	April 9
	1519	234	April 9	April 9
	1828	235	April 9	April 9
	2117	236	April 9	April 9
	2225	237	April 9	April 9
	2230	238	April 9	April 9
	2441	239	April 9	April 9
491		Resolution 1	April 8	April 8

Sincerely,

JOAN ANDERSON GROWE
Secretary of State

STATE OF MINNESOTA
OFFICE OF THE SECRETARY OF STATE
ST. PAUL 55155

April 14, 1976

The Honorable Martin O. Sabo
Speaker of the House of Representatives
The Honorable Alec G. Olson
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1976 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:

<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Date Approved 1976</i>	<i>Date Filed 1976</i>
	81	240	April 13	April 13
	101	241	April 13	April 13
	348	242	April 13	April 13
	354	243	April 13	April 13

<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Date Approved 1976</i>	<i>Date Filed 1976</i>
	471	244	April 13	April 13
	617	245	April 13	April 13
	753	246	April 13	April 13
	771	247	April 13	April 13
	814	248	April 13	April 13
	943	249	April 13	April 13
	955	250	April 13	April 13
	1056	251	April 13	April 13
	1069	252	April 13	April 13
	1087	253	April 13	April 13
	1137	254	April 13	April 13
	1284	255	April 13	April 13
	1330	256	April 13	April 13
	1333	257	April 13	April 13
	1435	258	April 13	April 13
	1471	259	April 13	April 13
	1608	260	April 13	April 13
	1767	261	April 13	April 13
	1827	262	April 13	April 13
	1847	263	April 13	April 13
	1866	264	April 13	April 13

Sincerely,

JOAN ANDERSON GROWE
Secretary of State

STATE OF MINNESOTA
 OFFICE OF THE SECRETARY OF STATE
 ST. PAUL 55155

April 14, 1976

The Honorable Martin O. Sabo
 Speaker of the House of Representatives
 The Honorable Alec G. Olson
 President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1976 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:

<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Date Approved 1976</i>	<i>Date Filed 1976</i>
	1885	265	April 13	April 13
	1892	266	April 13	April 13
	1918	267	April 13	April 13
	1947	268	April 13	April 13
	1955	269	April 13	April 13
	1988	270	April 13	April 13
	1997	271	April 13	April 13
	2007	272	April 13	April 13
	2038	273	April 13	April 13
	2039	274	April 13	April 13
	2041	275	April 13	April 13
	2068	276	April 13	April 13
	2107	277	April 13	April 13
	2147	278	April 13	April 13
	2159	279	April 13	April 13
	2175	280	April 13	April 13

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<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Date Approved 1976</i>	<i>Date Filed 1976</i>
	2188	281	April 13	April 13
	2203	282	April 13	April 13
	2204	283	April 13	April 13
	2215	284	April 13	April 13
	2217	285	April 13	April 13
	2218	286	April 13	April 13
	2292	287	April 13	April 13
	2321	288	April 13	April 13
	2342	289	April 13	April 13

Sincerely,

JOAN ANDERSON GROWE
Secretary of State

STATE OF MINNESOTA
OFFICE OF THE SECRETARY OF STATE
ST. PAUL 55155

April 14, 1976

The Honorable Martin O. Sabo
Speaker of the House of Representatives
The Honorable Alec G. Olson
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1976 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:

<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Date Approved 1976</i>	<i>Date Filed 1976</i>
	2440	290	April 13	April 13
	2472	291	April 13	April 13

<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Date Approved 1976</i>	<i>Date Filed 1976</i>
	2490	292	April 13	April 13
	2534	293	April 13	April 13
	2560	294	April 13	April 13
	2600	295	April 13	April 13
60		296	April 13	April 13
354		297	April 13	April 13
486		298	April 13	April 13
551		299	April 13	April 13
556		300	April 13	April 13
840		301	April 13	April 13
864		302	April 13	April 13
919		303	April 13	April 13
1051		304	April 13	April 13
1097		305	April 13	April 13
1223		306	April 13	April 13
1499		307	April 13	April 13
1780		308	April 13	April 13
1820		309	April 13	April 13
2025		310	April 13	April 13
2056		311	April 13	April 13
2175		312	April 13	April 13
2195		313	April 13	April 13

Sincerely,

JOAN ANDERSON GROWE
Secretary of State

STATE OF MINNESOTA
 OFFICE OF THE SECRETARY OF STATE
 ST. PAUL 55155

April 14, 1976

The Honorable Martin O. Sabo
 Speaker of the House of Representatives
 The Honorable Alec G. Olson
 President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1976 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:

<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Date Approved 1976</i>	<i>Date Filed 1976</i>
2288		314	April 13	April 13
2309		315	April 13	April 13
2402		316	April 13	April 13
2486		317	April 13	April 13
	2688	Resolution 2	April 13	April 13

Sincerely,

JOAN ANDERSON GROWE
 Secretary of State

STATE OF MINNESOTA
 OFFICE OF THE SECRETARY OF STATE
 ST. PAUL 55155

April 21, 1976

The Honorable Martin O. Sabo
 Speaker of the House of Representatives
 The Honorable Alec G. Olson
 President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1976 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:

<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Date Approved 1976</i>	<i>Date Filed 1976</i>
		318	April 20	April 20
		319	April 19	April 20
		320	April 20	April 20
		321	April 20	April 20
1615		322	April 19	April 20
1644		323	April 20	April 20
1675		324	April 20	April 20
1959		325	April 20	April 20
2014		326	April 20	April 20
2032		327	April 20	April 20
2082		328	April 20	April 20
2177		329	April 20	April 20
2313		330	April 20	April 20
2581		331	April 20	April 20
	424	332	April 20	April 20
	500	333	April 19	April 20
	980	334	April 20	April 20
	1326	335	April 20	April 20
	1909	336	April 20	April 20
	1940	337	April 19	April 20
	2019	338	April 20	April 20
	2144	339	April 20	April 20
	2233	340	April 20	April 20

<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Date Approved 1976</i>	<i>Date Filed 1976</i>
	2374	341	April 20	April 20

Sincerely,

JOAN ANDERSON GROWE
Secretary of State

STATE OF MINNESOTA
OFFICE OF THE SECRETARY OF STATE
ST. PAUL, 55155

April 21, 1976

The Honorable Martin O. Sabo
Speaker of the House of Representatives
The Honorable Alec G. Olson
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1976 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:

<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Date Approved 1976</i>	<i>Date Filed 1976</i>
	2414	342	April 20	April 20
	2489	343	April 20	April 20
	2492	344	April 19	April 20
	2546	345	April 20	April 20
	2657	346	April 20	April 20
	2677	347	April 20	April 20
	2678	348	April 20	April 20

Sincerely,

JOAN ANDERSON GROWE
Secretary of State

ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to the following interim commission and advisory council:

INTERIM COMMISSION AND ADVISORY COUNCIL
APPOINTMENTS 1976

Interstate Port Authority Commission, pursuant to the provisions of the Laws of Minnesota 1976, Chapter 270, Section 3: Munger.

Advisory Council on the Economic Status of Women, pursuant to the provisions of the Laws of Minnesota 1976, Chapter 337: Berglin, Kahn, Forsythe, Enebo and Stanton.

CERTIFICATE

I certify that the Journal of the House for Wednesday, April 7, 1976, including subsequent proceedings, has been corrected and is hereby approved.

EDWARD A. BURDICK, Chief Clerk, House of Representatives