

**VOLUME 3**

**JOURNAL**

**OF THE**

**HOUSE**

**OF REPRESENTATIVES**

**SEVENTIETH SESSION**

**OF THE**

**LEGISLATURE**

**STATE OF MINNESOTA**

**1978**

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**RAMALEY PRINTING COMPANY**



## STATE OF MINNESOTA

## SEVENTIETH SESSION - 1978

## SIXTY-SECOND DAY

SAINT PAUL, MINNESOTA, TUESDAY, JANUARY 17, 1978

The House of Representatives convened at 12:00 noon and was called to order by the Speaker.

Prayer was offered by the Chaplain.

Speaker Sabo introduced the following two new House members who were elected in special elections and announced that they had previously been administered the oath of office:

Tony Onnen of District 22B effective October 11, 1977, to fill the vacancy created by the resignation of Harold J. Dahl dated July 31, 1977.

Elton R. Redalen of District 35A effective December 19, 1977, to fill the vacancy created by the resignation of Neil S. Haugerud dated November 4, 1977.

The roll was called and the following members were present:

Abeln	Carlson, L.	Gunter	Lemke	Petraleso
Adams	Casserly	Hanson	Mangan	Pleasant
Albrecht	Clark	Heinitz	Mann	Redalen
Anderson, B.	Clawson	Hokanson	McCarron	Reding
Anderson, D.	Corbid	Jacobs	McCollar	Rice
Anderson, G.	Cummiskey	Jaros	McDonald	Rose
Anderson, I.	Dean	Jensen	McEachern	St. Onge
Anderson, R.	Den Ouden	Johnson	Metzen	Samuelson
Arlandson	Eckstein	Jude	Moe	Sarna
Battaglia	Eken	Kahn	Munger	Savelkoul
Beauchamp	Ellingson	Kaley	Murphy	Scheid
Begich	Enebo	Kelly, R.	Neisen	Schulz
Berg	Erickson	Kelly, W.	Nelsen, B.	Searle
Berglin	Esau	Kempe, A.	Nelsen, M.	Searles
Berkelman	Evans	Kempe, R.	Nelson	Sherwood
Biersdorf	Ewald	King	Niehaus	Sieben, H.
Birnstihl	Faricy	Knickerbocker	Norton	Sieben, M.
Brandl	Fjoslien	Kostohryz	Novak	Simoneau
Braun	Forsythe	Kroening	Onnen	Skoglund
Brinkman	Friedrich	Kvam	Osthoff	Smogard
Byrne	Fudro	Laidig	Patton	Spanish
Carlson, A.	Fugina	Langseth	Pehler	Stanton
Carlson, D.	George	Lehto	Peterson	Stoa

Suss	Voss	Wenzel	Williamson	Zubay
Swanson	Waldorf	White	Wynia	Speaker Sabo
Tomlinson	Welch	Wieser		
Vanasek	Wenstrom	Wigley		

A quorum was present.

Cohen, Kalis and Prahl were excused.

The Chief Clerk proceeded to read the Journal of the preceding day. McCollar moved that further reading of the Journal be dispensed with and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.

Anderson, I., moved that when the House adjourns today it adjourn until 2:00 p.m., Thursday, January 19, 1978. The motion prevailed.

In memory of and out of respect for the late United States Senator from Minnesota and former Vice President of the United States of America, Hubert H. Humphrey, the Minnesota House of Representatives dedicated today's session in his honor.

The Minneapolis Central High School Choir directed by Bea Speed sang "Sing Praises," "Hebrew Prayer," and "Ain't Got Time to Die." Members of the House joined the choir in singing four stanzas of "America the Beautiful."

Representatives Lehto, Forsythe, Rice, Savelkoul and Anderson, I., paid tribute to Senator Humphrey.

At the request of Speaker Sabo, members of the House stood in a few moments of silence in honor of Senator Humphrey.

#### ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the following committee assignments for the two new members of the House of Representatives:

Onnen: General Legislation and Veterans Affairs, Governmental Operations and Labor-Management Relations.

Redalen: Education, Health and Welfare and Higher Education.

The Speaker announced the following changes in House Standing Committee assignments:

Appropriations: Strike the name of Wieser and add the name of Berkelman.

Commerce and Economic Development: Add the name of Wieser.

Education: Strike the name of Berkelman.

The Speaker announced the appointment of the following members of the House to the following board and commissions:

**IRON RANGE RESOURCES AND REHABILITATION BOARD** pursuant to the provisions of Minnesota Laws 1977, Chapter 423, Section 298.22, Subdivision 2: Battaglia and Fugina.

**LEGISLATIVE COMMISSION TO REVIEW ADMINISTRATIVE RULES** pursuant to the provisions of Minnesota Statutes 1976, Section 3.965, Subdivision 1: Cummiskey to replace Haugerud.

**LEGISLATIVE COMMISSION ON MINNESOTA RESOURCES** pursuant to the provisions of Minnesota Statutes 1976, Section 86.07, Subdivision 1: Kahn to replace Haugerud.

#### ADJOURNMENT

Anderson, I., moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:00 p.m., Thursday, January 19, 1978.

**EDWARD A. BURDICK**, Chief Clerk, House of Representatives



## STATE OF MINNESOTA

## SEVENTIETH SESSION - 1978

## SIXTY-THIRD DAY

SAINT PAUL, MINNESOTA, THURSDAY, JANUARY 19, 1978

The House of Representatives convened at 2:00 p.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	Clawson	Jensen	Munger	Sherwood
Adams	Cohen	Johnson	Murphy	Sieben, H.
Albrecht	Corbid	Jude	Neisen	Sieben, M.
Anderson, B.	Cummiskey	Kahn	Nelsen, B.	Simoneau
Anderson, D.	Dean	Kaley	Nelsen, M.	Skoglund
Anderson, G.	Den Ouden	Kelly, R.	Nelson	Smogard
Anderson, I.	Eckstein	Kelly, W.	Niehaus	Spanish
Anderson, R.	Eken	Kempe, A.	Norton	Stanton
Arlandson	Ellingson	Kempe, R.	Novak	Stoa
Battaglia	Enebo	King	Onnen	Suss
Beauchamp	Erickson	Knickerbocker	Osthoff	Swanson
Begich	Esau	Kostohryz	Patton	Tomlinson
Berg	Evans	Kroening	Pehler	Vanasek
Berglin	Ewald	Kvam	Petrafeso	Voss
Berkelman	Faricy	Laidig	Pleasant	Waldorf
Biersdorf	Fjoslien	Langseth	Prahl	Welch
Birnstihl	Forsythe	Lehto	Redalen	Wenstrom
Brandl	Friedrich	Lemke	Reding	Wenzel
Braun	Fudro	Mangan	Rice	White
Brinkman	Fugina	Mann	Rose	Wieser
Byrne	George	McCarron	St. Onge	Wigley
Carlson, A.	Gunter	McCollar	Samuelson	Williamson
Carlson, D.	Hanson	McDonald	Sarna	Wynia
Carlson, L.	Heinitz	McEachern	Scheid	Zubay
Casserly	Hokanson	Metzen	Schulz	Speaker Sabo
Clark	Jaros	Moe	Searle	

A quorum was present.

Kalis, Peterson, Savelkoul and Searles were excused.

The Chief Clerk proceeded to read the Journal of the preceding day. Esau moved that further reading of the Journal be dispensed with and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.

PETITIONS AND COMMUNICATIONS

The following communication was received:

STATE OF MINNESOTA  
OFFICE OF THE GOVERNOR  
ST. PAUL 55155

January 19, 1978

The Honorable Martin O. Sabo  
Speaker of the House of Representatives

Dear Speaker Sabo:

I respectfully request a rescheduling of my address to a joint session of the Minnesota Legislature as it reconvenes for the second portion of the 70th session.

If the time is suitable, I would prefer to speak at 12:00 noon on Tuesday, January 24, 1978.

With warmest personal regards.

Sincerely,

RUDY PERPICH  
Governor

Anderson, I., moved that the House accede to the request of the Governor for a Joint Convention to hear the message of the Governor on Tuesday, January 24, 1978, at 12:00 noon; that the Chief Clerk be instructed to invite the Senate to meet in Joint Convention at 11:45 a.m. and advise the Governor regarding the Joint Convention; and that the Speaker appoint a committee of five members to act with a similar committee to be appointed by the Senate to escort the Governor to the Joint Convention. The motion prevailed.

REPORTS OF STANDING COMMITTEES

Mann from the Committee on Agriculture to which was referred:

H. F. No. 1575, A bill for an act relating to agriculture; grain inspection; weighing, sampling and analysis; amending Minnesota Statutes 1976, Sections 17B.03, Subdivision 1; 17B.04, Subdivision 1; and 17B.13.

Reported the same back with the following amendments:

Page 2, line 30, delete the second "and" and insert a comma.

Page 2, line 31, after "sick" insert "and annual".

Page 2, line 32, before the period insert "and repayment of funds, pursuant to section 352.23, withdrawn from the Minnesota state retirement system".

Page 3, delete line 1 and insert "to the position of "grain weigher", a job classification with duties prescribed by the commissioner of agriculture, and salaries shall be".

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

The report was adopted.

### INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Cohen introduced:

H. F. No. 1702, A bill for an act relating to auctioneers; licensing requirements; amending Minnesota Statutes 1976, Section 330.01, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Cohen introduced:

H. F. No. 1703, A bill for an act relating to highway traffic regulation; regarding operation of a motor vehicle; concerning alcoholic beverages; modifying penalties; providing for the issuance of a license receipt; amending Minnesota Statutes 1976, Sections 169.121; 169.123, as amended; and 169.127.

The bill was read for the first time and referred to the Committee on Criminal Justice.

Cummiskey introduced:

H. F. No. 1704, A bill for an act relating to departments of the state; concerning administrative rules; providing for an expiration date.

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



Cohen introduced:

H. F. No. 1705, A bill for an act relating to taxation; income tax upon military service income and governmental pensions and benefits; amending Minnesota Statutes 1976, Sections 290.01, Subdivision 20, as amended; 290.08, Subdivision 6, as amended; and 290.65, by adding a subdivision.

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

Fjoslien and Wieser introduced:

H. F. No. 1706, A bill for an act relating to game and fish; requirements for certain traps.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Cohen introduced:

H. F. No. 1707, A bill for an act relating to automobile insurance; authorizing exclusion of certain high risk drivers from household coverages; requiring exclusion of such drivers from premium calculations under certain circumstances; prescribing penalties; amending Minnesota Statutes 1976, Chapter 65B, by adding a section.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Kempe, R.; Wenzel; Savelkoul; Murphy and Byrne introduced:

H. F. No. 1708, A bill for an act relating to abortion; declaring a state policy on abortion and childbirth and the funding thereof; amending Minnesota Statutes 1976, Section 256B.02, Subdivision 8; and Chapter 256B, by adding sections.

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

Kempe, A., introduced:

H. F. No. 1709, A bill for an act relating to local government; establishing minimum voting requirements for expenditure of public funds.

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

Prahl and Anderson, I., introduced:

H. F. No. 1710, A bill for an act relating to tax-forfeited land sales; increasing the interest rate on the unpaid balance of the purchase price; amending Minnesota Statutes 1976, Sections 282.01, Subdivision 4; 282.15; 282.222, Subdivision 4; 282.261; and 282.35, Subdivisions 2 and 3.

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

Sieben, M., introduced:

H. F. No. 1711, A bill for an act relating to taxes; real property; requiring that agricultural property be homesteaded to be entitled to valuation and tax deferment pursuant to the Minnesota Agricultural Property Tax Law; amending Minnesota Statutes 1976, Section 273.111, Subdivision 3.

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

Fjoslien introduced:

H. F. No. 1712, A bill for an act relating to taxation; inheritance tax; exempting federal survivor benefit plan benefits from taxation; amending Minnesota Statutes 1976, Section 291.05.

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

Sieben, H., introduced:

H. F. No. 1713, A bill for an act relating to the department of veterans affairs; establishing a nursing home for veterans in Hastings.

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

Wenzel; Sieben, H.; Osthoff; Wenstrom and Sarna introduced:

H. F. No. 1714, A bill for an act relating to health; appropriating money to the University of Minnesota for cancer research.

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

Hanson, Munger, Enebo, Kelly, W., and Berg introduced:

H. F. No. 1715, A bill for an act relating to public utilities; rate changes based upon federally regulated energy rates; amending Minnesota Statutes 1976, Section 216B.16, by adding a subdivision; repealing Minnesota Statutes 1976, Section 216B.16, Subdivision 7.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Cohen, Novak, Metzen, Stanton and Patton introduced:

H. F. No. 1716, A bill for an act relating to the Metropolitan airport; designating the Hubert H. Humphrey International Airport; amending Minnesota Statutes 1976, Section 473.608, Subdivisions 19 and 20.

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

Wenzel; Sieben, H.; Berg and Sarna introduced:

H. F. No. 1717, A bill for an act relating to metropolitan government; designating the Hubert H. Humphrey Sports Stadium; amending Minnesota Statutes, 1977 Supplement, Section 473.556, Subdivision 5.

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

Wenzel; Sieben, H.; Osthoff; Wenstrom and Sarna introduced:

H. F. No. 1718, A resolution urging the President and Congress to make a national commitment to the cure of cancer.

The bill was read for the first time and referred to the Committee on Rules and Legislative Administration.

Cohen introduced:

H. F. No. 1719, A bill for an act relating to taxation; income adjusted homestead credit; changing percentage of gross rent in definition of "rent constituting property taxes"; amending Minnesota Statutes 1976, Section 290A.03, Subdivision 11, as amended.

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

Forsythe and McDonald introduced:

H. F. No. 1720, A bill for an act relating to taxation; income tax; exempting income from military pensions; amending Minnesota Statutes, 1977 Supplement, Section 290.08, Subdivision 6.

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

Kahn and Searles introduced:

H. F. No. 1721, A bill for an act relating to waters; watercraft safety; clarifying certain definitions; changing license fees; authorizing temporary certificate; stating evidentiary effect of certain blood tests; changing certain safety requirements and motor noise limits; authorizing additional enforcement officers; changing distribution of water safety enforcement funds; amending Minnesota Statutes 1976, Sections 361.02, Subdivision 7; 361.03, Subdivisions 3 and 12, and by adding a subdivision; 361.09; 361.10, Subdivisions 1 and 2; 361.12; 361.141, Subdivision 1; 361.15, Subdivision 1; 361.16, Subdivision 1; 361.17; 361.18; 361.21, Subdivision 2, and by adding a subdivision; 361.215; 361.24; 361.27, Subdivision 1; and 361.29, Subdivision 4; repealing Minnesota Statutes 1976, Section 361.15, Subdivision 2.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Wigley introduced:

H. F. No. 1722, 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, as amended; and Section 2, as amended.

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

Forsythe introduced:

H. F. No. 1723, A bill for an act relating to education; providing increased aid for instructional materials; amending Minnesota Statutes 1976, Section 124.212, by adding a subdivision.

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

Cohen introduced:

H. F. No. 1724, A bill for an act relating to motor vehicles; lessors of motor vehicles; exempting certain lessors from bonding requirements; amending Minnesota Statutes, 1977 Supplement, Section 168.27, Subdivision 24.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Lehto; Sieben, H.; Berkelman and Casserly introduced:

H. F. No. 1725, A bill for an act relating to housing; requiring certain disclosures of noise conditions affecting residential real estate; providing certain remedies; prescribing penalties.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Kempe, A., introduced:

H. F. No. 1726, A bill for an act relating to special assessments; clarifying availability of certain appeal procedures; eliminating use of alternative procedures; increasing the time for appealing certain special assessments; amending Minnesota Statutes 1976, Section 429.081; and Minnesota Statutes, 1977 Supplement, Section 278.01.

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

Cummiskey introduced:

H. F. No. 1727, A bill for an act relating to highway traffic regulations; providing for the establishment of metric standards for traffic control devices; amending Minnesota Statutes 1976, Section 169.141, by adding a subdivision.

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

Berkelman, Neisen, Waldorf, Lehto and Brandl introduced:

H. F. No. 1728, A bill for an act relating to employments licensed by the state; architects, engineers and landscape architects; requiring knowledge of barrier free design to acquire license; amending Minnesota Statutes 1976, Section 326.10, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Berkelman and Waldorf introduced:

H. F. No. 1729, A bill for an act relating to buildings; access to handicapped; international wheelchair symbol; adopting uniform colors; amending Minnesota Statutes 1976, Section 299G.12, Subdivision 2.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Waldorf, Savelkoul, Johnson, Wenstrom and McDonald introduced:

H. F. No. 1730, A bill for an act relating to obscenity; prohibiting the promotion and dissemination of obscene materials; providing penalties; amending Minnesota Statutes 1976, Sections 617.26; 617.27; Chapter 609, by adding sections; and Minnesota Statutes, 1977 Supplement, Section 609.11, Subdivision 1; repealing Minnesota Statutes 1976, Sections 617.241; 617.291; 617.292; 617.293; 617.294; 617.295; 617.296; and 617.297.

The bill was read for the first time and referred to the Committee on Criminal Justice.

Cohen introduced:

H. F. No. 1731, A bill for an act relating to education; school districts; providing for increased school aids and changing dates for aid payments; changing certain school board election dates; allowing fees to be charged for co-curricular activities; abolishing the hearing procedures in cases of pupil dismissal; amending Minnesota Statutes, 1977 Supplement, Section 124.11, Subdivisions 2 and 4; repealing Minnesota Statutes 1976, Sections 127.26 to 127.39.

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

Fugina; Anderson, I.; Munger; Battaglia and Savelkoul introduced:

H. F. No. 1732, A resolution urging the President and Congress to take action to insure environmental safeguards in connection with an electrical generating facility at Atikokan, Ontario, Canada.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Osthoff, Wenzel, George, McCarron and Biersdorf introduced:

H. F. No. 1733, A bill for an act relating to amusement rides; providing for their regulation; requiring state safety inspections; requiring liability insurance; providing penalties; amending Minnesota Statutes 1976, Chapter 183, by adding sections.

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

Norton, Kahn, Munger and Faricy introduced:

H. F. No. 1734, A bill for an act relating to courts; permitting referees in certain courts; repealing Minnesota Statutes, 1977 Supplement, Section 484.70.

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

Sieben, H., introduced:

H. F. No. 1735, A bill for an act relating to the operation of state government; granting certain rights to Hastings state hospital employees.

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

Berkelman, Brandl and Waldorf introduced:

H. F. No. 1736, A bill for an act relating to state buildings; concerning the handicapped; requiring state buildings and situses for state meetings to be accessible to the handicapped.

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

Anderson, I., introduced:

H. F. No. 1737, A bill for an act relating to retirement; distribution of police state aid; amending Minnesota Statutes, 1977 Supplement, Sections 69.021, Subdivisions 5, 6, and 7; and 69.031, Subdivision 5.

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

Hokanson; Sieben, H.; Clawson; Forsythe and Berg introduced:

H. F. No. 1738, A bill for an act relating to children; establishing a comprehensive child protective services program; prescribing duties of the commissioner of public welfare and local social service agencies; authorizing grants for experimental programs to encourage interagency cooperation; appropriating money.

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

Fugina and Battaglia introduced:

H. F. No. 1739, A bill for an act relating to labor; requiring some employees to be paid bimonthly.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

George introduced:

H. F. No. 1740, A bill for an act relating to counties and in particular to the county of Washington; providing a seven member board of commissioners in Washington county; establishing commissioner districts; prescribing terms of office; amending Minnesota Statutes 1976, Section 375.01.

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

Savelkoul and Searles introduced:

H. F. No. 1741, A bill for an act relating to taxation; income tax; eliminating limitation on deductible losses; amending Minnesota Statutes, 1977 Supplement, Section 290.17, Subdivision 2.

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

Kaley introduced:

H. F. No. 1742, A bill for an act relating to taxation; income tax; clarifying apportionment of charitable contribution deduction for certain taxpayers; amending Minnesota Statutes, 1977 Supplement, Section 290.21, Subdivision 3.

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



Fugina introduced:

H. F. No. 1743, A bill for an act relating to energy; authorizing the harvesting of firewood on highway and public utility rights of way; amending Minnesota Statutes 1976, Section 160.22, Subdivision 9.

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

Berkelman, Mangan, Brandl and Novak introduced:

H. F. No. 1744, A bill for an act relating to handicapped and disabled persons; requiring installation and use of wheelchair securement devices in vehicles used for transporting wheelchair users; providing for inspection of wheelchair securement devices; requiring other safety measures in vehicles used for transporting wheelchair users; authorizing the admissibility of certain evidence in litigation; providing penalties.

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

Cummiskey introduced:

H. F. No. 1745, A bill for an act relating to motor vehicles; registration and taxation; providing for the registration and taxation of certain vehicles without renewal for the period of time that the vehicle is owned by the registering owner; amending Minnesota Statutes 1976, Section 168.013, Subdivision 1; and Minnesota Statutes, 1977 Supplement, Section 168.013, Subdivision 1d.

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

Stanton; Nelsen, M.; Den Ouden and Anderson, I., introduced:

H. F. No. 1746, A bill for an act relating to public utilities; authorizing a statewide toll-free telephone line for citizen calls regarding telephone service.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Hanson, Munger and Waldorf introduced:

H. F. No. 1747, A bill for an act relating to crimes concerning communications; prohibiting automatically placed telephone calls; providing a penalty.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Kroening, Hokanson, Casserly and Hanson introduced:

H. F. No. 1748, A bill for an act relating to housing; providing for a study of housing needs of the handicapped; appropriating money.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Ellingson introduced:

H. F. No. 1749, A bill for an act relating to the regulation of finance charges; territorial application; amending Minnesota Statutes 1976, Chapter 334, by adding a section.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Pehler, Wenstrom, Faricy, Savelkoul and Wenzel introduced:

H. F. No. 1750, A bill for an act relating to education; providing educational aids for children attending nonpublic schools; appropriating money; amending Minnesota Statutes 1976, Sections 120.17, Subdivision 9; 123.931; 123.932, Subdivision 7, and by adding subdivisions; 123.933; 123.935; 123.936; 123.937; 124.212, by adding a subdivision; and Chapter 123, by adding a section; Minnesota Statutes, 1977 Supplement, Section 124.212, Subdivision 9a; repealing Minnesota Statutes 1976, Sections 123.932, Subdivisions 1, 6 and 8; 123.934; and Laws 1977, Chapter 447, Article VI, Section 12.

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

Niehaus, Johnson, Wigley, Esau and Kempe, R., introduced:

H. F. No. 1751, A bill for an act relating to education; attendance of certain pupils in districts other than their district of residence; repealing Minnesota Statutes, 1977 Supplement, Section 123.39, Subdivision 5a.

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

Erickson and Mann introduced:

H. F. No. 1752, A bill for an act relating to education; school district pairing; permitting experimental pairing for Independent School District No. 328 (Sioux Valley) and Independent School District No. 516 (Round Lake); amending Minnesota Statutes, 1977 Supplement, Section 122.85, Subdivision 1.

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

Sherwood; Savelkoul; Kelly, R.; Esau and Kempe, R., introduced:

H. F. No. 1753, A bill for an act relating to education; curriculum; requiring certain theories of origins to be presented in Minnesota schools.

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

Stanton introduced:

H. F. No. 1754, A bill for an act relating to school districts; abolishing certain attendance options for children of persons owning land in more than one district; requiring attendance in the school district of residence; repealing Minnesota Statutes 1976, Section 120.065; and Minnesota Statutes, 1977 Supplement, Section 123.39, Subdivision 5a.

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

Cummiskey introduced:

H. F. No. 1755, A bill for an act relating to natural resources; authorizing distribution of tree programs by the state and counties.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Anderson, G., introduced:

H. F. No. 1756, A bill for an act relating to parks and recreation; concerning Big Stone Lake state park; deleting real estate from the boundaries of the park.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Ellingson introduced :

H. F. No. 1757, A bill for an act relating to trusts; powers of trustee; permitting investment of trust assets in certain life insurance contracts; amending Minnesota Statutes 1976, Section 501.66, Subdivision 6.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Jensen, Patton, Birnstihl, Biersdorf and Simoneau introduced :

H. F. No. 1758, A bill for an act proposing an amendment to the Minnesota Constitution, Article XIII, Section 5; permitting parimutuel betting on races if authorized by law.

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

Ellingson, Stoa and Scheid introduced :

H. F. No. 1759, A bill for an act relating to lobbyists; requiring certain reporting of their contributions to political candidates; amending Minnesota Statutes 1976, Section 10A.04, Subdivision 4.

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

Adams and Carlson, L., introduced :

H. F. No. 1760, A bill for an act relating to the city of Crystal; benefits payable by the firemen's relief association; amending Laws 1969, Chapter 1088, Sections 2, 4, 5, and 6.

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

Biersdorf introduced :

H. F. No. 1761, A bill for an act relating to the state; authorizing the sale of certain state lands to, and the development of that land for industrial purposes or purposes which the city deems compatible with adjacent land by, the city of Owatonna; amending Laws 1965, Chapter 216, Section 2.

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

Patton introduced:

H. F. No. 1762, A bill for an act relating to retirement; local police and firefighter's relief associations; membership of new police officers and firefighters in the public employees police and fire fund; member contributions to local relief associations; qualifications for service pension; maximum escalation of service pensions; minimum municipal support; amending Minnesota Statutes 1976, Section 69.77.

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

Ellingson introduced:

H. F. No. 1763, A bill for an act relating to civil actions; providing for the issuance of process in proceedings supplementary to execution; amending Minnesota Statutes 1976, Section 575.02.

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

Ellingson introduced:

H. F. No. 1764, A bill for an act relating to probate; enacting the Uniform International Wills Act; amending Minnesota Statutes 1976, Chapter 524, by adding sections.

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

Simoneau; Anderson, I.; Voss; Forsythe and Cummiskey introduced:

H. F. No. 1765, A bill for an act relating to the legislature; concerning the legislative commission to review administrative rules; conferring subpoena powers; amending Minnesota Statutes 1976, Section 3.965, by adding a subdivision.

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

St. Onge introduced:

H. F. No. 1766, A bill for an act relating to state lands; authorizing the conveyance by the state of certain lands in Beltrami county.

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

Mangan introduced:

H. F. No. 1767, A bill for an act relating to the city of Anoka; fire department relief association benefits; amending Laws 1971, Chapter 184, Section 1, Subdivisions 2, 3, 4, 5 and 6, as amended; and Section 2, Subdivision 2, as amended.

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

Erickson and Anderson, B., introduced:

H. F. No. 1768, A bill for an act relating to courts; county courts; authorizing two county court judges for the district of Rock and Nobles; amending Minnesota Statutes, 1977 Supplement, Section 487.01, Subdivision 5.

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

Kaley, Nelson, Johnson, Clark and Zubay introduced:

H. F. No. 1769, A bill for an act relating to parties to actions; concerning liability of a guardian for damage done by a minor; amending Minnesota Statutes 1976, Section 540.18, Subdivision 1.

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

Cummiskey introduced:

H. F. No. 1770, A bill for an act relating to retirement; definition of teacher; exemptions; amending Minnesota Statutes, 1977 Supplement, Section 354.05, Subdivision 2.

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

Cummiskey introduced:

H. F. No. 1771, A bill for an act relating to the department of administration; concerning the distribution of copies of laws; regarding fees; amending Minnesota Statutes 1976, Section 16.02, Subdivision 24.

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

Cummiskey introduced:

H. F. No. 1772, A bill for an act relating to retirement; computation of various public retirement annuities; amending Minnesota Statutes 1976, Sections 352.115, Subdivision 2; 352.93, Subdivision 1; 353.29, Subdivision 2; 353.651, Subdivision 2; and 354.44, Subdivision 6.

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

Simoneau, Enebo, Faricy, Begich and Sarna introduced:

H. F. No. 1773, A bill for an act relating to unemployment compensation; providing limited benefits to certain employees; amending Minnesota Statutes, 1977 Supplement, Section 268.09, Subdivision 1.

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

Simoneau, Enebo, Begich, Clark and Sarna introduced:

H. F. No. 1774, A bill for an act relating to unemployment compensation; eliminating the misconduct disqualification for benefits; amending Minnesota Statutes, 1977 Supplement, Section 268.09, Subdivision 1.

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

Simoneau; Enebo; Anderson, I.; Begich and Sarna introduced:

H. F. No. 1775, A bill for an act relating to unemployment compensation; providing for a hearing to determine if misconduct shall disqualify a person for benefits; amending Minnesota Statutes, 1977 Supplement, Section 268.09, Subdivision 1.

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

Simoneau; Enebo; Anderson, I.; Faricy and Begich introduced:

H. F. No. 1776, A bill for an act relating to unemployment compensation; limiting misconduct disqualification for benefits; amending Minnesota Statutes, 1977 Supplement, Section 268.09, Subdivision 1.

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

Nelsen, B.; McDonald; Knickerbocker; Onnen and Searle introduced:

H. F. No. 1777, A bill for an act relating to state government; providing for reform of the state civil service system; regulating ethics of state employees; providing penalties; amending Minnesota Statutes 1976, Sections 10A.02, by adding a subdivision; 43.01, Subdivisions 2 and 22; 43.03, Subdivision 1; 43.05, Subdivision 2; 43.056; 43.062, by adding a subdivision; 43.064; 43.09, Subdivision 5, and by adding subdivisions; 43.12, Subdivision 1; 43.122, Subdivision 1; 43.13; 43.14, Subdivisions 1 and 2; 43.17, Subdivision 2; 43.18, Subdivisions 1, 2 and 3; 43.20, Subdivisions 2, 3 and 5; 43.245; 43.25; 43.27; 43.28; 43.326, by adding a subdivision; 43.35; Minnesota Statutes, 1977 Supplement, Section 43.09, Subdivision 2a.

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

Sieben, H., introduced:

H. F. No. 1778, A bill for an act relating to Minnesota Statutes; words and phrases; including Commonwealth of Puerto Rico within the definition of state; amending Minnesota Statutes 1976, Section 645.44, Subdivision 11.

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

Sieben, H., introduced:

H. F. No. 1779, A bill for an act relating to evidence; limiting use of certain kinds of records of legislative proceedings.

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

McDonald and Patton introduced:

H. F. No. 1780, A bill for an act relating to courts; providing for the retirement pension of a judge of the county court of Carver county.

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



Kostohryz, Neisen, Tomlinson, Kelly, R., and Osthoff introduced:

H. F. No. 1781, A bill for an act relating to the city of Maplewood; authorizing the payment of lump sum service pensions by the Maplewood firefighters relief association.

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

Sieben, H.; Patton; Lemke; Fudro and Wenzel introduced:

H. F. No. 1782, A bill for an act relating to the state auditor; placing the position of the assistant to the state auditor in the unclassified service; amending Minnesota Statutes 1976, Section 43.09, Subdivision 2.

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

Samuelson and Patton introduced:

H. F. No. 1783, A bill for an act relating to the city of Brainerd; service credit in the public employees police and fire fund for the fire chief therein.

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

Patton introduced:

H. F. No. 1784, A bill for an act relating to retirement; teachers retirement association; increasing employee contributions; amending Minnesota Statutes 1976, Section 354.42, Subdivisions 2 and 3; and Minnesota Statutes, 1977 Supplement, Section 354.42, Subdivision 5.

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

Den Ouden, Heinitz, Niehaus, Murphy and Redalen introduced:

H. F. No. 1785, A bill for an act relating to public health; requiring owner identification marks on removable dental protheses; requiring free replacement of certain unmarked protheses which become lost; prescribing certain other remedies.

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

Hokanson, Moe, Kroening, Sieben, H., and Kaley introduced:

H. F. No. 1786, A bill for an act relating to children; requiring a welfare agency receiving a report of a maltreated minor to notify the local police department; amending Minnesota Statutes 1976, Section 626.556, Subdivisions 3 and 7; and Minnesota Statutes, 1977 Supplement, Section 626.556, Subdivision 11.

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

Mangan, Berglin, Fugina, Forsythe and St. Onge introduced:

H. F. No. 1787, A bill for an act relating to education; higher education coordinating board; providing financial assistance for certain married students.

The bill was read for the first time and referred to the Committee on Higher Education.

Simoneau; Enebo; Anderson, I.; Begich and Sarna introduced:

H. F. No. 1788, A bill for an act relating to employment; benefits or wage supplements; required to be paid upon termination; amending Minnesota Statutes 1976, Section 181.74, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Sieben, M.; Pehler; Enebo and Sieben, H., introduced:

H. F. No. 1789, A bill for an act relating to agriculture; corn detasseling employees; providing minimum labor standards; amending Minnesota Statutes 1976, Section 177.23, Subdivision 7; and Chapter 181, by adding sections.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Enebo, Simoneau, Skoglund, Moe and Osthoff introduced:

H. F. No. 1790, A bill for an act relating to public employment labor relations; making certain matters mandatorily negotiable; allowing employers alternate remedies in grievance proceedings or civil service appeals; amending Minnesota Statutes 1976, Sections 179.63, Subdivision 18 and 179.70, Subdivision 1.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Enebo; Sabo; Anderson, I.; Pehler and Simoneau introduced:

H. F. No. 1791, A resolution memorializing the President and Congress to pass the Humphrey-Hawkins full employment bill.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Stanton, Anderson, B., and Erickson introduced:

H. F. No. 1792, A bill for an act relating to the Lincoln-Pipestone and Rock county rural water systems; providing for the assessment of costs.

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

Kostohryz; Tomlinson; Kelly, R.; Neisen and Rose introduced:

H. F. No. 1793, A bill for an act relating to Ramsey county; authorizing the county to issue general obligation bonds for the costs of construction of a county nursing home; amending Laws 1974, Chapter 435, by adding a section.

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

McCarron introduced:

H. F. No. 1794, A bill for an act relating to the city of Spring Lake Park; providing for delayed assessment of improvements to residential real estate.

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

McEachern, Berg, Wenstrom, Friedrich and Smogard introduced:

H. F. No. 1795, A bill for an act relating to counties; authorizing appointment of county administrators without referendum; amending Minnesota Statutes 1976, Section 375A.06, by adding a subdivision.

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

Kelly, R.; Waldorf and Osthoff introduced:

H. F. No. 1796, A bill for an act relating to the city of St. Paul; liquor patrol limits; repealing Special Laws 1885, Chapter 281, Section 6.

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

Schulz introduced:

H. F. No. 1797, A bill for an act relating to the city of Zumbrota; authorizing the sale of certain public land.

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

Sieben, M.; Searles; McDonald; and Sieben, H., introduced:

H. F. No. 1798, A bill for an act relating to hazardous wastes; placing certain restrictions on site selection for disposal facilities in the metropolitan area; amending Minnesota Statutes 1976, Section 473.516.

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

Savelkoul introduced:

H. F. No. 1799, A bill for an act relating to the city of Albert Lea; authorizing the annexation of certain land located outside the city limits.

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

Cummiskey and Vanasek introduced:

H. F. No. 1800, A bill for an act proposing an amendment to the Minnesota Constitution, Article IV, Section 4; providing four year terms for state representatives.

The bill was read for the first time and referred to the Committee on Rules and Legislative Administration.

Stanton introduced:

H. F. No. 1801, A bill for an act relating to drivers licenses; restricted licenses; expanding restricted licenses for farm work to cover certain other 15 year old drivers; amending Minnesota Statutes 1976, Section 171.041.

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

Hanson; Kelly, W.; Fugina; White and Vanasek introduced:

H. F. No. 1802, A bill for an act relating to taxation; gasoline tax; changing the shrinkage allowance on gasoline received by a distributor; amending Minnesota Statutes 1976, Section 296.14, Subdivision 1.

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

Berglin; Anderson, I.; Savelkoul and McCollar introduced:

H. F. No. 1803, A bill for an act relating to taxation; property tax; providing for delay in increased valuation on certain rehabilitation projects.

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

Anderson, G., introduced:

H. F. No. 1804, A bill for an act relating to taxation; inheritance tax; exempting pension receipts from taxation; amending Minnesota Statutes 1976, Sections 291.05; and 291.065.

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

Kelly, W.; Skoglund; Abeln; Pehler and Evans introduced:

H. F. No. 1805, A bill for an act relating to taxation; providing for apportionment in valuing certain class 3c and 3cc property; clarifying tax status of certain leased United States property; applying sales tax to certain tooling charges; clarifying status of certain taconite taxes; amending Minnesota Statutes 1976, Sections 273.19, Subdivision 1; and 297A.14; and Minnesota Statutes, 1977 Supplement, Section 273.13, Subdivision 7.

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

Casserly, Scheid, Novak and Kelly, W., introduced:

H. F. No. 1806, A bill for an act relating to taxation; tax returns; excepting certain tax information about liquor license applicants from confidentiality requirements; requiring liquor license applicants to have paid certain taxes; amending Minnesota Statutes 1976, Sections 297A.43; 340.01; and Minnesota Statutes, 1977 Supplement, Section 290.61.

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

#### HOUSE ADVISORIES

Pursuant to rule 5.3, the following House Advisories were introduced:

Osthoff introduced:

H. A. No. 57, A proposal to study the feasibility of state assumption or elimination of municipal regulatory responsibilities.

The advisory was referred to the Committee on Governmental Operations.

Fugina introduced:

H. A. No. 58, A proposal for authorizing the cutting of wood for use as wood-heating fuel.

The advisory was referred to the Committee on Environment and Natural Resources.

#### MESSAGES FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendment to:

S. F. No. 65, A bill for an act relating to crimes and corrections; sentencing and post conviction disposition of criminal offenders; transferring the powers and duties of the Minnesota corrections board to the commissioner of corrections; abolishing the Minnesota corrections board; providing for determinate sentencing; providing for a mutual agreement program; appropriating money; amending Minnesota Statutes 1976, Sections 152.15, Subdivisions 1, 2 and 3; 299F.811; 299F.815, Subdivision

1; 401.13; 609.03; 609.10; 609.135, Subdivisions 1 and 2; 609.145, Subdivision 1; 609.165, Subdivision 2; 609.17, Subdivision 4; 609.175, Subdivision 2; 609.18; 609.185; 609.19; 609.195; 609.20; 609.205; 609.21; 609.215; 609.225; 609.235; 609.24; 609.245; 609.25, Subdivision 2; 609.255; 609.26; 609.27, Subdivision 2; 609.31; 609.32; 609.342; 609.343; 609.344; 609.345; 609.355, Subdivision 2; 609.365; 609.375, Subdivision 2; 609.39; 609.395; 609.405, Subdivision 2; 609.42, Subdivision 1; 609.425; 609.445; 609.455; 609.465; 609.466; 609.48, Subdivisions 1 and 4; 609.485, Subdivision 4; 609.495, Subdivision 1; 609.498, Subdivision 1; 609.52, Subdivisions 2 and 3; 609.521; 609.525, Subdivision 1; 609.53, Subdivisions 1 and 3; 609.54; 609.55, Subdivision 2; 609.551, Subdivision 1; 609.561; 609.562; 609.563, Subdivision 1; 609.576; 609.58, Subdivision 2; 609.59; 609.595, Subdivision 1; 609.60; 609.611; 609.615; 609.62, Subdivision 2; 609.625; 609.63; 609.635; 609.64; 609.645; 609.65; 609.67, Subdivision 2; 609.71; 609.713; 609.785; 609.82; 609.825, Subdivision 2; 609.83; and Chapter 609, by adding a section; repealing Minnesota Statutes 1976, Sections 152.15, Subdivisions 4 and 5; 241.045; 242.24; 243.06; 243.14; 243.18; 246.43; 609.11; 609.155; 609.16; 609.293, Subdivisions 2, 3, and 4; and 609.346.

And the Senate respectfully requests that a Conference Committee of 5 members be appointed thereon. Messrs. McCutcheon, Davies, Lewis, Keefe, J. and Sikorski 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

Kempe, A., moved that the House accede to the request of the Senate and that the Speaker appoint 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. 65. The motion prevailed.

### 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. After some time spent therein the Committee arose.

### REPORT OF COMMITTEE OF THE WHOLE

The Speaker resumed the Chair, whereupon the following proceedings of the Committee as kept by the Chief Clerk were reported to the House:

H. F. No. 424 which it recommended progress until Sunday, February 19, 1978.

H. F. No. 830 which it recommended progress until Monday, January 23, 1978.

H. F. No. 13 which it recommended progress until Monday, February 6, 1978.

H. F. No. 788 which it recommended progress until Wednesday, February 15, 1978.

H. F. No. 1383 which it recommended progress.

H. F. No. 1176 which it recommended re-referral to the Committee on Commerce and Economic Development.

H. F. Nos. 757, 210, 59 and 784 which it recommended be indefinitely postponed.

S. F. No. 718 which it recommended re-referral to the Committee on Governmental Operations.

S. F. No. 1078 which it recommended re-referral to the Committee on Local and Urban Affairs.

On the motion of Anderson, I., the report of the Committee of the Whole was adopted.

### MOTIONS AND RESOLUTIONS

Cohen moved that the names of Wenzel, Sarna, Osthoff, and Anderson, G., be added as authors on H. F. No. 1705. The motion prevailed.

Kvam moved that the name of Cohen be added as an author on H. F. No. 1228. The motion prevailed.

Fjoslien moved that the names of Schulz and McDonald be added as authors on H. F. No. 1712. The motion prevailed.

Sieben, H., moved that the name of Cohen be added as an author on H. F. No. 1071. The motion prevailed.

Kelly, W., moved that H. F. No. 1381 be recalled from the Committee on Taxes and be re-referred to the Committee on Criminal Justice. The motion prevailed.

Clark moved that her name be stricken as an author on H. F. No. 1277. The motion prevailed.

Clark moved that H. F. No. 1263 be recalled from the Committee on Appropriations and be re-referred to the Committee on Health and Welfare. The motion prevailed.



Sieben, M., moved that the name of Ewald be added as an author on H. F. No. 1798. The motion prevailed.

Hanson moved that the House refuse to concur in the Senate amendments to H. F. No. 1180, 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.

Rice moved that the message from the Senate relating to H. F. No. 1180, and the accompanying bill, requesting the House to concur in the Senate amendments to H. F. No. 1180 be referred to the Committee on General Legislation and Veterans Affairs.

A roll call was requested and properly seconded.

The question was taken on the motion by Rice and the roll was called. There were 29 yeas and 97 nays as follows:

Those who voted in the affirmative were:

Begich	Enebo	Jensen	Metzen	Rice
Berglin	Erickson	Kostohryz	Nelson	Sarna
Birnstihl	Esau	Kroening	Niehaus	Simoneau
Byrne	Fudro	Lehto	Novak	Smogard
Cummiskey	Fugina	Mangan	Osthoff	Vanasek
Eken	Gunter	McEachern	Frahl	

Those who voted in the negative were:

Abeln	Cassery	Johnson	Neisen	Stanton
Adams	Clark	Jude	Nelsen, B.	Stoa
Albrecht	Clawson	Kaley	Nelsen, M.	Suss
Anderson, B.	Cohen	Kelly, R.	Norton	Swanson
Anderson, D.	Corbid	Kelly, W.	Onnen	Tomlinson
Anderson, G.	Dean	Kempe, A.	Patton	Voss
Anderson, I.	Den Ouden	Kempe, R.	Pehler	Waldorf
Anderson, R.	Eckstein	King	Petrafeso	Welch
Arlandson	Ellingson	Knickerbocker	Pleasant	Wenstrom
Battaglia	Evans	Kvam	Redalen	Wenzel
Beauchamp	Ewald	Laidig	Reding	White
Berg	Faricy	Langseth	Rose	Wieser
Berkelman	Fjoslien	Lemke	St. Onge	Wigley
Biersdorf	Forsythe	Mann	Scheid	Williamson
Brandl	Friedrich	McCarron	Searle	Wynia
Braun	George	McCollar	Sherwood	Zubay
Brinkman	Hanson	McDonald	Sieben, H.	Speaker Sabo
Carlson, A.	Heinitz	Moe	Sieben, M.	
Carlson, D.	Hokanson	Munger	Skoglund	
Carlson, L.	Jaros	Murphy	Spanish	

The motion did not prevail.

The question recurred on the motion by Hanson that the House refuse to concur in the Senate amendments to H. F. No.

1180 and that the Speaker appoint a Conference Committee. The motion prevailed.

Kempe, A., moved that H. F. No. 544 be taken from the table, 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.

Pehler introduced:

House Resolution No. 16, A house resolution honoring Doctor Luther Brown for his distinguished service at the Learning Resource Center at St. Cloud State University.

The resolution was referred to the Committee on Rules and Legislative Administration.

Jacobs introduced:

House Resolution No. 17, A house resolution congratulating the Coon Rapids High School fastpitch softball team on winning the State High School Girls fastpitch Softball Championship.

The resolution was referred to the Committee on Rules and Legislative Administration.

Wenstrom; Anderson, G.; Anderson, B.; Biersdorf and Gunter introduced:

House Concurrent Resolution No. 6, A house concurrent resolution supporting the American Family Farmer.

#### SUSPENSION OF RULES

Wenstrom moved that the Rules be so far suspended that House Concurrent Resolution No. 6 be now considered and be placed upon its adoption. The motion prevailed.

#### HOUSE CONCURRENT RESOLUTION NO. 6

A house concurrent resolution supporting the American Family Farmer.

*Whereas*, the family farm is the most efficient and dependable food producing unit in this nation; and

*Whereas*, American farmers have lost equity and enormous sums of money in recent years due to drought and depressed prices for agricultural products; and

*Whereas*, unless some positive action is taken by the United States Government to bring net profit into the prices of agricultural products, family farms as we know them will cease to exist; and

*Whereas*, the recent policy of the United States Government has been to encourage farmers to plant fence row to fence row and has consequently reduced market prices to dangerously low levels; and

*Whereas*, the American people today pay considerably less of their total disposable income for food than people of other nations; and

*Whereas*, parity pricing for American agricultural products would remove speculative profits for middleman and stabilize prices and profits for farmers and consumers; and

*Whereas*, parity pricing means cost of production plus a reasonable profit on commodities produced, but does not protect against the natural risks including weather, insects, and all other calamities farmers face; now therefore,

*Be It Resolved*, by the House of Representatives of the State of Minnesota, the Senate of Minnesota concurring, that the Minnesota Legislature supports the goals and principles of the American Agriculture Movement.

*Be It Further Resolved*, that Congress establish programs that result in 100 percent parity for all agricultural commodities.

*Be It Further Resolved*, that Congress adopt legislation comparable to the Minnesota Tax Loss Farming Act, and the Minnesota Corporate Farm Act (Minn. Statutes, Section 500.24).

*Be It Further Resolved*, that Secretary of Agriculture Bergland establish loan rates at the highest level allowable by law.

*Be It Further Resolved*, that the United States Government take an aggressive and positive position towards establishing international trade agreements with other exporting nations so as to establish a realistic level for farm commodities in world trade.

*Be It Further Resolved*, that the Chief Clerk of the Minnesota House of Representatives transmit copies of this Resolution to President Carter, Vice President Mondale, Secretary of Agriculture Bergland, the congressional delegations of all fifty states, and the Secretary General of the United Nations.

Wenstrom moved that House Concurrent Resolution No. 6 be now adopted.

A roll call was requested and properly seconded.

Carlson, D., moved to amend House Concurrent Resolution No. 6 as follows:

Page 2, delete lines 11, 12 and 13.

A roll call was requested and properly seconded.

McDonald moved to amend the Carlson, D., amendment to House Concurrent Resolution No. 6 as follows:

Page 2, also delete lines 7, 8, 9 and 10.

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment to the amendment and the roll was called. There were 11 yeas and 112 nays as follows:

Those who voted in the affirmative were:

Brandl	Forsythe	McDonald	Osthoff	Rose
Dean	Knickerbocker	Neisen	Pleasant	Zubay
Ewald				

Those who voted in the negative were:

Abeln	Clark	Jacobs	Moe	Sieben, M.
Adams	Clawson	Jensen	Murphy	Simoneau
Anderson, B.	Cohen	Johnson	Nelsen, B.	Skoglund
Anderson, D.	Corbid	Jude	Nelsen, M.	Smogard
Anderson, G.	Cummiskey	Kahn	Nelson	Spanish
Anderson, I.	Den Ouden	Kaley	Niehaus	Stanton
Anderson, R.	Eckstein	Kelly, R.	Norton	Stoa
Arlandson	Eken	Kelly, W.	Novak	Suss
Battaglia	Ellingson	Kempe, A.	Onnen	Tomlinson
Beauchamp	Enebo	Kempe, R.	Patton	Vanasek
Begich	Erickson	King	Pehler	Voss
Berg	Esau	Kostohryz	Petraffeso	Waldorf
Berglin	Evans	Kroening	Prahl	Welch
Berkelman	Faricy	Kvam	Redalen	Wenstrom
Biersdorf	Fjoslien	Laidig	Reding	Wenzel
Birnstihl	Friedrich	Langseth	Rice	White
Braun	Fudro	Lehto	St. Onge	Wieser
Brinkman	Fugina	Lemke	Samuelson	Williamson
Byrne	George	Mangan	Scheid	Wynia
Carlson, A.	Gunter	Mann	Schulz	Speaker Sabo
Carlson, D.	Hanson	McCarron	Searle	
Carlson, L.	Heinitz	McCollar	Sherwood	
Casserly	Hokanson	Metzen	Sieben, H.	

The motion did not prevail and the amendment to the amendment was not adopted.

The question recurred on the Carlson, D., amendment and the roll was called. There were 18 yeas and 107 nays as follows:

Those who voted in the affirmative were:

Brandl	Forsythe	Mann	Schulz	Wynia
Carlson, D.	Knickerbocker	McDonald	Searle	Zubay
Dean	Kvam	Osthoff	Skoglund	
Ewald	Laidig	Rose	Wigley	

Those who voted in the negative were:

Abeln	Clark	Jacobs	Munger	Sieben, M.
Adams	Clawson	Jensen	Murphy	Simoneau
Anderson, B.	Cohen	Johnson	Neisen	Smogard
Anderson, D.	Corbid	Jude	Nelsen, B.	Spanish
Anderson, G.	Cummiskey	Kahn	Nelsen, M.	Stanton
Anderson, I.	Den Ouden	Kaley	Nelson	Stoa
Anderson, R.	Eckstein	Kelly, R.	Niehaus	Suss
Arlandson	Eken	Kelly, W.	Norton	Swanson
Battaglia	Ellingson	Kempe, A.	Novak	Tomlinson
Beauchamp	Enebo	Kempe, R.	Onnen	Vanasek
Begich	Erickson	King	Patton	Voss
Berg	Esau	Kostohryz	Pehler	Waldorf
Berglin	Evans	Kroening	Petraleso	Welch
Berkelman	Faricy	Langseth	Redalen	Wenstrom
Biersdorf	Fjoslien	Lehto	Reding	Wenzel
Birnstihl	Friedrich	Lemke	Rice	White
Braun	Fudro	Mangan	St. Onge	Wieser
Brinkman	Fugina	McCarron	Samuelson	Williamson
Byrne	George	McCollar	Sarna	Speaker Sabo
Carlson, A.	Gunter	McEachern	Scheid	
Carlson, L.	Hanson	Metzen	Sherwood	
Casserly	Hokanson	Moe	Sieben, H.	

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

Norton was excused for the remainder of today's session.

Hanson moved to amend House Concurrent Resolution No. 6 as follows:

Page 2, line 12, after "all" insert "food and fiber".

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll was called. There were 63 yeas and 63 nays as follows:

Those who voted in the affirmative were:

Abeln	Anderson, R.	Biersdorf	Carlson, D.	Dean
Adams	Arlandson	Brandl	Carlson, L.	Den Ouden
Albrecht	Berg	Byrne	Casserly	Esau
Anderson, G.	Berkelman	Carlson, A.	Cohen	Evans

Ewald	Kahn	Moe	Redalen	Voss
Farcy	Kaley	Murphy	Rose	Waldorf
Forsythe	Kelly, R.	Neisen	Sieben, H.	Wieser
Friedrich	Knickerbocker	Nelsen, B.	Sieben, M.	Wigley
Fudro	Kroening	Niehaus	Skoglund	Williamson
George	Laidig	Novak	Smogard	Wynia
Hanson	Lehto	Osthoff	Stanton	Zubay
Hokanson	McCarron	Pehler	Swanson	
Jaros	McDonald	Pleasant	Tomlinson	

Those who voted in the negative were:

Anderson, B.	Cummiskey	Kelly, W.	Nelsen, M.	Sherwood
Anderson, D.	Eckstein	Kempe, A.	Nelson	Simoneau
Anderson, I.	Eken	Kempe, R.	Onnen	Spanish
Battaglia	Ellingson	King	Patton	Stoa
Beauchamp	Enebo	Kostohryz	Prahl	Suss
Begich	Erickson	Langseth	Reding	Vanasek
Berglin	Fjoslien	Lemke	Rice	Welch
Birnstihl	Fugina	Mangan	St. Onge	Wenstrom
Braun	Gunter	Mann	Samuelson	Wenzel
Brinkman	Jacobs	McCollar	Sarna	White
Clark	Jensen	McEachern	Scheid	Speaker Sabo
Clawson	Johnson	Metzen	Schulz	
Corbid	Jude	Munger	Searle	

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

Stanton moved to amend House Concurrent Resolution No. 6 as follows:

Page 2, line 13, after "commodities" insert "except tobacco".

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll was called. There were 101 yeas and 27 nays as follows:

Those who voted in the affirmative were:

Abeln	Carlson, D.	Fudro	Lehto	Prahl
Adams	Carlson, L.	George	Lemke	Redalen
Albrecht	Casserly	Hanson	McCarron	Reding
Anderson, B.	Cohen	Heinitz	McCollar	Rice
Anderson, D.	Cummiskey	Hokanson	McDonald	Rose
Anderson, I.	Dean	Jacobs	Moe	Sarna
Anderson, R.	Den Ouden	Jaros	Munger	Scheid
Arlandson	Eckstein	Jude	Murphy	Sherwood
Battaglia	Ellingson	Kahn	Neisen	Sieben, H.
Beauchamp	Enebo	Kaley	Nelsen, B.	Sieben, M.
Berg	Erickson	Kempe, A.	Nelson	Simoneau
Berglin	Esau	Kempe, R.	Niehaus	Skoglund
Berkelman	Evans	King	Novak	Spanish
Biersdorf	Ewald	Knickerbocker	Onnen	Stanton
Birnstihl	Farcy	Kostohryz	Osthoff	Stoa
Brandl	Fjoslien	Kroening	Pehler	Suss
Byrne	Forsythe	Kvam	Petrafeso	Swanson
Carlson, A.	Friedrich	Laidig	Pleasant	Tomlinson

Vanasek	Wenzel	Wigley	Zubay	Speaker Sabo
Voss	White	Williamson		
Waldorf	Wieser	Wynia		

Those who voted in the negative were:

Anderson, G.	Corbid	Kelly, W.	Nelsen, M.	Smogard
Begich	Eken	Langseth	Patton	Welch
Braun	Fugina	Mangan	St. Onge	Wenstrom
Brinkman	Gunter	Mann	Samuelson	
Clark	Jensen	McEachern	Schulz	
Clawson	Johnson	Metzen	Searle	

The motion prevailed and the amendment was adopted.

The question recurred on the adoption of House Concurrent Resolution No. 6, as amended, and the roll was called. There were 118 yeas and 6 nays as follows:

Those who voted in the affirmative were:

Abeln	Clawson	Jaros	Munger	Sieben, H.
Adams	Cohen	Jensen	Murphy	Sieben, M.
Anderson, B.	Corbid	Johnson	Neisen	Simoneau
Anderson, D.	Cummiskey	Jude	Nelsen, B.	Skoglund
Anderson, G.	Dean	Kahn	Nelsen, M.	Smogard
Anderson, I.	Den Ouden	Kaley	Nelson	Spanish
Anderson, R.	Eckstein	Kelly, W.	Niehaus	Stanton
Arlandson	Eken	Kempe, A.	Novak	Stoa
Battaglia	Ellingson	Kempe, R.	Onnen	Suss
Beauchamp	Enebo	King	Patton	Swanson
Begich	Erickson	Kostohryz	Pehler	Tomlinson
Berg	Esau	Kroening	Petrafeso	Vanasek
Berglin	Evans	Laidig	Prahl	Voss
Berkelman	Faricy	Langseth	Redalen	Waldorf
Biersdorf	Fjoslien	Lehto	Reding	Welch
Birnstihl	Forsythe	Lemke	Rice	Wenstrom
Braun	Friedrich	Mangan	Rose	Wenzel
Brinkman	Fudro	Mann	St. Onge	White
Byrne	Fugina	McCarron	Samuelson	Wieser
Carlson, A.	George	McCollar	Sarna	Williamson
Carlson, D.	Gunter	McDonald	Scheid	Wynia
Carlson, L.	Hanson	McEachern	Schulz	Speaker Sabo
Casserly	Hokanson	Metzen	Searle	
Clark	Jacobs	Moe	Sherwood	

Those who voted in the negative were:

Albrecht	Ewald	Osthoff	Pleasant	Zubay
Brandl				

The motion prevailed and House Concurrent Resolution No. 6, as amended, was adopted.

#### ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to the Conference Committee on H. F. No. 1180: Hanson, Corbid, and Ewald.

The Speaker announced the appointment of the following members of the House to the Conference Committee on H. F. No. 544: Kempe, A.; Osthoff, and Tomlinson.

The Speaker announced the appointment of the following members of the House to the Conference Committee on S. F. No. 65: Kempe, A.; Moe; Arlandson; McCarron, and Searle.

#### ADJOURNMENT

Anderson, I., moved that when the House adjourns today it adjourn until Monday, January 23, 1978. The motion prevailed.

Anderson, I., moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until Monday, January 23, 1978.

EDWARD A. BURDICK, Chief Clerk, House of Representatives





## STATE OF MINNESOTA

## SEVENTIETH SESSION -- 1978

## SIXTY-FOURTH DAY

SAINT PAUL, MINNESOTA, MONDAY, JANUARY 23, 1978

The House of Representatives convened at 2:00 p.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	Cohen	Johnson	Nelsen, B.	Sieben, H.
Albrecht	Corbid	Jude	Nelsen, M.	Sieben, M.
Anderson, B.	Cummiskey	Kahn	Nelson	Skoglund
Anderson, D.	Dean	Kaley	Niehaus	Smogard
Anderson, G.	Den Ouden	Kelly, R.	Norton	Spanish
Anderson, I.	Eckstein	Kelly, W.	Novak	Stanton
Anderson, R.	Eken	Kempe, A.	Onnen	Stoa
Arlandson	Ellingson	Kempe, R.	Osthoff	Suss
Battaglia	Erickson	King	Patton	Swanson
Beauchamp	Esau	Knickerbocker	Pehler	Tomlinson
Begich	Evans	Kostohryz	Peterson	Vanasek
Berg	Ewald	Kroening	Petrafaso	Waldorf
Berglin	Faricy	Laidig	Pleasant	Welch
Berkelman	Fjoslien	Langseth	Prahl	Wenstrom
Biersdorf	Forsythe	Lehto	Redalen	Wenzel
Birnstihl	Friedrich	Lemke	Reding	White
Brandl	Fudro	Mangan	Rice	Wieser
Braun	Fugina	Mann	Rose	Wigley
Brinkman	George	McCarron	St. Onge	Williamson
Byrne	Gunter	McCollar	Samuelson	Wynia
Carlson, A.	Hanson	McDonald	Sarna	Zubay
Carlson, D.	Heinitz	McEachern	Savelkoul	Speaker Sabo
Carlson, L.	Hokanson	Metzen	Scheid	
Casserly	Jacobs	Moe	Schulz	
Clark	Jaros	Munger	Searle	
Clawson	Jensen	Murphy	Sherwood	

A quorum was present.

Adams, Enebo, Kalis, Kvam, Neisen, Searles, Simoneau and Voss were excused.

The Chief Clerk proceeded to read the Journal of the preceding day. Vanasek moved that further reading of the Journal be dispensed with and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.

## PETITIONS AND COMMUNICATIONS

The following reports were received and filed in the Chief Clerk's Office: Improving Public Access to State Services in Minnesota from Department of Administration, Self-Insurance Program from University of Minnesota, and Biennial Report on Municipal Revenue Bonds from Department of Economic Development.

INTRODUCTION AND FIRST READING  
OF HOUSE BILLS

The following House Files were introduced:

McDonald, Savelkoul, Mann, Erickson and Kahn introduced:

H. F. No. 1807, A bill for an act relating to agriculture; providing for the promotion, improvement and development of markets for Minnesota agricultural products; appropriating money; amending Minnesota Statutes 1976, Section 17.101.

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

Enebo, Sarna, Kahn, Sabo and Berg introduced:

H. F. No. 1808, A bill for an act relating to special school district No. 1 of the city of Minneapolis; establishing four year terms of office for directors of the board of education; amending Laws 1959, Chapter 462, Section 3, Subdivision 1, as amended and renumbered.

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

Lehto, Munger, McCarron, Biersdorf and Wynia introduced:

H. F. No. 1809, A bill for an act relating to game and fish; altering certain provisions relating to taking and possession, and penalties related thereto; amending Minnesota Statutes 1976, Sections 98.46, Subdivision 22; 100.29, Subdivision 22; 101.42, Subdivision 18; and Minnesota Statutes, 1977 Supplement, Section 98.52, Subdivision 1.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Nelson introduced:

H. F. No. 1810, A bill for an act relating to game and fish; exemptions from fishing license requirements for certain institutional inmates; amending Minnesota Statutes 1976, Section 98.47, Subdivision 12.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Simoneau, McCarron and Voss introduced:

H. F. No. 1811, A bill for an act relating to parks; authorizing the use of certain appropriated money for the acquisition and development of recreation facilities for the handicapped at Islands of Peace park; amending Laws 1977, Chapter 352, Section 1.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Pehler, Patton, Brinkman, Niehaus and Metzen introduced:

H. F. No. 1812, A bill for an act relating to banking; permitting certain detached facilities; amending Minnesota Statutes, 1977 Supplement, Section 47.55.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Anderson, B., introduced:

H. F. No. 1813, A bill for an act relating to the town of Leota in Nobles county; authorizing the establishment of detached banking facilities.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Samuelson, Corbid and Brinkman introduced:

H. F. No. 1814, A bill for an act relating to education; school districts; authorizing school districts to provide health and hospitalization or other coverage for its employees through self-insurance; amending Minnesota Statutes 1976, Section 471.61, Subdivision 1.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Suss, Patton, Schulz, Friedrich and Brinkman introduced:

H. F. No. 1815, A bill for an act relating to local government; permitting self insurance for local governments; authorizing insurance pooling; amending Minnesota Statutes 1976, Sections 60A.02, Subdivisions 3 and 4; 79.01, Subdivisions 2 and 3; and Chapter 471, by adding sections.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Cohen introduced:

H. F. No. 1816, A bill for an act relating to elections; regulating procedures for ballot challenges and election contests; amending Minnesota Statutes 1976, Sections 204A.32, Subdivision 4; 209.02, Subdivisions 4 and 4a; and 209.06, Subdivision 2.

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

Laidig, Braun, Samuelson, Johnson and Wigley introduced:

H. F. No. 1817, A bill for an act relating to partition fences; exempting certain lands from the provisions of chapter 344; providing that when only one owner or occupant is benefited by a fence he shall be assigned the entire expenses of the fence; amending Minnesota Statutes 1976, Section 344.03, Subdivision 1; and Chapter 344, by adding a section.

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

Cohen introduced:

H. F. No. 1818, A bill for an act proposing an amendment to the Minnesota Constitution, Article VI, Sections 2 and 13; removing references to subordinate judicial branch personnel from the constitution.

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

Anderson, G.; Johnson; Wenzel; Wenstrom and Smogard introduced:

H. F. No. 1819, A bill for an act relating to workers' compensation; providing for the coverage of certain farm and business owners and employees; amending Minnesota Statutes, 1977 Supplement, Section 176.012.

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

Pehler, McCarron, Gunter, Knickerbocker and Voss introduced:

H. F. No. 1820, A bill for an act relating to the organization and operation of state government; creating an office within the department of administration to receive citizen inquiries and complaints on matters relating to state government; providing for training and public information efforts; imposing duties on all state agencies; appropriating money.

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

Samuelson introduced:

H. F. No. 1821, A bill for an act relating to the city of Brainerd; firemen's service pensions; amending Laws 1973, Chapter 170, Section 1.

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

Kempe, R., introduced:

H. F. No. 1822, A bill for an act relating to eminent domain; requiring that prepayment penalties be treated as a separate item of damages; amending Minnesota Statutes 1976, Chapter 117, by adding a section.

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

Carlson, L.; Swanson; Berglin; Zubay and Langseth introduced:

H. F. No. 1823, A bill for an act relating to public health; requiring certain immunizations for students; amending Minnesota Statutes 1976, Section 123.70.

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

Carlson, L.; Swanson; Berglin; Samuelson and Langseth introduced:

H. F. No. 1824, A bill for an act relating to health; providing for review of certain health care planning; requiring certificates of need for construction or modifications of certain health care facilities and services; amending Minnesota Statutes 1976, Sections 145.71, Subdivision 1; 145.72; 145.73; 145.74; 145.75; 145.751; 145.76, Subdivisions 1 and 2; 145.761; 145.77; 145.78; 145.79; 145.80; 145.83; and Chapter 145, by adding sections.

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

Swanson; Carlson, L.; Wigley; Clawson and Waldorf introduced:

H. F. No. 1825, A bill for an act relating to examining and licensing boards; concerning public health; requiring information at the time of license application; allowing the collection of information at the time of license renewal; amending Minnesota Statutes 1976, Chapter 214, by adding sections.

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

Welch; Anderson, B.; Scheid; Wigley and Swanson introduced:

H. F. No. 1826, A bill for an act relating to public welfare; providing compensation to residents of state institutions; accepting volunteer services; authorizing rule promulgation for child cost of care; authorizing ward institutional placement for respite care; allowing the commissioner to consent to ward surgical operations; concerning the discharge of a committed patient; providing for a hospital program plan; concerning local welfare hearing; regarding child support; amending Minnesota Statutes 1976, Sections 246.36; 252A.11, Subdivision 3; 252A.13, Subdivision 1; 253A.15, Subdivision 11; 253A.17, Subdivision 9; 256.045, Subdivision 2; Chapter 246, by adding a section; Minnesota Statutes, 1977 Supplement, Sections 252.27, Subdivision 2; 256.873; repealing Minnesota Statutes 1976, Section 246.55.

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

Clawson, Berkelman, McEachern, Wigley and Swanson introduced:

H. F. No. 1827, A bill for an act relating to public welfare; establishing a revolving fund for data processing services; providing an appropriation; amending Minnesota Statutes 1976, Section 256.01, by adding a subdivision.

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

Cohen introduced:

H. F. No. 1828, A bill for an act relating to health; providing catastrophic health expense protection for certain persons requiring long-term nursing care; amending Minnesota Statutes, 1977 Supplement, Section 62E.52, Subdivision 3a.

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

Pehler, McCarron, Patton, Moe and Berglin introduced:

H. F. No. 1829, A bill for an act relating to dissolution; permitting establishment of counseling programs; appropriating money.

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

Anderson, G.; Swanson; Clark; Wenstrom and Heinitz introduced:

H. F. No. 1830, A bill for an act relating to nursing homes; authorizing sharing of administrators between certain hospitals and nursing homes; amending Minnesota Statutes 1976, Section 144A.04, Subdivision 5.

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

Clark, McCarron, Samuelson, Norton and Skoglund introduced:

H. F. No. 1831, A bill for an act relating to public welfare; extending the pilot dental health program; appropriating money; amending Laws 1976, Chapter 305, Sections 3 and 4, Subdivision 3.

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



Berglin, Heinitz, Clark, Clawson and Rice introduced:

H. F. No. 1832, A bill for an act relating to public welfare; assistance to families with dependent children; requiring commissioner to make certain rules; amending Minnesota Statutes 1976, Section 256.74, Subdivision 1.

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

Wenstrom, Cummiskey, Fugina, Laidig and Jude introduced:

H. F. No. 1833, A bill for an act relating to community colleges; authorizing one additional member for the state board; requiring that one member be a student; amending Minnesota Statutes 1976, Section 136.61, Subdivisions 1 and 1a.

The bill was read for the first time and referred to the Committee on Higher Education.

Enebo, St. Onge, Osthoff, Mangan and Metzen introduced:

H. F. No. 1834, A bill for an act relating to labor; increasing fees for boiler inspection and engineers' licenses; amending Minnesota Statutes 1976, Sections 183.545, Subdivisions 1, 2, 3, and 4; and 183.57, Subdivision 2.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Pehler, Metzen, Enebo, Pleasant and Gunter introduced:

H. F. No. 1835, A bill for an act relating to migrant labor; establishing a study commission on migrant labor; appropriating money.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Laidig introduced:

H. F. No. 1836, A bill for an act relating to authorizing Washington county, the city of Stillwater, and the town of Stillwater to jointly exercise planning and land use control powers; applying the authorization retroactively.

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

Biersdorf, Sarna, Osthoff, Battaglia and Munger introduced:

H. F. No. 1837, A bill for an act relating to solid waste; concerning junk yards; limiting the establishment of new junk yards; allowing the establishment of county junk yards.

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

Pehler, Patton, Brinkman, Niehaus and McEachern introduced:

H. F. No. 1838, A bill for an act relating to the St. Cloud metropolitan transit commission; providing paratransit services authority; permitting contracts for certain services; amending Laws 1969, Chapter 1134, Sections 1, Subdivision 5; and 3, by adding a subdivision.

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

Begich and Battaglia introduced:

H. F. No. 1839, A bill for an act relating to political subdivisions; authorizing loans to acquire town halls; amending Minnesota Statutes, 1977 Supplement, Section 465.73.

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

Vanasek, Berg, Corbid and Friedrich introduced:

H. F. No. 1840, A bill for an act relating to agriculture; shade tree disease control program; providing reforestation grants to certain municipalities; amending Minnesota Statutes, 1977 Supplement, Section 18.023, Subdivision 3a.

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

McCarron, Voss, Neisen, Simoneau and Novak introduced:

H. F. No. 1841, A bill for an act relating to the metropolitan airports commission; prohibiting the expansion of Anoka county airport.

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

McCarron, Voss, Neisen, Simoneau and Novak introduced:

H. F. No. 1842, A bill for an act relating to the establishment of local airport zoning authorities; amending Minnesota Statutes 1976, Section 360.063, by adding a subdivision.

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

Petraleso, Moe, Fudro and Arlandson introduced:

H. F. No. 1843, A bill for an act relating to taxation; exempting certain taxicabs from gasoline and special fuels tax; amending Minnesota Statutes 1976, Sections 296.01, by adding a subdivision; 296.02, Subdivision 1; 296.025, Subdivision 1; and 296.18, Subdivision 1.

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

Berglin introduced:

H. F. No. 1844, A bill for an act relating to taxation; denying tax deductions for substandard rental housing; amending Laws 1975, Chapter 226, Section 4.

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

Patton, Vanasek, Jensen, Johnson and Stanton introduced:

H. F. No. 1845, A bill for an act relating to taxation; income tax; exempting income from volunteer firemen's pensions; amending Minnesota Statutes, 1977 Supplement, Section 290.08, Subdivision 6.

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

Samuelson introduced:

H. F. No. 1846, A bill for an act relating to taxation; repealing the gross premiums tax on insurance companies and certain reciprocal or interinsurance exchange transactions; making necessary revisions in statutory language; amending Minnesota Statutes 1976, Sections 60A.20, Subdivisions 1, 8, 13 and 16; 71A.04; and 72A.41, Subdivision 1; repealing Minnesota Statutes 1976, Sections 60A.15; 60A.19, Subdivision 8; 60A.20, Subdivisions 11 and 12; 61A.49; and 62E.13, Subdivision 9.

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

Abeln, Jensen, Sabo and Dean introduced:

H. F. No. 1847, A bill for an act relating to highways; designating the Hubert H. Humphrey Highway; amending Minnesota Statutes 1976, Section 161.14, Subdivision 13, and by adding a subdivision.

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

### 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. 6

A Concurrent Resolution supporting the American Family Farmer.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I have the honor to inform the House that the Senate is ready to meet with the House at 11:45 a.m., Tuesday, January 24, 1978, to receive the message of the Honorable Rudy Perpich, Governor of the State of Minnesota, which will be delivered at 12:00 noon.

The Senate has appointed a committee of five members of the Senate to act with a similar committee on the part of the House to escort the Governor to the Joint Convention.

Messrs. Lessard, Setzepfandt, Engler, Knoll and Mrs. Knaak have been appointed as members of such committee on the part of the Senate.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to the committee to escort the Governor to the Joint Convention in the House chamber on Tuesday, January 24, 1978: Abeln, Berkelman, Clark, Cohen and Redalen.

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:

*Be It Resolved*, by the Committee on Rules and Legislative Administration, that paragraph 3 of House Rule 1.16, as it appears in the Journal of the House for the 9th day, providing that after May 20, 1977, the House shall not act on other than certain bills, is hereby suspended for the duration of the 70th Legislative Session or until such time as a new date is set by the House.

The report was adopted.

GENERAL ORDERS

There being no objection, the bills on General Orders for today were continued on General Orders one day.

MOTIONS AND RESOLUTIONS

Wenzel moved that the name of Berkelman be added as an author on H. F. No. 1717. The motion prevailed.

Kroening moved that the name of Jaros be added as an author on H. F. No. 1748. The motion prevailed.

Hanson moved that the name of Hokanson be added as an author on H. F. No. 1747. The motion prevailed.

Berkelman moved that the names of Byrne and Murphy be added as authors on H. F. No. 1736. The motion prevailed.

Berkelman moved that the name of Byrne be added as an author on H. F. No. 1744. The motion prevailed.

Berkelman moved that the names of Osthoff, Murphy and Byrne be added as authors on H. F. No. 1729. The motion prevailed.

Forsythe moved that the names of Onnen and Dean be added as authors on H. F. No. 1720. The motion prevailed.

Nelson moved that the name of Kaley be added as an author on H. F. No. 1022. The motion prevailed.

Samuelson moved that the name of McCollar be added as an author on H. F. No. 1814. The motion prevailed.

## ADJOURNMENT

Anderson, I., moved that when the House adjourns today it adjourn until 11:30 a.m., Tuesday, January 24, 1978. The motion prevailed.

Anderson, I., moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 11:30 a.m., Tuesday, January 24, 1978.

**EDWARD A. BURDICK, Chief Clerk, House of Representatives**



## STATE OF MINNESOTA

## SEVENTIETH SESSION - 1978

## SIXTY-FIFTH DAY

SAINT PAUL, MINNESOTA, TUESDAY, JANUARY 24, 1978

The House of Representatives convened at 11:30 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	Corbid	Jude	Nelsen, B.	Sherwood
Albrecht	Cummiskey	Kahn	Nelsen, M.	Sieben, H.
Anderson, B.	Dean	Kaley	Nelson	Sieben, M.
Anderson, D.	Den Ouden	Kelly, R.	Niehaus	Skoglund
Anderson, G.	Eckstein	Kelly, W.	Norton	Smogard
Anderson, I.	Eken	Kempe, A.	Novak	Spanish
Anderson, R.	Ellingson	Kempe, R.	Onnen	Stanton
Battaglia	Erickson	King	Osthoff	Stoa
Beauchamp	Esau	Knickerbocker	Patton	Suss
Begich	Evans	Kostohryz	Pehler	Swanson
Berg	Ewald	Kroening	Peterson	Tomlinson
Berglin	Farcy	Kvam	Petrafeso	Vanasek
Berkelman	Fjoslien	Laidig	Pleasant	Voss
Biersdorf	Forsythe	Langseth	Prahl	Waldorf
Birnstihl	Friedrich	Lehto	Redalen	Welch
Brandl	Fudro	Lemke	Reding	Wenstrom
Braun	Fugina	Mangan	Rice	Wenzel
Brinkman	George	Mann	Rose	White
Byrne	Gunter	McCarron	St. Onge	Wieser
Carlson, A.	Hanson	McCollar	Samuelson	Wigley
Carlson, D.	Heinitz	McDonald	Sarna	Williamson
Carlson, L.	Hokanson	McEachern	Savelkoul	Wynia
Casserly	Jacobs	Metzen	Scheid	Zubay
Clark	Jaros	Moe	Schulz	Speaker Sabo
Clawson	Jensen	Munger	Searle	
Cohen	Johnson	Murphy	Searles	

A quorum was present.

Adams, Arlandson, Enebo, Kalis, Neisen and Simoneau were excused.

The Chief Clerk proceeded to read the Journal of the preceding day. Suss moved that further reading of the Journal be dispensed with and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.



## REPORTS OF STANDING COMMITTEES

Berg from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 1792, A bill for an act relating to the Lincoln-Pipestone and Rock county rural water systems; providing for the assessment of costs.

Reported the same back with the following amendments:

Page 1, line 12, after "system" insert "or users of the system".

Page 1, line 13, delete "states" and insert "state".

Page 1, line 14, delete "his" and insert "their".

Page 1, after line 16 insert a new section to read:

"Sec. 2. This act is effective the day following final enactment."

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Berg from the Committee on Local and Urban Affairs to which was referred:

S. F. No. 686, A bill for an act relating to animals; authorizing destruction rather than research use for unclaimed animals; amending Minnesota Statutes 1976, Section 35.71, Subdivision 3.

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

The report was adopted.

## SECOND READING OF HOUSE BILLS

H. F. No. 1792 was read for the second time.

## SECOND READING OF SENATE BILLS

S. F. No. 686 was read for the second time.

**INTRODUCTION AND FIRST READING  
OF HOUSE BILLS**

The following House Files were introduced:

Lemke, Birnstihl, Friedrich, Schulz and Eckstein introduced:

H. F. No. 1848, A bill for an act relating to food; providing for label requirements on imported meat and dairy products; amending Minnesota Statutes 1976, Chapter 31, by adding a section.

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

Pehler; Patton; Sieben, H.; Faricy and Heinitz introduced:

H. F. No. 1849, A bill for an act relating to commerce; establishing a small business consortium; creating an advisory task force on small business development programs; appropriating money.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Laidig; Carlson, D.; Waldorf; Albrecht and Sherwood introduced:

H. F. No. 1850, A bill for an act relating to liquor; prohibiting the sale or offering of liquor endorsed by celebrities; amending Minnesota Statutes 1976, Section 340.15, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Mann, Kalis, Erickson, Lemke and Stanton introduced:

H. F. No. 1851, A bill for an act relating to county libraries; authorizing increased membership on county library boards; amending Minnesota Statutes 1976, Section 375.33, Subdivision 4.

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

Rose; Redalen; Nelsen, B.; Erickson and Laidig introduced:

H. F. No. 1852, A bill for an act relating to education; school aids; adjusting the foundation aid formula in certain cases of decreasing enrollment; appropriating money; amending Minnesota Statutes, 1977 Supplement, Section 124.17, Subdivision 1; and Laws 1977, Chapter 447, Article I, Section 23, Subdivision 2.

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

Begich, Munger, Fugina, Prah and Anderson, I., introduced:

H. F. No. 1853, A bill for an act relating to taconite and semi-taconite companies; withdrawing the right to exercise eminent domain; authorizing the grant of licenses, permits and leases of state owned land; amending Minnesota Statutes 1976, Section 117.47; repealing Minnesota Statutes 1976, Sections 117.46; and 117.461.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Mann, Peterson, Erickson and Esau introduced:

H. F. No. 1854, A bill for an act relating to the Minnesota historical society; designating the site for an agricultural interpretive center.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Lehto, Berkelman, Jaros, Begich and Battaglia introduced:

H. F. No. 1855, A bill for an act relating to game and fish; empowering the commissioner of natural resources to authorize the use of two lines for angling while trolling on Lake Superior; amending Minnesota Statutes 1976, Section 101.41, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Begich, Battaglia, Fugina, Munger and Prah introduced:

H. F. No. 1856, A bill for an act relating to local government; setting conditions for the removal of local government units to permit mining.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Suss; Vanasek; Sieben, H.; Laidig and Rice introduced:

H. F. No. 1857, A bill for an act relating to veterans; requiring all counties to appoint a veterans service officer; amending Minnesota Statutes 1976, Section 197.60, Subdivision 1.

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

Patton, Beauchamp, Biersdorf, Reding and Moe introduced:

H. F. No. 1858, A bill for an act relating to retirement; clarifying various ambiguous retirement provisions; removing various obsolete gender references; amending Minnesota Statutes 1976, Sections 352B.14, Subdivisions 3 and 4; 352B.26, Subdivisions 2 and 3; 352B.28; 352D.05, Subdivision 3; 423.37; 423.371, Subdivision 2; 423.377; 423.38; 423.381; 423.387; 423.48; 423.51; 423.52; 423.58; 423.802, Subdivision 2; 423.810, Subdivisions 1 and 2; 424.16; 424.17; 424.24; 424.29; 424.31; Minnesota Statutes, 1977 Supplement, Sections 69.772, Subdivision 2; 352B.08, Subdivision 2; 422A.09, Subdivision 3; and 422A.33, Subdivision 3; Laws 1969, Chapter 1088, Section 4, Subdivision 4; and Laws 1977, Chapter 61, Section 5; repealing Minnesota Statutes 1976, Sections 423.22 to 423.36; and 425.01 to 425.09.

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

Patton, Beauchamp, Biersdorf, Reding and Moe introduced:

H. F. No. 1859, A bill for an act relating to retirement; providing for an exclusion from public pension coverage for those persons covered by certain federal public service employment programs in compliance with federal regulations; amending Minnesota Statutes 1976, Sections 69.29; 136.80, Subdivision 1; 352B.01, Subdivision 2; 353.64, by adding a subdivision; 354A.10; 423.23; 423.372; 423.43; 423.801, Subdivision 2; 424.03; Chapter 356, by adding a section; and Laws 1969, Chapter 950, Section 1; Minnesota Statutes, 1977 Supplement, Sections 352.01, Subdivision 2B; 353.01, Subdivision 2b; 354.05, Subdivision 2; 422A.09, Subdivision 3.

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

Reding, Moe, Biersdorf, Patton and Beauchamp introduced:

H. F. No. 1860, A bill for an act relating to public employees retirement association; providing for adjusted accrual dates for payment of annuities, survivor benefits and disability benefits, and clarifying membership requirements for elected officials; amending Minnesota Statutes 1976, Sections 353.29, Subdivision 7; 353.32, Subdivision 1a; 353.33, Subdivision 2; 353.657, Subdivision 2a; and Minnesota Statutes, 1977 Supplement, Sections 353.01, Subdivision 2b; 353.29, Subdivision 8; and 353.31, Subdivision 8.

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

Reding, Patton, Biersdorf and Beauchamp introduced:

H. F. No. 1861, A bill for an act relating to retirement; miscellaneous amendments to the public employees retirement law; amending Minnesota Statutes 1976, Sections 353.01, Subdivisions 12, 16, and 20; 353.017, Subdivision 2; 353.30, by adding a subdivision; 353.32, Subdivisions 5 and 9; 353.33, Subdivision 11; 353.34, Subdivision 6; 353.656, Subdivision 6; 356.32, Subdivision 1; Minnesota Statutes, 1977 Supplement, Sections 353.01, Subdivision 2b; and 353.36, Subdivision 2; repealing Minnesota Statutes, 1977 Supplement, Section 353.32, Subdivision 7.

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

Patton, Biersdorf, Beauchamp, Zubay and Lemke introduced:

H. F. No. 1862, A bill for an act relating to the Minnesota state retirement system; transferring the medical advisor for certain retirement associations to the department of economic security; amending Minnesota Statutes 1976, Sections 352.03, Subdivision 8; and 353.33, Subdivision 6a.

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

Reding, Beauchamp, Hokanson, Patton and Wieser introduced:

H. F. No. 1863, A bill for an act relating to the operation of state government; allowing the state to make advance payments or deposits for certain items; providing for centralized rental payments to be made from the general services revolving fund; extending the time in which to repay loans from the general fund to revolving funds; allowing the commissioner of administration to publish agency descriptions in the state register biennially instead of annually; amending Minnesota Statutes 1976, Section 16.096; Minnesota Statutes, 1977 Supplement, Sections 15.0412, Subdivision 2; 16.80, Subdivision 1; and 16A.126.

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

Beauchamp, Patton, Reding, Moe and Biersdorf introduced:

H. F. No. 1864, A bill for an act relating to retirement; providing for biennial local police and paid fire fund actuarial valuations; amending Minnesota Statutes 1976, Sections 69.77, Subdivisions 1, 2 and by adding a subdivision; 69.773, Subdivision 2; 69.78; 356.20, Subdivision 2; 356.215, Subdivisions 2 and 4; Chapter 356, by adding a section; Laws 1955, Chapter 75, Section 9, as added and Section 12, as amended; Laws 1959, Chapter 131, Section 10, Subdivision 1, as amended; Laws 1965, Chapter 446, Section 7, Subdivision 1; Laws 1965, Chapter 458, Section 3, Subdivision 2; Laws 1965, Chapter 498, Section 1, Subdivision 1; Laws 1967, Chapter 736, Section 11, Subdivision 1; Laws 1967, Chapter 775, Section 8; Laws 1967, Chapter 798, Section 1, Subdivisions 1 and 2; Laws 1969, Chapter 576, Section 1; Laws 1969, Chapter 641, Section 2, Subdivision 1; Laws 1971, Chapter 51, Section 9, and Section 10, Subdivisions 1 and 2; Laws 1971, Chapter 810, Section 7; Laws 1973, Chapter 587, Section 1; Laws 1975, Chapter 424, Sections 10 and 11; repealing Minnesota Statutes 1976, Sections 69.71; 69.72; 69.73; 69.74; 69.75; 69.76; 490.131; and Laws 1963, Chapter 643, Section 27.

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

Patton, Biersdorf, Beauchamp, Reding and Faricy introduced:

H. F. No. 1865, A bill for an act relating to retirement; fractional years of service for judges; amending Minnesota Statutes 1976, Sections 490.121, Subdivision 4; and 490.124, Subdivision 1.

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

Braun and Corbid introduced:

H. F. No. 1866, A bill for an act relating to the firemen's relief association of the city of Karlstad; computation of years of service for volunteer firemen.

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

Birnstihl, Mann, McDonald, Lemke and Kahn introduced:

H. F. No. 1867, A bill for an act relating to public improvements; authorizing the department of administration and the capitol area architectural and planning board to plan for the construction of a new facility for the pollution control agency, the department of natural resources, the department of agriculture, and other state offices which presently lease space in the metropolitan area; appropriating money.

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

Faricy and Norton introduced:

H. F. No. 1868, A bill for an act relating to Ramsey county; exempting the law librarian from membership in the public employees retirement association.

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

Waldorf, Swanson, McCarron, Berkelman and Heinitz introduced:

H. F. No. 1869, A bill for an act relating to public health; authorizing the contractual provision of statutorily prescribed public health services by the commissioner of health; modifying the definition of child in the maternal and child nutrition act; increasing the commissioner's rule-making authority regarding children's camps; expanding scope of functions that may be performed by local health agencies; amending Minnesota Statutes 1976, Sections 144.74; 145.031, Subdivision 1; 145.55, Subdivision 1; 145.892; 145.893; 145.918, Subdivision 2; and Chapter 144, by adding a section; repealing Minnesota Statutes 1976, Sections 12.56; 12.57; and 144.146, Subdivision 2.

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

Carlson, L.; Berglin; Anderson, B.; Scheid and Heinitz introduced:

H. F. No. 1870, A bill for an act relating to nursing; providing for issuance of certain licenses without examination to persons receiving certain training or licensing outside this state; amending Minnesota Statutes 1976, Section 148.211, Subdivision 2; and 148.291, Subdivision 3.

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

Faricy and Simoneau introduced:

H. F. No. 1871, A bill for an act relating to education; vocational-technical schools; providing tuition exemption for certain veterans.

The bill was read for the first time and referred to the Committee on Higher Education.

Begich, Enebo and Prah1 introduced:

H. F. No. 1872, A bill for an act relating to school districts; modifying and simplifying procedures for termination of certain school superintendents; amending Minnesota Statutes 1976, Section 125.12, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.



McCarron, Clawson, Mangan, Sarna and Jacobs introduced:

H. F. No. 1873, A bill for an act relating to the county of Anoka; validating the acquisition of and payment for certain real estate.

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

Begich, Battaglia and Fugina introduced:

H. F. No. 1874, A bill for an act relating to St. Louis county; limiting the manner in which costs to collect a judgment may be defrayed; amending Laws 1961, Chapter 302, Section 3.

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

Begich; Battaglia; Anderson, I.; Fugina and PrahI introduced:

H. F. No. 1875, A bill for an act relating to taxation; providing an income tax credit for senior citizens who pay residential heating costs; providing rebate for persons with credit in excess of tax liability; amending Minnesota Statutes 1976, Section 290.06, by adding a subdivision.

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

Stanton, Esau, Eckstein and Smogard introduced:

H. F. No. 1876, A bill for an act relating to flood plain management; authorizing counties within the southern Minnesota river basin area II to levy an additional tax; amending Minnesota Statutes, 1977 Supplement, Section 275.50, Subdivision 5.

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

McEachern and McCarron introduced:

H. F. No. 1877, A bill for an act relating to taxation; sales tax; exempting bibles from sales tax; amending Minnesota Statutes 1976, Section 297A.25, Subdivision 1.

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

Sieben, M., introduced:

H. F. No. 1878, A bill for an act relating to drivers licenses; application and filing with clerk of the district court; providing that the commissioner of public safety may appoint an agent to assist the clerk in accepting applications under certain circumstances; amending Minnesota Statutes 1976, Section 171.06, Subdivision 4.

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

Lemke; Nelsen, M.; Murphy and McCollar introduced:

H. F. No. 1879, A bill for an act relating to the trunk highway system; discontinuing and removing certain routes therefrom; adding a new route in substitution of an existing route.

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

Wieser and Redalen introduced:

H. F. No. 1880, A bill for an act relating to town roads; providing that town roads are vacated after 25 years without maintenance; amending Minnesota Statutes 1976, Section 164.07, by adding a subdivision.

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

Anderson, I., moved that when the House adjourns today it adjourn until 2:00 p.m., Thursday, January 26, 1978. The motion prevailed.

Anderson, I., moved that the House recess subject to the call of the Chair to meet with the Senate in Joint Convention for the purpose of receiving the Governor's message to the Legislature. The motion prevailed and the Speaker declared the House stands recessed.

RECESS

RECONVENED

The House reconvened at 11:45 a.m. and was called to order by the Speaker.

The Sergeant at Arms announced the arrival of the members of the Senate and they were escorted to the seats reserved for them at the front of the House Chamber.

## JOINT CONVENTION

The Speaker of the House as President of the Joint Convention called the Convention to order.

Prayer was offered by the Chaplain.

The roll being called, the following Senators answered to their names: Anderson, Ashbach and Bang.

Anderson, I., moved that further proceedings of the roll call be dispensed with. The motion prevailed.

A quorum was declared present.

The Sergeant at Arms announced the arrival of the Constitutional Officers, and they were escorted to the seats reserved for them at the rostrum.

The Sergeant at Arms announced the arrival of the Chief Justice and the Associate Justices of the Supreme Court and they were escorted to the seats reserved for them.

The Sergeant at Arms announced the arrival of the Honorable Rudy Perpich, Governor of the State of Minnesota, and his official party. The Governor was escorted to the rostrum by the appointed committees.

## ADDRESS BY THE GOVERNOR

Governor Rudy Perpich was presented to the Joint Convention by the President, and the Governor delivered "A Message to the Legislature" to the members of the Convention and their guests.

Following the address, Anderson, I., moved that the Joint Convention arise. The motion prevailed and the President declared the Joint Convention stands adjourned.

## RECESS

## RECONVENED

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

## ADJOURNMENT

Anderson, I., moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:00 p.m., Thursday, January 26, 1978.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

## STATE OF MINNESOTA

## SEVENTIETH SESSION - 1978

## SIXTY-SIXTH DAY

SAINT PAUL, MINNESOTA, THURSDAY, JANUARY 26, 1978

The House of Representatives convened at 2:00 p.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	Cummiskey	Kahn	Nelsen, B.	Sieben, M.
Adams	Dean	Kaley	Nelsen, M.	Simoneau
Anderson, B.	Den Ouden	Kalis	Nelson	Skoglund
Anderson, D.	Eckstein	Kelly, R.	Niehau	Smogard
Anderson, G.	Eken	Kelly, W.	Norton	Spanish
Anderson, I.	Ellingson	Kempe, A.	Novak	Stanton
Anderson, R.	Enebo	Kempe, R.	Onnen	Stoa
Arlandson	Erickson	Knickerbocker	Osthoff	Suss
Battaglia	Esau	Kostohryz	Patton	Swanson
Beauchamp	Evans	Kroening	Pehler	Tomlinson
Begich	Ewald	Kvam	Peterson	Vanasek
Berg	Faricy	Laidig	Petrafeso	Voss
Berglin	Fjoslien	Langseth	Pleasant	Waldorf
Berkelman	Forsythe	Lehto	Prahl	Welch
Biersdorf	Friedrich	Lemke	Redalen	Wenstrom
Birnstihl	Fudro	Mangan	Reding	Wenzel
Brandl	Fugina	Mann	Rice	White
Braun	George	McCarron	Rose	Wieser
Brinkman	Gunter	McCollar	St. Onge	Wigley
Byrne	Hanson	McDonald	Samuelson	Williamson
Carlson, A.	Heinitz	McEachern	Sarna	Wynia
Carlson, D.	Jacobs	Metzen	Scheid	Zubay
Carlson, L.	Jaros	Moe	Schulz	Speaker Sabo
Casserly	Jensen	Munger	Searle	
Clark	Johnson	Murphy	Searles	
Clawson	Jude	Neisen	Sherwood	

A quorum was present.

Cohen, Corbid, Hokanson, King, Savelkoul and Sieben, H., were excused. Albrecht was excused until 3:00 p.m.

The Chief Clerk proceeded to read the Journal of the preceding day. Suss moved that further reading of the Journal be dispensed with and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.

## REPORTS OF CHIEF CLERK

Pursuant to Rules of the House, printed copies of H. F. No. 1792 have been placed in the members' files.

## REPORTS OF STANDING COMMITTEES

Hanson from the Committee on Commerce and Economic Development to which was referred:

H. F. No. 1246, A bill for an act relating to charitable trusts; regulating the solicitation of charitable funds; clarifying and revising registration, filing and reporting requirements; coordinating charitable solicitations with general trust provisions; defining terms; amending Minnesota Statutes 1976, Sections 309.50, Subdivisions 3, 4 and 10; 309.515, Subdivision 1; 309.52, Subdivision 4; 309.53, Subdivisions 1a, 3 and 4; 309.532, Subdivisions 1 and 2; 309.555, Subdivisions 1, 2 and 3, and by adding a subdivision; 501.72; 501.74; 501.75; 501.76; 501.77; 501.78, Subdivisions 1, 2 and 4; 501.79, Subdivision 5; 501.81; and Chapter 525, by adding a section; repealing Minnesota Statutes 1976, Section 501.79, Subdivision 3.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1976, Section 309.50, Subdivision 3, is amended to read:

Subd. 3. "Charitable purpose" means (AND INCLUDES) any charitable, benevolent, philanthropic, patriotic, religious, social service, welfare, educational, (OR) eleemosynary, *cultural, artistic, or public interest* purpose, either actual or purported.

Sec. 2. Minnesota Statutes 1976, Section 309.50, Subdivision 4, is amended to read:

Subd. 4. "Charitable organization" means any person who engages in or purports to engage in solicitation for a charitable purpose and includes (EACH LOCAL COUNTY OR AREA DIVISION WITHIN THE STATE OF SUCH CHARITABLE ORGANIZATION, PROVIDED SUCH LOCAL COUNTY OR AREA DIVISION HAS AUTHORITY AND DISCRETION TO DISBURSE FUNDS OR PROPERTY OTHERWISE THAN BY TRANSFER TO ANY PARENT ORGANIZATION) *a chapter, branch, area office or similar affiliate or any person soliciting contributions within the state for a parent charitable organization.*

Sec. 3. Minnesota Statutes 1976, Section 309.50, Subdivision 10, is amended to read:

Subd. 10. "Solicit" and "solicitation" mean the request directly or indirectly for any contribution, *regardless of which party initiates communication*, on the plea or representation that such contribution will or may be used for any charitable purpose, and (ALSO MEAN AND) include any of the following methods of securing contributions:

- (1) Oral or written request;
- (2) The distribution, circulation, mailing, posting, or publishing of any handbill, written advertisement, or publication;
- (3) The making of any announcement to the press, over the radio, by television, by telephone, or telegraph concerning an appeal, assemblage, athletic or sports event, bazaar, benefit, campaign, contest, dance, drive, entertainment, exhibition, exposition, party, performance, picnic, sale, or social gathering, which the public is requested to patronize or to which the public is requested to make a contribution;
- (4) The sale of, offer, or attempt to sell, any advertisement, advertising space, book, card, magazine, merchandise, subscription, ticket of admission, or any other thing, or the use of the name of any charitable person in any offer or sale as an inducement or reason for purchasing any such item, or the making of any statement in connection with any such sale, that the whole or any part of the proceeds from any such sale will be used for any charitable purpose. A "solicitation" (AS DEFINED HEREIN) shall be deemed completed when made, whether or not the person making the same receives any contribution or makes any such sale.

Sec. 4. Minnesota Statutes 1976, Section 309.50, is amended by adding subdivisions to read:

*Subd. 11. "Management and general costs" means costs determined to be management and general by generally accepted accounting principles.*

*Subd. 12. "Fund raising costs" mean costs determined to be fund raising by generally accepted accounting principles.*

Sec. 5. Minnesota Statutes 1976, Section 309.515, Subdivision 1, is amended to read:

309.515 [EXEMPTIONS.] Subdivision 1. Subject to the provisions of subdivisions 2 and 3, sections 309.52 and 309.53 shall not apply to any of the following:

(a) Charitable organizations:

(1) which did not receive total contributions in excess of (\$2,000) \$5,000 from the public within or without this state during the accounting year last ended, and

(2) which do not plan to receive total contributions in excess of such amount from the public within or without this state during any accounting year; and

(3) whose functions and activities, including fund raising, are performed wholly by persons who are unpaid for their services, and

(4) none of whose assets or income inure to the benefit of or are paid to any officer.

For purposes of this chapter, a charitable organization shall be deemed to receive in addition to such contributions as are solicited from the public by it, such contributions as are solicited from the public by any other person and transferred to it. Any organization constituted for a charitable purpose receiving an allocation from a community chest, united fund or similar organization shall be deemed to have solicited that allocation from the public.

(b) (ANY GROUP OR ASSOCIATION SERVING A BONA FIDE RELIGIOUS PURPOSE WHEN THE SOLICITATION IS CONNECTED WITH SUCH A RELIGIOUS PURPOSE, NOR SHALL SUCH SECTIONS APPLY WHEN THE SOLICITATION FOR SUCH A PURPOSE IS CONDUCTED FOR THE BENEFIT OF SUCH A GROUP OR ASSOCIATION BY ANY OTHER PERSON WITH THE CONSENT OF SUCH GROUP OR ASSOCIATION. NOTHING CONTAINED IN SECTIONS 309.50 TO 309.61 SHALL PREVENT SUCH A GROUP OR ASSOCIATION OR ANY SUCH OTHER PERSON FROM VOLUNTARILY FILING A REGISTRATION STATEMENT OR ANNUAL REPORT UNDER SECTIONS 309.52 AND 309.53) *A religious society, or organization which solicited substantially more than half of the contributions it received in the accounting year last ended from persons who are members of the organization. A religious society or organization which solicits from its religious affiliates who are qualified under this subdivision and who are represented in a body or convention is exempt from the requirements of sections 309.52 and 309.53. The term "member" shall not include those persons who are granted a membership upon making a contribution as a result of a solicitation.*

(c) Any educational institution which is under the general supervision of the state board of education, the state university board, the state board for community colleges, or the university of Minnesota or any educational institution which is accredited by the university of Minnesota or the North Central association of colleges and secondary schools, or by any other national or regional accrediting association.

(d) A fraternal, patriotic, social, educational, alumni, professional, trade or learned society which limits solicitation of

contributions to persons who have a right to vote as a member. The term "member" shall not include those persons who are granted a membership upon making a contribution as the result of a solicitation.

(e) A charitable organization soliciting contributions for any person specified by name at the time of the solicitation if all of the contributions received are transferred to the person named with no restrictions on his expenditure of it and with no deductions whatsoever.

(f) *A private foundation, as defined in section 509(a) of the Internal Revenue Code of 1954, which did not solicit contributions from more than ten persons during the accounting year last ended.*

Sec. 6. Minnesota Statutes 1976, Section 309.52, Subdivision 1a, is amended to read:

Subd. 1a. A charitable organization whose total contributions received during any accounting year are in excess of (\$2,000) \$5,000 shall file a registration statement with the department within 30 days after the date on which the organization's total contributions exceeded (\$2,000) \$5,000. *The registration shall exist unless revoked by a court of competent jurisdiction, or the department, or as provided in subdivision 7.* This subdivision shall not apply to a charitable organization which had filed a registration statement pursuant to this section for the accounting year last ended or to organizations described in section 309.515, subdivision 1.

Sec. 7. Minnesota Statutes 1976, Section 309.52, Subdivision 4, is amended to read:

Subd. 4. Where any (LOCAL COUNTY OR AREA DIVISION) *chapter, branch, area office or similar affiliate* of a charitable organization is supervised and controlled by a (SUPERIOR OR) parent organization located within or outside the state, (SUCH LOCAL COUNTY OR AREA DIVISION SHALL NOT BE REQUIRED TO REGISTER UNDER THIS SECTION IF THE SUPERIOR OR PARENT ORGANIZATION FILES A REGISTRATION STATEMENT ON BEHALF OF THE LOCAL COUNTY OR AREA DIVISION) *the affiliate may file a registration statement on behalf of the parent organization in addition to or as part of its own registration statement, or the parent organization may file a registration statement on behalf of the affiliate in addition to or as part of its own registration statement.*

Sec. 8. Minnesota Statutes 1976, Section 309.52, Subdivision 5, is amended to read:



Subd. 5. For filing each registration statement the department shall receive a fee of (\$10) \$25 to be paid at the time of filing, which fee shall be deposited in the state treasury.

Sec. 9. Minnesota Statutes 1976, Section 309.53, Subdivision 1, is amended to read:

309.53 [ANNUAL REPORT.] Subdivision 1. Except as otherwise provided in subdivision 1a of this section, every charitable organization required to file a registration statement pursuant to section 309.52 shall file an annual report with the department of commerce upon forms provided by the department or on forms identical thereto on or before June 30 of each year if its books are kept on a calendar year basis, or within six months after the close of its fiscal year if its books are kept on a fiscal year basis. For cause shown the department may extend the time for filing the annual report for a period not to exceed three months. The annual report shall be accompanied by a filing fee of (\$10) \$25 which shall be deposited in the state treasury.

Sec. 10. Minnesota Statutes 1976, Section 309.53, Subdivision 1a, is amended to read:

Subd. 1a. A charitable organization may, but need not, file an annual report pursuant to this section if the organization:

(a) Did not receive total contributions in excess of (\$10,000) \$5,000 from the public within or without this state during the accounting year last ended.

(b) Does not plan to receive total contributions in excess of (\$10,000) \$5,000 from the public within or without this state during any accounting year, and

(c) Does not employ a professional fund raiser.

Sec. 11. Minnesota Statutes 1976, Section 309.53, Subdivision 3, is amended to read:

Subd. 3. (SUCH) *The financial statement shall include a balance sheet, (AND) statement of income and expense, and statement of functional expenses, shall be consistent with forms furnished by the department, and shall be prepared in accordance with generally accepted accounting principles so as to make a full disclosure of the following, including necessary allocations between each item and the basis of such allocations:*

(a) Total receipts and total income from all sources(, BROKEN DOWN INTO TOTAL RECEIPTS AND INCOME FROM EACH SEPARATE SOLICITATION PROJECT OR SOURCE);

- (b) Cost of (ADMINISTRATION) *management and general*;
- (c) Cost of (SOLICITATION) *fund raising*;
- (d) Cost of (PROGRAMS DESIGNED TO INFORM OR EDUCATE THE) *public education*;
- (e) Funds or properties transferred out of state, with explanation as to recipient and purpose;
- (f) Total net amount disbursed or dedicated within this state, broken down into total amounts disbursed or dedicated for each major purpose, charitable or otherwise;
- (g) Names of professional fund raisers used during the accounting year and the financial compensation or profit resulting to each professional fund raiser.

A financial statement of a charitable organization which has solicited from the public within or outside this state total contributions in excess of \$25,000 for the 12 months of operation covered by the statement shall be accompanied by an opinion signed by a certified public accountant that such statement fairly represents the financial operations of the charitable organization in sufficient detail to permit public evaluation of its operations. In giving such opinion the certified public accountant shall take into consideration capital, endowment or other reserve funds, if any, controlled by the charitable organization. The opinion need not conform to the wording of the opinion form of the annual report forms provided by the department.

Sec. 12. Minnesota Statutes 1976, Section 309.53, Subdivision 4, is amended to read:

Subd. 4. Where a registration statement has been filed by a (SUPERIOR OR) parent organization or affiliate as provided in section 309.52, subdivision 4, (IT SHALL) *the registered parent organization may file the annual report required under this section on behalf of the (LOCAL COUNTY OR AREA DIVISION) chapter, branch, area office, similar affiliate or person in addition to or as part of its own report(, BUT) or the registered affiliate may file the annual report required under this section on behalf of the parent organization in addition to or as part of its own report.* The accounting information required under this section shall be set forth separately and not in consolidated form with respect to every (LOCAL COUNTY OR AREA DIVISION) *chapter, branch, area office, similar affiliate or person within the state which raises or expends more than \$5,000. The department of commerce may permit any chapter, branch, area office, similar affiliate or per-*

son to file a consolidated statement with any other chapter, branch, area office, similar affiliate or person or parent organization if the attorney general determines that the interests of the charitable beneficiaries will not be prejudiced thereby and that separate accounting information is not required for proper supervision.

Sec. 13. Minnesota Statutes 1976, Chapter 309, is amended by adding a section to read:

[309.533] [INVESTIGATIONS; PROCEEDINGS.] Subdivision 1. *The commissioner in his discretion:*

(a) *may make public or private investigations within or outside the state as he deems necessary to determine whether any person has violated or is about to violate any provision of sections 309.50 to 309.61 or any rule or order thereunder, or to aid in the enforcement of sections 309.50 to 309.61 in the prescribing of rules and forms thereunder, and may publish information, concerning the violation of sections 309.50 to 309.61 or any rule or order thereunder.*

(b) *may require or permit any person to file a statement in writing, under oath or otherwise as the commissioner determines, as to all facts and circumstances concerning the matter being investigated.*

Subd. 2. *For the purpose of any investigation or proceeding under sections 309.50 to 309.61, the commissioner or any person designated by him may administer oaths and affirmations, subpoena witnesses and compel their attendance, take evidence and require the production of any books, papers, correspondence, memoranda, agreements or other documents or records which the commissioner deems relevant or material to the inquiry.*

Subd. 3. *No person is excused from attending and testifying or from producing any document or record before the commissioner, in obedience to the subpoena of the commissioner or any person designated by him in any proceedings instituted by the commissioner, on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to a penalty or forfeiture, but no individual may be prosecuted or subjected to any penalty or forfeiture for an account of any transaction, matter or thing concerning which he is compelled, after claiming his privilege against self incrimination, to testify or produce evidence, except that the individual testifying is not exempt from prosecution and punishment for perjury or contempt committed in testifying.*

Subd. 4. *In case of contumacy by, or refusal to obey a subpoena to, any person, the district court, upon application by the commissioner, may issue to the person an order directing him*

*to appear before the commissioner or the officer designated by him, there to produce documentary evidence if so ordered or to give evidence touching the matter under investigation or in question. Failure to obey the order of the court may be punished by the court as a contempt of court.*

Sec. 14. Minnesota Statutes 1976, Chapter 309, is amended by adding a section to read:

**[309.534] [CEASE AND DESIST ORDERS; INJUNCTIONS; RECEIVERS.]** *Subdivision 1. Whenever it appears to the commissioner that any person has engaged or is about to engage in any act or practice constituting a violation of this chapter or any rule or order hereunder:*

(a) *He shall have the power to issue and cause to be served upon the person an order requiring him to cease and desist from violations of sections 309.50 to 309.61. The order shall be calculated to give reasonable notice of the rights of the person to request a hearing thereon and shall state the reason for the entry of the order. A hearing shall be held not later than seven days after the request for the hearing is received by the commissioner after which and within 20 days of the date of the hearing the commissioner shall issue a further order vacating the cease and desist order or making it permanent as the facts require. All hearings shall be conducted in accordance with the provisions of chapter 15. If the person to whom a cease and desist order is issued fails to appear at the hearing after being duly notified, the person shall be deemed in default, and the proceeding may be determined against him upon consideration of the cease and desist order, the allegations of which may be deemed to be true. The commissioner may adopt rules of procedure concerning all proceedings conducted pursuant to this subdivision.*

(b) *He may bring an action in the district court in the appropriate county to enjoin the acts or practices and to enforce compliance with sections 309.50 to 309.61 or any rule or order thereunder and he may refer the matter to the attorney general or the county attorney of the appropriate county. This section shall in no way alter the authority of the attorney general to prosecute violations as set forth in sections 309.57 and 309.59. Upon a proper showing, a permanent or temporary injunction, restraining order or writ of mandamus shall be granted and a receiver may be appointed for the defendant or the defendant's assets. The court may not require the commissioner to post a bond.*

*Subd. 2. In any proceeding under the provisions of sections 309.50 to 309.61 in relation to injunction or receivership, the same may be brought on for hearing and disposition upon an order to show cause returnable upon not more than eight days notice to the defendant therein. The cases shall have precedence over other cases upon the court calendar, and shall not be continued without the consent of the state, except upon good cause shown to the court, and then only for the reasonable length of*

*time necessary in the opinion of the court to protect the rights of the defendant party.*

Sec. 15. Minnesota Statutes 1976, Section 309.555, is amended to read:

**309.555 [LIMITATIONS ON CHARITABLE EXPENDITURES.] (SUBDIVISION 1. EXCEPT AS PROVIDED IN SUBDIVISION 2, NO CHARITABLE ORGANIZATION SHALL PAY OR AGREE TO PAY TO ANY PROFESSIONAL FUND RAISER AS COMPENSATION FOR HIS SERVICES OR AS REIMBURSEMENT FOR EXPENSES, OR BOTH, AN AMOUNT IN EXCESS OF 30 PERCENT OF THE GROSS AMOUNT OF MONEYS, FUNDS, PLEDGES OR OTHER PROPERTY RAISED OR RECEIVED BY SUCH PROFESSIONAL FUND RAISER IN THE NAME OF THE CHARITABLE ORGANIZATION.)**

*Subd. 1a. Any charitable organization which is required to register pursuant to section 309.52 and which expends or agrees to expend an unreasonable amount for management and general costs and fund raising costs shall not be eligible to maintain registration with the department. An amount expended or agreed to be expended by a charitable organization for management and general costs and fund raising costs in excess of 30 percent of total income and revenue is presumed to be an unreasonable amount. An amount expended or agreed to be expended by a charitable organization for management and general costs and fund raising costs of 30 percent or less of total income and revenue may be challenged as unreasonable by the department or the attorney general. Any expenditures made in violation of this provision shall be recoverable from the charitable organization by the attorney general.*

*Subd. 1b. Any professional fund raiser who receives or agrees to receive an unreasonable amount for management and general costs and fund raising costs shall not be eligible to maintain a license with the department. An amount received or agreed to be received by a professional fund raiser for management and general costs and fund raising costs in excess of 30 percent of the total contributions raised or received by reason of any solicitation activities is an unreasonable amount. An amount received or agreed to be received by a professional fund raiser for management and general costs and fund raising costs of 30 percent or less of the total contribution raised or received by reason of any solicitation activities may be challenged as unreasonable by the department or the attorney general. Any expenditures made in violation of this provision shall be recoverable by the attorney general from the charitable organization or professional fund raiser or both.*

**Subd. 2.** In the event that goods or services are provided to the public in connection with charitable solicitation, (WHEN

A PROFESSIONAL FUND RAISER IS EMPLOYED,) no charitable organization or professional fund raiser shall (PAY OR AGREE TO PAY TO ANY PROFESSIONAL FUND RAISER AS COMPENSATION FOR HIS SERVICES OR AS REIMBURSEMENT FOR EXPENSES, OR BOTH,) *expend or agree to expend an unreasonable amount for management and general costs and fund raising costs, which is presumed to be an amount in excess of 30 percent of the difference between the cost to the charitable organization of all goods and services sold (BY THE PROFESSIONAL FUND RAISER) and the amount for which said goods and services are sold.*

Subd. 3. (COMPENSATION PAID OR AGREED TO BE PAID TO A PROFESSIONAL FUND RAISER SHALL INCLUDE THE REASONABLE COST OF ANY EXPENSE, WHETHER IN MONEY OR IN KIND, INCURRED BY A CHARITABLE ORGANIZATION PURSUANT TO AN AGREEMENT OR CONTRACT WITH A PROFESSIONAL FUND RAISER FOR THE SOLICITATION OF CHARITABLE CONTRIBUTIONS.) *Expenditures made or agreed to be made for management and general costs or fund raising costs shall include payments made or agreed to be made to professional fund raisers as compensation for services or reimbursement for expenses, or both.* A charitable organization shall be deemed to have (PAID) *expended* or agreed to (PAY) *expend* any portion of (SUCH MONEYS, FUNDS, PLEDGES OR OTHER PROPERTIES) *contributions* retained by the professional fund raiser pursuant to a contract with the charitable organization. *Expenditures made or agreed to be made for management and general costs or fund raising costs shall also include payments made or agreed to be made to employees of the charitable organization and other persons.*

Subd. 4. No person shall use the name of a charitable organization for financial compensation or profit unless the charitable organization has consented to the use of its name in a contract with the person. The contract shall:

(a) be in writing, and a copy thereof shall be filed with the department within seven days of the date of execution;

(b) disclose the amount of financial compensation or profit to be retained by the person;

(c) disclose the percentage of the total gross amount of moneys, funds, pledges or other property raised or received or to be raised or received in connection with the use of the name of the charitable organization which will be given to the charitable organization.

Subd. 5. *In an action brought by the department or the attorney general pursuant to sections 309.532 or 309.57, a charitable organization may interpose as a defense to a violation of*

*section 309.555 that fund raising costs and management and general costs in excess of 30 percent are reasonable because of extenuating circumstances.*

Sec. 16. Minnesota Statutes 1976, Section 309.56, Subdivision 1, is amended to read:

**309.56 [SERVICE OF PROCESS.]** Subdivision 1. Any charitable organization or professional fund raiser which solicits contributions in this state, but does not maintain an office within the state shall be subject to service of process, as follows:

(a) By service thereof on its registered agent within the state, or if there be no such registered agent, then upon the person who has been designated in the registration statement as having custody of books and records within this state; where service is effected upon the person so designated in the registration statement a copy of the process shall, in addition, be mailed to the charitable organization or professional fund raiser at its last known address;

(b) When a charitable organization or professional fund raiser has solicited contributions in this state, but maintains no office within the state, has no registered agent within the state, and no designated person having custody of its books and records within the state, or when a registered agent or person having custody of its books and records within the state cannot be found as shown by the return of the sheriff of the county in which such registered agent or person having custody of books and records has been represented by the charitable organization or professional fund raiser as maintaining an office, service may be made by (DELIVERING TO AND LEAVING WITH THE COMMISSIONER OF SECURITIES OF THE DEPARTMENT OF COMMERCE THREE COPIES THEREOF AND A FEE OF \$6) leaving a copy of the process in the office of the commissioner. Service upon the commissioner is not effective unless (a) the plaintiff, who may be the commissioner in a suit, action, or proceeding instituted by him, forthwith sends notice of the service and a copy of the process by registered mail to the defendant or respondent at his last known address or takes other steps which are reasonably calculated to give actual notice, and (b) the plaintiff's affidavit of compliance with this subdivision is filed in the case on or before the return day of the process, if any, or within a further time the court allows.

Sec. 17. Minnesota Statutes 1976, Section 501.72, is amended to read:

**501.72 [CHARITABLE TRUSTS; SUPERVISION BY ATTORNEY GENERAL.]** Subdivision 1. Sections 501.71 to 501.81 shall apply to all charitable trusts and all trustees holding property for charitable purposes. The attorney general

shall have and exercise, in addition to all the common law and statutory rights, duties and powers of the attorney general in connection with the supervision, administration and enforcement of charitable trusts, the rights, duties and powers set forth in sections 501.71 to 501.81.

*Subd. 2. The securities division of the department of commerce may promulgate rules necessary for the purposes of sections 501.75 and 501.76.*

Sec. 18. Minnesota Statutes 1976, Section 501.74, is amended to read:

501.74 [EXCLUSIONS.] *Subdivision 1.* The registration and reporting provisions of sections 501.75 and 501.76 shall not apply to

(a) A charitable trust administered by the United States, any state, territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico or to any of their agencies or subdivisions.

(b) An educational institution which is under the general supervision of the state board of education, the state university board, the state board for community colleges, or the university of Minnesota or the north central association of colleges and secondary schools, or by any other national or regional accrediting association, and all charitable trusts organized and operated exclusively for educational purposes which are administered by any such institution.

(c) Religious associations organized pursuant to chapters 315 and 317 and all charitable trusts organized and operated exclusively for religious purposes which are administered by any such religious association.

(d) Institutions and corporations organized and operated as hospitals or as medical centers engaged in medical care, education and research.

(e) An organization described in section 509(a) (3) of the Internal Revenue Code of 1954 which is operated, supervised or controlled by or in connection with one or more organizations described in clauses (b) to (d) of this section, a pooled income fund as defined in section 642(c) (5) of the Internal Revenue Code of 1954 which is maintained by an organization described in clauses (b) to (d) of this section, and a charitable remainder annuity trust or unitrust, as defined in section 664 of the Internal Revenue Code of 1954 (, OF WHICH THE TRUSTEE IS AN ORGANIZATION DESCRIBED IN CLAUSES (B) TO (D) OF THIS SECTION).



(f) A trust in which the only charitable interest is a contingent interest for which no charitable deduction has been allowed for Minnesota income, inheritance or gift tax purposes and a trust not all of the unexpired interests in which are devoted to one or more charitable purposes and in which the only charitable interest is an annuity or an income interest with respect to which a charitable deduction is allowed the trust under applicable Minnesota income tax laws.

(g) An organization which does not have at least \$5,000 of gross assets at any time during a taxable year (AND WHICH NORMALLY RECEIVES MORE THAN TWO-THIRDS OF ITS SUPPORT EACH YEAR FROM THE GENERAL PUBLIC OR FROM THE UNITED STATES, ANY STATE, TERRITORY OR POSSESSION OF THE UNITED STATES, THE DISTRICT OF COLUMBIA, THE COMMONWEALTH OF PUERTO RICO OR ANY OF THEIR AGENCIES).

(h) Any organization which is subject to the requirements of sections 309.50 to 309.61.

*Subd. 2. In addition to the exclusions provided in subdivision 1, registration and reporting provisions of sections 501.75 and 501.76 shall not apply to a trust for individual and charitable beneficiaries which is described in section 4947(a)(2) of the Internal Revenue Code of 1954, also known as a split-interest trust, the trustee of which has been confirmed by an order of a court of competent jurisdiction within the state pursuant to section 501.33, if the trustee sends to the attorney general a copy of all accountings, petitions and other documents filed, or required to be filed, with the court.*

Sec. 19. Minnesota Statutes 1976, Section 501.75, is amended to read:

501.75 [REGISTER OF TRUSTS AND TRUSTEES.] Subdivision 1. The (SECRETARY OF STATE) securities division of the department of commerce shall establish and maintain a register of charitable trusts and trustees subject to the provisions of sections 501.71 to 501.81. All registrations, annual reports and other filings made pursuant to sections 501.71 to 501.81 shall be transferred by the secretary of state to the securities division of the department of commerce. All registrations and annual reports filed with the secretary of state shall remain in effect as if there had been no transfer in the register.

Subd. 2. Every charitable trust subject to the provisions of sections 501.71 to 501.81 shall register and file with the (SECRETARY OF STATE) securities division a copy of the instrument creating the charitable trust, including any amendments thereto, within three months after the charitable trust first receives possession or control of any property authorized or re-

quired to be applied, either at present or in the future, for charitable purposes. (IF A TRUSTEE HOLDS ANY PROPERTY ON AUGUST 1, 1975, WHICH IS AUTHORIZED OR REQUIRED TO BE APPLIED, EITHER AT PRESENT OR IN THE FUTURE, FOR CHARITABLE PURPOSES, THE FILING AND REGISTRATION SHALL BE MADE WITHIN THREE MONTHS AFTER AUGUST 1, 1975.)

Sec. 20. Minnesota Statutes 1976, Section 501.76, is amended to read:

501.76 [FILING OF ANNUAL REPORTS.] Subdivision 1. Every charitable trust subject to the provisions of sections 501.71 to 501.81 shall, in addition to filing copies of the instruments previously required, file with the (SECRETARY OF STATE) *securities division of the department of commerce* annual written reports (SETTING FORTH INFORMATION AS DESCRIBED IN SECTION 6056(b) OF THE INTERNAL REVENUE CODE OF 1954) *which shall consist of complete, conformed copies of all annual federal returns required to be filed by the trust with the Internal Revenue Service for the taxable year, including all schedules, attachments and reports due with the return or returns.* These reports shall be filed annually on or before the fifteenth day of the fifth month following the close of the charitable trust's taxable year as established for federal tax purposes. The time for filing may be extended by application to the (SECRETARY OF STATE) *securities division*, but no such extension shall be for more than six months. *The securities division may request, with respect to a report, additional information as the division reasonably believes is necessary or appropriate in order to make the report complete.*

Subd. 2. The (SECRETARY OF STATE) *securities division* may suspend the filing of reports as to a particular charitable trust for a reasonable, specifically designated time upon written application of the trustee filed with the (SECRETARY OF STATE) *securities division* and after the attorney general has filed in the register of charitable trusts a written statement that the interests of the beneficiaries will not be prejudiced thereby and that annual reports are not required for proper supervision by his office.

Sec. 21. Minnesota Statutes 1976, Section 501.77, is amended to read:

501.77 [PUBLIC INSPECTION OF RECORDS.] The register, copies of instruments, and the reports filed with the (SECRETARY OF STATE) *securities division of the department of commerce* shall be open to public inspection.

Sec. 22. Minnesota Statutes 1976, Section 501.78, Subdivision 1, is amended to read:

501.78 [INVESTIGATORY POWERS OF THE ATTORNEY GENERAL; CUSTODIANS TO FURNISH COPIES OF RECORDS.] Subdivision 1. The attorney general may conduct investigations reasonably necessary for the administration of sections 501.71 to 501.81 and for the purpose of determining whether the property held for charitable purposes is properly administered. (HE MAY REQUIRE ANY AGENT, TRUSTEE, FIDUCIARY, BENEFICIARY, INSTITUTION, ASSOCIATION, OR CORPORATION OR OTHER PERSON, TO ANSWER WRITTEN INTERROGATORIES REASONABLY RELATED TO THE ADMINISTRATION OF A CHARITABLE TRUST, OR TO APPEAR, AT A REASONABLE TIME AND PLACE AS THE ATTORNEY GENERAL MAY DESIGNATE, TO GIVE INFORMATION UNDER OATH AND TO PRODUCE BOOKS, MEMORANDA, PAPERS, DOCUMENTS OF TITLE, AND EVIDENCE OF ASSETS, LIABILITIES, RECEIPTS OR DISBURSEMENTS IN THE POSSESSION OR CONTROL OF THE PERSON ORDERED TO APPEAR.) *In connection with an investigation under this section the attorney general may obtain discovery from any agent, trustee, fiduciary, beneficiary, institution, association, corporation or other person regarding any matter, fact or circumstance, not privileged, which is relevant to the subject matter involved in the investigation, in accordance with the provisions of this subdivision. The discovery may be obtained without commencement of a civil action and without leave of court, except as expressly required by the provisions of subdivision 2. The applicable protective provisions of rules 26.02, 30.02, 30.04 and 31.04 of the rules of civil procedure for the district court shall apply to any discovery procedures instituted pursuant to this section. The attorney general or any person to whom discovery is directed may apply to and obtain leave of the district court in order to reduce or extend the time requirements of this subdivision, and upon a showing of good cause the district court shall order a reduction or extension. In order to obtain discovery, the attorney general may:*

(a) *Serve written interrogatories on any person. Within 20 days after service of interrogatories, separate written answers and objections to each interrogatory shall be mailed to the attorney general.*

(b) *Upon reasonable written notice of no less than 15 days, require any person to produce for inspection and copying any documents, papers, books, accounts, letters, photographs, objects, or tangible things which are in his possession, custody, or control.*

(c) *Upon reasonable written notice of no less than 15 days, take the testimony of any person by deposition as to any fact or opinion relevant to the subject matter involved in the pending investigation.*

Sec. 23. Minnesota Statutes 1976, Section 501.78, Subdivision 2, is amended to read:

Subd. 2. (WHEN THE ATTORNEY GENERAL REQUIRES THE ATTENDANCE OF ANY PERSON, AS PROVIDED IN SUBDIVISION 1, HE SHALL ISSUE AN ORDER SETTING FORTH THE TIME WHEN AND THE PLACE WHERE ATTENDANCE IS REQUIRED AND SHALL CAUSE THE SAME TO BE DELIVERED TO OR SENT BY REGISTERED MAIL TO THE PERSON AT LEAST 14 DAYS BEFORE THE DATE FIXED FOR ATTENDANCE. THE ORDER SHALL HAVE THE SAME FORCE AND EFFECT AS A SUBPOENA AND, UPON APPLICATION OF THE ATTORNEY GENERAL, OBEDIENCE TO THE ORDER MAY BE ENFORCED BY ANY COURT HAVING JURISDICTION OF CHARITABLE TRUSTS IN THE COUNTY WHERE THE PERSON RECEIVING IT RESIDES OR IS FOUND, IN THE SAME MANNER AS THOUGH THE NOTICE WERE A SUBPOENA. THE COURT, AFTER HEARING, FOR CAUSE, AND UPON APPLICATION OF ANY PERSON AGGRIEVED BY THE ORDER, SHALL HAVE THE RIGHT TO ALTER, AMEND, REVISE, SUSPEND OR POSTPONE ALL OR ANY PART OF ITS PROVISIONS.) *If any person fails or refuses to answer interrogatories, to produce materials, or to be examined under oath, as required by the provisions of subdivision 1, the attorney general may give notice that he will apply to the district court in the county where the person receiving it resides or is found, and the court, on a showing by the attorney general of cause therefor, may issue an order as may be required to compel compliance with the discovery procedures authorized by this section.*

Sec 24. Minnesota Statutes 1976, Section 501.78, Subdivision 4, is amended to read:

Subd. 4. Every officer, agency, board or commission of this state receiving applications for exemption from taxation of any charitable trust subject to sections 501.71 to 501.81 shall annually file with the (SECRETARY OF STATE) *securities division of the department of commerce* a list of all applications received during the year and shall notify the (SECRETARY OF STATE) *division* of any suspension or revocation of a tax exempt status previously granted.

Sec 25. Minnesota Statutes 1976, Section 501.79, Subdivision 2, is amended to read:

Subd. 2. (EXCEPT AS PROVIDED IN SUBDIVISION 3,) the attorney general shall be notified of and has the right to participate as a party in all court proceedings:

(a) To terminate a charitable trust or to liquidate or distribute its assets, or

(b) To modify or depart from the objects or purposes of a charitable trust as are set forth in the instrument governing

the trust, including any proceeding for the application of the doctrine of cy pres, or

(c) To construe the provisions of an instrument with respect to a charitable trust, or

(d) To review an accounting of a charitable trust submitted by a trustee, or

(e) Any other proceeding involving a charitable trust when the interests of the uncertain or indefinite charitable beneficiaries may be affected.

Sec 26. Minnesota Statutes 1976, Section 501.79, Subdivision 5, is amended to read:

Subd. 5. Whenever a will provides for a bequest or devise (TO A CHARITABLE TRUST) *for a charitable purpose, except where the disposition under the terms of the will is:*

(a) *of a specific dollar amount or specific property and is made to one or more specified tax exempt organizations; or*

(b) *\$1,000 or less, the personal representative shall send to the attorney general a copy of the petition or application for probate together with a copy of the last will and testament, including any codicils which have been admitted to probate. Whenever objections are filed to any will or codicil containing any bequest or devise to a charitable trust, the person filing such objections, at least 14 days prior to the hearing thereon, shall send to the attorney general a copy of such objections, together with a copy of the petition or application for probate and a copy of the will, together with any codicils thereto which have been offered for probate. Any notice or documents required to be sent to the attorney general pursuant to this section shall be served by certified mail, return receipt requested. Upon receiving any such notice or documents the attorney general may become a party in the estate proceedings.*

Sec. 27. Minnesota Statutes 1976, Section 501.81, is amended to read:

501.81 [COST OF INVESTIGATIONS AND PROCEEDINGS; REGISTRATION AND FILING FEES.] Subdivision 1. The (SECRETARY OF STATE) *securities division of the department of commerce* shall collect a fee of \$10 upon the registration of a charitable trust as required by section 501.75.

Subd. 2. The (SECRETARY OF STATE) *securities division* shall collect the following fees upon the filing of an annual report by a charitable trust as required by section 501.76:

(a) \$10, if the assets of the charitable trust are less than \$5,000;

(b) \$25, if the assets of the charitable trust are \$5,000 or more but less than \$100,000;

(c) \$50, if the assets of the charitable trust are \$100,000 or more but less than \$500,000;

(d) \$100, if the assets of the charitable trust are \$500,000 or more.

For the purposes of this section, "assets" means the total fair market value of the charitable trust's assets at the end of that trust's taxable year as stated in the annual report required by section 501.76.

Subd. 3. In any proceeding brought by the attorney general, or in which the attorney general intervenes, pursuant to sections 501.71 to 501.81, the judgment or order may provide that the trustee shall pay the reasonable expenses necessarily incurred by the attorney general in the investigation and prosecution of such action, including attorneys' fees, if it shall also be determined in such proceeding that the trustee has been guilty of an intentional or grossly negligent breach of trust (AS DEFINED IN SECTION 501.79, SUBDIVISION 5, OR AS OTHERWISE PROVIDED BY LAW).

Subd. 4. All moneys received by the attorney general and the (SECRETARY OF STATE) securities division pursuant to this section shall be deposited in the state treasury and shall be credited to the general fund.

Sec. 28. Minnesota Statutes 1976, Chapter 525, is amended by adding a section to read:

[525.831] [NOTICE TO ATTORNEY GENERAL OF DEVISES FOR CHARITABLE PURPOSES.] *Whenever a will provides for a devise for a charitable purpose, as defined in section 501.73, subdivision 2, the personal representative shall provide the attorney general with any notices or documents required by section 501.79, subdivision 4.*

Sec. 29. [REPEALER.] *Minnesota Statutes 1976, Sections 309.52, Subdivision 6; and 501.79, Subdivision 3, are repealed.*

Sec. 30. *Sections 1 to 16 and sections 26 and 29 are effective the day after final enactment; section 15 is effective June 30, 1979."*

Further, strike the title and insert:

"A bill for an act relating to charitable trusts; regulating the solicitation of charitable funds; clarifying and revising registration, filing and reporting requirements; coordinating charitable solicitations with general trust provisions; defining terms; amending Minnesota Statutes 1976, Sections 309.50, Subdivisions 3, 4, and 10, and by adding subdivisions; 309.515, Subdivision 1; 309.52, Subdivisions 1a, 4 and 5; 309.53, Subdivisions 1, 1a, 3, and 4; 309.555; 309.56, Subdivision 1; 501.72; 501.74; 501.75; 501.76; 501.77; 501.78, Subdivisions 1, 2 and 4; 501.79, Subdivisions 2 and 5; and 501.81; and Chapters 309, by adding sections; and 525, by adding a section; repealing Minnesota Statutes 1976, Sections 309.52, Subdivision 6; and 501.79, Subdivision 3."

With the recommendation that when so amended the bill 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. 698, A bill for an act relating to insurance companies; simplifying language and removing obsolete provisions; clarifying ambiguities; establishing certain responsibilities; requiring performance bonds for certain corporate officers and employees; increasing certain fees; increasing certain capitalization and reserve requirements; providing certain restrictions; authorizing mutual companies to write certain additional kinds of insurance; prescribing certain penalties; amending Minnesota Statutes 1976, Sections 60A.07, Subdivisions 5d and 11; 60A.09, Subdivision 1; 60A.10, Subdivision 1; 60A.11, Subdivision 2; 60A.12, Subdivision 5; 60A.19, Subdivision 1; 60A.23, Subdivision 7; 60C.06, Subdivision 1; 61A.40; 66A.08, Subdivision 1; 66A.09; 66A.10; 66A.16, Subdivision 2; repealing Minnesota Statutes 1976, Sections 60A.12, Subdivision 6; and 63.36.

Reported the same back with the following amendments:

Page 7, line 8, following the semicolon insert: "*provided that nothing in this clause shall be construed to prohibit a domestic company from forming and holding or acquiring and holding at least 51 percent of the capital stock of subsidiaries which are engaged in business that is complementary or supplementary to the business of the domestic company, subject to the prior approval of the commissioner;*".

Page 10, line 25, delete "1976" and insert ", 1977 Supplement".

Page 11, line 23, delete the semicolon.

Page 11, delete lines 24 to 32.

Page 12, delete new language in line 1, and insert:

"(5) Regardless of what lines of business an insurer of another state is seeking to write in this state, the lines of business it is licensed to write in its state of incorporation shall be the basis for establishing the financial requirements it must meet for admission in this state or for continuance of its authority to write business in this state;

*(6) No insurer of another state shall be admitted to do business in this state for a line of business that it is not authorized to write in its state of incorporation".*

Page 21, line 23, delete "and" and the comma and insert "; and 63.37,".

Page 21, line 24, delete "1977" and insert "1978".

Further amend the title as follows:

Page 1, line 15, delete "60A.19, Subdivision 1;".

Page 1, line 17, after "Subdivision 2;" insert "Minnesota Statutes, 1977 Supplement, Section 60A.19, Subdivision 1;".

Page 1, line 19, delete "and" and before the period insert "; and 63.37".

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 1260, A bill for an act relating to the organization of state government; creating a fire service education and research advisory council in the department of public safety; superseding an executive order agency.

Reported the same back with the following amendments:

Page 1, line 8, delete "SERVICE".

Page 1, line 9, delete "EDUCATION" and insert "PREVENTION".

Page 1, line 9, delete "RESEARCH" and insert "CONTROL".

Page 1, line 10, delete "service education" and insert "prevention".



Page 1, line 10, delete "research" and insert "control".

Page 1, line 16, delete "service".

Page 1, line 17, delete "education" and insert "prevention".

Page 1, line 17, delete "research" and insert "control".

Page 1, line 17, after the period, insert "Up to six members of state agencies interested in this subject area may be appointed by the commissioner to serve as ex officio, nonvoting members."

Page 1, line 21, delete "on matters relating to fire".

Page 1, delete all of line 22.

Page 2, line 1, delete "commissioner, the council shall" and insert "and".

Page 2, line 3, delete "service" and insert "protection".

Page 2, line 3, after "research," insert "fire prevention and control,".

Page 2, line 5, after "service" insert "and the general public".

Page 2, line 6, delete ", upon".

Page 2, line 7, delete "request of the commissioner,".

Page 2, line 9, after "agencies." insert "The council shall serve as liaison between the state and the national fire prevention and control administration."

Page 2, after line 20, insert a new section to read:

"Sec. 3. There is appropriated from the general fund to the commissioner of public safety for purposes of this act the sum of \$25,000 for the year beginning July 1, 1978, and \$25,000 for the year beginning July 1, 1979."

Renumber the remaining section.

Further amend the title:

Line 3, delete "service education" and insert "prevention".

Line 3, delete "research" and insert "control".

Line 5, after "agency" insert "; appropriating money".

With the recommendation that when so amended the bill 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. 1575, A bill for an act relating to agriculture; grain inspection; weighing, sampling and analysis; amending Minnesota Statutes 1976, Sections 17B.03, Subdivision 1; 17B.04, Subdivision 1; and 17B.13.

Reported the same back with the following amendments:

Page 2, line 25, after "Subd. 2." delete "*Any person appointed by the Commissioner at*".

Page 2, delete lines 26 and 27.

Page 2, line 28, delete "*the state at the export terminal point*" and insert "*The commissioner may hire as official inspection personnel any individual who is licensed to perform functions of official inspection under the United States Grain Standards Act and as personnel to perform supervisory weighing or official weighing functions any individual who, on the date of enactment of the United States Grain Standards Act of 1976, was performing similar functions for the Duluth board of trade. Such persons*".

Page 2, line 32, delete "*repayment of funds*" and insert "*may repay refundments*".

Page 3, line 2, after "*system*" insert "*, except that the one year waiting period shall be waived*".

Page 3, line 2, delete "*to the*".

Page 3, delete lines 3 and 4.

Page 3, line 5, delete "*salaries shall be*" and insert "*to currently used employment classifications at salaries*".

Page 3, after line 6, add new sections to read:

"Sec. 4. [APPROPRIATION.] *The sum of \$236,795 is appropriated from the general fund to the department of agriculture for the purposes of this act. The approved complement of agriculture department shall be increased by 12 classified positions.*

Sec. 5. *This act is effective the day following final enactment.*"

Further amend the title:

Line 3, after "analysis;" insert "appropriating money;"

With the recommendation that when so amended the bill 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. 1665, A bill for an act relating to law libraries; amending Minnesota Statutes 1976, Section 140.41, Subdivision 1; 140.42, Subdivision 1; and 140.43, Subdivision 1.

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

The report was adopted.

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

S. F. No. 336, A bill for an act relating to Spanish-speaking people; creating a state board on affairs of the Spanish-speaking people; appropriating money.

Reported the same back with the following amendments:

Page 1, line 7, delete "BOARD" and insert "COUNCIL".

Page 1, line 8, delete "board" and insert "council".

Page 1, line 11, delete "board" and insert "council".

Page 1, line 15, delete "board" and insert "council".

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

Page 3, line 2, delete "board" and insert "council".

Page 3, line 5, delete "board" and insert "council".

Page 3, line 7, delete "board" and insert "council".

Page 3, line 8, delete "board" and insert "council".

Page 3, line 12, delete "board" and insert "council".

Page 3, line 15, delete "board" and insert "council".

Page 3, line 17, delete "board" and insert "council".

Page 3, line 19, delete "board" and insert "council".

Page 3, line 20, delete "board" and insert "council".

Page 3, line 22, delete "board" and insert "council".

Page 3, line 24, delete "board" and insert "council".

Page 3, line 27, delete "board" and insert "council".

Page 3, line 29, delete "board" and insert "council".

Page 3, line 29, before the period, insert: "and the council shall cooperate and coordinate its activities with other state agencies to the highest possible degree".

Page 3, line 30, delete "board" and insert "council".

Page 4, line 1, delete "board" and insert "council".

Page 4, line 4, delete "board" and insert "council".

Page 4, line 6, delete "board" and insert "council".

Page 4, line 11, delete "board" and insert "council".

Page 4, line 13, delete "board" and insert "council".

Page 4, line 14, delete "1977" and insert "1978".

Page 4, line 16, delete "1977" and insert "1978".

Page 4, line 17, delete "before".

Further, amend the title:

Line 3, delete "board" and insert "council".

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

The report was adopted.

## SECOND READING OF HOUSE BILLS

H. F. No. 1665 was read for the second time.

## SECOND READING OF SENATE BILLS

S. F. No. 698 was read for the second time.

INTRODUCTION AND FIRST READING  
OF HOUSE BILLS

The following House Files were introduced:

Anderson, G.; Wenstrom; Eken; Friedrich; and Nelsen, M., introduced:

H. F. No. 1881, A bill for an act relating to agriculture; family farm security program; providing for exclusion from gross income of interest on certain loans; amending Minnesota Statutes 1976, Section 41.58, by adding a subdivision.

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

Hanson introduced:

H. F. No. 1882, A bill for an act relating to commerce; repealing the fair trade laws; repealing Minnesota Statutes 1976, Sections 325.08 to 325.14.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Wenzel, Jaros, McDonald, Murphy and Vanasek introduced:

H. F. No. 1883, A bill for an act relating to crimes; specifying the acts constituting the offense of hit and run; prescribing penalties; amending Minnesota Statutes 1976, Section 169.09, Subdivision 1; and Chapter 609, by adding a section.

The bill was read for the first time and referred to the Committee on Criminal Justice.

Wenzel, Prah, McDonald, Murphy and Vanasek introduced:

H. F. No. 1884, A bill for an act relating to highway traffic regulations; prohibiting passing a school bus when it is stopped and is displaying stop signals; providing penalties; amending Minnesota Statutes 1976, Section 169.44, Subdivision 1.

The bill was read for the first time and referred to the Committee on Criminal Justice.

Eken, Tomlinson, Johnson, Esau and Berg introduced:

H. F. No. 1885, A bill for an act relating to education; school districts; providing for adjustments in certain school aid and tax levy procedures; amending Minnesota Statutes 1976, Sections 6.62, Subdivision 1; 121.904, Subdivision 7; 124.212, by adding a subdivision; 126.12; 134.03; 275.125, Subdivisions 15, 16 and 18; Minnesota Statutes, 1977 Supplement, Sections 275.07; 275.124; repealing Minnesota Statutes 1976, Sections 120.07 and 124.02.

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

Prahl, Fugina, Fjoslien, Johnson and Byrne introduced:

H. F. No. 1886, A bill for an act relating to Independent School District No. 319 (Nashwauk-Keewatin) and Independent School District No. 318 (Grand Rapids); providing for certain land to be detached from Independent School District No. 319 and annexed to Independent School District No. 318.

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

McDonald, Redalen, Scheid, Mann and Munger introduced:

H. F. No. 1887, A bill for an act relating to energy; creating an agricultural energy conversion board; providing an appropriation.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Prahl, Munger, Sherwood, Anderson, I., and Anderson, G., introduced:

H. F. No. 1888, A bill for an act relating to wild animals; prescribing certain time restrictions on the use of decoys and blinds in the taking of waterfowl; amending Minnesota Statutes 1976, Section 100.29, Subdivision 18.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Pehler introduced:

H. F. No. 1889, A bill for an act relating to solid waste; prohibiting disposal by burial after a certain date; authorizing exceptions; amending Minnesota Statutes 1976, Section 116.41, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Brinkman; Anderson, D.; Fjoslien; Wenstrom and Niehaus introduced:

H. F. No. 1890, A bill for an act relating to public utilities; routing of high voltage transmission lines; amending Minnesota Statutes, 1977 Supplement, Section 116C.57, Subdivision 4.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Clawson, Suss, McEachern, Onnen and White introduced:

H. F. No. 1891, A bill for an act relating to trespass; requiring written consent of a landowner before entry upon his land for hunting or fishing purposes; providing for sportsman land use passes; prescribing penalties; amending Minnesota Statutes 1976, Sections 84.90, Subdivision 7; 100.273, Subdivisions 1 and 4; and 100.29, Subdivision 21.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Niehaus, McEachern, Schulz, Onnen and Friedrich introduced:

H. F. No. 1892, A bill for an act relating to energy; concerning the state building code; modifying the effective date of the extension of the building code to municipalities; amending Minnesota Statutes, 1977 Supplement, Section 16.851, Subdivision 1; and Laws 1977, Chapter 381, Section 27.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Kelly, R.; Schulz; Abeln and Wynia introduced:

H. F. No. 1893, A bill for an act relating to intoxicating liquor; persons to whom furnishing prohibited; amending Minnesota Statutes 1976, Section 340.14, Subdivision 1a.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Cummiskey, Knickerbocker, Sabo, Anderson, I., and Novak introduced:

H. F. No. 1894, A bill for an act relating to elections; providing certain safeguards against improper voter registration and casting of absentee ballots; prescribing certain duties for the secretary of state; prescribing penalties; amending Minnesota Statutes 1976, Sections 201.121; 201.15; 201.27; 204A.14, Subdivision 2; 207.06; 207.08; and Chapter 201, by adding a section; Minnesota Statutes, 1977 Supplement, Sections 201.061, Subdivision 3; 201.071, Subdivision 4; 204A.13, Subdivision 2; 204A.175; 207.02; 207.03; and 207.11.

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

Knickerbocker; Nelsen, B.; Onnen; Dean and McDonald introduced:

H. F. No. 1895, A bill for an act relating to public officials and candidates for public office; modifying disclosure requirements; clarifying and revising reporting requirements for lobbyists; clarifying and revising restrictions on campaign financing; providing a new allocation formula for public financing of election campaigns; modifying and prescribing penalties; amending Minnesota Statutes 1976, Sections 10A.01, Subdivisions 2, 5, 7, 10, 18 and by adding a subdivision; 10A.02, Subdivisions 11 and 12; 10A.04, Subdivisions 2, 4, 5 and by adding a subdivision; 10A.07, Subdivision 1; 10A.08; 10A.09, Subdivisions 4, 5, 7, 8 and by adding a subdivision; 10A.10; 10A.11, Subdivision 6; 10A.12, Subdivision 4 and by adding a subdivision; 10A.13, Subdivision 1; 10A.14, Subdivision 4; 10A.17, Subdivision 2; 10A.19, Subdivision 1; 10A.20, Subdivisions 2, 3, 4, 6, and 12; 10A.21, Subdivisions 1 and 3; 10A.24; 10A.25, Subdivision 7 and by adding a subdivision; 10A.26; 10A.27; 10A.28; 10A.31, Subdivisions 3, 5, 7, 8, 10 and by adding a subdivision; 10A.32, Subdivisions 1, 3 and by adding a subdivision; repealing Minnesota Statutes 1976, Sections 10A.30, Subdivision 2; 10A.31, Subdivisions 2, 3a, 6, and 9; and 10A.32, Subdivision 4.

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

Savelkoul introduced:

H. F. No. 1896, A bill for an act relating to elections; providing for a special primary election and special election of a United States senator; appropriating money.

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



Sieben, M., and Jacobs introduced:

H. F. No. 1897, A bill for an act relating to the board of architecture, engineering, land surveying and landscape architecture; defining practice of land surveying; providing for the selection process for the appointment of engineer members to the board; specifying meeting times; and prescribing certain duties of the board relating to record keeping and certification; amending Minnesota Statutes 1976, Sections 326.02, Subdivisions 4 and 4a; 326.04; 326.06; 326.07; 326.09; 326.10, Subdivision 1, and by adding a subdivision; and 326.13; repealing Minnesota Statutes 1976, Sections 326.03, Subdivision 4; and 326.10, Subdivision 7.

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

Petrafeso, McDonald, Hokanson, Jude and Beauchamp introduced:

H. F. No. 1898, A bill for an act relating to public employment; the state civil service; providing for qualifying examination and certification procedures for filling routine service positions; providing on-the-job trial work experiences and noncompetitive appointment procedures for certain severely handicapped persons; amending Minnesota Statutes 1976, Section 43.20, by adding subdivisions.

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

Samuelson introduced:

H. F. No. 1899, A bill for an act relating to the department of administration; requiring the licensure of contractors; setting forth license requirements.

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

Jude introduced:

H. F. No. 1900, A bill for an act relating to the city of Mound; firemen's service pensions; amending Laws 1973, Chapter 175, Section 1, as amended.

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

Pehler and Wynia introduced:

H. F. No. 1901, A bill for an act relating to the operation of state government; establishing a system of periodic review of certain state agencies; establishing guidelines; setting termination dates.

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

Kelly, W.; Eken; Norton; Sabo and Searles introduced:

H. F. No. 1902, A bill for an act relating to state government; finances; creating a budget protection fund; establishing limitations; appropriating money.

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

Clawson, Mangan, Hokanson, Albrecht and McCollar introduced:

H. F. No. 1903, A bill for an act relating to children; prohibiting spouses who fail to report child abuse from bringing civil actions to recover damages.

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

Kahn, Zubay, Corbid, Samuelson and McCarron introduced:

H. F. No. 1904, A bill for an act relating to battered women; appropriating money; amending Minnesota Statutes, 1977 Supplement, Sections 241.62, Subdivision 1; 241.63; 241.66, Subdivision 2, and by adding a subdivision.

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

Clawson, Mangan, Hokanson, Anderson, B., and McCollar introduced:

H. F. No. 1905, A bill for an act relating to children; authorizing children to be taken into protective custody when there is imminent danger to their health and welfare.

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

Sieben, H.; McDonald; Scheid; Sarna and Anderson, I., introduced:

H. F. No. 1906, A bill for an act relating to health maintenance organizations; declaring legislative intent and public policy favoring childbirth over abortion; eliminating any requirements that health maintenance organizations provide elective, induced abortions; amending Minnesota Statutes 1976, Sections 62D.01, by adding a subdivision; 62D.02, Subdivision 7; and 62D.22, Subdivision 5.

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

Sieben, M.; Jacobs and Laidig introduced:

H. F. No. 1907, A bill for an act relating to veterans; providing tuition assistance; providing a study of academic credit for military training and experience; appropriating money; amending Minnesota Statutes 1976, Section 197.75, Subdivisions 1 and 2.

The bill was read for the first time and referred to the Committee on Higher Education.

Wenstrom, Berg, Tomlinson, Johnson and Anderson, R., introduced:

H. F. No. 1908, A bill for an act relating to education; teachers; requiring expungement of certain material from a teacher's file; amending Minnesota Statutes 1976, Section 125.12, Subdivision 6.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Anderson, I., and Sabo introduced:

H. F. No. 1909, A bill for an act relating to the legislature; providing that the organization of the legislature at the regular session continue during a special session; amending Minnesota Statutes 1976, Chapter 3, by adding a section.

The bill was read for the first time and referred to the Committee on Rules and Legislative Administration.

Prahl, Munger, Clark, Scheid and McCollar introduced:

H. F. No. 1910, A bill for an act relating to Itasca county; authorizing the exchange of certain riparian tax forfeited land for certain privately owned non-riparian land.

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

Kahn, Brandl, Sabo, Carlson, A., and Fudro introduced:

H. F. No. 1911, A bill for an act relating to the city of Minneapolis; concerning the park and recreation board of the city of Minneapolis and the housing and redevelopment authority of the city of Minneapolis; providing for the assignment of employees to the riverfront development coordination board.

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

Casserly; Carlson, A.; Nelson; Kroening and Berglin introduced:

H. F. No. 1912, A bill for an act relating to the city of Minneapolis; establishing a program setting aside a portion of services and materials for small businesses; regulating bid and performance bonds for small businesses; amending Minnesota Statutes, 1977 Supplement, Section 574.262, Subdivision 1.

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

Sieben, H.; McDonald; Casserly; Voss and White introduced:

H. F. No. 1913, A bill for an act relating to the Minneapolis-Saint Paul metropolitan airports commission; providing a maximum amount and funding terms for commission debt; amending Minnesota Statutes 1976, Section 473.667, Subdivisions 2 and 4, and by adding a subdivision.

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

Anderson, I., introduced:

H. F. No. 1914, A bill for an act relating to Koochiching county; authorizing the county law library to be supported by judicially imposed fee charges.

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

Vanasek, Skoglund, Scheid, Casserly and Kelly, W., introduced:

H. F. No. 1915, A bill for an act relating to taxation; providing that all orders relating to valuation of property for ad valorem taxes be issued on or before November 15; classifying assessors' field cards as private data; authorizing the commissioner of revenue to provide new income tax tables; defining the deduction for tuition and transportation expense in computing income tax; providing a seven year carryforward for farm losses; limiting the deduction for charitable contributions; authorizing the commissioner to require a copy of computations used to compute federal income tax; allowing spouses to file combined returns even if one is a nonresident; requiring employers to file a withholding application; providing property tax relief benefits for persons becoming disabled before June 1; defining the acreage eligible for homestead exemption for inheritance tax purposes; changing gift tax rates and credits for certain donees; changing interest rates on certain gift tax refunds; altering classification of alcoholic beverages for tax purposes; requiring the revisor of statutes to recodify certain functions transferred to the department of public service; eliminating inheritance tax receipts; repealing the deduction for alimony; amending Minnesota Statutes 1976, Sections 270.12, Subdivision 3; 290.09, Subdivision 22; 290.37, Subdivision 3; 290.39, Subdivision 2; 290.92, by adding a subdivision; 290A.04, Subdivision 1; 291.05; 292.07, Subdivisions 3 and 5; 292.125; 340.47, Subdivision 1; and Chapter 272, by adding a section; and Minnesota Statutes, 1977 Supplement, Sections 290.06, Subdivision 2c; 290.09, Subdivisions 15 and 29; 290.21, Subdivision 3; 340.47, Subdivision 1a; repealing Minnesota Statutes 1976, Section 291.13, Subdivision 2; and Minnesota Statutes, 1977 Supplement, Section 290.09, Subdivision 14.

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

Pehler, Vanasek, Skoglund, Abeln and Casserly introduced:

H. F. No. 1916, A bill for an act relating to taxation; defining the use of sales ratio studies; requiring social security numbers; providing a procedure for handling ad valorem tax abatements; providing a uniform appeal and demand period; clarifying filing requirements for certificates of real estate values; recodifying the classification of resort property; allowing a special levy for commuter van program; providing adjustments to the levy limit base; defining resident estate and resident trust for income tax purposes; defining income in computing low income credit; providing apportionment in computing minimum tax on preference items; allowing a carryback period for out-of-state losses; clarifying the distribution of production taxes; authorizing the commissioner of revenue to release information to assessors; allowing local government aid to special taxing districts; requiring

special levy for Columbia Heights to be governed by general laws; amending Minnesota Statutes 1976, Sections 270.07, by adding a subdivision; 270.075, Subdivision 2; 270.076, Subdivision 1; 272.08; 273.13, by adding a subdivision; 290.01, by adding subdivisions; 290.46; 290.47; 290.48, Subdivisions 1 and 2; 290A.11, Subdivision 1; 290A.12; 292.08, Subdivision 4; 292.09, Subdivision 3; 294.02; 294.021; 297.07, Subdivision 3; 297.09, Subdivision 5; 297.35, Subdivision 3; 297.37, Subdivision 5; 297A.33, Subdivision 1; 477A.01, Subdivision 3; and Chapter 270, by adding a section; Minnesota Statutes, 1977 Supplement, Sections 124.212, Subdivision 11; 272.115, Subdivision 4; 273.13, Subdivisions 4 and 6; 275.50, Subdivision 5; 275.51, Subdivision 3d; 290.012, Subdivision 2; 290.091; 290.17; 298.28, Subdivision 1; 298.282, Subdivision 2; 298.48, Subdivision 4; Laws 1977, Chapter 374, Sections 11 and 48; repealing Laws 1977, Chapter 307, Section 27.

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

Petrafeso introduced:

H. F. No. 1917, A bill for an act relating to taxation; property tax; extending class 3cc to homesteads of persons receiving private disability pensions; amending Minnesota Statutes, 1977 Supplement, Section 273.13, Subdivision 7.

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

Skoglund; Kelly, W.; Jacobs; Tomlinson and Casserly introduced:

H. F. No. 1918, A bill for an act relating to taxation; clarifying the exclusion from gross income allowed for public pensions; amending Minnesota Statutes, 1977 Supplement, Section 290.08, Subdivision 6.

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

Stanton introduced:

H. F. No. 1919, A bill for an act relating to taxation; income tax; exempting certain military service income and governmental pensions and benefits; amending Minnesota Statutes 1976, Section 290.65, by adding a subdivision; and Minnesota Statutes, 1977 Supplement, Sections 290.01, Subdivision 20; and 290.08, Subdivision 6.

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

Wenzel; Anderson, G.; Murphy; Waldorf and Stoa introduced:

H. F. No. 1920, A bill for an act relating to taxation; inheritance tax; changing certain exemptions; amending Minnesota Statutes 1976, Section 291.05.

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

Niehaus, McEachern, Schulz, Onnen and Friedrich introduced:

H. F. No. 1921, A bill for an act relating to taxation; property tax; eliminating certain limitations on special assessments by municipalities; amending Minnesota Statutes 1976, Section 429.011, Subdivision 2b.

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

Sieben, H.; Suss; Jensen; Metzen and White introduced:

H. F. No. 1922, A bill for an act relating to taxation; property tax; removing certain commercial solid waste landfills from the pollution abatement and control property tax exemption; amending Minnesota Statutes 1976, Section 272.02, Subdivision 1.

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

Eken, Johnson, Waldorf, Casserly and Kelly, W., introduced:

H. F. No. 1923, A bill for an act relating to taxation; restricting certificate of value filing requirements to transfers of property made after 1977; amending Minnesota Statutes, 1977 Supplement, Section 272.115, Subdivisions 1 and 4.

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

Jensen; Sieben, H.; Metzen; White and Kempe, R., introduced:

H. F. No. 1924, A bill for an act relating to taxation; property tax; changing date for county treasurer to make list of certain unpaid taxes on class 2a property; amending Minnesota Statutes 1976, Section 274.19, Subdivision 3.

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

Cummiskey introduced:

H. F. No. 1925, A bill for an act relating to taxation; income tax; allowing a deduction for certain post-secondary education expenses; amending Minnesota Statutes 1976, Section 290.09, by adding a subdivision.

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

Kelly, W., introduced:

H. F. No. 1926, A bill for an act relating to taxation; clarifying the exclusion from gross income allowed for public pensions; amending Minnesota Statutes, 1977 Supplement, Section 290.08, Subdivision 6.

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

Kroening, Metzen, Jacobs, Carlson, L., and Fudro introduced:

H. F. No. 1927, A bill for an act relating to taxation; income tax; exempting public pensions; amending Minnesota Statutes, 1977 Supplement, Section 290.08, Subdivision 6.

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

Savelkoul, Evans, Tomlinson and Eken introduced:

H. F. No. 1928, A bill for an act relating to taxation; income tax; changing definition of gross income; subtracting certain capital gains realized in divorce settlement; amending Minnesota Statutes 1976, Section 290.14; and Minnesota Statutes, 1977 Supplement, Section 290.01, Subdivision 20.

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

Evans, Searles, Zubay and Knickerbocker introduced:

H. F. No. 1929, A bill for an act relating to taxation; income tax; exempting public pensions; amending Minnesota Statutes, 1977 Supplement, Section 290.08, Subdivision 6.

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



Osthoff; Anderson, D.; Sabo; Fudro; and Lemke introduced:

H. F. No. 1930, A resolution urging the President, Congress and Secretary of Transportation to provide necessary grants and loans to the Milwaukee Road.

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

#### HOUSE ADVISORIES

Pursuant to rule 5.3, the following House Advisories were introduced:

Anderson, D.; Brinkman; Wenstrom; Fjoslien and Niehaus introduced:

H. A. No. 59, A proposal for a moratorium on the construction of certain high voltage transmission lines.

The advisory was referred to the Committee on Environment and Natural Resources.

Nelson, Brinkman, Wenstrom, Anderson, D., and Fjoslien introduced:

H. A. No. 60, A proposal to study feasibility of a moratorium on a particular high voltage transmission line.

The advisory was referred to the Committee on Environment and Natural Resources.

#### 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. 1500, A bill for an act relating to elections; vacancy in office of senator in congress; providing for special election to fill a vacancy; amending Minnesota Statutes 1976, Section 202A.72.

PATRICK E. FLAHAVEN, Secretary of the Senate

## CONCURRENCE AND REPASSAGE

Rice moved that the House concur in the Senate amendments to H. F. No. 1500 and that the bill be repassed as amended by the Senate.

Searle moved that the House refuse to concur in the Senate amendments to H. F. No. 1500, 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.

## CALL OF THE HOUSE

On the motion of Carlson, A., and on the demand of 10 members, a call of the House was ordered. The following members answered to their names:

Abeln	Cummiskey	Kahn	Nelsen, B.	Sieben, M.
Adams	Dean	Kaley	Nelsen, M.	Simoneau
Anderson, B.	Den Ouden	Kalis	Nelson	Skoglund
Anderson, D.	Eckstein	Kelly, R.	Niehaus	Smogard
Anderson, G.	Eken	Kelly, W.	Norton	Spanish
Anderson, I.	Ellingson	Kempe, A.	Novak	Stanton
Anderson, R.	Enebo	Kempe, R.	Onnen	Stoa
Arlandson	Erickson	Knickerbocker	Osthoff	Suss
Battaglia	Esau	Kostohryz	Patton	Swanson
Beauchamp	Evans	Kroening	Pehler	Tomlinson
Begich	Ewald	Kvam	Peterson	Vanasek
Berg	Faricy	Laidig	Petrafeso	Voss
Berglin	Fjoslien	Langseth	Pleasant	Waldorf
Berkelman	Forsythe	Lehto	Prahl	Welch
Biersdorf	Friedrich	Lemke	Redalen	Westrom
Birnstihl	Fudro	Mangan	Reding	Wenzel
Brandl	Fugina	Mann	Rice	White
Braun	George	McCarron	Rose	Wieser
Brinkman	Gunter	McCollar	St. Onge	Wigley
Byrne	Hanson	McDonald	Samuelson	Williamson
Carlson, A.	Heinitz	McEachern	Sarna	Wynia
Carlson, D.	Jacobs	Metzen	Scheid	Zubay
Carlson, L.	Jaros	Moe	Schulz	Speaker Sabo
Casserly	Jensen	Munger	Searle	
Clark	Johnson	Murphy	Searles	
Clawson	Jude	Neisen	Sherwood	

Carlson, A., 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 by Searle to refuse to concur in the Senate amendments to H. F. No. 1500 and the roll was called. There were 44 yeas and 84 nays as follows:

Those who voted in the affirmative were:

Albrecht	Den Ouden	Gunter	Niehaus	Sherwood
Anderson, D.	Erickson	Heinitz	Onnen	Skoglund
Anderson, R.	Esau	Kaley	Peterson	Tomlinson
Berkelman	Evans	Kempe, R.	Pleasant	Waldorf
Biersdorf	Ewald	Knickerbocker	Redalen	Wieser
Brandl	Faricy	Kvam	Rose	Wigley
Carlson, A.	Fjoslien	Laidig	Scheid	Wynia
Carlson, D.	Forsythe	McDonald	Searle	Zubay
Dean	Friedrich	Nelsen, B.	Searles	

Those who voted in the negative were:

Abeln	Clark	Kalis	Murphy	Sieben, M.
Adams	Clawson	Kelly, R.	Neisen	Simoneau
Anderson, B.	Cummiskey	Kelly, W.	Nelsen, M.	Smogard
Anderson, G.	Eckstein	Kempe, A.	Nelson	Spanish
Anderson, I.	Eken	Kostohryz	Norton	Stanton
Arlandson	Ellingson	Kroening	Novak	Stoa
Battaglia	Enebo	Langseth	Osthoff	Suss
Beauchamp	Fudro	Lehto	Patton	Swanson
Begich	Fugina	Lemke	Pehler	Vanasek
Berg	George	Mangan	Petrafaso	Voss
Berglin	Hanson	Mann	Prahl	Welch
Birnstihl	Jacobs	McCarron	Reding	Wenstrom
Braun	Jaros	McCollar	Rice	Wenzel
Brinkman	Jensen	McEachern	St. Onge	White
Byrne	Johnson	Metzen	Samuelson	Williamson
Carlson, L.	Jude	Moe	Sarna	Speaker Sabo
Casserly	Kahn	Munger	Schulz	

The motion did not prevail.

The question recurred on the motion by Rice to concur in the Senate amendments to H. F. No. 1500 and that the bill be re-passed as amended by the Senate. The motion prevailed.

H. F. No. 1500, A bill for an act relating to elections; establishing the manner of filling United States senate vacancies; providing for special elections at a November election; permitting a temporary appointment by the governor; defining terms; amending Minnesota Statutes 1976, Chapter 202A, by adding a section; repealing Minnesota Statutes 1976, Section 202A.72.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 95 yeas and 33 nays as follows:

Those who voted in the affirmative were:

Abeln	Arlandson	Berglin	Brinkman	Clawson
Adams	Battaglia	Berkelman	Byrne	Cummiskey
Anderson, B.	Beauchamp	Birnstihl	Carlson, L.	Eckstein
Anderson, G.	Begich	Brandl	Casserly	Eken
Anderson, I.	Berg	Braun	Clark	Ellingson

Enebo	Kalis	Metzen	Reding	Stoa
Faricy	Kelly, R.	Moe	Rice	Suss
Fjoslien	Kelly, W.	Munger	St. Onge	Swanson
Fudro	Kempe, A.	Murphy	Samuelson	Tomlinson
Fugina	Kostohryz	Neisen	Sarna	Vanasek
George	Kroening	Nelsen, M.	Scheid	Voss
Gunter	Langseth	Nelson	Schulz	Waldorf
Hanson	Lehto	Norton	Sherwood	Welch
Jacobs	Lemke	Novak	Sieben, M.	Wenstrom
Jaros	Mangan	Osthoff	Simoneau	Wenzel
Jensen	Mann	Patton	Skoglund	White
Johnson	McCarron	Pehler	Smogard	Williamson
Jude	McCollar	Petrafeso	Spanish	Wynia
Kahn	McEachern	Prahl	Stanton	Speaker Sabo

Those who voted in the negative were:

Albrecht	Den Ouden	Heinitz	Nelsen, B.	Searle
Anderson, D.	Erickson	Kaley	Niehaus	Searles
Anderson, R.	Esau	Kempe, R.	Onnen	Wieser
Biersdorf	Evans	Knickerbocker	Peterson	Wigley
Carlson, A.	Ewald	Kvam	Pleasant	Zubay
Carlson, D.	Forsythe	Laidig	Redalen	
Dean	Friedrich	McDonald	Rose	

The bill was repassed, as amended by the Senate, and its title agreed to.

### CONSENT CALENDAR

H. F. No. 1792, A bill for an act relating to the Lincoln-Pipestone and Rock county rural water systems; providing for the assessment of costs.

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

The question was taken on the passage of the bill and the roll was called. There were 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Brinkman	Faricy	Kelly, W.	Munger
Adams	Byrne	Fjoslien	Kempe, A.	Murphy
Albrecht	Carlson, A.	Forsythe	Kempe, R.	Neisen
Anderson, B.	Carlson, D.	Friedrich	Knickerbocker	Nelsen, B.
Anderson, D.	Carlson, L.	Fudro	Kostohryz	Nelsen, M.
Anderson, G.	Casserly	Fugina	Kroening	Nelson
Anderson, I.	Clark	George	Kvam	Niehaus
Anderson, R.	Clawson	Gunter	Laidig	Norton
Arlandson	Cummiskey	Hanson	Langseth	Novak
Battaglia	Dean	Heinitz	Lehto	Onnen
Beauchamp	Den Ouden	Jacobs	Lemke	Osthoff
Begich	Eckstein	Jaros	Mangan	Patton
Berg	Eken	Jensen	Mann	Pehler
Berglin	Ellingson	Johnson	McCarron	Peterson
Berkelman	Enebo	Jude	McCollar	Petrafeso
Biersdorf	Erickson	Kahn	McDonald	Pleasant
Birnstihl	Esau	Kaley	McEachern	Prahl
Brandl	Evans	Kalis	Metzen	Redalen
Braun	Ewald	Kelly, R.	Moe	Reding

Rice	Searle	Spanish	Voss	Wigley
Rose	Searles	Stanton	Waldorf	Williamson
St. Onge	Sherwood	Stoa	Welch	Wynia
Samuelson	Sieben, M.	Suss	Wenstrom	Zubay
Sarna	Simoneau	Swanson	Wenzel	Speaker Sabo
Scheid	Skoglund	Tomlinson	White	
Schulz	Smogard	Vanasek	Wieser	

The bill was passed and its title agreed to.

### 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. After some time spent therein the Committee arose.

### REPORT OF COMMITTEE OF THE WHOLE

The Speaker resumed the Chair, whereupon the following proceedings of the Committee as kept by the Chief Clerk were reported to the House:

H. F. No. 830 which it recommended to pass.

S. F. No. 686 which it recommended to pass.

H. F. No. 1383 which it recommended progress until Monday, February 6, 1978.

On the motion of Anderson, I., the report of the Committee of the Whole was adopted.

### MOTIONS AND RESOLUTIONS

Cummiskey moved that the name of Stoa be added as an author on H. F. No. 1704. The motion prevailed.

Hanson moved that the name of Jacobs be added as an author on H. F. No. 1882. The motion prevailed.

Kaley moved that the names of Brinkman; Kempe, A.; Evans and Searles be added as authors on H. F. No. 1742. The motion prevailed.

Forsythe moved that the name of Mangan be added as an author on H. F. No. 1723. The motion prevailed.

Laidig moved that H. F. No. 1817 be recalled from the Committee on General Legislation and Veterans Affairs and be referred to the Committee on Agriculture. The motion prevailed.

Kroening moved that the name of Carlson, L., be stricken and the name of Adams be added as an author on H. F. No. 1927. The motion prevailed.

Adams moved that the name of Haugerud be stricken and the name of Sarna be added as an author on H. F. No. 1128. The motion prevailed.

Wenzel moved that the name of Waldorf be stricken and the name of Nelsen, M., be added as an author on H. F. No. 1920. The motion prevailed.

McCollar moved that H. F. No. 1697 be returned to its author. The motion prevailed.

#### ADJOURNMENT

Anderson, I., moved that when the House adjourns today it adjourn until 2:00 p.m., Monday, January 30, 1978. The motion prevailed.

Anderson, I., moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:00 p.m., Monday, January 30, 1978 .

**EDWARD A. BURDICK, Chief Clerk, House of Representatives**



## STATE OF MINNESOTA

## SEVENTIETH SESSION - 1978

## SIXTY-SEVENTH DAY

SAINT PAUL, MINNESOTA, MONDAY, JANUARY 30, 1978

The House of Representatives convened at 2:00 p.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	Corbid	Johnson	Murphy	Sherwood
Adams	Cummiskey	Jude	Neisen	Sieben, H.
Albrecht	Dean	Kahn	Nelsen, B.	Sieben, M.
Anderson, B.	Den Ouden	Kaley	Nelsen, M.	Simoneau
Anderson, D.	Eckstein	Kalis	Nelson	Skoglund
Anderson, G.	Eken	Kelly, R.	Niehaus	Smogard
Anderson, I.	Ellingson	Kempe, A.	Norton	Spanish
Anderson, R.	Enebo	Kempe, R.	Novak	Stanton
Arlandson	Erickson	King	Onnen	Stoa
Battaglia	Esau	Knickerbocker	Osthoff	Suss
Begich	Evans	Kostohryz	Patton	Swanson
Berg	Ewald	Kroening	Pehler	Tomlinson
Berglin	Faricy	Kvam	Peterson	Vanasek
Berkelman	Fjoslien	Laidig	Petrafeso	Voss
Biersdorf	Forsythe	Langseth	Pleasant	Waldorf
Birnstihl	Friedrich	Lehto	Redalen	Welch
Brandl	Fudro	Lemke	Reding	Wenstrom
Braun	Fugina	Mangan	Rice	Wenzel
Brinkman	George	Mann	Rose	White
Byrne	Gunter	McCarron	St. Onge	Wieser
Carlson, A.	Hanson	McCollar	Samuelson	Wigley
Carlson, D.	Heinitz	McDonald	Sarna	Williamson
Carlson, L.	Hokanson	McEachern	Scheid	Wynia
Cassery	Jacobs	Metzen	Schulz	Zubay
Clark	Jaros	Moe	Searle	Speaker Sabo
Clawson	Jensen	Munger	Searles	

A quorum was present.

Beauchamp; Cohen; Kelly, W.; Prah and Savelkoul were excused.

The Chief Clerk proceeded to read the Journal of the preceding day. Jude moved that further reading of the Journal be dispensed with and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.



## REPORTS OF CHIEF CLERK

Pursuant to Rules of the House, printed copies of H. F. No. 1665 and S. F. No. 698 have been placed in the members' files.

## REPORTS OF STANDING COMMITTEES

Hanson from the Committee on Commerce and Economic Development to which was referred:

H. F. No. 1424, A bill for act relating to intoxicating liquor; permitting licensing and sale on certain tour boats; amending Minnesota Statutes 1976, Section 340.11, by adding a subdivision.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1976, Section 340.11, is amended by adding a subdivision to read:

*Subd. 3a. Notwithstanding any law to the contrary, the commissioner of public safety may license any person regularly engaged, on an annual or seasonal basis, in the business of offering tours by boat upon Lake Superior and adjacent waters to sell intoxicating liquor at on-sale each day of the week for consumption upon such boats. The license shall authorize the on-sale of intoxicating liquor both while such boats are underway or in use or attached to a dock or other mooring. No such license shall be issued unless each boat used in the tour business regularly sells meals in the place where intoxicating liquor is sold.*

*All sales of intoxicating liquor made upon such boats while they are attached to a dock or other mooring shall be subject to any restrictions on such sales prescribed by the governing body of the city where the boats are attached, or of the county when they are attached outside a city, and any such governing body may prohibit such sales within its jurisdiction, but no governing body may require any additional license, or require any fee or occupation tax, for such sales.*

*A license shall be displayed at all times in the area of each boat where intoxicating liquor is sold. In the event that a person applying for such license operates more than one boat, a duplicate copy of the license shall be obtained from the commissioner and displayed on each such boat. The cost for each license and each duplicate copy of a license shall be \$500 annually payable to the commissioner upon application for a license or duplicate. No more than three licenses or duplicate copies shall be issued for boats providing tours originating in any one licensing jurisdiction.*

*The person applying for a license or duplicate copy hereunder shall provide a bond in the same manner and amount and meeting the same requirements as that required of common carriers under section 340.12.*

*Sec. 2. This act is effective the day following final enactment."*

With the recommendation that when so amended the bill pass.

The report was adopted.

Hanson from the Committee on Commerce and Economic Development to which was referred:

H. F. No. 1442, A bill for an act relating to professional corporations; including architects, professional engineers and land surveyors within the definition of professional service for the purposes of formation of professional corporations; amending Minnesota Statutes 1976, Section 319A.02, Subdivision 2.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

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

H. F. No. 838, A bill for an act relating to natural resources; watershed districts; changing bonding provisions for managers; changing and clarifying administrative provisions; establishing a survey and data acquisition fund; creating fees for applications for permits and for field inspections; requiring a permit applicant to post a bond; providing penalties and enforcement provisions; amending Minnesota Statutes 1976, Sections 112.42, Subdivision 1; 112.43, Subdivision 1; 112.48, Subdivision 4; 112.49, by adding a subdivision; 112.50, Subdivision 1; 112.55; 112.61, by adding a subdivision; 112.62, by adding a subdivision; 112.69; 112.761, Subdivision 1; 112.801, Subdivision 8; 112.85, Subdivision 1; and Chapter 112, by adding sections.

Reported the same back with the following amendments:

Page 4, line 14, strike "from counties".

Page 5, before line 1, insert statutory language not underscored "(17) Adopt rules and regulations to effectuate the purposes of the act and the powers of the managers. In the".

Page 5, line 31, delete "\$250,000" and insert "\$200,000".

Page 9, delete lines 1 and 2.

Page 9, after line 32, insert statutory language not underscored "PROCEDURE; CONVEYANCES TO FEDERAL GOVERNMENT.) Subdivision 1. Where an improvement is to be constructed within the district under a contract between the managers of said".

Page 14, delete lines 23 to 28.

Page 16, line 5, delete "of not less than".

Page 16, line 6, delete "\$35".

Renumber all sections in order.

Further amend the title as follows:

Page 1, line 15, delete "112.801".

Page 1, line 16, delete "Subdivision 8;"

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

The report was adopted.

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

H. F. No. 1394, A bill for an act relating to natural resources; empowering the commissioner of natural resources to negotiate for the creation of a fish refuge.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1976, Section 97.48, is amended by adding a subdivision to read:

*Subd. 3a. The legislature finds that the commissioner of natural resources has exercised powers possessed under section 97.48, subdivision 3, and other laws, with respect to the unique problems of management of the fish population on the Mississippi river between lock and dam No. 3 (located at mile-post 796.9, above the mouth of the Ohio river) and U.S. highway No. 63, at Red Wing, Minnesota, in a manner that is in the best interests of both the public and natural resources of the area. However, the legislature also finds that because these waters are also boundary waters of Wisconsin that sound and effective fish man-*

*agement requires similar effort from the state of Wisconsin. The legislature therefore urges the governor and the commissioner to continue and accelerate efforts to enter into contracts or other appropriate agreements with Wisconsin for the purpose of maximizing the fishing potential for this reach of the Mississippi river, with particular emphasis on protection of desirable game fish species during spawning seasons. The governor and commissioner are directed to accelerate Minnesota's past efforts to establish a fish refuge in this area during the months of March and April in this regard with their counterparts in Wisconsin.*

**Sec. 2. This act is effective upon final enactment."**

Further, amend the title as follows:

Page 1, line 2, delete "empowering the".

Page 1, delete lines 3 to 4 and insert: "directing the governor and the commissioner of natural resources to continue efforts to enter into certain agreements with the state of Wisconsin to maximize the fishery potential of certain boundary waters; amending Minnesota Statutes 1976, Section 97.48, by adding a subdivision."

With the recommendation that when so amended the bill pass.

The report was adopted.

## SECOND READING OF HOUSE BILLS

H. F. Nos. 1424, 1442 and 1394 were read for the second time.

## INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Wenstrom; Anderson, G.; Eken; Langseth and Fjoslien introduced:

H. F. No. 1931, A bill for an act relating to agriculture; corporate farming; providing new definitions; declaring the desirability of family farm stability; amending Minnesota Statutes 1976, Sections 268.04, Subdivision 31; 308.11; 500.24; and Minnesota Statutes, 1977 Supplement, Section 176.041, Subdivision 1.

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

McEachern, Jude, McCarron, Welch and Sarna introduced:

H. F. No. 1932, A bill for an act relating to the Wright county historical society; appropriating money for the development of a book of tribute to Senator Hubert H. Humphrey.

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

Clark introduced:

H. F. No. 1933, A bill for an act relating to collection and dissemination of data; classifying data for certain driver's licenses; classifying records pertaining to certain vehicles; clarifying dissemination of criminal history record information; amending Minnesota Statutes 1976, Sections 168.012, by adding a subdivision; 171.18, Subdivision 3; 171.321, by adding a subdivision; 171.35; and Chapter 299C, by adding a section; repealing Minnesota Statutes 1976, Section 299C.13.

The bill was read for the first time and referred to the Committee on Criminal Justice.

Nelson, Clark and Lehto introduced:

H. F. No. 1934, A bill for an act relating to police officers in cities of the first class; prohibiting employment of police officers for the purpose of maintaining law and order in bottle clubs or certain establishments licensed for the sale of liquor; providing penalties.

The bill was read for the first time and referred to the Committee on Criminal Justice.

Peterson, Searle, Den Ouden, Erickson and Knickerbocker introduced:

H. F. No. 1935, A bill for an act relating to education; school aids; increasing foundation aids; amending Minnesota Statutes, 1977 Supplement, Sections 124.212, Subdivision 7b; and 124.213, Subdivision 2.

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

Pleasant, Ewald and Forsythe introduced:

H. F. No. 1936, A bill for an act relating to Independent School District No. 272 (Eden Prairie) and Independent School District No. 273 (Edina); providing for the transfer of territory from Independent School District No. 272 to Independent School District No. 273.

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

Wynia, Munger, Lehto, Ellingson and Fjoslien introduced:

H. F. No. 1937, A bill for an act relating to pollution control; providing for the receipt and appropriation of certain funds by the pollution control agency; further regulating the transport of sewage sludge; amending Minnesota Statutes 1976, Section 115.06, Subdivision 2; and Minnesota Statutes, 1977 Supplement, Section 169.80, Subdivision 2.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Ellingson, Stoa, Wynia, Munger and Nelson introduced:

H. F. No. 1938, A bill for an act relating to the recycling of solid waste; prohibiting the packaging of carbonated beverages in a nonreturnable container; amending Minnesota Statutes 1976, Chapter 116F, by adding a section; and Minnesota Statutes, 1977 Supplement, Sections 116F.21; and 116F.22, Subdivision 1.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Sherwood, Reding, Wieser, Beauchamp and Prahl introduced:

H. F. No. 1939, A bill for an act relating to natural resources; clarifying the procedure for designation of wild, scenic and recreational rivers; amending Minnesota Statutes 1976, Section 104.35, Subdivision 3.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Reding, Voss and Zubay introduced:

H.F. No. 1940, A bill for an act relating to the environmental education board; repealing Minnesota Statutes 1976, Chapter 116E.

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

Birnstihl, Lemke, McDonald and Fudro introduced:

H. F. No. 1941, A bill for an act relating to game and fish; revising certain provisions regarding placement of blinds and decoys; amending Minnesota Statutes 1976, Section 100.29, Subdivision 18.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Casserly, Norton, Hanson, Brinkman and Kelly, W., introduced:

H. F. No. 1942, A bill for an act relating to insurance; establishing filing fees for rate and policy form filings; providing for the establishment of an actuarial services unit in the insurance division; appropriating money; amending Minnesota Statutes 1976, Section 70A.06, Subdivisions 1, 2 and by adding a subdivision; and Chapter 70A, by adding a section.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Nelson; Anderson, G.; Norton; Heinitz and Faricy introduced:

H. F. No. 1943, A bill for an act relating to fire and related insurance; permitting cancellation of fire and related insurance policies only under certain circumstances; requiring notice of reason for cancellation or nonrenewal; amending Minnesota Statutes 1976, Section 65A.01, Subdivision 3.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Ellingson, Casserly, Suss, Friedrich and Corbid introduced:

H. F. No. 1944, A bill for an act relating to commerce; redefining "banking day"; amending Minnesota Statutes 1976, Section 336.4-104.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Birnstihl, Kostohryz, McDonald, Nelsen, B., and Waldorf introduced:

H. F. No. 1945, A bill for an act relating to veterans; classification of records; amending Minnesota Statutes 1976, Section 197.603.

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

Enebo, Clark, Sarna, Berg and Dean introduced:

H. F. No. 1946, A bill for an act relating to elections; providing for the official identification of ballots; amending Minnesota Statutes 1976, Sections 123.32, Subdivision 5; 203A.13; and 203A.15.

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

Heinitz, Redalen, Swanson, Scheid and Johnson introduced:

H. F. No. 1947, A bill for an act relating to ethics in government; requiring congressmen to file certain information with the Minnesota secretary of state.

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

Clawson, Cohen, White, Gunter and McDonald introduced:

H. F. No. 1948, A bill for an act relating to courts; providing statewide jurisdiction for conciliation courts; providing statewide jurisdiction for the municipal courts of Hennepin and Ramsey counties; providing that venue for an action may lie in the county where the plaintiff resides; amending Minnesota Statutes 1976, Sections 487.30, Subdivision 1; 488A.01, Subdivision 8; 488A.18, Subdivision 9; and 542.09; Minnesota Statutes, 1977 Supplement, Sections 488A.12, Subdivision 3; and 488A.29, Subdivision 3.

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

Clawson introduced:

H. F. No. 1949, A bill for an act proposing an amendment to the Minnesota Constitution, Article VI, Sections 7 and 8; providing for the appointment and election of judges.

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



Berkelman, Heinitz, Petrafeso, Swanson and Carlson, L., introduced:

H. F. No. 1950, A bill for an act relating to the practice of dentistry; amending Minnesota Statutes 1976, Sections 150A.06, Subdivision 4; 150A.08, Subdivision 1; and 150A.09, by adding subdivisions.

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

Hanson, Waldorf, Wynia, Clark and Rice introduced:

H. F. No. 1951, A bill for an act relating to public welfare; child care services; defining a sliding schedule fee payment plan for child care; appropriating money; amending Minnesota Statutes 1976, Section 245.84, Subdivision 2.

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

Reding, Sherwood, Prahl, Erickson and White introduced:

H. F. No. 1952, A bill for an act relating to public welfare; medical assistance for the needy; excluding assistance for experimental surgery; amending Minnesota Statutes 1976, Section 256B.02, Subdivision 8.

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

Heinitz introduced:

H. F. No. 1953, A bill for an act relating to commitment and discharge of inebriate persons; length of commitment for inebriates; amending Minnesota Statutes 1976, Section 253A.07, Subdivisions 17 and 30.

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

Peterson, Laidig, Albrecht, Carlson, A., and Fjoslien introduced:

H. F. No. 1954, A bill for an act relating to public employees; regulating the terms and conditions of employment contracts; amending Minnesota Statutes 1976, Sections 179.69, Subdivision 5; 179.72, Subdivision 7; and Minnesota Statutes, 1977 Supplement, Section 179.72, Subdivision 6.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

McCarron, Novak, Voss, Neisen and Simoneau introduced:

H. F. No. 1955, A bill for an act relating to the metropolitan airports commission; providing compensation to property owners adversely affected by the expansion of certain minor use airports; amending Minnesota Statutes 1976, Sections 473.121, by adding a subdivision; and 473.217, by adding a subdivision.

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

Wenzel introduced:

H. F. No. 1956, A bill for an act relating to the town of Little Falls; allowing the town to contract for the lighting of town roads.

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

Ewald introduced:

H. F. No. 1957, A bill for an act relating to shade tree disease control; authorizing retroactive payments by municipalities to certain residential property owners for removal of diseased shade trees; amending Minnesota Statutes 1976, Section 18.023, by adding a subdivision; and Minnesota Statutes, 1977 Supplement, Section 18.023, Subdivision 4.

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

Stoa, Ellingson, and Byrne introduced:

H. F. No. 1958, A bill for an act relating to taxation; income tax; providing a tax credit for persons paying residential heating charges; amending Minnesota Statutes 1976, Section 290.06, by adding a subdivision.

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

Jacobs, Munger, Skoglund, Sieben, M., and Reding introduced:

H. F. No. 1959, A bill for an act relating to taxation; property tax; extending special levy status for certain shade tree disease control programs; appropriating money; amending Minnesota Statutes, 1977 Supplement, Section 275.50, Subdivision 6.

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

Simoneau, Neisen, Enebo, Clawson and St. Onge introduced:

H. F. No. 1960, A bill for an act relating to taxation; property tax; extending class 3cc to include certain property owners with disabled dependents; amending Minnesota Statutes, 1977 Supplement, Section 273.13, Subdivision 7.

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

Scheid, Jaros, Tomlinson, Abeln and Evans introduced:

H. F. No. 1961, A bill for an act relating to taxation; property tax; changing the assessment classification for homesteads of certain disabled persons; amending Minnesota Statutes, 1977 Supplement, Section 273.13, Subdivision 7.

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

Jacobs, by request, introduced:

H. F. No. 1962, A bill for an act relating to taxation; concerning income tax upon military income; amending Minnesota Statutes 1976, Section 290.65, by adding a subdivision; and Minnesota Statutes, 1977 Supplement, Section 290.01, Subdivision 20.

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

Ewald introduced:

H. F. No. 1963, A bill for an act relating to taxation; contract for deed; filing date for certificate of value; amending Minnesota Statutes, 1977 Supplement, Section 272.115, Subdivision 4.

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

Ewald introduced:

H. F. No. 1964, A bill for an act relating to taxation; income tax; exempting public pensions; amending Minnesota Statutes, 1977 Supplement, Section 290.08, Subdivision 6.

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

Hanson, George, Laidig, Kostohryz and Kelly, R., introduced:

H. F. No. 1965, A bill for an act relating to highways; directing the department of transportation to utilize a certain corridor in Washington county for the construction of interstate highway marked No. I-94.

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

Neisen, Simoneau, Enebo, Rose and White introduced:

H. F. No. 1966, A bill for an act relating to motor vehicles; extending protection provided by motor vehicle dealer surety bonds; authorizing the issuance of nontransferable certificates of title; changing the definition of a bus; amending Minnesota Statutes 1976, Sections 168A.07, Subdivision 2; 171.01, Subdivision 19; Minnesota Statutes, 1977 Supplement, Section 168.27, Subdivision 24.

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

Simoneau, Neisen, Enebo, Clawson and St. Onge introduced:

H. F. No. 1967, A bill for an act relating to motor vehicles; permitting personalized license plates on trucks; amending Minnesota Statutes 1976, Section 168.12, Subdivision 2a.

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

Stoa, Lemke, Fudro, Patton and Dean introduced:

H. F. No. 1968, A bill for an act relating to drivers' licenses; providing that a Class C license is valid for operation of the rear portion of a midmount aerial ladder truck; amending Minnesota Statutes 1976, Section 171.02, Subdivision 2.

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

Wigley, Searle and Johnson introduced:

H. F. No. 1969, A bill for an act relating to highway traffic regulation; waiving weight limitations on certain highways; amending Minnesota Statutes 1976, Section 169.83, by adding a subdivision.

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

## HOUSE ADVISORIES

Pursuant to rule 5.3, the following House Advisory was introduced:

Wynia, Ellingson, Scheid, Cohen and Kelly, R., introduced:

H. A. No. 61, A proposal to study the economic and environmental aspects of harvesting of fur bearing animals.

The advisory was referred to the Committee on Environment and Natural Resources.

## MESSAGES FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 1612, 1613, 1614 and 1617.

PATRICK E. FLAHAVEN, Secretary of the Senate

## FIRST READING OF SENATE BILLS

S. F. No. 1612, A bill for an act relating to trusts; powers of trustee; permitting investment of trust assets in certain life insurance contracts; amending Minnesota Statutes 1976, Section 501.66, Subdivision 6.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

S. F. No. 1613, A bill for an act relating to courts; judges; removal due to mental or physical incapacity; amending Minnesota Statutes 1976, Section 490.16, Subdivision 5; repealing Minnesota Statutes 1976, Sections 490.04; 490.05; 490.06; 490.07; 490.08; and 490.09.

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

S. F. No. 1614, A bill for an act relating to courts; board on judicial standards; providing for appointment of an executive secretary by the board; amending Minnesota Statutes, 1977 Supplement, Section 490.15, Subdivision 1.

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

S. F. No. 1617, A bill for an act relating to evidence; eliminating the presumption of due care in negligence actions; repealing Minnesota Statutes 1976, Section 602.04.

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

### CALENDAR

H. F. No. 830, A bill for an act relating to public utilities; regulation of cooperative electric associations; amending Minnesota Statutes 1976, Sections 216B.01; 216B.02, Subdivision 4; 216B.06; 216B.17, by adding a subdivision; 216B.36; 216B.38, Subdivision 5; 216B.45; 216B.47; 216B.62, by adding a subdivision; repealing Minnesota Statutes 1976, Sections 216B.48, Subdivision 7; 216B.49, Subdivision 6; 216B.50, Subdivision 2; and 216B.51, Subdivision 2.

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

The question was taken on the passage of the bill and the roll was called. There were 95 yeas and 28 nays as follows:

Those who voted in the affirmative were:

Abeln	Dean	Kahn	Nelsen, B.	Searle
Adams	Den Ouden	Kaley	Nelsen, M.	Sherwood
Albrecht	Eckstein	Kalis	Nelson	Sieben, H.
Anderson, B.	Eken	Kelly, R.	Niehaus	Simoneau
Anderson, D.	Ellingson	King	Novak	Skoglund
Anderson, G.	Enebo	Knickerbocker	Onnen	Smogard
Anderson, R.	Erickson	Kvam	Patton	Spanish
Berg	Esau	Laidig	Pehler	Stanton
Berglin	Evans	Langseth	Peterson	Suss
Berkelman	Ewald	Lehto	Petrafeso	Vanasek
Biersdorf	Fjoslien	Lemke	Pleasant	Waldorf
Braun	Forsythe	Mangan	Redalen	Wenstrom
Brinkman	Friedrich	Mann	Reding	Wenzel
Carlson, A.	Fugina	McDonald	Rose	White
Carlson, D.	George	McEachern	St. Onge	Wieser
Casserly	Gunter	Metzen	Samuelson	Wigley
Clark	Jaros	Munger	Sarna	Wynia
Corbid	Johnson	Murphy	Scheid	Zubay
Cummiskey	Jude	Neisen	Schulz	Speaker Sabo

Those who voted in the negative were:

Anderson, I.	Carlson, L.	Jacobs	McCarron	Swanson
Battaglia	Faricy	Jensen	Moe	Tomlinson
Begich	Fudro	Kempe, A.	Osthoff	Voss
Birnstihl	Hanson	Kempe, R.	Rice	Williamson
Brandl	Heinitz	Kostohryz	Sieben, M.	
Byrne	Hokanson	Kroening	Stoa	

The bill was passed and its title agreed to.

S. F. No. 686, A bill for an act relating to animals; authorizing destruction rather than research use for unclaimed animals; amending Minnesota Statutes 1976, Section 35.71, Subdivision 3.

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

The question was taken on the passage of the bill and the roll was called. There were 116 yeas and 9 nays as follows:

Those who voted in the affirmative were:

Abeln	Dean	Kaley	Nelsen, M.	Simoneau
Adams	Den Ouden	Kalis	Nelson	Skoglund
Anderson, B.	Eckstein	Kelly, R.	Niehaus	Smogard
Anderson, I.	Eken	Kempe, R.	Norton	Spanish
Anderson, R.	Ellingson	King	Novak	Stanton
Arlandson	Enebo	Knickerbocker	Onnen	Stoa
Battaglia	Erickson	Kostohryz	Osthoff	Suss
Begich	Esau	Kroening	Patton	Swanson
Berg	Evans	Kvam	Pehler	Tomlinson
Berglin	Ewald	Laidig	Peterson	Waldorf
Berkelman	Faricy	Langseth	Petraffeso	Welch
Biersdorf	Fjoslien	Lehto	Redalen	Wenstrom
Birnstihl	Friedrich	Lemke	Reding	Wenzel
Brandl	Fudro	Mangan	Rice	White
Braun	Fugina	Mann	Rose	Wieser
Brinkman	George	McCarron	St. Onge	Wigley
Byrne	Gunter	McDonald	Samuelson	Williamson
Carlson, A.	Hanson	McEachern	Sarna	Wynia
Carlson, D.	Heinitz	Metzen	Scheid	Zubay
Carlson, L.	Hokanson	Moe	Schulz	Speaker Sabo
Casserly	Jacobs	Munger	Searle	
Clark	Jaros	Murphy	Sherwood	
Clawson	Johnson	Neisen	Sieben, H.	
Corbid	Jude	Nelsen, B.	Sieben, M.	

Those who voted in the negative were:

Albrecht	Anderson, G.	Forsythe	Kahn	Voss
Anderson, D.	Cummiskey	Jensen	Pleasant	

The bill was passed and its title agreed to.

### GENERAL ORDERS

There being no objection, the bills on General Orders for today were continued on General Orders one day.

### MOTIONS AND RESOLUTIONS

Vanasek moved that H. F. No. 1921 be recalled from the Committee on Taxes and be re-referred to the Committee on Local and Urban Affairs. The motion prevailed.

George moved that the name of Sieben, M., be added as an author on H. F. No. 1740. The motion prevailed.

Sherwood moved that H. F. No. 1753 be returned to its author. The motion prevailed.

#### ADJOURNMENT

Anderson, I., moved that when the House adjourns today it adjourn until 2:00 p.m., Thursday, February 2, 1978. The motion prevailed.

Anderson, I., moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:00 p.m., Thursday, February 2, 1978.

EDWARD A. BURDICK, Chief Clerk, House of Representatives





## STATE OF MINNESOTA

## SEVENTIETH SESSION - 1978

## SIXTY-EIGHTH DAY

SAINT PAUL, MINNESOTA, THURSDAY, FEBRUARY 2, 1978

The House of Representatives convened at 2:00 p.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:

Adams	Corbid	Kahn	Nelsen, B.	Sieben, H.
Albrecht	Cummiskey	Kaley	Nelsen, M.	Sieben, M.
Anderson, B.	Den Ouden	Kalis	Niehaus	Simoneau
Anderson, D.	Eckstein	Kelly, R.	Norton	Skoglund
Anderson, G.	Eken	Kempe, A.	Novak	Smogard
Anderson, I.	Ellingson	Kempe, R.	Onnen	Spanish
Anderson, R.	Enebo	King	Osthoff	Stanton
Arlanson	Erickson	Knickerbocker	Patton	Stoa
Battaglia	Esau	Kostohryz	Pehler	Suss
Begich	Evans	Kroening	Peterson	Tomlinson
Berg	Ewald	Kvam	Petrafeso	Vanasek
Berglin	Faricy	Laidig	Pleasant	Voss
Berkelman	Fjoslien	Langseth	Prahl	Waldorf
Biersdorf	Forsythe	Lehto	Redalen	Welch
Birnstihl	Friedrich	Lemke	Reding	Wenstrom
Brandl	Fudro	Mangan	Rice	Wenzel
Braun	Fugina	Mann	Rose	White
Brinkman	George	McCarron	St. Onge	Wieser
Byrne	Gunter	McCollar	Samuelson	Wigley
Carlson, A.	Hanson	McDonald	Sarna	Williamson
Carlson, D.	Hokanson	McEachern	Savelkoul	Wynia
Carlson, L.	Jacobs	Metzen	Scheid	Zubay
Casslerly	Jaros	Moe	Schulz	Speaker Sabo
Clark	Jensen	Munger	Searle	
Clawson	Johnson	Murphy	Searles	
Cohen	Jude	Neisen	Sherwood	

A quorum was present.

Abeln; Beauchamp; Dean; Heinitz; Kelly, W.; Nelson and Swanson were excused.

The Chief Clerk proceeded to read the Journal of the preceding day. Erickson moved that further reading of the Journal be dispensed with and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.

## REPORTS OF CHIEF CLERK

Pursuant to Rules of the House, printed copies of H. F. Nos. 1394, 1424 and 1442 and S. F. Nos. 1612, 1613, 1614 and 1617 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

January 27, 1978

The Honorable Martin Sabo  
Speaker of the House

Dear Speaker Sabo:

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. 1500, A bill for an act relating to election; establishing the manner of filling United States Senate vacancies.

Sincerely,

RUDY PERPICH  
Governor

STATE OF MINNESOTA  
OFFICE OF THE SECRETARY OF STATE  
ST. PAUL 55155

January 30, 1978

The Honorable Martin O. Sabo  
Speaker of the House of Representatives  
The Honorable Edward J. Gearty  
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1978 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:

68th Day]

THURSDAY, FEBRUARY 2, 1978

4187

S.F. No.	H.F. No.	Session Laws Chapter No.	Date Approved 1978	Date Filed 1978
	1500	456	January 27	January 27

Sincerely,

JOAN ANDERSON GROWE  
Secretary of State

## REPORTS OF STANDING COMMITTEES

Hanson from the Committee on Commerce and Economic Development to which was referred:

S. F. No. 823, A bill for an act relating to mechanics liens; increasing the period in which notice must be given to the owner of improved real estate; amending the definition of owner; enlarging the circumstances in which notice is not required to be given; providing penalties; amending Minnesota Statutes 1976, Section 514.011, Subdivisions 2, 3 and 4.

Reported the same back with the following amendments:

Page 3, line 3, delete the new language and reinstate the stricken language.

Page 3, line 28, delete "including" and insert "but does consist of" and after "but" and before "not" insert "is".

Page 4, delete section 4.

With the recommendation that when so amended the bill pass.

The report was adopted.

Moe from the Committee on Criminal Justice to which was referred:

S. F. No. 397, A bill for an act relating to the department of natural resources; providing conservation officers with the powers of peace officers; amending Minnesota Statutes 1976, Section 84.028, Subdivision 3.

Reported the same back with the following amendments:

Page 2, line 4, after "appropriate" insert "local".

Page 2, after line 10, add a new section to read:

"Sec. 2. Minnesota Statutes 1976, Section 169.01, Subdivision 5, is amended to read:

Subd. 5. [AUTHORIZED EMERGENCY VEHICLE.] "Authorized emergency vehicle" means any of the following vehicles when equipped and identified according to law: (1) A vehicle of a fire department; (2) a publicly owned police vehicle or a privately owned vehicle used by a police officer for police work under agreement, express or implied, with the local authority to which he is responsible; (3) an ambulance, whether publicly or privately owned; (4) an emergency vehicle of a municipal department or a public service corporation, approved by the commissioner of public safety or the chief of police of a municipality; (5) any volunteer rescue squad operating pursuant to Laws 1959, Chapter 53; (6) *a vehicle of the enforcement division of the department of natural resources used in law enforcement.*"

Renumber the section that follows.

Further amend the title:

Page 1, line 5, delete "Section" and insert "Sections" and after "3" insert "; and 169.01, Subdivision 5".

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 1100, A bill for an act appropriating funds annually for WATS incoming lines to serve state offices.

Reported the same back with the recommendation that the bill 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. 1103, A bill for an act relating to the operation of state government; centralizing the management and review of all state contracts in the office of the commissioner of administration; distinguishing consultant, professional and technical contracts; amending Minnesota Statutes 1976, Sections 15.061; 161.35; and Chapter 16, by adding a section; repealing Minnesota Statutes 1976, Sections 4.19 and 16.10.

Reported the same back with the following amendments:

Page 1, line 14, delete “, PROFESSIONAL AND TECHNICAL”.

Page 1, line 17, strike “use salary appropriations to”.

Page 1, line 18, delete the comma and insert “services and”.

Page 1, delete line 24.

Page 2, delete lines 1 to 17, and insert:

“[16.098] [CONTRACT MANAGEMENT AND REVIEW.]  
Subdivision 1. [DEFINITIONS.] For the purposes of this section:

(1) “Commissioner” means the commissioner of administration.

(2) “State contract” means any written instrument containing the elements of offer, acceptance and consideration to which a state agency is a party.

(3) “Agency” means any state officer, employee, board, commission, bureau, division or department.

(4) “Consultant services” means professional or technical advice or opinions which may include evaluations, recommended actions, predictions, planning and will produce a report.

(5) “Professional and technical services” means services which result in the completion of a task rather than recommendation, evaluation or analysis.

Subd. 2. [DUTIES OF COMMISSIONER.] The commissioner shall perform all contract management and review functions for state contracts, excepting those functions presently performed by the contracting agency, the attorney general and the commissioner of finance. In so doing, the commissioner shall establish the manner and form in which all state contracts shall be prepared and processed and shall examine and approve or disapprove all state contracts as to content, purpose, propriety and budget ramifications. No agency shall implement a state contract without receiving the prior approval of the commissioner pursuant to this subdivision. All agencies shall afford full cooperation to the commissioner in the management and review of state contracts.

Subd. 3. To approve a proposed state contract for consultant services or professional and technical services the commissioner must determine at least that:

(1) *the work to be performed under the contract is necessary to the agency's achievement of its statutory responsibilities;*

(2) *the work cannot be performed adequately by personnel currently employed by the state;*

(3) *the contracting agency has sufficiently specified the work tasks to be performed and time periods for their completion; and*

(4) *the contracting agency has specified a satisfactory method of evaluating and utilizing the results of the work to be performed.*

*Subd. 4. [CONTRACT ADMINISTRATION.] Upon entering into a state contract, an agency shall bear full responsibility for the diligent administration and monitoring of such contract. The commissioner may require an agency to report to him at any time on the status of an outstanding state contract to which the agency is a party."*

Page 2, line 18, delete "of".

Page 2, line 19, delete "administration".

Page 2, line 19, after "his" insert "contract management and".

Page 2, line 20, delete "subordinate" and insert "person".

Page 2, line 20, after "in" insert "either".

Page 2, line 21, delete "and" and insert "or".

Page 2, line 21, delete "board or department".

Page 2, line 22, delete "state body" and insert "agency".

Page 2, line 24, after "shall" insert "not".

Page 2, line 24, delete "in no event" and insert "except with respect to delegations within the department of administration".

Page 2, line 26, delete "of".

Page 2, line 27, delete "administration".

Page 2, line 27, delete "promulgate" and insert "adopt".

Page 2, line 28, delete "with respect to" and insert "regarding".

Page 2, delete lines 30 to 32.

Page 3, delete lines 1 to 23.

Page 3, line 25, after "*valid*" insert "*, nor shall the state be bound by same*".

Page 3, line 25, after "*been*" insert "*approved and*".

Page 3, line 26, delete "*of administration*".

Page 3, line 26, delete the comma.

Page 3, delete line 27 and insert "*pursuant to this*".

Page 3, line 28, delete the comma.

Re-number the subdivisions in order.

Page 4, line 2, strike "*employ and engage*" and insert "*contract for*".

Page 4, line 4, strike "*, to act as consultants*".

Page 4, line 5, strike "*in connection with and*".

Page 4, line 17, strike "*consultants*" and insert "*contractors*".

Page 4, line 20, delete "*Sections 4.19 and*" and insert "*Section*".

Page 4, line 21, delete "*are*" and insert "*is*".

Further amend the title:

Page 1, line 9, delete "*Sections 4.19 and*" and insert "*Section*".

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 1522, A bill for an act relating to the state council for the handicapped; authorizing appeals by the council from state building code decisions affecting the interests of handicapped persons; granting the council authority to promulgate rules governing display of the international symbol of accessibility; authorizing the council to initiate or intervene in proceedings affecting handicapped persons; amending Minnesota Statutes 1976, Sections 256.482, Subdivision 5, and by adding subdivisions; 299G.12; and Chapter 16, by adding a section.



Reported the same back with the following amendments:

Page 2, line 1, after "code" insert "or any rules".

Page 2, after line 13, insert a new section to read:

"Sec. 2. Minnesota Statutes 1976, Chapter 16, is amended by adding a section to read:

[16.8632] [SYMBOL INDICATING ACCESSIBILITY.]  
*Subdivision 1. [STATEMENT OF POLICY AND PURPOSE.] The legislature finds that there is an urgent need to adopt an internationally accepted symbol to indicate buildings, facilities and grounds which are accessible to and usable by persons with disabilities, that a symbol of accessibility has been adopted by Rehabilitation International's Eleventh World Congress, and that this symbol is universally recognized by persons with disabilities.*

*Subd. 2. [ADOPTION AND DISPLAY OF SYMBOL.] The symbol adopted by Rehabilitation International's Eleventh World Congress shall be the state symbol indicating buildings, facilities and grounds which are accessible to and usable by persons with disabilities. In the interests of uniformity, this symbol in its white on blue format shall be the sole symbol for display in or on all public or private buildings, facilities and grounds which qualify for its use. The secretary of state shall obtain and keep on file the symbol. No building, facility or grounds shall display the symbol unless it is in compliance with the rules promulgated by the commissioner of administration as provided for by subdivision 3.*

*Subd. 3. [RULES GOVERNING DISPLAY OF SYMBOL.] The commissioner of administration shall promulgate rules to govern display of the state symbol of accessibility. Before the rules are proposed for adoption the commissioner shall consult with the state council for the handicapped.*

*The rules shall be enforced in the same manner as provisions of the state building code, but shall be applicable to all buildings, facilities or grounds in the state.*

*The commissioner shall implement this subdivision so that the rules required by this subdivision are effective no later than December 31, 1978."*

Page 3, delete lines 14 and 15.

Renumber the remaining clause.

Page 3, delete lines 21 to 29.

Page 4, line 3, delete "(9)" and insert "(8)".

Page 4, line 5, delete "At least seven days notice that the".

Page 4, delete line 6.

Page 4, line 7, delete "register".

Pages 4 and 5, delete all of section 5.

Page 5, after line 17, add new sections to read:

"Sec. 5. *Minnesota Statutes 1976, Section 299G.12, is repealed.*

Sec. 6. *This act shall be effective the day following final enactment.*"

Renumber the sections in order.

Amend the title as follows:

Page 1, line 10, delete "Sections" and insert "Section".

Page 1, line 12, delete "subdivisions; 299G.12" and insert "a subdivision".

Page 1, line 12, delete "a".

Page 1, line 13, delete "section" and insert "sections; repealing Minnesota Statutes 1976, Section 299G.12".

With the recommendation that when so amended the bill 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. 1736, A bill for an act relating to state buildings; concerning the handicapped; requiring state buildings and situses for state meetings to be accessible to the handicapped.

Reported the same back with the following amendments:

Page 2, line 6, before "Space" insert "On or before July 1, 1982, all".

Page 2, line 6, after "Space" insert "of 1000 square feet or more".

Page 2, line 9, after the period, add a sentence: "Exceptions may be granted by the commissioner of administration."

Page 2, line 10, before "Meetings" insert "Public".

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 1761, A bill for an act relating to the state; authorizing the sale of certain state lands to, and the development of that land for industrial purposes or purposes which the city deems compatible with adjacent land by, the city of Owatonna; amending Laws 1965, Chapter 216, Section 2.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert the following:

"Section 1. Laws 1965, Chapter 216, Section 2, as amended by Laws 1967, Chapter 423, Section 1, and Laws 1975, Chapter 251, Section 1, is amended to read:

Sec. 2. [CONVEYANCE OF STATE LANDS; OWATONNA, CITY OF; INDUSTRIAL DEVELOPMENT.] At the request of the governing body of the city of Owatonna *the governor upon recommendation of the commissioner of administration* may sell only to the city of Owatonna all or any part or parts of the lands described in section 1 *which lie west of interstate highway marked I-35* for industrial or governmental purposes. *At the request of the governing body of the city of Owatonna, the governor may sell only to the city of Owatonna all or any part or parts of the lands described in section 1 which lie east of interstate highway marked I-35 for purposes which the city of Owatonna shall deem compatible with adjacent lands lying east and south thereof.* The sale price shall be the value certified by the commissioner of administration upon the submission of three independent appraisals made by competent appraisers selected by him, one of whom shall be a resident of Steele county. This price shall represent fair market value at the time of the sale. All sales by the city of Owatonna of lands so conveyed by the state of Minnesota shall be at the same price paid to the state of Minnesota for said land, except that, in selling such lands, the city may add to the price paid the state the cost of any improvements made to said lands by the city.

Each sale of all or any part or parts of the lands described in section 1 shall be for cash and the commissioner of adminis-

tration shall recommend to the governor the execution of the deed when the property sold is paid for. The attorney general shall prescribe and approve the form of each deed.

Sec. 2. *This act shall become effective only after its approval by a majority of the governing body of the city of Owatonna and upon compliance with the provisions of Minnesota Statutes, Section 645.021.*"

Further, amend the title as follows:

Page 1, line 7, after "2" insert ", as amended".

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Swanson from the Committee on Health and Welfare to which was referred:

H. F. No. 1824, A bill for an act relating to health; providing for review of certain health care planning; requiring certificates of need for construction or modifications of certain health care facilities and services; amending Minnesota Statutes 1976, Sections 145.71, Subdivision 1; 145.72; 145.73; 145.74; 145.75; 145.751; 145.76, Subdivisions 1 and 2; 145.761; 145.77; 145.78; 145.79; 145.80; 145.83; and Chapter 145, by adding sections.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1976, Section 145.71, Subdivision 1, is amended to read:

145.71 [PURPOSE; CITATION.] Subdivision 1. The legislature finds that the unnecessary construction or modification of health care facilities *is one of the factors which* increases the cost of care and threatens the financial ability of the public to obtain necessary medical services. The purposes of sections 145.71 to 145.83 are (TO PROMOTE):

(a) *To reduce the escalation of health care costs by promoting comprehensive health planning;*

(b) *To assist in providing the highest quality of health care at the lowest possible cost by encouraging the development of alternative methods of providing health care such as health maintenance organizations; (TO AVOID UNNECESSARY DUPLICATION)*

(c) *To bring the supply of hospital and long term care facilities into reasonable balance with the need for such facilities*

by ensuring that only those health care facilities which are needed will be built;

(d) *To stimulate the development of out-patient and non-institutional health care services and facilities which may result in a reassessment of the need for hospital or nursing home facilities; and*

(e) *To provide an orderly method of resolving questions concerning the necessity of construction or modification of health care facilities, home health agencies, and health maintenance organizations.*

It is the policy of sections 145.71 to 145.83 that decisions regarding the construction or modification of health care facilities, home health agencies, and health maintenance organizations should be based on the maximum possible participation on the local level by consumers of health care and elected officials, as well as the providers directly concerned.

Sec. 2. Minnesota Statutes 1976, Section 145.72, is amended to read:

145.72 [DEFINITIONS.] Subdivision 1. As used in sections 145.71 to 145.83, unless the context otherwise requires the terms defined in this section have the meaning ascribed to them.

Subd. 2. "Health care facility" means any facility licensed under sections 144.50 to 144.56, or any nursing home licensed under section 144A.02; but does not include any facility licensed under sections (245.78) 245.781 to (245.821,) 245.813 or 252.28, (OR 257.081 TO 257.124) unless the facility is a vendor of medical care under section 256B.02 and is certified as an intermediate care facility for the mentally retarded or is operated by the commissioner of public welfare as a state hospital. "Health care facility" also includes any facility in which services are provided primarily for the treatment of kidney diseases.

Subd. 3. "Health service" means any service center utilized by a health care facility, a home health agency or a health maintenance organization for its accounting purposes. This service center shall conform to definitions of service centers recognized by generally accepted accounting principles and shall conform to the service center definitions utilized in reports of the facility, agency, or organization to any other state agency or program. Nothing in this definition shall be construed to authorize the commissioner of health to establish uniform accounting or reporting requirements.

Subd. (3) 4. "Construction or modification" means (THE):

(a) *Any erection, building, alteration, reconstruction, modernization, improvement, extension, lease or other acquisition, or any purchase, lease or other acquisition of diagnostic or therapeutic equipment, by or on behalf of a health care facility, INVOLVING AN EXPENDITURE WHICH, UNDER GENERALLY ACCEPTED ACCOUNTING PRINCIPLES, IS NOT PROPERLY CHARGEABLE AS AN EXPENSE OF OPERATION AND MAINTENANCE AND) which:*

(1) *Requires or would require if purchased a total capital expenditure in excess of (\$100,000) \$150,000, and which, under generally accepted accounting principles, is not properly chargeable as an expense of operation and maintenance; or*

(2) **(EXPANDS OR EXTENDS THE SCOPE OR TYPE OF SERVICE RENDERED AND REQUIRES A CAPITAL EXPENDITURE IN EXCESS OF \$50,000; OR)**

(3) **INCREASES THE BED COMPLEMENT OF THE FACILITY AND REQUIRES A CAPITAL EXPENDITURE IN EXCESS OF \$50,000.)** *Changes, by more than five beds or five percent, whichever is less over any contiguous two year time period:*

(i) *The bed complement of the facility; or*

(ii) *The distribution of the bed complement among licensing categories, levels of certification or sites;*

(b) *Any expansion or extension of the scope or type of service rendered and requires a capital expenditure in excess of \$75,000;*

(c) *The establishment of a new health care facility, new health maintenance organization, or new home health agency; or, any predevelopment activity by or on behalf of a health care facility, home health agency or health maintenance organization which may result in a proposal reviewable according to sections 145.71 to 145.83;*

(d) *Any establishment of a new institutional health service by a health care facility, a home health agency or a health maintenance organization which is to be offered in or through a health care facility, a home health agency or a health maintenance organization and which was not offered on a regular basis in or through that facility, agency, or organization within the 12 month period prior to the time when that service is intended to be offered;*

**(“CONSTRUCTION OR MODIFICATION” ALSO MEANS)**  
(e) *The purchase, lease, or other acquisition of diagnostic or*

therapeutic equipment by a licensed medical doctor or osteopath, a group of licensed medical doctors or osteopaths, or a professional corporation of licensed medical doctors or osteopaths organized pursuant to chapter 319A, which

(1) requires or would require if purchased a capital expenditure in excess of (\$100,000) \$150,000 for any one item of equipment (OR \$200,000 FOR TWO OR MORE ITEMS OF EQUIPMENT;) and

(2) is determined by the state board of health to be designed to circumvent the provisions of sections 145.71 to 145.83; or

(f) Any erection, building, alteration, reconstruction, modernization, improvement, extension, lease or acquisition of buildings or facilities, required to be licensed as health care facilities, by or on behalf of a health maintenance organization or home health agency which requires, or would require if purchased, a total capital expenditure in excess of \$150,000, which under generally accepted accounting principles is not properly chargeable as an expense of operation and maintenance; or, any purchase, lease, or other acquisition of diagnostic or therapeutic equipment by or on behalf of a health maintenance organization or home health agency which requires, or would require if purchased, a capital expenditure in excess of \$150,000 for any one item of equipment.

Subd. (4) 5. "Certificate of need" means a certificate issued in accordance with sections 145.71 to 145.83.

Subd. (5) 6. "(AREA WIDE COMPREHENSIVE HEALTH PLANNING) Health systems agency" means an agency (ESTABLISHED TO MEET THE REQUIREMENTS OF THE PARTNERSHIP FOR HEALTH ACT, P.L.89-749, AS AMENDED, AND DESIGNATED AS SUCH BY THE MINNESOTA STATE PLANNING AGENCY, OR A SUCCESSOR AGENCY) designated pursuant to the National Health Planning and Resources Development Act, (P.L.93-641) 42 U.S.C., Section 300k; provided that in the metropolitan area the (AREA WIDE COMPREHENSIVE HEALTH PLANNING) health systems agency shall be the metropolitan council, if it has appointed a health board to advise it meeting the requirements of section 145.74.

Subd. (6) 7. "Consumer" means any person other than a person:

(a) Whose occupation involves, or before his retirement involved, the administration of health activities or the providing of health services(,) within the 24 months previous to appointment;

(b) Who is, or ever was, employed by a health care facility within the 24 months previous to appointment, as a licensed professional(,) ; or

(c) Who has, or ever had, a material financial interest in the rendering of health service *within the 24 months previous to appointment.*

*Subd. 8. "Health maintenance organization" has the meaning given that term in section 62D.02, subdivision 4.*

*Subd. 9. "Home health agency" means a person or a public or private organization primarily engaged in the provision of skilled nursing services and other therapeutic services on a part time or intermittent visiting basis in the patient's place of residence. Therapeutic services may include physical, occupational, or speech therapy services, home health aid-homemaker services, medical social services, and nutrition counseling services.*

*Subd. 10. "Predevelopment activity" means any activity by or on behalf of a health care facility, home health agency or health maintenance organization which occurs in preparation for the offering or development of a new institutional health service if the predevelopment activity would require an expenditure in excess of \$150,000 if the predevelopment activity involves any arrangement or commitment for financing the offering or development of a new institutional health service.*

*Subd. 11. "Health service areas" means those areas established pursuant to 42 U.S.C., Section 3001.*

*Subd. 12. "Health systems plan" means the plan developed by the health systems agency pursuant to the requirements of 42 U.S.C., Section 3001-2.*

*Subd. 13. "Annual implementation plan" means the plan developed annually by the health systems agency pursuant to the requirements of 42 U.S.C., Section 3001-2 which relate to the implementation of the health systems plan.*

Sec. 3. Minnesota Statutes 1976, Chapter 145, is amended by adding a section to read:

[145.725] [CONSOLIDATION.] *The commissioner of health shall present proposed legislation and rules to the legislature by January 1, 1980 which shall combine the Minnesota hospital rate review system authorized by sections 144.695 to 144.703, the certificate of need program authorized by sections 145.71 to 145.83, and the licensing programs authorized by sections 144.50 to 144.58 and sections 144A.01 to 144A.29 into one functional administrative program. The result of this proposal shall be a study which shall address the feasibility of establishing one law and one set of administrative rules which rely on one basic set of reports from regulated entities and which provides for one administrative point within the Minnesota health department to which all regulated entities may relate.*



Sec. 4. Minnesota Statutes 1976, Section 145.73, is amended to read:

145.73 [COMMENCEMENT OF CONSTRUCTION.] No construction or modification of *or by a health care facility, home health agency or health maintenance organization*, whether public, non-profit, or proprietary, shall be commenced unless a certificate of need has been issued therefor in accordance with sections 145.71 to 145.83. *The commissioner of health shall promulgate rules to define the commencement of a construction or a modification.*

Sec. 5. Minnesota Statutes 1976, Section 145.74, is amended to read:

145.74 [HEALTH PLANNING AGENCIES; MEMBERSHIP REGULATIONS.] The (STATE PLANNING AGENCY) *commissioner of health* shall, subject to chapter 15, after consulting with the (STATE BOARD OF HEALTH) *state planning agency* promulgate (REGULATIONS) *rules* concerning the membership of (AREA WIDE COMPREHENSIVE HEALTH PLANNING) *health systems agencies*. The (REGULATIONS) *rules* shall include, but not be limited to, the following factors. The (REGULATIONS) *rules* 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) *42 U.S.C., Section 300k*;

(2) Provide that a majority of the membership be composed of consumers;

(3) Provide for representation of hospital and nursing home providers;

(4) *Provide for representation of health maintenance organizations in those health service areas where they exist;*

(5) *Provide for representation of home health agencies;*

(6) *Provide for representation of community health service agencies;*

(7) Provide for representation of licensed medical doctors and other health professionals;

((5)) (8) Provide for a fixed term of membership; and

((6)) (9) Provide that members of (AN AREA WIDE COMPREHENSIVE HEALTH PLANNING) *a health systems agency* shall not select their successors.

No existing (AREA WIDE COMPREHENSIVE HEALTH PLANNING) *health systems* agency shall exercise the functions provided in sections 145.71 to 145.83 until it is in compliance with (REGULATIONS) *rules* issued pursuant to this section.

If there is no (AREA WIDE COMPREHENSIVE HEALTH PLANNING) *health systems* 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) *a health systems* agency for that area.

Sec. 6. Minnesota Statutes 1976, Section 145.75, is amended to read:

145.75 [HEALTH PLANNING AGENCIES; REGULATION OF DUTIES.] The (STATE PLANNING AGENCY) *commissioner of health*, 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) *the state planning agency*, promulgate *rules governing the health systems agencies in the performance of their duties*. The (REGULATIONS) *rules* shall provide for the consideration of at least the following factors:

(a) The need for health care facilities and services *and home health agencies and services* in the area and the requirements of the population of the area;

(b) Maximum and minimum hospital and nursing home bed ratios *or maximum and minimum units of service per 1,000 inhabitants of the area or other appropriate indicators of the availability of care in 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 special needs of medical teaching and research facilities, and referral hospitals;*

(f) *The special requirements of health maintenance organizations to meet the health care needs of their present and future subscribers as distinct from the needs of the general public;*

(g) The availability and adequacy of the area's existing hospitals and nursing homes currently conforming to state and federal standards; (AND)

((F)) (h) The availability and adequacy of other health services in the area such as out-patient, ambulatory or home care service, or services provided by community health services agencies, 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;

(i) The financial impact of the proposed construction or modification on health care costs in the area to be served; and

(j) The health care facility, home health agency or health maintenance organization's compliance with state and federal standards.

The fact that a health care facility, home health agency or health maintenance organization 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. 7. Minnesota Statutes 1976, Chapter 145, is amended by adding a section to read:

[145.753] [PROPOSALS; REVIEW.] *Subdivision 1. Except as otherwise provided in this section, a health systems agency may require that proposals be submitted for review only during specific review periods established by the agency. The health systems agency shall provide public notice throughout the health service area regarding review periods and the associated dates for submissions of proposals. Review periods may be established by the health systems agency according to category of facility, service or equipment. The health systems agency may establish additional review periods per year, per category, if the health systems agency determines that the resources of the agency are inadequate to review in a timely manner the volume of proposals anticipated for the category in question.*

*Subd. 2. The provisions of section 145.78 shall apply to all proposals reviewed pursuant to subdivision 1.*

*Subd. 3. The following types of proposals may be submitted for review at any time and may receive expedited review in accordance with procedures established pursuant to section 145.78:*

(a) *Proposals involving the replacement of existing facilities, services, or equipment which do not exceed \$500,000 and do not alter the type or scope of the services offered;*

(b) *Proposals necessary to repair damage caused by fire or other natural disaster which do not qualify as emergency proposals pursuant to section 145.761;*

(c) *Proposals which the commissioner of health determines to be of such importance that delay would be hazardous to the public health of the community;*

(d) *Proposals which pertain to the delivery of out-patient and non-institutional patient care such as those from health maintenance organizations or home health agencies; and*

(e) *Proposals which pertain to amendments to unexpired certificates of need.*

*Subd. 4. Health systems agencies which establish specific review periods shall provide technical assistance to health care facilities, home health agencies, health maintenance organizations or other persons required to obtain certificate of need pursuant to sections 145.71 to 145.83 upon request.*

Sec. 8. Minnesota Statutes 1976, Section 145.751, is amended to read:

145.751 [COMPREHENSIVE STUDY.] *The state planning agency and the (AREAWIDE COMPREHENSIVE HEALTH PLANNING AGENCY) health systems agencies shall conduct (A) comprehensive (STUDY IN ITS JURISDICTION) studies to:*

(a) *Determine the needs for health care services or facilities which are not met by existing services or facilities;*

(b) *Identify health care services and facilities which are duplicative; (AND)*

(c) *Develop guidelines for the sharing of costly technical equipment, technical staff and services by health care facilities; and*

(d) *Evaluate the extent to which any unused capacity in health care facilities may be excessive and the impact of reducing any excess capacity upon employment, debt retirement, alternative sources of care, accessibility to care, and the cost and quality of care. These evaluations shall also address any alternate uses which may be made of any unused capacity determined to be excessive.*

*The (AREAWIDE COMPREHENSIVE HEALTH) state planning agency and health systems agencies shall annually review and amend the conclusions of the (STUDY) studies, and shall report the findings of these studies to the governor and the legislature annually in accordance with section 3.195.*

Sec. 9. Minnesota Statutes 1976, Section 145.76, Subdivision 1, is amended to read:

145.76 [PROCEDURE PRIOR TO PROPOSAL.] Subdivision 1. Except as provided in subdivision 2, no health care facility, *home health agency, health maintenance organization, or person, group, corporation or association* intending to embark upon a program of construction or modification of a health care facility, *home health agency or health maintenance organization*, shall engage architectural, professional consultation, *other predevelopment activities*, or fund raising services with respect to (THE PROJECT) *construction or modification* until it has notified the (AREA WIDE COMPREHENSIVE HEALTH PLANNING) *health systems* agency of its intention to engage such services or activities. The notice shall state simply the nature of the architectural, professional consultation, *other predevelopment activities*, or fund raising services to be engaged and the nature of the construction or modification contemplated. Upon receipt of notice under this section, the (AREA WIDE COMPREHENSIVE HEALTH PLANNING) *health systems* agency shall promptly notify the (STATE BOARD) *commissioner* of health and the state planning agency. Any person (SUBMITTING A NOTICE) *directly affected by a proposal* may, at the time of submission of the notice to the (AREA WIDE COMPREHENSIVE HEALTH PLANNING) *health systems* agency, request a written determination by the (STATE BOARD) *commissioner* of health as to whether the (PROJECT) *construction or modification* is subject to the provisions of sections 145.71 to 145.83 and whether a proposal must be submitted. Upon receipt of a request, the (AREA WIDE COMPREHENSIVE HEALTH PLANNING) *health systems* agency shall within ten days notify the (STATE BOARD) *commissioner* of health and the state planning agency for the purpose of determining whether a proposal is required to be submitted. The applicant shall be notified by the (STATE BOARD) *commissioner* of health of the determination in writing not later than (60) *30* days after the (REQUEST IS SUBMITTED TO) *receipt of the request* from the (AREA WIDE COMPREHENSIVE HEALTH PLANNING) *health systems* agency. No (AREA WIDE COMPREHENSIVE HEALTH PLANNING) *health systems* agency shall be required to accept or act upon a proposal if the notice required by this section has not been given. Nothing in this section shall be construed to limit in any way the right to engage architectural, professional consultation, *other predevelopment activities*, or fund raising services *except as provided by section 145.72, subdivision 3.*

Sec. 10. Minnesota Statutes 1976, Section 145.76, Subdivision 2, is amended to read:

Subd. 2. A licensed medical doctor, a group of licensed medical doctors, or a professional corporation of licensed medical doctors proposing to purchase or acquire one or more items of diagnostic or therapeutic equipment which require capital expenditure in excess of (\$100,000) *\$150,000* for a single item (OR

\$200,000 FOR TWO OR MORE ITEMS) shall, prior to purchasing or acquiring the equipment, notify the *health systems agency and the commissioner* (AREA WIDE COMPREHENSIVE HEALTH PLANNING AGENCY AND THE STATE BOARD) of health of the proposed acquisition or purchase. *The commissioner of health shall, within 30 days* (THE STATE BOARD OF HEALTH SHALL, WITHIN 60 DAYS) of receipt of the notice, determine whether or not the proposed acquisition or purchase is designed to circumvent the provisions of sections 145.71 to 145.83. A hearing shall be held if requested by the applicant or the *health systems agency. The commissioner of health* (AREA WIDE COMPREHENSIVE HEALTH PLANNING AGENCY. THE BOARD OF HEALTH) shall notify the applicant and the *health systems* (AREA WIDE COMPREHENSIVE HEALTH PLANNING) agency in writing of (ITS) *his* determination. If (THE STATE BOARD) *the commissioner* of health determines that the proposed acquisition or purchase is not designed to circumvent the provisions of sections 145.71 to 145.83, no certificate of need shall be required of the applicant. If the (STATE BOARD) *commissioner* of health determines that the proposed acquisition or purchase is designed to circumvent the provisions of sections 145.71 to 145.83, the applicant must obtain a certificate of need.

Sec. 11. Minnesota Statutes 1976, Section 145.761, is amended to read:

145.761 [WAIVER.] *Subdivision 1.* [CRITERIA.] A proposal meeting the requirements of section 145.72, subdivision 3, (CLAUSE (1)) may be granted a waiver from the requirements of section 145.73 by the (STATE BOARD) *commissioner* of health if, *based on the recommendation of the health systems agency*, the (BOARD) *commissioner* determines that:

(a) The proposed capital expenditure is less than three percent of the annual operating budget of the facility, *home health agency, health maintenance organization or other person required to obtain a certificate of need pursuant to sections 145.71 to 145.83* applying for a waiver, and the expenditure is required solely to meet mandatory federal or state (LIFE, SAFETY OR) *requirements of law* (OTHER CODES); or

(b) The proposal (INVOLVES) is (PROJECTS) not related to direct patient care services, such as parking lots, sprinkler systems, heating or air conditioning equipment, fire doors, food service equipment, building maintenance, or other (PROJECTS) *constructions or modifications* of a like nature.

*The commissioner of health, after consultation with the state planning agency and the health systems agencies, may by rule provide for the granting of waivers under other situations the commissioner of health deems appropriate and not inconsistent with sections 145.71 to 145.83 and 42 U.S.C., Section 300k, et seq.*

The request for a waiver shall be submitted by the applicant to the (STATE BOARD) *commissioner* of health at the same time the applicant submits a notice of intent to the (AREA WIDE COMPREHENSIVE HEALTH PLANNING) *health systems* agency pursuant to section 145.76, subdivision 1. The (AREA WIDE COMPREHENSIVE HEALTH PLANNING) *health systems* agency shall submit its recommendation on the issue of the waiver to the (STATE BOARD) *commissioner* of health, but the recommendation shall not be binding on the (STATE BOARD) *commissioner* of health. The (STATE BOARD) *commissioner* of health shall notify the applicant and the (AREA WIDE COMPREHENSIVE HEALTH PLANNING) *health systems* agency of (ITS) *the* decision to grant or deny the waiver within 60 days of receipt of the request.

*Subd. 2. [EMERGENCY WAIVERS.] An emergency waiver may be granted by the commissioner to a requesting health care facility, home health agency or health maintenance organization when damage from fire or other disaster necessitates repair in order to protect the life or safety of patients or residents. The commissioner of health and the health systems agencies shall establish procedures to expedite waivers under these conditions.*

Sec. 12. Minnesota Statutes 1976, Chapter 145, is amended by adding a section to read:

[145.763] [EXPEDITED REVIEWS.] *Subdivision 1. [ELIGIBILITY STANDARDS.] To the extent that it is practicable and after consultation with the health systems agencies, the commissioner of health shall establish by rule a process which may expedite the review of proposals for certificates of need in the following categories:*

(a) *Proposals from health care facilities which are demonstrated to be contained in and consistent with a current and approved long term plan, as required pursuant to 42 U.S.C., Section 300k, et seq., of that health care facility;*

(b) *Proposals from health care facilities, home health agencies or health maintenance organizations which are renewals of expired certificates of need for which the health care facility, home health agency or the health maintenance organization demonstrates to the health systems agency that there has been no material change in circumstances;*

(c) *Proposals which pertain to the delivery of out-patient or non-institutional health care services;*

(d) *Proposals which pertain to the extension or expansion of non-clinically related services;*

(e) *Proposals which pertain to diagnostic and therapeutic equipment subject to section 145.76, subdivision 2;*

(f) *Other proposals which the commissioner of health determines, by rule, may qualify for an expedited review.*

**Subd. 2. [EXPEDITED PROCESS REQUIREMENTS.]** *An expedited review process shall be consistent with the requirements of section 145.78 except that:*

(a) *The submitting health care facility, home health agency or health maintenance organization may be held responsible for notifying all persons directly affected by a proposal being submitted for an expedited review and for soliciting any adverse comments concerning the proposal;*

(b) *The public hearing on the proposal may be waived if, after a reasonable period of time, no requests for a public hearing has been received by the health systems agency from any persons directly affected by the proposal; and*

(c) *A health systems agency shall make its recommendations to the commissioner of health within 45 days of the proposal being determined to be complete.*

**Subd. 3. [INELIGIBILITY; PUBLIC HEARING REQUESTS.]** *If a request for a public hearing is received within a reasonable period of time by the health systems agency from a person directly affected by a proposal, the health systems agency shall declare the proposal ineligible for expedited review and shall treat the proposal as a regular proposal for a certificate of need pursuant to section 145.78.*

**Sec. 13.** Minnesota Statutes 1976, Section 145.77, is amended to read:

**145.77 [CONTENT OF PROPOSALS.]** *Subdivision 1. Except as provided by subdivision 2, each proposal shall contain information concerning, but not limited to, the following:*

- (a) *The geographic area likely to be served;*
- (b) *The population likely to be served;*
- (c) *The reasonably anticipated need for the facility or service to be provided by the proposal;*
- (d) *A description of the construction or modification in reasonable detail, including:*

- (1) *The capital expenditures contemplated; and*



(2) The estimated annual operating cost, including the anticipated salary cost and numbers of new staff necessitated by the proposal for at least the first five years of the proposed project's operation;

(e) The anticipated effect of the proposal on the per day and per admission, per capita, or per outpatient visit cost charged by an existing health care facility, home health agency, health maintenance organization or other person required to obtain a certificate of need pursuant to sections 145.71 to 145.83 and the general financial solvency of the facility, home health agency or health maintenance organization;

(f) So far as is known, existing institutions within the area to be served that offer the same or similar service; the extent of utilization of existing facilities or services; and the anticipated effect that the proposal will have on existing facilities and services;

(g) The anticipated benefit to the area that will result from the proposal;

(h) So far as is known, the relationship of the proposed construction or modification to any priorities which have been established for the area to be served; and

(i) The availability and manner of financing of the proposed construction or modification, and the estimated date of commencement and completion of the (PROJECT) construction or modification.

*Subd. 2. The commissioner may require less information than that required by subdivision 1 for proposals which are eligible for expedited reviews.*

Sec. 14. Minnesota Statutes 1976, Section 145.78, is amended to read:

145.78 [PROPOSAL PROCEDURE.] *Subdivision 1. Proposals for (HEALTH CARE FACILITY) construction or modification shall be made to the (AREA WIDE COMPREHENSIVE HEALTH PLANNING) health systems agency serving the area in which the proposed construction or modification is to take place. Prior to acting on the proposal and within ten days of receipt, the (AREA WIDE COMPREHENSIVE HEALTH PLANNING) health systems agency shall send a copy to the (STATE BOARD) commissioner of health and to the state planning agency with a recommendation that the proposal be considered either complete or incomplete. The commissioner of health shall determine that the proposal is complete or incomplete within ten days of receipt of a recommendation from a*

*health systems agency. If the proposal is incomplete, it is not to be considered to be submitted to the health systems agency or the commissioner and it shall be returned stating the specific needs to be met in order for the proposal to be considered complete.*

*Subd. 2. Except as provided by section 145.763, in reviewing (EACH PROPOSAL) complete proposals, the (AREA WIDE COMPREHENSIVE HEALTH PLANNING) health systems agency shall:*

- (1) Hold a public hearing;
- (2) Provide notice of the public hearing by publication in a legal newspaper of general circulation in the area for two successive weeks at least ten days before the date of such hearing;
- (3) Allow any interested person the opportunity to be heard, to be represented by counsel, to present oral and written evidence, and to confront and cross-examine opposing witnesses at the public hearing;
- (4) Provide a transcript of the hearing at the expense of any individual requesting it, if the transcript is requested at least three days prior to the hearing;
- (5) Make findings of fact and recommendations concerning the proposal which findings and recommendations shall be available to any individual requesting them; and
- (6) Follow any further procedure not inconsistent with sections 145.71 to 145.83 or (MINNESOTA STATUTES 1969, CHAPTER 15) sections 15.0411 to 15.052, which it deems appropriate.

Within (90) 60 days after (RECEIVING) the commissioner has determined the proposal to be complete, the (AREA WIDE COMPREHENSIVE HEALTH PLANNING) health systems agency shall make its recommendation to the (STATE BOARD) commissioner of health. The (AREA WIDE COMPREHENSIVE HEALTH PLANNING) health systems agency shall either recommend that the (STATE BOARD) commissioner of health issue, or refuse to issue, a certificate of need or forward the proposal with recommendations for modification of the proposal. The reasons for the recommendation shall be set forth in detail.

Sec. 15. Minnesota Statutes 1976, Chapter 145, is amended by adding a section to read:

[145.783] [PROPOSAL MODIFICATION.] *Subdivision 1. Proposals may be modified by health care facilities, home health*

*agencies, health maintenance organizations or other persons required to obtain certificates of need pursuant to sections 145.71 to 145.83 during the review of the proposal by the health systems agency, provided, that the modification is within the scope of the proposal initially submitted and that the modification is acceptable to the health systems agency.*

*Subd. 2. The health systems agency and the commissioner of health may modify proposals provided that such modification is within the scope of the proposal initially submitted and that the modification or conditioning is acceptable to the health care facility, home health agency, the health maintenance organization or other person required to obtain a certificate of need pursuant to sections 145.71 to 145.83.*

Sec. 16. Minnesota Statutes 1976, Chapter 145, is amended by adding a section to read:

[145.785] [EXTENSIONS.] *Any of the time periods specified by sections 145.71 to 145.83 may be extended for a specific period of time upon mutual agreement among the commissioner of health, the health systems agency, and the health care facility, home health agency, health maintenance organization or other person required to obtain a certificate of need pursuant to sections 145.71 to 145.83.*

Sec. 17. Minnesota Statutes 1976, Chapter 145, is amended by adding a section to read:

[145.787] [FACILITIES IN VIOLATION OF OTHER STATE LAW.] *A health systems agency may recommend denial of a certificate of need and the commissioner of health may deny a certificate of need to a health care facility if the facility, any of its employees, or controlling persons are found not to be in compliance with sections 144.50 to 144.653 or section 144A.11. This section shall not apply to proposals which are intended to correct the causes of the violations.*

Sec. 18. Minnesota Statutes 1976, Section 145.79, is amended to read:

145.79 [DETERMINATION.] *Within (60) 30 days, or within ten days in the case of an expedited review, after receiving the recommendation of the (AREA WIDE COMPREHENSIVE HEALTH PLANNING) health systems agency, the (STATE BOARD) commissioner of health shall review the recommendations and make one of the following decisions based upon the record developed by the health systems agency:*

- (a) Issue a certificate of need;
- (b) (REJECT) *Deny (THE APPLICATION FOR A) the certificate of need; or*

(c) (REFER) *Remand* the application (BACK) to the (AREA WIDE COMPREHENSIVE HEALTH PLANNING) *health systems* agency with comments and instructions for further consideration and recommendations. A *remanded application shall be treated by the health systems agency as if it were a new application for a certificate of need.*

If the decision of the (STATE BOARD) *commissioner* of health is contrary to the recommendation of the (AREA WIDE COMPREHENSIVE HEALTH PLANNING) *health systems* agency, the (STATE BOARD) *commissioner* of health shall set forth in detail the reasons for (REVERSING THE RECOMMENDATION) *the decision.*

Sec. 19. Minnesota Statutes 1976, Chapter 145, is amended by adding a section to read:

[145.795] [MONITORING.] *Within 120 days of completion of a proposal for which a certificate of need was issued, the health care facility, home health agency, health maintenance organization or other person required to obtain a certificate of need pursuant to sections 145.71 to 145.83 shall submit to the commissioner of health and the health systems agency an audited comparative financial summary which shall compare actual expenses of the proposal with those expenses estimated for purposes of obtaining a certificate of need. The commissioner shall in accordance with section 3.195, report annually to the legislature regarding the difference between actual and estimated expenses for proposals. In instances where actual expenses exceed estimated expenses for a proposal by more than ten percent, the commissioner may call a public hearing at which the health care facility, home health agency, health maintenance organization or other person required to obtain a certificate of need pursuant to sections 145.71 to 145.83 shall provide explanation for the excess expense. In place of or in addition to this public hearing, the commissioner of health shall use this excess of actual over estimated expense as a basis for the review of and comment upon the reasonableness of rates charged patients or their third-party payers in hospitals reviewed pursuant to sections 144.695 to 144.703. The commissioner of public welfare shall also consider the effect of any excess expense on rates.*

Sec. 20. Minnesota Statutes 1976, Chapter 145, is amended by adding a section to read:

[145.796] [INTERVENTION.] *Prior to the expiration of a certificate of need and upon discovery that:*

(a) *a proposal for which a certificate of need has been issued has been altered in a manner which results in an increase in rates charged patients or their third-party payors, or which results in adverse effect upon any person directly affected by the original proposal or alteration; and*

(b) *The health care facility, home health agency, health maintenance organization, or other person required to obtain a certificate of need pursuant to sections 145.71 to 145.83 has not sought to amend its unexpired certificate of need, pursuant to section 145.753, subdivision 3, clause (e), the commissioner of health may seek an injunction in district court in Ramsey county against the proposal, pending an amendment of the unexpired certificate of need pursuant to section 145.753, subdivision 3, clause (e).*

Sec. 21. Minnesota Statutes 1976, Section 145.80, is amended to read:

145.80 [EXPIRATION OF CERTIFICATE.] A certificate of need shall expire if the construction or modification is not commenced within (ONE YEAR) 18 months following the issuance of the certificate.

No certificate of need shall be renewed automatically after expiring before the commencement of the construction or modification. Upon expiration of the certificate, the facility, home health agency, health maintenance organization or other person required to obtain a certificate of need pursuant to sections 145.71 to 145.83 shall present an updated proposal and the agency shall redetermine its recommendation.

Sec. 22. Minnesota Statutes 1976, Section 145.83, is amended to read:

145.83 [ENFORCEMENT.] The district court in the county where an alleged violation occurs shall have jurisdiction to enjoin violations of sections 145.71 to 145.83. At the request of the (STATE BOARD) commissioner of health, the attorney general may bring an action to enjoin an alleged violation. At the request of (AN AREA WIDE COMPREHENSIVE HEALTH PLANNING) a health systems agency, the county attorney of the county where an alleged violation occurs may bring an action to enjoin the alleged violation. The (STATE BOARD) commissioner of health shall not issue a license for any portion of a health care facility or health maintenance organization in violation of section 145.73 until a certificate of need has been issued. No health care facility, home health agency or health maintenance organization in violation of section 145.73 shall be eligible to apply for or receive public funds under (MINNESOTA STATUTES 1969,) chapters 245 to 256B, or from any other source, until a certificate of need has been issued.

Sec. 23. Minnesota Statutes 1976, Chapter 145, is amended by adding a section to read:

[145.825] [HEALTH MAINTENANCE ORGANIZATIONS; APPLICATION OF REQUIREMENTS OF CERTIFI-

CATE OF NEED.] Sections 145.71 to 145.83 shall not apply to health maintenance organizations if federal law or regulation does not require the application of state certificate of need laws to health maintenance organizations.

Sec. 24. Minnesota Statutes 1976, Section 145.82 is amended to read:

145.82 [EVASIONS.] No health care facility, home health agency, health maintenance organization or other person required to obtain a certificate of need pursuant to sections 145.71 to 145.83 shall separate portions of a single (PROJECT) proposal into components in order to evade the cost limitations of section 145.72, subdivision 3.

Sec. 25. Minnesota Statutes 1976, Chapter 145, is amended by adding a section to read:

[145.827] [STATE PLANNING AGENCY; CERTIFICATE OF NEED RULEMAKING AUTHORITY.] *The commissioner of health, after consultation with the state planning agency, shall promulgate rules as necessary to carry out the responsibilities of sections 145.71 to 145.83. All rules heretofore promulgated by the state planning agency pursuant to sections 145.71 to 145.83 shall remain in full force and effect until modified or repealed.*

Sec. 26. Minnesota Statutes 1976, Chapter 145, is amended by adding a section to read:

[145.828] [LICENSING OF HOME HEALTH AGENCIES.] *The commissioner of health shall report on procedures which will set standards for licensing, credentialing or certification to establish a quality assurance program for persons or organizations operating as home health agencies, as defined by section 145.72, subdivision 8. This report shall ensure that:*

(a) *services of a home health agency are offered by qualified persons;*

(b) *home health agencies are distributed in such a manner as to avoid any unreasonable duplication of service availability;*

(c) *persons or organizations must demonstrate successful compliance with minimum program performance standards; and*

(d) *home health agencies are financially solvent.*

Sec. 27. [EFFECTIVE DATE.] *This act is effective on the day following its final enactment."*

Further strike the title and insert:

"A bill for an act relating to health; providing for health planning; requiring certificates of need for construction or modification of certain health care facilities, home health agencies, health maintenance organizations, or certain other persons; requiring a study of quality assurance for home health agencies; amending Minnesota Statutes 1976, Sections 145.71, Subdivision 1; 145.72; 145.73; 145.74; 145.75; 145.751; 145.76, Subdivisions 1 and 2; 145.761; 145.77; 145.78; 145.79; 145.80; 145.82; 145.83; and Chapter 145, by adding sections."

With the recommendation that when so amended the bill pass.

The report was adopted.

Enebo from the Committee on Labor-Management Relations to which was referred:

H. F. No. 1329, A bill for an act relating to licensed employments; licensing and regulation of master plumbers; regulation and licensing of contracting steamfitters; amending Minnesota Statutes 1976, Sections 326.40 and 326.48.

Reported the same back with the following amendments:

Page 2, line 14, after the bracket insert "*The applicant for*".

Page 2, line 14, delete "*shall be issued or*".

Page 2, delete line 15.

Page 2, line 16, delete "*giving*" and insert "*may give*".

Page 2, line 20, after the period insert "*The term of the bond shall be concurrent with the term of the license.*".

Page 2, line 26, delete "*shall have and maintain*" and insert "*may provide evidence of*".

Page 3, line 4, after the period insert "*The term of the insurance shall be concurrent with the term of the license.*".

Page 3, delete lines 7 to 19 and insert:

"*Subd. 3. [BOND AND INSURANCE EXEMPTION.] A master plumber who is an employee of a master plumber or who is an employee engaged within the limits of property owned, leased and operated, or maintained by his employer, in the maintenance and repair of plumbing equipment, apparatus, or facili-*

ties owned or leased by the employer, shall not be required to meet the bond and insurance requirements of subdivision 2.

*Subd. 4. [ALTERNATIVE COMPLIANCE.] Compliance with the local bond requirements of a locale within which work is to be performed shall be deemed to satisfy the bond and insurance requirements of subdivision 2.*

*Subd. 5. [FEE.] The state board of health may charge each applicant for a master plumber license or for a renewal of a master plumber license and an additional fee commensurate with the cost of administering the bond and insurance requirements of subdivision 2."*

Page 4, line 12, after the bracket insert "The applicant for".

Page 4, delete line 13.

Page 4, line 14, delete "industry only upon the applicant giving" and insert "may give".

Page 4, line 19, after the period insert "The term of the bond shall be concurrent with the term of the license."

Page 4, line 25, delete "shall have and".

Page 4, line 26, delete "maintain" and insert "may provide evidence of".

Page 5, line 3, after the period insert "The term of the insurance shall be concurrent with the term of the license."

Page 5, delete lines 6 to 19 and insert:

*"Subd. 3. [BOND AND INSURANCE EXEMPTION.] A contracting steamfitter who is an employee of a contracting steamfitter or who is an employee engaged within the limits of property owned, leased and operated, or maintained by his employer, in the maintenance and repair of high pressure steam work, equipment, or facilities owned or leased by the employer, shall not be required to meet the bond and insurance requirements of subdivision 2.*

*Subd. 4. [ALTERNATIVE COMPLIANCE.] Compliance with the local bond requirements of a locale within which work is to be performed shall be deemed to satisfy the bond and insurance requirements of subdivision 2.*

*Subd. 5. [FEE.] The state department of labor and industry may charge each applicant for a contracting steamfitter license or for a renewal of a contracting steamfitter license and*



*an additional fee commensurate with the cost of administering the bond and insurance requirements of subdivision 2."*

With the recommendation that when so amended the bill pass.

The report was adopted.

Enebo from the Committee on Labor-Management Relations to which was referred:

H. F. No. 1739, A bill for an act relating to labor; requiring some employees to be paid bimonthly.

Reported the same back with the following amendments:

Page 1, line 8, delete "This section shall not".

Page 1, delete lines 9 and 10 and insert "Exempt from the provisions of this section is any individual employed in a bona fide executive, administrative, or professional capacity, or a salesman who conducts no more than 20 percent of his sales on the premises of the employer, or a commissioned salesperson, as defined by rules of the department of labor and industry, or whose pay period is established by a collective bargaining agreement. The burden is on the employer to prove the exemption."

With the recommendation that when so amended the bill pass.

The report was adopted.

Enebo from the Committee on Labor-Management Relations to which was referred:

H. F. No. 1791, A resolution memorializing the President and Congress to pass the Humphrey-Hawkins full employment bill.

Reported the same back with the following amendments:

Page 2, line 30, delete "engineers" and insert "technicians".

Page 3, line 17, delete "3" and insert "4".

Page 3, line 18, delete "four" and insert "five".

With the recommendation that when so amended the bill pass.

The report was adopted.

Berg from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 935, A bill for an act relating to counties; powers of the boards of county commissioners; including the board of county commissioners of Ramsey County among those county boards that may set expense allowances for members of certain boards and agencies; amending Minnesota Statutes 1976, Section 375.47, Subdivision 1.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Berg from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 1065, A bill for an act relating to St. Louis county; fees for tax search certificate; amending Laws 1955, Chapter 633, Section 1, Subdivision 2.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Berg from the Committee on Local and Urban Affairs to which was referred:

S. F. No. 975, A bill for an act relating to counties; authorizing appointment of county administrators and executive secretaries without referendum; amending Minnesota Statutes 1976, Sections 375.48, Subdivision 1; and 375A.06, by adding a subdivision.

Reported the same back with the following amendments:

Page 1, line 13, after "1" insert "*except St. Louis county*".

With the recommendation that when so amended the bill pass.

The report was adopted.

Fudro from the Committee on Transportation to which was referred:

H. F. No. 1604, A bill for an act relating to town roads; providing cartways; amending Minnesota Statutes 1976, Section 164.08, Subdivision 2.

Reported the same back with the following amendments:

Page 1, line 15, delete "township" and insert "territory".

Page 1, line 15, delete "county board" and insert "board of county commissioners".

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Fudro from the Committee on Transportation to which was referred:

H. F. No. 1930, A resolution urging the President, Congress and Secretary of Transportation to provide necessary grants and loans to the Milwaukee Road.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

## SECOND READING OF HOUSE BILLS

H. F. Nos. 1103, 1736, 1761, 1824, 1829, 1739, 1791, 935, 1065, 1604, and 1930 were read for the second time.

## SECOND READING OF SENATE BILLS

S. F. Nos. 823, 397, and 975 were read for the second time.

## INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Voss, McCarron, Kahn, Corbid and Anderson, D., introduced:

H. F. No. 1970, A bill for an act relating to the department of administration; revoking the authority for establishing a regional service center for economic development region three; repealing Minnesota Statutes, 1977 Supplement, Sections 16.015 and 16.016.

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

Birnstihl and Schulz introduced:

H. F. No. 1971, A bill for an act relating to appropriation; appropriating funds for the replacement of King's Mill Dam.

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

Kahn, Enebo, Berg, Dean and Brandl introduced:

H. F. No. 1972, A bill for an act relating to St. Anthony Falls historic district; appropriating money.

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

Nelson, Clark, Kaley and Novak introduced:

H. F. No. 1973, A bill for an act relating to juveniles; providing procedures regulating the detention of juveniles; amending Minnesota Statutes 1976, Section 260.173; and Minnesota Statutes, 1977 Supplement, Section 260.171, Subdivision 2.

The bill was read for the first time and referred to the Committee on Criminal Justice.

Welch, Wenzel, Clark, Nelson and Kaley introduced:

H. F. No. 1974, A bill for an act relating to corrections; classifying the records of inmates of state correctional institutions; amending Minnesota Statutes 1976, Section 241.06.

The bill was read for the first time and referred to the Committee on Criminal Justice.

Corbid, Voss and St. Onge introduced:

H. F. No. 1975, A bill for an act relating to corrections; providing for the classification and compensation of persons engaged in the sale of products manufactured or processed in correctional institutions; amending Minnesota Statutes 1976, Section 43.12, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Criminal Justice.

Lemke, Fudro, Hokanson, Anderson, D., and Samuelson introduced:

H. F. No. 1976, A bill for an act relating to highway traffic regulations; prohibiting possession of certain traffic signs; granting immunity from prosecution to persons who voluntarily notify police of their possession of such signs; amending Minnesota Statutes 1976, Section 169.08.

The bill was read for the first time and referred to the Committee on Criminal Justice.

Clark, Moe, Jude, Carlson, A., and Nelson introduced:

H. F. No. 1977, A bill for an act relating to marijuana; retroactively reducing past convictions involving a small amount of marijuana to a petty misdemeanor; amending Minnesota Statutes 1976, Section 152.18, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Criminal Justice.

Suss, Brinkman, Patton, Nelsen, B., and Lemke introduced:

H. F. No. 1978, A bill for an act relating to agriculture; requiring the labeling of fryers as to state of origin; providing right for civil action for violations; amending Minnesota Statutes 1976, Chapter 29, by adding sections.

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

Wenstrom, Smogard, Langseth, Corbid and Carlson, D., introduced:

H. F. No. 1979, A bill for an act relating to livestock; requiring weighers to provide a certificate of weight to the seller; amending Minnesota Statutes, 1977 Supplement, Section 17A.10.

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

Sieben, H.; Munger and Sabo introduced:

H. F. No. 1980, A bill for an act relating to public utilities; siting and location of coal, gas and petroleum product storage facilities and pipelines; amending Minnesota Statutes 1976, Sections 116C.52, Subdivision 6, and by adding subdivisions; 116C.61, as amended; and 116C.69, by adding a subdivision; and Minnesota Statutes, 1977 Supplement, Sections 116C.52, Subdivisions 8 and 9; 116C.53; 116C.54; 116C.55, Subdivisions 2 and 3; 116C.57; 116C.63, Subdivision 1; 116C.65; 116C.67; and 116C.69, Subdivision 3.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Anderson, I.; Prahl; Braun; Begich and Battaglia introduced:

H. F. No. 1981, A bill for an act relating to natural resources; informal sales of state timber; removing the requirement of a certain affidavit; amending Minnesota Statutes 1976, Section 90.191, Subdivision 1.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Munger, Wynia, St. Onge, Ellingson and Biersdorf introduced:

H. F. No. 1982, A bill for an act relating to natural resources; creating a citizens advisory body known as the natural resources congress; specifying its membership, organization, and duties; appropriating money.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Eken and Anderson, I., introduced:

H. F. No. 1983, A bill for an act relating to state parks; deleting certain lands from the boundaries of Itasca state park; repealing Laws 1976, Chapter 110, Section 2.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Laidig; Kahn; Carlson, A.; Forsythe and Munger introduced:

H. F. No. 1984, A bill for an act relating to energy conservation; aerial surveys of energy loss; appropriating money; amending Minnesota Statutes 1976, Section 116H.12, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Carlson, A.; McDonald; Clark and Fjoslien introduced:

H. F. No. 1985, A bill for an act relating to environmental protection; establishing a means of settling disputes over power plant siting and high voltage transmission line routing by means of a science jury; powers of the governor and environmental quality board; environmental pathology powers of the state board of health; appropriating funds; amending Minnesota Statutes, 1977 Supplement, Section 116C.57, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Peterson, Searle, Lehto, Rose and Anderson, I., introduced:

H. F. No. 1986, A bill for an act relating to game and fish; application for and issuance of licenses to take moose; amending Minnesota Statutes 1976, Section 100.271, Subdivision 3a.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Clark, Enebo, Simoneau, Carlson, A., and Nelson introduced:

H. F. No. 1987, A bill for an act relating to human rights; prohibiting employment and bonding discrimination on the basis of a criminal record; amending Minnesota Statutes 1976, Sections 363.01, Subdivision 24, and by adding subdivisions; 363.03, by adding a subdivision; Minnesota Statutes, 1977 Supplement, Sections 363.02, Subdivision 1; 363.03, Subdivision 1; 363.05, Subdivision 1; 363.11; 363.115; and 363.12, Subdivision 1.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Kroening, Enebo, Rice, Heinitz and Hanson introduced:

H. F. No. 1988, A bill for an act relating to public utilities; suspension of proposed rate increases by gas and electric utilities; amending Minnesota Statutes 1976, Section 216B.16, Subdivision 5; repealing Minnesota Statutes 1976, Section 216B.16, Subdivision 3.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Laidig introduced:

H. F. No. 1989, A bill for an act relating to architects, engineers, surveyors and landscape architects; requiring the services of a licensed architect, engineer, surveyor or landscape architect for the supervision, erection or alteration of buildings and structures exceeding certain specified minimum costs; amending Minnesota Statutes 1976, Section 326.03, Subdivision 2.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Fugina, Battaglia, Begich, Spanish and Murphy introduced:

H. F. No. 1990, A bill for an act relating to education; school aids; providing for additional aid for school year 1978-1979 for certain isolated districts.

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

McEachern, Kostohryz, Eken, Esau and Byrne introduced:

H. F. No. 1991, A bill for an act relating to education; transportation; permitting school buses to transport senior citizens free of charge.

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

Suss introduced:

H. F. No. 1992, A bill for an act relating to education; allowing certain transportation base cost adjustments for changes in transportation patterns caused by a schoolhouse opening; amending Minnesota Statutes, 1977 Supplement, Section 124.222, Subdivision 6.

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



Nelsen, B.; Mangan; Carlson, L.; McEachern and Esau introduced:

H. F. No. 1993, A bill for an act relating to education; school aids; increasing the aid for handicapped children in residential facilities; amending Minnesota Statutes, 1977 Supplement, Section 124.32, Subdivision 5.

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

Wynia, Ellingson, Schulz, Voss and Anderson, R., introduced:

H. F. No. 1994, A bill for an act relating to insurance; changing certain abstracting and publishing requirements for annual statements; exempting certain assessments from retaliatory provisions; clarifying application of certain benefit requirements for handicapped children under group hospital or medical expense insurance policies; amending Minnesota Statutes 1976, Sections 60A.13, Subdivisions 3, 4 and 7; 60A.14, Subdivision 1; 60A.19, Subdivision 6; and 62A.14, Subdivision 2.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Brinkman, Wynia, Vanasek, Abeln and George introduced:

H. F. No. 1995, A bill for an act relating to credit life and accident and health insurance; requiring notice of right to cancel and receive refund upon prepayment of indebtedness; amending Minnesota Statutes, 1977 Supplement, Section 62B.05.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Brinkman; Anderson, D.; Swanson; Vanasek and Wynia introduced:

H. F. No. 1996, A bill for an act relating to employment; allowing employees to continue participation in certain employee group health care plans after disability or retirement; amending Minnesota Statutes 1976, Section 62A.17, Subdivision 3.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

George; Sieben, H.; Dean; Voss and Corbid introduced:

H. F. No. 1997, A bill for an act relating to commerce; regulating interest rates; providing loan yield computations; providing investigation powers; amending Minnesota Statutes 1976, Sections 51A.39, Subdivision 1; 52.14; 56.19; 334.02; 334.03; Chapter 334, by adding a section; Minnesota Statutes, 1977 Supplement, Section 47.20, Subdivisions 2, 4, 13 and by adding subdivisions; repealing Minnesota Statutes 1976, Section 334.18.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Simoneau; Voss; Anderson, G.; Abeln and Anderson, R., introduced:

H. F. No. 1998, A bill for an act relating to commerce; credit unions; modifying reserve fund requirements; amending Minnesota Statutes 1976, Section 52.17.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Swanson, Sarna, Petrafeso, Ewald and Hanson introduced:

H. F. No. 1999, A bill for an act relating to public safety; regulating amusement rides; requiring state safety inspections of amusement rides; requiring liability insurance covering amusement rides; providing penalties; appropriating money.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Pehler, Suss, Heinitz, Ellingson and Wenzel introduced:

H. F. No. 2000, A bill for an act relating to rates of interest on money; providing interest rates for loans secured by savings accounts; amending Minnesota Statutes 1976, Chapter 334, by adding a section.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Prahl, Battaglia, McCollar, Wynia and Hokanson introduced:

H. F. No. 2001, A bill for an act relating to private passenger vehicle insurance; prohibiting certain premium increases attributable to relatives living in the same household; amending Minnesota Statutes 1976, Chapter 65B, by adding a section.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Brandl, Heinitz, Ellingson, McDonald and Rice introduced :

H. F. No. 2002, A bill for an act relating to Hennepin county; authorizing the county board to self-insure against claims of liability.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Abeln, Wynia, Heinitz and Nelsen, M., introduced :

H. F. No. 2003, A bill for an act relating to reporting requirements for products liability claims; making various clarifications and technical changes; providing penalties for failure to comply; extending the expiration date; amending Laws 1977, Chapter 316, Section 2.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Voss, Adams, Abeln, Heinitz and Wenzel introduced :

H. F. No. 2004, A bill for an act relating to savings associations; authorizing savings associations to establish negotiable order of withdrawal accounts; amending Minnesota Statutes 1976, Chapter 51A, by adding a section.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Carlson, L.; Petrafeso; Heinitz; Abeln and Brinkman introduced :

H. F. No. 2005, A bill for an act relating to medical malpractice insurance; extending the temporary joint underwriting association for an additional two year period; amending Minnesota Statutes 1976, Section 62F.01; repealing Laws 1976, Chapter 242, Section 16.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Jacobs, Kostohryz, Osthoff, Biersdorf and McCarron introduced :

H. F. No. 2006, A bill for an act relating to armories; authorizing disposition of unused armories to counties in addition to municipalities; amending Minnesota Statutes 1976, Section 193.36, Subdivision 2.

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

Waldorf, Jacobs, Kostohryz, Biersdorf and McCarron introduced:

H. F. No. 2007, A bill for an act relating to the national guard; amending the state military code; providing penalties; amending Minnesota Statutes 1976, Sections 192.06; 192.11; 192.12; 192.261, Subdivision 5; 192.32; 192.33; 192.34; and Chapter 192, by adding a section; repealing Minnesota Statutes 1976, Sections 190.28; 192.09; and 192.10.

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

Hokanson, Waldorf, Jacobs, Kostohryz and Osthoff introduced:

H. F. No. 2008, A bill for an act relating to the national guard; increasing the pay for enlisted persons on active duty; amending Minnesota Statutes 1976, Section 192.51.

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

Fugina introduced:

H. F. No. 2009, A bill for an act proposing an amendment to the Minnesota Constitution, Article IV, Section 4; providing for election of half of the senate each two years.

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

McEachern, Berg, Kostohryz, Schultz and Biersdorf introduced:

H. F. No. 2010, A bill for an act relating to municipal elections; providing for the hours of voting; establishing procedures for establishing candidacy; establishing filing fees; providing for the printing of election materials and ballots; providing for publication and posting of sample ballots; amending Minnesota Statutes 1976, Sections 205.021; 205.03; 205.13; 205.14, Subdivisions 1 and 3; and 205.16, Subdivision 2, and by adding a subdivision; repealing Minnesota Statutes 1976, Section 365.60.

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

Fugina, Corbid, Enebo, Erickson and Knickerbocker introduced:

H. F. No. 2011, A bill for an act relating to the Minnesota historical society; providing for a liaison position; implementing the administration of a state humanities program; updating statutory provisions; amending Minnesota Statutes 1976, Sections 138.081, Subdivision 2, and by adding a subdivision; 138.17, Subdivision 1; 138.35, Subdivision 1; repealing Minnesota Statutes 1976, Sections 138.162 and 138.18.

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

Kelly, R., introduced:

H. F. No. 2012, A bill for an act relating to state government; surcharge upon certain parking fees for state facilities; amending Minnesota Statutes, 1977 Supplement, Section 16.72, Subdivision 7.

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

Wenzel, Welch, Casserly, Clark and Biersdorf introduced:

H. F. No. 2013, A bill for an act relating to domestic relations; contracts and conveyances between husband and wife; amending Minnesota Statutes 1976, Sections 500.19, by adding a subdivision; and 519.06.

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

Swanson, Norton, Rice, Osthoff and Sieben, H., introduced:

H. F. No. 2014, A bill for an act relating to state parks; authorizing the lease of a portion of Fort Snelling state park; waiving park admission fees and authorizing a liquor license on the leased property.

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

Corbid and Samuelson introduced:

H. F. No. 2015, A bill for an act relating to state government; providing for classifying certain persons as state employees; amending Minnesota Statutes, 1977 Supplement, Section 268.013, by adding a subdivision.

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

Jude, Cohen and Biersdorf introduced:

H. F. No. 2016, A bill for an act relating to courts; judges; removal due to mental or physical incapacity; amending Minnesota Statutes 1976, Section 490.16, Subdivision 5; repealing Minnesota Statutes 1976, Sections 490.04; 490.05; 490.06; 490.07; 490.08; and 490.09.

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

Cohen introduced:

H. F. No. 2017, A bill for an act relating to cable communications; providing for the extension of cable service; amending Minnesota Statutes 1976, Sections 238.02, Subdivision 5, and by adding subdivisions; 238.08, Subdivision 1; and Chapter 238, by adding a section.

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

Eckstein, Kalis, Mann, Biersdorf and Birnstihl introduced:

H. F. No. 2018, A bill for an act relating to eminent domain; attorney's fees on appeal; amending Minnesota Statutes 1976, Section 117.175, Subdivision 2.

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

Sieben, H., introduced:

H. F. No. 2019, A bill for an act relating to marriage; providing that the clerk of county court may solemnize marriages; amending Minnesota Statutes 1976, Section 517.04.

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

Kalis, Lemke, Wenzel, Wigley and Brinkman introduced:

H. F. No. 2020, A bill for an act relating to workers' compensation; changing the definition of family farms; amending Minnesota Statutes, 1977 Supplement, Section 176.011, Subdivision 11a.

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

Clawson, Voss, Beauchamp, Battaglia and George introduced:

H. F. No. 2021, A bill for an act relating to courts; establishing the appellate division of the district court; providing for the election of judges; prescribing duties; providing for appellate division staff; appropriating money; repealing Minnesota Statutes, 1977 Supplement, Sections 484.63; and 487.39.

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

Simoneau, Neisen, Clark, Wenzel and McCarron introduced:

H. F. No. 2022, A bill for an act relating to workers' compensation; authorizing pooling of liabilities by self-insurers; requiring approval by the commissioner of labor and industry; amending Minnesota Statutes 1976, Section 176.181, Subdivision 2.

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

Patton, Biersdorf, Moe, Reding and Wenzel introduced:

H. F. No. 2023, A bill for an act relating to retirement; the highway patrolmen's retirement fund; payment of survivor benefits; amending Minnesota Statutes 1976, Section 352B.11, Subdivision 2.

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

Jude, Moe, Arlandson, Cohen and Biersdorf introduced:

H. F. No. 2024, A bill for an act relating to courts; disqualification of a presiding judge without a showing of prejudice; amending Minnesota Statutes 1976, Section 542.16.

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

Spanish, Fugina, Begich, Battaglia and Simoneau introduced:

H. F. No. 2025, A bill for an act relating to the city of Chisholm; police and firemen's relief associations; reversion of funds and bond of treasurer.

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

Jude introduced:

H. F. No. 2026, A bill for an act relating to courts; board on judicial standards; providing for appointment of an executive secretary by the board; amending Minnesota Statutes, 1977 Supplement, Section 490.15, Subdivision 1.

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

Berglin, George, Cohen and Faricy introduced:

H. F. No. 2027, A bill for an act relating to marriage and divorce; revising provisions allowing minors to marry; modifying prohibitions of marriage between certain parties; modifying requirements to receive a marriage license; requiring blood tests of applicants for a license to marry; modifying penalties for certain offenses; providing that children born of a prohibited marriage are legitimate; revising procedures and grounds for annulment actions; declaring the legal rights of putative spouses; providing new procedures for actions of dissolution and legal separation; limiting grounds for a dissolution to a finding that the marriage is irretrievably broken; modifying procedures for custody proceedings; declaring the right of a custodial parent to determine a child's upbringing; defining marital property; defining provisions for an award of maintenance to a spouse; amending Minnesota Statutes 1976, Sections 517.02; 517.03; 517.04; 517.05; 517.06; 517.07; 517.09; 517.13; 517.14; 517.15; 517.16; 517.17; 517.19; 518.001; 518.01; 518.02; 518.03; 518.05; 518.06, Subdivision 1, and by adding a subdivision; 518.07; 518.09; 518.10; 518.11; 518.12; 518.13; 518.14; 518.16; 518.165; 518.17; 518.175, Subdivisions 1 and 3, and by adding a subdivision; 518.18; 518.24; 518.27; 518.54; 518.55; 518.57; 518.58; 518.61; 518.62; 518.63; 518.64; 518.65; Chapter 517, by adding a section; and Chapter 518, by adding sections; and Minnesota Statutes, 1977 Supplement, Sections 517.01; 517.08, Subdivisions 1 and 3; 518.155; and 518.551; repealing Minnesota Statutes 1976, Sections 518.06, Subdivision 2; 518.15; 518.29; 518.59; and 518.67.

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



Prahl, Scheid, Sherwood and McCollar introduced:

H. F. No. 2028, A bill for an act relating to state lands; authorizing the lease of certain state lands in Itasca county for use by the Itasca Ski and Outing Club, Inc.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Simoneau, Enebo, Neisen, Clark and McCarron introduced:

H. F. No. 2029, A bill for an act relating to workers' compensation; providing for insurance rates based on hours worked; amending Minnesota Statutes, 1977 Supplement, Section 79.07.

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

Cohen introduced:

H. F. No. 2030, A bill for an act relating to evidence; eliminating the presumption of due care in negligence actions; repealing Minnesota Statutes 1976, Section 602.04.

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

Kahn, Casserly, Berglin, Nelson and Norton introduced:

H. F. No. 2031, A bill for an act relating to the state board of investment; prohibiting certain investments; amending Minnesota Statutes 1976, Sections 11.13 and 11.16, Subdivision 13.

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

Berglin, Reding, Zubay, Sieben, H., and Welch introduced:

H. F. No. 2032, A bill for an act relating to state employees; improving testing procedures; tightening provisions relating to provisional appointments; providing for a pilot reliability-based band width certification program; appropriating money; amending Minnesota Statutes 1976, Sections 43.13, by adding a subdivision; and 43.20, Subdivision 2.

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

McCarron, Pehler and Kaley introduced:

H. F. No. 2033, A bill for an act relating to health and welfare; Title XX funds for social services; establishing a formula for allocating Title XX funds to counties.

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

Jude, Sarna, Cohen, Biersdorf and Berglin introduced:

H. F. No. 2034, A bill for an act relating to nursing homes; adding a member to the advisory council; amending Minnesota Statutes 1976, Section 144A.17.

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

Jacobs introduced:

H. F. No. 2035, A bill for an act relating to public health; allowing a parent or guardian to refuse certain immunizations for a child or ward on conscientious grounds; amending Minnesota Statutes 1976, Section 123.70, Subdivisions 1 and 2.

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

Swanson, Petrafeso, Clark and Heinitz introduced:

H. F. No. 2036, A bill for an act relating to nursing homes; medical assistance; providing for exceptions to rate limitations; amending Minnesota Statutes, 1977 Supplement, Section 256B.-47, Subdivision 1.

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

Carlson, L.; Sabo; Mangan; Heinitz and Clark introduced:

H. F. No. 2037, A bill for an act relating to health; ambulance service; providing for licensing of a specialized ambulance service; amending Minnesota Statutes, 1977 Supplement, Sections 144.801, Subdivisions 6, 7, and 9, and by adding a subdivision; 144.802, Subdivision 1; and 144.804, Subdivisions 2 and 3.

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

Clark, Clawson, Petrafeso, Forsythe and Swanson introduced:

H. F. No. 2038, A bill for an act relating to medical assistance; nursing home rates; modifying exceptions to rate limits; amending Minnesota Statutes, 1977 Supplement, Section 256B.47, Subdivision 1.

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

Mangan, Clawson, St. Onge, Heinitz and Carlson, L., introduced:

H. F. No. 2039, A bill for an act relating to mental health; requiring counties to prepare annual plans for mental health services; providing for review and approval by the commissioner of public welfare; providing for preparation of a statewide plan for mental health services.

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

Fugina, Johnson, Berglin and Sabo introduced:

H. F. No. 2040, A bill for an act relating to education; adopting the Midwestern Education Compact; implementing the operation of such compact.

The bill was read for the first time and referred to the Committee on Higher Education.

Enebo, Sabo, Jude, Moe and Faricy introduced:

H. F. No. 2041, A bill for an act relating to labor and employment; prohibiting mandatory retirement of public or private employees; rights and remedies of employees; amending Minnesota Statutes 1976, Sections 43.24, Subdivision 1; 69.29; 352.22, Subdivisions 1 and 2; 422A.13, Subdivision 2; and 490.124, Subdivision 1; and Chapter 181, by adding a section; and Minnesota Statutes, 1977 Supplement, Section 43.12, Subdivision 17; and 363.02, Subdivision 6; repealing Minnesota Statutes 1976, Sections 125.12, Subdivision 5; 163.07, Subdivision 2a; 354A.21; 423.075; and 423.26; and Minnesota Statutes, 1977 Supplement, Section 43.051, Subdivision 1.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Kelly, R.; Rose; Neisen and St. Onge introduced:

H. F. No. 2042, A bill for an act relating to commerce; employments licensed by the state; providing for licensing and regulation of locksmiths; establishing the board of locksmiths; prescribing its powers and duties; providing penalties; appropriating money; amending Minnesota Statutes, 1977 Supplement, Section 214.01, Subdivision 3.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Begich, Battaglia and Enebo introduced:

H. F. No. 2043, A bill for an act relating to the legislature; continuation in or return of members to their employment after legislative sessions; prescribing a period during which a member may not be discharged except for good cause; amending Minnesota Statutes 1976, Section 3.083.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Wynia, Berg, Welch, Pehler and Friedrich introduced:

H. F. No. 2044, A bill for an act relating to shade tree disease control; clarifying utilization of appropriations; authorizing extension of temporary rules; repealing Laws 1977, Chapter 90, Section 14, Subdivision 4.

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

Corbid introduced:

H. F. No. 2045, A bill for an act relating to Pennington county; authorizing the county law library to be supported by certain judicially imposed fee charges.

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

Begich and Battaglia introduced:

H. F. No. 2046, A bill for an act relating to towns; authorizing town constables to be elected or appointed by the town board; amending Minnesota Statutes 1976, Section 367.03, Subdivisions 1 and 3.

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

Berglin, Clark, Casserly, Carlson, A., and Brandl introduced:

H. F. No. 2047, A bill for an act relating to the city of Minneapolis; modifying the certification procedure for vacancies in the classified service.

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

Begich, Fugina and Battaglia introduced:

H. F. No. 2048, A bill for an act relating to municipalities; purpose and name of range association of municipalities and schools; amending Minnesota Statutes 1976, Section 471.58.

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

Brinkman, Gunter and Corbid introduced:

H. F. No. 2049, A bill for an act relating to local units of government; removing certain restrictions on contracts affecting the financial interests of public officers; amending Minnesota Statutes 1976, Section 471.89, Subdivisions 2 and 3; and Minnesota Statutes, 1977 Supplement, Section 471.88, Subdivision 5.

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

Brandl, Casserly, Enebo and Berglin introduced:

H. F. No. 2050, A bill for an act providing for positions in the unclassified service of the city of Minneapolis; amending Laws 1969, Chapter 937, Section 1, Subdivision 1, as amended and by adding a subdivision.

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

Rice, Berg, Fudro, Kroening and Casserly introduced:

H. F. No. 2051, A bill for an act relating to the city of Minneapolis; authorizing increased compensation for members of the board of park commissioners; amending Laws 1974, Chapter 181, Section 1.

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

Scheid; Carlson, L.; Ellingson; Skoglund and Ewald introduced:

H. F. No. 2052, A bill for an act relating to aeronautics; modifying airport zoning regulations to protect existing residential neighborhoods; amending Minnesota Statutes 1976, Sections 360.062; 360.066, Subdivision 1, and by adding a subdivision.

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

Kelly, W.; Casserly and Eken introduced:

H. F. No. 2053, A bill for an act relating to taxation; property taxes; eliminating limits on annual increases in property valuation; amending Minnesota Statutes 1976, Sections 273.11, Subdivision 1; and 273.17, Subdivision 1; repealing Minnesota Statutes 1976, Section 273.11, Subdivision 5; and Minnesota Statutes, 1977 Supplement, Section 273.11, Subdivision 2.

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

Jacobs introduced:

H. F. No. 2054, A bill for an act relating to taxation; extending the property tax assessment freeze to disabled persons; amending Minnesota Statutes 1976, Section 273.011, Subdivisions 2 and 4.

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

Pehler introduced:

H. F. No. 2055, A bill for an act relating to taxation; property tax; exempting certain energy systems; amending Minnesota Statutes 1976, Section 273.11, Subdivision 1, and by adding a subdivision.

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

Prahl, Murphy, Scheid and Anderson, I., introduced:

H. F. No. 2056, A bill for an act relating to taxation; motor vehicle excise tax; defining purchase price; providing for a used motor vehicle credit on the excise tax in certain transactions; amending Minnesota Statutes 1976, Section 297B.01, Subdivision 8.

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

Prahl, Battaglia, Fjoslien and Begich introduced:

H. F. No. 2057, A bill for an act relating to motor vehicles; providing that the transfer tax on motor vehicles be directly received by counties; amending Minnesota Statutes 1976, Section 168B.11.

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

Prahl, Battaglia, Fjoslien and Begich introduced:

H. F. No. 2058, A bill for an act relating to motor vehicles; repealing the motor vehicle transfer tax; repealing Minnesota Statutes 1976, Section 168B.11.

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

Faricy introduced:

H. F. No. 2059, A bill for an act relating to taxation; specifying sales to which filing of a certificate of value is applicable; amending Minnesota Statutes, 1977 Supplement, Section 272.115, Subdivisions 1 and 4.

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

Knickerbocker introduced:

H. F. No. 2060, A bill for an act relating to taxation; providing that private pension payments be eligible for class 3cc property tax treatment; amending Minnesota Statutes 1976, Section 273.13, Subdivision 7.

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

McEachern; Sarna; Anderson, I.; Osthoff and Biersdorf introduced:

H. F. No. 2061, A bill for an act relating to taxation; providing for an income tax credit for tax paid on property damaged by certain natural disasters; amending Minnesota Statutes 1976, Section 290.06, by adding a subdivision.

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

Heinitz introduced:

H. F. No. 2062, A bill for an act relating to taxation; diseased shade tree removal and replacement expenses; providing optional deductions from gross income and credits against property tax; amending Minnesota Statutes 1976, Section 290.09, by adding a subdivision.

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

Lemke; Birnstihl; Anderson, G.; Eckstein and Kalis introduced:

H. F. No. 2063, A bill for an act relating to taxation; sales tax; exempting certain farm machinery; amending Minnesota Statutes 1976, Section 297A.25, Subdivision 1.

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

Kalis; Kelly, W.; Mann; Fjoslien and Jensen introduced:

H. F. No. 2064, A bill for an act relating to taxation; gasoline tax; reducing the tax on grain alcohol gasoline; creating the Minnesota agricultural products industrial utilization board and the agricultural alcohol fuel tax fund; appropriating money; amending Minnesota Statutes 1976, Sections 296.01, by adding a subdivision; 296.02, by adding a subdivision; 296.18, Subdivision 8; and Chapter 24, by adding a section.

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



Searles; Sieben, M.; Norton; Carlson, D., and Evans introduced:

H. F. No. 2065, A bill for an act relating to taxation; income tax; exempting certain capital gains on homesteads held for more than one year from taxation; amending Minnesota Statutes 1976, Section 290.13, by adding a subdivision.

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

Abeln, Wenzel and Brinkman introduced:

H. F. No. 2066, A bill for an act relating to commerce; providing for delivery of motor vehicle certificates of title to owners; amending Minnesota Statutes 1976, Sections 168A.06; and 168A.20, Subdivision 1.

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

Schulz, Birnstihl, Lemke, Braun and Mann introduced:

H. F. No. 2067, A bill for an act relating to transportation; authorizing permits for the construction of agricultural fences on a highway right-of-way.

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

#### HOUSE ADVISORIES

Pursuant to rule 5.3, the following House Advisory was introduced:

Faricy and Fugina introduced:

H. A. No. 62, A proposal to make lifelong learning easily accessible to all Minnesota citizens.

The advisory was referred to the Committee on Higher Education.

#### 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, con-

sisting of 3 members of the Senate, on the amendments adopted by the Senate to the following House File:

H. F. No. 1180, A bill for an act relating to financial institutions; permitting the establishment and operation of electronic funds transfer facilities; prescribing the powers and duties of the commissioner of banks in relation to funds transfer facilities; protecting the privacy and security of customers of financial institutions who use electronic funds transfer facilities; prescribing penalties.

The Senate has appointed as such committee Messrs. Laufenburger, Kirchner and Keefe, S.

House File No. 1180 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 Senate Concurrent Resolution, herewith transmitted:

Senate Concurrent Resolution No. 9, A Concurrent Resolution relating to joint rules; providing deadlines; amending Joint Rule 2.03.

PATRICK E. FLAHAVEN, Secretary of the Senate

Senate Concurrent Resolution No. 9 was referred to the Committee on Rules and Legislative Administration.

#### PROGRESS REPORTS ON CONFERENCE COMMITTEES

Pursuant to Joint Rule 2.06, progress on H. F. Nos. 544 and 1180 and S. F. No. 65 was reported to the House.

#### CONSENT CALENDAR

H. F. No. 1442, A bill for an act relating to professional corporations; including architects, professional engineers and land surveyors within the definition of professional service for the purposes of formation of professional corporations; amending Minnesota Statutes 1976, Section 319A.02, Subdivision 2.

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

The question was taken on the passage of the bill and the roll was called. There were 125 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Adams	Corbid	Jude	Murphy	Searles
Albrecht	Cummiskey	Kahn	Neisen	Sherwood
Anderson, B.	Den Ouden	Kaley	Neisen, B.	Sieben, H.
Anderson, D.	Eckstein	Kalis	Neisen, M.	Sieben, M.
Anderson, G.	Eken	Kelly, R.	Niehaus	Simoneau
Anderson, I.	Ellingson	Kempe, A.	Norton	Skoglund
Anderson, R.	Enebo	Kempe, R.	Novak	Smogard
Arlandson	Erickson	King	Onnen	Spanish
Battaglia	Esau	Knickerbocker	Osthoff	Stanton
Begich	Evans	Kostohryz	Patton	Stoa
Berg	Ewald	Kroening	Pehler	Suss
Berglin	Faricy	Kvam	Peterson	Tomlinson
Berkelman	Fjoslien	Laidig	Petrafeso	Vanasek
Biersdorf	Forsythe	Langseth	Pleasant	Voss
Birnstihl	Friedrich	Lehto	Redalen	Waldorf
Brandl	Fudro	Lemke	Reding	Welch
Braun	Fugina	Mangan	Rice	Wehstrom
Brinkman	George	Mann	Rose	Wenzel
Byrne	Gunter	McCarron	St. Onge	White
Carlson, A.	Hanson	McCollar	Samuelson	Wieser
Carlson, L.	Hokanson	McDonald	Sarna	Wigley
Casserly	Jacobs	McEachern	Savelkoul	Williamson
Clark	Jaros	Metzen	Scheid	Wynia
Clawson	Jensen	Moe	Schulz	Zubay
Cohen	Johnson	Munger	Searle	Speaker Sabo

The bill was passed and its title agreed to.

Moe was excused for the remainder of today's session.

## 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. After some time spent therein the Committee arose.

### REPORT OF COMMITTEE OF THE WHOLE

The Speaker resumed the Chair, whereupon the following proceedings of the Committee as kept by the Chief Clerk were reported to the House:

H. F. Nos. 1665 and 1394 which it recommended to pass.

S. F. No. 698 which it recommended progress until Thursday, February 9, 1978.

H. F. No. 1424 which it recommended to pass with the following amendment offered by Jaros:

Page 1, line 14, delete "*waters*" insert "*bays*".

Page 2, line 7, after "sales" insert: "; provided, that any city in which a boat licensed pursuant to this subdivision is moored continually for a period of at least three consecutive months may require such a boat to obtain a license to sell intoxicating liquor at on-sale during the time it is so continually moored, and may charge a fee for such a license not to exceed one-half the fee charged for a comparable all-year on-sale license. Any license issued by a city pursuant to this subdivision shall be in addition to the number authorized by subdivision 5a."

On the motion of Berglin the report of the Committee of the Whole was adopted.

### MOTIONS AND RESOLUTIONS

Stanton and Suss moved that the name of Stanton be stricken and the name of Suss be added as an author on H. F. No. 1754. The motion prevailed.

Stanton and Munger moved that H. F. No. 1091 be recalled from the Committee on Environment and Natural Resources and be re-referred to the Committee on Local and Urban Affairs. The motion prevailed.

Friedrich moved that his name be stricken as an author on H. F. No. 1391. The motion prevailed.

Savelkoul moved that the names of Wieser, Rose, Knickerbocker, and Heinitz be added as authors on H. F. No. 1896. The motion prevailed.

Wenstrom moved that H. F. No. 1908 be recalled from the Committee on Labor and Management and be re-referred to the Committee on Education. The motion prevailed.

### ADJOURNMENT

Berglin moved that when the House adjourns today it adjourn until 2:00 p.m., Monday, February 6, 1978. The motion prevailed.

Berglin moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:00 p.m., Monday, February 6, 1978.

EDWARD A. BURDICK, Chief Clerk, House of Representatives



## STATE OF MINNESOTA

## SEVENTIETH SESSION - 1978

## SIXTY-NINTH DAY

SAINT PAUL, MINNESOTA, MONDAY, FEBRUARY 6, 1978

The House of Representatives convened at 2:00 p.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	Clawson	Jensen	Murphy	Searle
Adams	Cohen	Johnson	Neisen	Searles
Albrecht	Corbid	Kahn	Nelsen, B.	Sherwood
Anderson, B.	Cummiskey	Kaley	Nelsen, M.	Sieben, H.
Anderson, D.	Dean	Kalis	Nelson	Sieben, M.
Anderson, G.	Den Ouden	Kelly, R.	Niehaus	Simoneau
Anderson, I.	Eckstein	Kelly, W.	Norton	Skoglund
Anderson, R.	Eken	Kempe, A.	Novak	Smogard
Arlandson	Ellingson	Kempe, R.	Onnen	Spanish
Battaglia	Enebo	King	Osthoff	Stanton
Beauchamp	Erickson	Knickerbocker	Patton	Stoa
Begich	Esau	Kostohryz	Pehler	Suss
Berg	Evans	Kvam	Peterson	Swanson
Berglin	Ewald	Laidig	Petrafaso	Tomlinson
Berkelman	Faricy	Langseth	Pleasant	Vanasek
Biersdorf	Fjoslien	Lehto	Prahl	Voss
Birnstihl	Forsythe	Lemke	Redalen	Waldorf
Brandl	Friedrich	Mangan	Reding	Welch
Braun	Fudro	Mann	Rice	Wenstrom
Brinkman	Fugina	McCarron	Rose	Wenzel
Byrne	George	McCollar	St. Onge	White
Carlson, A.	Gunter	McDonald	Samuelson	Wigley
Carlson, D.	Hanson	McEachern	Sarna	Williamson
Carlson, L.	Heinitz	Metzen	Savelkoul	Wynia
Cassery	Hokanson	Moe	Scheid	Zubay
Clark	Jaros	Munger	Schulz	Speaker Sabo

A quorum was present.

Jacobs, Jude and Wieser were excused. Kroening was excused until 2:30 p.m.

The Chief Clerk proceeded to read the Journal of the preceding day. McCollar moved that further reading of the Journal be dispensed with and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.

## REPORTS OF CHIEF CLERK

Pursuant to Rules of the House, printed copies of H. F. Nos. 935, 1065, 1930, 1103, 1329, 1424, 1604, 1736, 1739, 1761, 1791 and 1824 and S. F. Nos. 397, 975 and 823 have been placed in the members' files.

## PETITIONS AND COMMUNICATIONS

The following communication was received:

STATE OF MINNESOTA  
OFFICE OF THE SECRETARY OF STATE  
ST. PAUL 55155

February 3, 1978

The Honorable Martin O. Sabo  
Speaker of the House of Representatives  
The Honorable Edward J. Gearty  
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1978 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 1978</i>	<i>Date Filed 1978</i>
686		457	February 3	February 3

Sincerely,

JOAN ANDERSON GROWE  
Secretary of State

## REPORTS OF STANDING COMMITTEES

Hanson from the Committee on Commerce and Economic Development to which was referred:

H. F. No. 1391, 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 1976, Sections 72B.03; and 72B.14; repealing Minnesota Statutes 1976, Section 72B.10.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1976, Section 72B.02, Subdivision 5, is amended to read:

Subd. 5. “Independent *or staff* adjuster” means any person who for another for money, commission or any other thing of value acts as an adjuster on behalf of *one or more* than one insurer, or who holds himself out to do so.

Sec. 2. Minnesota Statutes 1976, Section 72B.03, is amended to read:

72B.03 [LICENSES.] Subdivision 1. [REQUIREMENT; EXCEPTIONS.] Except as otherwise provided, no person shall act as an independent adjuster, public adjuster, public adjuster solicitor or appraiser for money, a commission, or any other thing of value, unless such person shall first obtain from the commissioner a license. No license shall be required for a person:

(a) Undergoing a training or education program under the guidance of a licensed adjuster and who is registered with the commissioner for a one year temporary permit;

(b) Acting in a catastrophe or emergency situation, and who has registered with the commissioner for that purpose; *or*

(c) (WHO IS ENGAGED AS A STAFF APPRAISER;)

((D)) A nonresident adjuster who occasionally is in this state to adjust a single loss; provided, however, that if a nonresident adjusts more than six losses in this state in one year he must qualify for and receive a nonresident's license as provided in sections 72B.01 to 72B.14, and provided the adjuster's domiciliary state affords a like privilege.

Subd. 2. [CLASSES OF LICENSES.] There shall be four classes of licenses, as follows:

(a) Independent *or staff* adjuster's license.

(b) Public adjuster's license.

(c) Public adjuster solicitor's license.

(d) Appraiser's license.

The independent *or staff* adjuster and public adjuster licenses shall be issued in at least three fields each, as follows:



(a) Fire and allied lines, inland marine lines and including all perils under homeowners policies.

(b) All lines written as casualty insurance under section 60A.06, and including workers compensation.

(c) A combination of the fields described in (a) and (b), above. Separate licenses shall be required for each field, but the same person may obtain licenses in more than one field. No person shall be licensed as both a public and independent *or staff* adjuster. The license shall state the class for which the person is licensed and, where applicable, the field in which the person is licensed, and shall state the licensee's name and residence address, the date of issuance and the date of expiration of the license and any other information prescribed by the commissioner which is consistent with the purpose of the license.

Subd. 3. [PAYMENT FOR SERVICES; UNLAWFUL PRACTICE.] No insurer, agent, or other representative of an insurer nor any adjuster or appraiser shall pay any fee or other compensation to any person for acting as an adjuster, an appraiser, or a public adjuster solicitor, except to a person duly licensed to so act or to a person not required to be licensed by sections 72B.01 to 72B.14; and it shall be unlawful for any person to act as an independent *or staff* adjuster, a public adjuster, a public adjuster solicitor or an appraiser, who is not duly licensed, or excluded from the licensing requirement.

Sec. 3. Minnesota Statutes 1976, Section 72B.04, Subdivision 6, is amended to read:

Subd. 6. [EXCEPTIONS.] A person who on (JANUARY 1, 1972) *August 1, 1977*, meets all of the qualifications specified in subdivision 2 with regard to the class of license applied for and, if experience is one of the requisites, has gained his experience within the three years next preceding (JANUARY 1, 1972) *August 1, 1977*, shall be eligible for the issuance of a license without taking an examination.

A person who has held a license of any given class or in any field or fields within three years prior to his application shall be entitled to a renewal of his license in the same class or in the same fields without taking an examination.

The commissioner may issue a license under sections 72B.01 to 72B.14 without an examination, if the applicant presents sufficient and satisfactory evidence of having passed a similar examination in another state and if the commissioner, with the advice of the advisory board, has determined that the standards of such other state are equivalent to those in Minnesota for the

class of license applied for. Any applicant who presents sufficient and satisfactory evidence of having successfully completed all six parts of the insurance institute of America program in adjusting shall be entitled to an adjuster's license without taking the examination prescribed in subdivision 5.

**Sec. 4. [72B.20] [COMPLIANCE WITH CHAPTER 72B.]**

*Subdivision 1. Each appraiser while engaged in appraisal duties shall carry the license or evidence of license issued to him by the commissioner of insurance and shall display it upon request to an owner whose vehicle is being inspected, to the repair shop representative involved, or to any insurance commissioner's representative.*

*Subd. 2. The appraiser shall provide one legible copy of the appraisal to the vehicle owner and one legible copy of the appraisal to a repair shop designated by the owner. The appraisal shall contain the name of the insurance company ordering it, if any, the insurance company's address and telephone number, its file number, the appraiser's name, license number, telephone number, and the proper identification of the vehicle being inspected. The appraisal shall indicate all old and unrelated damages and shall include an itemized listing of all damages, specifying those parts to be repaired and those parts to be replaced by new, used, reconditioned, or replated parts.*

*Subd. 3. No appraiser or adjuster shall secure or use repair estimates that have been obtained solely by use of photographs, telephone calls, or in any manner other than by personal inspection.*

*Subd. 4. No appraiser, adjuster, or his employer shall require that repairs be made in any specified repair facility.*

*Subd. 5. Each appraiser shall promptly reinspect damaged vehicles when supplementary allowances are requested by the repair shop or when the amount or extent of damages is in dispute. Reinspection of any damage on a damaged vehicle may be waived if authorized by the insurer by telephone.*

*Subd. 6. No appraiser or adjuster shall:*

*(a) Receive directly or indirectly any gratuity or other consideration in connection with his appraisal from any person other than his employer or if self-employed, his customer, or*

*(b) Receive or trade in auto salvage if the salvage is obtained as a result of his appraisals.*

*Subd. 7. Written notice of the acceptance, partial acceptance, or rejection of a claim filed by an insured shall be made by an insurer within ten calendar days of receiving notice of the claim*

from the insured. An insurer shall also make written response to an inquiry by the claimant concerning the processing of a claim within ten calendar days of receiving the inquiry.

*Subd. 8. An insurer shall if requested by the insured in cases of loss exceeding \$1,000 reinspect the repaired motor vehicle to ascertain whether in fact all repairs listed in the appraisal estimate have been made as provided in the appraisal.*

*Subd. 9. No repair facility shall provide an appraisal estimate without personal inspection of the damaged vehicle.*

**Sec. 5. [72B.21] [PROHIBITIONS.]** *No adjuster or insurer, director, officer, broker, agent, attorney-in-fact, employee, or other representative of an insurer shall in collision cases:*

*(a) Prepare or use a list of preferred automobile repair shops in any manner which would tend to limit the freedom of an insured or claimant to choose the shop of his choice;*

*(b) Require that an insured or claimant present his claim or his automobile for loss adjustment or inspection at a "drive-in" claim center or any other similar facility solely under the control of the insurer;*

*(c) Engage in boycotts, intimidation or coercive tactics in negotiating repairs to damaged motor vehicles which they insure or are liable to third party claimants to have repaired;*

*(d) Require an insured or claimant to pay in excess of his collision deductible amount, where such excess charges result from the insurer's decision to install new parts due to the unavailability of used or reconditioned parts; or*

*(e) Attempt to secure, except in an emergency, the insured's or claimant's signature authorizing the party securing the signature to act in behalf of the insured or claimant in selection of a repair shop facility.*

**Sec. 6. [72B.22] [BILL OF RIGHTS AND CONSUMER COMPLAINT FORM.]** *The commissioner of insurance pursuant to Minnesota Statutes, Chapter 15, shall prepare and distribute a motorist's bill of rights bulletin and consumer complaint form to inform consumers of their rights in the auto claims adjustment process and how complaints directed to the commissioner's office will be processed.*

**Sec. 7. [INSTRUCTION TO REVISOR.]** *In the next and subsequent editions of Minnesota Statutes, wherever in chapter 72B the phrase "sections 72B.01 to 72B.14" appears, the revisor of statutes shall substitute a reference to sections 72B.01 to 72B.14 and sections 4 to 6 of this act, inclusive.*

Sec. 8. *Minnesota Statutes 1976, Sections 72B.02, Subdivisions 7 and 10; and 72B.10, are repealed.*"

Further amend the title by striking it in its entirety and inserting:

"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 1976, Sections 72B.02, Subdivision 5; 72B.03; and 72B.04, Subdivision 6; repealing Minnesota Statutes 1976, Sections 72B.02, Subdivisions 7 and 10; and 72B.10."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Financial Institutions and Insurance.

The report was adopted.

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

H. F. No. 523, A bill for an act relating to public safety; requiring fencing of unused open pit mines; providing a penalty.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1976, Section 180.03, is amended to read:

180.03 [DUTIES.] *Subdivision 1.* The duties of the inspector of mines shall be to visit in person or by one of his assistants all the working mines of his county at least once every 90 days and oftener if requested so to do as hereinafter provided, and closely inspect the mines so visited and condemn all such places where he shall find that the employees are in danger from any cause, whether resulting from careless mining or defective machinery or appliances of any nature; he shall compel the erection of a partition between all shafts where hoisting of ore is performed, and where there are ladder ways, where men must ascend or descend going to and from their work. In case the inspector of mines shall find that a place is dangerous from any cause, as aforesaid, it shall be his duty immediately to order the men engaged in the work at that place to quit work, and notify the superintendent, agent, or person in charge to secure the place from the existing danger, which notification or order shall be in writing, clearly define the limits of the dangerous place, and specify the work to be done or change to be made to render the same secure, ordinary mine risks excepted. It shall be the

duty of the inspector of mines to order the person, persons, or corporation working any mine, or the agent, superintendent, foreman, or other person having immediate charge of the working of any mine, to furnish all shafts, open pits, caves, and chutes of such mine where danger exists with some secure safeguard at the top of the shaft, open pit, cave, or chute, so as to guard against accidents by persons falling therein or by material falling down the same, also a covering overhead on all the carriages on which persons ascend or descend up and down the shaft, if in his judgment it shall be practicable and necessary for the purpose of safety.

*Subd. 2. Every person, firm or corporation that is or has been engaged in the business of mining or removing iron ore, taconite, semitaconite or other materials by the open pit method shall erect two inch by four inch mesh fencing along the outside perimeter of the excavation, open pit, or shaft of any mine in which mining operations have ceased for a period of six consecutive months or longer. The fencing shall be not less than five feet in height with two strands of barbed wire six inches apart affixed to the top of the fence. The fence posts shall be no more than ten feet apart. In the case of open pit mines in which mining operations cease after the effective date of this act, the fencing shall be erected forthwith. In the case of open pit mines in which mining operations had ceased for a period of six consecutive months or longer before the effective date of this act, and not resumed, the fencing shall be erected within one year after the effective date of this act. Any fencing required by an inspector of mines pursuant to subdivision 3 or other applicable law shall meet the standards of this section as a minimum. This subdivision does not apply to any excavation, open pit, or shaft, or any portion thereof, exempted from its application by the commissioner of natural resources pursuant to laws relating to mineland reclamation.*

*Subd. 3. When any mine is idle or abandoned it shall be the duty of the inspector of mines to notify the person, (PERSONS) firm, or corporation (OWNING THE LAND ON WHICH ANY SUCH MINE IS SITUATED, OR THE AGENT OF SUCH OWNER OR OWNERS,) that is or has been engaged in the business of mining to erect and maintain around all the shafts, caves, and open pits of such mines a fence or railing suitable to prevent persons or domestic animals from accidentally falling into these shafts, caves or open pits. If the person, firm or corporation that has been engaged in the business of mining no longer exists, the fee owner shall erect the fencing required by this act. The notice shall be in writing and be served upon such person, firm, corporation or fee owner (, OWNERS, OR AGENT, PERSONALLY, OR) by (LEAVING A COPY AT THE RESIDENCE OF ANY SUCH OWNER OR AGENT IF THEY OR ANY OF THEM RESIDE IN THE COUNTY WHERE SUCH MINE IS SITUATED, AND IF SUCH OWNER, OWNERS OR AGENT ARE NOT RESIDENTS OF*

THE COUNTY, SUCH NOTICE MAY BE GIVEN BY PUBLISHING THE SAME IN ONE OR MORE NEWSPAPERS PRINTED AND CIRCULATED IN THE COUNTY, IF THERE BE ONE, AND IF NO NEWSPAPER BE PUBLISHED IN THE COUNTY, THEN IN A NEWSPAPER PUBLISHED IN SOME ADJOINING COUNTY, FOR A PERIOD OF THREE CONSECUTIVE WEEKS) *certified mail.*

*Subd. 4. The county mine inspector may exempt from the requirements of subdivision 2, any abandoned excavation, open pit, or shaft which, on the date of enactment of this law, is fenced in a manner that is reasonably similar to the standards set forth in subdivision 2.*

*Sec. 2. The commissioner of natural resources shall request in the department budget for fiscal years 1980 and 1981 such amounts as may be necessary to comply with this act.*

*Sec. 3. [EFFECTIVE DATE.] This act is effective on November 1, 1978."*

Further amend the title by striking it in its entirety and inserting the following:

"A bill for an act relating to public safety; requiring fencing of unused open pit mines; providing a penalty; amending Minnesota Statutes 1976, Section 180.03."

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 1297, A bill for an act relating to wild animals; license fees for the taking of fur bearing animals, except beaver; prescribing a non-resident license fee for the taking of fur bearing animals, except beaver; amending Minnesota Statutes 1976, Section 98.46, Subdivisions 4 and 14.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1976, Section 98.45, Subdivision 3, is amended to read:

**Subd. 3. No person may lend or transfer to another or borrow or solicit from another any license, coupon, tag or seal attached thereto or issued therewith, or use any license, coupon,**

*tag* or seal not issued to him unless otherwise expressly authorized.

Sec. 2. Minnesota Statutes, 1977 Supplement, Section 98.46, Subdivision 14, is amended to read:

Subd. 14. Fees for the following licenses, to be issued to non-residents, shall be:

(1) To take small game and unprotected quadrupeds with firearms and bow and arrows, \$25;

(2) To take deer and bear during the period in which the licensee may take deer, and unprotected quadrupeds with firearms and bow and arrows, \$60;

(3) To take deer and bear during the period in which the licensee may take deer, and unprotected quadrupeds with a bow and arrows only, \$25;

(4) To take bear, \$25.25;

(5) To take turkeys, \$30, in addition to a small game license;

(6) *To hunt raccoon, \$50, in addition to a small game license.*

Sec. 3. Minnesota Statutes 1976, Section 98.46, Subdivision 22, is amended to read:

Subd. 22. No deer or moose taken in this state shall be transported or possessed unless a (LOCKING SEAL) *tag of a type prescribed by the commissioner* bearing the license number of the owner (AND), the year of its issue, *and such other information as the commissioner may require* has been affixed to its carcass (BETWEEN THE TENDON AND THE BONE AND AROUND THE BONE OF THE LEG SO THAT SUCH SEAL CANNOT BE REMOVED WITHOUT BREAKING THE LOCK) *in a manner prescribed by the commissioner.* The (SEAL) *tag* must be so (PLACED AND LOCKED) *affixed* at the time the deer or moose is brought into any hunting camp, dwelling, farm yard, or other place of abode of any kind occupied overnight, or before being placed wholly or partially on a motor vehicle of any kind, or upon a conveyance towed by a motor vehicle of any kind. Provided, that deer taken by bow and arrow and moose shall be tagged by a conservation officer or other authorized agent as may be prescribed by the commissioner, in addition to the (SEAL) *tag* herein provided for.

Sec. 4. Minnesota Statutes 1976, Section 98.46, is amended by adding a subdivision to read:

*Subd. 26. No nonresident shall possess or transport a raccoon taken in this state unless a tag of a type prescribed by the commissioner is affixed to the carcass. The number of tags which the commissioner shall prescribe by order will be issued with every nonresident license to take raccoon, provided no such license or tags shall be issued after the fifth day from the commencement of the season for that licensing year.*

Sec. 5. Minnesota Statutes, 1977 Supplement, Section 98.52, Subdivision 1, is amended to read:

98.52 [LOSS AND REVOCATION OF LICENSES.] Subdivision 1. Except as otherwise provided herein, the license of any person who is convicted of violating any provisions of chapters 97 to 102, or any order or regulation duly prescribed by the commissioner under authority thereof, relating to the license or to the wild animals covered thereby, shall immediately become null and void, and no *big game* license of (THE SAME) any kind shall be issued to such person for three years after the date of conviction if the license is a big game license, (OR) *and no license of the kind related to the conviction shall be issued to such person* for one year after the date of conviction if the license is other than a big game license. Every person convicted of doing anything without a license for which chapters 97 to 102 require a license, shall forfeit his right to secure such a license for a period of three years from a conviction related to big game, or for a period of one year from a conviction other than a conviction related to big game.

Sec. 6. Minnesota Statutes 1976, Section 100.29, Subdivision 10, is amended to read:

Subd. 10. It 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 on foot*, 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, 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 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 rear-most location in the vehicle. When artificial lights are used to take raccoon when treed with the aid of dogs *while on foot*, 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 *while on foot* shall be legal.”.

Amend the title by striking it entirely and inserting:

“A bill for an act relating to wild animals; prescribing non-resident license fees for taking of raccoon; requiring tagging of raccoon taken by nonresidents; clarifying the use of lights when taking raccoon; amending Minnesota Statutes 1976, Sections 98.45, Subdivision 3; 98.46, Subdivision 22, and by adding a subdivision; 100.29, Subdivision 10; and Minnesota Statutes, 1977 Supplement, Sections 98.46, Subdivision 14; and 98.52, Subdivision 1.”.

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 1353, A bill for an act relating to tax delinquent real estate; requiring notice to the commissioner of natural resources of forfeiture and sale of tax delinquent real estate; clarifying ownership of certain tax forfeited real estate; amending Minnesota Statutes 1976, Sections 281.23, Subdivision 8; 281.25; and 282.01, Subdivisions 1 and 3.

Reported the same back with the following amendments:

Page 7, lines 11 to 13, restore all stricken language.

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 1661, A bill for an act relating to pollution control; providing for publication in the state register of certain behind schedule and substandard wastewater treatment projects.

Reported the same back with the following amendments:

Page 1, line 12, after “complete” insert “by the agency or by the municipality or sanitary district for which the work is being done”.

Page 1, line 13, after “workmanship” delete the remainder of the line.

Page 1, line 14, delete "district for which the work is being done".

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 1520, A bill for an act relating to financial institutions; changing powers of savings and loan associations; amending Minnesota Statutes 1976, Section 51A.21, Subdivision 16.

Reported the same back with the following amendments:

Page 1, line 15, after the period insert "*A \$100 filing fee shall accompany such application.*".

Page 2, line 3, after "individual's" insert "*or other permitted*".

Page 2, after line 12, insert a new section to read as follows:

"Sec. 2. [EFFECTIVE DATE.] *This act is effective the day following its final enactment.*".

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

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

H. F. No. 1812, A bill for an act relating to banking; permitting certain detached facilities; amending Minnesota Statutes, 1977 Supplement, Section 47.55.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert:

"Section 1. Any bank whose principal office is located in the city of St. Cloud in Stearns county which has a retained detached facility may operate two additional detached facilities under the provisions of Minnesota Statutes, Sections 47.51 to 47.55. For purposes of this act, a "retained detached facility" means a detached facility, as defined in section 47.51:

- (a) Which the bank has operated prior to December 1, 1974;
- (b) Whose functions are limited as provided in section 47.53; and
- (c) Which is located within 700 feet of the bank's principal office.

Sec. 2. This act is effective the day following its final enactment."

Further amend the title as follows:

Page 1, line 2, after "to" delete the remainder of the line.

Page 1, delete lines 3 and 4 and insert "the city of St. Cloud in Stearns county; authorizing the establishment of detached facilities under certain conditions."

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

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

H. F. No. 1813, A bill for an act relating to the town of Leota in Nobles county; authorizing the establishment of detached banking facilities.

Reported the same back with the following amendments:

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

Page 1, line 16, delete "except insofar as".

Page 1, line 17, delete all language before the period.

With the recommendation that when so amended the bill pass.

The report was adopted.

## SECOND READING OF HOUSE BILLS

H. F. Nos. 523, 1297, 1353, 1661, 1520, 1812 and 1813 were read for the second time.

INTRODUCTION AND FIRST READING  
OF HOUSE BILLS

The following House Files were introduced:

Braun, Anderson, I., and Corbid introduced:

H. F. No. 2068, A bill for an act relating to public television; eliminating restriction on location of television tower; amending Laws 1977, Chapter 320, Section 1.

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

Kroening, Jaros, Pleasant and Hanson introduced:

H. F. No. 2069, A bill for an act relating to housing; authorizing housing and redevelopment agencies to make rehabilitation loans and grants; amending Minnesota Statutes 1976, Section 462.445, Subdivision 9; repealing Laws 1976, Chapter 311, Section 1; Laws 1977, Chapters 262; and 344, Sections 2 and 3.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

St. Onge; Prahl; Anderson, R.; Sherwood and Kahn introduced:

H. F. No. 2070, A bill for an act relating to economic development; providing for the allocation of certain tourism grants.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Casserly, Berglin, Norton, Pleasant and McCarron introduced:

H. F. No. 2071, A bill for an act relating to transportation construction contracts; defining the term "small business"; amending Minnesota Statutes, 1977 Supplement, Section 161.321, Subdivision 1.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Jaros; Berkelman; Sieben, M.; Anderson, R., and Hanson introduced:

H. F. No. 2072, A bill for an act regarding corporations; modifying certain filing fees for domestic corporations; amending Minnesota Statutes 1976, Section 300.49, Subdivision 1.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Simoneau, Birnstihl, Mann and Neisen introduced:

H. F. No. 2073, A bill for an act relating to motor vehicles; concerning the repair of motor vehicles; regarding storage fees.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Petrafeso, Adams, Moe, Faricy and Novak introduced:

H. F. No. 2074, A bill for an act relating to charges for utility services; providing relief to homeowners and renters for costs of energy sources needed to sustain life; establishing a lifeline rate break credit program; providing for the distribution of such funds to qualifying homeowners and renters; providing penalties; appropriating funds.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Corbid introduced:

H. F. No. 2075, A bill for an act relating to employments licensed by the state; concerning architects, engineers, surveyors, and landscape architects; amending Minnesota Statutes 1976, Section 326.03, Subdivision 2.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Cohen introduced:

H. F. No. 2076, 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 1976, 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 Commerce and Economic Development.

McCollar; Adams; Sieben, H.; Biersdorf and Fudro introduced:

H. F. No. 2077, A bill for an act relating to commerce; regulating building movers; creating an advisory council; amending Minnesota Statutes 1976, Chapter 221, by adding a section.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Arlandson introduced:

H. F. No. 2078, A bill for an act relating to crimes; specifying the acts constituting the offenses of promoting prostitution; prohibiting engaging in or offering to engage in an act of prostitution; defenses to prostitution prosecutions; admissibility of evidence in prostitution prosecutions; authorizing counties to administer safe house pilot programs for prostitutes; providing penalties; appropriating money; repealing Minnesota Statutes 1976, Section 609.32, Subdivision 2; and Minnesota Statutes, 1977 Supplement, Section 609.32, Subdivisions 1, 3 and 4.

The bill was read for the first time and referred to the Committee on Criminal Justice.

Corbid, McCarron, Samuelson, Hanson and Forsythe introduced:

H. F. No. 2079, A bill for an act relating to juveniles; probation officers; making county boards responsible for setting salaries for certain probation officers; amending Minnesota Statutes, 1977 Supplement, Section 260.311, Subdivision 5.

The bill was read for the first time and referred to the Committee on Criminal Justice.

Byrne, Tomlinson and Mangan introduced:

H. F. No. 2080, A bill for an act relating to juveniles; providing procedures regulating the detention of certain juveniles; amending Minnesota Statutes 1976, Section 260.185, Subdivision 1.

The bill was read for the first time and referred to the Committee on Criminal Justice.

Kelly, R.; Stanton; Mangan; Metzen and McEachern introduced:

H. F. No. 2081, A bill for an act relating to education; authorizing expansion of the environmental education program; amending Minnesota Statutes 1976, Section 89.35, Subdivision 2; and Minnesota Statutes, 1977 Supplement, Section 126.111, Subdivision 1.

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

Kostohryz, St. Onge, McEachern, Brinkman and Esau introduced:

H. F. No. 2082, A bill for an act relating to education; transportation of pupils; limiting the liability of private contractors furnishing transportation for school districts; amending Minnesota Statutes 1976, Section 466.04, by adding a subdivision.

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

Kostohryz, Knickerbocker, St. Onge, McEachern and Berg introduced:

H. F. No. 2083, A bill for an act relating to education; eliminating the mandatory requirement for a performance bond on contracts for the transportation of school children; amending Minnesota Statutes 1976, Section 123.37, Subdivision 1b.

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

Johnson, Arlandson, Welch, Redalen and Gunter introduced:

H. F. No. 2084, A bill for an act relating to education; changing the application date for the teacher early retirement incentive program; amending Minnesota Statutes, 1977 Supplement, Section 125.61, Subdivision 2.

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

Esau, McEachern, Knickerbocker, Tomlinson and Erickson introduced:

H. F. No. 2085, A bill for an act relating to education; teachers; extending reinstatement period for teachers on unrequested leave of absence; amending Minnesota Statutes 1976, Section 125.12, Subdivision 6b.

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

Anderson, G.; Gunter; Johnson; Peterson and Smogard introduced:

H. F. No. 2086, A bill for an act relating to education; authorizing school districts to operate buses for nonpupils attending school events in other public school districts; amending Minnesota Statutes 1976, Section 221.021.

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

Wenstrom; Munger; Anderson, D.; Niehaus and Fjoslien introduced:

H. F. No. 2087, A bill for an act relating to the adoption of rules concerning the process and procedures for designating power plant sites and transmission line routes; amending Minnesota Statutes, 1977 Supplement, Section 116C.66; and Laws 1977, Chapter 439, Section 26.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Biersdorf, Sarna, Osthoff, Eckstein and Searle introduced:

H. F. No. 2088, A bill for an act relating to public drainage systems; authorizing access to ditches over intervening lands; including wildlife and flood control improvements in benefit computation; assessing benefits upon lands of landowners with drainage systems who are benefitting from rapid water runoff; amending Minnesota Statutes 1976, Sections 106.121, Subdivision 4; 106.151; 106.201; and Chapter 106, by adding a section.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.



Brinkman; Clawson; Carlson, D.; Welch and Anderson, D., introduced:

H. F. No. 2089, A bill for an act relating to county agricultural societies; providing for tort liability of county agricultural societies; authorizing county boards to levy a tax to pay certain judgments or liability insurance premiums; amending Minnesota Statutes 1976, Sections 38.27, by adding a subdivision; 466.01, Subdivision 1; and Chapter 38, by adding a section.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Wenstrom, Beauchamp, Langseth, Anderson, R., and Evans introduced:

H. F. No. 2090, A bill for an act relating to veterans; establishing an additional veterans home; appropriating money.

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

Berg; Sieben, H.; Savelkoul; Rice and George introduced:

H. F. No. 2091, A bill for an act relating to conduct of public officers including campaigns for the offices; conforming certain election provisions to constitutional requirements; providing penalties; amending Minnesota Statutes 1976, Sections 10A.01, by adding a subdivision; 10A.11, Subdivision 6; 10A.12, Subdivision 4; 10A.17, by adding subdivisions; 10A.20, Subdivision 6; 10A.31, Subdivisions 5, 6 and 8; and 10A.33; and Chapter 10A, by adding sections; repealing Minnesota Statutes 1976, Sections 10A.17, Subdivisions 2 and 6; 10A.25; 10A.27; 10A.28; 10A.29; 10A.32 and 10A.34.

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

Clawson, Enebo, Simoneau, Reding and Berglin introduced:

H. F. No. 2092, A bill for an act relating to workers' compensation; creating a state insurance fund and administrative agency; amending Minnesota Statutes 1976, Sections 43.09, Subdivision 2; 79.01, Subdivision 2; 176.181, Subdivision 2; 176.185, Subdivisions 1 and 2; 176.541, Subdivision 8; and Chapter 176, by adding a section.

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

Moe, Patton, Biersdorf, Reding and Beauchamp introduced:

H. F. No. 2093, A bill for an act relating to retirement; transfer of pension coverage for university of Minnesota peace officers to the public employees police and fire fund; terminating the university of Minnesota police department retirement plan and fund; transfer of assets and records; providing for an extension of police state aid; amending Minnesota Statutes 1976, Sections 69.021, Subdivision 9; 69.031, Subdivision 4; 356.20, Subdivision 2; Minnesota Statutes, 1977 Supplement, Sections 69.011, Subdivisions 1 and 2; 69.021, Subdivisions 5, 6 and 7; and 69.031, Subdivision 5.

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

Moe, Patton, Biersdorf, Reding and Beauchamp introduced:

H. F. No. 2094, A bill for an act relating to retirement; transit operating division of the metropolitan transit commission; transfer of pension coverage; termination of the metropolitan transit commission—transit operating division employees retirement fund; amending Minnesota Statutes 1976, Sections 352.01, Subdivisions 2A and 11; and 352.22, by adding a subdivision; and Minnesota Statutes, 1977 Supplement, Sections 352.03, Subdivisions 1 and 2; and 473.415.

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

Corbid and Norton introduced:

H. F. No. 2095, A bill for an act relating to federal aid to state government; requiring consultation with the legislative advisory commission prior to expenditure of certain federal aid.

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

St. Onge introduced:

H. F. No. 2096, A bill for an act relating to state lands; authorizing conveyance of a certain parcel of land in Beltrami county.

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

Wynia, Adams, Kaley, Scheid and Anderson, I., introduced:

H. F. No. 2097, A bill for an act relating to unemployment compensation; defining certain good cause for quitting; amending Minnesota Statutes, 1977 Supplement, Section 268.09, Subdivision 1.

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

Berglin, Scheid, Carlson, L., and Langseth introduced:

H. F. No. 2098, A bill for an act relating to family planning services; providing for the establishment of a comprehensive state family planning services plan; appropriating funds.

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

Berglin; Carlson, L.; Mangan; Knickerbocker and Nelson introduced:

H. F. No. 2099, A bill for an act relating to education; pupils; providing for a universal school breakfast program in each district.

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

Clawson, Clark, Welch and Hokanson introduced:

H. F. No. 2100, A bill for an act relating to medical assistance; nursing home rates; modifying provisions for determination of the investment allowance percentage; amending Minnesota Statutes, 1977 Supplement, Section 256B.45, Subdivision 1.

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

McCollar, Clawson, Mangan, Wigley and Fugina introduced:

H. F. No. 2101, A bill for an act relating to public welfare; requiring county welfare boards to provide and administer certain mental health services; amending Minnesota Statutes 1976, Sections 245.68; 246.014; 246.015, Subdivision 3; 253A.07, Subdivision 23; 253A.16, Subdivision 4; and 393.07, by adding a subdivision.

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

St. Onge, Skoglund, Pehler, Jaros and Byrne introduced:

H. F. No. 2102, A bill for an act relating to labor; clarifying the definition of public employer in the public employees labor relations act; amending Minnesota Statutes 1976, Section 179.63, Subdivision 4.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Dean, Carlson, A., and Laidig introduced:

H. F. No. 2103, A bill for an act relating to public employees; limiting the right to strike; expanding employee rights to binding arbitration; altering dispute resolution deadlines; amending Minnesota Statutes 1976, Sections 179.64, Subdivision 7; 179.69, Subdivisions 1, 3, 4, 5 and 6; 179.70, Subdivision 2; 179.72, Subdivisions 7 and 12; and Minnesota Statutes, 1977 Supplement, Section 179.72, Subdivision 6.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Novak, McCarron, Petrafeso, Pehler and Friedrich introduced:

H. F. No. 2104, A bill for an act relating to the state fire marshal; concerning the uniform fire code; providing for fee, fines and penalties; appropriating money; amending Minnesota Statutes 1976, Sections 299F.011; 299F.41, Subdivision 4; 299F.42; 299F.43, Subdivision 1; 299F.44; 299F.46; 299H.23; 299H.25; 299H.26; 299H.27; 299H.28; 299I.22; 299I.24; and Chapters 299F; 299H; and 299I, by adding sections; and Minnesota Statutes, 1977 Supplement, Section 299F.362, Subdivision 6; repealing Minnesota Statutes 1976, Sections 299F.33; 299F.39; 299G.01 to 299G.08; 299H.03 to 299H.21; 299I.01, Subdivisions 6, 7, 8 and 9; 299I.09; and 299I.11 to 299I.19.

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

Pehler and Patton introduced:

H. F. No. 2105, A bill for an act relating to the city of St. Cloud; authorizing the imposition of a tax on the gross receipts from the furnishing of certain lodging.

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

Esau, Waldorf, Evans, Clawson and Wynia introduced:

H. F. No. 2106, A bill for an act relating to towns; attorney's services; fee limitation abolished; amending Minnesota Statutes 1976, Section 368.121.

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

Wynia, Jaros, Skoglund, Niehaus and King introduced:

H. F. No. 2107, A bill for an act relating to taxation; income tax; providing a credit for sales tax paid on home heating fuel, gas and electricity for certain senior citizens; amending Minnesota Statutes 1976, Section 290.06, by adding a subdivision.

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

Tomlinson, Pleasant, Jaros, Skoglund and Berg introduced:

H. F. No. 2108, A bill for an act relating to taxation; property tax; increasing property tax refunds for certain renters; amending Minnesota Statutes, 1977 Supplement, Section 290A.04, Subdivision 2a.

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

Onnen, Wieser, Redalen, Wigley and Erickson introduced:

H. F. No. 2109, A bill for an act relating to taxation; income tax; providing a credit to compensate for certain non-deductible taxes paid by individual taxpayers; amending Minnesota Statutes 1976, Section 290.06, by adding a subdivision.

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

Rose introduced:

H. F. No. 2110, A bill for an act relating to taxation; special assessments; expanding hardship special assessment deferral to cover all persons whose property falls in class 3cc; amending Minnesota Statutes 1976, Section 435.193.

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

Eckstein, Kalis, Mann, Anderson, D., and Eken introduced:

H. F. No. 2111, A bill for an act relating to aeronautics; providing for reimbursement for services; changing the permitted number of certain types of airports; permitting municipalities flexibility in airport acquisition; amending Minnesota Statutes 1976, Sections 360.015, Subdivision 7; 360.032, by adding a subdivision; and 360.305, Subdivision 3.

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

Lemke, Fudro, Munger and Birnstihl introduced:

H. F. No. 2112, A bill for an act relating to highway traffic regulations; authorized emergency vehicles; approval of specifications and equipment test fees for lighting and vehicle safety equipment; warning devices on certain vehicles; and vehicle modification standards; amending Minnesota Statutes 1976, Sections 169.01, Subdivision 5; 169.65; and 169.75; repealing Minnesota Statutes 1976, Section 169.47, Subdivision 2.

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

Lemke, Eken, Schulz and White introduced:

H. F. No. 2113, A bill for an act relating to highway traffic regulation; concerning special use permits for vehicles; authorizing the collection of total cost of issuance and damages; amending Minnesota Statutes 1976, Section 169.86, Subdivision 3.

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

Anderson, R.; Wenstrom; Evans; Reding and Langseth introduced:

H. F. No. 2114, A bill for an act relating to motor vehicles; registration of vehicles owned or operated by county probation or court services departments; amending Minnesota Statutes 1976, Section 168.012, Subdivision 1.

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

#### HOUSE ADVISORIES

Pursuant to rule 5.3, the following House Advisory was introduced:

Enebo, Casserly, Clark, Rice and Berglin introduced:

H. A. No. 63, A proposal for unemployment patterns.

The advisory was referred to the Committee on Labor-Management Relations.

### 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. 744, 861, 1105 and 1425.

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. 1607, 1609 and 1656.

PATRICK E. FLAHAVEN, Secretary of the Senate

### FIRST READING OF SENATE BILLS

S. F. No. 744, A bill for an act relating to elections; defining member of a political party; altering various provisions relating to publication of constitutional amendment explanation, ballots, judges, summary statements, canvasses and returns; amending Minnesota Statutes 1976, Chapter 204A, by adding a section; and Sections 3.21; 200.02, by adding a subdivision; 204A.18, Subdivision 1; 204A.32, Subdivision 4; 204A.42, Subdivision 1; 204A.45, Subdivision 1; 204A.46, Subdivisions 1, 2, 3 and 4; 204A.47; and 204A.51, Subdivisions 2 and 3; repealing Minnesota Statutes 1976, Sections 204A.45, Subdivision 2; and 204A.48.

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

S. F. No. 861, A bill for an act relating to public welfare; providing for allocation of fees collected by community mental health programs.

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

S. F. No. 1105, A bill for an act relating to civil actions; providing for authority for attorney to bind his client and execute a satisfaction of judgment; amending Minnesota Statutes 1976, Sections 481.08 and 548.15.

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

S. F. No. 1425, A bill for an act relating to witnesses; exempting a registered nurse from testifying against a client; amending Minnesota Statutes 1976, Section 595.02.

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

S. F. No. 1607, A bill for an act relating to occupational safety and health; children under 16 not to be employed in occupations or places potentially injurious; amending Minnesota Statutes 1976, Section 182.09.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

S. F. No. 1609, A bill for an act relating to elections; allowing post-election challenges to absent voters; changing election contest notice procedures and bond requirement; allowing county and municipal court judges to hear election contests; amending Minnesota Statutes 1976, Sections 204A.32, Subdivision 4; 209.02, Subdivisions 4 and 4a; and 209.06, Subdivision 2.

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

S. F. No. 1656, A bill for an act relating to parks; authorizing the use of certain appropriated money for the acquisition and development of recreation facilities for the handicapped at Islands of Peace park; amending Laws 1977, Chapter 352, Section 1.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

#### CONSENT CALENDAR

H. F. No. 1761, A bill for an act relating to the state; authorizing the sale of certain state lands to, and the development of that land for industrial purposes or purposes which the city deems compatible with adjacent land by, the city of Owatonna; amending Laws 1965, Chapter 216, Section 2, as amended.



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

The question was taken on the passage of the bill and the roll was called. There were 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Cohen	Johnson	Neisen	Sherwood
Adams	Corbid	Kahn	Nelsen, B.	Sieben, H.
Albrecht	Cummiskey	Kaley	Nelsen, M.	Sieben, M.
Anderson, B.	Dean	Kalis	Nelson	Simoneau
Anderson, D.	Den Ouden	Kelly, R.	Niehaus	Skoglund
Anderson, G.	Eckstein	Kelly, W.	Norton	Smogard
Anderson, I.	Eken	Kempe, A.	Novak	Spanish
Anderson, R.	Ellingson	Kempe, R.	Onnen	Stanton
Arlandson	Enebo	King	Osthoff	Stoa
Battaglia	Erickson	Knickerbocker	Patton	Suss
Beauchamp	Esau	Kostohryz	Pehler	Swanson
Begich	Evans	Kvam	Peterson	Tomlinson
Berg	Ewald	Laidig	Petrafeso	Vanasek
Berglin	Farcy	Langseth	Prahl	Voss
Berkelman	Fjoslien	Lehto	Redalen	Waldorf
Biersdorf	Forsythe	Lemke	Reding	Welch
Birnstihl	Friedrich	Mangan	Rice	Wenstrom
Brandl	Fudro	Mann	Rose	Wenzel
Braun	Fugina	McCarron	St. Onge	White
Brinkman	George	McCollar	Samuelson	Wigley
Byrne	Gunter	McDonald	Sarna	Wynia
Carlson, A.	Hanson	McEachern	Savelkoul	Zubay
Carlson, D.	Heinitz	Metzen	Scheid	Speaker Sabo
Casserly	Hokanson	Moe	Schulz	
Clark	Jaros	Munger	Searle	
Clawson	Jensen	Murphy	Searles	

The bill was passed and its title agreed to.

H. F. No. 935, A bill for an act relating to counties; powers of the boards of county commissioners; including the board of county commissioners of Ramsey County among those county boards that may set expense allowances for members of certain boards and agencies; amending Minnesota Statutes 1976, Section 375.47, Subdivision 1.

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

The question was taken on the passage of the bill and the roll was called. There were 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Adem	Anderson, R.	Berkelman	Carlson, A.	Corbid
Adams	Arlandson	Biersdorf	Carlson, D.	Cummiskey
Albrecht	Battaglia	Birnstihl	Carlson, L.	Dean
Anderson, B.	Beauchamp	Brandl	Casserly	Den Ouden
Anderson, D.	Begich	Braun	Clark	Eckstein
Anderson, G.	Berg	Brinkman	Clawson	Eken
Anderson, I.	Berglin	Byrne	Cohen	Ellingson

Enebo	Kahn	McDonald	Pleasant	Smogard
Erickson	Kaley	McEachern	Prahl	Stanton
Esau	Kalis	Metzen	Redalen	Stoa
Evans	Kelly, R.	Moe	Reding	Suss
Ewald	Kelly, W.	Munger	Rice	Swanson
Faricy	Kempe, A.	Murphy	Rose	Tomlinson
Fjoslien	Kempe, R.	Neisen	St. Onge	Vanasek
Forsythe	King	Nelsen, B.	Samuelson	Voss
Friedrich	Knickerbocker	Nelsen, M.	Sarna	Waldorf
Fudro	Kostohryz	Nelson	Savelkoul	Welch
Fugina	Kvam	Niehaus	Scheid	Wenstrom
George	Laidig	Norton	Schulz	Wenzel
Gunter	Langseth	Novak	Searle	White
Hanson	Lehto	Onnen	Searles	Wigley
Heinitz	Lemke	Osthoff	Sherwood	Williamson
Hokanson	Mangan	Patton	Sieben, H.	Wynia
Jaros	Mann	Pehler	Sieben, M.	Zubay
Jensen	McCarron	Peterson	Simoneau	Speaker Sabo
Johnson	McCollar	Petrafeso	Skoglund	

The bill was passed and its title agreed to.

H. F. No. 1065, A bill for an act relating to St. Louis county; fees for tax search certificate; amending Laws 1955, Chapter 633, Section 1, Subdivision 2.

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

The question was taken on the passage of the bill and the roll was called. There were 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Clawson	Johnson	Neisen	Searles
Adams	Cohen	Kahn	Nelsen, B.	Sherwood
Albrecht	Corbid	Kaley	Nelsen, M.	Sieben, H.
Anderson, B.	Cummiskey	Kalis	Nelson	Sieben, M.
Anderson, D.	Dean	Kelly, R.	Niehaus	Simoneau
Anderson, G.	Den Ouden	Kelly, W.	Norton	Skoglund
Anderson, I.	Eken	Kempe, A.	Novak	Smogard
Anderson, R.	Ellingson	Kempe, R.	Onnen	Stanton
Arlandson	Enebo	King	Osthoff	Stoa
Battaglia	Erickson	Knickerbocker	Patton	Suss
Beauchamp	Esau	Kostohryz	Pehler	Swanson
Begich	Evans	Kvam	Peterson	Tomlinson
Berg	Ewald	Laidig	Petrafeso	Vanasek
Berglin	Faricy	Langseth	Pleasant	Voss
Berkelman	Fjoslien	Lehto	Prahl	Waldorf
Biersdorf	Forsythe	Lemke	Redalen	Welch
Birnstihl	Friedrich	Mangan	Reding	Wenstrom
Brandl	Fudro	Mann	Rice	Wenzel
Braun	Fugina	McCarron	Rose	White
Brinkman	George	McCollar	St. Onge	Wigley
Byrne	Gunter	McDonald	Samuelson	Williamson
Carlson, A.	Hanson	McEachern	Sarna	Wynia
Carlson, D.	Heinitz	Metzen	Savelkoul	Zubay
Carlson, L.	Hokanson	Moe	Scheid	Speaker Sabo
Casserly	Jaros	Munger	Schulz	
Clark	Jensen	Murphy	Searle	

The bill was passed and its title agreed to.

H. F. No. 1604, A bill for an act relating to town roads; providing cartways; amending Minnesota Statutes 1976, Section 164.08, Subdivision 2.

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

The question was taken on the passage of the bill and the roll was called. There were 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Clawson	Jensen	Murphy	Searle
Adams	Cohen	Johnson	Neisen	Searles
Albrecht	Corbid	Kahn	Nelsen, B.	Sherwood
Anderson, B.	Cummiskey	Kaley	Nelsen, M.	Sieben, H.
Anderson, D.	Dean	Kalis	Nelson	Sieben, M.
Anderson, G.	Den Ouden	Kelly, R.	Niehaus	Simoneau
Anderson, I.	Eckstein	Kelly, W.	Norton	Skogiund
Anderson, R.	Eken	Kempe, A.	Novak	Smogard
Arlandson	Ellingson	Kempe, R.	Onnen	Spanish
Battaglia	Enebo	King	Osthoff	Stanton
Beauchamp	Erickson	Knickerbocker	Patton	Stoa
Begich	Esau	Kostohryz	Pehler	Suss
Berg	Evans	Kvam	Peterson	Swanson
Berglin	Ewald	Laidig	Petrafeso	Tomlinson
Berkelman	Faricy	Langseth	Pleasant	Vanasek
Biersdorf	Fjoslien	Lehto	Prahl	Voss
Birnstihl	Forsythe	Lemke	Redalen	Waldorf
Brandl	Friedrich	Mangan	Reding	Weich
Braun	Fudro	Mann	Rice	Wenstrom
Brinkman	Fugina	McCarron	Rose	Wenzel
Byrne	George	McCollar	St. Onge	White
Carlson, A.	Gunter	McDonald	Samuelson	Wigley
Carlson, D.	Hanson	McEachern	Sarna	Williamson
Carlson, L.	Heintz	Metzen	Savelkoul	Wynia
Casserly	Hokanson	Moe	Scheid	Zubay
Clark	Jaros	Munger	Schulz	Speaker Sabo

The bill was passed and its title agreed to.

H. F. No. 1930, A resolution urging the President, Congress and Secretary of Transportation to provide necessary grants and loans to the Milwaukee Road.

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

The question was taken on the passage of the bill and the roll was called. There were 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Anderson, G.	Begich	Birnstihl	Carlson, A.
Adams	Anderson, I.	Berg	Brandl	Carlson, D.
Albrecht	Anderson, R.	Berglin	Braun	Carlson, L.
Anderson, B.	Battaglia	Berkelman	Brinkman	Casserly
Anderson, D.	Beauchamp	Biersdorf	Byrne	Clark

Clawson	Gunter	Lemke	Pehler	Spanish
Cohen	Hanson	Mangan	Peterson	Stanton
Corbid	Heinitz	Mann	Petrafeso	Stoa
Cummiskey	Hokanson	McCarron	Redalen	Suss
Dean	Jaros	McCollar	Reding	Swanson
Den Ouden	Jensen	McDonald	Rice	Tomlinson
Eckstein	Johnson	McEachern	Rose	Vanasek
Eken	Kahn	Metzen	St. Onge	Voss
Ellingson	Kaley	Moe	Samuelson	Waldorf
Enebo	Kalis	Munger	Sarna	Welch
Erickson	Kelly, R.	Murphy	Savelkoul	Wenstrom
Esau	Kelly, W.	Neisen	Scheid	Wenzel
Evans	Kempe, A.	Nelsen, B.	Schulz	White
Ewald	Kempe, R.	Nelsen, M.	Searle	Wigley
Faricy	King	Nelson	Searles	Williamson
Fjoslien	Knickerbocker	Niehaus	Sherwood	Wynia
Forsythe	Kostohryz	Norton	Sieben, H.	Zubay
Friedrich	Kvam	Novak	Sieben, M.	Speaker Sabo
Fudro	Laidig	Onnen	Simoneau	
Fugina	Langseth	Osthoff	Skoglund	
George	Lehto	Patton	Smogard	

The bill was passed and its title agreed to.

### CALENDAR

H. F. No. 1665, A bill for an act relating to law libraries; amending Minnesota Statutes 1976, Sections 140.41, Subdivision 1; 140.42, Subdivision 1; and 140.43, Subdivision 1.

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

The question was taken on the passage of the bill and the roll was called. There were 127 yeas and 2 nays as follows:

Those who voted in the affirmative were:

Abeln	Carlson, L.	Gunter	Mann	Reding
Adams	Casserly	Hanson	McCollar	Rice
Albrecht	Clark	Heinitz	McDonald	Rose
Anderson, B.	Clawson	Hokanson	McEachern	St. Onge
Anderson, D.	Cohen	Jaros	Metzen	Samuelson
Anderson, G.	Corbid	Jensen	Moe	Sarna
Anderson, I.	Cummiskey	Johnson	Munger	Savelkoul
Anderson, R.	Dean	Kahn	Murphy	Scheid
Arlandson	Den Ouden	Kaley	Neisen	Schulz
Battaglia	Eckstein	Kalis	Nelsen, B.	Searle
Beauchamp	Eken	Kelly, R.	Nelsen, M.	Searles
Begich	Ellingson	Kelly, W.	Nelson	Sherwood
Berg	Enebo	Kempe, A.	Niehaus	Sieben, H.
Berglin	Erickson	Kempe, R.	Norton	Sieben, M.
Berkelman	Esau	King	Novak	Simoneau
Biersdorf	Evans	Knickerbocker	Onnen	Skoglund
Birnstihl	Ewald	Kostohryz	Patton	Smogard
Brandl	Faricy	Kvam	Pehler	Spanish
Braun	Fjoslien	Laidig	Peterson	Stanton
Brinkman	Forsythe	Langseth	Petrafeso	Stoa
Byrne	Friedrich	Lehto	Pleasant	Suss
Carlson, A.	Fudro	Lemke	Prahl	Swanson
Carlson, D.	Fugina	Mangan	Redalen	Tomlinson

Vanasek	Welch	White	Wynia	Speaker Sabo
Voss	Wenstrom	Wigley	Zubay	
Waldorf	Wenzel	Williamson		

Those who voted in the negative were:

George            Osthoff

The bill was passed and its title agreed to.

H. F. No. 1424, A bill for an act relating to intoxicating liquor; permitting licensing and sale on certain tour boats; amending Minnesota Statutes 1976, Section 340.11, by adding a subdivision.

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

The question was taken on the passage of the bill and the roll was called. There were 103 yeas and 22 nays as follows:

Those who voted in the affirmative were:

Abeln	Corbid	Kahn	Nelsen, M.	Skoglund
Adams	Cummiskey	Kaley	Nelson	Smogard
Anderson, I.	Dean	Kalis	Norton	Spanish
Anderson, R.	Eckstein	Kelly, W.	Novak	Stanton
Arlandson	Eken	Kempe, A.	Patton	Stoa
Battaglia	Ellingson	Kempe, R.	Petrafeso	Suss
Begich	Enebo	King	Pleasant	Swanson
Berg	Evans	Knickerbocker	Prahl	Tomlinson
Berglin	Faricy	Kostohryz	Redalen	Vanasek
Berkelman	Forsythe	Laidig	Reding	Voss
Biersdorf	Friedrich	Langseth	Rice	Waldorf
Birnstihl	Fudro	Lehto	Rose	Welch
Brandl	Fugina	Lemke	St. Onge	Wenzel
Brinkman	George	Mangan	Samuelson	White
Byrne	Gunter	Mann	Sarna	Wigley
Carlson, A.	Hanson	McCarron	Scheid	Williamson
Carlson, L.	Heinitz	McCollar	Schulz	Wynia
Cassarly	Hokanson	Metzen	Searles	Zubay
Clark	Jaros	Moe	Sieben, H.	Speaker Sabo
Clawson	Jensen	Munger	Sieben, M.	
Cohen	Johnson	Murphy	Simoneau	

Those who voted in the negative were:

Albrecht	Den Ouden	Kvam	Niehaus	Sherwood
Anderson, D.	Erickson	McDonald	Onnen	Wenstrom
Anderson, G.	Esau	McEachern	Osthoff	
Braun	Fjoslien	Neisen	Peterson	
Carlson, D.	Kroening	Nelsen, B.	Searle	

The bill was passed and its title agreed to.

H. F. No. 1394, A bill for an act relating to natural resources; directing the governor and the commissioner of natural resources to continue efforts to enter into certain agreements with

the state of Wisconsin to maximize the fishery potential of certain boundary waters; amending Minnesota Statutes 1976, Section 97.48, by adding a subdivision.

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

The question was taken on the passage of the bill and the roll was called. There were 124 yeas and 4 nays as follows:

Those who voted in the affirmative were:

Abeln	Clark	Johnson	Murphy	Sherwood
Adams	Clawson	Kahn	Neisen	Sieben, H.
Albrecht	Cohen	Kaley	Nelsen, B.	Sieben, M.
Anderson, B.	Corbid	Kalis	Nelsen, M.	Simoneau
Anderson, D.	Dean	Kelly, R.	Nelson	Skoglund
Anderson, G.	Den Ouden	Kelly, W.	Niehaus	Smogard
Anderson, I.	Eckstein	Kempe, A.	Norton	Spanish
Anderson, R.	Eken	Kempe, R.	Novak	Stanton
Arlandson	Ellingson	King	Onnen	Stoa
Battaglia	Enebo	Knickerbocker	Patton	Suss
Beauchamp	Erickson	Kostohryz	Pehler	Swanson
Begich	Esau	Kroening	Peterson	Tomlinson
Berg	Evans	Kvam	Petrafeso	Vanasek
Berglin	Ewald	Laidig	Pleasant	Voss
Berkelman	Farcy	Langseth	Prahl	Waldorf
Biersdorf	Fjoslien	Lehto	Redalen	Welch
Birnstihl	Friedrich	Lemke	Reding	Wenstrom
Brandl	Fudro	Mangan	Rice	Wenzel
Braun	Fugina	Mann	St. Onge	White
Brinkman	George	McCollar	Samuelson	Wigley
Byrne	Gunter	McDonald	Sarna	Williamson
Carlson, A.	Hanson	McEachern	Savelkoul	Wynia
Carlson, D.	Heinitz	Metzen	Scheid	Zubay
Carlson, L.	Hokanson	Moe	Schulz	Speaker Sabo
Casserly	Jaros	Munger	Searles	

Those who voted in the negative were:

Jensen	McCarron	Osthoff	Rose
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The bill was passed and its title agreed to.

#### POINT OF ORDER

Carlson, D., raised a point of order pursuant to rule 5.8 that S. F. No. 397, now on General Orders, be re-referred to the Committee on Governmental Operations. The Speaker ruled the point of order not well taken.

Kroening was excused at 3:35 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 con-

sideration of bills pending on General Orders of the Day. After some time spent therein the Committee arose.

REPORT OF COMMITTEE OF THE WHOLE

The Speaker resumed the Chair, whereupon the following proceedings of the Committee as kept by the Chief Clerk were reported to the House:

H. F. Nos. 1103 and 1329 which it recommended to pass.

S. F. No. 823 which it recommended to pass.

H. F. No. 13 which it recommended progress until Monday, February 20, 1978, retaining its place on General Orders.

H. F. No. 1383 which it recommended progress until Monday, February 13, 1978, retaining its place on General Orders.

H. F. No. 1736 which it recommended progress until Thursday, February 9, 1978.

H. F. No. 1824 which it recommended progress until Thursday, February 16, 1978.

H. F. No. 1739 which it recommended progress.

H. F. No. 1791 which was laid over one day pursuant to rule 4.5.

S. F. No. 397 which it recommended progress with the following amendments to the unofficial engrossment:

Offered by McCarron:

Page 2, line 1, following the period, insert: "*Nothing contained herein shall, however, be construed as granting conservation officers the power to make arrests for traffic law violations, unless their assistance has been requested by local law enforcement authorities or the highway patrol.*".

Offered by McCarron:

Page 2, line 28, after "*enactment*" insert: "*and shall expire June 30, 1980*".

Offered by Fjoslien:

Page 1, line 22, after "*employment*" insert "*“, provided that they have satisfactorily completed an approved peace officer*

*training program, as prescribed by the rules and regulations promulgated pursuant to sections 626.841 to 626.854".*

Offered by Biersdorf:

Page 1, line 22, delete "*their employment*" and insert "*the course of their assigned duties and when acting incidentally to their regular natural resources enforcement duties*".

Offered by Osthoff:

As previously amended, page 1, line 22, delete "As".

Page 1, delete line 23.

Page 2, delete line 1.

On the motion of Anderson, I., the report of the Committee of the Whole was adopted.

#### ROLL CALLS IN COMMITTEE OF THE WHOLE

Pursuant to rule 1.6, the following roll calls were taken in the Committee of the Whole:

Fugina moved to amend H. F. No. 1739, as follows:

Page 1, line 16, after "exemption." insert "Employer, for the purposes of this section, means all employers, both private and public, including the state of Minnesota, but excluding (a) the United States government, (b) the legislature of the State of Minnesota, and (c) all employers governed by the provisions of section 181.08."

The question was taken on the adoption of the amendment and the roll was called. There were 32 yeas and 74 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Cohen	Kalis	Norton	Spanish
Anderson, I.	Dean	King	Prahl	Suss
Battaglia	Ellingson	Kroening	Reding	Vanasek
Begich	Fugina	Lehto	Rice	Voss
Berglin	Gunter	Neisen	St. Onge	
Braun	Johnson	Nelsen, M.	Samuelson	
Casserly	Kahn	Nelson	Simoneau	

Those who voted in the negative were:

Abeln	Anderson, R.	Brandl	Carlson, L.	Eckstein
Adams	Beauchamp	Brinkman	Clark	Eken
Albrecht	Biersdorf	Byrne	Clawson	Enebo
Anderson, D.	Birnstihl	Carlson, A.	Den Ouden	Erickson



Esau	Kempe, R.	McEachern	Rose	Stoa
Evans	Knickerbocker	Metzen	Sarna	Tomlinson
Ewald	Kvam	Moe	Savelkoul	Waldorf
Fjoslien	Laidig	Nelsen, B.	Schulz	Wenstrom
Forsythe	Langseth	Niehaus	Searle	Wenzel
Friedrich	Lemke	Onnen	Searles	White
Fudro	Mangan	Osthoff	Sherwood	Wigley
George	Mann	Pehler	Sieben, M.	Williamson
Heinitz	McCarron	Peterson	Skoglund	Wynia
Jensen	McCollar	Pleasant	Smogard	Zubay
Kaley	McDonald	Redalen	Stanton	

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

McCarron moved to amend S. F. No. 397, the unofficial engrossment, as follows:

Page 2, line 1, following the period, insert: "*Nothing contained herein shall, however, be construed as granting conservation officers the power to make arrests for traffic law violations, unless their assistance has been requested by local law enforcement authorities or the highway patrol.*"

Kempe, A., moved to amend the McCarron amendment to S. F. No. 397, as follows:

After "*violations,*" insert "*except Section 169.121*".

The question was taken on the Kempe, A., amendment to the McCarron amendment and the roll was called. There were 62 yeas and 63 nays as follows:

Those who voted in the affirmative were:

Abeln	Esau	Kaley	Neisen	Skoglund
Anderson, B.	Evans	Kalis	Nelsen, B.	Smogard
Anderson, D.	Ewald	Kelly, R.	Nelson	Swanson
Anderson, G.	Farcy	Kempe, A.	Peterson	Tomlinson
Berglin	Fjoslien	Kempe, R.	Petrafeso	Vanasek
Berkelman	Forsythe	King	Pleasant	Waldorf
Brandl	Fudro	Knickerbocker	Prahl	Welch
Byrne	Gunter	Kvam	Reding	White
Carlson, A.	Hokanson	Langseth	Rose	Wynia
Carlson, L.	Jaros	Mangan	St. Onge	Zubay
Clawson	Jensen	Mann	Searles	
Den Ouden	Johnson	McDonald	Sherwood	
Erickson	Kahn	Murphy	Sieben, M.	

Those who voted in the negative were:

Adams	Begich	Cassery	Eken	Kelly, W.
Albrecht	Berg	Clark	Ellingson	Kostohryz
Anderson, I.	Biersdorf	Cohen	Enebo	Laidig
Anderson, R.	Birnstihl	Corbid	Friedrich	Lehto
Arlandson	Braun	Cummiskey	Fugina	Lemke
Battaglia	Brinkman	Dean	George	McCarron
Beauchamp	Carlson, D.	Eckstein	Hanson	McEachern

Metzen	Onnen	Samuelson	Simoneau	Wenzel
Moe	Osthoff	Sarna	Stanton	Wigley
Munger	Patton	Scheid	Stoa	Williamson
Nelsen, M.	Pehler	Schulz	Suss	Speaker Sabo
Niehaus	Redalen	Searle	Voss	
Novak	Rice	Sieben, H.	Wenstrom	

The motion did not prevail and the amendment to the amendment was not adopted.

The question recurred on the adoption of the McCarron amendment to S. F. No. 397 and the roll was called. There were 99 yeas and 26 nays as follows:

Those who voted in the affirmative were:

Abeln	Carlson, A.	George	Nelsen, B.	Schulz
Adams	Carlson, D.	Hanson	Nelsen, M.	Searle
Albrecht	Carlson, L.	Hokanson	Nelson	Searles
Anderson, B.	Casserly	Kelly, R.	Niehaus	Sieben, H.
Anderson, D.	Clark	Kelly, W.	Norton	Sieben, M.
Anderson, G.	Clawson	Kempe, A.	Novak	Simoneau
Anderson, I.	Cohen	Knickerbocker	Onnen	Skoglund
Anderson, R.	Cummiskey	Kvam	Osthoff	Smogard
Arlandson	Dean	Laidig	Patton	Swanson
Battaglia	Den Ouden	Langseth	Pehler	Vanasek
Beauchamp	Eckstein	Lehto	Peterson	Voss
Begich	Eken	Lemke	Petrafeso	Welch
Berg	Ellingson	Mangan	Pleasant	Wenstrom
Berkelman	Enebo	Mann	Prahl	Wenzel
Biersdorf	Evans	McCarron	Redalen	White
Birnstihl	Faricy	McCollar	Rice	Wigley
Brandl	Fjoslien	McEachern	Rose	Williamson
Braun	Forsythe	Metzen	Samuelson	Wynia
Brinkman	Friedrich	Munger	Sarna	Speaker Sabo
Byrne	Fudro	Murphy	Scheid	

Those who voted in the negative were:

Berglin	Jaros	Kempe, R.	St. Onge	Waldorf
Erickson	Jensen	King	Sherwood	Zubay
Esau	Johnson	Kostohryz	Spanish	
Ewald	Kahn	McDonald	Stanton	
Fugina	Kaley	Moe	Stoa	
Gunter	Kalis	Reding	Tomlinson	

The motion prevailed and the amendment was adopted.

The question was taken on the motion to recommend passage of S. F. No. 397, as amended, and the roll was called. There were 60 yeas and 69 nays as follows:

Those who voted in the affirmative were:

Abeln	Berglin	Esau	Gunter	Kahn
Anderson, B.	Berkelman	Evans	Hanson	Kaley
Anderson, R.	Brandl	Ewald	Hokanson	Kalis
Battaglia	Clawson	Faricy	Jaros	Kelly, R.
Beauchamp	Cummiskey	Fjoslien	Jensen	Kempe, A.
Berg	Erickson	Fugina	Johnson	Kempe, R.

King	McDonald	Rose	Skoglund	Tomlinson
Knickerbocker	Neisen	St. Onge	Smogard	Waldorf
Lehto	Nelsen, B.	Searles	Spanish	Welch
Mangan	Nelson	Sherwood	Stanton	Wigley
Mann	Niehaus	Sieben, H.	Stoa	Wynia
McCollar	Reding	Sieben, M.	Swanson	Zubay

Those who voted in the negative were:

Adams	Carlson, L.	George	Norton	Savelkoul
Albrecht	Casserly	Heinitz	Novak	Scheid
Anderson, D.	Clark	Kelly, W.	Onnen	Schulz
Anderson, G.	Cohen	Kostohryz	Osthoff	Searle
Anderson, I.	Corbid	Kvam	Patton	Simoneau
Arlandson	Dean	Laidig	Pehler	Suss
Begich	Den Ouden	Langseth	Peterson	Vanasek
Biersdorf	Eckstein	Lemke	Petraleso	Voss
Birnstihl	Eken	McCarron	Pleasant	Wenstrom
Braun	Ellingson	McEachern	Prahl	Wenzel
Brinkman	Enebo	Metzen	Redalen	White
Byrne	Forsythe	Munger	Rice	Williamson
Carlson, A.	Friedrich	Murphy	Samuelson	Speaker Sabo
Carlson, D.	Fudro	Nelsen, M.	Sarna	

The motion did not prevail.

## MOTIONS AND RESOLUTIONS

Hanson moved that the name of Clawson be added as an author on H. F. No. 1747. The motion prevailed.

Jacobs moved that the name of Byrne be added as an author on H. F. No. 2054. The motion prevailed.

Simoneau moved that the name of Clark be stricken and the name of Novak be added as an author on H. F. No. 2022. The motion prevailed.

Carlson, A., moved that the name of Beauchamp be added as chief author on H. F. No. 1985. The motion prevailed.

Corbid moved that the name of Laidig be added as an author on H. F. No. 2075. The motion prevailed.

Laidig moved that the name of Corbid be added as an author on H. F. No. 1989. The motion prevailed.

George moved that the name of Swanson be added as an author on H. F. No. 1520. The motion prevailed.

Cummiskey moved that the name of Kvam be added as an author on H. F. No. 1745. The motion prevailed.

Cummiskey moved that the name of Brandl be added as an author on H. F. No. 1800. The motion prevailed.

## ADJOURNMENT

Anderson, I., moved that when the House adjourns today it adjourn until 2:00 p.m., Thursday, February 9, 1978. The motion prevailed.

Anderson, I., moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:00 p.m., Thursday, February 9, 1978.

**EDWARD A. BURDICK, Chief Clerk, House of Representatives**



## STATE OF MINNESOTA

## SEVENTIETH SESSION - 1978

## SEVENTIETH DAY

SAINT PAUL, MINNESOTA, THURSDAY, FEBRUARY 9, 1978

The House of Representatives convened at 2:00 p.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	Cohen	Jensen	Munger	Simoneau
Adams	Corbid	Johnson	Murphy	Skoglund
Albrecht	Cummiskey	Jude	Neisen	Smogard
Anderson, B.	Dean	Kahn	Nelsen, M.	Spanish
Anderson, D.	Den Ouden	Kaley	Nelson	Stanton
Anderson, G.	Eckstein	Kalis	Niehaus	Stoa
Anderson, I.	Eken	Kelly, R.	Norton	Suss
Anderson, R.	Ellingson	Kelly, W.	Onnen	Swanson
Arlandson	Enebo	Kempe, A.	Patton	Tomlinson
Battaglia	Erickson	Kempe, R.	Peterson	Vanasek
Beauchamp	Esau	King	Petrafeso	Voss
Begich	Evans	Knickerbocker	Pleasant	Waldorf
Berg	Ewald	Kostohryz	Prahl	Welch
Berglin	Faricy	Kroening	Redalen	Wenstrom
Berkelman	Fjoslien	Kvam	Reding	Wenzel
Birnstihl	Forsythe	Laidig	Rice	White
Brandl	Friedrich	Langseth	Rose	Wieser
Braun	Fudro	Lehto	St. Onge	Wigley
Brinkman	Fugina	Lemke	Samuelson	Williamson
Byrne	George	Mangan	Savelkoul	Wynia
Carlson, A.	Gunter	McCarron	Scheid	Zubay
Carlson, D.	Hanson	McCollar	Schulz	Speaker Sabo
Carlson, L.	Heinitz	McDonald	Searle	
Cassery	Hokanson	McEachern	Searles	
Clark	Jacobs	Metzen	Sherwood	
Clawson	Jaros	Moe	Sieben, M.	

A quorum was present.

Biersdorf; Mann; Nelsen, B.; Novak; Osthoff; Pehler; Sarna and Sieben, H., were excused.

The Chief Clerk proceeded to read the Journal of the preceding day. Kalis moved that further reading of the Journal be dispensed with and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.

## REPORTS OF CHIEF CLERK

Pursuant to Rules of the House, printed copies of H. F. Nos. 523, 1297, 1353, 1520, 1661, 1812 and 1813 and S. F. Nos. 1607, 1656, 744, 861, 1105, 1425, 397 and 1609 have been placed in the members' files.

## REPORTS OF STANDING COMMITTEES

Mann from the Committee on Agriculture to which was referred:

H. F. No. 1881, A bill for an act relating to agriculture; family farm security program; providing for exclusion from gross income of interest on certain loans; amending Minnesota Statutes 1976, Section 41.58, by adding a subdivision.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Taxes.

The report was adopted.

Moe from the Committee on Criminal Justice to which was referred:

H. F. No. 1022, A bill for an act relating to the juveniles; providing for a hearing to determine detrimental relationships involving children; providing for a penalty for those engaging children in detrimental relationships; amending Minnesota Statutes 1976, Chapters 260, by adding a section; and 609, by adding a section.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1976, Chapter 260, is amended by adding a section to read:

[260.258] [HEARINGS TO DETERMINE RELATIONSHIPS DETRIMENTAL TO CHILDREN.] *Subdivision 1. The juvenile court has jurisdiction over persons associating with a child in a manner detrimental to the health or welfare of the child under the provisions of this section.*

*Subd. 2. The court, upon petition or upon its own motion, whenever it has a child properly before it, may order that a hearing take place for the purpose of determining whether there exists an association between the child and any adult, other than a parent or guardian of the child, which is detrimental to the health or welfare of the child.*

*Subd. 3. Any person who may be directly affected by a hearing conducted pursuant to subdivision 2 shall be served with notice of the hearing as well as notification that the hearing could result in an order which would, at some future date, provide the basis for a criminal prosecution against persons named therein. Service of the notice required herein may take place in the manner provided for in section 260.141.*

*Subd. 4. After notice and hearing, at which the parties concerned may present all relevant evidence available, the court shall issue an order. If the court, upon a fair preponderance of the evidence, finds that a relationship, detrimental to the health or welfare of the child, exists between the child and any person named within the petition or notice, it may order that that person refrain from any further association or communication with the child until further notice or until the child attains majority.*

*Subd. 5. The court may find an association to be detrimental to the health or welfare of a child, for the purposes of subdivision 4 of this section, under the following circumstances: (a) If the court finds that the relationship has aided, encouraged or caused the child to engage in any criminal or delinquent conduct including but not limited to prostitution, solicitation for prostitution, or the utilization of the child for sexual acts otherwise prohibited by law; or (b) If the court finds that the relationship has caused the child to be placed in a situation harmful to his physical, moral or emotional development.*

*Subd. 6. Any person subject to an order issued pursuant to subdivision 4 shall be personally served with the order. An order served pursuant to this subdivision shall become effective immediately upon service.*

*Subd. 7. Any person subject to an order issued pursuant to subdivision 4 may petition the court to modify or rescind the original order.*

Sec. 2. Minnesota Statutes 1976, Section 260.315, is amended to read:

**260.315 [CONTRIBUTING TO NEGLECT OR DELINQUENCY.]** Any person who by act, word or omission encourages, causes or contributes to the neglect or delinquency of a child, and such act, word or omission is not by other provisions of the law declared to be a felony, or whoever associates or communicates with a child after being prohibited from so doing by an order issued pursuant to section 1, subdivision 4, of this act, shall be guilty of a misdemeanor."

Further amend the title:



Page 1, line 6, delete "Chapters" and insert "Section 260.315; and Chapter".

Page 1, line 7, delete "; and 609, by adding a section".

With the recommendation that when so amended the bill pass.

The report was adopted.

Moe from the Committee on Criminal Justice to which was referred:

H. F. No. 1974, A bill for an act relating to corrections; classifying the records of inmates of state correctional institutions; amending Minnesota Statutes 1976, Section 241.06.

Reported the same back with the following amendments:

Page 2, line 25, after "boards" insert ", law enforcement agencies".

Page 2, line 28, after the period, insert:

*"The ombudsman for the Minnesota state department of corrections shall have access to the files and records described in subdivision 1 to the extent authorized by section 241.44.*

Sec. 2. [EFFECTIVE DATE.] *This act is effective on the day following its enactment."*

With the recommendation that when so amended the bill pass.

The report was adopted.

Moe from the Committee on Criminal Justice to which was referred:

H. F. No. 1975, A bill for an act relating to corrections; providing for the classification and compensation of persons engaged in the sale of products manufactured or processed in correctional institutions; amending Minnesota Statutes 1976, Section 43.12, by adding a subdivision.

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

The report was adopted.

Johnson from the Committee on Education to which was referred:

H. F. No. 1447, A bill for an act relating to education; teachers; providing continuing contract and tenure rights for certain athletic coaches; amending Minnesota Statutes 1976, Section 125.12, by adding a subdivision; and 125.17, Subdivision 1.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert the following:

"Section 1. Minnesota Statutes 1976, Chapter 125, is amended by adding a section to read:

[125.121] *Subdivision 1. Any employee who is required to hold a license as an athletic coach from the board of teaching may, within 14 days of being notified of the termination of his coaching duties, request in writing from the school board a statement of the reason for the termination and a hearing on the termination before the board. The termination shall not be final except upon the order of the board after the hearing. The school board shall give the employee its reason in writing within ten days after receiving this request and shall hold a hearing within 25 days after receiving this request, according to the hearing procedures specified in section 125.12, subdivision 9.*

*Subd. 2. Within ten days after the hearing, the board shall issue a written decision regarding the termination. If the board decides to terminate the employee's coaching duties, the decision shall state the reason on which it is based and include findings of fact based upon competent evidence in the record. The board may terminate the employee's duties or not, as it sees fit, for any reason which is found to be true based on substantial and competent evidence in the record.*

*Subd. 3. This section shall not apply to the termination of coaching duties pursuant to a district transfer policy or as a result of the nonrenewal or termination of the employee's contract or the employee's discharge, demotion or suspension pursuant to sections 125.12 or 125.17. This section shall not apply to the termination of an employee's coaching duties prior to his completion of the probationary period of employment."*

Further, amend the title as follows:

Page 1, line 3, delete "continuing contract and tenure" and insert "due process".

Page 1, line 5, delete "Section 125.12, by adding a subdivision; and".

Page 1, line 6, delete everything before the period and insert "Chapter 125, by adding a section".

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 526, A bill for an act relating to insurance; providing for the procurement of insurance from and the regulation of surplus line insurers and agents; providing for the regulation and imposition of penalties on certain insurance agents; amending Minnesota Statutes 1976, Section 60A.20.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1976, Section 60A.20, is amended to read:

60A.20 [SURPLUS LINE LAW.] Subdivision 1. [PURPOSE CLAUSE.] Insurance transactions with unauthorized insurers are so affected with a public interest as to require regulation, taxation, supervision and control as provided in this section in order to: protect the citizens of this state in transactions involving the purchase of insurance from insurers not authorized to transact business in this state; provide for the public an orderly, reasonable, and regulated access to insurance from unauthorized insurers, where necessary, through (QUALIFIED) licensed and supervised surplus line agents; protect the revenues of this state; protect regulated authorized insurers from unregulated and unfair competition by unauthorized insurers; and regulate and supervise the procurement from unauthorized insurers in accordance with the laws of this state and Public Law 15 known as the McCarran Act.

Subd. (2.) 4. [CONDITIONS TO PROCUREMENT.] If certain insurance coverages cannot be procured from authorized insurers, such coverages, hereinafter designated surplus line, may be procured from (UNAUTHORIZED) *surplus line* insurers through a licensed surplus line agent, subject to the following conditions:

(1) The full amount of insurance required must not be procurable, after diligent effort has been made to do so from among the insurers who are authorized to transact *insurance business* and are actually writing the particular kind and class of insurance in this state (, AND);

(2) The amount of insurance (ELIGIBLE FOR AN UNAUTHORIZED INSURER IS) *which may be provided by a surplus line insurer shall be only the excess over the amount procurable from authorized insurers (.)*; and

((2)) (3) The insurance must not be so procured for the purpose of securing advantages, either as to:

(a) A lower premium rate than would be accepted by an authorized insurer, or

(b) Terms of the insurance contract.

Subd. (3.) 5. [AFFIDAVIT BY AGENT; POLICY TO BE LABELED AND BEAR NAME OF AGENT.] At the time each surplus line insurance contract is procured, the surplus line agent shall execute an affidavit *in the form prescribed by the commissioner* setting forth facts from which it may be determined whether the requirements of subdivision (2 ABOVE) 4 have been met. (SUCH) *The affidavit shall be filed with the commissioner within 30 days after each surplus line contract is (PLACED) issued.*

(SUBD. 4.) Each insurance contract, cover note, or certificate of insurance procured as a surplus line coverage shall have *the following statement stamped or imprinted* upon it (AND BE INITIALED BY OR BEAR THE NAME OF THE SURPLUS LINE AGENT WHO PROCURED IT, THE FOLLOWING:)

(“THIS CONTRACT IS DELIVERED AS A SURPLUS LINE COVERAGE UNDER THE SURPLUS LINE INSURANCE LAW AND THIS INSURER IS NOT LICENSED TO DO BUSINESS IN MINNESOTA.”) *in not less than 10 point print in red ink:*

*“This insurance contract is issued by an insurer neither authorized by nor under the jurisdiction of the Minnesota insurance division and is written pursuant to the Minnesota surplus line law. Placed by (name and office address of surplus line agent who procured the insurance).”*

*This statement shall not be concealed or covered over with a policy label, sticker or any other thing which may prevent the insured from seeing it. Every policy, cover sheet, or other instrument of insurance delivered to the insured and placed with an unlicensed insurer in accordance with this section shall contain a clause or provision appointing the commissioner as the true and lawful attorney of each insurer in and for this state, upon whom all lawful process may be served in any action, suit or proceeding instituted in this state by or on behalf of an insured or*

*beneficiary against the insurer, arising out of the instrument of insurance.*

Subd. (5.) 6. [INSURANCE VALID.] Insurance contracts procured as surplus line coverages from (UNAUTHORIZED) surplus line insurers in accordance with this section shall be valid and enforceable and the provisions of policies shall be at least as favorable to the insured as any standard policy described by the laws of this state.

Subd. (6.) 3. [LICENSING OF SURPLUS LINE AGENTS.] Any person, while licensed as a resident insurance agent of this state (AS TO) for property, casualty, and surety insurances, and who is deemed by the commissioner to (BE QUALIFIED THEREFOR BY INSURANCE EXPERIENCE) *have had sufficient experience in the insurance business to be competent for the purpose* and to be trustworthy, may be licensed as a surplus line agent (AS FOLLOWS) upon:

(1) *Making written application to the commissioner for the license (SHALL BE MADE), on forms furnished by the commissioner (.);*

(2) (LICENSE FEE IN THE AMOUNT OF \$50 SHALL BE PAID TO THE COMMISSIONER. THE LICENSE SHALL EXPIRE ON MAY 31 OF EACH YEAR) *Paying a \$50 examination fee to the commissioner for deposit in the general fund;*

(3) *Taking and successfully passing a written examination on the provisions of this section and on general knowledge of surplus line activity, the content of such examination to be prescribed by the commissioner; and*

(4) *Paying a \$100 license fee to the commissioner for deposit in the general fund.*

*The license shall expire on June 30 of each year and shall be renewable upon written request to the commissioner on forms furnished by him. The written request shall be accompanied by payment of the license fee, prior to expiration.*

Prior to the issuance of a license, the applicant shall file with the commissioner, and maintain thereafter for as long as any (SUCH) license remains in force, a bond, with an authorized corporate surety approved by the commissioner, in favor of the commissioner, in the penal sum of not less than \$5,000 conditioned upon compliance with this section. The commissioner may, in his discretion, require a bond in a larger amount commensurate with the volume of surplus line business transacted or to be transacted by a particular surplus line agent. The aggregate liability of the surety for any and all claims on (ANY SUCH) the bond shall, in no event, exceed the penal sum thereof.

No such bond shall be terminated unless not less than 30 days prior written notice thereof shall be given to the licensee and filed with the commissioner.

*Any agent who is licensed as a surplus line agent prior to August 1, 1978, shall be exempt from the examination requirement of this subdivision.*

Subd. (7.) 2. [REQUIREMENT OF INSURERS.] (NO SURPLUS LINE AGENT SHALL PROCURE SURPLUS LINE INSURANCE CONTRACTS FROM ANY UNAUTHORIZED INSURER UNLESS THE UNAUTHORIZED INSURER MEETS EITHER OF THE FOLLOWING REQUIREMENTS:)

(1) THE UNAUTHORIZED INSURER IS AN AUTHORIZED INSURER IN AT LEAST ONE STATE OF THE UNITED STATES FOR THE KIND OF INSURANCE INVOLVED, AND WHICH, IF A STOCK INSURER, HAS CAPITAL STOCK OF AT LEAST \$500,000, AND SURPLUS OF AT LEAST \$500,000, OR, IF ANY OTHER TYPE OF INSURER, HAS SURPLUS OF AT LEAST \$1,000,000; OR)

(2) THE UNAUTHORIZED INSURER, OTHER THAN ONE QUALIFIED UNDER (1) ABOVE, HAS AN ESTABLISHED AND EFFECTIVE TRUST FUND OF AT LEAST \$400,000 WITHIN THE UNITED STATES, ADMINISTERED BY A RECOGNIZED FINANCIAL INSTITUTION AND HELD FOR THE BENEFIT OF ALL ITS POLICYHOLDERS IN THE UNITED STATES OR POLICYHOLDERS AND CREDITORS IN THE UNITED STATES.)

(AN UNAUTHORIZED INSURER ASSUMING ANY SURPLUS LINE RISK PURSUANT TO THIS SURPLUS LINE LAW SHALL WITHIN 30 DAYS THEREAFTER FILE WITH THE COMMISSIONER A DULY EXECUTED AND SWORN AFFIDAVIT SHOWING FACTS IN SUPPORT OF ITS QUALIFICATION UNDER EITHER (1) OR (2) ABOVE, EXCEPT THAT REQUIREMENT (2) MAY OTHERWISE BE SUFFICIENTLY EVIDENCED BY AN AFFIDAVIT OF THE TRUSTEE INSTITUTION FILED WITH THE COMMISSIONER SHOWING THE REQUISITE FACTS AND RENEWED FROM TIME TO TIME AS THE COMMISSIONER MAY REASONABLY REQUIRE TO REFLECT THE CURRENT CONDITION OF THE TRUST FUND, AND ANY SUCH TRUSTEE'S AFFIDAVIT PROPERLY FILED AND MAINTAINED SHALL BE SUFFICIENT AS TO ALL RISKS PLACED WITH THAT UNAUTHORIZED INSURER PURSUANT TO THIS SURPLUS LINE LAW.)

(PROVIDED THAT THE FOREGOING LIMITATIONS MAY BE WAIVED UPON FILING WITH THE COMMISSIONER A SIGNED STATEMENT OF THE INSURED RE-

QUESTING INSURANCE IN AN UNAUTHORIZED INSURER WHICH HAS AN ESTABLISHED AND EFFECTIVE TRUST FUND OF AT LEAST \$400,000 WITHIN THE UNITED STATES, ADMINISTERED BY A RECOGNIZED FINANCIAL INSTITUTION AND HELD FOR THE BENEFIT OF ALL ITS POLICYHOLDERS IN THE UNITED STATES OR POLICYHOLDERS AND CREDITORS IN THE UNITED STATES; PROVIDED FURTHER THAT THE AMOUNT OF INSURANCE PLACED WITH SUCH UNAUTHORIZED INSURER SHALL NOT EXCEED TEN PERCENT OF THE TOTAL RISK TO BE INSURED.)

(IF AT ANY TIME THE COMMISSIONER SHALL DETERMINE, IN HIS JUDGMENT, THAT AN UNAUTHORIZED INSURER IS NOT IN A SAFE OR SOLVENT FINANCIAL CONDITION, HAS REFUSED TO PAY JUST CLAIMS, OR THAT ANY FURTHER TRANSACTION OF BUSINESS BY IT IN THIS STATE WILL BE HAZARDOUS TO RESIDENTS OF THIS STATE REGARDLESS OF WHETHER THEY ARE POLICYHOLDERS OF THE UNAUTHORIZED INSURER, HE SHALL DIRECT THAT NO SUCH INSURANCE SHALL BE PLACED OR RENEWED WITH SUCH INSURER; AND UPON HIS WRITTEN NOTICE TO THAT EFFECT MAILED TO LICENSEES UNDER THIS SECTION, THEREAFTER NO INSURANCE SHALL BE PLACED OR RENEWED WITH SUCH INSURER.)

(NOTWITHSTANDING ANY PROVISION OF THIS SUBDIVISION, THE PLACEMENT BY A SURPLUS LINE AGENT OF INSURANCE WITH AN UNAUTHORIZED INSURER, PURSUANT TO THE GENERAL AUTHORITY AND PROVISIONS OF THIS SECTION, SHALL NOT IMPLY APPROVAL BY THE COMMISSIONER OF SUCH INSURER'S FINANCIAL CONDITION OR MODE OF OPERATION.)

*No unauthorized surplus line insurer shall write surplus line insurance in this state unless it applies in writing to the commissioner, meets the following conditions, and is declared an eligible surplus line insurer by the commissioner.*

(1) *The insurer must currently be a licensed insurer in the state or country of its domicile as to the kind or kinds of insurance which it proposes to provide and shall have been so currently licensed for a period of time sufficient for the commissioner to ascertain that the other prerequisites of this section have been met, including operational procedures and claims practices.*

(2) *The insurer, before being declared eligible, shall furnish the commissioner with two certified copies of its most current annual financial statement, one in the language and currency of the country of its domicile, and the other in the English*

language and United States currency at the current exchange rate.

(3) If the insurer is licensed in at least one state of the United States it must have and maintain capital and surplus in at least the amounts required of a like insurer pursuant to section 60A.07. If the insurer is an alien insurer and is not licensed in any state of the United States, it must have and maintain in a bank or trust company which is a member of the United States federal reserve system a trust fund established under terms reasonably adequate for the protection of all its policyholders in the United States in an amount not less than \$1,000,000.

(4) The insurer must have a good reputation with regard to the providing of service to its policyholders and the payment of losses and claims.

(5) The insurer shall not be declared eligible if its management is considered by the commissioner to be incompetent or untrustworthy, or lacking in sufficient insurer managerial experience, or if the commissioner has good reason to believe the insurer is affiliated directly or indirectly through ownership, control, reinsurance transactions, or other insurance or business relationships with any entity whose business operations may be or have been detrimental to the interests of policyholders, stockholders, investors, creditors, or the public.

(6) The insurer shall designate in writing to the commissioner the name and address of the proper individual in its employ who is directly and actively in charge of and responsible for handling any and all insurance claims and to whom all correspondence regarding such claims may be directed.

An eligible surplus line insurer must report at least annually to the commissioner the person currently responsible for and in charge of handling the claims.

(7) An eligible surplus line insurer shall furnish at least annually to the commissioner the information required by clause (2). If at any time the commissioner has reason to believe that any insurer then on the list of eligible surplus line insurers is impaired financially or no longer meets the requirements for eligibility as set forth in this subdivision, he may cause to be issued a cease and desist order pursuant to section 60A.171, requiring the insurer to cease writing surplus line insurance.

If the commissioner determines, after a hearing, that an insurer currently eligible as a surplus line insurer has violated the laws of this state, or has failed to make reasonably prompt settlement of just claims for losses and/or return premiums he may declare the insurer no longer an eligible surplus line insurer. The commissioner shall promptly mail notice of all such declarations to each surplus line agent.



(8) *The insurer, both before and after it has been declared an eligible surplus line insurer, shall furnish any additional information relative to the management and operation of the insurer as the commissioner may reasonably require.*

*The commissioner shall from time to time publish a list of all currently eligible surplus line insurers and shall mail a copy thereof to each licensed surplus line agent.*

*Nothing in this section shall be deemed to impose on the commissioner any duty or responsibility to determine the actual financial condition or claims practices of any unauthorized insurer; and the status of being an eligible surplus line insurer, if granted by the commissioner, shall be construed to mean only that the insurer appears to be sound financially and to have satisfactory claims practices, and that the commissioner has no credible evidence to the contrary.*

Subd. (8.) 7. [EVIDENCE OF INSURANCE.] (1) Upon placing a surplus line coverage, the surplus line agent shall promptly issue and deliver to the insured evidence of the insurance, consisting either of the policy as issued by the insurer, or, if (SUCH) *the* policy is not then available, a certificate of insurance or cover note signed or countersigned by the agent. (SUCH) A certificate or cover note shall show the subject, coverage, conditions, and term of the insurance, the premium charged and taxes collected from the insured, and the name and address of the insurer. If the direct risk is assumed by more than one insurer, the certificate or cover note shall state the name and address and proportion of the entire direct risk assumed by each (SUCH) insurer.

(2) If, after the issuance and delivery of any (SUCH) certificate or cover note, there is any change as to the identity of the insurers, or the proportion of the direct risk assumed by the insurer as stated in the original certificate or cover note, or in any other material respect as to the insurance coverage evidenced by the certificate or cover note, the agent shall promptly issue and deliver to the insured a substitute certificate or cover note accurately showing the current status of the coverage and the insurers responsible thereunder.

(3) If a policy issued by the insurer is not available upon placement of the insurance and the agent has issued and delivered a certificate or cover note as (HEREINABOVE) provided in *this subdivision*, upon request therefor by the insured, the agent shall, as soon as reasonably possible, procure from the insurer its policy evidencing (SUCH) *the* insurance and deliver (SUCH) *the* policy to the insured in replacement of the certificate or cover note theretofore issued.

(4) Any surplus line agent who knowingly or negligently issues or delivers a false certificate or cover note of insurance,

or fails promptly to notify the insured of any material change with respect to (SUCH) *the* insurance by delivery to the insured of a substitute certificate or cover note as provided in clause (2) (HEREOF), shall be guilty of a violation of this (CODE) *section*, and, upon conviction, shall be subject to the penalties provided by this section, or to any greater applicable penalty otherwise provided by law.

Subd. (9.) 8. [LIABILITY OF INSURER AS TO LOSSES AND UNEARNED PREMIUMS.] As to a surplus line risk which has been assumed by (AN UNAUTHORIZED) *a surplus line* insurer pursuant to this (SURPLUS LINE INSURANCE LAW) *section*, and if the premium thereon has been received by the surplus line agent who placed (SUCH) *the* insurance, in all questions thereafter arising under the coverage as between the insurer and the insured, the insurer shall be deemed to have received the premium due to it for (SUCH) *the* coverage; and the insurer shall be liable to the insured as to losses covered by (SUCH) *the* insurance, and for unearned premiums which may become payable to the insured upon cancellation of (SUCH) *the* insurance, whether or not, in fact, the agent is indebted to the insurer with respect to (SUCH) *the* insurance or for any other cause. This (PROVISION) *subdivision* shall not affect rights as between the insurer and the surplus line agent.

Subd. (10.) 9. [AGENT TO KEEP RECORDS AND MAKE REPORTS.] (1) Each surplus line agent shall keep a separate record and account of all business transacted under his surplus line license, including a copy of each daily report, if any, and of each binder or cover note delivered by him. The records shall be available for examination by the commissioner at any reasonable time within the policy period, and shall be retained for at least three years following the termination of the coverage to which the records relate.

(2) Within 60 days following December 31 and June 30 of each year, the *surplus line* agent shall file with the commissioner a semi-annual statement (WHICH REPORTS THE FOLLOWING:)

((A) NAME AND ADDRESS OF EACH INSURED FOR WHOM SURPLUS LINE INSURANCE WAS PROCURED;)

((B) NAME AND HOME OFFICE OF EACH INSURER PROVIDING SUCH INSURANCE;)

((C) AMOUNT OF EACH COVERAGE, THE PREMIUM RATE AND GROSS PREMIUMS CHARGED;)

((D) DATE AND TERM OF POLICY;)

**((E) AMOUNT OF PREMIUM RETURNED ON EACH POLICY CANCELLED OR NOT TAKEN, AND)**

**((F) SUCH ADDITIONAL INFORMATION AS THE COMMISSIONER MAY REASONABLY REQUIRE) on forms prescribed by the commissioner.**

Subd. (11.) 10. [COLLECTION OF PREMIUM TAX.] The premiums charged for surplus line insurance are subject to a premium receipts tax of (TWO) *three* percent on all gross premiums (, LESS ANY RETURN PREMIUMS) charged for (SUCH) *the* insurance, *less any return premiums and dividends. Gross premiums shall include all premiums, fees, assessments, dues and any other consideration paid by an insured or applicant for any type of insurance.* The surplus line agent shall charge the insured the amount of the tax at the time of delivery of the policy or other initial confirmation of insurance, in addition to the full amount of the gross premium charged by the insurer for the insurance; provided, however, that the tax on any unearned portion of the premium shall be returned to the policyholder by the surplus line agent. The surplus line agent (IS PROHIBITED FROM ABSORBING SUCH) *may not absorb the tax, or as an inducement for insurance, or for any other reason, (REBATING) rebate all or any part of (SUCH) the tax or all or any part of his commission.*

*In the event that a given transaction is handled by a licensed surplus line agent for another licensed surplus line agent, the surplus line agent dealing directly with the insurer shall be held responsible to the state for reporting the transaction and paying the tax.*

Within 60 days following December 31 and June 30 of each year, the surplus line agent shall pay to the commissioner the amount of premium receipts taxes due upon business done during the semi-annual period ending December 31 and June 30 of each year.

If the surplus line policy covers risks or exposures only partially in this state, the tax payable shall be computed on the portion of the premium which is properly allocated to (THE RISKS OR EXPOSURES LOCATED IN) this state.

Subd. (12.) 11. [PENALTY FOR FAILURE TO FILE STATEMENT OR PAY TAX.] Every surplus line agent who fails to make and file the semi-annual statement (AS REQUIRED UNDER SUBDIVISION 10,) or to pay the taxes as required under this section, shall be liable to a penalty of \$25 for each (SEVEN DAYS) *month* of delinquency *and ten percent of the tax due*, together with interest at the rate of (SIX) *one percent per 30 day month or fraction thereof* on any unpaid premium tax which is delinquent from the date of (SUCH) delinquency. The tax and penalty may be recovered in an action

instituted by the commissioner in the name of the state in any court of competent jurisdiction, the attorney general representing him. The surplus line agent's license shall also be subject to revocation as provided in subdivision (13) 12.

Subd. (13.) 12. [REVOCAION OR SUSPENSION OF AGENT'S LICENSE.] ((1) THE COMMISSIONER MAY REVOKE OR SUSPEND ALL LICENSES HELD BY A SURPLUS LINE AGENT) *The commissioner may suspend, revoke, or refuse to renew the license of a surplus line agent or impose a fine of not more than \$1,000 for each violation of this section, after notice and hearing upon any one or more of the following grounds:*

(a) If the agent fails to file his semi-annual statement or to remit the tax, as required by (LAW) *this section;*

(b) If the agent fails to keep the records or to allow the commissioner to examine his records, as required by (LAW) *this section;*

(c) If the agent fails to file or falsifies the affidavit required by subdivision (3; OR) 5;

(d) *If the agent places surplus line insurance with insurers who fail to meet the eligibility requirements of this section;*

(e) *If the agent fails to maintain the bond as required by this section; or*

(f) For any of the causes for which an insurance agent's license may be revoked or suspended.

((2) NO AGENT WHOSE LICENSES HAVE BEEN SO REVOKED OR SUSPENDED SHALL AGAIN BE SO LICENSED UNTIL ALL PENALTIES AND DELINQUENT TAXES OWING BY HIM HAVE BEEN PAID.)

(SUBD. 14. NO SURPLUS LINE AGENT SHALL PROCURE CONTRACTS FROM ANY UNAUTHORIZED INSURER UNLESS: SUCH UNAUTHORIZED INSURER SHALL, PRIOR TO THE TIME ANY RISK IS ASSUMED, FILE WITH THE COMMISSIONER A DULY EXECUTED INSTRUMENT WHEREBY THE UNAUTHORIZED INSURER SHALL APPOINT AND CONSTITUTE THE COMMISSIONER THE TRUE AND LAWFUL ATTORNEY OF SUCH UNAUTHORIZED INSURER UPON WHOM ALL LAWFUL PROCESS IN ANY ACTION OR LEGAL PROCEEDING AGAINST IT MAY BE SERVED, AND SHALL AGREE THAT ANY SUCH LAWFUL PROCESS AGAINST IT, WHICH MAY BE SERVED UPON ITS SAID ATTORNEY AS PROVIDED IN THIS SECTION, SHALL BE OF

THE SAME FORCE AND VALIDITY AS IF SERVED UPON THE UNAUTHORIZED INSURER AND THAT AUTHORITY THEREOF SHALL CONTINUE IN FORCE IRREVOCABLY SO LONG AS ANY LIABILITY OF THE UNAUTHORIZED INSURER IN THIS STATE SHALL REMAIN OUTSTANDING. SUCH INSTRUMENT SHALL DESIGNATE THEREIN, IRREVOCABLY BUT WITH FULL POWER OF SUBSTITUTION, SO LONG AS ANY LIABILITY OF THE UNAUTHORIZED INSURER IN THIS STATE SHALL REMAIN OUTSTANDING, A RESIDENT OF THE STATE TO WHOM A COPY OF SUCH PROCESS SHALL BE FORWARDED BY THE COMMISSIONER BY FULLY PREPAID REGISTERED OR CERTIFIED MAIL. UPON THE MAILING OF SUCH COPY AND RECEIPT THEREOF, THE SERVICE OF SUCH PROCESS SHALL BE COMPLETE. THE PROVISIONS OF THE UNAUTHORIZED INSURERS PROCESS ACT, SECTION 60A.21, SHALL, TO THE EXTENT NOT INCONSISTENT HEREWITH, BE APPLICABLE IN CONNECTION WITH SUCH SERVICE OF PROCESS.)

Subd. 15. [RULES.] The commissioner shall make or may approve and adopt reasonable rules (AND REGULATIONS) for the effectuation of this section.

Subd. (16.) 13. [AUTHORIZED INSURANCE.] Any authorized insurer, upon submission of an affidavit to the commissioner setting forth facts which show that it is competing for a specific risk with a named (UNAUTHORIZED) *surplus line* insurer, may issue a policy without regard to rate and form requirements otherwise applicable; provided that the provisions of (POLICIES) *the policy* shall be at least as favorable to the insured as any standard policy described by the laws of this state. Insurance issued by authorized insurers under the provisions of this subdivision shall be considered for the purposes of regulation and taxation as authorized insurance rather than surplus line insurance.

Subd. (17.) 14. [RESTRICTIONS.] (THE PROVISIONS OF THIS SECTION, CONTROLLING THE PLACING OF INSURANCE WITH UNAUTHORIZED INSURERS, SHALL NOT APPLY TO) *The following types of insurance shall not be placed under the provisions of this section:*

(1) Life insurance (,);

(2) Accident and health insurance (,);

(3) Annuities (, OR);

(4) Reinsurance (, NOR TO THE FOLLOWING INSURANCE WHEN SO PLACED BY A LICENSED AGENT OF THIS STATE); or

((1)) (5) Insurance on subjects located, resident, or to be performed wholly outside of this state.

((2) INSURANCE ON THE PROPERTY OR OPERATIONS OF AIRCRAFT OR RAILROADS ENGAGED IN TRANSPORTATION IN INTERSTATE AND FOREIGN COMMERCE.)

((3) INSURANCE OF VESSELS, CRAFTS OR HULLS, CARGOES, MARINE BUILDERS' RISKS, MARINE PROTECTION AND INDEMNITY, OR OTHER RISKS INCLUDING STRIKES AND WAR RISKS COMMONLY INSURED UNDER OCEAN OR WET MARINE FORMS OF POLICIES.)

Sec. 2. [INSTRUCTION TO REVISOR.] *In the next edition of Minnesota Statutes, the revisor of statutes shall publish the subdivisions of section 60A.20 in their proper sequence as renumbered by this act.*"

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 1707, A bill for an act relating to automobile insurance; authorizing exclusion of certain high risk drivers from household coverages; requiring exclusion of such drivers from premium calculations under certain circumstances; prescribing penalties; amending Minnesota Statutes 1976, Chapter 65B, by adding a section.

Reported the same back with the following amendments:

Page 3, after line 7, insert a new subdivision to read:

*"Subd. 8. With respect to any person excluded from coverage under this section, the insurer shall not be liable for damages, losses or claims arising out of the operation or use of the insured motor vehicle, whether or not such operation or use was with the expressed or implied permission of a person insured under the policy."*

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 2003, A bill for an act relating to reporting requirements for products liability claims; making various clarifications and technical changes; providing penalties for failure to comply; extending the expiration date; amending Laws 1977, Chapter 316, Section 2.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Swanson from the Committee on Health and Welfare to which was referred:

H. F. No. 1825, A bill for an act relating to examining and licensing boards; concerning public health; requiring information at the time of license application; allowing the collection of information at the time of license renewal; amending Minnesota Statutes 1976, Chapter 214, by adding sections.

Reported the same back with the following amendments:

Page 2, line 8, after "*commissioner*" insert "*, after consultation with the health related licensing boards,*".

Page 2, line 12, delete "*be information needed in order to make decisions*".

Page 2, delete lines 13 to 17 and insert "*include licensure or registration status, name, address, birth date, sex, professional activity status, educational background or similar information needed in order to make decisions pertaining to health manpower.*".

Page 2, line 28, after "*materials*" insert "*provided, however, that the collection of health manpower data by the commissioner shall not cause the licensing boards to incur additional costs or delays with regard to the license renewal process*".

With the recommendation that when so amended the bill pass.

The report was adopted.

Swanson from the Committee on Health and Welfare to which was referred:

H. F. No. 1826, A bill for an act relating to public welfare; providing compensation to residents of state institutions; accepting volunteer services; authorizing rule promulgation for child cost of care; authorizing ward institutional placement for respite care; allowing the commissioner to consent to ward surgical operations; concerning the discharge of a committed patient; pro-

viding for a hospital program plan; concerning local welfare hearing; regarding child support; amending Minnesota Statutes 1976, Sections 246.36; 252A.11, Subdivision 3; 252A.13, Subdivision 1; 253A.15, Subdivision 11; 253A.17, Subdivision 9; 256.045, Subdivision 2; Chapter 246, by adding a section; Minnesota Statutes, 1977 Supplement, Sections 252.27, Subdivision 2; 256.873; repealing Minnesota Statutes 1976, Section 246.55.

Reported the same back with the following amendments:

Page 2, line 2, after "officer" insert "*but in no case less than 25 percent of the minimum wage established pursuant to section 177.24*".

Page 2, line 12, after "persons" insert "*who provide services to residents of state hospitals*".

Page 2, line 13, delete "provisions" and insert "*procurement requirements*".

Page 2, line 15, after "equipment" insert "*to be used in providing services to residents of state hospitals*".

Page 2, line 20, delete "*individual and separate*".

Page 2, line 21, delete "of".

Page 2, line 23, delete "*The individual and separate*".

Page 2, line 25, delete "each."

Page 2, line 25, delete "*The ability of the parents*".

Page 2, delete lines 26 to 29.

Page 2, delete line 30 to the period.

Page 2, line 31, delete "the".

Page 3, line 7, after "subdivision 2" insert "*and subdivision 3*".

Page 3, line 14, delete "respite" and insert "*temporary*".

Page 3, line 16, delete "department" and insert "*board*".

Page 3, delete lines 18 to 32.

Page 4, delete lines 1 to 22.



Page 7, line 3, delete "*sections 246.50 to 246.54*" and insert "*section 252.27*".

Page 7, after line 15, insert a new section to read:

"Sec. 8. Minnesota Statutes, 1977 Supplement, Section 256.79, is amended to read:

256.79 [REMOVAL TO ANOTHER COUNTY.] Any child qualified for and receiving assistance pursuant to the provisions in sections 256.72 to 256.87 in any county in this state, who moves or is taken to another county in this state shall be entitled to continue to receive assistance from the county from which he has moved or has been taken until he shall have resided for two months in the county to which he has moved. When he has resided two months in the county to which he has moved, or has been taken, the local agency of the county from which he has moved shall transfer all necessary records relating to the child to the county agency of the county to which he has moved.

*Notwithstanding the provisions of section 256.73, subdivision 4, the county of financial responsibility shall not change (AS A RESULT OF) because application for assistance is not made prior to initial or successive placements in one or more counties pursuant to a plan of treatment for health, rehabilitation, foster care, child care or training, nor as a result of placement in any correctional program."*

Page 7, delete lines 29 and 30.

Renumber the sections.

Further amend the title:

Page 1, line 13, delete "252A.13, Subdivision 1;".

Page 1, line 17, after "Subdivision 2;" insert "256.79;".

Page 1, line 17, delete "; repealing".

Page 1, delete line 18 to the period.

With the recommendation that when so amended the bill pass.

The report was adopted.

Swanson from the Committee on Health and Welfare to which was referred:

H. F. No. 1827, A bill for an act relating to public welfare; establishing a revolving fund for data processing services; pro-

viding an appropriation; amending Minnesota Statutes 1976, Section 256.01, by adding a subdivision.

Reported the same back with the following amendments:

Page 1, line 12, delete "REVOLVING".

Page 1, line 13, delete "revolving".

Page 1, line 17, delete "revolving".

Page 1, line 20, delete "units" and insert "social service agencies".

Page 2, line 9, delete "revolving".

Page 2, line 13, after the period insert "*For the purpose of accomplishing the services described in this subdivision, the commissioner of public welfare is authorized to employ no more than four persons in addition to the approved complement.*".

Page 2, line 17, delete "revolving".

Page 2, line 28, delete "revolving".

Page 2, after line 30, insert a new section to read:

"Sec. 2. [EXPIRATION.] *The authorization for the public welfare data processing service fund established by section 1, shall expire June 30, 1981, unless the legislature acts to amend or repeal the authorization before that date. The commissioner of public welfare shall prepare a report on the finances and operations of the public welfare data processing services fund and present it to the health and welfare and the appropriations committees of the house and the health, welfare, and corrections and the finance committees of the senate before January 15 of each year.*"

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

The report was adopted.

Swanson from the Committee on Health and Welfare to which was referred:

H. F. No. 1869, A bill for an act relating to public health; authorizing the contractual provision of statutorily prescribed public health services by the commissioner of health; modifying the definition of child in the maternal and child nutrition act;

increasing the commissioner's rule-making authority regarding children's camps; expanding scope of functions that may be performed by local health agencies; amending Minnesota Statutes 1976, Sections 144.74; 145.031, Subdivision 1; 145.55, Subdivision 1; 145.892; 145.893; 145.918, Subdivision 2; and Chapter 144, by adding a section; repealing Minnesota Statutes 1976, Sections 12.56; 12.57; and 144.146, Subdivision 2.

Reported the same back with the following amendments:

Page 2, after line 3, insert a new section to read:

"Sec. 2. Minnesota Statutes 1976, Section 144.73, is amended to read:

144.73 [COMMISSIONER OF HEALTH, DUTIES.] Subdivision 1. [INSPECTION OF CAMPS.] It shall be the duty of the (STATE BOARD) *commissioner* of health to make an annual inspection of each children's camp, and where, upon inspection it is found that there is a failure to protect the health and safety of the persons using the camp, or a failure to comply with the camp (REGULATIONS) *rules* prescribed by the (BOARD) *commissioner*, the (BOARD) *commissioner* shall give notice to the camp operator of (SUCH) *the* failure, (WHICH NOTICE SHALL SET) *setting* forth the reason or reasons for (SUCH) *the* failure.

Subd. 2. [REVOCAION OF PERMIT.] The camp operator shall have a reasonable time after receiving (SAID) *the* notice in which to correct (SUCH) *the* failure and to comply with the (REQUIREMENTS AND REGULATIONS) *rules* of the (BOARD) *commissioner*. (IN THE EVENT) *If* the camp operator (SHALL FAIL) *fails* to comply with the requirements of (SAID) *the* notice within a reasonable time, the (BOARD) *commissioner* may, after a hearing pursuant to section 15.0418, revoke the permit of (SUCH ) *the* children's camp.

(SUBD. 3. THE CAMP OPERATOR SHALL BE ENTITLED TO A HEARING BEFORE THE BOARD ON THE REVOCATION OF HIS PERMIT. A REQUEST FOR SUCH HEARING SHALL BE MADE BY THE CAMP OPERATOR IN WRITING. THE HEARING SHALL BE HELD AT THE TIME AND PLACE DESIGNATED BY THE BOARD AND AT LEAST FIVE DAYS WRITTEN NOTICE OF SUCH HEARING SHALL BE GIVEN TO THE CAMP OPERATOR. THE NOTICE MAY BE SERVED BY REGISTERED MAIL. THE CAMP OPERATOR SHALL BE ENTITLED TO BE REPRESENTED BY LEGAL COUNSEL AND SHALL HAVE THE RIGHT TO PRODUCE EVIDENCE AND TESTIMONY AT SUCH HEARING. THE BOARD MAY APPOINT IN WRITING ANY COMPETENT PERSON TO PRESIDE AT SUCH HEARING. SUCH PERSON SHALL TAKE TESTIMONY,

ADMINISTER OATHS, ISSUE SUBPOENAS, COMPEL THE ATTENDANCE OF WITNESSES, AND TRANSMIT THE RECORD OF THE HEARING TO THE BOARD. THE DECISION OF THE BOARD SHALL BE BASED ON THE EVIDENCE AND TESTIMONY PRESENTED AT SUCH HEARING.)

Subd. (4) 3. [REINSTATEMENT OF PERMIT.] Where a permit has been revoked by the board it shall be reinstated upon compliance with the (REQUIREMENTS AND REGULATIONS) *rules* of the (STATE BOARD) *commissioner* of health."

Page 2, line 8, strike "such reasonable regulations and standards as it determines".

Page 2, line 9, strike "necessary" and insert "*rules*".

Page 2, line 10, strike "Such regulations and".

Page 2, line 11, strike "standards" and insert "*The rules*".

Page 2, line 11, delete ", but are not limited to,".

Page 2, line 11, strike "reasonable".

Page 2, line 19, strike ", and" and insert a semicolon.

Page 2, line 22, after "equipment" strike the period and insert a semicolon.

Page 2, after line 22 insert:

*"(4) The proper ratio of supervisory staff to children to provide adequate supervision; and*

*(5) Any other matters necessary to carry out the purposes of sections 144.71 to 144.76."*

Page 2, after line 22, insert a new section to read:

"Sec. 4. Minnesota Statutes 1976, Section 144.76, is amended to read:

144.76 [VIOLATION, PENALTY.] Any person violating any of the provisions of sections 144.71 to 144.76 or of the (REGULATIONS OR STANDARDS) *rules* promulgated hereunder shall be guilty of a misdemeanor."

Page 3, line 23, strike "Such" and insert "*The*".

Page 3, line 24, strike "and regulations".

Page 6, after line 20, insert a section to read:

*"Sec. 10. [INJUNCTIVE RELIEF.] In addition to any other remedy provided by law, the commissioner of health or local board of health may in its own name bring an action in district court in Ramsey county or in the district court in the county in which the activity or practice sought to be enjoined occurs, to enjoin any violation or threatened violation of a statute, rule, standard, order, stipulation, agreement, consent order, variance, or any other directive which the commissioner of health or local board of health is empowered to enforce, issue, enter into, or promulgate. Any such activity or practice shall constitute a public nuisance per se. A temporary restraining order may be granted by the court in the proceeding if the continued activity or practice would create an imminent risk of harm."*

Renumber the sections in sequence.

Further amend the title as follows:

Page 1, line 9, after "agencies;" insert "providing injunctive relief for the commissioner of health;".

Page 1, line 10, after "Sections" insert "144.73;".

Page 1, line 10, after "144.74;" insert "144.76;".

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

The report was adopted.

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

H. F. No. 1323, A bill for an act relating to education; higher education coordinating board; private post-secondary institutions; exempting theological seminaries from the requirement of registration with the board; amending Minnesota Statutes 1976, Chapter 136A, by adding a section.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert the following:

"Section 1. Minnesota Statutes 1976, Section 136A.61, is amended to read:

136A.61 [POLICY.] The legislature has found and hereby declares that the availability of legitimate courses and programs leading to academic degrees offered by responsible private institutions of post-secondary education and the existence of legitimate private colleges and universities are in the best interests of the people of this state. The legislature has found and declares that the state can provide assistance and protection for persons choosing private institutions and programs, by establishing policies and procedures to assure the authenticity and legitimacy of private post-secondary education institutions and programs. *The legislature has also found and declares that this same policy applies to any public post-secondary educational institution located in another state or country which offers or makes available to a Minnesota resident any course, program or educational activity which does not require the leaving of the state for its completion.*

Sec. 2. Minnesota Statutes 1976, Section 136A.62, Subdivision 3, is amended to read:

Subd. 3. [SCHOOL.] "School" means any individual, partnership, company, firm, society, trust, association, corporation, or any combination thereof, which (a) is, owns, or operates a private, nonprofit post-secondary education institution (;); (b) provides a post-secondary instructional program or course leading to a degree whether or not for profit (, OR); (c) *is, owns, or operates a private post-secondary education institution which uses the term "college", "academy", "institute" or "university" in its name(.); or (d) operates for profit and provides programs or courses which are intended to allow an individual to fulfill in part or totally the requirements necessary to maintain a license to practice an occupation. "School" shall also mean any public post-secondary educational institution located in another state or country which offers or makes available to a Minnesota resident any course, program or educational activity which does not require the leaving of the state for its completion.*

Sec. 3. Minnesota Statutes 1976, Chapter 136A, is amended by adding a section to read:

[136A.653] [EXEMPTIONS.] *Subdivision 1. A school which does not grant a degree and which is subject to licensing by the state board of education pursuant to Minnesota Statutes, Chapter 141, is exempt from the provisions of sections 136A.61 to 136A.71. The determination of the commissioner of education as to whether a particular school is subject to regulation under chapter 141 is final for the purposes of this exemption.*

*Subd. 2. Educational programs which are sponsored by a bona fide and nonprofit trade, labor, business, professional or fraternal organization and which are conducted solely for that organization's membership and for the members of the particular industries or professions served by that organization, which are not available to the public on a fee basis, are exempted from the provisions of sections 136A.61 to 136A.71.*

*Subd. 3. Educational programs which are sponsored by a business firm for the training of its employees or the employees of other business firms with which it has contracted to provide educational services at no cost to the employees are exempted from the provisions of sections 136A.61 to 136A.71.*

*Subd. 4. Schools licensed by state boards authorized under Minnesota law to issue such licenses are exempted from the provisions of sections 136A.61 to 136A.71. The determination of that state board as to whether a particular school is subject to that board's regulation is final for the purposes of this exemption.*

*Subd. 5. Any school or program exempted from the provisions of sections 136A.61 to 136A.71 by the provisions of this section may voluntarily submit to the provisions of those sections. If that school or program is subject to licensure by another state board, the higher education coordinating board shall determine what further measures, not in conflict with the requirements of the other state board, are necessary for compliance under the provisions of sections 136A.61 to 136A.71.*

**Sec. 4. Minnesota Statutes 1976, Chapter 136A, is amended by adding a section to read:**

**[136A.657] [EXEMPTION; RELIGIOUS SCHOOLS.]**  
*Subdivision 1. Any school or any department or branch of a school (a) which is substantially owned, operated or supported by a bona fide church or religious organization; (b) whose programs are primarily designed for, aimed at and attended by persons who sincerely hold or seek to learn the particular religious faith or beliefs of that church or religious organization; and (c) whose programs are primarily intended to prepare its students to become ministers of, to enter into some other vocation closely related to, or to conduct their lives in consonance with the particular faith of that church or religious organization, is exempt from the provisions of sections 136A.61 to 136A.71.*

*Subd. 2. This exemption shall not extend to any school or to any department or branch of a school which through advertisements or solicitations represents to any students or prospective students that the school, its aims, goals, missions or purposes or its programs are different from those described in subdivision 1.*

*Subd. 3. This exemption shall not extend to any school which represents to any student or prospective student that the major purpose of its programs is to prepare the student for a vocation not closely related to that particular religious faith, or to provide the student with a general educational program recognized by other schools or the broader educational, business or social community as being substantially equivalent to the educational programs offered by schools or departments or branches of schools which are not exempt from Minnesota Statutes, Sections 136A.61 to 136A.71, and rules adopted pursuant thereto.*

*Subd. 4. Nothing in Minnesota Statutes, Sections 136A.61 to 136A.71, or rules adopted pursuant thereto, shall be interpreted as permitting the board to determine the truth or falsity of any particular set of religious beliefs.*

*Sec. 5. This act shall be effective the day following its final enactment."*

Further amend the title as follows:

Page 1, line 4, delete "theological seminaries" and insert "certain institutions".

Page 1, line 6, before "Chapter" insert "Sections 136A.61; 136A.62, Subdivision 3; and".

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

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 1833, A bill for an act relating to community colleges; authorizing one additional member for the state board; requiring that one member be a student; amending Minnesota Statutes 1976, Section 136.61, Subdivisions 1 and 1a.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert the following:

"Section 1. Minnesota Statutes 1976, Section 136.61, Subdivision 1, is amended to read:

136.61 [STATE BOARD FOR COMMUNITY COLLEGES; SELECTION AND ADMINISTRATION.] Subdivision 1. The



state board for community colleges shall consist of seven members appointed by the governor with the advice and consent of the senate. They shall be selected for their knowledge of, and interest in community colleges of Minnesota. *One member shall be a full-time student at a community college at the time of appointment or shall have been a full-time student at a community college within one year before appointment to the state board for community colleges.*

Sec. 2. Minnesota Statutes 1976, Section 136.61, Subdivision 1a, is amended to read:

Subd. 1a. The membership terms, compensation, removal of members, and filling of vacancies on the board shall be as provided in section 15.0575 *except that the term of the student member shall be two years.*

Sec. 3. Minnesota Statutes 1976, Section 136.63, Subdivision 1, is amended to read:

136.63 [LOCAL ADVISORY COMMITTEES.] Subdivision 1. The board shall appoint a local advisory committee for each community college composed of qualified persons (WITH) *who have a knowledge of and interest in community colleges (RESIDING) and who reside in the area served by (SUCH) the community college. One member of each local advisory committee shall be a full-time student at the community college at the time of appointment or shall have been a full-time student at the community college within one year before appointment to the local advisory committee.* The board from time to time shall consult with each local advisory committee on matters of courses of study to be offered at the community college. The number of members and their terms of each advisory committee shall be fixed by the board. Advisory committee members shall serve without compensation and without reimbursement for expenses.”

Further amend the title as follows:

Page 1, line 2, delete “authorizing one”.

Page 1, line 3, delete “additional member for the state board;”.

Page 1, line 4, after “member” insert “of the state board”.

Page 1, line 4, after “student;” insert “requiring that one member of the local advisory committee be a student;”.

Page 1, line 5, delete “Section” and insert “Sections”.

Page 1, line 6, after “1a” insert “; and 136.63, Subdivision 1”.

With the recommendation that when so amended the bill pass.

The report was adopted.

Anderson, I., from the Committee on Rules and Legislative Administration to which was referred:

H. F. No. 361, A bill for an act relating to state employees; providing optional health insurance coverage under the Minnesota employees group insurance plan for certain former employees retired because of a disability.

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

The report was adopted.

Anderson, I., from the Committee on Rules and Legislative Administration to which was referred:

H. F. No. 1266, A bill for an act relating to the town of McDavitt; authorizing the town to issue general obligations for acquisition and betterment of a town hall.

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

The report was adopted.

Anderson, I., from the Committee on Rules and Legislative Administration to which was referred:

H. F. No. 1718, A resolution urging the President and Congress to make a national commitment to the cure of cancer.

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

The report was adopted.

Anderson, I., from the Committee on Rules and Legislative Administration to which was referred:

H. F. No. 1909, A bill for an act relating to the legislature; providing that the organization of the legislature at the regular session continue during a special session; amending Minnesota Statutes 1976, Chapter 3, by adding a section.

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

The report was adopted.

Kelly, W., from the Committee on Taxes to which was referred:

H. F. No. 1923, A bill for an act relating to taxation; restricting certificate of value filing requirements to transfers of property made after 1977; amending Minnesota Statutes, 1977 Supplement, Section 272.115, Subdivisions 1 and 4.

Reported the same back with the following amendments:

Page 1, line 11, after "sold" insert "*subsequent to January 1, 1978*".

Page 1, line 14, strike "within 30 days from".

Page 1, line 15, strike "the date of the sale,".

Page 1, line 16, delete "*The*".

Page 1, delete lines 17 and 18.

Page 1, line 19, delete "*was due to negligence, inadvertance, or good cause.*".

Page 2, line 7, strike the old language and delete the new language.

Page 2, line 8, delete "*December 31, 1977*" and insert "*real estate sold on or after January 1, 1978, for which a certificate of value is required pursuant to subdivision 1,*".

Page 2, line 13, strike "on that contract for deed".

Page 2, line 17, strike "In the case of property sold under a contract for".

Page 2, strike lines 18 and 19.

With the recommendation that when so amended the bill pass.

The report was adopted.

Fudro from the Committee on Transportation to which was referred:

H. F. No. 474, A bill for an act relating to highway traffic regulations; defining terms; driving rules; pedestrian rules;

regulating the operation of motor vehicles, bicycles and other human powered vehicles; prescribing penalties; amending Minnesota Statutes 1976, Sections 169.01, Subdivisions 2, 3, 31, 51, and by adding a subdivision; 169.18, Subdivision 7; 169.19, Subdivisions 1 and 8; 169.20, Subdivision 4; 169.21, Subdivision 3; 169.31; and Chapter 169, by adding sections; repealing Minnesota Statutes 1976, Section 169.221.

Reported the same back with the following amendments:

Page 9, line 11, delete "*white*".

Page 9, line 12, delete "*All reflective materials used*".

Page 9, delete lines 13 and 14.

Page 9, line 15, delete "*safety*" and insert "*Any bicycle equipped with side reflectors as required by regulations for new bicycles prescribed by the United States consumer product safety commission shall be considered to meet the requirements for side reflectorization contained in this subdivision*".

Page 9, line 30, delete "*prescribed by subdivision 6*" and insert "*required for new bicycles under regulations prescribed by the United States consumer product safety commission*".

Page 10, line 25, before "*contests*" insert "*parades*".

Page 11, delete section 12.

Page 11, line 19, reinstate the stricken language.

Page 11, after line 24, add a new section as follows:

"Sec. 14. [OPENING AND CLOSING VEHICLE DOORS.]  
*No person shall open any door on a motor vehicle unless and until it is reasonably safe to do so and can be done without interfering with the movement of other traffic, nor shall any person leave a door open or a side of a vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers.*"

ReNUMBER the sections.

Amend the title as follows:

Line 5, delete "*prescribing*".

Line 6, delete "*penalties*";

Line 11, delete "*sections*" and insert "*a section*".

With the recommendation that when so amended the bill pass.

The report was adopted.

Fudro from the Committee on Transportation to which was referred:

H. F. No. 1744, A bill for an act relating to handicapped and disabled persons; requiring installation and use of wheelchair securement devices in vehicles used for transporting wheelchair users; providing for inspection of wheelchair securement devices; requiring other safety measures in vehicles used for transporting wheelchair users; authorizing the admissibility of certain evidence in litigation; providing penalties.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert:

"Section 1. [DEFINITIONS.] The following terms have the definitions given them for the purposes of sections 1 to 7:

(a) "Wheelchair securement device" means an apparatus installed in a motor vehicle for the purpose of locking a wheelchair into a location in the vehicle and designed to prevent movement of the wheelchair.

(b) "Operator" includes any person, firm, partnership, corporation, service club, public and private agency, city, town, county or school district which is offering transportation services to the public or to its employees or provides transportation services in connection with other services which it offers, including, but not limited to nursing home or convalescent care, schooling, or child care.

(c) "Transportation vehicle" means a motor vehicle designed or intended to be used for providing transportation of sick, injured, invalid, incapacitated or handicapped individuals who will be seated in a wheelchair while the vehicle is in motion.

(d) "Transporting service" means transportation for sick, injured, invalid, incapacitated, or handicapped individuals which is regularly provided or offered to be provided to the public or to employees or in connection with any other service which is offered.

Sec. 2. [WHEELCHAIR SECUREMENT DEVICES.] Subdivision 1. The transportation vehicle used by an operator to transport mobility disabled persons shall be equipped with

wheelchair securement devices which meet the following specifications:

(a) When the wheelchair is secured, the securement device shall prevent any forward, backward or lateral movement of the wheelchair while the transportation vehicle is in motion, acceleration or braking;

(b) The wheelchair securement device shall attach to the frame of the wheelchair and shall not damage the wheelchair; and

(c) The wheelchair securement device shall be installed so that when the wheelchair is secured, the user shall face either the front or the rear of the vehicle.

Subd. 2. Operators shall carry only as many wheelchairs as the number of securement devices with which the transporting vehicle is equipped and each wheelchair shall be secured by a wheelchair securement device before the vehicle is set in motion.

Sec. 3. [ADDITIONAL SAFETY REQUIREMENTS.]  
Subdivision 1. The transportation vehicle shall be equipped with seat belts to secure the wheelchair user. Additional seat belts may be used for the purpose of wheelchair securement providing that they are used only to secure the frame of the wheelchair. In no instance shall a single seat belt be used for the dual purpose of securing both the wheelchair occupant and the wheelchair. The seat belts shall meet all applicable federal and state requirements for safety.

Subd. 2. When transporting a person in an electrically powered wheelchair, the main power switch shall be placed in the "off" position at all times and all drive belts disengaged while the transportation vehicle is in motion.

Sec. 4. [INSPECTION.]  
Subdivision 1. No person shall drive, or no operator shall knowingly permit or cause a transportation vehicle to be used for transporting service unless there is displayed thereon a certificate issued by the commissioner of public safety stating that on the date of inspection the transportation vehicle complied with applicable provisions of state law relating to the installation, maintenance, and use of wheelchair securement devices.

Subd. 2. Inspection shall be made by personnel in the department of public safety assigned to the highway patrol. An operator shall submit a transportation vehicle for inspection after the installation of a wheelchair securement device and before using the vehicle to transport wheelchair users, but no later than one month after the date of installation. Evidence of the date of installation shall be provided by the operator at the inspection.

Subd. 3. The inspection shall be made to determine that the installation complies with the specifications of section 2, subdivision 1, and section 3, subdivision 1; that the securement device is in working order; and that the securement device is not in need of obvious repair. The inspection may include testing the use of a securement device while the vehicle is in motion.

Subd. 4. A certificate furnished by the commissioner shall be issued upon completion of inspection if the vehicle is in compliance with this section. This certificate shall be affixed to the lower left corner of the windshield. It shall note compliance with this section, record the number of wheelchairs which may be simultaneously carried in the vehicle, and note the month in which the next inspection is required.

Subd. 5. Subsequent inspections shall be made annually. If additional securement devices are installed in a vehicle already equipped with a securement device, inspection is required as specified in subdivision 2.

Sec. 5. [EVIDENCE.] Proof of the installation or failure to install wheelchair securement devices, or proof of faulty installation of wheelchair securement devices, or proof of the maintenance or failure to properly maintain wheelchair securement devices, or proof of the use or failure to use wheelchair securement devices is admissible in evidence in any litigation involving personal injuries or property damage from the use or operation of a transportation vehicle.

Sec. 6. [PENALTY.] For each failure to comply with any requirement of sections 2, 3 or 4 an operator is guilty of a misdemeanor.

Sec. 7. [EFFECTIVE DATE.] Operators presently offering transporting services utilizing transportation vehicles purchased prior to July 1, 1978 and not currently in compliance with section 2, subdivision 1, clause (c), of this act, must comply with section 2, subdivision 1, clause (c), effective January 1, 1982. All other provisions of this act are effective January 1, 1979."

Further amend the title as follows:

Page 1, line 2, delete "handicapped and" and insert "mobility".

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Fudro from the Committee on Transportation to which was referred:

H. F. No. 1879, A bill for an act relating to the trunk highway system; discontinuing and removing certain routes therefrom; adding a new route in substitution of an existing route.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Fudro from the Committee on Transportation to which was referred:

S. F. No. 417, A bill for an act relating to highway traffic regulations; accidents; requiring certain information to be given; raising the amount of property damage required before an accident must be reported to the commissioner of public safety; providing penalties; amending Minnesota Statutes 1976, Section 169.09, Subdivisions 3, 7, and 14.

Reported the same back with the following amendments:

Page 2, delete section 2 and renumber the following section.

Further amend the title as follows:

Page 1, line 4, delete everything after the semicolon.

Page 1, delete line 5.

Page 1, line 6, delete everything before "providing".

Page 1, line 8, delete ", 7,".

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Fudro from the Committee on Transportation to which was referred:

S. F. No. 1302, A bill for an act relating to transportation; providing for certain permitted advertising signs on federal primary aid highways; amending Minnesota Statutes 1976, Sections 173.03; 173.08; 173.13, Subdivision 1; and 173.16, Subdivision 1.

Reported the same back with the following amendments:

Page 2, line 27, delete ", and a maximum of".



Page 2, line 28, delete everything before the period.

Page 2, line 30, delete "four" and insert "two".

Page 3, line 20, after "maintenance" insert ", which costs shall include the costs to the department of constructing and maintaining information plazas,".

Page 3, line 31, after "right-of-way" insert "in each direction".

Page 4, line 3, after "sign" insert "in each direction".

Page 4, line 9, delete "six" and insert "five and one-half".

Page 4, line 10, delete "three feet" and insert "one foot".

Page 4, line 11, after "signs" insert "and shall be uniform in size and appearance".

Page 4, line 11, delete "Glyphs or symbols for use thereon shall be 18".

Page 4, delete line 12.

Page 4, line 14, delete "limited to two feet in length and".

Page 4, line 15, delete "one foot in height" and insert "uniform in size and appearance".

Page 4, line 15, before "Glyphs" insert "Plaza".

Page 4, line 16, delete "six inches square" and insert "approximately equal to one-fourth the total area of each individual plaza sign".

Page 4, delete lines 17 to 22.

Page 8, line 1, delete "1978" and insert "1979".

Page 8, line 4, delete "1977" and insert "1978".

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

The report was adopted.

## SECOND READING OF HOUSE BILLS

H. F. Nos. 1022, 1974, 1975, 1447, 526, 1707, 2003, 1825, 1826, 1323, 1833, 361, 1266, 1718, 1909, 1923, 474, 1744 and 1879 were read for the second time.

## SECOND READING OF SENATE BILLS

S. F. No. 417 was read for the second time.

INTRODUCTION AND FIRST READING  
OF HOUSE BILLS

The following House Files were introduced:

Suss, Eken and Mann introduced:

H. F. No. 2115, A bill for an act relating to agriculture; providing for the establishment, by counties, of agricultural districts; providing for the deferment of certain special local assessments; providing for valuation and tax deferment for certain farm buildings; appropriating money.

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

Kelly, W.; Birnstihl; Mann; Munger and Eken introduced:

H. F. No. 2116, A bill for an act relating to state waters; establishing certain priorities for use of water in processing agricultural products; amending Minnesota Statutes, 1977 Supplement, Section 105.41, Subdivision 1a.

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

Searle, Munger, Carlson, D., and Mann introduced:

H. F. No. 2117, A bill for an act relating to energy; creating a grain alcohol fuel promotion board; providing an appropriation.

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

Carlson, D.; Norton; Faricy and Searle introduced:

H. F. No. 2118, A bill for an act relating to appropriations; appropriating funds for constructing and equipping a cancer research and treatment center at the university of Minnesota.

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

Eckstein, Kalis, Erickson, Anderson, D., and Mann introduced:

H. F. No. 2119, A bill for an act relating to agriculture; appropriating money for construction and renovation of poultry research and teaching facilities at the university of Minnesota.

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

Sieben, M., introduced:

H. F. No. 2120, A bill for an act relating to public utilities; providing for rate case settlement without a hearing; requiring capital structure approval by the public service commission prior to security issuance; amending Minnesota Statutes 1976, Sections 216B.16, by adding a subdivision; 216B.49, Subdivision 3; and Minnesota Statutes, 1977 Supplement, Sections 216B.16, Subdivision 2; and 237.075, Subdivision 2.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Byrne introduced:

H. F. No. 2121, A bill for an act relating to consumer protection; providing that customers may verify the weight declared on certain food products offered for sale; amending Minnesota Statutes 1976, Chapter 325, by adding a section.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Reding, White, Jude, Arlandson and Hanson introduced:

H. F. No. 2122, A bill for an act relating to accountancy; providing for licensing of public accountants; prohibiting certain practices; providing penalties; amending Minnesota Statutes 1976, Sections 326.17; 326.18; 326.20, Subdivisions 1 and 2; and Chapter 326, by adding sections.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Cohen introduced:

H. F. No. 2123, A bill for an act relating to the bureau of criminal apprehension; restoration or disposal of stolen property; amending Minnesota Statutes 1976, Section 299C.07.

The bill was read for the first time and referred to the Committee on Criminal Justice.

Jaros, Welch, Clark, Nelson and Esau introduced:

H. F. No. 2124, A bill for an act relating to corrections; providing for the licensing of correctional facilities; amending Minnesota Statutes 1976, Sections 241.021, Subdivision 1; 641.09; and 641.18.

The bill was read for the first time and referred to the Committee on Criminal Justice.

Mangan, Nelson, Clawson, Zubay and Fugina introduced:

H. F. No. 2125, A bill for an act relating to juveniles; amending the definitions of delinquent and dependent children; requiring certain dependent children taken into custody to be placed in a shelter care facility; amending Minnesota Statutes 1976, Sections 120.15; 260.015, Subdivisions 5 and 6; 260.165, Subdivision 1; 260.173, Subdivision 2; and 260.185, Subdivision 1.

The bill was read for the first time and referred to the Committee on Criminal Justice.

Cohen introduced:

H. F. No. 2126, A bill for an act relating to the administration of criminal justice; providing that persons convicted of crimes punishable by incarceration shall be released pending appeal; authorizing direct appeal to the supreme court upon denial of release pending appeal.

The bill was read for the first time and referred to the Committee on Criminal Justice.

Wenzel, McCarron, Hokanson, Waldorf and Kempe, R., introduced:

H. F. No. 2127, A bill for an act relating to highway traffic regulations; permitting peace officers to make arrests upon probable cause in cases of drivers passing stopped school buses; providing criminal liability for an owner of a vehicle used to pass a stopped school bus although he was not the driver at the time of the violation; providing penalties; amending Minnesota Statutes 1976, Section 169.44, Subdivision 1, and by adding a subdivision.

The bill was read for the first time and referred to the Committee on Criminal Justice.

Arlandson, Moe and Lehto introduced:

H. F. No. 2128, A bill for an act relating to crimes; authorizing counties to establish victim support funds and to provide services to victims of crime; providing for a penalty assessment on convicted persons; appropriating money.

The bill was read for the first time and referred to the Committee on Criminal Justice.

Simoneau, McCarron and Kahn introduced:

H. F. No. 2129, A bill for an act relating to crimes; setting the minimum age for the use of tobacco; amending Minnesota Statutes 1976, Sections 325.765, Subdivision 1; and 609.685.

The bill was read for the first time and referred to the Committee on Criminal Justice.

Kostohryz, McEachern, Knickerbocker, Esau and Tomlinson introduced:

H. F. No. 2130, A bill for an act relating to education; curriculum; requiring all elementary and secondary schools in the state to provide fire safety instruction.

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

Moe, Clark, Cohen and Novak introduced:

H. F. No. 2131, A bill for an act relating to crimes and criminals; making uniform the penalties for various misdemeanors and other similar type offenses; amending Minnesota Statutes 1976, Sections 12.34, Subdivision 3; 12.45; 17.23, Subdivision 3; 21.122; 21.58, Subdivision 1; 24.181; 29.091, Subdivision 7; 29.28; 31.185, Subdivision 13; 31.403; 31.58; 31.611; 32.101; 32.205; 32.534; 32.645, Subdivision 2; 33.091; 33.171; 34.113; 35.70, Subdivision 1; 64A.46, Subdivision 2; 65B.13; 69.58; 71A.08, Subdivision 1; 79.23; 88.11, Subdivision 2; 88.13, Subdivision 3; 88.14, Subdivision 2; 88.19; 127.17, Subdivision 4; 127.19; 127.20; 145.24, Subdivision 3; 145.35, Subdivision 2; 154.19; 168.275; 168.36, Subdivision 2; 169.121, Subdivisions 3 and 4; 175.34; 180.10; 181.30; 183.61, Subdivision 6; 197.59; 218.071, Subdivision 2; 219.383, Subdivision 5; 219.57; 219.97, Subdivisions 1, 6, 8, 9, and 16; 222.06; 223.08, Subdivision 1; 229.19; 229.20; 232.06, Subdivision 7; 235.04; 239.23; 239.24; 239.44; 239.511, Subdivision 3; 297.25, Subdivision 1; 299G.10; 299H.28; 299I.22; 325.245, Subdivision 7; 325.48; 325.77, Subdivision 6; 325.83, Subdivision 2; 325.84, Subdivision 5; 327.07; 329.17, Subdivision 2; 333.13; 333.135; 340.90; 346.23; 346.26; 346.28; 346.29; 373.26, Subdivision 5; 395.22; 481.05; 488A.06, Subdivision 4; 509.02; 509.03; 514.66; 609.17, Subdivision 4; 617.23; 624.03; 624.65, Subdivision 3; 631.04; and 641.10; repealing Minnesota Statutes 1976, Sections 31.405; 35.70, Subdivision 2; and 340.83.

The bill was read for the first time and referred to the Committee on Criminal Justice.

Simoneau, McCarron, Kahn and Mangan introduced:

H. F. No. 2132, A bill for an act relating to crimes; defining criminal trespass; prohibiting smoking in posted schools; amending Minnesota Statutes 1976, Section 609.605.

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

Begich, Fugina and Battaglia introduced:

H. F. No. 2133, A bill for an act relating to education; adjustments in certain state aid payments; amending Minnesota Statutes, 1977 Supplement, Section 124.212, Subdivision 8a.

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

Fugina, Begich and Nelsen, B., introduced:

H. F. No. 2134, A bill for an act relating to education; foundation aid; providing for adult vocational students to be included in average daily membership; amending Minnesota Statutes 1976, Section 124.562, Subdivision 2.

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

Reding introduced:

H. F. No. 2135, A bill for an act relating to education; retirement of teachers; allowing teachers with not less than 15 total years of full time teaching service to qualify for the teacher early retirement incentive program; amending Minnesota Statutes, 1977 Supplement, Section 125.61, Subdivision 1.

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

Byrne introduced:

H. F. No. 2136, A bill for an act relating to education; common school districts; making laws applicable to independent school districts apply to common school districts except in certain circumstances; repealing duplicative material; amending Minnesota Statutes 1976, Sections 123.12, Subdivision 2; 123.21; repealing Minnesota Statutes 1976, Sections 123.12, Subdivisions 3, 4, 5, 6, 7, 8, 10, 11, 12, 13 and 15; 123.13, Subdivisions 1, 3, 4, 5, 6 and 7; 123.14; 123.15, Subdivisions 4, 5, 6, 7, 8, 9 and 10; 123.16; 123.17; 123.18; 123.19; and 123.20.

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

Lehto, Munger, Dean, McCarron and Braun introduced:

H. F. No. 2137, A bill for an act relating to natural resources; concerning water resources; revising certain provisions concerning dams, reservoirs, control structures, and waterway obstructions; prescribing certain fees to finance safety examinations relating to such projects; appropriating money; amending Minnesota Statutes 1976, Sections 105.42, Subdivision 2; 105.482, Subdivision 2; 105.52; 105.53; and Minnesota Statutes, 1977 Supplement, Section 105.44, Subdivision 10.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Reding and Schulz introduced:

H. F. No. 2138, A bill for an act relating to game and fish; requiring a trout stamp; providing for disposition of the proceeds; appropriating funds; amending Minnesota Statutes 1976, Section 98.46, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Jensen, Birnstihl, Eckstein, Mann and Sieben, H., introduced:

H. F. No. 2139, A bill for an act relating to emergency services; authorizing the division of emergency services to enter into an agreement with the federal disaster assistance administration for the maintenance of the Minnesota natural disaster assistance plan; appropriating money.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Mann, Birnstihl, Stanton, Samuelson and Wenstrom introduced:

H. F. No. 2140, A bill for an act relating to weather; authorizing the division of emergency services to establish a warning system in conjunction with the national weather service; appropriating money.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Stanton introduced:

H. F. No. 2141, A bill for an act relating to game and fish; restricting licenses which authorize the taking of raccoon to residents only; amending Minnesota Statutes, 1977 Supplement, Section 100.27, Subdivision 3.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Fjoslien, Wenstrom, Nelson, Anderson, D., and Anderson, G., introduced:

H. F. No. 2142, A bill for an act relating to eminent domain; restrictions on use by electric utilities; amending Minnesota Statutes, 1977 Supplement, Section 116C.63, Subdivision 1.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.



Voss, Abeln, Prahl, Ewald and Murphy introduced:

H. F. No. 2143, A bill for an act relating to no-fault automobile insurance; authorizing certain refunds where high risk drivers are related to or reside in the household of the named insured; amending Minnesota Statutes 1976, Section 65B.70, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Voss, Abeln, Prahl, Ewald and Murphy introduced:

H. F. No. 2144, A bill for an act relating to no-fault insurance; providing for priority of coverages among policies covering high risk drivers; amending Minnesota Statutes 1976, Section 65B.47, Subdivision 1; and Chapter 65B, by adding a section.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Stanton introduced:

H. F. No. 2145, A bill for an act relating to commerce; providing for the opening of checking accounts; imposing a duty on financial institutions; providing remedies for worthless checks; providing penalties; amending Minnesota Statutes 1976, Section 609.535, Subdivisions 1, 2 and 3, and by adding subdivisions; and Chapter 549, by adding a section.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Abeln, George, Voss, Suss and Forsythe introduced:

H. F. No. 2146, A bill for an act relating to insurance; regulating minimum nonforfeiture benefits and reserves of insurance policies and annuity contracts; amending Minnesota Statutes 1976, Sections 61A.08; 61A.21; 61A.24, Subdivisions 1, 9 and 11; 61A.25, Subdivisions 3, 3a, 4, 5, 6, 7, and by adding a subdivision; and Chapter 61A, by adding a section.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Skoglund, Brinkman, Norton, Ewald and Corbid introduced:

H. F. No. 2147, A bill for an act relating to commerce; credit unions; authorizing approval of lines of credit by credit committee; amending Minnesota Statutes 1976, Sections 52.10 and 52.16.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Ellingson, Wynia and Kelly, R., introduced:

H. F. No. 2148, A bill for an act relating to credit insurance; regulating premium rates; requiring anticipated loss ratios of 50 percent or greater; amending Minnesota Statutes 1976, Section 62B.07, Subdivision 2.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Casserly, Norton, Pleasant, Swanson and George introduced:

H. F. No. 2149, A bill for an act relating to financial institutions; defining reverse mortgage loans; authorizing investments by certain financial institutions and insurance companies in reverse mortgage loans; providing a tax deduction for accrued interest on reverse mortgage loans; amending Minnesota Statutes 1976, Section 290.09, Subdivision 3; and Chapter 47, by adding a section.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Novak, Hokanson, Lemke, Sarna and Voss introduced:

H. F. No. 2150, A bill for an act relating to transportation; providing for a transportation regulation board; providing for the transfer of certain duties, powers and functions by the public service commission and the commissioner of transportation to the transportation regulation board; regulating railroads and other common carriers of persons or property for hire; providing penalties; appropriating funds; amending Minnesota Statutes 1976, Sections 174.02, Subdivision 4; 174.03, Subdivision 2; 174.10, Subdivisions 1, 3 and 4; and Minnesota Statutes, 1977 Supplement, Section 15A.081, Subdivision 1; repealing Minnesota Statutes 1976, Chapters 218, as amended; 219, as amended; and 221, as amended.

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

Suss, Sieben, H., and Patton introduced:

H. F. No. 2151, A bill for an act relating to unclaimed property; providing for reporting of certain unclaimed intangible property; amending Minnesota Statutes 1976, Sections 345.38, by adding a subdivision; 345.54; and 345.55, by adding a subdivision.

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

Sieben, H., introduced:

H. F. No. 2152, A bill for an act relating to rates of interest; providing an interest rate for certain judgments; amending Minnesota Statutes 1976, Chapter 334, by adding a section.

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

Patton introduced:

H. F. No. 2153, A bill for an act relating to retirement; supreme court justices; age, service and deferral of benefits; amending Minnesota Statutes 1976, Section 490.025, Subdivisions 2 and 3.

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

Beauchamp, Moe and Reding introduced:

H. F. No. 2154, A bill for an act relating to retirement; limitation on average salary used in computing benefits; repealing Minnesota Statutes 1976, Section 356.34, as amended.

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

Reding introduced:

H. F. No. 2155, A bill for an act relating to retirement; validating certain administrative expenses from the special fund of the Austin firefighter's relief association.

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

Hokanson introduced:

H. F. No. 2156, A bill for an act relating to cable communications; providing for line extension; amending Minnesota Statutes 1976, Sections 238.02, by adding subdivisions; 238.08, Subdivision 1; and Chapter 238, by adding a section.

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

Enebo, St. Onge, Metzen, Sieben, H., and Simoneau introduced:

H. F. No. 2157, A bill for an act relating to the departments of state; concerning the administrative procedure act; exempting the public employment relations board from the contested case provisions; amending Minnesota Statutes, 1977 Supplement, Section 15.0411, Subdivision 2.

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

Gunter; Den Ouden; Anderson, G.; Kalis and Lemke introduced:

H. F. No. 2158, A bill for an act relating to workers' compensation; providing for the coverage of certain farm and business owners and employees; amending Minnesota Statutes, 1977 Supplement, Section 176.012.

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

Sieben, M.; Sieben, H.; Zubay; Berglin and Cohen introduced:

H. F. No. 2159, A bill for an act relating to courts; permitting personal jurisdiction over non-residents for causes of action relating to tortious acts; revising the provision to accord with federal constitutional requirements; amending Minnesota Statutes 1976, Section 543.19, Subdivision 1.

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

Beauchamp, Patton, Biersdorf, Reding and Moe introduced:

H. F. No. 2160, A bill for an act relating to retirement; teachers retirement association; prospective discontinuation of the variable annuity program; amending Minnesota Statutes 1976, Sections 354.44, Subdivision 7; 354.62, Subdivisions 1 and 2; and Chapter 354, by adding a section.

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

Suss, Vanasek and Sieben, H., introduced:

H. F. No. 2161, A bill for an act relating to courts; providing for the appointment, term and other conditions of the office of state court administrator; amending Minnesota Statutes 1976, Section 480.13.

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

Patton; Sieben, H.; Eckstein; Norton and Jaros introduced:

H. F. No. 2162, A bill for an act relating to courts; increasing the maximum salary for district court reporters; amending Minnesota Statutes 1976, Section 486.05, Subdivision 1.

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

Clawson, Patton, Reding, Beauchamp and Biersdorf introduced:

H. F. No. 2163, A bill for an act relating to retirement; providing annual benefit adjustments to disabled members of the public employees retirement association and survivors of deceased members; amending Minnesota Statutes 1976, Section 353.271, by adding a subdivision.

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

Anderson, B.; Clawson; Battaglia; Erickson and Novak introduced:

H. F. No. 2164, A bill for an act relating to retirement; reduction in teacher's annuities for early retirement; amending Minnesota Statutes 1976, Section 354.44, Subdivision 6.

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

Cohen introduced:

H. F. No. 2165, A bill for an act relating to negligence actions; recovery in actions under the rules of comparative negligence; amending Minnesota Statutes 1976, Section 604.01, Subdivision 1.

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

Berg, Faricy, Clark, Niehaus and Clawson introduced:

H. F. No. 2166, A bill for an act relating to nonprofit corporations; concerning corporations for dependent children; regarding reimbursement for adoption services expenses; amending Minnesota Statutes 1976, Section 317.65, Subdivision 7.

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

Scheid; Wenstrom; Carlson, L.; Forsythe and Samuelson introduced:

H. F. No. 2167, A bill for an act relating to public health; prescribing fees for diagnostic laboratory services provided by the department of health; authorizing the commissioner of health to enter into contractual agreements for the provision of environmental or diagnostic laboratory services.

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

Samuelson, Norton, Clark, Rice and Heinitz introduced:

H. F. No. 2168, A bill for an act relating to medical assistance for the needy; clarifying availability of benefits for treatment of alcoholism in certain residential treatment programs; amending Minnesota Statutes 1976, Section 256B.02, Subdivisions 7 and 8.

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

Wenzel, McCarron, Osthoff, Abeln and Cummiskey introduced:

H. F. No. 2169, A bill for an act relating to welfare; medical expenses; providing assistance for certain kidney disease patients; appropriating money.

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

King, Fugina, Faricy, Erickson and Dean introduced:

H. F. No. 2170, A bill for an act relating to education; higher education coordinating board; providing for a statewide testing program; appropriating money.

The bill was read for the first time and referred to the Committee on Higher Education.

McCarron, Voss, Simoneau, Jacobs and Mangan introduced:

H. F. No. 2171, A bill for an act relating to counties; concerning Anoka county; providing for a seven member board of commissioners; amending Minnesota Statutes 1976, Section 375.01.

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

Clawson introduced:

H. F. No. 2172, A bill for an act relating to Chisago county; providing power to the county board to regulate animals.

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

Hanson, Osthoff, Byrne, Simoneau and Pleasant introduced:

H. F. No. 2173, A bill for an act relating to metropolitan government; providing for an advisory referendum on whether to issue revenue bonds for a metropolitan sports facility.

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

Jaros, Begich, Battaglia, Lehto and Munger introduced:

H. F. No. 2174, A bill for an act relating to St. Louis county; providing for certain employees to be in the unclassified civil service; amending Laws 1941, Chapter 423, Section 6.

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

Metzen introduced:

H. F. No. 2175, A bill for an act relating to the city of South St. Paul; authorizing an on-sale liquor license for Wakota arena.

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

Casserly, Rice, Berg, Berglin and Fudro introduced:

H. F. No. 2176, A bill for an act relating to the Minneapolis police department; providing for certain employee appointments; amending Laws 1961, Chapter 108, Section 1, as amended.

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

Jensen, Birnstihl, Langseth, Biersdorf and Waldorf introduced:

H. F. No. 2177, A resolution relating to the war in Southeast Asia; expressing the concern of the Minnesota legislature for those MIAs and POWs that are unaccounted; urging action by the national leadership to end the heartache caused by the lack of information about these servicemen.

The bill was read for the first time and referred to the Committee on Rules and Legislative Administration.

Sieben, M., introduced:

H. F. No. 2178, A bill for an act relating to taxation; income-adjusted homestead credit; providing a credit to homeowners and renters for certain energy costs; prescribing penalties; amending Minnesota Statutes 1976, Chapter 290A, by adding sections.

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

Battaglia, Begich, Murphy and Welch introduced:

H. F. No. 2179, A bill for an act relating to taxation; income tax; providing a credit against tax due for costs of installation of certain approved wood or coal burning heating equipment; amending Minnesota Statutes 1976, Section 290.06, by adding a subdivision.

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



McEachern and McCollar introduced:

H. F. No. 2180, A bill for an act relating to taxation; property tax; exempting certain cities containing utility plants from per capita levy limitations; amending Minnesota Statutes 1976, Section 275.11, by adding a subdivision.

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

Adams; Casserly; Sieben, M.; Friedrich and Berg introduced:

H. F. No. 2181, A bill for an act relating to taxation; Minnesota energy rate break act; providing tax credits for certain homeowners and renters for costs of energy needed to sustain life; providing a penalty; appropriating money; amending Minnesota Statutes 1976, Chapter 290A, by adding sections.

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

Savelkoul, Tomlinson, Eken, Carlson, D., and Fjoslien introduced:

H. F. No. 2182, A bill for an act relating to taxation; income tax; excluding certain capital gains which result from eminent domain proceedings from gross income; amending Minnesota Statutes 1976, Sections 290.14; and 290.16, by adding a subdivision; and Minnesota Statutes, 1977 Supplement, Section 290.01, Subdivision 20.

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

Nelsen, B.; Schulz; Langseth and McDonald introduced:

H. F. No. 2183, A bill for an act relating to taxation; property tax; requiring county to reimburse township for certain errors made by county auditor.

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

Faricy introduced:

H. F. No. 2184, A bill for an act relating to taxation; inheritance tax; changing provisions for commissioner's certification of satisfaction of tax lien on affidavits or instruments of conveyance; amending Minnesota Statutes 1976, Section 291.14, Subdivisions 1a and 2; and by adding a subdivision.

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

Kvam, Eken, Pleasant, Vanasek and Johnson introduced:

H. F. No. 2185, A bill for an act relating to taxation; inheritance and gift taxes; lowering certain penalties for failure to pay taxes on time; amending Minnesota Statutes 1976, Sections 291.131, Subdivisions 1 and 2; and 292.111, Subdivisions 1 and 2.

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

McDonald, Jude, Pleasant, Heinitz and Redalen introduced:

H. F. No. 2186, A bill for an act proposing an amendment to the Minnesota Constitution; adding an article to limit the amount of taxes that may be raised by the state and its agencies and local government units.

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

McEachern, Jude, Sarna and Niehaus introduced:

H. F. No. 2187, A bill for an act relating to the department of transportation; concerning the Great River Road; amending Minnesota Statutes 1976, Sections 161.142 and 161.148.

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

Beauchamp, Stanton, Langseth, Reding and Anderson, R., introduced:

H. F. No. 2188, A bill for an act relating to drivers' licenses; providing for automatic reinstatement of nonresident driving privilege in certain circumstances; providing limited protection to a resident whose driving privilege in another state has been suspended or revoked; amending Minnesota Statutes 1976, Section 171.15; and Chapter 171, by adding a section.

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

Anderson, B.; Fudro; Suss; Welch and Stanton introduced:

H. F. No. 2189, A bill for an act relating to transportation; establishing a rail line banking program; prescribing powers and duties of the commissioner of transportation; permitting the disposal of rail lines acquired; appropriating money.

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

Abeln, Fjoslien, Metzen, Fudro and McCollar introduced:

H. F. No. 2190, A bill for an act relating to aeronautics; setting forth the registration procedure for pioneer aircraft; amending Minnesota Statutes 1976, Section 360.55, by adding a subdivision.

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

Stanton introduced:

H. F. No. 2191, A bill for an act relating to taxation; increasing the gross earnings tax on railroad companies; dedicating a portion of the revenues derived to the rail service improvement account; permitting the commissioner of transportation to make grants to railroads; amending Minnesota Statutes 1976, Sections 222.50, by adding a subdivision; 295.02; and Chapter 295, by adding sections.

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

Stanton; Anderson, B.; Peterson; Fudro and Casserly introduced:

H. F. No. 2192, A bill for an act relating to transportation; establishing a rail user loan guarantee program; creating a rail user loan guarantee account; prescribing powers and duties of the commissioner of transportation; appropriating money; amending Minnesota Statutes 1976, Sections 362A.01, Subdivision 2; and 474.02, Subdivision 2.

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

Stanton; Sabo; Anderson, B.; Vanasek and Kelly, W., introduced:

H. F. No. 2193, A bill for an act relating to taxation; establishing a rail line fuel tax; dedicating revenues to the rail service improvement account; providing penalties; permitting the commissioner of transportation to make grants to railroads; amending Minnesota Statutes 1976, Sections 222.50, by adding a subdivision; 296.15, Subdivision 1; 296.25, Subdivision 1; and Chapter 296, by adding sections.

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

#### HOUSE ADVISORIES

Pursuant to rule 5.3, the following House Advisories were introduced:

Mann, Faricy and Fugina introduced:

H. A. No. 64, A proposal to include the teaching of sign language in the public schools.

The advisory was referred to the Committee on Education.

Begich, Prah, Fugina and Battaglia introduced:

H. A. No. 65, A proposal for legislative study of public television funding from general revenue.

The advisory was referred to the Committee on Appropriations.

Brandl, Heinitz, Berglin, Forsythe and Clark introduced:

H. A. No. 66, A proposal to study Minnesota's income support system and report findings and recommendations.

The advisory was referred to the Committee on Health and Welfare.

Enebo, Lehto, Berglin, Clark and Kahn introduced:

H. A. No. 67, A proposal for investments.

The advisory was referred to the Committee on Governmental Operations.

Neisen introduced:

H. A. No. 68, A proposal to promote discussion of changes due to the Dram Shop Act insurance rates.

The advisory was referred to the Committee on Financial Institutions and Insurance.

#### 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. 1066, 1510, 1610 and 1713.

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. 1178.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### FIRST READING OF SENATE BILLS

S. F. No. 1066, A bill for an act relating to taxation; exempting a portion of the increase in assessed value of major electric generating facilities from the property tax.

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

S. F. No. 1510, A bill for an act relating to vocational rehabilitation; sheltered workshops and work activity programs; authorizing certain tax levies and fund sources for these programs; amending Minnesota Statutes 1976, Section 129A.06.

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

S. F. No. 1610, A bill for an act relating to elections; providing for the official identification of ballots; amending Minnesota Statutes 1976, Sections 123.32, Subdivision 5; 203A.13; 203A.15; 204A.26, Subdivision 1; 204A.32, Subdivision 3; and 206.17.

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

S. F. No. 1713, A bill for an act relating to the city of Minneapolis; providing for the extended assignment of city employees to the riverfront development coordination board.

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

S. F. No. 1178, A bill for an act relating to the town of McDavitt; authorizing the town to issue general obligations for acquisition and betterment of a town hall.

The bill was read for the first time.

Fugina moved that S. F. No. 1178 and H. F. No. 1266, now on the Technical General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

#### REPORTS FROM THE COMMITTEE ON RULES AND LEGISLATIVE ADMINISTRATION

Anderson, I., from the Committee on Rules and Legislative Administration to which was referred:

Senate Concurrent Resolution No. 9, A senate concurrent resolution relating to joint rules; providing deadlines; amending Joint Rule 2.03.

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

The report was adopted.

Anderson, I., moved that Senate Concurrent Resolution No. 9 be now adopted.

## SENATE CONCURRENT RESOLUTION NO. 9

A senate concurrent resolution relating to joint rules; providing deadlines; amending Joint Rule 2.03.

*Be It Resolved*, by the Senate of the State of Minnesota, the House of Representatives concurring therein:

Joint Rule 2.03 is amended to read:

## DEADLINES

Rule 2.03. In (1977) 1978, committee reports on bills favorably acted upon by a committee in the house of origin after Friday, (APRIL 22) *March 3* and committee reports on bills originating in the other house favorably acted upon by a committee after Friday, (MAY 6) *March 10* shall be referred in the Senate to the Committee on Rules and Administration, and in the House of Representatives to the Committee on Rules and Legislative Administration for disposition. Referral is not required when a committee after (APRIL 22) *March 3* and by (MAY 6) *March 10* acts on a bill that is a companion to a bill that has met the (APRIL 22) *March 3* deadline in the other house. This rule does not apply to the Senate Committees on Finance and on Taxes and Tax Laws, and the House Committees on Appropriations and on Taxes.

Conference committees on the major appropriation bills specified in Joint Rule 2.02 shall have their reports on the members' desks by (THURSDAY, MAY 19, 1977) *Tuesday, March 14*.

After (FRIDAY, MAY 28 IN THE FIRST YEAR OF THE BIENNIUM) *Wednesday, March 15*, neither house shall act on bills other than those contained in

- (a) reports of conference committees;
- (b) messages from the other house;
- (c) reports of the Committee on Rules and Administration in the Senate or the Committee on Rules and Legislative Administration in the House; or
- (d) messages from the governor.

The motion prevailed and Senate Concurrent Resolution No. 9 was adopted.

## PROGRESS REPORTS ON CONFERENCE COMMITTEES

Pursuant to Joint Rule 2.06, progress on H. F. No. 544 and S. F. No. 65 was reported to the House.

Begich was excused for the remainder of today's session.

The following conference committee report was received:

## CONFERENCE COMMITTEE REPORT ON H. F. NO. 1180

A bill for an act relating to financial institutions; permitting the establishment and operation of electronic funds transfer facilities; prescribing the powers and duties of the commissioner of banks in relation to funds transfer facilities; protecting the privacy and security of customers of financial institutions who use electronic funds transfer facilities; prescribing penalties.

February 3, 1978

The Honorable Martin O. Sabo  
Speaker of the House of Representatives  
The Honorable Edward J. Gearty  
President of the Senate

We, the undersigned conferees for H. F. No. 1180, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that the bill be amended as follows:

Page 5, line 11, delete "January 1" and insert "March 1".

Page 11, line 12, after "act" insert "of 1968, P. L. 90-389,".

Page 11, line 24, after "necessary" insert "to restrict disclosure of information to that necessary to complete the transaction and".

Page 12, line 2, after "wrongful" insert "and unnecessary".

Page 12, line 23, after "liable" insert ", subject to a maximum liability of \$50,".

Page 12, line 25, delete ", subject to a maximum liability of \$50".

Page 13, after line 29, insert:



"Nothing in sections 1 to 14 shall operate or be construed to create an exception to the antitrust laws of the United States for any contract or combination required or authorized by this act."

Page 15, lines 21 and 22, delete "January 1, 1978, except that the rule making power granted to the commissioner is effective".

Page 15, line 23, delete "of this act".

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

House Conferees: WALTER R. HANSON, JOHN CORBID and DOUGLAS R. EWALD.

Senate Conferees: ROGER LAUFENBURGER, WILLIAM G. KIRCHNER and STEVE KEEFE.

Hanson moved that the report of the Conference Committee on H. F. No. 1180 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 1180, A bill for an act relating to financial institutions; permitting the establishment and operation of electronic funds transfer facilities; prescribing the powers and duties of the commissioner of banks in relation to funds transfer facilities; protecting the privacy and security of customers of financial institutions who use electronic funds transfer facilities; prescribing penalties.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 86 yeas and 36 nays as follows:

Those who voted in the affirmative were:

Abeln	Casserly	George	Kvam	Pleasant
Adams	Clark	Hanson	Langseth	Redalen
Albrecht	Clawson	Heinitz	Lemke	Reding
Anderson, B.	Corbid	Hokanson	McCarron	Rose
Anderson, G.	Dean	Jacobs	McCollar	Savelkoul
Arlandson	Den Ouden	Jensen	McDonald	Scheid
Battaglia	Eckstein	Jude	Moe	Searle
Beauchamp	Ellingson	Kahn	Munger	Searles
Berg	Enebo	Kaley	Murphy	Sieben, M.
Berkelman	Esau	Kelly, R.	Neisen	Skoglund
Brandl	Evans	Kelly, W.	Nelsen, M.	Smogard
Brinkman	Ewald	Kempe, A.	Nelson	Stanton
Carlson, A.	Fjoslien	Kempe, R.	Norton	Stoa
Carlson, D.	Forsythe	King	Patton	Suss
Carlson, L.	Friedrich	Knickerbocker	Peterson	Swanson

Tomlinson	Welch	Wieser	Wynia	Zubay
Voss	Wenstrom	Wigley		
Waldorf	White	Williamson		

Those who voted in the negative were:

Anderson, D.	Cummiskey	Johnson	Niehaus	Spanish
Anderson, I.	Eken	Kalis	Onnen	Vanasek
Anderson, R.	Erickson	Kostohryz	Rice	Wenzel
Berglin	Faricy	Kroening	St. Onge	Speaker Sabo
Birnsthil	Fudro	Lehto	Samuelson	
Braun	Fugina	Mangan	Schulz	
Byrne	Gunter	McEachern	Sherwood	
Cohen	Jaros	Metzen	Simoneau	

The bill was repassed, as amended by Conference, and its title agreed to.

### CONSENT CALENDAR

H. F. No. 1520, A bill for an act relating to financial institutions; changing powers of savings and loan associations; amending Minnesota Statutes 1976, Section 51A.21, Subdivision 16.

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

The question was taken on the passage of the bill and the roll was called. There were 119 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Clawson	Jacobs	McEachern	Sieben, M.
Adams	Cohen	Jaros	Metzen	Simoneau
Albrecht	Corbid	Jensen	Moe	Skoglund
Anderson, B.	Cummiskey	Johnson	Munger	Smogard
Anderson, D.	Dean	Jude	Murphy	Spanish
Anderson, G.	Den Ouden	Kahn	Neisen	Stanton
Anderson, I.	Eckstein	Kaley	Nelsen, M.	Stoa
Anderson, R.	Eken	Kalis	Nelson	Suss
Arlandson	Ellingson	Kelly, R.	Niehaus	Swanson
Battaglia	Enebo	Kempe, A.	Onnen	Tomlinson
Beauchamp	Erickson	Kempe, R.	Patton	Vanasek
Berg	Esau	King	Peterson	Voss
Berglin	Evans	Knickerbocker	Pleasant	Waldorf
Berkelman	Ewald	Kostohryz	Redalen	Welch
Birnsthil	Faricy	Kroening	Reding	Wenstrom
Brandl	Fjoslien	Kvam	Rice	Wenzel
Braun	Friedrich	Laidig	Rose	White
Brinkman	Fudro	Langseth	St. Onge	Wieser
Byrne	Fugina	Lehto	Samuelson	Wigley
Carlson, A.	George	Lemke	Scheid	Williamson
Carlson, D.	Gunter	Mangan	Schulz	Wynia
Carlson, L.	Hanson	McCarron	Searle	Zubay
Cassery	Heinitz	McCollar	Searles	Speaker Sabo
Clark	Hokanson	McDonald	Sherwood	

The bill was passed and its title agreed to.

H. F. No. 1812 was reported to the House.

There being no objection, H. F. No. 1812 was continued on the Consent Calendar for one day.

### CALENDAR

H. F. No. 1103, A bill for an act relating to the operation of state government; centralizing the management and review of all state contracts in the office of the commissioner of administration; distinguishing consultant, professional and technical contracts; amending Minnesota Statutes 1976, Sections 15.061; 161.35; and Chapter 16, by adding a section; repealing Minnesota Statutes 1976, Section 16.10.

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

The question was taken on the passage of the bill and the roll was called. There were 124 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Cohen	Jaros	Metzen	Sherwood
Adams	Corbid	Jensen	Moe	Sieben, M.
Albrecht	Cummiskey	Johnson	Munger	Simoneau
Anderson, B.	Dean	Jude	Murphy	Skoglund
Anderson, D.	Den Ouden	Kahn	Neisen	Smogard
Anderson, G.	Eckstein	Kaley	Nelsen, M.	Spanish
Anderson, I.	Eken	Kalis	Nelson	Stanton
Anderson, R.	Ellingson	Kelly, R.	Niehaus	Stoa
Arlandson	Enebo	Kelly, W.	Norton	Suss
Battaglia	Erickson	Kempe, A.	Onnen	Swanson
Beauchamp	Esau	Kempe, R.	Patton	Tomlinson
Berg	Evans	King	Peterson	Vanasek
Berglin	Ewald	Knickerbocker	Petrufeso	Voss
Berkelman	Faricy	Kostohryz	Pleasant	Waldorf
Birnstihl	Fjoslien	Kroening	Redalen	Welch
Brandl	Forsythe	Kvam	Reding	Wenstrom
Braun	Friedrich	Laidig	Rice	Wenzel
Brinkman	Fudro	Langseth	Rose	White
Byrne	Fugina	Lehto	St. Onge	Wieser
Carlson, A.	George	Lemke	Samuelson	Wigley
Carlson, D.	Gunter	Mangan	Savelkoul	Williamson
Carlson, L.	Hanson	McCarron	Scheid	Wynia
Casserly	Heinitz	McCollar	Schulz	Zubay
Clark	Hokanson	McDonald	Searle	Speaker Sabo
Clawson	Jacobs	McEachern	Searles	

The bill was passed and its title agreed to.

H. F. No. 1329, A bill for an act relating to licensed employment; licensing and regulation of master plumbers; regulation and licensing of contracting steamfitters; amending Minnesota Statutes 1976, Sections 326.40 and 326.48.

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

The question was taken on the passage of the bill and the roll was called. There were 118 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Corbid	Jensen	Moe	Simoneau
Adams	Cummiskey	Johnson	Munger	Skoglund
Anderson, B.	Dean	Jude	Murphy	Smogard
Anderson, D.	Den Ouden	Kahn	Neisen	Spanish
Anderson, G.	Eckstein	Kaley	Nelsen, M.	Stanton
Anderson, I.	Eken	Kalis	Nelson	Stoa
Anderson, R.	Ellingson	Kelly, R.	Niehaus	Suss
Arlandson	Enebo	Kelly, W.	Norton	Swanson
Battaglia	Erickson	Kempe, A.	Onnen	Tomlinson
Beauchamp	Evans	Kempe, R.	Patton	Vanasek
Berg	Ewald	King	Peterson	Voss
Berglin	Faricy	Knickerbocker	Petrafaso	Waldorf
Berkelman	Fjoslien	Kostohryz	Pleasant	Welch
Birnstihl	Forsythe	Kroening	Redalen	Wenstrom
Braun	Friedrich	Laidig	Reding	Wenzel
Brinkman	Fudro	Langseth	Rose	White
Byrne	Fugina	Lehto	St. Onge	Wieser
Carlson, A.	George	Lemke	Samuelson	Wigley
Carlson, D.	Gunter	Mangan	Scheid	Williamson
Carlson, L.	Hanson	McCarron	Schulz	Wynia
Casserly	Heinitz	McCollar	Searle	Zubay
Clark	Hokanson	McDonald	Searles	Speaker Sabo
Clawson	Jacobs	McEachern	Sherwood	
Cohen	Jaros	Metzen	Sieben, M.	

The bill was passed and its title agreed to.

S. F. No. 823, A bill for an act relating to mechanics liens; increasing the period in which notice must be given to the owner of improved real estate; amending the definition of owner; enlarging the circumstances in which notice is not required to be given; providing penalties; amending Minnesota Statutes 1976, Section 514.011, Subdivisions 2, 3 and 4.

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

The question was taken on the passage of the bill and the roll was called. There were 123 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Byrne	Esau	Johnson	Lemke
Adams	Carlson, A.	Evans	Jude	Mangan
Albrecht	Carlson, D.	Ewald	Kahn	McCarron
Anderson, B.	Carlson, L.	Faricy	Kaley	McCollar
Anderson, D.	Casserly	Fjoslien	Kalis	McDonald
Anderson, G.	Clark	Forsythe	Kelly, R.	McEachern
Anderson, I.	Clawson	Friedrich	Kelly, W.	Metzen
Anderson, R.	Cohen	Fudro	Kempe, A.	Moe
Arlandson	Corbid	Fugina	Kempe, R.	Munger
Battaglia	Cummiskey	George	King	Murphy
Beauchamp	Dean	Gunter	Knickerbocker	Neisen
Berg	Den Ouden	Hanson	Kostohryz	Nelsen, M.
Berglin	Eckstein	Heinitz	Kroening	Nelson
Berkelman	Eken	Hokanson	Kvam	Niehaus
Birnstihl	Ellingson	Jacobs	Laidig	Norton
Braun	Enebo	Jaros	Langseth	Onnen
Brinkman	Erickson	Jensen	Lehto	Patton

Peterson	Samuelson	Simoneau	Tomlinson	Wieser
Petrafeso	Savelkoul	Skoglund	Vanasek	Wigley
Pleasant	Scheid	Smogard	Voss	Williamson
Redalen	Schulz	Spanish	Waldorf	Wynia
Reding	Searle	Stanton	Welch	Zubay
Rice	Searles	Stoa	Wenstrom	Speaker Sabo
Rose	Sherwood	Suss	Wenzel	
St. Onge	Sieben, M.	Swanson	White	

The bill was passed and its title agreed to.

Sieben, M., was excused at 3:15 p.m. Metzzen was excused at 3:45 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. After some time spent therein the Committee arose.

#### REPORT OF COMMITTEE OF THE WHOLE

The Speaker resumed the Chair, whereupon the following proceedings of the Committee as kept by the Chief Clerk were reported to the House:

H. F. Nos. 1791, 1297, 1661 and 1813 which it recommended to pass.

S. F. No. 975 which it recommended to pass.

H. F. No. 523 which it recommended progress.

S. F. No. 698 which it recommended progress.

S. F. No. 397 which it recommended progress until Monday, February 20, 1978.

H. F. No. 790 which it recommended be returned to its author.

H. F. No. 1736 which it recommended re-referral to the Committee on Appropriations.

H. F. No. 1353 which it recommended re-referral to the Committee on Taxes.

H. F. No. 1739 which it recommended progress with the following amendment offered by Fugina:

Page 1, line 16, after "exemption." insert "Employer, for the purposes of this section, means all employers, both private and public, including the state of Minnesota, but excluding (a) the

United States government, (b) the legislature of the state of Minnesota, and (c) all employers governed by the provisions of section 181.08.”.

On the motion of Anderson, I., the report of the Committee of the Whole was adopted.

#### ROLL CALLS IN COMMITTEE OF THE WHOLE

Pursuant to rule 1.6, the following roll calls were taken in the Committee of the Whole:

Fugina moved to amend H. F. No. 1739, as follows:

Page 1, line 16, after “exemption.” insert “Employer, for the purposes of this section, means all employers, both private and public, including the state of Minnesota, but excluding (a) the United States government, (b) the legislature of the state of Minnesota, and (c) all employers governed by the provisions of section 181.08.”.

The question was taken on the adoption of the amendment and the roll was called. There were 59 yeas and 57 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Byrne	Jaros	Moe	St. Onge
Anderson, G.	Casserly	Jensen	Munger	Scheid
Anderson, I.	Clark	Jude	Murphy	Sieben, M.
Arlandson	Clawson	Kalis	Neisen	Simoneau
Battaglia	Corbid	Kelly, W.	Nelsen, M.	Spanish
Beauchamp	Cummiskey	Kostohryz	Nelson	Stanton
Berglin	Ellingson	Kroening	Norton	Vanasek
Berkelman	Enebo	Lehto	Patton	Voss
Birnstihl	Fudro	Mangan	Petrafesio	Welch
Brandl	Fugina	McCollar	Prahl	Wynia
Braun	George	McEachern	Reding	Speaker Sabo
Brinkman	Gunter	Metzen	Rice	

Those who voted in the negative were:

Abeln	Esau	Kempe, A.	Pleasant	Tomlinson
Adams	Evans	Kempe, R.	Redalen	Waldorf
Albrecht	Ewald	Knickerbocker	Rose	Wenstrom
Anderson, D.	Farcy	Kvam	Savelkoul	Wenzel
Anderson, R.	Fjoslien	Laidig	Schulz	White
Carlson, A.	Forsythe	Langseth	Searle	Wieser
Carlson, D.	Friedrich	Lemke	Searles	Wigley
Carlson, L.	Heintz	McCarron	Sherwood	Williamson
Cohan	Hokanson	McDonald	Smogard	Zubay
Dean	Johnson	Niehaus	Stoa	
Den Ouden	Kaley	Onnen	Suss	
Erickson	Kelly, R.	Peterson	Swanson	

The motion prevailed and the amendment was adopted.

McDonald moved to amend H. F. No. 1791 as follows:

Strike page 1, lines 2 through 21, and everything on pages 2 and 3 and insert the following: "memorializing the President and Congress to pass legislation that would provide authentic solutions to the problem of unemployment today.

*Whereas*, unemployment remains one of America's most important social and economic problems; and

*Whereas*, the unemployment facing the nation today is primarily a structural, rather than a cyclical type, oppressing minorities, women, and the young in particular; and

*Whereas*, minorities, women, and the young are plagued by lack of marketable skills; and

*Whereas*, unemployment is costly to the entire nation, involving unemployment compensation and other assistance payments, as well as lost goods and services; and

*Whereas*, the accuracy of our national unemployment statistics is questionable; and

*Whereas*, the proposed Humphrey-Hawkins bill would only increase the cost to the taxpayers through greater spending, which would be not only inflationary, but would also add to our 600-billion-dollar-plus deficit; and

*Whereas*, to be successful, jobs policy must direct itself to private enterprise to initiate and maintain a steady demand for labor; now therefore,

*Be It Resolved*, by the legislature of the State of Minnesota that the President and Congress are urged to commit themselves strongly to fighting structural unemployment through the currently available job programs costing 15.5 billion dollars.

*Be It Further Resolved*, by the legislature of the State of Minnesota that the President and Congress are urged to develop a more accurate statistical representation of the unemployment in this country.

*Be It Further Resolved*, by the legislature of the State of Minnesota that the President and Congress are urged to develop a comprehensive policy to raise the level of marketable skills through additional education and on-the-job training for minorities, women, and youth.

*Be It Further Resolved*, by the legislature of the State of Minnesota that the President and Congress are urged to provide investment credits to business, which would do more to permanently reduce unemployment than the most sweeping public employment bill anyone could conceive.

*Be It Further Resolved*, that the Minnesota Secretary of State transmit copies of this resolution to the President of the United States, the Speaker of the United States House of Representatives, and the President of the Senate of the United States.

The question was taken on the adoption of the amendment and the roll was called. There were 31 yeas and 89 nays as follows:

Those who voted in the affirmative were:

Albrecht	Esau	Kaley	Peterson	Wieser
Anderson, R.	Evans	Knickerbocker	Pleasant	Wigley
Carlson, A.	Ewald	Kvam	Redalen	Zubay
Carlson, D.	Fjoslien	Laidig	Rose	
Dean	Forsythe	McDonald	Savelkoul	
Den Ouden	Friedrich	Niehaus	Searle	
Erickson	Heinitz	Onnen	Searles	

Those who voted in the negative were:

Abeln	Clawson	Johnson	Murphy	Smogard
Adams	Cohen	Jude	Neisen	Spanish
Anderson, B.	Corbid	Kahn	Nelsen, M.	Stanton
Anderson, G.	Cummiskey	Kalis	Nelson	Stoa
Anderson, L.	Eckstein	Kelly, R.	Norton	Suss
Arlandson	Eken	Kempe, A.	Patton	Swanson
Battaglia	Ellingson	King	Petrafeso	Tomlinson
Berg	Enebo	Kostohryz	Prahl	Vanasek
Berglin	Faricy	Kroening	Reding	Voss
Berkelman	Fudro	Langseth	Rice	Waldorf
Birnstihl	Fugina	Lehto	St. Onge	Welch
Brandl	George	Lemke	Samuelson	Wenstrom
Braun	Gunter	Mangan	Scheid	Wenzel
Brinkman	Hanson	McCarron	Schulz	White
Byrne	Hokanson	McCollar	Sherwood	Williamson
Carlson, L.	Jacobs	Metzen	Sieben, M.	Wynia
Cassery	Jaros	Moe	Simoneau	Speaker Sabo
Clark	Jensen	Munger	Skoglund	

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

Wigley moved to amend H. F. No. 1297, as follows:

Page 2, line 10, after "raccoon," delete "\$50" and insert "\$75".

The question was taken on the adoption of the amendment and the roll was called. There were 56 yeas and 56 nays as follows:



Those who voted in the affirmative were:

Abeln	Dean	Heinitz	McCollar	Savelkoul
Albrecht	Den Ouden	Jensen	McDonald	Searles
Anderson, B.	Eckstein	Johnson	McEachern	Smogard
Anderson, G.	Erickson	Jude	Munger	Stanton
Anderson, I.	Esau	Kahn	Niehaus	Wenzel
Anderson, R.	Evans	Kaley	Norton	Wigley
Berglin	Ewald	Kempe, A.	Patton	Williamson
Birnstihl	Fjoslien	Knickerbocker	Peterson	Wynia
Braun	Forsythe	Kvam	Pleasant	
Carlson, A.	Friedrich	Laidig	Redalen	
Carlson, D.	Fudro	Langseth	St. Onge	
Casserly	Fugina	Lemke	Samuelson	

Those who voted in the negative were:

Adams	Cohen	Kelly, R.	Nelsen, M.	Spanish
Arlandson	Corbid	Kelly, W.	Nelson	Stoa
Battaglia	Cummiskey	Kempe, R.	Onnen	Suss
Beauchamp	Ellingson	King	Petrafaso	Vanasek
Berg	Enebo	Kostohryz	Prahl	Wenstrom
Berkelman	Faricy	Kroening	Reding	White
Brandl	Gunter	Lehto	Rose	Wieser
Brinkman	Hanson	Mangan	Schulz	Zubay
Byrne	Hokanson	Metzen	Searle	
Carlson, L.	Jacobs	Moe	Sherwood	
Clark	Jaros	Murphy	Simoneau	
Clawson	Kalis	Neisen	Skoglund	

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

## MOTIONS AND RESOLUTIONS

Moe moved that H. F. No. 1974 now on Technical General Orders be re-referred to the Committee on Governmental Operations. The motion prevailed.

Sieben, M., moved that the name of Jacobs be added as an author on H. F. No. 2178. The motion prevailed.

Carlson, A., moved that his name be stricken as an author on H. F. No. 404. The motion prevailed.

Jacobs moved that the names of McEachern and Sarna be added as authors on H. F. No. 2054. The motion prevailed.

Sieben, M., moved that the name of Nelson be added as an author on H. F. No. 2178. The motion prevailed.

Arlandson moved that the name of Nelson be added as an author on H. F. No. 2128. The motion prevailed.

Searle moved that the name of Wieser be added as an author on H. F. No. 2117. The motion prevailed.

Fugina moved that the name of Savelkoul be added as an author on H. F. No. 2040. The motion prevailed.

ADJOURNMENT

Anderson, I., moved that when the House adjourns today it adjourn until 8:30 a.m., Monday, February 13, 1978. The motion prevailed.

Anderson, I., moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 8:30 a.m., Monday, February 13, 1978.

EDWARD A. BURDICK, Chief Clerk, House of Representatives



## STATE OF MINNESOTA

## SEVENTIETH SESSION - 1978

## SEVENTY-FIRST DAY

SAINT PAUL, MINNESOTA, MONDAY, FEBRUARY 13, 1978

The House of Representatives convened at 8:30 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	Clark	Johnson	Murphy	Sieben, H.
Adams	Clawson	Jude	Neisen	Sieben, M.
Albrecht	Cohen	Kaley	Nelsen, B.	Simoneau
Anderson, B.	Cummiskey	Kalis	Nelson	Skoglund
Anderson, D.	Dean	Kelly, R.	Niehaus	Smogard
Anderson, G.	Den Ouden	Kelly, W.	Novak	Spanish
Anderson, I.	Eckstein	Kempe, A.	Onnen	Stanton
Anderson, R.	Eken	Kempe, R.	Osthoff	Stoa
Arlanson	Ellingson	King	Patton	Suss
Battaglia	Enebo	Kostohryz	Pehler	Swanson
Beauchamp	Erickson	Kroening	Petrafeso	Tomlinson
Begich	Esau	Kvam	Pleasant	Vanasek
Berg	Evans	Laidig	Redalen	Voss
Berglin	Faricy	Langseth	Reding	Waldorf
Berkelman	Fjoslien	Lehto	Rice	Welch
Biersdorf	Forsythe	Lemke	Rose	Wenstrom
Birnstihl	Fudro	Mangan	St. Onge	Wenzel
Brandl	Friedrich	Mann	Samuelson	White
Braun	Fugina	McCarron	Sarna	Wieser
Brinkman	George	McCollar	Savelkoul	Williamson
Byrne	Hanson	McDonald	Scheid	Wynia
Carlson, A.	Hokanson	McEachern	Schulz	Zubay
Carlson, D.	Jacobs	Metzen	Searle	Speaker Sabo
Carlson, L.	Jaros	Moe	Searles	
Casserly	Jensen	Munger	Sherwood	

A quorum was present.

Corbid; Ewald; Gunter; Heinitz; Kahn; Knickerbocker; Nelsen, M.; Norton; Peterson; Prah and Wigley were excused.

The Chief Clerk proceeded to read the Journal of the preceding day. Laidig moved that further reading of the Journal be dispensed with and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.

## REPORTS OF CHIEF CLERK

Pursuant to Rules of the House, printed copies of H. F. Nos. 1975, 2003, 361, 1266, 1718, 1909, 1879, 1022, 1323, 1825, 1447, 1707, 474, 1923, 1833, 1744, 1826 and 526 and S. F. Nos. 1066, 1510, 1610, 1713, 417 and 1178 have been placed in the members' files.

S. F. No. 1178 and H. F. No. 1266, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

## SUSPENSION OF RULES

Fugina moved that the rules be so far suspended that S. F. No. 1178 be substituted for H. F. No. 1266 and that the House File be indefinitely postponed. The motion prevailed.

## REPORTS OF STANDING COMMITTEES

Hanson from the Committee on Commerce and Economic Development to which was referred:

H. F. No. 1446, A bill for an act relating to tourism; establishing a department of tourism; providing for its powers and duties; transferring certain functions from the department of economic development; appropriating money; amending Minnesota Statutes 1976, Sections 301A.01, Subdivision 1; 301A.05; 301A.07, Subdivision 1; 362.09, Subdivision 2; 362.10; 362.12, Subdivision 1a; 362.125; 362.13; and 362.23.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert:

*"Section 1. [361.011] [DEPARTMENT OF BUSINESS DEVELOPMENT.] Subdivision 1. [CREATION.] There is created a department of state government to be known as the department of business development. The department shall be under the supervision and control of the commissioner of business development.*

*Subd. 2. [COMMISSIONER; APPOINTMENT.] The governor, in accordance with the provisions of Minnesota Statutes, Section 15.06, and by and with the advice and consent of the senate, shall appoint a commissioner of business development. The commissioner, before assuming his duties, shall take and file with the secretary of state the oath of office prescribed by the constitution. The term of the commissioner, the filling of any vacancy, his general powers and the appointment of his deputy shall be as provided in Minnesota Statutes, Section 15.06.*

*Subd. 3. [DEPUTY COMMISSIONER; ASSISTANT COMMISSIONERS; OTHER EMPLOYEES.] The commissioner shall appoint one deputy commissioner and four assistant commissioners in the unclassified service and such other employees in the unclassified service as may be authorized by law and necessary for the efficient and economical operation of the department. The remaining employees of the department shall be in the classified service except as provided in Minnesota Statutes, Section 43.09.*

*Subd. 4. [ORGANIZATION OF DEPARTMENT.] The commissioner shall organize the department in a manner reflecting his responsibilities and the responsibilities of the department. The department shall be composed of an office of business research, an office of industrial development, an office of small business, an office of tourism, and such other offices or positions as the commissioner deems necessary or desirable subject to the limitations prescribed by Minnesota Statutes, Chapter 43. The offices of business research, industrial development, small business, and tourism shall each be under the supervision and control of an assistant commissioner.*

**Sec. 2. [362.021] [OFFICE OF BUSINESS RESEARCH.]**  
*The office of business research shall:*

*(a) Provide up-to-date social, political and economic data to the offices of industrial development, small business, and tourism, as necessary to enable those offices to carry out their responsibilities;*

*(b) Cooperate with the offices of industrial development, small business, and tourism, the state planning agency, the state demographer, any other department or agency of state government or any of the state's political subdivisions, any public or private post-secondary four-year education institution, the census bureau or any other federal agency or department, or any other bona fide research or promotional organization or entity for the purpose of gathering information or studying relevant social, political or economic resources of Minnesota as may be necessary or desirable to carry out the responsibilities of the department of business development; and*

*(c) Establish or contract for the establishment of computer facilities and services as necessary to provide comprehensive and up-to-date statistical information to the offices of industrial development, small business, and tourism.*

**Sec. 3. [362.031] [OFFICE OF INDUSTRIAL DEVELOPMENT.]**  
*Subdivision 1. [GENERAL DUTIES.] The office of industrial development shall:*

(a) *Promote the improvement and expansion of Minnesota businesses and industries;*

(b) *Publicize Minnesota resources and business opportunities to attract new employers to Minnesota;*

(c) *Promote international trade opportunities for Minnesota businesses;*

(d) *Provide information and other assistance to local units of government and others seeking industrial development; and*

(e) *Provide information and other assistance to businesses seeking financial support for expansion or relocation in Minnesota.*

*Subd. 2. [SPECIFIC DUTIES.] In order to carry out its responsibilities, the office of industrial development shall:*

(a) *In cooperation with the office of business research, the office of small business, the state planning agency, the state demographer, any public or private post-secondary four-year education institution, and the census bureau or any other federal agency or department, provide relevant social, political and economic data, including but not limited to income and expenditure information, demographics and other useful statistical information, concerning local communities, regions, service areas and the state in general to employers, development corporations, port authorities, industrial development commissions, local units of government, and any other person or entity requesting information about state or local resources for the purpose of evaluating opportunities for economic development;*

(b) *Sponsor or cooperate with the sponsors of conferences, seminars, trade fairs and other programs on the state, national or international level for the purpose of acquainting business enterprises with the resources available in Minnesota communities; and*

(c) *Plan, promote and undertake advertising and other promotional campaigns using regional, national or international media for the purpose of promoting industrial development in Minnesota.*

*Subd. 3. [POWERS.] The office of industrial development may:*

(a) *In cooperation with the office of business research, the office of small business, the state planning agency, the state demographer, any public or private post-secondary four-year education institution, the census bureau, or any other bona fide research organization or entity, initiate or undertake studies of*

*the economic resources of this state and the economic conditions affecting this state's economy;*

*(b) Investigate appropriate means of promoting and encouraging economic development in Minnesota;*

*(c) Employ publicity representatives to develop or coordinate promotional activities of the office; and*

*(d) Cooperate with other departments and agencies of the state in the preparation and coordination of plans and policies for the development of the state and for the use and conservation of its resources.*

*Subd. 4. [PROMOTIONAL EXPENDITURES.] The office of industrial development may make expenditures from a separate account for the promotion of industrial development when appropriations are made for this purpose. For promotional expenditures for food, travel, and lodging, the office of industrial development shall not be bound by the travel regulations of the department of personnel pursuant to Minnesota Statutes, Section 43.327. All promotional transactions in the separate account shall be coded under the appropriate commissioner of finance's object of expenditure code. On December 31 and June 30 in each fiscal year, the office of industrial development shall prepare a detailed summary of all promotional expenditures in the preceding six month period including the public purpose, type and amount of expenditure, and name and official capacity of persons involved. This report shall be submitted to the commissioner of finance for distribution to the staffs of senate finance and house appropriations.*

*Sec. 4. [362.041] [OFFICE OF SMALL BUSINESS.]  
Subdivision 1. [DUTIES.] The office of small business shall:*

*(a) In cooperation with the office of business research, the office of industrial development, the office of tourism, the state planning agency, the state demographer, any public or private post-secondary four-year education institution, and the census bureau or any other federal agency or department, provide relevant social, political and economic data, including but not limited to income and expenditure information, demographics, marketing studies, and other useful statistical information, concerning local communities, regions, service areas, and the state in general, to small businesses in the state;*

*(b) Provide or assist in the provision of technical and professional advice on the proper management and operation of small businesses; and*



(c) *Provide or assist in the provision of seed money for the starting and expansion of small businesses. The commissioner shall report to the legislature on or before January 15, 1979, concerning his recommendations for establishment of a program to make state aids and other financial assistance available to Minnesota small businesses. The report shall include specific recommendations for enabling legislation drafted in bill form.*

*Subd. 2. [POWERS.] In order to carry out its responsibilities, the office of small business may:*

(a) *Provide loans or grants of money to any development corporation established in accordance with Minnesota Statutes, Sections 301.71 to 301.84, under such terms and conditions as the commissioner of business development deems necessary or useful, for the purpose of encouraging formation of small businesses in Minnesota;*

(b) *Provide technical assistance to small businesses;*

(c) *Provide assistance in developing managerial skills among the officers and employees of small businesses; and*

(d) *Cooperate with any federal program for the purpose of encouraging or assisting small businesses.*

*Subd. 3. [SMALL BUSINESS; DEFINITION.] For the purposes of this section, "small business" means any enterprise earning \$2 million or less in gross revenues per year.*

*Sec. 5. [362.051] [OFFICE OF TOURISM.] Subdivision 1. [GENERAL DUTIES.] The office of tourism shall:*

(a) *Promote tourism and the tourist industry in this state;*

(b) *Provide assistance and encouragement to individuals and groups within the state which desire to promote tourism and the tourist industry;*

(c) *Promote Minnesota as a site for conventions, trade shows, assemblies and other such gatherings;*

(d) *Provide assistance and encouragement to individuals and groups within this state which desire to attract conventions, trade shows, assemblies and other such gatherings to Minnesota; and*

(e) *Provide or assist in the provision of financial and other assistance to the tourist industry in this state to improve the quality and appeal of Minnesota tourist attractions and facilities.*

**Subd. 2. [SPECIFIC DUTIES.]** *In order to carry out its responsibilities, the office of tourism shall:*

(a) *Provide basic support to the travel industry in Minnesota and to the regional nonprofit tourism organizations commonly known as Viking-land, Arrowhead, Heartland, Pioneerland, Hiawathaland and Metroland. The office shall provide or assist in the provision of assistance in research, marketing, promotion and advertising strategies, and preparation of travel product development proposals;*

(b) *Operate tourist information centers in the highway rest areas established by the department of transportation at Moorhead, Dresbach, Albert Lea, Thompson Hill and Beaver Creek;*

(c) *Allocate equally on a pass-through basis any funds appropriated by the legislature for use by the regional nonprofit tourism organizations commonly known as Viking-land, Arrowhead, Heartland, Pioneerland, Hiawathaland and Metroland. Any funds appropriated pursuant to this subdivision shall be transferred no later than August 1 of each fiscal year; and*

(d) *Provide basic support and discretionary grants to local and regional tourism organizations and agencies for travel product development, marketing, promotion and advertising. No grant authorized by this clause shall provide more than 50 percent of the estimated total annual cost of a project.*

**Subd. 3. [POWERS.]** *The office of tourism may:*

(a) *In cooperation with the office of business research, office of industrial development, the office of small business, any public or private post-secondary four-year education institution, any federal agency or department, or any bona fide travel promotion or research organization, initiate or undertake studies of tourism resources and facilities in this state;*

(b) *Investigate appropriate means of advertising and promoting tourism and the tourist industry in Minnesota; and*

(c) *Plan, promote and undertake advertising and other promotional campaigns using state or national media to encourage tourism and the tourist industry in this state.*

**Subd. 4. [TRAVEL COUNCIL.]** *The governor, in accordance with Minnesota Statutes, Section 15.059, shall appoint*

*an advisory council to the office of tourism to be known as the Minnesota travel council. The council shall consist of the following members:*

*(a) The executive vice-president of each of the regional non-profit tourism organizations commonly known as Viking-land, Arrowhead, Heartland, Pioneerland, Hiawathaland and Metro-land; and*

*(b) Nine members who are experienced in the field of travel or who have demonstrated a concern for the travel industry including at least one member who is a faculty member of the university of Minnesota, and one member who is a representative of the Minnesota travel industry. The commissioner of transportation or his designee and the director of the state planning agency or his designee shall be ex-officio members of the travel council.*

*The terms, compensation and removal of members, and the expiration of the council shall be as provided in Minnesota Statutes, Section 15.059, except that no member of the council shall receive compensation for more than 20 days spent on council activities per year and except that the members appointed in accordance with clause (a) shall be considered state employees for the purpose of receiving compensation. The council shall annually elect from among its membership a chairperson and a vice-chairperson. The administrative expenses of the travel council and necessary supporting services shall be provided by the office of tourism at the council's request. Prior to appointment of any head of the office of tourism the travel council shall recommend a list of three names to the commissioner of business development. The commissioner of business development shall appoint an assistant commissioner to head the office of tourism from among the names submitted by the travel council. Upon recommendation of a majority of members of the travel council, the commissioner of business development shall remove the head of the office of tourism and appoint a replacement in accordance with the procedure established by this subdivision.*

*Subd. 5. [PROMOTIONAL EXPENDITURES.] The office of tourism may make expenditures from a separate account for the promotion of tourism when appropriations are made for this purpose. For promotional expenditures for food, travel, and lodging, the office of tourism shall not be bound by the travel regulations of the department of personnel pursuant to Minnesota Statutes, Section 43.327. All promotional transactions in the separate account shall be coded under the appropriate commissioner of finance's object of expenditure code. On December 31 and June 30 in each fiscal year, the office of tourism shall prepare a detailed summary of all promotional expenditures in the preceding six month period including the public purpose, type and amount of expenditure, and name and official capacity of persons involved. This report shall be submitted to the commis-*

sioner of finance for distribution to the staffs of senate finance and house appropriations.

Sec. 6. [362.061] [BIENNIAL BUDGET PREPARATION.] *The head of each office in the department of business development shall prepare or supervise preparation of the biennial budget request for the office under his control. The biennial budget request of the office of tourism shall contain a line item for pass-through grants specifying the amounts requested by the regional nonprofit tourism organizations specified in section 5, subdivision 2, clause (c). The budget request for each such office following review by the commissioner of business development may be modified as he deems necessary or desirable in the best interest of the state. The budget request for the department, containing the original requests of each office and the final budget request for each office as approved by the commissioner of business development shall be submitted to the commissioner of finance as provided in Minnesota Statutes, Section 16A.10. In addition, the commissioner of business development shall provide the staffs of senate finance and house appropriations committees with the original budget requests of each office in the department of business development. The head of each office in the department of business development shall upon request by the appropriate standing committees of the legislature testify concerning the budget needs of his office.*

Sec. 7. [362.071] [RULEMAKING AUTHORITY.] *The commissioner of business development may promulgate, amend, suspend or repeal rules in accordance with the provisions of Minnesota Statutes, Sections 15.0411 to 15.052, for the purpose of implementing or administering the provisions of sections 1 to 11 of this act.*

Sec. 8. [362.081] [FEDERAL AGENCIES.] *Subdivision 1. [LIAISON ACTIVITIES.] The department shall be responsible for representing the interests of the state of Minnesota before any federal regulatory or administrative agency or department on matters affecting Minnesota businesses.*

*Subd. 2. [GRANT PROGRAMS.] Whenever appropriate, the governor shall designate the department of business development as the responsible state agency for administering federal grant programs relating to economic development.*

Sec. 9. [362.091] [GRANTS FROM FEDERAL GOVERNMENT OR FROM INDIVIDUALS.] *The commissioner of business development may accept any grant of funds or property made by the United States or any department or agency thereof, or by any individual, for any purpose consistent with the responsibilities of the department of business development.*

Sec. 10. [362.101] [COOPERATION WITH OTHER DEPARTMENTS AND UNIVERSITY OF MINNESOTA.] *Sub-*

*division 1. [OTHER DEPARTMENTS AND AGENCIES.] The commissioner of business development shall cooperate with the state planning agency, the departments of commerce, economic security, and labor and industry, and any other agency or department of state government having responsibility for planning, employment or business regulation. The director of the state planning agency, the commissioners of economic security and labor and industry, the state demographer and the heads of the other state agencies and departments shall cooperate with the department of business development, coordinate their business or employment research, development, or promotional activities with the commissioner of business development, and provide such assistance to the department of business development as their capabilities may allow.*

*Subd. 2. [UNIVERSITY OF MINNESOTA.] The commissioner of business development shall at all times cooperate with the university of Minnesota and its departments. The university of Minnesota, as a condition to receiving funds appropriated by the legislature for the purpose of engaging in agricultural, industrial or business research, shall cooperate with the department of business development, coordinate appropriate research and development activities with the department and provide the department with technical and other assistance as it may be able to provide. Upon request by any standing committee of the legislature, the commissioner of business development shall review and comment upon the budget estimates and recommendations of the regents of the university of Minnesota with regard to the agricultural, industrial and business research or promotional activities of the university of Minnesota.*

**Sec. 11. [362.111] [FEES FOR INFORMATION AND SERVICES; PUBLICATIONS.]** *Subdivision 1. [FEES.] The commissioner of business development shall establish pursuant to Minnesota Statutes, Section 16A.128, a schedule of reasonable fees for the information and services provided by the department of business development. The fees shall take into consideration the cost of furnishing such information or services, the ability of the user to pay, and the goals and objectives of the department. The commissioner shall waive the payment of any fee authorized by this subdivision if he determines that the imposition of a fee is not reasonable or desirable under the circumstances. Any fee collected pursuant to this subdivision shall be deposited in the general fund.*

*Subd. 2. [PUBLICATIONS.] The commissioner of business development may sponsor or publish brochures, pamphlets and other publications to promote industrial development or tourism in Minnesota, provided that no publication of the department may contain paid advertising or duplicate or interfere with the promotional or business activities of any private enterprise or regional nonprofit tourism organization in Minnesota.*

Sec. 12. [362.121] [TRANSFER OF POWERS.] *Subdivision 1. [SUCCESSOR DEPARTMENT.] The department of business development shall be deemed a continuation of the department of economic development and shall not be held to constitute a new authority for the purpose of succession to all rights, powers, duties and obligations of the former department. All rules promulgated prior to the effective date of this section by the commissioner of economic development shall remain in full force and effect as promulgated, until modified or repealed by the commissioner of business development.*

*Subd. 2. [CONTINUATION OF PROCEEDINGS.] Any proceeding, court action or other business or matter which is pending on the effective date of this section and which was undertaken or commenced by the department of economic development may be continued by the commissioner of business development.*

*Subd. 3. [TRANSFER OF PROPERTY.] All contracts, books, maps, plans, papers, records, and other property of the department of economic development shall be transferred to the commissioner of business development for allocation to the appropriate office in the department of business development.*

*Subd. 4. [TRANSFER OF APPROPRIATIONS.] All unexpended funds appropriated to the department of economic development are transferred to the commissioner of business development for allocation to the appropriate office in the department of business development. The use of any funds allocated pursuant to this subdivision shall bear a reasonable relationship to the purposes for which the funds were originally appropriated. The allocations made by the commissioner of business development shall be subject to approval by the commissioner of administration and shall be reported to the committee on finance of the senate and the committee on appropriations of the house of representatives.*

*Subd. 5. [TRANSFER OF EMPLOYEES.] All classified employees of the department of economic development and their positions are transferred to the department of business development. All unclassified positions in the department of economic development except unclassified positions established pursuant to the provisions of section 43.05, subdivision 2, clause (11), or 43.09, subdivision 2, clause (9), are abolished. Any employee in the unclassified service whose position is abolished by this act and who is not appointed to an unclassified position authorized by section 1, subdivision 3, may be otherwise continued in the unclassified service in the department of business development, but for a period not to exceed 12 months from the date on which the department commences operation. Such positions shall be authorized pursuant to the provisions of section 43.05, subdivision 2, clause (11). Nothing in this section shall be construed as*

*abrogating or modifying any rights now enjoyed by affected employees under terms of an agreement between an exclusive bargaining representative and the state or one of its appointing authorities. Until modified by law, the approved complement of the department of business development shall be 48 positions.*

Sec. 13. Minnesota Statutes 1976, Section 3.922, Subdivision 1, is amended to read:

3.922 [INDIAN AFFAIRS INTERTRIBAL BOARD.] Subdivision 1. [CREATION, MEMBERSHIP.] There is created a state 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 business development*, the commissioner of education, the commissioner of public welfare, the commissioner of natural resources, the commissioner of human rights, (THE COMMISSIONER OF ECONOMIC DEVELOPMENT,) 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, 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. Board members appointed to represent the state house of representatives, the state senate or tribal governments shall no longer serve on the 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 board shall not be voting members of the board.

Sec. 14. Minnesota Statutes, 1977 Supplement, Section 15.01, is amended to read:

15.01 [DEPARTMENTS OF THE STATE.] The following agencies are designated as the departments of the state gov-

ernment: the department of administration; the department of agriculture; *the department of business development*; the department of commerce; the department of corrections; (THE DEPARTMENT OF ECONOMIC DEVELOPMENT;) the department of education; the department of economic security; the department of finance; the department of health; the department of human rights; the department of labor and industry; the department of military affairs; the department of natural resources; the department of personnel; the department of public safety; the department of public service; the department of public welfare; the department of revenue; the department of transportation; the department of veterans affairs; the department of vocational rehabilitation; and their successor departments.

Sec. 15. Minnesota Statutes 1976, Section 15.057, is amended to read:

15.057 [PUBLICITY REPRESENTATIVES.] No state department, bureau or division, whether the same operates on funds appropriated or receipts or fees of any nature whatsoever, except (THE HIGHWAY DEPARTMENT, THE DEPARTMENT OF ECONOMIC DEVELOPMENT,) *the offices of industrial development and tourism of the department of business development*, the game and fish division of *the department of natural resources*, the department of employment services, *the department of transportation* and the state agricultural society shall use any of such funds for the payment of the salary or expenses of a publicity representative. The head of any such department, bureau, or division shall be personally liable for funds used contrary to this provision. This act shall not be construed, however, as preventing any such department, bureau, or division from sending out any bulletins or other publicity required by any state law or necessary for the satisfactory conduct of the business for which such department, bureau, or division was created.

Sec. 16. Minnesota Statutes, 1977 Supplement, Section 15.06, Subdivision 1, 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, agriculture, *business development*, corrections, (ECONOMIC DEVELOPMENT,) education, employment services, finance, health, human rights, labor and industry, natural resources, personnel, public safety, public welfare, revenue, transportation, veterans affairs and vocational rehabilitation; the banking, insurance and securities divisions and the consumer services section of the department of commerce; the energy, housing finance and pollution control agencies; the office of commissioner of iron range resources and rehabilitation; the bureau of mediation services; and their suc-



cessor departments and agencies. The heads of the foregoing departments or agencies are referred to in this section as "commissioners".

Sec. 17. Minnesota Statutes, 1977 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 employees in the executive branch of government:

	Base Salary or Range
Administration, department of commissioner .....	\$41,000
Agriculture, department of commissioner .....	36,000
Attorney general, office of deputy attorney general .....	23,000 - 42,000
<i>Business development, department of commissioner</i> .....	<i>32,000</i>
Commerce, department of commissioner of banks .....	32,000
commissioner of insurance .....	32,000
commissioner of securities .....	32,000
executive secretary, commerce commission .....	27,000
Community college system chancellor .....	41,000
Corrections, department of commissioner .....	36,000
ombudsman .....	32,000
Crime prevention and control, governor's commission on executive director .....	32,000
<b>(ECONOMIC DEVELOPMENT, DEPARTMENT OF COMMISSIONER</b> .....	<b>32,000)</b>
Economic security, department of commissioner .....	41,000

Education, department of commissioner .....	41,000
Energy agency director .....	36,000
Finance, department of commissioner .....	45,000
Health, department of commissioner .....	41,000
Hearing examiners office chief hearing examiner .....	36,000
Higher education coordinating board executive director .....	36,000
Housing finance agency executive director .....	36,000
Human rights, department of commissioner .....	29,000
Indian affairs board executive director .....	25,000
Investment, board of executive secretary .....	41,000
Iron range resources and rehabilitation board commissioner .....	29,000
Labor and industry, department of commissioner .....	36,000
judge of the workers compensation court of appeals .....	36,000
director, mediation services .....	29,000
Natural resources, department of commissioner .....	41,000
Personnel, department of commissioner .....	41,000
Planning agency director .....	41,000
Pollution control agency director .....	36,000

Public safety, department of commissioner .....	36,000
Public service, department of commissioner, public service commission .....	32,000
director .....	32,000
Public welfare, department of commissioner .....	41,000
Revenue, department of commissioner .....	41,000
State university system chancellor .....	41,000
Transportation, department of commissioner .....	41,000
Veterans affairs, department of commissioner .....	29,000

Sec. 18. Minnesota Statutes 1976, Section 16.084, is amended to read:

16.084 [ENCOURAGEMENT OF PARTICIPATION.] The (COMMISSIONERS) *commissioner* of administration and (ECONOMIC) *the commissioner of business* development shall publicize the provisions of the set-aside program, attempt to locate small businesses able to perform set-aside procurement awards, and encourage participation. When the commissioner of administration determines that a small business is unable to perform under a set-aside contract, he shall so inform the commissioner of (ECONOMIC) *business* development who shall assist the small business in attempting to remedy the causes of the inability to perform a set-aside award. In assisting the small business, the commissioner of (ECONOMIC) *business* development in cooperation with the commissioner of administration shall use any management or financial assistance programs as may be available by or through the department of (ECONOMIC) *business* development, other state or governmental agencies, or private sources.

Sec. 19. Minnesota Statutes 1976, Section 16.086, is amended to read:

16.086 [REPORTS.] Subdivision 1. [COMMISSIONER OF ADMINISTRATION.] The commissioner of administration shall submit an annual report pursuant to section 3.195 to the governor and the legislature with a copy to the commis-

sioner of (ECONOMIC) *business* development indicating the progress being made toward the objectives and goals of sections 16.081 to 16.086 during the preceding fiscal year. This report shall include the following information:

(a) The total dollar value and number of potential set-aside awards identified during this period and the percentage of total state procurement this figure reflects;

(b) The number of small businesses identified by and responding to the set-aside program, the total dollar value and number of set-aside contracts actually awarded to small businesses with appropriate designation as to the total number and value of set-aside contracts awarded to each small business, and the total number of small businesses that were awarded set-aside contracts;

(c) The total dollar value and number of set-aside contracts awarded to small businesses owned and operated by economically or socially disadvantaged persons with appropriate designation as to the total number and value of set-aside contracts awarded to each small business, and the percentages of the total state procurements the figures of total dollar value and the number of set-asides reflect;

(d) The number of contracts which were designated and set-aside pursuant to section 16.083 but which were not awarded to a small business, the estimated total dollar value of these awards, the lowest offer or bid on each of these awards made by the small business and the price at which these contracts were awarded pursuant to the normal procurement procedures.

Subd. 2. [COMMISSIONER OF BUSINESS DEVELOPMENT.] The commissioner of (ECONOMIC) *business* development shall submit an annual report to the governor and the legislature pursuant to section 3.195 with a copy to the commissioner of administration. This report shall include the following information:

(a) The efforts undertaken to publicize the provisions of the set-aside program during the preceding fiscal year;

(b) The efforts undertaken to identify small businesses including those owned and operated by socially or economically disadvantaged persons, and the efforts undertaken to encourage participation in the set-aside program;

(c) The efforts undertaken by the commissioner to remedy the inability of small businesses to perform on potential set-aside awards; and

(d) The commissioner's recommendations for strengthening the set-aside program and delivery of services to small businesses.

Sec. 20. Minnesota Statutes, 1977 Supplement, Section 43.09, Subdivision 2a, is amended to read:

Subd. 2a. [ADDITIONAL UNCLASSIFIED POSITIONS.] Notwithstanding any other law to the contrary, the personnel board, upon the request of the governor, is hereby authorized to establish permanent unclassified positions, or to unclassify previously classified positions, provided that:

(1) Positions so established involve only deputy or assistant heads of departments or agencies, or director level positions which are not specifically established by law, and who are appointed by and report directly to a head of a department or agency who is required by law to be appointed by the governor, or by a gubernatorially appointed board; as well as one position for a personal secretary of any head of a department or agency listed in clause (4).

(2) Classified incumbents of such positions, if any, are not removed from that position for a period of one year except under applicable provisions of rules and laws governing classified state employees. An incumbent of a position that is declassified pursuant to this subdivision, if he so requests within 120 days after being removed from that position, shall be appointed to a classified position comparable to the position that was declassified, or if such a position is unavailable, to a position comparable to that which he held immediately prior to being appointed to the position that was declassified. If a position is declassified and the incumbent at the time the position was declassified had no classified status immediately prior to the appointment to the position that was declassified, he shall, if he so requests within 120 days after being removed from that position, be appointed to a comparable or lower classified position within two salary ranges of the position that was declassified.

(3) If an employee in the classified civil service accepts a newly created unclassified position, he shall retain an inactive classified civil service status and, upon his request, shall be reappointed to a classified position comparable to that which he held immediately prior to being appointed to the position that was declassified.

(4) Positions so established are limited in number to six in the departments of administration, corrections, economic security, finance, transportation, natural resources, public safety, public welfare, and revenue; to five in the departments of commerce, education, health, labor and industry, and personnel; to four in the departments of agriculture, and (ECONOMIC)

*business* development; to three in the department of public service, the planning agency, and the pollution control agency; and to two in the departments of human rights and veterans affairs. Departments or agencies not enumerated in this clause shall not be authorized to establish additional unclassified positions under the provisions of this subdivision.

(5) Funds are available.

Sec. 21. Minnesota Statutes 1976, Section 85A.02, Subdivision 12, is amended to read:

Subd. 12. The board shall report to the (DEPARTMENT OF ECONOMIC) *commissioner of business* development on or before December 1 of each year on the activities of the board and the operation of the zoological garden. The commissioner of (ECONOMIC) *business* development shall evaluate the activities of the board and the operation of the zoological garden and report thereon to the legislature on or before November 15 of each even numbered year.

Sec. 22. Minnesota Statutes 1976, Section 105.485, Subdivision 3, is amended to read:

Subd. 3. [COMMISSIONER'S DUTIES.] Before April 1, 1974, the commissioner of natural resources shall promulgate, in the manner provided in chapter 15, model standards and criteria, other than a model ordinance, for the subdivision, use, and development of shoreland in municipalities, which standards and criteria shall include but not be limited to those listed below in regard to unincorporated areas. Before July 1, 1970, the commissioner of natural resources shall promulgate, in the manner provided in chapter 15, model standards and criteria for the subdivision, use, and development of shoreland in unincorporated areas, including but not limited to the following: (a) The area of a lot and length of water frontage suitable for a building site; (b) the placement of structures in relation to shorelines and roads; (c) the placement and construction of sanitary and waste disposal facilities; (d) designation of types of land uses; (e) changes in bottom contours of adjacent public waters; (f) preservation of natural shorelands through the restriction of land uses; (g) variances from the minimum standards and criteria; and (h) a model ordinance. The following agencies shall provide such information and advice as may be necessary to the preparation of the rules and regulations, or amendments thereto: The state departments of agriculture, (ECONOMIC) *business* development, and health; the state planning agency; the pollution control agency; the state soil and water conservation board; and the Minnesota historical society. In addition to other requirements of chapter 15, the model standards and ordinance promulgated pursuant to this section, or amendments thereto, shall not be filed with the secretary of state unless approved by

the executive officer of the state board of health and the director of the pollution control agency.

Sec. 23. Minnesota Statutes 1976, Section 114A.03, Subdivision 1, is amended to read:

114A.03 [PURPOSE AND INTENT.] Subdivision 1. The southern Minnesota rivers basin board is hereby established to serve as the regional organization for guiding the creation and implementation of a comprehensive environmental conservation and development plan for the basin. All state departments and agencies are hereby directed to cooperate with the board, and to assist it in the performance of its duties. In cooperation with all federal agencies, including but not limited to the United States departments of agriculture and interior and the corps of engineers, all state agencies, departments, and commissions, including but not limited to the department of natural resources, Minnesota geological survey, water resources board, state planning agency, department of transportation, state soil and water conservation board, pollution control agency, department of (ECONOMIC) *business* development, department of agriculture, and the institute of agriculture of the University of Minnesota, and local governments and citizens within the basin, the board shall initiate, coordinate and prepare its overall comprehensive environmental conservation and development plan. The Minnesota soil and water conservation board and local soil and water conservation districts and watershed districts within the basin shall provide technical assistance to the board in the creation and implementation of the plan. Upon the request of the board, the governor or the legislature may require any other department or agency of the state to furnish assistance, technical or otherwise, to the board in the performance of its duties or in the exercise of its powers authorized by law. The plan may include, but is not limited to, planning for the following purposes:

- (1) Control or alleviation of damages by flood waters;
- (2) Improvement of stream channels for handling of surface waters, navigation, and any other public purposes;
- (3) Reclaiming or filling of wet and overflowed lands;
- (4) Regulating the flow of streams and conserving the waters thereof;
- (5) Diverting or changing watercourses in whole or in part;
- (6) Providing and maintaining water quality and supply for municipal, domestic, industrial, recreational, agricultural, aesthetic, wildlife, fishery, or other public use;

(7) Providing for sanitation and public health and regulating uses of streams, ditches, or watercourses for the purpose of disposing of waste and maintaining water quality;

(8) Repair, improvement, relocation, modification, consolidation or abandonment in whole or in part of previously established public drainage systems within the territory;

(9) Imposition of prevention or remedial measures for the control or alleviation of land and soil erosion and siltation of watercourses or bodies of water affected thereby;

(10) Regulation of improvements and land development by abutting landowners of the beds, banks, and shores of lakes, streams, watercourses, and marshes by permit or otherwise in order to preserve the same for beneficial use; such regulation to be in accordance with state department of natural resource standards and criteria;

(11) Regulation of construction of improvements on and prevention of encroachments in the flood plains of the rivers, and the lakes, marshes and streams of the basin; such regulation to be in accordance with state department of natural resource standards and criteria.

Sec. 24. Minnesota Statutes 1976, Section 160.262, Subdivision 3, is amended to read:

Subd. 3. The following departments and agencies shall cooperate in providing the information and advice for the study by the state planning agency and the promulgation of model standards and amendments thereto by the commissioner of transportation: the departments of agriculture, *business development*, transportation, (ECONOMIC DEVELOPMENT,) natural resources, public service, the state planning agency, and the state soil and water conservation board. The commissioner may cooperate with and enter into agreements with the United States government, any department of the state of Minnesota, any unit of local government and any public or private corporation in order to effect the purposes of this section.

Sec. 25. Minnesota Statutes 1976, Section 160.28, is amended to read:

160.28 [REST AREAS, TOURIST INFORMATION CENTERS AND WEIGH STATIONS.] *Subdivision 1.* The provisions of any other law to the contrary notwithstanding, the commissioner of transportation is hereby authorized to cause to be prepared plans and specifications and detailed designs for the construction of buildings and facilities for rest areas, tourist information centers in combination with rest areas, and weigh stations when he deems such buildings and facilities to be neces-



sary in the interest of safety and convenient public travel on highways.

*Subd. 2. On request by the commissioner of business development, the commissioner of transportation shall transfer his responsibility for operation and control of any tourist information facility located in a rest area established or maintained by the department of transportation to the commissioner of business development. The commissioner of transportation shall continue to provide maintenance for any such facility.*

Sec. 26. Minnesota Statutes 1976, Section 160.281, Subdivision 2, is amended to read:

Subd. 2. [OPERATION AND MAINTENANCE OF CENTER.] The personnel who shall operate the center authorized by subdivision 1, shall be employees of the state of Minnesota. (HOWEVER,) *On request by the commissioner of business development, the commissioner of transportation shall transfer his responsibility for operation and control of the tourist information center to the commissioner of business development. The commissioner of transportation shall retain responsibility for maintenance of the facility and may enter into an agreement with the appropriate officials of the state of South Dakota, under which the maintenance to be provided to the center itself and the site in toto may be provided by persons not employees of the state of Minnesota, which persons may be employees of the state of South Dakota. The agreement may provide for reasonable compensation.*

Sec. 27. Minnesota Statutes, 1977 Supplement, Section 268.014, is amended to read:

268.014 [COOPERATION WITH OTHER STATE AGENCIES.] To effectively coordinate job training and placement services with future job needs of the state the commissioner shall maintain close liaison, coordination and cooperation with the department of (ECONOMIC) *business development* and any other state agency involved in employment issues affecting the state.

Sec. 28. Minnesota Statutes 1976, Section 301.75, is amended to read:

301.75 [ADDITIONAL POWERS.] In addition to the powers enumerated in section 300.08, subdivision 1, the corporation may:

(a) Borrow money and otherwise incur indebtedness for any of the purposes of the corporation; to issue its bonds, debentures, notes or other evidences of indebtedness, whether secured or unsecured, therefore and to secure the same by mortgage, pledge, deed or trust or other lien on its property, franchises, rights and privileges of every kind and nature or any part thereof.

(b) Lend money to, and to guarantee, endorse, or act as surety on the bonds, notes, contracts or other obligations of, or otherwise assist financially, any person, firm, corporation or association, and to establish and regulate the terms and conditions with respect to any such loans or financial assistance and the charges for interest and service connected therewith.

(c) Purchase, receive, hold, lease, or otherwise acquire, and to sell, convey, mortgage, lease, pledge, or otherwise dispose of, upon such terms and conditions as the board of directors may deem advisable, real and personal property, together with such rights and privileges as may be incidental and appurtenant thereto and the use thereof, including, but not restricted to, any real or personal property acquired by the corporation from time to time in the satisfaction of debts or enforcement of obligations.

(d) Acquire, by purchase or otherwise, the good will, business, rights, real and personal property and other assets, or any part thereof, of such persons, firms, corporations, joint stock companies, associations or trusts as may be in furtherance of the corporate purposes provided herein, and to assume, undertake, guarantee or pay the obligations, debts and liabilities of any such person, firm, corporation, joint stock company, association or trust; to acquire improved or unimproved real estate for the purpose of constructing industrial plants or other business establishments thereon or for the purpose of disposing of such real estate to others for the construction of industrial plants or other business establishments, and, in furtherance of the corporate purposes provided herein, to acquire, construct or reconstruct, alter, repair, maintain, operate, sell, lease, or otherwise dispose of industrial plants or business establishments.

(e) Acquire, subscribe for, own, hold, sell, assign, transfer, mortgage, pledge or otherwise dispose of the stock, shares, bonds, debentures, notes or other securities and evidences of interest in, or indebtedness of, any person, firm, corporation, joint stock company, association or trust, and, while the owner or holder thereof, to exercise all the rights, powers and privileges of ownership, including the right to vote thereon.

(f) Cooperate with and avail itself of the facilities of the department of (ECONOMIC) *business* development and any similar governmental agencies; and to cooperate with and assist, and otherwise encourage, local organizations in the various communities of the state the purpose of which shall be the promotion, assistance, and development of the business prosperity and economic welfare of such communities and of this state.

Sec. 29. Minnesota Statutes 1976, Section 301.77, Subdivision 1, is amended to read:

301.77 [DIRECTORS.] Subdivision 1. All the corporate powers of the corporation shall be exercised by a board of not less than eight elected directors (but the number of elected directors shall always be an even number) who shall be residents of Minnesota and, except in the case of the first board, representative of the various sections of the state as determined in the by-laws. The commissioner of (THE DEPARTMENT OF ECONOMIC) *business* development or *his designee* shall be, ex officio, a director with all the authority but without the liability as such, except for gross negligence or wilful misconduct. The number of directors and their term of office shall be determined in the bylaws. If any vacancy occurs in the board of directors through death, resignation, or otherwise, the remaining directors may elect a person to fill the vacancy until the next annual meeting of the corporation.

Sec. 30. Minnesota Statutes 1976, Section 301A.01, Subdivision 1, is amended to read:

301A.01 [REGIONAL TOURISM DEVELOPMENT CREDIT CORPORATIONS.] Subdivision 1. For the purposes of sections 301A.01 to 301A.14, the commissioner of (THE DEPARTMENT OF ECONOMIC) *business* development (OF THE STATE) *upon recommendation by the Minnesota travel council* shall divide the state into six tourist regions and shall keep on file in his office and in the office of the secretary of state the legal descriptions and a map of such regions.

Sec. 31. Minnesota Statutes 1976, Section 301A.05, is amended to read:

301A.05 [ADDITIONAL POWERS.] In addition to the powers enumerated in section 300.08, subdivision 1, the corporation may:

(1) Borrow money and otherwise incur indebtedness for any of the purposes of the corporation; to issue its bonds, debentures, notes or other evidences of indebtedness, whether secured or unsecured, therefor and to secure the same by mortgages, pledges, deeds of trust or other lien on its property, franchises, and privileges of every kind and nature or any part thereof.

(2) Lend money to, and to guarantee, endorse, or act as surety on the bonds, notes, contracts or other obligations of, or otherwise assist financially, any person, firm, corporation or association, and to establish and regulate the terms and conditions with respect to any such loans or financial assistance and the charges for interest and service connected therewith; to make working capital loans, take equity positions in corporations, and take second or third position mortgages.

(3) Purchase, receive, hold, lease, or otherwise acquire, and to sell, convey, mortgage, lease, pledge, or otherwise dispose of,

upon such terms and conditions as the board of directors may deem advisable, real and personal property, together with such rights and privileges as may be incidental and appurtenant thereto and the use thereof, including, but not restricted to, any real property or personal property acquired by the corporation from time to time in the satisfaction of debts or enforcement of obligations.

(4) Acquire, by purchase or otherwise, the good will, business, rights, real and personal property and other assets, or any part thereof, of such persons, firms, corporations, joint stock companies, associations of trust as may be in furtherance of the corporate purposes provided herein, and to assume, undertake, guarantee or pay the obligations, debts, and liabilities of any such person, firm, corporation, joint stock company, association, or trust; to acquire improved or unimproved real estate for the purpose of constructing tourist or recreational business establishments thereon or for the purpose of disposing of such real estate to others for the construction of tourist or recreational business establishments, and, in furtherance of the corporate purposes provided herein, to acquire, construct, or reconstruct, alter, repair, maintain, operate, sell, lease, or otherwise dispose of tourist or recreational business establishments.

(5) Acquire, subscribe for, own, hold, sell, assign, transfer, mortgage, pledge or otherwise dispose of the stock, shares, bonds, debentures, notes or other securities and evidences of interest in, or indebtedness of, any person, firm, corporation, joint stock company, association or trust, and, while the owner or holder thereof, to exercise all the rights, powers, and privileges of ownership, including the right to vote thereon.

(6) Cooperate with and avail itself of the facilities of the department of (ECONOMIC) *business* development and any similar government agencies; and to cooperate and avail itself of the facilities of planning and development agencies in the regions, which agencies shall be named in the bylaws as the agencies designated for the region of incorporation; cooperate with and assist and encourage local organizations in the various communities of the state, the purpose of which shall be the promotion, assistance, and development of the tourist and recreational business prosperity and economic welfare of such communities of the state.

Sec. 32. Minnesota Statutes 1976, Section 301A.07, Subdivision 1, is amended to read:

301A.07 [DIRECTORS.] Subdivision 1. All the corporate powers of the corporation shall be exercised by a board of not less than nine elected directors who shall be residents of Minnesota. One-third of the directors shall be elected from persons who are actively engaged in the vacation travel industry in the region

of incorporation. The remaining number of directors shall be elected from persons representative of and involved in any of the lending institutions which are nonstockholder members of the corporation. The commissioner of (THE DEPARTMENT OF ECONOMIC) *business* development (OF THE STATE) or his designated representative and the director or chairman of the regional development or planning agency as designated in the bylaws, or his designated representative, shall be ex officio directors, with all the authority but without the liability as such, except for gross negligence or willful misconduct. The number of directors and their terms of office shall be determined by the bylaws. If a vacancy occurs in the board of directors through death, resignation, or otherwise, the remaining directors may elect a person to fill the vacancy until the next annual meeting of the corporation.

Sec. 33. Minnesota Statutes 1976, Section 362.40, Subdivision 9, is amended to read:

Subd. 9. A reservation resident, desiring to make a loan for the purpose of starting a business enterprise or expanding a going business, shall make application to the (STATE DEPARTMENT OF ECONOMIC) *commissioner of business* development. The (DEPARTMENT) *commissioner of business development* shall prescribe the necessary forms, and advise the prospective borrower as to the condition under which his application may be expected to receive favorable consideration. Thereafter the application shall be forwarded to the tribal council, which is empowered either to approve or reject the application. If the application is approved, the tribal council shall forward the application, together with all relevant documents pertinent thereto, to the commissioner of finance, who shall draw his warrant in favor of the tribal council with appropriate notations identifying the borrower. The tribal council shall thereafter reimburse suppliers and vendors for purchases of equipment, real estate and inventory made by the borrower pursuant to the conditions or guidelines established by (THE STATE DEPARTMENT OF ECONOMIC) *rule of the commissioner of business* development. The tribal council shall maintain records of transactions for each borrower in a manner consistent with good accounting practice. Simple interest at two percent of the amount of the debt owed shall be charged. When any portion of a debt is repaid, the tribal council shall remit the amount so received plus interest paid thereon to the state treasurer. The amount so received shall be credited to such reservation residents loan account. The tribal council shall secure a bond from a surety company, in favor of the state treasurer, in an amount equal to the maximum amount to the credit of such reservation residents loan account during the fiscal year. Ten percent of the total amount made available to any tribal council during the fiscal year shall be paid to such council prior to December 31 for the purpose of financing administrative costs.

Sec. 34. Minnesota Statutes 1976, Section 362.40, Subdivision 10, is amended to read:

Subd. 10. A nonreservation resident desiring to make a loan for the purpose of starting a business enterprise or expanding a going business shall make application to the (STATE DEPARTMENT OF ECONOMIC) *commissioner of business development*, on forms prescribed by the (DEPARTMENT) *commissioner*. The (DEPARTMENT IS EMPOWERED TO) *commissioner may* either accept or reject the application, based upon guidelines and conditions essentially similar to those used for the purpose of recommending approval or rejection of reservation residents by the tribal council under subdivision 9. If the application is approved by the (STATE DEPARTMENT OF ECONOMIC) *commissioner of business development*, the (DEPARTMENT) *commissioner* shall forward the application, together with all the relevant documents pertinent thereto, to the commissioner of finance, who shall draw his warrant in favor of the commissioner of (ECONOMIC) *business development*, with appropriate notations identifying the borrower. The (DEPARTMENT OF ECONOMIC) *commissioner of business development* shall thereafter reimburse suppliers and vendors for purchases of equipment, real estate and inventory made by the borrower pursuant to the conditions or guidelines established by (THE DEPARTMENT) *rules of the commissioner of business development*. The (DEPARTMENT OF ECONOMIC) *commissioner of business development* shall maintain records of transactions for each borrower in a manner consistent with good accounting practice. Simple interest at two percent shall be charged. When any portion of a debt is repaid, the (DEPARTMENT OF ECONOMIC) *commissioner of business development* shall remit the amount so received plus interest paid thereon to the state treasurer. The amount so received shall be credited to the nonreservation residents loan account.

Sec. 35. Minnesota Statutes, 1977 Supplement, Section 362.41, is amended to read:

362.41 [COMMUNITY DEVELOPMENT CORPORATIONS.] Subdivision 1. For the purposes of this section, the (FOLLOWING) terms *defined in this section* shall (HAVE THE MEANINGS GIVEN THEM:) *apply*.

Subd. 2. "Economic development region" means an area so designated in the governor's executive order number 60, dated June 12, 1970, as amended.

Subd. 3. "Federal poverty level" means the income level established by the United States Community Services Administration in 45 CFR 1060.2-2.

Subd. 4. "Low income" means an annual income below the federal poverty level.

Subd. 5. The (DIRECTOR OF THE STATE PLANNING AGENCY) *commissioner of business development* shall administer this section and shall enforce the rules related to the community development corporations promulgated by the (DEPARTMENT OF ECONOMIC) *commissioner of business development*. The (DIRECTOR) *commissioner of business development* may amend, suspend, repeal or otherwise modify these rules as provided (FOR) in chapter 15.

Subd. 6. The (DIRECTOR) *commissioner of business development* shall designate a community development corporation as eligible to receive grants pursuant to this section if the corporation:

(a) Is a non-profit corporation incorporated under chapter 317;

(b) Designates in its articles of incorporation or bylaws a specific geographic community within which it will operate. At least ten percent of the population within the designated community must have low income. Within the metropolitan area as defined in section 473.121, subdivision 2, a designated community shall be an identifiable neighborhood, or a combination of neighborhoods or home rule charter or statutory cities, townships, unincorporated areas or combinations thereof. Outstate designated communities shall to the extent possible not cross existing economic development boundaries;

(c) Limits voting membership to residents of the designated community;

(d) Has a board of directors with 15 to 30 members, unless the corporation can demonstrate to the director that a smaller or larger board is more advantageous. At least 60 percent of the directors shall have low incomes and the remaining directors shall be members of the business or financial community and the community at large. To the greatest extent possible directors shall be residents of the designated community. The low income directors shall be elected by the members of the corporation, and the remaining directors may be elected by the members of the corporation or selected by the low income directors; and

(e) Hires low income residents of the designated community to fill non-managerial and non-professional positions.

Subd. 7. The (DIRECTOR) *commissioner of business development* shall approve a grant to a community development corporation only for a project carried on within the designated community, except when the corporation demonstrates that a project carried on outside will have a significant impact inside the designated community.

Subd. 8. The (DIRECTOR) *commissioner of business development* may approve a grant to a community development corporation for planning, including organization of the corporation, training of the directors, creation of a comprehensive community economic development plan, and development of a proposal for a venture grant, or for establishment of a business venture, including assistance to an existing business venture, purchase of partial or full ownership of a business venture, or development of resources or facilities necessary for the establishment of a business venture.

Subd. 9. Factors considered by the (DIRECTOR) *commissioner of business development* in approving a grant to a community development corporation should include the creation of employment opportunities, the maximization of profit and the effect on securing funds from sources other than the state.

Subd. 10. Grants under this section shall not be available for programs conducted by churches or religious organizations or for securing or developing social services.

Subd. 11. A person shall not be excluded from participation in a program funded pursuant to this section because of race, color, religion, sex, age or national origin.

Sec. 36. Minnesota Statutes 1976, Section 362A.06, is amended to read:

362A.06 [APPROVAL BY COMMISSIONER OF BUSINESS DEVELOPMENT.] Any authority contemplating the exercise of the powers granted by sections 362A.01 to 362A.08 may apply to the commissioner of (ECONOMIC) *business development* for information, advice, and assistance. No authority shall undertake any project herein authorized until the commissioner has approved the project, on the basis of such preliminary information as he may require, as tending to further the purposes and policies of sections 362A.01 to 362A.08. The commissioner is authorized to handle such preliminary information in a confidential manner, to the extent requested by the authority. Such approval shall not be deemed to be an approval by the commissioner or the state of the feasibility of the project or the terms of the lease to be executed or the bonds to be issued therefor, and the commissioner shall so state in communicating such approval.

Sec. 37. Minnesota Statutes, 1977 Supplement, Section 473.556, Subdivision 14, is amended to read:

Subd. 14. [SMALL BUSINESS CONTRACTS.] In exercising its powers to contract for the purchase of services, materials, supplies, and equipment, pursuant to subdivisions 5, 7, 8 and 10, the commission shall designate and set aside each fiscal



year for awarding to small businesses approximately ten percent of the value of anticipated contracts and sub-contracts of that kind for that year, in the manner required of the commissioner of administration for state procurement contracts pursuant to sections 16.081 to 16.084. The commission shall follow the rules promulgated by the commissioner of administration pursuant to section 16.085, and shall submit reports of the kinds required of the commissioners of administration and (ECONOMIC) *business* development by section 16.086.

Sec. 38. Minnesota Statutes 1976, Section 474.01, Subdivision 6, is amended to read:

Subd. 6. In order to further these purposes and policies the commissioner of (ECONOMIC) *business* development shall investigate, shall assist and advise municipalities, and shall report to the governor and the legislature concerning the operation of this chapter and the projects undertaken hereunder, and shall have all of the powers and duties in connection therewith which are granted to him by chapter 362 with respect to other aspects of business development and research.

Sec. 39. Minnesota Statutes, 1977 Supplement, Section 474.01, Subdivision 7, is amended to read:

Subd. 7. Any municipality or redevelopment agency contemplating the exercise of the powers granted by this chapter may apply to the commissioner of (ECONOMIC) *business* development for information, advice, and assistance. The commissioner is authorized to handle such preliminary information in a confidential manner, to the extent requested by the municipality.

Sec. 40. [TRANSITION PROVISIONS.] *On appointment of a commissioner of business development, the commissioner of administration shall make sufficient funds, office space, clerical staff and other support services available to the commissioner of business development to enable him to prepare a plan for organization of his department prior to July 1, 1978 and to employ the staff members authorized by section 1, subdivision 3. The expenses incurred by the commissioner of administration and commissioner of business development pursuant to this section shall be charged against appropriations for the operation of the department of economic development.*

Sec. 41. [REPEALER.] *Minnesota Statutes 1976, Sections 362.07; 362.08; 362.09, Subdivisions 2, 3 and 4; 362.10; 362.11; 362.12; 362.121; 362.13; 362.15; 362.17; 362.18; 362.19; 362.20; and Minnesota Statutes, 1977 Supplement, Sections 362.09, Subdivision 1; and 362.125 are repealed.*

Sec. 42. [EFFECTIVE DATES.] *Sections 1; 5, subdivision 4; and 40 are effective April 1, 1978. The remaining provisions of this act are effective July 1, 1978."*

Further, strike the title and insert:

"A bill for an act relating to state government; creating a department of business development; abolishing the department of economic development; transferring certain powers, duties and appropriations; prescribing additional powers and duties; providing for encouragement of industrial development, small businesses and tourism; amending Minnesota Statutes 1976, Sections 3.922, Subdivision 1; 15.057; 16.084; 16.086; 85A.02, Subdivision 12; 105.485, Subdivision 3; 114A.03, Subdivision 1; 160.262, Subdivision 3; 160.28; 160.281, Subdivision 2; 301.75; 301.77, Subdivision 1; 301A.01, Subdivision 1; 301A.05; 301A.07, Subdivision 1; 362.40, Subdivisions 9 and 10; 362A.06; 474.01, Subdivision 6; and Minnesota Statutes, 1977 Supplement, Sections 15.01; 15.06, Subdivision 1; 15A.081, Subdivision 1; 43.09, Subdivision 2a; 268.014; 362.41; 473.556, Subdivision 14; and 474.01, Subdivision 7; repealing Minnesota Statutes 1976, Sections 362.07; 362.08; 362.09, Subdivisions 2, 3 and 4; 362.10; 362.11; 362.12; 362.121; 362.13; 362.15; 362.17; 362.18; 362.19; 362.20; and Minnesota Statutes, 1977 Supplement, Sections 362.09, Subdivision 1; and 362.125."

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

The report was adopted.

## SECOND READING OF SENATE BILLS

S. F. No. 1178 was read for the second time.

## INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Wynia, Abeln, Kelly, R., and Casserly introduced:

H. F. No. 2194, A bill for an act relating to insurance; prohibiting certain unfair discriminatory practices in the sale, underwriting and rating of insurance policies; prohibiting certain discrimination on the basis of sex; marital status or occupation as a homemaker; providing remedies; amending Minnesota Statutes 1976, Chapter 72A, by adding a section.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Voss, Eckstein and Kalis introduced:

H. F. No. 2195, A bill for an act relating to the division of highway patrol; severing the training funding of the departments of public safety and of transportation; appropriating moneys; amending Minnesota Statutes 1976, Section 299D.03, Subdivision 6.

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

McCarron, Carlson, D., and Arlandson introduced:

H. F. No. 2196, A bill for an act relating to interim claims against the state; appropriating money for the payment thereof.

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

Arlandson, McCarron, Casserly, Kroening and Berg introduced:

H. F. No. 2197, A bill for an act relating to the organization and operation of state government; the payment of claims against the state and its employees; amending Minnesota Statutes 1976, Sections 3.732, Subdivision 1; and 3.736, Subdivision 9, and by adding a subdivision.

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

Voss, Patton, Jacobs, Arlandson and Wenzel introduced:

H. F. No. 2198, A bill for an act relating to agriculture; requiring warnings on certain trees, shrubs or plants; providing a penalty.

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

Hanson, White and Casserly introduced:

H. F. No. 2199, A bill for an act relating to the organization and operation of state government; restructuring the department of commerce; establishing the position of commissioner of commerce; abolishing the commerce commission; transferring the powers of the commissioners of banks, insurance and securities and the director of consumer services; prescribing certain reporting requirements; soliciting recommendations on necessary statutory changes; amending Minnesota Statutes 1976, Sections 45.01; 45.03; 45.05; 46.08, Subdivision 1; 60A.03, Subdivisions 2, 3 and 5; 80A.19, Subdivision 1; Chapter 45, by adding a section; and Minnesota Statutes, 1977 Supplement, Sections 15.06, Subdivision 1; 15A.081, Subdivision 1; and 46.01; repealing Minnesota Statutes 1976, Sections 45.031; 45.032; and 80A.19, Subdivision 3; and Minnesota Statutes, 1977 Supplement, Sections 45.02; 45.15; and 60A.03, Subdivision 1.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Wynia, Jaros, Brandl, Casserly and Pleasant introduced:

H. F. No. 2200, A bill for an act relating to the arts; providing artists of works of fine art with a right to a percentage amount on a sale of their work although title to the work is not vested in them.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Kroening, Norton, Friedrich, Clark and St. Onge introduced:

H. F. No. 2201, A bill for an act relating to housing; providing funds for housing programs for native Americans; appropriating money; amending Minnesota Statutes 1976, Sections 462A.07, by adding a subdivision; 462A.21, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Hanson, Murphy, Welch, White and Casserly introduced:

H. F. No. 2202, A bill for an act relating to public utilities; providing for the financing of installation and operation of 911 emergency telephone service; amending Minnesota Statutes, 1977 Supplement, Chapter 403, by adding a section.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Laidig, Jude, Dean, Sieben, M., and Rice introduced:

H. F. No. 2203, A bill for an act relating to education; mentally retarded children and adults; appropriating money for special physical fitness programs.

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

Voss, Jacobs, Tomlinson, Eken and McEachern introduced:

H. F. No. 2204, A bill for an act relating to education; school districts; separate election districts; changing the requirements for petitions for division into and changing boundaries of special election districts; amending Minnesota Statutes 1976, Section 123.32, Subdivisions 10 and 15.

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

Fugina introduced:

H. F. No. 2205, A bill for an act relating to taxation; distribution of taconite taxes to school districts; amending Minnesota Statutes, 1977 Supplement, Section 298.28, Subdivision 1.

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

Albrecht; Anderson, G.; Onnen; Friedrich and Eckstein introduced:

H. F. No. 2206, A bill for an act relating to education; school aids; decreasing the local levy; amending Minnesota Statutes, 1977 Supplement, Section 275.125, Subdivision 2a.

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

Welch, Redalen, Murphy and Anderson, B., introduced:

H. F. No. 2207, A bill for an act relating to education; eliminating the requirement that the commissioner of education approve contracts for the transportation of children to and from school; eliminating aid reductions for disapproved transportation contracts; amending Minnesota Statutes 1976, Sections 123.37, Subdivisions 3 and 4; and 124.15, Subdivisions 2 and 6.

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

Kostohryz, Stanton, Eken, Knickerbocker and Tomlinson introduced:

H. F. No. 2208, A bill for an act relating to education; establishing a formula for the funding of secondary vocational education programs for handicapped children; transferring and re-appropriating money; amending Minnesota Statutes 1976, Chapter 124, by adding a section.

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

Wenstrom, Eken, Braun, Nelsen, M., and Anderson, R., introduced:

H. F. No. 2209, A bill for an act relating to waters; clarifying legislative intent with regard to the designation and use of "public waters"; amending Minnesota Statutes 1976, Section 105.38.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Den Ouden; Gunter; Carlson, D.; Fjoslien and Mann introduced:

H. F. No. 2210, A bill for an act relating to power plant siting; rule making powers of the environmental quality board; amending Minnesota Statutes, 1977 Supplement, Section 116C.66.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Casserly, Munger, Norton, Novak and Vanasek introduced:

H. F. No. 2211, A bill for an act relating to industrial revenue bonding; creating bonding authority to fund development of solar and other alternative energy sources; amending Minnesota Statutes 1976, Sections 474.01, Subdivision 4; 474.02, Subdivision 1, and by adding a subdivision; and 474.03.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Voss, Jacobs, Vanasek, Suss and McCarron introduced:

H. F. No. 2212, A bill for an act relating to insurance; regulating the bidding on certain government insurance contracts; amending Minnesota Statutes, 1977 Supplement, Section 471.616, Subdivision 1.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Voss, Abeln, Pehler, McCollar and Murphy introduced:

H. F. No. 2213, A bill for an act relating to no-fault automobile insurance; eliminating medical expense as a basis for recovering damages for non-economic detriment; amending Minnesota Statutes 1976, Section 65B.51, Subdivision 3.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Suss, Brinkman and McCollar introduced:

H. F. No. 2214, A bill for an act relating to mutual insurance companies; providing for their conversion into stock companies; protecting the rights of guaranty fund certificate holders; amending Minnesota Statutes 1976, Section 60A.07, Subdivision 8.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Voss, Vanasek, Petrafeso, Zubay and Simoneau introduced:

H. F. No. 2215, A bill for an act relating to insurance; providing for the coordination of reparations benefits for automobile losses; amending Minnesota Statutes 1976, Section 65B.49, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Kelly, R.; Abeln; Ellingson; Wynia and Heinitz introduced:

H. F. No. 2216, A bill for an act relating to insurance companies; providing for the reporting of certain claims and other information to the commissioner of insurance; amending Minnesota Statutes 1976, Chapter 72A, by adding a section.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Kaley, McCarron, Lehto, Kostohryz and Knickerbocker introduced:

H. F. No. 2217, A bill for an act relating to elections; concerning the registration of voters; regarding voter change in domicile or name; amending Minnesota Statutes, 1977 Supplement, Section 201.161.

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

Suss introduced:

H. F. No. 2218, A bill for an act relating to courts; providing for administration of the tax court; amending Minnesota Statutes, 1977 Supplement, Section 271.02.

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

Kempe, R., introduced:

H. F. No. 2219, A bill for an act relating to the city of Eagan; volunteer firemen's service pensions; amending Laws 1975, Chapter 43, Section 1.

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

Tomlinson; Sieben, H.; Laidig; Moe and Samuelson introduced:

H. F. No. 2220, A bill for an act relating to retirement; hospital and medical benefits for retired or disabled state officials and employees; appropriating funds; amending Minnesota Statutes 1976, Chapter 43, by adding a section.

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



Hokanson, George, Reding, Petrafeso and Kaley introduced:

H. F. No. 2221, A bill for an act relating to Minnesota Statutes; correcting erroneous, ambiguous, omitted and obsolete references and text; eliminating duplicate, redundant, conflicting and superseded provisions; amending Minnesota Statutes 1976, Sections 6.58; 15.0411, Subdivision 3; 16A.26; 40.072, Subdivision 3; 41.53, Subdivision 2; 44.06, Subdivision 2; 53.03, by adding a subdivision; 84A.55, Subdivision 14; 150A.09, Subdivision 1; 161.09, Subdivision 1; 161.14, Subdivision 19; 251.09; 251.10; 251.11; 251.12; 251.13; 254A.08, Subdivision 3; 270.08; 290.24; 290.49, Subdivision 10; 326.08, Subdivision 2; 366.10; 475.51, Subdivision 1; Minnesota Statutes, 1977 Supplement, Sections 15.0411, Subdivision 2; 15A.083, Subdivision 2; 16A.-129; 50.14, Subdivision 5; 116C.63, Subdivision 4; 214.01, Subdivision 3; 256B.48, Subdivision 1; 290.01, Subdivision 20; 290.09, Subdivision 4; 319A.02, Subdivision 2; 343.08; 517.08, Subdivision 1; 593.42, Subdivision 5; 593.45, Subdivision 4; 593.46, Subdivision 2; Extra Session Laws 1959, Chapter 19, by adding a section; repealing Minnesota Statutes 1976, Sections 33.10; 33.11; 33.12; 33.14; 33.15; 33.171; 270.051, Subdivision 1; 602.04; Minnesota Statutes, 1977 Supplement, Sections 33.13; Laws 1975, Chapters 61, Section 8; 136, Sections 11, 13, 57 and 58; Laws 1976, Chapters 44, Section 18; 163, Section 54; 222, Sections 25, Subdivision 8, and 78; 263, Section 8; Laws 1977, Chapters 264, Section 3; 299, Section 6; 326, Section 8; 346, Section 7.

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

Patton and Zubay introduced:

H. F. No. 2222, A bill for an act relating to reporters; providing a salary range for court reporters; providing fees to be charged for transcripts by court reporters and hearings reporters; amending Minnesota Statutes 1976, Sections 176.421, Subdivision 7; 216A.04, Subdivision 3; 243.50; 486.05, Subdivision 1; 486.06; 488A.05, Subdivisions 2 and 3; 525.111; 525.112; and Laws 1967, Chapter 497, Section 1, Subdivision 1, as amended; repealing Laws 1965, Chapter 709, Section 1, as amended; Laws 1967, Chapter 497, Section 1, Subdivision 2, as amended; and Laws 1971, Chapter 891.

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

Jude, Enebo, Berg, Heinitz and Arlandson introduced:

H. F. No. 2223, A bill for an act relating to Hennepin county municipal court; authorizing the establishment of three suburban court locations; amending Minnesota Statutes 1976, Section 488A.01, Subdivision 9.

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

Prahl introduced:

H. F. No. 2224, A bill for an act relating to the city of Nashauk; police relief pensions and widows benefits; officers of association; amending Laws 1943, Chapter 196, Sections 4, as amended; and 8.

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

Faricy, Brinkman, Norton, Abeln and Rose introduced:

H. F. No. 2225, A bill for an act relating to prepaid legal service plans; authorizing creation of nonprofit, legal service plan corporations; providing for their formation and regulation; prescribing penalties.

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

Patton, Osthoff, George, Hanson and Biersdorf introduced:

H. F. No. 2226, A bill for an act relating to retirement; providing survivor annuities for survivors of members of the public employees retirement association; amending Minnesota Statutes 1976, Section 353.30, Subdivisions 1a and 3, and by adding a subdivision.

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

Patton, George, Osthoff, Hanson and Biersdorf introduced:

H. F. No. 2227, A bill for an act relating to retirement; automatic increases in benefits and annuities payable from the Minnesota adjustable-fixed benefit fund; amending Minnesota Statutes 1976, Section 11.25, by adding a subdivision.

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

Nelsen, M., and Patton introduced:

H. F. No. 2228, A bill for an act relating to retirement; authorizing an annuity for the surviving spouse of a certain deceased former member of the public employees retirement association.

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

Reding, Patton, Schulz, Beauchamp and Sherwood introduced:

H. F. No. 2229, A bill for an act relating to retirement; computation of legislator's retirement allowances; amending Minnesota Statutes, 1977 Supplement, Section 3A.02, Subdivision 1.

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

Anderson, B.; Kelly, R.; Stanton; Wenstrom and Smogard introduced:

H. F. No. 2230, A bill for an act relating to workers' compensation; providing the amount of compensation allowed during retraining; amending Minnesota Statutes, 1977 Supplement, Section 176.101, Subdivision 7.

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

Anderson, B.; Anderson, G.; Stanton; Wenstrom and Smogard introduced:

H. F. No. 2231, A bill for an act relating to workers' compensation; providing the time in which actions or proceedings shall be taken; amending Minnesota Statutes 1976, Section 176.151.

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

Voss, Patton, George, Simoneau and Zubay introduced:

H. F. No. 2232, A bill for an act relating to courts; costs and disbursements; authorizing the awarding of attorney's fees in certain actions or proceedings; amending Minnesota Statutes 1976, Chapter 549, by adding a section.

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

Anderson, I.; Simoneau; Johnson and Enebo introduced:

H. F. No. 2233, A bill for an act relating to state government; directing the commissioner of administration to grant contract preference to American made products; amending Minnesota Statutes 1976, Section 16.07, by adding a subdivision.

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

Patton introduced:

H. F. No. 2234, A bill for an act relating to retirement; authorizing combined service annuities for tax court judges; amending Minnesota Statutes 1976, Section 356.30, by adding a subdivision.

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

Schulz introduced:

H. F. No. 2235, A bill for an act relating to retirement; calculation of allowance of certain legislators; amending Minnesota Statutes, 1977 Supplement, Section 3A.02, Subdivision 1.

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

Moe, Adams, Brinkman and Heinitz introduced:

H. F. No. 2236, A bill for an act relating to insurance; removing the limitation on the expense factor in setting workers' compensation insurance premiums; referring rates for expenses to the workers' compensation study commission; amending Minnesota Statutes, 1977 Supplement, Section 79.07; Laws 1977, Chapter 342, Section 27, Subdivision 1.

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

Wenstrom, Eken, Braun, Nelsen, M., and Anderson, R., introduced:

H. F. No. 2237, A bill for an act relating to land acquisition for public purposes; providing landowner's bill of rights; amending Minnesota Statutes 1976, Section 117.055.

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

Berglin, Rice, Clark, McCarron and Clawson introduced:

H. F. No. 2238, A bill for an act relating to public welfare; adjusting eligibility requirements for medical assistance benefits; authorizing the commissioner of public welfare to seek a waiver from federal regulations; amending Minnesota Statutes 1976, Sections 256.935, Subdivision 2; 256B.07; and Minnesota Statutes, 1977 Supplement, Section 256B.06, Subdivision 1.

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

Brandl, Clark, Petrafeso, Swanson and Rice introduced:

H. F. No. 2239, A bill for an act relating to public welfare; establishing uniform eligibility requirements and income disregards for supplemental aid; amending Minnesota Statutes 1976, Section 256D.37, as amended.

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

Brandl, Corbid, Petrafeso, Swanson and Carlson, D., introduced:

H. F. No. 2240, A bill for an act relating to public welfare; disregarding certain income of recipients of general assistance; amending Minnesota Statutes 1976, Section 256D.06, Subdivision 1.

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

Byrne introduced:

H. F. No. 2241, A bill for an act relating to occupational safety and health; children under 16 not to be employed in occupations or places potentially injurious; amending Minnesota Statutes 1976, Section 182.09.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Smogard and Den Ouden introduced:

H. F. No. 2242, A bill for an act relating to Yellow Medicine county; authorizing the expenditure of money by the county board to restore county ditch number nine.

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

Kaley, Zubay, Lemke, Friedrich and Schulz introduced:

H. F. No. 2243, A bill for an act relating to the city of Rochester; issuance of licenses for the sale of intoxicating liquor at Mayo civic auditorium.

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

Kaley, Zubay, Lemke and Friedrich introduced:

H. F. No. 2244, A bill for an act relating to the city of Rochester; certain positions in the police department.

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

Voss and Suss introduced:

H. F. No. 2245, A bill for an act relating to sheriffs; abrogating the right to appeal to district court on salary and budget matters; amending Minnesota Statutes 1976, Section 387.20, Subdivision 8; repealing Minnesota Statutes 1976, Section 387.20, Subdivision 7.

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

McEachern, Schulz, Niehaus and Adams introduced:

H. F. No. 2246, A bill for an act relating to counties; concerning the investment of county funds; amending Minnesota Statutes 1976, Section 385.07.

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

Voss, Jacobs, Munger, Lehto and Casserly introduced:

H. F. No. 2247, A bill for an act relating to mosquito control in certain counties in the metropolitan area; repealing provisions of law governing mosquito control; abolishing mosquito control districts; repealing Minnesota Statutes 1976, Sections 473.701 to 473.717.

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

Voss, Jacobs, Johnson, Neisen and McCarron introduced:

H. F. No. 2248, A bill for an act relating to municipal police and fire civil service commissions; requiring that commissioners be appointed by city councils; limiting the commission's power to prescribe employment requirements; amending Minnesota Statutes 1976, Sections 419.02; 419.05; 419.06; 420.06; and 420.07.

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

Adams, Sarna, Friedrich, White and Metzen introduced:

H. F. No. 2249, A bill for an act relating to the legislature; creating a committee on human and economic development; prescribing duties.

The bill was read for the first time and referred to the Committee on Rules and Legislative Administration.

Kelly, W., introduced:

H. F. No. 2250, A bill for an act relating to taxation; conforming deductions for individual income tax; reducing certain income tax rates; increasing credits available to certain taxpayers; authorizing the commissioner of revenue to prescribe new forms; exempting newsprint and ink from sales tax; repealing employer's excise tax; amending Minnesota Statutes 1976, Sections 290.06, Subdivision 3d; 290.10; 297A.14; 297A.25, Subdivision 1; and Minnesota Statutes, 1977 Supplement, Sections 290.06, Subdivision 2c; 290.09, Subdivisions 4, 5, and 10; and 290.21, Subdivision 3; repealing Minnesota Statutes 1976, Sections 290.031, Subdivisions 1, 2, 3, 5 and 6; 290.21, Subdivision 7; and Minnesota Statutes, 1977 Supplement, Section 290.031, Subdivision 4.

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

Battaglia, Begich and Fugina introduced:

H. F. No. 2251, A bill for an act relating to taxation; distribution of taconite and iron sulphide mining and production tax; amending Minnesota Statutes, 1977 Supplement, Section 298.28, Subdivision 1.

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

Cohen, Metzen, Jaros, Vanasek and Scheid introduced:

H. F. No. 2252, A bill for an act relating to taxation; property taxes; requiring notice to certain delinquent taxpayers before publication of delinquent list; amending Minnesota Statutes 1976, Sections 279.05; 279.09; and 279.10.

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

Voss, Suss, Simoneau and Anderson, D., introduced:

H. F. No. 2253, A bill for an act relating to taxation; removing fees paid for drivers education in certain schools from the income tax deduction for school tuition; amending Minnesota Statutes 1976, Section 290.09, Subdivision 22.

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

Kelly, R.; Kalis; Neisen; Kahn, and Anderson, B., introduced:

H. F. No. 2254, A bill for an act relating to motor vehicles; providing for handicapped license plates on passenger vehicles; establishing motorized bicycle operator permit fees; prohibiting operation of motor vehicles during periods of license cancellation, suspension or revocation; removing certain restrictions relating to issuance of a limited license; amending Minnesota Statutes 1976, Sections 171.20, Subdivision 2; 171.24; and 171.30, Subdivision 1; and Minnesota Statutes, 1977 Supplement, Sections 168.021, Subdivision 1; and 171.02, Subdivision 3.

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

Voss and Jacobs introduced:

H. F. No. 2255, A bill for an act relating to motor vehicles; providing for suspension of drivers license; amending Minnesota Statutes 1976, Section 171.16, Subdivision 3.

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



Lemke, Fudro, Birnstihl, Jude and Anderson, D., introduced:

H. F. No. 2256, A bill for an act relating to highway traffic regulation; concerning accident reports; making reports available for accident prevention purposes to additional agencies; concealing the identity of involved persons; amending Minnesota Statutes 1976, Section 169.09, Subdivision 13.

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

Anderson, D.; Fudro; Anderson, G., and Voss introduced:

H. F. No. 2257, A bill for an act relating to highways; changing the procedure for designation of highways to carry 80,000 pounds gross weight; amending Minnesota Statutes, 1977 Supplement, Section 169.832, Subdivision 11; repealing Minnesota Statutes, 1977 Supplement, Section 169.832, Subdivision 12.

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

Kaley and Heinritz introduced:

H. F. No. 2258, A bill for an act relating to highway traffic regulation; concerning authorized emergency vehicles; expanding the definition to include a licensed land emergency ambulance service; amending Minnesota Statutes 1976, Section 169.01, Subdivision 5.

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

Kaley and Heinritz introduced:

H. F. No. 2259, A bill for an act relating to traffic regulation; allowing an authorized emergency vehicle to use an oscillating white light; amending Minnesota Statutes 1976, Section 169.55, Subdivision 1.

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

Kaley and Heinritz introduced:

H. F. No. 2260, A bill for an act relating to highway traffic regulation; allowing ambulances to use studded tires; amending Minnesota Statutes 1976, Section 169.72, Subdivision 1.

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

## HOUSE ADVISORIES

Pursuant to rule 5.3, the following House Advisory was introduced:

Pleasant introduced:

H. A. No. 69, A proposal to study the certification and licensing of driver education instructors.

The advisory was referred to the Committee on Education.

## CONSENT CALENDAR

H. F. No. 1812, A bill for an act relating to the city of St. Cloud in Stearns county; authorizing the establishment of detached facilities under certain conditions.

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

The question was taken on the passage of the bill and the roll was called. There were 109 yeas and 5 nays as follows:

Those who voted in the affirmative were:

Adams	Carlson, L.	Hokanson	McEachern	Sherwood
Albrecht	Clark	Jacobs	Metzen	Sieben, H.
Anderson, B.	Clawson	Jensen	Munger	Sieben, M.
Anderson, D.	Cohen	Johnson	Murphy	Simoneau
Anderson, G.	Cummiskey	Jude	Neisen	Skoglund
Anderson, I.	Dean	Kaley	Nelsen, B.	Smogard
Anderson, R.	Den Ouden	Kalis	Nelson	Spanish
Arlandson	Eckstein	Kelly, R.	Niehau	Stanton
Battaglia	Ellingson	Kelly, W.	Novak	Stoa
Beauchamp	Enebo	Kempe, A.	Osthoff	Suss
Begich	Erickson	Kempe, R.	Pehler	Tomlinson
Berg	Esau	King	Petrafeso	Voss
Berglin	Evans	Kvam	Pleasant	Waldorf
Berkelman	Faricy	Laidig	Redalen	Welch
Biersdorf	Fjoslien	Langseth	Reding	Wenstrom
Birnstihl	Forsythe	Lehto	Rose	Wenzel
Brandl	Friedrich	Lemke	Samuelson	White
Braun	Fudro	Mangan	Sarna	Wieser
Brinkman	Fugina	Mann	Savelkoul	Wynia
Byrne	George	McCarron	Scheid	Zubay
Carlson, A.	Gunter	McCollar	Schulz	Speaker Sabo
Carlson, D.	Hanson	McDonald	Searles	

Those who voted in the negative were:

Eken                      Jaros                      Kroening                      Rice                      Searle

The bill was passed and its title agreed to.

H. F. No. 2003 was reported to the House.

There being no objection, H. F. No. 2003 was continued on the Consent Calendar for one day.

H. F. No. 1744, A bill for an act relating to mobility disabled persons; requiring installation and use of wheelchair securement devices in vehicles used for transporting wheelchair users; providing for inspection of wheelchair securement devices; requiring other safety measures in vehicles used for transporting wheelchair users; authorizing the admissibility of certain evidence in litigation; providing penalties.

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

The question was taken on the passage of the bill and the roll was called. There were 118 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Adams	Cohen	Jude	Murphy	Sherwood
Albrecht	Cummiskey	Kaley	Neisen	Sieben, H.
Anderson, B.	Dean	Kalis	Nelsen, B.	Sieben, M.
Anderson, D.	Den Ouden	Kelly, R.	Nelson	Simoneau
Anderson, G.	Eckstein	Kelly, W.	Niehaus	Skoglund
Anderson, I.	Eken	Kempe, A.	Novak	Smogard
Arlandson	Ellingson	Kempe, R.	Onnen	Spanish
Battaglia	Enebo	King	Osthoff	Stanton
Beauchamp	Erickson	Kostohryz	Patton	Stoa
Begich	Esau	Kroening	Pehler	Suss
Berg	Evans	Kvam	Petrafeso	Swanson
Berglin	Faricy	Laidig	Pleasant	Tomlinson
Berkelman	Fjoslien	Langseth	Redalen	Waldorf
Biersdorf	Forsythe	Lehto	Reding	Welch
Birnstihl	Friedrich	Lemke	Rice	Wenstrom
Brandl	Fudro	Mangan	Rose	Wenzel
Braun	Fugina	Mann	St. Onge	White
Brinkman	George	McCarron	Samuelson	Wieser
Byrne	Hanson	McCollar	Sarna	Williamson
Carlson, A.	Hokanson	McDonald	Savelkoul	Wynia
Carlson, D.	Jacobs	McEachern	Scheid	Zubay
Carlson, L.	Jaros	Metzen	Schulz	Speaker Sabo
Clark	Jensen	Moe	Searle	
Clawson	Johnson	Munger	Searles	

The bill was passed and its title agreed to.

H. F. No. 1879, A bill for an act relating to the trunk highway system; discontinuing and removing certain routes therefrom; adding a new route in substitution of an existing route.

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

The question was taken on the passage of the bill and the roll was called. There were 119 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Adams	Cohen	Jude	Murphy	Sherwood
Albrecht	Cummiskey	Kaley	Neisen	Sieben, H.
Anderson, B.	Dean	Kalis	Nelsen, B.	Sieben, M.
Anderson, D.	Den Ouden	Kelly, R.	Nelson	Simoneau
Anderson, G.	Eckstein	Kelly, W.	Niehaus	Skoglund
Anderson, I.	Eken	Kempe, A.	Novak	Smogard
Arlandson	Ellingson	Kempe, R.	Onnen	Spanish
Battaglia	Enebo	King	Osthoff	Stanton
Beauchamp	Erickson	Kostohryz	Patton	Stoa
Begich	Esau	Kroening	Pehler	Suss
Berg	Evans	Kvam	Petrafero	Swanson
Berglin	Faricy	Laidig	Pleasant	Tomlinson
Berkelman	Fjoslien	Langseth	Redalen	Voss
Biersdorf	Forsythe	Lehto	Reding	Waldorf
Birnsthil	Friedrich	Lemke	Rice	Welch
Brandl	Fudro	Mangan	Rose	Wenstrom
Braun	Fugina	Mann	St. Onge	Wenzel
Brinkman	George	McCarron	Samuelson	White
Byrne	Hanson	McCollar	Sarna	Wieser
Carlson, A.	Hokanson	McDonald	Savelkoul	Williamson
Carlson, D.	Jacobs	McEachern	Scheid	Wynia
Carlson, L.	Jaros	Metzen	Schulz	Zubay
Clark	Jensen	Moe	Searle	Speaker Sabo
Clawson	Johnson	Munger	Searles	

The bill was passed and its title agreed to.

S. F. No. 417 was reported to the House.

Biersdorf moved to amend S. F. No. 417, the unofficial engrossment, as follows:

Page 2, line 5, delete "claims" insert "insurance".

The motion prevailed and the amendment was adopted.

Kempe, A., moved to amend S. F. No. 417, the unofficial engrossment, as follows:

Page 2, line 2, delete "24" insert "72".

The motion prevailed and the amendment was adopted.

S. F. No. 417, A bill for an act relating to highway traffic regulations; accidents; requiring certain information to be given; raising the amount of property damage required before an accident must be reported to the commissioner of public safety; providing penalties; amending Minnesota Statutes 1976, Section 169.09, Subdivisions 3, 7, and 14.

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

The question was taken on the passage of the bill and the roll was called. There were 121 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Adams	Clawson	Jude	Neisen	Sieben, M.
Albrecht	Cohen	Kaley	Nelsen, B.	Simoneau
Anderson, B.	Cummiskey	Kalis	Nelson	Skoglund
Anderson, D.	Dean	Kelly, R.	Niehaus	Smogard
Anderson, G.	Den Ouden	Kelly, W.	Novak	Spanish
Anderson, I.	Eckstein	Kempe, A.	Onnen	Stanton
Anderson, R.	Eken	Kempe, R.	Osthoff	Stoa
Arlandson	Ellingson	King	Patton	Suss
Battaglia	Enebo	Kostohryz	Pehler	Swanson
Beauchamp	Erickson	Kroening	Petrafeso	Tomlinson
Begich	Esau	Kvam	Pleasant	Voss
Berg	Evans	Laidig	Redalen	Waldorf
Berglin	Faricy	Langseth	Reding	Welch
Berkelman	Fjoslien	Lehto	Rice	Wenstrom
Biersdorf	Forsythe	Lemke	Rose	Wenzel
Birnstihl	Friedrich	Mangan	St. Onge	White
Brandl	Fudro	Mann	Samuelson	Wieser
Braun	Fugina	McCarron	Sarna	Williamson
Brinkman	George	McCollar	Savelkoul	Wynia
Byrne	Hanson	McDonald	Scheid	Zubay
Carlson, A.	Hokanson	McEachern	Schulz	Speaker Sabo
Carlson, D.	Jacobs	Metzen	Searle	
Carlson, L.	Jaros	Moe	Searles	
Casserly	Jensen	Munger	Sherwood	
Clark	Johnson	Murphy	Sieben, H.	

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

## CALENDAR

Sieben, H., as Speaker Pro Tempore, was called to the Chair.

H. F. No. 1791, A resolution memorializing the President and Congress to pass the Humphrey-Hawkins full employment bill.

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

The question was taken on the passage of the bill and the roll was called. There were 101 yeas and 17 nays as follows:

Those who voted in the affirmative were:

Adams	Braun	Faricy	King	Neisen
Anderson, B.	Brinkman	Fudro	Kostohryz	Nelson
Anderson, D.	Byrne	Fugina	Kroening	Novak
Anderson, G.	Carlson, D.	George	Laidig	Osthoff
Anderson, I.	Carlson, L.	Hanson	Langseth	Patton
Anderson, R.	Casserly	Hokanson	Lehto	Pehler
Arlandson	Clark	Jacobs	Lemke	Petrafeso
Battaglia	Clawson	Jaros	Mangan	Reding
Beauchamp	Cohen	Jensen	Mann	Rice
Begich	Cummiskey	Johnson	McCarron	Rose
Berg	Eckstein	Jude	McCollar	St. Onge
Berglin	Eken	Kalis	McEachern	Samuelson
Berkelman	Ellingson	Kelly, R.	Metzen	Sarna
Biersdorf	Enebo	Kelly, W.	Moe	Scheid
Birnstihl	Esau	Kempe, A.	Munger	Schulz
Brandl	Evans	Kempe, R.	Murphy	Searles

Sherwood	Smogard	Swanson	Wenstrom	Speaker Sabo
Sieben, H.	Spanish	Tomlinson	Wenzel	
Sieben, M.	Stanton	Voss	White	
Simoneau	Stoa	Waldorf	Williamson	
Skoglund	Suss	Welch	Wynia	

Those who voted in the negative were:

Albrecht	Fjoslien	Kvam	Onnen	Zubay
Dean	Forsythe	McDonald	Pleasant	
Den Ouden	Friedrich	Nelsen, B.	Searle	
Erickson	Kaley	Niehaus	Wieser	

The bill was passed and its title agreed to.

S. F. No. 975, A bill for an act relating to counties; authorizing appointment of county administrators and executive secretaries without referendum; amending Minnesota Statutes 1976, Sections 375.48, Subdivision 1; and 375A.06, by adding a subdivision.

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

The question was taken on the passage of the bill and the roll was called. There were 91 yeas and 25 nays as follows:

Those who voted in the affirmative were:

Adams	Cummiskey	Jude	Nelsen, B.	Skoglund
Anderson, B.	Dean	Kaley	Nelson	Smogard
Anderson, G.	Eckstein	Kalis	Niehaus	Stanton
Anderson, I.	Eken	Kelly, W.	Novak	Stoa
Arlandson	Ellingson	King	Onnen	Suss
Beauchamp	Enebo	Kostohryz	Osthoff	Swanson
Berg	Evans	Kroening	Patton	Tomlinson
Berglin	Faricy	Laidig	Pehler	Voss
Berkelman	Fjoslien	Langseth	Petrafaso	Welch
Birnstihl	Friedrich	Lehto	Reding	Wenstrom
Brandl	Fudro	Lemke	Rice	White
Braun	Fugina	Mangan	Rose	Williamson
Brinkman	George	McCarron	St. Onge	Wynia
Byrne	Hanson	McCollar	Sarna	Zubay
Carlson, D.	Hokanson	McEachern	Schulz	Speaker Sabo
Carlson, L.	Jacobs	Metzen	Searles	
Casserly	Jaros	Moe	Sieben, H.	
Clark	Jensen	Munger	Sieben, M.	
Clawson	Johnson	Neisen	Simoneau	

Those who voted in the negative were:

Albrecht	Carlson, A.	Kelly, R.	Murphy	Sherwood
Anderson, D.	Cohen	Kempe, A.	Pleasant	Spanish
Battaglia	Den Ouden	Kempe, R.	Samuelson	Waldorf
Begich	Erickson	Kvam	Savelkoul	Wenzel
Biersdorf	Forsythe	McDonald	Searle	Wieser

The bill was passed and its title agreed to.

Speaker Sabo resumed the Chair.

H. F. No. 1297, A bill for an act relating to wild animals; prescribing nonresident license fees for taking of raccoon; requiring tagging of raccoon taken by nonresidents; clarifying the use of lights when taking raccoon; amending Minnesota Statutes 1976, Sections 98.45, Subdivision 3; 98.46, Subdivision 22, and by adding a subdivision; 100.29, Subdivision 10; and Minnesota Statutes, 1977 Supplement, Sections 98.46, Subdivision 14; and 98.52, Subdivision 1.

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

The question was taken on the passage of the bill and the roll was called. There were 119 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Adams	Clawson	Johnson	Munger	Sherwood
Albrecht	Cohen	Jude	Murphy	Sieben, H.
Anderson, B.	Cummiskey	Kaley	Neisen	Sieben, M.
Anderson, D.	Dean	Kalis	Nelsen, B.	Simoneau
Anderson, G.	Den Ouden	Kelly, R.	Nelson	Skoglund
Anderson, I.	Eckstein	Kelly, W.	Niehaus	Smogard
Anderson, R.	Eken	Kempe, A.	Novak	Spanish
Arlandson	Ellingson	Kempe, R.	Onnen	Stanton
Battaglia	Enebo	King	Osthoff	Stoa
Beauchamp	Erickson	Kostohryz	Patton	Suss
Begich	Esau	Kroening	Pehler	Swanson
Berg	Evans	Kvam	Petrafeso	Tomlinson
Berglin	Faricy	Laidig	Pleasant	Voss
Berkelman	Fjoslien	Langseth	Reding	Waldorf
Birnstihl	Forsythe	Lehto	Rice	Welch
Brandl	Friedrich	Lemke	Rose	Wenstrom
Braun	Fudro	Mangan	St. Onge	Wenzel
Brinkman	Fugina	Mann	Samuelson	White
Byrne	George	McCarron	Sarna	Wieser
Carlson, A.	Hanson	McCollar	Savelkoul	Williamson
Carlson, D.	Hokanson	McDonald	Scheid	Wynia
Carlson, L.	Jacobs	McEachern	Schulz	Zubay
Casserly	Jaros	Metzen	Searle	Speaker Sabo
Clark	Jensen	Moe	Searles	

The bill was passed and its title agreed to.

H. F. No. 1661, A bill for an act relating to pollution control; providing for publication in the state register of certain behind schedule and substandard wastewater treatment projects.

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

The question was taken on the passage of the bill and the roll was called. There were 120 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Adams	Clark	Jensen	Moe	Searles
Albrecht	Clawson	Johnson	Munger	Sherwood
Anderson, B.	Cohen	Jude	Murphy	Sieben, H.
Anderson, D.	Cummiskey	Kaley	Neisen	Sieben, M.
Anderson, G.	Dean	Kalis	Nelsen, B.	Simoneau
Anderson, I.	Den Ouden	Kelly, R.	Nelson	Skoglund
Anderson, R.	Eckstein	Kelly, W.	Niehaus	Smogard
Arlandson	Eken	Kempe, A.	Novak	Spanish
Battaglia	Ellingson	Kempe, R.	Onnen	Stanton
Beauchamp	Enebo	King	Osthoff	Stoa
Begich	Erickson	Kostohryz	Patton	Suss
Berg	Esau	Kroening	Pehler	Swanson
Berglin	Evans	Kvam	Petraleso	Tomlinson
Berkelman	Faricy	Laidig	Pleasant	Voss
Biersdorf	Fjoslien	Langseth	Reding	Waldorf
Birnstihl	Forsythe	Lehto	Rice	Welch
Brandl	Friedrich	Lemke	Rose	Wenstrom
Braun	Fudro	Mangan	St. Onge	Wenzel
Brinkman	Fugina	Mann	Samuelson	White
Byrne	George	McCarron	Sarna	Wieser
Carlson, A.	Hanson	McCollar	Savelkoul	Williamson
Carlson, D.	Hokanson	McDonald	Scheid	Wynia
Carlson, L.	Jacobs	McEachern	Schulz	Zubay
Casserly	Jaros	Metzen	Searle	Speaker Sabo

The bill was passed and its title agreed to.

H. F. No. 1813, A bill for an act relating to the town of Leota in Nobles county; authorizing the establishment of detached banking facilities.

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

The question was taken on the passage of the bill and the roll was called. There were 109 yeas and 5 nays as follows:

Those who voted in the affirmative were:

Adams	Clawson	Jude	Murphy	Sieben, M.
Albrecht	Cummiskey	Kaley	Neisen	Simoneau
Anderson, B.	Dean	Kalis	Nelsen, B.	Skoglund
Anderson, D.	Den Ouden	Kelly, R.	Nelson	Smogard
Anderson, I.	Eckstein	Kelly, W.	Niehaus	Spanish
Anderson, R.	Eken	Kempe, A.	Novak	Stanton
Arlandson	Ellingson	Kempe, R.	Osthoff	Stoa
Battaglia	Erickson	King	Patton	Suss
Beauchamp	Esau	Kostohryz	Pehler	Swanson
Begich	Evans	Kroening	Petraleso	Tomlinson
Berg	Faricy	Kvam	Pleasant	Voss
Berglin	Fjoslien	Laidig	Reding	Waldorf
Berkelman	Forsythe	Langseth	Rose	Welch
Birnstihl	Friedrich	Lehto	St. Onge	Wenstrom
Brandl	Fudro	Lemke	Samuelson	Wenzel
Brinkman	Fugina	Mangan	Sarna	White
Byrne	George	Mann	Savelkoul	Wieser
Carlson, A.	Hanson	McCollar	Scheid	Williamson
Carlson, D.	Hokanson	McDonald	Schulz	Wynia
Carlson, L.	Jacobs	McEachern	Schulz	Zubay
Casserly	Jensen	Metzen	Searles	Speaker Sabo
Clark	Johnson	Munger	Sherwood	
			Sieben, H.	



Those who voted in the negative were:

Anderson, G. Jaros                      McCarron              Rice                      Searle

The bill was passed and its title agreed to.

### GENERAL ORDERS

There being no objection, the bills on General Orders for today were continued on General Orders one day.

### MOTIONS AND RESOLUTIONS

Berglin moved that the name of Kaley be added as an author on H. F. No. 2098. The motion prevailed.

Jacobs moved that the names of McEachern and Sarna be added as authors on H. F. No. 1962. The motion prevailed.

Anderson, I., moved that the name of Sarna be added as second author on H. F. No. 2233. The motion prevailed.

Hanson moved that the name of George be added as an author on H. F. No. 2199. The motion prevailed.

Zubay introduced:

House Concurrent Resolution No. 7, A house concurrent resolution urging the Food and Drug Administration and the National Cancer Institute to proceed with scientific testing of laetrile on terminally ill humans.

The resolution was referred to the Committee on Health and Welfare.

### ADJOURNMENT

Anderson, I., moved that when the House adjourns today it adjourn until 2:00 p.m., Wednesday, February 15, 1978. The motion prevailed.

Anderson, I., moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:00 p.m., Wednesday, February 15, 1978.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

## STATE OF MINNESOTA

## SEVENTIETH SESSION - 1978

## SEVENTY-SECOND DAY

SAINT PAUL, MINNESOTA, WEDNESDAY, FEBRUARY 15, 1978

The House of Representatives convened at 2:00 p.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	Cohen	Johnson	Neisen	Sieben, H.
Adams	Corbid	Jude	Nelsen, M.	Sieben, M.
Albrecht	Cummiskey	Kaley	Nelson	Simoneau
Anderson, B.	Dean	Kalis	Niehaus	Skoglund
Anderson, D.	Den Ouden	Kelly, R.	Norton	Smogard
Anderson, G.	Eckstein	Kelly, W.	Novak	Spanish
Anderson, I.	Eken	Kempe, A.	Onnen	Stanton
Anderson, R.	Ellingson	Kempe, R.	Osthoff	Stoa
Arlandson	Enebo	King	Patton	Suss
Battaglia	Erickson	Knickerbocker	Pehler	Swanson
Beauchamp	Esau	Kostohryz	Peterson	Tomlinson
Begich	Evans	Kroening	Petrafeso	Vanasek
Berg	Ewald	Kvam	Pleasant	Voss
Berglin	Faricy	Laidig	Prahl	Waldorf
Berkelman	Fjoslien	Langseth	Redalen	Welch
Biersdorf	Forsythe	Lehto	Reding	Wenstrom
Birnstihl	Friedrich	Lemke	Rice	Wenzel
Brandl	Fudro	Mangan	Rose	White
Braun	Fugina	Mann	St. Onge	Wieser
Brinkman	George	McCarron	Samuelson	Wigley
Byrne	Gunter	McCollar	Sarna	Williamson
Carlson, A.	Hanson	McDonald	Savelkoul	Wynia
Carlson, D.	Heinitz	McEachern	Scheid	Zubay
Carlson, L.	Hokanson	Metzen	Schulz	Speaker Sabo
Casserly	Jacobs	Moe	Searle	
Clark	Jaros	Munger	Searles	
Clawson	Jensen	Murphy	Sherwood	

A quorum was present.

Nelsen, B., was excused. Kahn was excused until 3:00 p.m.

The Chief Clerk proceeded to read the Journal of the preceding day. Enebo moved that further reading of the Journal be dispensed with and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.

## REPORTS OF CHIEF CLERK

Pursuant to Rules of the House, printed copies of H. F. Nos. 1739 and 404 have been placed in the members' files.

## PETITIONS AND COMMUNICATIONS

The following reports were received and filed in the Chief Clerk's Office: Report to the Legislature submitted by the Department of Economic Security, State Facilities Accessibility Survey Cost Estimates from the Department of Administration and the 1977 Annual Report from the Arrowhead Regional Development Commission.

## REPORTS OF STANDING COMMITTEES

Voss from the Committee on Appropriations to which was referred:

H. F. No. 1736, A bill for an act relating to state buildings; concerning the handicapped; requiring state buildings and situses for state meetings to be accessible to the handicapped.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1976, Section 471.467, is amended by adding subdivisions to read:

*Subd. 4. On or before July 1, 1982, all space of 1,000 square feet or more rented or leased for state operations in non-state owned buildings shall meet the state building code requirements relating to accessibility for the physically handicapped.*

*Subd. 5. After July 1, 1979, public meetings sponsored by state government or conferences sponsored by state government in non-publicly owned buildings shall be held in hotels, motels, restaurants, and other locations that meet the state building code requirements relating to accessibility for the physically handicapped.*

*Subd. 6. Exceptions to subdivisions 4 and 5 of this section may be granted by the commissioner of administration."*

Strike the title in its entirety and insert:

"A bill for an act relating to state-leased buildings and sites for state meetings; concerning the handicapped; requiring state-leased buildings and sites for state meetings to be accessible to the handicapped; amending Minnesota Statutes 1976, Section 471.467, by adding subdivisions."

With the recommendation that when so amended the bill pass.

The report was adopted.

Voss from the Committee on Appropriations to which was referred:

H. F. No. 2068, A bill for an act relating to public television; eliminating restriction on location of television tower; amending Laws 1977, Chapter 320, Section 1.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Hanson from the Committee on Commerce and Economic Development to which was referred:

H. F. No. 1345, A bill for an act relating to water well contractors; requiring water well drilling machines to be operated by licensed water well contractors; amending Minnesota Statutes 1976, Sections 156A.02, Subdivision 3; and 156A.03, Subdivision 2.

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

The report was adopted.

Hanson from the Committee on Commerce and Economic Development to which was referred:

H. F. No. 1728, A bill for an act relating to employments licensed by the state; architects, engineers and landscape architects; requiring knowledge of barrier free design to acquire license; amending Minnesota Statutes 1976, Section 326.10, by adding a subdivision.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

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

H. F. No. 2087, A bill for an act relating to the adoption of rules concerning the process and procedures for designating power plant sites and transmission line routes; amending Minnesota Statutes, 1977 Supplement, Section 116C.66; and Laws 1977, Chapter 439, Section 26.

Reported the same back with the following amendments:

Page 1, line 8, after the colon insert:

"Section 1. Minnesota Statutes, 1977 Supplement, Section 116C.645, is amended to read:

**116C.645 [REVOCAION OR SUSPENSION.]** A site certificate or construction permit may be revoked or suspended by the board after adequate notice of the alleged grounds for revocation or suspension and a full and fair hearing in which the affected utility has an opportunity to confront any witness and respond to any evidence against it and to present rebuttal or mitigating evidence upon a finding by the board of:

(1) Any false statement knowingly made in the application or in accompanying statements or studies required of the applicant, if a true statement would have warranted a change in the board's findings;

(2) Failure to comply with material conditions of the site certificate or construction permit, or failure to maintain *health and safety* standards; or

(3) Any material violation of the provisions of sections 116C.51 to 116C.69, any rule promulgated pursuant thereto, or any order of the board."

Renumber subsequent sections.

Further amend the title as follows:

Page 1, line 5, delete "Section" insert "Sections 116C.645 and".

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Swanson from the Committee on Health and Welfare to which was referred:

H. F. No. 1738, A bill for an act relating to children; establishing a comprehensive child protective services program; prescribing duties of the commissioner of public welfare and local social service agencies; authorizing grants for experimental programs to encourage interagency cooperation; appropriating money.

Reported the same back with the following amendments:

Page 1, line 14, delete "393.07" and insert "393.01".

Page 1, line 17, delete "in the local".

Page 1, line 18, delete "social service agency".

Page 1, line 21, delete "citizens" and insert "persons".

Page 2, line 1, after "health," insert "mental health,".

Page 2, line 5, delete "local social service agency" and insert "county welfare board or human services board".

Page 2, line 12, delete "and investigating".

Page 2, line 26, after "abused" insert "or neglected".

Page 2, line 28, after "abuse" insert "or neglect".

Page 2, line 31, after "abused" insert "or neglected".

Page 3, line 1, after "abuse" and before "to" insert "or neglect" and after "abuse" and before the comma, insert "or neglect".

Page 3, after line 15, insert a new subdivision to read:

"Subd. 3. Payments to physicians, medical clinics and hospitals for diagnostic procedures may be made by the county welfare board if no other source of payment is available."

Page 3, line 16, delete "SOCIAL SERVICE AGENCY".

Page 4, line 1, delete "social service agency" and insert "county welfare board".

Page 4, line 10, delete "to".

Page 4, delete line 11 and insert "so that this plan is coordinated with the proposed and final comprehensive annual services program plan required under Title XX of the social security act."

Page 4, line 12, delete "The local plan may not take effect until at".

Page 4, delete line 13.

Page 4, delete lines 22 to 25.

Page 4, line 26, delete "purposes and meets the requirements of sections 1 to 8."

Page 4, line 27, after "withhold" insert "five percent of the".

Page 4, line 28, delete "all or part of the county's" and insert "the cost of administration of".

Page 4, line 29, delete "activities" and "Decisions of the commissioner under".

Page 4, delete lines 30 and 31 and insert:

"Subd. 6. Prior to withholding administrative reimbursement for child protective services, the commissioner shall notify the county board of commissioners of his intention to withhold funds and of the right of the county to a hearing. If the county board of commissioners request a hearing within 30 days of receipt of the notification the commissioner shall not withhold any state reimbursement until a hearing is conducted and decision rendered in accordance with the provisions of chapter 15 for contested cases."

Page 5, line 1, after "county" insert "welfare".

Page 5, line 1, delete "of commissioners".

Page 5, line 2, after "comprised of" insert "a team coordinator appointed by the board,".

Page 5, line 4, delete "who shall serve as team coordinator".

Page 5, line 5, after "the county sheriff or his designee," insert "other law enforcement personnel,".

Page 5, line 9, delete "and no more than nine".

Page 5, line 11, delete "to assist in providing".

Page 5, delete lines 12 to 14.

Page 5, line 15, delete "staff of the county social service agency".

Page 5, line 15, after the period insert "The team shall establish procedures to clarify the roles and responsibilities of each discipline and to facilitate interagency cooperation relative to the total child protection program or for diagnostic and prognostic conditions in individual cases."

Page 5, line 16, delete "social service agency" and insert "board".

Page 5, line 22, delete "social service agency" and insert "board".

Page 5, after line 25, insert a new subdivision to read:

"Subd. 3. Notwithstanding any other law to the contrary a member of the child protection team may disclose private and confidential data on individuals to other members of the child protection team when necessary to enable the team to perform the functions required by this section. All such data shall be subject to the requirements of Minnesota Statutes, Sections 15.162 to 15.1671."

Page 5, line 29, delete "local social service agencies" and insert "county welfare boards".

Page 5, line 30, delete "establish" and insert "designate".

Page 5, line 31, delete "a state office of child protective services and" and insert "an organizational unit, the director of which".

Page 5, line 32, delete "shall appoint a director who".

Page 6, line 7, delete "a planning process to be used by county agencies".

Page 6, delete line 8.

Page 6, line 9, delete "prescribe".

Page 6, line 9, delete "agencies" and insert "boards".

Page 6, line 11, delete "agency" and insert "boards".

Page 6, line 18, delete "agency" and insert "board".

Page 6, line 26, delete "sections 1 to" and insert "section".

Page 7, line 14, delete "local social service agency" and insert "county child protection program".

Page 7, line 15, after the period insert "The commissioner may contract with appropriate state and other agencies for training of and development of curriculum for professionals in the respective disciplines."

Page 7, line 18, delete "in prevention, intervention" and insert "which encourage interagency cooperation in preventing".

Page 7, line 19, delete "treatment" and insert "treating".

Page 7, line 24, after the period insert "The guidelines and forms prescribed by the commissioner pursuant to this section



shall be exempt from the administrative procedures prescribed in chapter 15.”.

Page 7, line 27, after “of” and before “for” insert “\$185,000”.

Page 7, line 28, after “of” and before “for” insert “\$150,000”.

Further amend the title as follows:

Page 1, line 5, delete “local social service agencies” and insert “county welfare boards”.

With the recommendation that when so amended the bill 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. 1726, A bill for an act relating to special assessments; clarifying availability of certain appeal procedures; eliminating use of alternative procedures; increasing the time for appealing certain special assessments; amending Minnesota Statutes 1976, Section 429.081; and Minnesota Statutes, 1977 Supplement, Section 278.01.

Reported the same back with the following amendments:

Page 3, line 3, after “section” insert “do not apply to special assessments for local improvements imposed pursuant to chapter 423 of the Minnesota Statutes and”.

Page 3, line 28, after the period insert “This section provides the exclusive method of appeal from a special assessment levied pursuant to this chapter.”.

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 404, A bill for an act relating to political activities; providing for their regulation; revising certain filing and reporting requirements; clarifying language; removing obsolete provisions; amending Minnesota Statutes 1976, Sections 10A.01, Subdivisions 2, 5, 6, 7, 9, 10, 11, 13, 15 and 18; 10A.02, Subdivisions 1, 2, 4, 8, 9, 11, 12 and 13; 10A.04, Subdivision 1; 10A.07; 10A.09, Subdivision 6; 10A.11, Subdivision 6; 10A.12, Subdivisions 1,

3 and 5; 10A.13; 10A.14, Subdivisions 1 and 2; 10A.15; 10A.16; 10A.17; 10A.20, Subdivisions 3, 4, 5 and 6; 10A.21; 10A.22, Subdivisions 3, 4, 5 and 7; 10A.24; 10A.25; 10A.26; 10A.27, Subdivision 4 and by adding a subdivision; 10A.28; 10A.29; 10A.31, Subdivisions 3a, 7, 10 and by adding a subdivision; 10A.32, Subdivisions 2, 3 and 4; 10A.33; and 210A.44; and Chapter 10A by adding sections.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1976, Section 10A.01, Subdivision 2, is amended to read:

Subd. 2. "Administrative action" means (AN ACTION) *rule making* by an official, board, commission or agency of the executive branch (TO MAKE RULES. "ADMINISTRATIVE ACTION" DOES NOT INCLUDE THE) *and* application or administration of (THOSE) rules(, EXCEPT) in (CASES OF) rate setting(, POWER PLANT SITING AND OTHERS SPECIFIED BY THE COMMISSION) *only*.

Sec. 2. Minnesota Statutes 1976, 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) *reporting is not 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 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 *implicit or explicit* consent(, IMPLICIT OR EXPLICIT,) for any other person to receive contributions or make expenditures in excess of \$100 (WITH A VIEW TO) , *for the purpose of* bringing about his nomination (FOR ELECTION) or election (TO AN OFFICE). *A candidate remains a candidate until his principal campaign committee is dissolved as provided in section 47 of this act.*

Sec. 3. Minnesota Statutes 1976, Section 10A.01, Subdivision 7, is amended to read:

Subd. 7. "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 POLITICAL FUNDS;) or a *donation in kind*.

((C) THE PAYMENT OF COMPENSATION FOR THE PERSONAL SERVICES OF ANOTHER PERSON WHICH ARE RENDERED TO A CANDIDATE, POLITICAL COMMITTEE OR POLITICAL FUND TO INFLUENCE THE NOMINATION FOR ELECTION OR ELECTION OF A CANDIDATE TO OFFICE BY ANY PERSON OTHER THAN THAT CANDIDATE, POLITICAL COMMITTEE OR POLITICAL FUND.)

*"Contribution" includes any loan, other than a loan made by a bona fide financial institution, or advance of credit, other than an advance of credit made by a corporation, to a political committee, political fund, or principal campaign committee, which loan or advance of credit is (a) forgiven, or (b) paid by an entity other than the political committee, political fund, or principal campaign committee to which the loan or advance of credit is made.*

*"Contribution" does not include services provided without compensation by (INDIVIDUALS) an individual volunteering (THEIR) his time on behalf of a candidate, political committee or political fund, or (COVERAGE BY NEWS MEDIA, BUT ONLY WHILE ACTING IN THE ORDINARY COURSE OF BUSINESS OF;) the publishing or broadcasting of news items, (EDITORIALS) or (OTHER) editorial comments by the news media.*

*A contribution made for the purpose of defeating a candidate is considered made for the purpose of influencing the nomination or election of that candidate or any opponent of that candidate.*

Sec. 4. Minnesota Statutes 1976, Section 10A.01, is amended by adding subdivisions to read:

*Subd. 7a. "Transfer of funds" or "transfer" means money given by an individual or association to a political committee, political fund, or principal campaign committee for the purpose of influencing the nomination or election of a candidate.*

*Subd. 7b. "Donation in kind" means anything of value other than a transfer of funds given by an individual or association to a political committee, political fund, or principal campaign committee for the purpose of influencing the nomination or election of a candidate. The dollar value of a donation in kind is an authorized expenditure as defined in section 7 of this act.*

Sec. 5. Minnesota Statutes 1976, Section 10A.01, Subdivision 9, is amended to read:

Subd. 9. "Election" means a (GENERAL, SPECIAL,) primary (OR), special primary, *general or special* election (, OR A CONVENTION OR CAUCUS OF A POLITICAL PARTY HELD TO NOMINATE OR ENDORSE A CANDIDATE).

Sec. 6. Minnesota Statutes 1976, Section 10A.01, Subdivision 10, is amended to read:

Subd. 10. "Expenditure" means (:)

((A)) a purchase, payment, (DISTRIBUTION, LOAN,) *advance of credit*, (DEPOSIT OR GIFT) or *partial payment* 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*" includes the dollar value of a donation in kind as defined in section 4 of this act.

*An expenditure made for the purpose of defeating a candidate is considered made for the purpose of influencing the nomination or election of that candidate or any opponent of that candidate.*

"Expenditure" does not include( :)

(a) *Disbursement as defined in section 7 of this act;*

(b) *transfer as defined in section 4 of this act;*

(c) Services provided without compensation by (INDIVIDUALS) *an individual* volunteering (THEIR) *his* time on behalf of a candidate, political committee, or political fund; or

(d) (EXPENSES INCURRED) *Services performed for a constituent* by a member of the legislature or a (PERSON HOLDING) constitutional (OFFICE) *officer* in the executive branch, (IN PERFORMING SERVICES FOR CONSTITUENTS) *which services are performed prior to the day following adjournment sine die of the legislature in the election year for the office held.* The board shall (HAVE THE POWER TO) determine whether (THE EXPENSE WAS INCURRED PRIMARILY FOR THE PURPOSE OF PROVIDING A CONSTITUENT SERVICE OR IS) *an activity involves* an expenditure within the meaning of this subdivision.

Sec. 7. Minnesota Statutes 1976, Section 10A.01, is amended by adding subdivisions to read:

*Subd. 10a. "Authorized expenditure" means an expenditure as defined in section 6 of this act made by an entity other than the principal campaign committee of a candidate with the knowledge, cooperation, or implicit or explicit consent of the candidate or the treasurer of the principal campaign committee of the candidate on whose behalf the expenditure is made. "Authorized expenditure" includes the dollar value of a "donation in kind" as defined in section 4 of this act.*

*Subd. 10b. "Independent expenditure" means an expenditure as defined in section 6 of this act which is made without the knowledge, cooperation, or implicit or explicit consent of the candidate or the treasurer of the principal campaign committee of the candidate on whose behalf the expenditure is made.*

*Subd. 10c. "Disbursement" means a purchase, payment, or partial payment of money or anything of value made by a political committee, political fund, or principal campaign committee for any purpose other than to influence the nomination or election of a candidate. "Disbursement" includes payment for accounting and legal services and for food or beverage consumed at a fundraising event.*

Sec. 8. Minnesota Statutes 1976, Section 10A.01, Subdivision 11, is amended to read:

Subd. 11. "Lobbyist" means any individual:

(a) Engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than \$250, not including *his own* 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) Who spends more than \$250, not including *his own* 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) Public official or employee of the state or any of its political subdivisions or public bodies acting in his official capacity;

(b) 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 taking administrative action;

(c) Individual *while engaged* in (THE COURSE OF) selling goods or services to be paid for by public funds;

(d) News media or their employees or agents (ACTING) *while engaged* in the (ORDINARY COURSE OF BUSINESS OF) publishing or broadcasting of news items, (EDITORIALS OR OTHER) *editorial* comments or paid advertisements which directly or indirectly urge official action;

(e) Paid expert witness whose testimony is requested (EITHER) by the body before which he is appearing (OR ONE OF THE PARTIES TO A PROCEEDING), but only 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 *his own* travel expenses, in any year in communicating with public officials.

Sec. 9. Minnesota Statutes 1976, Section 10A.01, Subdivision 13, is amended to read:

Subd. 13. "Minor political party" means any party other than a major political party (WHICH RAN):

(a) *Under whose name* a candidate (ON THE) *filed for* statewide (OR LEGISLATIVE BALLOT) *office* in the last *applicable* general election; or

(b) *Which* files a petition with the secretary of state containing the names of 2,000 persons registered to vote in Minnesota and declaring that the (SIGNATORS) *signers* desire (TO ENABLE) *that* the party *be eligible* to receive money from the state elections campaign fund in the same manner as a major political party.

For the purpose of (LAW 1974, CHAPTER 470 PRIOR TO THE GENERAL ELECTION IN 1974) *chapter 10A*, all persons who are eligible to vote in areas where there is no *permanent system* of registration shall be considered registered voters.

Sec. 10. Minnesota Statutes 1976, Section 10A.01, Subdivision 15, is amended to read:

Subd. 15. "Political committee" means any (POLITICAL PARTY,) association (OR PERSON OTHER THAN AN IN-

DIVIDUAL WHICH HAS AS ITS) *as defined in subdivision 3 whose major purpose is to (SUPPORT OR OPPOSE ANY CANDIDATE OR TO) influence the nomination (FOR ELECTION) or election of (A) any candidate.*

*“Political committee” includes “major political party” as defined in subdivision 12 and “minor political party” as defined in section 9 of this act.*

Sec. 11. Minnesota Statutes 1976, Section 10A.01, Subdivision 16, is amended to read:

Subd. 16. “Political fund” means any accumulation of dues or voluntary (DONATIONS) *contributions* by an association other than a political committee, which accumulation is collected or expended for the purpose of influencing the nomination (FOR ELECTION) or election of a candidate.

Sec. 12. Minnesota Statutes 1976, Section 10A.01, Subdivision 18, is amended to read:

Subd. 18. “Public official” means any:

- (a) Member of the legislature;
- (b) (PERSON HOLDING A) Constitutional (OFFICE) *officer* in the executive branch and his chief administrative deputy;
- (c) Member of a state board or commission which has rule making authority, as “rule” is defined in section 15.0411, subdivision 3;
- (d) Person employed by the legislature as secretary of the senate, legislative auditor, chief clerk of the house, revisor of statutes, or researcher or attorney in the office of (LEGISLATIVE) *senate research, senate counsel, or house research*;
- (e) Person employed by the executive branch in any position specified in section 15A.081; (AND) *or*
- (f) Member of the metropolitan council, metropolitan transit commission, metropolitan (SEWER BOARD) *waste control commission, metropolitan parks and open spaces commission, metropolitan sports facilities commission, or metropolitan airports commission.*

Sec. 13. Minnesota Statutes 1976, Section 10A.01, is amended by adding subdivisions to read:

*Subd. 20. "Advance of credit" means any money owed for goods provided or services rendered for the purpose of influencing the nomination or election of a candidate. An advance of credit is an expenditure in the year in which the goods or services are used or consumed. For the purposes of sections 38, 50, and 59 of this act, an advance of credit, other than an advance of credit made by a corporation, shall be considered a contribution, in the year in which it is incurred only if forgiven at any time by the creditor. "Advance of credit" does not mean "loan" as defined in this section.*

*Subd. 21. "Loan" means an advance of money or anything of value made to a political committee, political fund, or principal campaign committee. A loan, other than a loan made by a bona fide financial institution, which is forgiven by the lender or repaid by an endorser at any time shall, for the purposes of sections 38, 50, and 59 of this act, be considered a "transfer" as defined in section 4 of this act in the year in which the loan is made.*

*Subd. 22. "Immediate family" of an individual includes his spouse, parent, child, brother, sister, and the spouse of any such parent, child, brother, or sister.*

**Sec. 14. Minnesota Statutes 1976, Section 10A.02, Subdivision 1, is amended to read:**

**10A.02 [BOARD OF ETHICAL PRACTICES.]** Subdivision 1. There is hereby created a state ethical practices board 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) *If either house fails to confirm the appointment of a board member within 45 legislative days after his appointment (SHALL BE DEEMED TO BE A REFUSAL TO ADVISE AND CONSENT AND HIS), the appointment shall terminate (IMMEDIATELY AFTER 45 LEGISLATIVE DAYS OR NON-CONFIRMATION, WHICHEVER IS EARLIER) on the day following the 45th legislative day.* One member shall be a former (STATE LEGISLATOR) *member of the legislature from a major political party different from that of the governor; one member shall be a former (STATE LEGISLATOR) member of the legislature from the same political party as the governor; two members shall be persons who have not been public officials, held any political party 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) preceding the date of their appointment; and the other two members shall not support the same political party. No more than three of the members of the board shall support the same political party.*



Sec. 15. Minnesota Statutes 1976, Section 10A.02, Subdivision 2, is amended to read:

Subd. 2. Any appointment to fill a vacancy (IN AN ORIGINAL OR SUBSEQUENT TERM) shall be made only for the unexpired term of a member who is being replaced and *the appointee* shall (RETAIN) *meet* the same stated qualifications as the member being replaced. The membership terms, compensation, and removal of members on the board shall be as provided in section 15.0575, except that the extension of terms and the filling of vacancies shall be subject to the advice and consent of the legislature in the same manner as provided in subdivision 1.

Sec. 16. Minnesota Statutes 1976, Section 10A.02, Subdivision 4, is amended to read:

Subd. 4. The board shall (HOLD AN ORGANIZATIONAL MEETING WITHIN 45 DAYS AFTER APRIL 13, 1974 AT WHICH TIME THE MEMBERS OF THE BOARD SHALL) elect from among (THEIR) *its* members a chairman, a vice-chairman and a secretary. The secretary shall keep a record of all proceedings and actions by the board. Meetings of the board shall be at the call of the chairman or at the call of any four members of the board acting together.

Sec. 17. Minnesota Statutes 1976, Section 10A.02, Subdivision 8, is amended to read:

Subd. 8. The board 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 board 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) *individuals* required to file them;

(c) Make available to the (PERSONS) *individuals* 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) *individual* may copy a report or statement by hand or by duplicating machine and the board shall provide duplicating services at cost for this purpose. No information copied from reports and statements shall be sold or utilized by any (PERSON) *individual or association* for any commercial purpose;

(f) Notwithstanding the provisions of section 138.163, preserve reports and statements for a period of five years from the date of receipt; *and*

(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. 18. Minnesota Statutes 1976, Section 10A.02, Subdivision 9, is amended to read:

Subd. 9. The executive director of the board or his staff shall inspect all material filed with the board as promptly as is necessary to comply with the provisions of sections 10A.01 to 10A.34. The executive director shall immediately notify the (PERSON) *individual* required to file a document with the board if *it appears, or a written complaint is filed with the board by any registered voter alleging(, OR IT OTHERWISE APPEARS)*, that a document filed with the board is inaccurate or does not comply with the provisions of sections 10A.01 to 10A.34, or that (A) *the (PERSON) individual* has failed to file a document required by sections 10A.01 to 10A.34.

Sec. 19. Minnesota Statutes 1976, Section 10A.02, Subdivision 11, is amended to read:

Subd. 11. Any hearing or action of the board concerning any complaint or investigation shall be confidential and all information obtained by the board shall be privileged until the board makes a finding that the board believes there is or is not probable cause to conclude that a violation of (LAWS 1974, CHAPTER 470) *chapter 10A* has occurred. Any (PERSON) *individual*, including any member or employee of the board, violating the confidentiality provisions of this subdivision shall be guilty of a gross misdemeanor. The board shall make a finding within 30 days of receipt of a written complaint unless a majority of the board agrees to extend the time limit. (AFTER DETERMINATION OF ITS FINDINGS) *Except as provided in section 51 of this act*, the board shall report any finding of probable cause to the appropriate law enforcement authorities.

Sec. 20. Minnesota Statutes 1976, Section 10A.02, Subdivision 12, is amended to read:

Subd. 12. The board may issue and publish advisory opinions on the requirements of sections 10A.01 to 10A.34 based upon real or hypothetical situations. An application for an advisory opinion may be made only by (THOSE) *an individual or association* who (WISH) *wishes* to use the opinion to guide (THEIR) *his or its* own conduct. The board shall issue written opinions on all such questions submitted to it within 30 days after receipt of written application, unless a majority of the board agrees to extend the time limit. *An advisory opinion shall lapse the day the legislature convenes in the second year following the date of the opinion unless the opinion is adopted by rule.*

Sec. 21. Minnesota Statutes 1976, Section 10A.02, Subdivision 13, is amended to read:

Subd. 13. The provisions of chapter 15 (**SHALL**) apply to the board (**INCLUDING THE POWER TO PRESCRIBE**). *The board may promulgate* rules (**AND REGULATIONS**) to carry out the purposes of sections 10A.01 to 10A.34.

Sec. 22. Minnesota Statutes 1976, Section 10A.02 is amended by adding a subdivision to read:

*Subd. 14. On or before June 1 of an election year, the board shall determine the vote fractions specified in section 54 of this act.*

Sec. 23. Minnesota Statutes 1976, Section 10A.04, Subdivision 1, is amended to read:

10A.04 [**LOBBYING REPORTS.**] Subdivision 1. Each lobbyist shall file reports of his activities with the board as long as he lobbies. *A lobbyist may file a termination statement at any time after he ceases lobbying.*

Sec. 24. Minnesota Statutes 1976, Section 10A.07, is amended to read:

10A.07 [**CONFLICTS OF INTEREST.**] Subdivision 1. Any public official who in the discharge of his official duties would be required to take an action or make a decision which would substantially affect his financial interests or those of a business with which he is associated, unless the effect on him is no greater than on other members of his business classification, profession or occupation, shall take the following actions:

(a) He shall prepare a written statement describing the matter requiring action or decision and the nature of his potential conflict of interest;

(b) He shall deliver copies of the statement to the board and to his immediate superior, if any;

(c) If he is a (LEGISLATOR) *member of the legislature*, he shall deliver a copy of the statement to the presiding officer of the house in which he serves; and

(d) If a potential conflict of interest presents itself and there is insufficient time to comply with the provisions of clauses (a) to (c), the public official shall verbally inform his superior or the official body *in which he serves*, or committee thereof, (IN WHICH HE SERVES) of the potential conflict. He shall file a written statement with the board within one week after the potential conflict presents itself.

Subd. 2. If the public official is not a (LEGISLATOR) *member of the legislature*, his superior shall assign the matter, if possible, to another employee who does not have a potential conflict of interest. If he has no immediate superior, the public official shall remove himself, if possible, in a manner prescribed by the board from influence over the action or decision in question. If the public official is a (LEGISLATOR) *member of the legislature*, the house (OF) *in which he (IS A MEMBER) serves* may, at his request, excuse him from taking part in the action or decision in question.

Sec. 25. Minnesota Statutes 1976, Section 10A.09, Subdivision 6, is amended to read:

Subd. 6. Each individual who is required to file a statement of economic interest shall file a supplementary statement on April 15 of each year *that he remains in office. The statement shall include a space for each category of information in which the individual may indicate that no change in information has occurred since the previous statement. The supplementary statement shall include the amount of each honorarium in excess of \$50 received since the previous statement, together with the name and address of the source of the honorarium. All statements of economic interest submitted by an individual shall be filed in the same place to permit ready access to the information contained therein.*

Sec. 26. Minnesota Statutes 1976, Section 10A.11, Subdivision 1, is amended to read:

10A.11 [ORGANIZATION OF POLITICAL COMMITTEES.] Subdivision 1. Every political committee shall have a chairman and a treasurer. Nothing in (LAWS 1974, CHAPTER 470) *chapter 10A* shall prohibit them from being the same person.

Sec. 27. Minnesota Statutes 1976, Section 10A.11, Subdivision 6, is amended to read:

Subd. 6. (EXCEPT FOR TRANSFERS OF FUNDS BETWEEN POLITICAL COMMITTEES AND TRANSFERS FROM THE STATE ELECTION CAMPAIGN FUND,) A political committee shall be financed solely through (VOLUNTARY DONATIONS) *contributions* by (NATURAL PERSONS) *individuals, associations to the extent permitted in section 28 of this act, political committees, or political funds, interest earned on deposits, and moneys from the state elections campaign fund.*

Sec. 28. Minnesota Statutes 1976, Section 10A.12, Subdivision 1, is amended to read:

10A.12 [POLITICAL FUNDS.] Subdivision 1. No association *other than a political committee* shall (MAKE A) transfer (OF FUNDS) *more than \$100 in aggregate in any one year to (A CANDIDATE) candidates or political (COMMITTEE) committees or make (AN) any authorized or independent expenditure (WHICH HAS AS ITS) for the purpose (THE) of influencing (OF) the nomination (FOR ELECTION OR) or election (OR DEFEAT) of a candidate (UNLESS IT IS A POLITICAL COMMITTEE OR) unless the (FUNDS FOR THE CONTRIBUTION) transfer or expenditure (COME) is made (SOLELY) from a political fund.*

Sec. 29. Minnesota Statutes 1976, Section 10A.12, Subdivision 4, is amended to read:

Subd. 4. No (DONATIONS) *contributions* to the political fund shall be accepted and no expenditures from the political fund shall be made while the office of treasurer of the political fund is vacant.

Sec. 30. Minnesota Statutes 1976, Section 10A.12, Subdivision 5, is amended to read:

Subd. 5. Notwithstanding subdivision 1, any association may, if not prohibited by *other law*, (TRANSFER TO) *deposit in its political fund money derived from (THAT PART OF ITS TREASURY FINANCED BY) dues or membership fees.* 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) *treasurer of the fund shall disclose the name of any member whose dues, membership fees and (VOLUNTARY) contributions (ARE TRANSFERRED TO) deposited in the political fund (WITHIN) together exceed \$50 in any one year.*

Sec. 31. Minnesota Statutes 1976, Section 10A.13, is amended to read:

10A.13 [ACCOUNTS WHICH MUST BE KEPT.] Subdivision 1. (IT SHALL BE THE DUTY OF) The treasurer of a political committee or political fund (TO) *shall* keep an account of:

(a) The sum of all contributions (EXCEPT ANY CONTRIBUTION) , *including the dollar value of any donation in kind valued at (LESS THAN) \$20 or more, made to (OR FOR) the political committee or political fund;*

(b) The name and address (, IF ANY,) of (ANY PERSON MAKING) *each source of a (CONTRIBUTION IN EXCESS) transfer made to the political committee or political fund of \$20 or more, (AND) together with the date and amount (THERE-OF) of each; (AND)*

(c) *The name and address of each source of a donation in kind valued at \$20 or more, together with the date and amount of each;*

(d) (ALL EXPENDITURES) *Each expenditure or authorized expenditure made by or on behalf of the committee or fund; and*

(e) *The name and address of each political committee or political fund to which transfers of \$20 or more have been made.*

Any (PERSON) *individual* who knowingly violates any provision of this subdivision is guilty of a misdemeanor.

Subd. 2. The treasurer shall obtain a receipted bill, stating the particulars, for every expenditure *in excess of \$100* made by, or *authorized expenditure in excess of \$100 made on behalf of, a political committee or political fund (OF OVER \$100), and for any expenditure or authorized expenditure in a lesser amount if the aggregate amount of lesser expenditures and authorized expenditures made to the same (PERSON) individual or association during (A) any year exceeds \$100.* The treasurer shall preserve all receipted bills and accounts required to be kept by this section for four years.

Sec. 32. Minnesota Statutes 1976, Section 10A.14, Subdivision 1, is amended to read:

10A.14 [REGISTRATION OF POLITICAL COMMITTEES AND POLITICAL FUNDS.] Subdivision 1. The treasurer of a political committee or political fund shall register with the board by filing a statement of organization no later than 14 days after the date upon which the committee or fund has received contributions or made expenditures in excess of \$100. (HOW-

EVER, IN THE FIRST YEAR OF LAWS 1974, CHAPTER 470, TREASURERS SHALL FILE WITHIN 30 DAYS AFTER THE BOARD ISSUES POLITICAL COMMITTEE OR POLITICAL FUND REGISTRATION FORMS.)

Sec. 33. Minnesota Statutes 1976, 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) *name* and (ADDRESSES) *address* of (THE) *any* supporting (ASSOCIATIONS) *association* of a political fund;

(c) The name and address of the chairman, the treasurer, and any deputy treasurers;

(d) A listing of all depositories or safety deposit boxes used; and

(e) A statement as to whether the committee is a principal campaign committee.

Sec. 34. Minnesota Statutes 1976, Section 10A.15, is amended to read:

10A.15 [CONTRIBUTIONS.] Subdivision 1. (ANY) *No* anonymous contribution in excess of \$20 shall (NOT) be retained by any political committee or political fund, but shall be forwarded to the board and deposited (TO) *in* the general account of the state elections campaign fund.

Subd. 2. Every (PERSON) *individual* who receives a contribution in excess of \$20 for a political committee or political fund shall, on demand of the treasurer, and in any event within 14 days after receipt of the contribution, inform the treasurer of (THE AMOUNT,) the name and, if known, the address of the (PERSON MAKING) *source of* the contribution, *together with the amount of the contribution* and the date it was received.

Subd. 3. All (MONETARY CONTRIBUTIONS) *transfers* received by (OR ON BEHALF OF ANY CANDIDATE) or *any* political committee or political fund shall within 14 days after the receipt thereof, Sundays and holidays excepted, be deposited (IN A DESIGNATED DEPOSITORY) in an account designated "Campaign Fund of ..... (name of *candidate*, committee or fund)".

*A deposited transfer may be returned to the source, provided that the amount returned equals the amount received, and provided that the transaction is included in the first campaign report due after the date of the transaction. A transfer returned within the calendar year in which it was made shall not be considered a contribution.*

Subd. 4. Any (PERSON) *individual* violating the provisions of this section is guilty of a misdemeanor.

Sec. 35. Minnesota Statutes 1976, Section 10A.16, is amended to read:

10A.16 [EARMARKING.] Any (PERSON) *individual*, political committee or political fund which receives (CONTRIBUTIONS) *a contribution* (OR TRANSFERS OF FUNDS) from any (PERSON OR ASSOCIATION) *source* with the *express or implied* condition (, EXPRESS OR IMPLIED,) that (THOSE FUNDS) *the contribution* or any part of (THEM) *it* be directed to a particular candidate shall disclose to the ultimate recipient (OF SUCH FUNDS), and in the reports required by section 10A.20, the original source of the (FUNDS) *contribution*, the fact that the (FUNDS WERE) *contribution* was earmarked and the candidate to whom (THEY ARE) *it* was directed. The ultimate recipient of any (FUNDS) *contribution* so earmarked shall also disclose (BY REPORT TO THE BOARD) the original source (OF THE FUNDS,) and the (PERSON) *individual*, political committee, or political fund through which (THEY WERE) *it* was directed. This section applies only to (THOSE) contributions required to be disclosed by section 10A.20, *subdivision 3, paragraph (b)*. Any (PERSON OR ASSOCIATION) *individual, political committee, or political fund* who knowingly accepts *any* earmarked (FUNDS) *contribution* and fails to make the required (DISCLOSURES) *disclosure* is guilty of a gross misdemeanor.

Sec. 36. Minnesota Statutes 1976, Section 10A.17, is amended to read:

10A.17 [EXPENDITURES.] Subdivision 1. (ALL EXPENDITURES) *No expenditure shall be made by a political committee, political fund, or principal campaign committee unless it is* (AUTHORIZED) *allowed* by the treasurer or deputy treasurer of (THE) *that* committee or fund (MAKING THAT EXPENDITURE).

(SUBD. 2. NO PERSON OR PERSONS ACTING IN CONCERT OTHER THAN THE CANDIDATE AND THE TREASURER OF THE CANDIDATE'S PRINCIPAL CAMPAIGN COMMITTEE MAY MAKE EXPENDITURES OF MORE THAN \$20 WITH THE AUTHORIZATION OR CONSENT, EXPRESS OR IMPLIED, OF A CANDIDATE OR HIS



AGENT, OR UNDER THE CONTROL, DIRECT OR INDIRECT, OF A CANDIDATE OR HIS AGENT ON BEHALF OF A CANDIDATE WITHOUT RECEIVING FROM THE TREASURER OF THAT CANDIDATE'S PRINCIPAL CAMPAIGN COMMITTEE (I) PRIOR WRITTEN AUTHORIZATION AND (II) CERTIFICATION THAT THE EXPENDITURES WILL NOT EXCEED THE LIMITS ON EXPENDITURES AS SET FORTH IN SECTIONS 10A.25 AND 10A.27. ALL SUCH EXPENDITURES SHALL BE COUNTED AGAINST THE SPENDING LIMITATIONS OF THE CANDIDATE.)

*Subd. 2a. The treasurer of each principal campaign committee shall be responsible for returning any contribution which would cause the contribution limits imposed by section 50 of this act to be exceeded. The source of such contribution shall not be subject to the penalties imposed by section 51 of this act.*

*The candidate or treasurer shall not allow the limits imposed by section 50 of this act to be exceeded by any of the following:*

- (a) an authorized expenditure;*
- (b) the forgiveness of an advance of credit; or*
- (c) the forgiveness of, or repayment by an endorser of, a loan.*

**Subd. 3.** The treasurer or deputy treasurer of a political committee may (MAKE AN AUTHORIZATION) *sign vouchers* for petty cash (IN ANY REPORTING PERIOD) of not more than \$100 per week for statewide elections (AND) or \$20 per week (IN) for legislative elections to be used for miscellaneous expenditures. *Each voucher shall state the amount and purpose.*

**Subd. 4.** (EACH AUTHORIZATION SHALL STATE THE AMOUNT AND PURPOSE OF THE EXPENDITURE AND SHALL BE SIGNED BY THE TREASURER OR DEPUTY TREASURER OF THE COMMITTEE MAKING THE EXPENDITURE AND BY THE INDIVIDUAL MAKING THE EXPENDITURE.)

(SUBD. 5.) Any *individual, political committee, or political fund (OR PERSON) who independently solicits or accepts contributions or (MAKE) makes independent expenditures on behalf of any candidate (WITHOUT THE WRITTEN AUTHORIZATION OF THE CANDIDATE) shall publicly disclose (ITS) the lack of authorization. (IN) All written communications with those from whom (IT SOLICITS OR ACCEPTS) contributions are solicited or accepted or to whom (IT MAKES) independent expenditures are made, (THE COMMITTEE, FUND OR PERSON) shall (STATE IN WRITING AND) contain a statement*

in conspicuous type that (IT) *the activity* is not authorized by the candidate (AND THAT THE CANDIDATE IS NOT) *nor is he* responsible for (ITS ACTIVITIES) *it*. (A) Similar (ORAL STATEMENT) *language* shall be included in all oral communications. (A SIMILAR WRITTEN STATEMENT SHALL BE INCLUDED), in conspicuous type on the front page of all literature and advertisements published or posted, and (A SIMILAR ORAL STATEMENT INCLUDED) at the end of all broadcast advertisements (BY COMMITTEE, FUND OR PERSON IN CONNECTION WITH) *made on* the candidate's (CAMPAIGN) *behalf*.

(SUBD. 6.) Any person who knowingly violates the provisions of (SUBDIVISIONS 1, 2, 3 OR 5) *this subdivision* or who falsely claims the lack of authorization is guilty of a misdemeanor.

Sec. 37. Minnesota Statutes 1976, Section 10A.19, Subdivision 1, is amended to read:

10A.19 [PRINCIPAL CAMPAIGN COMMITTEE.] Subdivision 1. (EVERY) *No* candidate shall (DESIGNATE AND CAUSE) *accept contributions from any source, other than himself or a member of his immediate family, in aggregate in excess of \$100 or any moneys from the state elections campaign fund unless he designates and causes to be formed a single principal campaign committee which shall be responsible for (REPORTING CONTRIBUTIONS AND AUTHORIZED EXPENDITURES ON BEHALF OF THE CANDIDATE) filing reports as provided in section 38 of this act.*

Sec. 38. Minnesota Statutes 1976, 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 (,) *occupation* if self-employed, (OCCUPATION) of each (PERSON) *individual*, political committee or political fund who *within the year* 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) *all* fund raising (EVENTS) *efforts* (WITHIN THE YEAR), *which* in (AN) aggregate (AMOUNT OR VALUE IN EXCESS OF) *exceed* \$50 for legislative candidates (AND IN EXCESS OF) or \$100 for statewide candidates, together with the amount and date of (THE CONTRIBUTIONS) *each contribution*, and the aggregate amount of contributions within the year from each contributor so disclosed. The (LISTS) *names* 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) Each loan (TO OR FROM ANY PERSON) *made or received by the political committee or political fund* within the year in (AN) aggregate (AMOUNT OR VALUE) in excess of \$100, *continuously reported until extinguished*, together with the name (AND), address, occupation and the principal place of business, if any, of the lender or any endorser and the date and amount of the loan. *Any loan made to the principal campaign of a candidate which is forgiven at any time or repaid by an endorser shall be considered a contribution in the year in which the loan was made, and shall be subject to the contribution limits imposed in sections 50 and 59 of this act. If such a forgiven or repaid loan causes the contribution limit imposed in section 59 of this act to be exceeded, the amount by which the limit is exceeded shall be returned with the first report due after the loan is forgiven or repaid, in the manner provided in section 58 of this act. In no case shall the amount returned exceed the amount received by the candidate from the state elections campaign fund;*

(e) Each receipt in excess of \$100 not otherwise listed under clauses (b) to (d);

(f) The (TOTAL) sum of all receipts by or (FOR) *on behalf of* the political committee or political fund during the reporting period;

(g) The name and address of each (PERSON) *individual or association to whom aggregate expenditures, including authorized expenditures, have been made by or on behalf of* the political committee or political fund (OR ON ITS BEHALF) within the year (IN AN AGGREGATE AMOUNT) in excess of \$100, *together with* 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;

(h) The sum of individual expenditures, *including authorized expenditures*, not otherwise reported under clause (g);

(i) The (TOTAL) *sum of all* expenditures made by or *on behalf of* the political committee or political fund during the reporting period;

(j) The amount and nature of any (DEBT OR OBLIGATION) *advance of credit* owed by (OR TO) the political committee or political fund, continuously reported until extinguished (, AND ANY WRITTEN CONTRACT, PROMISE OR AGREEMENT TO MAKE A CONTRIBUTION OR EXPENDITURE;

AND). Any advance of credit incurred by or on behalf of a candidate, which advance of credit is forgiven at any time by the creditor, shall be considered a donation in kind in the year in which the advance of credit was incurred, and shall be subject to the contribution limits imposed in sections 50 and 59 of this act. If a forgiven advance of credit incurred by or on behalf of a candidate in an election year causes the contribution limit imposed in section 59 of this act to be exceeded, the amount by which the limit is exceeded shall be returned with the first report due after the advance of credit is forgiven, in the manner provided in section 58 of this act. In no case shall the amount returned exceed the amount received by the candidate from the state elections campaign fund;

(k) The name and address of each political committee, political fund, or principal campaign committee to which aggregate transfers in excess of \$100 have been made within the year, together with the amount and date of each transfer;

(l) The sum of all transfers made by the political committee, political fund, or principal campaign committee during the reporting period; and

(m) The sum of all disbursements made by the political committee, political fund, or principal campaign committee during the reporting period.

((K) FOR) Each report filed under this section by a principal campaign (COMMITTEES ONLY:) committee shall disclose the name of each (PERSON) individual, political committee or political fund (,) which has (BEEN AUTHORIZED BY THE TREASURER TO MAKE) made authorized expenditures on behalf of the candidate and the nature and amount of each authorized expenditure.

Sec. 39. Minnesota Statutes 1976, Section 10A.20, Subdivision 4, is amended to read:

Subd. 4. (THE REPORTS) A reporting period shall (COVER) begin with the (TIME FROM) day after the last day (OF THE PERIOD) covered (BY) in the (LAST REPORT TO) previous reporting period and shall end (a) seven days prior to the filing date for reports due before the primary and election and (b) December 31 for the report due January 31.

Sec. 40. Minnesota Statutes 1976, Section 10A.20, Subdivision 5, is amended to read:

Subd. 5. In any statewide election any contribution or contributions from (A PERSON OR ASSOCIATION) any one source totaling \$2,000 or more, or in any legislative election (ANY CONTRIBUTION OF) totaling \$200 or more, received

(AFTER) *between* the (PERIOD) *last day* covered in the last report prior to an election and (PRIOR TO) the election shall be reported to the board *in person* or by telegram within 48 hours after its receipt and *also* in the next required report.

Sec. 41. Minnesota Statutes 1976, Section 10A.20, Subdivision 6, is amended to read:

Subd. 6. Every (PERSON, OTHER THAN A POLITICAL COMMITTEE OR POLITICAL FUND,) *candidate who does not designate and cause to be formed a principal campaign committee, and any individual who makes independent expenditures* (, OTHER THAN BY CONTRIBUTION TO A POLITICAL COMMITTEE OR POLITICAL FUND,) in (AN) aggregate (AMOUNT) in excess of \$100 (WITHIN A) *in any year*, shall file with the board a (STATEMENT) *report* containing the information required *by subdivision 3* of a political committee (,) or political fund (OR CANDIDATE). (STATEMENTS) *Reports* required by this subdivision shall be filed on the dates on which reports by committees *and funds* are filed.

Sec. 42. Minnesota Statutes 1976, Section 10A.22, Subdivision 1, is amended to read:

10A.22 [REPORTS AND STATEMENTS.] Subdivision 1. A report or statement required by sections 10A.11 to 10A.34 to be filed by a treasurer of a political committee or political fund, or by any other (PERSON) *individual*, shall be signed and certified as true by the (PERSON) *individual* required to file the report. Any (PERSON) *individual* who signs and certifies to be true a report or statement which he knows contains false information or who knowingly omits required information is guilty of a (FELONY) *gross misdemeanor*.

Sec. 43. Minnesota Statutes 1976, Section 10A.22, Subdivision 3, is amended to read:

Subd. 3. Each (CONTRIBUTION) *donation* in kind shall be valued at fair market value and *the dollar value* reported on the appropriate (SCHEDULE) *schedules* of (RECEIPTS) *contributions and expenditures*, identified as to its nature and listed as "(CONTRIBUTION) *donation* in kind". (THE TOTAL AMOUNT OF GOODS AND SERVICES CONTRIBUTED) *Donations* in kind (SHALL BE DEEMED TO HAVE BEEN) *are considered* consumed in the reporting period in which *they* are received. (EACH CONTRIBUTION IN KIND SHALL BE DECLARED AS AN EXPENDITURE AT THE SAME FAIR MARKET VALUE AND REPORTED ON THE APPROPRIATE EXPENDITURE SCHEDULE, IDENTIFIED AS "CONTRIBUTION IN KIND".)

Sec. 44. Minnesota Statutes 1976, Section 10A.22, Subdivision 4, is amended to read:

Subd. 4. (IN DETERMINING THE AGGREGATE OF A PERSON'S CONTRIBUTIONS,) The treasurer shall list contributions from the same (DONOR) *source* under the same name. (IN EACH INSTANCE) When a contribution received from (A PERSON) *any source* in a reporting period is added to previously reported un-itemized contributions from the same (CONTRIBUTOR) *source* and the aggregate exceeds the disclosure threshold of section 10A.20, the name, address and employer, or (,) *occupation* if self-employed, occupation of that (CONTRIBUTOR) *source* shall then be listed on the prescribed (REPORTING FORMS) *schedule*. A candidate may refuse to accept any contribution.

Sec. 45. Minnesota Statutes 1976, Section 10A.22, Subdivision 5, is amended to read:

Subd. 5. A political committee or political fund making an expenditure (, OTHER THAN A TRANSFER OF FUNDS, FOR OR) on behalf of more than one candidate for state or legislative office shall allocate the expenditure among the candidates on a reasonable cost basis and report (THIS) *the* allocation for each candidate. (THE TREASURER SHALL RETAIN FOR AUDIT ANY DOCUMENTS SUPPORTING THE ALLOCATION.)

Sec. 46. Minnesota Statutes 1976, Section 10A.22, Subdivision 7, is amended to read:

Subd. 7. The treasurer of a political committee or political fund shall not accept a contribution *in excess* of (MORE THAN) \$100 from a political committee or political fund not registered in this state unless the contribution is accompanied by a written statement which meets the disclosure requirements imposed by section 10A.20. This statement shall be certified as true and correct by an officer of the contributing *political* committee or political fund. The provisions of this subdivision shall not apply when (THE) a national (AFFILIATE OF ANY) political party (IN THIS STATE TRANSFERS MONEY) *makes a transfer* to its (STATE) affiliate *in this state* (AND THAT MONEY), *which transfer* is expended by the (STATE 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) *affiliate for any purpose listed in section 50, subdivision 3 of this act*.

Sec. 47. Minnesota Statutes 1976, Section 10A.24, is amended to read:

10A.24 [DISSOLUTION OR TERMINATION.] No political committee or political fund shall dissolve until it has settled

all of its debts or disposed of all its assets and filed a termination report. The termination report may be made at any time and shall include all information required in periodic reports (AND A STATEMENT AS TO THE DISPOSITION OF ANY RESIDUAL FUNDS).

Sec. 48. Minnesota Statutes 1976, Section 10A.25, is amended to read:

**10A.25 [LIMITS ON CAMPAIGN EXPENDITURES.]**  
 Subdivision 1. For the purposes of sections 10A.11 to 10A.34 a candidate for governor and a candidate for lieutenant governor, running together, shall be deemed to be a single candidate (AND). *Except as provided in subdivision 3 of this section, all expenditures made by or all authorized expenditures made on behalf of the candidate for (GOVERNOR AND ALL EXPENDITURES MADE BY OR ON BEHALF OF THE CANDIDATE FOR) lieutenant governor shall be considered to be expenditures by or authorized expenditures on behalf of the candidate for governor.*

Subd. 2. In a year in which an election is held for an office sought by a candidate (STANDS FOR ELECTION) who accepts moneys as set forth in subdivision 2a, no expenditures shall be made (AND NO OBLIGATIONS TO MAKE) by the principal campaign committee of that candidate, nor any authorized expenditures (SHALL BE INCURRED BY) made on behalf of (A) that candidate (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 HIS AGENTS) which expenditures and authorized expenditures (RESULTS) result in (THE) an aggregate (EXPENDITURE ON BEHALF OF THE CANDIDATE OF AN) amount in excess of the following (AMOUNTS):

(a) For governor and lieutenant governor, running (JOINTLY) together, 12 1/2 cents per capita or \$600,000, whichever is greater;

(b) For attorney general, 2 1/2 cents per capita or \$100,000, whichever is greater;

(c) For secretary of state, state treasurer and state auditor, separately, 1 1/4 cents per capita or \$50,000, whichever is greater;

(d) For state senator, 20 cents per capita or \$15,000, whichever is greater;

(e) For state representative, 20 cents per capita or \$7,500, whichever is greater.

*Subd. 2a. The limitations set forth in subdivision 2 shall apply to a candidate who accepts any moneys from the state elections campaign fund.*

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), *whichever is greater*, to seek endorsement. This amount shall be in addition to the amount which may be expended pursuant to subdivision 2, clause (a).

Subd. 4. Notwithstanding (SUBDIVISION 2 WITH RESPECT TO THE 1974 GENERAL ELECTION,) *the effective date of this act, (EXPENSES INCURRED) expenditures, authorized expenditures, and advances of credit made prior to (APRIL 13, 1974) the effective date of this act for goods and services consumed or used after the effective date of this act shall (NOT) be counted against the spending limitations imposed by subdivision 2.*

Subd. 5. If the winning candidate in a contested race in a primary (ELECTION) receives less than twice as many votes as any one of his opponents in that (ELECTION) *primary*, he shall have added to the aggregate amount which may be expended by him (OR) *and authorized to be expended* on his behalf an amount equal to (ONE-FIFTH) *20 percent* of the applicable amount as set forth in subdivision 2 (, OR THE AMOUNT ACTUALLY EXPENDED BY HIM OR ON HIS BEHALF IN THE PRIMARY ELECTION, WHICHEVER IS LESS).

Subd. 6. *For any candidate for or holder of office who has accepted or accepts moneys as set forth in subdivision 2a, for the term of the office held or sought, in (A) any year (IN WHICH) following an election (DOES NOT OCCUR) year for (AN) the 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) amount of expenditures by and authorized expenditures on behalf of (THE) such candidate for or (OFFICEHOLDER IN THAT YEAR OF AN AMOUNT IN EXCESS OF) holder of that office shall not exceed 20 percent of the (AMOUNT OF THE AGGREGATE) expenditure (PERMITTED) limit set (BY) forth in subdivision 2. Expenditures permitted by this subdivision shall be in addition to expenditures permitted by subdivision 2.*



Subd. 7. On or before (JANUARY 15) *December 31* of each year, the state demographer shall certify to the board the estimated population of the state of Minnesota for (THE LAST) *that year* (ENDING BEFORE THE DATE OF CERTIFICATION). In determining the per capita amounts for each office in subdivision 2, the board shall use:

(a) (IN THE CASE OF THE ELECTIONS FOR) *For the offices of 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) *For the office of state senator, 1/67 of the total estimated population of the state; and*

(c) (IN THE CASE OF ELECTIONS FOR) *For the office of state representative, 1/134 of the total estimated population of the state.*

Subd. 8. On or before January 31 of each year, the board shall determine and publish the (AMOUNT) *limit*, rounded off to the nearest hundred dollars, (OF THE LIMITS) on campaign expenditures in subdivision 2.

Subd. 9. An expenditure is *considered to be* made in the year in which the goods or services for which it was made are used or consumed.

Sec. 49. Minnesota Statutes 1976, Chapter 10A, is amended by adding a section to read:

[10A.265] [FREEDOM TO ASSOCIATE AND COMMUNICATE.] *Nothing in chapter 10A shall be construed as abridging the right of an association to communicate with its members.*

Sec. 50. Minnesota Statutes 1976, 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 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.) *Except as provided in subdivisions 2 and 6, no contributions to the principal cam-*

*paign of that candidate or authorized expenditures on behalf of that candidate shall be made in aggregate amounts in excess of the following:*

*(a) To candidates for governor and lieutenant governor running together, \$60,000 in an election year for the office sought and \$12,000 in other years;*

*(b) To a candidate for attorney general, \$10,000 in an election year for the office sought and \$2,000 in other years;*

*(c) To a candidate for the office of secretary of state, state treasurer or state auditor, \$5,000 in an election year for the office sought and \$1,000 in other years;*

*(d) To a candidate for state senator, \$1,500 in an election year for the office sought and \$300 in other years;*

*(e) To a candidate for state representative, \$750 in an election year for the office sought and \$150 in the other year.*

Subd. 2. No political party shall make *contributions and authorized expenditures* on behalf of a candidate or transfer funds to the principal campaign committee of a candidate in an amount in excess of (50 PERCENT OF) *five times* the amount (THAT MAY BE SPENT BY OR ON BEHALF OF) *applicable* to that candidate as set forth in (SECTION 10A.25) *subdivision 1.*

Subd. 3. (EXPENDITURES) *Any expenditures* by 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, POSTED, OR BROADCAST, OR ANY OFFICIAL PARTY SAMPLE BALLOT OR TELEPHONE CONVERSATION LISTING THREE OR MORE 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, *if the expenditure is made for:*

*(a) any published, posted, or broadcast advertisement on behalf of candidates of that party generally without referring to any of them specifically;*

*(b) any sample ballot or telephone conversation listing three or more individuals whose names are to appear on the ballot; or*

*(c) a fundraising effort made on behalf of three or more candidates.*

Subd. 4. For the purposes of this section, a political party includes (A POLITICAL) the party's organization within congressional districts, counties, legislative districts, municipalities, wards, and precincts (, AND ANY LEGISLATIVE BODY).

Subd. 5. *Nothing in chapter 10A shall be construed as limiting independent expenditures on behalf of a candidate.*

Subd. 6. *Nothing in chapter 10A shall be construed as limiting the amount which may be contributed by a candidate, or his immediate family as defined in section 13 of this act, for the purpose of influencing the nomination or election of that candidate.*

Subd. 7. *Contributions and authorized expenditures made prior to the effective date of this act which are in excess of the limits imposed by this section shall not be in violation of this act but shall be disclosed as required by section 38 of this act.*

Sec. 51. Minnesota Statutes 1976, Section 10A.28, is amended to read:

10A.28 [PENALTY FOR EXCEEDING LIMITS.] Any (PERSON OR ASSOCIATION THAT MAKES EXPENDITURES IN EXCESS OF THE LIMITATIONS IMPOSED BY SECTIONS 10A.25 AND 10A.27) *principal campaign committee which is found in violation of the provisions of sections 36, 48, or 50 of this act shall be subject to a fine (EQUAL) of up to four times the amount by which (ITS EXPENDITURE EXCEEDED) the applicable limit is exceeded. If the board (OR COUNTY ATTORNEY HAS REASON TO BELIEVE) determines there is sufficient evidence that (A PERSON OR ASSOCIATION) a principal campaign committee has (MADE SUCH EXCESS EXPENDITURES, THE BOARD OR COUNTY ATTORNEY) allegedly violated sections 36, 48, or 50 of this act, it shall (BRING AN ACTION IN THE DISTRICT COURT OF RAMSEY COUNTY OR, IN THE CASE OF A LEGISLATIVE CANDIDATE, THE DISTRICT COURT OF A COUNTY WITHIN THE LEGISLATIVE DISTRICT, TO IMPOSE THIS PENALTY) notify the candidate and the treasurer of his principal campaign committee by certified mail of its determination and the amount by which the applicable limit was allegedly exceeded. If the candidate or treasurer does not agree with the determination or the amount, he may request that proceedings be held in accordance with the contested case provisions of sections 15.0418 to 15.0426. If the candidate or treasurer agrees at any time that the board's determination is correct, both as to the violation and the amount, the proceedings against the principal campaign committee shall terminate upon payment of the fine imposed by the board. All moneys recovered pursuant to this section shall be deposited in the general (ACCOUNT) fund of the state (ELECTIONS CAMPAIGN FUND).*

Sec. 52. Minnesota Statutes 1976, Section 10A.29, is amended to read:

10A.29 [CIRCUMVENTION PROHIBITED.] Any attempt by (A PERSON) *an individual or association* to circumvent the provisions of (LAWS 1974, CHAPTER 470, SECTIONS 11 TO 41) *chapter 10A* by redirecting funds through, or contributing funds on behalf of, another (PERSON) *individual or association* is a gross misdemeanor.

Sec. 53. Minnesota Statutes 1976, Section 10A.31, Subdivision 3a, is amended 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) *a statewide* 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. 54. Minnesota Statutes 1976, Section 10A.31, Subdivision 5, is amended to read:

Subd. 5. In each calendar year the moneys in each party account and the general account shall be allocated to candidates as follows:

(a) (16) *21* percent for the offices of governor and lieutenant governor (JOINTLY) *together*;

(b) (9.6) *3.6* percent for the office of attorney general;

(c) (4.8) *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, (28) *23 1/3* percent for the office of state senator and (40) *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) (30) *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.)

*Each candidate for the state senate and state house of representatives whose name is to appear on the ballot in the general election shall receive moneys from his party account set aside for candidates of the state senate or state house of representatives, whichever applies, according to the following formula:*

(a) *the sum of the votes cast in the last general election in his district for all candidates of his party (i) whose names appeared on the ballot in each voting precinct of the state and (ii) for the state senate and state house of representatives, divided by*

(b) *the sum of the votes cast in the entire state in the last general election for all candidates of his party (i) whose names appeared on the ballot in each voting precinct in the state and (ii) for the state senate and state house of representatives, multiplied by*

(c) *the amount in his party account set aside for all the candidates for the office for which he is a candidate.*

*In a year in which an election for the state senate occurs, with respect to votes for candidates for the state senate only, "last general election" means the last general election in which an election for the state senate occurred.*

*For any party under whose name no candidate's name appeared on the ballot in each voting precinct in the state in the last general election, "last general election" means the last general election in which the name of a candidate of that party appeared on the ballot in each voting precinct in the state.*

*If in a district there were no candidates of a party for the state senate or state house of representatives in the last general election, or if a candidate for the state senate or state house of representatives were unopposed, the vote for that office for that party shall be the average vote of all the remaining candidates of that party in that district whose votes are included in the sums in clauses (a) and (b). The average vote shall be added to the sums in clauses (a) and (b) before the calculation is made for all districts.*

**Moneys from any party account (REFUSED BY ANY CANDIDATE) not distributed in any election year shall be (DISTRIBUTED TO ALL OTHER CANDIDATES OF THAT PARTY IN PROPORTION TO THEIR SHARES AS PROVIDED IN THIS SUBDIVISION) returned to the general fund of the state. 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 GOV-**

ERNOR 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. 55. Minnesota Statutes 1976, Section 10A.31, Subdivision 6, is amended to read:

Subd. 6. Within two weeks after certification by the state canvassing board of the results of the primary, the state treasurer shall distribute the available funds in each party account, 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 in the general election, 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.)

Sec. 56. Minnesota Statutes 1976, Section 10A.31, Subdivision 7, is amended to read:

Subd. 7. Within two weeks 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 allocations set forth in subdivision 5, in equal amounts to 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 they were candidates. *The board shall not use the information contained in the report of the principal campaign committee of any candidate due ten days before the general election for the purpose of reducing the amount due that candidate from the general account.*

Sec. 57. Minnesota Statutes 1976, Section 10A.31, Subdivision 10, is amended to read:

Subd. 10. In the event that on (NOVEMBER 15) *the date of either certification by the commissioner of revenue as provided in subdivisions 6 and 7*, less than 98 percent of the tax returns have been processed, the commissioner of revenue shall certify to the board on December 7 the amount accumulated in each account since the previous certification. Within one week thereafter, the board 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. 58. Minnesota Statutes 1976, Section 10A.31, is amended by adding a subdivision to read:

*Subd. 11. For the purposes of section 10A.31, a write-in candidate is not a candidate unless he complies with the provisions of section 59, subdivision 3, of this act.*

Sec. 59. Minnesota Statutes 1976, 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 *and retain* an amount greater than the (TOTAL) *aggregate* amount of expenditures which may be made by him or *his principal campaign committee and authorized expenditures made* on his behalf under (SECTIONS) *section 10A.25 (AND 10A.27), subdivision 2.* 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) *returned to the general fund of the state.*

Subd. 2. No candidate shall be entitled to receive from the state (ELECTION) *elections* campaign fund an amount greater than the (TOTAL) *aggregate* amount (ACTUALLY EXPENDED) of expenditures made by (HIM OR) *his principal campaign committee and authorized expenditures made* on his behalf 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 *from the state elections campaign fund* is greater than the amount (AUTHORIZED TO BE) expended on his behalf, the treasurer of his principal campaign committee shall (REFUND) *return* to the state treasurer an amount equal to the difference. The (REFUND) *return* in the form of a check or money order shall be submitted with such report and the board shall forward the (RE-

FUND) return to the state treasurer for deposit in the general fund of the state.

Subd. 3. As a condition of receiving any (FUNDS) moneys from the state elections campaign fund, (ANY) a candidate, (PRIOR TO RECEIPT OF THE FUNDS,) shall agree by stating in writing to the board (ON OR BEFORE SEPTEMBER 1) that (a) (AUTHORIZED) except as provided in section 48, subdivision 4, of this act, his expenditures (ON HIS BEHALF) and authorized expenditures shall not exceed the expenditure limits as set forth in section 10A.25 and that (b) his principal campaign committee shall not accept contributions nor allow authorized expenditures to be made on his behalf for the period beginning with January 1 of the election year or with the registration of his principal campaign committee, whichever occurs later, and ending December 31 of the election year, which aggregate contributions and authorized expenditures exceed (105 PERCENT OF) the difference between the amount which may legally be expended by him or on his behalf, and the amount which he receives from the state elections campaign fund. Notwithstanding the effective date of this act, for 1978, the period for determining the aggregate contribution and authorized expenditure limit agreed to pursuant to this subdivision shall begin January 1, 1978. The sum of all contributions received in an election year on or before the day of adjournment sine die of the legislature which is equal to the amount disbursed for services to constituents shall not count toward the contribution limit imposed in this subdivision. Any amount by which his total contributions and authorized expenditures exceed (105 PERCENT OF) the difference shall be (REFUNDED) returned 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. In no case shall the amount returned exceed the amount received from the state elections campaign fund.

The candidate may submit his signed agreement to the filing officer on the day he files his affidavit of candidacy or petition to appear on the ballot, or he may submit the agreement to the board no later than September 1.

The board shall make forms for the agreement available to all filing officers prior to the first day for filing for office. The filing officer shall without delay forward signed agreements to the board. An agreement once submitted may not be withdrawn.

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 of the state elections campaign fund and set aside for that office divided by the number of candidates whose names are to appear on the general elec-



tion ballot for that office. If *for any reason* the amount actually received by the candidate is greater (BY REASON OF A LES-  
SER NUMBER OF QUALIFYING CANDIDATES SHARING  
IN THE FUNDS IN EACH ACCOUNT) *than his share of the  
estimate*, and his contributions thereby exceed (105 PERCENT  
OF) the difference, the agreement shall not be considered vio-  
lated.

Subd. 3a. The commissioner of revenue shall certify to the board (ON OR) before the (LAST) *first day (FOR FILING FOR OFFICE) of July in an election year* 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. *Prior to the first day of filing for office the board shall calculate, publish, and forward to all filing officers the amount of moneys each candidate who qualifies as provided in section 54 of this act shall receive from his party account, based upon the certification of the estimate by the commissioner of revenue.* Within seven days after the last day for filing for office the secretary of state shall certify to the board 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 board 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 board 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 any office, the moneys *set aside for that office* shall be (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) *returned* to the general fund of the state.

Sec. 60. Minnesota Statutes 1976, Section 10A.33, is amended to read:

10A.33 [APPLICATION.] The provisions of sections 10A.30 to 10A.32 shall apply only in general elections and (PRIMARY ELECTIONS) *primaries* preceeding general elections and shall not include special elections(,) *or* special (PRIMARY ELECTIONS, CONVENTIONS AND CAUCUSES OF A POLITICAL PARTY) *primaries*.

Sec. 61. Minnesota Statutes 1976, Section 210A.01, Subdivision 3, is amended to read:

Subd. 3. "Candidate" means (EVERY PERSON) *any individual* for whom it is contemplated or desired that votes may be cast at any *primary or 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) *an individual* for whom it is contemplated or desired that votes may be cast at any *primary or 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) *constitutional office, member of the legislature, justice of the supreme court, or district court judge.*

Sec. 62. Minnesota Statutes 1976, Chapter 10A, is amended by adding a section to read:

[10A.335] *For the purpose of determining whether the distribution formula provided in section 54 of this act continues to have a rational relation to (a) the dollars designated on income tax returns for political parties within legislative districts, and (b) the support for particular parties or particular candidates within legislative districts, it is the intention of this act that future legislatures monitor, using statistical data provided by the department of revenue, income tax returns on which \$1, or in the case of a joint return, \$2, is designated for a political party.*

Sec. 63. Minnesota Statutes 1976, Sections 10A.09, Subdivision 7, 10A.17, Subdivision 2, and 10A.26, are repealed.

Sec. 64. *This act is effective the day following its final enactment."*

Further amend the title by deleting it entirely and inserting:

"A bill for an act relating to political activities; providing for their regulation; defining terms; revising certain filing and reporting requirements; clarifying language; imposing expenditure and contribution limits; revising distribution of moneys from the state elections campaign fund to legislative candidates; removing obsolete provisions; providing penalties; amending Minnesota Statutes 1976, Sections 10A.01, Subdivisions 2, 5, 7, 9, 10, 11, 13, 15, 16 and 18, and by adding subdivisions; 10A.02, Subdivisions 1, 2, 4, 8, 9, 11, 12 and 13, and by adding a subdivision; 10A.04, Subdivision 1; 10A.07; 10A.09, Subdivision 6; 10A.11, Subdivisions 1 and 6; 10A.12, Subdivisions 1, 4 and 5; 10A.13; 10A.14, Subdivisions 1 and 2; 10A.15; 10A.16; 10A.17; 10A.19, Subdivision 1; 10A.20, Subdivisions 3, 4, 5 and 6; 10A.22, Subdivisions 1, 3, 4, 5 and 7; 10A.24; 10A.25; 10A.27; 10A.28; 10A.29; 10A.31, Subdivisions 3a, 5, 6, 7, 10, and by adding a subdivision; 10A.32; 10A.33; and 210A.01, Subdivision 3; and Chapter 10A, by adding sections; repealing Minnesota Statutes

1976, Sections 10A.09, Subdivision 7; 10A.17, Subdivision 2; and 10A.26.”.

With the recommendation that when so amended the bill pass.

MINORITY REPORT

February 15, 1978

We, the undersigned, being a minority of the Committee on General Legislation and Veterans Affairs, recommend that H. F. No. 404, do pass with the following amendments:

Strike everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1976, Section 10A.01, is amended by adding a subdivision to read:

*Subd. 10a. “Independent expenditure” means an expenditure by a person expressly advocating the election or defeat of a clearly identified candidate which is made without cooperation or consultation with the candidate, his principal campaign committee or an agent of the candidate or committee.*

Sec. 2. Minnesota Statutes 1976, Section 10A.11, Subdivision 6, is amended to read:

Subd. 6. Except for transfers of funds between political committees and transfers from the state election campaign fund, a political committee shall be financed solely through voluntary (DONATIONS) contributions by natural persons or political funds.

Sec. 3. Minnesota Statutes 1976, Section 10A.12, Subdivision 4, is amended to read:

Subd. 4. No (DONATIONS) contributions to the political fund shall be accepted and no expenditures from the political fund shall be made while the office of treasurer of the political fund is vacant.

Sec. 4. Minnesota Statutes 1976, Section 10A.17, is amended by adding a subdivision to read:

*Subd. 2a. No person or persons acting in concert other than the candidate and the treasurer of the candidate's principal campaign committee may make expenditures of more than \$20 with the authorization or consent, express or implied, of a candidate or his agent, or under the control, direct or indirect, of a candidate or his agent on behalf of a candidate without receiving from the treasurer of that candidate's principal campaign committee (i) prior written authorization and (ii) certification that the*

*expenditures will not exceed the limits on expenditures as set forth in sections 7 and 8 of this act. All such expenditures shall be counted against the spending limitations of the candidate.*

Sec. 5. Minnesota Statutes 1976, Section 10A.17, is amended by adding a subdivision to read:

*Subd. 7. Any person who knowingly violates the provisions of subdivisions 1, 3 or 5 or section 4 of this act or who falsely claims the lack of authorization is guilty of a misdemeanor.*

Sec. 6. Minnesota Statutes 1976, Section 10A.20, Subdivision 6, is amended to read:

Subd. 6. Every person (, OTHER THAN A POLITICAL COMMITTEE OR POLITICAL FUND,) who makes *independent* expenditures, other than by contribution to a political committee or political fund, in an aggregate amount in excess of \$100 within a year shall file with the board a statement containing the information required of a political committee, political fund or candidate. Statements required by this subdivision shall be filed on the dates on which reports by committees are filed.

Sec. 7. Minnesota Statutes 1976, Chapter 10A, is amended by adding a section to read:

[10A.251] [LIMITS ON CAMPAIGN EXPENDITURES.]  
*Subdivision 1. For the purposes of sections 10A.11 to 10A.34 a candidate for governor and a candidate for lieutenant governor, running together, shall be deemed to be a single candidate and all expenditures made by or on behalf of the candidate for governor and all expenditures made by or on behalf of the candidate for lieutenant governor shall be considered to be expenditures by or on behalf of the candidate for governor.*

*Subd. 2. In a year in which a candidate stands for election no expenditures shall be made and no obligations to make expenditures shall be incurred by a candidate 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 his agents which results in the aggregate expenditure on behalf of the candidate of an amount in excess of the following amounts:*

(a) *For governor and lieutenant governor, running jointly, 12 1/2 cents per capita or \$600,000, whichever is greater;*

(b) *For attorney general, 2 1/2 cents per capita or \$100,000, whichever is greater;*

(c) *For secretary of state, state treasurer and state auditor, separately, 1 1/4 cents per capita or \$50,000, whichever is greater;*

(d) For state senator, 20 cents per capita or \$15,000, whichever is greater;

(e) For state representative, 20 cents per capita or \$7,500, whichever is greater.

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) to seek endorsement. This amount shall be in addition to the amount which may be expended pursuant to subdivision 2, clause (a).

Subd. 4. Notwithstanding subdivision 2 with respect to the 1974 general election, expenses incurred prior to April 13, 1974 shall not be counted against the spending limitations imposed by subdivision 2.

Subd. 5. If the winning candidate in a contested race in a primary election receives less than twice as many votes as any one of his opponents in that election, he shall have added to the aggregate amount which may be expended by him or on his behalf an amount equal to one-fifth of the applicable amount as set forth in subdivision 2, or the amount actually expended by him or on his behalf in the primary election, whichever is less.

Subd. 6. In a year in which 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.

Subd. 7. On or before January 15 of each year, the state demographer shall certify to the board the estimated population of the state of Minnesota for the last year ending before the date of certification. In determining the per capita amounts for each office in subdivision 2, the board 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.*

*Subd. 8. On or before January 31 of each year, the board shall determine and publish the amount, rounded off to the nearest hundred dollars, of the limits on campaign expenditures in subdivision 2.*

*Subd. 9. An expenditure is made in the year in which the goods or services for which it was made are used or consumed.*

*Subd. 10. The expenditure limits of this section apply only to candidates who agree pursuant to section 17, subdivision 3 of this act to be bound by the limits as a condition of receiving money from the state elections campaign fund.*

Sec. 8. Minnesota Statutes 1976, Chapter 10A, is amended by adding a section to read:

[10A.271] [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 contributions to a candidate or his principal campaign committee in an amount in excess of ten percent of the amount that is prescribed in section 7 of this act for the office the candidate is seeking.*

*This section does not apply to a candidate's expenditure of his personal funds or the funds of his immediate family unless the candidate agrees pursuant to section 17, subdivision 3 of this act to be bound by the expenditure limits in section 7 of this act as a condition of receiving money from the state elections campaign fund.*

*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 percent of the amount that may be spent by or on behalf of that candidate as set forth in section 7 of this act.*

*Subd. 3. Expenditures by 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, posted, or broadcast, or any official party sample ballot or telephone conversation listing three or more persons whose names are to appear on the ballot, shall not be allocated to any candidate or subject to the limitations of section 7, subdivision 2 of this act.*

*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, precincts, and any legislative body.*

Sec. 9. Minnesota Statutes 1976, Chapter 10A, is amended by adding a section to read:

[10A.281] [PENALTY FOR EXCEEDING LIMITS.] *Any person or association that makes expenditures in excess of the limitations imposed by sections 7 and 8 of this act shall be subject to a fine equal to four times the amount by which its expenditure exceeded the limit. If the board or county attorney has reason to believe that a person or association has made such excess expenditures, the board or county attorney shall bring an action in the district court of Ramsey county or, in the case of a legislative candidate, the district court of a county within the legislative district, to impose this penalty. All moneys recovered pursuant to this section shall be deposited in the general account of state elections campaign fund.*

Sec. 10. Minnesota Statutes 1976, Chapter 10A, is amended by adding a section to read:

[10A.291] [CIRCUMVENTION PROHIBITED.] *Any attempt by a person to circumvent the provisions of Laws 1974, Chapter 470, Sections 11 to 41 by redirecting funds through, or contributing funds on behalf of, another person is a gross misdemeanor.*

Sec. 11. Minnesota Statutes 1976, Section 10A.31, Subdivision 1, is amended to read:

10A.31 [DESIGNATION OF INCOME TAX PAYMENTS.]  
Subdivision 1. Effective with the taxable years beginning after December 31, 1973, 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.

Sec. 12. Minnesota Statutes 1976, Section 10A.31, Subdivision 2, is amended to read:

Subd. 2. The taxpayer may designate that the (\$1) \$2 be paid into the account of a political party or into the general account.

Sec. 13. Minnesota Statutes 1976, 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) \$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: (i) one of the major political parties; (ii) any minor political party which qualifies under the provisions of subdivision 3a; or (iii) all qualifying candidates as provided by subdivision 7.

Sec. 14. Minnesota Statutes 1976, Section 10A.31, Subdivision 5, is amended to read:

Subd. 5. 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 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 representatives (;)

((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).

*Each candidate of a political party for the office of state senator or state representative shall receive the fraction of the money allocated to that office from his party account which is equal to the number of dollars allocated to his party account by the taxpayers of his legislative district divided by the number of dollars allocated to his party account statewide.*

Moneys from any party account refused by any candidate shall be distributed to all other *statewide* 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  $\frac{1}{3}$  percent for the office of state senator and 46  $\frac{2}{3}$  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. 15. Minnesota Statutes 1976, Section 10A.31, Subdivision 6, is amended to read:

Subd. 6. Within two weeks after certification by the state canvassing board of the results of the primary, the state treasurer shall distribute the available funds in each party account, 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) 17, subdivision 3 of *this act*, and whose names are to appear on the ballot in the general election, according to the allocations set forth in subdivision 5. *The commissioner of revenue shall determine and certify to the board the amount allocated to each party account by the taxpayers in each legislative district.* 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 *statewide* candidates of that party in proportion to their shares as set forth in subdivision 5.

Sec. 16. Minnesota Statutes 1976, Section 10A.31, Subdivision 8, is amended to read:

Subd. 8. Within one week after certification by the state canvassing board of the results of the primary, the board shall certify to the state treasurer the name of each candidate who has signed the agreement as provided in section (10A.32) 17, subdivision 3 of *this act*, and the amount he is to receive from the available funds in his party account.

Sec. 17. Minnesota Statutes 1976, Chapter 10A, is amended by adding a section to read:

[10A.321] [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 40 percent of the total amount of expenditures which may be made by him or on his behalf under sections 7 and 8 of this act. The amount by which the allocation exceeds this 40 percent expenditure limit shall be distributed to*

*all other candidates of the same party whose shares do not exceed 40 percent of their expenditure limits in proportion to their shares as set forth in section 10A.31. Moneys remaining in any party account after the allocations as set forth in this subdivision shall be deposited in the general account of the state elections campaign fund and shall be distributed to all other candidates whose shares do not exceed 40 percent of their expenditure limits in proportion to their shares as provided in section 10A.31.*

*Subd. 2. No candidate shall be entitled to receive from the state election campaign fund an amount greater than 40 percent of the total amount actually expended by him or on his behalf 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 40 percent of 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 board shall forward the refund to the state treasurer for deposit in the general account of the state elections campaign fund.*

*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 board on or before September 1 that authorized expenditures on his behalf shall not exceed the expenditure limits as set forth in section 7 and that his principal campaign committee shall not accept contributions 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, and the amount which 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 for deposit in the general account of the state elections campaign fund. 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 board 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 and his estimate of the amount allocated to each party account by the taxpayers of each legislative district. Within seven days after the last day for filing for office the secretary of state shall certify to the board 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 board 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 board 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 any office, the moneys shall be 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 account of the state elections campaign fund.*

Sec. 18. Minnesota Statutes 1976, Section 10A.33, is amended to read:

10A.33 [APPLICATION.] The provisions of sections 10A.30 to (10A.32) 10A.33 and this act shall apply only in general elections and primary elections preceding general elections and shall not include special elections, special primary elections, conventions and caucuses of a political party.

Sec. 19. Minnesota Statutes 1976, Chapter 10A, is amended by adding a section read:

[10A.341] [REMEDIES.] *Subdivision 1. A person charged with a duty under sections 10A.02 to 10A.33 shall be personally liable for the penalty for failing to discharge it.*

*Subd. 2. The board or a county attorney may seek an injunction in the district court to enforce the provisions of sections 10A.02 to 10A.33.*

*Subd. 3. Unless otherwise provided, a violation of sections 10A.02 to 10A.33 is not a crime.*

Sec. 20. *The ethical practices board may exercise emergency rulemaking authority as provided in section 15.0214, subdivision 5, to implement the provisions of chapter 10A which are*

*amended by this act. The board shall solicit information and opinions from outside the board as provided in section 15.0412, subdivision 6, before adopting these rules. Notwithstanding the provisions of section 15.0214, subdivision 5, any rules adopted pursuant to this section shall be effective until permanent rules are adopted pursuant to chapter 15 or until October 1, 1979, whichever occurs first. This section expires October 1, 1979.*

Sec. 21. [REPEALER.] *Minnesota Statutes 1976, Sections 10A.17, Subdivisions 2 and 6; 10A.25; 10A.27; 10A.28; 10A.29; 10A.32 and 10A.34 are repealed.*

Sec. 22. *This act is effective the day after final enactment.*

Further, strike the title in its entirety and insert:

“A bill for an act relating to ethics in government; regulating the conduct of campaigns for the offices; conforming certain election provisions to constitutional requirements; providing penalties; amending Minnesota Statutes 1976, Sections 10A.01, by adding a subdivision; 10A.11, Subdivision 6; 10A.12, Subdivision 4; 10A.17, by adding subdivisions; 10A.20, Subdivision 6; 10A.31, Subdivisions 1, 2, 3, 5, 6 and 8; and 10A.33; and Chapter 10A, by adding sections; repealing Minnesota Statutes 1976, Sections 10A.17, Subdivisions 2 and 6; 10A.25; 10A.27; 10A.28; 10A.29; 10A.32 and 10A.34.”

HENRY J. SAVELKOUL, GERALD C. KNICKERBOCKER, BRUCE G. NELSEN, JOHN S. BIERSDORF, TONY ONNEN and K. J. McDONALD.

Savelkoul, Knickerbocker, Biersdorf, Onnen and McDonald moved that the Minority Report on H. F. No. 404 be substituted for the Majority Report and that the Minority Report be now adopted.

A roll call was requested and properly seconded.

#### CALL OF THE HOUSE

On the motion of Savelkoul and on the demand of 10 members, a call of the House was ordered. The following members answered to their names:

Abeln	Berg	Clark	Esau	Heinitz
Adams	Berglin	Clawson	Evans	Hokanson
Albrecht	Berkelman	Cohen	Ewald	Jacobs
Anderson, B.	Biersdorf	Corbid	Farcy	Jensen
Anderson, D.	Birnstihl	Cummiskey	Fjoslien	Johnson
Anderson, G.	Brandl	Dean	Forsythe	Jude
Anderson, I.	Braun	Den Ouden	Friedrich	Kaley
Anderson, R.	Brinkman	Eckstein	Fudro	Kalis
Arlandson	Byrne	Eken	Fugina	Kelly, R.
Battaglia	Carlson, A.	Ellingson	George	Kelly, W.
Beauchamp	Carlson, L.	Enebo	Gunter	Kempe, A.
Begich	Casserly	Erickson	Hanson	Kempe, R.

King	McEachern	Pehler	Schulz	Tomlinson
Knickerbocker	Metzen	Peterson	Searle	Vanasek
Kostohryz	Moe	Petrafaso	Searles	Voss
Kroening	Munger	Pleasant	Sherwood	Waldorf
Kvam	Murphy	Prahl	Sieben, H.	Welch
Laidig	Neisen	Redalen	Sieben, M.	Wenstrom
Langseth	Nelson, M.	Reding	Simoneau	Wenzel
Lehto	Nelson	Rice	Skoglund	White
Lemke	Niehaus	Rose	Smogard	Wieser
Mangan	Norton	St. Onge	Spanish	Wigley
Mann	Novak	Samuelson	Stanton	Williamson
McCarron	Onnen	Sarna	Stoa	Wynia
McCollar	Osthoff	Savelkoul	Suss	Zubay
McDonald	Patton	Scheid	Swanson	Speaker Sabo

Savelkoul 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.

Faricy was excused between the hours of 2:30 p.m. and 3:50 p.m.

The question recurred on the adoption of the minority report and the roll was called. There were 33 yeas and 98 nays as follows:

Those who voted in the affirmative were:

Albrecht	Den Ouden	Friedrich	Niehaus	Searle
Anderson, D.	Erickson	Heinitz	Onnen	Searles
Anderson, R.	Esau	Kaley	Peterson	Wieser
Biersdorf	Evans	Knickerbocker	Pleasant	Wigley
Carlson, A.	Ewald	Kvam	Redalen	Zubay
Carlson, D.	Fjoslien	Laidig	Rose	
Dean	Forsythe	McDonald	Savelkoul	

Those who voted in the negative were:

Abeln	Clawson	Kelly, R.	Nelsen, M.	Skoglund
Adams	Cohen	Kelly, W.	Nelson	Smogard
Anderson, B.	Corbid	Kempe, A.	Norton	Spanish
Anderson, G.	Cummiskey	Kempe, R.	Novak	Stanton
Anderson, I.	Eckstein	King	Osthoff	Stoa
Arlandson	Eken	Kostohryz	Patton	Suss
Battaglia	Ellingson	Kroening	Pehler	Swanson
Beauchamp	Enebo	Langseth	Petrafaso	Tomlinson
Begich	Fudro	Lehto	Prahl	Vanasek
Berg	Fugina	Lemke	Reding	Voss
Berglin	George	Mangan	Rice	Waldorf
Berkelman	Gunter	Mann	St. Onge	Welch
Birnstihl	Hanson	McCarron	Samuelson	Wenstrom
Brandl	Hokanson	McCollar	Sarna	Wenzel
Braun	Jacobs	McEachern	Scheid	White
Brinkman	Jaros	Metzen	Schulz	Williamson
Byrne	Jensen	Moe	Sherwood	Wynia
Carlson, L.	Johnson	Munger	Sieben, H.	Speaker Sabo
Casserly	Jude	Murphy	Sieben, M.	
Clark	Kalis	Neisen	Simoneau	

The minority report was not adopted.

The question recurred on the adoption of the majority report from the Committee on General Legislation and Veterans Affairs on H. F. No. 404. The majority report was adopted.

## SECOND READING OF HOUSE BILLS

H. F. Nos. 1736, 2068, 1345, 1728, 2087, 1726 and 404 were read for the second time.

### SUSPENSION OF RULES

Pursuant to Article IV, Section 19, of the Constitution of the state of Minnesota, Rice moved that the rule therein be suspended and an urgency be declared so that H. F. No. 404 be given its third reading and be placed upon its final passage.

A roll call was requested and properly seconded.

The question was taken on the motion by Rice and the roll was called.

Savelkoul moved that those not voting be excused from voting. The motion prevailed.

There were 99 yeas and 32 nays as follows:

Those who voted in the affirmative were:

Abeln	Clawson	Kalis	Neisen	Simoneau
Adams	Cohen	Kelly, R.	Nelsen, M.	Skoglund
Anderson, B.	Corbid	Kelly, W.	Nelson	Smogard
Anderson, G.	Cumiskey	Kempe, A.	Norton	Spanish
Anderson, I.	Eckstein	Kempe, R.	Novak	Stanton
Arlandson	Eken	King	Osthoff	Stoa
Battaglia	Ellingson	Kostohryz	Patton	Suss
Beauchamp	Enebo	Kroening	Pehler	Swanson
Begich	Fudro	Langseth	Petrafeso	Tomlinson
Berg	Fugina	Lehto	Prahl	Vanasek
Berglin	George	Lemke	Reding	Voss
Berkelman	Gunter	Mangan	Rice	Waldorf
Birnstihl	Hanson	Mann	St. Onge	Welch
Brandl	Hokanson	McCarron	Samuelson	Wenstrom
Braun	Jacobs	McCollar	Sarna	Wenzel
Brinkman	Jaros	McEachern	Scheid	White
Byrne	Jensen	Metzen	Schulz	Williamson
Carlson, L.	Johnson	Moe	Sherwood	Wynia
Cassery	Jude	Munger	Sieben, H.	Speaker Sabo
Clark	Kahn	Murphy	Sieben, M.	

Those who voted in the negative were:

Albrecht	Den Ouden	Friedrich	Niehaus	Searle
Anderson, D.	Erickson	Heinitz	Onnen	Wieser
Anderson, R.	Esau	Kaley	Peterson	Wigley
Biersdorf	Evans	Knickerbocker	Pleasant	Zubay
Carlson, A.	Ewald	Kvam	Redalen	
Carlson, D.	Fjoslien	Laidig	Rose	
Dean	Forsythe	McDonald	Savelkoul	

The motion prevailed.

Rice moved that the rules of the House be so far suspended that H. F. No. 404 be given its third reading and be placed upon its final passage. The motion prevailed.

Searles was excused for the remainder of today's session.

H. F. No. 404 was reported to the House.

Sieben, H., as Speaker Pro Tempore, was called to the Chair.

Savelkoul moved to amend H. F. No. 404, as follows:

Pages 2 to 4, delete Sections 3 and 4 in their entirety.

Page 2, after line 24, insert a section to read:

"Sec. 3. Minnesota Statutes 1976, Section 10A.01, Subdivision 7, is amended to read:

Subd. 7. (a) "Contribution" means:

((A)) (1) 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)) (2) A transfer of funds between political committees or political funds; or

((C)) (3) The payment of compensation for the personal services of another person which are rendered to a candidate, political committee or political fund to influence the nomination for election or election of a candidate to office by any person other than that candidate, political committee or political fund.

(b) "Contribution" does not include:

(1) Services provided without compensation by individuals volunteering their time on behalf of a candidate, political committee or political fund (, OR) ;

(2) *Payment for legal or accounting services rendered to or on behalf of a candidate or political committee solely for the purpose of ensuring compliance with the provisions of chapter 10A or defending a lawsuit arising out of an alleged violation of chapter 10A;*

(3) Coverage by news media, but only while acting in the ordinary course of business of publishing or broadcasting news items, editorials or other comments; or

(4) *A loan of money by a national or state bank made in accordance with applicable banking laws, regulations, and in the ordinary course of business. Any such loan if repaid entirely or in part by any endorser or guarantor shall be considered a contribution by the endorser or guarantor. Loans from state or national banking institutions shall be reported pursuant to section 10A.20, subdivision 3, clause (d).*"

Renumber the remaining sections accordingly. Correct the internal cross references.

Pages 4 and 5, delete section 6 in its entirety.

Page 4, after line 15, insert a section to read:

"Sec. 6. Minnesota Statutes 1976, Section 10A.01, Subdivision 10, is amended to read:

Subd. 10. (a) "Expenditure" means:

((A)) (1) 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)) (2) A transfer of funds between political committees or political funds; or

(3) *The payment of compensation for the personal services of another person, which services are rendered to a candidate, political committee or political fund to influence the nomination for election or election of a candidate to office by any person other than that candidate, political committee or political fund.*

(b) "Expenditure" does not include:

((C)) (1) Services provided without compensation by individuals volunteering their time on behalf of a candidate, political committee, or political fund; (OR (B))

(2) *Compensation paid for legal or accounting services rendered to or on behalf of a candidate or political committee solely for the purpose of ensuring compliance with provisions of chapter 10A or defending a lawsuit arising out of an alleged violation of chapter 10A;*



(3) (EXPENSES INCURRED) *Services performed for a constituent by a member of the legislature or a (PERSON HOLDING) constitutional (OFFICE) officer in the executive branch, (IN PERFORMING SERVICES FOR CONSTITUENTS) which services are performed prior to the day following adjournment sine die or recess after March 31 of the legislature in the election year for the office held.* The board shall have the power to determine whether the expense was incurred primarily for the purpose of providing a constituent service or is an expenditure within the meaning of this subdivision;

(4) *Coverage by news media, but only while acting in the ordinary course of the business of publishing or broadcasting news items, editorials or other comments;*

(5) *A loan of money by a national or state bank made in accordance with applicable banking laws, regulations and in the ordinary course of business. Any such loan, if repaid entirely or in part by any endorser or guarantor shall be considered a contribution by the endorser or guarantor. Any loan shall be reported pursuant to section 10A.20, subdivision 3, clause (d); or*

(6) *Disbursement as defined in section 7 of this act."*

Renumber the remaining sections accordingly.

Correct the internal cross references.

Page 5, line 25, delete " "Authorized expenditure" "

Page 5, delete lines 26 and 27 in their entirety.

Page 9, line 8, delete "subdivisions" and insert "a subdivision".

Page 9, delete lines 9 to 27 in their entirety.

Page 9, line 28, delete "22" and insert "20".

Page 17, lines 27 and 28, reinstate the stricken language.

Page 17, line 28, delete the new language.

Page 17, line 29, reinstate "or for".

Page 17, line 32, reinstate "contribution".

Page 17, line 32, delete "transfer".

Page 18, line 3, reinstate "and".

Page 18, delete lines 4 to 6.

Page 18, line 7, strike "(d)" and insert "(c)".

Page 18, line 8, delete the semicolon and insert a period.

Page 18, delete lines 9 to 12.

Page 20, line 2, reinstate the stricken language and delete the new language.

Page 20, line 9, delete "*deposited transfer*" and insert "*contribution*".

Page 20, line 13, delete "*transfer*" and insert "*contribution*".

Page 22, line 5, after the semicolon insert "*or*".

Page 22, delete line 6 in its entirety.

Page 22, line 7, delete "(c)" and insert "(b)".

Page 25, line 21, reinstate the stricken language.

Page 25, line 22, delete the new language and reinstate the stricken language.

Page 25, lines 23 and 24, reinstate the old language.

Page 25, line 25, reinstate "contribution or expenditure;".

Page 25, line 25, delete the new language.

Page 25, delete lines 26 to 32 in their entirety.

Page 26, delete lines 1 to 7 in their entirety.

Page 28, line 9, reinstate the stricken language and strike the new language.

Page 28, line 13, reinstate "contribution" and delete "*donation*".

Page 28, line 14, delete "*Donations*" and insert "*Contributions*".

Amend the title accordingly.

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll was called. There were 30 yeas and 91 nays as follows:

Those who voted in the affirmative were:

Albrecht	Den Ouden	Forsythe	Laidig	Redalen
Anderson, D.	Erickson	Friedrich	McDonald	Rose
Anderson, R.	Esau	Heinitz	Niehaus	Savelkoul
Carlson, A.	Evans	Kaley	Onnen	Searle
Carlson, D.	Ewald	Knickerbocker	Peterson	Wieser
Dean	Fjoslien	Kvam	Pleasant	Wigley

Those who voted in the negative were:

Abeln	Cohen	Kelly, R.	Nelson	Spanish
Adams	Corbid	Kelly, W.	Novak	Stanton
Anderson, B.	Cummiskey	Kempe, A.	Osthoff	Stoa
Anderson, G.	Eckstein	Kempe, R.	Patton	Suss
Anderson, I.	Eken	King	Pehler	Swanson
Arlandson	Ellingson	Kostohryz	Petraleso	Vanasek
Battaglia	Enebo	Kroening	Prahl	Voss
Beauchamp	Fudro	Langseth	Reding	Waldorf
Begich	Fugina	Lehto	Rice	Welch
Berg	George	Lemke	St. Onge	Wenstrom
Berglin	Gunter	Mangan	Sarna	Wenzel
Berkelman	Hokanson	Mann	Scheid	White
Birnstihl	Jacobs	McCollar	Schulz	Williamson
Brandl	Jaros	McEachern	Sherwood	Wynia
Braun	Jensen	Metzen	Sieben, H.	Speaker Sabo
Carlson, L.	Johnson	Munger	Sieben, M.	
Casserly	Jude	Murphy	Simoneau	
Clark	Kahn	Neisen	Skoglund	
Clawson	Kalis	Nelsen, M.	Smogard	

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

Savelkoul moved to amend H. F. No. 404 as follows:

Page 12, line 15, delete the new language.

Page 12, lines 16 to 19, reinstate the stricken language.

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll was called. There were 60 yeas and 67 nays as follows:

Those who voted in the affirmative were:

Abeln	Byrne	Friedrich	Moe	Sherwood
Adams	Carlson, A.	Heinitz	Nelson	Skoglund
Albrecht	Carlson, D.	Kaley	Niehaus	Stoa
Anderson, B.	Clawson	Kempe, A.	Onnen	Tomlinson
Anderson, D.	Dean	Kempe, R.	Pehler	Vanasek
Anderson, G.	Den Ouden	Knickerbocker	Peterson	Wenstrom
Anderson, R.	Erickson	Kvam	Petraleso	Wenzel
Beauchamp	Esau	Laidig	Pleasant	Wieser
Berg	Evans	Lehto	Redalen	Wigley
Berkelman	Ewald	McCarron	Rose	Williamson
Biersdorf	Fjoslien	McCollar	Savelkoul	Wynia
Brandl	Forsythe	McDonald	Searle	Zubay

Those who voted in the negative were:

Anderson, I.	Eckstein	Kalis	Neisen	Simoneau
Arlandson	Eken	Kelly, R.	Nelsen, M.	Smogard
Battaglia	Ellingson	Kelly, W.	Novak	Spanish
Begich	Enebo	King	Osthoff	Stanton
Berglin	Fudro	Kostohryz	Patton	Suss
Birnstihl	Fugina	Kroening	Prahl	Swanson
Braun	George	Langseth	Rice	Voss
Brinkman	Gunter	Lemke	St. Onge	Waldorf
Carlson, L.	Hanson	Mangan	Samuelson	Welch
Casserly	Hokanson	Mann	Sarna	White
Clark	Jensen	McEachern	Scheid	Speaker Sabo
Cohen	Johnson	Metzen	Schulz	
Corbid	Jude	Munger	Sieben, H.	
Cummiskey	Kahn	Murphy	Sieben, M.	

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

Speaker Sabo resumed the Chair.

Savelkoul moved to amend H. F. No. 404, as follows:

Page 13, line 25, strike "only".

Page 13, line 26, strike "who".

Page 13, line 26, delete "wishes".

Page 13, line 26, strike "to" and insert "for".

Page 13, line 26, strike "the" and insert "in".

Page 13, line 27, strike "opinion to guide" and insert "guiding".

Page 13, line 27, after "conduct" insert "or concerning the conduct of any public official".

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll was called. There were 42 yeas and 85 nays as follows:

Those who voted in the affirmative were:

Abeln	Carlson, D.	Ewald	Kempe, R.	Niehaus
Albrecht	Dean	Fjoslien	Knickerbocker	Onnen
Anderson, D.	Den Ouden	Forsythé	Kvam	Peterson
Anderson, R.	Eckstein	Friedrich	Laidig	Petrafaso
Arlandson	Erickson	Heinitz	Lemke	Pleasant
Biersdorf	Esau	Johnson	Mann	Redalen
Carlson, A.	Evans	Kaley	McDonald	Rose

Savelkoul  
SearleSherwood  
Vanasek

Wieser

Wigley

Zubay

Those who voted in the negative were :

Adams	Clark	Kahn	Murphy	Simoneau
Anderson, B.	Clawson	Kalis	Neisen	Skoglund
Anderson, G.	Cohen	Kelly, R.	Nelsen, M.	Smogard
Anderson, I.	Corbid	Kelly, W.	Norton	Spanish
Battaglia	Cummiskey	Kempe, A.	Novak	Stanton
Beauchamp	Eken	King	Patton	Stoa
Begich	Ellingson	Kostohryz	Pehler	Suss
Berg	Enebo	Kroening	Prahl	Swanson
Berglin	Fudro	Langseth	Reding	Tomlinson
Berkelman	George	Lehto	Rice	Voss
Birnstihl	Gunter	Mangan	St. Onge	Waldorf
Brandl	Hanson	McCarron	Samuelson	Welch
Braun	Hokanson	McCollar	Sarna	Wenstrom
Brinkman	Jacobs	McEachern	Scheid	Wenzel
Byrne	Jaros	Metzen	Schulz	White
Carlson, L.	Jensen	Moe	Sieben, H.	Wynia
Casserly	Jude	Munger	Sieben, M.	Speaker Sabo

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

Savelkoul moved to amend H. F. No. 404, as follows:

Page 13, lines 31 and 32, delete the new language.

Page 14, line 1, delete the new language.

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll was called. There were 34 yeas and 96 nays as follows:

Those who voted in the affirmative were:

Albrecht	Dean	Forsythe	Laidig	Rose
Anderson, D.	Den Ouden	Friedrich	McDonald	Savelkoul
Anderson, R.	Erickson	Heinitz	Niehaus	Searle
Berkelman	Esau	Kaley	Onnen	Wieser
Biersdorf	Evans	Kempe, R.	Peterson	Wigley
Carlson, A.	Ewald	Knickerbocker	Pleasant	Zubay
Carlson, D.	Fjoslien	Kvam	Redalen	

Those who voted in the negative were:

Abeln	Berg	Clark	Faricy	Jude
Adams	Berglin	Clawson	Fugina	Kahn
Anderson, B.	Birnstihl	Cohen	George	Kalis
Anderson, G.	Brandl	Corbid	Gunter	Kelly, R.
Anderson, I.	Braun	Cummiskey	Hanson	Kelly, W.
Arlandson	Brinkman	Eckstein	Hokanson	Kempe, A.
Battaglia	Byrne	Eken	Jacobs	King
Beauchamp	Carlson, L.	Ellingson	Jaros	Kostohryz
Begich	Casserly	Enebo	Jensen	Kroening

Langseth	Murphy	Reding	Skoglund	Welch
Lehto	Neisen	Rice	Smogard	Wenstrom
Lemke	Nelsen, M.	St. Onge	Spanish	Wenzel
Mangan	Nelson	Samuelson	Stanton	White
Mann	Norton	Sarna	Stoa	Williamson
McCarron	Novak	Scheid	Suss	Wynia
McCollar	Osthoff	Schulz	Swanson	Speaker Sabo
McEachern	Patton	Sherwood	Tomlinson	
Metzen	Pehler	Sieben, H.	Vanasek	
Moe	Petrafeso	Sieben, M.	Voss	
Munger	Frahl	Simoneau	Waldorf	

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

Savelkoul moved to amend H. F. No. 404, as follows:

Page 17, after line 8, insert a section to read:

"Sec. 30. Minnesota Statutes 1976, Section 10A.12, is amended by adding a subdivision to read:

*Subd. 4a. No transfer of funds shall be made between principal campaign committees."*

Renumber the remaining sections accordingly.

Correct the internal cross references.

Amend the title accordingly.

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll was called. There were 45 yeas and 86 nays as follows:

Those who voted in the affirmative were:

Albrecht	Corbid	Friedrich	Metzen	Searle
Anderson, D.	Dean	Fudro	Niehaus	Sherwood
Anderson, R.	Den Ouden	Heinitz	Novak	Swanson
Arlandson	Erickson	Kaley	Onnen	Waldorf
Berkelman	Esau	Kempe, R.	Peterson	Wenstrom
Biersdorf	Evans	Knickerbocker	Pleasant	Wenzel
Carlson, A.	Ewald	Kvam	Redalen	Wieser
Carlson, D.	Fjoslien	Laidig	Rose	Wigley
Cohen	Forsythe	McDonald	Savelkoul	Zubay

Those who voted in the negative were:

Abeln	Begich	Carlson, L.	Ellingson	Hokanson
Adams	Berg	Casserly	Enebo	Jacobs
Anderson, B.	Birnstihl	Clark	Faricy	Jaros
Anderson, G.	Brandl	Clawson	Fugina	Jensen
Anderson, I.	Braun	Cummiskey	George	Johnson
Battaglia	Brinkman	Eckstein	Gunter	Jude
Beauchamp	Byrne	Eken	Hanson	Kahn

Kalis	Mann	Osthoff	Schulz	Vanasek
Kelly, R.	McCarron	Patton	Sieben, H.	Voss
Kelly, W.	McCollar	Pehler	Sieben, M.	Welch
Kempe, A.	McEachern	Petrafaso	Simoneau	White
King	Moe	Prahl	Skoglund	Williamson
Kostohryz	Munger	Reding	Smogard	Wynia
Kroening	Murphy	Rice	Spanish	Speaker Sabo
Langseth	Neisen	St. Onge	Stanton	
Lehto	Nelsen, M.	Samuelson	Stoa	
Lemke	Nelson	Sarna	Suss	
Mangan	Norton	Scheid	Tomlinson	

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

Savelkoul moved to amend H. F. No. 404 as follows:

Page 17, delete Section 30 in its entirety.

Renumber the remaining sections accordingly.

Correct the internal cross references.

Page 46, line 22, after "Subdivision 7," insert "10A.12, *Subdivision 5*,".

Amend the title accordingly.

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll was called. There were 43 yeas and 85 nays as follows:

Those who voted in the affirmative were:

Albrecht	Den Ouden	Forsythe	Mann	Searle
Anderson, D.	Eckstein	Friedrich	McDonald	Sherwood
Anderson, G.	Eken	Heinitz	Niehaus	Vanasek
Anderson, R.	Erickson	Johnson	Onnen	Wieser
Berg	Esau	Kaley	Peterson	Wigley
Brandl	Evans	Kempe, R.	Pleasant	Wynia
Carlson, A.	Ewald	Knickerbocker	Redalen	Zubay
Carlson, D.	Faricy	Kvam	Rose	
Dean	Fjoslien	Laidig	Savelkoul	

Those who voted in the negative were:

Abein	Braun	Ellingson	Jensen	Langseth
Adams	Brinkman	Enebo	Jude	Lehto
Anderson, B.	Byrne	Fudro	Kahn	Lemke
Anderson, I.	Carlson, L.	Fugina	Kalis	Mangan
Battaglia	Casserly	George	Kelly, R.	McCollar
Beauchamp	Clark	Gunter	Kelly, W.	McEachern
Begich	Clawson	Hanson	Kempe, A.	Metzen
Berglin	Cohen	Hokanson	King	Moe
Berkelman	Corbid	Jacobs	Kostohryz	Munger
Birnstihl	Cummiskey	Jaros	Kroening	Murphy

Neisen	Petrafeso	Scheid	Spanish	Waldorf
Nelson	Prahl	Schulz	Stanton	Welch
Norton	Reding	Sieben, H.	Stoa	Wenstrom
Novak	Rice	Sieben, M.	Suss	Wenzel
Osthoff	St. Onge	Simoneau	Swanson	White
Patton	Samuelson	Skoglund	Tomlinson	Williamson
Peher	Sarna	Smogard	Voss	Speaker Sabo

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

Carlson, A., offered an amendment to H. F. No. 404.

#### POINT OF ORDER

Rice raised a point of order pursuant to rule 3.9. The Speaker ruled the point of order well taken and the amendment out of order.

Faricy and Prahl were excused for the remainder of today's session.

McDonald moved to amend H. F. No. 404, as follows:

Page 30, line 22, delete everything after "Subd. 2" and delete all of lines 24 to 32 and insert: *"The board shall conduct rule making proceedings to determine the relative advantage an incumbent holds over a challenger in the contests for each constitutional office in the executive branch and for the state senate and the state house of representatives. In making its determination the board shall consider factors such as the staff advantage of an incumbent in each office, as well as all other factors the board deems relevant. The board shall then permit challengers to the incumbents in the offices stated in this subdivision to exceed the expenditure limitations of clauses (a) through (e) of this subdivision by a percentage which the board determines will compensate for the disadvantage a challenger bears in relation to an incumbent in each of the offices. If no candidate for an office is an incumbent, all candidates shall abide by the expenditure limitations in clauses (a) through (e) of this subdivision."*

Page 31, delete lines 1 and 2.

Page 31, line 3, after "For" insert *"an incumbent"*.

Page 31, line 6, after "For" insert *"an incumbent"*.

Page 31, line 8, after "For" insert *"an incumbent"*.

Page 31, line 11, after "For" insert *"an incumbent"*.

Page 31, line 13, after "For" insert *"an incumbent"*.



Page 32, line 26, before the period insert "*for incumbents and challengers respectively*".

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll was called. There were 31 yeas and 95 nays as follows:

Those who voted in the affirmative were:

Albrecht	Evans	Kelly, R.	Redalen	Wigley
Anderson, D.	Ewald	Kvam	Rose	Williamson
Biersdorf	Fjoslien	Laidig	Savelkoul	Zubay
Carlson, A.	Forsythe	McDonald	Searle	
Den Ouden	Friedrich	Niehaus	Tomlinson	
Erickson	Heinitz	Onnen	Welch	
Esau	Kaley	Pleasant	Wieser	

Those who voted in the negative were:

Abeln	Clark	Jude	Munger	Sherwood
Adams	Clawson	Kahn	Murphy	Sieben, H.
Anderson, B.	Corbid	Kalis	Neisen	Sieben, M.
Anderson, G.	Cummiskey	Kelly, W.	Nelsen, M.	Simoneau
Anderson, I.	Dean	Kempe, A.	Nelson	Skoglund
Arlandson	Eckstein	Kempe, R.	Norton	Smogard
Battaglia	Eken	King	Novak	Spanish
Beauchamp	Ellingson	Knickerbocker	Osthoff	Stanton
Begich	Enebo	Kostohryz	Patton	Stoa
Berg	Fudro	Kroening	Pehler	Suss
Berglin	Fugina	Langseth	Peterson	Swanson
Berkelman	George	Lehto	Petrafeso	Vanasek
Birnstihl	Gunter	Lemke	Reding	Voss
Brandl	Hanson	Mangan	Rice	Waldorf
Braun	Hokanson	Mann	St. Onge	Wenstrom
Brinkman	Jacobs	McCollar	Samuelson	Wenzel
Byrne	Jaros	McEachern	Sarna	White
Carlson, L.	Jensen	Metzen	Scheid	Wynia
Casserly	Johnson	Moe	Schulz	Speaker Sabo

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

Den Ouden moved to amend H. F. No. 404 as follows:

Page 31, line 3, after "For" insert "*an incumbent*".

Page 31, line 5, delete the semicolon and insert "*. For candidates challenging an incumbent governor and lieutenant governor, 15 cents per capita or \$720,000, whichever is greater.*".

Page 31, line 6, after "For" insert "*an incumbent*".

Page 31, line 7, delete the semicolon and insert "*. For a candidate challenging an incumbent attorney general, 3 cents per capita or \$120,000, whichever is greater.*".

Page 31, line 8, after "For" insert "an incumbent".

Page 31, line 10, delete the semicolon and insert ". For a candidate challenging an incumbent secretary of state, state treasurer, or state auditor, 1 1/2 cents per capita or \$60,000, whichever is greater."

Page 31, line 11, after "For" insert "an incumbent".

Page 31, line 12, delete the semicolon and insert ". For a candidate challenging an incumbent state senator, 24 cents per capita or \$18,000, whichever is greater."

Page 31, line 13, after "For" insert "an incumbent".

Page 31, line 14, after the period insert "For a candidate challenging an incumbent state representative 24 cents per capita or \$9,000, whichever is greater."

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll was called. There were 33 yeas and 94 nays as follows:

Those who voted in the affirmative were:

Albrecht	Erickson	Heinitz	Niehaus	Searle
Anderson, D.	Esau	Kaley	Onnen	Sherwood
Anderson, G.	Evans	Kempe, R.	Peterson	Wieser
Anderson, R.	Ewald	Knickerbocker	Pleasant	Wigley
Biersdorf	Fjoslien	Kvam	Redalen	Zubay
Carlson, A.	Forsythe	Laidig	Rose	
Den Ouden	Friedrich	McDonald	Savelkoul	

Those who voted in the negative were:

Abeln	Cohen	Kahn	Murphy	Skoglund
Adams	Corbid	Kalis	Neisen	Smogard
Anderson, B.	Cummiskey	Kelly, R.	Nelsen, M.	Spanish
Anderson, I.	Dean	Kelly, W.	Nelson	Stanton
Arlandson	Eckstein	Kempe, A.	Norton	Stoa
Battaglia	Eken	King	Novak	Suss
Beauchamp	Ellingson	Kostohryz	Osthoff	Swanson
Begich	Enebo	Kroening	Patton	Tomlinson
Berg	Fudro	Langseth	Pehler	Vanasek
Berglin	Fugina	Lehto	Petrafeso	Voss
Berkelman	George	Lemke	Reding	Waldorf
Birnstihl	Gunter	Mangan	Rice	Welch
Brandl	Hanson	Mann	St. Onge	Wenstrom
Braun	Hokanson	McCarron	Samuelson	Wenzel
Brinkman	Jacobs	McCollar	Sarna	White
Byrne	Jaros	McEachern	Scheid	Williamson
Carlson, L.	Jensen	Metzen	Schulz	Wynia
Clark	Johnson	Moe	Sieben, H.	Speaker Sabo
Clawson	Jude	Munger	Simoneau	

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

Carlson, D., offered an amendment to H. F. No. 404.

POINT OF ORDER

Osthoff raised a point of order pursuant to rule 3.9. The Speaker ruled the point of order well taken and the amendment out of order.

Laidig moved to amend H. F. No. 404, as follows:

Page 37, after line 5, insert:

"Sec. . . . Minnesota Statutes 1976, Section 10A.31, Subdivision 2, is amended to read:

Subd. 2. The taxpayer may designate that the \$1 be paid into the account of a political party, *the independent account* or into the general account."

Page 41, after line 23, insert:

"Sec. . . . Minnesota Statutes 1976, Section 10A.31, is amended by adding a subdivision to read:

*Subd. 12. Money in the independent account shall be distributed to the independent candidates in the proportion provided by section 10A.31. Independents who accept state funds are subject to the same requirements of chapter 10A as partisan candidates who accept state funds. If there is no independent candidate for an office the money for that office shall be distributed proportionately to the independent candidates for the other offices. An independent candidate shall qualify for distribution by nomination in a primary election or by his affidavit that he has received campaign contributions in the following amounts. If a candidate for:*

<i>Governor and lieutenant governor jointly</i> . . . . .	<i>\$150,000</i>
<i>Attorney general</i> . . . . .	<i>25,000</i>
<i>Secretary of state, state auditor or state treasurer</i> . . . . .	<i>12,500</i>
<i>State senator</i> . . . . .	<i>3,750</i>
<i>State representative</i> . . . . .	<i>1,875</i>

*If there are two or more qualifying independent candidates for the same office the funds shall be divided equally among them."*

Page 46, after line 20, insert:

"Sec. . . . Minnesota Statutes 1976, Section 202A.22, Subdivision 1, is amended to read:

202A.22 [AFFIDAVIT OF CANDIDACY.] Subdivision 1. [FILING, DATE.] Not more than 70 nor less than 56 days before the primary election any eligible person who desires to have his name placed on the primary ballot as a candidate for any elective office to be filled at the general election, except presidential electors, shall file his affidavit 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 stating the following:

(a) That he is a qualified voter in the subdivision where he seeks nomination;

(b) The name of his political party *or independent status* if for a partisan office;

(c) The office for which he desires to be a candidate;

(d) That he has not filed as a candidate for any other office at the same primary election;

(e) That he is, or will be on assuming the office, 21 years of age or more, and that he will have been for 30 days previous to the general election a resident in the district from which he seeks election;

(f) If filing to be a United States senator, that on the next January 3 he will be 30 years of age or more and nine years a citizen of the United States;

(g) If filing to be a United States representative, that on the next January 3, or in the case of an election to fill a vacancy within 21 days after the election, he will be 25 years of age or more and seven years a citizen of the United States;

(h) If filing to be governor or lieutenant governor, that on the first Monday of the next January he will be 25 years of age or more and on general election day he will have been a resident of Minnesota for one year;

(i) If filing to be a supreme court justice or a district court judge that he is learned in the law;

(j) If filing to be a probate judge, county court judge, municipal judge or other judicial officer that he is qualified as prescribed by law;

(k) If filing to be a senator or representative in the legislature, that on election day he will have resided in the state for not less than one year and in the legislative district from which he seeks election for not less than six months;

(l) If he is a partisan candidate for a partisan office, that he affiliated with his political party at the last general election, and either that he did not vote thereat or voted for a majority of the candidates of the political party at the election, and intends to so vote at the ensuing election.

Sec. . . . Minnesota Statutes 1976, Section 202A.41, Subdivision 2, is amended to read:

Subd. 2. [CANDIDATES, PARTISAN OFFICES, WHO NOMINATED.] The candidate for any political party office receiving the highest vote at the primary election shall be the nominee of that political party for the office except as provided in subdivision 3. *The independent candidate for any political party office receiving the highest vote at the primary election shall be an independent nominee for the office and appear on the general election ballot in the same manner as a candidate nominated by petition.*

Renumber sections in sequence.

Further, amend the title.

Page 1, line 8, after "candidates;" insert "providing for independent candidacies;"

Page 1, line 21, before "3a" insert "2,"

Page 1, lines 21 and 22, delete "a subdivision" and insert "subdivisions".

Page 1, line 22, after "10A.33;" insert "202A.22, Subdivision 1; 202A.41, Subdivision 2;"

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll was called. There were 33 yeas and 90 nays as follows:

Those who voted in the affirmative were:

Albrecht	Carlson, D.	Fjoslien	Laidig	Rose
Anderson, D.	Dean	Forsythe	McDonald	Savelkoul
Anderson, R.	Den Ouden	Friedrich	Niehaus	Wieser
Berkelman	Erickson	Heinitz	Onnen	Wigley
Biersdorf	Esau	Kempe, R.	Peterson	Zubay
Byrne	Evans	Knickerbocker	Pleasant	
Carlson, A.	Ewald	Kvam	Redalen	

Those who voted in the negative were:

Abeln	Corbid	Kalis	Nelsen, M.	Simoneau
Adams	Cummiskey	Kelly, R.	Nelson	Skoglund
Anderson, G.	Eckstein	Kelly, W.	Norton	Smogard
Anderson, I.	Eken	Kempe, A.	Novak	Spanish
Arlandson	Ellingson	King	Osthoff	Stanton
Battaglia	Enebo	Kostohryz	Patton	Stoa
Beauchamp	Fudro	Kroening	Pehler	Suss
Begich	Fugina	Langseth	Petrafaso	Swanson
Berg	George	Lehto	Reding	Tomlinson
Berglin	Gunter	Lemke	Rice	Vanasek
Birnstihl	Hanson	Mann	St. Onge	Voss
Brandl	Hokanson	McCarron	Samuelson	Waldorf
Braun	Jacobs	McCollar	Sarna	Wenstrom
Brinkman	Jaros	McEachern	Scheid	Wenzel
Carlson, L.	Jensen	Metzen	Schulz	White
Casserly	Johnson	Moe	Sherwood	Williamson
Clark	Jude	Murphy	Sieben, H.	Wynia
Cohen	Kahn	Neisen	Sieben, M.	Speaker Sabo

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

Carlson, A., moved to amend H. F. No. 404, as follows:

Page 31, after line 14, insert "*The limitations on expenditures and authorized expenditures in clauses (a) through (e) of this subdivision shall be increased for the year 1978 and for each subsequent election year by an amount that reflects the percentage by which the over-all cost of living in 1978 and in each subsequent election year, as determined by the bureau of labor statistics of the United States department of labor, has increased over the cost of living as it was determined by the bureau for the year 1974.*"

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll was called. There were 31 yeas and 93 nays as follows:

Those who voted in the affirmative were:

Albrecht	Dean	Forsythe	Laidig	Rose
Anderson, D.	Den Ouden	Friedrich	McDonald	Savelkoul
Anderson, R.	Erickson	Gunter	Niehaus	Wigley
Biersdorf	Esau	Heinitz	Onnen	
Carlson, A.	Evans	King	Peterson	
Carlson, D.	Ewald	Knickerbocker	Pleasant	
Cohen	Fjoslien	Kvam	Redalen	

Those who voted in the negative were:

Abeln	Beauchamp	Braun	Corbid	George
Adams	Begich	Brinkman	Cummiskey	Hanson
Anderson, B.	Berg	Byrne	Eckstein	Hokanson
Anderson, G.	Berglin	Carlson, L.	Ellingson	Jacobs
Anderson, I.	Berkelman	Casserly	Enebo	Jaros
Arlandson	Birnstihl	Clark	Fudro	Jensen
Battaglia	Brandl	Clawson	Fugina	Johnson

Jude	Mangan	Novak	Sherwood	Vanasek
Kahn	Mann	Osthoff	Sieben, H.	Voss
Kalis	McCarron	Patton	Sieben, M.	Waldorf
Kelly, R.	McCollar	Pehler	Simoneau	Welch
Kelly, W.	McEachern	Petrafeso	Skoglund	Wenstrom
Kempe, A.	Metzen	Reding	Smogard	Wenzel
Kempe, R.	Munger	Rice	Spanish	White
Kostohryz	Murphy	St. Onge	Stanton	Williamson
Kroening	Neisen	Samuelson	Stoa	Wynia
Langseth	Nelsen, M.	Sarna	Suss	Speaker Sabo
Lehto	Nelson	Scheid	Swanson	
Lemke	Norton	Schulz	Tomlinson	

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

Onnen moved to amend H. F. No. 404, as follows:

Page 33, restore the stricken language in lines 27 through 32.

Page 34, restore the stricken language in lines 1 and 2.

Page 34, line 1, strike "ten" and insert "five".

Page 34, strike lines 3 through 21.

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll was called. There were 34 yeas and 94 nays as follows:

Those who voted in the affirmative were:

Albrecht	Den Ouden	Friedrich	McDonald	Savelkoul
Anderson, D.	Erickson	Heinitz	Niehaus	Searle
Anderson, R.	Esau	Kaley	Onnen	Stanton
Biersdorf	Evans	Kempe, R.	Peterson	Wieser
Carlson, A.	Ewald	Knickerbocker	Pleasant	Wigley
Carlson, D.	Fjoslien	Kvam	Redalen	Zubay
Dean	Forsythe	Laidig	Rose	

Those who voted in the negative were:

Abeln	Byrne	Hanson	Lemke	Pehler
Adams	Carlson, L.	Hokanson	Mangan	Petrafeso
Anderson, B.	Casserly	Jacobs	Mann	Reding
Anderson, G.	Clark	Jaros	McCarron	Rice
Anderson, I.	Clawson	Jensen	McEachern	St. Onge
Arlandson	Cohid	Johnson	Metzen	Samuelson
Battaglia	Corbid	Jude	Moe	Sarna
Beauchamp	Cummiskey	Kahn	Munger	Scheid
Begich	Eckstein	Kalis	Murphy	Schulz
Berg	Eken	Kelly, R.	Neisen	Sherwood
Berglin	Ellingson	Kelly, W.	Nelsen, M.	Sieben, H.
Berkelman	Enebo	Kempe, A.	Nelson	Sieben, M.
Birnstihl	Fudro	King	Norton	Simoneau
Brandl	Fugina	Kroening	Novak	Skoglund
Braun	George	Langseth	Osthoff	Smogard
Brinkman	Gunter	Lehto	Patton	Spanish

Stoa  
Suss  
Swanson

Tomlinson  
Vanasek  
Voss

Waldorf  
Welch  
Wenstrom

Wenzel  
White  
Williamson

Wynia  
Speaker Sabo

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

Knickerbocker moved to amend H. F. No. 404, as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1976, Section 10A.01, Subdivision 2, is amended to read:

Subd. 2. "Administrative action" means an action by any official, board, commission or agency of the executive branch to make (RULES), *amend or repeal a rule or to adjudicate a contested case pursuant to sections 15.0411 to 15.052*. "Administrative action" does not include the application or administration of (THOSE RULES) *an adopted rule*, except in (CASES) *a case of rate setting, power plant siting and others specified by the commission*.

Sec. 2. Minnesota Statutes 1976, 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 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. *An individual who loses an election is deemed a candidate until his principal campaign committee terminates.*

Sec. 3. Minnesota Statutes 1976, Section 10A.01, Subdivision 7, is amended to read:

Subd. 7. (a) "Contribution" means:

((A)) (1) 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)) (2) A transfer of funds between political committees or political funds; or

((C)) (3) The payment of compensation for the personal services of another person which are rendered to a candidate, political committee or political fund to influence the nomination for election or election of a candidate to office by any person other than that candidate, political committee or political fund.

(b) "Contribution" does not include:

(1) Services provided without compensation by individuals volunteering their time on behalf of a candidate, political committee or political fund(, OR) ;

(2) *Payment for legal or accounting services rendered to or on behalf of a candidate or political committee solely for the purpose of ensuring compliance with the provisions of chapter 10A or defending a lawsuit arising out of an alleged violation of chapter 10A;*

(3) Coverage by news media, but only while acting in the ordinary course of business of publishing or broadcasting news items, editorials or other comments;

(4) *A loan of money by a national or state bank made in accordance with applicable banking laws, regulations, and in the ordinary course of business. Any such loan if repaid entirely or in part by any endorser or guarantor shall be considered a contribution by the endorser or guarantor. Loans from state or national banking institutions shall be reported pursuant to section 10A.20, subdivision 3, clause (d); or*

(5) *Payment by the state committee or any local committee of any political party of the costs of any of the following:*

(i) *Preparation and display, mailing or other distribution of an official party sample ballot listing the names of three or more candidates;*

(ii) *Any published, posted or broadcast advertisement, or telephone conversation if three or more candidates are named;*

(iii) *A political party fundraiser on behalf of three or more candidates. A fundraiser is on behalf of a candidate if the candidate or his agent give authorization or consent, express or implied, for the fundraiser to be on behalf of the candidate.*

Sec. 4. Minnesota Statutes 1976, Section 10A.01, Subdivision 10, is amended to read:

Subd. 10. (a) "Expenditure" means:

((A)) (1) 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)

(2) *The payment of compensation for the personal services of another person, which services are rendered to a candidate, political committee or political fund to influence the nomination for election or election of a candidate to office by any person other than that candidate, political committee or political fund.*

(b) "Expenditure" does not include:

((A)) (1) Services provided without compensation by individuals volunteering their time on behalf of a candidate, political committee, or political fund; (OR (B))

(2) *Compensation paid for legal or accounting services rendered to or on behalf of a candidate or political committee solely for the purpose of ensuring compliance with provisions of chapter 10A or defending a lawsuit arising out of an alleged violation of chapter 10A;*

(3) (EXPENSES INCURRED) *Services performed for a constituent by a member of the legislature or a (PERSON HOLDING) constitutional (OFFICE) officer in the executive branch, (IN PERFORMING SERVICES FOR CONSTITUENTS) which services are performed prior to the day following adjournment sine die or recess after March 31 of the legislature in the election year for the office held, unless the source of the funds expended for the services is a principal campaign committee. The board shall have the power to determine whether the expense was incurred primarily for the purpose of providing a constituent service or is an expenditure within the meaning of this subdivision;*

(4) *Coverage by news media, but only while acting in the ordinary course of the business of publishing or broadcasting news items, editorials or other comments;*

(5) *A loan of money by a national or state bank made in accordance with applicable banking laws, regulations and in the ordinary course of business. Any such loan, if repaid entirely or in part by any endorser or guarantor shall be considered a contribution by the endorser or guarantor. Any loan shall be reported pursuant to section 10A.20, subdivision 3, clause (d); or*

(6) *Payment by the state committee or any local committee of any political party of the costs of any of the following:*

(i) *Preparation and display, mailing or other distribution of an official party sample ballot listing the names of three or more candidates;*

(ii) *Any published, posted or broadcast advertisement or telephone conversation if three or more candidates are named;*

(iii) *A political party fundraiser on behalf of three or more candidates. A fundraiser is on behalf of a candidate if the candidate or his agent give authorization or consent, express or implied, for the fundraiser to be on behalf of the candidate.*

Sec. 5. Minnesota Statutes 1976, Section 10A.01, Subdivision 18, is amended to read:

Subd. 18. "Public official" means any:

(a) Member of the legislature;

(b) Person holding a constitutional office in the executive branch and his chief administrative deputy;

(c) Member of a state board (OR COMMISSION WHICH HAS RULE MAKING AUTHORITY, AS "RULE" IS DEFINED IN SECTION 15.0411, SUBDIVISION 3) *which has at least one of the following powers:*

(1) *The power to issue and revoke licenses or certifications;*

(2) *The power to make rules which operate over the entire territory of the state, or affect persons or things throughout the state, or operate on a subject in which the people of the whole state have an interest;*

(3) *The power to adjudicate contested cases or appeals;*

(d) *Executive director, director, executive secretary or chief administrator of a state agency or board which has at least one of the powers enumerated in clause (c);*

(e) *Commissioner, deputy commissioner or assistant commissioner of the state department of administration, agriculture, commerce, corrections, economic development, economic security, education, finance, health, human rights, labor and industry, military affairs, natural resources, personnel, public safety, public service, public welfare, revenue, transportation, veterans affairs, and their successor departments;*

(f) *Deputy attorney general, solicitor general, assistant attorney general in the office of attorney general;*

(g) *Hearing examiner in the office of the state hearing examiner;*

(h) *Executive secretary of the board of investment;*

(i) *Executive director of the Indian affairs intertribal board;*

(j) *Director of the bureau of mediation services;*

(k) *Workers' compensation judge or judge of the workers' compensation court of appeals;*

(l) *Chancellor of the state community college system or chancellor of the state university system;*

((D)) (m) *Person employed by the legislature as secretary of the senate, legislative auditor, chief clerk of the house, revisor of statutes, (OR) researcher (OR) in senate research, attorney in the office of (LEGISLATIVE RESEARCH) senate counsel, or attorney or researcher in the house research office;*

((E)) (n) *Person (EMPLOYED BY) in the executive branch (IN ANY POSITION SPECIFIED IN SECTION 15A.081) authorized by law to make rules or adjudicate contested cases; and*

((F)) (o) *Member of the metropolitan council, metropolitan transit commission, metropolitan (SEWER) waste control board or metropolitan airports commission.*

Sec. 6. Minnesota Statutes 1976, Section 10A.01, is amended by adding a subdivision to read:

*Subd. 20. "Immediate family" means:*

(a) *A candidate's spouse, and any child, parent, grandparent, brother, half-brother, sister, or half-sister of the candidate; and*

(b) *The spouses of the persons listed in clause (a).*

Sec. 7. Minnesota Statutes 1976, Section 10A.01, is amended by adding a subdivision to read:

*Subd. 21. "Independent expenditure" means an expenditure which is made without authorization, cooperation or consultation with the candidate or any authorized committee or agent of the candidate and which is not made in concert with, or at the*

*request or suggestion of any candidate or any authorized committee or agent of a candidate.*

Sec. 8. Minnesota Statutes 1976, Section 10A.02, Subdivision 11, is amended to read:

Subd. 11. Any hearing or action of the board concerning any complaint or investigation shall be confidential and all information obtained by the board shall be privileged until the board makes a finding that the board believes there is or is not probable cause to conclude that a violation of (LAWS 1974, CHAPTER 470) *chapter 10A* has occurred. (ANY PERSON, INCLUDING ANY MEMBER OR EMPLOYEE OF THE BOARD, VIOLATING THE CONFIDENTIALITY PROVISIONS OF THIS SUBDIVISION SHALL BE GUILTY OF A GROSS MISDEMEANOR) *Any member, agent or employee of the board disclosing information, other than to the parties involved, concerning any complaint or investigation before a probable cause determination is guilty of a misdemeanor. The board shall issue a public finding concerning its determination of the existence or lack of a probable cause. The (BOARD SHALL MAKE A) finding shall be issued within 30 days of receipt of a written complaint unless a majority of the board agrees to extend the time limit. The board may determine by vote of four members that the disclosure of information, statements, documents or records obtained during the course of investigation containing unevaluated, unsupported, spurious, or malicious charges would unfairly injure the reputation of an innocent person. In such circumstances, the board by vote of four members shall:*

(a) *Direct the maintenance of the records as private records for a period of one year after which the information shall be destroyed; or*

(b) *Return the information, statements, documents or records to a person or persons involved in the investigation at any time after a probable cause determination. After determination of its findings the board shall report any finding of probable cause to the appropriate law enforcement authorities.*

Sec. 9. Minnesota Statutes 1976, Section 10A.02, Subdivision 12, is amended to read:

Subd. 12. The board may issue and publish advisory opinions on the requirements of sections 10A.01 to 10A.34 based upon real or hypothetical situations. An application for an advisory opinion may be made (ONLY) by (THOSE WHO WISH TO) *a person for use (THE OPINION TO GUIDE THEIR) in guiding his own conduct or concerning the conduct of a public official. The board shall issue written opinions on all such questions submitted*

to it within 30 days after receipt of written application, unless a majority of the board agrees to extend the time limit.

Sec. 10. Minnesota Statutes 1976, Section 10A.04, Subdivision 2, is amended to read:

Subd. 2. Each report shall cover the time from the last day of the period covered by the last report to 15 days prior to the current filing date. The reports shall be filed with the board by the following dates:

(a) (FEBRUARY) *January 15*

((B) MARCH 15)

((C)) (b) April 15

((D) JUNE) (c) *July 15*

((E)) (d) October 15

Sec. 11. Minnesota Statutes 1976, Section 10A.04, Subdivision 4, is amended to read:

Subd. 4. The report shall include such information as the board may require from the registration form and the following information for the reporting period:

(a) The lobbyist's total disbursements on lobbying, *including those paid for a lobbyist by a lobbyist's employer or employee*, and a breakdown of those disbursements into categories specified by the board, including but not limited to the cost of publication and distribution of each publication used in lobbying; other printing; media, including the cost of production; postage; travel; fees, including allowances; entertainment; telephone and telegraph; and other expenses;

(b) The amount and nature of each honorarium, gift, loan, item or benefit, excluding contributions to a candidate, equal in value to \$20 or more, given or paid to any public official by the lobbyist or any employer or any employee of the lobbyist. The list shall include the name and address of each public official to whom the honorarium, gift, loan, item or benefit was given or paid and the date it was given or paid; and

(c) Each original source of funds in excess of \$500 in any year used for the purpose of lobbying. 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. 12. Minnesota Statutes 1976, Section 10A.04, Subdivision 5, is amended to read:

Subd. 5. The board shall notify by (REGISTERED) *certified* mail any lobbyist who fails (AFTER FIVE DAYS AFTER A FILING DATE IMPOSED BY SECTION 10A.03 OR THIS SECTION) to file a (REPORT OR) statement required by section 10A.03 (OR THIS SECTION). A lobbyist who knowingly fails to file such a report or statement within seven days after receiving notice from the board is guilty of a misdemeanor.

Sec. 13. Minnesota Statutes 1976, Section 10A.04, is amended by adding a subdivision to read:

*Subd. 6. A lobbyist who fails to file a report within seven days after a filing date shall be subject to a late filing fee of \$10 per day, not to exceed \$200, commencing seven days after the filing date. The board shall bring an action in the district court in Ramsey county to impose the late filing fee. The late filing fee shall be deposited in the general account of the state elections campaign fund.*

Sec. 14. Minnesota Statutes 1976, Section 10A.08, is amended to read:

10A.08 [REPRESENTATION DISCLOSURE.] *Subdivision 1. Any public official who represents a client for a fee before any board or commission which has rule making authority in a hearing conducted under chapter 15, shall disclose his participation in the action to the board within 14 days after this appearance.*

*Subd. 2. A public official who fails to file a statement shall be subject to a late filing fee of \$10 per day, not to exceed \$200, commencing 14 days after the appearance. The board shall bring an action in the district court in Ramsey county to impose the late filing fee. The late filing fee shall be deposited in the general account of the state elections campaign fund.*

Sec. 15. Minnesota Statutes 1976, Section 10A.09, Subdivision 4, is amended to read:

Subd. 4. (THE BOARD SHALL NOTIFY BY REGISTERED MAIL ANY CANDIDATE FOR ELECTIVE OFFICE WHO FAILS WITHIN 14 DAYS AFTER FILING FOR OFFICE TO SUBMIT A STATEMENT OF ECONOMIC INTEREST REQUIRED BY THIS SECTION. A CANDIDATE WHO KNOWINGLY FAILS TO SUBMIT A STATEMENT OF ECONOMIC INTEREST WITHIN SEVEN DAYS AFTER RECEIVING NOTICE FROM THE BOARD IS GUILTY OF A MISDEMEANOR) *The statement of economic interest of a legis-*

*lative candidate required by this section shall be duplicated and filed by the board with the county auditor of each county in which the legislative district lies within 72 hours of the date the statement is required to be filed, or if the statement is delinquent, within 72 hours of the time the statement is filed.*

Sec. 16. Minnesota Statutes 1976, 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 board. 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, *security interest arising from a mortgage, or which he is buying or selling on a contract for deed or an option to buy, whether direct or indirect, and which interest is valued in excess of \$2,500 or which property has a fair market value of \$50,000 or more.* The filing shall indicate the street address and the municipality or the section, township, range and approximate acreage, whichever applies, and the county wherein the property is located; *and*

(d) *A listing of gifts or honorariums received by a public official, the value of which is in excess of \$50. Contributions made to influence the nomination for election or election of a candidate to office shall not be deemed a gift to a public official under this clause nor shall a gift received by a public official from an immediate family member be deemed a gift reportable under this clause.*

Sec. 17. Minnesota Statutes 1976, Section 10A.09, Subdivision 7, is amended to read:

Subd. 7. (ALL PUBLIC OFFICIALS IN OFFICE ON APRIL 13, 1974 SHALL FILE WITH THE BOARD A STATEMENT OF ECONOMIC INTEREST WITHIN 60 DAYS AFTER THE DATE THE BOARD ISSUES STATEMENT OF ECONOMIC INTEREST FORMS) *The board shall notify by certified mail any candidate or officeholder for elective office who fails within the prescribed time to submit a statement of economic interest required by this section. A candidate or officeholder who fails to submit a statement of economic interest within seven days after receiving notice from the board shall be liable to the board for a late filing fee of \$10 per day, not to exceed \$200. The board shall bring an action in the district court in Ramsey county to im-*



*pose a late filing fee. The late filing fee shall be deposited in the general account of the state elections campaign fund.*

Sec. 18. Minnesota Statutes 1976, Section 10A.09, Subdivision 8, is amended to read:

Subd. 8. Any public official, except a member of the legislature or a constitutional officer, who is required to file a statement of economic interest and fails to do so (BY THE PRESCRIBED DEADLINE SHALL BE SUSPENDED WITHOUT PAY BY THE BOARD IN THE MANNER PRESCRIBED IN THE CONTESTED CASE PROCEDURES IN CHAPTER 15) *within seven days after receiving notice from the board shall be subject to a fine of up to \$10 per day not to exceed \$200. The board shall bring an action in the district court in Ramsey county to impose the fine. The late filing fee shall be deposited in the general account of the state elections campaign fund.*

Sec. 19. Minnesota Statutes 1976, Section 10A.09, is amended by adding a subdivision to read:

*Subd. 9. Except for a member of the legislature or constitutional officer, the board in lieu of seeking imposition of a late filing fee may suspend a public official without pay by holding a contested case hearing in accordance with sections 15.0411 to 15.052. The board, department or agency of which the public official is a member shall pay all costs of the contested case hearing.*

Sec. 20. Minnesota Statutes 1976, Section 10A.10, is amended to read:

10A.10 [PENALTY FOR FALSE STATEMENTS.] A report or statement required to be filed by sections 10A.02 to 10A.09 shall be signed and certified as true by the person required to file the report. Any person who signs and certifies to be true a report or statement which he knows contains false information or who knowingly omits required information is guilty of a (FELONY) *gross misdemeanor.*

Sec. 21. Minnesota Statutes 1976, Section 10A.11, Subdivision 6, is amended to read:

Subd. 6. Except for transfers of funds between political committees and transfers from the state election campaign fund, a political committee shall be financed solely through voluntary (DONATIONS) *contributions* by natural persons or political funds.

Sec. 22. Minnesota Statutes 1976, Section 10A.12, Subdivision 4, is amended to read:

Subd. 4. No (DONATIONS) *contributions* to the political fund shall be accepted and no expenditures from the political fund shall be made while the office of treasurer of the political fund is vacant.

Sec. 23. Minnesota Statutes 1976, Section 10A.12, is amended by adding a subdivision to read:

*Subd. 4a. No transfer of funds shall be made between principal campaign committees.*

Sec. 24. Minnesota Statutes 1976, Section 10A.13, Subdivision 1, is amended to read:

10A.13 [ACCOUNTS WHICH MUST BE KEPT.] Subdivision 1. It shall be the duty of the treasurer of a political committee or political fund to keep an account of:

(a) The sum of all contributions except any contribution in kind valued at \$20 or less (THAN \$20) made to or for the political committee or political fund;

(b) The name and address, if any, of any person making a contribution in excess of \$20, and the date and amount thereof; and

(c) All expenditures made by or on behalf of the committee or fund.

Any person who knowingly violates any provision of this subdivision is guilty of a misdemeanor.

Sec. 25. Minnesota Statutes 1976, Section 10A.14, Subdivision 4, is amended to read:

Subd. 4. The board 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 board (IS GUILTY OF A GROSS MISDEMEANOR) *shall be subject to a late filing fee of \$10 per day, not to exceed \$200. The board shall bring an action in the district court in Ramsey county to impose a late filing fee. The late filing fee shall be deposited in the general account of the state elections campaign fund.*

Sec. 26. Minnesota Statutes 1976, Section 10A.17, Subdivision 2, is amended to read:

Subd. 2. No person or persons acting in concert other than the candidate and the treasurer of the candidate's principal campaign committee may make expenditures of more than \$20 with

the authorization of or (CONSENT, EXPRESS OR IMPLIED, OF A) *in cooperation or consultation with any candidate, his principal campaign committee or his agent, or (UNDER THE CONTROL, DIRECT OR INDIRECT, OF A) in concert with or at the request or suggestion of any candidate, his principal campaign committee or his agent (ON BEHALF OF A CANDIDATE)* without first receiving from the treasurer of that candidate's principal campaign committee (i) (PRIOR) written authorization and (ii) certification that the expenditures will not exceed the limits on expenditures as set forth in sections 10A.25 and 10A.27, *when applicable to that candidate.* All such expenditures shall be counted against the spending limitations of the candidate.

Sec. 27. Minnesota Statutes 1976, 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. *A candidate shall register a principal campaign committee prior to receiving funds from the state elections campaign fund.*

Sec. 28. Minnesota Statutes 1976, Section 10A.20, Subdivision 2, is amended to read:

Subd. 2. The reports shall be filed with the board 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 the primary (OR SPECIAL PRIMARY) and general (OR SPECIAL) election, *and in the case of a special primary or special general election, seven days before the special primary and special general election, and 60 days after the special general 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. 29. Minnesota Statutes 1976, 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 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 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) Each loan to or from any person within the year in an aggregate amount or value in excess of \$100, together with the name and address, occupation and the principal place of business, if any, of the lender or any endorser and the date and amount of the loan;

(e) Each receipt in excess of \$100 not otherwise listed under clauses (b) to (d);

(f) The total sum of all receipts by or for the political committee or political fund during the reporting period;

(g) The name and address 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, *and in the case of independent expenditures made in opposition to a candidate, the name, address and office sought for each such candidate;*

(h) The sum of individual expenditures not otherwise reported under clause (g);

(i) The total expenditures made by the political committee or political fund during the reporting period;

(j) The amount and nature of any debt or obligation owed by or to the political committee or political fund, continuously reported until extinguished, and any written contract, promise or agreement to make a contribution or expenditure; and

(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. 30. Minnesota Statutes 1976, Section 10A.20, Subdivision 4, is amended to read:

Subd. 4. The reports shall cover the time from the last day of the period covered by the last report to seven days prior to the filing date, *except that the report due on January 31, shall cover the period from the last day of the period covered by the last report to December 31.*

Sec. 31. Minnesota Statutes 1976, Section 10A.20, Subdivision 6, is amended to read:

Subd. 6. Every (PERSON) *individual or association, other than a political committee or political fund, who makes independent expenditures, other than by contribution to a political committee or political fund, in an aggregate amount in excess of \$100 within a year shall file with the board a statement containing the information required of a political committee, political fund or candidate. Statements required by this subdivision shall be filed on the dates on which reports by committees are filed. In the case of independent expenditures by a political committee or fund, the treasurer of the political committee or fund shall, under penalty of perjury, certify that the expenditure was made without authorization, cooperation or consultation with the candidate or any authorized committee or agent of the candidate and was not made in concert with, or at the request of or suggestion of any candidate or any authorized committee or agent of the candidate.*

Sec. 32. Minnesota Statutes 1976, Section 10A.20, Subdivision 12, is amended to read:

Subd. 12. (THE BOARD 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 BOARD IS GUILTY OF A MISDEMEANOR) *A person who fails to file a report required by section 10A.20 within seven days after January 31, shall be subject to a late filing fee of \$20 per day, not to exceed \$400. A person who fails to file a report due ten days before a special primary or special election within 72 hours of the filing date shall be subject to a late filing fee of \$50 per day, not to exceed \$500. The board shall bring an action in the district court in Ramsey county to impose the late filing fee. The late filing fee shall be deposited in the general account of the state elections campaign fund.*

Sec. 33. Minnesota Statutes 1976, 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 board by the principal campaign committee of legislative candidates *and the statements of economic interest filed by the candidates* shall be duplicated and filed by the board 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. 34. Minnesota Statutes 1976, Section 10A.21, Subdivision 3, is amended to read:

Subd. 3. Statements and reports filed with the county auditor shall be available to the public in the manner prescribed by section 10A.02, subdivision 8, clause (e) (AND). *Statements and reports of principal campaign committees shall be retained until four years after the election to which they pertain. Economic interest statements shall be retained until the subject of the statement is no longer a candidate or an officeholder.*

Sec. 35. Minnesota Statutes 1976, Section 10A.24, is amended to read:

10A.24 [DISSOLUTION OR TERMINATION.] No political committee or political fund shall dissolve until it has settled all of its debts and disposed of all its assets in excess of \$100 and filed a termination report. The termination report may be made at any time and shall include all information required in periodic reports (AND A STATEMENT AS TO THE DISPOSITION OF ANY RESIDUAL FUNDS). *No political committee or political fund shall dispose of any assets except in any of the following manners:*

(a) *by refunding contributions to that political committee or political fund. No refunded contribution shall exceed the amount actually contributed.*

(b) *by transferring assets to a state political party.*

(c) *by transferring assets to the general account of the state elections campaign fund.*

Sec. 37. Minnesota Statutes 1976, Section 10A.25, Subdivision 7, is amended to read:

Subd. 7. On or before (JANUARY 15) *December 1* of each year, the state demographer shall certify to the board the estimated population of the state of Minnesota for the (LAST YEAR ENDING BEFORE THE DATE OF CERTIFICATION. IN DETERMINING THE PER CAPITA AMOUNTS FOR EACH OFFICE IN SUBDIVISION 2, THE BOARD SHALL USE) *next calendar year. On or before December 31 of each year the board shall determine and publish in the state register the expenditure and contribution limits for each office for the next calendar year as prescribed by subdivision 2 and section 10A.27, using the following estimated population figures:*

(a) (IN THE CASE OF THE ELECTIONS) For *the offices of 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 *the office of state senator, 1/67 of the total estimated population of the state;*

(c) (IN THE CASE OF ELECTIONS) For *the office of state representative, 1/134 of the total estimated population of the state.*

*The expenditure and contribution limits shall be rounded off to the nearest \$100.*

Sec. 38. Minnesota Statutes 1976, Section 10A.25, is amended by adding a subdivision to read:

*Subd. 10. The expenditure limits established under section 10A.25 shall not apply if the candidate does not accept public financing.*

Sec. 39. Minnesota Statutes 1976, Section 10A.26, is amended to read:

10A.26 [TRANSFERS OF FUNDS EXCEPTED.] Any transfer of funds or anything of pecuniary value from any political committee, political fund or political party to a principal campaign committee of a candidate shall not be considered to be an expenditure of funds on behalf of the candidate by the political committee, political fund or political party, but shall be reported as (REQUIRED BY LAWS 1974, CHAPTER 470) *a transfer by the political committee or fund and as a contribution to the principal campaign committee of the candidate as required by chapter 10A.*

Sec. 40. Minnesota Statutes 1976, 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 *contributions or authorized expenditures* on behalf or in opposition to the opponent of a candidate, or transfer funds to the principal campaign committee of a candidate, 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) *the following:*

(a) For a candidate for governor and a candidate for lieutenant governor, running jointly, a total of 1.25 cents per capita or \$60,000, whichever is greater;

(b) For a candidate for attorney general, 0.25 cents per capita or \$10,000, whichever is greater;

(c) For a candidate for secretary of state, state treasurer, or state auditor, separately, 0.125 cents per capita or \$5,000, whichever is greater;

(d) For a candidate for state senator, 2 cents per capita or \$1,500, whichever is greater; and

(e) For a candidate for state representative, 2 cents per capita or \$750, whichever is greater.

The contribution limit shall apply to an individual, political committee, or political fund regardless of whether public financing is or is not accepted.

The contribution limitation shall apply to the candidate and his immediate family when the candidate accepts public financing. The contribution limitation shall not apply to the candidate or his immediate family if the candidate does not accept public financing.

The expenditure limit shall not apply if the candidate does not accept public financing.

Subd. 2. No political party shall make contributions to or authorized expenditures on behalf of a candidate (OR TRANSFER FUNDS TO THE PRINCIPAL CAMPAIGN COMMITTEE OF A CANDIDATE) in an amount in excess of (50 PERCENT OF THE AMOUNT THAT MAY BE SPENT BY OR ON BEHALF OF THAT CANDIDATE AS SET FORTH IN SECTION 10A.25) the following:

(a) For a candidate for governor and a candidate for lieutenant governor, running jointly a total of 6.25 cents per capita or \$300,000, whichever is greater;

(b) For a candidate for attorney general, 1.25 cents per capita or \$50,000, whichever is greater;

(c) For a candidate for secretary of state, state treasurer or state auditor, separately, 0.625 cents per capita or \$25,000, whichever is greater;

(d) For a candidate for state senator, 10 cents per capita or \$7,500, whichever is greater; and



(e) *For a candidate for state representative, 10 cents per capita or \$3,750, whichever is greater.*

*In a year in which an election does not occur for an office held or sought, no political party shall make contributions to or authorized expenditures on behalf of a candidate in excess of 20 percent of the amount otherwise authorized under this subdivision.*

*The contribution limitation shall apply regardless of whether or not the candidate accepts public financing. The expenditure limit does not apply if the candidate being supported does not accept public financing.*

**Subd. 3. (EXPENDITURES BY 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, POSTED, OR BROADCAST, OR ANY OFFICIAL PARTY SAMPLE BALLOT OR TELEPHONE CONVERSATION LISTING THREE OR MORE 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) *Independent expenditures shall not be allocated to any candidate nor subject to the limitations of section 10A.25, subdivision 2.***

**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).**

**Subd. 5. *No party legislative caucus shall make contributions to or authorized expenditures on behalf of a candidate in an amount in excess of the following:***

**(a) *For a candidate for governor and a candidate for lieutenant governor, running jointly, a total of 1.25 cents per capita or \$60,000, whichever is greater;***

**(b) *For a candidate for attorney general, 0.25 cents per capita or \$10,000, whichever is greater;***

**(c) *For a candidate for secretary of state, state treasurer, or state auditor, separately, 0.125 cents per capita or \$5,000, whichever is greater;***

**(d) *For a candidate for state senator, 2 cents per capita or \$1,500, whichever is greater; and***

(e) For a candidate for state representative, 2 cents per capita or \$750, whichever is greater.

*In a year in which an election does not occur for an office held or sought, no party legislative caucus shall make contributions to or authorized expenditures on behalf of a candidate in excess of 20 percent of the amount otherwise authorized under this subdivision.*

*For the purpose of this subdivision a party legislative caucus means any organized or unorganized group of legislators in any legislative body who support the same political party.*

*The contribution limitation shall apply regardless of whether or not the candidate accepts public financing. The expenditure limit does not apply if the candidate being supported does not accept public financing.*

Sec. 41. Minnesota Statutes 1976, Section 10A.28, is amended to read:

**10A.28 [PENALTY FOR EXCEEDING LIMITS.] (ANY PERSON OR ASSOCIATION THAT MAKES EXPENDITURES IN EXCESS OF THE LIMITATIONS IMPOSED BY SECTIONS 10A.25 AND 10A.27 SHALL BE SUBJECT TO A FINE EQUAL TO FOUR TIMES THE AMOUNT BY WHICH ITS EXPENDITURE EXCEEDED THE LIMIT. IF THE BOARD OR COUNTY ATTORNEY HAS REASON TO BELIEVE THAT A PERSON OR ASSOCIATION HAS MADE SUCH EXCESS EXPENDITURES, THE BOARD OR COUNTY ATTORNEY SHALL BRING AN ACTION IN THE DISTRICT COURT OF RAMSEY COUNTY OR, IN THE CASE OF A LEGISLATIVE CANDIDATE, THE DISTRICT COURT OF A COUNTY WITHIN THE LEGISLATIVE DISTRICT, TO IMPOSE THIS PENALTY. ALL MONEYS RECOVERED PURSUANT TO THIS SECTION SHALL BE DEPOSITED IN THE GENERAL ACCOUNT OF STATE ELECTIONS CAMPAIGN FUND) Subdivision 1. The treasurer of the principal campaign committee of any candidate accepting public financing, who makes, incurs, or explicitly or implicitly authorizes expenditures in excess of those imposed by section 10A.25 shall be liable with the principal campaign committee for a civil fine of not less than the amount exceeding the expenditure limit but not to exceed four times the amount by which the expenditure exceeded the limit.**

**Subd. 2. Any individual, treasurer of a principal campaign committee, political committee or political fund who exceeds the contribution limit imposed by section 10A.27 shall be liable for a civil fine of not less than the amount exceeding the contribution limit but not to exceed four times the amount by which the contribution exceeded the limit. For purposes of this section, a con-**

*tribution is accepted when it is deposited in the principal campaign committee account as required by section 10A.15, subdivision 3. If a contribution is not returned or deposited in the original campaign committee account within 14 days of receipt, it shall be deemed accepted by the candidate.*

*Subd. 3. If the board or the county attorney has reason to believe that such excess expenditures or contributions have been made, the board or county attorney shall bring an action in the district court in Ramsey county or, in the case of a legislative candidate, the district court in a county within the legislative district to impose the penalty prescribed by this section. All moneys recovered shall be deposited in the general account of the state elections campaign fund.*

*Subd. 4. The board may enter into a stipulation settlement upon approval by the court at any time after it brings a legal action to impose a penalty pursuant to this section.*

Sec. 42. Minnesota Statutes 1976, 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: (I) ONE OF THE MAJOR POLITICAL PARTIES; (II) ANY MINOR POLITICAL PARTY WHICH QUALIFIES UNDER THE PROVISIONS OF SUBDIVISION 3A; OR (III) ALL QUALIFYING CANDIDATES AS PROVIDED BY SUBDIVISION 7.)

Sec. 43. Minnesota Statutes 1976, Section 10A.31, Subdivision 5, is amended to read:

Subd. 5. In each calendar year the moneys in (EACH PARTY ACCOUNT) and the general account shall be allocated to candidates as follows:

((A)) (1) (16) 21 percent for the offices of governor and lieutenant governor jointly;

((B)) (2) (9.6) 3.6 percent for the office of attorney general;

((C)) (3) (4.8) 1.3 percent each for the offices of secretary of state, state auditor and state treasurer;

((D)) (4) In each calendar year during the period in which state senators serve a four year term, (20)  $23 \frac{1}{3}$  percent for the office of state senator and (40)  $46 \frac{2}{3}$  percent for the office of state representative.

((E)) (5) In each calendar year during the period in which state senators serve a two year term, (AND IN 1975 AND 1976, 30) 35 percent each for the offices of state senator and state representative;

((F)) (6) 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 *and whose party received five percent of the vote for governor at the last gubernatorial 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,  $23 \frac{1}{3}$  PERCENT FOR THE OFFICE OF STATE SENATOR AND  $46 \frac{2}{3}$  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. 44. Minnesota Statutes 1976, Section 10A.31, Subdivision 7, is amended to read:

Subd. 7. Within two weeks after certification by the state canvassing board of the results of the (GENERAL) *primary* 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 allocations set forth in subdivision 5, in equal amounts to all candidates for each state-

wide 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 THEY WERE CANDIDATES) *whose party received five percent of the vote for governor at the last gubernatorial election.*

Sec. 45. Minnesota Statutes 1976, Section 10A.31, Subdivision 8, is amended to read:

Subd. 8. Within one week after certification by the state canvassing board of the results of the primary, the board 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. 46. Minnesota Statutes 1976, Section 10A.31, Subdivision 10, is amended 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 board on December 7 the amount accumulated (IN EACH ACCOUNT) since the previous certification. Within one week thereafter, the board 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. 47. Minnesota Statutes 1976, Section 10A.31, is amended by adding a subdivision to read:

*Subd. 11. For purposes of section 10A.31, a write-in candidate is not a candidate unless he complies with the provisions of section 10A.32, subdivision 3.*

Sec. 48. Minnesota Statutes 1976, Section 10A.32, Subdivision 1, 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 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.

Sec. 49. Minnesota Statutes 1976, Section 10A.32, Subdivision 3, is amended to read:

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 board 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 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, and the amount which 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) *general account of the state elections campaign fund*. 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) *allocated* as provided in *section 10A.31 subdivision (3A) 5, (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.

Sec. 50. Minnesota Statutes 1976, Section 10A.32, is amended by adding a subdivision to read:

*Subd. 3b. A candidate may rescind a public financing agreement previously submitted in accordance with section 10A.32, subdivision 3, if the agreement is rescinded and the public moneys distributed to that date are returned by October 31.*

Sec. 51. *The ethical practices board may exercise emergency rulemaking authority as provided in section 15.0412, subdivision 5, to implement the provisions of chapter 10A which are amended by this act. The board shall solicit information and opinions from*

*outside the board as provided in section 15.0412, subdivision 6, before adopting these rules. Notwithstanding the provisions of section 15.0412, subdivision 5, any rules adopted pursuant to this section shall be effective until permanent rules are adopted pursuant to chapter 15 or until October 1, 1979, whichever occurs first. This section expires October 1, 1979.*

Sec. 52. [REPEALER.] *Minnesota Statutes 1976, Sections 10A.12, Subdivision 5, 10A.30, Subdivision 2; 10A.31, Subdivisions 2, 3a, 6 and 9; and 10A.32, Subdivision 4, are repealed.*

Sec. 53. [EFFECTIVE DATE.] *This act is effective the day following its final enactment."*

Further, delete the title and insert:

"A bill for an act relating to public officials and candidates for public office; modifying disclosure requirements; clarifying and revising reporting requirements for lobbyists; clarifying and revising restrictions on campaign financing; providing a new allocation formula for public financing of election campaigns; modifying and prescribing penalties; amending Minnesota Statutes 1976, Sections 10A.01, Subdivisions 2, 5, 7, 10, 18 and by adding a subdivision; 10A.02, Subdivisions 11 and 12; 10A.04, Subdivisions 2, 4, 5 and by adding a subdivision; 10A.08; 10A.09, Subdivisions 4, 5, 7, 8 and by adding a subdivision; 10A.10; 10A.11, Subdivision 6; 10A.12, Subdivision 4 and by adding a subdivision; 10A.13, Subdivision 1; 10A.14, Subdivision 4; 10A.17, Subdivision 2; 10A.19, Subdivision 1; 10A.20, Subdivisions 2, 3, 4, 6, and 12; 10A.21, Subdivisions 1 and 3; 10A.24; 10A.25, Subdivision 7 and by adding a subdivision; 10A.26; 10A.27; 10A.28; 10A.31, Subdivisions 3, 5, 7, 8, 10 and by adding a subdivision; 10A.32, Subdivisions 1, 3 and by adding a subdivision; repealing Minnesota Statutes 1976, Sections 10A.12, Subdivision 5; 10A.30, Subdivision 2; 10A.31, Subdivisions 2, 3a, 6, and 9; and 10A.32, Subdivision 4."

A roll call was requested and properly seconded.

Cummiskey moved to amend the Knickerbocker amendment to H. F. No. 404, as follows:

Page 26, line 23, delete "Ramsey" and insert "Washington".

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

The question recurred on the adoption of the Knickerbocker amendment, as amended, and the roll was called. There were 32 yeas and 96 nays as follows:

Those who voted in the affirmative were:

Albrecht	Den Ouden	Friedrich	Niehaus	Searle
Anderson, D.	Erickson	Heinitz	Onnen	Wieser
Anderson, R.	Esau	Kaley	Peterson	Wigley
Biersdorf	Evans	Knickerbocker	Pleasant	Zubay
Carlson, A.	Ewald	Kvam	Redalen	
Carlson, D.	Fjoslien	Laidig	Rose	
Dean	Forsythe	McDonald	Savelkoul	

Those who voted in the negative were:

Abeln	Cohen	Kelly, R.	Nelsen, M.	Smogard
Adams	Corbid	Kelly, W.	Nelson	Spanish
Anderson, B.	Cummiskey	Kempe, A.	Norton	Stoa
Anderson, G.	Eckstein	Kempe, R.	Novak	Suss
Anderson, I.	Eken	King	Osthoff	Swanson
Arlandson	Ellingson	Kostohryz	Patton	Tomlinson
Battaglia	Enebo	Kroening	Pehler	Vanasek
Beauchamp	Fudro	Langseth	Petraleso	Voss
Begich	Fugina	Lehto	Reding	Waldorf
Berg	George	Lemke	Rice	Welch
Berglin	Gunter	Mangan	St. Onge	Wenstrom
Berkelman	Hanson	Mann	Samuelson	Wenzel
Birnsthil	Hokanson	McCarron	Sarna	White
Brandl	Jacobs	McCollar	Scheid	Williamson
Braun	Jaros	McEachern	Schulz	Wynia
Brinkman	Jensen	Metzen	Sherwood	Speaker Sabo
Byrne	Johnson	Moe	Sieben, H.	
Carlson, L.	Jude	Munger	Sieben, M.	
Clark	Kahn	Murphy	Simoneau	
Clawson	Kalis	Neisen	Skoglund	

The motion did not prevail and the amendment, as amended, was not adopted.

H. F. No. 404, A bill for an act relating to political activities; providing for their regulation; defining terms; revising certain filing and reporting requirements; clarifying language; imposing expenditure and contribution limits; revising distribution of moneys from the state elections campaign fund to legislative candidates; removing obsolete provisions; providing penalties; amending Minnesota Statutes 1976, Sections 10A.01, Subdivisions 2, 5, 7, 9, 10, 11, 13, 15, 16 and 18, and by adding subdivisions; 10A.02, Subdivisions 1, 2, 4, 8, 9, 11, 12 and 13, and by adding a subdivision; 10A.04, Subdivision 1; 10A.07; 10A.09, Subdivision 6; 10A.11, Subdivisions 1 and 6; 10A.12, Subdivisions 1, 4 and 5; 10A.13; 10A.14, Subdivisions 1 and 2; 10A.15; 10A.16; 10A.17; 10A.19, Subdivision 1; 10A.20, Subdivisions 3, 4, 5 and 6; 10A.22, Subdivisions 1, 3, 4, 5 and 7; 10A.24; 10A.25; 10A.27; 10A.28; 10A.29; 10A.31, Subdivisions 3a, 5, 6, 7, 10, and by adding a subdivision; 10A.32; 10A.33; and 210A.01, Subdivision 3; and Chapter 10A, by adding sections; repealing Minnesota Statutes 1976, Sections 10A.09, Subdivision 7; 10A.17, Subdivision 2; and 10A.26.

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



The question was taken on the passage of the bill and the roll was called.

Saveikoul moved that those not voting be excused from voting. The motion prevailed.

There were 97 yeas and 32 nays as follows:

Those who voted in the affirmative were:

Abeln	Clawson	Kalis	Neisen	Skoglund
Adams	Cohen	Kelly, R.	Nelsen, M.	Smogard
Anderson, B.	Corbid	Kelly, W.	Nelson	Spanish
Anderson, G.	Cummiskey	Kempe, A.	Norton	Stanton
Anderson, I.	Eckstein	Kempe, R.	Novak	Suss
Arlandson	Eken	King	Osthoff	Swanson
Battaglia	Ellingson	Kostohryz	Patton	Tomlinson
Beauchamp	Enebo	Kroening	Pehler	Vanasek
Begich	Fudro	Langseth	Petrafaso	Voss
Berg	Fugina	Lehto	Reding	Waldorf
Berglin	George	Lemke	Rice	Welch
Berkelman	Gunter	Mangan	St. Onge	Wenstrom
Birnstihl	Hanson	Mann	Samuelson	Wenzel
Brandl	Hokanson	McCarron	Sarna	White
Braun	Jacobs	McCollar	Scheid	Williamson
Brinkman	Jaros	McEachern	Schulz	Wynia
Byrne	Jensen	Metzen	Sherwood	Speaker Sabo
Carlson, L.	Johnson	Moe	Sieben, H.	
Casserly	Jude	Munger	Sieben, M.	
Clark	Kahn	Murphy	Simoneau	

Those who voted in the negative were:

Albrecht	Den Ouden	Friedrich	Onnen	Stoa
Anderson, D.	Erickson	Heinitz	Peterson	Wieser
Anderson, R.	Esau	Kaley	Pleasant	Wigley
Biersdorf	Evans	Knickerbocker	Redalen	Zubay
Carlson, A.	Ewald	Kvam	Rose	
Carlson, D.	Fjoslien	McDonald	Saveikoul	
Dean	Forsythe	Niehaus	Searle	

The bill was passed and its title agreed to.

## INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Munger, Voss, Hanson, Wynia and Dean introduced:

H. F. No. 2261, A bill for an act relating to energy; changing the powers of the Minnesota energy agency; providing for the confidentiality of proprietary data furnished to the energy agency; mandating certain residential energy efficiency standards; establishing insulation product and application standards; prescribing penalties; appropriating money; amending Minnesota Statutes 1976, Section 116H.08; Chapter 116H, by adding a section; and Minnesota Statutes, 1977 Supplement, Section 116H.129, Subdivision 1, and by adding subdivisions.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Battaglia, Begich, Fugina and Anderson, I., introduced:

H. F. No. 2262, A bill for an act relating to the metropolitan area; creating the metropolitan wilderness area.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Eckstein; Anderson, G.; Braun; Carlson, D., and Munger introduced:

H. F. No. 2263, A bill for an act relating to game and fish; leasing of state lands for feeding of deer and wild animals.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Battaglia; Anderson, I.; Begich and Murphy introduced:

H. F. No. 2264, A bill for an act relating to natural resources; outdoor recreation system; requiring public hearings prior to planning or developing units of the outdoor recreation system; amending Minnesota Statutes 1976, Section 86A.09, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Schulz, Munger, White and Johnson introduced:

H. F. No. 2265, A bill for an act relating to Independent School District No. 256 (Red Wing); appropriating money.

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

Brinkman, Adams and Casserly introduced:

H. F. No. 2266, A bill for an act relating to intoxicating liquor; requiring wholesalers to maintain a warehouse stock; amending Minnesota Statutes 1976, Section 340.07, Subdivision 8.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Hanson, Murphy, Reding, Welch and Casserly introduced :

H. F. No. 2267, A bill for an act relating to emergency telephone systems; providing for the payment of certain costs of operating emergency telephone systems; amending Minnesota Statutes, 1977 Supplement, Section 403.11.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Hanson, Voss, Pehler and McCarron introduced :

H. F. No. 2268, A bill for an act relating to the state housing commission; substituting the state planning agency for the commission; substituting the director of planning for the director of housing; instructing the revisor; amending Minnesota Statutes 1976, Sections 462.425, Subdivision 4; 462.426, Subdivision 4; 462.631; repealing Minnesota Statutes 1976, Section 462.711.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Moe, Clark, Casserly, Kelly, R., and Sieben, H., introduced :

H. F. No. 2269, A bill for an act relating to commerce; restricting discontinuation of service by utilities and fuel distributors during winter; providing procedures for discontinuing service; providing claim procedures for disputed billings.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Lehto, Moe, McCarron, Berkelman and Jaros introduced :

H. F. No. 2270, A bill for an act relating to peace officers and constables; requiring training and licensing for all peace officers; requiring training and licensing for constables; establishing the position of deputy constable; amending Minnesota Statutes 1976, Sections 367.03, Subdivisions 1 and 3; 367.22; 382.28; 626.843, by adding a subdivision; Chapter 367, by adding sections; and Minnesota Statutes, 1977 Supplement, Sections 626.84; 626.843, Subdivisions 1 and 3; 626.845; 626.846, Subdivisions 1, 2 and 3, and by adding subdivisions; 626.847; 626.848; and 626.851, Subdivision 2; repealing Minnesota Statutes, 1977 Supplement, Section 626.853.

The bill was read for the first time and referred to the Committee on Criminal Justice.

Voss and Neisen introduced:

H. F. No. 2271, A bill for an act relating to crimes; prescribing penalties for the possession of controlled substances on the premises of elementary, middle and secondary schools; amending Minnesota Statutes 1976, Section 152.15, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Criminal Justice.

Anderson, G.; McCollar; Brinkman; Ewald and Abeln introduced:

H. F. No. 2272, A bill for an act relating to banks; open-end loan account arrangements; authorizing alternative finance charge for use of bank credit cards; amending Minnesota Statutes 1976, Section 48.185, Subdivision 3.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

McCarron, Birnstihl, Jacobs, Kostohryz and Waldorf introduced:

H. F. No. 2273, A bill for an act relating to veterans; commissioner of veterans affairs; providing for appeals from and enforcement of his decisions; amending Minnesota Statutes 1976, Section 197.481, Subdivision 6, and by adding a subdivision.

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

McCarron, Hokanson, Jacobs, Kostohryz and Birnstihl introduced:

H. F. No. 2274, A bill for an act relating to veterans; providing for appeals from removals and disciplinary actions; amending Minnesota Statutes 1976, Sections 43.24, Subdivision 1; and 197.481, Subdivision 1.

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

McCarron, Voss and Neisen introduced:

H. F. No. 2275, A bill for an act relating to military affairs; prohibiting certain activities by the department of military affairs in Anoka county.

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

Braun, Begich, Petrafeso, Moe and Biersdorf introduced:

H. F. No. 2276, A bill for an act relating to health; concerning smoking; providing for the designation of smoking and nonsmoking areas; amending Minnesota Statutes 1976, Section 144.415.

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

Hanson introduced:

H. F. No. 2277, A bill for an act relating to the department of administration; implementing a life cycle cost analysis.

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

Ellingson, Carlson, L., and Scheid introduced:

H. F. No. 2278, A bill for an act relating to the city of Brooklyn Center; firemen's relief association; amending Laws 1967, Chapter 815, Sections 1; 2; 3; 4; 5; 7; and 8, Subdivision 1.

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

Ellingson, Carlson, L., and Scheid introduced:

H. F. No. 2279, A bill for an act relating to the city of Brooklyn Center; police membership in public employees police and fire fund; repealing Laws 1967, Chapter 736.

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

Anderson, R.; Wenstrom; Beauchamp and Evans introduced:

H. F. No. 2280, A bill for an act relating to retirement; excluding certain part-time personnel from membership in the teachers retirement association; amending Minnesota Statutes, 1977 Supplement, Section 354.05, Subdivision 2.

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

Petrafeso introduced:

H. F. No. 2281, A bill for an act relating to conveyances; providing for the adoption of uniform conveyancing forms to replace certain forms in use; amending Minnesota Statutes 1976, Section 507.09.

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

Heinitz introduced:

H. F. No. 2282, A bill for an act relating to the city of Plymouth; firemen's relief association benefits.

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

Reding introduced:

H. F. No. 2283, A bill for an act relating to the division of highway patrol; concerning salaries; increasing the salary of a corporal; amending Minnesota Statutes, 1977 Supplement, Section 299D.03, Subdivision 2.

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

Johnson, Vanasek, St. Onge and Sherwood introduced:

H. F. No. 2284, A bill for an act relating to courts; increasing the salary of certain judges; amending Minnesota Statutes, 1977 Supplement, Section 15A.083, Subdivision 1.

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

Patton, Moe, Reding, Biersdorf and Beauchamp introduced:

H. F. No. 2285, A bill for an act relating to retirement; refunds to surviving spouses of judges; amending Minnesota Statutes 1976, Section 490.124, Subdivision 12.

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

Kalis, Patton, Reding and Beauchamp introduced:

H. F. No. 2286, A bill for an act relating to retirement; increased benefits of former probate judges; payment by the Minnesota state retirement system; appropriating money; amending Minnesota Statutes 1976, Chapter 490, by adding a section.

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

Cohen introduced:

H. F. No. 2287, A bill for an act relating to retirement; judicial service credit for referees in juvenile court; amending Minnesota Statutes 1976, Section 490.121, Subdivision 4.

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

Moe; Tomlinson; Kelly, R.; Wynia and Hanson introduced:

H. F. No. 2288, A bill for an act relating to retirement; St. Paul teachers retirement fund association; post retirement adjustments for certain retirees and benefit recipients; retirement annuity computation for certain coordinated members; recomputation of disability benefits.

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

Petrafeso, Clark, Kaley, McCollar and McEachern introduced:

H. F. No. 2289, A bill for an act relating to medical assistance; nursing home rates; providing a definition for fixtures; amending Minnesota Statutes 1976, Section 256B.42, by adding a subdivision.

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

Petrafeso, Clark, Kaley, McCollar and McEachern introduced:

H. F. No. 2290, A bill for an act relating to medical assistance; nursing home rates; modifying the definition of facility; amending Minnesota Statutes 1976, Section 256B.42, Subdivision 2.

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

Jaros, St. Onge, Forsythe, Metzen and Sarna introduced:

H. F. No. 2291, A bill for an act relating to labor; providing an exception of certain employees from the minimum wage requirement; amending Minnesota Statutes 1976, Section 177.23, Subdivision 7.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Berg; Petrafeso; Kelly, W.; Knickerbocker and Brandl introduced:

H. F. No. 2292, A bill for an act relating to cities; establishing requirements for financial statements, reports and audits; providing a time limit for submissions of certain reports to the state auditor; providing for enforcement of reporting requirements; amending Minnesota Statutes 1976, Chapter 471, by adding sections; repealing Minnesota Statutes 1976, Sections 412.281 and 412.291.

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

Patton, Lemke, Zubay, Samuelson and Brinkman introduced:

H. F. No. 2293, A bill for an act relating to taxation; sales tax; exempting newsprint and ink; amending Minnesota Statutes 1976, Sections 297A.14 and 297A.25, Subdivision 1.

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

Begich and Murphy introduced:

H. F. No. 2294, A bill for an act relating to the city of Duluth; review of assessments by county assessor.

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

Kalis, McDonald, Mann, Birnstihl and Lemke introduced:

H. F. No. 2295, A bill for an act relating to taxation; property tax; delaying assessment of increased value due to certain improvements in buildings; amending Minnesota Statutes 1976, Section 273.11, Subdivision 1, and by adding a subdivision.

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



Vanasek, Petrafeso, Skoglund, Corbid and Kelly, W., introduced:

H. F. No. 2296, A bill for an act relating to taxation; providing a home heating credit; amending Minnesota Statutes 1976, Section 290A.07, Subdivision 1; Chapter 290A, by adding a section; and Minnesota Statutes, 1977 Supplement, Section 290A.06.

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

Fugina, Begich, Spanish, Battaglia and PrahI introduced:

H. F. No. 2297, A bill for an act relating to taxation; property tax; providing funds for the taconite property tax relief account; appropriating money; amending Minnesota Statutes, 1977 Supplement, Section 298.293.

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

Clark, Neisen, Novak, Pleasant and Voss introduced:

H. F. No. 2298, A bill for an act relating to highway traffic regulation; change of course; clarifying requirement to signal a turn; amending Minnesota Statutes 1976, Section 169.19, Subdivision 4.

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

Fudro, Lemke, Birnstihl and Anderson, D., introduced:

H. F. No. 2299, A bill for an act relating to highways; county state-aid highway system; allocation of apportionments; authorizing money credited to the municipal account to be used on certain county state-aid highways; amending Minnesota Statutes 1976, Section 162.08, Subdivision 4.

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

#### HOUSE ADVISORIES

Pursuant to rule 5.3, the following House Advisory was introduced:

Sherwood introduced:

H. A. No. 70, A proposal to review license fees for motor vehicles.

The advisory 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 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. 544, A bill for an act relating to highways; removing the construction moratorium on a certain interstate route, and extending it through the city of St. Paul; removing a certain route from the trunk highway system; amending Minnesota Statutes 1976, Sections 161.117; 161.12; and 161.123.

The Senate has appointed as such committee Messrs. Vega, Keefe, S., and Coleman.

House File No. 544 is herewith returned to the House.

PATRICK E. FLAHAVER, 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. 1187, A bill for an act relating to retirement; membership of Hennepin county soil and water conservation district employees in the public employees retirement association; amending Minnesota Statutes 1976, Chapter 353, by adding a section.

PATRICK E. FLAHAVER, Secretary of the Senate

Jude moved that H. F. No. 1187 and the message from the Senate be laid on the table. 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. 405, A bill for an act relating to gambling; authorizing the operation of certain gambling devices by licensed organizations; providing a penalty; amending Minnesota Statutes 1976, Sections 325.54, Subdivision 1; 340.14, Subdivision 2; 609.75; 609.76; Chapters 349, by adding a section; and 609, by adding a section.

PATRICK E. FLAHAVER, Secretary of the Senate

Reding moved that the House refuse to concur in the Senate amendments to H. F. No. 405, 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.

### CONSENT CALENDAR

There being no objection, the bill on the Consent Calendar for today was continued on the Consent Calendar for one day.

### GENERAL ORDERS

There being no objection, the bills on General Orders for today were continued on General Orders one day.

### MOTIONS AND RESOLUTIONS

Anderson, I., moved that the name of Enebo be stricken and the name of Sieben, H., be added as an author on H. F. No. 2233. The motion prevailed.

Hokanson moved that H. F. No. 1738 be recalled from the Committee on Appropriations and be re-referred to the Committee on Governmental Operations. The motion prevailed.

McEachern moved that the name of Jude be added as an author on H. F. No. 1877. The motion prevailed.

Jensen moved that H. F. No. 2139 be recalled from the Committee on Environment and Natural Resources and be re-referred to the Committee on General Legislation and Veterans Affairs. The motion prevailed.

Nelson moved that the name of Byrne be added as an author on H. F. No. 1137. The motion prevailed.

McCarron moved that the name of Novak be added as an author on H. F. No. 2275. The motion prevailed.

George moved that the name of Haugerud be stricken and the names of Rice and Cummiskey be added as authors on H. F. No. 404. The motion prevailed.

ADJOURNMENT

Anderson, I., moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:00 p.m., Thursday, February 16, 1978.

EDWARD A. BURDICK, Chief Clerk, House of Representatives



## STATE OF MINNESOTA

## SEVENTIETH SESSION - 1978

## SEVENTY-THIRD DAY

SAINT PAUL, MINNESOTA, THURSDAY, FEBRUARY 16, 1978

The House of Representatives convened at 2:00 p.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	Clawson	Jaros	Metzen	Schulz
Adams	Cohen	Jensen	Moe	Searle
Albrecht	Corbid	Johnson	Munger	Sherwood
Anderson, B.	Cummiskey	Jude	Murphy	Sieben, M.
Anderson, D.	Dean	Kahn	Neisen	Simoneau
Anderson, G.	Den Ouden	Kaley	Nelsen, M.	Skoglund
Anderson, I.	Eckstein	Kalis	Nelson	Smogard
Anderson, R.	Eken	Kelly, R.	Niehaus	Spanish
Arlandson	Ellingson	Kelly, W.	Norton	Stanton
Battaglia	Enebo	Kempe, A.	Novak	Stoa
Beauchamp	Erickson	Kempe, R.	Onnen	Suss
Begich	Esau	King	Osthoff	Swanson
Berg	Evans	Knickerbocker	Patton	Tomlinson
Berglin	Ewald	Kostohryz	Pehler	Vanasek
Berkelman	Faricy	Kroening	Peterson	Voss
Biersdorf	Fjoslien	Kvam	Petrafeso	Waldorf
Birnstihl	Forsythe	Laidig	Pleasant	Welch
Brandl	Friedrich	Langseth	Redalen	Wenstrom
Braun	Fudro	Lehto	Reding	Wenzel
Brinkman	Fugina	Lemke	Rice	White
Byrne	George	Mangan	Rose	Wieser
Carlson, A.	Gunter	Mann	St. Onge	Wigley
Carlson, D.	Hanson	McCarron	Samuelson	Williamson
Carlson, L.	Heinitz	McCollar	Sarna	Wynia
Cassery	Hokanson	McDonald	Savelkoul	Zubay
Clark	Jacobs	McEachern	Scheid	Speaker Sabo

A quorum was present.

Nelsen, B.; Prahl; Searles and Sieben, H., were excused.

The Chief Clerk proceeded to read the Journal of the preceding day. Kroening moved that further reading of the Journal be dispensed with and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.

## REPORTS OF CHIEF CLERK

Pursuant to Rules of the House, printed copies of H. F. Nos. 2068, 1345, 1728, 1726, 2087 and 1736 have been placed in the members' files.

## REPORTS OF STANDING COMMITTEES

Hanson from the Committee on Commerce and Economic Development to which was referred:

H. F. No. 1344, A bill for an act relating to commerce; regulating the repair of motor vehicles, appliances, and dwelling places; regulating service calls, estimates, and repairs; providing penalties.

Reported the same back with the following amendments:

Page 1, line 12, delete "\$35" and insert "\$50".

Page 2, line 31, after the period insert "This section shall not apply to calls made exclusively for the purpose of towing motor vehicles or making emergency road repairs."

Page 3, line 23, delete "or a" and insert "and/or".

Page 4, line 19, after "after" insert "the shop's knowledge of".

Page 5, line 20, after "distributor" insert "or other person".

Page 5, line 21, after "arrangement" insert "or is required to retain pursuant to law, governmental regulations or for purposes of litigation".

Page 5, line 27, after "officials" insert "upon reasonable prior notice and during regular business hours".

Page 5, line 30, after "party" insert "providing the customer pay the shop for any reasonable cost of reproduction".

Page 6, line 2, delete "\$35" and insert "\$50".

Page 6, line 20, after "shop" insert "wrongfully".

With the recommendation that when so amended the bill pass.

The report was adopted.

Hanson from the Committee on Commerce and Economic Development to which was referred:

H. F. No. 1729, A bill for an act relating to buildings; access to handicapped; international wheelchair symbol; adopting uniform colors; amending Minnesota Statutes 1976, Section 299G.12, Subdivision 2.

Reported the same back with the following amendments:

Page 1, line 17, strike the entire line and insert "*Minnesota state council for the handicapped*".

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Moe from the Committee on Criminal Justice to which was referred:

H. F. No. 190, A bill for an act relating to commerce; providing for the opening of checking accounts; imposing a duty on financial institutions; providing remedies for worthless checks; providing penalties; amending Minnesota Statutes 1976, Section 609.535, Subdivisions 1, 2 and 3, and by adding subdivisions; and Chapter 549, by adding a section.

Reported the same back with the following amendments:

Page 3, delete lines 4 to 9, and insert:

"Subd. 5. No payee or subsequent holder may recover damages as provided in subdivision 3 of this section unless he obtained and recorded from the issuer or endorser an identification number as provided in subdivision 2, clause (1), of this section, prior to accepting the check. The identification number may be recorded upon the check."

Pages 3, 4, 5, 6, and 7, delete sections 2, 3, 4, 5, 6, 7, 8 and insert:

"Sec. 2. [EFFECTIVE DATE.] This act is effective January 1, 1979."

Remove all underlining.

Further amend the title:

Page 1, line 5, delete "; providing penalties; amending Minnesota".

Page 1, delete lines 6 and 7.



Page 1, delete line 8 to the period.

With the recommendation that when so amended the bill pass.

The report was adopted.

Moe from the Committee on Criminal Justice to which was referred:

H. F. No. 1137, A bill for an act relating to juvenile courts; disposition of delinquent children; counselling program; restitution; amending Minnesota Statutes 1976, Section 260.185, by adding a subdivision.

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1976, Section 260.185, is amended by adding a subdivision to read:

*Subd. 6. If the court finds that the child is delinquent and that the child has been previously found to be delinquent it shall, unless it finds such a disposition to be wholly inappropriate and states in writing the reason for the finding, order, in addition to any other disposition, the following:*

*(a) If the child is found to be delinquent as defined in section 260.015, subdivision 5, clause (d), and was previously found to be delinquent on the same basis, the court shall order the child and his parents, guardian or custodian to submit to a counselling program specified by the court. This clause shall not apply if the court orders a disposition under clause (f) of subdivision 1 of this section. This clause does not preclude the court from ordering a disposition under subdivision 1 of this section of a child found to be delinquent the first time as defined in section 260.015, subdivision 5, clause (d);*

*(b) If the child is found to have violated a state or local law or ordinance which has resulted in damage to or loss of the property of another, and the child has been found to have previously violated such a law or ordinance resulting in damage to or loss of the property of another, the court shall order that the child make restitution in accordance with a restitution plan specified by the court. This clause shall not apply if the court orders a disposition under clause (f) of subdivision 1 of this section. This clause does not preclude the court from ordering a disposition under subdivision 1, clause (e), of this section the first time a child is found to have violated a state or local law or ordinance which has resulted in damage to the property of another.*

Sec. 2. Minnesota Statutes 1976, Section 260.185, Subdivision 1, is amended to read:

260.185 [DISPOSITIONS; DELINQUENT CHILD.] Subdivision 1. If the court finds that the child is delinquent, it shall enter an order making any of the following dispositions of the case which are deemed necessary to the rehabilitation of the child:

- (a) Counsel the child or his parents, guardian, or custodian;
- (b) Place the child under the supervision of a probation officer or other suitable person in his own home under conditions prescribed by the court including reasonable rules for his conduct and the conduct of his parents, guardian, or custodian, designed for the physical, mental, and moral well-being and behavior of the child, or with the consent of the commissioner of corrections, in a group foster care facility which is under the management and supervision of said commissioner;
- (c) Subject to the supervision of the court, transfer legal custody of the child to one of the following:
  - (1) A child placing agency; or
  - (2) The county welfare board; or
  - (3) A reputable individual of good moral character; or
  - (4) Except for children found to be delinquent as defined in section 260.015, subdivision 5, clauses (c) and (d), unless the child has previously appeared before a juvenile court on the same charge, and in the judgment of the court, community resources have been exhausted; a county home school, if the county maintains a home school or enters into an agreement with a county home school; or
  - (5) A county probation officer for placement in a group foster home established under the direction of the juvenile court in accordance with standards established by the commissioner of corrections;
- (d) Except for children found to be delinquent as defined in section 260.015, subdivision 5, clauses (c) and (d), unless the child has previously appeared before a juvenile court on the same charge, and in the judgment of the court, community resources have been exhausted, transfer legal custody by commitment to the commissioner of corrections;
- (e) If the child is found to have violated a state or local law or ordinance which has resulted in damage to *or loss of* the property of another, the court may order the child to make reasonable restitution for such damage;
- (f) If the child is in need of special treatment and care for his physical or mental health, the court may order the child's

parent, guardian, or custodian to provide it. If the parent, guardian, or custodian fails to provide this treatment or care, the court may order it provided.

(g) If the court believes that it is in the best interests of the child and of public safety that the driver's license of the child be cancelled until his eighteenth birthday, the court may recommend to the commissioner of transportation the cancellation of the child's license for any period up to the child's eighteenth birthday, and the commissioner is hereby authorized to cancel such license without a hearing. At any time before the termination of the period of cancellation, the court may, for good cause, recommend to the commissioner of transportation that the child be authorized to apply for a new license, and the commissioner may so authorize.

Any order for a disposition authorized under this section shall contain written findings of fact to support the disposition ordered, and shall also set forth in writing the following information:

(a) Why the best interests of the child are served by the disposition ordered; and

(b) What alternative dispositions were considered by the court and why such dispositions were not appropriate in the instant case."

Further amend the title:

Page 1, line 5, after "260.185," insert "Subdivision 1, and".

With the recommendation that when so amended the bill pass.

The report was adopted.

Moe from the Committee on Criminal Justice to which was referred:

H. F. No. 1210, A bill for an act relating to corrections; establishing a facility for the care and treatment of inmates of correctional institutions who become mentally ill; providing for their commitment and detention for treatment; appropriating money.

Reported the same back with the following amendments:

Page 1, line 19, after "be" insert "a" and after "ill" insert "person".

Page 1, line 22, delete "especially trained" and insert "specially qualified".

Page 2, line 1, after "or" insert "licensed certified".

Page 2, delete lines 2 to 21 and insert:

"Subd. 3. [TRANSFER.] If the examining physician or psychologist finds the person to be mentally ill and in need of short term care, he may recommend transfer by the commissioner of corrections to the psychiatric unit established pursuant to subdivision 1.

Subd. 4. [COMMITMENT.] If the examining physician or psychologist finds the person to be mentally ill and in need of long term care in a hospital, or if an inmate transferred pursuant to subdivision 3 refuses to voluntarily participate in the treatment program at the psychiatric unit, the chief executive officer of the institution or other person in charge shall initiate proceedings for judicial commitment as provided in section 253A.07. Upon the recommendation of the physician or psychologist and upon completion of the hearing and consideration of the record, the court may commit the person to the psychiatric unit established in subdivision 1 or to another hospital."

Page 2, line 23, after "may" insert ", subject to the provisions of chapter 253A,".

Page 2, line 32, delete ", and the" and insert ". This".

Page 3, line 1, after "the" insert "mental illness".

Page 3, line 5, delete "act" and insert "section".

Page 3, after line 14, insert:

"Subd. 8. For the purposes of this section, the words defined in section 253A.02 have the meanings given them in that section."

Page 3, line 15, delete "\$20,000" and insert "\$10,000".

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

The report was adopted.

Moe from the Committee on Criminal Justice to which was referred:

H. F. No. 1973, A bill for an act relating to juveniles; providing procedures regulating the detention of juveniles; amending Minnesota Statutes 1976, Section 260.173; and Minnesota Statutes, 1977 Supplement, Section 260.171, Subdivision 2.

Reported the same back with the following amendments:

Page 2, line 9, strike "If".

Page 2, line 10, delete "*the child is to be detained in a jail for*".

Page 2, line 11, delete "*more than eight days*" and strike the comma.

Page 2, line 12, strike "the" and insert "a" after "child" insert "*detained in a jail*" after "detained" insert "*after eight days from and including the date of the original detention order*".

Page 2, line 13, after "facility" insert "*with the approval of the administrative authority of the facility*".

Page 2, line 28, delete "*in the county*" and insert "*available for use by the county having jurisdiction over the child*".

Page 2, line 30, after "crime" insert "*in quarters separate from any adult confined in the facility*".

Page 2, line 31, after "approved" insert "*for the detention of juveniles*".

Page 3, line 13, before "If" insert "*Notwithstanding the provisions of subdivision 1,*".

Page 4, line 23, reinstate the stricken language.

Page 4, line 24, reinstate the stricken language and after "approved" insert "*for the detention of juveniles for up to 48 hours*".

Page 4, line 26, after "required" insert "*and there is no secure detention facility for juveniles available for use by the county having jurisdiction over the child*".

Page 5, line 3, after "days" insert "*from and including the date of the original detention order*".

Page 5, line 14, after "facility" insert "*with the approval of the administrative authority of the facility*".

With the recommendation that when so amended the bill pass.

The report was adopted.

Moe from the Committee on Criminal Justice to which was referred:

H. F. No. 2080, A bill for an act relating to juveniles; providing procedures regulating the detention of certain juveniles; amending Minnesota Statutes 1976, Section 260.185, Subdivision 1.

Reported the same back with the following amendments:

Page 3, after line 24, insert:

*"This subdivision applies to dispositions of juveniles found to be delinquent as defined in section 260.015, subdivision 5, clause (c) or (d) made prior to, on, or after January 1, 1978.*

Sec. 2. [EFFECTIVE DATE.] *This act shall be effective one day after its enactment."*

With the recommendation that when so amended the bill pass.

The report was adopted.

Johnson from the Committee on Education to which was referred:

H. F. No. 1808, A bill for an act relating to special school district No. 1 of the city of Minneapolis; establishing four year terms of office for directors of the board of education; amending Laws 1959, Chapter 462, Section 3, Subdivision 1, as amended and renumbered.

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

The report was adopted.

Johnson from the Committee on Education to which was referred:

H. F. No. 1908, A bill for an act relating to education; teachers; requiring expungement of certain material from a teacher's file; amending Minnesota Statutes 1976, Section 125.12, Subdivision 6.

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

The report was adopted.

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

H. F. No. 1997, A bill for an act relating to commerce; regulating interest rates; providing loan yield computations; providing investigation powers; amending Minnesota Statutes 1976, Sections 51A.39, Subdivision 1; 52.14; 56.19; 334.02; 334.03; Chapter 334, by adding a section; Minnesota Statutes, 1977 Supplement, Section 47.20, Subdivisions 2, 4, 13 and by adding subdivisions; repealing Minnesota Statutes 1976, Section 334.18.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1976, Chapter 46, is amended by adding a section to read:

[46.23] [POWERS OF THE COMMISSIONER OF BANKS.] *The commissioner of banks may investigate any alleged violations of sections 47.20, 48.153 to 48.155, 48.185, 50.148, 52.14 to 52.141, 53.04, 168.72, 334.01, 334.011, 334.061, or 334.16 and if he has reasonable cause to believe that a violation is imminent, is occurring or has occurred, he may, in his discretion, bring suit for (a) injunctive relief prohibiting any violation or threatened violation, or (b) the recovery of legal damages for any violation, plus costs and reasonable attorney fees, on behalf of the state or any person who may have paid money in violation of sections 47.20, 48.153 to 48.155, 48.185, 50.148, 52.14 to 52.141, 53.04, 168.72, 334.01, 334.011, 334.061, or 334.16. Any costs or attorney's fees collected in an action brought under this section and any damages collected on behalf of the state under this section shall be deposited in the general fund of the state treasury.*

Sec. 2. Minnesota Statutes, 1977 Supplement, Section 47.20, Subdivision 2, is amended to read:

Subd. 2. For the purposes of this section the terms defined in this subdivision have the meanings given them:

(1) "Actual closing costs" mean reasonable charges for or sums paid for the following, whether or not retained by the mortgagee or lender:

(a) Any insurance premiums including but not limited to premiums for title insurance, fire and extended coverage insurance, flood insurance, and private mortgage insurance, *but excluding any charges or sums retained by the mortgagee or lender as self-insured retention.*

(b) Abstracting, title examination and search, and examination of public records.

(c) The preparation and recording of any or all documents required by law or custom for closing a conventional loan.

(d) Appraisal and survey of real property securing a conventional loan.

(e) A single service charge, which shall include any consideration, not otherwise specified herein as an "actual closing cost" paid by the borrower and received and retained by the lender for or related to the acquisition, making, refinancing or modification of a conventional loan, and shall also include any consideration received by the lender for making a commitment for a conventional loan, whether or not an actual loan follows such commitment. The term service charge shall not include developer's commitment fees. The service charge shall not exceed one percent of the original bona fide principal amount of the conventional loan, except that in the case of a construction loan, the service charge shall not exceed two percent of the original bona fide principal amount of the loan. That portion of the service charge imposed because the loan is a construction loan shall be itemized and a copy of the itemization furnished the borrower. A lender shall not collect from a borrower the additional one percent service charge permitted for a construction loan if it does not perform the service for which the charge is imposed or if third parties perform and charge the borrower for the service for which the lender has imposed the charge.

(f) Charges and fees necessary for or related to the transfer of real property securing a conventional loan or the closing of a conventional loan paid by the borrower and received by any party other than the lender.

(2) "Conventional loan" means a loan or advance of credit, other than a loan or advance of credit made by a credit union or made pursuant to section 334.011, to a noncorporate borrower in an original principal amount of less than \$100,000, secured by a mortgage upon real property containing one or more residential units or upon which at the time the loan is made it is intended that one or more residential units are to be constructed, and which is not insured or guaranteed by the secretary of housing and urban development, by the administrator of veterans affairs, or by the administrator of the farmers home administration. The term mortgage shall not include contracts for deed or installment land contracts.

(3) "Developer's commitment fee" means a fee or other consideration paid to a lender by a person in the business of building or arranging for building residential units for the purpose of securing a commitment by the lender to make conventional loans to credit worthy purchasers of residential units, or a fee or other consideration paid to a lender for the purpose of securing a commitment by the lender to make conventional loans to



credit worthy purchasers of apartments as defined in section 515.02 to be created out of existing structures pursuant to the Minnesota condominium act, by a person creating the apartments.

(4) "Finance charge" means the total cost of a conventional loan including extensions or grant of credit regardless of the characterization of the same and includes interest, finders fees, and other charges levied by a lender directly or indirectly against the person obtaining the conventional loan or against a seller of real property securing a conventional loan, or any other party to the transaction except any actual closing costs and any developer's commitment fee. The finance charges plus the actual closing costs and any developer's commitment fee, charged by a lender shall include all charges made by a lender other than the principal of the conventional loan.

(5) "Lender" means any person making a conventional loan. The term shall also include the holder or assignee at any time of a conventional loan.

(6) "Loan yield" means the annual rate of return obtained by a lender over the term of a conventional loan and shall be computed as the annual percentage rate as computed in accordance with sections 226.5 (b), (c) and (d) of Regulation Z, 12 C.F.R. section 226, but using the definition of finance charge provided for in this subdivision. The finance charge shall be amortized over the contract term of the conventional loan.

(7) "Monthly index of long term United States government bond yields" means the monthly unweighted average of the daily unweighted average of the closing bid yield quotations in the over the counter market for all outstanding United States treasury bond issues, based on available statistics, which are either maturing or callable in ten years or more. This index is expressed in terms of percentage interest per annum.

(8) "Person" means an individual, corporation, business trust, partnership or association or any other legal entity.

(9) "Residential unit" means any structure used principally for residential purposes or any portion thereof, and shall include a unit in a townhouse or planned unit development, a condominium apartment, a non-owner occupied residence, and any other type of residence regardless of whether such unit is used as a principal residence, secondary residence, vacation residence or residence of some other denomination.

Sec. 3. Minnesota Statutes, 1977 Supplement, Section 47.20, Subdivision 4, is amended to read:

Subd. 4. No conventional loan shall be made at a rate of interest or loan yield in excess of a maximum lawful interest rate

which shall be based upon the monthly index of long term United States government bond yields as compiled by the United States treasury department and published by the department in the monthly treasury bulletin. The maximum lawful interest rate shall be computed as follows:

(1) The maximum lawful rate of interest for a conventional loan made or contracted for during any calendar month shall be equal to the monthly index of long term United States government bond yields for the second preceding calendar month plus an additional two percent per annum rounded off to the nearest quarter of one percent per annum or rounded off to the highest quarter of one percent per annum if equidistant.

(2) On or before the 20th day of each month the commissioner of banking shall determine, based on available statistics, the monthly index of long term United States government bond yields for the preceding calendar month and shall determine the maximum lawful rate of interest for conventional loans for the next succeeding month, as defined in clause (1) and shall cause the maximum lawful rate of interest to be published in a legal newspaper in Ramsey county on or before the 20th day of each month and in the state register on or before the last day of each month; the maximum lawful rate of interest to be effective on the first day of the next succeeding month.

**((3) THE LOAN YIELD OBTAINED FROM A CONVENTIONAL LOAN SHALL NOT EXCEED THE MAXIMUM LAWFUL RATE OF INTEREST ESTABLISHED IN CLAUSE (1).)**

((4) (3) A contract rate within the maximum lawful interest rate applicable to a conventional loan at the time the loan is made shall be the maximum lawful interest rate for the term of the conventional loan.

((5) (4) Conventional loans made pursuant to a commitment for a conventional loan, including a commitment for conventional loans made upon payment of a developer's commitment fee, which provides for consummation within some future time following the issuance of the commitment may be consummated pursuant to the provisions, including the interest rate, of the commitment notwithstanding the fact that the maximum lawful rate of interest at the time such conventional loan is actually made is less than the commitment rate of interest, provided the commitment rate of interest does not exceed the maximum lawful interest rate in effect on the date the commitment was issued and provided that the commitment when issued and agreed to shall constitute a legally binding obligation on the part of the mortgagee or lender to make a conventional loan within a specified time period in the future at a rate of interest not exceeding the maximum lawful rate of interest effective as of the date the

commitment was issued. The refinancing of (a) an existing conventional loan, (b) a loan insured or guaranteed by the secretary of housing and urban development, the administrator of veterans affairs, or the administrator of the farmers home administration, or (c) a contract for deed by making a conventional loan shall be deemed to be a new conventional loan for purposes of determining the maximum lawful rate of interest under this subdivision. A commitment shall be deemed to be issued on the date the commitment is hand delivered by the lender to the borrower, or mailed to the borrower or to any one of them if there should be more than one.

(6) (5) A loan made pursuant to a commitment, including a commitment for conventional loans made upon payment of a developer's commitment fee, issued on or before July 31, 1979 at a rate of interest not in excess of the rate of interest authorized by this subdivision at the time the contract or commitment for the loan was made shall continue to be enforceable in accordance with its terms until the indebtedness is fully satisfied.

(7) (6) This subdivision expires July 31, 1979.

Sec. 4. Minnesota Statutes, 1977 Supplement, Section 47.20, Subdivision 13, is amended to read:

Subd. 13. Any conventional loan having an interest rate or loan yield in excess of the maximum lawful interest rate provided for in subdivision 4 shall be usurious and subject to the same penalties as a loan made in violation of section 334.01. Any lender intentionally violating any other provision of this section shall be fined not (MORE) less than (\$100) \$300 but not more than \$1,000 for each offense.

Sec. 5. Minnesota Statutes 1976, Section 51A.39, Subdivision 1, is amended to read:

51A.39 [LOAN EXPENSES.] Subdivision 1. [FEES AND CHARGES.] Every association may require borrowing members to pay all reasonable expenses incurred in connection with the making, closing, disbursing, extending, readjusting, or renewing of real estate loans. Without limiting the generality of the foregoing, such expenses may include appraisal, attorney, abstract, recording, and registration fees, title examination, loan insurance, credit report, survey, drawing of papers, escrow services, loan closing costs, and taxes or charges imposed upon or in connection with the making and recording of any loan. Every association also may require borrowing members to pay the cost of all other necessary and incidental services rendered by the association or by others in connection with real estate and other loans in such reasonable amounts as may be fixed by the board of directors. Without limiting the generality of the foregoing, such costs may include the costs of services of inspectors,

engineers, and architects. Such initial charges may be collected by the association from the borrower and paid to any persons, including any director, officer, or employee of the association rendering such services, or paid directly by the borrower. In lieu of such initial charges to cover such expenses and costs, an association may make a reasonable charge, part or all of which may be retained by the association which renders such service, or part of all of which may be paid to others who render such services. The fees and charges authorized by this and the preceding section shall be in addition to interest authorized by law, and shall not be deemed to be a part of the interest collected or agreed to be paid on such loans within the meaning of any law of this state which limits the rate of interest which may be exacted in any transaction. No director, officer, or employee of an association shall receive any fee or other compensation of any kind in connection with procuring any loan for an association, except for services actually rendered as above provided. *This section shall not apply to a conventional loan made pursuant to section 47.20.*

Sec. 6. Minnesota Statutes 1976, Section 56.19, is amended to read:

56.19 [VIOLATION.] *Subdivision 1.* Any person and the several members, officers, directors, agents, and employees thereof, who shall violate or participate in the violation of any of the provisions of sections 56.01, 56.12, 56.13, 56.14, 56.17, or 56.18 shall be guilty of a gross misdemeanor. *The attorney general is authorized to prosecute any violation of this subdivision and in any prosecution under this subdivision he may exercise the full powers of a county attorney in a criminal case.*

*Subd. 2.* Any contract of loan not invalid for any other reason, in the making or collection of which any act shall have been done which constitutes a misdemeanor under this section, shall be void, and the lender shall have no right to collect or receive any principal, interest, or charges whatsoever.

Sec. 7. Minnesota Statutes 1976, Section 334.02, is amended to read:

334.02 [USURIOUS INTEREST; RECOVERY.] Every person who for any (SUCH) loan or forbearance shall have paid or delivered any greater sum or value than in section 334.01 allowed to be received may, by himself or his personal representatives, recover in an action against the person who shall have received the same, or his personal representatives, the full amount of interest or premium so paid, with costs, if action (THEREFOR BE) is brought within two years after such payment or delivery (; PROVIDED, THAT ONE-HALF OF THE AMOUNT SO RECOVERED SHALL BE PAID BY THE OFFICER COLLECTING THE SAME INTO THE TREASURY OF THE COUNTY WHERE COLLECTED, FOR THE USE OF COMMON SCHOOLS).

Sec. 8. Minnesota Statutes 1976, Section 334.03, is amended to read:

**334.03 [USURIOUS CONTRACTS INVALID; EXCEPTIONS.]** All bonds, bills, notes, mortgages, and all other contracts and securities, and all deposits of goods, or any other thing, whereupon or whereby there shall be reserved, secured, or taken any greater sum or value for the loan or forbearance of any money, goods, or things in action than (HEREINBEFORE) prescribed, except such instruments which are taken or received in accordance with and in reliance upon the provisions of any statute, shall be void except as to (BONA FIDE PURCHASERS OF NEGOTIABLE PAPER, IN GOOD FAITH, FOR A VALUABLE CONSIDERATION AND BEFORE MATURITY, AS HEREINAFTER PROVIDED) *a holder in due course*. No merely clerical error in the computation of interest, made without intent to avoid the provisions of this chapter, shall constitute usury. Interest at the rate of one-twelfth of eight percent for every 30 days shall not be construed to exceed eight percent per annum; nor shall the payment of interest in advance of one year, or any less time, at a rate not exceeding eight percent per annum constitute usury; and nothing herein shall prevent the purchase of negotiable merchantile paper, usurious or otherwise, for a valuable consideration, by (AN INNOCENT) *a purchaser without notice*, at any price before the maturity of the same, when there has been no intent to evade the provisions of this chapter, or where such purchase has not been a part of the original usurious transactions; but where the original holder of a usurious note sells the same to an innocent purchaser, the maker thereof, or his representatives, may recover back from the original holder the amount of principal and interest paid by him on the note.

Sec. 9. *This act is effective the day following final enactment.*"

Further amend the title as follows:

Page 1, line 5, delete "52.14;"

Page 1, line 6, delete "334" and insert "46".

Page 1, line 8, after "4," insert "and".

Page 1, line 8, delete "and by adding".

Page 1, delete lines 9 and 10 and insert a period.

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 2000, A bill for an act relating to rates of interest on money; providing interest rates for loans secured by savings accounts; amending Minnesota Statutes 1976, Chapter 334, by adding a section.

Reported the same back with the following amendments:

Page 1, delete lines 12 to 18 and insert "*a financial institution may, in the case of a loan or forbearance of money, goods, or things in action, secured by a savings or time deposit account owned by the borrower, charge interest at a rate of not more than the greater of two percent in excess of the rate of interest payable on the savings or time deposit account or the contracted rate authorized in section 334.01, subdivision 1. For purposes of this section, "financial institution" means a bank, savings bank, trust company, mutual savings bank, or savings and loan association organized under the laws of this state or the United States and having its main office in this state.*".

Amend the title as follows:

Page 1, line 2, delete "providing" and insert "permitting higher".

Page 1, line 3, after "savings" insert "and time deposit".

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 1434, A bill for an act relating to natural resources; authorizing the commissioner of natural resources to convey the interests of the state in certain lands in Ottertail county for the purpose of correcting boundary description errors.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

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

H. F. No. 1598, A bill for an act relating to uses and trusts; providing for the application to and limitation of certain general

trust statutes in relation to industrial revenue bonds; amending Minnesota Statutes 1976, Sections 501.34 and 501.37.

Reported the same back with the following amendments:

Page 1, line 9, delete "1976" and insert ", 1977 Supplement".

Page 1, line 13, after "district" insert "or county".

Further amend the title:

Line 5, delete "Sections".

Line 6, delete "501.34 and" and insert "Section".

Line 6, after "501.37" insert "; and Minnesota Statutes, 1977 Supplement, Section 501.34".

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 1765, A bill for an act relating to the legislature; concerning the legislative commission to review administrative rules; conferring subpoena powers; amending Minnesota Statutes 1976, Section 3.965, by adding a subdivision.

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

The report was adopted.

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

H. F. No. 1766, A bill for an act relating to state lands; authorizing the conveyance by the state of certain lands in Beltrami county.

Reported the same back with the following amendments:

Page 1, line 13, after "governor," insert "upon the recommendation of the commissioner of administration,".

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 1858, A bill for an act relating to retirement; clarifying various ambiguous retirement provisions; removing various obsolete gender references; amending Minnesota Statutes 1976, Sections 352B.14, Subdivisions 3 and 4; 352B.26, Subdivisions 2 and 3; 352B.28; 352D.05, Subdivision 3; 423.37; 423.371, Subdivision 2; 423.377; 423.38; 423.381; 423.387; 423.48; 423.51; 423.52; 423.58; 423.802, Subdivision 2; 423.810, Subdivisions 1 and 2; 424.16; 424.17; 424.24; 424.29; 424.31; Minnesota Statutes, 1977 Supplement, Sections 69.772, Subdivision 2; 352B.08, Subdivision 2; 422A.09, Subdivision 3; and 422A.33, Subdivision 3; Laws 1969, Chapter 1088, Section 4, Subdivision 4; and Laws 1977, Chapter 61, Section 5; repealing Minnesota Statutes 1976, Sections 423.22 to 423.36; and 425.01 to 425.09.

Reported the same back with the following amendments:

Page 1, line 23, after "Subd. 2." insert "*For every firefighters' relief association which allows a service pension when a retiring member meets the minimum requirements of section 69.06 and which requires service credit for a period of service less than 20 years of active service,*".

Page 2, after line 16, insert:

*"For every firefighters' relief association which allows a service pension when a retiring member meets the minimum requirements of section 69.06 and which requires service credit for a period of service of at least 20 years of active service, the following table shall be used to determine the liability of the special pension fund of the firefighters' relief association relative to each active or deferred member of the fund, calculated individually:*

	<i>Cumulative Year</i>	<i>Accrued Liability</i>
1		\$30
2		62
3		95
4		130
5		167
6		205



<i>Cumulative Year</i>	<i>Accrued Liability</i>
7	\$246
8	288
9	333
10	380
11	429
12	481
13	535
14	592
15	652
16	714
17	780
18	849
19	922
20	1000
<i>21 and thereafter</i>	<i>50 additional per year</i> ".

Page 2, line 21, strike "15" and insert "after obtaining the minimum".

Page 2, after line 30, insert new sections to read:

"Sec. 2. Minnesota Statutes 1976, Section 352B.05, is amended to read:

**352B.05 [INVESTMENTS.]** The state board of investment is hereby authorized to invest and reinvest such funds of the association as in the judgment of the (OFFICERS OF THIS ASSOCIATION) *executive director of the Minnesota state retirement system* are not needed for immediate purposes, in such securities as are duly authorized or legal investments for the Minnesota state retirement system, and shall have authority to sell, convey, and exchange such securities and invest and reinvest the funds when it deems it desirable to do so, and shall sell

securities upon request from the (OFFICERS OF THE ASSOCIATION) *executive director* when (SUCH OFFICERS DETERMINE) *the executive director determines* funds are needed for its purposes. All of the provisions regarding accounting procedures and restrictions and conditions for the purchase and sale of securities for the Minnesota state retirement system shall apply to the accounting, purchase and sale of securities for the highway patrolmen's retirement fund.

Sec. 3. Minnesota Statutes 1976, Section 352B.06, is amended to read:

352B.06 [RETIREMENT FUND.] There is hereby created the highway patrolmen's retirement fund. The fund shall consist of all moneys credited to the fund on May 8, 1973, including all moneys and assets heretofore transferred to the fund from the state police officers' retirement fund, all salary deductions from members and all moneys paid from state funds by department heads in accordance with section 352B.02, and any other moneys received by the association in the form of donations, gifts, bequests, appropriations, or otherwise. The legislative auditor shall audit the fund and the (OFFICERS OF THE FUND) *executive director of the Minnesota state retirement system* shall have made an actuarial study of the fund in accordance with chapter 356, the cost of which shall be borne by the fund."

Page 3, line 17, after the stricken "or" insert "*with ten or more years of service and the*".

Page 3, line 18, reinstate the stricken language.

Page 3, line 18, strike "10" and insert "20".

Page 3, line 19, reinstate the stricken language and delete the new language.

Page 3, line 20, delete the new language.

Page 6, line 25, strike "The".

Page 6, strike lines 26 to 30.

Page 9, after line 15, insert a new section to read:

"Sec. 12. Minnesota Statutes 1976, Chapter 422A, is amended by adding a section to read:

[422A.091] [PENSION COVERAGE FOR CERTAIN EMPLOYEES OF THE METROPOLITAN AIRPORTS COMMISSION.] *Any person first employed as either a full time firefighter or a full time police officer by the metropolitan airports commission after June 30, 1978 who is not eligible for coverage*

*under the agreement signed between the state and the secretary of the federal department of health, education and welfare making the provisions of the federal old age, survivors and disability insurance act applicable to municipal employees because that position is excluded from application pursuant to Title 42, United States Code, Sections 418 (d) (5) (A) and 418 (d) (8) (D) and section 355.07, shall not be a member of the Minneapolis municipal employees retirement fund but shall be a member of the public employees police and fire fund and shall be deemed to be a firefighter or a police officer within the meaning of section 353.64. The metropolitan airports commission shall make the employer contribution required pursuant to section 353.65, subdivision 3, with respect to each of its firefighters or police officers covered by the public employees police and fire fund and shall meet the employers recording and reporting requirements set forth in section 353.65, subdivision 4."*

Page 32, line 18, after "complete" insert "and file".

Page 32, line 26, after "32." insert "Section 11 shall be effective for elective officers first holding elective city office after the effective date of this act and shall not apply to any incumbent elective officers holding elective city office on the effective date of this act."

ReNUMBER sections accordingly.

Further, amend the title as follows:

Page 1, line 5, after "Sections" insert "352B.05; 352B.06;"

Page 1, line 11, after "424.31" insert "; Chapter 422A, by adding a section".

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

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

H. F. No. 1860, A bill for an act relating to public employees retirement association; providing for adjusted accrual dates for payment of annuities, survivor benefits and disability benefits; and clarifying membership requirements for elected officials; amending Minnesota Statutes 1976, Sections 353.29, Subdivision 7; 353.32, Subdivision 1a; 353.33, Subdivision 2; 353.657, Subdivision 2a; and Minnesota Statutes, 1977 Supplement, Sections 353.01, Subdivision 2b; 353.29, Subdivision 8; and 353.31, Subdivision 8.

Reported the same back with the following amendments:

Page 2, line 19, delete "*July 1*" and insert "*March 1*".

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

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

H. F. No. 1863, A bill for an act relating to the operation of state government; allowing the state to make advance payments or deposits for certain items; providing for centralized rental payments to be made from the general services revolving fund; extending the time in which to repay loans from the general fund to revolving funds; allowing the commissioner of administration to publish agency descriptions in the state register biennially instead of annually; amending Minnesota Statutes 1976, Section 16.096; Minnesota Statutes, 1977 Supplement, Sections 15.0412, Subdivision 2; 16.80, Subdivision 1; and 16A.126.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

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

H. F. No. 1864, A bill for an act relating to retirement; providing for biennial local police and paid fire fund actuarial valuations; amending Minnesota Statutes 1976, Sections 69.77, Subdivisions 1, 2 and by adding a subdivision; 69.773, Subdivision 2; 69.78; 356.20, Subdivision 2; 356.215, Subdivisions 2 and 4; Chapter 356, by adding a section; Laws 1955, Chapter 75, Section 9, as added and Section 12, as amended; Laws 1959, Chapter 131, Section 10, Subdivision 1, as amended; Laws 1965, Chapter 446, Section 7, Subdivision 1; Laws 1965, Chapter 458, Section 3, Subdivision 2; Laws 1965, Chapter 498, Section 1, Subdivision 1; Laws 1967, Chapter 736, Section 11, Subdivision 1; Laws 1967, Chapter 775, Section 8; Laws 1967, Chapter 798, Section 1, Subdivisions 1 and 2; Laws 1969, Chapter 576, Section 1; Laws 1969, Chapter 641, Section 2, Subdivision 1; Laws 1971, Chapter 51, Section 9, and Section 10, Subdivisions 1 and 2; Laws 1971, Chapter 810, Section 7; Laws 1973, Chapter 587, Section 1; Laws 1975, Chapter 424, Sections 10 and 11; repealing Minnesota Statutes 1976, Sections 69.71; 69.72; 69.73; 69.74; 69.75; 69.76; 490.131; and Laws 1963, Chapter 643, Section 27.

Reported the same back with the following amendments:

Page 2, line 16, after the second "provisions" insert "relating to the funding or financing of the association".

Page 2, line 18, after "if a" insert "municipality with a".

Page 2, line 20, before the second "provisions" insert "funding or financing".

Page 4, line 8, after "before" insert "the date established by the municipality, which shall not be later than".

Page 4, line 8, after "September 1" insert "and shall not be earlier than August 1,".

Page 4, line 21, delete "8 and 9" and insert "10 and 11".

Page 7, line 11, delete "9" and insert "11".

Page 7, line 16, delete "9" and insert "11".

Page 7, line 18, after "survey" insert "and the quadrennial experience study".

Page 8, line 4, delete "9" and insert "11".

Page 8, line 19, delete "9" and insert "11".

Page 9, after line 6, insert a section to read as follows:

"Sec. 6. Minnesota Statutes 1976, Section 356.20, Subdivision 1, is amended to read:

**356.20 [FINANCIAL REPORTS REQUIRED.]** Subdivision 1. The governing or managing board or administrative officials of the public pension and retirement funds enumerated in subdivision 2 shall annually prepare and file a financial report following the close of each fiscal year. This requirement shall also apply to any fund which may be a successor to any organization so enumerated or to any newly formed retirement fund or association operating under the control or supervision of any public employee group, governmental unit, or institution receiving a portion of its support through legislative appropriations, with the exception of any local (POLICE OR) fire fund now governed by (CHAPTER 69) sections 69.771 to 69.776. Such report shall be prepared under the supervision and at the direction of the management of each fund and shall be signed by its chairman and secretary."

Page 9, line 13, strike "Twin City lines" and insert "Metropolitan transit commission—transit operating division".

Page 9, line 21, delete "returement" and insert "retirement".

Page 9, after line 23, insert a section to read as follows:

“Sec. 8. Minnesota Statutes 1976, Section 356.20, Subdivision 4, is amended to read:

Subd. 4. Each financial report required by this section shall include:

(1) An exhibit prepared according to applicable actuarial standards enumerated in section 356.215, by an approved actuary as defined in section 356.215, subdivision 6 showing the accrued assets of the fund, the accrued liabilities, including accrued reserves, and the accrued unfunded liability of the fund. Such exhibit shall contain the certificate of an approved actuary certifying that the required reserves for any benefits provided under a benefit formula are computed in accordance with the Entry Age Normal Cost (Level Normal Cost) basis.

(a) Assets shown in the exhibit shall include the following items of actual assets:

Cash in office

Deposits in banks

Accounts receivable:

Accrued members' contributions

Accrued employer contributions

Other

Accrued interest on investments

Dividends on stocks, declared but not yet received

Investment in bonds at amortized cost

Investment in stocks at cost

Investment in real estate

Equipment at cost, less depreciation

Other

Total assets .....

(b) The exhibit shall include a statement of the unfunded accrued liability of the fund. Should the assets of the fund

exceed the liabilities, the excess shall be listed as surplus and indicated in the exhibit following the item of reserves.

(c) The exhibit shall include a footnote showing accumulated member contributions without interest.

(d) Current liabilities shown in the exhibit shall include the following items:

Current:

Accounts payable

Annuity payments

Survivor benefit payments

Refund to members

Accrued expenses

Suspense items

Total current liabilities .....

(e) The exhibit shall include an item for accrued necessary reserves which shall be listed as "total reserves required as per attached schedule." Such attached schedule shall contain the following information on the reserves required:

1. For active members
  - a. Retirement benefits
  - b. Disability benefits
  - c. Refundment liability due to death or withdrawal
  - d. Survivors' benefits
2. For deferred annuitants
3. For former members without vested rights
4. For annuitants
  - a. Retirement
  - b. Disability annuities

- c. Surviving spouses' annuities
- d. Surviving children's annuities

5. In addition to the foregoing, if there are additional benefits not appropriately covered by the foregoing four items of reserves required, they should be listed separately.

(2) An income statement on an accrual basis showing all income and all deductions from income for the fiscal year. It shall show separate items for employee contributions, employer regular contributions, employer additional contributions if provided by law, investment income, profit on the sale of investments, and other income, if any.

(3) A statement of deductions from income, which shall include separate items for benefit payments, retirement benefits, disability benefits, widows' benefits, surviving children's benefits, refundments to members terminating employment, refundments due to death of members and due to death of annuitants, the increase in total reserves required, general expense incurred, loss on sale of investments, and any other deductions.

(4) A statement showing appropriate statistics as to membership and beneficiaries of the fund, with indications of changes in such statistical data which may result from the current year's operation.

(5) Such additional statements or exhibits as will enable the management of the fund to portray a true interpretation of the fund's financial condition, except that the term "surplus" or the term "excess of assets" shall not be used except as otherwise specifically provided for in this section, nor shall any representation of assets and liabilities other than as provided for in this section be included in such additional statements or exhibits.

(6) A more detailed or subdivided itemization of any of the items required by this section, if the management of the fund so desires.

*(7) For any police or firefighter's relief association referred to in subdivision 2, clause (13), a financial report duly filed pursuant to and meeting the requirements of section 69.051 shall be deemed to have met the requirements of this subdivision."*

Page 10, line 10, delete "9" and insert "11".

Page 15, line 3, delete "8 and 9" and insert "10 and 11".

Page 15, line 16, delete "8 and 9" and insert "10 and 11".



Page 17, line 19, delete "8 and 9" and insert "10 and 11".

Page 18, line 16, delete "8 and 9" and insert "10 and 11".

Page 19, line 7, delete "8 and 9" and insert "10 and 11".

Page 20, line 6, delete "8 and 9" and insert "10 and 11".

Page 21, line 1, delete "8 and 9" and insert "10 and 11".

Page 21, line 12, delete "8 and 9" and insert "10 and 11".

Page 23, line 18, delete "8 and 9" and insert "10 and 11".

Page 25, line 32, delete "8 and 9" and insert "10 and 11".

Page 28, line 8, delete "8 and 9" and insert "10 and 11".

Page 28, line 16, delete "8" and insert "10".

Page 28, line 17, delete "9" and insert "11".

Page 30, line 2, delete "8" and insert "10".

Page 30, line 3, delete "9" and insert "11".

Page 31, line 19, delete "8 and 9" and insert "10 and 11".

Renumber sections accordingly.

Further, amend the title as follows:

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

Page 1, line 7, after the first "2" and before the semicolon insert "and 4".

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

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

H. F. No. 1867, A bill for an act relating to public improvements; authorizing the department of administration and the capitol area architectural and planning board to plan for the construction of a new facility for the pollution control agency; the

department of natural resources, the department of agriculture, and other state offices which presently lease space in the metropolitan area; appropriating money.

Reported the same back with the recommendation that the bill 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. 1940, A bill for an act relating to the environmental education board; repealing Minnesota Statutes 1976, Chapter 116E.

Reported the same back with the following amendments:

Page 1, line 6, after "Section 1." delete the balance of the line.

Page 1, delete all of line 7 and insert "The Minnesota environmental education board, established pursuant to Minnesota Statutes, Chapter 116E, is hereby transferred to the department of natural resources and shall be under the supervision of the commissioner."

Further amend the title:

Page 1, delete all of line 3 and insert "transferring the board to the department of natural resources."

With the recommendation that when so amended the bill pass.

The report was adopted.

Enebo from the Committee on Labor-Management Relations to which was referred:

H. F. No. 1789, A bill for an act relating to agriculture; corn detasseling employees; providing minimum labor standards; amending Minnesota Statutes 1976, Section 177.23, Subdivision 7; and Chapter 181, by adding sections.

Reported the same back with the following amendments:

Page 3, line 10, delete "of" and insert "*by the employer of an individual's*".

With the recommendation that when so amended the bill pass.

The report was adopted.

Enebo from the Committee on Labor-Management Relations to which was referred:

H. F. No. 1835, A bill for an act relating to migrant labor; establishing a study commission on migrant labor; appropriating money.

Reported the same back with the following amendments:

Page 1, line 16, delete "three" and insert "five".

Page 1, line 17, delete "three" and insert "five".

Page 2, line 29, delete "December 31, 1978" and insert "June 30, 1979".

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

The report was adopted.

Berg from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 807, A bill for an act relating to metropolitan government; removing the city of New Prague from definitions of metropolitan areas; amending Minnesota Statutes 1976, Sections 473.121, Subdivision 2; 473.123, Subdivision 3; 473.403; 473F.02, Subdivisions 2 and 8.

Reported the same back with the following amendments:

Page 1, after line 16, insert a new section to read:

"Sec. 2. Minnesota Statutes 1976, Section 473.123, Subdivision 1, is amended to read:

473.123 [METROPOLITAN COUNCIL.] Subdivision 1. [CREATION.] A metropolitan council with jurisdiction in the metropolitan area consisting of the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, *excluding the city of New Prague*, and Washington, is created. It shall be under the supervision and control of 17 members, all of whom shall be residents of the metropolitan area."

Page 12, after line 23, insert a new section to read:

"Sec. 4. Minnesota Statutes 1976, Section 473.249, Subdivision 1, is amended to read:

473.249 [TAX LEVY.] Subdivision 1. The metropolitan council may levy a tax on all taxable property (IN THE COUNTIES NAMED) in the metropolitan area defined 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 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.”

Page 13, after line 17, insert:

*“Sec. 8. Notwithstanding any law to the contrary, the entire city of New Prague shall be a part of region nine established pursuant to sections 462.381 to 462.397.*

*Sec. 9. The provisions of this act, changing the boundaries of the metropolitan area and the metropolitan transit area, shall not be deemed to impair the rights of holders of outstanding indebtedness to require the levy of property taxes, if necessary to provide for any deficiency in accordance with the conditions of such indebtedness, on all property within the limits of the metropolitan area or the metropolitan transit area as the limits were in effect at the date of issuance of the indebtedness.”.*

Renumber the sections accordingly.

Further, amend the title as follows:

Page 1, line 4, after “areas;” insert “adding the city of New Prague to region nine;”.

Page 1, line 6, delete “Subdivision” and insert “Subdivisions 1 and”.

Page 1, line 6, after “3;” insert “473.249, Subdivision 1;”.

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Berg from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 1225, A bill for an act relating to Ramsey county and the city of Saint Paul; changing the name of the Ramsey county hospital and sanitarium commission; further prescribing its powers and duties, removing obsolete provisions; amending Laws 1974, Chapter 435, Section 3.14.

Reported the same back with the following amendments:

Page 1, line 16, delete "*medical center*" and insert "*Medical Center*".

Page 1, line 18, delete "*medical center*" and insert "*Medical Center*".

Page 1, line 21, delete "*medical center*" and insert "*Medical Center*".

Page 4, line 1, strike "Hospital" and insert "*Medical Center*".

Page 6, line 30, delete "*medical center*" and insert "*Medical Center*".

Page 7, line 16, strike "Hospital" and insert "*Medical Center*".

Page 8, line 5, strike "hospital" and insert "*Medical Center*".

Page 8, line 9, delete "*medical center*" and insert "*Medical Center*".

Page 8, line 13, strike "Hospital" and insert "*Medical Center*".

Page 8, line 18, delete "*medical*" and insert "*Medical*".

Page 8, line 19, delete "*center*" and insert "*Center*".

Page 10, line 13, delete "HOSPITAL" and insert "MEDICAL CENTER".

With the recommendation that when so amended the bill pass.

The report was adopted.

Berg from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 1793, A bill for an act relating to Ramsey county; authorizing the county to issue general obligation bonds for the costs of construction of a county nursing home; amending Laws 1974, Chapter 435, by adding a section.

Reported the same back with the following amendments:

Page 1, line 13, delete "\$3,700,000" and insert "\$4,000,000".

Page 2, line 5, delete "20" and insert "five".

With the recommendation that when so amended the bill pass.

The report was adopted.

Berg from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 1838, A bill for an act relating to the St. Cloud metropolitan transit commission; providing paratransit services authority; permitting contracts for certain services; amending Laws 1969, Chapter 1134, Sections 1, Subdivision 5; and 3, by adding a subdivision.

Reported the same back with the following amendments:

Page 1, delete section 1 and insert:

"Section 1. Laws 1969, Chapter 1134, Section 3, Subdivision 8, as amended by Laws 1971, Chapter 546, Section 4, is amended to read:

Subd. 8. [COMMISSION; LEGAL STATUS; GENERAL POWERS.] The transit area, with the commission as its governing body, shall be a public corporation and a political subdivision of the state. All the powers vested and obligations or duties imposed upon the commission and acts of the commission by sections 1 to 14 shall be deemed to be those of the transit area wherever necessary or appropriate, and shall be exercised, performed, and discharged in behalf of the area by the commission in its name as a public corporation and with like force and effect as if done in the name of the area, and for all such purposes, the commission shall have the same status and powers as the area. The chairman and secretary of the commission shall have such powers as are delegated to them by the commission. The commission may sue and be sued and may enter into contracts which may be necessary or proper.

*The commission may operate paratransit services, as defined in Minnesota Statutes, Section 174.22, Subdivision 6, may apply for and receive financial assistance under the paratransit service demonstration grant program established by section 174.25, and may exercise such other powers conferred upon it by Laws 1969, Chapter 1134, as amended, including the power to acquire property, as may be necessary and proper to operation of such services or the application for and receipt of such assistance.*

Except as otherwise provided, the commission may, within the transit area, acquire by purchase, lease, gift, or condemnation proceedings any real or personal property, franchises, easements, or other rights which may be necessary or proper and may acquire real property in such manner for use as terminal facilities,

maintenance and garage facilities, ramps, parking areas and other facilities useful for or related to any public transit system. The commission shall have power to acquire by purchase, lease, or gift all or any part of the plant, equipment, shares of stock property, real, personal, or mixed, rights in property, reserve funds, special funds, franchises, licenses, patents, permits and papers, documents and records belonging to any operator of a public transit system within the area, and to lease property and to transfer or convey by sale or otherwise any property or rights to others, or to exchange the same for other property or rights which are useful for its purposes, and may in connection therewith assume any or all liabilities of any operator of a public transit system. The commission, without limitation, may acquire or construct and equip terminal facilities, maintenance and garage facilities, ramps, transit lanes or rights of way, parking areas and other facilities useful for or related to any public transit system and may hold, use, improve, operate, maintain, lease, sell, or otherwise dispose of any of its property to others and may contract with any operator or other person for the use by any such operator or person of any such property or facilities under its control. The commission shall not acquire any existing public transit system or any part thereof by condemnation. In the determination of the fair value of the existing public transit system, there shall not be included any value attributable to expenditures for improvements by the transit commission.

The commission may accept gifts, grants, or loans of money or other property from the United States, the state, or any person or entity for such purposes, may enter into any agreement required in connection therewith, may comply with any federal or state laws or regulations applicable thereto, and may hold, use, and dispose of such money or property in accordance with the terms of the gift, grant, loan, or agreement relating thereto. The commission may establish an executive committee, a finance committee, and such other committees of its members as it deems necessary or proper in furtherance of the provisions of sections 1 to 14, and may authorize them to exercise in the intervals between commission meetings any powers of the commission except those expressly required by law to be exercised by the commission.”.

Page 2, after line 4, insert a new section to read:

“Sec. 3. Laws 1969, Chapter 1134, Section 3, Subdivision 4, as amended by Laws 1971, Chapter 546, Section 2, and Laws 1976, Chapter 288, Section 3, is amended to read:

Subd. 4. [COMMISSIONERS; *PER DIEM* AND EXPENSES.] A commissioner shall receive no (COMPENSATION) *per diem* for his services except as hereinafter provided, but shall be reimbursed for actual and necessary expenses incurred in the performance of his duties. Each commissioner shall be paid such sum as the commission by resolution may

determine, by public hearing for each day or part thereof spent in attending meetings of the commission; provided, that no commissioner shall receive more than \$2,500 for such attendance during the first 12 months beginning with and following the organization meeting, nor more than \$1,600 in any one calendar year thereafter. The secretary and the treasurer shall receive such (COMPENSATION) *per diem* as the commission may determine, which may be in addition to their (COMPENSATION) *per diem* as a commissioner if they are such."

Further, amend the title as follows:

Page 1, line 6, delete "Sections 1, Subdivision 5; and" and insert "Section".

Page 1, line 6, after "3," insert "Subdivisions 4 and 8, as amended; and".

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Berg from the Committee on Local and Urban Affairs to which was referred:

S. F. No. 682, A bill for an act relating to Anoka county; creating a housing and redevelopment authority; applying the provisions of the municipal housing and redevelopment act to Anoka county; providing for local approval of projects.

Reported the same back with the following amendments:

Page 2, delete section 2.

Renumber the sections accordingly.

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Berg from the Committee on Local and Urban Affairs to which was referred:

S. F. No. 1004, A bill for an act relating to metropolitan government; providing for the investment of metropolitan airports commission funds; amending Minnesota Statutes 1976, Section 473.606, Subdivision 3.



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

The report was adopted.

Lemke from the Committee on Transportation to which was referred:

H. F. No. 1847, A bill for an act relating to highways; designating the Hubert H. Humphrey Highway; amending Minnesota Statutes 1976, Section 161.14, Subdivision 13, and by adding a subdivision.

Reported the same back with the following amendments:

Page 1, line 11, strike "Routes" and insert "*Route*".

Page 1, line 11, strike "390,".

Page 1, line 11, after "392" strike the comma.

Page 1, line 11, strike "and 395".

Page 1, line 12, strike "are" and insert "*is*".

Page 1, line 17, strike "routes" and insert "*route*".

Page 1, line 21, delete "*Route No.*" and insert "*Routes Numbered*".

Page 1, line 21, before "*394*" insert "*390, 392,*".

Page 1, line 21, after "*394*" delete the comma and insert "*and 395*".

Page 1, line 21, delete "*marked as I-35W,*".

With the recommendation that when so amended the bill pass.

The report was adopted.

Lemke from the Committee on Transportation to which was referred:

H. F. No. 1878, A bill for an act relating to drivers licenses; application and filing with clerk of the district court; providing that the commissioner of public safety may appoint an agent to assist the clerk in accepting applications under certain circumstances; amending Minnesota Statutes 1976, Section 171.06, Subdivision 4.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert:

"Section 1. The commissioner of public safety may appoint an agent to assist the clerk of the district court in Washington county in accepting applications for instruction permits, drivers licenses, restricted licenses and duplicate licenses. The agent may retain one half of the \$1 county fee to cover the expenses involved in receiving, accepting or forwarding the applications and fees. The agent may be appointed only if the clerk of the district court in Washington county refuses or fails to appoint an agent as provided by law after request therefor by the commissioner of public safety."

Further amend the title as follows:

Page 1, line 6, delete "; amending".

Page 1, delete line 7.

Page 1, line 8, delete "Subdivision 4".

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Lemke from the Committee on Transportation to which was referred:

H. F. No. 1966, A bill for an act relating to motor vehicles; extending protection provided by motor vehicle dealer surety bonds; authorizing the issuance of nontransferable certificates of title; changing the definition of a bus; amending Minnesota Statutes 1976, Sections 168A.07, Subdivision 2; 171.01, Subdivision 19; Minnesota Statutes, 1977 Supplement, Section 168.27, Subdivision 24.

Reported the same back with the following amendments:

Page 2, line 27, delete "14" and reinstate the stricken language.

Page 2, after line 30, insert:

*"The term does not include a vehicle designed for carrying more than ten passengers but not more than 14 passengers and operated for the personal or family use of the owner or operator.*

Sec. 4. *This act is effective on the day following final enactment."*

With the recommendation that when so amended the bill pass.

The report was adopted.

Lemke from the Committee on Transportation to which was referred:

H. F. No. 1967, A bill for an act relating to motor vehicles; permitting personalized license plates on trucks; amending Minnesota Statutes 1976, Section 168.12, Subdivision 2a.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

## SECOND READING OF HOUSE BILLS

H. F. Nos. 1344, 1729, 190, 1137, 1973, 2080, 1808, 1908, 1997, 2000, 1434, 1598, 1765, 1766, 1858, 1860, 1863, 1864, 1940, 1789, 807, 1225, 1793, 1838, 1847, 1878, 1966 and 1967 were read for the second time.

## SECOND READING OF SENATE BILLS

S. F. Nos. 682 and 1004 were read for the second time.

## INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

McDonald, Wieser, Redalen, Den Ouden and Knickerbocker introduced:

H. F. No. 2300, A bill for an act relating to agriculture; creating the Minnesota advisory task force on major agricultural products marketing; appropriating money.

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

Fjoslien, Eken, Corbid, Wigley and Wenstrom introduced:

H. F. No. 2301, A bill for an act relating to agriculture; grading and classification of barley upon sale.

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

McDonald, Scheid, Redalen, King and Albrecht introduced:

H. F. No. 2302, A bill for an act relating to agriculture; establishing a program for providing farm price information to consumers; requiring food producers to provide certain information; authorizing injunctive relief for failure to comply; providing penalties.

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

Fugina introduced:

H. F. No. 2303, A bill for an act relating to the university of Minnesota; concerning the mineral resources research center; appropriating money to publish a mining directory.

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

McCollar, Brinkman, Jude, McDonald and Samuelson introduced:

H. F. No. 2304, A bill for an act relating to intoxicating liquor; items offered for sale in exclusive liquor stores; amending Minnesota Statutes 1976, Section 340.07, Subdivision 13.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Casserly, Forsythe, Munger, Adams and Hanson introduced:

H. F. No. 2305, A bill for an act relating to energy; providing for solar energy system loans; providing insurance for loans; providing a tax incentive; appropriating money; amending Minnesota Statutes 1976, Sections 48.19, Subdivision 4; 273.11, Subdivision 1; 462A.06, Subdivision 4; Chapters 273, by adding a section; and 462A, by adding sections.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

White, Metzen, Jensen and Friedrich introduced:

H. F. No. 2306, A bill for an act relating to securities; corporate takeovers; defining target company; amending Minnesota Statutes 1976, Section 80B.01, Subdivision 9.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Jaros, Fudro, Pleasant, Lehto and Brandl introduced:

H. F. No. 2307, A bill for an act relating to intoxicating liquor; hours and days of sale; amending Minnesota Statutes 1976, Section 340.14, Subdivision 1.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Jaros; McCarron; Carlson, D.; Moe and Samuelson introduced:

H. F. No. 2308, A bill for an act relating to community corrections; amending Minnesota Statutes, 1977 Supplement, Section 401.13.

The bill was read for the first time and referred to the Committee on Criminal Justice.

Sherwood, Reding, Zubay, St. Onge and Langseth introduced:

H. F. No. 2309, A bill for an act relating to intoxicated persons; providing for detention of intoxicated persons; amending Minnesota Statutes 1976, Section 253A.04, Subdivision 2.

The bill was read for the first time and referred to the Committee on Criminal Justice.

Welch, McEachern and Nelson introduced:

H. F. No. 2310, A bill for an act relating to education; transferring responsibility for education of inmates of state correctional institutions from the commissioner of corrections to school districts; providing for funding of educational programs for inmates; amending Minnesota Statutes 1976, Sections 242.20; 242.385, Subdivision 1; 242.43; 242.44; 242.53; 242.55; 243.80; and 243.92.

The bill was read for the first time and referred to the Committee on Criminal Justice.

McCollar, Tomlinson, Welch, Adams and Carlson, D., introduced:

H. F. No. 2311, A bill for an act relating to education; providing for a program of comprehensive health education in schools; setting contents of programs and duties of school districts and the department of education; appropriating money.

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

Pleasant and Ewald introduced:

H. F. No. 2312, A bill for an act relating to Independent School District No. 272 (Eden Prairie) and Independent School District No. 271 (Bloomington); providing for the transfer of territory from Independent School District No. 272 to Independent School District No. 271.

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

Byrne, for the Subcommittee on Educational Standards and Services, introduced:

H. F. No. 2313, A bill for an act relating to education; providing for the establishment of desired student competencies by school districts; providing for the establishment of model goals, objectives and minimum standards of desired student competency by the state board of education; establishing a state remedial education aid; appropriating money; amending Minnesota Statutes 1976, Sections 123.74; 123.741, Subdivisions 1, 2, 4, and by adding a subdivision; and Chapter 124, by adding a section; and Minnesota Statutes, 1977 Supplement, Section 123.742, Subdivision 1.

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

King, Tomlinson, Esau, Eken and Berg introduced:

H. F. No. 2314, A bill for an act relating to education; making technical changes in the teacher mobility incentives; transferring responsibility for administration of teacher mobility incentives from the commissioner of finance to the commissioner of education; providing for state payment of the employer's share of retirement contributions for teachers on extended leaves of absence; appropriating money; amending Minnesota Statutes, 1977 Supplement, Sections 125.60, Subdivisions 2, 3 and by adding a subdivision; 125.61, Subdivisions 1, 2, 3, 4, 6 and by adding a subdivision; 354.094, Subdivisions 1 and 4; 354.66, Subdivision 9; 354A.091, Subdivisions 1 and 4; and 354A.22, Subdivision 9; repealing Minnesota Statutes, 1977 Supplement, Section 125.61, Subdivision 5; and Laws 1977, Chapter 447, Article IX, Section 8.

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

King, Tomlinson, Esau, Berg and Stanton introduced:

H. F. No. 2315, A bill for an act relating to education; expanding eligibility for extended leaves of absence for teachers; changing the provisions for early retirement incentive grants; amending Minnesota Statutes, 1977 Supplement, Sections 125.60, Subdivision 2; and 125.61, Subdivisions 3 and 4.

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

Redalen, Zubay, Lemke, Wieser and Eckstein introduced:

H. F. No. 2316, A bill for an act relating to dairy products; delaying imposition of certain restrictions on dairy products packaging; requiring a study of the environmental and economic consequences of packaging restrictions; amending Minnesota Statutes, 1977 Supplement, Section 116F.22, Subdivision 1; repealing Laws 1977, Chapter 455, Section 96.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Dean, Nelson, Munger, Anderson, D., and Kahn introduced:

H. F. No. 2317, A bill for an act relating to energy; providing increased educational programs relating to large energy facilities; appropriating money; amending Minnesota Statutes, 1977 Supplement, Section 116H.07.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Dean; Lehto; Anderson, D.; Wenstrom and McDonald introduced:

H. F. No. 2318, A bill for an act relating to establishing an advisory committee to advise the Minnesota energy agency on matters related to the issuance of certificates of need for power plants and high voltage transmission lines.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Williamson, Abeln, Swanson and Pleasant introduced:

H. F. No. 2319, A bill for an act relating to energy conservation; appropriating money for an infrared aerial survey of the city of Bloomington.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Anderson, B.; Anderson, G.; Anderson, D.; Anderson, I., and Anderson, R., introduced:

H. F. No. 2320, A bill for an act relating to pollution control; requiring county approval of animal feedlot application permits; amending Minnesota Statutes 1976, Section 116.07, Subdivision 7.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Brandl, Schulz, Brinkman, Nelsen, M., and Wynia introduced:

H. F. No. 2321, A bill for an act relating to no fault automobile insurance; plans of reparation security; providing for coordination of certain benefits; requiring reduction of premium rates for certain persons; amending Minnesota Statutes 1976, Sections 65B.61, Subdivisions 1 and 2, and by adding a subdivision; 65B.70, by adding a subdivision; and Minnesota Statutes, 1977 Supplement, Section 65B.44, Subdivision 3.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Ellingson; George; Kelly, R.; Suss and Fjoslien introduced:

H. F. No. 2322, A bill for an act relating to insurance; requiring certain agents and solicitors to identify themselves under certain circumstances; prescribing penalties; broadening the rule making power of the commissioner of insurance; amending Minnesota Statutes 1976, Section 72A.19; and Chapter 72A, by adding a section.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Carlson, A., introduced:

H. F. No. 2323, A bill for an act relating to public finance; changing procedures for audits by certain agencies; revising duties of the state auditor; providing for audits by public accountants; changing requirements for a petition to audit; modifying authority of certain governing bodies to incur liabilities; amending Minnesota Statutes 1976, Sections 6.47; 6.48; 6.49; 6.54; 6.55; 6.58; 6.64; 40.06, Subdivision 4; 40.07, by adding a subdivision; 111.37; 112.73; 163.09, Subdivision 1; 366.01, by adding a subdivision; 367.36, Subdivision 1; 376.32; 412.222; 412.281; 412.591, Subdivision 2; 424.26; 458.58; 462.373, by adding a subdivision; 462.393; 462.396, Subdivision 4; 462.451, Subdivision 1; 472.15; 473.08, Subdivision 4; 473.413, Subdivision



11; 473.543, Subdivision 5; 473.606, Subdivision 3; 473.704, Subdivision 11; and Chapters 453, by adding a section; and 458, by adding a section; repealing Minnesota Statutes 1976, Sections 6.50; 6.51; 368.02; 368.03; 368.04; 368.05; 368.06; 368.09; 368.10; 368.11; and 412.891; Laws 1929, Chapter 208; Laws 1933, Chapter 211; Laws 1937, Chapter 356, as amended; Laws 1943, Chapter 526, as amended.

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

Patton, Brinkman, Hanson and Reding introduced:

H. F. No. 2324, A bill for an act relating to cable communications; abolishing the cable communications board; transferring the functions of the board to the public service commission; amending Minnesota Statutes 1976, Sections 216A.05, Subdivision 2; 238.01; 238.02, Subdivision 4; 238.05; 238.06; 238.07; 238.08, Subdivisions 2 and 3; 238.09, as amended; 238.11, Subdivision 1; 238.12, Subdivision 3; 238.13; 238.14; 238.15; 238.16, Subdivision 1; repealing Minnesota Statutes 1976, Section 238.04, as amended.

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

Wieser, Pleasant, Friedrich, Fjoslien and Den Ouden introduced:

H. F. No. 2325, A bill for an act relating to workers' compensation; establishing limitations on reopening claims; limiting retraining benefits; amending Minnesota Statutes 1976, Section 176.151; and Minnesota Statutes, 1977 Supplement, Section 176.101, Subdivision 7.

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

Nelson; Anderson, D.; Brinkman; Wenstrom and Munger introduced:

H. F. No. 2326, A bill for an act relating to eminent domain proceedings and the acquisition of property for public purposes; establishing a commission to study and report on eminent domain laws in the state of Minnesota; appropriating money.

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

McEachern, Johnson, Eckstein and Welch introduced:

H. F. No. 2327, A bill for an act relating to unemployment compensation; limiting the coverage of agricultural employers of certain children; amending Minnesota Statutes, 1977 Supplement, Section 268.04, Subdivision 12.

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

Reding, Beauchamp, Patton, Moe and Biersdorf introduced:

H. F. No. 2328, A bill for an act relating to retirement; excluding public service commission members from the mandatory retirement provisions of the state civil service law; amending Minnesota Statutes, 1977 Supplement, Section 43.051, Subdivision 1.

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

Adams introduced:

H. F. No. 2329, A bill for an act relating to workers' compensation; broadening authorization to assign compensation judges to workers' compensation court of appeals; clarifying application of certain exclusions; amending Minnesota Statutes 1976, Section 175.092 and Minnesota Statutes, 1977 Supplement, Section 176.041, Subdivision 1.

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

Corbid introduced:

H. F. No. 2330, A bill for an act relating to retirement; consolidation of the police relief association of the city of Thief River Falls into the public employees police and fire fund.

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

Voss, Berg, Ellingson, Beauchamp and Clawson introduced:

H. F. No. 2331, A bill for an act relating to courts; providing for judges' insurance; providing for additional judges; establishing pay of retired judges; fixing the number of referees; limiting jurisdiction of referees to hear cases; providing for payment of expenses for court administrators; making other changes; appropriating money; amending Minnesota Statutes 1976, Sections 260.031, Subdivision 1; 488A.021, Subdivision 1; 488A.19, Subdivision 1; and 648.39, Subdivision 1; and Chapter 484, by adding a section; and Minnesota Statutes, 1977 Supplement, Sections 43.42; 43.43, Subdivision 2; 480.22; 484.62; 484.68, Subdivisions 1, 2, 6, and by adding subdivisions; 484.69, Subdivision 3; and 487.01, Subdivision 5.

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

Patton, Reding, Biersdorf, Beauchamp and Moe introduced:

H. F. No. 2332, A bill for an act relating to retirement; local police, salaried firefighters and volunteer firefighters relief associations; specifying allowable administrative expenses; amending Minnesota Statutes 1976, Sections 69.40; 423.32; 423.38; 423.51; 423.808; 424.16; and 424.31.

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

Enebo, St. Onge, Battaglia, Begich and Jacobs introduced:

H. F. No. 2333, A bill for an act relating to state government; directing the commissioner of administration to grant contract preference to American made products; amending Minnesota Statutes 1976, Section 16.07, by adding a subdivision.

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

McEachern introduced:

H. F. No. 2334, A bill for an act relating to hospitals; providing for payment of election judges; providing hospital board members with travel and other expenses incurred in the performance of their duties; authorizing hospital boards to set compensation for board members; amending Minnesota Statutes 1976, Section 447.32, Subdivision 4, and by adding a subdivision.

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

Adams; Carlson, L.; McCollar; Casserly and Biersdorf introduced:

H. F. No. 2335, A bill for an act relating to children; establishing grants-in-aid for the operation of outreach worker programs; appropriating money.

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

Osthoff, McCarron, Kroening, Enebo and Searle introduced:

H. F. No. 2336, A bill for an act relating to labor; requiring state residents to be given hiring preference on public works projects; providing for enforcement.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Reding, Neisen and McCollar introduced:

H. F. No. 2337, A bill for an act relating to public employee labor relations; redefining "employer" and "essential employee"; revising procedures relating to certification petitions and elections; permitting employers to hold closed meetings to discuss negotiation strategy; moving up time deadlines in state employee negotiations; removing the ability of the legislature to modify state employee agreements; extending to state employees an additional limited right to strike; requiring arbitrators to submit findings and explanations; requiring the director of the bureau of mediation services to index arbitration orders; appropriating money; amending Minnesota Statutes 1976, Sections 179.63, Subdivisions 4 and 11; 179.67, Subdivision 4; 179.69, Subdivisions 2 and 5; 179.70, Subdivision 5; 179.71, Subdivision 5; 179.72, Subdivisions 7 and 9; and Minnesota Statutes, 1977 Supplement, Sections 179.65, Subdivision 6; and 179.74, Subdivisions 4 and 5.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Prahl, Enebo, Byrne, Begich and Simoneau introduced:

H. F. No. 2338, A bill for an act relating to labor; occupational safety and health; making results of certain inspections, studies and tests available to affected workers; providing a penalty; amending Minnesota Statutes 1976, Chapter 182, by adding a section.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Osthoff and McCarron introduced:

H. F. No. 2339, A bill for an act relating to counties and the government thereof and, in particular, to Ramsey county; clarifying application of certain laws to Ramsey county; removing certain restrictions affecting Ramsey county; amending Minnesota Statutes 1976, Sections 43.328, Subdivision 2; 274.16; 357.09, Subdivision 5; 373.25, Subdivision 1; 375.12; 375.13; 375.47, Subdivision 1; 471.476, Subdivision 1; and 475.52, Subdivision 3; repealing Minnesota Statutes 1976, Sections 380.25 and 380.26.

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

Osthoff, McCarron and Kempe, A., introduced:

H. F. No. 2340, A bill for an act relating to Ramsey county; providing office and clerical help for the court commissioner; providing for an imprest cash fund; removing redundant provisions relating to tort liability and the retirement of public employees; amending Laws 1974, Chapter 435, Section 1.0214; repealing Laws 1974, Chapters 67; 222; and 435, Section 3.17.

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

Kelly, R.; Cohen; Wynia; Tomlinson and Faricy introduced:

H. F. No. 2341, A bill for an act relating to the city of St. Paul; providing 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 first time and referred to the Committee on Local and Urban Affairs.

Corbid, Braun, Eken, Evans and Kelly, W., introduced:

H. F. No. 2342, A bill for an act relating to taxation; changing procedure for classification of agricultural land by county boards; amending Minnesota Statutes 1976, Sections 282.14; and 282.221, Subdivision 1.

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

Williamson, White, McCollar, Tomlinson and Novak introduced:

H. F. No. 2343, A bill for an act relating to taxation; employers excise tax; allowing a credit for income tax; amending Minnesota Statutes 1976, Section 290.031, by adding a subdivision.

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

Brinkman, Gunter, Biersdorf, Nelsen, B., and Patton introduced:

H. F. No. 2344, A bill for an act relating to taxation; property tax; providing a credit against taxes due on certain land crossed by high voltage power lines; amending Minnesota Statutes 1976, Section 273.42; and Chapter 273, by adding a section; and Minnesota Statutes, 1977 Supplement, Section 276.04.

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

Pehler introduced:

H. F. No. 2345, A bill for an act relating to taxation; sales tax; changing definition of common carriers as retailers; amending Minnesota Statutes, 1977 Supplement, Section 297A.211, Subdivision 1.

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

Skoglund, Casserly, Sarna, Fudro and Clark introduced:

H. F. No. 2346, A bill for an act relating to taxation; property tax; including certain duplexes and triplexes in homestead classifications; amending Minnesota Statutes 1976, Section 273.13, Subdivision 19.

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

Abeln, Jacobs, Novak, McCollar and Kempe, A., introduced:

H. F. No. 2347, A bill for an act relating to taxation; employers excise tax; providing a credit against tax due for certain costs of research; amending Minnesota Statutes 1976, Section 290.031, by adding a subdivision.

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

Kvam, Lemke, Birnstihl, Eckstein and Wigley introduced:

H. F. No. 2348, A bill for an act relating to highways; allowing private landowners to install drainage tiles in highway right-of-way; amending Minnesota Statutes 1976, Section 160.20, by adding a subdivision.

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

### 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. 145, A bill for an act relating to highways; requiring a hearing by a county board prior to the adoption of a resolution revoking a county highway that would revert to a town; amending Minnesota Statutes 1976, Section 163.11, by adding a subdivision.

H. F. No. 1761, A bill for an act relating to the state; authorizing the sale of certain state lands to, and the development of that land for industrial purposes or purposes which the city deems compatible with adjacent land by, the city of Owatonna; amending Laws 1965, Chapter 216, Section 2, as amended.

H. F. No. 1792, A bill for an act relating to the Lincoln-Pipestone and Rock county rural water systems; providing for the assessment of costs.

**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. 1285, 1602, 1627 and 1802.

**PATRICK E. FLAHAVEN, Secretary of the Senate**

## FIRST READING OF SENATE BILLS

S. F. No. 1285, A bill for an act relating to local government; setting a time limit for local improvements; amending Minnesota Statutes 1976, Sections 429.021, Subdivision 3; 429.041, Subdivision 1; and Chapter 435, by adding a section.

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

S. F. No. 1602, A bill for an act relating to nonprofit corporations; concerning corporations for dependent children; regarding reimbursement for adoption services expenses; amending Minnesota Statutes 1976, Section 317.65, Subdivision 7.

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

S. F. No. 1627, A bill for an act relating to Minnesota Statutes; words and phrases; including Commonwealth of Puerto Rico within the definition of state; amending Minnesota Statutes 1976, Section 645.44, Subdivision 11.

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

S. F. No. 1802, A bill for an act relating to drivers' licenses; providing that a Class C license is valid for operation of the rear portion of a midmount aerial ladder truck; amending Minnesota Statutes 1976, Section 171.02, Subdivision 2.

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

## PROGRESS REPORTS ON CONFERENCE COMMITTEES

Pursuant to Joint Rule 2.06, progress on H. F. No. 544 and S. F. No. 65 was reported to the House.

## CONSENT CALENDAR

H. F. No. 2003, A bill for an act relating to reporting requirements for products liability claims; making various clarifications and technical changes; providing penalties for failure to comply; extending the expiration date; amending Laws 1977, Chapter 316, Section 2.

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

The question was taken on the passage of the bill and the roll was called. There were 122 yeas and 1 nay as follows:



Those who voted in the affirmative were:

Abein	Corbid	Jude	Neisen	Simoneau
Adams	Cummiskey	Kahn	Nelsen, M.	Skoglund
Albrecht	Dean	Kaley	Nelson	Smogard
Anderson, B.	Den Ouden	Kalis	Niehaus	Spanish
Anderson, D.	Eckstein	Kelly, R.	Norton	Stanton
Anderson, G.	Eken	Kelly, W.	Novak	Stoa
Anderson, I.	Ellingson	Kempe, A.	Osthoff	Suss
Anderson, R.	Enebo	Kempe, R.	Patton	Swanson
Arlandson	Erickson	King	Pehler	Tomlinson
Battaglia	Esau	Knickerbocker	Peterson	Vanasek
Beauchamp	Evans	Kroening	Petrafeo	Voss
Begich	Faricy	Kvam	Pleasant	Waldorf
Berg	Fjoslien	Langseth	Redalen	Welch
Berglin	Forsythe	Lehto	Reding	Wenstrom
Berkelman	Friedrich	Lemke	Rice	Wenzel
Biersdorf	Fudro	Mangan	Rose	White
Birnstihl	Fugina	Mann	St. Onge	Wieser
Brandl	George	McCarron	Samuelson	Wigley
Braun	Gunter	McCollar	Sarna	Williamson
Brinkman	Hanson	McDonald	Savelkoul	Wynia
Carlson, D.	Heinitz	McEachern	Scheid	Zubay
Carlson, L.	Hokanson	Metzen	Schulz	Speaker Sabo
Casserly	Jacobs	Moe	Searle	
Clark	Jensen	Munger	Sherwood	
Cohen	Johnson	Murphy	Sieben, M.	

Those who voted in the negative were:

Onnen

The bill was passed and its title agreed to.

Peterson was excused at 3:45 p.m. Murphy and Anderson, B., were excused at 4:25 p.m. Esau and Kvam were excused at 4:45 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. After some time spent therein the Committee arose.

### REPORT OF COMMITTEE OF THE WHOLE

The Speaker resumed the Chair, whereupon the following proceedings of the Committee as kept by the Chief Clerk were reported to the House:

H. F. Nos. 1975 and 526 which it recommended to pass.

S. F. No. 698 which it recommended to pass.

H. F. Nos. 1022 and 1447 which it recommended progress.

H. F. Nos. 1383 and 1739 which it recommended progress retaining place on General Orders.

H. F. No. 788 which it recommended to pass with the following amendment offered by Kempe, A.:

Page 1, delete lines 15 to 17 and insert "any building containing fewer than five dwelling units. For the purposes of this section "dwelling unit" has the meaning given that term in Minnesota Statutes, Section 299F.362, Subdivision 1, clause (c)."

Page 1, line 18, delete "shall detect".

Page 1, delete lines 19 to 22.

Page 2, delete lines 1 to 4.

Page 2, line 5, delete "ceiling." and insert "must meet the requirements of Underwriters Laboratories, Inc., or must be approved by the International Conference of Building Officials. They must be located and mounted in accordance with the recommendations of the manufacturer or in accordance with applicable rules regarding smoke detector location promulgated by the commissioner of public safety as provided in Minnesota Statutes, Section 299F.362."

Page 2, line 5, after "alarm" insert "to each dwelling unit in the building".

Page 2, delete lines 6 to 10 and renumber the remaining subdivision.

Page 2, line 20, after the period insert: "Each insurer providing a premium reduction or credit under this section shall notify eligible policy holders of the provisions of this section at the time each policy of fire insurance is issued, amended, renewed, or otherwise delivered in this state. The notice shall be reasonably calculated to inform a policy holder of average intelligence that he is eligible for a premium reduction or credit upon proper installation of approved smoke or fire detection devices as provided in this section. The notice shall inform the policy holder of the manner by which he may apply for and receive the premium reduction or credit. The form and content of the notice shall be submitted to the commissioner of insurance and shall be subject to his approval."

Page 2, delete line 26.

H. F. No. 1824 which it recommended progress with the following amendments:

Offered by Carlson, L.:

Page 7, line 4, after "\$150,000" insert "or".

Page 9, line 29, after "duties" insert "pursuant to sections 145.71 to 145.88".

Page 10, line 12, after "to" strike "overall plans for the development of" and insert "the health systems plan for".

Page 11, line 15, delete "specific" and insert "annual".

Page 11, line 30, after "time" delete the language and insert a colon.

Page 11, delete lines 31 and 32.

Page 15, line 32, after "proposal" strike all the language.

Page 16, line 1, strike "subdivision 3," and insert "for construction or modification".

Page 17, line 5, strike "60" and insert "30".

Page 17, line 6, strike "request" and insert "recommendation of the health systems agency".

Page 18, line 21, delete "requests" and insert "request".

Page 18, line 23, delete "any" and insert "the commissioner of health, the health systems agency itself; or any other".

Page 22, line 14, delete "or".

Page 22, line 15, delete "conditioning".

Page 24, delete lines 1 to 32.

Page 25, delete lines 1 to 14 and insert:

"[145.795] [MONITORING.] *Subdivision 1. For the purpose of fact finding, a health care facility, health maintenance organization, or home health agency shall notify the commissioner of health and the health systems agency of financing arrangements at the time financing commitments are completed for the construction or modification contained in a proposal for which a certificate of need was issued.*

*Subd. 2. As soon as practicable following the completion of the construction or modification for which a certificate of need was issued, the health care facility, health maintenance organiza-*

*tion, home health agency or other person to whom the certificate of need was issued shall file with the commissioner of health a statement comparing the actual costs of the completed project with the estimated costs contained in the proposal for the certificate of need, and an explanation for any differences. If the actual costs so reported exceed the estimated costs contained in the proposal for the certificate of need by more than ten percent the commissioner of health may call a public hearing to consider the reasons for the discrepancy. The commissioner of health may also take into account and comment upon the effect of any discrepancy between actual costs and estimated costs on rates charged patients or third party payors as reported pursuant to sections 144.695 to 144.708."*

Renumber the sections accordingly.

Offered by Welch:

*Page 4, delete lines 8 to 12 and insert "changes the bed capacity of a health care facility in a manner which increases the total number of beds, or distributes beds among various categories, or relocates beds from one physical facility or site to another, by more than ten beds or more than ten percent of the licensed bed capacity, whichever is less, over a two-year period;"*

Offered by Pehler:

*Page 26, line 22, after "organizations" delete all the language and insert: "until September 1, 1979, or if a change in federal law or regulation no longer would"*

*Page 26, line 23, delete "not"*

Offered by Waldorf:

As previously amended:

*Page 2, line 15, delete ", home health agencies,"*

*Page 2, line 19, delete ", home health agencies,"*

*Page 3, line 10, delete ", a home health agency"*

*Page 3, line 16, delete "agency,"*

*Page 4, line 16, delete the comma and insert "or"*

*Page 4, line 17, delete ", or new home health" and insert a semi-colon.*

*Page 4, line 18, delete "agency;"*

*Page 4, line 19, delete ", home health agency"*

Page 4, line 23, delete “, a home health agency”.

Page 4, line 25, delete “, a home health agency”.

Page 4, line 27, delete “, agency”.

Page 5, line 16, delete “or home health agency”.

Page 5, line 23, delete “or home health agency”.

Page 6, line 32, delete “, home health”.

Page 7, line 1, delete “agency”.

Page 8, line 5, delete “, home health”.

Page 8, line 6, delete “agency”.

Page 12, line 13, delete “or home health”.

Page 12, line 14, delete “agencies”.

Page 12, line 19, delete “home health agency,”.

Page 13, line 21, delete “home health agency,”.

Page 13, line 24, delete “, home health agency”.

Page 16, line 8, delete “home health agency,”.

Page 17, line 9, delete “, home health agency”.

Page 17, line 28, delete “, home health”.

Page 17, line 29, delete “agencies”.

Page 17, line 31, delete “, home health agency”.

Page 18, line 15, delete “, home health”.

Page 18, line 16, delete “agency”.

Page 19, line 21, delete “home”.

Page 19, line 22, delete “health agency,”.

Page 19, line 25, delete “, home health agency”.

Page 22, line 3, delete “home”.

Page 22, line 4, delete "*health agencies*,".

Page 22, line 15, delete "*home*".

Page 22, line 16, delete "*health agency*,".

Page 22, line 25, delete "*home health agency*,".

Page 24, line 3, delete "*home health agency*,".

Page 24, line 16, delete "*home health agency*,".

Page 25, line 6, delete "*home health agency*,".

Page 25, line 24, delete "*home health agency*,".

Page 26, line 12, delete "*home health agency*".

Page 26, line 27, delete "*home*".

Page 26, line 28, delete "*health agency*,".

Further, amend the title in line 5 by deleting "*home health agencies*,".

H. F. No. 523 which it recommended to pass with the following amendment offered by Begich:

Page 2, line 22, after "*minerals*" insert "*except sand, crushed rock and gravel*".

Page 2, line 23, after "*method*" insert "*in any county which has appointed an inspector of mines pursuant to section 180.01*".

Page 2, line 26, after the period insert "*The top and bottom wire shall not be less than 9 gauge and the filler wire shall not be less than 11 gauge*".

Page 4, line 8, delete all of section 2 and renumber remaining section accordingly.

H. F. No. 1707 which it recommended to pass with the following amendment offered by Kempe, A.:

Page 3, delete all of subdivision 8 and insert:

"Subd. 8. Any insurer which provides coverage under a policy of insurance excluding a high risk driver pursuant to this section shall not be liable for damages, losses or claims arising

*out of the excluded person's operation of the insured vehicle. The policy shall provide, however, the minimum insurance coverage required by section 65B.49, if the excluded person is not covered by insurance, self insurance, or other security meeting the requirements of section 65B.48 and is operating the insured vehicle with express or implied permission of the person insured under the policy."*

On the motion of Anderson, I., the report of the Committee of the Whole was adopted.

#### ROLL CALLS IN COMMITTEE OF THE WHOLE

Pursuant to rule 1.6, the following roll calls were taken in the Committee of the Whole:

Welch moved to amend H. F. No. 1824, as follows:

Page 5, line 5, strike "(1)".

Page 5, strike lines 8 to 10.

Page 5, line 11, strike "145.83".

Page 15, line 7, after "shall" strike all the language.

Page 15, lines 8 to 27, strike all existing language and delete all underscored language.

Page 15, line 28, strike "must".

Page 15, line 28, after "need" insert "*as if the single item were a health care facility*".

The question was taken on the adoption of the amendment and the roll was called. There were 37 yeas and 91 nays as follows:

Those who voted in the affirmative were:

Adams	Cummiskey	Kroening	Petraleso	Voss
Berg	Eken	Lehto	Samuelson	Welch
Berglin	Ellingson	McCollar	Scheid	White
Brandl	Enebo	Murphy	Skoglund	Wynia
Byrne	Fudro	Nelson	Stanton	Speaker Sabo
Carlson, L.	Jaros	Norton	Stoa	
Casserly	Kahn	Novak	Swanson	
Clark	King	Osthoff	Tomlinson	

Those who voted in the negative were:

Abeln	Anderson, B.	Anderson, G.	Anderson, R.	Battaglia
Albrecht	Anderson, D.	Anderson, I.	Arlandson	Beauchamp

Begich	Faricy	Kelly, W.	Nelsen, M.	Sieben, M.
Berkelman	Fjoslien	Kempe, A.	Niehaus	Simoneau
Biersdorf	Forsythe	Kempe, R.	Onnen	Smogard
Birnstihl	Friedrich	Knickerbocker	Patton	Spanish
Braun	Fugina	Kostohryz	Pehler	Suss
Brinkman	George	Kvam	Peterson	Vanasek
Carlson, A.	Gunter	Laidig	Pleasant	Waldorf
Carlson, D.	Hanson	Langseth	Redalen	Wenstrom
Clawson	Heinitz	Lemke	Reding	Wenzel
Cohen	Hokanson	Mangan	Rice	Wieser
Corbid	Jacobs	Mann	Rose	Wigley
Dean	Jensen	McCarron	St. Onge	Williamson
Den Ouden	Johnson	McDonald	Sarna	Zubay
Eckstein	Jude	McEachern	Savelkoul	
Erickson	Kaley	Metzen	Schulz	
Esau	Kalis	Moe	Searle	
Evans	Kelly, R.	Neisen	Sherwood	

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

Waldorf moved to amend H. F. No. 1824, as amended, as follows:

Page 2, line 15, delete "*home health agencies*".

Page 2, line 19, delete "*home health agencies*".

Page 3, line 10, delete "*a home health agency*".

Page 3, line 16, delete "*agency*".

Page 4, line 16, delete the comma and insert "*or*".

Page 4, line 17, delete "*or new home health*" and insert a semi-colon.

Page 4, line 18, delete "*agency*".

Page 4, line 19, delete "*home health agency*".

Page 4, line 23, delete "*a home health agency*".

Page 4, line 25, delete "*a home health agency*".

Page 4, line 27, delete "*agency*".

Page 5, line 16, delete "*or home health agency*".

Page 5, line 23, delete "*or home health agency*".

Page 6, line 32, delete "*home health*".

Page 7, line 1, delete "*agency*".



Page 8, line 5, delete “, *home health*”.

Page 8, line 6, delete “*agency*”.

Page 12, line 13, delete “*or home health*”.

Page 12, line 14, delete “*agencies*”.

Page 12, line 19, delete “*home health agency*”.

Page 13, line 21, delete “*home health agency*”.

Page 13, line 24, delete “, *home health agency*”.

Page 16, line 8, delete “*home health agency*”.

Page 17, line 9, delete “, *home health agency*”.

Page 17, line 28, delete “, *home health*”.

Page 17, line 29, delete “*agencies*”.

Page 17, line 31, delete “, *home health agency*”.

Page 18, line 15, delete “, *home health*”.

Page 18, line 16, delete “*agency*”.

Page 19, line 21, delete “*home*”.

Page 19, line 22, delete “*health agency*”.

Page 19, line 25, delete “, *home health agency*”.

Page 22, line 3, delete “*home*”.

Page 22, line 4, delete “*health agencies*”.

Page 22, line 15, delete “*home*”.

Page 22, line 16, delete “*health agency*”.

Page 22, line 25, delete “*home health agency*”.

Page 24, line 3, delete “*home health agency*”.

Page 24, line 16, delete “*home health agency*”.

Page 25, line 6, delete “*home health agency*”.

Page 25, line 24, delete "home health agency,".

Page 26, line 12, delete ", home health agency".

Page 26, line 27, delete "home".

Page 26, line 28, delete "health agency,".

Further, amend the title in line 5 by deleting "home health agencies,".

The question was taken on the adoption of the amendment and the roll was called. There were 69 yeas and 57 nays as follows:

Those who voted in the affirmative were:

Abeln	Corbid	Jude	Neisen	Searle
Albrecht	Den Ouden	Kaley	Nelsen, M.	Sherwood
Anderson, D.	Eckstein	Kempe, A.	Niehaus	Simoneau
Anderson, G.	Eken	Kempe, R.	Novak	Smogard
Anderson, R.	Erickson	Knickerbocker	Onnen	Spanish
Begich	Esau	Kostohryz	Osthoff	Suss
Berkelman	Evans	Kvam	Patton	Vanasek
Biersdorf	Ewald	Laidig	Peterson	Waldorf
Brandl	Fjoslien	Langseth	Pleasant	Wenstrom
Braun	Forsythe	Lemke	Redalen	Wenzel
Brinkman	Friedrich	Mangan	Reding	Wieser
Carlson, A.	Gunter	Mann	Rice	Wigley
Carlson, D.	Heinitz	McDonald	Rose	Zubay
Cohen	Johnson	McEachern	Savelkoul	

Those who voted in the negative were:

Adams	Clark	Jaros	Nelson	Stoa
Anderson, B.	Clawson	Jensen	Norton	Swanson
Anderson, I.	Cumiskey	Kahn	Pehler	Tomlinson
Arlandson	Dean	Kalis	Petrafaso	Voss
Battaglia	Enebo	King	St. Onge	Welch
Beauchamp	Faricy	Kroening	Samuelson	White
Berg	Fudro	Lehto	Sarna	Williamson
Berglin	Fugina	McCarron	Scheid	Wynia
Birnstihl	George	Metzen	Schulz	Speaker Sabo
Byrne	Hanson	Moe	Sieben, M.	
Carlson, L.	Hokanson	Munger	Skoglund	
Casserly	Jacobs	Murphy	Stanton	

The motion prevailed and the amendment was adopted.

Petrafaso moved to amend H. F. No. 1824, as amended, as follows:

Page 17, delete lines 15 to 32.

Page 18, delete lines 1 to 32.

Page 19, delete lines 1 and 2.

Renumber the remaining sections.

Page 19, line 5, after "PROPOSALS.]" delete all the language.

Page 19, line 6, delete "*as provided by subdivision 2,*".

Page 20, delete lines 9 to 11.

Page 20, line 32, after "*Subd. 2.*" and before "in" delete all the language.

Page 23, line 9, delete "*, or within*".

Page 23, line 10, delete "*ten days in the case of an expedited review,*".

The question was taken on the adoption of the amendment and the roll was called. There were 57 yeas and 63 nays as follows:

Those who voted in the affirmative were:

Adams	Cohen	Johnson	Nelson	Suss
Anderson, I.	Corbid	Kahn	Norton	Swanson
Arlandson	Cummiskey	Kempe, A.	Novak	Vanasek
Battaglia	Ellingson	King	Osthoff	Voss
Begich	Enebo	Kostohryz	Petrafaso	Welch
Berg	Farcy	Kroening	Rice	White
Berglin	Fudro	Lehto	Samuelson	Williamson
Brandl	Fugina	Mangan	Sarna	Wynia
Carlson, L.	George	McCarron	Scheid	Speaker Sabo
Casserly	Hanson	McCollar	Sieben, M.	
Clark	Hokanson	Moe	Simoneau	
Clawson	Jaros	Munger	Skoglund	

Those who voted in the negative were:

Abeln	Den Ouden	Jensen	McEachern	Searle
Albrecht	Eckstein	Jude	Metzen	Sherwood
Anderson, D.	Eken	Kaley	Neisen	Smogard
Anderson, G.	Erickson	Kalis	Niehaus	Spanish
Anderson, R.	Esau	Kelly, W.	Onnen	Stoa
Beauchamp	Evans	Kempe, R.	Patton	Waldorf
Biersdorf	Ewald	Knickerbocker	Pehler	Wenstrom
Birnstihl	Fjoslien	Kvam	Pleasant	Wenzel
Braun	Forsythe	Laidig	Redalen	Wieser
Brinkman	Friedrich	Langseth	Reding	Wigley
Carlson, A.	Gunter	Lemke	Rose	Zubay
Carlson, D.	Heinitz	Mann	St. Onge	
Dean	Jacobs	McDonald	Savelkoul	

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

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:

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. 404, A bill for an act relating to political activities; providing for their regulation; defining terms; revising certain filing and reporting requirements; clarifying language; imposing expenditure and contribution limits; revising distribution of moneys from the state elections campaign fund to legislative candidates; removing obsolete provisions; providing penalties; amending Minnesota Statutes 1976, Sections 10A.01, Subdivisions 2, 5, 7, 9, 10, 11, 13, 15, 16 and 18, and by adding subdivisions; 10A.02, Subdivisions 1, 2, 4, 8, 9, 11, 12 and 13, and by adding a subdivision; 10A.04, Subdivision 1; 10A.07; 10A.09, Subdivision 6; 10A.11, Subdivisions 1 and 6; 10A.12, Subdivisions 1, 4 and 5; 10A.13; 10A.14, Subdivisions 1 and 2; 10A.15; 10A.16; 10A.17; 10A.19, Subdivision 1; 10A.20, Subdivisions 3, 4, 5 and 6; 10A.22, Subdivisions 1, 3, 4, 5 and 7; 10A.24; 10A.25; 10A.27; 10A.28; 10A.29; 10A.31, Subdivisions 3a, 5, 6, 7, 10, and by adding a subdivision; 10A.32; 10A.33; and 210A.01, Subdivision 3; and Chapter 10A, by adding sections; repealing Minnesota Statutes 1976, Sections 10A.09, Subdivision 7; 10A.17, Subdivision 2; and 10A.26.

PATRICK E. FLAHAVEN, Secretary of the Senate

George moved that the House refuse to concur in the Senate amendments to H. F. No. 404, 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.

## MOTIONS AND RESOLUTIONS

Kelly, W., moved that the names of Jacobs, Tomlinson, Scheid and Wenzel be added as authors on H. F. No. 2250. The motion prevailed.

Sieben, M., moved that the name of Wenzel be added as an author on H. F. No. 1907. The motion prevailed.

Faricy moved that H. F. No. 1871 be recalled from the Committee on Higher Education and be re-referred to the Committee on Education. The motion prevailed.

Reding moved that the name of Sherwood be stricken and the name of Wenzel be added as an author on H. F. No. 2229. The motion prevailed.

McDonald moved that the name of Kahn be stricken and the name of Wenzel be added as an author on H. F. No. 1807. 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. 405: Reding, Jensen, and Fudro.

The Speaker announced the appointment of the following members of the House to the Conference Committee on H. F. No. 404: George, Rice, and Samuelson.

#### ADJOURNMENT

Anderson, I., moved that when the House adjourns today it adjourn until 2:00 p.m., Monday, February 20, 1978. The motion prevailed.

Anderson, I., moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:00 p.m., Monday, February 20, 1978.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

## STATE OF MINNESOTA

## SEVENTIETH SESSION - 1978

## SEVENTY-FOURTH DAY

SAINT PAUL, MINNESOTA, MONDAY, FEBRUARY 20, 1978

The House of Representatives convened at 2:00 p.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	Cohen	Jude	Nelsen, B.	Sieben, M.
Adams	Corbid	Kahn	Nelsen, M.	Simoneau
Albrecht	Cummiskey	Kaley	Nelson	Skoglund
Anderson, B.	Dean	Kalis	Niehaus	Smogard
Anderson, D.	Den Ouden	Kelly, R.	Norton	Spanish
Anderson, G.	Eckstein	Kelly, W.	Novak	Stanton
Anderson, I.	Eken	Kempe, R.	Onnen	Stoa
Anderson, R.	Ellingson	King	Osthoff	Suss
Arlandson	Enebo	Knickerbocker	Patton	Swanson
Battaglia	Erickson	Kostohryz	Pehler	Tomlinson
Beauchamp	Esau	Kroening	Peterson	Vanasek
Begich	Evans	Kvam	Petrafeso	Voss
Berg	Ewald	Laidig	Pleasant	Waldorf
Berglin	Faricy	Langseth	Prahl	Welch
Berkelman	Fjoslien	Lehto	Redalen	Wenstrom
Biersdorf	Forsythe	Lemke	Reding	Wenzel
Birnstihl	Friedrich	Mangan	Rice	White
Brandl	Fudro	Mann	Rose	Wieser
Braun	Fugina	McCarron	St. Onge	Wigley
Brinkman	Gunter	McCollar	Samuelson	Williamson
Byrne	Hanson	McDonald	Sarna	Wynia
Carlson, A.	Heinitz	McEachern	Savelkoul	Zubay
Carlson, D.	Hokanson	Metzen	Scheid	Speaker Sabo
Carlson, L.	Jacobs	Moe	Schulz	
Casserly	Jaros	Munger	Searle	
Clark	Jensen	Murphy	Sherwood	
Clawson	Johnson	Neisen	Sieben, H.	

A quorum was present.

Kempe, A., and Searles were excused. George was excused until 2:40 p.m.

The Chief Clerk proceeded to read the Journal of the preceding day. Laidig moved that further reading of the Journal be dispensed with and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.

## REPORTS OF CHIEF CLERK

Pursuant to Rules of the House, printed copies of H. F. Nos. 1808, 1434, 1765, 1863, 1908, 1967, 807, 1344, 1598, 1729, 1793, 2000, 1766, 1858, 1878, 1973, 1997, 190, 788, 1137, 1225, 1838, 1860, 1940, 1966, 2080, 1864, 1789, 1847, 1707, 523 and 1824 and S. F. Nos. 1285, 1602, 1627, 1802 and 682 have been placed in the members' files.

## REPORTS OF STANDING COMMITTEES

Johnson from the Committee on Education to which was referred:

H. F. No. 1750, A bill for an act relating to education; providing educational aids for children attending nonpublic schools; appropriating money; amending Minnesota Statutes 1976, Sections 120.17, Subdivision 9; 123.931; 123.932, Subdivision 7, and by adding subdivisions; 123.933; 123.935; 123.936; 123.937; 124.212, by adding a subdivision; and Chapter 123, by adding a section; Minnesota Statutes, 1977 Supplement, Section 124.212, Subdivision 9a; repealing Minnesota Statutes 1976, Sections 123.932, Subdivisions 1, 6 and 8; 123.934; and Laws 1977, Chapter 447, Article VI, Section 12.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert the following:

"Section 1. Minnesota Statutes 1976, Section 120.17, Subdivision 9, is amended to read:

Subd. 9. [SPECIAL INSTRUCTION.] (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) *The district shall provide necessary transportation from one educational facility to another, within the district for resident handicapped pupils who are provided special instruction and services on a shared time basis.*

Sec. 2. Minnesota Statutes 1976, Section 123.931, is amended to read:

123.931 [DECLARATION OF POLICY.] It is the intent of the legislature (BY THIS ENACTMENT) to provide for dis-

tribution of educational aids such as (AUXILIARY SERVICES, INSTRUCTIONAL MATERIALS AND EQUIPMENT) *textbooks, standardized tests and pupil support services* so that every school (CHILD) *pupil* in the state will share equitably in education benefits and therefore further assure all Minnesota (STUDENTS) *pupils* and their parents freedom of choice in education.

Sec. 3. Minnesota Statutes 1976, Section 123.932, is amended by adding a subdivision to read:

*Subd. 1a. As used in sections 123.931 to 123.937, the terms defined in this section shall have the meanings ascribed to them.*

Sec. 4. Minnesota Statutes 1976, Section 123.932, is amended by adding a subdivision to read:

*Subd. 1b. "Textbook" means any book, workbook or manual, whether bound or in looseleaf form, which a pupil uses as a text or principal source of study in a particular class or program in the school he regularly attends and a copy of which is expected to be available for the individual use of each pupil in this class or program. The term includes only such secular, neutral and nonideological textbooks as are available and are of benefit to Minnesota public school pupils.*

Sec. 5. Minnesota Statutes 1976, Section 123.932, is amended by adding a subdivision to read:

*Subd. 1c. "Standardized tests" means standardized tests and scoring services which are provided by commercial publishing organizations and which are in use in the public schools of Minnesota to measure the progress of pupils in secular subjects.*

Sec. 6. Minnesota Statutes 1976, Section 123.932, is amended by adding a subdivision to read:

*Subd. 1d. "Pupil support services" means guidance and counseling services and health services.*

Sec. 7. Minnesota Statutes 1976, Section 123.932, is amended by adding a subdivision to read:

*Subd. 2a. "Pupils" means elementary and secondary pupils.*

Sec. 8. Minnesota Statutes 1976, Section 123.932, is amended by adding a subdivision to read:

*Subd. 2b. "Elementary pupils" means pupils in grades kindergarten through six; provided, each kindergarten pupil shall be counted as one-half pupil for all computations pursuant to sections 123.931 to 123.937.*



Sec. 9. Minnesota Statutes 1976, Section 123.932, is amended by adding a subdivision to read:

*Subd. 2c. "Secondary pupils" means pupils in grades seven through twelve.*

Sec. 10. Minnesota Statutes 1976, Section 123.932, Subdivision 7, is amended to read:

Subd. 7. "Intermediary service area" means a school administrative unit approved by the state board of education, other than a single school district, (SUCH AS) *including* but not limited to the following: (a) (A REGIONAL EDUCATIONAL SERVICE AREA) *an educational cooperative service unit*; (b) a cooperative of two or more school districts; (c) learning centers; or (d) an association of schools or school districts.

Sec. 11. Minnesota Statutes 1976, Section 123.932, is amended by adding a subdivision to read:

*Subd. 9. "Neutral site" means a public center, a mobile unit located off the nonpublic school premises, or any other location off the nonpublic school premises which is neither physically nor educationally identified with the functions of the nonpublic school.*

Sec. 12. Minnesota Statutes 1976, Section 123.932, is amended by adding a subdivision to read:

*Subd. 10. "Guidance and counseling services" means all activities of a licensed counselor in counseling pupils and parents, providing counseling on learning problems, evaluating the abilities of pupils, assisting pupils in personal and social development and providing referral assistance.*

Sec. 13. Minnesota Statutes 1976, Section 123.932, is amended by adding a subdivision to read:

*Subd. 11. "Health services" means physician, dental, nursing or optometric services provided to pupils in the field of physical or mental health; provided the term does not include direct educational instruction, services which are required pursuant to section 120.17, or services which are eligible to receive special education aid pursuant to section 124.32.*

Sec. 14. Minnesota Statutes 1976, Section 123.933, is amended to read:

123.933 [PURCHASE OR LOAN OF TEXTBOOKS AND STANDARDIZED TESTS.] *Subdivision 1. The state board of education shall promulgate rules under the provisions of chapter 15, requiring that in each school year, based upon formal re-*

quests by or on behalf of nonpublic school (STUDENTS) *pupils* in a nonpublic school, the local districts or intermediary service areas shall purchase or otherwise acquire (INSTRUCTIONAL MATERIALS) *textbooks and standardized tests* and loan or provide them for use by children enrolled in that nonpublic school. These (INSTRUCTIONAL MATERIALS) *textbooks and standardized tests* shall be loaned or provided free to the children for the school year for which requested. The loan or provision of the (INSTRUCTIONAL MATERIALS) *textbooks and standardized tests* shall be subject to rules prescribed by the state board of education. (IN THE CASE OF CONSUMABLE OR NONREUSABLE INSTRUCTIONAL MATERIALS THE TITLE AND POSSESSION MAY BE SURRENDERED TO THE NONPUBLIC SCHOOL STUDENT FOR WHOM THEY ARE PROVIDED; IN THE CASE OF NONCONSUMABLE OR REUSABLE INSTRUCTIONAL MATERIALS)

*Subd. 2.* The title to (SAME) *textbooks and standardized testing materials* shall remain in the servicing school district or intermediary service area, and possession or custody may be granted or charged to administrators of the nonpublic school attended by the nonpublic school pupil or pupils to whom the (INSTRUCTIONAL MATERIALS WERE) *textbooks or standardized tests are loaned or provided.*

*Subd. 3.* The cost per pupil (UNIT) of the (INSTRUCTIONAL MATERIALS) *textbooks and standardized tests* provided for in (SECTIONS 123.931 TO 123.937) *this section* for each school year shall not exceed the statewide average (COST) *expenditure* per pupil (UNIT SPENT) by the Minnesota public elementary and secondary schools for (INSTRUCTIONAL MATERIALS) *textbooks and standardized tests* as computed and established by the department of education by (EACH PRECEDING OCTOBER 1) *March 1 of the preceding school year* from the most recent public school year data then available. The commissioner shall allot to the school districts or intermediary service areas the total cost for each school year of providing or loaning the (INSTRUCTIONAL MATERIALS) *textbooks and standardized tests* for the (STUDENTS) *pupils* in each nonpublic school which shall not exceed the product of the statewide average (COST) *expenditure* per pupil (UNIT) multiplied by the number of nonpublic school (PUPIL UNITS) *pupils who make requests pursuant to this section and who are enrolled as of (OCTOBER 1) September 15 of the (PRECEDING) current school year.*

Sec. 15. Minnesota Statutes 1976, Section 123.935, is amended to read:

123.935 [PROVISION OF PUPIL SUPPORT SERVICES.]  
*Subdivision 1.* The state board of education shall promulgate rules under the provisions of chapter 15 requiring each school district or other intermediary service area; (a) to provide each year upon formal request by a specific date by or on behalf of

a nonpublic school (STUDENT) *pupil* enrolled in a nonpublic school located in that district or area, the same (AUXILIARY) specific health services as are provided for (MINNESOTA) public school pupils by the district where the nonpublic school is located; and (b) to provide each year upon formal request by a specific date by or on behalf of a nonpublic school secondary pupil enrolled in a nonpublic school located in that district or area, the same specific guidance and counseling services as are provided for public school secondary pupils by the district where the nonpublic school is located. (THE REQUESTS SHALL BE LIMITED COLLECTIVELY TO) *The district where the nonpublic school is located shall provide the necessary transportation within the district boundaries between the nonpublic school and a public school or neutral site for nonpublic school pupils who are provided pupil support services pursuant to this section. Each request for pupil support services shall set forth the guidance and counseling or health services requested by or on behalf of all eligible nonpublic school (STUDENTS) pupils enrolled in a given nonpublic school. (THE AUXILIARY SERVICES SHALL BE PROVIDED IN THE STUDENT'S RESPECTIVE SCHOOL WHENEVER POSSIBLE BY THE DISTRICT OR INTERMEDIARY SERVICE AREA WHEREIN THE NONPUBLIC STUDENT'S SCHOOL IS SITUATED. THE COST OF THE REQUIRED SERVICES SHALL NOT EXCEED THE AMOUNT ALLOTTED UNDER THIS SECTION TO THE PARTICIPATING DISTRICT OR INTERMEDIARY SERVICE AREA.) No district or intermediary service area shall expend an amount for these pupil support services which exceeds the amount allotted to it under this section.*

*Subd. 2. Health services may be provided to nonpublic school pupils pursuant to this section at a public school, a neutral site, the nonpublic school or any other suitable location. Guidance and counseling services may be provided to nonpublic school pupils pursuant to this section only at a public school or a neutral site. District or intermediary service area personnel and representatives of the nonpublic school pupils receiving pupil support services shall hold an annual consultation regarding the location of the provision of these services. The district board or intermediary service area governing board shall make the final decision on the location of the provision of these services.*

*Subd. 3. Guidance and counseling services provided to nonpublic school pupils pursuant to this section shall not include the planning or selection of particular courses or classroom activities of the nonpublic school.*

*Subd. 4. Each school year the commissioner shall allot to the school districts or other intermediary service areas for the provision of (THE) health services pursuant to this section the actual cost of the services provided for the pupils in each respective*

*nonpublic school for that school year, but not to exceed (\$50 MULTIPLIED BY THE NUMBER OF NONPUBLIC SCHOOL PUPILS IN GRADES 9 THROUGH 12 AND \$75) the average expenditure per public school pupil for these services by those Minnesota public elementary and secondary schools which provide health services to public school pupils, multiplied by the number of (NONPUBLIC SCHOOL) pupils (IN KINDERGARTEN THROUGH GRADE 8,) in that particular nonpublic school who request these health services and who are enrolled as of (OCTOBER 1) September 15 of the (LAST PRECEDING) current school year.*

*Subd. 5. Each school year the commissioner shall allot to the school districts or intermediary service areas for the provision of guidance and counseling services pursuant to this section the actual cost of the services provided for the pupils in each respective nonpublic school for that school year. The allotment for guidance and counseling services for the secondary pupils in each nonpublic school shall not exceed the average expenditure per public school secondary pupil for these services by those Minnesota public schools which provide these services to their secondary pupils, multiplied by the number of secondary pupils in that particular nonpublic school who request these services and who are enrolled as of September 15 of the current school year.*

*Subd. 6. For purposes of computing maximum allotments for each school year pursuant to this section, the average public school expenditure per pupil for health services and the average public school expenditure per secondary pupil for guidance and counseling services shall be computed and established by the department of education by March 1 of the preceding school year from the most recent public school year data then available.*

Sec. 16. Minnesota Statutes 1976, Section 123.936, is amended to read:

123.936 [PAYMENTS FOR CONTRACTUAL OBLIGATIONS.] In every event the commissioner shall make such payments to school districts or intermediary service areas pursuant to sections 123.931 to 123.937 as are needed to meet contractual obligations incurred for the provision of benefits to nonpublic school students pursuant to sections 123.933(, 123.934) or 123.935.

Sec. 17. Minnesota Statutes 1976, Chapter 123, is amended by adding a section to read:

[123.9361] [ADMINISTRATIVE COSTS.] *Subdivision 1. Each year the department of education may expend for its costs for administration of sections 123.931 to 123.937 an amount equal to no more than two percent of the total allocation for that*

*year to all school districts or intermediary service areas pursuant to those sections.*

*Subd. 2. Each year, a school district or intermediary service area may claim and receive from the department of education an additional sum for the actual cost of administration of sections 123.933 and 123.935, which shall not exceed an amount equal to five percent of the district's or area's allocation for that year pursuant to those sections.*

Sec. 18. Minnesota Statutes 1976, Section 123.937, is amended to read:

123.937 [APPROPRIATION.] There is appropriated annually to the department of education from the general fund of the state treasury the sum of (\$12,000,000) *\$2,526,900* for the purposes of sections 123.931 to 123.937.

Sec. 19. Minnesota Statutes, 1977 Supplement, Section 124.212, Subdivision 9a, is amended to read:

Subd. 9a. Shared time pupils are defined as those pupils who attend public (SCHOOLS) *school programs* for part of the regular school day and who otherwise fulfill the requirements of section 120.10 by attendance at a private school.

(a) The average daily membership of a pupil enrolled on a shared time basis shall equal the ratio of the total minutes for which the pupil is enrolled and the minimum minutes required during the year for a regularly enrolled public school pupil.

(b) Foundation aid for shared time pupils shall equal the amount which would accrue if shared time pupil units, counted pursuant to section 124.17, 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 average daily membership shall not be used in the computation of pupil units under section 124.17, subdivision 1, for any purpose other than the computation of shared time foundation aid pursuant to this subdivision.

(c) Foundation aid for shared time pupils shall be paid to the district of the pupil's residence. If a pupil attends shared time classes in another district, the resident district shall pay to the district of attendance an amount of tuition equal to the ratio in clause (a) times the amount of tuition which would be charged and paid for a nonresident public school pupil in a similar circumstance. The district of residence shall not be obligated for tuition except by previous agreement.

(d) Notwithstanding the provisions of clause (c), the resident district of a shared time pupil attending shared time classes in another district may grant the district of attendance, upon its request, permission to claim the pupil as a resident for state aid purposes. In this case, state aid shall be paid to the district of attendance and, upon agreement, the district of attendance may bill the resident district for any unreimbursed education costs, including unreimbursed transportation costs.

(e) Minutes of enrollment in a public school during which a nonpublic school pupil receives services pursuant to section 123.935 shall not be used in the computation of shared time foundation aid pursuant to this subdivision.

Sec. 20. Minnesota Statutes 1976, Section 124.212, is amended by adding a subdivision to read:

*Subd. 9b. Public school programs may be provided to shared time pupils only at a public school building; provided, however, that special instruction and services for handicapped children required pursuant to section 120.17 may also be provided at a neutral site as defined in section 123.932, and diagnostic and health services required pursuant to section 120.17 may also be provided at a nonpublic school building. As used in this subdivision, "diagnostic services" means speech, hearing, vision, psychological, medical and dental diagnostic services and "health services" means physician, nursing or optometric services provided to pupils in the field of physical and mental health.*

Sec. 21. Minnesota Statutes, 1977 Supplement, Section 124.223, is amended to read:

124.223 [TRANSPORTATION AID AUTHORIZATION.]  
For the (1977-1978) 1978-1979 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 to and from a state board approved secondary vocational center for secondary vocational classes for resident pupils of any of the districts who are members of or participating in programs at that center;

(4) Transportation or board and lodging of a handicapped pupil when that pupil cannot be transported on a regular school bus, and the conveying of handicapped pupils between home and school and within the school plant;

(5) When necessary, board and lodging for nonresident handicapped pupils in a district maintaining special classes;

(6) Transportation 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;

(7) Transportation for residents to and from the Minnesota school for the deaf or the Minnesota braille and sight-saving school;

(8) Services described in clauses (1) to (7) and clause (10) when provided in conjunction with a state board approved summer school program; (AND)

(9) Transportation to, from or between educational facilities located in any of two or more school districts jointly offering academic classes for resident pupils of any of these districts, if this transportation is provided in conjunction with transportation of resident pupils to a state board approved secondary vocational center; and

(10) *Necessary transportation within district boundaries between a nonpublic school and a public school or a neutral site for nonpublic school pupils who are provided pupil support services pursuant to section 123.935.*

Sec. 22. *The state board of education may promulgate temporary rules for the implementation of those portions of sections 123.931 to 123.937 relating to textbooks, standardized tests and health services for the 1978-1979 school year. These temporary rules shall be effective for no more than 180 days following their approval by the attorney general. The portions of sections 123.931 to 123.937 relating to guidance and counseling services shall not be implemented until the 1979-1980 school year.*

Sec. 23. [REPEALERS.] *Subdivision 1. Minnesota Statutes 1976, Sections 123.932, Subdivisions 1, 6 and 8; and 123.934, are repealed effective the day following final enactment.*

*Subd. 2. Minnesota Statutes 1976, Section 123.932, Subdivision 2; and Laws 1977, Chapter 447, Article VI, Section 12, are repealed effective July 1, 1978.*

Sec. 24. [EFFECTIVE DATE.] *Sections 1 to 17, 19, 20, and 22 of this act shall be effective the day following final enactment."*

Further, amend the title as follows:

Page 1, line 10, delete "Section" and insert "Sections".

Page 1, line 10, after the semicolon insert "and 124.223;".

Page 1, line 12, after "1," insert "2,".

With the recommendation that when so amended the bill 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:

H. F. No. 842, A bill for an act relating to financial institutions; establishing procedures for issuance of orders and removal of officers or directors in the event of violations of law or unsafe practices; providing penalties.

Reported the same back with the following amendments:

Page 1, line 9, delete "11" and insert "8".

Page 1, line 14, after "director," insert "trustee,".

Page 1, line 18, delete "8" and insert "5".

Page 2, line 1, after "bank," insert "savings bank, savings association,".

Page 2, line 4, delete "prorate company" and insert "prorating agency".

Page 3, line 9, after "directors," insert "trustees,".

Page 3, delete lines 21 to 32.

Page 4, delete lines 1 to 19.

Page 4, line 20, after "DIRECTORS" insert ", TRUSTEES".



Page 4, line 23, after "director" insert ", trustee".

Page 4, line 29, after "director" insert ", trustee".

Page 5, line 3, after "director" insert ", trustee".

Page 5, line 7, after "director" insert ", trustee".

Page 5, line 12, after "director" insert ", trustee".

Page 5, line 22, after "director," insert "trustee,".

Page 5, after line 25, insert the following:

"Subd. 3. Whenever any director, trustee or officer of an institution, or other person participating in the conduct of the affairs of an institution, is convicted in any state or federal court of a felony involving dishonesty or breach of trust the commissioner may serve upon the director, trustee, officer, or other person a written notice of his intention to remove him from office or to prohibit his further participation in any manner in the conduct of the affairs of the institution."

Renumber the following subdivision.

Page 5, line 26, after "director," insert "trustee,".

Page 6, line 3, after "director," insert "trustee,".

Page 6, line 4, after "director," insert "trustee,".

Page 6, line 16, after "director," insert "trustee,".

Page 6, delete lines 22 to 32.

Page 7, delete lines 1 to 32.

Page 8, delete lines 1 to 32.

Page 9, delete lines 1 to 5.

Page 9, line 6, after "DIRECTORS" insert "OR TRUSTEES".

Page 9, line 7, after "DIRECTORS" insert "OR TRUSTEES".

Page 9, line 8, after "directors" insert "or trustees".

Page 9, line 9, delete "11" and insert "8" and after "directors" insert "or trustees".

Page 9, line 10, after "directors" insert "or trustees".

Page 9, line 13, after "directors" insert "or trustees".

Page 9, line 14, after "directors" insert "or trustees".

Page 9, line 15, after "directors" insert "or trustees".

Page 9, line 17, after "directors" insert "or trustees".

Page 9, line 22, delete "11" and insert "8".

Page 10, line 4, delete "11" and insert "8".

Page 10, line 22, delete "11" and insert "8".

Page 10, line 25, after "director" insert ", trustee" in both cases.

Page 10, line 28, after "director," insert "trustee,".

Page 10, line 29, delete "sections 4, 5, or 6" and insert "section 3".

Page 11, line 3, after "director" insert "or trustee".

Page 11, line 4, after "director," insert "trustee,".

Page 11, line 8, delete "INFORMING GOVERNOR,".

Page 11, line 10, delete "11" and insert "8".

Page 11, line 11, after "mail" insert "to the last known address of the person or principal Minnesota office of the institution to whom service is directed".

Page 11, line 15, after "director" insert ", trustee".

Page 11, line 17, delete "11" and insert "8".

Page 11, after line 18, insert "Sec. 9. This act shall be effective the day following final enactment.".

Renumber the sections accordingly.

Amend the title as follows:

Page 1, line 4, after "officers" insert ", trustees".

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 1612, A bill for an act relating to military justice; providing for military judges; modifying court composition and punishing other changes consistent and current federal military law; amending Minnesota Statutes 1976, Sections 192A.015; 192A.02; 192A.045; 192A.06; 192A.085; 192A.09; 192A.10; 192A.105; 192A.11, Subdivision 3; 192A.12; 192A.13; 192A.14; 192A.145, Subdivisions 3 and 4; 192A.15; 192A.155; 192A.16; 192A.165; 192A.18, Subdivisions 1 and 2; 192A.195; 192A.205; 192A.21, Subdivision 2; 192A.215; 192A.22; 192A.225; 192A.23; 192A.245; 192A.25, Subdivision 2; 192A.265, Subdivision 1; 192A.275; 192A.28; 192A.29; 192A.305; 192A.315; 192A.345, Subdivisions 2 and 3; 192A.355; 192A.47; 192A.555; 192A.585; 192A.595, Subdivision 1; 192A.61, Subdivision 3; 192A.615; Chapter 192A by adding sections; and repealing Minnesota Statutes 1976, Sections 192A.01, Subdivision 1; 192A.04, Subdivisions 4 and 5; 192A.125; and 192A.565.

Reported the same back with the following amendments:

Page 11, line 10, after "to" insert "*any lower enlisted rank including*".

Page 11, line 28, after "to" insert "*any lower enlisted rank including*".

Page 12, line 11, after "to" insert "*any lower enlisted rank including*".

Page 37, line 28, delete "1" and insert "2".

Further amend the title as follows:

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

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 1758, A bill for an act proposing an amendment to the Minnesota Constitution, Article XIII, Section 5; permitting parimutuel betting on races if authorized by law.

Reported the same back with the following amendments:

Page 1, line 8, delete "XIII" and insert "X".

Page 1, line 8, delete "5" and insert "7".

Page 1, delete lines 10 to 12 and insert:

*"Sec. 7. The legislature may authorize and shall tax on-track parimutuel horseracing in a manner prescribed by law."*

Page 1, line 16, after "parimutuel" insert "on-track" and after "on" insert "horse".

Further amend the title as follows:

Page 1, line 3, delete "XIII" and insert "X" and delete "5" and insert "7".

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Rules and Legislative Administration.

The report was adopted.

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

H. F. No. 1857, A bill for an act relating to veterans; requiring all counties to appoint a veterans service officer; amending Minnesota Statutes 1976, Section 197.60, Subdivision 1.

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

The report was adopted.

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

H. F. No. 1945, A bill for an act relating to veterans; classification of records; amending Minnesota Statutes 1976, Section 197.603.

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

The report was adopted.

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

H. F. No. 1542, A bill for an act relating to public buildings; authorizing expenditures for works of art; requiring part of appropriation for building construction be designated for acquisition of works of art; amending Minnesota Statutes 1976, Chapters 16 and 139 by adding sections.

Reported the same back with the following amendments:

Page 2, line 5, after "art" insert "*, excluding landscaping,*".

Page 2, line 12, delete "\$250,000" and insert "\$100,000".

Page 2, line 17, after "the" and before "purchase" insert "commission or".

Page 2, after line 25, insert subdivisions to read:

*"Subd. 6. All state departments shall include in all requests for appropriations for the construction or alteration of any state building eligible under this section, an amount for works of art equal to one percent of the total cost of any such construction project.*

*Subd. 7. If a building which is eligible under the provisions of this act is determined, through consultation and agreement between the Minnesota board of arts and the commissioner of administration, to be inappropriate for works of art due to the type of building operations or the limitations of public access, the amount made available for works of art shall be available to the board for the commission or purchase of works of art for state buildings existing or for which an appropriation was made prior to the effective date of this act and shall not be available to pay construction costs of the building. To the extent possible, works of art acquired under this subdivision shall be placed in buildings within the same county of the building from which the relevant art acquisition funds were derived."*

Page 3, after line 2, insert a subdivision to read:

*"Subd. 2. The board shall establish selection procedures in which consideration will be given first to artists who are Minnesota residents, then to residents of the upper midwest area, and lastly, to all others. These procedures will include recommendations from individuals with experience in the arts and representing a variety of backgrounds. These individuals may include, but are not limited to, the building architects, the principle users of the building, artists, arts administrators, arts educators,*

and residents of the region in which the building is to be located.”.

Renumber the subdivisions accordingly.

Page 3, line 3, after “board” insert “, in consultation with the agencies which occupy the buildings and the department of administration”.

Page 3, line 3, after “art” insert “within or”.

Page 3, line 4, after “buildings” insert “and may do so”.

Page 3, after line 5, insert subdivisions to read:

*“Subd. 4. The costs of maintenance or repair of works of art acquired under the provisions of this act shall be borne by the maintenance budget of the building with which the work is associated and shall be done in consultation with and under the supervision of the board.*

*Subd. 5. The board shall assume the administrative expenses of the selection process and the supervision of this program as a part of its administrative services budget.*

*Subd. 6. The board shall promulgate by rule procedures and standards to be followed by the board in the implementation of this act.”.*

With the recommendation that when so amended the bill 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. 1767, A bill for an act relating to the city of Anoka; fire department relief association benefits; amending Laws 1971, Chapter 184, Section 1, Subdivisions 2, 3, 4, 5 and 6, as amended; and Section 2, Subdivision 2, as amended.

Reported the same back with the following amendments:

Page 2, line 21, strike “fireman” and insert “firefighter”.

Page 3, line 2, strike “fireman” and insert “firefighter”.

Page 3, line 4, strike “fireman” and insert “firefighter”.

Page 3, line 17, strike “fireman” and insert “firefighter”.

Page 3, line 32, strike "fireman" and insert "firefighter".

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

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

H. F. No. 1781, A bill for an act relating to the city of Maplewood; authorizing the payment of lump sum service pensions by the Maplewood firefighters relief association.

Reported the same back with the following amendments:

Page 1, line 11, delete "\$1,000" and insert "\$600".

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

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

H. F. No. 1782, A bill for an act relating to the state auditor; placing the position of the assistant to the state auditor in the unclassified service; amending Minnesota Statutes 1976, Section 43.09, Subdivision 2.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

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

H. F. No. 1821, A bill for an act relating to the city of Brainerd; firemen's service pensions; amending Laws 1973, Chapter 170, Section 1.

Reported the same back with the following amendments:

Page 1, line 9, delete "FIREMEN'S" and insert "FIRE-FIGHTERS'".

Page 1, line 14, delete "\$1,000" and insert "\$800".

Further amend the title:

Line 2, delete "firemen's" and insert "firefighters'".

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

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

H. F. No. 1822, A bill for an act relating to eminent domain; requiring that prepayment penalties be treated as a separate item of damages; amending Minnesota Statutes 1976, Chapter 117, by adding a section.

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

The report was adopted.

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

H. F. No. 1859, A bill for an act relating to retirement; providing for an exclusion from public pension coverage for those persons covered by certain federal public service employment programs in compliance with federal regulations; amending Minnesota Statutes 1976, Sections 69.29; 136.80, Subdivision 1; 352B.01, Subdivision 2; 353.64, by adding a subdivision; 354A.10; 423.23; 423.372; 423.43; 423.801, Subdivision 2; 424.03; Chapter 356, by adding a section; and Laws 1969, Chapter 950, Section 1; Minnesota Statutes, 1977 Supplement, Sections 352.01, Subdivision 2B; 353.01, Subdivision 2b; 354.05, Subdivision 2; 422A.09, Subdivision 3.

Reported the same back with the following amendments:

Page 2, line 6, delete "Each" and insert "*The St. Paul and Duluth*".

Page 2, line 6, delete "association" and insert "associations".

Page 2, line 6, after "exclude" insert "*and the Minneapolis fire-fighters relief association shall exclude or shall consider as a provisional member of the relief association pursuant to section 10, as specified by the city council of the city of Minneapolis,*".

Page 15, line 32, after "act" delete the comma and insert "*shall be included as a member of a public retirement fund, unless the person is employed by an employer where public retirement coverage is to be provided by a covered fund enumerated in section 10, subdivision 2, and the city council of the city of Minne-*



*apolis specifies that the person is to be considered as a provisional member of the relief association pursuant to section 10, or”.*

Page 17, after line 4, insert a new section to read:

“Sec. 10. Minnesota Statutes 1976, Chapter 356, is amended by adding a section to read:

[356.451] [PROVISIONAL MEMBERSHIP FOR CERTAIN PERSONS IN VARIOUS RETIREMENT FUNDS OR PLANS.] *Subdivision 1. [RESERVE ACCOUNT FOR PROVISIONAL MEMBERS; AUTHORIZATION.] Notwithstanding any provisions to the contrary of the laws governing the funds enumerated in subdivision 2, any person who is employed in subsidized on-the-job training, work experience or public service employment as an enrollee under the federal comprehensive employment and training act, who does not have as of the later of the effective date of this act or the date of employment sufficient service credit in the retirement fund to meet the minimum vesting requirements for a deferred annuity, who otherwise meets all of the applicable eligibility requirements of the fund and who is designated as such by the city council of the city of Minneapolis shall be considered a provisional member of the fund. There shall be established a subsidiary reserve account for provisional members which shall be managed by the board of trustees of the fund as a separate account and which shall not be considered as an asset or a liability of the fund. To this account shall be credited all employee and required employer contributions made by or on account of provisional members. A separate record for each provisional member shall be maintained showing the length of service completed, the accrued employee and required employer contributions made by or on account of each provisional member, and the actual rate of interest earned on the assets of the account. The assets of the separate account shall be invested in the same manner as and subject to the same limitations which are applicable to the general assets of the retirement fund. The board of trustees shall remit back to the prime sponsor of the federal comprehensive employment and training act program quarterly an amount equal to the total required employer contributions made on account of provisional members who terminate or who are terminated from subsidized on-the-job training, work experience or public service employment without obtaining unsubsidized employment with an employer who employs members who regularly have retirement coverage provided by that retirement fund or without obtaining sufficient service credit to become entitled to a deferred retirement annuity had they been regular members of that retirement fund during the period of their provisional membership, plus interest at the rate or rates actually earned and in addition any amounts which exceed the funds required to cover current provisional members as projected by the board of trustees. Any provisional member who terminates or is terminated from subsidized on-the-*

job training, work experience or public service employment without obtaining unsubsidized employment with an employer who employs members who regularly have retirement coverage provided by that retirement fund or without obtaining sufficient service to become entitled to a deferred retirement annuity had he been a regular member of the retirement fund during the period of his provisional membership shall be entitled upon making valid written application to a refund of all employee contributions credited to the member in the subsidiary reserve account for provisional members, plus interest at the average actual rate of interest earned on the assets of the account, but not to exceed the rate of three and one half percent per annum compounded annually from the date of commencement of provisional membership, computed to the first day of the month in which the refund is processed, and based on fiscal year balances. If the provisional member obtains unsubsidized employment with an employer who employs members who regularly have retirement coverage provided by that retirement fund or obtains sufficient service to become entitled to a deferred retirement annuity had the period of provisional membership been as a regular member, the board of trustees shall transfer the total employee and required employer contributions and any interest attributable to those contributions to the regular retirement fund and shall credit the period of service as a provisional member as allowable or formula service. Unless the provisional member becomes a regular member of the same retirement fund prior to the quarterly reprogramming next following the person's termination of provisional status, no period of provisional membership shall be considered allowable service for purposes of the combined service annuity pursuant to section 356.30 or any service in more than one retirement fund provision. If any provisional member obtains service in an amount sufficient to entitle the provisional member to a disability benefit or the provisional member's survivor to a survivor's benefit had the provisional member been a regular member for that period of service, then the provisional member or the provisional member's survivor shall be entitled to a benefit when otherwise qualified notwithstanding the fact that the person was a provisional member. Upon the commencement of such benefit, an amount equal to the contributions and interest credited to the provisional member shall be transferred from the reserve account for provisional members to the regular fund. In any actuarial valuation made by the fund pursuant to chapter 356, the results of the subsidiary reserve account for provisional members shall be contained in a separate calculation or tabulation. The separate calculation or tabulation shall use the actuarial assumptions used by the fund which are appropriate to the experience of the subsidiary reserve account for provisional members, and shall include the items contained in section 356.215, subdivision 4, clauses (1), (2), (6) (a), and (11).

Subd. 2. [COVERED FUNDS.] Subdivision 1 applies to the following funds:

(1) *Minneapolis municipal employees retirement fund established pursuant to chapter 422A;*

(2) *Minneapolis firefighters relief association established pursuant to chapter 69;*

(3) *Minneapolis police relief association established pursuant to Laws 1949, Chapter 406, as amended;*

(4) *Any plan covering employees of the housing and redevelopment agency of the city of Minneapolis as established by law, ordinance, or otherwise."*

Re-number subsequent sections accordingly.

Page 19, line 25, after the comma insert "*unless the city council of the city of Minneapolis specifies that the person is to be considered as a provisional member of the retirement fund pursuant to section 10 or*".

Page 28, line 16, after "*credit*" insert "*for the period of employment in subsidized on-the-job training, work experience or public service employment as an enrollee under the federal comprehensive employment and training act*".

Page 29, line 17, after "*made*" insert "*; provided, however, that the employer for the unsubsidized employment, the employer for the subsidized employment, or the applicable federal comprehensive employment and training act prime sponsor from funds provided under the federal comprehensive employment and training act, as funds permit, may pay the employer contribution and the employer additional contribution, if any, plus interest at the specified rate*".

Page 30, line 14, add a sentence to read: "*For any current employee to whom section 10 applies, that employee shall be considered a provisional member for any future service from and after the effective date of this act.*".

Further amend the title:

Page 1, line 6, after "*regulations;*" insert "*establishment of reserve accounts for certain provisional members;*".

Page 1, line 10, after "*adding*" delete "*a*".

Page 1, line 11, delete "*section*" and insert "*sections*".

Page 1, line 14, after "*Subdivision 2;*" insert "*and*".

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

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

H. F. No. 1866, A bill for an act relating to the firemen's relief association of the city of Karlstad; computation of years of service for volunteer firemen.

Reported the same back with the following amendments:

Page 1, line 7, delete "FIREMEN'S" and insert "FIREFIGHTERS'".

Page 1, line 10, delete "firemen's" and insert "firefighters'".

Page 1, line 12, delete "firemen's" and insert "firefighters'".

Further amend the title:

Line 2, delete "firemen's" and insert "firefighters'".

Line 4, delete "firemen" and insert "firefighters".

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

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

H. F. No. 2016, A bill for an act relating to courts; judges; removal due to mental or physical incapacity; amending Minnesota Statutes 1976, Section 490.16, Subdivision 5; repealing Minnesota Statutes 1976, Sections 490.04; 490.05; 490.06; 490.07; 490.08; and 490.09.

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

The report was adopted.

Kelly, W., from the Committee on Taxes to which was referred:

H. F. No. 1918, A bill for an act relating to taxation; clarifying the exclusion from gross income allowed for public pensions; amending Minnesota Statutes, 1977 Supplement, Section 290.08, Subdivision 6.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes, 1977 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; except that gross income shall not include "exempt function income" of a "home-owners association" as those terms are defined in Section 528 of the Internal Revenue Code of 1954, as amended.

For each of the taxable years beginning after December 31, 1960 and prior to January 1, 1971, the term "gross income" in its application to individuals, estates, and trusts, shall mean the adjusted gross income as computed for federal income tax purposes as defined in the Internal Revenue Code of 1954, as amended through December 31, 1970 for the applicable taxable year, with the modifications specified in this section.

For each of the taxable years beginning after December 31, 1970, the term "gross income" in its application to individuals, estates, and trusts shall mean the adjusted gross income as computed for federal income tax purposes as defined in the Internal Revenue Code of 1954, as amended through the date specified herein for the applicable taxable year, with the modifications specified in this section.

(i) The Internal Revenue Code of 1954, as amended through December 31, 1970, shall be in effect for taxable years beginning after December 31, 1970 and prior to January 1, 1973.

(ii) The Internal Revenue Code of 1954, as amended through December 31, 1972, shall be in effect for taxable years beginning after December 31, 1972.

(iii) The Internal Revenue Code of 1954, as amended through December 31, 1973, shall be in effect for taxable years beginning after December 31, 1973.

(iv) The Internal Revenue Code of 1954, as amended through December 31, 1974, shall be in effect for the taxable years beginning after December 31, 1974.

(v) The Internal Revenue Code of 1954, as amended through December 31, 1976, including the amendments made to section 280A (relating to licensed day care centers) in H.R. 3477 as it passed the Congress on May 16, 1977, shall be in effect for the taxable years beginning after December 31, 1976. The provisions of the Tax Reform Act of 1976, P.L. 94-455, which affect adjusted gross income shall become effective for purposes of chapter 290 at the same time they become effective for federal income tax purposes. Section 207 (relating to extension of period for non-recognition of gain on sale or exchange of residence) and section 402 (relating to time for making contributions to pension plans of self employed people) of P.L. 94-12 shall be effective for taxable years beginning after December 31, 1974.

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 this chapter, to the extent deductible in determining federal adjusted gross income;

(5) Amounts received as reimbursement for an expense of sickness or injury which was deducted in a prior taxable year to the extent that the deduction for such reimbursed expenditure resulted in a tax benefit;

(6) 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;

(7) 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;

(8) 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, 1976, to the extent of the credit under section 38 of the Internal Revenue Code of 1954, as amended through December 31, 1976, that was previously allowed as a deduction either under section 290.01, subdivision 20 (b) ((9)) (7) or under section 290.09, subdivision 24; and

(9) Expenses and losses arising from a farm which are not allowable under section 290.09, subdivision 29;

(10) Expenses and depreciation attributable to substandard buildings disallowed by section 290.101; and

(11) The amount by which the gain determined pursuant to section 41.59, subdivision 2 exceeds the amount of such gain included in federal adjusted gross income;

((13)) (12) Interest income from qualified scholarship funding bonds as defined in section 103(e) of the Internal Revenue Code of 1954, as amended through December 31, 1976, if the nonprofit corporation is domiciled outside of Minnesota;

((14)). (13) Exempt-interest dividends, as defined in section 852(b)(5)(A) of the Internal Revenue Code of 1954, as amended through December 31, 1976, not included in federal adjusted gross income pursuant to section 852(b)(5)(B) of the Internal Revenue Code of 1954, as amended through December 31, 1976, except for that portion of such exempt-interest dividends derived from interest income on obligations of the state of Minnesota, any of its political or governmental subdivisions, any of its municipalities, or any of its governmental agencies or instrumentalities;

((15)) (14) The amount of any excluded gain realized by a trust on the sale or exchange of property as defined in section 641(c)(1).

(b) Modifications reducing federal adjusted gross income. There shall be subtracted from federal adjusted gross income:

(1) Interest income on obligations of any authority, commission or instrumentality of the United States to the extent includible in gross income for federal income tax purposes but exempt from state income tax under the laws of the United States;

(2) The portion of any gain, from the sale or other disposition of property having a higher adjusted basis for Minnesota income tax purposes than for federal income tax purposes, that does not exceed such difference in basis; but if such gain is considered a long-term capital gain for federal income tax purposes, the modification shall be limited to fifty per centum of such portion of the gain. This modification shall not be applicable if the difference in basis is due to disallowance of depreciation pursuant to section 290.101.

(3) Interest or dividend income on securities to the extent exempt from income tax under the laws of this state authorizing the issuance of such securities but includible in gross income for federal income tax purposes;

(4) 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;

(5) If included in federal adjusted gross income, the amount of any credit received, whether received as a refund or credit to another taxable year's income tax liability, pursuant to chapter 290A, and 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;

(6) *To the extent included in federal adjusted gross income, the amount (OF ANY PENSION OR BENEFIT WHICH IS EXCLUDED FROM GROSS INCOME UNDER THE PROVISIONS OF SECTION 290.08, SUBDIVISION 6) received by any person as a pension or retirement benefit from any source, notwithstanding any other law to the contrary. The maximum amount of this subtraction shall be \$7,200 less the sum of social security benefits, railroad retirement benefits and earned income as defined in section 37(e)(8)(B) of the Internal Revenue Code of 1954 as amended through December 31, 1976, received during the taxable year, provided that in the case of individuals having federal adjusted gross income in excess of \$30,000, the maximum amount of this subtraction shall be reduced by \$500 for each \$1,000 by which federal adjusted gross income exceeds \$30,000.*



*In the case of an individual who receives an involuntary lump sum distribution of his pension or retirement benefits, the maximum amount of this subtraction shall be \$7,200 less the sum of social security benefits and railroad retirement benefits; (AND)*

(7) 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, 1976, but only to the extent that the credit is connected with or allocable against the production or receipt of income included in the measure of the tax imposed by this chapter;

(10) (8) The amount of any distribution from a qualified pension or profit sharing plan included in federal adjusted gross income in the year of receipt to the extent of any contribution not previously allowed as a deduction by reason of a change in federal law which was not adopted by Minnesota law for a taxable year beginning in 1974 or later.

(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 In-

ternal Revenue Code of 1954, in the event and to the extent that such reserve is distributed to shareholders such distribution shall be taxed as a dividend for purposes of this act.

Items of gross income includible within these definitions shall be deemed such regardless of the form in which received. Items of gross income shall be included in gross income of the taxable year in which received by a taxpayer unless properly to be accounted for as of a different taxable year under methods of accounting permitted by section 290.07, except that (1) amounts transferred from a reserve or other account, if in effect transfers to surplus, shall, to the extent that such amounts were accumulated through deductions from gross income or entered into the computation of taxable net income during any taxable year, be treated as gross income for the year in which the transfer occurs, but only to the extent that such amounts resulted in a reduction of the tax imposed by this act, and (2) amounts received as refunds on account of taxes deducted from gross income during any taxable year shall be treated as gross income for the year in which actually received, but only to the extent that such amounts resulted in a reduction of the tax imposed by this act.

(d) Modification in computing taxable income of the estate of a decedent. Amounts allowable under section 291.07, subdivision 1(2) in computing Minnesota inheritance tax liability shall not be allowed as a deduction in computing the taxable income of the estate unless there is filed within the time and in the manner and form prescribed by the commissioner a statement that the amounts have not been allowed as a deduction under section 291.07 and a waiver of the right to have such amounts allowed at any time as deductions under section 291.07. The provisions of this paragraph shall not apply with respect to deductions allowed under section 290.077 (relating to income in respect of decedents). In the event that the election made for federal tax purposes under section 642(g) of the Internal Revenue Code of 1954 differs from the election made under this paragraph appropriate modification of the estate's federal taxable income shall be made to implement the election made under this paragraph in accordance with regulations prescribed by the commissioner.

Sec. 2. [REPEALER.] *Minnesota Statutes, 1977 Supplement, Section 290.08, Subdivision 6, is repealed.*

Sec. 3. [EFFECTIVE DATE.] *This act is effective for taxable years beginning after December 31, 1977."*

Further, delete the title and insert:

"A bill for an act relating to taxation; income tax; clarifying the exemption of certain pension benefits; amending Minnesota Statutes, 1977 Supplement, Section 290.01, Subdivision 20; re-

pealing Minnesota Statutes, 1977 Supplement, Section 290.08, Subdivision 6.”.

With the recommendation that when so amended the bill pass.

The report was adopted.

## SECOND READING OF HOUSE BILLS

H. F. Nos. 842, 1612, 1857, 1945, 1767, 1781, 1782, 1821, 1822, 1859, 1866, 2016 and 1918 were read for the second time.

## INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Metzen introduced:

H. F. No. 2349, A bill for an act relating to liquor control; authorizing one unclassified position; repealing brand label registration; amending Minnesota Statutes 1976, Sections 299A.02, Subdivision 2; 340.485, Subdivision 3; repealing Minnesota Statutes 1976, Section 340.62.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Battaglia, McDonald and Begich introduced:

H. F. No. 2350, A bill for an act relating to cooperative associations; authorizing election of directors by mail votes; amending Minnesota Statutes 1976, Section 308.071, Subdivision 2.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Jude introduced:

H. F. No. 2351, A bill for an act relating to employment agencies; providing an exemption for management consultant firms from employment agency regulation; amending Minnesota Statutes 1976, Section 184.21, Subdivision 2.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Casserly, Rice, Neisen, Simoneau and Sieben, H., introduced:

H. F. No. 2352, A bill for an act relating to commerce; prohibiting producers or refiners of petroleum from operating retail service stations with company personnel; providing for injunctive enforcement.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Hanson introduced:

H. F. No. 2353, A bill for an act relating to landlords and tenants; requiring extended eviction notices for long term residential tenants; limiting an owner's right to increase rent after giving a tenant notice to quit; amending Minnesota Statutes 1976, Section 504.06.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

White introduced:

H. F. No. 2354, A bill for an act relating to commerce; prohibiting certain deceptive advertisements for farm implements; providing a penalty; amending Minnesota Statutes 1976, Chapter 325, by adding a section.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Fudro, Metzen, Simoneau, Friedrich and Anderson, G., introduced:

H. F. No. 2355, A bill for an act relating to liquor; registration of labels; amending Minnesota Statutes 1976, Section 340.62.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Voss, Pleasant, Berglin, Casserly and Norton introduced:

H. F. No. 2356, A bill for an act relating to the department of human rights; concerning access to places of public accommodation; prescribing a penalty.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Skoglund and Wynia introduced:

H. F. No. 2357, A bill for an act relating to the arts; providing artists of works of fine art with a right to a percentage amount on a sale of their work although title to the work is not vested in them; requiring a percentage amount on sale of works of fine art to be paid to the board of arts; appropriating money.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Hanson introduced:

H. F. No. 2358, A bill for an act relating to real estate; the uniform condominium act; providing for taxation as a separate parcel; regulating eminent domain awards; regulating the creation of condominiums; protecting the purchasers of condominiums; regulating condominium declaration; regulating the management of condominiums.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Eckstein, Lemke, Esau, Biersdorf and Gunter introduced:

H. F. No. 2359, A bill for an act relating to crimes and criminals; proceedings on complaint; warrant; amending Minnesota Statutes 1976, Section 629.42.

The bill was read for the first time and referred to the Committee on Criminal Justice.

Stanton, Dean, Kahn and Casserly introduced:

H. F. No. 2360, A bill for an act relating to transportation; providing for use of prison industry in railroad rehabilitation; loaning money to the department of corrections to establish a rail tie program; amending Minnesota Statutes 1976, Section 222.50, Subdivision 3.

The bill was read for the first time and referred to the Committee on Criminal Justice.

Fugina introduced:

H. F. No. 2361, A bill for an act relating to education; permitting Independent School District No. 706 (Virginia) to use a surplus in the debt service fund for capital expenditures.

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

Sieben, H., and Sieben, M., introduced:

H. F. No. 2362, A bill for an act relating to hazardous wastes; requiring preparation of a comprehensive statewide hazardous waste management plan; providing for legislative review; directing the pollution control agency to designate sites for hazardous waste disposal facilities; providing for construction and operation of needed facilities; providing penalties; appropriating money; amending Minnesota Statutes 1976, Sections 116.07, Subdivision 2; 116.081, Subdivisions 1 and 3; 116.101; 400.161; 473.149, Subdivision 1; 473.516; and Minnesota Statutes, 1977 Supplement, Section 116.07, Subdivision 4.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Battaglia; Anderson, I.; Begich; Searle and Fugina introduced:

H. F. No. 2363, A bill for an act relating to natural resources; forests; providing for the development of forest resources; requiring forest resources planning.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Anderson, D.; Lehto; Wynia; Kahn and Brinkman introduced:

H. F. No. 2364, A bill for an act relating to the organization of state government; creating an office of public advisor; directing the office of public advisor to assist citizens in certificate of need proceedings for large energy facilities and site or route proceedings for large electric power plants or high voltage transmission lines; appropriating money; repealing Minnesota Statutes, 1977 Supplement, Section 116C.59, Subdivision 3.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Wynia; Lehto; Anderson, D.; Kahn and Brinkman introduced:

H. F. No. 2365, A bill for an act relating to state environmental policy; concerning final decisions relating to power plant sites; expanding the time within which the environmental quality board may delay implementation of a final decision; amending Minnesota Statutes 1976, Section 116D.04, Subdivision 9.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Petrafeso introduced:

H. F. No. 2366, A bill for an act relating to game and fish; taking of deer by handicapped under special permits; amending Minnesota Statutes 1976, Section 98.48, Subdivision 12.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Corbid introduced:

H. F. No. 2367, A bill for an act relating to banks; authorizing a bank to establish two detached banking facilities; providing for notice and approval procedures; amending Minnesota Statutes, 1977 Supplement, Sections 47.51; 47.53; and 47.54.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Brandl, Rose, Clark, Petrafeso and Arlandson introduced:

H. F. No. 2368, A bill for an act relating to witnesses; exempting a registered nurse from testifying against a client; amending Minnesota Statutes 1976, Section 595.02.

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

St. Onge, Berg and Enebo introduced:

H. F. No. 2369, A bill for an act relating to state government; directing the commissioner of administration to grant contract preference to American made products; amending Minnesota Statutes 1976, Section 16.07, by adding a subdivision.

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

Battaglia, Begich, Welch and Anderson, B., introduced:

H. F. No. 2370, A bill for an act relating to health; providing for subsidies to nonprofit corporations; encouraging the practice of medicine in underserved areas; appropriating money.

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

Abeln, Jacobs and Evans introduced:

H. F. No. 2371, A bill for an act relating to the governor; appropriating money for the establishment of a governor's conference on food and nutrition.

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

Mangan, Zubay and St. Onge introduced:

H. F. No. 2372, A bill for an act relating to public employee labor relations; including physical therapists and occupational therapists in the definition of "teacher"; amending Minnesota Statutes 1976, Section 179.63, Subdivision 13.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Vanasek, Wenzel, Corbid, Kelly, R., and Rose introduced:

H. F. No. 2373, A bill for an act relating to public employees labor relations; expanding the use of arbitration to new contracts in certain situations; setting time deadlines for certain bargaining procedures; providing for mediation in certain instances; amending Minnesota Statutes 1976, Sections 179.64, Subdivision 7; 179.65, Subdivision 7; 179.66, Subdivision 8; and 179.69.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Enebo, Byrne, Samuelson, Simoneau and Zubay introduced:

H. F. No. 2374, A bill for an act relating to labor and employment; employee wage deductions; amending Minnesota Statutes, 1977 Supplement, Section 181.79, Subdivision 1.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Berg, McEachern, Niehaus, St. Onge and Mann introduced:

H. F. No. 2375, A bill for an act relating to towns; providing for supervisors to control legal actions; amending Minnesota Statutes 1976, Sections 365.10; 365.40; and 366.01, by adding a subdivision.

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



King introduced:

H. F. No. 2376, A bill for an act relating to the city of Robbinsdale; authorizing the purchase or investment in certain obligations without regard to charter debt limitations.

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

Begich introduced:

H. F. No. 2377, A bill for an act relating to the town of White, St. Louis county; authorizing the board of supervisors to set the compensation of the town assessor; amending Laws 1973, Chapter 530, Section 1; repealing Laws 1959, Chapter 314, Section 1.

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

Stanton introduced:

H. F. No. 2378, A bill for an act relating to energy; concerning the state building code; modifying the effective date of the extension of the building code to municipalities; amending Minnesota Statutes, 1977 Supplement, Section 16.851, Subdivision 1; and Laws 1977, Chapter 381, Section 27.

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

Tomlinson, Byrne and Kelly, R., introduced:

H. F. No. 2379, A bill for an act relating to the city of Saint Paul and county of Ramsey; providing for a division of costs to maintain the joint court house and city hall.

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

Vanasek, Johnson, Munger, Wigley and Birnstihl introduced:

H. F. No. 2380, A bill for an act relating to energy; authorizing city and county expenditures outside of levy limits to pay for energy surveys; amending Minnesota Statutes, 1977 Supplement, Section 116H.124.

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

Nelsen, M., introduced:

H. F. No. 2381, A bill for an act relating to school districts; authorizing certain taconite homestead credit payments; amending Minnesota Statutes, 1977 Supplement, Section 273.135, Subdivision 2.

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

Jacobs, White, Evans, Kelly, W., and Anderson, I., introduced:

H. F. No. 2382, A bill for an act relating to taxation; income tax; reducing the tax rate imposed upon corporations; eliminating the arithmetic average from the formula used for apportionment of trade or business income among states; amending Minnesota Statutes 1976, Sections 290.06, Subdivision 1; 290.19, Subdivision 1; and 290.361, Subdivision 2.

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

Carlson, D.; Pleasant; Redalen; Albrecht and Den Ouden introduced:

H. F. No. 2383, A bill for an act relating to taxation; income tax; exempting public pensions; amending Minnesota Statutes, 1977 Supplement, Section 290.08, Subdivision 6.

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

Begich, Gunter, Voss and Battaglia introduced:

H. F. No. 2384, A bill for an act relating to taxation; sales tax; exempting home heating fuel; amending Minnesota Statutes 1976, Section 297A.25, Subdivision 1.

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

Metzen introduced:

H. F. No. 2385, A bill for an act relating to licensed occupations; providing for licensing and regulation of tax preparers by the commissioner of revenue; amending Minnesota Statutes 1976, Chapter 326, by adding a section.

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

Abeln, Faricy, Skoglund, Simoneau and Scheid introduced:

H. F. No. 2386, A bill for an act relating to taxation; income tax; providing a tax credit for homemakers; appropriating money.

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

#### HOUSE ADVISORIES

Pursuant to rule 5.3, the following House Advisory was introduced:

Hanson, Voss, McCarron and Metzen introduced:

H. A. No. 71, A proposal to study the economic impact of a domed or undomed stadium.

The advisory was referred to the Committee on Commerce and Economic Development.

#### 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. 404, A bill for an act relating to political activities; providing for their regulation; defining terms; revising certain filing and reporting requirements; clarifying language; imposing expenditure and contribution limits; revising distribution of moneys from the state elections campaign fund to legislative candidates; removing obsolete provisions; providing penalties; amending Minnesota Statutes 1976, Sections 10A.01, Subdivisions 2, 5, 7, 9, 10, 11, 13, 15, 16 and 18, and by adding subdivisions; 10A.02, Subdivisions 1, 2, 4, 8, 9, 11, 12 and 13, and by adding a subdivision; 10A.04, Subdivision 1; 10A.07; 10A.09, Subdivision 6; 10A.11, Subdivisions 1 and 6; 10A.12, Subdivisions 1, 4 and 5; 10A.13; 10A.14, Subdivisions 1 and 2; 10A.15; 10A.16; 10A.17; 10A.19, Subdivision 1; 10A.20, Subdivisions 3, 4, 5 and 6; 10A.22, Subdivisions 1, 3, 4, 5 and 7; 10A.24; 10A.25; 10A.27; 10A.28; 10A.29; 10A.31, Subdivisions 3a, 5, 6, 7, 10, and by adding a subdivision; 10A.32; 10A.33; and 210A.01, Subdivision 3; and Chapter 10A, by adding sections; repealing Minnesota Statutes 1976, Sections 10A.09, Subdivision 7; 10A.17, Subdivision 2; and 10A.26.

The Senate has appointed as such committee Messrs. Keefe, S., Schaaf and Gearty.

House File No. 404 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. 405, A bill for an act relating to gambling; authorizing the operation of certain gambling devices by licensed organizations; providing a penalty; amending Minnesota Statutes 1976, Sections 325.54, Subdivision 1; 340.14, Subdivision 2; 609.75; 609.76; Chapters 349, by adding a section; and 609, by adding a section.

The Senate has appointed as such committee Messrs. Nelson, Kleinbaum and Gearty.

House File No. 405 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. 1180, A bill for an act relating to financial institutions; permitting the establishment and operation of electronic funds transfer facilities; prescribing the powers and duties of the commissioner of banks in relation to funds transfer facilities; protecting the privacy and security of customers of financial institutions who use electronic funds transfer facilities; prescribing penalties.

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 concur in the House amendment to:

S. F. No. 823, A bill for an act relating to mechanics liens; increasing the period in which notice must be given to the owner of improved real estate; amending the definition of owner; enlarging the circumstances in which notice is not required to be given; providing penalties; amending Minnesota Statutes 1976, Section 514.011, Subdivisions 2, 3 and 4.

And the Senate respectfully requests that a Conference Committee of 3 members be appointed thereon. Messrs. Davies, Strand 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

Simoneau moved that the House accede to the request of the Senate and that the Speaker appoint 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. 823. The motion prevailed.

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 910 and 1282.

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. 1699, 1758 and 1959.

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. 1727.

PATRICK E. FLAHAVEN, Secretary of the Senate

## FIRST READING OF SENATE BILLS

S. F. No. 910, A bill for an act relating to local government; amending powers and duties of the Minnesota municipal board; regulating the incorporation, annexation, detachment, consolidation and boundary adjustments of certain local governmental units; amending Minnesota Statutes 1976, Sections 414.01, Subdivisions 1, 2, 5, 7a, 8, 12, 14, and 15; 414.011, Subdivision 5, and by adding subdivisions; 414.02; 414.031; 414.033, Subdivisions 1, 2, 3, 5, 6, 7, and by adding a subdivision; 414.041; 414.06; 414.061, Subdivisions 1 and 4; 414.065; 414.067; 414.07; 414.09; and Chapter 414, by adding sections; repealing Minnesota Statutes 1976, Sections 414.021; 414.032; 414.033, Subdivision 4; 414.034; and 414.068.

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

S. F. No. 1282, A bill for an act relating to public health; authorizing school superintendents appointed to county nursing committees to designate certain other persons to serve in their place; amending Minnesota Statutes 1976, Section 145.12.

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

S. F. No. 1699, A bill for an act relating to the town of Little Falls; allowing the town to contract for the lighting of town roads; allowing reimbursement for electrical service costs; providing for special assessments.

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

S. F. No. 1758, A bill for an act relating to the department of transportation; permitting the commissioner of transportation to designate primary and alternate routes for the Great River Road; deleting the statutory route; removing duty of the commissioner to maintain the road; amending Minnesota Statutes 1976, Sections 161.142 and 161.148, Subdivisions 1, 2 and 3; repealing Minnesota Statutes 1976, Section 161.148, Subdivision 4.

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

S. F. No. 1959, A bill for an act relating to towns; providing for supervisors to control legal actions; amending Minnesota Statutes 1976, Sections 365.10; 365.40; and 366.01, by adding a subdivision.

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

S. F. No. 1727, A bill for an act relating to state parks; deleting certain lands from the boundaries of Itasca state park; amending Laws 1976, Chapter 110, Section 2, Subdivision 2.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

### CONSENT CALENDAR

H. F. No. 2068, A bill for an act relating to public television; eliminating restriction on location of television tower; amending Laws 1977, Chapter 320, Section 1.

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

The question was taken on the passage of the bill and the roll was called. There were 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Cohen	Jude	Nelsen, B.	Sieben, M.
Adams	Corbid	Kaley	Nelsen, M.	Simoneau
Albrecht	Cummiskey	Kalis	Nelson	Skoglund
Anderson, B.	Dean	Kelly, R.	Niehaus	Smogard
Anderson, D.	Den Ouden	Kelly, W.	Norton	Spanish
Anderson, G.	Eckstein	Kempe, R.	Novak	Stanton
Anderson, I.	Eken	King	Onnen	Stoa
Anderson, R.	Enebo	Knickerbocker	Osthoff	Suss
Arlandson	Erickson	Kostohryz	Patton	Swanson
Battaglia	Esau	Kroening	Pehler	Tomlinson
Beauchamp	Evans	Kvam	Peterson	Vanasek
Begich	Ewald	Laidig	Petrafaso	Voss
Berg	Faricy	Langseth	Pleasant	Waldorf
Berglin	Fjoslien	Lehto	Redalen	Welch
Berkelman	Forsythe	Lemke	Reding	Wenstrom
Biersdorf	Friedrich	Mangan	Rice	Wenzel
Birnstihl	Fudro	Mann	Rose	White
Brandl	Fugina	McCarron	St. Onge	Wieser
Braun	Gunter	McCollar	Samuelson	Wigley
Brinkman	Hanson	McDonald	Sarna	Williamson
Byrne	Heinitz	McEachern	Savelkoul	Wynia
Carlson, D.	Hokanson	Metzen	Scheid	Zubay
Carlson, L.	Jacobs	Moe	Schulz	Speaker Sabo
Casserly	Jaros	Munger	Searle	
Clark	Jensen	Murphy	Sherwood	
Clawson	Johnson	Neisen	Sieben, H.	

The bill was passed and its title agreed to.

H. F. No. 1728, A bill for an act relating to employments licensed by the state; architects, engineers and landscape architects; requiring knowledge of barrier free design to acquire license; amending Minnesota Statutes 1976, Section 326.10, by adding a subdivision.

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

The question was taken on the passage of the bill and the roll was called. There were 126 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Cohen	Jude	Nelsen, B.	Sieben, M.
Adams	Corbid	Kahn	Nelsen, M.	Simoneau
Albrecht	Cummiskey	Kaley	Nelson	Skoglund
Anderson, B.	Dean	Kalis	Niehaus	Smogard
Anderson, D.	Den Ouden	Kelly, R.	Norton	Spanish
Anderson, G.	Eckstein	Kelly, W.	Novak	Stanton
Anderson, I.	Eken	Kempe, R.	Onnen	Stoa
Anderson, R.	Ellingson	King	Osthoff	Swanson
Arlandson	Erickson	Knickerbocker	Patton	Tomlinson
Battaglia	Esau	Kostohryz	Pehler	Vanasek
Beauchamp	Evans	Kroening	Peterson	Voss
Begich	Ewald	Kvam	Petrafaso	Waldorf
Berg	Faricy	Laidig	Pleasant	Welch
Berglin	Fjoslien	Langseth	Redalen	Wenstrom
Berkelman	Forsythe	Lehto	Reding	Wenzel
Biersdorf	Friedrich	Lemke	Rice	White
Birnstihl	Fudro	Mangan	Rose	Wieser
Brandl	Fugina	McCarron	St. Onge	Wigley
Braun	Gunter	McCollar	Samuelson	Williamson
Brinkman	Hanson	McDonald	Sarna	Wynia
Byrne	Heinitz	McEachern	Savelkoul	Zubay
Carlson, D.	Hokanson	Metzen	Scheid	Speaker Sabo
Carlson, L.	Jacobs	Moe	Schulz	
Casserly	Jaros	Munger	Searle	
Clark	Jensen	Murphy	Sherwood	
Clawson	Johnson	Neisen	Sieben, H.	

The bill was passed and its title agreed to.

H. F. No. 2087, A bill for an act relating to the adoption of rules concerning the process and procedures for designating power plant sites and transmission line routes; amending Minnesota Statutes, 1977 Supplement, Sections 116C.645 and 116C.66; and Laws 1977, Chapter 439, Section 26.

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

The question was taken on the passage of the bill and the roll was called. There were 126 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Berglin	Clawson	Ewald	Jaros
Adams	Berkelman	Cohen	Faricy	Jensen
Anderson, B.	Birnstihl	Corbid	Fjoslien	Johnson
Anderson, D.	Brandl	Cummiskey	Forsythe	Jude
Anderson, G.	Braun	Dean	Friedrich	Kahn
Anderson, I.	Brinkman	Den Ouden	Fudro	Kaley
Anderson, R.	Byrne	Eckstein	Fugina	Kalis
Arlandson	Carlson, A.	Eken	Gunter	Kelly, R.
Battaglia	Carlson, D.	Ellingson	Hanson	Kelly, W.
Beauchamp	Carlson, L.	Erickson	Heinitz	Kempe, R.
Begich	Casserly	Esau	Hokanson	King
Berg	Clark	Evans	Jacobs	Knickerbocker



Kostohryz	Munger	Petraieso	Sieben, H.	Welch
Kroening	Murphy	Pleasant	Sieben, M.	Wenstrom
Kvam	Neisen	Redalen	Simoneau	Wenzel
Laidig	Nelsen, B.	Reding	Skoglund	White
Langseth	Nelsen, M.	Rice	Smogard	Wieser
Lehto	Nelson	Rose	Spanish	Wigley
Lemke	Niehaus	St. Onge	Stanton	Williamson
Mangan	Norton	Samuelson	Stoa	Wynia
McCarron	Novak	Sarna	Suss	Zubay
McCollar	Onnen	Savelkoul	Swanson	Speaker Sabo
McDonald	Osthoff	Scheid	Tomlinson	
McEachern	Patton	Schulz	Vanasek	
Metzen	Pehler	Searle	Voss	
Moe	Peterson	Sherwood	Waldorf	

The bill was passed and its title agreed to.

H. F. No. 1729, A bill for an act relating to buildings; access to handicapped; international wheelchair symbol; adopting uniform colors; amending Minnesota Statutes 1976, Section 299G.12, Subdivision 2.

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

The question was taken on the passage of the bill and the roll was called. There were 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Cohen	Johnson	Murphy	Sherwood
Adams	Corbid	Jude	Neisen	Sieben, H.
Albrecht	Cummiskey	Kahn	Nelsen, B.	Sieben, M.
Anderson, B.	Dean	Kaley	Nelsen, M.	Simoneau
Anderson, D.	Den Ouden	Kalis	Nelson	Skoglund
Anderson, G.	Eckstein	Kelly, R.	Niehaus	Smogard
Anderson, I.	Eken	Kelly, W.	Norton	Spanish
Anderson, R.	Ellingson	Kempe, R.	Novak	Stanton
Arlandson	Enebo	King	Onnen	Stoa
Battaglia	Erickson	Knickerbocker	Osthoff	Suss
Begich	Esau	Kostohryz	Patton	Swanson
Berg	Evans	Kroening	Pehler	Tomlinson
Berglin	Ewald	Kvam	Peterson	Vanasek
Berkelman	Faricy	Laidig	Petraieso	Voss
Biersdorf	Fjoslien	Langseth	Pleasant	Waldorf
Birnstihl	Forsythe	Lehto	Redalen	Welch
Brandl	Friedrich	Lemke	Reding	Wenstrom
Braun	Fudro	Mangan	Rice	Wenzel
Brinkman	Fugina	Mann	Rose	White
Byrne	Gunter	McCarron	St. Onge	Wieser
Carlson, A.	Hanson	McCollar	Samuelson	Wigley
Carlson, D.	Heinitz	McDonald	Sarna	Williamson
Carlson, L.	Hokanson	McEachern	Savelkoul	Wynia
Casserly	Jacobs	Metzen	Scheid	Zubay
Clark	Jaros	Moe	Schulz	Speaker Sabo
Clawson	Jensen	Munger	Searle	

The bill was passed and its title agreed to.

H. F. No. 1434, A bill for an act relating to natural resources; authorizing the commissioner of natural resources to convey the

interests of the state in certain lands in Ottertail county for the purpose of correcting boundary description errors.

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

The question was taken on the passage of the bill and the roll was called. There were 125 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Clawson	Johnson	Munger	Schulz
Adams	Cohen	Jude	Murphy	Searle
Albrecht	Corbid	Kahn	Neisen	Sherwood
Anderson, B.	Dean	Kaley	Nelsen, B.	Sieben, H.
Anderson, D.	Den Ouden	Kalis	Nelsen, M.	Sieben, M.
Anderson, G.	Eckstein	Kelly, R.	Nelson	Simoneau
Anderson, I.	Ellingson	Kelly, W.	Niehaus	Skoglund
Anderson, R.	Enebo	Kempe, R.	Norton	Smogard
Arlandson	Erickson	King	Novak	Stoa
Battaglia	Esau	Knickerbocker	Onnen	Suss
Beauchamp	Evans	Kostohryz	Osthoff	Swanson
Begich	Ewald	Kroening	Patton	Tomlinson
Berg	Faricy	Kvam	Pehler	Vanasek
Berglin	Fjoslien	Laidig	Peterson	Voss
Berkelman	Forsythe	Langseth	Petraleso	Waldorf
Biersdorf	Friedrich	Lehto	Pleasant	Welch
Birnstihl	Fudro	Lemke	Redalen	Wenstrom
Brandl	Fugina	Mangan	Reding	Wenzel
Braun	Gunter	Mann	Rice	White
Brinkman	Hanson	McCarron	Rose	Wieser
Byrne	Heinitz	McCollar	St. Onge	Wigley
Carlson, A.	Heikanson	McDonald	Samuelson	Williamson
Carlson, D.	Jacobs	McEachern	Sarna	Wynia
Carlson, L.	Jaros	Metzen	Savelkoul	Zubay
Clark	Jensen	Moe	Scheid	Speaker Sabo

The bill was passed and its title agreed to.

H. F. No. 1858, A bill for an act relating to retirement; clarifying various ambiguous retirement provisions; removing various obsolete gender references; amending Minnesota Statutes 1976, Sections 352B.05; 352B.06; 352B.14, Subdivisions 3 and 4; 352B.26, Subdivisions 2 and 3; 352B.28; 352D.05, Subdivision 3; 423.37; 423.371, Subdivision 2; 423.377; 423.38; 423.381; 423.387; 423.48; 423.51; 423.52; 423.58; 423.802, Subdivision 2; 423.810, Subdivisions 1 and 2; 424.16; 424.17; 424.24; 424.29; 424.31; Chapter 422A, by adding a section; Minnesota Statutes, 1977 Supplement, Sections 69.772, Subdivision 2; 352B.08, Subdivision 2; 422A.09, Subdivision 3; and 422A.33, Subdivision 3; Laws 1969, Chapter 1088, Section 4, Subdivision 4; and Laws 1977, Chapter 61, Section 5; repealing Minnesota Statutes 1976, Sections 423.22 to 423.36; and 425.01 to 425.09.

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

The question was taken on the passage of the bill and the roll was called. There were 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Clawson	Jensen	Munger	Searle
Adams	Cohen	Johnson	Murphy	Sherwood
Albrecht	Corbid	Jude	Neisen	Sieben, H.
Anderson, B.	Cummiskey	Kahn	Nelsen, B.	Sieben, M.
Anderson, D.	Dean	Kaley	Nelsen, M.	Simoneau
Anderson, G.	Den Ouden	Kalis	Nelson	Skoglund
Anderson, I.	Eckstein	Kelly, R.	Niehaus	Smogard
Anderson, R.	Eken	Kelly, W.	Norton	Spanish
Arlandson	Ellingson	Kempe, R.	Novak	Stoa
Battaglia	Enebo	King	Onnen	Suss
Beauchamp	Erickson	Knickerbocker	Osthoff	Swanson
Begich	Esau	Kostohryz	Patton	Tomlinson
Berg	Evans	Kroening	Pehler	Vanasek
Berglin	Ewald	Kvam	Peterson	Voss
Berkelman	Faricy	Laidig	Petrafaso	Waldorf
Biersdorf	Fjoslien	Langseth	Pleasant	Welch
Birnstihl	Forsythe	Lehto	Redalen	Wenstrom
Brandl	Friedrich	Lemke	Reding	Wenzel
Braun	Fudro	Mangan	Rice	White
Brinkman	Fugina	Mann	Rose	Wieser
Byrne	Gunter	McCarron	St. Onge	Wigley
Carlson, A.	Hanson	McCollar	Samuelson	Williamson
Carlson, D.	Heinitz	McDonald	Sarna	Wynia
Carlson, L.	Hokanson	McEachern	Savelkoul	Zubay
Casserly	Jacobs	Metzen	Scheid	Speaker Sabo
Clark	Jaros	Moe	Schulz	

The bill was passed and its title agreed to.

H. F. No. 1860, A bill for an act relating to public employees retirement association; providing for adjusted accrual dates for payment of annuities, survivor benefits and disability benefits, and clarifying membership requirements for elected officials; amending Minnesota Statutes 1976, Sections 353.29, Subdivision 7; 353.32, Subdivision 1a; 353.33, Subdivision 2; 353.657, Subdivision 2a; and Minnesota Statutes, 1977 Supplement, Sections 353.01, Subdivision 2b; 353.29, Subdivision 8; and 353.31, Subdivision 8.

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

The question was taken on the passage of the bill and the roll was called. There were 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Anderson, R.	Berkelman	Carlson, A.	Cummiskey
Adams	Arlandson	Biersdorf	Carlson, L.	Dean
Albrecht	Battaglia	Birnstihl	Casserly	Den Ouden
Anderson, B.	Beauchamp	Brandl	Clark	Eckstein
Anderson, D.	Begich	Braun	Clawson	Eken
Anderson, G.	Berg	Brinkman	Cohen	Ellingson
Anderson, I.	Berglin	Byrne	Corbid	Enebo

Erickson	Kahn	McDonald	Redalen	Suss
Esau	Kaley	McEachern	Reding	Swanson
Evans	Kalis	Metzen	Rice	Tomlinson
Ewald	Kelly, R.	Moe	Rose	Vanasek
Faricy	Kelly, W.	Munger	St. Onge	Voss
Fjoslien	Kempe, R.	Murphy	Samuelson	Waldorf
Forsythe	King	Neisen	Saveikoul	Welch
Friedrich	Knickerbocker	Nelsen, B.	Scheid	Wenstrom
Fudro	Kostohryz	Nelson	Schulz	Wenzel
Fugina	Kroening	Niehaus	Searle	White
Gunter	Kvam	Norton	Sherwood	Wieser
Hanson	Laidig	Novak	Sieben, H.	Wigley
Heinitz	Langseth	Onnen	Sieben, M.	Williamson
Hokanson	Lehto	Osthoff	Simoneau	Wynia
Jacobs	Lemke	Patton	Skoglund	Zubay
Jaros	Mangan	Pehler	Smogard	Speaker Sabo
Jensen	Mann	Peterson	Spanish	
Johnson	McCarron	Petrafeso	Stanton	
Jude	McCollar	Pleasant	Stoa	

The bill was passed and its title agreed to.

H. F. No. 1863, A bill for an act relating to the operation of state government; allowing the state to make advance payments or deposits for certain items; providing for centralized rental payments to be made from the general services revolving fund; extending the time in which to repay loans from the general fund to revolving funds; allowing the commissioner of administration to publish agency descriptions in the state register biennially instead of annually; amending Minnesota Statutes 1976, Section 16.096; Minnesota Statutes, 1977 Supplement, Sections 15.0412, Subdivision 2; 16.80, Subdivision 1; and 16A.126.

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

The question was taken on the passage of the bill and the roll was called. There were 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Braun	Erickson	Jude	McCarron
Adams	Brinkman	Esau	Kahn	McCollar
Albrecht	Byrne	Evans	Kaley	McDonald
Anderson, B.	Carlson, A.	Ewald	Kalis	McEachern
Anderson, D.	Carlson, D.	Faricy	Kelly, R.	Metzen
Anderson, G.	Carlson, L.	Fjoslien	Kelly, W.	Moe
Anderson, I.	Casserly	Forsythe	Kempe, R.	Munger
Anderson, R.	Clark	Friedrich	King	Murphy
Arlandson	Clawson	Fudro	Knickerbocker	Neisen
Battaglia	Cohen	Fugina	Kostohryz	Nelsen, B.
Beauchamp	Corbid	Gunter	Kroening	Nelsen, M.
Begich	Cummiskey	Hanson	Kvam	Nelson
Berg	Dean	Heinitz	Laidig	Niehaus
Berglin	Den Ouden	Hokanson	Langseth	Norton
Berkelman	Eckstein	Jacobs	Lehto	Novak
Biersdorf	Eken	Jaros	Lemke	Onnen
Birnstihl	Ellingson	Jensen	Mangan	Osthoff
Brandl	Enebo	Johnson	Mann	Patton

Pehler	St. Onge	Sieben, H.	Suss	Wenzel
Peterson	Samuelson	Sieben, M.	Swanson	White
Petrafesio	Sarna	Simoneau	Tomlinson	Wieser
Pleasant	Savelkoul	Skoglund	Vanasek	Wigley
Redalen	Scheid	Smogard	Voss	Williamson
Reding	Schulz	Spanish	Waldorf	Wynia
Rice	Searle	Stanton	Welch	Zubay
Rose	Sherwood	Stoa	Wenstrom	Speaker Sabo

The bill was passed and its title agreed to.

H. F. No. 1864, A bill for an act relating to retirement; providing for biennial local police and paid fire fund actuarial valuations; amending Minnesota Statutes 1976, Sections 69.77, Subdivisions 1, 2 and by adding a subdivision; 69.773, Subdivision 2; 69.78; 356.20, Subdivisions 1, 2 and 4; 356.215, Subdivisions 2 and 4; Chapter 356, by adding a section; Laws 1955, Chapter 75, Section 9, as added and Section 12, as amended; Laws 1959, Chapter 131, Section 10, Subdivision 1, as amended; Laws 1965, Chapter 446, Section 7, Subdivision 1; Laws 1965, Chapter 458, Section 3, Subdivision 2; Laws 1965, Chapter 498, Section 1, Subdivision 1; Laws 1967, Chapter 736, Section 11, Subdivision 1; Laws 1967, Chapter 775, Section 8; Laws 1967, Chapter 798, Section 1, Subdivisions 1 and 2; Laws 1969, Chapter 576, Section 1; Laws 1969, Chapter 641, Section 2, Subdivision 1; Laws 1971, Chapter 51, Section 9, and Section 10, Subdivisions 1 and 2; Laws 1971, Chapter 810, Section 7; Laws 1973, Chapter 587, Section 1; Laws 1975, Chapter 424, Sections 10 and 11; repealing Minnesota Statutes 1976, Sections 69.71; 69.72; 69.73; 69.74; 69.75; 69.76; 490.131; and Laws 1963, Chapter 643, Section 27.

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

The question was taken on the passage of the bill and the roll was called. There were 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Brandl	Ellingson	Jaros	Lehto
Adams	Braun	Enebo	Jensen	Lemke
Albrecht	Brinkman	Erickson	Johnson	Mann
Anderson, B.	Byrne	Esau	Jude	McCarron
Anderson, D.	Carlson, A.	Evans	Kahn	McCollar
Anderson, G.	Carlson, D.	Ewald	Kaley	McDonald
Anderson, I.	Carlson, L.	Faricy	Kalis	McEachern
Anderson, R.	Casserly	Fjoslien	Kelly, R.	Metzen
Arlandson	Clark	Forsythe	Kelly, W.	Moe
Battaglia	Clawson	Friedrich	Kempe, R.	Munger
Beauchamp	Cohen	Fudro	King	Murphy
Begich	Corbid	Fugina	Knickerbocker	Neisen
Berg	Cummiskey	Gunter	Kostohryz	Nelsen, B.
Berglin	Dean	Hanson	Kroening	Nelsen, M.
Berkelman	Den Ouden	Heinitz	Kvam	Nelson
Biersdorf	Eckstein	Hokanson	Laidig	Niehaus
Birnstihl	Eken	Jacobs	Langseth	Norton

Novak	Redalen	Schulz	Stanton	Wenstrom
Onnen	Reding	Searle	Stoa	Wenzel
Osthoff	Rice	Sherwood	Suss	White
Patton	Rose	Sieben, H.	Swanson	Wieser
Pehler	St. Onge	Sieben, M.	Tomlinson	Wigley
Peterson	Samuelson	Simoneau	Vanasek	Williamson
Petrafeso	Sarna	Skoglund	Voss	Wynia
Pleasant	Savelkoul	Smogard	Waldorf	Zubay
Prahl	Scheid	Spanish	Welch	Speaker Sabo

The bill was passed and its title agreed to.

H. F. No. 807, A bill for an act relating to metropolitan government; removing the city of New Prague from definitions of metropolitan areas; adding the city of New Prague to region nine; amending Minnesota Statutes 1976, Sections 473.121, Subdivision 2; 473.123, Subdivisions 1 and 3; 473.249, Subdivision 1; 473.403; 473F.02, Subdivisions 2 and 8.

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

The question was taken on the passage of the bill and the roll was called. There were 124 yeas and 4 nays as follows:

Those who voted in the affirmative were:

Abeln	Clark	Jaros	Munger	Sieben, H.
Adams	Clawson	Jensen	Murphy	Sieben, M.
Albrecht	Cohen	Johnson	Neisen	Simoneau
Anderson, B.	Corbid	Jude	Nelsen, B.	Skoglund
Anderson, D.	Cummiskey	Kahn	Nelsen, M.	Smogard
Anderson, G.	Dean	Kaley	Nelson	Spanish
Anderson, I.	Den Ouden	Kalis	Niehaus	Stanton
Anderson, R.	Eckstein	Kelly, R.	Norton	Stoa
Arlandson	Eken	Kelly, W.	Novak	Suss
Battaglia	Ellingson	Kempe, R.	Osthoff	Swanson
Beauchamp	Enebo	King	Pehler	Tomlinson
Begich	Erickson	Knickerbocker	Peterson	Vanasek
Berg	Esau	Kostohryz	Petrafeso	Voss
Berglin	Evans	Laidig	Prahl	Waldorf
Berkelman	Ewald	Langseth	Redalen	Welch
Biersdorf	Fjoslien	Lehto	Reding	Wenstrom
Birnstihl	Forsythe	Lemke	Rose	Wenzel
Brandl	Friedrich	Mangan	St. Onge	White
Braun	Fudro	Mann	Samuelson	Wieser
Brinkman	Fugina	McCarron	Sarna	Wigley
Byrne	Gunter	McCollar	Savelkoul	Williamson
Carlson, A.	Hanson	McDonald	Scheid	Wynia
Carlson, D.	Heinitz	McEachern	Schulz	Zubay
Carlson, L.	Hokanson	Metzen	Searle	Speaker Sabo
Casserly	Jacobs	Moe	Sherwood	

Those who voted in the negative were:

Kroening	Kvam	Pleasant	Rice
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The bill was passed and its title agreed to.

H. F. No. 1838, A bill for an act relating to the St. Cloud metropolitan transit commission; providing paratransit services authority; permitting contracts for certain services; amending Laws 1969, Chapter 1184, Section 3, Subdivisions 4 and 8, as amended; and by adding a subdivision.

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

The question was taken on the passage of the bill and the roll was called. There were 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Clawson	Johnson	Murphy	Searle
Adams	Cohen	Jude	Neisen	Sherwood
Albrecht	Corbid	Kahn	Nelsen, B.	Sieben, H.
Anderson, B.	Cummiskey	Kaley	Nelsen, M.	Sieben, M.
Anderson, D.	Dean	Kalis	Nelson	Simoneau
Anderson, G.	Den Ouden	Kelly, R.	Niehaus	Skoglund
Anderson, I.	Eckstein	Kelly, W.	Norton	Smogard
Anderson, R.	Eken	Kempe, R.	Novak	Spanish
Arlandson	Ellingson	King	Onnen	Stanton
Battaglia	Erickson	Knickerbocker	Osthoff	Stoa
Beauchamp	Esau	Kostohryz	Patton	Suss
Begich	Evans	Kroening	Pehler	Swanson
Berg	Ewald	Kvam	Peterson	Tomlinson
Berglin	Faricy	Laidig	Petrafeso	Vanasek
Berkelman	Fjoslien	Langseth	Pleasant	Voss
Biersdorf	Forsythe	Lehto	Prahl	Waldorf
Birnstihl	Friedrich	Lemke	Redalen	Welch
Brandl	Fudro	Mangan	Reding	Wenstrom
Braun	Fugina	Mann	Rice	Wenzel
Brinkman	Gunter	McCarron	Rose	White
Byrne	Hanson	McCollar	St. Onge	Wieser
Carlson, A.	Heinitz	McDonald	Samuelson	Wigley
Carlson, D.	Hokanson	McEachern	Sarna	Williamson
Carlson, L.	Jacobs	Metzen	Savelkoul	Wynia
Casserly	Jaros	Moe	Scheid	Zubay
Clark	Jensen	Munger	Schulz	Speaker Sabo

The bill was passed and its title agreed to.

H. F. No. 1878, A bill for an act relating to drivers licenses; application and filing with clerk of the district court; providing that the commissioner of public safety may appoint an agent to assist the clerk in accepting applications under certain circumstances.

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

The question was taken on the passage of the bill and the roll was called. There were 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Clawson	Jensen	Munger	Searle
Adams	Cohen	Johnson	Murphy	Sherwood
Albrecht	Corbid	Jude	Neisen	Sieben, H.
Anderson, B.	Cummiskey	Kahn	Nelsen, B.	Sieben, M.
Anderson, D.	Dean	Kaley	Nelsen, M.	Simoneau
Anderson, G.	Den Ouden	Kalis	Nelson	Skoglund
Anderson, I.	Eckstein	Kelly, R.	Niehaus	Smogard
Anderson, R.	Eken	Kelly, W.	Norton	Spanish
Arlandson	Ellingson	Kempe, R.	Novak	Stanton
Battaglia	Enebo	King	Onnen	Stoa
Beauchamp	Erickson	Knickerbocker	Osthoff	Suss
Begich	Esau	Kostohryz	Patton	Swanson
Berg	Evans	Kroening	Pehler	Tomlinson
Berglin	Ewald	Kvam	Peterson	Vanasek
Berkelman	Faricy	Laidig	Petrafeso	Voss
Biersdorf	Fjoslien	Langseth	Pleasant	Waldorf
Birnstihl	Forsythe	Lehto	Prahl	Welch
Brandl	Friedrich	Lemke	Redalen	Wenstrom
Braun	Fudro	Mangan	Reding	Wenzel
Brinkman	Fugina	Mann	Rice	White
Byrne	Gunter	McCarron	Rose	Wieser
Carlson, A.	Hanson	McCollar	St. Onge	Wigley
Carlson, D.	Heinitz	McDonald	Samuelson	Williamson
Carlson, L.	Hokanson	McEachern	Savelkoul	Wynia
Casserly	Jacobs	Metzen	Scheid	Zubay
Clark	Jaros	Moe	Schulz	Speaker Sabo

The bill was passed and its title agreed to.

H. F. No. 1967 was reported to the House.

Anderson, G., moved to amend H. F. No. 1967, as follows:

Page 2, line 12, after "be" insert "*used for commercial advertising or be*".

The motion prevailed and the amendment was adopted.

H. F. No. 1967, A bill for an act relating to motor vehicles; permitting personalized license plates on trucks; amending Minnesota Statutes 1976, Section 168.12, Subdivision 2a.

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

The question was taken on the passage of the bill and the roll was called. There were 122 yeas and 9 nays as follows:

Those who voted in the affirmative were:

Abeln	Anderson, I.	Berg	Braun	Casserly
Adams	Anderson, R.	Berglin	Brinkman	Clark
Albrecht	Arlandson	Berkelman	Byrne	Clawson
Anderson, B.	Battaglia	Biersdorf	Carlson, A.	Cohen
Anderson, D.	Beauchamp	Birnstihl	Carlson, D.	Corbid
Anderson, G.	Begich	Brandl	Carlson, L.	Den Ouden



Eckstein	Kahn	McEachern	Redalen	Stoa
Ellingson	Kaley	Metzen	Reding	Suss
Enebo	Kalis	Munger	Rice	Swanson
Erickson	Kelly, R.	Murphy	Rose	Tomlinson
Essau	Kelly, W.	Neisen	St. Onge	Vanasek
Ewald	Kempe, R.	Nelsen, B.	Samuelson	Waldorf
Faricy	King	Nelsen, M.	Sarna	Welch
Fjoslien	Knickerbocker	Nelson	Savelkoul	Wenstrom
Forsythe	Kroening	Niehaus	Scheid	Wenzel
Friedrich	Kvam	Norton	Schulz	White
Fudro	Laidig	Novak	Searle	Wieser
Fugina	Langseth	Onnen	Sherwood	Wigley
Gunter	Lehto	Osthoff	Sieben, H.	Williamson
Hanson	Lemke	Patton	Sieben, M.	Wynia
Hokanson	Mangan	Pehler	Simoneau	Zubay
Jacobs	Mann	Peterson	Skoglund	Speaker Sabo
Jaros	McCarron	Petrafeso	Smogard	
Johnson	McCollar	Pleasant	Spanish	
Jude	McDonald	Prahl	Stanton	

Those who voted in the negative were:

Cummiskey	Eken	Heinitz	Kostohryz	Voss
Dean	Evans	Jensen	Moe	

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

S. F. No. 682, A bill for an act relating to Anoka county; creating a housing and redevelopment authority; applying the provisions of the municipal housing and redevelopment act to Anoka county; providing for local approval of projects.

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

The question was taken on the passage of the bill and the roll was called. There were 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Carlson, L.	Hanson	McCarron	Reding
Adams	Casserly	Heinitz	McCollar	Rice
Albrecht	Clark	Hokanson	McDonald	Rose
Anderson, B.	Clawson	Jacobs	McEachern	St. Onge
Anderson, D.	Cohen	Jaros	Metzen	Samuelson
Anderson, G.	Corbid	Jensen	Moe	Sarna
Anderson, I.	Cummiskey	Johnson	Munger	Savelkoul
Anderson, R.	Dean	Jude	Murphy	Scheid
Arlandson	Den Ouden	Kahn	Nelson	Schulz
Battaglia	Eckstein	Kaley	Nelsen, B.	Searle
Beauchamp	Eken	Kalis	Nelsen, M.	Sherwood
Begich	Ellingson	Kelly, W.	Nelson	Sieben, H.
Berg	Enebo	Kempe, R.	Niehaus	Sieben, M.
Berglin	Erickson	King	Norton	Simoneau
Berkelman	Essau	Knickerbocker	Novak	Skoglund
Biersdorf	Evans	Kostohryz	Onnen	Smogard
Birnstihl	Faricy	Kroening	Patton	Spanish
Brandl	Fjoslien	Kvam	Pehler	Stanton
Braun	Forsythe	Langseth	Peterson	Stoa
Brinkman	Friedrich	Lehto	Petrafeso	Suss
Byrne	Fudro	Lemke	Pleasant	Swanson
Carlson, A.	Fugina	Mangan	Prahl	Tomlinson
Carlson, D.	Gunter	Mann	Redalen	Vanasek

Voss  
Waldorf  
Welch

Wenstrom  
Wenzel  
White

Wieser  
Wigley  
Williamson

Wynia  
Zubay

Speaker Sabo

The bill was passed and its title agreed to.

### CALENDAR

H. F. No. 788, A bill for an act relating to fire insurance; requiring a premium reduction or credit against premium for installation of certain smoke or fire detection devices.

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

The question was taken on the passage of the bill and the roll was called. There were 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Clawson	Jaros	Moe	Searle
Adams	Cohen	Jensen	Munger	Sherwood
Albrecht	Corbid	Johnson	Murphy	Sieben, H.
Anderson, B.	Cummiskey	Jude	Neisen	Sieben, M.
Anderson, D.	Dean	Kahn	Nelsen, B.	Simoneau
Anderson, G.	Den Ouden	Kaley	Nelsen, M.	Skoglund
Anderson, I.	Eckstein	Kalis	Nelson	Smogard
Anderson, R.	Eken	Kelly, R.	Niehaus	Spanish
Arlandson	Ellingson	Kelly, W.	Norton	Stanton
Battaglia	Enebo	Kempe, R.	Novak	Stoa
Beauchamp	Erickson	King	Onnen	Suss
Begich	Esau	Knickerbocker	Osthoff	Swanson
Berg	Evans	Kostohryz	Patton	Tomlinson
Berglin	Ewald	Kroening	Pehler	Vanasek
Berkelman	Faricy	Kvam	Peterson	Voss
Biersdorf	Fjoslien	Laidig	Petrufeso	Waldorf
Birnstihl	Forsythe	Langseth	Prahl	Welch
Brandl	Friedrich	Lehto	Redalen	Wenstrom
Braun	Fudro	Lemke	Rice	Wenzel
Brinkman	Fugina	Mangan	Rose	White
Byrne	George	Mann	St. Onge	Wieser
Carlson, A.	Gunter	McCarron	Samuelson	Wigley
Carlson, D.	Hanson	McCollar	Sarna	Williamson
Carlson, L.	Heinitz	McDonald	Savelkoul	Zubay
Casserly	Hokanson	McEachern	Scheid	Speaker Sabo
Clark	Jacobs	Metzen	Schulz	

The bill was passed and its title agreed to.

S. F. No. 698, A bill for an act relating to insurance companies; simplifying language and removing obsolete provisions; clarifying ambiguities; establishing certain responsibilities; requiring performance bonds for certain corporate officers and employees; increasing certain fees; increasing certain capitalization and reserve requirements; providing certain restrictions; authorizing mutual companies to write certain additional kinds of insurance; prescribing certain penalties; amending Minnesota Statutes 1976, Sections 60A.07, Subdivisions 5d and 11; 60A.09,

Subdivision 1; 60A.10, Subdivision 1; 60A.11, Subdivision 2; 60A.12, Subdivision 5; 60A.19, Subdivision 1; 60A.23, Subdivision 7; 60C.06, Subdivision 1; 61A.40; 66A.08, Subdivision 1; 66A.09; 66A.10; 66A.16, Subdivision 2; repealing Minnesota Statutes 1976, Sections 60A.12, Subdivision 6; and 63.36.

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

The question was taken on the passage of the bill and the roll was called. There were 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Adams	Corbid	Johnson	Murphy	Sherwood
Albrecht	Cummiskey	Jude	Neisen	Sieben, H.
Anderson, B.	Dean	Kahn	Nelsen, B.	Sieben, M.
Anderson, D.	Den Ouden	Kaley	Nelsen, M.	Simoneau
Anderson, G.	Eckstein	Kalis	Nelson	Skoglund
Anderson, I.	Eken	Kelly, R.	Niehaus	Smogard
Anderson, R.	Ellingson	Kelly, W.	Norton	Spanish
Arlandson	Enebo	Kempe, R.	Onnen	Stanton
Battaglia	Erickson	King	Osthoff	Stoa
Beauchamp	Esau	Knickerbocker	Patton	Suss
Begich	Evans	Kostohryz	Pehler	Tomlinson
Berg	Ewald	Kroening	Peterson	Vanasek
Berglin	Faricy	Kvam	Petrafeso	Voss
Berkelman	Fjoslien	Laidig	Pleasant	Waldorf
Biersdorf	Forsythe	Langseth	Prahl	Welch
Birnstihl	Friedrich	Lehto	Redalen	Wenstrom
Brandl	Fudro	Lemke	Reding	Wenzel
Braun	Fugina	Mangan	Rice	White
Brinkman	George	Mann	Rose	Wieser
Byrne	Gunter	McCarron	St. Onge	Wigley
Carlson, A.	Hanson	McCollar	Samuelson	Williamson
Carlson, D.	Heinitz	McDonald	Sarna	Zubay
Carlson, L.	Hokanson	McEachern	Savelkoul	Speaker Sabo
Casserly	Jacobs	Metzen	Scheid	
Clark	Jaros	Moe	Schulz	
Clawson	Jensen	Munger	Searle	

The bill was passed and its title agreed to.

H. F. No. 523, A bill for an act relating to public safety; requiring fencing of unused open pit mines; providing a penalty; amending Minnesota Statutes 1976, Section 180.03.

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

The question was taken on the passage of the bill and the roll was called. There were 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Adams	Anderson, D.	Anderson, R.	Beauchamp	Berglin
Albrecht	Anderson, G.	Arlandson	Begich	Berkelman
Anderson, B.	Anderson, I.	Battaglia	Berg	Biersdorf

Birnstihl	Ewald	King	Novak	Simoneau
Brandl	Faricy	Knickerbocker	Onnen	Skoglund
Braun	Fjoslien	Kostohryz	Osthoff	Smogard
Brinkman	Forsythe	Kroening	Patton	Spanish
Byrne	Friedrich	Laidig	Pehler	Stanton
Carlson, A.	Fudro	Langseth	Peterson	Stoa
Carlson, D.	Fugina	Lehto	Petrafeso	Suss
Carlson, L.	George	Lemke	Pleasant	Swanson
Casserly	Gunter	Mangan	Prahl	Tomlinson
Clark	Hanson	Mann	Redalen	Vanasek
Clawson	Heinitz	McCarron	Reding	Voss
Cohen	Hokanson	McDonald	Rice	Waldorf
Corbid	Jacobs	McEachern	Rose	Welch
Cummiskey	Jaros	Metzen	St. Onge	Wenstrom
Dean	Jensen	Moe	Samuelson	Wenzel
Den Ouden	Johnson	Munger	Sarna	White
Eckstein	Jude	Murphy	Savelkoul	Wieser
Eken	Kahn	Neisen	Scheid	Wigley
Ellingson	Kaley	Nelsen, B.	Schulz	Williamson
Enebo	Kalis	Nelsen, M.	Searle	Wynia
Erickson	Kelly, R.	Nelson	Sherwood	Zubay
Esau	Kelly, W.	Niehaus	Sieben, H.	Speaker Sabo
Evans	Kempe, R.	Norton	Sieben, M.	

The bill was passed and its title agreed to.

H. F. No. 1975, A bill for an act relating to corrections; providing for the classification and compensation of persons engaged in the sale of products manufactured or processed in correctional institutions; amending Minnesota Statutes 1976, Section 43.12, by adding a subdivision.

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

The question was taken on the passage of the bill and the roll was called. There were 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Carlson, L.	Fugina	Laidig	Pehler
Adams	Casserly	George	Langseth	Peterson
Anderson, B.	Clark	Gunter	Lehto	Petrafeso
Anderson, D.	Clawson	Hanson	Lemke	Pleasant
Anderson, G.	Cohen	Heinitz	Mangan	Prahl
Anderson, I.	Corbid	Hokanson	Mann	Redalen
Anderson, R.	Cummiskey	Jacobs	McCarron	Reding
Arlandson	Dean	Jaros	McCollar	Rice
Battaglia	Den Ouden	Jensen	McDonald	Rose
Beauchamp	Eckstein	Johnson	Metzen	St. Onge
Begich	Eken	Jude	Moe	Samuelson
Berg	Ellingson	Kahn	Munger	Sarna
Berglin	Enebo	Kaley	Murphy	Savelkoul
Berkelman	Erickson	Kalis	Neisen	Scheid
Biersdorf	Esau	Kelly, R.	Nelsen, B.	Schulz
Birnstihl	Evans	Kelly, W.	Nelsen, M.	Searle
Brandl	Ewald	Kempe, R.	Nelson	Sherwood
Braun	Faricy	King	Niehaus	Sieben, H.
Brinkman	Fjoslien	Knickerbocker	Norton	Sieben, M.
Byrne	Forsythe	Kostohryz	Novak	Simoneau
Carlson, A.	Friedrich	Kroening	Onnen	Skoglund
Carlson, D.	Fudro	Kvam	Patton	Smogard

Spanish	Swanson	Waldorf	White	Wynia
Stanton	Tomlinson	Welch	Wieser	Zubay
Stoa	Vanasek	Wenstrom	Wigley	Speaker Sabo
Suss	Voss	Wenzel	Williamson	

The bill was passed and its title agreed to.

H. F. No. 526, A bill for an act relating to insurance; providing for the procurement of insurance from and the regulation of surplus line insurers and agents; providing for the regulation and imposition of penalties on certain insurance agents; amending Minnesota Statutes 1976, Section 60A.20.

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

The question was taken on the passage of the bill and the roll was called. There were 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abel	Cohen	Johnson	Neisen	Sieben, M.
Adams	Corbid	Jude	Nelsen, B.	Simoneau
Albrecht	Cummiskey	Kahn	Nelsen, M.	Skoglund
Anderson, B.	Dean	Kaley	Nelson	Smogard
Anderson, D.	Den Ouden	Kalis	Niehaus	Spanish
Anderson, G.	Eckstein	Kelly, R.	Norton	Stanton
Anderson, I.	Eken	Kelly, W.	Novak	Stoa
Anderson, R.	Ellingson	Kempe, R.	Onnen	Suss
Arlandson	Enebo	King	Osthoff	Swanson
Battaglia	Erickson	Knickerbocker	Patton	Tomlinson
Beauchamp	Esau	Kostohryz	Pehler	Vanasek
Begich	Evans	Kroening	Peterson	Voss
Berg	Ewald	Kvam	Petrafeso	Waldorf
Berglin	Faricy	Laidig	Pleasant	Welch
Berkelman	Fjoslien	Langseth	Prahl	Wenstrom
Biersdorf	Forsythe	Lehto	Redalen	Wenzel
Birnstihl	Friedrich	Lemke	Reding	White
Brandl	Fudro	Mangan	Rice	Wieser
Braun	Fugina	Mann	Rose	Wigley
Brinkman	George	McCarron	St. Onge	Williamson
Byrne	Gunter	McCollar	Samuelson	Wynia
Carlson, A.	Hanson	McDonald	Sarna	Zubay
Carlson, D.	Heinitz	McEachern	Savelkoul	Speaker Sabo
Carlson, L.	Hokanson	Metzen	Scheid	
Casserly	Jacobs	Moe	Schulz	
Clark	Jaros	Munger	Sherwood	
Clawson	Jensen	Murphy	Sieben, H.	

The bill was passed and its title agreed to.

H. F. No. 1707, A bill for an act relating to automobile insurance; authorizing exclusion of certain high risk drivers from household coverages; requiring exclusion of such drivers from premium calculations under certain circumstances; prescribing penalties; amending Minnesota Statutes 1976, Chapter 65B, by adding a section.

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

The question was taken on the passage of the bill and the roll was called. There were 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Cohen	Johnson	Neisen	Sieben, M.
Adams	Corbid	Jude	Nelsen, B.	Simoneau
Albrecht	Cummiskey	Kahn	Nelsen, M.	Skoglund
Anderson, B.	Dean	Kaley	Nelson	Smogard
Anderson, D.	Den Ouden	Kalis	Niehaus	Spanish
Anderson, G.	Eckstein	Kelly, R.	Norton	Stanton
Anderson, I.	Eken	Kelly, W.	Novak	Stoa
Anderson, R.	Ellingson	Kempe, R.	Onnen	Suss
Arlandson	Enebo	King	Osthoff	Swanson
Battaglia	Erickson	Knickerbocker	Patton	Tomlinson
Beauchamp	Esau	Kostohryz	Pehler	Vanasek
Begich	Evans	Kroening	Peterson	Voss
Berg	Ewald	Kvam	Petraleso	Waldorf
Berglin	Faricy	Laidig	Prahl	Welch
Berkelman	Fjoslien	Langseth	Redalen	Wenstrom
Biersdorf	Forsythe	Lehto	Reding	Wenzel
Birnstihl	Friedrich	Lemke	Rice	White
Brandl	Fudro	Mangan	Rose	Wieser
Braun	Fugina	Mann	St. Onge	Wigley
Brinkman	George	McCarron	Samuelson	Williamson
Byrne	Gunter	McCollar	Sarna	Wynia
Carlson, A.	Hanson	McDonald	Savelkoul	Zubay
Carlson, D.	Heinitz	McEachern	Scheid	Speaker Sabo
Carlson, L.	Hokanson	Metzen	Schulz	
Casserly	Jacobs	Moe	Searle	
Clark	Jaros	Munger	Sherwood	
Clawson	Jensen	Murphy	Sieben, H.	

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. 1923.

H. F. No. 1923 was reported to the House.

Eken moved to amend H. F. No. 1923, as follows:

Page 1, line 11, delete "subsequent to" and insert "on or after".

Page 2, after line 18, insert:

"Sec. 3. [EFFECTIVE DATE.] *This act is effective for property sold January 1, 1978 and thereafter.*"

The motion prevailed and the amendment was adopted.

H. F. No. 1923, A bill for an act relating to taxation; restricting certificate of value filing requirements to transfers of property made after 1977; amending Minnesota Statutes, 1977 Supplement, Section 272.115, Subdivisions 1 and 4.

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

The question was taken on the passage of the bill and the roll was called. There were 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Cohen	Johnson	Neisen	Sieben, M.
Adams	Corbid	Jude	Nelsen, B.	Simoneau
Albrecht	Cummiskey	Kahn	Nelsen, M.	Skoglund
Anderson, B.	Dean	Kaley	Nelson	Smogard
Anderson, D.	Den Ouden	Kalis	Niehaus	Spanish
Anderson, G.	Eckstein	Kelly, R.	Norton	Stanton
Anderson, I.	Eken	Kelly, W.	Novak	Stoa
Anderson, R.	Ellingson	Kempe, R.	Onnen	Suss
Arlandson	Enebo	King	Patton	Swanson
Battaglia	Erickson	Knickerbocker	Pehler	Tomlinson
Beauchamp	Esau	Kostohryz	Peterson	Vanasek
Begich	Evans	Kroening	Petraieso	Voss
Berg	Ewald	Kvam	Pleasant	Waldorf
Berglin	Faricy	Laidig	Prahl	Welch
Berkelman	Fjoslien	Langseth	Redalen	Wenstrom
Biersdorf	Forsythe	Lehto	Reding	Wenzel
Birnstihl	Friedrich	Lemke	Rice	White
Brandl	Fudro	Mangan	Rose	Wieser
Braun	Fugina	Mann	St. Onge	Wigley
Brinkman	George	McCarron	Samuelson	Williamson
Byrne	Gunter	McCollar	Sarna	Wynia
Carlson, A.	Hanson	McDonald	Savelkoul	Zubay
Carlson, D.	Heinitz	McEachern	Scheid	Speaker Sabo
Carlson, L.	Hokanson	Metzen	Schulz	
Cassery	Jacobs	Moe	Searle	
Clark	Jaros	Munger	Sheward	
Clawson	Jensen	Murphy	Sieben, H.	

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

Berg was excused at 4:00 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. After some time spent therein the Committee arose.

### REPORT OF COMMITTEE OF THE WHOLE

The Speaker resumed the Chair, whereupon the following proceedings of the Committee as kept by the Chief Clerk were reported to the House:

H. F. Nos. 1022, 1825, 1323, 1833, 361, 1909, 474, 190, 1973, 2080, 1908 and 1997 which it recommended to pass.

S. F. No. 1178 which it recommended to pass.

H. F. Nos. 1739, 1736 and 1726 which it recommended progress.

H. F. No. 424 which it recommended be returned to its author.

H. F. No. 13 which it recommended progress until Thursday, February 23, 1978, retaining its place on General Orders.

H. F. Nos. 1383 and 1824 which it recommended progress until Wednesday, March 1, 1978, retaining their place on General Orders.

S. F. No. 397 which it recommended progress until Thursday, March 2, 1978, retaining its place on General Orders.

H. F. No. 1826 which it recommended progress until Thursday, February 23, 1978.

H. F. Nos. 1345, 1344, 1137 and 1808 which it recommended progress until Wednesday, March 1, 1978.

H. F. No. 1447 which it recommended to pass with the following amendment offered by Waldorf:

Page 1, delete lines 10 to 22 and insert:

*“[125.121] Subdivision 1. Before a district terminates the coaching duties of an employee who is required to hold a license as an athletic coach from the board of teaching, the district shall notify the employee in writing and state its reason for the proposed termination. Within 14 days of receiving this notification, the employee may request in writing a hearing on the termination before the board. If a hearing is requested, the board shall hold a hearing within 25 days according to the hearing procedures specified in section 125.12, subdivision 9, and the termination shall not be final except upon the order of the board after the hearing.”*

H. F. No. 1718 which it recommended to pass with the following amendment offered by Jaros:

Page 1, line 19, after “to” insert “prevent and”.

Amend the title:

Page 1, line 3, after “the” insert “prevention and”.



On the motion of Anderson, I., the report of the Committee of the Whole was adopted.

### MOTIONS AND RESOLUTIONS

Anderson, I., introduced :

House Concurrent Resolution No. 8, A house concurrent resolution relating to adjournment.

#### SUSPENSION OF RULES

Anderson, I., moved that the Rules be so far suspended that House Concurrent Resolution No. 8 be now considered and be placed upon its adoption. The motion prevailed.

#### HOUSE CONCURRENT RESOLUTION NO. 8

A house concurrent resolution relating to adjournment.

*Be It Resolved*, by the House of Representatives, the Senate concurring, that when either the House of Representatives or the Senate adjourns on February 23, 1978, it may adjourn to any date not later than March 1, 1978.

Anderson, I., moved that House Concurrent Resolution No. 8 be now adopted. The motion prevailed and House Concurrent Resolution No. 8 was adopted.

Hanson introduced :

House Resolution No. 18, A house resolution recognizing and honoring John Hanson, the first president of the United States; encouraging Minnesotans to celebrate his accomplishments on President's Day.

#### SUSPENSION OF RULES

Hanson moved that the Rules be so far suspended that House Resolution No. 18 be now considered and be placed upon its adoption. The motion prevailed.

#### HOUSE RESOLUTION NO. 18

A house resolution recognizing and honoring John Hanson, the first president of the United States; encouraging Minnesotans to celebrate his accomplishments on President's Day.

*Whereas*, John Hanson was elected the first president of the United States by the Continental Congress on November 5, 1781; and

*Whereas*, during the administration of President John Hanson the Great Seal of the United States was created; and

*Whereas*, Thanksgiving Day was established, adopted and proclaimed a national holiday under the administration of President Hanson; and

*Whereas*, the United States Postal Service was established under the administration of President Hanson; and

*Whereas*, there are a great many Scandinavians in the state of Minnesota and the United States; and

*Whereas*, John Hanson, a Scandinavian-American made numerous and notable contributions to the United States of America as its first elected president; now, therefore,

*Be It Resolved*, by the House of Representatives of the state of Minnesota that the state of Minnesota on President's Day for all years to come recognize John Hanson, the first president of the United States, and honor and praise his notable accomplishments and that all people of Scandinavian descent and their friends in the state of Minnesota celebrate accordingly.

Hanson moved that House Resolution No. 18 be now adopted. The motion prevailed and House Resolution No. 18 was adopted.

Anderson, B., moved that H. F. No. 2230 be returned to its author. The motion prevailed.

Sherwood moved that the names of Kalis and Birnstihl be added as authors on H. A. No. 70. The motion prevailed.

Schulz moved that the name of Norton be added as an author on H. F. No. 2265. The motion prevailed.

Petraleso moved that the name of Byrne be added as an author on H. F. No. 2366. The motion prevailed.

Voss moved that the name of Jude be added as an author on H. F. No. 2271. The motion prevailed.

Birnstihl moved that H. F. No. 1945, now on Technical General Orders, be re-referred to the Committee on Governmental Operations. The motion prevailed.

Pehler moved that the name of Nelsen, M., be added as an author on H. F. No. 2055. 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. 823:

Simoneau, Neisen, and Zubay.

## ADJOURNMENT

Anderson, I., moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:00 p.m., Tuesday, February 21, 1978.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

## STATE OF MINNESOTA

## SEVENTIETH SESSION - 1978

## SEVENTY-FIFTH DAY

SAINT PAUL, MINNESOTA, TUESDAY, FEBRUARY 21, 1978

The House of Representatives convened at 2:00 p.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	Corbid	Kahn	Nelsen, M.	Sieben, M.
Adams	Cummiskey	Kaley	Nelson	Simoneau
Albrecht	Dean	Kalis	Niehaus	Skoglund
Anderson, B.	Den Ouden	Kelly, R.	Norton	Smogard
Anderson, D.	Eckstein	Kelly, W.	Novak	Spanish
Anderson, G.	Eken	Kempe, R.	Onnen	Stanton
Anderson, I.	Ellingson	King	Osthoff	Stoa
Anderson, R.	Erickson	Knickerbocker	Patton	Suss
Arlandson	Esau	Kostohryz	Pehler	Swanson
Battaglia	Evans	Kroening	Peterson	Tomlinson
Beauchamp	Ewald	Kvam	Petrafeso	Vanasek
Begich	Faricy	Laidig	Pleasant	Voss
Berg	Fjoslien	Langseth	Prahl	Waldorf
Berglin	Forsythe	Lehto	Redalen	Welch
Berkelman	Friedrich	Lemke	Reding	Wenstrom
Biersdorf	Fudro	Mangan	Rice	Wenzel
Birnstihl	Fugina	Mann	Rose	White
Brandl	George	McCarron	St. Onge	Wieser
Braun	Gunter	McCollar	Samuelson	Wigley
Brinkman	Hanson	McDonald	Sarna	Williamson
Byrne	Heinitz	McEachern	Savelkoul	Wynia
Carlson, D.	Hokanson	Metzen	Scheid	Zubay
Carlson, L.	Jacobs	Moe	Schulz	Speaker Sabo
Cassery	Jaros	Munger	Searle	
Clark	Jensen	Murphy	Searles	
Clawson	Johnson	Neisen	Sherwood	
Cohen	Jude	Nelsen, B.	Sieben, H.	

A quorum was present.

Carlson, A., Enebo and Kempe, A., were excused.

The Chief Clerk proceeded to read the Journal of the preceding day. McCollar moved that further reading of the Journal be dispensed with and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.

## REPORTS OF CHIEF CLERK

Pursuant to Rules of the House, printed copies of H. F. Nos. 1857, 1945, 1782, 1822, 2016, 842, 1821, 1859, 1866, 1918, 1718, 1781, 1447, 1767, 1967, 1923 and 1612 and S. F. Nos. 910, 1282, 1699, 1758, 1959 and 1727 have been placed in the members' files.

## REPORTS OF STANDING COMMITTEES

Hanson from the Committee on Commerce and Economic Development to which was referred:

H. F. No. 1849, A bill for an act relating to commerce; establishing a small business consortium; creating an advisory task force on small business development programs; appropriating money.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert:

“Section 1. [SMALL BUSINESS DEVELOPMENT PROGRAMS; ADVISORY TASK FORCE; ESTABLISHMENT.] There is established the advisory task force on small business development programs.

Sec. 2. [DEFINITIONS.] Subdivision 1. For the purposes of sections 1 to 6, the terms defined in this section shall have the meanings given them.

Subd. 2. “Task force” means the advisory task force on small business development programs.

Subd. 3. “Small business” means any business entity as defined in Minnesota Statutes, Section 16.082.

Subd. 4. “Commissioner” means the commissioner of economic development.

Sec. 3. [MEMBERSHIP.] Subdivision 1. The task force shall have 25 members. Two members shall be members of the house of representatives, to be appointed by the speaker of the house; two shall be members of the senate, to be appointed by the subcommittee on committees of the senate rules committee. The commissioner, the director of the state planning agency, and the executive director of the higher education coordinating board, or their designees, shall be members of the task force. The task force shall include an individual designated by the president of each four-year post-secondary educational institution located in this state which has an organized program aiding small busi-

ness development. Each such individual shall have detailed knowledge of such program. The remaining members of the task force shall be appointed by the governor, with membership apportioned so that at least one member shall be appointed from each development region, as established by executive order.

Subd. 2. Members of the task force shall serve a term ending December 31, 1979.

Subd. 3. The chairman of the task force shall be a member of the task force elected by the members of the task force.

Subd. 4. The governor shall fill vacancies by appointing members similarly qualified to those being replaced for the remainder of the unexpired term.

Subd. 5. Members appointed by the governor may be removed in accordance with Minnesota Statutes, Section 15.059, Subdivision 4.

Sec. 4. [COMPENSATION.] The members of the task force, except for the commissioner, directors, and house and senate members, shall be paid expenses in the same manner and amount as for state employees.

Sec. 5. [DUTIES.] The duties of the task force shall be to (a) develop a plan for establishing a statewide educational consortium for small business development for the purpose of coordinating and promoting existing and future services and programs among four-year post-secondary educational institutions located in this state which might aid the development of small businesses; (b) study the feasibility of establishing regional educational consortiums for small business development; and (c) otherwise develop a system of information retrieval and technical services coordination for the purpose of assisting small businesses in solving problems concerning operations, manufacturing, engineering, technology development, marketing, finance and accounting, and other matters needed by small businesses for expansion, management improvement, and for increasing industry competition. The task force shall report to the legislature and governor its findings and recommendations on or before November 15, 1979. In the performance of those duties, the task force shall, whenever possible, consult with agencies and organizations concerned with small business.

Sec. 6. [STAFF.] The commissioner shall provide administrative and professional support to the task force.

Sec. 7. [APPROPRIATIONS.] Subdivision 1. There is appropriated from the general fund to the commissioner of economic development the sum of \$25,000, to be used to carry out the purposes of this act. Notwithstanding Minnesota Statutes,

Section 16A.28, or any other law relating to the lapse of an appropriation, this appropriation is available until June 30, 1980.

Subd. 2. There is appropriated from the general fund to a special contingent account the sum of \$200,000, for the purpose of aiding any four-year post-secondary educational institution located in the state in the planning and organization of a program to aid small business development, as determined by the task force in the discharge of its duties. These funds are not available for expenditure until authorized by the governor, in accordance with the provisions of Minnesota Statutes, Section 3.30. Notwithstanding Minnesota Statutes, Section 16A.28, or any other law relating to the lapse of an appropriation, this appropriation is available until June 30, 1980.

Sec. 8. [EFFECTIVE DATE.] This act is effective the day following final enactment."

Further amend the title as follows:

Page 1, line 2, delete all language after the semicolon.

Page 1, line 3, delete all language before the word "creating".

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

The report was adopted.

Moe from the Committee on Criminal Justice to which was referred:

H. F. No. 1381, A bill for an act relating to taxation; imposing a tax on liquor sold for resale by the drink; providing for the distribution of the proceeds to local units of government to meet the costs of enforcement of laws relating to driving offenses involving alcohol or drugs; requiring payment of certain costs by persons receiving treatment, care or rehabilitation for alcoholism; providing penalties; appropriating funds; amending Minnesota Statutes 1976, Chapters 169 and 340, by adding sections.

Reported the same back with the following amendments:

Page 1, line 19, delete "*wholesale distributor*" and insert "*on-sale dealer*".

Page 1, line 20, delete "*to retail dealers for the purpose of*".

Page 1, line 21, delete "*resale at on-sale establishments where liquor is sold*" and insert "*, beer or wine*".

Page 1, line 25, after "*liquor*" insert "*, beer or wine*".

Page 1, line 26, delete "wholesale distributors" and insert "on-sale dealers".

Page 2, line 3, after "beer" insert "containing 3.2 percent or more of alcohol by weight".

Page 2, after line 5, insert "It shall be unlawful for any retail establishment to sell for consumption on the premises any liquor, beer or wine on which the excise tax imposed by this section has not been paid."

Page 2, line 7, delete "wholesale distributor" and insert "on-sale dealer".

Page 7, line 7, after the period insert "The commissioner of public safety is authorized to add such personnel or contract for such services as may be necessary for the administration and operation of the office of alcohol and drug related traffic control programs."

Page 8, line 22, delete "1977" and insert "1978".

Page 8, line 25, delete "1977" and insert "1978".

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

The report was adopted.

Johnson from the Committee on Education to which was referred:

H. F. No. 346, A bill for an act relating to education; establishing an advisory council on the metric system; appropriating money.

Reported the same back with the following amendments:

Page 1, line 6, delete "COUNCIL" and insert "TASK FORCE".

Page 1, line 7, delete "council" and insert "task force".

Page 1, line 11, delete "council" and insert "task force".

Page 1, line 15, after "chairman" insert ", appointed by the commissioner of education".

Page 1, line 16, after "transportation" insert ", appointed by the commissioner or director of these departments, as applicable".



Page 1, line 21, delete "and" and insert a comma.

Page 1, line 21, after "compensation" insert "and removal".

Page 1, line 21, delete "council" and insert "task force".

Page 2, line 1, delete "council" and insert "task force".

Page 2, line 3, delete "council" and insert "task force".

Page 2, line 6, delete "council" and insert "task force for the year ending June 30, 1979".

Further, amend the title as follows:

Line 3, delete "council" and insert "task force".

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

The report was adopted.

Johnson from the Committee on Education to which was referred:

H. F. No. 1250, A bill for an act relating to education; authorizing the state board of education to establish the position and employ an industrial arts consultant; appropriating money.

Reported the same back with the following amendments:

Page 1, line 11, delete "vocational-technical".

Page 1, line 11, after "division of" insert "instruction, program coordinators unit of".

Page 1, line 12, delete "a".

Page 1, line 13, delete "consultant for industrial arts education and".

Page 1, line 15, delete "\$18,000" and insert "\$30,000".

Page 1, line 16, delete "salary of the consultant and the sum of".

Page 1, delete line 17.

Page 1, delete line 18 to the period and insert "purposes of this act".

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

The report was adopted.

Johnson from the Committee on Education to which was referred:

H. F. No. 2081, A bill for an act relating to education; authorizing expansion of the environmental education program; amending Minnesota Statutes 1976, Section 89.35, Subdivision 2; and Minnesota Statutes, 1977 Supplement, Section 126.111, Subdivision 1.

Reported the same back with the following amendments:

Page 2, line 7, reinstate the stricken language.

Page 2, line 8, reinstate the stricken language.

Page 2, line 12, reinstate the stricken language.

Page 2, line 13, reinstate the stricken language and delete the new language.

Page 2, line 13, after the period insert "*The program may also provide for a program of instruction to be developed and implemented for residents throughout the state.*".

With the recommendation that when so amended the bill pass.

The report was adopted.

Enebo from the Committee on Labor-Management Relations to which was referred:

H. F. No. 2041, A bill for an act relating to labor and employment; prohibiting mandatory retirement of public or private employees; rights and remedies of employees; amending Minnesota Statutes 1976, Sections 43.24, Subdivision 1; 69.29; 352.22, Subdivisions 1 and 2; 422A.13, Subdivision 2; and 490.124, Subdivision 1; and Chapter 181, by adding a section; and Minnesota Statutes, 1977 Supplement, Section 43.12, Subdivision 17; and 363.02, Subdivision 6; repealing Minnesota Statutes 1976, Sections 125.12, Subdivision 5; 163.07, Subdivision 2a; 354A.21; 423.075; and 423.26; and Minnesota Statutes, 1977 Supplement, Section 43.051, Subdivision 1.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1976, Chapter 181, is amended by adding a section to read:

[181.81] *Subdivision 1. (a) Normal retirement date, when used in this section, means the date, if any, which the employer, or the employer and employee or his representative jointly, designate as the date on which all affected employees must mandatorily cease service unless the employee exercises the option granted by this section to continue service.*

*(b) It is unlawful for any employer, public or private, excluding the United States government and any of its instrumentalities, to refuse to hire or employ, or to discharge, dismiss, reduce in grade or position, or demote any individual on the grounds that the individual has reached a designated retirement age, except in cases where other state statutes, not including enactments of only local or special application, or federal statutes compel or specifically authorize such action.*

*(c) Every employer shall notify an employee in writing at least 90 days but no more than 120 days prior to the employee's normal retirement date, if any, of his option to continue employment beyond that date. The notice shall state in a conspicuous manner that the employee must respond to the notice within 30 days or the right to continue employment beyond the normal retirement date may be waived. If the employee notifies the employer in writing within 30 days after the employer's notice to the employee of the employee's desire to continue employment beyond the normal retirement date the employer must allow such employment consistent with the requirements of this section. Such employment shall continue for as long as the employee desires or until the employer demonstrates that the employee no longer can meet the bona fide requirements, consistently applied, for the job or position.*

*(d) Regardless of whether or not a normal retirement date as defined in clause (a) exists for an employee, if there exists a date on which the accrual of pension benefits or credits, or the contributions therefor by the employee or the employer, or the employee's employment related health and welfare benefits or insurance coverages are diminished or eliminated by virtue of the employee attaining a certain age, the employer shall notify the employee of the changes at least 90 but not more than 120 days prior to the effective date of the change. If a normal retirement date exists for an employee and that date is the same as the date on which pension credit accrual or health and welfare benefits or contributions are modified the notice required by this clause shall be given contemporaneously with the notice required in clause (c). This section, in and of itself, shall not be construed*

*to require any change in funding or benefit levels of any pension or retirement plan, or to require any employer to increase an employer's or employee's payment for the provision of insurance benefits contained in any employee benefit or insurance plan.*

*Subd. 2. (a) The commissioner of labor and industry shall advise any inquiring parties, employee or employer, of their rights and duties under this section. Further, the commissioner may attempt to conciliate any disputes between employees and employers over the application of or alleged violations of this section.*

*(b) Any party aggrieved by a violation of this section may bring suit for redress in the district court wherein the violation occurred or in the district court wherein the employer is located. If a violation is found the court in granting relief may enjoin further violations and may include in its award compensation for any period of unemployment resulting from the violation together with actual and reasonable attorneys fees, and other costs incurred by the plaintiff.*

*(c) When a suit is commenced alleging a violation of this section the plaintiff may in the same suit attempt to show that a violation of Minnesota Statutes, Chapter 363, has also occurred and that relief under that chapter is also appropriate, providing all the procedural requirements of Minnesota Statutes, Chapter 363, have been met. Alternatively when a charge is filed or a suit commenced alleging a violation of Minnesota Statutes, Chapter 363, the plaintiff may in the same suit attempt to show that a violation of this section has occurred and that relief under this section is also appropriate. In either case, when determining whether or not a violation of Minnesota Statutes, Chapter 363, has occurred the court shall incorporate the substantive requirements of this section into any duties and rights specified by Minnesota Statutes, Chapter 363.*

Sec. 2. Minnesota Statutes 1976, Section 356.32, is amended to read:

356.32 [PROPORTIONATE ANNUITY IN CERTAIN CASES.] Subdivision 1. [PROPORTIONATE RETIREMENT ANNUITY.] Notwithstanding any provision to the contrary of the laws governing any of the retirement funds (ENUMERATED) referred to in subdivision 2, any person who is employed in a position covered by any such fund, who has credit for at least three years but less than ten years of allowable service in such fund or a combination of such funds, and who is required to terminate service at age 65 or earlier pursuant to a mandatory retirement statute (OR A UNIFORMLY APPLIED MANDATORY RETIREMENT POLICY ESTABLISHED BY THE EMPLOYER), or who terminates service at age 65 or older for any reason shall be entitled upon application to a proportionate retirement annuity from each such fund in which he has allowable service credit, based upon his allowable service credit at the

time of mandatory retirement; provided, however, that nothing in this section shall prevent the actuarial reduction of an annuity for which application is made prior to normal retirement age.

Subd. 2. [COVERED FUNDS.] 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;)

((7) MINNEAPOLIS MUNICIPAL EMPLOYEES RETIREMENT FUND, ESTABLISHED PURSUANT TO CHAPTER 422A) *any Minnesota public pension plan or fund, including any plan or fund enumerated in Minnesota Statutes, Sections 356.21, Subdivision 2, or 356.30, Subdivision 3, any local police or firefighter's relief association to which Minnesota Statutes, Section 69.77 or 69.773, apply, or any retirement or pension plan or fund, including a supplemental retirement plan or fund, established, maintained or supported by any governmental subdivision or public body whose revenues are derived from taxation, fees, assessments or from other public sources, which provides pension or retirement coverage for public employees.*

Sec. 3. Minnesota Statutes, 1977 Supplement, Section 363.02, Subdivision 6, is amended to read:

Subd. 6. [AGE.] By law or published retirement policy, a mandatory retirement age may be established without being a violation of chapter 363, *provided such an age limit is established pursuant to a requirement or specific authorization found in some other state statute, not including enactments of only local or special application, or federal statute. In determining whether a mandatory retirement violates chapter 363 the provisions of*

*section 181.81 shall be applicable. Nothing in this chapter nor in section 181.81 shall prohibit employee pension and retirement plans from granting pension credit to employees over the age of 65 at a lesser rate than is granted to other employees, provided that in no event may an employee's accumulated pension credits be reduced by continued employment, and further provided that no other state or federal law is violated by the reduced rate of pension credit accrual. Nothing in this chapter shall be construed to prohibit the establishment of differential privileges, benefits, services or facilities for persons of designated ages if (a) such differential treatment is provided pursuant to statute, or (b) the designated age is greater than 59 years or less than 21 years.*

Sec. 4. Minnesota Statutes 1976, Section 422A.13, Subdivision 2, is amended to read:

Subd. 2. Subject to the limitations stated in sections 422A.01 to 422A.25, any employee in the contributing class who shall have been employed by the city for ten or more years and shall have attained the established age for retirement, or shall have been employed by the city for 30 or more years all as determined by the retirement board, shall be entitled to retire. (ANY EMPLOYEE IN THE CONTRIBUTING CLASS SHALL BE RETIRED UPON REACHING THE AGE OF 65 REGARDLESS OF THE PROVISIONS OF THE VETERANS PREFERENCE ACT AND RECEIVE A SERVICE ALLOWANCE AS SPECIFIED IN SECTIONS 356.30, 356.32, OR 422A.01 TO 422A.25.)

Sec. 5. Minnesota Statutes 1976, Section 423.075, Subdivision 1, is amended to read:

423.075 [COMPULSORY RETIREMENT OF CERTAIN EMPLOYEES OF FIRE DEPARTMENTS.] Subdivision 1. Every employee, officer, or person on the payroll of any fire (OR POLICE) department in any city of the first class who is designated as a future beneficiary by the rules of any tax aided pension, relief, or retirement fund established and maintained by authority of laws of this state, shall retire upon reaching the age of 65 years; provided that any such employee, officer, or person on the payroll of any such fire (OR POLICE) department serving as such on or before January 1, 1939, who has attained the age of 65 years and who has not served a sufficient length of time to entitle him to benefits under the terms and provisions of any such pension act now in effect providing for benefits for such firemen (AND POLICEMEN), employees, officers, or persons on the payroll of the fire (OR POLICE) department in such city, may, subject to the provisions of any charter of any such city providing for a civil service commission and the rules and regulations of the civil service commission enacted pursuant thereto, remain in the service of any such city as an employee, officer, or person on the payroll of such fire (OR POLICE) department until he has served a sufficient length of time to entitle him to such benefits. This proviso shall

not apply to substitutes and persons employed irregularly from time to time in (EITHER) the fire (OR THE POLICE DEPARTMENTS) *department* of such city.

Sec. 6. Minnesota Statutes 1976, Section 473.606, Subdivision 5, is amended to read:

Subd. 5. The corporation shall have the power to appoint engineers and other consultants, attorneys, and such other officers, agents, and employees as it may see fit, who shall perform such duties and receive such compensation as the corporation may determine, and be removable at the pleasure of the corporation. The corporation shall adopt an affirmative action plan, which shall be submitted to the appropriate agency or office of the state for review and approval. The plan shall include a yearly progress report to the agency or office. (OFFICERS AND EMPLOYEES OF THE CORPORATION WHO CANNOT QUALIFY AND PARTICIPATE IN THE MUNICIPAL EMPLOYEES RETIREMENT FUND UNDER CHAPTER 422A, SHALL BE SEPARATED FROM SERVICE AT THE RETIREMENT AGE APPLICABLE TO OFFICERS OR EMPLOYEES OF THE STATE OF MINNESOTA IN THE CLASSIFIED SERVICE OF THE STATE CIVIL SERVICE AS PROVIDED IN SECTION 43.051, SUBDIVISION 1, OR AS THE SAME MAY FROM TIME TO TIME BE AMENDED, REGARDLESS OF THE PROVISIONS OF THE VETERAN'S PREFERENCE ACT.) Whenever the corporation performs any work within the limits of a city of the first class, or establishes a minimum wage for skilled or unskilled labor in the specifications or any contract for work within one of the cities, the rate of pay to such skilled and unskilled labor shall be the prevailing rate of wage for such labor in that city.

Sec. 7. *Minnesota Statutes 1976, Sections 125.12, Subdivision 5; 163.07, Subdivision 2a; 352B.075; 354A.21; 423.26; Minnesota Statutes, 1977 Supplement, Sections 43.051, Subdivisions 1, 2, and 4; and 354.44, Subdivision 1a, are repealed as of June 1, 1978.*

Sec. 8. *Subdivision 1. This act is effective as of June 1, 1978, subject to the following exception: no mandatory retirement program or policy established by a collective bargaining agreement between a labor organization and a private employer executed prior to the enactment date of this act shall be invalidated until the earlier of either August 1, 1980, or the expiration date of the contract.*

*Subd. 2. Nothing contained in this act shall be construed as requiring the rehiring or reinstatement of an employee retired pursuant to a mandatory retirement law or policy prior to June 1, 1978, or in the case of private employees covered by a collectively bargained contract containing a mandatory retirement provision, the earlier of August 1, 1980, or the expiration of the contract."*

Further, amend the title as follows:

Page 1, delete lines 5 through 15 and insert the following: "amending Minnesota Statutes 1976, Sections 356.32; 422A.13, Subdivision 2; 423.075, Subdivision 1; 473.606, Subdivision 5; and Chapter 181, by adding a section; and Minnesota Statutes, 1977 Supplement, Section 363.02, Subdivision 6; repealing Minnesota Statutes 1976, Sections 125.12, Subdivision 5; 163.07, Subdivision 2a; 352B.075; 354A.21; and 423.26; and Minnesota Statutes, 1977 Supplement, Sections 43.051, Subdivisions 1, 2 and 4; and 354.44, Subdivision 1a."

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

The report was adopted.

Enebo from the Committee on Labor-Management Relations to which was referred:

H. F. No. 2102, A bill for an act relating to labor; clarifying the definition of public employer in the public employees labor relations act; amending Minnesota Statutes 1976, Section 179.63, Subdivision 4.

Reported the same back with the following amendments:

Page 1, line 16, delete "With".

Page 1, delete lines 17 to 19 and insert: "*When two or more units of government subject to this act undertake a project or form a new agency of government under Minnesota Statutes, Chapter 402, or Section 471.59, or other law authorizing common or joint action, the employer for purposes of sections 179.61 to 179.77 shall be the governing person or board of the created agency and the governing official or body of the cooperating governmental units shall be bound by an agreement entered into by the created agency pursuant to the procedures of Minnesota Statutes, Sections 179.61 to 179.77. In any other case involving counties, when the appointing authority for an employee is not the county board the appointing authority and the county board shall be deemed the joint employer and both shall be signatories to negotiated agreements or grievance settlements except that in the event of disagreement between the county board and the appropriate appointing authority as to the final terms of a negotiated agreement, the decision of the county board shall be final and binding on behalf of the county as employer for all employees of the county. Nothing in this section shall diminish the appointing authority's authority over selection, direction, discipline, or discharge of employees of the appointing authority except as such matters may be covered by an agreement entered into pursuant to Minnesota Statutes, Sections 179.61 to 179.77.*"



With the recommendation that when so amended the bill pass.

The report was adopted.

Fudro from the Committee on Transportation to which was referred:

H. F. No. 1965, A bill for an act relating to highways; directing the department of transportation to utilize a certain corridor in Washington county for the construction of interstate highway marked No. I-94.

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

The report was adopted.

Fudro from the Committee on Transportation to which was referred:

H. F. No. 2067, A bill for an act relating to transportation; authorizing permits for the construction of agricultural fences on a highway right-of-way.

Reported the same back with the following amendments:

Page 1, line 12, after the period insert:

“No fences shall be placed in a manner that will interfere with the location or maintenance of a utility. The commissioner shall take no action pursuant to this act which will result in the loss of federal aid for highway construction in this state.”.

With the recommendation that when so amended the bill pass.

The report was adopted.

Fudro from the Committee on Transportation to which was referred:

H. F. No. 2190, A bill for an act relating to aeronautics; setting forth the registration procedure for pioneer aircraft; amending Minnesota Statutes 1976, Section 360.55 by adding a subdivision.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1976, Section 360.55, is amended by adding a subdivision to read:

*Subd. 4. [COLLECTOR'S AIRCRAFT; PIONEER LICENSES.] Any aircraft built by the original manufacturer prior to December 31, 1939, and owned and operated solely as a collector's item shall be listed for taxation and registration as follows: A sworn affidavit shall be executed stating the name and address of the owner, the name and address of the person from whom purchased, the make of the aircraft, year and number of the model, the federal aircraft registration number, the manufacturer's identification number and that the aircraft is owned and operated solely as a collector's item and not for general transportation or commercial operations purposes. The affidavit shall be filed with the commissioner along with a fee of \$25. Upon satisfaction that the affidavit is true and correct, the commissioner shall issue to the applicant number plates, decalcomania labels or stamps bearing the inscription "Pioneer", "Minnesota" and the registration number but no date. The number plates, decalcomania labels or stamps are valid without renewal as long as the owner operates the aircraft solely as a collector's item. Should such aircraft be operated other than as a collector's item, the pioneer number plates, decalcomania labels or stamps shall be void and removed, and the owner shall list the aircraft for taxation and registration in accordance with the other provisions of sections 360.511 to 360.67. Upon the sale of such aircraft, the new owner must list the aircraft for taxation and registration in accordance with the provisions of this subdivision (including the payment of \$25 fee) or the other provisions of sections 360.511 to 360.67, whichever is applicable.*

*In the event of the defacement, loss or destruction of the number plates, decalcomania labels or stamps, the commissioner, upon receiving and filing a sworn affidavit of the aircraft owner setting forth the circumstances, together with any defaced plates, labels or stamps and fee of \$5 shall issue replacement plates, labels or stamps. The commissioner shall note on his records the issue of the replacement number and shall proceed to cancel the original plates, labels or stamps."*

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Fudro from the Committee on Transportation to which was referred:

S. F. No. 1802, A bill for an act relating to drivers' licenses; providing that a Class C license is valid for operation of the rear portion of a midmount aerial ladder truck; amending Minnesota Statutes 1976, Section 171.02, Subdivision 2.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

## SECOND READING OF HOUSE BILLS

H. F. Nos. 2081, 2102, 1965, 2067 and 2190 were read for the second time.

## SECOND READING OF SENATE BILLS

S. F. No. 1802 was read for the second time.

INTRODUCTION AND FIRST READING  
OF HOUSE BILLS

The following House Files were introduced:

Kalis, Eken, Gunter, Redalen and Anderson, G., introduced:

H. F. No. 2387, A bill for an act relating to public local grain warehouses; exempting cooperative associations from certain requirements; amending Minnesota Statutes 1976, Section 232.06, Subdivision 1.

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

Albrecht, Gunter, Kalis, Eken and Vanasek introduced:

H. F. No. 2388, A bill for an act relating to public local grain warehouses; providing for deferral of payments for grain at the seller's option; providing for escrow accounts or surety bond; amending Minnesota Statutes 1976, Chapter 232, by adding a section.

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

King, Mann, Kalis, Erickson and McDonald introduced:

H. F. No. 2389, A bill for an act relating to food; regulation and licensing of food handlers; defining terms; providing for inspection or license fees for certain coin operated food vending machines; amending Minnesota Statutes 1976, Sections 28A.03; and 28A.09.

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

Anderson, I., introduced:

H. F. No. 2390, A bill for an act relating to Voyageurs National Park; appropriating money for a voyageurs interpretive center.

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

Brinkman, Metzen, Casserly, Faricy and Ewald introduced:

H. F. No. 2391, A bill for an act relating to real estate brokers and salespersons; concerning the real estate education, research and recovery fund; amending Minnesota Statutes 1976, Section 82.34, Subdivisions 4, 6, 7, 9, 11, 12, 13, 14, 17 and 18.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Tomlinson, Berg, Heinitz, Byrne and Novak introduced:

H. F. No. 2392, A bill for an act relating to security guards; providing for the licensure and training of security guards; prescribing penalties; amending Minnesota Statutes 1976, Section 326.336, Subdivisions 1 and 2.

The bill was read for the first time and referred to the Committee on Criminal Justice.

Wenstrom; Fjoslien; Anderson, D.; Munger and Sieben, H., introduced:

H. F. No. 2393, A bill for an act relating to power plant sites and high voltage transmission line routes; clarifying the rights of property owners and transferees who previously transferred real property to utilities; amending Minnesota Statutes, 1977 Supplement, Section 116C.63, Subdivisions 4 and 5.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Eckstein, Lemke, Redalen, Kalis and Eken introduced:

H. F. No. 2394, A bill for an act relating to agriculture; agricultural product containers; providing for parity in treatment of dairy containers; repealing Minnesota Statutes, 1977 Supplement, Sections 116F.21 and 116F.22.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Carlson, L.; Swanson; Abeln; Braun and Heinitz introduced:

H. F. No. 2395, A bill for an act relating to insurance; regulating cancellation, renewal, and reduction of coverage of residential insurance; amending Minnesota Statutes 1976, 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.

Brandl, Osthoff, Lehto, Nelsen, B., and Samuelson introduced:

H. F. No. 2396, A bill for an act relating to elections; prohibiting misuse of campaign funds; providing a civil penalty; amending Minnesota Statutes 1976, 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.

Kempe, R., introduced:

H. F. No. 2397, A bill for an act relating to workers' compensation; providing compensation for treatment by podiatrists; amending Minnesota Statutes 1976, Section 176.135, Subdivisions 1 and 2a.

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

Fugina, Prah, McEachern, Murphy and Enebo introduced:

H. F. No. 2398, A bill for an act relating to state government; directing the commissioner of administration to grant contract preference to American made products; amending Minnesota Statutes 1976, Section 16.07, by adding a subdivision.

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

Laidig; Kahn; Anderson, D.; Sieben, H., and Hanson introduced:

H. F. No. 2399, A bill for an act relating to state buildings; providing for the acquisition and installation of works of art in newly constructed buildings; amending Minnesota Statutes 1976, Section 16.02, Subdivision 5; and Chapter 16, by adding a section.

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

Cohen, Scheid, Kaley, Beauchamp and Stoa introduced:

H. F. No. 2400, A bill for an act relating to the operation of state government; providing for the periodic review and evaluation of executive branch agencies and departments; establishing a pilot program; prescribing goals and procedures; appropriating money.

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

Sieben, M., introduced:

H. F. No. 2401, A bill for an act relating to the Minnesota-Wisconsin boundary area commission; providing that the terms of commissioners shall be staggered; amending Minnesota Statutes 1976, Section 1.33.

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

Voss, Berg, Beauchamp, Clawson and Ellingson and introduced:

H. F. No. 2402, A bill for an act relating to courts; judges of the district court; setting the number of judges for the second and fourth judicial districts; amending Minnesota Statutes, 1977 Supplement, Section 2.722, Subdivision 1.

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

Kempe, R., and Wenzel introduced:

H. F. No. 2403, A bill for an act relating to medical assistance; abortion services; limiting funding; amending Minnesota Statutes 1976, Sections 256B.02, Subdivision 8; 393.07, by adding a subdivision; Chapters 256B, by adding sections; and 261, by adding a section.

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

Berkelman, Clark, McCarron, Swanson and Brandl introduced:

H. F. No. 2404, A bill for an act relating to public health; providing certain state assistance to community health service agencies for the purpose of improving dental health of nursing home residents; appropriating money.

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

Kostohryz and McCarron introduced:

H. F. No. 2405, A bill for an act relating to Ramsey county and the cities of Saint Paul, Maplewood and the other municipalities situated therein; further prescribing the powers of Ramsey county relating to health care; authorizing separate provision of paramedic services by Ramsey county and the various municipalities in Ramsey county; further providing for joint purchase of supplies by Ramsey county and the city of Saint Paul; repealing inconsistent or redundant provisions relating to drainage and paramedic services; amending Laws 1974, Chapter 435, Sections 1.0207, as amended; and 3.05; repealing Laws 1974, Chapter 435, Section 1.0211; and Laws 1975, Chapter 426, Sections 3 and 4.

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

Zubay and Friedrich introduced:

H. F. No. 2406, A bill for an act relating to the city of Rochester; maximum age for employment of firefighters.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Berkelman; Anderson, I.; Jaros; Lehto and Murphy introduced:

H. F. No. 2407, A bill for an act relating to regional development; clarifying certain powers of the Arrowhead regional development commission.

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

Jensen, White, Metzen, Sieben, H., and Kempe, R., introduced:

H. F. No. 2408, A bill for an act relating to metropolitan government; regarding local ordinances for the disposal of solid and hazardous waste; amending Minnesota Statutes 1976, Section 473.811, Subdivision 5.

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

Jacobs; Anderson, I.; Kroening; Sarna and Fudro introduced:

H. F. No. 2409, A bill for an act relating to taxation; income tax; increasing individual credits against tax; amending Minnesota Statutes, 1977 Supplement, Section 290.06, Subdivision 3c.

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

White, Metzen, Jensen and Kempe, R., introduced:

H. F. No. 2410, A bill for an act relating to taxation; property taxes; providing for certification of taxes paid before recording certain deeds and instruments; amending Minnesota Statutes 1976, Sections 272.14; 508.47, Subdivision 4; and Chapter 272, by adding a section; and Minnesota Statutes, 1977 Supplement, Section 272.12.

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

Kroening introduced:

H. F. No. 2411, A bill for an act relating to taxation; property tax; clarifying certain limitations on property subject to the agricultural property tax; amending Minnesota Statutes 1976, Section 273.111, Subdivision 6.

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

Onnen; Kempe, R.; Jaros; Savelkoul and Johnson introduced:

H. F. No. 2412, A bill for an act relating to taxation; property tax; providing for reassessment of substantially damaged property; amending Minnesota Statutes 1976, Section 273.01; and Minnesota Statutes, 1977 Supplement, Sections 274.01, Subdivision 1; and 274.13, Subdivision 1.

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

Jacobs, Tomlinson, McCollar and Anderson, I., introduced:

H. F. No. 2413, A bill for an act relating to taxation; income tax; providing certain inflation adjusted credits against tax; increasing individual credits against tax; amending Minnesota Statutes, 1977 Supplement, Section 290.06, Subdivision 3c.

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



Mangan, Waldorf, Hokanson and Wigley introduced:

H. F. No. 2414, A bill for an act relating to motor vehicles; concerning tow trucks; authorizing the commissioner of public safety to promulgate rules for the operation, equipment and inspection of tow trucks; amending Minnesota Statutes 1976, Chapter 169, by adding a section.

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

#### HOUSE ADVISORIES

Pursuant to rule 5.3, the following House Advisory was introduced:

Fugina and Laidig introduced:

H. A. No. 72, A proposal to provide for study of tuition charges for post-secondary educational programs.

The advisory was referred to the Committee on Higher Education.

#### CALENDAR

H. F. No. 1022, A bill for an act relating to the juveniles; providing for a hearing to determine detrimental relationships involving children; providing for a penalty for those engaging children in detrimental relationships; amending Minnesota Statutes 1976, Section 260.315; and Chapter 260, by adding a section.

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

The question was taken on the passage of the bill and the roll was called. There were 119 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Birnstihl	Eckstein	Hanson	Kostohryz
Adams	Brandl	Eken	Heinitz	Kroening
Albrecht	Braun	Erickson	Hokanson	Kvam
Anderson, B.	Brinkman	Esau	Jacobs	Langseth
Anderson, G.	Byrne	Evans	Jaros	Lehto
Anderson, I.	Carlson, D.	Ewald	Jensen	Lemke
Anderson, R.	Carlson, L.	Faricy	Johnson	Mangan
Arlandson	Clark	Fjoslien	Jude	Mann
Battaglia	Clawson	Forsythe	Kalis	McCarron
Beauchamp	Cohen	Friedrich	Kelly, R.	McCollar
Begich	Corbid	Fudro	Kelly, W.	McDonald
Berg	Cummiskey	Fugina	Kempe, R.	McEachern
Berglin	Dean	George	King	Metzen
Biersdorf	Den Ouden	Gunter	Knickerbocker	Moe

Munger	Patton	Sarna	Skoglund	Welch
Neisen	Peterson	Savelkoul	Smogard	Wenstrom
Nelsen, B.	Petrafeso	Scheid	Spanish	Wenzel
Nelsen, M.	Pleasant	Schulz	Stoa	White
Nelson	Redalen	Searle	Suss	Wieser
Niehaus	Reding	Searles	Swanson	Williamson
Norton	Rice	Sherwood	Tomlinson	Wynia
Novak	Rose	Sieben, H.	Vanasek	Zubay
Onnen	St. Onge	Sieben, M.	Voss	Speaker Sabo
Osthoff	Samuelson	Simoneau	Waldorf	

The bill was passed and its title agreed to.

H. F. No. 1447, A bill for an act relating to education; teachers; providing due process rights for certain athletic coaches; amending Minnesota Statutes 1976, Chapter 125, by adding a section.

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

The question was taken on the passage of the bill and the roll was called. There were 124 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Cohen	Jude	Nelsen, B.	Searles
Adams	Corbid	Kahn	Nelsen, M.	Sherwood
Albrecht	Cummiskey	Kaley	Nelson	Sieben, H.
Anderson, B.	Dean	Kalis	Niehaus	Sieben, M.
Anderson, G.	Den Ouden	Kelly, R.	Norton	Simoneau
Anderson, I.	Eckstein	Kelly, W.	Novak	Skoglund
Anderson, R.	Eken	Kempe, R.	Onnen	Smogard
Arlandson	Erickson	King	Osthoff	Spanish
Battaglia	Essau	Knickerbocker	Patton	Stoa
Beauchamp	Evans	Kostohryz	Pehler	Suss
Begich	Ewald	Kroening	Peterson	Swanson
Berg	Faricy	Kvam	Petrafeso	Tomlinson
Berglin	Fjoslien	Laidig	Pleasant	Vanasek
Berkelman	Forsythe	Langseth	Prahl	Voss
Biersdorf	Friedrich	Lehto	Redalen	Waldorf
Birnstihl	Fudro	Lemke	Reding	Welch
Brandl	Fugina	Mangan	Rice	Wenstrom
Braun	Gunter	McCarron	Rose	Wenzel
Brinkman	Hanson	McCollar	St. Onge	White
Byrne	Heinitz	McDonald	Samuelson	Wieser
Carlson, D.	Hokanson	McEachern	Sarna	Williamson
Carlson, L.	Jacobs	Metzen	Savelkoul	Wynia
Cassery	Jaros	Moe	Scheid	Zubay
Clark	Jensen	Munger	Schulz	Speaker Sabo
Clawson	Johnson	Neisen	Searle	

The bill was passed and its title agreed to.

H. F. No. 1825, A bill for an act relating to examining and licensing boards; concerning public health; requiring information at the time of license application; allowing the collection of information at the time of license renewal; amending Minnesota Statutes 1976, Chapter 214, by adding sections.

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

The question was taken on the passage of the bill and the roll was called. There were 117 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Cohen	Jensen	Nelsen, B.	Sherwood
Adams	Corbid	Johnson	Nelsen, M.	Sieben, H.
Albrecht	Cummiskey	Jude	Nelson	Sieben, M.
Anderson, B.	Dean	Kalis	Niehhaus	Simoneau
Anderson, G.	Den Ouden	Kelly, R.	Norton	Skoglund
Anderson, I.	Eckstein	Kelly, W.	Novak	Smogard
Anderson, R.	Eken	Kempe, R.	Onnen	Spanish
Arlandson	Erickson	King	Osthoff	Stanton
Battaglia	Esau	Knickerbocker	Patton	Stoa
Beauchamp	Evans	Kostohryz	Peterson	Suss
Begich	Ewald	Kroening	Petrafeso	Swanson
Berg	Faricy	Langseth	Pleasant	Tomlinson
Berglin	Fjoslien	Lehto	Prahl	Vanasek
Biersdorf	Forsythe	Lemke	Redalen	Voss
Birnstihl	Friedrich	Mangan	Reding	Welch
Brandl	Fudro	Mann	Rice	Wenstrom
Braun	Fugina	McCarron	Rose	Wenzel
Brinkman	George	McCollar	St. Onge	Wieser
Byrne	Gunter	McDonald	Samuelson	Wynia
Carlson, D.	Hanson	McEachern	Sarna	Zubay
Carlson, L.	Heinitz	Metzen	Savelkoul	Speaker Sabo
Casserly	Hokanson	Moe	Schulz	
Clark	Jacobs	Munger	Searle	
Clawson	Jaros	Neisen	Searles	

The bill was passed and its title agreed to.

H. F. No. 1323, A bill for an act relating to education; higher education coordinating board; private post-secondary institutions; exempting certain institutions from the requirement of registration with the board; amending Minnesota Statutes 1976, Sections 136A.61; 136A.62, Subdivision 3; and Chapter 136A, by adding sections.

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

The question was taken on the passage of the bill and the roll was called. There were 119 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Beauchamp	Byrne	Den Ouden	Forsythe
Adams	Begich	Carlson, D.	Eckstein	Friedrich
Albrecht	Berg	Carlson, L.	Eken	Fudro
Anderson, B.	Berglin	Casserly	Erickson	Fugina
Anderson, G.	Biersdorf	Clark	Esau	Gunter
Anderson, I.	Birnstihl	Clawson	Evans	Hanson
Anderson, R.	Brandl	Cohen	Ewald	Heinitz
Arlandson	Braun	Corbid	Faricy	Hokanson
Battaglia	Brinkman	Dean	Fjoslien	Jacobs

Jaros	Lehto	Norton	Samuelson	Stoa
Jensen	Lemke	Novak	Sarna	Suss
Johnson	Mangan	Onnen	Savelkoul	Swanson
Jude	Mann	Osthoff	Scheid	Tomlinson
Kaley	McCollar	Patton	Schulz	Vanasek
Kalis	McDonald	Pehler	Searle	Voss
Kelly, R.	McEachern	Peterson	Searles	Waldorf
Kelly, W.	Metzen	Petrafeso	Sherwood	Welch
Kempe, R.	Moe	Pleasant	Sieben, H.	Wenstrom
King	Munger	Prahl	Sieben, M.	Wenzel
Knickerbocker	Neisen	Redalen	Simoneau	Wieser
Kostohryz	Nelsen, B.	Reding	Skoglund	Wynia
Kroening	Nelsen, M.	Rice	Smogard	Zubay
Kvam	Nelson	Rose	Spanish	Speaker Sabo
Langseth	Niehaus	St. Onge	Stanton	

The bill was passed and its title agreed to.

H. F. No. 1833, A bill for an act relating to community colleges; requiring that one member of the state board be a student; requiring that one member of the local advisory committee be a student; amending Minnesota Statutes 1976, Sections 136.61, Subdivisions 1 and 1a; and 136.63, Subdivision 1.

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

The question was taken on the passage of the bill and the roll was called. There were 121 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Abeln	Cummiskey	Kalis	Niehaus	Simoneau
Adams	Dean	Kelly, R.	Norton	Skoglund
Albrecht	Den Ouden	Kelly, W.	Novak	Smogard
Anderson, B.	Eckstein	Kempe, R.	Onnen	Spanish
Anderson, G.	Eken	King	Osthoff	Stanton
Anderson, I.	Erickson	Knickerbocker	Patton	Stoa
Anderson, R.	Esau	Kostohryz	Pehler	Suss
Arlandson	Evans	Kroening	Peterson	Swanson
Battaglia	Ewald	Kvam	Petrafeso	Tomlinson
Beauchamp	Faricy	Langseth	Pleasant	Vanasek
Begich	Fjoslien	Lehto	Prahl	Voss
Berg	Forsythe	Lemke	Redalen	Waldorf
Berglin	Friedrich	Mangan	Reding	Welch
Biersdorf	Fudro	Mann	Rice	Wenstrom
Birnstihl	Gunter	McCarron	Rose	Wenzel
Brandl	Hanson	McCollar	St. Onge	White
Brinkman	Heinitz	McDonald	Samuelson	Wieser
Byrne	Hokanson	McEachern	Sarna	Williamson
Carlson, D.	Jacobs	Metzen	Savelkoul	Wynia
Carlson, L.	Jaros	Moe	Scheid	Zubay
Casserly	Jensen	Munger	Schulz	Speaker Sabo
Clark	Johnson	Neisen	Searles	
Clawson	Jude	Nelsen, B.	Sherwood	
Cohen	Kahn	Nelsen, M.	Sieben, H.	
Corbid	Kaley	Nelson	Sieben, M.	

Those who voted in the negative were:

Searle

The bill was passed and its title agreed to.

H. F. No. 361, A bill for an act relating to state employees; providing optional health insurance coverage under the Minnesota employees group insurance plan for certain former employees retired because of a disability.

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

The question was taken on the passage of the bill and the roll was called. There were 122 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Cummiskey	Kalis	Niehaus	Sieben, M.
Adams	Dean	Kelly, R.	Norton	Simoneau
Albrecht	Den Ouden	Kelly, W.	Novak	Skoglund
Anderson, B.	Eckstein	Kempe, R.	Onnen	Smogard
Anderson, G.	Eken	King	Osthoff	Spanish
Anderson, I.	Erickson	Knickerbocker	Patton	Stanton
Anderson, R.	Esau	Kostohryz	Pehler	Stoa
Arlandson	Evans	Kroening	Peterson	Suss
Battaglia	Ewald	Kvam	Petrafeso	Swanson
Beauchamp	Faricy	Langseth	Pleasant	Tomlinson
Begich	Fjoslien	Lehto	Prahl	Vanasek
Berg	Forsythe	Lemke	Redalen	Voss
Berglin	Friedrich	Mangan	Reding	Waldorf
Birnstihl	Fudro	Mann	Rice	Welch
Brandl	Gunter	McCarron	Rose	Wenstrom
Braun	Hanson	McCollar	St. Onge	Wenzel
Brinkman	Heinitz	McDonald	Samuelson	White
Byrne	Hokanson	McEachern	Sarna	Wieser
Carlson, D.	Jacobs	Metzen	Savelkoul	Williamson
Carlson, L.	Jaros	Moe	Scheid	Wynia
Casserly	Jensen	Munger	Schulz	Zubay
Clark	Johnson	Neisen	Searle	Speaker Sabo
Clawson	Jude	Nelsen, B.	Searles	
Cohen	Kahn	Nelsen, M.	Sherwood	
Corbid	Kaley	Nelson	Sieben, H.	

The bill was passed and its title agreed to.

S. F. No. 1178, A bill for an act relating to the town of McDavitt; authorizing the town to issue general obligations for acquisition and betterment of a town hall.

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

The question was taken on the passage of the bill and the roll was called. There were 122 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Abeln	Cummiskey	Kaley	Nelson	Sieben, H.
Adams	Dean	Kalis	Niehaus	Sieben, M.
Albrecht	Den Ouden	Kelly, R.	Norton	Simoneau
Anderson, B.	Eckstein	Kelly, W.	Novak	Skoglund
Anderson, G.	Eken	Kempe, R.	Onnen	Smogard
Anderson, I.	Erickson	King	Osthoff	Spanish
Anderson, R.	Esau	Knickerbocker	Patton	Stoa
Arlandson	Evans	Kostohryz	Pehler	Suss
Battaglia	Ewald	Kroening	Peterson	Swanson
Beauchamp	Faricy	Kvam	Petrafaso	Tomlinson
Begich	Fjoslien	Laidig	Pleasant	Vanasek
Berg	Forsythe	Langseth	Prahl	Voss
Berglin	Friedrich	Lehto	Redalen	Waldorf
Biersdorf	Fudro	Lemke	Reding	Welch
Birnstihl	Fugina	Mangan	Rice	Wenstrom
Brandl	Gunter	McCarron	Rose	Wenzel
Brinkman	Hanson	McCollar	St. Onge	White
Byrne	Heinitz	McDonald	Samuelson	Wieser
Carlson, D.	Hokanson	McEachern	Sarna	Williamson
Carlson, L.	Jacobs	Metzen	Savelkoul	Wynia
Casserly	Jaros	Moe	Scheid	Zubay
Clark	Jensen	Munger	Schulz	Speaker Sabo
Clawson	Johnson	Neisen	Searle	
Cohen	Jude	Nelsen, B.	Searles	
Corbid	Kahn	Neisen, M.	Sherwood	

Those who voted in the negative were:

Braun

The bill was passed and its title agreed to.

H. F. No. 1718, A resolution urging the President and Congress to make a national commitment to the prevention and cure of cancer.

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

The question was taken on the passage of the bill and the roll was called. There were 119 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Brandl	Esau	Johnson	Lehto
Adams	Braun	Evans	Jude	Lemke
Albrecht	Brinkman	Ewald	Kahn	Mangan
Anderson, B.	Byrne	Faricy	Kaley	Mann
Anderson, G.	Carlson, L.	Fjoslien	Kalis	McCarron
Anderson, I.	Casserly	Friedrich	Kelly, R.	McCollar
Anderson, R.	Clark	Fudro	Kelly, W.	McDonald
Arlandson	Clawson	Fugina	Kempe, R.	McEachern
Battaglia	Cohen	Gunter	King	Metzen
Beauchamp	Corbid	Hanson	Knickerbocker	Moe
Begich	Cummiskey	Heinitz	Kostohryz	Munger
Berg	Dean	Hokanson	Kroening	Neisen
Berglin	Den Ouden	Jacobs	Kvam	Nelsen, B.
Biersdorf	Eckstein	Jaros	Laidig	Nelsen, M.
Birnstihl	Eken	Jensen	Langseth	Nelson

Niehaus	Redalen	Schulz	Stanton	Wenstrom
Norton	Reding	Searles	Stoa	Wenzel
Novak	Rice	Sherwood	Suss	White
Onnen	Rose	Sieben, H.	Swanson	Wieser
Patton	St. Onge	Sieben, M.	Tomlinson	Williamson
Pehler	Samuelson	Simoneau	Vanasek	Wynia
Peterson	Sarna	Skoglund	Voss	Zubay
Petrafeso	Savelkoul	Smogard	Waldorf	Speaker Sabo
Prahl	Scheid	Spanish	Welch	

The bill was passed and its title agreed to.

H. F. No. 1909, A bill for an act relating to the legislature; providing that the organization of the legislature at the regular session continue during a special session; amending Minnesota Statutes 1976, Chapter 3, by adding a section.

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

The question was taken on the passage of the bill and the roll was called. There were 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Corbid	Kahn	Nelsen, B.	Sherwood
Adams	Cummiskey	Kaley	Nelsen, M.	Sieben, H.
Albrecht	Dean	Kalis	Nelson	Sieben, M.
Anderson, B.	Den Ouden	Kelly, R.	Niehaus	Simoneau
Anderson, G.	Eckstein	Kelly, W.	Norton	Skoglund
Anderson, I.	Eken	Kempe, R.	Novak	Smogard
Anderson, R.	Erickson	King	Onnen	Spanish
Arlandson	Esau	Knickerbocker	Osthoff	Stanton
Battaglia	Evans	Kostohryz	Patton	Stoa
Beauchamp	Ewald	Kroening	Pehler	Suss
Begich	Faricy	Kvam	Peterson	Swanson
Berg	Fjoslien	Laidig	Petrafeso	Tomlinson
Berglin	Forsythe	Langseth	Pleasant	Vanasek
Berkelman	Friedrich	Lehto	Prahl	Voss
Biersdorf	Fudro	Lemke	Redalen	Waldorf
Birnstihl	Fugina	Mangan	Reding	Welch
Brandl	George	Mann	Rice	Wenstrom
Braun	Gunter	McCarron	Rose	Wenzel
Brinkman	Hanson	McCollar	St. Onge	White
Byrne	Heinitz	McDonald	Samuelson	Wieser
Carlson, D.	Hokanson	McEachern	Sarna	Williamson
Carlson, L.	Jacobs	Metzen	Savelkoul	Wynia
Casserly	Jaros	Moe	Scheid	Zubay
Clark	Jensen	Munger	Schulz	Speaker Sabo
Clawson	Johnson	Murphy	Searle	
Cohen	Jude	Neisen	Searles	

The bill was passed and its title agreed to.

H. F. No. 474, A bill for an act relating to highway traffic regulations; defining terms; driving rules; pedestrian rules; regulating the operation of motor vehicles, bicycles and other human powered vehicles; amending Minnesota Statutes 1976, Sections 169.01, Subdivisions 2, 3, 31, 51, and by adding a subdivision; 169.18, Subdivision 7; 169.19, Subdivisions 1 and 8;

169.20, Subdivision 4; 169.21, Subdivision 3; 169.31; and Chapter 169, by adding a section; repealing Minnesota Statutes 1976, Section 169.221.

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

The question was taken on the passage of the bill and the roll was called. There were 112 yeas and 4 nays as follows:

Those who voted in the affirmative were:

Abeln	Corbid	Kaley	Nelson	Sieben, M.
Adams	Cummiskey	Kalis	Niehaus	Simoneau
Anderson, B.	Dean	Kelly, R.	Norton	Skoglund
Anderson, D.	Den Ouden	Kelly, W.	Novak	Smogard
Anderson, G.	Eckstein	Kempe, R.	Onnen	Spanish
Anderson, I.	Eken	Knickerbocker	Patton	Stanton
Anderson, R.	Erickson	Kostohryz	Pehler	Suss
Arlandson	Esau	Kroening	Peterson	Swanson
Battaglia	Evans	Kvam	Petrafeso	Tomlinson
Beauchamp	Ewald	Laidig	Pleasant	Vanasek
Begich	Faricy	Langseth	Prahl	Voss
Berg	Fjoslien	Lehto	Redalen	Waldorf
Berglin	Forsythe	Mangan	Reding	Welch
Birnstihl	Fudro	Mann	Rose	Westrom
Brandl	Fugina	McCarron	St. Onge	Wenzel
Brinkman	Gunter	McCollar	Samuelson	White
Byrne	Hanson	McDonald	Savelkoul	Williamson
Carlson, D.	Heinitz	Metzen	Scheid	Wynia
Carlson, L.	Hokanson	Moe	Schulz	Zubay
Cassery	Jacobs	Munger	Searle	Speaker Sabo
Clark	Jensen	Murphy	Searles	
Clawson	Jude	Nelsen, B.	Sherwood	
Cohen	Kahn	Nelsen, M.	Sieben, H.	

Those who voted in the negative were:

Biersdorf	Braun	Friedrich	Neisen
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The bill was passed and its title agreed to.

H. F. No. 190, 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.

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

The question was taken on the passage of the bill and the roll was called. There were 106 yeas and 10 nays as follows:

Those who voted in the affirmative were:

Abeln	Anderson, B.	Anderson, G.	Arlandson	Beauchamp
Adams	Anderson, D.	Anderson, I.	Battaglia	Begich



Berg	Fjoslien	Kvam	Petrafaso	Spanish
Berglin	Forsythe	Langseth	Pleasant	Stoa
Biersdorf	Friedrich	Mangan	Prahl	Suss
Birnstihl	Fudro	Mann	Redalen	Swanson
Brandl	Fugina	McCarron	Reding	Tomlinson
Brinkman	Hanson	McCollar	Rice	Vanasek
Byrne	Heinitz	McEachern	Rose	Voss
Carlson, L.	Hokanson	Moe	St. Onge	Welch
Casserly	Jacobs	Munger	Samuelson	Wenstrom
Clark	Jaros	Neisen	Sarna	Wenzel
Clawson	Jensen	Nelsen, B.	Savelkoul	White
Cohen	Jude	Nelsen, M.	Scheid	Wieser
Corbid	Kahn	Nelson	Schulz	Williamson
Cummiskey	Kaley	Niehaus	Searles	Wynia
Dean	Kelly, R.	Norton	Sherwood	Zubay
Den Ouden	Kelly, W.	Novak	Sieben, H.	Speaker Sabo
Eken	Kempe, R.	Osthoff	Sieben, M.	
Evans	Knickerbocker	Patton	Simoneau	
Ewald	Kostohryz	Pehler	Skoglund	
Faricy	Kroening	Peterson	Smogard	

Those who voted in the negative were:

Albrecht	Braun	Erickson	Gunter	Metzen
Anderson, R.	Carlson, D.	Esau	Johnson	Waldorf

The bill was passed and its title agreed to.

H. F. No. 1973, A bill for an act relating to juveniles; providing procedures regulating the detention of juveniles; amending Minnesota Statutes 1976, Section 260.173; and Minnesota Statutes, 1977 Supplement, Section 260.171, Subdivision 2.

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

The question was taken on the passage of the bill and the roll was called. There were 123 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Carlson, D.	Fugina	Kvam	Onnen
Adams	Carlson, L.	Gunter	Laidig	Osthoff
Albrecht	Casserly	Hanson	Langseth	Patton
Anderson, B.	Clark	Heinitz	Lehto	Pehler
Anderson, D.	Clawson	Hokanson	Lemke	Peterson
Anderson, G.	Corbid	Jacobs	Mangan	Petrafaso
Anderson, I.	Cummiskey	Jaros	Mann	Pleasant
Anderson, R.	Dean	Jensen	McCarron	Prahl
Arlandson	Den Ouden	Johnson	McDonald	Redalen
Battaglia	Eckstein	Jude	McEachern	Reding
Beauchamp	Eken	Kahn	Metzen	Rice
Begich	Erickson	Kaley	Moe	Rose
Berg	Esau	Kalis	Munger	St. Onge
Berglin	Evans	Kelly, R.	Neisen	Samuelson
Biersdorf	Ewald	Kelly, W.	Nelsen, B.	Sarna
Birnstihl	Faricy	Kempe, R.	Nelsen, M.	Savelkoul
Brandl	Fjoslien	King	Nelson	Scheid
Braun	Forsythe	Knickerbocker	Niehaus	Schulz
Brinkman	Friedrich	Kostohryz	Norton	Searles
Byrne	Fudro	Kroening	Novak	Sherwood

Sieben, H.	Spanish	Tomlinson	Wenstrom	Wynia
Sieben, M.	Stanton	Vanasek	Wenzel	Zubay
Simoneau	Stoa	Voss	White	Speaker Sabo
Skoglund	Suss	Waldorf	Wieser	
Smogard	Swanson	Welch	Williamson	

The bill was passed and its title agreed to.

H. F. No. 2080, A bill for an act relating to juveniles; providing procedures regulating the detention of certain juveniles; amending Minnesota Statutes 1976, Section 260.185, Subdivision 1.

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

The question was taken on the passage of the bill and the roll was called. There were 119 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Corbid	Kahn	Murphy	Searle
Adams	Cummiskey	Kaley	Neisen	Searles
Albrecht	Den Ouden	Kalis	Nelsen, B.	Sherwood
Anderson, B.	Eckstein	Kelly, R.	Nelsen, M.	Sieben, H.
Anderson, D.	Eken	Kelly, W.	Nelson	Sieben, M.
Anderson, G.	Erickson	Kempe, R.	Niehaus	Simoneau
Anderson, I.	Esau	King	Norton	Skoglund
Anderson, R.	Evans	Knickerbocker	Novak	Smogard
Arlandson	Ewald	Kostohryz	Onnen	Spanish
Battaglia	Faricy	Kroening	Patton	Stoa
Beauchamp	Fjoslien	Kvam	Pehler	Suss
Begich	Forsythe	Laidig	Peterson	Swanson
Berg	Friedrich	Langseth	Petrafaso	Tomlinson
Berglin	Fudro	Lehto	Pleasant	Vanasek
Biersdorf	Fugina	Lemke	Prahl	Voss
Birnstihl	Gunter	Mangan	Redalen	Welch
Brandl	Hanson	Mann	Reding	Wenzel
Braun	Heinitz	McCarron	Rice	White
Brinkman	Hokanson	McCollar	Rose	Wieser
Byrne	Jacobs	McDonald	St. Onge	Williamson
Carlson, D.	Jaros	McEachern	Samuelson	Wynia
Carlson, L.	Jensen	Metzen	Sarna	Zubay
Clark	Johnson	Moe	Savelkoul	Speaker Sabo
Clawson	Jude	Munger	Schulz	

The bill was passed and its title agreed to.

H. F. No. 1908, A bill for an act relating to education; teachers; requiring expungement of certain material from a teacher's file; amending Minnesota Statutes 1976, Section 125.12, Subdivision 6.

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

The question was taken on the passage of the bill and the roll was called. There were 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Cohen	Kahn	Nelsen, B.	Sherwood
Adams	Corbid	Kaley	Nelsen, M.	Sieben, H.
Albrecht	Cummiskey	Kalis	Nelson	Sieben, M.
Anderson, B.	Dean	Kelly, R.	Niehaus	Simoneau
Anderson, D.	Den Ouden	Kelly, W.	Norton	Skoglund
Anderson, G.	Eckstein	Kempe, R.	Novak	Smogard
Anderson, I.	Eken	King	Onnen	Spanish
Anderson, R.	Erickson	Knickerbocker	Osthoff	Stanton
Arlandson	Esau	Kostohryz	Patton	Stoa
Battaglia	Evans	Kroening	Pehler	Suss
Beauchamp	Ewald	Kvam	Peterson	Swanson
Begich	Faricy	Laidig	Petrafeso	Tomlinson
Berg	Fjoslien	Langseth	Pleasant	Vanasek
Berglin	Forsythe	Lehto	Prahl	Voss
Berkelman	Friedrich	Lemke	Redalen	Waldorf
Biersdorf	Fudro	Mangan	Reding	Welch
Birnstihl	Fugina	Mann	Rice	Wenstrom
Brandl	Gunter	McCarron	Rose	Wenzel
Braun	Hanson	McCollar	St. Onge	White
Brinkman	Heinitz	McDonald	Samuelson	Wieser
Byrne	Hokanson	McEachern	Sarna	Williamson
Carlson, D.	Jacobs	Metzen	Savelkoul	Wynia
Carlson, L.	Jaros	Moe	Scheid	Zubay
Casserly	Jensen	Munger	Schulz	Speaker Sabo
Clark	Johnson	Murphy	Searle	
Clawson	Jude	Neisen	Searles	

The bill was passed and its title agreed to.

H. F. No. 1997 was reported to the House.

There being no objection, H. F. No. 1997 was continued on the Calendar for one day.

### CONSIDERATION UNDER RULE 1.10

Pursuant to rule 1.10, Kelly, W., requested immediate consideration of H. F. No. 1918.

H. F. No. 1918, A bill for an act relating to taxation; income tax; clarifying the exemption of certain pension benefits; amending Minnesota Statutes, 1977 Supplement, Section 290.01, Subdivision 20; repealing Minnesota Statutes, 1977 Supplement, Section 290.08, Subdivision 6.

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

The question was taken on the passage of the bill and the roll was called. There were 125 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Albrecht	Anderson, D.	Anderson, I.	Arlandson
Adams	Anderson, B.	Anderson, G.	Anderson, R.	Battaglia

Beauchamp	Esau	Knickerbocker	Norton	Sieben, H.
Begich	Evans	Kostohryz	Novak	Sieben, M.
Berg	Ewald	Kroening	Onnen	Simoneau
Berglin	Faricy	Kvam	Osthoff	Skoglund
Berkelman	Fjoslien	Laidig	Patton	Smogard
Biersdorf	Forsythe	Langaeth	Pehler	Spanish
Birnstihl	Friedrich	Lehto	Peterson	Stanton
Brandl	Fudro	Lemke	Petraleso	Stoa
Braun	Fugina	Mangan	Pleasant	Suss
Brinkman	Gunter	Mann	Prahl	Swanson
Byrne	Hanson	McCarron	Redalen	Tomlinson
Carlson, D.	Heinitz	McCollar	Reding	Vanasek
Carlson, L.	Hokanson	McDonald	Rice	Voss
Casserly	Jacobs	McEachern	Rose	Waldorf
Clark	Jaros	Metzen	St. Onge	Welch
Clawson	Johnson	Moe	Samuelson	Wenstrom
Corbid	Jude	Munger	Sarna	Wenzel
Cummiskey	Kahn	Murphy	Savelkoul	White
Dean	Kaley	Neisen	Scheid	Wieser
Den Ouden	Kelly, R.	Nelsen, B.	Schulz	Williamson
Eckstein	Kelly, W.	Neisen, M.	Searle	Wynia
Eken	Kempe, R.	Nelson	Searles	Zubay
Erickson	King	Niehaus	Sherwood	Speaker Sabo

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 message was 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. 1065, A bill for an act relating to St. Louis county; fees for tax search certificate; amending Laws 1955, Chapter 633, Section 1, Subdivision 2.

PATRICK E. FLAHAVER, Secretary of the Senate

### CONCURRENCE AND REPASSAGE

Fugina moved that the House concur in the Senate amendments to H. F. No. 1065 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1065, A bill for an act relating to St. Louis county; changing the fees for tax search certificate; amending Laws 1955, Chapter 633, Section 1, Subdivision 2.

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

The question was taken on the passage of the bill and the roll was called. There were 125 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Cummiskey	Kaley	Nelsen, B.	Searles
Adams	Dean	Kalis	Nelsen, M.	Sherwood
Albrecht	Den Ouden	Kelly, R.	Nelson	Sieben, H.
Anderson, B.	Eckstein	Kelly, W.	Niehaus	Sieben, M.
Anderson, G.	Eken	Kempe, R.	Norton	Simoneau
Anderson, I.	Ellingson	King	Novak	Skoglund
Anderson, R.	Erickson	Knickerbocker	Onnen	Smogard
Arlandson	Esau	Kostohryz	Osthoff	Spanish
Battaglia	Evans	Kroening	Patton	Stanton
Beauchamp	Ewald	Kvam	Pehler	Stoa
Begich	Faricy	Laidig	Peterson	Suss
Berg	Fjoslien	Langseth	Petrafeso	Swanson
Berglin	Forsythe	Lehto	Pleasant	Tomlinson
Berkelman	Friedrich	Lemke	Prahl	Vanasek
Biersdorf	Fudro	Mangan	Redalen	Voss
Birnstihl	Fugina	Mann	Reding	Waldorf
Brandl	Gunter	McCarron	Rice	Welch
Braun	Hanson	McCollar	Rose	Wenstrom
Brinkman	Heinitz	McDonald	St. Onge	Wenzel
Carlson, D.	Hokanson	McEachern	Samuelson	White
Carlson, L.	Jacobs	Metzen	Sarna	Wieser
Clark	Jaros	Moe	Savelkoul	Williamson
Clawson	Johnson	Munger	Scheid	Wynia
Cohen	Jude	Murphy	Schulz	Zubay
Corbid	Kahn	Neisen	Searle	Speaker Sabo

The bill was passed and its title agreed to.

### 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. After some time spent therein the Committee arose.

### REPORT OF COMMITTEE OF THE WHOLE

The Speaker resumed the Chair, whereupon the following proceedings of the Committee as kept by the Chief Clerk were reported to the House:

H. F. Nos. 2000, 1598, 1765, 1766, 1940, 1225, 1793 and 1966 which it recommended to pass.

S. F. No. 1004 which it recommended to pass.

H. F. No. 1726 which it recommended progress.

H. F. No. 1789 which it recommended progress until Monday, March 6, 1978.

H. F. No. 1847 which it recommended progress until Thursday, March 2, 1978.

H. F. No. 1736 which it recommended to pass with the following amendment offered by Berkelman:

Page 1, line 22, after "*handicapped*" insert "*or who are eligible to display the state symbol for accessibility*".

On the motion of Anderson, I., the report of the Committee of the Whole was adopted.

#### ROLL CALLS IN COMMITTEE OF THE WHOLE

Pursuant to rule 1.6, the following roll call was taken in the Committee of the Whole:

McDonald moved to amend H. F. No. 1940, as follows:

Page 1, after line 12, add a new section to read:

"Sec. 3. This board shall terminate on July 1, 1979".

Further amend the title:

Line 4, after "resources" insert "; terminating the board at a certain date".

The question was taken on the adoption of the amendment and the roll was called. There were 34 yeas and 84 nays as follows:

Those who voted in the affirmative were:

Abeln	Eckstein	Jacobs	McCollar	Searles
Begich	Eken	Jude	McDonald	Sieben, H.
Braun	Esau	Kahn	Nelsen, B.	Swanson
Carlson, D.	Evans	Kempe, R.	Niehaus	Voss
Casserly	Fjoslien	Kvam	Pleasant	Wenzel
Corbid	Fugina	Lemke	Redalen	Williamson
Den Ouden	Hokanson	McCarron	Rose	

Those who voted in the negative were:

Adams	Battaglia	Carlson, L.	Farcy	Jensen
Albrecht	Beauchamp	Clark	Forsythe	Johnson
Anderson, B.	Berg	Cohen	Friedrich	Kaley
Anderson, D.	Berkelman	Cummiskey	Fudro	Kalis
Anderson, G.	Biersdorf	Dean	Gunter	Kelly, R.
Anderson, I.	Birnstihl	Ellingson	Hanson	Kelly, W.
Anderson, R.	Brandl	Erickson	Heinitz	King
Arlandson	Byrne	Ewald	Jaros	Kostohryz

Kroening	Neisen	Peterson	Sherwood	Vanasek
Laidig	Nelsen, M.	Petrafeso	Sieben, M.	Waldorf
Langseth	Nelson	Prahl	Simoneau	Welch
Lehto	Norton	Reding	Skoglund	Wenstrom
Mann	Novak	Rice	Smogard	Wigley
McEachern	Onnen	Sarna	Spanish	Wynia
Metzen	Osthoff	Savelkoul	Stoa	Zubay
Munger	Patton	Scheid	Suss	Speaker Sabo
Murphy	Pehler	Searle	Tomlinson	

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

### MOTIONS AND RESOLUTIONS

Begich moved that the name of Birnstihl be added as an author on H. F. No. 2384. The motion prevailed.

Cassery moved that H. F. No. 2211 be recalled from the Committee on Environment and Natural Resources and be re-referred to the Committee on Commerce and Economic Development. The motion prevailed.

Sieben, M., moved that the name of Berkelman be added as an author on H. F. No. 1907. The motion prevailed.

Kempe, R., moved that the names of Jacobs, Jude, and Waldorf be added as authors on H. F. No. 2403. The motion prevailed.

Pehler moved that H. F. No. 1849 be recalled from the Committee on Appropriations and be re-referred to the Committee on Governmental Operations. The motion prevailed.

### ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the resignation of Representative Wenstrom and the appointment of Representative Anderson, G., to the Legislative Commission to Study Public Broadcasting in the State.

### ADJOURNMENT

Anderson, I., moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:00 p.m., Wednesday, February 22, 1978.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

## STATE OF MINNESOTA

## SEVENTIETH SESSION - 1978

## SEVENTY-SIXTH DAY

SAINT PAUL, MINNESOTA, WEDNESDAY, FEBRUARY 22, 1978

The House of Representatives convened at 2:00 p.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	Corbid	Kahn	Nelsen, B.	Sieben, H.
Albrecht	Cummiskey	Kaley	Nelsen, M.	Sieben, M.
Anderson, B.	Dean	Kalis	Nelson	Simoneau
Anderson, D.	Den Ouden	Kelly, R.	Niehaus	Skoglund
Anderson, G.	Eckstein	Kelly, W.	Norton	Smogard
Anderson, I.	Eken	Kempe, A.	Novak	Spanish
Anderson, R.	Ellingson	Kempe, R.	Onnen	Stanton
Arlandson	Enebo	King	Osthoff	Stoa
Battaglia	Erickson	Knickerbocker	Patton	Suss
Beauchamp	Esau	Kostohryz	Pehler	Swanson
Begich	Evans	Kroening	Peterson	Tomlinson
Berg	Ewald	Kvam	Petraleso	Vanasek
Berglin	Faricy	Laidig	Pleasant	Voss
Berkelman	Fjoslien	Langseth	Prahl	Waldorf
Biersdorf	Forsythe	Lehto	Redalen	Welch
Birnstihl	Friedrich	Lemke	Reding	Wenstrom
Brandl	Fugina	Mangan	Rice	Wenzel
Braun	George	Mann	Rose	White
Brinkman	Gunter	McCarron	St. Onge	Wieser
Byrne	Hanson	McCollar	Samuelson	Wigley
Carlson, A.	Heinitz	McDonald	Sarna	Williamson
Carlson, D.	Hokanson	McEachern	Savelkoul	Wynia
Carlson, L.	Jacobs	Metzen	Scheid	Zubay
Casserly	Jaros	Moe	Schulz	Speaker Sabo
Clark	Jensen	Munger	Searle	
Clawson	Johnson	Murphy	Searles	
Cohen	Jude	Neisen	Sherwood	

A quorum was present.

Adams and Fudro were excused.

The Chief Clerk proceeded to read the Journal of the preceding day. Jude moved that further reading of the Journal be dispensed with and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.



## REPORTS OF CHIEF CLERK

Pursuant to Rules of the House, printed copies of H. F. Nos. 1965, 2067, 2190, 1736, 2081 and 2102 have been placed in the members' files.

## REPORTS OF STANDING COMMITTEES

Hanson from the Committee on Commerce and Economic Development to which was referred:

H. F. No. 1243, A bill for an act relating to public utilities; providing for base usage rates and quantities for electricity and natural gas; amending Minnesota Statutes 1976, Chapter 216B, by adding a section.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1976, Chapter 216B, is amended by adding a section to read:

[216B.031] [LIFELINE RATES.] *Subdivision 1. The legislature hereby finds that the cost of service is no longer the proper standard to use for determining the rate to be charged for an essential amount of energy consumption for residential, small business and family farm customers; that all classes of customers should bear the cost of providing the quality of life; that the escalation of the cost of essential energy for residential customers should be slowed; and that conservation should be encouraged.*

*Subd. 2. [RESIDENTIAL; DEFINITION.] For the purpose of this section "residential" means the permanent dwelling of a user and excludes vacation residences and residences which are unoccupied for more than 180 days in a year.*

*Subd. 3. [ELECTRICITY.] The public service commission shall establish lifeline rates for residential electrical customers in accordance with the following provisions:*

*(1) Existing service charges shall be eliminated or converted to a minimum usage charge;*

*(2) The lifeline rate for each utility shall not exceed the average revenue per kilo watt-hour (kwh) for either the utility as a whole or the residential class thereof;*

*(3) The lifeline rate shall be applied to no less than the first 500 kwh per month, taking into consideration regional differences in usage;*

(4) *The commission shall not unduly burden high usage residential customers;*

(5) *Existing summer-winter rate differentials shall not be eliminated;*

(6) *The commission shall create a new class to be designated "master metered multifamily residential". In determining lifeline rates, the commission shall give the master metered multifamily residential class the same degree of protection that it provides to single metered residential users;*

(7) *Special lifeline rates shall be established for family farms, as defined by Minnesota Statutes, Section 500.24, Subdivision 1, Clauses (b) and (c);*

(8) *No utility's small business class that is shown to be generating a disproportionately higher rate of return, as compared to the utility's other nonresidential classes, shall be required to absorb a portion of any interclass burden created by implementation of lifeline rates;*

(9) *The public service commission shall require that every public utility file a schedule of lifeline rates no later than January 1, 1979, consistent with the provisions of this section. The commission shall not authorize an increase in the lifeline rate until the average revenue per kilo watt-hour of nonlifeline rates for the public utility has increased 25 percent or more, exclusive of fuel adjustment clauses. This requirement shall apply to the initial increase in a utility's lifeline rate and all subsequent increases in the lifeline rate.*

**Subd. 4. [NATURAL GAS.]** *The public service commission is directed to explore and design potential natural gas rates based on the lifeline principles set forth in this section. The commission is authorized to implement natural gas lifeline rates as may be feasible.*

**Subd. 5. [ELECTRICAL COOPERATIVES; EXEMPTION.]** *Any electrical cooperative that serves less than 10,000 customers and derives 90 percent or more of its gross revenue from residential customers may petition the public service commission to be excluded from the provisions of this section. If the commission determines that the electrical cooperative satisfies the requirements of this subdivision, it shall exempt the cooperative from the provisions of this section for a period of three years. The denial of an exemption may be appealed by an electrical cooperative pursuant to chapter 15. The public service commission shall promulgate rules necessary to carry out the purposes of this subdivision.*

**Sec. 2.** *This act shall be effective the day following final enactment."*

Further, amend the title as follows:

Page 1, line 2, delete "for base".

Page 1, line 3, delete "usage" and insert "lifeline".

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

Page 1, line 4, after the semicolon insert "providing exemptions for electrical cooperatives;"

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

The report was adopted.

Hanson from the Committee on Commerce and Economic Development to which was referred:

H. F. No. 1882, A bill for an act relating to commerce; repealing the fair trade laws; repealing Minnesota Statutes 1976, Sections 325.08 to 325.14.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Moe from the Committee on Criminal Justice to which was referred:

S. F. No. 804, A bill for an act relating to highway traffic regulations; driving under the influence of alcohol or controlled substances; chemical tests and consent therefor; providing for immediate notice of revocation of a driver license or permit, retention of the license or permit by a court or peace officer and the substitution of temporary licenses under certain circumstances; providing for county court jurisdiction over prosecution for certain offenses; prescribing penalties; amending Minnesota Statutes 1976, Sections 169.121; 169.123; 169.127; and Chapter 169, by adding sections; repealing Minnesota Statutes 1976, Section 171.245.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1976, Section 169.121, is amended to read:

169.121 [MOTOR VEHICLE DRIVERS UNDER INFLUENCE OF ALCOHOL OR CONTROLLED SUBSTANCE.] Subdivision 1. It (SHALL BE) *is* a misdemeanor for any person (DESCRIBED IN CLAUSES (A), (B), (C) OR (D)) to drive (,) *or* operate a motor vehicle *within the state* or be in (ACTUAL) physical control of (ANY) a motor vehicle (WITHIN THIS STATE) *upon a public highway*:

(a) (A) *When the person (WHO) is under the influence of (AN ALCOHOLIC BEVERAGE OR NARCOTIC DRUG) alcohol*;

(b) (A) *When the person (WHO IS AN HABITUAL USER OF NARCOTIC DRUGS OR WHO) is under the influence of a controlled substance (WHICH IMPAIRS THE ABILITY TO DRIVE)*;

(c) (A) *When the person (WHO) is under the influence of a combination of any two or more of the elements named in clauses (a) and (b) (HEREOF)*; *or*

(d) (A PERSON WHOSE) *When the person's (BLOOD CONTAINS) alcohol concentration is 0.10 (PERCENT) or more (BY WEIGHT OF ALCOHOL) as defined in subdivision 2 of this section.*

(WHEN A POLICE OFFICER HAS REASON TO BELIEVE FROM THE MANNER IN WHICH A DRIVER IS DRIVING, OPERATING, OR ACTUALLY CONTROLLING, OR HAS DRIVEN, OPERATED, OR ACTUALLY CONTROLLED, A VEHICLE THAT SUCH DRIVER MAY BE VIOLATING THIS SUBDIVISION HE MAY REQUIRE THE DRIVER TO PROVIDE A SAMPLE OF HIS BREATH FOR AN IMMEDIATE PRELIMINARY SCREENING TEST OR ANALYSIS BEFORE AN ARREST IS MADE, USING A DEVICE APPROVED BY THE COMMISSIONER FOR THIS PURPOSE. THE RESULTS OF SUCH A PRELIMINARY SCREENING TEST OR ANALYSIS SHALL BE USED ONLY FOR THE PURPOSE OF GUIDING THE OFFICER IN DECIDING WHETHER AN ARREST SHOULD BE MADE, AND SHALL NOT BE USED AS EVIDENCE IN ANY COURT ACTION.)

(THE DRIVER OF ANY MOTOR VEHICLE SHALL FURNISH SUCH A SAMPLE OF HIS BREATH WHEN REQUIRED TO DO SO. THE PROVISIONS OF SECTION 169.123, SHALL APPLY TO ANY DRIVER WHO REFUSES TO FURNISH A SAMPLE OF HIS BREATH; PROVIDED THAT THE LICENSE OR PERMIT OF A DRIVER SHALL NOT BE REVOKED PURSUANT TO SECTION 169.123, SUBDIVISION 4, FOR REFUSAL TO PROVIDE A SAMPLE OF HIS BREATH FOR PRELIMINARY SCREENING PURPOSES, IF HE SUBMITS TO A BLOOD, BREATH OR URINE

TEST TO DETERMINE THE ALCOHOLIC CONTENT OF HIS BLOOD PURSUANT TO SECTION 169.123, SUBDIVISION 2. ANOTHER TEST MAY BE REQUIRED OF THE DRIVER FOLLOWING THE SCREENING TEST PURSUANT TO THE PROVISIONS OF THIS CHAPTER, WHICH SHALL BE ADMISSIBLE EVIDENCE IN ACCORDANCE THEREWITH.)

(NOTHING IN THIS SUBDIVISION AUTHORIZING SUCH PRELIMINARY SCREENING TEST OR ANALYSIS SHALL BE CONSTRUED AS CHANGING, LIMITING, OR OTHERWISE MODIFYING THE PROCEDURES, SAFEGUARDS, AND OTHER PROVISIONS OF SECTIONS 169.121 TO 169.123 OR ORDINANCES IN CONFORMITY THEREWITH.)

The provisions of this subdivision apply, but are not limited in application, to any person who drives, operates, or (WHO) is in (ACTUAL) physical control of any *motor* vehicle in the manner prohibited by this subdivision upon the ice of any lake, stream, or river, including but not limited to the ice of any boundary water.

Subd. 2. Upon the trial of any prosecution arising out of acts alleged to have been committed by any person arrested for driving, operating, or *being* in (ACTUAL) physical control of a motor vehicle in violation of (SUBPARAGRAPHS A, C, OR D OF) subdivision 1 (HEREOF), the court may admit evidence of the amount of alcohol *or a controlled substance* in the person's blood, breath, or urine as shown by a medical or chemical analysis thereof; if (SAID) *the* test is taken voluntarily or pursuant to section 169.123.

For the purposes of this subdivision:

(a) evidence that there was at the time *an alcohol concentration of 0.05 (PERCENT) or less (BY WEIGHT OF ALCOHOL IN THE PERSON'S BLOOD)* is prima facie evidence that (SUCH) *the* person was not under the influence of (AN ALCOHOLIC BEVERAGE) *alcohol*;

(b) evidence that there was at the time *an alcohol concentration of more than 0.05 (PERCENT) and less than 0.10 (PERCENT BY WEIGHT OF ALCOHOL IN THE PERSON'S BLOOD)* is relevant evidence (BUT IT IS NOT TO BE GIVEN PRIMA FACIE EFFECT) in indicating whether or not the person was under the influence of (AN ALCOHOLIC BEVERAGE) *alcohol*.

The foregoing provisions (SHALL NOT BE CONSTRUED AS LIMITING) *do not limit* the introduction of any other com-

petent evidence bearing upon the question whether or not (SUCH) *the person was under the influence of (AN ALCOHOLIC BEVERAGE) alcohol or a controlled substance.*

(FOR THE PURPOSES OF THIS SECTION, AN "ALCOHOLIC BEVERAGE" MEANS ANY LIQUID CONTAINING MORE THAN ONE-HALF OF ONE PERCENT OF ALCOHOL BY VOLUME.)

For the purposes of this (SECTION) *chapter* "(PERCENT BY WEIGHT OF) *alcohol concentration*" (SHALL BE DEFINED AS) *means*:

(a) *the number of grams of alcohol per 100 milliliters of blood, or,*

(b) *the number of grams of alcohol per 210 liters of breath, or*

(c) *the number of grams of alcohol per 67 milliliters of urine.*

Subd. 3. Every person (WHO IS) convicted of a violation of this section (SHALL BE) *is punishable by imprisonment of not (LESS THAN TEN DAYS NOR) more than 90 days, or by a fine of not (LESS THAN \$10 NOR) more than (\$300) \$500, or both, and his driver's license, permit, or driving privileges shall be revoked for not less than 30 days, except that every person who is convicted of a violation of this section, when (SUCH) the violation is found to be the proximate cause of (GRIEVOUS) great bodily (INJURY) harm as defined in section 609.02, subdivision 8, or death to another person, shall be punished by imprisonment for not (LESS THAN 60 DAYS NOR) more than 90 days, or by fine of not more than (\$300) \$500, or both and his driver's license, permit, or driving privileges shall be revoked for not less than 90 days.*

*Any person whose license, permit or driving privilege has been revoked pursuant to section 169.123 is not subject to the mandatory revocation provision of this subdivision for the same act or acts.*

Subd. 4. Every person who is convicted of a violation of this section *or an ordinance in conformity therewith* within three years of any previous conviction (UNDER THIS SECTION) *for said offense shall be punished by imprisonment for not (LESS THAN TEN DAYS NOR) more than 90 days or a fine of not more than \$500 or both, and his driver's license, permit, or driving privilege shall be revoked for not less than 90 days.*

(SUBD. 5. WHENEVER A PERSON IS CHARGED WITH A VIOLATION OF THIS SECTION WITHIN THREE YEARS

OF A PREVIOUS CONVICTION HEREUNDER, AND HE SHALL FORFEIT HIS BAIL, IT SHALL BE THE DUTY OF THE PROSECUTING OFFICER TO IMMEDIATELY APPLY TO THE FORTHWITH ISSUE A WARRANT FOR THE ARREST OF THE ACCUSED.)

Subd. (6) 5. The court may stay imposition or execution of any sentence authorized by subdivision 3 or 4 on the condition that the convicted person submit to treatment by a public or private institution or a facility providing rehabilitation for chemical dependency licensed by the department of public welfare. A stay of imposition or execution shall be in the manner provided in section 609.135. The court shall report to the commissioner of public safety any stay of imposition or execution of sentence granted under the provisions of this section.

*Subd. 6. When a peace officer has reason to believe from the manner in which a person is driving, operating, or controlling, or has driven, operated, or controlled, a motor vehicle that the driver may be violating or has violated subdivision 1 he may require the driver to provide a sample of his breath for a screening test using a device approved by the commissioner of public safety for this purpose. The results of this screening test may not be used as evidence in any court action but shall be used for the purpose of deciding whether an arrest should be made and whether to require the chemical tests, authorized in section 169.123. Following the screening test another test may be required of the driver pursuant to the provisions of section 169.123.*

*The driver of a motor vehicle who refuses to furnish a sample of his breath for a screening test is subject to the provisions of section 169.123, unless, in compliance with 169.123, he submits to a blood, breath or urine test to determine the presence of alcohol or a controlled substance.*

**(SUBD. 7. ANY PERSON WHOSE LICENSE HAS BEEN REVOKED PURSUANT TO SECTION 169.127 SHALL NOT BE SUBJECT TO THE MANDATORY REVOCATION PROVISION OF SUBDIVISION 3.)**

*Subd. 7. On behalf of the commissioner of public safety a court shall serve notice of revocation on a person convicted of a violation of this section. The court shall take the license or permit of the driver, if any, or obtain a sworn affidavit stating that the license or permit cannot be produced, and send it to the commissioner with a record of the conviction and issue a temporary license effective only for the period during which an appeal from the conviction may be taken. No person who is without driving privileges at the time shall be issued a temporary license and any temporary license issued shall bear the same restrictions and limitations as the driver's license or permit for which it is exchanged. The commissioner shall issue additional temporary*

*licenses until the final determination of whether there shall be a revocation under this section.*

Sec. 2. Minnesota Statutes, 1977 Supplement, Section 169.123, Subdivision 1, is amended to read:

169.123 [CHEMICAL TESTS FOR INTOXICATION.] Subdivision 1. [PEACE OFFICER DEFINED.] For the purposes of this section and section 169.121, (SUBDIVISION 2,) the term peace officer means a state highway patrol officer, university of Minnesota peace officer, or full time police officer of any municipality, including towns having powers under section 368.01, or county having satisfactorily completed a prescribed course of instruction in a school for instruction of persons in law enforcement conducted by the University of Minnesota or similar course considered equivalent by the commissioner of public safety.

Sec. 3. Minnesota Statutes 1976, Section 169.123, Subdivision 2, is amended to read:

Subd. 2. [IMPLIED CONSENT; CONDITIONS; ELECTION AS TO TYPE OF TEST.] (a) Any person who drives (OR), operates, *or is in physical control of a motor vehicle (UPON THE PUBLIC HIGHWAYS OF) within this state (SHALL BE DEEMED TO HAVE GIVEN CONSENT) consents*, subject to the provisions of this section and section 169.121, (SUBDIVISION 2,) to a chemical test of his blood, breath, or urine for the purpose of determining the (ALCOHOLIC CONTENT OF HIS BLOOD) *presence of alcohol or a controlled substance*. The test shall be administered at the direction of a peace officer. The test may be (ADMINISTERED) *required of a person when (THE) an officer has (REASONABLE AND) probable (GROUNDS) cause to believe (THAT A) the person was driving or operating a motor vehicle within the state (WHILE SAID PERSON WAS UNDER THE INFLUENCE OF AN ALCOHOLIC BEVERAGE,) or in physical control of a motor vehicle upon a public highway in violation of section 169.121 and one of the following conditions exist: (1) the (SAID) person has been lawfully placed under arrest for (ALLEGED COMMISSION OF THE SAID DESCRIBED OFFENSE IN) violation of section 169.121 (, OR AN ORDINANCE IN CONFORMITY THEREWITH); or (2) the person has been involved in a motor vehicle collision resulting in property damage, personal injury, or death; or, (3) the person has refused to take the screening test provided for by section 169.121, subdivision 6; or (4) the screening test was administered and recorded an alcohol concentration of 0.10 or more. (THE TEST MAY ALSO BE ADMINISTERED WHEN THE OFFICER HAS REASON TO BELIEVE THAT A PERSON WAS DRIVING OR OPERATING A MOTOR VEHICLE IN VIOLATION OF SECTION 169.121 OR AN ORDINANCE IN CONFORMITY THEREWITH AND THE PERSON HAS EITHER RE-*



FUSED TO TAKE THE PRELIMINARY SCREENING TEST PROVIDED FOR BY SECTION 169.121, SUBDIVISION 1, OR SUCH PRELIMINARY SCREENING TEST WAS ADMINISTERED AND RECORDED A BLOOD ALCOHOL LEVEL OF .10 PERCENT OR MORE BY WEIGHT OF ALCOHOL.) Any person may decline to take a direct blood test and elect to take either a breath(,) or urine test, whichever is available(, IN LIEU THEREOF, AND EITHER A BREATH OR URINE TEST SHALL BE MADE AVAILABLE TO THE ARRESTED PERSON WHO MAKES SUCH AN ELECTION) *and offered*. No action (SHALL) *may* be taken against the person for declining to take a direct blood test unless either a breath(,) or urine test was available *and offered*. (AT THE TIME THE PEACE OFFICER REQUESTS SUCH CHEMICAL TEST SPECIMEN, HE SHALL INFORM THE ARRESTED PERSON THAT HIS RIGHT TO DRIVE MAY BE REVOKED OR DENIED IF HE REFUSES TO PERMIT THE TEST AND THAT HE HAS THE RIGHT TO HAVE ADDITIONAL TESTS MADE BY A PERSON OF HIS OWN CHOOSING.)

*(b) At the time a chemical test specimen is requested, the person shall be informed that if testing is refused, the person's right to drive will be revoked for a period of six months; that if a test is taken and the results indicate that the person is under the influence of alcohol or a controlled substance, the person will be subject to criminal penalties and the person's right to drive may be revoked for a period of 90 days; that the person has a right to consult with an attorney but that this right is limited to the extent that it cannot unreasonably delay administration of the test or the person will be deemed to have refused the test; that after submitting to testing, the person has the right to have additional tests made by a person of his or her own choosing.*

Sec. 4. Minnesota Statutes 1976, Section 169.123, Subdivision 3, is amended to read:

Subd. 3. [MANNER OF MAKING TEST; ADDITIONAL TESTS.] Only a physician, medical technician, registered nurse, medical technologist or laboratory assistant acting at the request of a peace officer may withdraw blood for the purpose of determining the (ALCOHOLIC CONTENT THEREIN) *presence of alcohol or controlled substance*. This limitation (SHALL) *does not apply to the taking of a breath (,) or urine specimen*. The person tested (SHALL HAVE) *has the right to (A PHYSICIAN, A MEDICAL TECHNICIAN, MEDICAL TECHNOLOGIST, LABORATORY ASSISTANT OR REGISTERED NURSE) have a person of his own choosing (TO) administer a chemical test or tests in addition to any administered at the direction of a peace officer; provided, that the additional test specimen on behalf of (SAID) the person (BE) is obtained at the place where (SUCH) the person is in custody, after the test administered at the direction of a peace officer, and at no expense to the state. (SAID PERSON SHALL HAVE THE*

RIGHT TO IMMEDIATELY COMMUNICATE WITH HIS ATTORNEY, DOCTOR OR ANY OTHER PERSON IN ORDER TO SECURE A PHYSICIAN, MEDICAL TECHNICIAN, MEDICAL TECHNOLOGIST, LABORATORY ASSISTANT OR REGISTERED NURSE OF HIS OWN CHOOSING FOR THE PURPOSE OF ADMINISTERING SUCH ADDITIONAL TEST OR TESTS; BUT THIS SHALL IN NO WAY DELAY THE ADMINISTERING OF THE TEST AT THE DIRECTION OF THE PEACE OFFICER.) The failure or inability to obtain an additional test or tests by a person shall not preclude the admission in evidence of the test taken at the direction of a peace officer unless the additional test was prevented or denied by the peace officer. Upon the request of the person who is tested, full information concerning the test or tests taken at the direction of the peace officer shall be made available to him. The physician, medical technician, medical technologist, laboratory assistant or registered nurse drawing blood at the request of a peace officer for the purpose of determining (ALCOHOLIC CONTENT) *alcohol concentration* shall in no manner be liable in any civil or criminal action except for negligence in drawing the blood. The person administering (SUCH) *a* test at the request and direction of (SUCH) *a* peace officer shall be fully trained in the administration of (SUCH) *the* tests pursuant to standards promulgated by rule by the commissioner of public safety.

Sec. 5. Minnesota Statutes 1976, Section 169.123, Subdivision 4, is amended to read:

Subd. 4. [REFUSAL, CONSENT TO PERMIT TEST; REVOCATION OF LICENSE.] If a person refuses to permit chemical testing, none shall be given, but the (COMMISSIONER OF PUBLIC SAFETY, UPON THE RECEIPT OF A CERTIFICATE OF THE PEACE OFFICER THAT HE HAD REASONABLE AND PROBABLE GROUNDS TO BELIEVE THE PERSON HAD BEEN DRIVING OR OPERATING A MOTOR VEHICLE UPON THE PUBLIC HIGHWAYS WHILE UNDER THE INFLUENCE OF AN ALCOHOLIC BEVERAGE, AND THAT THE PERSON HAD REFUSED TO PERMIT THE TEST, SHALL REVOKE HIS LICENSE OR PERMIT TO DRIVE AND ANY NONRESIDENT OPERATING PRIVILEGE FOR A PERIOD OF SIX MONTHS. IF THE PERSON IS A RESIDENT WITHOUT A LICENSE OR PERMIT TO OPERATE A MOTOR VEHICLE IN THIS STATE, THE COMMISSIONER OF PUBLIC SAFETY SHALL DENY TO THE PERSON THE ISSUANCE OF A LICENSE OR PERMIT FOR A PERIOD OF SIX MONTHS AFTER THE DATE OF THE ALLEGED VIOLATION, SUBJECT TO REVIEW AS HEREINAFTER PROVIDED) *peace officer shall report such refusal to the commissioner of public safety and the authority having responsibility for prosecution of misdemeanor offenses for the jurisdiction in which the acts occurred. If a person submits to chemical testing and the test results indicate an alcohol concentration of 0.10 or more, the results of the test shall be reported to the commissioner of public safety and to the authority having*

*responsibility for prosecution of misdemeanor offenses for the jurisdiction in which the acts occurred.*

*Upon certification by the peace officer that there existed probable cause to believe the person had been driving, operating, or in physical control of a motor vehicle while under the influence of alcohol or a controlled substance and that the person had refused to submit to chemical testing, the commissioner of public safety shall revoke the person's license or permit to drive, and any nonresident operating privilege, for a period of six months. Upon certification by the peace officer that there existed probable cause to believe the person had been driving, operating or in physical control of a motor vehicle while under the influence of alcohol or a controlled substance and that the person submitted to chemical testing and the test results indicate an alcohol concentration of 0.10 or more, the commissioner of public safety shall revoke the person's license or permit to drive, or nonresident operating privilege, for a period of 90 days. If the person is a resident without a license or permit to operate a motor vehicle in this state, the commissioner of public safety shall deny to the person the issuance of a license or permit for the same period after the date of the alleged violation as provided herein for revocation, subject to review as hereinafter provided.*

Sec. 6. Minnesota Statutes 1976, Section 169.123, Subdivision 5, is amended to read:

Subd. 5. [NOTICE OF INTENTION TO REVOKE AND REQUEST FOR HEARING.] No revocation under subdivision 4 shall be made until the commissioner of public safety notifies the person (BY CERTIFIED OR REGISTERED MAIL) of (THE) *his* intention to revoke (AND ALLOWS SAID PERSON A 20 DAY PERIOD AFTER THE DATE OF RECEIVING SAID NOTICE TO REQUEST OF THE COMMISSIONER OF PUBLIC SAFETY, IN WRITING, A HEARING AS HEREIN PROVIDED. IF NO REQUEST IS FILED WITHIN THE 20 DAY PERIOD THE COMMISSIONER OF PUBLIC SAFETY MAY THEN ISSUE AN ORDER OF REVOCATION. HOWEVER IF A REQUEST FOR HEARING IS FILED, NO REVOCATION HEREUNDER SHALL BE MADE UNTIL FINAL JUDICIAL DETERMINATION RESULTING IN AN ADVERSE DECISION TO SAID PERSON). *Notice required herein shall be written and may be given, on behalf of the commissioner of public safety, by a peace officer offering or administering a test to determine the presence of alcohol or a controlled substance pursuant to this section, or by a prosecuting authority or clerk of court whenever a violation of section 169.121 is charged. A copy of said notice shall be filed with the clerk of the municipal or county court and a copy forwarded to the commissioner of public safety. In any case wherein notice has not been given by another, on behalf of the commissioner of public safety, the notice shall be given by the commissioner of public safety by certi-*

*fied or registered mail with a return receipt showing proof of delivery.*

*The person shall have 30 days from the date of notice to either file with the clerk of court for the jurisdiction in which the act occurred a written request for hearing as herein provided or to surrender his driver's license to the court or to the commissioner of public safety. If no hearing is requested within the 30 day period, the revocation shall then become effective but the period of revocation required under subdivision 4 shall not commence to run until surrender of the person's driver's license or upon filing of a sworn affidavit from the person stating that his drivers license or permit be produced. If no hearing is requested and if the person's driver's license has not been surrendered, the court shall confiscate the person's driver's license, or obtain the person's sworn affidavit stating that the person cannot produce his license, at the time of any court appearance subsequent to the 30 day period and forward it to the commissioner of public safety for his further action.*

*However, if a request for hearing is filed, the revocation is not effective until the final judicial determination resulting in a decision adverse to the person, at which time the court shall confiscate the person's driver's license, or obtain a sworn affidavit from the person stating that the person's license cannot be produced, and forward it to the commissioner of public safety along with certificate of such adverse determination. For the purposes of this section "drivers license" includes temporary licenses issued pursuant to subdivision 7 of section 169.121.*

Sec. 7. Minnesota Statutes 1976, Section 169.123, Subdivision 6, is amended to read:

Subd. 6. [HEARING.] (THE) A hearing *under this section* shall be before a municipal or county (JUDGE, LEARNED IN THE LAW) court with a right of trial by jury, in the county where the alleged offense occurred, unless there is agreement that the hearing may be held in some other county. (THE HEARING SHALL BE RECORDED AND PROCEED AS IN A CRIMINAL MATTER, WITHOUT THE RIGHT OF TRIAL BY JURY, AND ITS SCOPE SHALL COVER THE ISSUES OF WHETHER THE 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 HE REFUSED TO PERMIT THE TEST, AND IF HE REFUSED WHETHER HE HAD REASONABLE GROUNDS FOR REFUSING TO PERMIT THE TEST; AND WHETHER AT THE TIME OF REQUEST FOR THE TEST THE PEACE OFFICER INFORMED THE SAID PERSON THAT HIS

RIGHT TO DRIVE MIGHT BE REVOKED OR DENIED IF HE REFUSED TO PERMIT THE TEST AND OF HIS RIGHT TO HAVE ADDITIONAL TESTS MADE BY A PERSON OF HIS OWN CHOOSING. THE MUNICIPAL COURT SHALL ORDER EITHER THAT THE REVOCATION OR DENIAL BE RESCINDED OR SUSTAINED AND REFER SUCH ORDER TO THE COMMISSIONER OF PUBLIC SAFETY FOR HIS FURTHER ACTION.) *In cases where no jury demand is made the hearing shall be to the court and may be conducted at the same time and in the same manner as hearings upon motions in the criminal prosecution under section 169.121 if any. The hearing shall be recorded. The commissioner of public safety may appear through his own attorney or, by agreement with the jurisdiction involved, through the prosecuting authority for that jurisdiction. In order to sustain the revocation, the commissioner of public safety shall have the burden of proving by a preponderance of the evidence: (1) that the peace officer had probable cause to believe the person was driving, operating, or in physical control of a motor vehicle while under the influence of alcohol or a controlled substance; and, that the person was either lawfully placed under arrest for violation of section 169.121, or the person was involved in a motor vehicle collision resulting in property damage, personal injury or death, or the person refused to take a screening test provided for by section 169.121, subdivision 6, or the screening test was administered and recorded an alcohol concentration of 0.10 or more; and (2) that at the time of the request for the test the peace officer informed the person of his rights and the consequences of taking or refusing the test as required by subdivision 2; and (3) either (a) that the person refused to permit the test; or, (b) that a test was taken and the test results indicated an alcohol concentration of 0.10 or more at the time said person was driving, operating, or in physical control of a motor vehicle, that the testing method used was valid and reliable, and that the test results were accurately evaluated. It shall be an affirmative defense for the person to prove that his refusal to permit the test was based upon reasonable grounds. The court shall order either that the revocation be rescinded or sustained and forward the order and, if the revocation is sustained, the person's driver's license to the commissioner of public safety for his further action.*

Sec. 8. Minnesota Statutes 1976, Section 169.123, Subdivision 7, is amended to read:

Subd. 7. [REVIEW BY DISTRICT COURT.] If the revocation or denial is sustained, the person whose license or permit to drive, or nonresident operating privilege has been revoked or denied, may within 20 days after notice of the determination by the commissioner of public safety file a petition for a hearing of the matter in the district court in the county where the hearing pursuant to subdivision 6 was held unless there is agreement that the hearing may be held in some other county. The petition shall be filed with the clerk of the said court together with proof

of service of a copy thereof on the commissioner of public safety. It (SHALL BE) is the duty of the court to set the matter for hearing on a day certain with reasonable notice thereof to the parties. The (MATTER) hearing shall be (HEARD DE NOVO WITH A RIGHT OF TRIAL BY JURY) conducted on the record in the same manner as provided for appeal of misdemeanor convictions.

Sec. 9. Minnesota Statutes 1976, Section 169.123, is amended by adding subdivisions to read:

*Subd. 9. [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 time 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 or prior convictions and the entire driving record of the driver.*

*Subd. 10. [TERMINATION OF REVOCATION PERIOD.] 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, 30 days prior to the time the revocation period would otherwise expire, terminate the revocation period. The commissioner shall not terminate the revocation period under this subdivision for a driver who has had a license revoked under section 169.121 or this section on a prior occasion during the preceding three year period for another incident.*

Sec. 10. Minnesota Statutes 1976, Chapter 169, is amended by adding a section to read:

*[169.1261] [REINSTATEMENT OF DRIVING PRIVILEGES; NOTICE.] Upon expiration of any period of revocation under section 169.121 or section 169.123, the commissioner of public safety shall notify the person that driving privileges can be reinstated but only upon successful completion of a driving test and proof of compliance with any terms of alcohol treatment or counseling previously prescribed, if any, and any other requirements imposed by the commissioner and applicable to that particular case, and shall notify the person that if driving is re-*

*sumed without compliance with said terms, the person will be subject to criminal penalties.*

Sec. 11. Minnesota Statutes 1976, Chapter 169, is amended by adding a section to read:

[169.128] [RULES OF THE COMMISSIONER OF PUBLIC SAFETY.] *The commissioner of public safety may promulgate rules, including emergency rules, to carry out the provisions of sections 169.121 and 169.123. The rules may include forms for notice of intention to revoke which shall describe clearly the right to a hearing, the procedure for requesting a hearing, and the consequences of failure to request a hearing, and forms for revocation and notice of reinstatement of driving privileges as provided in section 10, and forms for temporary driving licenses. Rules promulgated pursuant to this section are exempt from the procedure required by chapter 15.*

Sec. 12. Minnesota Statutes 1976, Chapter 169, is amended by adding a section to read:

[169.129] [AGGRAVATED VIOLATIONS; PENALTY.] *Any person who drives, operates, or is in physical control of a motor vehicle, the operation of which requires a driver's license, within this state in violation of section 169.121 before his driver's license or driving privilege has been reinstated following its cancellation, suspension, revocation or denial (1) because he drove, operated, or was in physical control of a motor vehicle while under the influence of alcohol or a controlled substance; or while he had an alcohol concentration of 0.10 or more; or (2) because he refused to take a test which determines the presence of alcohol or a controlled substance when requested to do so by a proper authority, is guilty of a gross misdemeanor. Jurisdiction over prosecutions under this section is in the district court.*

Sec. 13. Minnesota Statutes 1976, Section 171.30, Subdivision 1, is amended to read:

171.30 [LIMITED LICENSE.] Subdivision 1. In any case where a person's license has been suspended under (SECTIONS 169.123 OR) section 171.18 or revoked under sections (169.123) 169.121 or 171.17, if the driver's livelihood or attendance at a chemical dependency treatment or counseling program depends upon the use of his driver's license, the commissioner may at this own discretion and shall upon recommendation by the court excluding justices of the peace in which the driver was convicted, issue a limited license to (SUCH) the driver. (IN CASES INVOLVING A SUSPENSION OR REVOCATION OF A DRIVER'S LICENSE UNDER MINNESOTA STATUTES 1969, SECTION 169.123, THE COMMISSIONER SHALL NOT ISSUE A LIMITED LICENSE TO ANYONE WHOSE DRIVER'S LICENSE HAS BEEN REVOKED UNDER MINNESOTA STATUTES 1969, SECTION 171.17, CLAUSE (2),

OR UNDER MINNESOTA STATUTES 1969, SECTION 169.123, DURING THE PRECEDING THREE YEAR PERIOD.) The commissioner in issuing (SUCH) a limited license may impose such conditions and limitations as in his judgment are necessary to the interests of the public safety and welfare including re-examination as to the driver's qualifications. (SUCH) The license may be limited to the operation of particular vehicles, to particular classes and times of operation and to particular conditions of traffic.

The limited license issued by the commissioner shall clearly indicate the limitations imposed and the driver operating under (SUCH) the limited license shall have (SUCH) 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 and shall consider the number of miles driven by (SUCH) the driver annually.

Sec. 14. *Minnesota Statutes 1976, Sections 171.245 and 169.127, are repealed.*

Sec. 15. [EFFECTIVE DATE.] *Section 11 of this act is effective the date following final enactment. The remainder of sections 1 to 14 are effective September 1, 1978 and shall apply to all offenses committed on or after that date. Cases pending in the courts of this state on September 1, 1978 shall be subject to the procedures in effect prior to the effective date of this act for adjudication and appellate review of the relevant offenses."*

Further, amend the title:

Page 1, line 5, delete "revocation of" and insert "intention to revoke".

Page 1, line 6, delete ", retention of the license".

Page 1, line 7, delete "or permit by a court or peace officer".

Page 1, line 9, delete "providing for county court".

Page 1, delete line 10.

Page 1, line 11, delete "offenses;".

Page 1, line 13, after "169.123" insert ", Subdivisions 2, 3, 4, 5, 6, 7, and by adding subdivisions".



Page 1, line 13, delete "169.127" and insert "171.30, Subdivision 1".

Page 1, line 14, after "sections;" insert "Minnesota Statutes, 1977 Supplement, Section 169.123, Subdivision 1;".

Page 1, line 15, delete "Section" and insert "Sections 169.127 and".

With the recommendation that when so amended the bill pass.

The report was adopted.

Swanson from the Committee on Health and Welfare to which was referred:

H. F. No. 2098, A bill for an act relating to family planning services; providing for the establishment of a comprehensive state family planning services plan; appropriating funds.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1976, Section 145.922, is amended by adding a subdivision to read:

*Subd. 3. The commissioner shall make special grants to cities, counties, groups of cities or counties, or nonprofit corporations to provide pre-pregnancy family planning services.*

Sec. 2. [EMERGENCY RULES.] *The commissioner of health shall promulgate reasonable rules, including emergency rules, for approval of plans and budgets submitted to the commissioner pursuant to section 145.922, subdivision 3.*

Sec. 3. [APPROPRIATION.] *The sum of \$1,200,000 is appropriated from the general fund to the commissioner of health for the biennium ending June 30, 1979, for the funding of pre-pregnancy family planning services pursuant to section 145.922, subdivision 3.*

Sec. 4. [EFFECTIVE DATE.] *Section 2 is effective the day following final enactment."*

Further, strike the title and insert:

"A bill for an act relating to family planning services; providing for special grants to provide family planning services; appropriating funds; amending Minnesota Statutes 1976, Section 145.922, by adding a subdivision."

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

The report was adopted.

Swanson from the Committee on Health and Welfare to which was referred:

H. F. No. 1708, A bill for an act relating to abortion; declaring a state policy on abortion and childbirth and the funding thereof; amending Minnesota Statutes 1976, Section 256B.02, Subdivision 8; and Chapter 256B, by adding sections.

Reported the same back with the following amendments:

Page 2, delete lines 17 to 30 and insert:

*"(13) Abortion services, but only when the abortion is medically necessary. For the purpose of this provision, "medically necessary" means:*

*(a) Where the life of the mother would be endangered if the fetus is carried to term;*

*(b) Where the pregnancy of a person who is not defined as mentally retarded pursuant to section 252A.02, subdivision 2, nor defined as a victim of criminal sexual conduct, pursuant to the provisions of clause (c) is the result of rape or incest, and, in the case of rape, the rape has been reported within 60 days to a law enforcement agency or health agency;*

*(c) Where the pregnant person is a victim of criminal sexual conduct, pursuant to sections 609.342, clause (a) or (b), or 609.344, clause (a) or (b); or where the pregnant person is defined as mentally retarded pursuant to section 252A.02, subdivision 2, and is pregnant as the result of rape or incest; provided that the victim or the mentally retarded person has received pre-abortion counselling from the physician performing the abortion regarding potential physiological and psychological complications and regarding the financial and social responsibilities arising from an abortion and its alternatives; or*

*(d) Where severe and long lasting physical health damage to the mother would result if the pregnancy were carried to term when so determined by a physician.*

*The commissioner of public welfare shall promulgate rules to ensure that appropriate and comprehensive pre-abortion counselling occurs with regard to any abortion which is medically necessary. These rules shall ensure that persons eligible for medically necessary abortions according to this provision who elect to carry the pregnancy to term are eligible for full coverage of pre-*

*natal services regardless of the person's eligibility for any other assistance program."*

Page 3, line 7, delete "[256B.40]" and insert "[256B.241]".

Page 3, line 8, delete "agency, county, municipality or any".

Page 3, line 9, delete "other".

Page 3, line 11, delete "or paid" and insert "for payment" and delete "or in".

Page 3, line 12, delete "connection with".

Page 3, after line 13, insert:

"Sec. 4. Minnesota Statutes 1976, Chapter 261, is amended by adding a section to read:

[261.28] [SUBSIDY FOR ABORTIONS PROHIBITED.]  
*No funds of this state or any subdivision thereof including programs administered under authority of this chapter shall be authorized for any abortion that is not medically necessary as that term is defined in section 2.*

Sec. 5. Minnesota Statutes 1976, Section 393.07, is amended by adding a subdivision to read:

*Subd. 11. [ABORTION SERVICES; POLICY AND POWERS.] In keeping with the public policy of Minnesota to give preference to childbirth over abortion, Minnesota county welfare boards shall not provide any form of public welfare, public assistance, federal social security benefits not mandated by law, general assistance, or county supplementation, for any abortion not medically necessary as that term is defined in section 2.*

Sec. 6. [APPROPRIATION.] *The sum of \$..... is appropriated from the general fund to the commissioner of public welfare for the biennium ending June 30, 1979, to pay the costs of the increased number of live births resulting from the provisions of this act."*

Further, amend the title as follows:

Page 1, line 3, after the semicolon insert "appropriating money;":

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

Page 1, line 5, after the semicolon insert "393.07, by adding a subdivision;":

Page 1, line 5, delete "Chapter" and insert "Chapters".

Page 1, line 6, before the period insert "; and 261, by adding a section".

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

The report was adopted.

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

H. F. No. 1787, A bill for an act relating to education; higher education coordinating board; providing financial assistance for certain married students.

Reported the same back with the following amendments:

Page 1, line 10, delete "136A.131" and insert "136A.144".

Page 1, line 16, delete "by reason of marital status".

Page 1, after line 18, insert:

"Sec. 2. To implement this act the executive director of the higher education coordinating board is given final discretion to designate appropriate formulae for determining students' financial needs."

Further amend the title:

Delete line 4 to the period.

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 1907, A bill for an act relating to veterans; providing tuition assistance; providing a study of academic credit for military training and experience; appropriating money; amending Minnesota Statutes 1976, Section 197.75, Subdivisions 1 and 2.

Reported the same back with the following amendments:

Page 1, line 20, strike "university of higher learning" and insert "*post-secondary institution*".

Page 2, line 31, before "who" insert "*who is otherwise eligible*,".

Page 3, delete new language on lines 2 and 3.

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

The report was adopted.

Enebo from the Committee on Labor-Management Relations to which was referred:

H. F. No. 2043, A bill for an act relating to the legislature; continuation in or return of members to their employment after legislative sessions; prescribing a period during which a member may not be discharged except for good cause; amending Minnesota Statutes 1976, Section 3.083.

Reported the same back with the following amendments:

Page 2, line 4, delete "*greater*" and insert "*no less*".

With the recommendation that when so amended the bill pass.

The report was adopted.

Kelly, W., from the Committee on Taxes to which was referred:

H. F. No. 838, A bill for an act relating to natural resources; watershed districts; changing bonding provisions for managers; changing and clarifying administrative provisions; establishing a survey and data acquisition fund; creating fees for applications for permits and for field inspections; requiring a permit applicant to post a bond; providing penalties and enforcement provisions; amending Minnesota Statutes 1976, Sections 112.42, Subdivision 1; 112.43, Subdivision 1; 112.48, Subdivision 4; 112.49, by adding a subdivision; 112.50, Subdivision 1; 112.55; 112.61, by adding a subdivision; 112.62, by adding a subdivision; 112.69; 112.761, Subdivision 1; 112.85, Subdivision 1; and Chapter 112, by adding sections.

Reported the same back with the following amendments:

Page 9, line 16, delete "*annual*".

Page 9, line 17, after "*levy*" insert "*which can be levied not more than once every five years*,".

Page 9, line 17, delete "*two mills*" and insert "*one mill*".

With the recommendation that when so amended the bill pass.

The report was adopted.

### SECOND READING OF HOUSE BILLS

H. F. Nos. 1882, 1787, 2043 and 838 were read for the second time.

### SECOND READING OF SENATE BILLS

S. F. No. 804 was read for the second time.

### INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Wenzel, Braun, Stanton, Fjoslien and Langseth introduced:

H. F. No. 2415, A bill for an act relating to agriculture; dairy promotion; changing representation on the council; establishing maximum fees; eliminating block voting by cooperative associations of producers; requiring annual reporting to producers; amending Minnesota Statutes 1976, Sections 32B.04, Subdivisions 1, 4, and 5.

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

St. Onge introduced:

H. F. No. 2416, A bill for an act relating to appropriations; appropriating funds for the repair and reconstruction of a certain dam.

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

Murphy, McCarron, Welch and Berkelman introduced:

H. F. No. 2417, A bill for an act relating to aircraft patrolling of highways; authorizing the commissioner of public safety to maintain aircraft and pilots; repealing restrictions on numbers of aircraft and pilots.

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

Zubay, Kaley and Reding introduced:

H. F. No. 2418, A bill for an act relating to education; school aids; increasing foundation aid; amending Minnesota Statutes, 1977 Supplement, Section 124.212, Subdivision 7b.

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

Beauchamp, Voss, Stoa, Rose and Clawson introduced:

H. F. No. 2419, A bill for an act relating to courts; supreme court; providing for publishing of reports of decisions; amending Minnesota Statutes 1976, Section 480.12.

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

Den Ouden, Suss, Albrecht, Adams and McDonald introduced:

H. F. No. 2420, A bill for an act relating to eminent domain; concerning an appeal from the award of the commissioners; regarding attorney, expert witness and appraisal fees; relating to owners costs; amending Minnesota Statutes 1976, Section 117.175, by adding a subdivision.

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

Biersdorf introduced:

H. F. No. 2421, A bill for an act relating to retirement; public employees retirement association, purchase of prior service and repayment of refunds by certain elected officials.

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

Patton, Beauchamp, Reding and Biersdorf introduced:

H. F. No. 2422, A bill for an act relating to retirement; elected state officers plan; providing increased retirement benefits for constitutional officers and certain commissioners; appropriating money; amending Minnesota Statutes 1976, Sections 352C.01; 352C.04, Subdivisions 1 and 2a, and by adding a subdivision; 352C.09, Subdivisions 1 and 2; 352C.091, by adding subdivisions; and Chapter 352C, by adding sections; repealing Minnesota Statutes 1976, Sections 352C.02; 352C.03; 352C.04, Subdivision 3; 352C.05; 352C.06; and 352C.08.

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

Wynia, Heinitz, Begich, Adams and Williamson introduced:

H. F. No. 2423, A bill for an act relating to courts; referee positions; providing for retention of referee positions and authorizing additional judges for certain courts; amending Minnesota Statutes, 1977 Supplement, Section 484.70.

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

Berkelman, Jaros, Lehto, Munger and Murphy introduced:

H. F. No. 2424, A bill for an act relating to health; ambulance licensing law; providing that certain licenses are valid.

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

McCarron and Kostohryz introduced:

H. F. No. 2425, A bill for an act relating to Ramsey county; changing the day of county board meetings; amending Laws 1974, Chapter 435, Section 2.05, as amended.

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

Pehler, Cummiskey, Jaros and Vanasek introduced:

H. F. No. 2426, A bill for an act relating to public employees; political subdivisions; prohibiting denial or abridgement of the right to engage in political activities, except under certain circumstances.

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



Beauchamp, Evans, McDonald, Eken and Langseth introduced:

H. F. No. 2427, A bill for an act relating to taxation; property tax; excluding improvements in existing buildings or structures from valuation by assessors; amending Minnesota Statutes 1976, Section 273.11, Subdivision 1 and by adding a subdivision.

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

Albrecht, Den Ouden, Redalen, Niehaus and Novak introduced:

H. F. No. 2428, A bill for an act relating to taxation; inheritance tax; changing exemption from tax for certain beneficiaries; providing for annual adjustment of exemptions by commissioner of revenue to reflect inflation; amending Minnesota Statutes 1976, Section 291.05; and Chapter 291, by adding a section.

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

Cummiskey introduced:

H. F. No. 2429, A bill for an act relating to the city of Mankato; prohibiting regulation of the rates of the public transit system by the public service commission.

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

McCollar and Neisen introduced:

H. F. No. 2430, A bill for an act relating to the town of White Bear; permitting the town of White Bear to exercise all the powers of a city conferred by Minnesota Statutes, Chapter 444.

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

#### HOUSE ADVISORIES

Pursuant to rule 5.3, the following House Advisory was introduced:

Biersdorf, Sarna and Osthoff introduced:

H. A. No. 73, A proposal to study need for legislation setting standards for operation of mobile home parks.

The advisory was referred to the Committee on Commerce and Economic Development.

### CONSENT CALENDAR

H. F. No. 1767, A bill for an act relating to the city of Anoka; fire department relief association benefits; amending Laws 1971, Chapter 184, Section 1, Subdivisions 2, 3, 4, 5 and 6, as amended; and Section 2, Subdivision 2, as amended.

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

The question was taken on the passage of the bill and the roll was called. There were 100 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Corbid	Kelly, R.	Norton	Simoneau
Albrecht	Dean	Kelly, W.	Novak	Skoglund
Anderson, G.	Den Ouden	Kempe, R.	Onnen	Smogard
Anderson, I.	Eckstein	King	Osthoff	Stoa
Anderson, R.	Enebo	Knickerbocker	Peterson	Suss
Arlandson	Erickson	Kroening	Petrateso	Swanson
Battaglia	Evans	Langseth	Pleasant	Tomlinson
Begich	Faricy	Lehto	Prahl	Vanasek
Berglin	Fjoalien	Lemke	Reding	Waldorf
Berkelman	Friedrich	Mangan	Rice	Wenstrom
Biersdorf	Fugina	McCarron	Rose	Wenzel
Birnstihl	George	McDonald	St. Onge	White
Brandl	Gunter	McEachern	Samuelson	Wieser
Braun	Hanson	Moe	Sarna	Wigley
Brinkman	Heinitz	Munger	Savelkoul	Zubay
Byrne	Jacobs	Murphy	Scheid	Speaker Sabo
Carlson, D.	Jaros	Neisen	Schulz	
Carlson, L.	Jensen	Nelsen, B.	Searle	
Clark	Jude	Nelsen, M.	Searles	
Clawson	Kaley	Nelson	Sherwood	
Cohen	Kalis	Niehaus	Sieben, M.	

The bill was passed and its title agreed to.

H. F. No. 1781, A bill for an act relating to the city of Maplewood; authorizing the payment of lump sum service pensions by the Maplewood firefighters relief association.

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

The question was taken on the passage of the bill and the roll was called. There were 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Anderson, G.	Arlandson	Begich	Berkelman
Albrecht	Anderson, I.	Battaglia	Berg	Biersdorf
Anderson, D.	Anderson, R.	Beauchamp	Berglin	Birnstihl

Brandl	Faricy	Kostohryz	Novak	Skoglund
Braun	Fjoslien	Kroening	Onnen	Smogard
Brinkman	Forsythe	Kvam	Osthoff	Spanish
Byrne	Friedrich	Laidig	Patton	Stanton
Carlson, A.	Fugina	Langseth	Pehler	Stoa
Carlson, D.	George	Lehto	Peterson	Suss
Carlson, L.	Gunter	Lemke	Pleasant	Swanson
Casserly	Hanson	Mangan	Prahl	Tomlinson
Clark	Heinitz	Mann	Redalen	Vanasek
Clawson	Jacobs	McCarron	Reding	Voss
Cohen	Jaros	McCollar	Rose	Waldorf
Corbid	Jensen	McDonald	St. Onge	Welch
Cummiskey	Johnson	McEachern	Samuelson	Wenstrom
Dean	Jude	Metzen	Sarna	Wenzel
Den Ouden	Kahn	Moe	Savelkoul	White
Eckstein	Kaley	Munger	Scheid	Wieser
Eken	Kalis	Murphy	Schulz	Wigley
Ellingson	Kelly, R.	Neisen	Searle	Williamson
Enebo	Kelly, W.	Nelsen, B.	Searles	Wynia
Erickson	Kempe, A.	Nelsen, M.	Sherwood	Zubay
Esau	Kempe, R.	Nelson	Sieben, H.	Speaker Sabo
Evans	King	Niehaus	Sieben, M.	
Ewald	Knickerbocker	Norton	Simoneau	

The bill was passed and its title agreed to.

H. F. No. 1782 was reported to the House.

Carlson, D., offered an amendment to H. F. No. 1782.

#### POINT OF ORDER

Sieben, H., raised a point of order pursuant to rule 3.9. The Speaker ruled the point of order well taken and the amendment out of order.

Upon objection of ten members H. F. No. 1782 was stricken from the Consent Calendar and returned to General Orders.

H. F. No. 1821, A bill for an act relating to the city of Brainerd; firefighters' service pensions; amending Laws 1973, Chapter 170, Section 1.

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

The question was taken on the passage of the bill and the roll was called. There were 119 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Battaglia	Birnstihl	Carlson, L.	Den Ouden
Albrecht	Beauchamp	Brandl	Casserly	Eckstein
Anderson, D.	Begich	Braun	Clark	Eken
Anderson, G.	Berg	Brinkman	Clawson	Ellingson
Anderson, I.	Berglin	Byrne	Corbid	Enebo
Anderson, R.	Berkelman	Carlson, A.	Cummiskey	Erickson
Arlandson	Biersdorf	Carlson, D.	Dean	Esau

Evans	Kalis	McEachern	Redalen	Spanish
Faricy	Kelly, R.	Metzen	Reding	Stanton
Fjoslien	Kelly, W.	Moe	Rose	Stoa
Forsythe	Kempe, A.	Munger	St. Onge	Suss
Friedrich	Kempe, R.	Murphy	Samuelson	Swanson
Fugina	King	Neisen	Sarna	Tomlinson
George	Knickerbocker	Nelsen, B.	Savelkoul	Voss
Gunter	Kroening	Nelsen, M.	Scheid	Waldorf
Hanson	Kvam	Nelson	Schulz	Wenstrom
Heinitz	Langseth	Niehaus	Searle	Wenzel
Jacobs	Lehto	Norton	Searles	White
Jaros	Lemke	Novak	Sherwood	Wieser
Jensen	Mangan	Onnen	Sieben, H.	Wigley
Johnson	Mann	Osthoff	Sieben, M.	Wynia
Jude	McCarron	Peterson	Simoneau	Zubay
Kahn	McCollar	Petrafaso	Skoglund	Speaker Sabo
Kaley	McDonald	Prahl	Smogard	

The bill was passed and its title agreed to.

H. F. No. 1859, A bill for an act relating to retirement; providing for an exclusion from public pension coverage for those persons covered by certain federal public service employment programs in compliance with federal regulations; establishment of reserve accounts for certain provisional members; amending Minnesota Statutes 1976, Sections 69.29; 136.80, Subdivision 1; 352B.01, Subdivision 2; 353.64, by adding a subdivision; 354A.10; 423.23; 423.372; 423.43; 423.801, Subdivision 2; 424.03; Chapter 356, by adding sections; and Laws 1969, Chapter 950, Section 1; Minnesota Statutes, 1977 Supplement, Sections 352.01, Subdivision 2B; 353.01, Subdivision 2b; 354.05, Subdivision 2; and 422A.09, Subdivision 3.

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

The question was taken on the passage of the bill and the roll was called. There were 126 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Carlson, A.	Fjoslien	Kempe, R.	Neisen
Albrecht	Carlson, D.	Forsythe	King	Nelsen, B.
Anderson, D.	Carlson, L.	Friedrich	Knickerbocker	Nelsen, M.
Anderson, G.	Casserly	Fugina	Kostohryz	Nelson
Anderson, I.	Clark	George	Kroening	Niehaus
Anderson, R.	Clawson	Gunter	Kvam	Norton
Arlandson	Cohen	Hanson	Langseth	Novak
Battaglia	Corbid	Heinitz	Lehto	Onnen
Beauchamp	Cummiskey	Jacobs	Lemke	Osthoff
Begich	Dean	Jaros	Mangan	Patton
Berg	Den Ouden	Jensen	Mann	Pehler
Berglin	Eckstein	Johnson	McCarron	Peterson
Berkelman	Eken	Jude	McCollar	Pleasant
Biersdorf	Ellingson	Kahn	McDonald	Prahl
Birnstihl	Enebo	Kaley	McEachern	Redalen
Brandl	Erickson	Kalis	Metzen	Reding
Braun	Esau	Kelly, R.	Moe	Rose
Brinkman	Evans	Kelly, W.	Munger	St. Onge
Byrne	Faricy	Kempe, A.	Murphy	Samuelson

Sarna	Sieben, H.	Stoa	Welch	Wynia
Savelkoul	Sieben, M.	Suss	Wenstrom	Zubay
Scheid	Simoneau	Swanson	Wenzel	Speaker Sabo
Schulz	Skoglund	Tomlinson	White	
Searle	Smogard	Vanasek	Wieser	
Searles	Spanish	Voss	Wigley	
Sherwood	Stanton	Waldorf	Williamson	

The bill was passed and its title agreed to.

H. F. No. 1866, A bill for an act relating to the firefighters' relief association of the city of Karlstad; computation of years of service for volunteer firefighters.

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

The question was taken on the passage of the bill and the roll was called. There were 125 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Corbid	Kaley	Neisen	Sherwood
Albrecht	Cummiskey	Kalis	Nelsen, B.	Sieben, H.
Anderson, D.	Dean	Kelly, R.	Nelsen, M.	Sieben, M.
Anderson, G.	Den Ouden	Kelly, W.	Nelson	Simoneau
Anderson, I.	Eckstein	Kempe, A.	Niehaus	Skoglund
Anderson, R.	Eken	Kempe, R.	Norton	Smogard
Arlandson	Ellingson	King	Novak	Spanish
Battaglia	Enebo	Knickerbocker	Onnen	Stanton
Beauchamp	Erickson	Kostohryz	Osthoff	Stoa
Begich	Essau	Kroening	Patton	Suss
Berg	Evans	Kvam	Pehler	Swanson
Berglin	Faricy	Laidig	Peterson	Tomlinson
Berkelman	Fjoslien	Langseth	Pleasant	Vanasek
Birnsthil	Forsythe	Lehto	Prahl	Voss
Brandl	Friedrich	Lemke	Redalen	Waldorf
Braun	Fugina	Mangan	Reding	Welch
Brinkman	George	Mann	Rose	Wenstrom
Byrne	Gunter	McCarron	St. Onge	Wenzel
Carlson, A.	Hanson	McCollar	Samuelson	White
Carlson, D.	Heinitz	McDonald	Sarna	Wieser
Carlson, L.	Jacobs	McEachern	Savelkoul	Wigley
Casserly	Jaros	Metzen	Scheid	Williamson
Clark	Jensen	Moe	Schulz	Wynia
Clawson	Johnson	Munger	Searle	Zubay
Cohen	Jude	Murphy	Searles	Speaker Sabo

The bill was passed and its title agreed to.

#### CALENDAR

H. F. No. 1997, A bill for an act relating to commerce; regulating interest rates; providing loan yield computations; providing investigation powers; amending Minnesota Statutes 1976, Sections 51A.39, Subdivision 1; 56.19; 334.02; 334.03; Chapter 46, by adding a section; Minnesota Statutes, 1977 Supplement, Section 47.20, Subdivisions 2, 4, 13.

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

The question was taken on the passage of the bill and the roll was called. There were 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Cohen	Jude	Nelsen, B.	Sieben, M.
Albrecht	Corbid	Kaley	Nelsen, M.	Simoneau
Anderson, B.	Cummiskey	Kalis	Nelson	Skoglund
Anderson, D.	Dean	Kelly, R.	Niehaus	Smogard
Anderson, G.	Den Ouden	Kelly, W.	Norton	Spanish
Anderson, I.	Eckstein	Kempe, A.	Novak	Stanton
Anderson, R.	Eken	Kempe, R.	Onnen	Stoa
Arlandson	Ellingson	King	Osthoff	Suss
Battaglia	Enebo	Knickerbocker	Patton	Swanson
Beauchamp	Erickson	Kostohryz	Pehler	Tomlinson
Begich	Esau	Kroening	Peterson	Vanasek
Berg	Evans	Laidig	Petrafeso	Voss
Berglin	Ewald	Langseth	Pleasant	Waldorf
Berkelman	Faricy	Lehto	Redalen	Welch
Biersdorf	Fjoslien	Lemke	Reding	Wenstrom
Birnstihl	Forsythe	Mangan	Rose	Wenzel
Brandl	Friedrich	Mann	St. Onge	White
Braun	Fugina	McCarron	Samuelson	Wieser
Brinkman	George	McCollar	Sarna	Wigley
Byrne	Gunter	McDonald	Savelkoul	Williamson
Carlson, A.	Hanson	McEachern	Scheid	Wynia
Carlson, D.	Heinitz	Metzen	Schulz	Zubay
Carlson, L.	Jacobs	Moe	Searle	Speaker Sabo
Casserly	Jaros	Munger	Searles	
Clark	Jensen	Murphy	Sherwood	
Clawson	Johnson	Neisen	Sieben, H.	

The bill was passed and its title agreed to.

H. F. No. 1736, A bill for an act relating to state-leased buildings and sites for state meetings; concerning the handicapped; requiring state-leased buildings and sites for state meetings to be accessible to the handicapped; amending Minnesota Statutes 1976, Section 471.467, by adding subdivisions.

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

The question was taken on the passage of the bill and the roll was called. There were 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Battaglia	Brandl	Clark	Eken
Albrecht	Beauchamp	Braun	Clawson	Ellingson
Anderson, B.	Begich	Brinkman	Cohen	Enebo
Anderson, D.	Berg	Byrne	Corbid	Erickson
Anderson, G.	Berglin	Carlson, A.	Cummiskey	Esau
Anderson, I.	Berkelman	Carlson, D.	Dean	Evans
Anderson, R.	Biersdorf	Carlson, L.	Den Ouden	Ewald
Arlandson	Birnstihl	Casserly	Eckstein	Faricy

Fjoslien	Kempe, A.	Moe	Reding	Stoa
Forsythe	Kempe, R.	Munger	Rose	Suss
Friedrich	King	Murphy	St. Onge	Swanson
Fugina	Knickerbocker	Neisen	Samuelson	Tomlinson
George	Kostohryz	Nelsen, B.	Sarna	Vanasek
Gunter	Kroening	Nelsen, M.	Savelkoul	Voss
Hanson	Kvam	Nelson	Scheid	Waldorf
Heinitz	Laidig	Niehaus	Schulz	Welch
Jacobs	Langseth	Norton	Searle	Wenstrom
Jaros	Lehto	Novak	Searles	Wenzel
Jensen	Lemke	Onnen	Sherwood	White
Johnson	Mangan	Osthoff	Sieben, H.	Wieser
Jude	Mann	Patton	Sieben, M.	Wigley
Kahn	McCarron	Pehler	Simoneau	Williamson
Kaley	McCollar	Peterson	Skoglund	Wynia
Kalis	McDonald	Petrafaso	Smogard	Zubay
Kelly, R.	McEachern	Pleasant	Spanish	Speaker Sabo
Kelly, W.	Metzen	Redalen	Stanton	

The bill was passed and its title agreed to.

H. F. No. 2000, A bill for an act relating to rates of interest on money; permitting higher interest rates for loans secured by savings and time deposit accounts; amending Minnesota Statutes 1976, Chapter 334, by adding a section.

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

The question was taken on the passage of the bill and the roll was called. There were 125 yeas and 2 nays as follows:

Those who voted in the affirmative were:

Abeln	Cohen	Jude	Murphy	Searles
Albrecht	Corbid	Kahn	Neisen	Sherwood
Anderson, B.	Cummiskey	Kaley	Nelsen, B.	Sieben, H.
Anderson, D.	Dean	Kalis	Nelsen, M.	Sieben, M.
Anderson, G.	Den Ouden	Kelly, W.	Nelson	Simoneau
Anderson, I.	Eckstein	Kempe, A.	Niehaus	Skoglund
Anderson, R.	Eken	Kempe, R.	Norton	Smogard
Arlandson	Ellingson	King	Novak	Spanish
Battaglia	Enebo	Knickerbocker	Onnen	Stanton
Begich	Erickson	Kostohryz	Osthoff	Stoa
Berg	Esau	Kroening	Patton	Suss
Berglin	Evans	Kvam	Pehler	Swanson
Berkelman	Ewald	Laidig	Peterson	Tomlinson
Biersdorf	Fjoslien	Langseth	Petrafaso	Voss
Birnstihl	Forsythe	Lehto	Pleasant	Waldorf
Brandl	Friedrich	Lemke	Redalen	Welch
Braun	Fugina	Mangan	Reding	Wenstrom
Brinkman	George	Mann	Rose	Wenzel
Byrne	Gunter	McCarron	St. Onge	White
Carlson, A.	Hanson	McCollar	Samuelson	Wieser
Carlson, D.	Heinitz	McDonald	Sarna	Wigley
Carlson, L.	Jacobs	McEachern	Savelkoul	Williamson
Casserly	Jaros	Metzen	Scheid	Wynia
Clark	Jensen	Moe	Schulz	Zubay
Clawson	Johnson	Munger	Searle	Speaker Sabo

Those who voted in the negative were:

Faricy                      Kelly, R.

The bill was passed and its title agreed to.

H. F. No. 1598, A bill for an act relating to uses and trusts; providing for the application to and limitation of certain general trust statutes in relation to industrial revenue bonds; amending Minnesota Statutes 1976, Section 501.37; and Minnesota Statutes, 1977 Supplement, Section 501.34.

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

The question was taken on the passage of the bill and the roll was called. There were 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Cohen	Jude	Murphy	Sherwood
Albrecht	Corbid	Kahn	Neisen	Sieben, H.
Anderson, B.	Cummiskey	Kaley	Nelsen, B.	Sieben, M.
Anderson, D.	Dean	Kalis	Nelsen, M.	Simoneau
Anderson, G.	Den Ouden	Kelly, R.	Nelson	Skoglund
Anderson, I.	Eckstein	Kelly, W.	Niehaus	Smogard
Anderson, R.	Eken	Kempe, A.	Norton	Spanish
Arlandson	Ellingson	Kempe, R.	Novak	Stanton
Battaglia	Enebo	King	Onnen	Stoa
Beauchamp	Erickson	Knickerbocker	Osthoff	Suss
Begich	Esau	Kostohryz	Patton	Swanson
Berg	Evans	Kroening	Pehler	Tomlinson
Berglin	Ewald	Kvam	Peterson	Vanasek
Berkelman	Faricy	Laidig	Petrafeso	Voss
Biersdorf	Fjoslien	Langseth	Pleasant	Waldorf
Birnstihl	Forsythe	Lehto	Redalen	Welch
Brandl	Friedrich	Lemke	Reding	Wenstrom
Braun	Fugina	Mangan	Rose	Wenzel
Brinkman	George	Mann	St. Onge	White
Byrne	Gunter	McCarron	Samuelson	Wieser
Carlson, A.	Hanson	McCollar	Sarna	Wigley
Carlson, D.	Heintz	McDonald	Savelkoul	Williamson
Carlson, L.	Jacobs	McEachern	Scheid	Wynia
Casserly	Jaros	Metzen	Schulz	Zubay
Clark	Jensen	Moe	Searle	Speaker Sabo
Clawson	Johnson	Munger	Searles	

The bill was passed and its title agreed to.

H. F. No. 1765, A bill for an act relating to the legislature; concerning the legislative commission to review administrative rules; conferring subpoena powers; amending Minnesota Statutes 1976, Section 3.965, by adding a subdivision.

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



The question was taken on the passage of the bill and the roll was called. There were 97 yeas and 32 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Cummiskey	Kempe, R.	Neisen	Smogard
Anderson, G.	Den Ouden	King	Neisen, M.	Spanish
Anderson, I.	Eckstein	Knickerbocker	Nelson	Stanton
Arlandson	Ellingson	Kostohryz	Norton	Stoa
Battaglia	Enebo	Kroening	Novak	Suss
Beauchamp	Farcy	Kvam	Osthoff	Swanson
Berg	Fugina	Laidig	Patton	Tomlinson
Berglin	George	Langseth	Pehler	Vanasek
Berkelman	Gunter	Lehto	Petrafeso	Voss
Birnstihl	Hanson	Lemke	Reding	Waldorf
Brandl	Heinitz	Mangan	Rose	Welch
Braun	Jacobs	Mann	St. Onge	Wenstrom
Brinkman	Jaros	McCarron	Sarna	Wenzel
Byrne	Jensen	McCollar	Scheid	White
Carlson, L.	Johnson	McDonald	Schulz	Wigley
Casserly	Jude	McEachern	Sherwood	Williamson
Clark	Kahn	Metzen	Sieben, H.	Wynia
Clawson	Kalis	Moe	Sieben, M.	
Cohen	Kelly, W.	Munger	Simoneau	
Corbid	Kempe, A.	Murphy	Skoglund	

Those who voted in the negative were:

Abeln	Carlson, D.	Fjoslien	Onnen	Searles
Albrecht	Dean	Forsythe	Peterson	Wieser
Anderson, D.	Eken	Friedrich	Pleasant	Zubay
Anderson, R.	Erickson	Kaley	Redalen	Speaker Sabo
Begich	Esau	Kelly, R.	Samuelson	
Biersdorf	Evans	Nelsen, B.	Savelkoul	
Carlson, A.	Ewald	Niehaus	Searle	

The bill was passed and its title agreed to.

H. F. No. 1766, A bill for an act relating to state lands; authorizing the conveyance by the state of certain lands in Beltrami county.

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

The question was taken on the passage of the bill and the roll was called. There were 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Begich	Carlson, A.	Den Ouden	Fjoslien
Albrecht	Berg	Carlson, D.	Eckstein	Forsythe
Anderson, B.	Berglin	Carlson, L.	Eken	Friedrich
Anderson, D.	Berkelman	Casserly	Ellingson	Fugina
Anderson, G.	Biersdorf	Clark	Enebo	George
Anderson, I.	Birnstihl	Clawson	Erickson	Gunter
Anderson, R.	Brandl	Cohen	Esau	Hanson
Arlandson	Braun	Corbid	Evans	Heinitz
Battaglia	Brinkman	Cummiskey	Ewald	Jacobs
Beauchamp	Byrne	Dean	Farcy	Jaros

Jensen	Langseth	Nelson	Sarna	Swanson
Johnson	Lehto	Niehaus	Savelkoul	Tomlinson
Jude	Lemke	Norton	Scheid	Vanasek
Kahn	Mangan	Novak	Schulz	Voss
Kaley	Mann	Onnen	Searle	Waldorf
Kalis	McCarron	Osthoff	Searles	Welch
Kelly, R.	McCollar	Patton	Sherwood	Wenstrom
Kelly, W.	McDonald	Pehler	Sieben, H.	Wenzel
Kempe, A.	McEachern	Peterson	Sieben, M.	White
Kempe, R.	Metzen	Petrafaso	Simoneau	Wieser
King	Moe	Pleasant	Skoglund	Wigley
Knickerbocker	Munger	Redalen	Smogard	Williamson
Kostohryz	Murphy	Reding	Spanish	Wynia
Kroening	Neisen	Rose	Stanton	Zubay
Kvam	Nelsen, B.	St. Onge	Stoa	Speaker Sabo
Laidig	Nelsen, M.	Samuelson	Suss	

The bill was passed and its title agreed to.

H. F. No. 1940, A bill for an act relating to the environmental education board; transferring the board to the department of natural resources.

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

The question was taken on the passage of the bill and the roll was called. There were 95 yeas and 31 nays as follows:

Those who voted in the affirmative were:

Abeln	Dean	Kempe, A.	Norton	Sieben, H.
Anderson, B.	Ellingson	Kempe, R.	Novak	Sieben, M.
Arlandson	Enebo	King	Onnen	Simoneau
Battaglia	Erickson	Kostohryz	Osthoff	Skoglund
Beauchamp	Ewald	Kroening	Patton	Smogard
Berg	Faricy	Langseth	Pehler	Stanton
Berglin	George	Lehto	Petrafaso	Stoa
Berkelman	Gunter	Mangan	Prahl	Suss
Biersdorf	Hanson	McCarron	Reding	Swanson
Brandl	Hokanson	McCollar	Rose	Tomlinson
Braun	Jacobs	McEachern	St. Onge	Vanasek
Byrne	Jaros	Metzen	Samuelson	Voss
Carlson, A.	Jensen	Moe	Sarna	Welch
Carlson, L.	Johnson	Munger	Savelkoul	Wenstrom
Casserly	Jude	Murphy	Scheid	Wenzel
Clark	Kahn	Neisen	Schulz	White
Clawson	Kaley	Nelsen, B.	Searle	Wynia
Cohen	Kelly, R.	Nelsen, M.	Searles	Zubay
Cummiskey	Kelly, W.	Nelson	Sherwood	Speaker Sabo

Those who voted in the negative were:

Albrecht	Carlson, D.	Fjoslien	Lemke	Wieser
Anderson, D.	Corbid	Friedrich	Mann	Wigley
Anderson, G.	Den Ouden	Fugina	McDonald	Williamson
Anderson, I.	Eckstein	Kalis	Niehaus	
Anderson, R.	Eken	Knickerbocker	Peterson	
Begich	Esau	Kvam	Redalen	
Birnstihl	Evans	Laidig	Waldorf	

The bill was passed and its title agreed to.

H. F. No. 1225, A bill for an act relating to Ramsey county and the city of Saint Paul; changing the name of the Ramsey county hospital and sanitarium commission; further prescribing its powers and duties, removing obsolete provisions; amending Laws 1974, Chapter 435, Section 3.14.

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

The question was taken on the passage of the bill and the roll was called. There were 129 yeas and 2 nays as follows:

Those who voted in the affirmative were:

Abeln	Cohen	Kahn	Nelsen, B.	Sherwood
Albrecht	Corbid	Kaley	Nelsen, M.	Sieben, H.
Anderson, B.	Cummiskey	Kalis	Nelson	Sieben, M.
Anderson, D.	Den Ouden	Kelly, R.	Niehaus	Simoneau
Anderson, G.	Eckstein	Kelly, W.	Norton	Skoglund
Anderson, I.	Eken	Kempe, A.	Novak	Smogard
Anderson, R.	Ellingson	Kempe, R.	Onnen	Spanish
Arlandson	Enebo	King	Osthoff	Stanton
Battaglia	Erickson	Knickerbocker	Patton	Stoa
Beauchamp	Esau	Kostohryz	Pehler	Suss
Begich	Evans	Kroening	Peterson	Swanson
Berg	Ewald	Kvam	Petrafeso	Tomlinson
Berglin	Farcy	Laidig	Pleasant	Vanasek
Berkelman	Fjoslien	Langseth	Prahl	Voss
Biersdorf	Friedrich	Lehto	Redalen	Waldorf
Birnstihl	Fugina	Lemke	Reding	Welch
Brandl	George	Mangan	Rice	Wenstrom
Braun	Gunter	Mann	Rose	Wenzel
Brinkman	Hanson	McCarron	St. Onge	White
Byrne	Heinitz	McDonald	Samuelson	Wieser
Carlson, A.	Hokanson	McEachern	Sarna	Wigley
Carlson, D.	Jacobs	Metzen	Savelkoul	Williamson
Carlson, L.	Jaros	Moe	Scheid	Wynia
Casserly	Jensen	Munger	Schulz	Zubay
Clark	Johnson	Murphy	Searle	Speaker Sabo
Clawson	Jude	Neisen	Searles	

Those who voted in the negative were:

Dean                      McCollar

The bill was passed and its title agreed to.

H. F. No. 1793, A bill for an act relating to Ramsey county; authorizing the county to issue general obligation bonds for the costs of construction of a county nursing home; amending Laws 1974, Chapter 435, by adding a section.

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

The question was taken on the passage of the bill and the roll was called. There were 128 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Abeln	Cohen	Johnson	Neisen	Sieben, H.
Albrecht	Corbid	Jude	Nelsen, B.	Sieben, M.
Anderson, B.	Cummiskey	Kahn	Nelsen, M.	Simoneau
Anderson, D.	Dean	Kaley	Nelson	Skoglund
Anderson, G.	Den Ouden	Kalis	Niehaus	Smogard
Anderson, I.	Eckstein	Kelly, R.	Norton	Spanish
Anderson, R.	Eken	Kelly, W.	Novak	Stanton
Arlandson	Ellingson	Kempe, A.	Onnen	Stoa
Battaglia	Enebo	Kempe, R.	Patton	Suss
Beauchamp	Erickson	King	Pehler	Swanson
Begich	Esau	Knickerbocker	Peterson	Tomlinson
Berg	Evans	Kostohryz	Petrafeso	Vanasek
Berglin	Ewald	Kroening	Pleasant	Voss
Berkelman	Faricy	Lajdig	Prahl	Waldorf
Biersdorf	Fjoslien	Langseth	Redalen	Welch
Birnstihl	Forsythe	Lehto	Reding	Wenstrom
Brandl	Friedrich	Lemke	Rose	Wenzel
Braun	Fugina	Mangan	St. Onge	White
Brinkman	George	Mann	Samuelson	Wieser
Byrne	Gunter	McCarron	Sarna	Wigley
Carlson, A.	Hanson	McCollar	Savelkoul	Williamson
Carlson, D.	Heinitz	McDonald	Scheid	Wynia
Carlson, L.	Hokanson	McEachern	Schulz	Zubay
Casserly	Jacobs	Metzen	Searle	Speaker Sabo
Clark	Jaros	Munger	Searles	
Clawson	Jensen	Murphy	Sherwood	

Those who voted in the negative were:

Osthoff

The bill was passed and its title agreed to.

H. F. No. 1966, A bill for an act relating to motor vehicles; extending protection provided by motor vehicle dealer surety bonds; authorizing the issuance of nontransferable certificates of title; changing the definition of a bus; amending Minnesota Statutes 1976, Sections 168A.07, Subdivision 2; 171.01, Subdivision 19; Minnesota Statutes, 1977 Supplement, Section 168.27, Subdivision 24.

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

The question was taken on the passage of the bill and the roll was called. There were 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Beauchamp	Brinkman	Corbid	Esau
Albrecht	Begich	Byrne	Cummiskey	Evans
Anderson, B.	Berg	Carlson, A.	Dean	Ewald
Anderson, D.	Berglin	Carlson, D.	Den Ouden	Faricy
Anderson, G.	Berkelman	Carlson, L.	Eckstein	Fjoslien
Anderson, I.	Biersdorf	Casserly	Eken	Forsythe
Anderson, R.	Birnstihl	Clark	Ellingson	Friedrich
Arlandson	Brandl	Clawson	Enebo	Fugina
Battaglia	Braun	Cohen	Erickson	George

Gunter	Kostohryz	Nelsen, B.	Samuelson	Tomlinson
Hanson	Kroening	Nelsen, M.	Sarna	Vanasek
Heinitz	Kvam	Nelson	Savelkoul	Voss
Hokanson	Laidig	Niehaus	Scheid	Waldorf
Jacobs	Langseth	Norton	Schulz	Welch
Jaros	Lehto	Novak	Searle	Wenstrom
Jensen	Lemke	Onnen	Searles	Wenzel
Johnson	Mangan	Osthoff	Sherwood	White
Jude	Mann	Patton	Sieben, H.	Wieser
Kahn	McCarron	Pehler	Sieben, M.	Wigley
Kaley	McCollar	Peterson	Simoneau	Williamson
Kalis	McDonald	Petrafeso	Skoglund	Wynia
Kelly, R.	McEachern	Pleasant	Smogard	Zubay
Kelly, W.	Metzen	Prahl	Spanish	Speaker Sabo
Kempe, A.	Moe	Redalen	Stanton	
Kempe, R.	Munger	Reding	Stoa	
King	Murphy	Rose	Suss	
Knickerbocker	Neisen	St. Onge	Swanson	

The bill was passed and its title agreed to.

S. F. No. 1004, A bill for an act relating to metropolitan government; providing for the investment of metropolitan airports commission funds; amending Minnesota Statutes 1976, Section 473.606, Subdivision 3.

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

The question was taken on the passage of the bill and the roll was called. There were 127 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Abeln	Cohen	Johnson	Murphy	Sherwood
Albrecht	Corbid	Jude	Neisen	Sieben, H.
Anderson, B.	Cummiskey	Kahn	Nelsen, B.	Sieben, M.
Anderson, D.	Dean	Kaley	Nelsen, M.	Simoneau
Anderson, G.	Den Ouden	Kalis	Nelson	Skoglund
Anderson, I.	Eckstein	Kelly, R.	Niehaus	Smogard
Anderson, R.	Eken	Kelly, W.	Norton	Spanish
Arlandson	Ellingson	Kempe, A.	Novak	Stanton
Battaglia	Enebo	Kempe, R.	Onnen	Stoa
Beauchamp	Erickson	King	Osthoff	Suss
Begich	Esau	Knickerbocker	Patton	Swanson
Berg	Evans	Kostohryz	Pehler	Tomlinson
Berglin	Ewald	Kroening	Peterson	Vanasek
Berkelman	Farcy	Kvam	Petrafeso	Voss
Biersdorf	Fjoslien	Laidig	Pleasant	Waldorf
Birnsthil	Forsythe	Langseth	Prahl	Welch
Brandl	Friedrich	Lehto	Redalen	Wenzel
Braun	Fugina	Lemke	Reding	White
Brinkman	George	Mangan	Rose	Wieser
Byrne	Gunter	Mann	St. Onge	Wigley
Carlson, A.	Hanson	McCarron	Samuelson	Williamson
Carlson, D.	Heinitz	McCollar	Sarna	Wynia
Carlson, L.	Heinitz	McEachern	Savelkoul	Speaker Sabo
Casserly	Hokanson	Metzen	Schulz	
Clark	Jacobs	Moe	Searle	
Clawson	Jaros	Munger	Searles	
	Jensen			

Those who voted in the negative were:

McDonald

The bill was passed and its title agreed to.

### 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. After some time spent therein the Committee arose.

#### REPORT OF COMMITTEE OF THE WHOLE

The Speaker resumed the Chair, whereupon the following proceedings of the Committee as kept by the Chief Clerk were reported to the House:

H. F. Nos. 1782 and 1822 which it recommended to pass.

H. F. No. 1739 which it recommended be returned to its author.

H. F. No. 842 which it recommended progress.

H. F. No. 1612 which it recommended progress until Wednesday, March 1, 1978.

H. F. No. 1726 which it recommended to pass with the following amendment offered by Kempe, A.:

Page 3, strike line 5.

Page 3, line 6, strike "*the validity or*".

Page 3, line 7, strike "*amount of*".

Page 3, line 7, strike "*tax assessments*" and insert "*taxes*".

H. F. No. 1857 which it recommended to pass with the following amendment offered by Beauchamp:

Page 1, line 12, after the first word "county" insert "*except Clay county*".

Page 1, line 21, after the period insert "*The county board of Clay county may appoint a veterans service officer and assistant veterans service officers as provided in this subdivision.*"

Further amend the title.

Page 1, line 2, delete "all".

On the motion of Anderson, I., the report of the Committee of the Whole was adopted.

#### ROLL CALLS IN COMMITTEE OF THE WHOLE

Pursuant to rule 1.6, the following roll call was taken in the Committee of the Whole:

Carlson, D., moved to amend H. F. No. 1782, as follows:

Page 3, after line 21, insert:

"Sec. 2. Minnesota Statutes 1976, Section 43.09, is amended by adding a subdivision to read:

*Subd. 2b. [CAMPAIGN ACTIVITIES; PROHIBITIONS.] Notwithstanding any law to the contrary, no employee or officer in the state auditor's office unclassified service shall, directly or indirectly, during his hours of employment participate or take part in the campaign of any candidate who seeks nomination for election or election to any statewide or legislative office.*

Sec. 3. *This act is effective the day following its final enactment.*"

Amend the title as follows:

Page 1, line 2, delete "state auditor" and insert "unclassified service of the state; prohibiting campaign activities by unclassified personnel during the hours of employment".

Page 1, line 5, after "2" insert ", and by adding a subdivision".

The question was taken on the adoption of the amendment and the roll was called. There were 36 yeas and 84 nays as follows:

Those who voted in the affirmative were:

Abeln	Den Ouden	Kaley	Nelsen, B.	Searles
Albrecht	Esau	Kempe, A.	Niehaus.	Wieser
Anderson, D.	Evans	Kempe, R.	Onnen	Wigley
Anderson, R.	Ewald	Knickerbocker	Peterson	Zubay
Biersdorf	Fjoslien	Kvam	Pleasant	
Carlson, A.	Forsythe	Laidig	Redalen	
Carlson, D.	Friedrich	McCarron	Rose	
Dean	Heinitz	McDonald	Savelkoul	

Those who voted in the negative were:

Anderson, B.	Clawson	Kahn	Nelson	Skoglund
Anderson, G.	Corbid	Kalis	Norton	Smogard
Anderson, I.	Cummiskey	Kelly, R.	Novak	Spanish
Arlandson	Eckstein	Kelly, W.	Osthoff	Stanton
Battaglia	Eken	King	Patton	Stoa
Beauchamp	Ellingson	Kostohryz	Pehler	Suss
Begich	Enebo	Kroening	Petrafeso	Tomlinson
Berg	Faricy	Langseth	Prahl	Vanasek
Berglin	Fugina	Lehto	Reding	Voss
Berkelman	Gunter	Lemke	St. Onge	Waldorf
Birnstihl	Hanson	Mangan	Sarna	Wenstrom
Brandl	Hokanson	McCollar	Scheid	Wenzel
Braun	Jacobs	McEachern	Schulz	White
Byrne	Jaros	Metzen	Sherwood	Williamson
Carlson, L.	Jensen	Munger	Sieben, H.	Wynia
Casserly	Johnson	Murphy	Sieben, M.	Speaker Sabo
Clark	Jude	Neisen	Simoneau	

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

#### MOTIONS AND RESOLUTIONS

Jude moved that S. F. No. 1613 be recalled from the Committee on Governmental Operations and together with H. F. No. 2016, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

McCarron moved that the name of Osthoff be added as an author on H. F. No. 2425. The motion prevailed.

Wigley moved that the name of Johnson be added as an author on H. F. No. 1722. The motion prevailed.

#### ADJOURNMENT

Anderson, I., moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:00 p.m., Thursday, February 23, 1978.

EDWARD A. BURDICK, Chief Clerk, House of Representatives



The first of these is the fact that the
 Government has not been able to
 obtain the necessary funds to
 carry out its program. This is
 due to the fact that the
 Government has not been able to
 raise the necessary funds through
 the sale of bonds. This is
 due to the fact that the
 Government has not been able to
 sell the bonds at the price
 which it has offered. This is
 due to the fact that the
 Government has not been able to
 convince the public that the
 Government's program is
 necessary and that the
 Government is able to carry
 out its program. This is
 due to the fact that the
 Government has not been able to
 convince the public that the
 Government is able to carry
 out its program. This is
 due to the fact that the
 Government has not been able to
 convince the public that the
 Government is able to carry
 out its program.

## STATE OF MINNESOTA

## SEVENTIETH SESSION - 1978

## SEVENTY-SEVENTH DAY

SAINT PAUL, MINNESOTA, THURSDAY, FEBRUARY 23, 1978

The House of Representatives convened at 2:00 p.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	Cohen	Kahn	Nelsen, B.	Sherwood
Albrecht	Corbid	Kaley	Nelsen, M.	Sieben, H.
Anderson, B.	Dean	Kelly, R.	Nelson	Sieben, M.
Anderson, D.	Den Ouden	Kelly, W.	Niehaus	Simoneau
Anderson, G.	Eckstein	Kempe, A.	Norton	Skoglund
Anderson, I.	Eken	Kempe, R.	Novak	Smogard
Anderson, R.	Ellingson	King	Onnen	Spanish
Arlandson	Enebo	Knickerbocker	Osthoff	Stanton
Battaglia	Esau	Kostohryz	Patton	Suss
Beauchamp	Evans	Kroening	Pehler	Swanson
Begich	Ewald	Kvam	Peterson	Tomlinson
Berg	Faricy	Laidig	Petrafeso	Vanasek
Berglin	Fjoslien	Langseth	Pleasant	Voss
Berkelman	Forsythe	Lehto	Prahl	Waldorf
Biersdorf	Friedrich	Lemke	Redalen	Weich
Birnstihl	Fudro	Mangan	Reding	Wenzel
Brandl	Fugina	Mann	Rice	White
Braun	Gunter	McCarron	Rose	Wieser
Brinkman	Hanson	McCollar	St. Onge	Wigley
Byrne	Heinitz	McDonald	Samuelson	Williamson
Carlson, A.	Hokanson	McEachern	Sarna	Wynia
Carlson, D.	Jacobs	Metzen	Savelkoul	Zubay
Carlson, L.	Jaros	Moe	Scheid	Speaker Sabo
Casserly	Jensen	Munger	Schulz	
Clark	Johnson	Murphy	Searle	
Clawson	Jude	Neisen	Searles	

A quorum was present.

Adams, Cummiskey, Erickson, Kalis, Stoa and Wenstrom were excused. George was excused until 3:25 p.m.

The Chief Clerk proceeded to read the Journal of the preceding day. Vanasek moved that further reading of the Journal be dispensed with and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.

## REPORTS OF CHIEF CLERK

Pursuant to Rules of the House, printed copies of H. F. Nos. 1787, 1882, 1966, 838, 1726, 2043 and 1857 and S. F. No. 804 have been placed in the members' files.

## REPORTS OF STANDING COMMITTEES

Mann from the Committee on Agriculture to which was referred:

H. F. No. 1807, A bill for an act relating to agriculture; providing for the promotion, improvement and development of markets for Minnesota agricultural products; appropriating money; amending Minnesota Statutes 1976, Section 17.101.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Mann from the Committee on Agriculture to which was referred:

H. F. No. 1931, A bill for an act relating to agriculture; corporate farming; providing new definitions; declaring the desirability of family farm stability; amending Minnesota Statutes 1976, Sections 268.04, Subdivision 31; 308.11; 500.24; and Minnesota Statutes, 1977 Supplement, Section 176.041, Subdivision 1.

Reported the same back with the following amendments:

Page 2, lines 1 and 2, strike clause (3) and renumber following clauses.

Page 2, line 10, before the period insert "*or the production of poultry or poultry products*".

Page 3, line 7, after "*corporation*" delete "*by reason of.*" and insert: "*The commissioner when reviewing a report of agricultural corporations may consider but is not limited to the following criteria.*".

Page 3, delete lines 18 to 22.

Page 7, line 2, after "*regulations.*" insert "*(o) Agricultural land owned or leased by a corporation prior to the effective date of this act, which was exempted from the restriction of subdivision 2 under the provisions of Laws 1975, Chapter 324, including*

*normal expansion of such ownership or leasehold interest, to be exercised at a rate not to exceed 20 percent of the amount of land owned or leased on the effective date of this act in any five year period and the additional ownership reasonably necessary to meet requirements of pollution control regulations."*

With the recommendation that when so amended the bill pass.

The report was adopted.

Moe from the Committee on Criminal Justice to which was referred:

H. F. No. 1692, A bill for an act relating to the operation of state government; establishing a department of justice; transferring certain functions of the departments of public safety, administration, commerce, natural resources, public service, public welfare, revenue, health, labor and industry and the division of insurance and state court administrator.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert:

"Section 1. [MINNESOTA COUNCIL ON THE ADMINISTRATION OF CRIMINAL JUSTICE.] Subdivision 1. [CREATION.] The Minnesota council on the administration of criminal justice is hereby created as an independent agency of state government.

Subd. 2. [COMPOSITION OF COUNCIL.] The council shall be composed of 22 members, 16 of whom shall be voting members as follows:

- (1) The chief justice of the supreme court, or if he elects not to serve, a justice he designates;
- (2) The attorney general, or a member of his staff designated by him;
- (3) The commissioner of public safety;
- (4) The commissioner of corrections;
- (5) The commissioner of administration;
- (6) The executive director of the crime control planning board;
- (7) The director of the state planning agency;

(8) The superintendent of the bureau of criminal apprehension;

(9) A county attorney designated by the county attorneys council; and

(10) Seven members to be appointed by the governor.

The remaining six members shall serve without vote. Three of these remaining members shall be members of the senate appointed by the majority leader of the senate, and three shall be members of the house appointed by the speaker of the house.

The chairperson of the council shall be designated by the governor.

Subd. 3. [SELECTION; TERMS; COMPENSATION; REMOVAL.] Except as otherwise provided herein, the membership terms, compensation and removal of members shall be as provided in 15.059.

Sec. 2. [DUTIES AND POWERS.] Subdivision 1. The council shall prepare for consideration by the governor and the legislature alternative proposals for improving the administration of criminal justice in the state. Alternatives shall be proposed in a report which shall be the result of study and investigation of the activities, functions, and programs related to public safety, protection, and the administration of justice in state government. The study and investigation shall include but not be limited to the administration, organization, and financing of the functions of investigation, enforcement, prosecution, defense, corrections, justice planning and regulation. The study shall be based on an examination of the office of the attorney general, the office of state court administrator, the state public defender and the law enforcement, regulatory or judicial-related functions of the departments of administration, commerce, corrections, health, labor and industry, natural resources, public safety, public service, public welfare, revenue, transportation, the crime control planning board, and the state planning agency.

Each alternative organizational proposal shall be evaluated in the report on the basis of costs and benefits associated with implementation and ongoing operation. The report shall be delivered to the governor and the legislature no later than December 31, 1979.

Subd. 2. To accomplish the purposes of sections 1 to 3 the council may:

(a) Study and evaluate justice-related organizational structures in other states;

(b) Elect council officers, promulgate procedures for meetings, and establish council committees and advisory task forces as it deems appropriate;

(c) Enter into contracts for office supplies and services, consultant services and any other goods or commodities necessary for the fulfillment of its duties;

(d) Enter into contracts with the federal government, state agencies or local governmental units for the provision of any advisory, technical or other services;

(e) Apply for, receive and expend grant moneys, or receive and accept money, property or services from any source, for any purpose within the scope of its authority. All money so received is hereby appropriated for those purposes in the manner and subject to laws applicable to the appropriation of state funds;

(f) Compel state agencies and their officials to appear before the council, or produce any records or materials for council review, or provide such staff assistance or undertake any other action, as is deemed necessary by the council; and

(g) Undertake in a manner consistent with other law any other related activity necessary to implement the powers and fulfill the responsibilities set forth in sections 1 to 3.

Sec. 3. [STAFF; SERVICES.] The legislative coordinating commission shall provide office space and administrative services for the council and shall provide for council staff. The Minnesota crime control planning board shall serve as a primary research and data source.

Sec. 4. [APPROPRIATION.] There is appropriated to the legislative coordinating commission the sum of \$ . . . . . to carry out the purposes of this act. Any unencumbered balance remaining in the first year shall not cancel but is available for the second year of council operations.

Sec. 5. [EFFECTIVE DATE.] This act shall be effective the day after final enactment and shall expire June 30, 1980."

Further amend the title:

Page 1, line 3, delete "a department of justice; transferring".

Page 1, delete lines 4, 5, 6, 7, 8.

Page 1, line 9, delete "administrator" and insert "the Minnesota council on the administration of criminal justice".

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

The report was adopted.

Moe from the Committee on Criminal Justice to which was referred:

H. F. No. 1977, A bill for an act relating to marijuana; retroactively reducing past convictions involving a small amount of marijuana to a petty misdemeanor; amending Minnesota Statutes 1976, Section 152.18, by adding a subdivision.

Reported the same back with the following amendments:

Page 2, line 2, after "*amount*" insert "*of marijuana as defined by section 152.01, subdivision 16,*".

With the recommendation that when so amended the bill pass.

The report was adopted.

Moe from the Committee on Criminal Justice to which was referred:

H. F. No. 2128, A bill for an act relating to crimes; authorizing counties to establish victim support funds and to provide services to victims of crime; providing for a penalty assessment on convicted persons; appropriating money.

Reported the same back with the following amendments:

Page 3, line 7, after "*counties*" insert "*in cooperation with existing criminal justice planning councils*".

Page 3, line 29, delete "*as a*".

Page 3, line 30, delete "*part of*" and insert "*in addition to*" delete "*criminal by*".

Page 3, line 31, delete "*Minnesota Statutes, Section 609.02*" and insert "*misdemeanors, gross misdemeanors and felonies*" delete "*a*".

Page 3, line 32, delete "*penalty*" and insert "*an*" delete "*\$10*" and insert "*not less than \$5 nor more than \$30*" delete "*penalty*".

Page 4, line 4, delete "*penalty*".

Further amend the title:

Page 1, line 4, delete "a".

Page 1, line 5, delete "penalty" and insert "an".

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

The report was adopted.

Johnson from the Committee on Education to which was referred:

H. F. No. 1936, A bill for an act relating to Independent School District No. 272 (Eden Prairie) and Independent School District No. 273 (Edina); providing for the transfer of territory from Independent School District No. 272 to Independent School District No. 273.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Johnson from the Committee on Education to which was referred:

H. F. No. 2312, A bill for an act relating to Independent School District No. 272 (Eden Prairie) and Independent School District No. 271 (Bloomington); providing for the transfer of territory from Independent School District No. 272 to Independent School District No. 271.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

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

H. F. No. 1256, A bill for an act relating to aircraft; clarifying compulsory insurance requirements; requiring maintenance of liability coverage only during periods of contemplated aircraft operation; amending Minnesota Statutes 1976, Section 360.59, Subdivision 10.

Reported the same back with the following amendments:

Page 2, line 19, after the period insert:

*"The requirements of this subdivision shall not apply to any aircraft built by the original manufacturer prior to December 31, 1939 and owned and operated solely as a collector's item, if the owner files an affidavit with the commissioner. The affidavit shall state the owner's name and address, the name and*



address of the person from whom the aircraft was purchased, the make, year and model number of the aircraft, the manufacturer's identification number, and that the aircraft is owned and operated solely as a collector's item and not for general transportation purposes.

Sec. 2. Minnesota Statutes 1976, Section 360.55, is amended by adding a subdivision to read:

*Subd. 4. [COLLECTOR'S AIRCRAFT; PIONEER LICENSES.] Any aircraft built by the original manufacturer prior to December 31, 1939, and owned and operated solely as a collector's item shall be listed for taxation and registration as follows: A sworn affidavit shall be executed stating the name and address of the owner, the name and address of the person from whom purchased, the make of the aircraft, year and number of the model, the federal aircraft registration number, the manufacturer's identification number and that the aircraft is owned and operated solely as a collector's item and not for general transportation or commercial operations purposes. The affidavit shall be filed with the commissioner along with a fee of \$25. Upon satisfaction that the affidavit is true and correct, the commissioner shall issue to the applicant number plates, decalcomania labels or stamps bearing the inscription "Pioneer", "Minnesota" and the registration number but no date. The number plates, decalcomania labels or stamps are valid without renewal as long as the owner operates the aircraft solely as a collector's item. Should such aircraft be operated other than as a collector's item, the pioneer number plates, decalcomania labels or stamps shall be void and removed, and the owner shall list the aircraft for taxation and registration in accordance with the other provisions of sections 360.511 to 360.67. Upon the sale of such aircraft, the new owner must list the aircraft for taxation and registration in accordance with the provisions of this subdivision (including the payment of \$25 fee) or the other provisions of sections 360.511 to 360.67, whichever is applicable.*

*In the event of defacement, loss or destruction of the number plates, decalcomania labels or stamps, the commissioner, upon receiving and filing a sworn affidavit of the aircraft owner setting forth the circumstances, together with any defaced plates, labels or stamps and fee of \$5, shall issue replacement plates, labels or stamps. The commissioner shall note on his records the issue of replacement number and shall proceed to cancel the original plates, labels or stamps."*

Renumber the following section.

Further amend the title as follows:

Page 1, line 5, after the semicolon insert "setting forth the registration procedure for pioneer aircraft;"

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

Page 1, line 7, delete the period and insert "and 360.55, by adding a subdivision."

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 1738, A bill for an act relating to children; establishing a comprehensive child protective services program; prescribing duties of the commissioner of public welfare and county welfare boards; authorizing grants for experimental programs to encourage interagency cooperation; appropriating money.

Reported the same back with the recommendation that the bill 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. 1773, A bill for an act relating to unemployment compensation; providing limited benefits to certain employees; amending Minnesota Statutes, 1977 Supplement, Section 268.09, Subdivision 1.

Reported the same back with the following amendments:

Page 2, line 17, strike "or".

Page 2, line 20, strike the period and insert "; or".

Page 2, line 21, delete "An" and insert "(e) If such".

Page 2, line 21, delete "shall not be disqualified under clause".

Page 2, line 22, delete "(1) of this subdivision if he".

Page 3, line 18, strike "clause" and insert "clauses".

Page 3, line 18, after "(c)" insert "and (2) (e)".

Page 3, line 25, after "pregnancy" insert "; provided further that no charges against an employer's account shall be made for benefits paid to an individual separated under clause (2) (e), if the employer paid to the individual his normal wage or salary for the period between the date of notice and the date of intended termination, or for four weeks, whichever is shorter".

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 1861, A bill for an act relating to retirement; miscellaneous amendments to the public employees retirement law; amending Minnesota Statutes 1976, Sections 353.01, Subdivisions 12, 16, and 20; 353.017, Subdivision 2; 353.30, by adding a subdivision; 353.32, Subdivisions 5 and 9; 353.33, Subdivision 11; 353.34, Subdivision 6; 353.656, Subdivision 6; 356.32, Subdivision 1; Minnesota Statutes, 1977 Supplement, Sections 353.01, Subdivision 2b; and 353.36, Subdivision 2; repealing Minnesota Statutes, 1977 Supplement, Section 353.32, Subdivision 7.

Reported the same back with the following amendments:

Page 3, after line 24, insert "*(q) Town, city or county assessors elected or appointed pursuant to chapter 273 who do not receive compensation in excess of \$250 per month from any one employing governmental subdivision or who are employed pursuant to an employment contract which sets forth the total compensation to be paid and the length of service, not to exceed three months in duration, required for the performance of the contract and which was entered into in advance of the commencement of employment.*".

Page 6, line 7, strike "Dependent" and insert "Surviving".

Page 6, line 17, before "within" insert "*before July 1, 1978 or*".

Page 6, line 18, reinstate the stricken language.

Page 6, after line 18, insert a section to read:

"Sec. 6. Minnesota Statutes 1976, Section 353.30, Subdivision 1b, is amended to read:

Subd. 1b. Any person with 30 years or more of allowable service credit who elects early retirement under subdivision 1, shall receive an annuity reduced by (ONE-HALF) *one-fourth* of one percent for each month that such person is under age 62 at the time of retirement.

Page 6, after line 28, insert a section to read:

"Sec. 8. Minnesota Statutes 1976, Section 353.31, Subdivision 1, is amended to read:

353.31 [SURVIVOR BENEFITS.] Subdivision 1. [BENEFITS FOR SURVIVING SPOUSE AND DEPENDENT CHILDREN; BEFORE RETIREMENT.] Upon the death of a "basic member" before retirement or upon the death of a "basic member" who was disabled and receiving disability benefits pursuant to section 353.33 at the time of his death who has had at least 18 months of credited allowable service, his surviving (DEPENDENT) spouse and dependent children, as defined in section 353.01, subdivisions 15 and 20, shall receive the monthly benefit provided below:

(a) Surviving dependent spouse—30 percent of the member's monthly average salary in effect over the last full six months of allowable service preceding death

(b) Each dependent child—10 percent of the member's monthly average salary in effect over the last full six months of allowable service preceding death

Payments for the benefit of any dependent child, as defined in section 353.01, subdivision 15, shall be made to the surviving parent, or if there be none, to the legal guardian of such child. The maximum monthly benefit for any one family shall not exceed \$450, and the minimum benefit per family shall not be less than 30 percent of the "basic member's" said average salary, subject to the aforementioned maximum. The surviving (DEPENDENT) spouse benefit shall terminate upon his or her remarriage, and the dependent children's benefit shall be reduced pro tanto when any child is no longer dependent.

Any survivor of a "basic member" whose average salary was less than \$75 per month shall not be entitled to the benefits provided in this subdivision.

Under the terms of this subdivision there are no survivor benefits, as such, payable to the surviving spouse or dependent children of any deceased "coordinated member."

Page 9, line 14, delete the new language and insert "*the applicable percentage*".

Page 9, line 15, strike "percent".

Page 9, line 15, delete the new language.

Page 9, line 16, delete the new language.

Page 9, line 18, delete "*for the coordinated member*" and after the period insert "*If the person is a basic member, the applicable percentage is eight percent, and if the person is a coordinated member, the applicable percentage is four percent.*"

Page 10, line 8, insert sections to read as follows:

"Sec. 15. Minnesota Statutes 1976, Section 353.657, Subdivision 1, is amended to read:

**353.657 [SURVIVOR BENEFITS.]** Subdivision 1. In the event any member of the police and fire fund shall die from any cause, the association shall grant survivor benefits to any (DEPENDENT) *surviving* spouse who was residing with him at the time of his death and who was married to him for a period of at least one year, and to a dependent child or children, unmarried and under the age of 18 years. The spouse and child or children shall be entitled to monthly benefits as provided in the following subdivisions.

Sec. 16. Minnesota Statutes, 1977 Supplement, Section 354.41, Subdivision 6, is amended to read:

Subd. 6. Any such former member who elects membership in the fund as authorized by subdivision 4 shall be eligible to make payment for service which was rendered prior to July 1, 1975 in any of the organizations enumerated in subdivision 4, provided the organization makes satisfactory certification of such service as prescribed in section 354.05, subdivision 28. This payment shall be limited to the most recent five years of allowable service credit and shall include all required employee and employer contributions as provided in section 354.42, subdivisions 2, 3 and 5 *at the rates in effect when the service was rendered.* Interest shall be paid on both the employee and employer contributions at the rate of six percent per annum compounded annually from the end of the fiscal year during which such service was rendered to the date of payment. *The employer may pay the required employer contributions as provided in section 354.42, subdivisions 3 and 5, plus interest at the specified rate.* The payment described herein must be made in one lump sum prior to July 1, 1980 or prior to retirement, whichever is earlier. *No allowable or formula service with respect to such payment shall be credited to the employee's account until payment is received by the executive director.*

Sec. 17. Minnesota Statutes 1976, Section 354.41, is amended by adding a subdivision to read:

*Subd. 8. Any member who has been employed by an organization designated in subdivision 4 may receive up to five years of allowable service credit in the fund by making payment for such service under the conditions prescribed by subdivision 6."*

Re-number sections accordingly.

Page 10, line 30, after "15." insert "*Section 5 shall be effective the day following enactment. The balance of*".

Page 10, line 30, after "1978." insert "*Any person who was a member pursuant to section 353.01, subdivision 16, clause (3), prior to the election authorized by section 5 and was a basic member shall remain a basic member notwithstanding the contrary provisions of section 353.017, subdivision 1.*"

Further, amend the title:

Page 1, line 6, after "353.30," insert "Subdivision 1b, and".

Page 1, line 6, after "subdivision;" insert "353.31, Subdivision 1;"

Page 1, line 8, after the second "Subdivision 6;" insert "353.657, Subdivision 1; 354.41, by adding a subdivision;"

Page 1, line 10, delete "and".

Page 1, line 11, after "2;" insert "and 354.41, Subdivision 6;"

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 2013, A bill for an act relating to domestic relations; contracts and conveyances between husband and wife; amending Minnesota Statutes 1976, Sections 500.19, by adding a subdivision; and 519.06.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

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

H. F. No. 2020, A bill for an act relating to workers' compensation; changing the definition of family farms; amending Minnesota Statutes, 1977 Supplement, Section 176.011, Subdivision 11a.

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

The report was adopted.

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

H. F. No. 2023, A bill for an act relating to retirement; the highway patrolmen's retirement fund; payment of survivor benefits; amending Minnesota Statutes 1976, Section 352B.11, Subdivision 2.

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

The report was adopted.

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

H. F. No. 2160, A bill for an act relating to retirement; teachers retirement association; prospective discontinuation of the variable annuity program; amending Minnesota Statutes 1976, Sections 354.44, Subdivision 7; 354.62, Subdivisions 1 and 2; and Chapter 354, by adding a section.

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

The report was adopted.

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

H. F. No. 2221, A bill for an act relating to Minnesota Statutes; correcting erroneous, ambiguous, omitted and obsolete references and text; eliminating duplicate, redundant, conflicting and superseded provisions; amending Minnesota Statutes 1976, Sections 6.58; 15.0411, Subdivision 3; 16A.26; 40.072, Subdivision 3; 41.53, Subdivision 2; 44.06, Subdivision 2; 53.03, by adding a subdivision; 84A.55, Subdivision 14; 150A.09, Subdivision 1; 161.09, Subdivision 1; 161.14, Subdivision 19; 251.09; 251.10; 251.11; 251.12; 251.13; 254A.08, Subdivision 3; 270.08; 290.24; 290.49, Subdivision 10; 326.08, Subdivision 2; 366.10; 475.51, Subdivision 1; Minnesota Statutes, 1977 Supplement, Sections 15.0411, Subdivision 2; 15A.083, Subdivision 2; 16A.129; 50.14, Subdivision 5; 116C.63, Subdivision 4; 214.01, Subdivision 3; 256B.48, Subdivision 1; 290.01, Subdivision 20; 290.09, Subdivision 4; 319A.02, Subdivision 2; 343.08; 517.08, Subdivision 1; 593.42, Subdivision 5; 593.45, Subdivision 4; 593.46, Subdivision 2; Extra Session Laws 1959, Chapter 19, by adding a section; repealing Minnesota Statutes 1976, Sections 33.10; 33.11; 33.12; 33.14; 33.15; 33.171; 270.051, Subdivision 1; 602.04; Minnesota Statutes, 1977 Supplement, Sections 33.13; Laws 1975, Chapters 61, Section 8; 136, Sections 11, 13, 57 and 58; Laws 1976, Chapters 44, Section 18; 163, Section 54; 222, Sections 25, Subdivision

8, and 78; 263, Section 8; Laws 1977, Chapters 264, Section 3; 299, Section 6; 326, Section 8; 346, Section 7.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

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

H. F. No. 2283, A bill for an act relating to the division of highway patrol; concerning salaries; increasing the salary of a corporal; amending Minnesota Statutes, 1977 Supplement, Section 299D.03, Subdivision 2.

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

The report was adopted.

Enebo from the Committee on Labor-Management Relations to which was referred:

H. F. No. 1834, A bill for an act relating to labor; increasing fees for boiler inspection and engineers' licenses; amending Minnesota Statutes 1976, Sections 183.545, Subdivisions 1, 2, 3, and 4; and 183.57, Subdivision 2.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Enebo from the Committee on Labor-Management Relations to which was referred:

H. F. No. 2372, A bill for an act relating to public employee labor relations; including physical therapists and occupational therapists in the definition of "teacher"; amending Minnesota Statutes 1976, Section 179.63, Subdivision 13.

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

The report was adopted.

Berg from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 649, A bill for an act relating to St. Louis county; authorizing one off-sale intoxicating liquor license.



Reported the same back with the following amendments:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1976, Section 340.11, is amended by adding a subdivision to read:

*Subd. 10a. [OFF-SALE LICENSES; CERTAIN COUNTIES.] (1) Off-sale licenses may be issued for the sale of intoxicating liquors by certain counties herein provided for.*

*(2) A county board of any county containing unorganized area may issue an off-sale liquor license within any unorganized area of the county to a proprietor of a general food store or an exclusive liquor store with the approval of the commissioner of public safety.*

*All licenses issued pursuant to this clause shall be governed by the appropriate provisions of the intoxicating liquor act except as otherwise provided herein. The license fee for an off-sale license issued pursuant to this section shall be fixed by the county board in an amount not to exceed \$500".*

Further, strike the title in its entirety and insert:

"A bill for an act relating to intoxicating liquor; authorizing certain counties to issue off-sale liquor licenses in unorganized areas of the county; amending Minnesota Statutes 1976, Section 340.11, by adding a subdivision."

With the recommendation that when so amended the bill pass.

The report was adopted.

Berg from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 1839, A bill for an act relating to political subdivisions; authorizing loans to acquire town halls; amending Minnesota Statutes, 1977 Supplement, Section 465.73.

Reported the same back with the following amendments:

Page 2, line 1, after "(j)" strike ", and" and insert a period.

Page 2, line 2, delete "not".

Page 2, line 3, strike "political subdivision" and insert "city or county but not the town".

Page 2, after line 10, insert a new section to read:

"Sec. 2. [EFFECTIVE DATE.] *This act is effective on the day following final enactment.*"

With the recommendation that when so amended the bill pass.

The report was adopted.

Berg from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 1873, A bill for an act relating to the county of Anoka; validating the acquisition of and payment for certain real estate.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Berg from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 2049, A bill for an act relating to local units of government; removing certain restrictions on contracts affecting the financial interests of public officers; amending Minnesota Statutes 1976, Section 471.89, Subdivisions 2 and 3; and Minnesota Statutes, 1977 Supplement, Section 471.88, Subdivision 5.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Berg from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 2175, A bill for an act relating to the city of South St. Paul; authorizing an on-sale liquor license for Wakota arena.

Reported the same back with the following amendments:

Page 1, line 13, after the period insert a new sentence to read: "A license may be issued to any person, firm or corporation who has contracted for the use of the arena premises for an event or to the caterer of such person, firm or corporation."

Page 1, line 21, delete "or organization" and insert ", firm or corporation".

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Berg from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 2242, A bill for an act relating to Yellow Medicine county; authorizing the expenditure of money by the county board to restore county ditch number nine.

Reported the same back with the following amendments:

Page 1, line 10, delete "each year".

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Berg from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 2243, A bill for an act relating to the city of Rochester; issuance of licenses for the sale of intoxicating liquor at Mayo civic auditorium.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Berg from the Committee on Local and Urban Affairs to which was referred:

S. F. No. 478, A bill for an act relating to cities; amending the definition of first class cities; amending Minnesota Statutes 1976, Section 410.01.

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

The report was adopted.

Lemke from the Committee on Transportation to which was referred:

H. F. No. 819, A bill for an act relating to motor vehicles; registration and taxation; exempting certain disabled war vet-

erans from the motor vehicle registration tax; amending Minnesota Statutes 1976, Section 168.031.

Reported the same back with the following amendments:

Page 2, line 4, after "*found*" insert "*by the United States social security administration*".

Page 2, line 4, delete "*the*".

Page 2, delete lines 5 and 6 and insert "*a service-connected disability*".

With the recommendation that when so amended the bill pass and be re-referred to the Committee on General Legislation and Veterans Affairs.

The report was adopted.

Lemke from the Committee on Transportation to which was referred:

H. F. No. 2066, A bill for an act relating to commerce; providing for delivery of motor vehicle certificates of title to owners; amending Minnesota Statutes 1976, Sections 168A.06; and 168A.20, Subdivision 1.

Reported the same back with the following amendments:

Page 1, delete section 1.

Page 2, line 4, delete "*45*" and insert "*ten*".

Re-number section.

Further amend the title as follows:

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

Page 1, line 5, delete "*168A.06; and*".

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Lemke from the Committee on Transportation to which was referred:

H. F. No. 2111, A bill for an act relating to aeronautics; providing for reimbursement for services; changing the permitted

number of certain types of airports; permitting municipalities flexibility in airport acquisition; amending Minnesota Statutes 1976, Sections 360.015, Subdivision 7; 360.032, by adding a subdivision; and 360.305, Subdivision 3.

Reported the same back with the following amendments:

Page 2, delete lines 10 to 32.

Page 3, delete lines 1 to 8 and insert:

*"A municipality may exercise the powers set forth in this subdivision solely for the purpose of acquiring or assisting the relocation of air navigation facilities, structures, and other property incidental to airport operations, from an airport owned or formerly owned by the municipality.*

*A municipality may acquire air navigation facilities, structures and other property incidental to airport operations, which are located at an airport owned or formerly owned by the municipality. In lieu of such acquisition, the municipality may move and relocate such property to another public airport. The manner of acquisition of such property shall be in accordance with subdivision 2 of this section. The municipality may expend its funds to pay for the costs of such acquisition, moving and relocation. The commissioner may pay a portion of such acquisition, moving and relocation costs in accordance with the provisions of section 360.305, subdivision 4, clause (2)."*

With the recommendation that when so amended the bill pass.

The report was adopted.

Lemke from the Committee on Transportation to which was referred:

H. F. No. 2112, A bill for an act relating to highway traffic regulations; authorized emergency vehicles; approval of specifications and equipment test fees for lighting and vehicle safety equipment; warning devices on certain vehicles; and vehicle modification standards; amending Minnesota Statutes 1976, Sections 169.01, Subdivision 5; 169.65; and 169.75; repealing Minnesota Statutes 1976, Section 169.47, Subdivision 2.

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

The report was adopted.

Lemke from the Committee on Transportation to which was referred:

H. F. No. 2192, A bill for an act relating to transportation; establishing a rail user loan guarantee program; creating a rail user loan guarantee account; prescribing powers and duties of the commissioner of transportation; appropriating money; amending Minnesota Statutes 1976, Sections 362A.01, Subdivision 2; and 474.02, Subdivision 2.

Reported the same back with the following amendments:

Page 8, line 1, delete everything after "[APPROPRIATIONS.]".

Page 8, delete lines 2 to 8 and insert the following:

*"The commissioner may transfer from the rail service improvement account to the rail user loan guarantee account an amount not to exceed \$500,000 to be used solely for insurance of loans as provided in section 4. Any amount so transferred is appropriated for the purposes of section 4. None of the funds so appropriated shall cancel but shall be available until expended."*

With the recommendation that when so amended the bill pass.

The report was adopted.

Lemke from the Committee on Transportation to which was referred:

H. F. No. 2348, A bill for an act relating to highways; allowing private landowners to install drainage tiles in highway right-of-way; amending Minnesota Statutes 1976, Section 160.20, by adding a subdivision.

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

The report was adopted.

Lemke from the Committee on Transportation to which was referred:

S. F. No. 265, A bill for an act relating to highways; providing that towns be reimbursed for repairing and restoring town roads damaged while utilized as a haul road in transporting road building materials used in construction or maintenance.

Reported the same back with the following amendments:

Page 1, line 23, delete "1977" and insert "1978".

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Lemke from the Committee on Transportation to which was referred:

S. F. No. 1096, A bill for an act relating to highway traffic regulations; required equipment on certain vehicles; exempting military vehicles of the United States from wheel flap requirements; amending Minnesota Statutes 1976, Section 169.733.

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

The report was adopted.

Lemke from the Committee on Transportation to which was referred:

S. F. No. 1758, A bill for an act relating to the department of transportation; permitting the commissioner of transportation to designate primary and alternate routes for the Great River Road; deleting the statutory route; removing duty of the commissioner to maintain the road; amending Minnesota Statutes 1976, Sections 161.142 and 161.148, Subdivisions 1, 2 and 3; repealing Minnesota Statutes 1976, Section 161.148, Subdivision 4.

Reported the same back with the following amendments:

Page 2, line 21, reinstate the stricken language.

Page 2, lines 23 and 24, delete the new language.

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

## SECOND READING OF HOUSE BILLS

H. F. Nos. 1931, 1977, 1936, 2312, 1256, 1773, 1861, 2013, 2020, 2023, 2160, 2221, 2283, 1834, 2372, 649, 1839, 1873, 2049, 2175, 2242, 2243, 2066, 2111, 2112, 2192 and 2348 were read for the second time.

## SECOND READING OF SENATE BILLS

S. F. Nos. 478, 265, 1096 and 1758 were read for the second time.

INTRODUCTION AND FIRST READING  
OF HOUSE BILLS

The following House Files were introduced:

Heinitz and Nelson introduced:

H. F. No. 2431, A bill for an act relating to crimes; authorizing convictions to be set aside; providing for the nullification or expungement of criminal records; providing penalties.

The bill was read for the first time and referred to the Committee on Criminal Justice.

Sieben, M.; George and Laidig introduced:

H. F. No. 2432, A bill for an act relating to Washington county; providing for the appointment and compensation of probation officers and supporting staff.

The bill was read for the first time and referred to the Committee on Criminal Justice.

Cohen introduced:

H. F. No. 2433, A bill for an act relating to highway traffic regulations; arrest; procedures; notice to appear; authorizing release of certain traffic and motor vehicle law offenders upon written promise to appear in court, and specifying procedures upon nonappearance; providing for the suspension of driving privileges for violation of the written promise to appear; authorizing the commissioner of public safety to enter into reciprocal agreements; providing penalties; amending Minnesota Statutes 1976, Sections 169.91, Subdivisions 1, 3, and by adding a subdivision; 169.92; 171.01, Subdivision 18; and 171.18.

The bill was read for the first time and referred to the Committee on Criminal Justice.

Fjoslien introduced:

H. F. No. 2434, A bill for an act relating to Independent School District No. 206 (Alexandria); permitting the school district to transfer funds for the purpose of a vocational-technical building addition.

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



Novak introduced:

H. F. No. 2435, A bill for an act relating to elections; providing for the filing of certain nominating petitions; amending Minnesota Statutes 1976, Section 202A.65, Subdivision 3.

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

Vanasek, Johnson and Birnstihl introduced:

H. F. No. 2436, A bill for an act relating to the county of LeSueur; allowing the LeSueur county court to appoint a judicial officer.

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

McCarron introduced:

H. F. No. 2437, A bill for an act relating to public welfare; establishing a pilot work experience program for general assistance recipients; providing penalties; appropriating money; amending Minnesota Statutes 1976, Chapter 256D, by adding a section.

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

Searles introduced:

H. F. No. 2438, A bill for an act relating to taxation; delaying the effective date of change in allocation of gross income of estates and trusts; amending Laws 1977, Chapter 423, Article I, Section 16.

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

Cummiskey introduced:

H. F. No. 2439, A bill for an act relating to taxation; sales tax; exempting newsprint and ink; amending Minnesota Statutes 1976, Sections 297A.14; and 297A.25, Subdivision 1.

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

Cummiskey introduced:

H. F. No. 2440, A bill for an act relating to taxation; sales tax; changing requirements for exemption of textbooks; amending Minnesota Statutes 1976, Section 297A.25, Subdivision 1.

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

Hokanson, Dean and Fudro introduced:

H. F. No. 2441, A bill for an act relating to transportation; adding new routes to the trunk highway system.

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

### 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. 8, A Concurrent Resolution relating to adjournment.

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. 438, 1073, 1685 and 1765.

PATRICK E. FLAHAVEN, Secretary of the Senate

### FIRST READING OF SENATE BILLS

S. F. No. 438, A bill for an act relating to bank charters; classifying data contained in financial statements of applicants; requiring payment of certain costs; requiring approval of managing officers; regulating issuance and expiration of certificates of authorization and charters; amending Minnesota Statutes 1976, Sections 45.04; and 45.07.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

S. F. No. 1073, A bill for an act relating to corrections; establishing a facility for the care and treatment of inmates of correctional institutions who become mentally ill; providing for their commitment and detention for treatment; appropriating money.

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

S. F. No. 1685, A bill for an act relating to health; providing for review of certain health care planning; requiring certificates of need for construction or modifications of certain health care facilities and services; amending Minnesota Statutes 1976, Sections 145.71, Subdivision 1; 145.72; 145.73; 145.74; 145.75; 145.751; 145.76, Subdivisions 1 and 2; 145.761; 145.77; 145.78; 145.79; 145.80; 145.83; and Chapter 145, by adding sections.

The bill was read for the first time.

Carlson, L., moved that S. F. No. 1685 and H. F. No. 1824, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1765, A bill for an act relating to the organization of state government; restructuring the Gillette hospital board; requiring an annual report; amending Minnesota Statutes 1976, Section 250.05, Subdivisions 1, 3 and 5; Minnesota Statutes, 1977 Supplement, Section 250.05, Subdivision 2.

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

#### 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:

That Rule 3.4 of the permanent rules of the House, as they appear in the Journal for the ninth day, January 27, 1977, be amended to read as follows:

“3.4 MOTION FOR RECONSIDERATION. When a question has been decided either in the affirmative or negative, it shall be in order for any member who voted with the prevailing side to move its reconsideration, provided that such motion is made either on the same day the vote was taken or within the following two days of actual session of the House. A motion for reconsideration shall take precedence over all other questions except the motion to adjourn and the notice of intention to move reconsideration. Such motion or notice shall not be in order if the document, bill, resolution, message, report or other official

action on which the vote was taken shall have left the possession of the House.

When a member gives notice of intention to move reconsideration of the final action of the House on any bill, resolution, message, report or other official action, the Chief Clerk shall retain the same until after the matter is disposed of or the time has expired during which the motion for reconsideration can be made.

On the last day allowed for the motion to reconsider, it shall be in order for any member who voted on the prevailing side to make the motion, unless the matter has been already disposed of.

A motion for reconsideration having been voted upon and lost shall not be renewed.

The notice of intention to move reconsideration shall not be in order after (MAY 2, 1977 THROUGH MAY 23, 1977) *March 1, 1978.*"

The motion prevailed and the report was adopted.

#### PROGRESS REPORTS ON CONFERENCE COMMITTEES

Pursuant to Joint Rule 2.06, progress on H. F. Nos. 544 and 405 and S. F. No. 65 was reported to the House.

#### CONSENT CALENDAR

H. F. No. 2190, A bill for an act relating to aeronautics; setting forth the registration procedure for pioneer aircraft; amending Minnesota Statutes 1976, Section 360.55 by adding a subdivision.

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

The question was taken on the passage of the bill and the roll was called. There were 119 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Begich	Carlson, A.	Eken	Gunter
Albrecht	Berg	Carlson, D.	Enebo	Hanson
Anderson, B.	Berglin	Carlson, L.	Esau	Heinitz
Anderson, D.	Berkelman	Casserly	Evans	Hokanson
Anderson, G.	Biersdorf	Clark	Ewald	Jacobs
Anderson, I.	Birnstihl	Clawson	Faricy	Jaros
Anderson, R.	Brandl	Cohen	Fjoslien	Jensen
Arlandson	Braun	Dean	Forsythe	Johnson
Battaglia	Brinkman	Den Ouden	Fudro	Jude
Beauchamp	Byrne	Eckstein	Fugina	Kahn

Kaley	Mangan	Niehaus	Savelkoul	Tomlinson
Kelly, R.	Mann	Norton	Scheid	Vanasek
Kelly, W.	McCarron	Novak	Schulz	Voss
Kempe, A.	McCollar	Onnen	Searle	Waldorf
Kempe, R.	McDonald	Osthoff	Searles	Welch
King	McEachern	Patton	Sherwood	Wenzel
Knickerbocker	Metzen	Peterson	Sieben, H.	White
Kostohryz	Moe	Petrafaso	Sieben, M.	Wieser
Kroening	Munger	Pleasant	Simoneau	Wigley
Kvam	Murphy	Reding	Skoglund	Williamson
Laidig	Neisen	Rose	Spanish	Wynia
Langseth	Nelsen, B.	St. Onge	Stanton	Zubay
Lehto	Nelsen, M.	Samuelson	Suss	Speaker Sabo
Lemke	Nelson	Sarna	Swanson	

The bill was passed and its title agreed to.

S. F. No. 1802 was reported to the House.

There being no objection, S. F. No. 1802 was continued on the Consent Calendar until Wednesday, March 1, 1978.

There being no objection H. F. No. 1882, on the Technical Consent Calendar, was reported to the House.

H. F. No. 1882, A bill for an act relating to commerce; repealing the fair trade laws; repealing Minnesota Statutes 1976, Sections 325.08 to 325.14.

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

The question was taken on the passage of the bill and the roll was called. There were 122 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Casserly	Jacobs	McCarron	Prahl
Albrecht	Clark	Jaros	McCollar	Reding
Anderson, B.	Clawson	Jensen	McDonald	Rose
Anderson, D.	Cohen	Johnson	McEachern	St. Onge
Anderson, G.	Dean	Jude	Metzen	Samuelson
Anderson, I.	Den Ouden	Kahn	Moe	Sarna
Anderson, R.	Eckstein	Kaley	Munger	Savelkoul
Arlandson	Eken	Kelly, R.	Murphy	Scheid
Battaglia	Ellingson	Kelly, W.	Neisen	Schulz
Beauchamp	Enebo	Kempe, A.	Nelsen, B.	Searle
Begich	Esau	Kempe, R.	Nelsen, M.	Searles
Berg	Evans	King	Nelson	Sherwood
Berglin	Ewald	Knickerbocker	Niehaus	Sieben, H.
Berkelman	Faricy	Kostohryz	Norton	Sieben, M.
Biersdorf	Fjoslien	Kroening	Novak	Simoneau
Birnstihl	Forsythe	Kvam	Onnen	Skoglund
Brandl	Fudro	Laidig	Osthoff	Smogard
Brinkman	Fugina	Langseth	Patton	Spanish
Byrne	Gunter	Lehto	Pehler	Stanton
Carlson, A.	Hanson	Lemke	Peterson	Suss
Carlson, D.	Heintz	Mangan	Petrafaso	Swanson
Carlson, L.	Hokanson	Mann	Pleasant	Tomlinson

Vanasek  
Voss  
Waldorf

Welch  
Wenzel  
White

Wieser  
Wigley  
Williamson

Wynia  
Zubay

Speaker Sabo

The bill was passed and its title agreed to.

### CALENDAR

H. F. No. 1726, A bill for an act relating to special assessments; clarifying availability of certain appeal procedures; eliminating use of alternative procedures; increasing the time for appealing certain special assessments; amending Minnesota Statutes 1976, Section 429.081; and Minnesota Statutes, 1977 Supplement, Section 278.01.

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

The question was taken on the passage of the bill and the roll was called. There were 122 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Clawson	Kaley	Nelsen, B.	Sieben, H.
Albrecht	Cohen	Kelly, R.	Nelsen, M.	Sieben, M.
Anderson, B.	Dean	Kelly, W.	Nelson	Simoneau
Anderson, D.	Den Ouden	Kempe, A.	Niehaus	Skoglund
Anderson, G.	Eckstein	Kempe, R.	Norton	Smogard
Anderson, I.	Eken	King	Novak	Spanish
Anderson, R.	Enebo	Knickerbocker	Onnen	Stanton
Arlandson	Esau	Kostohryz	Osthoff	Suss
Battaglia	Evans	Kroening	Patton	Swanson
Beauchamp	Ewald	Kvam	Pehler	Tomlinson
Begich	Faricy	Laidig	Peterson	Vanasek
Berg	Fjoslien	Langseth	Petrafaso	Voss
Berglin	Forsythe	Lehto	Pleasant	Waldorf
Berkelman	Fudro	Lemke	Prahl	Welch
Biersdorf	Fugina	Mangan	Reding	Wenzel
Birnstihl	Gunter	Mann	Rose	White
Brandl	Hanson	McCarron	St. Onge	Wieser
Braun	Heinitz	McCollar	Samuelson	Wigley
Brinkman	Hokanson	McDonald	Sarna	Williamson
Byrne	Jacobs	McEachern	Savelkoul	Wynia
Carlson, A.	Jaros	Metzen	Scheid	Zubay
Carlson, D.	Jensen	Moe	Schulz	Speaker Sabo
Carlson, L.	Johnson	Munger	Searle	
Casserly	Jude	Murphy	Searles	
Clark	Kahn	Neisen	Sherwood	

The bill was passed and its title agreed to.

H. F. No. 1857, A bill for an act relating to veterans; requiring counties to appoint a veterans service officer; amending Minnesota Statutes 1976, Section 197.60, Subdivision 1.

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

The question was taken on the passage of the bill and the roll was called. There were 120 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Clark	Johnson	Nelsen, B.	Searles
Albrecht	Clawson	Jude	Nelsen, M.	Sherwood
Anderson, B.	Cohen	Kahn	Nelson	Sieben, H.
Anderson, D.	Dean	Kaley	Niehaus	Sieben, M.
Anderson, G.	Den Ouden	Kelly, R.	Norton	Simoneau
Anderson, I.	Eckstein	Kelly, W.	Novak	Skoglund
Anderson, R.	Eken	Kempe, R.	Onnen	Smogard
Arlandson	Ellingson	King	Osthoff	Spanish
Battaglia	Enebo	Knickerbocker	Patton	Stanton
Beauchamp	Esau	Kostohryz	Pehler	Suss
Begich	Evans	Kroening	Peterson	Swanson
Berg	Ewald	Kvam	Petrafeso	Tomlinson
Berglin	Faricy	Laidig	Pleasant	Vanasek
Berkelman	Fjoslien	Langseth	Prahl	Voss
Biersdorf	Forsythe	Lehto	Redalen	Waldorf
Birnstihl	Fudro	Mangan	Reding	Welch
Brandl	Fugina	Mann	Rose	Wenzel
Braun	Gunter	McCarron	St. Onge	White
Brinkman	Hanson	McCollar	Samuelson	Wieser
Byrne	Heinitz	McDonald	Sarna	Wigley
Carlson, A.	Hokanson	McEachern	Savelkoul	Williamson
Carlson, D.	Jacobs	Metzen	Scheid	Wynia
Carlson, L.	Jaros	Murphy	Schulz	Zubay
Casserly	Jensen	Neisen	Searle	Speaker Sabo

The bill was passed and its title agreed to.

#### CALL OF THE HOUSE

On the motion of Laidig and on the demand of 10 members, a call of the House was ordered. The following members answered to their names:

Abeln	Cohen	Kahn	Neisen	Searles
Albrecht	Corbid	Kaley	Nelsen, B.	Sherwood
Anderson, B.	Dean	Kelly, R.	Nelsen, M.	Sieben, H.
Anderson, D.	Den Ouden	Kelly, W.	Nelson	Sieben, M.
Anderson, G.	Eckstein	Kempe, A.	Niehaus	Simoneau
Anderson, I.	Eken	Kempe, R.	Norton	Skoglund
Anderson, R.	Ellingson	King	Novak	Smogard
Arlandson	Enebo	Knickerbocker	Onnen	Spanish
Battaglia	Esau	Kostohryz	Osthoff	Stanton
Beauchamp	Evans	Kroening	Patton	Suss
Begich	Ewald	Kvam	Pehler	Swanson
Berg	Faricy	Laidig	Peterson	Tomlinson
Berglin	Fjoslien	Langseth	Petrafeso	Vanasek
Berkelman	Forsythe	Lehto	Pleasant	Voss
Biersdorf	Friedrich	Lemke	Prahl	Waldorf
Birnstihl	Fugina	Mangan	Redalen	Welch
Brandl	Gunter	Mann	Reding	Wenzel
Braun	Hanson	McCarron	Rice	White
Byrne	Heinitz	McCollar	Rose	Wieser
Carlson, A.	Hokanson	McDonald	St. Onge	Wigley
Carlson, D.	Jacobs	McEachern	Sarna	Williamson
Carlson, L.	Jaros	Metzen	Savelkoul	Wynia
Casserly	Jensen	Moe	Scheid	Zubay
Clark	Johnson	Munger	Schulz	Speaker Sabo
Clawson	Jude	Murphy	Searle	

Laidig 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. 1782, A bill for an act relating to the state auditor; placing the position of the assistant to the state auditor in the unclassified service; amending Minnesota Statutes 1976, Section 43.09, Subdivision 2.

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

The question was taken on the passage of the bill and the roll was called.

Laidig moved that those not voting be excused from voting. The motion did not prevail.

There were 46 yeas and 79 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Clawson	Kroening	Nelsen, M.	Simoneau
Anderson, I.	Enebo	Lehto	Norton	Stanton
Arlandson	Fudro	Mangan	Patton	Suss
Battaglia	Fugina	McCollar	Pehler	Tomlinson
Beauchamp	Jaros	McEachern	Petrafaso	Wenzel
Begich	Jensen	Metzen	Reding	Speaker Sabo
Berg	Jude	Moe	Rice	
Birnstihl	Kahn	Munger	Sarna	
Braun	Kelly, W.	Murphy	Sieben, H.	
Cassery	King	Neisen	Sieben, M.	

Those who voted in the negative were:

Abeln	Dean	Jacobs	Nelson	Sherwood
Albrecht	Den Ouden	Johnson	Novak	Skoglund
Anderson, D.	Eckstein	Kaley	Onnen	Smogard
Anderson, G.	Eken	Kelly, R.	Osthoff	Spanish
Anderson, R.	Ellingson	Kempe, A.	Peterson	Swanson
Berglin	Essau	Kempe, R.	Pleasant	Vanasek
Berkelman	Evans	Knickerbocker	Prahl	Voss
Biersdorf	Ewald	Kostohryz	Redalen	Waldorf
Brandl	Faricy	Kvam	Rose	Welch
Byrne	Fjoslien	Laidig	St. Onge	White
Carlson, A.	Forsythe	Langseth	Samuelson	Wieser
Carlson, D.	Friedrich	Lemke	Savelkoul	Wigley
Carlson, L.	Gunter	Mann	Scheid	Williamson
Clark	Hanson	McCarron	Schulz	Wynia
Cohen	Heinitz	McDonald	Searle	Zubay
Corbid	Hokanson	Nelsen, B.	Searles	

The bill was not passed.

H. F. No. 1822, A bill for an act relating to eminent domain; requiring that prepayment penalties be treated as a separate item of damages; amending Minnesota Statutes 1976, Chapter 117, by adding a section.



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

The question was taken on the passage of the bill and the roll was called. There were 121 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Cohen	Kahn	Nelsen, M.	Sieben, M.
Albrecht	Corbid	Kaley	Nelson	Simoneau
Anderson, B.	Dean	Kelly, W.	Norton	Skoglund
Anderson, D.	Den Ouden	Kempe, A.	Novak	Smogard
Anderson, G.	Eckstein	Kempe, R.	Onnen	Spanish
Anderson, I.	Eken	King	Osthoff	Stanton
Anderson, R.	Ellingson	Knickerbocker	Patton	Suss
Arlandson	Enebo	Kostohryz	Pehler	Swanson
Battaglia	Esau	Kroening	Peterson	Tomlinson
Beauchamp	Evans	Kvam	Petrafeso	Vanasek
Begich	Ewald	Langseth	Pleasant	Voss
Berg	Faricy	Lehto	Redalen	Waldorf
Berglin	Fjoslien	Lemke	Reding	Welch
Berkelman	Forsythe	Mangan	Rice	Wenzel
Biersdorf	Friedrich	Mann	Rose	White
Birnstihl	Fudro	McCarron	St. Onge	Wieser
Brandl	Gunter	McCollar	Samuelson	Wigley
Braun	Hanson	McDonald	Sarna	Williamson
Byrne	Heinitz	McEachern	Savelkoul	Wynia
Carlson, A.	Hokanson	Metzen	Scheid	Zubay
Carlson, D.	Jacobs	Moe	Schulz	Speaker Sabo
Carlson, L.	Jaros	Munger	Searle	
Casserly	Jensen	Murphy	Searles	
Clark	Johnson	Neison	Sherwood	
Clawson	Jude	Nelsen, B.	Sieben, H.	

The bill was passed and its title agreed to.

### 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. After some time spent therein the Committee arose.

### REPORT OF COMMITTEE OF THE WHOLE

The Speaker resumed the Chair, whereupon the following proceedings of the Committee as kept by the Chief Clerk were reported to the House:

H. F. Nos. 1965 and 2067 which it recommended to pass.

H. F. No. 13 which it recommended progress until Wednesday, March 8, 1978 retaining its place on General Orders.

H. F. No. 1826 which it recommended to pass with the following amendment offered by Welch:

Amend the title as follows:

Page 1, line 6, delete "allowing".

Page 1, delete line 7.

Page 1, line 8, delete "operations;".

H. F. No. 842 which it recommended to pass with the following amendment offered by Kempe, A.:

Page 2, line 30, strike "30" and insert "10".

Page 2, line 30, strike "60" and insert "30".

Page 5, line 12, strike "30" and insert "10".

Page 5, line 12, strike "60" and insert "30".

Page 7, after line 14, add a new subdivision 3, as follows:

"Subd. 3. No order issued under sections 1 to 8 shall be subject to review by the Commerce Commission."

H. F. No. 2081 which it recommended to pass with the following amendment offered by Begich:

Page 2, line 15, after "state." insert "*Any program of instruction developed under this subdivision shall be voluntary for any adult participating in the program.*"

H. F. No. 2102 which it recommended to pass with the following amendment offered by St. Onge:

Page 1, line 17, delete "*this act*" and insert "*the provisions of sections 179.61 to 179.77*".

On the motion of Anderson, I., the report of the Committee of the Whole was adopted.

#### ROLL CALLS IN COMMITTEE OF THE WHOLE

Pursuant to rule 1.6, the following roll calls were taken in the Committee of the Whole:

The question was taken on the motion to recommend passage of H. F. No. 1965 and the roll was called. There were 96 yeas and 14 nays as follows:

Those who voted in the affirmative were:

Abeln	Den Ouden	Kaley	Nelson	Simoneau
Albrecht	Eken	Kelly, W.	Niehaus	Skoglund
Anderson, G.	Ellingson	Kempe, A.	Norton	Spanish
Anderson, R.	Enebo	Kempe, R.	Novak	Stanton
Arlandson	Evans	King	Onnen	Swanson
Battaglia	Ewald	Kostohryz	Osthoff	Tomlinson
Beauchamp	Faricy	Kroening	Pehler	Voss
Berg	Fjoslien	Kvam	Petrafeso	Waldorf
Berglin	Forsythe	Laidig	Pleasant	Welch
Berkelman	Fudro	Langseth	Prahl	White
Biersdorf	Fugina	Lehto	Redalen	Wieser
Brandl	George	Mangan	Reding	Wigley
Carlson, A.	Hanson	McCarron	Rice	Williamson
Carlson, D.	Heinitz	McCollar	Rose	Wynia
Carlson, L.	Hokanson	McDonald	St. Onge	Zubay
Casserly	Jacobs	McEachern	Samuelson	Speaker Sabo
Clark	Jensen	Moe	Sarna	
Clawson	Johnson	Munger	Scheid	
Cohen	Jude	Murphy	Searles	
Dean	Kahn	Nelsen, B.	Sherwood	

Those who voted in the negative were:

Anderson, B.	Gunter	Metzen	Schulz	Suss
Braun	Lemke	Patton	Sieben, H.	Wenzel
Eckstein	Mann	Savelkoul	Sieben, M.	

The motion prevailed.

## MOTIONS AND RESOLUTIONS

Brandl moved that his name be stricken and the name of Rice be added as chief author on H. F. No. 2050. The motion prevailed.

Forsythe moved that the name of Casserly be stricken and the name of Pehler be added as an author on H. F. No. 46. The motion prevailed.

Jacobs moved that the name of Kempe, A., be added as chief author on H. F. No. 2413. The motion prevailed.

Anderson, I., and Savelkoul introduced:

House Concurrent Resolution No. 9, A house concurrent resolution relating to adjournment.

## SUSPENSION OF RULES

Anderson, I., moved that the Rules be so far suspended that House Concurrent Resolution No. 9 be now considered and be placed upon its adoption. The motion prevailed.

## HOUSE CONCURRENT RESOLUTION NO. 9

A house concurrent resolution relating to adjournment.

*Be It Resolved*, by the House of Representatives, the Senate concurring, that when either the House of Representatives or the Senate adjourns on February 24, 1978, it may adjourn to any date not later than March 1, 1978.

Anderson, I., moved that House Concurrent Resolution No. 9 be now adopted. The motion prevailed and House Concurrent Resolution No. 9 was adopted.

Pursuant to Rule 1.15, McDonald moved that H. F. No. 2186 be now withdrawn from the Committee on Taxes, be given a second reading and be advanced to General Orders.

A roll call was requested and properly seconded.

The question was taken on the motion and the roll was called. There were 37 yeas and 84 nays as follows:

Those who voted in the affirmative were:

Albrecht	Eckstein	Kaley	Nelsen, M.	Searle
Anderson, D.	Esau	Kempe, R.	Niehaus	Searles
Anderson, R.	Evans	Knickerbocker	Onnen	Wieser
Biersdorf	Ewald	Kostohryz	Peterson	Wigley
Carlson, A.	Fjoslien	Kvam	Pleasant	Zubay
Carlson, D.	Forsythe	Laidig	Redalen	
Dean	Friedrich	McDonald	Rose	
Den Ouden	Heinitz	Nelsen, B.	Savelkoul	

Those who voted in the negative were:

Abeln	Clawson	Kahn	Neisen	Simoneau
Anderson, B.	Corbid	Kelly, R.	Nelson	Skoglund
Anderson, G.	Eken	Kelly, W.	Norton	Smogard
Anderson, I.	Ellingson	Kempe, A.	Novak	Stanton
Arlandson	Enebo	King	Osthoff	Suss
Battaglia	Farcy	Kroening	Petraleso	Swanson
Beauchamp	Fudro	Langseth	Prahl	Tomlinson
Begich	Fugina	Lehto	Reding	Vanasek
Berg	George	Lemke	Rice	Voss
Berglin	Gunter	Mangan	St. Onge	Waldorf
Berkelman	Hanson	Mann	Samuelson	Welch
Brandl	Hokanson	McCollar	Sarna	Wenzel
Braun	Jacobs	McEachern	Scheid	White
Byrne	Jaros	Metzen	Schulz	Williamson
Carlson, L.	Jensen	Moe	Sherwood	Wynia
Casserly	Johnson	Munger	Sieben, H.	Speaker Sabo
Clark	Jude	Murphy	Sieben, M.	

The motion did not prevail.

Kempe, A., moved that the name of Cohen be stricken and the name of Arlandson be added as an author on H. F. No. 1020. The motion prevailed.

#### ADJOURNMENT

Anderson, I., moved that when the House adjourns today it adjourn until 10:00 a.m., Friday, February 24, 1978. The motion prevailed.

Anderson, I., moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 10:00 a.m., Friday, February 24, 1978.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

## STATE OF MINNESOTA

## SEVENTIETH SESSION - 1978

## SEVENTY-EIGHTH DAY

SAINT PAUL, MINNESOTA, FRIDAY, FEBRUARY 24, 1978

The House of Representatives 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	Corbid	Kahn	Nelsen, M.	Sherwood
Albrecht	Den Ouden	Kaley	Nelson	Sieben, H.
Anderson, B.	Eckstein	Kalis	Niehaus	Sieben, M.
Anderson, D.	Eken	Kelly, R.	Norton	Simoneau
Anderson, G.	Ellingson	Kempe, A.	Novak	Skoglund
Anderson, I.	Enebo	Kempe, R.	Onnen	Smogard
Anderson, R.	Ericksen	King	Osthoff	Spanish
Arlandson	Esau	Knickerbocker	Patton	Stanton
Battaglia	Evans	Kostohryz	Pehler	Suss
Beauchamp	Ewald	Kroening	Peterson	Swanson
Begich	Faricy	Kvam	Petraieso	Tomlinson
Berg	Fjoslien	Laidig	Pleasant	Voss
Berglin	Forsythe	Langseth	Prahl	Waldorf
Berkelman	Friedrich	Lehto	Redalen	Welch
Biersdorf	Fudro	Mangan	Reding	Wenstrom
Brandl	Fugina	Mann	Rice	Wenzel
Braun	George	McCarron	Rose	White
Byrne	Gunter	McCollar	St. Onge	Wieser
Carlson, A.	Hanson	McDonald	Samuelson	Wigley
Carlson, D.	Hokanson	McEachern	Sarna	Williamson
Carlson, L.	Jacobs	Metzen	Savelkoul	Wynia
Casserly	Jaros	Moe	Scheid	Zubay
Clark	Jensen	Munger	Schulz	Speaker Sabo
Clawson	Johnson	Murphy	Searle	
Cohen	Jude	Nelsen, B.	Searles	

A quorum was present.

Adams; Birnstihl; Brinkman; Cummiskey; Dean; Kelly, W.; Lemke; Neisen; Stoa and Vanasek were excused. Heinitz was excused until 12:07 p.m.

The Chief Clerk proceeded to read the Journal of the preceding day. Esau moved that further reading of the Journal be dispensed with and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.

## REPORTS OF CHIEF CLERK

Pursuant to Rules of the House, printed copies of H. F. Nos. 1936, 2312, 2013, 2020, 2023, 2160, 2221, 2283, 1834, 2372, 1873, 2049, 2243, 2112, 2348, 649, 1256, 1773, 1826, 2066, 1839, 2102, 2175, 2192, 2242, 842, 1861, 1931, 1977, 2081 and 2111 and S. F. Nos. 438, 1073, 1685, 1765, 265 and 1758 have been placed in the members' files.

S. F. No. 1685 and H. F. No. 1824, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

## SUSPENSION OF RULES

Carlson, L., moved that the rules be so far suspended that S. F. No. 1685 be substituted for H. F. No. 1824 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 GOVERNOR  
ST. PAUL 55155

February 23, 1978

The Honorable Martin Sabo  
Speaker of the House  
State of Minnesota

Dear Speaker Sabo:

I have the honor to inform you that I have received, approved, signed, and deposited in the Office of the Secretary of State the following House Files:

H. F. No. 145, an act relating to highways; requiring a hearing by a county board prior to the adoption of a resolution revoking a county highway that would revert to a town; amending Minnesota Statutes 1976, Section 163.11, by adding a subdivision.

H. F. No. 1761, an act relating to the state; authorizing the sale of certain state lands to, and the development of that land for industrial purposes or purposes which the city deems compatible with adjacent land by, the city of Owatonna; amending Laws 1965, Chapter 216, Section 2, as amended.

H. F. No. 1792, an act relating to the Lincoln-Pipestone and Rock county rural water systems; providing for the assessment of costs.

Sincerely,

RUDY PERPICH  
Governor

## REPORTS OF STANDING COMMITTEES

Hanson from the Committee on Commerce and Economic Development to which was referred:

H. F. No. 1131, A bill for an act relating to public utilities; providing for representation of consumer interests in public utility matters; permitting qualifying private, nonprofit corporations to participate in regulatory agency hearings and to solicit contributions from utility customers; requiring public service commission certification of qualifying corporations; requiring a report.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert:

"Section 1. [216C.01] [LEGISLATIVE INTENT.] The purpose of sections 1 to 8 is to encourage the representation of residential consumer interests in matters relating to public utilities before state regulatory agencies, the legislature and other public bodies. The legislature finds that the ability of residential utility consumers to advocate their views before regulatory agencies has heretofore been limited because of the lack of organization and funding. To remedy this deficiency the legislature intends to enable a private nonprofit corporation to have the ability to appear before regulatory agencies representing the interests of residential utility consumers and to seek financial support for their efforts through the billing mechanisms available to public utilities.

Sec. 2. [216C.02] [DEFINITIONS.] Subdivision 1. For the purposes of sections 1 to 8, the following terms have the meanings given them:

Subd. 2. "Member" means a person who has voluntarily joined and contributes to the residential utility consumer service corporation.

Subd. 3. "Public utility" means a publicly or privately owned entity engaged in supplying utility services to residential utility consumers in this state or to another public utility for ultimate



distribution to residential utility consumers in this state and whose rates or charges are subject to approval by a regulatory agency or any agency of the federal government or by a political subdivision of this state. No municipal utility or electrical cooperative or telephone cooperative shall be considered a "public utility" for the purposes of this clause.

Subd. 4. "The corporation" means the residential utility consumer services corporation established under this act.

Subd. 5. "Regulatory agency" means any state agency or political subdivision of the state having the authority to approve or affect (1) the character, amount, location, rates or charges of utility services distributed in this state, (2) the character, size or location of facilities used in the production or distribution of utility services in the state, and (3) general policies which will substantially affect the distribution of utility services.

Subd. 6. "Residential utility consumer" or "consumer" means a person who uses utility services at his residence in this state and who is billed by or pays a public utility for these services.

Subd. 7. "Utility services" means electricity, water, natural gas, and telephone services distributed to residential utility consumers by a public utility.

Sec. 3. [216C.03] [PARTICIPATION BY QUALIFYING CORPORATION.] Subdivision 1. The corporation may intervene as of right or participate as an interested party in any matter pending before a regulatory agency which affects the distribution by a public utility of utility services to a residential utility consumer. The right of the corporation to participate or intervene shall in no way affect the obligation of a regulatory agency to protect the public interest.

Subd. 2. A regulatory agency shall give reasonable notice to the corporation of any matter scheduled to come before the agency affecting the distribution of utility services to consumers. Rules of the agency governing procedures before the agency shall apply to the corporation and its employees or representatives. The corporation shall have the same rights and privileges accorded other intervenors or participants in matters pending before the agency.

Subd. 3. The corporation and any of its board members and employees shall promptly forward a complaint received by them from a member or consumer regarding utility services to the proper regulatory agency. Within 60 days after the agency's receipt of a forwarded complaint, the agency shall inform the corporation of its disposition of the complaint.

Sec. 4. [216C.04] [JUDICIAL REVIEW; ENFORCEMENT.] The corporation shall be deemed to have an interest

sufficient to maintain, intervene as of right in, or otherwise participate in any civil action in the trial courts or supreme court of this state for the review or enforcement of any regulatory agency action which affects the distribution of utility services to residential utility consumers in this state.

**Sec. 5. [216C.05] [STRUCTURE AND DUTIES OF THE RESIDENTIAL UTILITY CONSUMER SERVICES CORPORATION.]** Subdivision 1. The corporation shall have all the rights, powers and duties on behalf of its members as are provided under sections 1 to 8.

**Subd. 2.** The corporation shall be organized and shall operate as a Minnesota nonprofit corporation under chapter 317. All of the rights and privileges under chapter 317 shall be available to the corporation, and it shall be subject to the restrictions and duties of a chapter 317 corporation except as otherwise provided in sections 1 to 8.

**Subd. 3.** The corporation shall have a board of directors consisting of 15 voting members, seven to be appointed by the governor and eight to be elected by consumers, one from each congressional district. In making appointments, the governor shall give consideration to individuals having a special interest in the provision of utility services to residential consumers, and so far as practicable, shall include persons representing diverse socioeconomic backgrounds.

The term of office of each member of the board shall be three years except that three of the members first appointed and four of the members first elected shall serve for a term of two years. Members of the board shall serve until their successors are appointed or elected and qualify.

**Subd. 4.** The members of the board first appointed by the governor shall have the power to carry out organizational and other related startup activities necessary to enable the corporation to accomplish the purposes for which it was established including the authority to implement and supervise the first election of board members.

**Subd. 5.** The provisions of the corporation's articles relating to the board of directors shall (1) provide a method to select candidates from the corporation's membership for the eight elected positions on the board of directors; (2) provide a procedure for election of the eight board members by the corporation membership; (3) insure representation by elected board members from all eight congressional districts; (4) prohibit conflicts of interest by board members and (5) restrict the ability of board candidates or their supporters or opponents to solicit or expend money or services in connection with campaigns for board elections.

Subd. 6. The name of the corporation shall end with the abbreviation "Inc." and shall clearly indicate that its activity is the representation of the interests of residential utility consumers.

Subd. 7. In addition to any other provisions of the articles and bylaws of the corporation, the articles or bylaws shall specify:

(a) That all residential utility consumers who contribute at least a specified minimum amount of money or services to the corporation shall be voting members of the corporation;

(b) That the duty of the corporation shall be to represent and further the interests of its members through (1) participation in matters before regulatory agencies involving utility services, (2) support and assistance to research activities relating to utility services, (3) efforts at informing consumers, public utilities and regulatory agencies of matters in the interest of members, and (4) related activities not inconsistent with sections 1 to 8 which are approved by the corporation's board of directors or membership as appropriate;

(c) That none of the activities of the corporation, and its board and employees shall result in a conflict with the interests of the corporation's membership; and

(d) That the corporation or its employees shall not sponsor, support or oppose any political party or the candidacy of any person for political office.

Sec. 6. [216C.06] [SOLICITATION OF MEMBERS.]  
Subdivision 1. The corporation shall be permitted to utilize a utility's billing system to inform consumers of the organization, purpose and funding of the corporation upon petitioning the Minnesota public service commission of its intent to include an insert in the utility's periodic billing statement. Upon receipt of the petition, the commission shall order those public utilities named by the petitioning corporation to include with a periodic billing statement to their residential utility consumers a statement concerning the organization, purpose and funding of the corporation and a response card. The form of the statement and card shall be approved by the commission and shall be designed to permit consumers to indicate their intention to become members of the corporation. After approval of form by the commission, the corporation shall provide the public utilities with enough statements and cards for mailing with their next periodic customer billing. Consumers who desire to become members of the corporation shall so indicate on the response card and return it directly to the corporation.

Subd. 2. A public utility receiving signed response cards from consumers shall forward the cards to the corporation within 60 days after their receipt. The public utility shall not in any way threaten, penalize or otherwise discourage consumers from returning the response cards nor shall the utility use the names of those persons returning the cards for a purpose or in a manner not consistent with sections 1 to 8.

Subd. 3. Any reasonable mailing or processing costs incurred by a public utility as a result of the statement and response card shall be charged to the corporation and shall be due and payable within 180 days after the date of mailing the statement and card by the public utility. The public service commission may order a petitioning corporation to provide a surety bond in the amount of the commission's estimate of the mailing and processing costs to be incurred by public utilities as a result of this section.

Sec. 7. [216C.07] [FUNDING OF CORPORATION.]  
Subdivision 1. The corporation may solicit and accept gifts, grants and bequests consistent with its articles of incorporation. The corporation may sell the products of its research activities provided that the income from these sales is used exclusively for its corporate purpose.

Subd. 2. The corporation shall charge its members a reasonable per capita fee in a manner and amount to be prescribed in its bylaws. The fee may be assessed in periodic billings by the corporation or the corporation shall be permitted to include billings together with membership solicitations in periodic customer billings of public utilities.

Subd. 3. If the corporation elects to assess its fees in conjunction with public utility billings, it shall supply each public utility with adequate billing materials at least 30 days before the utility's billing mail date. The form of the corporation billing materials shall be negotiated with the public utility. Moneys collected by a utility on behalf of the corporation shall be deposited in a special account and shall be paid to the corporation, with daily interest computed at a negotiated rate, within 30 days after receipt. Procedures pertaining to the collection and distribution of moneys under this section shall be negotiated by the corporation and the public utilities and shall, to the extent possible, be uniform among all affected public utilities.

Subd. 4. A public utility shall not in any way threaten, penalize or otherwise discourage consumers from paying fees to the corporation nor shall a utility use the names of those persons paying the fees for a purpose or in a manner not consistent with sections 1 to 8.

Subd. 5. Any reasonable mailing or processing costs incurred by a public utility as a result of fee solicitation shall be charged

to the corporation and shall be due and payable within 30 days of a billing therefor.

Subd. 6. Any dispute between the corporation and a public utility over provisions in this section which cannot be resolved by negotiations shall be submitted for resolution to the public service commission pursuant to notice and hearing.

Sec. 8. [216C.08] [REPORT.] The corporation shall on or before November 15 of each year prepare a report showing its income sources and disbursements and summarizing its activities for the preceding fiscal year. The report shall identify the directors, employees and agents of the corporation. A copy of the report shall be made available for every member in a manner as provided in the bylaws. Copies of the report shall be delivered to the legislature pursuant to section 3.195 and to the governor, the public service commission and any other regulatory agencies before which the corporation appeared.

Sec. 9. [EFFECTIVE DATE.] This act is effective July 1, 1978 and shall expire June 30, 1983.”.

Further delete the title and insert:

“A bill for an act relating to public utilities; providing for representation of consumer interests in public utility matters; permitting a private, nonprofit corporation to participate in regulatory agency hearings and to solicit contributions from utility customers; requiring a report.”.

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 1732, A resolution urging the President and Congress to take action to insure environmental safeguards in connection with an electrical generating facility at Atikokan, Ontario, Canada.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

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

H. F. No. 1981, A bill for an act relating to natural resources; informal sales of state timber; removing the requirement of a

certain affidavit; amending Minnesota Statutes 1976, Section 90.191, Subdivision 1.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

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

H. F. No. 499, A bill for an act relating to insurance; permitting employees to opt for lower benefits provided by certain group insurance contracts; amending Minnesota Statutes 1976, Section 471.616, Subdivision 1.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes, 1977 Supplement, 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 procedures similar to those for the provision of services and supplies under Minnesota Statutes 1971, Section 16.07, Subdivisions 1, 2, 4 and 5. Lowest responsible bidder means the insurer or service plan corporation submitting the lowest premium rate or the lowest charge for expenses and risk taking in accordance with the specifications for the coverage and administrative services from among such insurers or service plan corporations authorized to do business in this state which are deemed by the governmental unit to be financially able to carry the risk proposed and are capable of satisfactorily performing the administration of the policy or contract. The cost of changing insurers may also be considered in determining the lowest premium rate or the lowest charge for expenses and risk taking. 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 (a) unless a majority of the employees covered under the group insurance plan and voting on the question agree to a reduction in the benefits, if the employees are not represented by an exclusive representative pursuant to section 179.67, or (b) unless the public employer and the exclusive rep-

*representative of the employees of an appropriate bargaining unit, certified pursuant to section 179.67, agree to a reduction in the benefits. The aggregate value of benefits of any former employee who has retired shall not, in any event, be reduced pursuant to clause (a) or (b), unless he has individually agreed to the reduction.*

No such contract need be submitted to bid more frequently than once every 48 months, unless for any reason whatsoever, a 50 percent or greater change in the premium under the policy contract is provided, required or indicated.

When an insurer proposes an increase in rates, it shall accompany its proposal with an aggregate claims record for the appropriate period that explains the proposed increase. When a contract is resubmitted for bids the aggregate claims record shall accompany the specifications for the contract.”.

Further, amend the title as follows:

Page 1, line 4, after “Statutes” insert a comma.

Page 1, line 5, delete “1976” and insert “1977 Supplement”.

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 2006, A bill for an act relating to armories; authorizing disposition of unused armories to counties in addition to municipalities; amending Minnesota Statutes 1976, Section 193.36, Subdivision 2.

Reported the same back with the following amendments:

*Page 2, line 4, after the period insert “In the event that both the municipality and the county desire to purchase the armory, the municipality shall be given the right to purchase the armory.”.*

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

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

H. F. No. 2007, A bill for an act relating to the national guard; amending the state military code; providing penalties; amending Minnesota Statutes 1976, Sections 192.06; 192.11; 192.12; 192.-261, Subdivision 5; 192.32; 192.33; 192.34; and Chapter 192, by adding a section; repealing Minnesota Statutes 1976, Sections 190.28; 192.09; and 192.10.

Reported the same back with the following amendments:

Page 1, line 19, strike the first "such" and insert "the".

Page 1, line 19, strike the second "such" and insert "the".

Page 1, line 21, strike "such" and insert "emergency".

Page 2, line 8, delete "such" and insert "the".

Page 2, line 20, strike "insofar as may be" and insert "that are".

Page 3, line 1, strike "; provided, that" and insert a period.

Page 3, line 3, strike "such" and insert "an officer".

Page 3, line 7, strike "such".

Page 3, line 17, strike "Minnesota Statutes 1961,".

Page 3, line 18, strike ", and acts amendatory thereof, except that" and insert a period.

Page 3, line 20, strike "such" and insert "the".

Page 3, line 22, strike "such".

Page 3, line 27, strike "such".

Page 3, line 29, strike "such" and insert "the".

Page 3, line 30, strike "such" and insert "the same".

Page 3, line 32, strike "such" and insert "those".

Page 4, line 7, strike "such" and insert "the".

Page 4, line 13, after "work" and before "at" insert "(1)".

Page 4, line 16, strike "or" and insert "(2)".

Page 4, line 18, after "or" insert "(3)".



Page 4, line 26, strike "such other" and insert "another" and after "position" insert a comma.

Page 4, line 27, strike "as" and insert "and which".

Page 5, line 12, strike "such" and insert "the".

Page 6, line 7, delete "Minnesota Statutes,".

Page 6, line 26, delete "in an amount not to exceed \$100".

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

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

H. F. No. 2008, A bill for an act relating to the national guard; increasing the pay for enlisted persons on active duty; amending Minnesota Statutes 1976, Section 192.51.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

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

S. F. No. 356, A bill for an act relating to veterans; authorizing a memorial plaque; providing a property tax credit for veterans awarded the congressional medal of honor; amending Minnesota Statutes 1976, Section 273.13, Subdivision 15a, and by adding a subdivision; and Chapter 196, by adding a section.

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

The report was adopted.

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

H. F. No. 1898, A bill for an act relating to public employment; the state civil service; providing for qualifying examination and certification procedures for filling routine service positions; providing on-the-job trial work experiences and noncompetitive appointment procedures for certain severely handi-

capped persons; amending Minnesota Statutes 1976, Section 43.20, by adding subdivisions.

Reported the same back with the following amendments:

Page 1, delete all of Section 1.

Re-number the remaining section.

Page 2, line 1, delete "8" and insert "7".

Further amend the title:

Line 3, delete "providing for qualifying examination and".

Delete all of line 4.

Line 5, delete "service positions;".

Line 9, delete "subdivisions" and insert "a subdivision".

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 2014, A bill for an act relating to state parks; authorizing the lease of a portion of Fort Snelling state park; waiving park admission fees and authorizing a liquor license on the leased property.

Reported the same back with the following amendments:

Page 1, line 10, after "preservation" insert ", historical".

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 2225, A bill for an act relating to prepaid legal service plans; authorizing creation of nonprofit, legal service plan corporations; providing for their formation and regulation; prescribing penalties.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

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

H. F. No. 2233, A bill for an act relating to state government; directing the commissioner of administration to grant contract preference to American made products; amending Minnesota Statutes 1976, Section 16.07, by adding a subdivision.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1976, Chapter 16, is amended by adding a section to read:

[16.073] [PREFERENCE FOR AMERICAN-MADE MATERIALS.] *Subdivision 1. [DEFINITIONS.] As used in this section, the following terms shall have the meanings given them:*

(a) *“State” means the state of Minnesota or any agency thereof, a contractor acting pursuant to a contract with the state, and any person acting on behalf of the state or any agency thereof;*

(b) *“Materials” means any goods, supplies, equipment or any other tangible products or materials;*

(c) *“Manufactured” means mined, produced, manufactured, fabricated or assembled;*

(d) *“Manufactured in the United States” means manufactured in whole or in substantial part within the United States or that the majority of the component parts thereof were manufactured in whole or in substantial part in the United States.*

*Subd. 2. [PURCHASE PREFERENCE.] Notwithstanding the provisions of any other law to the contrary, no materials shall be purchased by the state for use for governmental purposes which are not manufactured in the United States, except as may be provided in this section. To the extent possible, specifications shall be written so as to permit the state to purchase materials manufactured in the United States.*

*Subd. 3. [EXEMPTIONS.] Subdivision 2 shall not apply if the person having contracting authority in respect to the pur-*

chase determines that (1) the materials are not manufactured in the United States in sufficient or reasonably available quantities, (2) the price or bid of the materials unreasonably exceeds the price or bid of available and comparable materials manufactured outside of the United States, (3) the quality of the materials is substantially less than the quality of comparably priced available materials manufactured outside of the United States, or (4) the purchase of the materials manufactured in the United States is otherwise not in the public interest. Subdivision 2 also shall not apply if the materials are purchased with a view to commercial resale or with a view to use in the production of goods for commercial sale.

Sec. 2. [EFFECTIVE DATE.] *This act is effective in respect to all contracts executed by the state after July 1, 1978.*"

Amend the title as follows:

Page 1, lines 5 and 6, delete "Section 16.07, by adding a subdivision" and insert "Chapter 16, by adding a section".

With the recommendation that when so amended the bill pass.

The report was adopted.

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

S. F. No. 1614, A bill for an act relating to courts; board on judicial standards; providing for appointment of an executive secretary by the board; amending Minnesota Statutes, 1977 Supplement, Section 490.15, Subdivision 1.

Reported the same back with the following amendments:

Page 2, after line 3, add sections to read:

"Sec. 2. Minnesota Statutes 1976, Section 490.16, Subdivision 3, is amended to read:

Subd. 3. On recommendation of the board on judicial standards, the supreme court may retire a judge for disability that seriously interferes with the performance of his duties and is or is likely to become permanent, and censure or remove a judge for action or inaction (OCCURRING NOT MORE THAN FOUR YEARS PRIOR TO SUCH ACTION BEING REPORTED TO THE BOARD ON JUDICIAL STANDARDS) that may constitute persistent failure to perform his duties, *incompetence in performing his duties*, habitual intemperance or conduct prejudicial to the administration of justice that brings the judicial office into disrepute.

*The board is specifically empowered to reopen any matter wherein any information or evidence was previously precluded by a statute of limitations or by a previously existing provision of time limitation.*

Sec. 3. [EFFECTIVE DATE.] *Section 2 is effective the day following final enactment."*

Further amend the title:

Page 1, line 4, after the semicolon insert "expanding the board's power to censure or remove judges;"

Page 1, line 4, after "amending" insert "Minnesota Statutes 1976, Section 490.16, Subdivision 3; and".

With the recommendation that when so amended the bill pass.

The report was adopted.

Swanson from the Committee on Health and Welfare to which was referred:

H. F. No. 1786, A bill for an act relating to children; requiring a welfare agency receiving a report of a maltreated minor to notify the local police department; amending Minnesota Statutes 1976, Section 626.556, Subdivisions 3 and 7; and Minnesota Statutes, 1977 Supplement, Section 626.556, Subdivision 11.

Reported the same back with the following amendments:

Page 1, before line 10, insert new sections to read:

"Section 1. Minnesota Statutes 1976, Section 626.556, Subdivision 1, is amended to read:

626.556 [REPORTING OF MALTREATMENT OF MINORS.] Subdivision 1. [PUBLIC POLICY.] The legislature hereby declares that the public policy of this state is to protect children whose health or welfare may be jeopardized through physical abuse, neglect or sexual abuse; to strengthen the family and make the home safe for children through improvement of parental and guardian capacity for responsible child care; and to provide a safe temporary or permanent home environment for physically or sexually abused children.

In addition, it is the policy of this state to require the reporting of suspected *neglect*, physical or sexual abuse of children; to provide for the voluntary reporting of *abuse or neglect* of children; to require the investigation of such reports; and to provide protective and counseling services in appropriate cases.

Sec. 2. Minnesota Statutes, 1977 Supplement, Section 626.556, Subdivision 2, is amended to read:

Subd. 2 [DEFINITIONS.] As used in this section, the following terms have the meanings given them unless the specific content indicates otherwise:

(a) "Sexual abuse" means the subjection by the child's parents, guardian, or person responsible for the child's care, to any act which constitutes a violation of sections 609.342, 609.343, 609.344, or 609.345.

(b) ("NEGLECTED CHILD" SHALL HAVE THE MEANINGS DEFINED IN SECTION 260.015, SUBDIVISION 10.) "*Neglect*" means failure by a parent, guardian or other person responsible for a child's care to supply a child food, clothing, shelter or other parental care required by law when reasonably able to do so. Nothing in this section shall be construed to mean that a child is neglected solely because the child's parent, guardian or other person responsible for his care in good faith selects and depends upon spiritual means or prayer for treatment or care of disease or remedial care of the child.

(c) "Physical abuse" means:

(i) Any physical injury inflicted by a parent, guardian or other person responsible for the child's care on a child other than by accidental means; or

(ii) Any physical injury (OR HEALTH DEFECT) that cannot reasonably be explained by (A) *the history of injuries provided by the parent, guardian or other person responsible for the child's care.*

(d) "Report" means any report received by the local welfare agency, *police department or county sheriff* pursuant to this section."

Page 1, line 17, after "being" insert "*neglected or*".

Page 1, line 19, strike "or" and insert a comma.

Page 1, line 19, after "department" insert "*or the county sheriff*".

Page 1, line 20, after "department" insert "*or the county sheriff*".

Page 1, line 23, after "department" insert "*or the county sheriff*".

Page 2, line 5, strike "or" and insert a comma.

Page 2, line 5, after "department" insert "*or the county sheriff*".

Page 2, line 8, after "department" insert "*or the county sheriff*".

Page 2, after line 9, insert new sections to read:

"Sec. 4. Minnesota Statutes 1976, Section 626.556, Subdivision 4, is amended to read:

Subd. 4. [IMMUNITY FROM LIABILITY.] Any person, *including those voluntarily making reports and those required to make reports under subdivision 3*, participating in good faith and exercising due care in the making of a report pursuant to this section shall have immunity from any liability, civil or criminal, that otherwise might result by reason of his action.

Sec. 5. Minnesota Statutes 1976, Section 626.556, Subdivision 6, is amended to read:

Subd. 6. [FAILURE TO REPORT.] Any person required by this section to report suspected physical or sexual child abuse *or neglect* who willfully fails to do so shall be guilty of a misdemeanor."

Page 2, line 16, after "department" insert "*, the county sheriff*".

Page 2, line 21, after "department" insert "*or the county sheriff*".

Page 2, line 22, after "*department*" insert "*or the county sheriff*".

Page 2, line 25, after "*department*" insert "*or the county sheriff*".

Page 2, after line 25, insert new sections to read:

"Sec. 7. Minnesota Statutes 1976, Section 626.556, Subdivision 8, is amended to read:

Subd. 8. [EVIDENCE NOT PRIVILEGED.] No evidence regarding the child's injuries shall be excluded in any proceeding arising out of the alleged *neglect or* physical or sexual abuse on the grounds of either a physician-patient or husband-wife privilege.

Sec. 8. Minnesota Statutes 1976, Section 626.556, Subdivision 9, is amended to read:

Subd. 9. [MANDATORY REPORTING TO A MEDICAL EXAMINER OR CORONER.] When a person required to report under the provisions of subdivision 3 has reasonable cause to believe a child has died as a result of *neglect or physical or sexual abuse*, he shall report that information to the appropriate medical examiner or coroner instead of the local welfare agency (OR), police department or *county sheriff*. Medical examiners or coroners shall notify the local welfare agency or police department or *county sheriff* in instances in which they believe that the child has died as a result of *neglect or physical or sexual abuse*. The medical examiner or coroner shall complete an investigation as soon as feasible and report the findings to the (APPROPRIATE LAW ENFORCEMENT AUTHORITIES) *police department or county sheriff* and the local welfare agency.”.

Page 2, line 32, after “department” insert “*or the county sheriff*”.

Page 3, line 1, after “department” insert “*or the county sheriff*”.

Page 3, line 3, after “authority.” insert “*The welfare board shall make available to the prosecuting authority only those records which contain information relating to a specific incident of neglect or abuse which is under litigation.*”.

Page 3, line 11, after “agencies” insert “, *the police department or county sheriff*”.

Page 3, line 22, after “agency” insert “, *local police department or county sheriff*”.

Page 3, line 23, strike “neither”.

Page 3, line 23, strike “nor” and insert a comma.

Page 3, line 24, strike “is able” and insert “*and county sheriff are unable*”.

Renumber sections accordingly.

Further amend the title as follows:

Page 1, line 4, after “department” insert “*or county sheriff*”.

Page 1, line 5, delete “3 and”.

Page 1, line 6, delete “7” and insert “1, 3, 4, 6, 7, 8 and 9”.



Page 1, line 7, delete "Subdivision" and insert "Subdivisions 2 and".

With the recommendation that when so amended the bill pass.

The report was adopted.

Enebo from the Committee on Labor-Management Relations to which was referred:

H. F. No. 582, A bill for an act relating to human rights; specifying medical standards for employment and bona fide occupational qualifications; amending Minnesota Statutes 1976, Section 363.03, Subdivision 1.

Reported the same back with the following amendments:

Page 1, line 8, delete "1976" and insert ", 1977 Supplement".

Page 1, line 12, delete "include" and insert "be based on the presence or absence of".

Page 1, line 20, delete "Bifida" and insert "bifida".

Page 2, line 10, delete the comma and insert a period.

Page 2, after line 10 insert: "*For the purposes of this subdivision a bona fide occupational qualification shall not be based on the presence or absence of an injury to or defect of the skeletal structure of one of the following types unless a second medical examination confirms a diagnosis of:*".

Page 2, line 11, delete "13" and insert "1".

Page 2, line 13, delete "14" and insert "2".

Page 2, line 14, delete "15" and insert "3".

Page 2, line 16, delete "16" and insert "4".

Page 2, line 18, delete "17" and insert "5".

Page 2, line 18, after "spina", in both places, insert a space.

Page 2, line 20, delete "18" and insert "6".

Page 2, line 22, delete "19" and insert "7".

Page 2, line 24, delete "20" and insert "8".

Page 2, delete lines 29 to 32.

Page 3, delete all the language.

Page 4, delete all the language and insert:

"Except when based on a bona fide occupational qualification, it is an unfair employment practice:

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

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

(b) to expel a member from membership;

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

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

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

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

(b) to discharge an employee; or

(c) to discriminate against a person with respect to his hire, tenure, compensation, terms, upgrading, conditions, facilities, or privileges of employment.

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

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

(b) to comply with a request from an employer for referral of applicants for employment if the request indicates directly

or indirectly that the employer fails to comply with the provisions of this chapter.

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

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

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

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

Further, amend the title as follows:

Page 1, line 5, delete “1976” and insert “, 1977 Supplement”.

With the recommendation that when so amended the bill pass.

The report was adopted.

Enebo from the Committee on Labor-Management Relations to which was referred:

H. F. No. 1790, A bill for an act relating to public employment labor relations; making certain matters mandatorily negotiable; allowing employers alternate remedies in grievance proceedings or civil service appeals; amending Minnesota Statutes 1976, Sections 179.63, Subdivision 18 and 179.70, Subdivision 1.

Reported the same back with the following amendments:

Page 1, delete lines 10 to 23.

Page 2, delete lines 1 and 2.

Renumber the following sections.

Page 2, line 24, delete "43," and after "375" insert ", 387".

Page 2, line 29, delete "43," and after "375" insert ", 387".

Page 2, line 32, delete "*decision on the employee's grievance or appeal*".

Page 3, delete lines 1 and 2.

Page 3, line 3, delete "*Chapters 43, 44, 375, or 419,*" and insert "*written grievance or appeal has been properly filed or submitted by the employee or on the employee's behalf with his consent*".

Page 3, line 4, delete "*, and the*".

Page 3, delete lines 5 and 6.

Page 3, line 7, delete "*statute*".

Further, amend the title as follows:

Page 1, line 4, delete "employers" and insert "employees".

Page 1, line 6, delete "Sections 179.63,".

Page 1, line 7, delete "Subdivision 18 and" and insert "Section".

With the recommendation that when so amended the bill pass.

The report was adopted.

Enebo from the Committee on Labor-Management Relations to which was referred:

H. F. No. 2338, A bill for an act relating to labor; occupational safety and health; making results of certain inspections, studies and tests available to affected workers; providing a penalty; amending Minnesota Statutes 1976, Chapter 162, by adding a section.

Reported the same back with the following amendments:

Page 2, after line 13, insert "*There shall be a bulletin board at all designated work reporting places, located in a conspicuous place and in such manner that all orders, citations, notices and decisions given by the safety inspectors operating under the authority of federal, state and local law shall be posted thereon and be easily visible by all persons desiring to read such, and that the board shall be protected from weather and unauthorized removal. Such orders, citations, notices and decisions shall be posted no later than three days after being received by the office of the affected business and such orders, citations, notices and decisions shall remain posted for a period of not less than 21 days.*".

Page 2, line 24, delete "*the United States bureau*".

Page 2, line 25, delete "*of mines, if available*" and insert "*a federal, state or county occupational health and safety agency*".

Page 2, line 25, after "*monitoring*" insert "*and*".

With the recommendation that when so amended the bill pass.

The report was adopted.

Anderson, I., from the Committee on Rules and Legislative Administration to which was referred:

H. F. No. 2177, A resolution relating to the war in Southeast Asia; expressing the concern of the Minnesota legislature for those MIAs and POWs that are unaccounted; urging action by the national leadership to end the heartache caused by the lack of information about these servicemen.

Reported the same back with the following amendments:

Page 1, line 22, delete "by the constant manipulation of".

Page 1, line 23, delete "our American servicemen".

With the recommendation that when so amended the bill pass.

The report was adopted.

Kelly, W., from the Committee on Taxes to which was referred:

H. F. No. 1353, A bill for an act relating to tax delinquent real estate; requiring notice to the commissioner of natural resources of forfeiture and sale of tax delinquent real estate; clarifying

ownership of certain tax forfeited real estate; amending Minnesota Statutes 1976, Sections 281.23, Subdivision 8; 281.25; and 282.01, Subdivisions 1 and 3.

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

The report was adopted.

Kelly, W., from the Committee on Taxes to which was referred:

H. F. No. 1881, A bill for an act relating to agriculture; family farm security program; providing for exclusion from gross income of interest on certain loans; amending Minnesota Statutes 1976, Section 41.58, by adding a subdivision.

Reported the same back with the following amendments:

Page 1, line 16, delete "*taxable years*".

Page 1, line 17, delete "*beginning after December 31, 1977*" and insert "*loans executed after December 31, 1977 and before January 1, 1982*".

With the recommendation that when so amended the bill pass.

The report was adopted.

Kelly, W., from the Committee on Taxes to which was referred:

H. F. No. 1916, A bill for an act relating to taxation; defining the use of sales ratio studies; requiring social security numbers; providing a procedure for handling ad valorem tax abatements; providing a uniform appeal and demand period; clarifying filing requirements for certificates of real estate values; recodifying the classification of resort property; allowing a special levy for commuter van program; providing adjustments to the levy limit base; defining resident estate and resident trust for income tax purposes; defining income in computing low income credit; providing apportionment in computing minimum tax on preference items; allowing a carryback period for out-of-state losses; clarifying the distribution of production taxes; authorizing the commissioner of revenue to release information to assessors; allowing local government aid to special taxing districts; requiring special levy for Columbia Heights to be governed by general laws; amending Minnesota Statutes 1976, Sections 270.07, by adding a subdivision; 270.075, Subdivision 2; 270.076, Subdivision 1; 272.08; 273.13, by adding a subdivision; 290.01, by adding subdivisions; 290.46; 290.47; 290.48, Subdivisions 1 and 2; 290A.11, Subdivision 1; 290A.12; 292.08, Subdivision 4; 292.09,

Subdivision 3; 294.02; 294.021; 297.07, Subdivision 3; 297.09, Subdivision 5; 297.35, Subdivision 3; 297.37, Subdivision 5; 297A.33, Subdivision 1; 477A.01, Subdivision 3; and Chapter 270, by adding a section; Minnesota Statutes, 1977 Supplement, Sections 124.212, Subdivision 11; 272.115, Subdivision 4; 273.13, Subdivisions 4 and 6; 275.50, Subdivision 5; 275.51, Subdivision 3d; 290.012, Subdivision 2; 290.091; 290.17; 298.28, Subdivision 1; 298.282, Subdivision 2; 298.48, Subdivision 4; Laws 1977, Chapter 374, Sections 11 and 48; repealing Laws 1977, Chapter 307, Section 27.

Reported the same back with the following amendments:

Page 3, line 9, after "375.192" insert "*, subdivision 3*".

Page 3, line 12, delete "*shall not approve the*".

Page 3, line 13, delete "*application*" and insert "*may approve the application in an amount reduced by the relief provided pursuant to chapter 290A*".

Page 3, line 14, delete "*not*".

Pages 4 and 5, delete section 7.

Page 8, after line 16, insert a new section to read:

"Sec. 10. Minnesota Statutes 1976, Section 273.13, Subdivision 19, is amended to read:

Subd. 19. [CLASS 3d.] Residential real estate other than seasonal residential, recreational and homesteads shall be classified as class 3d property and shall have a taxable value equal to 40 percent of market value. Residential real estate as used herein means real property used or held for use by the owner thereof, or by his tenants or lessees as a residence for rental periods of 30 days or more, but shall not include homesteads, or real estate devoted to temporary or seasonal residential occupancy for recreational purposes. Where a portion of a parcel of property qualified for class 3d and a portion does not qualify for class 3d the valuation shall be apportioned according to the respective uses. *Residential real estate containing less than four units when entitled to homestead classification for one or more units shall be classed as 3b, 3c or 3cc according to the provisions of subdivisions 6 and 7.*"

Page 15, line 19, strike "*or*" and insert a comma.

Page 15, line 19, after "*(e)*" insert "*or (f)*".

Page 16, line 20, delete "*where (a) the sole trustee*".

Page 16, delete lines 21 to 25.

Page 16, line 26, delete "*estate is being administered in Minnesota*" and insert "*which is administered in this state*".

Page 17, line 11, before "In" insert "(a)".

Page 17, line 22, after "paid" insert "*and capital gains as defined in section 57(a) of the Internal Revenue Code shall not include that portion of any gain occasioned by sale, transfer or the granting of a perpetual easement pursuant to any eminent domain proceeding or threat thereof as described in section 290.18, subdivision 5. This modification shall apply to the years in which the gain or reduction in loss is actually included in federal adjusted gross income even though amounts received pursuant to the eminent domain proceedings were received in prior years*".

Page 17, line 23, delete "item" and insert "items".

Page 17, line 24, before "which" delete "income".

Page 17, after line 32, insert:

*"(b) In the case of a resident individual, estate or trust having preference items in taxable years beginning after December 31, 1976, and before January 1, 1978, which are not allocable to Minnesota under the provisions of sections 290.17 to 290.20 in effect for such years, the tax shall equal 40 percent of the taxpayer's federal minimum tax liability, multiplied by a fraction the numerator of which is the amount of the taxpayer's preference items allocable to Minnesota under the provisions of sections 290.17 to 290.20 in effect for such years and the denominator of which is the taxpayer's total preference items for federal purposes."*

Page 24, line 7, strike "30" and insert "60".

Page 24, lines 13 to 20, restore the stricken language.

Page 24, line 20, delete the new language.

Page 24, line 22, restore the stricken language and delete the new language.

Page 33, lines 22 to 30, restore the stricken language and delete the new language.

Page 33, line 31, delete the new language.

Pages 34, 35, 36, 37, 38, 39, 40 and 41, delete section 33.

Pages 42, 43, 44 and 45, delete section 36, 37 and 38.



Page 45, after line 2, insert a new section to read:

“Sec. 36. Minnesota Statutes 1976, Section 297A.31, Subdivision 1, is amended to read:

**297A.31 [EXAMINATION OF RETURN, ADJUSTMENTS, NOTICES AND DEMANDS.]** Subdivision 1. The commissioner shall, as soon as practicable after a return is filed, examine the same and make any investigation or examination of the records and accounts of the person making the return that he deems necessary for determining its correctness. The tax computed on the basis of such examination shall be the tax to be paid. If the tax found to be due exceeds the amount of the tax reported as due on the taxpayers return, such excess shall be paid to the commissioner within (30) 60 days after notice of the amount and demand for its payment shall have been mailed to the person making the return. If the amount of the tax found due by the commissioner shall be less than that reported as due on the return, the excess shall be refunded to the person making the return in the manner provided by section 297A.35 (except that no demand therefor shall be necessary), if he has already paid the whole of such tax, or credited against any unpaid tax. Except as otherwise provided in this chapter, no refundment shall be made except as provided in section 297A.35 after the expiration of three years after the filing of the return.”.

Page 45, line 5, delete “7, and”.

Page 45, line 6, delete “to 39” and insert “, 34 and 36”.

Page 45, line 7, delete “and”.

Page 45, line 7, after “32” insert “and 35”.

Page 45, line 8, delete “8 to 10 and 12” and insert “7 to 9”.

Page 45, line 10, delete “Section 11 is” and insert “Sections 10 to 12 are”.

Page 45, line 13, after “1977” insert “except that clause (b) of section 16 is effective for taxable years beginning after December 31, 1976, and before January 1, 1978”.

Renumber the sections accordingly.

Further, amend the title as follows:

Page 1, line 6, delete “clarifying filing requirements for”.

Page 1, line 7, delete “certificates of real estate values” and insert “clarifying classification of certain homesteads”.

Page 1, delete line 16.

Page 1, line 18, delete "allowing local".

Page 1, delete lines 19 and 20.

Page 1, line 21, delete "governed by general laws;"

Page 1, line 24, after the comma insert "Subdivision 19, and".

Page 1, line 31, after "5;" insert "297A.31, Subdivision 1;"

Page 1, line 31, delete "477A.01,"

Page 1, line 32, delete "Subdivision 3;"

Page 1, line 34, delete "272.115,"

Page 1, line 35, delete "Subdivision 4;"

Page 1, line 37, delete "298.28,"

Page 1, line 38, delete "Subdivision 1;"

Page 1, line 39, delete "Laws 1977, Chapter 374, Sections 11".

Page 1, line 40, delete "and 48;"

With the recommendation that when so amended the bill pass.

The report was adopted.

## SECOND READING OF HOUSE BILLS

H. F. Nos. 1131, 1732, 1981, 499, 2006, 2007, 2008, 1898, 2014, 2225, 2233, 1786, 582, 1790, 2338, 2177, 1353, 1881 and 1916 were read for the second time.

## SECOND READING OF SENATE BILLS

S. F. Nos. 1685, 356 and 1614 were read for the second time.

## MESSAGES FROM THE SENATE

The following message was 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. 9

A House Concurrent Resolution relating to adjournment.

PATRICK E. FLAHAVEN, Secretary of the Senate

Spanish was excused for the remainder of today's session.

The following conference committee report was received:

## CONFERENCE COMMITTEE REPORT ON H. F. NO. 404

A bill for an act relating to political activities; providing for their regulation; defining terms; revising certain filing and reporting requirements; clarifying language; imposing expenditure and contribution limits; revising distribution of moneys from the state elections campaign fund to legislative candidates; removing obsolete provisions; providing penalties; amending Minnesota Statutes 1976, Sections 10A.01, Subdivisions 2, 5, 7, 9, 10, 11, 13, 15, 16 and 18, and by adding subdivisions; 10A.02, Subdivisions 1, 2, 4, 8, 9, 11, 12 and 13, and by adding a subdivision; 10A.04, Subdivision 1; 10A.07; 10A.09, Subdivision 6; 10A.11, Subdivisions 1 and 6; 10A.12, Subdivisions 1, 4 and 5; 10A.13; 10A.14, Subdivisions 1 and 2; 10A.15; 10A.16; 10A.17; 10A.19, Subdivision 1; 10A.20, Subdivisions 3, 4, 5 and 6; 10A.22, Subdivisions 1, 3, 4, 5 and 7; 10A.24; 10A.25; 10A.27; 10A.28; 10A.29; 10A.31, Subdivisions 3a, 5, 6, 7, 10, and by adding a subdivision; 10A.32; 10A.33; and 210A.01, Subdivision 3; and Chapter 10A, by adding sections; repealing Minnesota Statutes 1976, Sections 10A.09, Subdivision 7; 10A.17, Subdivision 2; and 10A.26.

*February 23, 1978*

The Honorable Martin O. Sabo  
Speaker of the House of Representatives  
The Honorable Edward J. Gearty  
President of the Senate

We, the undersigned conferees for H. F. No. 404, 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. 404 be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1976, Section 10A.01, Subdivision 2, is amended to read:

Subd. 2. "Administrative action" means an action by any official, board, commission or agency of the executive branch to (MAKE RULES) *adopt, amend, or repeal a rule or to adjudicate a contested case pursuant to chapter 15.* "Administrative action" does not include the application or administration of (THOSE RULES) *an adopted rule,* except in cases of rate setting, power plant and *powerline* siting and (OTHERS SPECIFIED BY THE COMMISSION) *granting of certificates of need under chapter 116H.*

Sec. 2. Minnesota Statutes 1976, 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) *reporting is not 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 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 *implicit or explicit* consent(, IMPLICIT OR EXPLICIT,) for any other person to receive contributions or make expenditures in excess of \$100 (WITH A VIEW TO), *for the purpose of* bringing about his nomination (FOR ELECTION) or election (TO AN OFFICE). *A candidate remains a candidate until his principal campaign committee is dissolved as provided in section 10A.24.*

Sec. 3. Minnesota Statutes 1976, Section 10A.01, Subdivision 7, is amended to read:

Subd. 7. "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 POLITICAL FUNDS;) or *a donation in kind.*

((C) THE PAYMENT OF COMPENSATION FOR THE PERSONAL SERVICES OF ANOTHER PERSON WHICH ARE RENDERED TO A CANDIDATE, POLITICAL COMMITTEE OR POLITICAL FUND TO INFLUENCE THE NOMINATION FOR ELECTION OR ELECTION OF A CANDI-

DATE TO OFFICE BY ANY PERSON OTHER THAN THAT CANDIDATE, POLITICAL COMMITTEE OR POLITICAL FUND.)

*Contribution includes any loan or advance of credit to a political committee, political fund, or principal campaign committee, which loan or advance of credit is (a) forgiven, or (b) paid by an entity other than the political committee, political fund, or principal campaign committee to which the loan or advance of credit is made. If an advance of credit or a loan is forgiven or paid as provided in this subdivision, it is a contribution in the year in which the loan or advance of credit is made.*

*A contribution made for the purpose of defeating a candidate is considered made for the purpose of influencing the nomination or election of that candidate or any opponent of that candidate.*

*("Contribution") does not include services provided without compensation by (INDIVIDUALS) an individual volunteering (THEIR) his time on behalf of a candidate, political committee or political fund, or (COVERAGE BY NEWS MEDIA, BUT ONLY WHILE ACTING IN THE ORDINARY COURSE OF BUSINESS OF) the publishing or broadcasting of news items (, EDITORIALS) or (OTHER) editorial comments by the news media.*

Sec. 4. Minnesota Statutes 1976, Section 10A.01, is amended by adding a subdivision to read:

*Subd. 7a. "Transfer of funds" or "transfer" means money or negotiable instruments given by an individual or association to a political committee, political fund, or principal campaign committee for the purpose of influencing the nomination or election of a candidate.*

Sec. 5. Minnesota Statutes 1976, Section 10A.01, is amended by adding a subdivision to read:

*Subd. 7b. "Donation in kind" means anything of value other than money or negotiable instruments given by an individual or association to a political committee, political fund, or principal campaign committee for the purpose of influencing the nomination or election of a candidate. Donation in kind includes an approved expenditure.*

Sec. 6. Minnesota Statutes 1976, Section 10A.01, Subdivision 9, is amended to read:

*Subd. 9. "Election" means a (GENERAL, SPECIAL,) primary (OR), special primary, general or special election(, OR*

**A CONVENTION OR CAUCUS OF A POLITICAL PARTY HELD TO NOMINATE OR ENDORSE A CANDIDATE).**

Sec. 7. Minnesota Statutes 1976, Section 10A.01, Subdivision 10, is amended to read:

Subd. 10. "*Campaign expenditure*" or "*expenditure*" means (:)

((A)) a purchase(, PAYMENT, DISTRIBUTION, LOAN, ADVANCE, DEPOSIT OR GIFT) or *payment* of money or anything of value, or an *advance of credit*, made or incurred for the purpose of influencing the nomination (FOR ELECTION) or election of (ANY) a candidate (TO OFFICE; OR)

((B)) A TRANSFER OF FUNDS BETWEEN POLITICAL COMMITTEES OR POLITICAL FUNDS).

*An expenditure is considered to be made in the year in which the goods or services for which it was made are used or consumed.*

*An expenditure made for the purpose of defeating a candidate is considered made for the purpose of influencing the nomination or election of that candidate or any opponent of that candidate.*

*Except as provided in clause (a), expenditure includes the dollar value of a donation in kind.*

("Expenditure") does not include:

(a) *Noncampaign disbursements as defined in section 10 of this act;*

(b) *Transfers as defined in section 4 of this act;*

(c) *Services provided without compensation by (INDIVIDUALS) an individual volunteering (THEIR) his time on behalf of a candidate, political committee, or political fund; or ((B) EXPENSES INCURRED BY A MEMBER OF THE LEGISLATURE OR A PERSON HOLDING CONSTITUTIONAL OFFICE IN THE EXECUTIVE BRANCH, IN PERFORMING SERVICES FOR CONSTITUENTS. THE BOARD SHALL HAVE THE POWER TO DETERMINE WHETHER THE EXPENSE WAS INCURRED PRIMARILY FOR THE PURPOSE OF PROVIDING A CONSTITUENT SERVICE OR IS AN EXPENDITURE WITHIN THE MEANING OF THIS SUBDIVISION)*

(d) *The publishing or broadcasting of news items or editorial comments by the news media.*

Sec. 8. Minnesota Statutes 1976, Section 10A.01, is amended by adding a subdivision to read:

*Subd. 10a. "Approved expenditure" means an expenditure made on behalf of a candidate by an entity other than the principal campaign committee of that candidate, which expenditure is made with the authorization or expressed or implied consent of, or in cooperation or in concert with, or at the request or suggestion of that candidate, his principal campaign committee or his agent. An approved expenditure is a contribution to that candidate.*

Sec. 9. Minnesota Statutes 1976, Section 10A.01, is amended by adding a subdivision to read:

*Subd. 10b. "Independent expenditure" means an expenditure expressly advocating the election or defeat of a clearly identified candidate, which expenditure is made without the express or implied consent, authorization, or cooperation of any candidate, his principal campaign committee or his agent and is not made in concert with or at the request or suggestion of any candidate, his principal campaign committee or his agent. An independent expenditure is not a contribution.*

Sec. 10. Minnesota Statutes 1976, Section 10A.01, is amended by adding a subdivision to read:

*Subd. 10c. "Noncampaign disbursement" means a purchase or payment of money or anything of value made, or an advance of credit incurred, by a political committee, political fund, or principal campaign committee for any purpose other than to influence the nomination or election of a candidate.*

*Noncampaign disbursement includes:*

- (a) Payment for accounting and legal services;*
- (b) Return of a contribution to the source;*
- (c) Repayment of a loan made to the political committee, political fund, or principal campaign committee by that committee or fund;*
- (d) Return of moneys from the state elections campaign fund;*
- (e) Payment for food and beverages consumed at a fundraising event;*
- (f) Services for a constituent by a member of the legislature or a constitutional officer in the executive branch, performed*

*from the beginning of the term of office to adjournment sine die of the legislature in the election year for the office held; and*

*(g) A donation in kind given to the political committee, political fund, or principal campaign committee for purposes listed in clauses (e) and (f). The board shall determine whether an activity involves a noncampaign disbursement within the meaning of this subdivision.*

Sec. 11. Minnesota Statutes 1976, Section 10A.01, Subdivision 11, is amended to read:

Subd. 11. "Lobbyist" means any individual:

(a) Engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than \$250, not including *his own* 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) Who spends more than \$250, not including *his own* 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) Public official or employee of the state or any of its political subdivisions or public bodies acting in his official capacity;

(b) 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 taking administrative action;

(c) Individual *while engaged* in (THE COURSE OF) selling goods or services to be paid for by public funds;

(d) News media or their employees or agents (ACTING) *while engaged* in the (ORDINARY COURSE OF BUSINESS OF) publishing or broadcasting of news items, (EDITORIALS OR OTHER) *editorial* comments or paid advertisements which directly or indirectly urge official action;

(e) Paid expert witness whose testimony is requested (EITHER) by the body before which he is appearing (OR ONE OF THE PARTIES TO A PROCEEDING), but only 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 *his own* travel expenses, in any year in communicating with public officials.

Sec. 12. Minnesota Statutes 1976, Section 10A.01, Subdivision 13, is amended to read:

Subd. 13. "Minor political party" means any party other than a major political party (WHICH RAN) :

(a) *Under whose name in the last applicable general election a candidate (ON THE) filed for legislative office and received not less than 10 percent of the vote for that office, or filed for statewide (OR LEGISLATIVE BALLOT IN THE LAST GENERAL ELECTION) office; or*

(b) *Which files a petition with the secretary of state containing the names of 2,000 (PERSONS) individuals registered to vote in Minnesota and declaring that the (SIGNATORS) signers desire (TO ENABLE) that the party be eligible to receive money from the state elections campaign fund in the same manner as a major political party.*

For the purposes of (LAWS 1974, CHAPTER 470 PRIOR TO THE GENERAL ELECTION IN 1974) *chapter 10A*, all (PERSONS) *individuals* who are eligible to vote in areas where there is no *permanent system of registration* shall be considered registered voters.

Sec. 13. Minnesota Statutes 1976, Section 10A.01, Subdivision 15, is amended to read:

Subd. 15. "Political committee" means any (POLITICAL PARTY,) association (OR PERSON OTHER THAN AN INDIVIDUAL WHICH HAS AS ITS) *as defined in subdivision 3 whose major purpose is to (SUPPORT OR OPPOSE ANY CANDIDATE OR TO) influence the nomination (FOR ELECTION) or election of a candidate.*

*"Political committee" includes a major political party as defined in subdivision 12, a minor political party as defined in subdivision 13, and any principal campaign committee formed pursuant to section 10A.19.*

Sec. 14. Minnesota Statutes 1976, Section 10A.01, Subdivision 16, is amended to read:

Subd. 16. "Political fund" means any accumulation of dues or voluntary (DONATIONS) *contributions* by an association other than a political committee, which accumulation is collected

or expended for the purpose of influencing the nomination (FOR ELECTION) or election of a candidate.

Sec. 15. Minnesota Statutes 1976, Section 10A.01, Subdivision 18, is amended to read:

Subd. 18. "Public official" means any:

- (a) Member of the legislature;
- (b) (PERSON HOLDING A) Constitutional (OFFICE) officer in the executive branch and his chief administrative deputy;
- (c) Member, chief administrative officer or deputy chief administrative officer of a state board or commission which has (RULE MAKING AUTHORITY, AS "RULE" IS DEFINED IN SECTION 15.0411, SUBDIVISION 3) at least one of the following powers: (i) the power to adopt, amend or repeal rules, or (ii) the power to adjudicate contested cases or appeals;
- (d) Commissioner, deputy commissioner or assistant commissioner of any state department as designated pursuant to section 15.01;
- (e) Individual employed in the executive branch who is authorized to adopt, amend or repeal rules or adjudicate contested cases;
- (f) Executive secretary of the state board of investment;
- (g) Executive director of the Indian affairs intertribal board;
- (h) Commissioner of the iron range resources and rehabilitation board;
- (i) Director of mediation services;
- (j) Deputy of any official listed in clauses (e) to (i);
- (k) Judge of workers' compensation;
- (l) Hearing examiner in the state office of hearing examiners or department of economic security;
- (m) Solicitor general or deputy, assistant or special assistant attorney general;
- ((D) PERSON) (n) Individual employed by the legislature as secretary of the senate, legislative auditor, chief clerk of the house, revisor of statutes, or researcher or attorney in the office

of (LEGISLATIVE) *senate research, senate counsel, or house research; or*

**((E) PERSON EMPLOYED BY THE EXECUTIVE BRANCH IN ANY POSITION SPECIFIED IN SECTION 15A.081; AND)**

**((F))** *(o) Member or chief administrative officer of the metropolitan council, metropolitan transit commission, metropolitan (SEWER BOARD OR) waste control commission, metropolitan parks and open spaces commission, metropolitan airports commission or metropolitan sports facilities commission.*

Sec. 16. Minnesota Statutes 1976, Section 10A.01, is amended by adding a subdivision to read:

*Subd. 20. "Advance of credit" means any money owed for goods provided or services rendered. An advance of credit is an expenditure or a noncampaign disbursement in the year in which the goods or services are used or consumed. Advance of credit does not mean loan as defined in section 17 of this act.*

Sec. 17. Minnesota Statutes 1976, Section 10A.01, is amended by adding a subdivision to read:

*Subd. 21. "Loan" means an advance of money or anything of value made to a political committee, political fund, or principal campaign committee.*

Sec. 18. Minnesota Statutes 1976, Section 10A.01, is amended by adding a subdivision to read:

*Subd. 22. "Financial institution" means a lending institution chartered by an agency of the federal government or regulated by the commissioner of banks.*

Sec. 19. Minnesota Statutes 1976, Section 10A.02, Subdivision 1, is amended to read:

**10A.02 [BOARD OF ETHICAL PRACTICES.]** Subdivision 1. There is hereby created a state ethical practices board 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)** *If either house fails to confirm the appointment of a board member within 45 legislative days after his appointment (SHALL BE DEEMED TO BE A REFUSAL TO ADVISE AND CONSENT AND HIS), the appointment shall terminate (IMMEDIATELY AFTER 45 LEGISLATIVE DAYS OR NON-CONFIRMATION, WHICHEVER IS EARLIER) on the day following the 45th legislative day.* One member shall be

a former (STATE LEGISLATOR) *member of the legislature* from a major political party different from that of the governor; one member shall be a former (STATE LEGISLATOR) *member of the legislature* from the same political party as the governor; two members shall be persons who have not been public officials, held *any political party* 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) *preceding the date* of their appointment; and the other two members shall not support the same political party. No more than three of the members of the board shall support the same political party.

Sec. 20. Minnesota Statutes 1976, Section 10A.02, Subdivision 2, is amended to read:

Subd. 2. Any appointment to fill a vacancy (IN AN ORIGINAL OR SUBSEQUENT TERM) shall be made only for the unexpired term of a member who is being replaced and *the appointee* shall (RETAIN) *meet* the same stated qualifications as the member being replaced. The membership terms, compensation, *and* removal of members on the board shall be as provided in section 15.0575, except that the extension of terms and the filling of vacancies shall be subject to the advice and consent of the legislature in the same manner as provided in subdivision 1.

Sec. 21. Minnesota Statutes 1976, Section 10A.02, Subdivision 4, is amended to read:

Subd. 4. The board shall (HOLD AN ORGANIZATIONAL MEETING WITHIN 45 DAYS AFTER APRIL 13, 1974 AT WHICH TIME THE MEMBERS OF THE BOARD SHALL) elect from among (THEIR) *its* members a chairman, a vice-chairman and a secretary. The secretary shall keep a record of all proceedings and actions by the board. Meetings of the board shall be at the call of the chairman or at the call of any four members of the board acting together.

Sec. 22. Minnesota Statutes 1976, Section 10A.02, Subdivision 8, is amended to read:

Subd. 8. The board 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 board 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) *individuals* required to file them;

(c) Make available to the (PERSONS) *individuals* 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) *individual* may copy a report or statement by hand or by duplicating machine and the board shall provide duplicating services at cost for this purpose. No information copied from reports and statements shall be sold or utilized by any (PERSON) *individual or association* for any commercial purpose;

(f) Notwithstanding the provisions of section 138.163, preserve reports and statements for a period of 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. 23. Minnesota Statutes 1976, Section 10A.02, Subdivision 9, is amended to read:

Subd. 9. The executive director of the board or his staff shall inspect all material filed with the board as promptly as is necessary to comply with the provisions of sections 10A.01 to 10A.34. The executive director shall immediately notify the (PERSON) *individual* required to file a document with the board if a written complaint is filed with the board by any registered voter alleging, or it otherwise appears, that a document filed with the board is inaccurate or does not comply with the provisions of sections 10A.01 to 10A.34, or that (A PERSON) *the individual* has failed to file a document required by sections 10A.01 to 10A.34.

Sec. 24. Minnesota Statutes 1976, Section 10A.02, Subdivision 11, is amended to read:

Subd. 11. *The board may investigate any alleged violation of chapter 10A. The board shall investigate any violation which is alleged in a written complaint filed with the board and, except for alleged violations of section 10A.25 or 10A.27, shall within 30 days after the filing of the complaint make a public finding*

*of whether or not there is probable cause to believe a violation has occurred. In the case of a written complaint alleging a violation of section 10A.25 or 10A.27, the board shall either enter a conciliation agreement or make a public finding of whether or not there is probable cause, within 60 days of the filing of the complaint. The deadline for action on any written complaint may be extended by majority vote of the board. Within a reasonable time after beginning an investigation of an individual or association, the board shall notify that individual or association of the fact of the investigation. The board shall make no finding of whether or not there is probable cause to believe a violation has occurred without notifying the individual or association of the nature of the allegations and affording an opportunity to answer those allegations. Any hearing or action of the board concerning any complaint or investigation other than a finding concerning probable cause or a conciliation agreement shall be confidential (AND ALL INFORMATION OBTAINED BY THE BOARD SHALL BE PRIVILEGED). Until the board makes a public finding (THAT THE BOARD BELIEVES THERE IS OR IS NOT) concerning probable cause (TO CONCLUDE THAT A VIOLATION OF LAWS 1974, CHAPTER 470 HAS OCCURRED. ANY PERSON, INCLUDING ANY MEMBER OR EMPLOYEE OF THE BOARD, VIOLATING THE CONFIDENTIALITY) or enters a conciliation agreement:*

*(a) No member, employee or agent of the board shall disclose to any individual any information obtained by that member, employee or agent concerning any complaint or investigation except as required to carry out the investigation or take action in the matter as authorized by chapter 10A;*

*(b) No individual who files or is the subject of any written complaint or supplies information to the board concerning a complaint or investigation shall disclose to any other individual any information supplied to or received from the board concerning the complaint or investigation; and*

*(c) Notwithstanding the provisions of clause (b), any individual subject to the provisions of that clause may reveal any information to his attorney or another individual from whom he seeks advice or guidance in the matter, or to any other individual who is subject to the provisions of clause (b) with respect to the same complaint or investigation; provided that any individual to whom information concerning a complaint or investigation is revealed as provided in this clause shall not disclose that information to any other individual. Any individual who discloses information contrary to the provisions of this subdivision shall be guilty of a (GROSS) misdemeanor. (THE BOARD SHALL MAKE A FINDING WITHIN 30 DAYS OF RECEIPT OF A WRITTEN COMPLAINT UNLESS A MAJORITY OF THE BOARD AGREES TO EXTEND THE TIME LIMIT. AFTER DETERMINATION OF ITS FINDINGS) Except as provided in section 10A.28, after the board makes a public find-*

*ing of probable cause* the board shall report (ANY) *that finding (OF PROBABLE CAUSE)* to the appropriate law enforcement authorities.

Sec. 25. Minnesota Statutes 1976, Section 10A.02, is amended by adding a subdivision to read:

*Subd. 11a. If, after making a public finding concerning probable cause or entering a conciliation agreement, the board determines that the record of the investigation contains statements, documents or other matter which if disclosed would unfairly injure the reputation of an innocent individual, the board may:*

*(a) Retain any such statement, document or other matter as a private record, as "private" is defined in section 15.162, subdivision 5a, for a period of one year after which it shall be destroyed; or*

*(b) Return any such statement, document or other matter to the individual who supplied it to the board.*

Sec. 26. Minnesota Statutes 1976, Section 10A.02, Subdivision 12, is amended to read:

Subd. 12. The board may issue and publish advisory opinions on the requirements of sections 10A.01 to 10A.34 based upon real or hypothetical situations. An application for an advisory opinion may be made only by (THOSE) *an individual or association* who (WISH) *wishes* to use the opinion to guide (THEIR) *his or its* own conduct. The board shall issue written opinions on all such questions submitted to it within 30 days after receipt of written application, unless a majority of the board agrees to extend the time limit. *An advisory opinion shall lapse the day the regular session of the legislature adjourns in the second year following the date of the opinion.*

Sec. 27. Minnesota Statutes 1976, Section 10A.02, Subdivision 13, is amended to read:

Subd. 13. The provisions of chapter 15 (, SHALL) apply to the board (INCLUDING THE POWER TO PRESCRIBE). *The board may promulgate* rules (AND REGULATIONS) to carry out the purposes of sections 10A.01 to 10A.34.

Sec. 28. Minnesota Statutes 1976, Section 10A.03, Subdivision 1, is amended to read:

10A.03 [LOBBYIST REGISTRATION.] Subdivision 1. Each lobbyist shall file a registration form with the board within five days after he (COMMENCES LOBBYING) *becomes a lobbyist.*

Sec. 29. Minnesota Statutes 1976, Section 10A.03, is amended by adding a subdivision to read:

*Subd. 3. The board shall notify by certified mail or personal service any lobbyist who fails to file a registration form within five days after he becomes a lobbyist. If a lobbyist fails to file a form within seven days after receiving this notice, the board may impose a late filing fee at \$5 per day, not to exceed \$100, commencing with the eighth day after receiving notice. The board shall further notify by certified mail or personal service any lobbyist who fails to file a form within 21 days of receiving a first notice that the lobbyist may be subject to a criminal penalty for failure to file the form. A lobbyist who knowingly fails to file a form within seven days after receiving a second notice from the board is guilty of a misdemeanor.*

Sec. 30. Minnesota Statutes 1976, Section 10A.04, Subdivision 1, is amended to read:

**10A.04 [LOBBYIST REPORTS.]** Subdivision 1. Each lobbyist shall file reports of his activities with the board as long as he lobbies. *A lobbyist may file a termination statement at any time after he ceases lobbying.*

Sec. 31. Minnesota Statutes 1976, Section 10A.04, Subdivision 2, is amended to read:

Subd. 2. Each report shall cover the time from the last day of the period covered by the last report to 15 days prior to the current filing date. The reports shall be filed with the board by the following dates:

((A) FEBRUARY 15)

((B) MARCH 15)

((C) APRIL 15)

((D) JUNE 15)

((E) OCTOBER 15)

(a) *January 15;*

(b) *April 15;*

(c) *July 15; and*

(d) *October 15.*

Sec. 32. Minnesota Statutes 1976, Section 10A.04, Subdivision 5, is amended to read:



Subd. 5. The board shall notify by (REGISTERED) *certified mail or personal service* any lobbyist who fails after (FIVE) *seven days* after a filing date imposed by (SECTION 10A.03 OR) this section to file a report or statement required by (SECTION 10A.03 OR) this section. *If a lobbyist fails to file a report within seven days after receiving this notice, the board may impose a late filing fee of \$5 per day, not to exceed \$100, commencing with the eighth day after receiving notice. The board shall further notify by certified mail or personal service any lobbyist who fails to file a report within 21 days after receiving a first notice that the lobbyist may be subject to a criminal penalty for failure to file the report.* A lobbyist who knowingly fails to file such a report or statement within seven days after receiving a *second* notice from the board is guilty of a misdemeanor.

Sec. 33. Minnesota Statutes 1976, Section 10A.07, is amended to read:

10A.07 [CONFLICTS OF INTEREST.] Subdivision 1. Any public official who in the discharge of his official duties would be required to take an action or make a decision which would substantially affect his financial interests or those of a business with which is he associated, unless the effect on him is no greater than on other members of his business classification, profession or occupation, shall take the following actions:

(a) He shall prepare a written statement describing the matter requiring action or decision and the nature of his potential conflict of interest;

(b) He shall deliver copies of the statement to the board and to his immediate superior, if any;

(c) If he is a (LEGISLATOR) *member of the legislature*, he shall deliver a copy of the statement to the presiding officer of the house in which he serves; and

(d) If a potential conflict of interest presents itself and there is insufficient time to comply with the provisions of clauses (a) to (c), the public official shall verbally inform his superior or the official body *in which he serves*, or committee thereof, (IN WHICH HE SERVES) of the potential conflict. He shall file a written statement with the board within one week after the potential conflict presents itself.

Subd. 2. If the public official is not a (LEGISLATOR) *member of the legislature*, his superior shall assign the matter, if possible, to another employee who does not have a potential conflict of interest. If he has no immediate superior, the public official shall remove himself, if possible, in a manner prescribed by the board from influence over the action or decision in question. If the public official is a (LEGISLATOR) *member of the legislature*, the house (OF) *in which he (IS A MEMBER) serves* may,

at his request, excuse him from taking part in the action or decision in question.

Sec. 34. Minnesota Statutes 1976, Section 10A.08, is amended to read:

10A.08 [REPRESENTATION DISCLOSURE.] Any public official who represents a client for a fee before any *individual*, board (OR), commission (WHICH) or *agency* that has rule making authority in a hearing conducted under chapter 15, shall disclose his participation in the action to the board within 14 days after his appearance. *The board shall notify by certified mail or personal service any public official who fails to disclose his participation within 14 days after his appearance. If the public official fails to disclose his participation within seven days of this notice, the board may impose a late filing fee of \$5 per day, not to exceed \$100, commencing on the eighth day after receiving notice.*

Sec. 35. Minnesota Statutes 1976, 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 board. 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) holds: (i) a fee simple interest, a mortgage, a contract for deed as buyer or seller, or an option to buy, whether direct or indirect, and which interest is valued in excess of \$2,500; or (ii) an option to buy, which property has a fair market value of \$50,000 or more; and

(d) A listing of all real property within the state in which a partnership of which he is a member holds: (i) a fee simple interest, a mortgage, a contract for deed as buyer or seller, or an option to buy, whether direct or indirect, if his share of the partnership interest is valued in excess of \$2,500 or (ii) an option to buy, which property has a fair market value of \$50,000 or more. (THE FILING) Any listing under clause (c) or (d) shall indicate the street address and the municipality or the section, township, range and approximate acreage, whichever applies, and the county wherein the property is located.

Sec. 36. Minnesota Statutes 1976, Section 10A.09, Subdivision 6, is amended to read:

Subd. 6. Each individual who is required to file a statement of economic interest shall file a supplementary statement on April 15 of each year *that he remains in office. The statement shall include a space for each category of information in which the individual may indicate that no change in information has occurred since the previous statement. The supplementary statement shall include the amount of each honorarium in excess of \$50 received since the previous statement, together with the name and address of the source of the honorarium. A statement of economic interest submitted by an officeholder shall be filed with the statement he submitted as a candidate.*

Sec. 37. Minnesota Statutes 1976, Section 10A.09, Subdivision 7, is amended to read:

Subd. 7. (ALL PUBLIC OFFICIALS IN OFFICE ON APRIL 13, 1974 SHALL FILE WITH THE BOARD A STATEMENT OF ECONOMIC INTEREST WITHIN 60 DAYS AFTER THE DATE THE BOARD ISSUES STATEMENT OF ECONOMIC INTEREST FORMS.) *The board shall notify by certified mail or personal service any individual who fails within the prescribed time to file a statement of economic interest required by section 10A.09. If an individual fails to file a statement within seven days after receiving this notice, the board may impose a late filing fee of \$5 per day, not to exceed \$100, commencing on the eighth day after receiving notice. The board shall further notify by certified mail or personal service any individual who fails to file a statement within 21 days after receiving a first notice that the individual may be subject to a criminal penalty for failure to file a statement. An individual who fails to file a statement within seven days after a second notice is guilty of a misdemeanor.*

Sec. 38. Minnesota Statutes 1976, Section 10A.10, is amended to read:

10A.10 [PENALTY FOR FALSE STATEMENTS.] A report or statement required to be filed by sections 10A.02 to 10A.09 shall be signed and certified as true by the (PERSON) individual required to file the report. Any (PERSON) individual who signs and certifies to be true a report or statement which he knows contains false information or who knowingly omits required information is guilty of a (FELONY) gross misdemeanor.

Sec. 39. Minnesota Statutes 1976, Section 10A.11, Subdivision 1, is amended to read:

10A.11 [ORGANIZATION OF POLITICAL COMMITTEES.] Subdivision 1. Every political committee shall have a chairman and a treasurer. Nothing in (LAWS 1974, CHAPTER 470) chapter 10A shall prohibit them from being the same (PERSON) individual.

Sec. 40. Minnesota Statutes 1976, Section 10A.12, Subdivision 1, is amended to read:

10A.12 [POLITICAL FUNDS.] Subdivision 1. No association *other than a political committee* shall (MAKE A) transfer (OF FUNDS) *more than \$100 in aggregate in any one year* to (A CANDIDATE) *candidates or political (COMMITTEE) committees or make (AN) any approved or independent expenditure (WHICH HAS AS ITS PURPOSE THE INFLUENCING OF THE NOMINATION FOR ELECTION OR ELECTION OR DEFEAT OF A CANDIDATE UNLESS IT IS A POLITICAL COMMITTEE OR) unless the (FUNDS FOR THE CONTRIBUTION) transfer or expenditure (COME) is made (SOLELY) from a political fund.*

Sec. 41. Minnesota Statutes 1976, Section 10A.12, Subdivision 4, is amended to read:

Subd. 4. No (DONATIONS) *contributions* to the political fund shall be accepted and no expenditures *or transfers* from the political fund shall be made while the office of treasurer of the political fund is vacant.

Sec. 42. Minnesota Statutes 1976, Section 10A.12, Subdivision 5, is amended to read:

Subd. 5. Notwithstanding subdivision 1, any association may, if not prohibited by *other law*, (TRANSFER TO) *deposit in its political fund money derived from (THAT PART OF ITS TREASURY FINANCED BY) dues or membership fees.* 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) *treasurer of the fund shall disclose the name of any member whose dues, membership fees and (VOLUNTARY) contributions (ARE TRANSFERRED TO) deposited in the political fund (WITHIN) together exceed \$50 in any one year.*

Sec. 43. Minnesota Statutes 1976, Section 10A.13, is amended to read:

10A.13 [ACCOUNTS WHICH MUST BE KEPT.] Subdivision 1. (IT SHALL BE THE DUTY OF) The treasurer of a political committee or political fund (TO) *shall keep an account of:*

(a) The sum of all contributions except any (CONTRIBUTION) *donation* in kind valued at (LESS THAN) \$20 *or less*, made to (OR FOR) the political committee or political fund;

(b) The name and address (, IF ANY,) of (ANY PERSON MAKING) *each source of a (CONTRIBUTION IN EXCESS)*

*transfer made to the political committee or political fund in excess of \$20, (AND) together with the date and amount (THEREOF) of each; (AND)*

(c) (ALL EXPENDITURES) *The name and address of each source of a donation in kind valued in excess of \$20, together with the date and amount;*

(d) *Each expenditure made by (OR ON BEHALF OF) the committee or fund, together with the date and amount;*

(e) *Each approved expenditure made on behalf of the committee or fund, together with the date and amount; and*

(f) *The name and address of each political committee or political fund to which transfers in excess of \$20 have been made, together with the date and amount.*

Any (PERSON) *individual* who knowingly violates any provision of this subdivision is guilty of a misdemeanor.

Subd. 2. The treasurer shall obtain a receipted bill, stating the particulars, for every expenditure *in excess of \$100* made by, or *approved expenditure in excess of \$100* made on behalf of, a political committee or political fund (OF OVER \$100), and for any expenditure or *approved expenditure* in a lesser amount if the aggregate amount of lesser expenditures and *approved expenditures made to the same (PERSON) individual or association* during (A) any year exceeds \$100. The treasurer shall preserve all receipted bills and accounts required to be kept by this section for four years.

Sec. 44. Minnesota Statutes 1976, Section 10A.14, Subdivision 1, is amended to read:

10A.14 [REGISTRATION OF POLITICAL COMMITTEES AND POLITICAL FUNDS.] Subdivision 1. The treasurer of a political committee or political fund shall register with the board by filing a statement of organization no later than 14 days after the date upon which the committee or fund has received contributions or made expenditures in excess of \$100. (HOWEVER, IN THE FIRST YEAR OF LAWS 1974, CHAPTER 470, TREASURERS SHALL FILE WITHIN 30 DAYS AFTER THE BOARD ISSUES POLITICAL COMMITTEE OR POLITICAL FUND REGISTRATION FORMS.)

Sec. 45. Minnesota Statutes 1976, 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) *name* and (ADDRESSES) *address* of (THE) *any* supporting (ASSOCIATIONS) *association* of a political fund;

(c) The name and address of the chairman, the treasurer, and any deputy treasurers;

(d) A listing of all depositories or safety deposit boxes used; (AND)

(e) A statement as to whether the committee is a principal campaign committee; *and*

(f) *For political parties only, a list of categories of sub-state units as defined in section 10A.27, subdivision 4.*

Sec. 46. Minnesota Statutes 1976, Section 10A.14, Subdivision 4, is amended to read:

Subd. 4. The board shall notify *by certified mail or personal service* any (PERSON) *individual* who fails to file a statement required by this section. (A PERSON) *If an individual fails to file a statement within seven days after receiving a notice, the board may impose a late filing fee of \$5 per day, not to exceed \$100, commencing with the eighth day after receiving notice. The board shall further notify by certified mail or personal service any individual who fails to file a statement within 21 days after receiving a first notice that such individual may be subject to a criminal penalty for failure to file the report. An individual who knowingly fails to file the statement within seven days after receiving a second notice from the board is guilty of a (GROSS) misdemeanor.*

Sec. 47. Minnesota Statutes 1976, Section 10A.15, is amended to read:

10A.15 [CONTRIBUTIONS.] Subdivision 1. (ANY) *No* anonymous contribution in excess of \$20 shall (NOT) be retained by any political committee or political fund, but shall be forwarded to the board and deposited (TO) *in* the general account of the state elections campaign fund.

Subd. 2. Every (PERSON) *individual* who receives a contribution in excess of \$20 for a political committee or political fund shall, on demand of the treasurer, (AND IN ANY EVENT WITHIN 14 DAYS AFTER RECEIPT OF THE CONTRIBUTION,) inform the treasurer of (THE AMOUNT,) the name and, if known, the address of the (PERSON MAKING) *source*

of the contribution, *together with the amount of the contribution and the date it was received.*

Subd. 3. All (MONETARY CONTRIBUTIONS) *transfers* received by or on behalf of any candidate (OR), political committee or political fund shall (WITHIN 14 DAYS AFTER THE RECEIPT THEREOF, SUNDAYS AND HOLIDAYS EXCEPTED,) be deposited in (A DESIGNATED DEPOSITORY IN) an account designated "Campaign Fund of . . . . (name of candidate, committee or fund)". *All transfers shall be deposited promptly upon receipt and, except for transfers received during the last three days of any reporting period as described in section 10A.20, shall be deposited during the reporting period in which they were received. Any transfer received during the last three days of a reporting period shall be deposited within 72 hours of receipt and shall be reported as received during the reporting period whether or not deposited within that period. Any deposited transfer may be returned to the contributor within 60 days of deposit. A transfer deposited and not returned within 60 days of that deposit shall be deemed for the purposes of chapter 10A, to be accepted by the candidate, political committee or political fund.*

Subd. 3a. *No treasurer of a principal campaign committee of a candidate shall deposit any transfer which on its face exceeds the limit on contributions to that candidate prescribed by section 10A.27 unless, at the time of deposit, the treasurer issues a check to the source for the amount of the excess.*

Subd. 4. Any (PERSON) *individual* violating the provisions of this section is guilty of a misdemeanor.

Sec. 48. Minnesota Statutes 1976, Section 10A.16, is amended to read:

10A.16 [EARMARKING.] Any (PERSON) *individual*, political committee or political fund which receives (CONTRIBUTIONS OR TRANSFERS OF FUNDS) *a contribution* from any (PERSON OR ASSOCIATION) *source* with the *express or implied* condition (, EXPRESS OR IMPLIED,) that (THOSE FUNDS) *the contribution* or any part of (THEM) *it* be directed to a particular candidate shall disclose to the ultimate recipient (OF SUCH FUNDS), and in the reports required by section 10A.20, the original source of the (FUNDS) *contribution*, the fact that the (FUNDS WERE) *contribution* is earmarked and the candidate to whom (THEY ARE) *it* is directed. The ultimate recipient of any (FUNDS) *contribution* so earmarked shall also disclose (BY REPORT TO THE BOARD) the original source (OF THE FUNDS,) and the (PERSON) *individual*, political committee, or political fund through which (THEY WERE) *it* is directed. This section applies only to (THOSE) contributions required to be disclosed by section 10A.20, *subdivision 3, clause (b).* Any (PERSON OR ASSOCIATION) *individual*, *political*

*committee, or political fund* who knowingly accepts *any* earmarked (FUNDS) *contribution* and fails to make the required (DISCLOSURES) *disclosure* is guilty of a gross misdemeanor.

Sec. 49. Minnesota Statutes 1976, Section 10A.17, is amended to read:

10A.17 [EXPENDITURES.] Subdivision 1. (ALL EXPENDITURES) *No expenditure shall be made by a political committee, political fund, or a principal campaign committee unless it is authorized by the treasurer or deputy treasurer of (THE) that committee or fund (MAKING THAT EXPENDITURE).*

Subd. 2. No (PERSON OR PERSONS ACTING IN CONCERT OTHER THAN THE CANDIDATE AND THE TREASURER OF THE CANDIDATE'S PRINCIPAL CAMPAIGN COMMITTEE) *individual or association* may make an *approved (EXPENDITURES) expenditure* of more than \$20 (WITH THE AUTHORIZATION OR CONSENT, EXPRESS OR IMPLIED, OF A CANDIDATE OR HIS AGENT, OR UNDER THE CONTROL, DIRECT OR INDIRECT, OF A CANDIDATE OR HIS AGENT ON BEHALF OF A CANDIDATE WITHOUT RECEIVING) *until he receives written authorization as to the amount that may be spent and the purpose of the expenditure from the treasurer of (THAT CANDIDATE'S) the principal campaign committee ((I) PRIOR WRITTEN AUTHORIZATION AND (II) CERTIFICATION THAT THE EXPENDITURES WILL NOT EXCEED THE LIMITS ON EXPENDITURES AS SET FORTH IN SECTIONS 10A.25 AND 10A.27. ALL SUCH EXPENDITURES SHALL BE COUNTED AGAINST THE SPENDING LIMITATIONS)* of the candidate *who approved the expenditure.*

Subd. 3. The treasurer or deputy treasurer of a political committee may (MAKE AN AUTHORIZATION) *sign vouchers* for petty cash (IN ANY REPORTING PERIOD) of not more than \$100 per week for statewide elections (AND) *or* \$20 per week (IN) *for* legislative elections to be used for miscellaneous expenditures.

Subd. 4. (EACH AUTHORIZATION SHALL STATE THE AMOUNT AND PURPOSE OF THE EXPENDITURE AND SHALL BE SIGNED BY THE TREASURER OR DEPUTY TREASURER OF THE COMMITTEE MAKING THE EXPENDITURE AND BY THE INDIVIDUAL MAKING THE EXPENDITURE.)

(SUBD. 5.) Any *individual, political committee, or political fund (OR PERSON)* who *independently* solicits or accepts contributions or (MAKE) *makes independent* expenditures on behalf of any candidate (WITHOUT THE WRITTEN AUTHORIZATION OF THE CANDIDATE) shall publicly disclose (ITS LACK OF AUTHORIZATION) *that the candidate has not ap-*



*proved the expenditure.* (IN) All written communications with those from whom (IT SOLICITS OR ACCEPTS) contributions are *independently solicited or accepted* or to whom (IT MAKES) *independent expenditures are made on behalf of a candidate,* (THE COMMITTEE, FUND OR PERSON) shall (STATE IN WRITING AND) *contain a statement in conspicuous type that (IT) the activity is not (AUTHORIZED) approved by the candidate (AND THAT THE CANDIDATE IS NOT) nor is he responsible for (ITS ACTIVITIES) it.* (A) Similar (ORAL STATEMENT) *language shall be included in all oral communications (. A SIMILAR WRITTEN STATEMENT SHALL BE INCLUDED), in conspicuous type on the front page of all literature and advertisements published or posted, and (A SIMILAR ORAL STATEMENT INCLUDED) at the end of all broadcast advertisements (BY COMMITTEE, FUND OR PERSON IN CONNECTION WITH) made by that individual, political committee or political fund on the candidate's (CAMPAIGN) behalf.*

(SUBD. 6.) *Subd. 5.* Any person who knowingly violates the provisions of (SUBDIVISIONS 1, 2, 3 OR 5) *subdivision 2 or 4, or who falsely claims (THE LACK OF AUTHORIZATION) that the candidate has not approved the expenditure or activity is guilty of a misdemeanor.*

Sec. 50. Minnesota Statutes 1976, Section 10A.19, Subdivision 1, is amended to read:

10A.19 [PRINCIPAL CAMPAIGN COMMITTEE.] Subdivision 1. (EVERY) *No candidate shall (DESIGNATE AND CAUSE) accept contributions from any source, other than himself, in aggregate in excess of \$100 or any moneys from the state elections campaign fund unless he designates and causes to be formed a single principal campaign committee (WHICH SHALL BE RESPONSIBLE FOR REPORTING CONTRIBUTIONS AND AUTHORIZED EXPENDITURES ON BEHALF OF THE CANDIDATE).*

Sec. 51. Minnesota Statutes 1976, Section 10A.20, Subdivision 2, is amended to read:

Subd. 2. The reports shall be filed with the board 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, *additional reports shall be filed ten days before (THE) a primary (OR SPECIAL PRIMARY) and a general (OR SPECIAL) election, seven days before a special primary and a special election and 30 days after a special 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. 52. Minnesota Statutes 1976, 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 (,) *occupation* if self-employed, (OCCUPATION) of each (PERSON) *individual*, political committee or political fund who *within the year* has made one or more (CONTRIBUTIONS) *transfers or donations in kind* to (OR FOR) the political committee or political fund, including the purchase of tickets for (DINNERS, LUNCHEONS, RALLIES, AND SIMILAR) *all fund raising (EVENTS) efforts (WITHIN THE YEAR), which* in (AN) aggregate (AMOUNT OR VALUE IN EXCESS OF) *exceed* \$50 for legislative candidates (AND IN EXCESS OF) or \$100 for statewide candidates, together with the amount and date of (THE CONTRIBUTIONS) *each transfer or donation in kind*, and the aggregate amount of (CONTRIBUTIONS) *transfers and donations in kind* within the year from each (CONTRIBUTOR) *source* so disclosed. *A donation in kind shall be disclosed at its fair market value. An approved expenditure is listed as a donation in kind. A donation in kind is considered consumed in the reporting period in which it is received. The (LISTS) names of contributors shall be listed 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) Each loan (TO OR FROM ANY PERSON) *made or received by the political committee or political fund* within the year in (AN) aggregate (AMOUNT OR VALUE) in excess of \$100, *continuously reported until repaid or forgiven*, together with the name (AND), address, occupation and the principal place of business, if any, of the lender (OR) *and any endorser* and the date and amount of the loan. *If any loan made to the principal campaign committee of a candidate is forgiven at any time or repaid by any entity other than that principal campaign committee, it shall be reported as a contribution for the year in which the loan was made;*

(e) Each receipt in excess of \$100 not otherwise listed under clauses (b) to (d);

(f) The (TOTAL) sum of all receipts (BY OR FOR) of the political committee or political fund during the reporting period;

(g) The name and address of each (PERSON) *individual or association* to whom *aggregate expenditures, including approved expenditures*, have been made by or on behalf of the political committee or political fund (OR ON ITS BEHALF)

within the year (IN AN AGGREGATE AMOUNT) in excess of \$100, *together with* 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 *and, in the case of independent expenditures made in opposition to a candidate, the name, address and office sought for each such candidate;*

**(h) (THE SUM OF INDIVIDUAL EXPENDITURES NOT OTHERWISE REPORTED UNDER CLAUSE (G);)**

**(I)** *The (TOTAL) sum of all expenditures made by or on behalf of the political committee or political fund during the reporting period;*

**((J)) (i)** *The amount and nature of any (DEBT OR OBLIGATION OWED) advance of credit incurred by (OR TO) the political committee or political fund, continuously reported until (EXTINGUISHED, AND ANY WRITTEN CONTRACT, PROMISE OR AGREEMENT TO MAKE A CONTRIBUTION OR EXPENDITURE; AND) paid or forgiven. If any advance of credit incurred by the principal campaign committee of a candidate is forgiven at any time by the creditor or paid by any entity other than that principal campaign committee, it shall be reported as a donation in kind for the year in which the advance of credit was incurred;*

**((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.)**

**(j)** *The name and address of each political committee, political fund, or principal campaign committee to which aggregate transfers in excess of \$100 have been made within the year, together with the amount and date of each transfer;*

**(k)** *The sum of all transfers made by the political committee, political fund, or principal campaign committee during the reporting period;*

**(l)** *The sum of noncampaign disbursements made in each category listed in section 10 of this act by the political committee, political fund, or principal campaign committee during the reporting period; and*

**(m)** *The sum of all noncampaign disbursements made by the political committee, political fund, or principal campaign committee during the reporting period.*

Sec. 53. Minnesota Statutes 1976, Section 10A.20, Subdivision 4, is amended to read:

Subd. 4. (THE REPORTS) *A report shall cover the (TIME) period from the last day (OF THE PERIOD) covered by the (LAST) previous report to seven days prior to the filing date, except that the report due on January 31 shall cover the period from the last day covered by the previous report to December 31.*

Sec. 54. Minnesota Statutes 1976, Section 10A.20, Subdivision 5, is amended to read:

Subd. 5. In any statewide election any contribution or contributions from (A PERSON OR ASSOCIATION) *any one source totaling \$2,000 or more, or in any legislative election (ANY CONTRIBUTION OF) totaling \$200 or more, received (AFTER) between the (PERIOD) last day covered in the last report prior to an election and (PRIOR TO) the election shall be reported to the board in person or by telegram within 48 hours after its receipt and also in the next required report.*

Sec. 55. Minnesota Statutes 1976, Section 10A.20, Subdivision 6, is amended to read:

Subd. 6. Every (PERSON, OTHER THAN A POLITICAL COMMITTEE OR POLITICAL FUND,) *candidate who does not designate and cause to be formed a principal campaign committee, and any individual who makes independent expenditures (, OTHER THAN BY CONTRIBUTION TO A POLITICAL COMMITTEE OR POLITICAL FUND,) in (AN) aggregate (AMOUNT) in excess of \$100 (WITHIN A) in any year, shall file with the board a (STATEMENT) report containing the information required (OF A POLITICAL COMMITTEE, POLITICAL FUND OR CANDIDATE) by subdivision 3. (STATEMENTS) Reports required by this subdivision shall be filed on the dates on which reports by committees and funds are filed.*

Sec. 56. Minnesota Statutes 1976, Section 10A.20, is amended by adding a subdivision to read:

Subd. 6a. *Any individual, political committee or political fund filing a report or statement disclosing any independent expenditure pursuant to subdivision 3 or 6 shall file with that report a sworn statement that the expenditures so disclosed were not made with the authorization or expressed or implied consent of, or in cooperation or in concert with, or at the request or suggestion of any candidate, his principal campaign committee or his agent.*

Sec. 57. Minnesota Statutes 1976, Section 10A.20, Subdivision 8, is amended to read:

Subd. 8. The board shall exempt any (ASSOCIATION OR ANY OF ITS MEMBERS OR CONTRIBUTORS) *member of or contributor to any association, political committee or political fund or any other individual* from the provisions of this section if the member, contributor or other individual demonstrates by clear and convincing evidence that disclosure would expose (ANY OR ALL OF THEM) *him* to economic reprisals, loss of employment or threat of physical coercion.

An association, *political committee or political fund* may seek an exemption for all of its members or contributors (ONLY) if it (PROVES) *demonstrates* by clear and convincing evidence that a substantial number of its members or contributors would suffer a restrictive effect on their freedom of association if members were required to seek exemptions individually.

Sec. 58. Minnesota Statutes, 1977 Supplement, Section 10A.20, Subdivision 10, is amended to read:

Subd. 10. (A) *Any individual, association, political committee or (A) political fund (OR ANY OF ITS MEMBERS OR CONTRIBUTORS SHALL HAVE STANDING TO SEEK) seeking an exemption pursuant to subdivision 8 shall submit a written application for exemption to the board. (UPON RECEIPT OF AN APPLICATION FOR EXEMPTION) The board, without hearing, shall grant or deny the exemption within 30 days after receiving an application, and shall issue a written order stating the reasons for its action. The board shall publish its order in the state register and give notice to all (PERSONS) parties known to the board to have an interest in the (APPLICATION AND PUBLISH NOTICE OF THE FILING OF THE APPLICATION IN THE STATE REGISTER) matter. (THE BOARD MAY GRANT THE EXEMPTION 30 DAYS AFTER NOTICE OF THE FILING HAS BEEN FULLY MADE.) If the board receives a written objection to (THE APPLICATION) its action from any (PERSON) party within 20 days after (THE NOTICE OF FILING HAS BEEN FULLY MADE) publication of its order and notification of interested parties, the (EXEMPTION) board shall (BE GRANTED OR DENIED ONLY AFTER) hold a contested case hearing (HAS BEEN HELD ON THE APPLICATION) on the matter. (THE BOARD MAY ELECT TO HOLD A CONTESTED CASE HEARING IF NO OBJECTIONS TO THE APPLICATION ARE RECEIVED) Upon the filing of a timely objection from the applicant, an order denying an exemption shall be suspended pending the outcome of the contested case. If (A) no timely objection is (NOT) received (AND THE BOARD DENIES) the exemption (WITHOUT HEARING THE APPLICANT MAY REQUEST, WITHIN 30 DAYS OF RECEIVING A NOTICE OF DENIAL, AND SHALL BE GRANTED A CONTESTED CASE HEARING ON THE APPLICATION) shall continue to be in effect until a written objection is filed with the board in a succeeding election year. The board by rule shall establish a procedure so*

that any individual seeking an exemption may proceed anonymously if he would be exposed to the reprisals listed in subdivision (9) & were he to reveal his identity for the purposes of (THE) a hearing.

Sec. 59. Minnesota Statutes 1976, Section 10A.20, Subdivision 12, is amended to read:

Subd. 12. The board shall notify *by certified mail or personal service* any (PERSON) individual who fails to file a statement required by this section. *If an individual fails to file a statement due January 31 within seven days after receiving a notice, the board may impose a late filing fee of \$5 per day, not to exceed \$100, commencing on the eighth day after receiving notice. If an individual fails to file a statement due before any primary or election within three days of the date due, regardless of whether the individual has received any notice, the board may impose a late filing fee of \$50 per day, not to exceed \$500, commencing on the fourth day after the date the statement was due. The board shall further notify by certified mail or personal service any individual who fails to file any statement within 14 days after receiving a first notice from the board that the individual may be subject to a criminal penalty for failure to file a statement. (A PERSON) An individual who knowingly fails to file the statement within seven days after receiving a second notice from the board is guilty of a misdemeanor.*

Sec. 60. Minnesota Statutes 1976, 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 board by the principal campaign committee of legislative candidates *and statements of economic interest filed by candidates for and members of the legislature shall be duplicated and filed by the board 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. 61. Minnesota Statutes 1976, Section 10A.21, Subdivision 3, is amended to read:

Subd. 3. Statements and reports filed with county auditor shall be available to the public in the manner prescribed by section 10A.02, subdivision 8, clause (e) (AND). *Statements and reports of principal campaign committees shall be retained until four years after the election to which they pertain. Economic interest statements shall be retained until the subject of the statement is no longer a candidate or officeholder.*

Sec. 62. Minnesota Statutes 1976, Section 10A.22, Subdivision 1, is amended to read:

10A.22 [REPORTS AND STATEMENTS.] Subdivision 1. A report or statement required by sections 10A.11 to 10A.34 to be filed by a treasurer of a political committee or political fund, or by any other (PERSON) *individual*, shall be signed and certified as true by the (PERSON) *individual* required to file the report. Any (PERSON) *individual* who signs and certifies to be true a report or statement which he knows contains false information or who knowingly omits required information is guilty of a (FELONY) *gross misdemeanor*.

Sec. 63. Minnesota Statutes 1976, Section 10A.22, Subdivision 4, is amended to read:

Subd. 4. (IN DETERMINING THE AGGREGATE OF A PERSON'S CONTRIBUTIONS,) The treasurer shall list contributions from the same (DONOR) *source* under the same name. (IN EACH INSTANCE) When a contribution received from (A PERSON) *any source* in a reporting period is added to previously reported unitemized contributions from the same (CONTRIBUTOR) *source* and the aggregate exceeds the disclosure threshold of section 10A.20, the name, address and employer, or (,) *occupation* if self-employed, (OCCUPATION) of that (CONTRIBUTOR) *source* shall then be listed on the prescribed (REPORTING FORMS) *schedule*. A candidate may refuse to accept any contribution.

Sec. 64. Minnesota Statutes 1976, Section 10A.22, Subdivision 5, is amended to read:

Subd. 5. A political committee or political fund making an expenditure (, OTHER THAN A TRANSFER OF FUNDS, FOR OR) on behalf of more than one candidate for state or legislative office shall allocate the expenditure among the candidates on a reasonable cost basis and report (THIS) *the allocation* for each candidate. (THE TREASURER SHALL RETAIN FOR AUDIT ANY DOCUMENTS SUPPORTING THE ALLOCATION.)

Sec. 65. Minnesota Statutes 1976, Section 10A.22, Subdivision 7, is amended to read:

Subd. 7. The treasurer of a political committee or political fund shall not accept a contribution of more than \$100 from a political committee or political fund not registered in this state unless the contribution is accompanied by a written statement which meets the disclosure requirements imposed by section 10A.20. This statement shall be certified as true and correct by an officer of the contributing *political* committee or political fund. *The political committee or political fund which accepts the contribution shall include a copy of the statement with the report*

*which discloses the contribution to the board. The provisions of this subdivision shall not apply when (THE) a national (AFFILIATE OF ANY) political party (IN THIS STATE) transfers money to its (STATE) affiliate (AND THAT MONEY IS EXPENDED BY THE STATE 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) in this state.*

Sec. 66. Minnesota Statutes 1976, Section 10A.24, is amended to read:

10A.24 [DISSOLUTION OR TERMINATION.] No political committee or political fund shall dissolve until it has settled all of its debts *and disposed of all its assets in excess of \$100* and filed a termination report. The termination report *may be made at any time* and shall include all information required in periodic reports (AND A STATEMENT AS TO THE DISPOSITION OF ANY RESIDUAL FUNDS).

Sec. 67. Minnesota Statutes 1976, Section 10A.25, Subdivision 1, is amended to read:

10A.25 [LIMITS ON CAMPAIGN EXPENDITURES.] Subdivision 1. For the purposes of sections 10A.11 to 10A.34 a candidate for governor and a candidate for lieutenant governor, running together, shall be deemed to be a single candidate (AND). *Except as provided in subdivision 3, all expenditures made by (OR) and all approved expenditures made on behalf of the candidate for (GOVERNOR AND ALL EXPENDITURES MADE BY OR ON BEHALF OF THE CANDIDATE FOR) lieutenant governor shall be considered to be expenditures by (OR) and approved expenditures on behalf of the candidate for governor.*

Sec. 68. Minnesota Statutes 1976, Section 10A.25, Subdivision 2, is amended to read:

Subd. 2. In a year in which *an election is held for an office sought by a candidate (STANDS FOR ELECTION), no expenditures shall be made (AND NO OBLIGATIONS TO MAKE) by the principal campaign committee of that candidate, nor any approved expenditures (SHALL BE INCURRED BY) made on behalf of (A) that candidate (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 HIS AGENTS) which expenditures and approved expenditures (RESULTS) result in (THE) an aggregate (EXPENDITURE ON*



BEHALF OF THE CANDIDATE OF AN) amount in excess of the following (AMOUNTS) :

(a) For governor and lieutenant governor, running (JOINTLY) *together*, 12 1/2 cents per capita or \$600,000, whichever is greater;

(b) For attorney general, 2 1/2 cents per capita or \$100,000, whichever is greater;

(c) For secretary of state, state treasurer and state auditor, separately, 1 1/4 cents per capita or \$50,000, whichever is greater;

(d) For state senator, 20 cents per capita or \$15,000, whichever is greater;

(e) For state representative, 20 cents per capita or \$7,500, whichever is greater.

Sec. 69. Minnesota Statutes 1976, 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) *make expenditures and approved expenditures of \$30,000 or five percent of the amount in subdivision 2, clause (a), whichever is greater, to seek endorsement. This amount shall be in addition to the amount which may be expended pursuant to subdivision 2, clause (a).*

Sec. 70. Minnesota Statutes 1976, Section 10A.25, Subdivision 4, is amended to read :

Subd. 4. (NOTWITHSTANDING SUBDIVISION 2 WITH RESPECT TO THE 1974 GENERAL ELECTION, EXPENSES INCURRED PRIOR TO APRIL 13, 1974 SHALL NOT BE COUNTED AGAINST THE SPENDING LIMITATIONS IMPOSED BY SUBDIVISION 2.) *The limits prescribed in section 10A.25 shall not apply to any expenditure or approved expenditure made or advance of credit incurred before the effective date of this section unless the goods or services for which they were made or incurred are consumed or used after the effective date of this section.*

Sec. 71. Minnesota Statutes 1976, Section 10A.25, Subdivision 5, is amended to read :

Subd. 5. (IF) *Notwithstanding the limits imposed by subdivision 2, the winning candidate in a contested race in a primary (ELECTION) who receives less than twice as many votes as any*

one of his opponents in that (ELECTION, HE SHALL HAVE ADDED TO THE AGGREGATE AMOUNT WHICH MAY BE EXPENDED BY HIM OR ON HIS BEHALF AN AMOUNT) *primary may make aggregate expenditures and approved expenditures equal to (ONE-FIFTH) 120 percent of the applicable amount as set forth in subdivision 2(, OR THE AMOUNT ACTUALLY EXPENDED BY HIM OR ON HIS BEHALF IN THE PRIMARY ELECTION, WHICHEVER IS LESS).*

Sec. 72. Minnesota Statutes 1976, Section 10A.25, Subdivision 6, is amended to read:

Subd. 6. In (A) *any year (IN WHICH) following an election (DOES NOT OCCUR) year for (AN) the 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) amount of expenditures by and approved expenditures on behalf of (THE) a candidate for or (OFFICEHOLDER IN THAT YEAR OF AN AMOUNT IN EXCESS OF) holder of that office shall not exceed 20 percent of the (AMOUNT OF THE AGGREGATE) expenditure (PERMITTED) limit set (BY) forth in subdivision 2. (EXPENDITURES PERMITTED BY THIS SUBDIVISION SHALL BE IN ADDITION TO EXPENDITURES PERMITTED BY SUBDIVISION 2.)*

Sec. 73. Minnesota Statutes 1976, Section 10A.25, Subdivision 7, is amended to read:

Subd. 7. On or before (JANUARY 15) *December 1* of each year, the state demographer shall certify to the board the estimated population of the state of Minnesota for the (LAST YEAR ENDING BEFORE THE DATE OF CERTIFICATION. IN DETERMINING THE PER CAPITA AMOUNTS FOR EACH OFFICE IN SUBDIVISION 2, THE BOARD SHALL USE) *next calendar year. On or before December 31 of each year the board shall determine and publish in the state register the expenditure limits for each office for the next calendar year as prescribed by subdivision 2, using the following estimated population figures:*

(a) (IN THE CASE OF THE ELECTIONS) *For the offices of 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 *the office of state senator*, 1/67 of the total estimated population of the state;

(c) (IN THE CASE OF ELECTIONS) For *the office of state representative*, 1/134 of the total estimated population of the state. *The limits shall be rounded off to the nearest \$100.*

Sec. 74. Minnesota Statutes 1976, Section 10A.25, is amended by adding a subdivision to read:

*Subd. 10. The expenditure limits imposed by section 10A.25 apply only to candidates who agree to be bound by the limits as a condition of receiving a public subsidy for their campaigns in the form of:*

(a) *An allocation of money from the state elections campaign fund; or*

(b) *Credits against the tax due of individuals who contribute to that candidate.*

Sec. 75. Minnesota Statutes 1976, Chapter 10A, is amended by adding a section to read:

[10A.265] [FREEDOM TO ASSOCIATE AND COMMUNICATE.] *Nothing in chapter 10A shall be construed as abridging the right of an association to communicate with its members.*

Sec. 76. Minnesota Statutes 1976, Section 10A.27, Subdivision 1, 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 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.) *Except as provided in subdivisions 2 and 6, no candidate shall permit his principal campaign committee to accept contributions from any individual, political committee, or political fund in excess of the following:*

(a) *To candidates for governor and lieutenant governor running together, \$60,000 in an election year for the office sought and \$12,000 in other years;*

(b) *To a candidate for attorney general, \$10,000 in an election year for the office sought and \$2,000 in other years;*

(c) *To a candidate for the office of secretary of state, state treasurer or state auditor, \$5,000 in an election year for the office sought and \$1,000 in other years;*

(d) *To a candidate for state senator, \$1,500 in an election year for the office sought and \$300 in other years; and*

(e) *To a candidate for state representative, \$750 in an election year for the office sought and \$150 in the other year.*

Sec. 77. Minnesota Statutes 1976, Section 10A.27, Subdivision 2, is amended to read:

Subd. 2. No (POLITICAL PARTY) candidate shall (MAKE EXPENDITURES ON BEHALF OF A CANDIDATE OR TRANSFER FUNDS TO THE PRINCIPAL CAMPAIGN COMMITTEE OF A CANDIDATE IN AN AMOUNT) *permit his principal campaign committee to accept contributions from any political party in excess of (50 PERCENT OF) five times the amount that may be (SPENT BY OR ON BEHALF OF) contributed to that candidate by a political committee as set forth in (SECTION 10A.25) subdivision 1.*

Sec. 78. Minnesota Statutes 1976, Section 10A.27, Subdivision 4, is amended to read:

Subd. 4. For the purposes of this section, a political party (INCLUDES A POLITICAL PARTY'S) *means the aggregate of the party organization within each house of the legislature and the party organization within congressional districts, counties, legislative districts, municipalities, (WARDS,) and precincts (, AND ANY LEGISLATIVE BODY).*

Sec. 79. Minnesota Statutes 1976, Section 10A.27, is amended by adding a subdivision to read:

*Subd. 5. Nothing in section 10A.27 shall be construed as limiting independent expenditures on behalf of a candidate.*

Sec. 80. Minnesota Statutes 1976, Section 10A.27, is amended by adding a subdivision to read:

*Subd. 6. Nothing in section 10A.27 shall be construed as limiting the amount which may be contributed by a candidate for the purpose of influencing his own nomination or election.*

Sec. 81. Minnesota Statutes 1976, Section 10A.27, is amended by adding a subdivision to read:

*Subd. 7. Contributions and approved expenditures made prior to the effective date of this section which are in excess of the limits imposed by section 10A.27 shall not be in violation of this section but shall be disclosed as required by chapter 10A.*

**Sec. 82.** Minnesota Statutes 1976, Section 10A.27, is amended by adding a subdivision to read:

*Subd. 8. No candidate shall permit his principal campaign committee to accept a loan from other than a financial institution for an amount in excess of the contribution limits imposed by this section. No candidate shall permit his principal campaign committee to accept any loan from a financial institution for which that financial institution may hold any endorser of that loan liable to pay any amount in excess of the amount that the endorser may contribute to that candidate.*

**Sec. 83.** Minnesota Statutes 1976, Chapter 10A, is amended by adding a section to read:

**[10A.275] [MULTI-CANDIDATE POLITICAL PARTY EXPENDITURES.]** *Notwithstanding any other provisions of this chapter, the following expenditures by a state political party or a substate unit of a state political party as described in section 10A.27, subdivision 4, shall not be considered contributions to or expenditures on behalf of any candidate for the purposes of section 10A.25 or 10A.27, and shall not be allocated to any candidates pursuant to section 10A.22, subdivision 5:*

*(a) Expenditures on behalf of candidates of that party generally without referring to any to them specifically in any advertisement published, posted or broadcast;*

*(b) Expenditures for the preparation, display, mailing or other distribution of an official party sample ballot listing the names of three or more individuals whose names are to appear on the ballot;*

*(c) Expenditures for any telephone conversation including the names of three or more individuals whose names are to appear on the ballot; or*

*(d) Expenditures for any political party fundraising effort on behalf of three or more candidates.*

**Sec. 84.** Minnesota Statutes 1976, Section 10A.28, is amended to read:

**10A.28 [PENALTY FOR EXCEEDING LIMITS.] (ANY PERSON OR ASSOCIATION THAT MAKES)** *Subdivision 1. A candidate subject to the expenditure limits of section*

*10A.25 who permits his principal campaign committee to make expenditures or permits approved expenditures to be made on his behalf in excess of the (LIMITATIONS) limits imposed by (SECTIONS) section 10A.25 (AND 10A.27) shall be subject to a civil fine (EQUAL TO) up to four times the amount (BY) which (ITS EXPENDITURE) the expenditures exceeded the limit.*

*Subd. 2. A candidate who permits his principal campaign committee to accept contributions in excess of the limits imposed by section 10A.27 shall be subject to a civil fine of up to four times the amount by which the contribution exceeded the limits.*

*Subd. 3. If the board (OR COUNTY ATTORNEY HAS) finds that there is reason to believe that (A PERSON OR ASSOCIATION HAS MADE SUCH) excess expenditures have been made or excess contributions accepted contrary to the provisions of subdivision 1 or 2 the board shall make every effort for a period of not less than 14 days after its finding to correct the matter by informal methods of conference and conciliation and to enter a conciliation agreement with the person involved. A conciliation agreement made pursuant to this subdivision shall be a matter of public record. Unless violated, a conciliation agreement shall be a bar to any civil proceeding under subdivision 4.*

*Subd. 4. If the board is unable after a reasonable time to correct by informal methods any matter which constitutes probable cause to believe that excess expenditures have been made or excess contributions accepted contrary to subdivision 1 or 2, the board (OR COUNTY ATTORNEY) shall make a public finding of probable cause in the matter. After making a public finding, the board shall bring an action, or transmit the finding to a county attorney who shall bring an action, in the district court of Ramsey county or, in the case of a legislative candidate, the district court of a county within the legislative district, to impose (THIS PENALTY) a civil fine as prescribed by the board pursuant to subdivision 1 or 2. All moneys recovered pursuant to this section shall be deposited in the general (ACCOUNT) fund of the state (ELECTIONS CAMPAIGN FUND).*

Sec. 85. Minnesota Statutes 1976, Section 10A.29, is amended to read:

**10A.29 [CIRCUMVENTION PROHIBITED.]** Any attempt by (A PERSON) *an individual or association* to circumvent the provisions of (LAWS 1974, CHAPTER 470, SECTIONS 11 TO 41) *chapter 10A* by redirecting funds through, or contributing funds on behalf of, another (PERSON) *individual or association* is a gross misdemeanor.

Sec. 86. Minnesota Statutes 1976, Section 10A.30, Subdivision 1, is amended to read:

10A.30 [STATE ELECTIONS CAMPAIGN FUND.] Subdivision 1. There is hereby established an account within the (GENERAL) *special revenue* fund of the state to be known as the "state elections campaign fund".

Sec. 87. Minnesota Statutes 1976, Section 10A.31, Subdivision 1, is amended to read:

10A.31 [DESIGNATION OF INCOME TAX PAYMENTS.] Subdivision 1. Effective with the taxable years beginning after December 31, (1973) 1977, every individual (WHOSE INCOME TAX LIABILITY AFTER PERSONAL CREDIT FOR THE TAXABLE YEAR IS \$1 OR MORE) *who files a tax return or a renter and homeowner property tax refund return with the commissioner of revenue may designate that \$1 shall be paid from the general fund of the state into the state elections campaign fund. (IN THE CASE OF) If a husband and wife file a joint return (OF HUSBAND AND WIFE HAVING AN INCOME TAX LIABILITY OF \$2 OR MORE), each spouse may designate that \$1 shall be paid. An individual who is 18 years of age or older, who is a resident of Minnesota, and who is a dependent of another individual who files a tax return or a renter and homeowner property tax refund return, may designate that \$1 shall be paid from the general fund of the state into the state elections campaign fund. No individual shall be allowed to designate \$1 more than once in any year.*

Sec. 88. Minnesota Statutes 1976, 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 *and the renter and homeowner property tax refund return* notify the (TAXPAYER) *filing individual and any adult dependent of that individual* of his right to allocate \$1 (OF HIS TAXES) (\$2 if filing a joint return) *from the general fund of the state* to finance the election campaigns of state candidates. The form shall also contain language prepared by the commissioner which permits the (TAXPAYER) *individual* to direct the state to allocate the \$1 (or \$2 if filing a joint return) to: (i) one of the major political parties; (ii) any minor political party *as defined in section 10A.01, subdivision 13*, which qualifies under the provisions of subdivision 3a; or (iii) all qualifying candidates as provided by subdivision 7. *The dependent on the tax return or the renter and homeowner property tax refund return shall sign a statement which authorizes the designation of \$1. The renter and homeowner property tax refund return shall include instructions that the individual filing the return may designate \$1 on the return only if he has not designated \$1 on the income tax return.*

Sec. 89. Minnesota Statutes 1976, Section 10A.31, Subdivision 3a, is amended to read:

Subd. 3a. A minor political party as defined in section 10A.01, subdivision 13 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), provided that if a petition is filed, it is filed (AS PROVIDED IN SECTION 10A.01, SUBDIVISION 13,) by June 1 of the taxable year.

Sec. 90. Minnesota Statutes 1976, Section 10A.31, Subdivision 4, is amended to read:

Subd. 4 (ALL MONEYS) *The amounts designated by (INDIVIDUAL TAXPAYERS) individuals for the state elections campaign fund are appropriated from the general fund and shall be credited to the appropriate account in the (GENERAL) state elections campaign fund (OF THE STATE) and (SHALL BE) annually appropriated for distribution as set forth in subdivisions 5, 6 and 7.*

Sec. 91. Minnesota Statutes 1976, Section 10A.31, Subdivision 5, is amended to read:

Subd. 5. In each calendar year the moneys in each party account and the general account shall be allocated to candidates as follows:

(a) (16) 21 percent for the offices of governor and lieutenant governor (JOINTLY) together;

(b) (9.6) 3.6 percent for the office of attorney general;

(c) (4.8) 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 year term, (20) 23 1/3 percent for the office of state senator and (40) 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, 30) 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.) *To assure that moneys will be returned to the counties from which they were*



collected, and to assure that the distribution of those moneys rationally relates to the support for particular parties or for particular candidates within legislative districts, moneys from the party accounts for legislative candidates shall be distributed as follows:

Each candidate for the state senate and state house of representatives whose name is to appear on the ballot in the general election shall receive moneys from his party account set aside for candidates of the state senate or state house of representatives, whichever applies, according to the following formula;

For each county within his district the candidate's share of the dollars allocated in that county to his party account and set aside for that office shall be:

(a) The sum of the votes cast in the last general election in that part of the county in his district for all candidates of his party (i) whose names appeared on the ballot in each voting precinct of the state and (ii) for the state senate and state house of representatives, divided by

(b) The sum of the votes cast in that county in the last general election for all candidates of his party (i) whose names appeared on the ballot in each voting precinct in the state and (ii) for the state senate and state house of representatives, multiplied by

(c) The amount in his party account allocated in that county and set aside for the candidates for the office for which he is a candidate.

The sum of all the county shares calculated in the formula above is the candidate's share of his party account.

In a year in which an election for the state senate occurs, with respect to votes for candidates for the state senate only, "last general election" means the last general election in which an election for the state senate occurred.

For any party under whose name no candidate's name appeared on the ballot in each voting precinct in the state in the last general election, "last general election" means the last general election in which the name of a candidate of that party appeared on the ballot in each voting precinct in the state.

If in a district there was no candidate of a party for the state senate or state house of representatives in the last general election, or if a candidate for the state senate or state house of representatives was unopposed, the vote for that office for that party shall be the average vote of all the remaining candidates of that party in each county of that district whose votes are included

*in the sums in clauses (a) and (b). The average vote shall be added to the sums in clauses (a) and (b) before the calculation is made for all districts in the county.*

Moneys from any party account (REFUSED BY ANY CANDIDATE) *not distributed in any election year shall be (DISTRIBUTED TO ALL OTHER CANDIDATES OF THAT PARTY IN PROPORTION TO THEIR SHARES AS PROVIDED IN THIS SUBDIVISION) returned to the general fund of the state.* 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. 92. Minnesota Statutes 1976, Section 10A.31, Subdivision 6, is amended to read:

Subd. 6. Within two weeks after certification by the state canvassing board of the results of the primary, the state treasurer shall distribute the available funds in each party account, 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 in the general election, 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.)

Sec. 93. Minnesota Statutes 1976, Section 10A.31, Subdivision 7, is amended to read:

Subd. 7. Within two weeks 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 allocations set forth in subdivision 5, in equal amounts to 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 they were candidates. *The board shall not use the information contained in the report of the principal campaign committee of any candidate due ten days before the general election for the purpose of reducing the amount due that candidate from the general account.*

Sec. 94. Minnesota Statutes 1976, Section 10A.31, Subdivision 10, is amended to read:

Subd. 10. In the event that on (NOVEMBER 15) *the date of either certification by the commissioner of revenue as provided in subdivisions 6 and 7*, less than 98 percent of the tax returns have been processed, the commissioner of revenue shall certify to the board on December 7 the amount accumulated in each account since the previous certification. Within one week thereafter, the board 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. 95. Minnesota Statutes 1976, Section 10A.31, is amended by adding a subdivision to read:

*Subd. 11. For the purposes of section 10A.31, a write-in candidate is not a candidate unless he complies with the provisions of section 10A.32, subdivision 3.*

Sec. 96. Minnesota Statutes 1976, Section 10A.32, Subdivision 1, 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 *and retain* an amount greater than the (TOTAL) *aggregate* amount of expenditures which may be made by him (OR) *and approved expenditures made* on his behalf under (SECTIONS) *section* 10A.25 (AND 10A.27), *subdivision 2*. 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 EX-

PENDITURE LIMITS IN PROPORTION TO THEIR SHARES AS SET FORTH IN SECTION 10A.31) *returned to the general fund of the state.*

Sec. 97. Minnesota Statutes 1976, Section 10A.32, Subdivision 2, is amended to read:

Subd. 2. No candidate shall be entitled to receive from the state (ELECTION) *elections campaign fund an amount greater than the (TOTAL) aggregate amount (ACTUALLY EXPENDED) of expenditures made by him (OR) and approved expenditures made on his behalf 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 from the state elections campaign fund is greater than the amount (AUTHORIZED TO BE) expended on his behalf, the treasurer of his principal campaign committee shall (REFUND) return to the state treasurer an amount equal to the difference. The (REFUND) return in the form of a check or money order shall be submitted with such report and the board shall forward the (REFUND) return to the state treasurer for deposit in the general fund of the state.*

Sec. 98. Minnesota Statutes 1976, Section 10A.32, Subdivision 3, is amended to read:

Subd. 3. As a condition of receiving any (FUNDS) *moneys from the state elections campaign fund, (ANY) a candidate (, PRIOR TO RECEIPT OF THE FUNDS,) shall agree by stating in writing to the board (ON OR BEFORE SEPTEMBER 1) that (AUTHORIZED) (a) his expenditures (ON HIS BEHALF) and approved expenditures shall not exceed the expenditure limits as set forth in section 10A.25 and that (HIS PRINCIPAL CAMPAIGN COMMITTEE) (b) he shall not accept contributions or allow approved expenditures to be made on his behalf for the period beginning with January 1 of the election year or with the registration of his principal campaign committee, whichever occurs later, and ending December 31 of the election year, which aggregate contributions and approved expenditures exceed (105 PERCENT OF) the difference between the amount which may legally be expended by him or on his behalf, and the amount which he receives from the state elections campaign fund. The agreement, insofar as it relates to the expenditure limits set forth in section 10A.25, remains effective until the dissolution of the principal campaign committee of the candidate or the opening of filings for the next succeeding election to the office held or sought at the time of agreement, whichever occurs first. Beginning in 1980, money in the account of the principal campaign committee of a candidate on January 1 of the election year for the office held or sought shall be considered contributions accepted by that candidate in that year for the purposes of this subdivision. Notwithstanding the effective date of this section, for 1978, the period for determining the aggregate*

*contribution and approved expenditure limit agreed to pursuant to this subdivision shall begin January 1, 1978. That amount of all contributions accepted by a candidate in an election year which equals the amount of noncampaign disbursements made by that candidate in that year shall not count toward the aggregate contributions and approved expenditure limit imposed by this subdivision. Any amount by which his (TOTAL) aggregate contributions and approved expenditures agreed to under clause (b) exceed (105 PERCENT OF) the difference shall be (REFUNDED) returned 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. In no case shall the amount returned exceed the amount received from the state elections campaign fund.*

*The candidate may submit his signed agreement to the filing officer on the day he files his affidavit of candidacy or petition to appear on the ballot, or he may submit the agreement to the board no later than September 1.*

*The board prior to the first day of filing for office shall forward forms for the agreement to all filing officers. The filing officer shall without delay forward signed agreements to the board. An agreement may not be rescinded after September 1.*

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 of the state elections campaign fund 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 for any reason 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) than his share of the estimate, and his contributions thereby exceed (105 PERCENT OF) the difference, the agreement shall not be considered violated.

Sec. 99. Minnesota Statutes 1976, Section 10A.32, Subdivision 3a, is amended to read:

Subd. 3a. The commissioner of revenue shall, on the basis of vote totals provided by the secretary of state, calculate and certify to the board (ON OR) before the (LAST) first day (FOR FILING FOR OFFICE) of July in an election year 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, of the total amount in the general account, and the amount of moneys each candidate who qualifies as provided in section 10A.31, subdivision 6, may receive from his party account, based upon the formula set forth in section 10A.31, sub-

*division 3. Prior to the first day of filing for office, the board shall publish and forward to all filing officers these estimates. Within seven days after the last day for filing for office the secretary of state shall certify to the board 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 board 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 board 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. The board shall include with the notice a form for the agreement provided in subdivision 3.*

Sec. 100. Minnesota Statutes 1976, Section 10A.32, is amended by adding a subdivision to read:

*Subd. 3b. As a condition of receiving a public subsidy for his election campaign in the form of tax credits against the tax due from individuals who contribute to his principal campaign committee a candidate shall agree by stating in writing to the board at any time beginning with the registration of his principal campaign committee that his expenditures and approved expenditures shall not exceed the expenditure limits as set forth in section 10A.25. The agreement shall remain effective until the dissolution of the principal campaign committee of the candidate or the opening of filing for the next succeeding election for the office held or sought at the time of agreement, whichever occurs first. An agreement signed under this subdivision may not be rescinded. The commissioner of revenue shall not allow any individual or married couple filing jointly to take a credit against any tax due, pursuant to section 290.06, subdivision 11, for any contribution to a candidate for legislative or statewide office who has not signed the agreement provided in this subdivision. Nothing in this subdivision shall be construed to limit the campaign expenditure of any candidate who does not sign an agreement under this subdivision but accepts a contribution for which the contributor claims a credit against tax due. The board shall forward a copy of any agreement signed under this subdivision to the commissioner of revenue. The board shall make available to any candidate signing an agreement a supply of Official Tax Credit Receipt forms which state in bold face type that (a) a contributor who is given a receipt form is eligible to receive a credit against his tax due in an amount equal to 50 percent of his contribution but not more than \$25 for an individual, or not more than \$50 for a married couple filing jointly, and (b) that the candidate to whom he has contributed has voluntarily agreed to abide by campaign expenditure limits. If a candidate does not sign an agreement under this subdivision he may not issue an Official Tax Credit Receipt form, or any facsimile thereof, to any of his contributors. Any candidate who does not voluntarily agree*

*to abide by the expenditure limits imposed in section 10A.25 and who willfully issues Official Tax Credit Receipt forms, or any facsimile thereof, to any contributor is guilty of a misdemeanor.*

Sec. 101. Minnesota Statutes 1976, Section 10A.32, Subdivision 4, is amended to read:

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 any office, the moneys *set aside for that office* shall be (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) *returned* to the general fund of the state.

Sec. 102. Minnesota Statutes 1976, Section 10A.33, is amended to read:

10A.33 [APPLICATION.] The provisions of sections 10A.30 to 10A.32 shall apply only in general elections and (PRIMARY ELECTIONS) *primaries* preceding general elections and shall not (INCLUDE) *apply* to special elections(,) or special (PRIMARY ELECTIONS, CONVENTIONS AND CAUCUSES OF A POLITICAL PARTY) *primaries*.

Sec. 103. Minnesota Statutes 1976, Chapter 10A, is amended by adding a section to read:

[10A.335] *For the purpose of determining whether the distribution formula provided in section 10A.31, subdivision 5, (a) assures that moneys will be returned to the counties from which they were collected, and (b) continues to have a rational relation to the support for particular parties or particular candidates within legislative districts, it is the intention of this section that future legislatures monitor, using statistical data provided by the department of revenue, income tax returns and renter and homeowner property tax refund returns on which \$1, or in the case of a joint return, \$2, is designated for a political party.*

Sec. 104. Minnesota Statutes 1976, Section 10A.34, is amended by adding a subdivision to read:

Subd. 1a. *The board may bring an action in the district court in Ramsey county to recover any late filing fee imposed pursuant to any provision of chapter 10A. All money recovered shall be deposited in the general fund of the state.*

Sec. 105. Minnesota Statutes 1976, Section 210A.01, Subdivision 3, is amended to read:

Subd. 3. "Candidate" means (EVERY PERSON) *any individual* for whom it is contemplated or desired that votes may be cast at any *primary or 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) *an individual* for whom it is contemplated or desired that votes may be cast at any *primary or 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) *constitutional office, member of the legislature, justice of the supreme court, or district court judge.*

Sec. 106. Minnesota Statutes 1976, 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 a credit against the tax due under this chapter of 50 percent but not more than (\$12.50) \$25 of his contributions to a political party and candidate. A married couple, filing jointly, may take a similar credit of not more than (\$25) \$50. (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) *No credit shall be allowed under this subdivision for a contribution to any candidate, other than a candidate for elective judicial office, who has not signed an agreement to limit his campaign expenditures as provided in section 10A.32, subdivision 3b. The commissioner of revenue shall provide in the tax instruction booklet language understandable to a person of average intelligence which states that the taxpayer may only claim a credit against his tax due for contributions to candidates for (a) judicial office or (b) statewide or legislative office who have agreed to limit their expenditures.* 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 subdivision.*

This credit shall be allowed only if the contribution is verified in the manner the commissioner of revenue shall prescribe.

Sec. 107. Minnesota Statutes 1976, Section 290.21, is amended by adding a subdivision to read:

Subd. 4. *No credit shall be allowed under subdivision 3, clause (e), for any contribution to a candidate as defined in section 10A.01, except a candidate for elective judicial office.*



Sec. 108. [ETHICAL PRACTICES BOARD; TEMPORARY RULEMAKING.] *The ethical practices board may exercise temporary rulemaking authority as provided in section 15.0412, subdivision 5, to implement the provisions of chapter 10A which are amended by this act. The board shall solicit information and opinions from outside the board as provided in section 15.0412, subdivision 6, before adopting these rules. Notwithstanding the provisions of section 15.0412, subdivision 5, any rules adopted pursuant to this section shall be effective until permanent rules are adopted pursuant to chapter 15 or until October 1, 1979, whichever occurs first. This section expires October 1, 1979.*

Sec. 109. [REPEALER.] *Minnesota Statutes 1976, Sections 10A.09, Subdivision 4; 10A.11, Subdivision 6; 10A.20, Subdivision 9; 10A.22, Subdivision 3; 10A.25, Subdivisions 8 and 9; 10A.26; and 10A.27, Subdivision 3, are repealed.*

Sec. 110. [APPROPRIATION.] *Subdivision 1. The sum of \$20,000 is appropriated from the general fund to the ethical practices board to implement the provisions of this act. This appropriation shall be available for expenditure until June 30, 1979.*

*Subd. 2. The sum of \$5,000 is appropriated from the general fund to the commissioner of revenue to implement the provisions of section 10A.32, subdivision 3. This appropriation shall be available for expenditure until June 30, 1979.*

Sec. 111. [EFFECTIVE DATE.] *Sections 106 and 107 are effective for taxable years commencing after December 31, 1977. The remaining sections of this act are effective the day following final enactment."*

Further, amend the title by deleting it and inserting:

"A bill for an act relating to elections; revising ethical practices board procedures regarding regulating lobbyist registration and activity, disclosure of economic interest, and campaign finance disclosure; revising certain reporting requirements; imposing limitations on political expenditures and contributions; distributing money from the state elections campaign fund to legislative candidates; defining terms; removing obsolete provisions; imposing late filing fees and penalties; increasing credits against tax due for contributions to candidates; providing credits against tax due for contributions to candidates who voluntarily abide by spending limits; appropriating money; amending Minnesota Statutes 1976, Sections 10A.01, Subdivisions 2, 5, 7, 9, 10, 11, 13, 15, 16, 18, and by adding subdivisions; 10A.02, Subdivisions 1, 2, 4, 8, 9, 11, 12, 13, and by adding a subdivision; 10A.03, Subdivision 1, and by adding a subdivision; 10A.04, Subdivisions 1, 2, and 5; 10A.07; 10A.08; 10A.09, Subdivisions 5, 6, and 7; and 10A.10; 10A.11, Subdivision 1; 10A.12, Subdivisions 1, 4 and 5; 10A.13; 10A.14, Subdivisions 1, 2, and 4; 10A.15; 10A.16; 10A.17; 10A.19, Subdivision 1; 10A.20, Subdivisions 2, 3, 4, 5,

6, 8, 12, and by adding a subdivision; 10A.21, Subdivisions 1 and 3; 10A.22, Subdivisions 1, 4, 5, and 7; 10A.24; 10A.25, Subdivisions 1, 2, 3, 4, 5, 6, 7 and by adding a subdivision; 10A.27, Subdivisions 1, 2, 4 and by adding subdivisions; 10A.28; 10A.29; 10A.30, Subdivision 1; 10A.31, Subdivisions 1, 3, 3a, 4, 5, 6, 7, 10, and by adding a subdivision; 10A.32, Subdivisions 1, 2, 3, 3a, 4, and by adding a subdivision; 10A.33; 10A.34, by adding a subdivision; 210A.01, Subdivision 3; 290.06, Subdivision 11; 290.21, by adding a subdivision; and Chapter 10A, by adding sections; and Minnesota Statutes, 1977 Supplement, Section 10A.20, Subdivision 10; repealing Minnesota Statutes 1976, Sections 10A.09, Subdivision 4; 10A.11, Subdivision 6; 10A.20, Subdivision 9; 10A.22, Subdivision 3; 10A.25, Subdivisions 8 and 9; 10A.26; and 10A.27, Subdivision 3."

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

House Conferees: MICHAEL GEORGE, JAMES RICE and DONALD SAMUELSON.

Senate Conferees: STEVE KEEFE, DAVID SCHAAF and EDWARD GEARTY.

George 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.

A roll call was requested and properly seconded.

The question was taken on the motion and the roll was called. There were 84 yeas and 34 nays as follows:

Those who voted in the affirmative were:

Abeln	Cohen	Kahn	Murphy	Sieben, M.
Anderson, B.	Eckstein	Kalis	Nelsen, M.	Simoneau
Anderson, G.	Eken	Kelly, R.	Nelson	Skoglund
Anderson, I.	Ellingson	Kempe, A.	Norton	Smogard
Arlandson	Enebo	King	Novak	Stanton
Battaglia	Faricy	Kostohryz	Osthoff	Suss
Begich	Fudro	Kroening	Patton	Swanson
Berg	Fugina	Langseth	Pehler	Tomlinson
Berglin	George	Lehto	Petrafeso	Voss
Berkelman	Gunter	Mangan	Prahl	Waldorf
Brandl	Hanson	Mann	Rice	Welch
Braun	Hokanson	McCarron	St. Onge	Wenstrom
Byrne	Jacobs	McCollar	Sarna	White
Carlson, L.	Jaros	McEachern	Scheid	Williamson
Casserly	Jensen	Metzen	Schulz	Wynia
Clark	Johnson	Moe	Sherwood	Speaker Sabo
Clawson	Jude	Munger	Sieben, H.	

Those who voted in the negative were:

Albrecht	Anderson, R.	Carlson, D.	Den Ouden	Esau
Anderson, D.	Carlson, A.	Corbid	Erickson	Evans

Ewald	Kempe, R.	Nelsen, B.	Redalen	Wenzel
Fjoslien	Knickerbocker	Niehaus	Rose	Wieser
Forsythe	Kvam	Onnen	Savelkoul	Wigley
Friedrich	Laidig	Peterson	Searle	Zubay
Kaley	McDonald	Pleasant	Searles	

The motion prevailed.

#### CALL OF THE HOUSE

On the motion of Searle and on the demand of 10 members, a call of the House was ordered. The following members answered to their names:

Abeln	Den Ouden	Kaley	Nelsen, M.	Sherwood
Albrecht	Eckstein	Kalis	Nelson	Sieben, H.
Anderson, B.	Eken	Kelly, R.	Niehaus	Sieben, M.
Anderson, D.	Ellingson	Kempe, A.	Norton	Simoneau
Anderson, G.	Enebo	Kempe, R.	Novak	Skoglund
Anderson, I.	Erickson	King	Onnen	Smogard
Anderson, R.	Esau	Knickerbocker	Osthoff	Stanton
Arlandson	Evans	Kostohryz	Patton	Suss
Battaglia	Ewald	Kroening	Pehler	Swanson
Begich	Faricy	Kvam	Peterson	Tomlinson
Berg	Fjoslien	Laidig	Petrafeso	Voss
Berglin	Friedrich	Langseth	Pleasant	Waldorf
Berkelman	Fudro	Lehto	Prahl	Welch
Brandl	Fugina	Mangan	Redalen	Wenstrom
Braun	George	Mann	Rice	Wenzel
Byrne	Gunter	McCarron	Rose	White
Carlson, A.	Hanson	McCollar	St. Onge	Wieser
Carlson, D.	Heinitz	McDonald	Samuelson	Wigley
Carlson, L.	Hokanson	McEachern	Sarna	Williamson
Casserly	Jaros	Metzen	Savelkoul	Wynia
Clark	Jensen	Moe	Scheid	Zubay
Clawson	Johnson	Munger	Schulz	Speaker Sabo
Cohen	Jude	Murphy	Searle	
Corbid	Kahn	Nelsen, B.	Searles	

Searle 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. 404, A bill for an act relating to political activities; providing for their regulation; defining terms; revising certain filing and reporting requirements; clarifying language; imposing expenditure and contribution limits; revising distribution of moneys from the state elections campaign fund to legislative candidates; removing obsolete provisions; providing penalties; amending Minnesota Statutes 1976, Sections 10A.01, Subdivisions 2, 5, 7, 9, 10, 11, 13, 15, 16 and 18, and by adding subdivisions; 10A.02, Subdivisions 1, 2, 4, 8, 9, 11, 12 and 13, and by adding a subdivision; 10A.04, Subdivision 1; 10A.07; 10A.09, Subdivision 6; 10A.11, Subdivisions 1 and 6; 10A.12, Subdivisions 1, 4 and 5; 10A.13; 10A.14, Subdivisions 1 and 2; 10A.15; 10A.16; 10A.17; 10A.19, Subdivision 1; 10A.20, Subdivisions 3, 4, 5 and 6; 10A.22, Subdivisions 1, 3, 4, 5 and 7; 10A.24;

10A.25; 10A.27; 10A.28; 10A.29; 10A.31, Subdivisions 3a, 5, 6, 7, 10, and by adding a subdivision; 10A.32; 10A.33; and 210A.01, Subdivision 3; and Chapter 10A, by adding sections; repealing Minnesota Statutes 1976, Sections 10A.09, Subdivision 7; 10A.17, Subdivision 2; and 10A.26.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called.

Anderson, I., moved that those not voting be excused from voting. The motion prevailed. There were 88 yeas and 35 nays as follows:

Those who voted in the affirmative were:

Abeln	Cohen	Kalis	Nelsen, M.	Simoneau
Anderson, B.	Eckstein	Kelly, R.	Nelson	Skoglund
Anderson, G.	Eken	Kempe, A.	Norton	Smogard
Anderson, I.	Ellingson	Kempe, R.	Novak	Stanton
Arlandson	Enebo	King	Osthoff	Suss
Battaglia	Faricy	Kostohryz	Patton	Swanson
Beauchamp	Fudro	Kroening	Pehler	Tomlinson
Begich	Fugina	Langseth	Petrafaso	Voss
Berg	George	Lehto	Prahl	Waldorf
Berglin	Gunter	Mangan	Reding	Welch
Berkelman	Hanson	Mann	Rice	Wenstrom
Brandl	Hokanson	McCarron	St. Onge	Wenzel
Braun	Jacobs	McCollar	Samuelson	White
Byrne	Jaros	McEachern	Sarna	Williamson
Carlson, L.	Jensen	Metzen	Scheid	Wynia
Casserly	Johnson	Moe	Schulz	Speaker Sabo
Clark	Jude	Munger	Sieben, H.	
Clawson	Kahn	Murphy	Sieben, M.	

Those who voted in the negative were:

Albrecht	Den Ouden	Friedrich	Nelsen, B.	Savelkoul
Anderson, D.	Erickson	Heinitz	Niehaus	Searle
Anderson, R.	Esau	Kaley	Onnen	Searles
Biersdorf	Evans	Knickerbocker	Peterson	Sherwood
Carlson, A.	Ewald	Kvam	Pleasant	Wieser
Carlson, D.	Fjoslien	Laidig	Redalen	Wigley
Corbid	Forsythe	McDonald	Rose	Zubay

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 2:00 p.m., Wednesday, March 1, 1978. The motion prevailed.

Anderson, I., moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:00 p.m., Wednesday, March 1, 1978.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

STATE OF MINNESOTA

SEVENTIETH SESSION - 1978

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SEVENTY-NINTH DAY

SAINT PAUL, MINNESOTA, MONDAY, FEBRUARY 27, 1978

The Senate met on Monday, February 27, 1978, which was the Seventy-ninth Legislative Day of the Seventieth Session of the Minnesota State Legislature. The House of Representatives did not meet on this date.



## STATE OF MINNESOTA

## SEVENTIETH SESSION - 1978

## EIGHTIETH DAY

SAINT PAUL, MINNESOTA, WEDNESDAY, MARCH 1, 1978

The House of Representatives convened at 2:00 p.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	Corbid	Kahn	Nelsen, M.	Simoneau
Adams	Cummiskey	Kaley	Nelson	Skoglund
Albrecht	Dean	Kalis	Niehaus	Smogard
Anderson, B.	Den Ouden	Kelly, R.	Norton	Spanish
Anderson, D.	Eckstein	Kelly, W.	Novak	Stanton
Anderson, G.	Eken	Kempe, A.	Onnen	Stoa
Anderson, I.	Ellingson	Kempe, R.	Osthoff	Suss
Anderson, R.	Enebo	King	Pehler	Swanson
Arlandson	Erickson	Knickerbocker	Peterson	Tomlinson
Battaglia	Evans	Kostohryz	Petrafeso	Vanasek
Beauchamp	Ewald	Kroening	Pleasant	Voss
Begich	Faricy	Laidig	Prahl	Waldorf
Berg	Fjoslien	Langseth	Redalen	Welch
Berglin	Forsythe	Lehto	Reding	Wenstrom
Berkelman	Friedrich	Lemke	Rice	Wenzel
Biersdorf	Fudro	Mangan	Rose	White
Brandl	Fugina	Mann	St. Onge	Wieser
Braun	George	McCarron	Samuelson	Wigley
Byrne	Gunter	McCollar	Sarna	Williamson
Carlson, A.	Hanson	McDonald	Scheid	Wynia
Carlson, D.	Heinitz	McEachern	Schulz	Zubay
Carlson, L.	Hokanson	Moe	Searle	Speaker Sabo
Casserly	Jacobs	Munger	Searles	
Clark	Jaros	Murphy	Sherwood	
Clawson	Johnson	Neisen	Sieben, H.	
Cohen	Jude	Nelsen, B.	Sieben, M.	

A quorum was present.

Birnstihl, Brinkman, Esau, Jensen, Kvam, Metzen and Patton were excused. Savelkoul was excused until 3:30 p.m.

The Chief Clerk proceeded to read the Journals of the preceding days. McCollar moved that further reading of the Journals be dispensed with and that the Journals be approved as corrected by the Chief Clerk. The motion prevailed.



## REPORTS OF CHIEF CLERK

Pursuant to Rules of the House, printed copies of H. F. Nos. 1353, 1732, 1981, 2008, 2225, 499, 1131, 1786, 1790, 1881, 2006, 2007, 2014, 2177, 2233, 2338, 582, 1898 and 1916 and S. F. No. 1614 have been placed in the members' files.

S. F. No. 1613 and H. F. No. 2016, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Jude moved that S. F. No. 1613 be substituted for H. F. No. 2016 and that the House File be indefinitely postponed. The motion prevailed.

## PETITIONS AND COMMUNICATIONS

The following communications were received:

STATE OF MINNESOTA  
OFFICE OF THE GOVERNOR  
ST. PAUL 55155

February 27, 1978

The Honorable Martin O. Sabo  
Speaker of the House

Dear Sir:

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

Mr. Vernon Jensen, 2485 Linden Lane, Maplewood, Ramsey County, has been appointed by me, effective January 30, 1978, for a term expiring the first Monday in January, 1982.

Mr. Richard Temple, Route 5, Box 92, Alexandria, Douglas County, has been appointed by me, effective January 30, 1978 for a term expiring the first Monday in January, 1979.

Mr. Patrick Flanders, RR 3, Paynesville, Stearns County, has been appointed by me, effective January 30, 1978, for a term expiring the first Monday in January, 1981.

Sincerely,

RUDY PERFICH  
Governor

The communication from the Governor relating to appointments was referred to the Committee on General Legislation and Veterans Affairs.

STATE OF MINNESOTA  
OFFICE OF THE GOVERNOR  
ST. PAUL 55155

February 27, 1978

The Honorable Martin Sabo  
Speaker of the House  
State of Minnesota

Dear Speaker Sabo:

I have the honor to inform you that I have received, approved, signed, and deposited in the office of the Secretary of State the following House File:

H. F. No. 404, an act relating to elections; revising ethical practices board procedures regarding regulating lobbyist registration and activity, disclosure of economic interest, and campaign finance disclosure; revising certain reporting requirements.

Sincerely,

RUDY PERPICH  
Governor

STATE OF MINNESOTA  
OFFICE OF THE SECRETARY OF STATE  
ST. PAUL 55155

February 23, 1978

The Honorable Martin O. Sabo  
Speaker of the House of Representatives  
The Honorable Edward J. Gearty  
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1978 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 1978</i>	<i>Date Filed 1978</i>
	1792	458	February 23	February 23
	1761	459	February 23	February 23
	145	460	February 23	February 23
417		461	February 23	February 23
975		462	February 23	February 23

Sincerely,

JOAN ANDERSON GROWE

Secretary of State

STATE OF MINNESOTA  
OFFICE OF THE SECRETARY OF STATE  
ST. PAUL 55155

February 28, 1978

The Honorable Martin O. Sabo  
Speaker of the House of Representatives  
The Honorable Edward J. Gearty  
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1978 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 1978</i>	<i>Date Filed 1978</i>
	404	463	February 27	February 27

Sincerely,

JOAN ANDERSON GROWE

Secretary of State

## REPORTS OF STANDING COMMITTEES

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

H. F. No. 669, A bill for an act relating to trespass; prohibiting trespass on lands of another for purposes of fishing; prohibiting discharge of a firearm within the limits of the right of way of any public highway adjoining certain lands; prescribing penalties; amending Minnesota Statutes 1976, Sections 84.90, Subdivision 7; 100.273, Subdivision 4; and 100.29, Subdivision 21.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1976, Section 100.273, is amended to read:

100.273 [TRESPASS.] Subdivision 1. (DURING THE SEASONS FOR TAKING SMALL GAME OR BIG GAME NO PERSON SHALL ENTER UPON THE LANDS OF ANOTHER WHICH ARE BEING USED TO RAISE AGRICULTURAL PRODUCTS OR UPON LAND ENCLOSING DOMESTIC STOCK OF ANY KIND FOR THE PURPOSE OF HUNTING THE ABOVE MENTIONED GAME UNLESS AND UNTIL THE PERMISSION OF THE OWNER OR LESSEE IS OBTAINED. WOODED AREAS OTHER THAN TREE FARMS SHALL IN NO CASE BE CONSTRUED TO BE AGRICULTURAL LANDS WITHIN THE MEANING OF THIS STATUTE.)

(SUBD. 2. NO PERSON WHILE ENGAGED IN HUNTING SMALL GAME OR BIG GAME SHALL DESTROY, CUT OR TEAR DOWN ANY FENCE, BUILDING, GRAIN, CROPS, OR LIVE TREES, OR WOUND OR KILL ANY DOMESTIC LIVESTOCK.)

*No person shall at anytime enter upon any private land not his own to take or attempt to take any wild animal, fish, or plant or part thereof without first obtaining the permission of the owner, occupant, or lessee of such lands if:*

*(a) The land is visibly occupied as evidenced by the usual signs of occupancy; or*

*(b) The lands contain unharvested agricultural crops or livestock, whether fenced or unfenced, provided that, wooded areas other than tree farms shall in no case be construed to be agricultural lands within the meaning of this subdivision; or*

(c) *The land is fenced or enclosed and such fence or enclosure is maintained; or*

(d) *The land is posted pursuant to subdivision 3.*

*Subd. 2. No person shall at anytime take or attempt to take any wild animal with a firearm within 500 feet of any building occupied by a human being or by livestock, or within 500 feet of any stockade or corral containing livestock without the written consent or permission of the owner or occupant of such premises.*

*Subd. 3. Any landowner, whose land is not covered by subdivision 1, clauses (a), (b) and (c), wishing to prohibit trespass by unauthorized persons must post their land with readable signs having letters at least two inches high, the notice to be signed by the owner, or lessee and the signs placed at intervals not more than 500 feet apart around the boundaries of the protected area.*

*Subd. 4. On posted lands, a person wading or floating a navigable, public stream may, without verbal permission, enter upon the upland within the clearly defined banks of the stream or walk a route as closely proximate to the clearly defined bank as possible when necessary to avoid a natural or artificial hazard or obstruction, such as a dam, deep hole, a fence, or some other exercise of ownership by the riparian owner.*

**Subd. (3) 5.** All peace officers shall enforce the provisions of this section.

**Subd. (4) 6.** Violation of this section is a misdemeanor.

**Sec. 2.** Minnesota Statutes 1976, Section 100.29, Subdivision 21, is amended to read:

**Subd. 21.** (NO PERSON SHALL ENTER ANY GROWING OR STANDING GRAIN NOT HIS OWN, WITH INTENT TO TAKE ANY WILD ANIMAL, OR PERMIT ANY DOG WITH WHICH HE SHALL BE HUNTING TO DO SO, WITHOUT PERMISSION OF THE OWNER OR PERSON IN CHARGE THEREOF. NO PERSON SHALL AT ANY TIME ENTER UPON ANY LAND NOT HIS OWN WITH INTENT TO TAKE ANY WILD ANIMALS AFTER BEING NOTIFIED, EITHER ORALLY OR BY PRINTED NOTICES, BY THE OWNER, OCCUPANT, OR LESSEE, NOT TO DO SO.) No person, while hunting, fishing, or trapping wild animals, shall enter or leave the lands of another, or pass from one portion of such lands to another portion, through a closed gate, without returning said gate to its original position, nor shall any person cut any wire or tear down or destroy any fence, *buildings, crops or trees*; or *wound or kill any domestic animals.* (WHERE PRINTED NO-

TICES ARE USED, THEY SHALL BEAR LETTERS NOT LESS THAN TWO INCHES HIGH AND SHALL BE SIGNED BY THE OWNER, OCCUPANT, OR LESSEE, AND SHALL BE POSTED AT INTERVALS OF NOT MORE THAN 30 RODS UPON THE BOUNDARIES OF THE AREA SO PROTECTED.) It shall be unlawful and a misdemeanor for any person to erect or destroy "no hunting," "no trapping," "no fishing," "no trespassing," or other signs prohibiting trespass upon any lands or waters in or over which he has no right, title, interest, or license. Any person other than the duly constituted legal authority who shall so post any public lands, including tax forfeited lands, as above described shall be guilty of a misdemeanor.

Sec. 3. Minnesota Statutes 1976, Section 100.29, Subdivision 22, is repealed.

Sec. 4. [PUBLICATION.] *In the "1978 Minnesota Hunting Laws Synopsis", and all subsequent editions, sections 1, 2 and 3 of this act, and any subsequent amendments to their statutory citations shall constitute the first part of the synopsis under the subject heading of "Trespass".*

Further amend the title as follows:

Page 1, delete lines 3 to 9 and insert "certain lands of another for purposes of taking wild animals, fish or plants; limiting discharge of a firearm within 500 feet of an occupied building; amending Minnesota Statutes 1976, Sections 100.273; and 100.29, Subdivision 21; repealing Minnesota Statutes 1976, Section 100.29, Subdivision 22."

With the recommendation that when so amended the bill pass.

The report was adopted.

## SECOND READING OF HOUSE BILLS

H. F. No. 669 was read for the second time.

## SECOND READING OF SENATE BILLS

S. F. No. 1613 was read for the second time.

## INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Swanson, Samuelson, Norton, Sabo and Savelkoul introduced:

H. F. No. 2442, A bill for an act relating to the comprehensive health association; requiring creation of an operating reserve; prescribing premium rates; appropriating money; amending Minnesota Statutes 1976, Section 62E.10, by adding a subdivision; and Minnesota Statutes, 1977 Supplement, Section 62E.08, Subdivision 1; repealing Minnesota Statutes, 1977 Supplement, Section 62E.08, Subdivision 2.

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

Hanson introduced:

H. F. No. 2443, A bill for an act relating to commerce; requiring standard form agreements for consumer credit transactions and for lease of real property for residential purposes to be readable; providing penalties.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Spanish, Simoneau, Fudro, Hokanson and Wigley introduced:

H. F. No. 2444, A bill for an act relating to trade regulation; prohibiting false price posting of motor fuel; amending Minnesota Statutes 1976, Section 325.77, Subdivision 4.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Enebo, McCarron, Berg, Voss and Searle introduced:

H. F. No. 2445, A bill for an act relating to commerce; requiring certain disclosures by foreign currency exchanges operated at airports; providing remedies.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Suss and Redalen introduced:

H. F. No. 2446, A bill for an act relating to education; school boards; planning task force; providing for removal of task force members; amending Minnesota Statutes, 1977 Supplement, Section 122.86, Subdivision 3.

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

Biersdorf introduced:

H. F. No. 2447, A bill for an act relating to lands; concerning the exchange of real estate for the purpose of reestablishing permanent wildlife habitat; establishing local land exchange evaluation boards; providing for payments in lieu of taxes.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Ellingson introduced:

H. F. No. 2448, A bill for an act relating to game and fish; increasing certain nonresident license fees; amending Minnesota Statutes 1976, Section 98.46, Subdivisions 14, as amended, and 15.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Spanish, Sherwood, Simoneau, Fudro and Biersdorf introduced:

H. F. No. 2449, A bill for an act relating to game and fish; authorizing elderly, blind or disabled to hunt or fish without licenses; amending Minnesota Statutes 1976, Section 98.47, Subdivision 1; repealing Minnesota Statutes 1976, Section 98.47, Subdivision 8.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Prahl introduced:

H. F. No. 2450, A bill for an act relating to natural resources; requiring the commissioner of natural resources, by eminent domain proceedings, to acquire public access to certain bodies of water in Itasca County.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Novak, Dean and Simoneau introduced:

H. F. No. 2451, A bill for an act relating to elections; providing that public facilities be available for precinct caucuses; fixing the charge for their use; amending Minnesota Statutes 1976, Section 202A.15, by adding a subdivision.

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



Sieben, H., introduced:

H. F. No. 2452, A bill for an act relating to state lands; directing the conveyance of Hastings state hospital surplus lands.

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

Anderson, B.; Kelly, R.; Stanton and Smogard introduced:

H. F. No. 2453, A bill for an act relating to workers' compensation; providing retraining benefits for certain employees; amending Minnesota Statutes, 1977 Supplement, Section 176.101, Subdivision 7.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Fudro, Kostohryz, Jude, Searles and Enebo introduced:

H. F. No. 2454, A bill for an act relating to state lands; authorizing the conveyance by the state of certain lands in Hennepin county; repealing Minnesota Statutes 1976, Sections 197.13; 197.15; and 197.16.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Swanson, Heinitz, Samuelson and McCollar introduced:

H. F. No. 2455, A bill for an act relating to the organization of state government; restructuring the Gillette hospital board; providing that employee and procurement laws are more consistent with laws applying to other agencies; requiring an annual report; amending Minnesota Statutes 1976, Section 250.05, Subdivisions 1, 3, 3a and 5; Minnesota Statutes, 1977 Supplement, Section 250.05, Subdivision 2.

The bill was read for the first time and referred to the Committee on Health and Welfare.

Spanish, Simoneau, Rice, Fudro and Heinitz introduced:

H. F. No. 2456, A bill for an act relating to taxation; exempting residential utilities and heating products from the sales and use tax; amending Minnesota Statutes 1976, Section 297A.25, Subdivision 1.

The bill was read for the first time and referred to the Committee on Taxes.

Spanish, Simoneau, Rice, Cummiskey and Fudro introduced:

H. F. No. 2457, A bill for an act relating to motor vehicles; permitting half year registration for certain motor vehicles owned by senior or disabled citizens; amending Minnesota Statutes 1976, Chapter 168, by adding a section.

The bill was read for the first time and referred to the Committee on Transportation.

Spanish, Simoneau, Cummiskey, Rice and Lemke introduced:

H. F. No. 2458, A bill for an act relating to highways; prohibiting white center line markings on highways, streets and roads; providing for uniform center line markings and markings prohibiting passing; amending Minnesota Statutes 1976, Chapter 169, by adding a section.

The bill was read for the first time and referred to the Committee on Transportation.

Murphy introduced:

H. F. No. 2459, A bill for an act relating to transportation; permitting the vacating of town roads in certain situations; amending Minnesota Statutes 1976, Section 160.09, Subdivision 3.

The bill was read for the first time and referred to the Committee on Transportation.

Murphy introduced:

H. F. No. 2460, A bill for an act relating to town roads; providing cartways; amending Minnesota Statutes 1976, Section 164.08, Subdivision 2.

The bill was read for the first time and referred to the Committee on Transportation.

Hanson introduced:

H. F. No. 2461, A bill for an act relating to public utilities; telephone companies; assessment for costs of regulation; approval of capital expenditures; amending Minnesota Statutes 1976, Chapter 237, by adding sections; and Section 237.01; repealing Minnesota Statutes 1976, Section 237.29, as amended.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Voss introduced:

H. F. No. 2462, A bill for an act relating to education; restricting the rights of school districts to enter into certain agreements without approval granted by a majority of the electors voting on the question at a regular or special school election; amending Minnesota Statutes 1976, Section 471.16, Subdivision 1; and Laws 1967, Chapter 33, by adding a section.

The bill was read for the first time and referred to the Committee on Education.

Byrne, Metzen, McEachern, Osthoff and Tomlinson introduced:

H. F. No. 2463, A bill for an act relating to education; providing aid and levy adjustments for abatements in school district taxes; amending Minnesota Statutes 1976, Section 275.48; and Minnesota Statutes, 1977 Supplement, Section 124.214.

The bill was read for the first time and referred to the Committee on Education.

Patton and Skoglund introduced:

H. F. No. 2464, A bill for an act relating to environmental impact statements; authorizing local units of government to assess preparation costs against private developers on certain projects; amending Minnesota Statutes 1976, Section 116D.045, Subdivision 5.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Berglin, Berkelman and Swanson introduced:

H. F. No. 2465, A bill for an act relating to public welfare; classifying data; defining terms; amending Minnesota Statutes 1976, Section 15.162, Subdivision 5.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Beauchamp introduced:

H. F. No. 2466, A bill for an act relating to privacy of data on individuals; definitions, determination and emergency classification; amending Minnesota Statutes, 1977 Supplement, Sections 15.162, Subdivision 2a; and 15.1642, Subdivisions 3 and 5; repealing Minnesota Statutes, 1977 Supplement, Section 15.1642, Subdivision 4.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Ellingson introduced:

H. F. No. 2467, A bill for an act relating to retirement; allowing purchase of prior service credit by a basic member of the teachers retirement association.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Anderson, I.; Berkelman; Forsythe; Murphy and Sarna introduced:

H. F. No. 2468, A bill for an act relating to public welfare; providing for assistance to adoptive parents; appropriating money; amending Minnesota Statutes 1976, Section 393.07, Subdivision 1a.

The bill was read for the first time and referred to the Committee on Health and Welfare.

Waldorf introduced:

H. F. No. 2469, A bill for an act relating to public welfare; permitting execution on welfare checks for judgment debts for rent; amending Minnesota Statutes 1976, Section 550.37, Subdivision 14.

The bill was read for the first time and referred to the Committee on Health and Welfare.

Fjoslien; Anderson, D.; Niehaus and Anderson, G., introduced:

H. F. No. 2470, A bill for an act relating to taxation; property tax; changing the distribution of tax revenues from certain power transmission line property; amending Minnesota Statutes 1976, Section 273.42.

The bill was read for the first time and referred to the Committee on Taxes.

Fugina introduced:

H. F. No. 2471, A bill for an act relating to taconite occupation taxes; increasing the distribution of tax proceeds to certain school districts; amending Minnesota Statutes, 1977 Supplement, Section 298.28, Subdivision 1.

The bill was read for the first time and referred to the Committee on Taxes.

Voss, Jacobs, Simoneau and McCarron introduced:

H. F. No. 2472, A bill for an act relating to mobile homes; exempting certain mobile home sales and leases from sales taxation; changing property tax treatment of certain mobile homes; establishing a system of licensure of mobile home dealers, salesmen, brokers and installers; providing penalties; amending Minnesota Statutes 1976, Sections 273.13, Subdivision 3, and by adding a subdivision; 274.19, Subdivision 3; 297A.25, Subdivision 1; 327.31, Subdivision 4; 327.51, as amended; 327.55; and Chapter 327, by adding sections; and Minnesota Statutes, 1977 Supplement, Section 273.13, Subdivisions 4 and 7.

The bill was read for the first time and referred to the Committee on Taxes.

Hanson introduced:

H. F. No. 2473, A bill for an act relating to plats and surveys; filing requirements for plats abutting highways; amending Minnesota Statutes 1976, Section 505.03, Subdivision 2.

The bill was read for the first time and referred to the Committee on Transportation.

Zubay, Kaley, Lemke and Friedrich introduced:

H. F. No. 2474, A bill for an act relating to Olmsted county; authorizing the board of county commissioners to finance an addition to and to renovate the Olmsted county hospital.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Fudro, Osthoff, McEachern, Sarna and Eckstein introduced:

H. F. No. 2475, A bill for an act relating to trade regulations; requiring air supplies in service stations.

The bill was read for the first time and referred to the Committee on Transportation.

## HOUSE ADVISORIES

Pursuant to rule 5.3, the following House Advisory was introduced:

Biersdorf, Sarna and Osthoff introduced:

H. A. No. 74, A proposal to study need for legislation setting criteria for operation of mental health centers.

The advisory was referred to the Committee on Health and Welfare.

## 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. 1860, A bill for an act relating to public employees retirement association; providing for adjusted accrual dates for payment of annuities, survivor benefits and disability benefits, and clarifying membership requirements for elected officials; amending Minnesota Statutes 1976, Sections 353.29, Subdivision 7; 353.32, Subdivision 1a; 353.33, Subdivision 2; 353.657, Subdivision 2a; and Minnesota Statutes, 1977 Supplement, Sections 353.01, Subdivision 2b; 353.29, Subdivision 8; and 353.31, Subdivision 8.

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 elections; revising ethical practices board procedures regarding regulating lobbyist registration and activity, disclosure of economic interest, and campaign finance disclosure; revising certain reporting requirements; imposing limitations on political expenditures and contributions; distributing money from the state elections campaign fund to legislative candidates; defining terms; removing obsolete provisions; imposing late filing fees and penalties; increasing credits against tax due for contributions to candidates; providing credits against tax due for contributions to candidates who voluntarily abide by spending limits; appropriating money; amending Minnesota Statutes 1976, Sections 10A.01, Subdivisions 2, 5, 7, 9, 10, 11, 13, 15, 16, 18, and by adding subdivisions;

10A.02, Subdivisions 1, 2, 4, 8, 9, 11, 12, 13, and by adding a subdivision; 10A.03, Subdivision 1, and by adding a subdivision; 10A.04, Subdivisions 1, 2, and 5; 10A.07; 10A.08; 10A.09, Subdivisions 5, 6, and 7; and 10A.10; 10A.11, Subdivision 1; 10A.12, Subdivisions 1, 4 and 5; 10A.13; 10A.14, Subdivisions 1, 2, and 4; 10A.15; 10A.16; 10A.17; 10A.19, Subdivision 1; 10A.20, Subdivisions 2, 3, 4, 5, 6, 8, 12, and by adding a subdivision; 10A.21, Subdivisions 1 and 3; 10A.22, Subdivisions 1, 4, 5, and 7; 10A.24; 10A.25, Subdivisions 1, 2, 3, 4, 5, 6, 7 and by adding a subdivision; 10A.27, Subdivisions 1, 2, 4 and by adding subdivisions; 10A.28; 10A.29; 10A.30, Subdivision 1; 10A.31, Subdivisions 1, 3, 3a, 4, 5, 6, 7, 10, and by adding a subdivision; 10A.32, Subdivisions 1, 2, 3, 3a, 4, and by adding a subdivision; 10A.33; 10A.34, by adding a subdivision; 210A.01, Subdivision 3; 290.06, Subdivision 11; 290.21, by adding a subdivision; and Chapter 10A, by adding sections; and Minnesota Statutes, 1977 Supplement, Section 10A.20, Subdivision 10; repealing Minnesota Statutes 1976, Sections 10A.09, Subdivision 4; 10A.11, Subdivision 6; 10A.20, Subdivision 9; 10A.22, Subdivision 3; 10A.25, Subdivisions 8 and 9; 10A.26; and 10A.27, Subdivision 3.

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 Senate Files, herewith transmitted:

S. F. Nos. 1606, 1616, 1662 and 1743.

**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. 1603, 1611, 1684 and 1698.

**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. 1643, 1779, 1787, 1842 and 1955.

**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. 1888.

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. 1021, 1635 and 1637.

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. 1229, 1276, 1431 and 1548.

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. 837 and 838.

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. 839 and 1446.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### FIRST READING OF SENATE BILLS

S. F. No. 1606, A bill for an act relating to no-fault automobile insurance; increasing medical expense threshold for recovery of damages for non-economic detriment; amending Minnesota Statutes 1976, Section 65B.51, Subdivision 3.



The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

S. F. No. 1616, A bill for an act relating to probate; enacting the Uniform International Wills Act; amending Minnesota Statutes 1976, Chapter 524, by adding sections.

The bill was read for the first time and referred to the Committee on Governmental Operations.

S. F. No. 1662, A bill for an act relating to commerce; redefining "banking day"; amending Minnesota Statutes 1976, Section 336.4-104.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

S. F. No. 1743, A bill for an act relating to natural resources; clarifying the procedure for designation of wild, scenic and recreational rivers; amending Minnesota Statutes 1976, Section 104.35, Subdivisions 2 and 3.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

S. F. No. 1603, A bill for an act relating to Washington county; authorizing the city of Stillwater, the town of Stillwater and Washington county to jointly exercise planning and land use control powers; applying the authorization retroactively.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

S. F. No. 1611, 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; establishing filing fees; appropriating money; amending Minnesota Statutes 1976, Chapter 301, by adding a section.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

S. F. No. 1684, A bill for an act relating to federal aid to state government; requiring consultation with the legislative advisory commission prior to expenditure of certain federal aid.

The bill was read for the first time and referred to the Committee on Governmental Operations.

S. F. No. 1698, A bill for an act relating to armories; authorizing disposition of unused armories to counties in addition to municipalities; amending Minnesota Statutes 1976, Section 193.36, Subdivision 2.

The bill was read for the first time.

Jacobs moved that S. F. No. 1698 and H. F. No. 2006, now on the Consent Calendar, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1643, A bill for an act relating to agriculture; corn detasseling employees; providing minimum labor standards; amending Minnesota Statutes 1976, Chapter 181, by adding sections.

The bill was read for the first time.

Sieben, M., moved that S. F. No. 1643 and H. F. No. 1789, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1779, A bill for an act relating to public health; requiring owner identification marks on removable dental prostheses; prescribing penalties.

The bill was read for the first time and referred to the Committee on Health and Welfare.

S. F. No. 1787, A bill for an act relating to the national guard; amending the state military code; providing penalties; amending Minnesota Statutes 1976, Sections 192.06; 192.11; 192.12; 192.261, Subdivision 5; 192.32; 192.33; 192.34; and Chapter 192, by adding a section; repealing Minnesota Statutes 1976, Sections 190.28; 192.09; and 192.10.

The bill was read for the first time.

Waldorf moved that S. F. No. 1787 and H. F. No. 2007, now on the Consent Calendar, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1842, A bill for an act relating to the Minnesota historical society; providing for a liaison position; implementing the administration of a state humanities program; updating statutory provisions; amending Minnesota Statutes 1976, Sections 138.081, Subdivision 2, and by adding a subdivision; 138.17, Subdivision 1; 138.35, Subdivision 1; repealing Minnesota Statutes 1976, Section 138.162.

The bill was read for the first time and referred to the Committee on General Legislation and Veterans Affairs.

S. F. No. 1955, A bill for an act relating to transportation construction contracts; defining the term "small business"; amending Minnesota Statutes, 1977 Supplement, Section 161.321, Subdivision 1.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

S. F. No. 1888, A bill for an act relating to elections; prohibiting misuse of campaign funds; providing a civil penalty; providing that compensation for personal services rendered to influence election of a candidate is not a prohibited expenditure; amending Minnesota Statutes 1976, Section 210A.19, Subdivision 1; and 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.

S. F. No. 1021, A bill for an act relating to natural resources; recodifying statutes relating to certain conservation areas; abolishing consolidated conservation areas fund; repealing obsolete provisions; appropriating money; amending Minnesota Statutes 1976, Sections 84A.01; 84A.03; 84A.07; 84A.10; 84A.51, Subdivision 4; 84A.52; 84A.55, Subdivisions 1, 3, 6, 8, 9, 10, 11, and 12; 281.23, Subdivision 8; 282.14; 282.16, Subdivision 1, and by adding subdivisions; 282.19; 282.21; and Laws 1961, Chapter 612, Section 1; repealing Minnesota Statutes 1976, Sections 84A.02; 84A.04; 84A.08; 84A.09; 84A.11; 84A.20 to 84A.23; 84A.26 to 84A.33; 84A.36 to 84A.42; 84A.50; 84A.51, Subdivisions 1, 2, and 3; 84A.53; 84A.54; 84A.55, Subdivision 14; and 282.221 to 282.226.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

S. F. No. 1635, A bill for an act relating to St. Louis county; limiting the manner in which costs to collect a judgment may be defrayed; amending Laws 1961, Chapter 302, Section 3.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

S. F. No. 1637, A bill for an act relating to political subdivisions; authorizing loans to acquire town halls; authorizing issuance of general obligation bonds for a fire and community hall in the city of Tower; amending Minnesota Statutes, 1977 Supplement, Section 465.73.

The bill was read for the first time.

Begich moved that S. F. No. 1637 and H. F. No. 1839, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1229, A bill for an act relating to commerce; permitting price advertising of eyeglasses; amending Minnesota Statutes 1976, Section 148.57, Subdivision 3.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

S. F. No. 1276, A bill for an act relating to Dakota county; housing and redevelopment authority; establishing powers of the authority; providing compensation for commissioners; amending Laws 1971, Chapter 333, Section 2, as amended; repealing Laws 1971, Chapter 333, Section 3.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

S. F. No. 1431, A bill for an act relating to food; providing for inspection and license fees for certain coin operated food vending machines; amending Minnesota Statutes, 1977 Supplement, Section 28A.03; and Minnesota Statutes 1976, Section 28A.09.

The bill was read for the first time and referred to the Committee on Agriculture.

S. F. No. 1548, A bill for an act relating to courts; changing fees collected by court clerks for certain actions and services; amending Minnesota Statutes 1976, Section 357.021, Subdivision 2; Chapter 525 by adding a section; and Minnesota Statutes, 1977 Supplement, Section 517.08, Subdivision 1.

The bill was read for the first time and referred to the Committee on Governmental Operations.

S. F. No. 837, A bill for an act relating to appropriations; converting certain open appropriations of dedicated receipts to direct appropriations; abolishing other open appropriations of dedicated receipts; abolishing certain dedicated funds and accounts; appropriating money; amending Minnesota Statutes 1976, Sections 15.05; 16.72, Subdivision 1; 18.411; 18.67; 34.07; 69.031, Subdivision 3; 69.55; 84.153; 84.154, Subdivision 5; 84.155, Subdivision 6; 84.86, Subdivision 1; 86.42, Subdivision 1; 89.035; 89.036; 89.21; 93.283, Subdivision 7; 93.335, Subdivision 4; 94.48; 97.49, Subdivision 7; 115.03, Subdivision 1; 116.41, Subdivision 2; 136A.29, Subdivision 22; 136A.30; 144.175, Subdivision 4; 160.285, Subdivision 3; 163.051, Subdivision 2; 168.54, 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; 299F.21; and 344.03, Subdivision 2; repeal-

ing Minnesota Statutes 1976, Sections 1.38; 16A.125, Subdivision 6; 21.114; 33.10; 33.11; 33.12 to 33.15; 33.171; 86.42, Subdivision 2; 94.49; 161.231; 168.54, Subdivisions 2, 3 and 6; 168A.31, Subdivision 2; 190.28; 197.04; 197.07; 241.25; 246.41, Subdivisions 1 and 3; 290.60; 360.389; 424.165; 458.50 to 458.60; 626.85, Subdivision 2; and Laws 1961, Chapter 472, Section 4, as added.

The bill was read for the first time and referred to the Committee on Appropriations.

S. F. No. 838, A bill for an act relating to appropriations; converting certain standing appropriations to direct appropriations; abolishing other standing appropriations; appropriating money; amending Minnesota Statutes 1976, Sections 9.061, Subdivision 5; 97.482, Subdivision 2; and 638.08; repealing Minnesota Statutes 1976, Sections 7.07; and 144.146, Subdivision 2.

The bill was read for the first time and referred to the Committee on Appropriations.

S. F. No. 839, A bill for an act relating to appropriations; converting certain open appropriations for retirement to direct appropriations; abolishing other open appropriations for retirement; appropriating money; amending Minnesota Statutes 1976, Sections 3A.03, Subdivision 2; 3A.04, Subdivisions 3 and 4; 136.81, Subdivision 1; 352.04, Subdivision 5; 352.73, Subdivision 3; 352B.25; 352C.03, Subdivision 2; 352C.04, Subdivision 3; 352C.09, Subdivision 2; 353.83; 354.55, Subdivision 5; 354A.12; 355.46, Subdivision 3; 355.50; 490.123, Subdivision 1; Chapter 16A, by adding a section; repealing Minnesota Statutes 1976, Sections 3A.11, Subdivision 3; 352.73, Subdivision 4; 354.43, Subdivision 2; and 490.025, Subdivision 8.

The bill was read for the first time and referred to the Committee on Governmental Operations.

S. F. No. 1446, A bill for an act relating to the state council for the handicapped; authorizing appeals by the council from state building code decisions affecting the interests of handicapped persons; granting the commissioner of administration authority to promulgate rules governing display of the international symbol of accessibility; authorizing the council to initiate or intervene in proceedings affecting handicapped persons; amending Minnesota Statutes 1976, Sections 16.863; and 256.482, by adding a subdivision; Minnesota Statutes, 1977 Supplement, Section 256.48, Subdivision 5; and Chapter 16, by adding a section; repealing Minnesota Statutes 1976, Section 299G.12.

The bill was read for the first time and referred to the Committee on Appropriations.

## PROGRESS REPORTS ON CONFERENCE COMMITTEES

Pursuant to Joint Rule 2.06, progress on S. F. No. 823 was reported to the House.

## CONSENT CALENDAR

S. F. No. 1802, A bill for an act relating to drivers' licenses; providing that a Class C license is valid for operation of the rear portion of a midmount aerial ladder truck; amending Minnesota Statutes 1976, Section 171.02, Subdivision 2.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 118 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Cummiskey	Kaley	Nelsen, M.	Simoneau
Adams	Dean	Kalis	Nelson	Skoglund
Albrecht	Den Ouden	Kelly, R.	Niehaus	Smogard
Anderson, D.	Eckstein	Kelly, W.	Novak	Spanish
Anderson, G.	Ellingson	Kempe, A.	Onnen	Stanton
Anderson, I.	Enebo	Kempe, R.	Osthoff	Stoa
Anderson, R.	Erickson	King	Pehler	Suss
Bataglia	Evans	Knickerbocker	Peterson	Swanson
Beauchamp	Ewald	Kostohryz	Petrafeso	Tomlinson
Begich	Faricy	Kroening	Pleasant	Vanasek
Berglin	Fjoslien	Laidig	Prahl	Voss
Berkelman	Forsythe	Langseth	Redalen	Waldorf
Biersdorf	Friedrich	Lehto	Reding	Welch
Brandl	Fugina	Lemke	Rice	Wenstrom
Braun	George	Mann	Rose	Wenzel
Byrne	Gunter	McCarron	Samuelson	White
Carlson, A.	Hanson	McCollar	Sarna	Wieser
Carlson, D.	Heinitz	McDonald	Scheid	Wigley
Carlson, L.	Hokanson	McEachern	Schulz	Williamson
Casserly	Jacobs	Moe	Searle	Wynia
Clark	Jaros	Munger	Searles	Zubay
Clawson	Johnson	Murphy	Sherwood	Speaker Sabo
Cohen	Jude	Neisen	Sieben, H.	
Corbid	Kahn	Nelsen, B.	Sieben, M.	

The bill was passed and its title agreed to.

H. F. No. 1936, A bill for an act relating to Independent School District No. 272 (Eden Prairie) and Independent School District No. 273 (Edina); providing for the transfer of territory from Independent School District No. 272 to Independent School District No. 273.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 113 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Clawson	Kahn	Nelsen, M.	Sieben, M.
Adams	Cohen	Kaley	Nelson	Simoneau
Albrecht	Corbid	Kalis	Niehaus	Skoglund
Anderson, B.	Cummiskey	Kelly, W.	Novak	Smogard
Anderson, D.	Dean	Kempe, A.	Onnen	Spanish
Anderson, G.	Den Ouden	Kempe, R.	Osthoff	Stoa
Anderson, I.	Eckstein	Knickerbocker	Pehler	Suss
Arlandson	Ellingson	Kroening	Peterson	Swanson
Battaglia	Enebo	Laidig	Petrafeso	Vanasek
Beauchamp	Erickson	Langseth	Pleasant	Voss
Begich	Evans	Lehto	Prahl	Waldorf
Berg	Ewald	Lemke	Redalen	Welch
Berglin	Fjoslien	Mangan	Reding	Wenstrom
Berkelman	Forsythe	Mann	Rice	Wenzel
Biersdorf	Friedrich	McCarron	Rose	White
Brandl	Fugina	McCollar	Samuelson	Wieser
Braun	Hanson	McDonald	Sarna	Wigley
Byrne	Heintz	McEachern	Scheid	Williamson
Carlson, A.	Hokanson	Moe	Schulz	Wynia
Carlson, D.	Jacobs	Munger	Searle	Zubay
Carlson, L.	Jaros	Murphy	Searles	Speaker Sabo
Casserly	Johnson	Neisen	Sherwood	
Clark	Jude	Nelsen, B.	Sieben, H.	

The bill was passed and its title agreed to.

H. F. No. 2312, A bill for an act relating to Independent School District No. 272 (Eden Prairie) and Independent School District No. 271 (Bloomington); providing for the transfer of territory from Independent School District No. 272 to Independent School District No. 271.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 116 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Brandl	Ellingson	Jaros	Lemke
Adams	Braun	Enebo	Johnson	Mangan
Albrecht	Byrne	Erickson	Jude	Mann
Anderson, B.	Carlson, A.	Evans	Kahn	McCarron
Anderson, D.	Carlson, D.	Ewald	Kaley	McCollar
Anderson, G.	Carlson, L.	Faricy	Kalis	McDonald
Anderson, I.	Casserly	Fjoslien	Kelly, W.	McEachern
Arlandson	Clark	Forsythe	Kempe, A.	Moe
Battaglia	Clawson	Friedrich	Kempe, R.	Munger
Beauchamp	Cohen	Fugina	King	Murphy
Begich	Corbid	Gunter	Knickerbocker	Neisen
Berg	Cummiskey	Hanson	Kroening	Nelsen, B.
Berglin	Dean	Heintz	Laidig	Nelsen, M.
Berkelman	Den Ouden	Hokanson	Langseth	Nelson
Biersdorf	Eckstein	Jacobs	Lehto	Niehaus

Novak	Rice	Sieben, H.	Swanson	Wigley
Onnen	Rose	Sieben, M.	Tomlinson	Williamson
Pehler	Samuelson	Simoneau	Vanasek	Wynia
Peterson	Sarna	Skoglund	Voss	Zubay
Petrafeso	Scheid	Smogard	Waldorf	Speaker Sabo
Pleasant	Schulz	Spanish	Welch	
Prahl	Searle	Stanton	Wenstrom	
Redalen	Searles	Stoa	Wenzel	
Reding	Sherwood	Suss	Wieser	

The bill was passed and its title agreed to.

H. F. No. 2013, A bill for an act relating to domestic relations; contracts and conveyances between husband and wife; amending Minnesota Statutes 1976, Sections 500.19, by adding a subdivision; and 519.06.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 122 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Cohen	Jude	Nelsen, B.	Simoneau
Adams	Corbid	Kahn	Nelsen, M.	Skoglund
Albrecht	Cummiskey	Kaley	Nelson	Smogard
Anderson, B.	Dean	Kalis	Niehaus	Spanish
Anderson, D.	Den Ouden	Kelly, R.	Novak	Stanton
Anderson, G.	Eckstein	Kelly, W.	Onnen	Stoa
Anderson, I.	Eken	Kempe, A.	Osthoff	Suss
Anderson, R.	Ellingson	Kempe, R.	Pehler	Swanson
Arlandson	Enebo	King	Peterson	Tomlinson
Battaglia	Erickson	Knickerbocker	Petrafeso	Vanasek
Beauchamp	Evans	Kostohryz	Pleasant	Voss
Begich	Ewald	Laidig	Redalen	Waldorf
Berg	Faricy	Langseth	Reding	Welch
Berglin	Fjoslien	Lehto	Rice	Wenstrom
Berkelman	Forsythe	Lemke	Rose	Wenzel
Biersdorf	Friedrich	Mangan	St. Onge	White
Brandl	Fugina	Mann	Samuelson	Wieser
Braun	George	McCarron	Sarna	Wigley
Byrne	Gunter	McCollar	Scheid	Williamson
Carlson, A.	Hanson	McDonald	Schulz	Wynia
Carlson, D.	Heinitz	McEachern	Searle	Zubay
Carlson, L.	Hokanson	Moe	Searles	Speaker Sabo
Casserly	Jacobs	Munger	Sherwood	
Clark	Jaros	Murphy	Sieben, H.	
Clawson	Johnson	Neisen	Sieben, M.	

The bill was passed and its title agreed to.

H. F. No. 2221, A bill for an act relating to Minnesota Statutes; correcting erroneous, ambiguous, omitted and obsolete references and text; eliminating duplicate, redundant, conflicting and superseded provisions; amending Minnesota Statutes 1976, Sections 6.58; 15.0411, Subdivision 3; 16A.26; 40.072, Subdivision 3; 41.53, Subdivision 2; 44.06, Subdivision 2; 53.03, by adding a subdivision; 84A.55, Subdivision 14; 150A.09, Subdivision



1; 161.09, Subdivision 1; 161.14, Subdivision 19; 251.09; 251.10; 251.11; 251.12; 251.13; 254A.08, Subdivision 3; 270.08; 290.24; 290.49, Subdivision 10; 326.08, Subdivision 2; 366.10; 475.51, Subdivision 1; Minnesota Statutes, 1977 Supplement, Sections 15.0411, Subdivision 2; 15A.083, Subdivision 2; 16A.129; 50.14, Subdivision 5; 116C.63, Subdivision 4; 214.01, Subdivision 3; 256B.48, Subdivision 1; 290.01, Subdivision 20; 290.09, Subdivision 4; 319A.02, Subdivision 2; 343.08; 517.08, Subdivision 1; 593.42, Subdivision 5; 593.45, Subdivision 4; 593.46, Subdivision 2; Extra Session Laws 1959, Chapter 19, by adding a section; repealing Minnesota Statutes 1976, Sections 33.10; 33.11; 33.12; 33.14; 33.15; 33.171; 270.051, Subdivision 1; 602.04; Minnesota Statutes, 1977 Supplement, Sections 33.13; Laws 1975, Chapters 61, Section 8; 136, Sections 11, 13, 57 and 58; Laws 1976, Chapters 44, Section 18; 163, Section 54; 222, Sections 25, Subdivision 8, and 78; 263, Section 8; Laws 1977, Chapters 264, Section 3; 299, Section 6; 326, Section 8; 346, Section 7.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 124 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Cohen	Jude	Neisen	Sieben, H.
Adams	Corbid	Kahn	Nelsen, B.	Sieben, M.
Albrecht	Cummiskey	Kaley	Nelsen, M.	Simoneau
Anderson, B.	Dean	Kalis	Nelson	Skoglund
Anderson, D.	Den Ouden	Kelly, R.	Niehaus	Smogard
Anderson, G.	Eckstein	Kelly, W.	Norton	Spanish
Anderson, I.	Eken	Kempe, A.	Novak	Stanton
Anderson, R.	Ellingson	Kempe, R.	Onnen	Stoa
Arlandson	Enebo	King	Osthoff	Suss
Battaglia	Erickson	Knickerbocker	Pehler	Swanson
Beauchamp	Evans	Kostohryz	Peterson	Tomlinson
Begich	Ewald	Kroening	Petrafaso	Vanasek
Berg	Faricy	Laidig	Pleasant	Voss
Berglin	Fjoslien	Langseth	Prahl	Waldorf
Berkelman	Forsythe	Lehto	Redalen	Welch
Biersdorf	Friedrich	Lemke	Reding	Wenstrom
Brandl	Fugina	Mangan	Rice	Wenzel
Braun	George	Mann	Rose	White
Byrne	Gunter	McCarron	St. Onge	Wieser
Carlson, A.	Hanson	McCollar	Sarna	Wigley
Carlson, D.	Heinitz	McDonald	Scheid	Williamson
Carlson, L.	Hokanson	McEachern	Schulz	Wynia
Casserly	Jacobs	Moe	Searle	Zubay
Clark	Jaros	Munger	Searles	Speaker Sabo
Clawson	Johnson	Murphy	Sherwood	

The bill was passed and its title agreed to.

H. F. No. 1834, A bill for an act relating to labor; increasing fees for boiler inspection and engineers' licenses; amending Minnesota Statutes 1976, Sections 183.545, Subdivisions 1, 2, 3, and 4; and 183.57, Subdivision 2.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 115 yeas and 6 nays as follows:

Those who voted in the affirmative were:

Abeln	Corbid	Kaley	Neisen	Sieben, M.
Adams	Cummiskey	Kalis	Nelsen, B.	Simoneau
Albrecht	Dean	Kelly, R.	Nelsen, M.	Skoglund
Anderson, B.	Den Ouden	Kelly, W.	Nelson	Smogard
Anderson, G.	Eckstein	Kempe, A.	Norton	Spanish
Anderson, I.	Eken	Kempe, R.	Novak	Stanton
Anderson, R.	Ellingson	King	Onnen	Stoa
Arlandson	Enebo	Knickerbocker	Osthoff	Suss
Battaglia	Evans	Kostohryz	Pehler	Swanson
Begich	Ewald	Kroening	Peterson	Tomlinson
Berg	Faricy	Laidig	Petrafaso	Vanasek
Berglin	Fjoslien	Langseth	Pleasant	Voss
Berkelman	Forsythe	Lehto	Prahl	Waldorf
Biersdorf	Fugina	Lemke	Reding	Welch
Brandl	George	Mangan	Rose	Wenstrom
Byrne	Hanson	Mann	St. Onge	Wenzel
Carlson, A.	Heinitz	McCarron	Samuelson	White
Carlson, D.	Hokanson	McCollar	Sarna	Wieser
Carlson, L.	Jacobs	McDonald	Scheid	Wigley
Casserly	Jaros	McEachern	Schulz	Williamson
Clark	Johnson	Moe	Searles	Wynia
Clawson	Jude	Munger	Sherwood	Zubay
Cohen	Kahn	Murphy	Sieben, H.	Speaker Sabo

Those who voted in the negative were:

Anderson, D.	Erickson	Niehaus	Redalen	Searle
Braun				

The bill was passed and its title agreed to.

H. F. No. 1873, A bill for an act relating to the county of Anoka; validating the acquisition of and payment for certain real estate.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 124 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Arlandson	Brandl	Clawson	Ellingson
Adams	Battaglia	Braun	Cohen	Enebo
Albrecht	Beauchamp	Byrne	Corbid	Erickson
Anderson, B.	Begich	Carlson, A.	Cummiskey	Evans
Anderson, D.	Berg	Carlson, D.	Dean	Ewald
Anderson, G.	Berglin	Carlson, L.	Den Ouden	Faricy
Anderson, I.	Berkelman	Casserly	Eckstein	Fjoslien
Anderson, R.	Biersdorf	Clark	Eken	Forsythe

Friedrich	Kempe, R.	Neisen	Rose	Suss
Fugina	King	Nelsen, B.	St. Onge	Swanson
George	Knickerbocker	Nelsen, M.	Samuelson	Tomlinson
Gunter	Kostohryz	Nelson	Sarna	Vanasek
Hanson	Kroening	Niehaus	Scheid	Voss
Heinitz	Laidig	Norton	Schulz	Waldorf
Hokanson	Langseth	Novak	Searle	Welch
Jacobs	Lehto	Onnen	Searles	Wenstrom
Jaros	Lemke	Osthoff	Sherwood	Wenzel
Johnson	Mangan	Pehler	Sieben, H.	White
Jude	Mann	Peterson	Sieben, M.	Wieser
Kahn	McCarron	Petrafeso	Simoneau	Wigley
Kaley	McDonald	Pleasant	Skoglund	Williamson
Kalis	McEachern	Prahl	Smogard	Wynia
Kelly, R.	Moe	Redalen	Spanish	Zubay
Kelly, W.	Munger	Reding	Stanton	Speaker Sabo
Kempe, A.	Murphy	Rice	Stoa	

The bill was passed and its title agreed to.

H. F. No. 2049, A bill for an act relating to local units of government; removing certain restrictions on contracts affecting the financial interests of public officers; amending Minnesota Statutes 1976, Section 471.89, Subdivisions 2 and 3; and Minnesota Statutes, 1977 Supplement, Section 471.88, Subdivision 5.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 116 yeas and 8 nays as follows:

Those who voted in the affirmative were:

Abeln	Cohen	Johnson	Nelsen, B.	Simoneau
Adams	Corbid	Jude	Nelsen, M.	Skoglund
Albrecht	Cummiskey	Kahn	Nelson	Smogard
Anderson, B.	Dean	Kaley	Niehaus	Spanish
Anderson, D.	Den Ouden	Kalis	Norton	Stanton
Anderson, G.	Eckstein	Kelly, R.	Novak	Stoa
Anderson, I.	Eken	Kelly, W.	Onnen	Suss
Anderson, R.	Ellingson	Kempe, A.	Pehler	Tomlinson
Arlandson	Enebo	King	Peterson	Vanasek
Battaglia	Erickson	Knickerbocker	Petrafeso	Voss
Begich	Evans	Laidig	Prahl	Waldorf
Berg	Ewald	Langseth	Redalen	Welch
Berglin	Farcy	Lehto	Reding	Wenstrom
Berkelman	Fjoslien	Lemke	Rice	Wenzel
Biersdorf	Forsythe	Mangan	Rose	White
Brandl	Friedrich	Mann	St. Onge	Wieser
Braun	Fugina	McCarron	Sarna	Wigley
Byrne	George	McCollar	Scheid	Wynia
Carlson, A.	Gunter	McDonald	Schulz	Zubay
Carlson, D.	Hanson	McEachern	Searle	Speaker Sabo
Carlson, L.	Heinitz	Moe	Searles	
Casserly	Hokanson	Munger	Sherwood	
Clark	Jacobs	Murphy	Sieben, H.	
Clawson	Jaros	Neisen	Sieben, M.	

Those who voted in the negative were:

Kempe, R. Kostohryz	Kroening Osthoff	Pleasant Samuelson	Swanson	Williamson
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The bill was passed and its title agreed to.

H. F. No. 2175 was reported to the House.

There being no objection, H. F. No. 2175 was continued on the Consent Calendar for one day.

H. F. No. 2242, A bill for an act relating to Yellow Medicine county; authorizing the expenditure of money by the county board to restore county ditch number nine.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 125 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Cohen	Jude	Neisen	Sherwood
Adams	Corbid	Kahn	Nelsen, B.	Sieben, H.
Albrecht	Cummiskey	Kaley	Nelsen, M.	Sieben, M.
Anderson, B.	Dean	Kalis	Nelson	Simoneau
Anderson, D.	Den Ouden	Kelly, R.	Niehau	Skoglund
Anderson, G.	Eckstein	Kelly, W.	Norton	Smogard
Anderson, I.	Eken	Kempe, A.	Novak	Spanish
Anderson, R.	Ellingson	Kempe, R.	Onnen	Stanton
Arlandson	Enebo	King	Osthoff	Stoa
Battaglia	Erickson	Knickerbocker	Pehler	Suss
Beauchamp	Evans	Kostohryz	Peterson	Swanson
Begich	Ewald	Kroening	Petrafeso	Tomlinson
Berg	Faricy	Laidig	Pleasant	Vanasek
Berglin	Fjoslien	Langseth	Prahl	Voss
Berkelman	Forsythe	Lehto	Redalen	Waldorf
Biersdorf	Friedrich	Lemke	Reding	Welch
Brandl	Fugina	Mangan	Rice	Wenstrom
Braun	George	Mann	Rose	Wenzel
Byrne	Gunter	McCarron	St. Onge	White
Carlson, A.	Hanson	McCollar	Samuelson	Wieser
Carlson, D.	Heinitz	McDonald	Sarna	Wigley
Carlson, L.	Hokanson	McEachern	Scheid	Williamson
Casserly	Jacobs	Moe	Schulz	Wynia
Clark	Jaros	Munger	Searle	Zubay
Clawson	Johnson	Murphy	Searles	Speaker Sabo

The bill was passed and its title agreed to.

H. F. No. 2243, A bill for an act relating to the city of Rochester; issuance of licenses for the sale of intoxicating liquor at Mayo civic auditorium.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 110 yeas and 12 nays as follows:

Those who voted in the affirmative were:

Abeln	Clawson	Johnson	Neisen	Sieben, M.
Adams	Cohen	Jude	Nelsen, B.	Simoneau
Albrecht	Corbid	Kahn	Nelsen, M.	Skoglund
Anderson, B.	Cummiskey	Kaley	Nelson	Smogard
Anderson, G.	Dean	Kalis	Niehaus	Spanish
Anderson, I.	Eckstein	Kelly, W.	Norton	Stanton
Anderson, R.	Ellingson	Kempe, A.	Novak	Stoa
Arlandson	Enebo	Kempe, R.	Osthoff	Suss
Battaglia	Evans	King	Peterson	Swanson
Beauchamp	Ewald	Knickerbocker	Petrafeso	Tomlinson
Begich	Farcy	Kostohryz	Pleasant	Vanasek
Berg	Fjoslien	Laidig	Prahl	Voss
Berglin	Forsythe	Lehto	Redalen	Waldorf
Berkelman	Friedrich	Lenke	Reding	Welch
Biersdorf	Fugina	Mangan	Rice	Wenzel
Brandl	George	Mann	Rose	White
Braun	Gunter	McCarron	St. Onge	Wieser
Byrne	Hanson	McCollar	Sarna	Wigley
Carlson, A.	Heinitz	McDonald	Scheid	Williamson
Carlson, L.	Hokanson	McEachern	Schulz	Wynia
Casserly	Jacobs	Moe	Searles	Zubay
Clark	Jaros	Murphy	Sieben, H.	Speaker Sabo

Those who voted in the negative were:

Anderson, D.	Erickson	Onnen	Searle	Wenstrom
Carlson, D.	Kroening	Pehler	Sherwood	
Eken	Langseth	Samuelson		

The bill was passed and its title agreed to.

H. F. No. 2066, A bill for an act relating to commerce; providing for delivery of motor vehicle certificates of title to owners; amending Minnesota Statutes 1976, Section 168A.20, Subdivision 1.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 123 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Beauchamp	Carlson, D.	Eckstein	Friedrich
Adams	Begich	Carlson, L.	Eken	Fugina
Albrecht	Berg	Casserly	Ellingson	George
Anderson, B.	Berglin	Clark	Enebo	Gunter
Anderson, D.	Berkelman	Clawson	Erickson	Hanson
Anderson, G.	Biersdorf	Cohen	Evans	Heinitz
Anderson, I.	Brandl	Corbid	Ewald	Hokanson
Anderson, R.	Braun	Cummiskey	Farcy	Jacobs
Arlandson	Byrne	Dean	Fjoslien	Jaros
Battaglia	Carlson, A.	Den Ouden	Forsythe	Johnson

Jude	Lemke	Novak	Schulz	Vanasek
Kahn	Mangan	Onnen	Searle	Voss
Kaley	Mann	Osthoff	Searles	Waldorf
Kalis	McCarron	Pehler	Sherwood	Welch
Kelly, R.	McDonald	Peterson	Sieben, H.	Wenstrom
Kelly, W.	McEachern	Petrafeso	Sieben, M.	Wenzel
Kempe, A.	Moe	Pleasant	Simoneau	White
Kempe, R.	Munger	Prahl	Skoglund	Wieser
King	Murphy	Redalen	Smogard	Wigley
Knickerbocker	Neisen	Reding	Spanish	Williamson
Kostohryz	Nelsen, B.	Rice	Stanton	Wynia
Kroening	Nelsen, M.	Rose	Stoa	Zubay
Laidig	Nelson	St. Onge	Suss	Speaker Sabo
Langseth	Niehaus	Samuelson	Swanson	
Lehto	Norton	Scheid	Tomlinson	

The bill was passed and its title agreed to.

S. F. No. 265, A bill for an act relating to highways; providing that towns be reimbursed for repairing and restoring town roads damaged while utilized as a haul road in transporting road building materials used in construction or maintenance.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 122 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Cohen	Jude	Neisen	Sieben, M.
Adams	Corbid	Kahn	Nelsen, B.	Simoneau
Albrecht	Cummiskey	Kaley	Nelsen, M.	Skoglund
Anderson, B.	Dean	Kalis	Nelson	Smogard
Anderson, D.	Den Ouden	Kelly, R.	Niehaus	Spanish
Anderson, G.	Eckstein	Kelly, W.	Norton	Stanton
Anderson, I.	Eken	Kempe, A.	Novak	Stoa
Anderson, R.	Ellingson	Kempe, R.	Onnen	Swanson
Arlandson	Enebo	King	Osthoff	Tomlinson
Battaglia	Erickson	Knickerbocker	Pehler	Vanasek
Beauchamp	Evans	Kostohryz	Peterson	Voss
Begich	Ewald	Kroening	Petrafeso	Waldorf
Berg	Faricy	Laidig	Prahl	Welch
Berglin	Fjoslien	Langseth	Redalen	Wenstrom
Berkelman	Forsythe	Lehto	Reding	Wenzel
Biersdorf	Friedrich	Lemke	Rice	White
Brandl	Fugina	Mangan	Rose	Wieser
Braun	George	Mann	St. Onge	Wigley
Byrne	Gunter	McCarron	Samuelson	Williamson
Carlson, A.	Hanson	McCollar	Sarna	Wynia
Carlson, D.	Heinitz	McDonald	Schulz	Zubay
Carlson, L.	Hokanson	McEachern	Searle	Speaker Sabo
Casserly	Jacobs	Moe	Searles	
Clark	Jaros	Munger	Sherwood	
Clawson	Johnson	Murphy	Sieben, H.	

The bill was passed and its title agreed to.

S. F. No. 1758, A bill for an act relating to the department of transportation; permitting the commissioner of transportation

to designate primary and alternate routes for the Great River Road; deleting the statutory route; removing duty of the commissioner to maintain the road; amending Minnesota Statutes 1976, Sections 161.142 and 161.148, Subdivisions 1, 2 and 3; repealing Minnesota Statutes 1976, Section 161.148, Subdivision 4.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 120 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Abeln	Cohen	Jude	Murphy	Searles
Adams	Corbid	Kahn	Neisen	Sieben, H.
Albrecht	Cummiskey	Kaley	Nelsen, B.	Sieben, M.
Anderson, B.	Dean	Kalis	Nelsen, M.	Simoneau
Anderson, D.	Den Ouden	Kelly, R.	Nelson	Skoglund
Anderson, G.	Eckstein	Kelly, W.	Niehaus	Smogard
Anderson, I.	Ellingson	Kempe, A.	Norton	Spanish
Arlandson	Enebo	Kempe, R.	Novak	Stanton
Battaglia	Erickson	King	Onnen	Stoa
Beauchamp	Evans	Knickerbocker	Osthoff	Swanson
Begich	Ewald	Kostohryz	Pehler	Tomlinson
Berg	Faricy	Kroening	Peterson	Vanasek
Berglin	Fjoslien	Laidig	Petrafaso	Voss
Berkelman	Forsythe	Langseth	Prahl	Waldorf
Biersdorf	Friedrich	Lehto	Redalen	Welch
Brandl	Fugina	Lemke	Reding	Wenstrom
Braun	George	Mangan	Rice	Wenzel
Byrne	Gunter	Mann	Rose	White
Carlson, A.	Hanson	McCarron	St. Onge	Wieser
Carlson, D.	Heinitz	McCollar	Samuelson	Wigley
Carlson, L.	Hokanson	McDonald	Sarna	Williamson
Cassery	Jacobs	McEachern	Scheid	Wynia
Clark	Jaros	Moe	Schulz	Zubay
Clawson	Johnson	Munger	Searle	Speaker Sabo

Those who voted in the negative were:

Eken

The bill was passed and its title agreed to.

H. F. No. 1732, A resolution urging the President and Congress to take action to insure environmental safeguards in connection with an electrical generating facility at Atikokan, Ontario, Canada.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 124 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Cohen	Kahn	Nelsen, B.	Sieben, H.
Adams	Corbid	Kaley	Nelsen, M.	Sieben, M.
Albrecht	Cummiskey	Kalis	Nelson	Simoneau
Anderson, B.	Dean	Kelly, R.	Niehaus	Skoglund
Anderson, D.	Den Ouden	Kelly, W.	Norton	Smogard
Anderson, G.	Eckstein	Kempe, A.	Novak	Spanish
Anderson, I.	Eken	Kempe, R.	Onnen	Stanton
Anderson, R.	Ellingson	King	Osthoff	Stoa
Arlandson	Enebo	Knickerbocker	Pehler	Suss
Battaglia	Erickson	Kostohryz	Peterson	Swanson
Beauchamp	Evans	Kroening	Petrafeso	Tomlinson
Begich	Ewald	Laidig	Pleasant	Vanasek
Berg	Faricy	Langseth	Prahl	Voss
Berglin	Fjoslien	Lehto	Redalen	Waldorf
Berkelman	Forsythe	Lemke	Reding	Welch
Biersdorf	Fugina	Mangan	Rice	Wenstrom
Brandl	George	Mann	Rose	Wenzel
Braun	Gunter	McCarron	St. Onge	White
Byrne	Hanson	McCollar	Samuelson	Wieser
Carlson, A.	Heinitz	McDonald	Sarna	Wigley
Carlson, D.	Hokanson	McEachern	Scheid	Williamson
Carlson, L.	Jacobs	Moe	Schulz	Wynia
Casserly	Jaros	Munger	Searle	Zubay
Clark	Johnson	Murphy	Searles	Speaker Sabo
Clawson	Jude	Neisen	Sherwood	

The bill was passed and its title agreed to.

H. F. No. 1981, A bill for an act relating to natural resources; informal sales of state timber; removing the requirement of a certain affidavit; amending Minnesota Statutes 1976, Section 90.191, Subdivision 1.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 123 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Carlson, D.	Forsythe	Knickerbocker	Nelson
Adams	Carlson, L.	Fugina	Kostohryz	Niehaus
Albrecht	Casserly	George	Kroening	Norton
Anderson, B.	Clark	Gunter	Laidig	Novak
Anderson, D.	Clawson	Hanson	Langseth	Onnen
Anderson, G.	Cohen	Heinitz	Lehto	Osthoff
Anderson, I.	Corbid	Hokanson	Lemke	Pehler
Arlandson	Cummiskey	Jacobs	Mangan	Peterson
Battaglia	Dean	Jaros	Mann	Petrafeso
Beauchamp	Den Ouden	Johnson	McCarron	Pleasant
Begich	Eckstein	Jude	McCollar	Prahl
Berg	Eken	Kahn	McDonald	Redalen
Berglin	Ellingson	Kaley	McEachern	Reding
Berkelman	Enebo	Kalis	Moe	Rice
Biersdorf	Erickson	Kelly, R.	Munger	Rose
Brandl	Evans	Kelly, W.	Murphy	St. Onge
Braun	Ewald	Kempe, A.	Neisen	Samuelson
Byrne	Faricy	Kempe, R.	Nelsen, B.	Sarna
Carlson, A.	Fjoslien	King	Nelsen, M.	Scheid



Schulz	Simoneau	Suss	Welch	Williamson
Searle	Skoglund	Swanson	Wenstrom	Wynia
Searles	Smogard	Tomlinson	Wenzel	Zubay
Sherwood	Spanish	Vanasek	White	Speaker Sabo
Sieben, H.	Stanton	Voss	Wieser	
Sieben, M.	Stoa	Waldorf	Wigley	

The bill was passed and its title agreed to.

H. F. No. 2008 was reported to the House.

There being no objection, H. F. No. 2008 was continued on the Consent Calendar for one day.

H. F. No. 2225 was reported to the House.

Moe moved to amend H. F. No. 2225, as follows:

Page 1, line 8, strike "26" insert "25".

Page 2, line 1, strike "26" insert "25".

Page 2, line 4, strike "26" insert "25".

Page 3, line 22, strike "26" insert "25".

Page 3, line 28, strike "26" insert "25".

Page 4, line 5, strike "26" insert "25".

Page 4, line 10, strike "26" insert "25".

Page 4, line 23, strike "26" insert "25".

Page 4, line 29, strike "26" insert "25".

Page 6, line 25, strike "26" insert "25".

Page 6, line 28, strike "26" insert "25".

Page 7, line 2, strike "26" insert "25".

Page 8, line 32, strike "26" insert "25".

Page 9, line 2, strike "26" insert "25".

Page 9, line 19, strike "26" insert "25".

Page 9, line 24, strike "26" insert "25".

Page 10, line 10, strike "26" insert "25".

Page 11, line 15, strike "26" insert "25".

Page 12, line 4, strike "26" insert "25".

Page 14, line 31, strike "26" insert "25".

Page 18, line 29, strike "26" insert "25".

Page 19, line 1, strike "26" insert "25".

Page 19, line 7, strike Section 25 from the bill.

Page 19, line 16, strike "26" insert "25".

Page 19, line 17, strike "26" insert "25".

Page 19, line 20, strike "27" insert "26".

The motion prevailed and the amendment was adopted.

H. F. No. 2225, A bill for an act relating to prepaid legal service plans; authorizing creation of nonprofit, legal service plan corporations; providing for their formation and regulation; prescribing penalties.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 121 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Abeln	Casserly	Jacobs	McDonald	Rose
Adams	Clark	Jaros	McEachern	St. Onge
Albrecht	Clawson	Johnson	Moe	Samuelson
Anderson, B.	Cohen	Jude	Munger	Sarna
Anderson, D.	Corbid	Kahn	Murphy	Scheid
Anderson, G.	Dean	Kaley	Neisen	Schulz
Anderson, I.	Den Ouden	Kalis	Nelsen, B.	Searle
Anderson, R.	Eckstein	Kelly, R.	Nelsen, M.	Searles
Arlandson	Eken	Kelly, W.	Nelson	Sherwood
Battaglia	Ellingson	Kempe, A.	Niehau	Sieben, H.
Beauchamp	Enebo	Kempe, R.	Norton	Sieben, M.
Begich	Erickson	King	Novak	Simoneau
Berg	Evans	Knickerbocker	Onnen	Skoglund
Berglin	Ewald	Kostohryz	Osthoff	Smogard
Berkelman	Faricy	Kroening	Pehler	Spanish
Biersdorf	Fjoslien	Langseth	Peterson	Stanton
Brandl	Fugina	Lehto	Petrafeso	Stoa
Braun	George	Lemke	Pleasant	Suss
Byrne	Gunter	Mangan	Prahl	Swanson
Carlson, A.	Hanson	Mann	Redalen	Tomlinson
Carlson, D.	Heinitz	McCarron	Reding	Vanasek
Carlson, L.	Hokanson	McCollar	Rice	Voss

Waldorf	Wenzel	Wigley	Zubay	Speaker Sabo
Welch	White	Williamson		
Wenstrom	Wieser	Wynia		

Those who voted in the negative were:

Cummiskey

The bill was passed, as amended, and its title agreed to.

### CALENDAR

H. F. No. 1826, A bill for an act relating to public welfare; providing compensation to residents of state institutions; accepting volunteer services; authorizing rule promulgation for child cost of care; authorizing ward institutional placement for respite care; concerning the discharge of a committed patient; providing for a hospital program plan; concerning local welfare hearing; regarding child support; amending Minnesota Statutes 1976, Sections 246.36; 252A.11, Subdivision 3; 253A.15, Subdivision 11; 253A.17, Subdivision 9; 256.045, Subdivision 2; Chapter 246, by adding a section; Minnesota Statutes, 1977 Supplement, Sections 252.27, Subdivision 2; 256.79; 256.873.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 119 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Cohen	Jude	Nelsen, B.	Sherwood
Adams	Corbid	Kaley	Nelsen, M.	Sieben, H.
Albrecht	Cummiskey	Kalis	Nelson	Sieben, M.
Anderson, B.	Dean	Kelly, R.	Niehaus	Simoneau
Anderson, D.	Den Ouden	Kelly, W.	Norton	Skoglund
Anderson, G.	Eckstein	Kempe, A.	Novak	Spanish
Anderson, I.	Eken	Kempe, R.	Onnen	Stanton
Anderson, R.	Ellingson	King	Osthoff	Stoa
Battaglia	Enebo	Knickerbocker	Pehler	Suss
Beauchamp	Erickson	Kostohryz	Peterson	Swanson
Begich	Evans	Kroening	Petrafeso	Tomlinson
Berg	Ewald	Laidig	Pleasant	Vanasek
Berglin	Faricy	Langseth	Prahl	Voss
Berkelman	Fjoslien	Lehto	Redalen	Waldorf
Biersdorf	Forsythe	Lemke	Reding	Welch
Brandl	Fugina	Mangan	Rice	Wenstrom
Braun	George	Mann	Rose	Wenzel
Byrne	Gunter	McCarron	St. Onge	White
Carlson, A.	Hanson	McDonald	Samuelson	Wieser
Carlson, D.	Heinitz	McEachern	Sarna	Wigley
Carlson, L.	Hokanson	Moe	Scheid	Williamson
Casserly	Jacobs	Munger	Schulz	Wynia
Clark	Jaros	Murphy	Searle	Speaker Sabo
Clawson	Johnson	Neisen	Searles	

The bill was passed and its title agreed to.

H. F. No. 842, A bill for an act relating to financial institutions; establishing procedures for issuance of orders and removal of officers, trustees or directors in the event of violations of law or unsafe practices; providing penalties.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 117 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Cohen	Kaley	Nelsen, M.	Sieben, M.
Adams	Corbid	Kalis	Nelson	Simoneau
Albrecht	Dean	Kelly, R.	Niehaus	Skoglund
Anderson, B.	Den Ouden	Kelly, W.	Norton	Smogard
Anderson, D.	Eckstein	Kempe, A.	Novak	Spanish
Anderson, G.	Eken	Kempe, R.	Onnen	Stoa
Anderson, I.	Ellingson	King	Osthoff	Suss
Anderson, R.	Enebo	Knickerbocker	Pehler	Swanson
Arlandson	Erickson	Kostohryz	Peterson	Tomlinson
Battaglia	Evans	Kroening	Petrafaso	Voss
Beauchamp	Ewald	Laidig	Pleasant	Waldorf
Begich	Faricy	Langseth	Prahl	Welch
Berg	Fjoslien	Lehto	Redalen	Wenstrom
Berglin	Forsythe	Lenke	Reding	Wenzel
Berkelman	Fugina	Mangan	Rose	White
Biersdorf	George	Mann	St. Onge	Wieser
Brandl	Gunter	McCarron	Samuelson	Wigley
Braun	Hanson	McCollar	Sarna	Williamson
Byrne	Heinitz	McDonald	Scheid	Wynia
Carlson, A.	Hokanson	McEachern	Schulz	Zubay
Carlson, D.	Jacobs	Moe	Searle	Speaker Sabo
Carlson, L.	Jaros	Munger	Searles	
Clark	Johnson	Murphy	Sherwood	
Clawson	Jude	Nelsen, B.	Sieben, H.	

The bill was passed and its title agreed to.

H. F. No. 2081, A bill for an act relating to education; authorizing expansion of the environmental education program; amending Minnesota Statutes 1976, Section 89.35, Subdivision 2; and Minnesota Statutes, 1977 Supplement, Section 126.111, Subdivision 1.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 113 yeas and 5 nays as follows:

Those who voted in the affirmative were:

Abeln	Anderson, G.	Beauchamp	Biersdorf	Carlson, A.
Adams	Anderson, R.	Begich	Brandl	Carlson, D.
Anderson, B.	Arlandson	Berg	Braun	Carlson, L.
Anderson, D.	Battaglia	Berglin	Byrne	Clark

Clawson	Heinitz	Lemke	Peterson	Spanish
Cohen	Hokanson	Mangan	Petrafaso	Stoa
Corbid	Jacobs	Mann	Redalen	Suss
Cummiskey	Jaros	McCarron	Reding	Swanson
Dean	Johnson	McCollar	Rice	Tomlinson
Den Ouden	Jude	McDonald	Rose	Vanasek
Eckstein	Kaley	McEachern	St. Onge	Voss
Ellingson	Kalis	Moe	Samuelson	Waldorf
Enebo	Kelly, R.	Munger	Sarna	Welch
Erickson	Kelly, W.	Murphy	Scheid	Wenstrom
Evans	Kempe, A.	Neisen	Schulz	Wenzel
Ewald	Kempe, R.	Nelsen, B.	Searle	White
Farcy	King	Nelsen, M.	Searles	Wigley
Forsythe	Knickerbocker	Nelson	Sherwood	Williamson
Friedrich	Kostohryz	Norton	Sieben, H.	Wynia
Fugina	Kroening	Novak	Sieben, M.	Zubay
George	Laidig	Onnen	Simoneau	Speaker Sabo
Gunter	Langseth	Osthoff	Skoglund	
Hanson	Lehto	Pehler	Smogard	

Those who voted in the negative were:

Anderson, I.	Eken	Fjoslien	Niehaus	Wieser
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The bill was passed and its title agreed to.

H. F. No. 2102, A bill for an act relating to labor; clarifying the definition of public employer in the public employees labor relations act; amending Minnesota Statutes 1976, Section 179.63, Subdivision 4.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 123 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Casserly	Gunter	Lemke	Petrafaso
Adams	Clark	Hanson	Mangan	Pleasant
Albrecht	Clawson	Heinitz	Mann	Prahl
Anderson, B.	Cohen	Hokanson	McCarron	Redalen
Anderson, D.	Corbid	Jacobs	McCollar	Reding
Anderson, G.	Cummiskey	Jaros	McDonald	Rice
Anderson, I.	Dean	Johnson	McEachern	Rose
Anderson, R.	Den Ouden	Jude	Moe	St. Onge
Arlandson	Eckstein	Kaley	Munger	Samuelson
Battaglia	Eken	Kalis	Murphy	Sarna
Beauchamp	Ellingson	Kelly, R.	Neisen	Scheid
Begich	Enebo	Kelly, W.	Nelsen, B.	Schulz
Berg	Erickson	Kempe, A.	Nelsen, M.	Searle
Berglin	Evans	Kempe, R.	Nelson	Searles
Biersdorf	Ewald	King	Niehaus	Sherwood
Brandl	Farcy	Knickerbocker	Norton	Sieben, H.
Braun	Fjoslien	Kostohryz	Novak	Sieben, M.
Byrne	Forsythe	Kroening	Onnen	Simoneau
Carlson, A.	Friedrich	Laidig	Osthoff	Skoglund
Carlson, D.	Fugina	Langseth	Pehler	Smogard
Carlson, L.	George	Lehto	Peterson	Spanish

Stanton	Tomlinson	Welch	Wieser	Zubay
Stoa	Vanasek	Wenstrom	Wigley	Speaker Sabo
Suss	Voss	Wenzel	Williamson	
Swanson	Waldorf	White	Wynia	

The bill was passed and its title agreed to.

H. F. No. 1965, A bill for an act relating to highways; directing the department of transportation to utilize a certain corridor in Washington county for the construction of interstate highway marked No. I 94.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 117 yeas and 3 nays as follows:

Those who voted in the affirmative were:

Abeln	Dean	Kalis	Nelsen, M.	Skoglund
Adams	Den Ouden	Kelly, R.	Nelson	Smogard
Anderson, G.	Eken	Kelly, W.	Niehaus	Spanish
Anderson, I.	Ellingson	Kempe, A.	Norton	Stanton
Anderson, R.	Enebo	Kempe, R.	Novak	Stoa
Arlandson	Erickson	King	Onnen	Suss
Battaglia	Evans	Knickerbocker	Pehler	Swanson
Beauchamp	Ewald	Kostohryz	Peterson	Tomlinson
Begich	Faricy	Kroening	Petrafaso	Vanasek
Berg	Fjoslien	Laidig	Pleasant	Voss
Berglin	Forsythe	Langseth	Prahl	Waldorf
Biersdorf	Friedrich	Lehto	Redalen	Welch
Brandl	Fugina	Lemke	Reding	Wenstrom
Braun	George	Mangan	Rice	Wenzel
Byrne	Gunter	Mann	Rose	White
Carlson, A.	Hanson	McCarron	St. Onge	Wieser
Carlson, D.	Heinitz	McCollar	Samuelson	Wigley
Carlson, L.	Hokanson	McDonald	Sarna	Williamson
Casserly	Jacobs	McEachern	Scheid	Wynia
Clark	Jaros	Moe	Schulz	Zubay
Clawson	Johnson	Munger	Searles	Speaker Sabo
Cohen	Jude	Murphy	Sherwood	
Corbid	Kahn	Neisen	Sieben, H.	
Cummiskey	Kaley	Nelsen, B.	Simoneau	

Those who voted in the negative were:

Anderson, D.	Eckstein	Sieben, M.
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The bill was passed and its title agreed to.

H. F. No. 2067, A bill for an act relating to transportation; authorizing permits for the construction of agricultural fences on a highway right-of-way.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 114 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Cummiskey	Kalis	Nelsen, B.	Sieben, H.
Adams	Dean	Kelly, R.	Nelsen, M.	Sieben, M.
Albrecht	Den Ouden	Kelly, W.	Nelson	Simoneau
Anderson, B.	Eckstein	Kempe, A.	Niehaus	Skoglund
Anderson, D.	Eken	Kempe, R.	Norton	Smogard
Anderson, G.	Ellingson	King	Novak	Spanish
Anderson, R.	Enebo	Knickerbocker	Onnen	Stoa
Arlandson	Erickson	Kostohryz	Osthoff	Suss
Battaglia	Faricy	Kroening	Pehler	Swanson
Beauchamp	Fjoslien	Laidig	Peterson	Tomlinson
Begich	Forsythe	Langseth	Petrafeso	Vanasek
Berg	Friedrich	Lehto	Pleasant	Voss
Berglin	Fugina	Lemke	Prahl	Waldorf
Biersdorf	George	Mangan	Reding	Welch
Brandl	Gunter	Mann	Rice	Wenzel
Braun	Hanson	McCarron	Rose	White
Carlson, A.	Hokanson	McCollar	St. Onge	Wieser
Carlson, D.	Jacobs	McDonald	Sarna	Wigley
Carlson, L.	Jaros	McEachern	Samuelson	Williamson
Clark	Johnson	Moe	Schulz	Wynia
Clawson	Jude	Munger	Searle	Zubay
Cohen	Kahn	Murphy	Searles	Speaker Sabo
Corbid	Kaley	Neisen	Sherwood	

The bill was passed and its title agreed to.

### 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. After some time spent therein the Committee arose.

#### REPORT OF COMMITTEE OF THE WHOLE

The Speaker resumed the Chair, whereupon the following proceedings of the Committee as kept by the Chief Clerk were reported to the House:

H. F. Nos. 1137, 1808 and 1787 which it recommended to pass.

S. F. No. 1613 which it recommended to pass.

H. F. Nos. 1612 and 838 which it recommended progress.

H. F. No. 1383 which it recommended progress until Wednesday, March 8, 1978 retaining its place on General Orders.

S. F. No. 1685 which it recommended progress until Wednesday, March 8, 1978.

H. F. No. 1344 which it recommended progress until Monday, March 6, 1978.

H. F. No. 1345 which it recommended to pass with the following amendment offered by Faricy and Anderson, I.:

Page 1, line 20, after "*machine*" insert "*unless licensed as a water well contractor or master water well driller*".

Page 1, after line 23, insert a new section to read:

"Sec. 2. Minnesota Statutes 1976, Section 156A.03, Subdivision 1, is amended to read:

156A.03 [REGULATION AND LICENSING.]

Subdivision 1. The state board of health shall regulate and license the drilling and constructing of all water wells within this state, examine and license water well contractors *and master water well drillers* and, after consultation with the commissioner of natural resources and the pollution control agency establish standards for the design, location and construction of water wells within this state."

Re-number the remaining section.

Page 2, line 9, after "*contractor*" insert "*or master water well driller*".

Page 2, after line 18, insert a new section to read:

"Sec. 4. Minnesota Statutes 1976, Section 156A.05, is amended by adding a subdivision to read:

*Subd. 4. The state board of health shall adopt rules for the licensure of master water well drillers."*

Amend the title:

Line 6, after "3;" delete "and".

Line 6, after "156A.03" delete "Subdivision" and insert "Subdivisions 1 and".

Line 6, after "2" insert "; 156A.05, by adding a subdivision".

H. F. No. 2043 which it recommended progress with the following amendments:

Offered by McDonald:

Page 2, line 6, after "(b)" delete "*Repeated neglect of duty; or*" and insert "*Criminal conduct*".

Page 2, delete lines 7 and 8.



Offered by George:

Page 1, line 13, delete "*Subdivision 1.*".

Page 2, lines 2 to 8, delete "Subd. 2."

S. F. No. 804 which it recommended to pass with the following amendments to the unofficial engrossment:

Offered by Sherwood and Carlson, A.:

Page 5, line 10, reinstate the stricken language.

Page 5, line 10, delete "*or a fine*".

Page 5, line 11, delete "*of not more than \$500 or both*".

Page 5, line 13, after "days." insert "*All but four days of imprisonment may be suspended on the condition that the convicted person successfully complete a treatment program administered by a public or private institution or a facility providing rehabilitation for chemical dependency authorized by the department of public welfare.*".

Page 5, line 19, before "The" insert "(a)".

Page 5, line 20, strike "or 4".

Page 5, line 28, after "section." insert "*(b) The court may not stay imposition or execution of any sentence authorized by subdivision 4, notwithstanding section 609.135.*".

Offered by Sieben, M.:

Page 17, following line 15, insert:

"Sec. 3. Minnesota Statutes 1976, Section 169.124, is amended to read:

169.124 [ALCOHOL SAFETY PROGRAM.] Subdivision 1. The county board of every county having a population of more than 10,000 shall and the county board of every county having a population of less than 10,000 may establish an alcohol safety program designed to provide (PRESENTENCE INVESTIGATION) *alcohol problem assessment* and evaluation of persons convicted of one of the offenses enumerated in section 169.126, subdivision 1.

Subd. 2. The (PRESENTENCE INVESTIGATION) *alcohol problem assessment* 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 169.126. The (PRESENTENCE INVESTIGATION) *alcohol problem assessment* 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) *alcohol problem assessment* 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. The promulgation of such rules and standards shall not be subject to chapter 15.

Subd. 3. The cost of (PRESENTENCE INVESTIGATION) *alcohol problem assessment* outlined in this section shall be borne by the county. Upon application by the county to the commissioner of public safety, the commissioner shall reimburse the county up to 50 percent of the cost of each (PRESENTENCE INVESTIGATION) *alcohol problem assessment* not to exceed \$25 in each case. Payments shall be made annually and prorated if insufficient funds are appropriated.

Sec. 4. Minnesota Statutes 1976, Section 169.125, is amended to read:

169.125 [COUNTY COOPERATION.] County boards may enter into an agreement to establish a regional (PRESENTENCE INVESTIGATION) *alcohol problem assessment* alcohol safety program. County boards may contract with other counties and agencies for (PRESENTENCE INVESTIGATION) *alcohol problem assessment* services.

Sec. 5. Minnesota Statutes 1976, Section 169.126, is amended to read:

169.126 [ALCOHOL PROBLEM ASSESSMENT.] Subdivision 1. (A PRESENTENCE INVESTIGATION) *An alcohol problem assessment* shall be conducted in counties of more than 10,000 population and a report submitted to the court by the county agency administering the alcohol safety counseling program when:

(a) The defendant is convicted of an offense described in section 169.121; or

(b) The defendant is arrested for committing an offense described in section 169.121, is not convicted therefor, but is convicted of another offense arising out of the circumstances surrounding such arrest.

Subd. 2. The report shall contain an evaluation of the convicted defendant concerning his prior traffic record, characteristics and history of alcohol problems, and amenability to rehabilitation through the alcohol safety program. The report shall include a recommendation as to a treatment or rehabilitation program for the defendant. The report shall be classified as private data on individuals as defined in section 15.162, subdivision 5a.

Subd. 3. The report required by this section shall be prepared by a person knowledgeable in diagnosis of chemical dependency.

Subd. 4. The court (BEFORE IMPOSING SENTENCE AFTER CONVICTION FOR ONE OF THE OFFENSES DESCRIBED IN SUBDIVISION 1) shall give due consideration to the agency's report.

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) *alcohol problem assessment* 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) *alcohol problem assessment* would not substantially aid the court in sentencing, such a (PRESENTENCE INVESTIGATION) *alcohol problem assessment* need not be conducted.

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) *alcohol problem assessment*."

Page 20, line 2, delete "11" and insert "14".

Page 18, line 29, delete "6" and insert "9".

Renumber remaining sections.

Further, amend the title as follows:

Page 1, line 8, after "circumstances;" insert "alcohol problem assessment programs;"

Page 1, line 11, after "subdivision;" insert "169.124; 169.125; 169.126;"

On the motion of Anderson, I., the report of the Committee of the Whole was adopted.

#### ROLL CALLS IN COMMITTEE OF THE WHOLE

Pursuant to rule 1.6, the following roll calls were taken in the Committee of the Whole:

The question was taken on the motion to recommend passage of H. F. No. 1345, as amended, and the roll was called. There were 59 yeas and 44 nays as follows:

Those who voted in the affirmative were:

Abeln	Clark	Jude	Munger	Searle
Adams	Cohen	Kalis	Murphy	Sieben, H.
Anderson, I.	Cummiskey	Kelly, W.	Nelson	Sieben, M.
Arlandson	Ellingson	Kempe, A.	Osthoff	Simoneau
Battaglia	Enebo	Kempe, R.	Pehler	Spanish
Berglin	Evans	King	Petrafaso	Swanson
Berkelman	Faricy	Kostohryz	Prahl	Tomlinson
Biersdorf	Fugina	Lehto	Reding	Waldorf
Brandl	George	Mann	St. Onge	White
Braun	Gunter	McCarron	Sarna	Wynia
Byrne	Hokanson	McCollar	Scheid	Speaker Sabo
Carlson, L.	Jacobs	McEachern	Schulz	

Those who voted in the negative were:

Albrecht	Dean	Langseth	Peterson	Vanasek
Anderson, B.	Den Ouden	Mangan	Pleasant	Voss
Anderson, D.	Eckstein	McDonald	Redalen	Welch
Anderson, G.	Eken	Neisen	Rose	Wenstrom
Anderson, R.	Fjoslien	Nelsen, B.	Searles	Wenzel
Beauchamp	Forsythe	Nelsen, M.	Sherwood	Wieser
Carlson, D.	Heinitz	Niehaus	Smogard	Wigley
Clawson	Johnson	Novak	Stoa	Zubay
Corbid	Laidig	Onnen	Suss	

The motion prevailed.

The question was taken on the motion to recommend passage of H. F. No. 2043, as amended, and the roll was called. There were 25 yeas and 74 nays as follows:

Those who voted in the affirmative were:

Anderson, I.	Ellingson	King	Pehler	Spanish
Battaglia	Enebo	Kostohryz	Prahl	Voss
Begich	Fugina	McCarron	Rice	White
Berg	Gunter	McCollar	St. Onge	Williamson
Braun	Johnson	Murphy	Simoneau	Speaker Sabo

Those who voted in the negative were:

Abeln	Clawson	Kaley	Norton	Smogard
Adams	Dean	Kalis	Novak	Stanton
Albrecht	Den Ouden	Kelly, W.	Onnen	Stoa
Anderson, B.	Eckstein	Kempe, A.	Peterson	Suss
Anderson, D.	Erickson	Kempe, R.	Pleasant	Swanson
Anderson, G.	Evans	Knickerbocker	Redalen	Tomlinson
Anderson, R.	Ewald	Laidig	Reding	Vanasek
Beauchamp	Faricy	Langseth	Rose	Waldorf
Berkelman	Fjoslien	Lehto	Savelkoul	Welch
Biersdorf	Forsythe	Mangan	Searle	Wenstrom
Brandl	Friedrich	McDonald	Searles	Wenzel
Byrne	Heinitz	Moe	Sherwood	Wigley
Carlson, A.	Hokanson	Neisen	Sieben, H.	Wynia
Carlson, D.	Jude	Neisen, B.	Sieben, M.	Zubay
Carlson, L.	Kahn	Niehaus	Skoglund	

The motion did not prevail.

Sherwood and Carlson, A., moved to amend S. F. No. 804, the unofficial engrossment, as follows:

Page 5, line 10, reinstate the stricken language.

Page 5, line 10, delete "or a fine".

Page 5, line 11, delete "of not more than \$500 or both".

Page 5, line 13, after "days." insert "*All but four days of imprisonment may be suspended on the condition that the convicted person successfully complete a treatment program administered by a public or private institution or a facility providing rehabilitation for chemical dependency authorized by the department of public welfare.*"

Page 5, line 19, before "The" insert "(a)".

Page 5, line 20, strike "or 4".

Page 5, line 28, after "section." insert "*(b) The court may not stay imposition or execution of any sentence authorized by subdivision 4, notwithstanding section 609.135.*"

The question was taken on the adoption of the amendment and the roll was called. There were 60 yeas and 55 nays as follows:

Those who voted in the affirmative were:

Abeln	Carlson, A.	Evans	Heinitz	Kelly, R.
Adams	Carlson, D.	Ewald	Hokanson	Kempe, R.
Albrecht	Carlson, L.	Faricy	Jacobs	Knickerbocker
Anderson, B.	Cohen	Fjoslien	Johnson	Kroening
Anderson, D.	Corbid	Forsythe	Jude	Laidig
Anderson, G.	Dean	Friedrich	Kahn	Langseth
Beauchamp	Den Ouden	Gunter	Kaley	McDonald
Brandl	Erickson	Hanson	Kalis	Neisen

Nelsen, B.	Prahl	Scheid	Stanton	Wenstrom
Niehaus	Reding	Searles	Vanasek	Wieser
Onnen	Rose	Sherwood	Voss	Wigley
Peterson	Savelkoul	Smogard	Waldorf	Zubay

Those who voted in the negative were:

Anderson, I.	Cassery	Kempe, A.	Munger	Sieben, H.
Anderson, R.	Clark	King	Murphy	Sieben, M.
Arlandson	Clawson	Kostohryz	Nelson	Simoneau
Battaglia	Cummiskey	Lehto	Novak	Skoglund
Begich	Eckstein	Lemke	Osthoff	Stoa
Berg	Eken	Mangan	Pehler	Tomlinson
Berglin	Ellingson	Mann	Petrafaso	Welch
Berkelman	Enebo	McCarron	Rice	Wenzel
Biersdorf	George	McCollar	St. Onge	White
Braun	Jaros	McEachern	Samuelson	Williamson
Byrne	Kelly, W.	Moe	Sarna	Speaker Sabo

The motion prevailed and the amendment was adopted.

Cummiskey moved to amend S. F. No. 804, the unofficial engrossment, as follows:

Page 7, after line 1, add a new subdivision to read:

*"Subd. 8. Any person acquitted of a violation of section 169.121, unless he refused chemical testing as provided in section 169.123, shall not have his drivers license revoked by reason of his having an alcohol concentration of .10 or more."*

The question was taken on the adoption of the amendment and the roll was called. There were 7 yeas and 101 nays as follows:

Those who voted in the affirmative were:

Braun	George	Pleasant	Spanish	Williamson
Cummiskey	Norton			

Those who voted in the negative were:

Abeln	Clawson	Johnson	Mann	St. Onge
Adams	Cohen	Jude	McDonald	Sarna
Albrecht	Dean	Kahn	McEachern	Savelkoul
Anderson, B.	Den Ouden	Kaley	Moe	Scheid
Anderson, D.	Ellingson	Kalis	Munger	Schulz
Anderson, G.	Enebo	Kelly, R.	Murphy	Searles
Anderson, I.	Erickson	Kelly, W.	Neisen	Sherwood
Arlandson	Ewald	Kempe, A.	Nelsen, B.	Sherwood
Battaglia	Farcy	Kempe, R.	Nelson	Sieben, H.
Beauchamp	Fjoslien	King	Niehaus	Sieben, M.
Begich	Forsythe	Knickerbocker	Novak	Simoneau
Berg	Friedrich	Kostohryz	Onnen	Skoglund
Berglin	Gunter	Kroening	Pehler	Smogard
Biersdorf	Hanson	Laidig	Peterson	Stanton
Brandl	Heinitz	Langseth	Petrafaso	Stoa
Carlson, D.	Hokanson	Lehto	Prahl	Suss
Carlson, L.	Jacobs	Lemke	Reding	Swanson
Clark	Jaros	Mangan	Rose	Tomlinson

Voss  
Waldorf  
Welch

Wenstrom  
Wenzel  
White

Wieser  
Wigley  
Wynia

Zubay

Speaker Sabo

The motion did not prevail and the amendment was not adopted.

#### MOTIONS AND RESOLUTIONS

Kelly, R., moved that the name of Byrne be added as an author on H. F. No. 1796. The motion prevailed.

Zubay moved that the name of Sieben, H., be added as an author on H. F. No. 2474. The motion prevailed.

Fjoslien moved that the name of Wenstrom be added as an author on H. F. No. 2470. The motion prevailed.

Hokanson moved that the name of Osthoff be stricken and the name of Biersdorf be added as an author on H. F. No. 2008. The motion prevailed.

Anderson, B., moved that the name of Den Ouden be added as an author on H. F. No. 2453. The motion prevailed.

#### ADJOURNMENT

Anderson, I., moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:00 p.m., Thursday, March 2, 1978.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

## STATE OF MINNESOTA

## SEVENTIETH SESSION - 1978

## EIGHTY-FIRST DAY

SAINT PAUL, MINNESOTA, THURSDAY, MARCH 2, 1978

The House of Representatives convened at 2:00 p.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	Cohen	Kahn	Nelsen, M.	Simoneau
Adams	Corbid	Kaley	Nelson	Skoglund
Albrecht	Cummiskey	Kalis	Niehaus	Smogard
Anderson, B.	Dean	Kelly, R.	Norton	Spanish
Anderson, D.	Den Ouden	Kelly, W.	Novak	Stanton
Anderson, G.	Eckstein	Kempe, A.	Onnen	Stoa
Anderson, I.	Eken	Kempe, R.	Osthoff	Suss
Anderson, R.	Ellingson	King	Pehler	Swanson
Arlandson	Enebo	Knickerbocker	Peterson	Tomlinson
Battaglia	Erickson	Kostohryz	Petrafeso	Vanasek
Beauchamp	Evans	Kroening	Pleasant	Voss
Begich	Ewald	Laidig	Prahl	Waldorf
Berg	Faricy	Langseth	Redalen	Welch
Berglin	Fjoslien	Lehto	Reding	Wenstrom
Berkelman	Forsythe	Lemke	Rice	Wenzel
Biersdorf	Friedrich	Mangan	Rose	White
Brandl	Fugina	Mann	St. Onge	Wieser
Braun	George	McCarron	Sarna	Wigley
Brinkman	Gunter	McCollar	Savelkoul	Williamson
Byrne	Hanson	McDonald	Scheid	Wynia
Carlson, A.	Heinitz	McEachern	Schulz	Zubay
Carlson, D.	Hokanson	Moe	Searle	Speaker Sabo
Carlson, L.	Jacobs	Munger	Searles	
Casserly	Jaros	Murphy	Sherwood	
Clark	Johnson	Neisen	Sieben, H.	
Clawson	Jude	Nelsen, B.	Sieben, M.	

A quorum was present.

Esau, Fudro and Samuelson were excused. Birnstihl, Jensen and Kvam were excused until 3:55 p.m. Metzen and Patton were excused until 3:25 p.m.

The Chief Clerk proceeded to read the Journal of the preceding day. Savelkoul moved that further reading of the Journal be dispensed with and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.



## REPORTS OF CHIEF CLERK

Pursuant to Rules of the House, printed copies of H. F. Nos. 669, 1345, 2043 and 2225 and S. F. Nos. 1606, 1616, 1662, 1743, 1603, 1611, 1684, 1698, 1643, 1779, 1787, 1842, 1955, 1888, 1021, 1635, 1637, 1229, 1276, 1431, 1548, 837, 838, 839 and 1446 have been placed in the members' files.

S. F. No. 1698 and H. F. No. 2006, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Jacobs moved that S. F. No. 1698 be substituted for H. F. No. 2006 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1637 and H. F. No. 1839, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

## SUSPENSION OF RULES

Begich moved that the rules be so far suspended that S. F. No. 1637 be substituted for H. F. No. 1839 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1787 and H. F. No. 2007, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

## SUSPENSION OF RULES

Waldorf moved that the rules be so far suspended that S. F. No. 1787 be substituted for H. F. No. 2007 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1643 and H. F. No. 1789, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

## SUSPENSION OF RULES

Sieben, M., moved that the rules be so far suspended that S. F. No. 1643 be substituted for H. F. No. 1789 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 GOVERNOR  
ST. PAUL 55155

March 2, 1978

The Honorable Martin Sabo  
Speaker of the House  
State of Minnesota

Dear Speaker Sabo:

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. 1065, an act relating to St. Louis County; fees for tax search certificate; amending Laws 1955, Chapter 633, Section 1, Subdivision 2.

H. F. No. 1180, an act relating to financial institutions; permitting the establishment and operation of electronic funds transfer facilities; prescribing the powers and duties of the Commissioner of Banks in relation to funds transfer facilities; protecting the privacy and security of customers of financial institutions who use electronic funds transfer facilities; prescribing penalties.

Sincerely,

RUDY PERPICH  
Governor

#### REPORTS OF STANDING COMMITTEES

Mann from the Committee on Agriculture to which was referred:

H. F. No. 2116, A bill for an act relating to state waters; establishing certain priorities for use of water in processing agricultural products; amending Minnesota Statutes, 1977 Supplement, Section 105.41, Subdivision 1a.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Mann from the Committee on Agriculture to which was referred:

H. F. No. 2389, A bill for an act relating to food; regulation and licensing of food handlers; defining terms; providing for inspection or license fees for certain coin operated food vending machines; amending Minnesota Statutes 1976, Sections 28A.03; and 28A.09.

Reported the same back with the following amendments:

Page 3, after line 19, insert "*(g) A custom processor is a person who for a fee, slaughters animals or processes noninspected meat for the owner of such animals and returns the meat product derived from such slaughter or processing to the owner. "Custom processor" shall not include a person who slaughters animals or poultry and/or processes meat for the owner of the animal or poultry on the farm or premises of the owner of such animal, meat or poultry. For the purpose of this clause "animals" or "meat" do not include poultry or game animals or meat derived therefrom.*".

Page 4, line 13, after "*city*" insert a comma.

Page 4, line 13, after "*county*" insert "*but not both*".

Page 4, line 26, after "*fee*" insert a period and delete the rest of the line.

Page 4, delete line 27.

Page 4, after line 30, insert a new section to read:

*"Sec. 3. Minnesota Statutes 1976, Section 28A.15, Subdivision 6, is repealed."*

Further amend the title as follows:

Page 1, line 6, before the period insert "*; repealing Minnesota Statutes 1976, Section 28A.15, Subdivision 6*".

With the recommendation that when so amended the bill pass.

The report was adopted.

Moe from the Committee on Criminal Justice to which was referred:

H. F. No. 1884, A bill for an act relating to highway traffic regulations; prohibiting passing a school bus when it is stopped and is displaying stop signals; providing penalties; amending Minnesota Statutes 1976, Section 169.44, Subdivision 1.

Reported the same back with the following amendment:

Page 1, line 23, delete "*gross*".

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Moe from the Committee on Criminal Justice to which was referred:

H. F. No. 1976, A bill for an act relating to highway traffic regulations; prohibiting possession of certain traffic signs; granting immunity from prosecution to persons who voluntarily notify police of their possession of such signs; amending Minnesota Statutes 1976, Section 169.08.

Reported the same back with the following amendments:

Page 1, line 17, strike "thereon, or any other part" delete "A" and insert "No".

Page 1, line 19, delete "*shall not be subject to*".

Page 1, line 20, delete "*prosecution for such possession*" and insert "*and who delivers said article to the law enforcement agency within ten days of said notification shall be subject to misdemeanor prosecution because of such possession*".

With the recommendation that when so amended the bill pass.

The report was adopted.

Johnson from the Committee on Education to which was referred:

H. F. No. 1286, A bill for an act relating to education; public libraries; providing grants for certain libraries and setting guidelines for interlibrary cooperation; amending Minnesota Statutes 1976, Sections 121.23 and 121.24; repealing Minnesota Statutes 1976, Sections 121.22 and 134.035.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert the following:

"Section 1. Minnesota Statutes 1976, Chapter 134, is amended by adding a section to read:

[134.30] [DEFINITIONS.] *Subdivision 1. As used in sections 1 to 6 of this act, the terms defined in this section shall have the meanings ascribed to them.*

*Subd. 2. "Public library" means any library that provides free access to all residents of a city or county without discrimination, receives at least half of its financial support from public funds and is organized under the provisions of chapter 134 or section 375.33. It does not include libraries such as law, medical, school and academic libraries organized to serve a special group of persons, or libraries organized as a combination of a public library and another type of library.*

*Subd. 3. "Public library services" means services provided by or on behalf of a public library and does not include services for elementary schools, secondary schools or post-secondary educational institutions.*

*Subd. 4. "Regional public library system" means a multi-county public library service agency that provides free access to all residents of the region without discrimination, and is organized under the provisions of sections 134.12, 375.335, 471.59 or chapter 317.*

*Subd. 5. "Basic system services" means services offered by all regional public library systems either directly or by contract. These services shall include, but are not limited to, communication among participants, resource sharing, delivery of materials, reciprocal borrowing, and cooperative reference service.*

Sec. 2. Minnesota Statutes 1976, Chapter 134, is amended by adding a section to read:

[134.31] [STATE DEPARTMENT OF EDUCATION; LIBRARY RESPONSIBILITIES.] *Subdivision 1. The state shall, as an integral part of its responsibility for public education, support the provision of library service for every citizen and the development of cooperative programs for the sharing of resources and services among all libraries.*

*Subd. 2. The department of education shall give advice and instruction to the managers of any public library or to any governing body maintaining a library or empowered to do so by law upon any matter pertaining to the organization, maintenance, or administration of libraries. The department may also give advice and instruction, as requested, to the managers of any library in a post-secondary educational institution. It shall assist, to the extent possible, in the establishment and organization of library service in those areas where adequate services do not exist, and may aid in improving previously established library services.*

*Subd. 3. The department may provide, for any library in the state, books, journals, audiovisual items, reference services or*

*resource materials it deems appropriate and necessary and shall encourage the sharing of library resources and the department of interlibrary cooperation.*

*Subd. 4. The department shall collect statistics on the receipts, expenditures, services, and use of the regional public library systems and the public libraries of the state. It shall also collect statistics on all activities undertaken pursuant to sections 2 to 6 of this act. The department shall report its findings to the legislature prior to November 15 of each even numbered year, together with a statement of its expenditures relating to these activities and any other matters as it deems appropriate.*

Sec. 3. Minnesota Statutes 1976, Chapter 134, is amended by adding a section to read:

[134.32] [GRANT AUTHORIZATION; TYPES OF GRANTS.] *Subdivision 1. The department shall provide the grants specified in this section from any available state or federal funds.*

*Subd. 2. It shall provide establishment grants to regional public library systems which meet the requirements of section 4 of this act, to extend library services to additional counties.*

*Subd. 3. It shall provide regional library basic system support grants to regional public library systems which meet the requirements of section 5 of this act, to assist those systems in providing basic system services.*

*Subd. 4. It may provide special project grants to assist innovative and experimental library programs including, but not limited to, special services for American Indians and the Spanish-speaking, delivery of library materials to homebound persons, other extensions of library services to persons without access to libraries and projects to strengthen and improve library services.*

*Subd. 5. It may provide grants for interlibrary exchange of books, periodicals, resource material, reference information and the expenses incident to the sharing of library resources and materials.*

*Subd. 6. It may provide grants for the improvement of library services at welfare and corrections institutions and for library service for the blind and physically handicapped.*

*Subd. 7. Nothing within the provisions of this section shall be construed to allow state money to be used for the construction of library facilities.*

*Subd. 8. The state board shall promulgate rules consistent with sections 3 to 6 of this act governing:*

*(a) Applications for these grants;*

*(b) Computation formulas for determining the amounts of establishment grants and regional library basic system support grants; and*

*(c) Eligibility criteria for grants.*

Sec. 4. Minnesota Statutes 1976, Chapter 134, is amended by adding a section to read:

[134.33] [ESTABLISHMENT GRANTS.] *Subdivision 1. An establishment grant as described in section 3, subdivision 2, of this act, shall be made to any regional public library system for the first two state fiscal years after a board of county commissioners has contracted to join that system and has agreed that the county will provide the levels of support for public library service specified in this section. In the first year of participation, the county shall provide an amount of support equivalent to .2 mill times the adjusted assessed valuation of the taxable property of the county as determined by the equalization aid review committee for the second year preceding that calendar year; in the second year of participation, an amount equivalent to .3 mill times the adjusted assessed valuation of the taxable property of the county as determined by the equalization aid review committee for the second year preceding that calendar year; and, in the third year of participation and in each year thereafter, an amount equivalent to .4 mill times the adjusted assessed valuation of the taxable property of the county as determined by the equalization aid review committee for the second year preceding that calendar year. The minimum level of support shall be certified annually to the county by the department of education. In no event shall the department of education require any county to provide a higher level of support than the level of support specified in this section in order for a system to qualify for an establishment grant. This section shall not be construed to prohibit any county from providing a higher level of support for public libraries than the level of support specified in this section.*

*Subd. 2. In order for a regional public library system to qualify for an establishment grant for a county which begins to support participation in regional public library systems in 1977 or 1978, the county shall be required to provide the amount of support specified for the third year of participation from and after January 1, 1980.*

Sec. 5. Minnesota Statutes 1976, Chapter 134, is amended by adding a section to read:

[134.34] [REGIONAL LIBRARY BASIC SYSTEM SUPPORT GRANTS; REQUIREMENTS.] *Subdivision 1.* A regional library basic system support grant shall be made to any regional public library system where there are at least three participating counties and where each participating city and county, except in the first and second years of participation as provided in section 4 of this act, is providing for public library service support in an amount equivalent to .4 mill times the adjusted assessed valuation of the taxable property of that city or county, as determined by the equalization aid review committee for the second year preceding that calendar year. The state department may waive this three participating county requirement for the Western Plains library system until June 30, 1979, if that system meets all other requirements. The minimum level of support shall be certified annually to the participating cities and counties by the department of education. A city which is a part of a regional public library system shall not be required to provide this level of support if the property of that city is already taxable by the county for the support of that regional public library system. In no event shall the department of education require any city or county to provide a higher level of support than the level of support specified in this section in order for a system to qualify for a regional library basic system support grant. This section shall not be construed to prohibit a city or county from providing a higher level of support for public libraries than the level of support specified in this section.

*Subd. 2.* Notwithstanding the provisions of section 4 of this act and subdivision 1 of this section, after the third year of participation by a city or county, the dollar amount of the minimum level of support for that city or county shall not be required to increase by more than ten percent over the dollar amount of the minimum level of support required of it in the previous year. If a participating city or county which has been providing for public library service support in an amount equivalent to .67 mill times the assessed valuation of the taxable property of that city or county for the year preceding that calendar year would be required to increase the dollar amount of such support by more than ten percent to reach the equivalent of .4 mill times the adjusted assessed valuation of the taxable property of that participating city or county as determined by the equalization aid review committee for the second year preceding that calendar year, it shall only be required to increase the dollar amount of such support by ten percent per year until such time as it reaches an amount equivalent to .4 mill times the adjusted assessed valuation of that taxable property as determined by the equalization aid review committee for the second year preceding that calendar year.

*Subd. 3.* Regional library basic system support grants shall be made only to those regional public library systems officially designated by the state board of education as the appropriate agency to strengthen, improve and promote public library services in the participating areas. The state board of education



shall designate no more than one such regional public library system located entirely within any single development region existing under sections 462.381 to 462.396 or chapter 473.

*Subd. 4. A regional library basic system support grant shall not be made to a regional public library system for a participating city or county which decreases the dollar amount provided for support for operating purposes of public library service below the amount provided by it for the preceding year. This subdivision shall not apply to participating cities or counties where the adjusted assessed valuation of that city or county has decreased, if the dollar amount of the reduction in support is not greater than the dollar amount by which support would be decreased if the reduction in support were made in direct proportion to the decrease in adjusted assessed valuation.*

**Sec. 6.** Minnesota Statutes 1976, Chapter 134, is amended by adding a section to read:

[134.35] [REGIONAL LIBRARY BASIC SYSTEM SUPPORT GRANTS; DISTRIBUTION FORMULA.] *Subdivision 1. Any regional public library system which qualifies according to the provisions of section 5 of this act may apply for an annual grant for regional library basic system support. The amount of each grant for fiscal year 1979 shall be calculated as provided in this section.*

*Subd. 2. Sixty percent of the available grant funds shall be distributed to provide all qualifying systems an equal amount per capita. Each system's allocation pursuant to this subdivision shall be based on the population it serves.*

*Subd. 3. Fifteen percent of the available grant funds shall be distributed to provide all qualifying systems an equal amount per square mile. Each system's allocation pursuant to this subdivision shall be based on the area it serves.*

*Subd. 4. The sum of \$35,000 shall be paid to each system as a base grant for basic system services.*

*Subd. 5. After the allocations made pursuant to subdivisions 2, 3 and 4 of this section, any remaining available grant funds for basic system support shall be distributed to those regional public library systems which contain counties whose adjusted assessed valuations per capita were below the state average adjusted assessed valuation per capita for the second year preceding the fiscal year for which the grant is made. Each system's entitlement shall be calculated as follows:*

*(a) Subtract the adjusted assessed valuation per capita for each eligible county or participating portion of a county from the statewide average adjusted assessed valuation per capita;*

(b) *Multiply the difference obtained in clause (a) for each eligible county or participating portion of a county by the population of that eligible county or participating portion of a county;*

(c) *For each regional public library system, determine the sum of the results of the computation in clause (b) for all eligible counties or portions thereof in that system;*

(d) *Determine the sum of the result of the computation in clause (b) for all eligible counties or portions thereof in all regional public library systems in the state;*

(e) *For each system, divide the result of the computation in clause (c) by the result of the computation in clause (d) to obtain the allocation factor for that system;*

(f) *Multiply the allocation factor for each system as determined in clause (e) times the amount of the remaining grant funds to determine each system's dollar allocation pursuant to this subdivision.*

*Subd. 6. Notwithstanding the provisions of subdivisions 1 to 5, no regional public library system shall receive an amount as an annual grant for fiscal year 1979 pursuant to this section which is less than the amount which that system received as its annual grant for fiscal year 1978. This subdivision shall expire on July 1, 1979.*

*Sec. 7. The state board of education shall promulgate rules as necessary for implementation of any provision of this act. Temporary rules may be adopted to implement this act in compliance with the provisions of section 15.0412, subdivision 5, except that these rules may be effective for up to 300 days.*

*Sec. 8. Minnesota Statutes 1976, Sections 121.22; 121.23; 121.24; and 134.035 are repealed.*

*Sec. 9. The state department may waive the requirement that three counties participate in the Western Plains system in order for that system to qualify for a basic system support grant pursuant to section 5, until June 30, 1979, if that system meets all other requirements.*

*Sec. 10. The contingent appropriation provided by Laws 1977, Chapter 449, Section 2, Subdivision 7, Clause (c), is hereby made available for the purposes of this act."*

Further, amend the title as follows:

Page 1, delete lines 2 to 7 and insert: "relating to education; granting certain powers and duties relating to public libraries

to the state board and the state department of education; providing grants for certain library systems; appropriating money; amending Minnesota Statutes 1976, Chapter 134, by adding sections; repealing Minnesota Statutes 1976, Sections 121.22; 121.23; 121.24; and 134.035.”.

With the recommendation that when so amended the bill pass.

The report was adopted.

Johnson from the Committee on Education to which was referred:

H. F. No. 1754, A bill for an act relating to school districts; abolishing certain attendance options for children of persons owning land in more than one district; requiring attendance in the school district of residence; repealing Minnesota Statutes 1976, Section 120.065; and Minnesota Statutes, 1977 Supplement, Section 123.39, Subdivision 5a.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert the following:

“Section 1. Minnesota Statutes 1976, Section 120.05, Subdivision 1, is amended to read:

120.05 [PUBLIC SCHOOLS.] Subdivision 1. [CLASSIFICATION.] For the purpose of administration (THE STATE BOARD SHALL CLASSIFY) all public schools *are classified* under the following heads, provided the requirements in subdivision 2 are met:

- (1) Elementary,
- (2) Middle school,
- (3) Secondary,
- (4) Vocational center school,
- (5) Area vocational-technical school.

Sec. 2. Minnesota Statutes 1976, Section 120.10, Subdivision 4, is amended to read:

Subd. 4. [ISSUING AND REPORTING EXCUSES.] The clerk or any authorized officer of the school board shall issue and keep a record of such excuses, under such rules as the board may

from time to time establish. (EACH EXCUSE ISSUED SHALL STATE THE REASON FOR SUCH EXCUSE AND A COPY OF EACH EXCUSE ISSUED UNDER SUBDIVISION 3, CLAUSE (1) SHALL BE FORWARDED TO THE COMMISSIONER OF EDUCATION WITHIN 30 DAYS FOLLOWING ISSUANCE.)

Sec. 3. Minnesota Statutes 1976, Section 120.14, is amended to read:

120.14 [TRUANT OFFICERS.] The board of any district may (APPOINT AND REMOVE AT PLEASURE TRUANT) *authorize the employment of attendance* officers, who shall investigate (ALL CASES OF) truancy or non-attendance at school, make complaints, serve notice and process, and attend to the enforcement of all laws and (SCHOOL REGULATIONS RESPECTING TRUANT, INCORRIGIBLE, AND DISORDERLY CHILDREN AND) *district rules regarding* school attendance. When any (TRUANT) *attendance* officer learns of any case of habitual truancy or continued non-attendance of any child required to attend school he shall immediately notify the person having control of such child to forthwith send to and keep him in school. He (MAY ARREST WITHOUT WARRANT AND TAKE TO SCHOOL ANY SUCH CHILD AND) shall act under the general supervision of the (BOARD, OR, WHEN DIRECTED BY THE BOARD, UNDER THAT OF THE) district superintendent.

Sec. 4. Minnesota Statutes 1976, Section 120.15, is amended to read:

120.15 [CLASSES FOR TRUANTS.] (BOARDS) A *board* may maintain ungraded (SCHOOLS) *classes* for the instruction of children (OF THE FOLLOWING CLASSES) between seven and 16 years of age (:) *who are habitually truant or not in attendance.*

((1) HABITUAL TRUANTS;)

((2) THOSE INCORRIGIBLE, VICIOUS, OR IMMORAL IN CONDUCT; AND)

((3) THOSE WHO HABITUALLY WANDER ABOUT THE STREETS OR OTHER PUBLIC PLACES DURING SCHOOL HOURS WITHOUT LAWFUL EMPLOYMENT.)

All such children shall be deemed delinquent and the board may compel their attendance at such (TRUANT SCHOOL) *ungraded classes*, or any department of the public schools, as the board may determine, and cause them to be brought before the juvenile court of the county for appropriate discipline.

Sec. 5. Minnesota Statutes 1976, Section 123.35, is amended by adding a subdivision to read:

*Subd. 14. School districts shall not compete with one another for the enrollment of students.*

Sec. 6. Minnesota Statutes 1976, Section 123.62, is amended to read:

123.62 [PLATS.] The auditor shall keep in his office books containing a correct plat and description of each district, whether wholly or partly in his county. The auditor shall submit (, ON OR BEFORE DECEMBER 31 OF EACH YEAR,) to the state department a description and *the revised* plats showing changes made in district boundaries (DURING THE CAL-  
ENDAR YEAR) *within 60 days of such changes.*

Sec. 7. Minnesota Statutes 1976, Section 124.12, Subdivision 2, is amended to read:

Subd. 2. (ON OR BEFORE OCTOBER 1 IN EACH YEAR,) it shall be the duty of the commissioner of *education* to deliver to the commissioner of finance a certificate (IN DUPLICATE) for each district entitled to receive state aid under the provisions of this chapter. Upon the receipt of such certificate, it shall be the duty of the commissioner of finance to draw his warrant upon the state treasurer in favor of the district for the amount shown by each certificate to be due to the district. The commissioner of finance shall transmit such warrants to the district together with a copy of the certificate prepared by the commissioner.

Sec. 8. *Minnesota Statutes 1976, Section 121.11, Subdivisions 2, 3 and 4, are repealed."*

Further, amend the title as follows:

Line 2, delete "school districts; abolishing certain".

Delete lines 3 to 5 and insert "education; eliminating and correcting certain obsolete provisions; amending Minnesota Statutes 1976, Sections 120.05, Subdivision 1; 120.10, Subdivision 4; 120.14; 120.15; 123.35, by adding a subdivision; 123.62; and 124.12, Subdivision 2;".

Delete line 7.

Delete line 8 to the period and insert "121.11, Subdivisions 2, 3 and 4".

With the recommendation that when so amended the bill pass.

The report was adopted.

Johnson from the Committee on Education to which was referred:

H. F. No. 1885, A bill for an act relating to education; school districts; providing for adjustments in certain school aid and tax levy procedures; amending Minnesota Statutes 1976, Sections 6.62, Subdivision 1; 121.904, Subdivision 7; 124.212, by adding a subdivision; 126.12; 134.03; 275.125, Subdivisions 15, 16 and 18; Minnesota Statutes, 1977 Supplement, Sections 275.-07; 275.124; repealing Minnesota Statutes 1976, Sections 120.07 and 124.02.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert the following:

"Section 1. [LEGISLATIVE SCHOOL FINANCE STUDY COMMISSION.] *Subdivision 1. [CREATION.] There is hereby created a legislative school finance study commission.*

*Subd. 2. [MEMBERSHIP.] The commission shall consist of ten members: five members of the house of representatives appointed by the speaker and five members of the senate appointed by the committee on committees. Any vacancy shall be filled by the appointing authority.*

*Subd. 3. [PURPOSE.] It is the purpose of the commission to study and consider any and all matters related to school finance, including but not limited to the following: effect of sparsity on school finance, concepts of power equalization as applied to school finance, effect of declining enrollments on school finance, school construction needs and effect of staffing patterns on school finance.*

*Subd. 4. [POWERS AND DUTIES.] (a) The commission shall elect a chairperson and other officers as it deems necessary from its membership.*

*(b) The commission shall conduct hearings and make investigations as it deems necessary to accomplish its purpose.*

*(c) The commission shall review and analyze the budgets of a sample of not less than 25 school districts. The sample of districts shall include districts which vary according to the following characteristics: curriculum offerings; size; enrollment pattern; geographic location; adjusted assessed property valuation; and per pupil expenditure level. When appropriate, the sample may include districts which have been selected for the pupil unit audit pursuant to Minnesota Statutes, Section 124.14.*

(d) *The commission shall make use of available personnel and facilities of the legislature. In the event additional personnel are needed, the commission may employ such personnel as it deems necessary.*

(e) *The commission may expend money and do all things reasonably necessary to accomplish its purpose.*

(f) *The commission shall report its findings and recommendations to the governor, the education committees of each house of the legislature, and the state board of education by December 15, 1978.*

*Subd. 5. [EXPIRATION OF COMMISSION.] The commission's existence shall terminate June 30, 1979.*

Sec. 2. Minnesota Statutes 1976, Section 6.62, Subdivision 1, is amended to read:

6.62 [POST-AUDIT; TAX LEVY.] Subdivision 1. [LEVY OF TAX.] Counties, cities(,) and towns(, AND SCHOOL DISTRICTS) are authorized, if necessary, to levy, over and above tax levy limitations for other governmental purposes, an amount sufficient to pay the expense of a post-audit by the state auditor.

*A school district is authorized to levy an amount sufficient to pay for the expense of a post-audit by the state auditor if the audit is performed at the discretion of the state auditor pursuant to section 6.51 or if the audit has been requested through a petition by freeholders pursuant to section 6.54. A school district is not authorized to levy these amounts if the post-audit by the state auditor is requested by the school board pursuant to section 6.55.*

Sec. 3. Minnesota Statutes 1976, Section 121.904, Subdivision 7, is amended to read:

Subd. 7. Summer school aids shall be recognized as revenues and recorded as receivables (DURING THE) *in proportion to the total number of summer school days in each fiscal year in which (THE) a summer school session (ENDS) occurs*; provided that nothing in this subdivision shall be construed to provide for a different rate of aid than that provided in section 124.20.

Sec. 4. Minnesota Statutes 1976, Section 121.904, is amended by adding a subdivision to read:

*Subd. 11a. Beginning with payments received in fiscal year 1978, revenues received 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; any law imposing a tax on severed mineral values or any other law distributing proceeds in lieu of ad valorem tax assessments on copper or nickel properties, shall be recognized as revenue in the school year received.*

Sec. 5. *The year end fund balances for the 1977 school year shall be adjusted as though the provisions of section 4 of this act had been effective at that time and the June 30, 1977 statutory operating debt of a district which received payment pursuant to the provisions specified in section 4 of this act shall be recertified by the commissioner as though the revenue recognition provisions of section 4 of this act had been effective at that time.*

Sec. 6. Minnesota Statutes, 1977 Supplement, Section 121.912, Subdivision 1, is amended to read:

121.912 [PERMANENT FUND TRANSFERS.] Subdivision 1. After July 1, 1977, no school district shall permanently transfer money from an operating fund to a nonoperating fund (; PROVIDED, HOWEVER, THAT) *except as provided in this subdivision. Permanent transfers may be made from an operating fund to any other fund to correct for prior fiscal years' errors discovered after the books have been closed for that year (AND). Permanent transfers may be made from the general fund to eliminate deficits in another fund when that other fund is being discontinued. Permanent transfers may be made from the general fund to the capital expenditure fund of a post-secondary vocational-technical school in the amount and for the purposes authorized by the state board for vocational education in approving the school's budget pursuant to section 124.561.*

Sec. 7. Minnesota Statutes 1976, Section 122.22, Subdivision 9, is amended to read:

Subd. 9. An interlocutory order issued under subdivision 8(b) shall contain:

(a) A statement that the dissolution of the district is proposed.

(b) A description, by words or plat or both showing proposed disposition of territory in district to be dissolved.

((C) A STATEMENT SHOWING THE PROPOSED DISTRIBUTION OF THE CURRENT ASSETS AND LIABILITIES OF THE DISTRICT TO BE DISSOLVED, REAL AND PERSONAL. IF THE ORDER PROVIDES FOR THE TRANSFER OF AN INTEREST IN REAL ESTATE TO A DISTRICT, THE ORDER MAY ALSO IMPOSE A DOLLAR AMOUNT AS A CLAIM AGAINST THAT DISTRICT IN FAVOR OF OTHER DISTRICTS WHICH CLAIM SHALL BE PAID AND



**ENFORCED IN THE MANNER PROVIDED BY LAW FOR THE PAYMENT OF JUDGMENTS AGAINST A DISTRICT.)**

**((D)) (c)** The outstanding bonded debt of the district to be dissolved.

**((E)) (d)** A proposed effective date of the order (NOT LATER THAN), *which shall be the first July 1 (NEXT FOLLOWING ITS ISSUANCE BUT NOT LESS THAN 45 DAYS FROM) of an odd-numbered year which occurs at least three months after the date of the order.*

**((F)) (e)** Such other information as the county board may desire to include.

The auditor shall within ten days from its issuance serve a copy of the interlocutory order by mail upon the clerk of the district proposed for dissolution and upon the clerk of each district to which it is proposed to attach any territory by the order and upon the auditor of each other county in which all or any part of the district proposed for dissolution or any district to which it is proposed to attach territory lies, and upon the commissioner.

Sec. 8. Minnesota Statutes 1976, Section 122.22, is amended by adding a subdivision to read:

*Subd. 20. If the dissolved district is not divided by the order of dissolution and attachment, all of its current assets and liabilities, real and personal, and all its legally valid and enforceable claims and contract obligations shall pass to the district to which it is attached, except as provided in section 14 of this act. If the district to be dissolved is divided by the interlocutory order of dissolution and attachment, the commissioner shall, within 30 days after the interlocutory order is issued, issue his order for the distribution of its current assets and liabilities, real and personal. If the commissioner's order provides for the transfer of an interest in real estate to a district, this order may also impose a dollar amount as a claim against that district in favor of other districts and this claim shall be paid and enforced in the manner provided by law for the payment of judgments against a district. The obligations of districts to the teachers employed by the dissolved district shall be governed by the provisions of section 14, of this act.*

Sec. 9. Minnesota Statutes 1976, Section 122.23, Subdivision 13, is amended to read:

Subd. 13. If a majority of the votes cast on the question at the election approve the consolidation, and if the necessary approving resolutions of boards entitled to act on the plat have been adopted, the county auditor shall, within ten days of the

election or of the expiration of the period during which an election can be called, issue his order setting a date (NOT LATER THAN JULY 1 NEXT FOLLOWING THE ELECTION) for the effective date of the change, which shall be the first July 1 of an odd-numbered year which occurs at least three months after the day when the date must be set. He shall mail or deliver a copy of such order to each auditor holding a copy of the plat and to the clerk of each district affected by the order and to the commissioner. If the election fails, the proceedings are terminated and the county auditor shall so notify the commissioner and the auditors and the clerk of each school district affected.

Sec. 10. Minnesota Statutes 1976, 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, *except as provided in section 14 of this act*. 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 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 commissioner shall issue 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 he may deem just and equitable. In making this division of assets and liabilities, the 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. 11. Minnesota Statutes 1976, Section 122.23, Subdivision 18, is amended to read:

Subd. 18. (a) If no board is provided for under the foregoing provision, upon receipt of the assigned identification number, the county auditor shall determine a date, not less than 20 nor more than 60 days from the date of the receipt by him of the assigned identification number, upon which date shall be held a special election in the district for the purpose of elect-

ing a board of six members for terms as follows: two until *the* July (FOLLOWING THE NEXT ANNUAL ELECTION) *1 one year after the effective date of the consolidation*, two until the expiration of one year from said July 1, and two until the expiration of two years from said July 1, to hold office until a successor is elected and qualifies according to provisions of law governing the election of board members in independent districts.

(b) The county auditor shall give ten days' posted notice of election in the area in which the election is to be held and also if there be a newspaper published in the proposed new district, one weeks' published notice shall be given. The notice shall specify the time, place and purpose of the election.

(c) The county may pay the election judges not to exceed \$1 per hour for their services.

(d) Any person desiring to be a candidate for a school election shall file an application with the county auditor to have his name placed on the ballot for such office, specifying the term for which the application is made. The application shall be filed not less than 12 days before the election.

(e) The county auditor shall prepare, at the expense of the county, necessary ballots for the election of officers, placing thereon the names of the proposed candidates for each office. The ballots shall be marked and signed as official ballots and shall be used exclusively at the election. The county auditor shall determine the number of voting precincts and the boundaries of each. He shall determine the location of polling places and the hours the polls shall be open. He shall appoint three election judges for each polling place who shall act as clerks of election. Election judges shall certify ballots and results to the county auditor for tabulation and canvass.

(f) Upon canvass and tabulation by the county auditor he shall issue a certificate of election to the candidate for each office who received the largest number of votes cast for the office. He shall deliver such certificate to the person entitled thereto by registered mail, and each person so certified shall file an acceptance and oath of office with the county auditor within 30 days of the date of mailing of the certificate. A person who fails to qualify prior to the time specified shall be deemed to have refused to serve, but such filing may be made at any time before action to fill vacancy has been taken.

(g) The board of each district included in the new enlarged district shall continue to maintain school therein until (JULY 1 NEXT FOLLOWING) *the effective date of the consolidation*, but such boards shall have power and authority only to make such contracts (AND), to do such things as are necessary to

maintain properly the schools for the period they may be in session prior to (SAID FIRST DAY OF JULY) *that date, and to certify to the county auditor, according to levy limitations applicable to the component districts, the taxes collectible in the calendar year when the consolidation becomes effective.*

(h) It shall be the immediate duty of the newly elected board of the new enlarged district, when the members thereof have qualified and the board has been organized, to plan for the maintenance of the school or schools of the new district for the next school year (AND), to enter into the necessary contracts *and negotiations* for the employment of personnel, purchase of equipment and supplies, and other acquisition and betterment purposes (AND), when authorized by the voters to issue bonds under the provisions of chapter 475; and on (SAID JULY 1) *the effective date of the consolidation* to assume the full duties of the care, management and control of the new enlarged district. The board of the new enlarged district shall give due consideration to the feasibility of maintaining such existing attendance centers and of establishing such other attendance centers, especially in rural areas, as will afford equitable and efficient school administration and assure the convenience and welfare of the pupils residing in the enlarged district. *The obligations of the new board to teachers employed by component districts shall be governed by the provisions of section 14 of this act.*

Sec. 12. Minnesota Statutes 1976, Section 122.46, Subdivision 2, is amended to read:

Subd. 2. (CONTINUING CONTRACT TEACHERS ON THE STAFFS OF PARTICIPATING DISTRICTS SHALL BE RETAINED ON THE STAFF OF THE CONSOLIDATED DISTRICTS IN POSITIONS FOR WHICH THEY ARE QUALIFIED UNDER STATE LAW AND EXISTING BOARD STANDARDS TO THE EXTENT THAT SUCH POSITIONS STILL EXIST) *The obligations of the boards of consolidated districts to teachers employed by participating districts shall be governed by the provisions of section 14 of this act.*

Sec. 13. Minnesota Statutes 1976, Chapter 122, is amended by adding a section to read:

[122.531] [LEVY LIMITATIONS OF REORGANIZED DISTRICTS.] *Subdivision 1. As of the effective date of the involuntary dissolution of a district and its attachment to one or more existing districts pursuant to sections 122.32 or 122.41 to 122.52, the authorization for any referendum levy previously approved by the voters of the dissolved district in that district pursuant to section 275.125, subdivision 2a, clause (4), or its predecessor or successor provision, is cancelled. The authorization for any referendum levy previously approved by the voters of a district to which all or part of the dissolved district is at-*

*tached shall not be affected by the attachment and shall apply to the entire area of the district as enlarged by the attachment.*

*Subd. 2. As of the effective date of a consolidation pursuant to section 122.23 or the voluntary dissolution of a district and its attachment to one or more existing districts pursuant to section 123.22, the authorization for all referendum levies previously approved by the voters of all affected districts for those districts pursuant to section 275.125, subdivision 2a, clause (4), or its predecessor or successor provision, is cancelled. However, if all of the territory of any independent district is included in the newly created district, and if the adjusted assessed valuation of taxable property in that territory comprises 90 percent or more of the adjusted assessed valuation of all taxable property in a newly created or enlarged district, the board of the newly created or enlarged district may levy the increased amount previously approved by a referendum in the pre-existing independent district upon all taxable property in the newly created or enlarged district. Any new referendum levy shall be certified only after approval is granted by the voters of the entire newly created or enlarged district in an election pursuant to section 275.125, subdivision 2a, clause (4), or its successor referendum provision.*

*Subd. 3. (1) In the year when any consolidation of districts or dissolution of a district and its attachment to one or more existing districts pursuant to this chapter becomes effective, any newly created or enlarged district may levy an amount per pupil unit which is equal to the sum of the products of the amounts per pupil unit levied pursuant to section 275.125, subdivisions 6 or 7, in each component district in the previous year times the number of pupil units from that component district who are enrolled in the newly created or enlarged district in the year of the levy, divided by the total number of pupil units in the newly created or enlarged district in the year of the levy.*

*(2) In each year thereafter, the newly created district may levy the same amount per pupil unit as allowed by clause (1) of this subdivision.*

*(3) The provisions of section 275.125, subdivisions 6 or 7, shall not apply to any district affected by the provisions of this subdivision.*

*(4) 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).*

*Subd. 4. As of the effective date of a consolidation of districts or the dissolution of a district and its attachment to one or more existing districts pursuant to this chapter, and subject to the conditions of section 275.125, subdivision 9a, all the tax-*

able property which is in the newly created or enlarged district and which was previously taxable for the payment of any statutory operating debt theretofore incurred by any pre-existing district of which the taxable property was a part prior to the consolidation or dissolution and attachment shall remain taxable for the payment of that debt and shall not become taxable for the payment of any statutory operating debt theretofore incurred by any pre-existing district of which the taxable property was not a part prior to the consolidation or dissolution and attachment. The amount of statutory operating debt attributable to that taxable property and to the newly created or enlarged district in which it is located, and the amount of a pre-existing district's appropriated fund balance reserve account for purposes of reducing statutory operating debt attributable to the newly created or enlarged district, shall be apportioned according to the proportion which the adjusted assessed valuation of that part of the pre-existing district bears to the total adjusted assessed valuation of the entire pre-existing district at the time of the consolidation or dissolution and attachment. This apportionment shall be made by the county auditor and shall be incorporated as an annex to the order of the commissioner dividing the assets and liabilities of the component districts. As used in this section, "statutory operating debt" shall have the meaning given it in section 121.914.

Sec. 14. Minnesota Statutes 1976, Chapter 122, is amended by adding a section to read:

[122.532] [EMPLOYEES OF REORGANIZED DISTRICTS.] *Subdivision 1.* For purposes of this section, the term "teacher" shall have the meaning attributed to it in section 125.12, subdivision 1.

*Subd. 2.* As of the effective date of any consolidation or the dissolution of any district and its attachment to one or more existing districts, each teacher employed by an affected district shall be assigned to the newly created or enlarged district in which is located the building where that teacher was primarily employed prior to the consolidation or dissolution and attachment.

*Subd. 3.* The organization certified as the exclusive bargaining representative for the teachers in the particular pre-existing district which employed the largest proportion of the teachers who are assigned to a new employing district according to subdivision 2 shall be certified as the exclusive bargaining representative for the teachers assigned to that new employing district, until that organization is decertified or another organization is certified in its place pursuant to sections 179.61 to 179.77. If no new contract has been executed as of the effective date of the consolidation or dissolution and attachment, the terms and conditions of employment of teachers assigned to the new employing district shall be temporarily governed by the contract

*executed by that exclusive bargaining representative and that particular pre-existing district, until a new contract is executed between the newly elected board or the board of the district to which a dissolved district is attached and the exclusive bargaining representative. For purposes of negotiation of a new contract with the board of the new employing district and the certification of an exclusive bargaining representative for purposes of that negotiation, the teachers assigned to that district shall be considered an appropriate unit of employees of that district as of the date the county board orders its interlocutory order of dissolution and attachment to be final and effective or as of the date the commissioner assigns an identification number to a new district created by consolidation. During the school year before the consolidation becomes effective, the newly elected board or the board of the district to which a dissolved district is attached, may place teachers assigned to it on unrequested leave of absence as provided in section 125.12 according to (a) a plan negotiated in a new master contract between it and the exclusive bargaining representative of the teachers assigned to it, or (b) if no such plan exists, an applicable plan negotiated in the contract which according to this subdivision will temporarily govern the terms and conditions of employment of teachers assigned to it, or (c) if no plan exists pursuant to either (a) or (b), the provisions of section 125.12, subdivision 6b, on the basis of a combined seniority list of all teachers assigned to it.*

*Subd. 4. Except as provided in this section, the provisions of sections 125.12 or 125.17 shall apply to the employment of each teacher by the new employing district on the same basis as they would have applied to his employment if he had been employed by that new district before the effective date of the consolidation or dissolution and attachment. For the purpose of applying the provisions of subdivision 2, clause (b), and the provisions of section 125.12, subdivision 6b, pursuant to this section, a teacher's date of first employment shall be the date he began continuous employment in the pre-existing district which employed him.*

Sec. 15. Minnesota Statutes 1976, Chapter 122, is amended by adding a section to read:

[122.533] [EXPENSES OF TRANSITION.] *The newly elected board of a newly created district pursuant to section 122.23 or the board of a district to which a dissolved district is attached pursuant to section 122.22, may, for the purpose of paying the expenses of negotiations and other administrative expenses relating to the transition, enter into agreements with banks or any person to take its orders at any rate of interest not to exceed six percent per annum. These orders shall be paid by the treasurer of the district from district funds after the effective date of the consolidation or dissolution and attachment. Notwithstanding the provisions of section 275.125, the district may, in the year the consolidation or dissolution and attachment*

*becomes effective, levy an amount equal to the amount of the orders issued pursuant to this subdivision and the interest on these orders. No district shall issue orders for funds or make a levy pursuant to this subdivision without the commissioner's approval of the expenses to be paid with the funds from the orders and levy.*

Sec. 16. Minnesota Statutes, 1977 Supplement, Section 122.85, Subdivision 1, is amended to read:

122.85 [EXPERIMENTAL PAIRING.] Subdivision 1. Notwithstanding the provisions of sections 122.41 and 122.43, the board of any school district paired with another in this section upon approval by the school boards of both of the paired districts may enter into an agreement providing for the discontinuance by one district of any of grades kindergarten through 12 or portions of those grades and the instruction in the other district of the pupils in the discontinued grades or portions of grades. This provision shall apply on an experimental basis to the following pairs of school districts: Independent School Districts No. 217 and No. 220, No. 328 and No. 516, No. 440 and No. 444, No. 649 and No. 650, No. 654 and No. 655, No. 782 and No. 783, and No. 893 and No. 896. These experimental pairing agreements shall not extend beyond June 30, 1980.

Sec. 17. Minnesota Statutes 1976, 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 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 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 except as otherwise provided in this subdivision.

*Notwithstanding the provisions of subdivision 1 or section 574.26, a performance bond shall be required of a contractor on a contract for the transportation of school children only when and in the amount deemed necessary by and at the discretion of the school board.*

Sec. 18. Minnesota Statutes 1976, Section 123.39, is amended by adding a subdivision to read:

Subd. 9b. *The liability for torts of a person furnishing authorized transportation of pupils by contract with a school dis-*



*strict pursuant to this section, and the liability of the officers, employees and agents of such a contractor for a tort arising out of an alleged act or omission occurring in the performance of duty, shall not exceed*

(a) \$200,000 for personal injuries to any one claimant;

(b) \$1,000,000 for personal injuries in any number of claims arising out of a single occurrence.

*Where the amount awarded to or settled upon multiple claimants exceeds \$1,000,000, any party may apply to any district court to apportion to each claimant his proper share of the total amount as limited by this subdivision. The share apportioned to 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 against the school bus contractor for all claims arising out of the occurrence.*

Sec. 19. Minnesota Statutes, 1977 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) pupils enrolled in one-half day sessions throughout the school year or the equivalent thereof, and for handicapped pre-kindergarten pupils as defined in section 120.03, 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.

(4) To meet the problems of educational overburden caused by broken homes, poverty and low income, each pupil in clauses (1) and (2) from families receiving aid to families with dependent children or its successor program who is enrolled in the school district on October 1 shall be counted as an additional five-tenths pupil unit. By March 1 of each year the department of public welfare shall certify to the department of education, and to each school district to the extent the information pertains to it, that information concerning children from families with dependent children who were enrolled in the school district on the preceding October 1 which is necessary to calculate pupil units. Additional aids to a district for such pupils may be distributed on a delayed basis until the department of education

publicly certifies that the information needed for paying such aids is available on such a timely basis that such aids may be paid concurrently with other foundation aids.

(5) In every district where the number of pupils from families receiving aid to families with dependent children or its successor program exceeds five percent of the total actual pupil units in the district for the same year, as computed in clauses (1) and (2), each such pupil shall be counted as an additional one-tenth of a pupil unit for each percent of concentration over five percent of such pupils in the district. The percent of concentration shall be rounded down to the nearest whole percent for purposes of this clause, provided that in districts where the percent of concentration is less than six, no additional pupil units shall be counted under this clause for pupils from families receiving aid to dependent children or its successor program and provided further 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 greater of (a) the average of actual pupil units in the district for the (TWO) *three* prior years and the current year or (b) the number of actual pupil units for the current year increased by .6 times the difference between the actual pupil units for the prior year and the current year. Only pupil units as computed in clauses (1) and (2) shall be included for purposes of computations made pursuant to this clause.

(7) In districts maintaining classified secondary schools where the actual number of pupil units has increased from the prior year by two percent or more, the additional pupil units over the prior year, as computed in clauses (1) and (2), shall be multiplied times one-tenth for each percent of increase over the prior year and a number of pupil units equal to the product shall be added to the other units for the district. The percent of increase shall be rounded up to the next whole percent for purposes of this clause, provided that in districts where the percent of increase is less than two, no additional pupil units shall be added to the other units for the district and provided further that the number of pupil units of increase over the prior year shall under no circumstances be multiplied by more than five-tenths.

(8) Only pupil units in clauses (1) and (2) shall be used in computing adjusted maintenance cost per pupil unit.

Sec. 20. Minnesota Statutes, 1977 Supplement, Section 124.17, Subdivision 2, is amended to read:

Subd. 2. Membership for pupils in grades kindergarten through twelve and for handicapped pre-kindergarten 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) *receiving instruction in the home or hospital* for 15 consecutive school days shall be dropped from the roll and classified as withdrawn. Nothing in (EXTRA SESSION LAWS 1971, CHAPTER 31), *this section 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.)*

Sec. 21. Minnesota Statutes 1976, Section 124.17, Subdivision 3, is amended to read:

Subd. 3. In computing pupil units for a prior year, the number of pupil units shall be adjusted to reflect any change for the current year in relative weightings by grade level or category of special assistance (AND), any change in measurement from average daily attendance to average daily membership *and any change in school district boundaries*, but not for the addition for the first time in the current year of a specified category of special assistance as provided in subdivision 1, clause (4).

Sec. 22. Minnesota Statutes, 1977 Supplement, Section 124.19, Subdivision 1, is amended to read:

124.19 [REQUIREMENTS FOR AID GENERALLY.] Subdivision 1. Every district which receives special state aid shall maintain school or provide instruction in other districts, in state university laboratory school or in the university laboratory school, at least a minimum term as defined by the state board. The normal school year when school is in session shall be not less than 175 days, or their equivalent *in a district operating a flexible school year program*. A district which holds school for that period and is otherwise qualified is entitled to special state aid as by law provided. If school is held a less period such special state aid shall be reduced by the ratio that the difference between

175 days and the number of days school is held bears to 175 days, multiplied by 60 percent of the product of the district's foundation aid formula allowance times its pupil units for that year; but districts maintaining less than the required minimum number of days of school in session do not lose special state aid if the circumstances causing such loss of school time below the required minimum number of days were beyond the control of the board and provided proper evidence has been submitted and a good faith attempt made to make up time lost on account of these circumstances. Days devoted to teachers' institutes or other meetings authorized or called by the commissioner may not be included as part of the required minimum number of days of school in session. Effective the 1977-1978 school year, not more than five days or *their equivalent* may be devoted to parent-teacher conferences or teachers' workshops as part of the required minimum number of days school is in session.

Sec. 23. Minnesota Statutes 1976, Section 124.20, is amended to read:

124.20 [EDUCATION; STATE AID; SUMMER SCHOOL AND FLEXIBLE SCHOOL YEAR CLASSES.] Foundation aid for (1) summer school classes which are not a part of the regular school term in hospitals, sanatoriums, and home instruction programs, (2) inter-session classes of flexible school year programs (AND), (3) summer school classes in elementary and secondary schools, and ((3)) (4) summer school instruction in teachers college laboratory schools or in the university laboratory school, shall be paid at a proportionate rate for foundation aids paid for the preceding regular school year (,); provided that no district shall receive aid for programs under this section in an amount greater than its actual expenditures for these programs; *provided further, that for purposes of computing summer school foundation aid, a district's foundation aid for the regular school year shall be reduced by the amount of the agricultural tax credit included in that foundation aid.* (PAYMENTS OF AID FOR SUMMER CLASSES AT A PROPORTIONATE RATE TO FOUNDATION AID PURSUANT TO THIS SECTION IN 1972 AND PRECEDING YEARS ARE HEREBY SANCTIONED. THE PROVISION IN THIS SECTION FOR PAYMENT OF AID FOR SUMMER CLASSES AT A PROPORTIONATE RATE TO FOUNDATION AID FOR THE PRECEDING SCHOOL YEAR SHALL APPLY TO SUMMER CLASSES IN 1973 AND SUBSEQUENT YEARS.)

Sec. 24. Minnesota Statutes, 1977 Supplement, Section 124.212, Subdivision 5a, is amended to read:

Subd. 5a. (1) In the 1977-1978 school year and each school year thereafter, the amount of money apportioned to a school district (IN) for that year pursuant to section 124.10, subdivision 2 which exceeds the amount apportioned to that district pursuant to section 124.10, subdivision 2 (IN) for the 1976-1977

school year, shall be deducted from the foundation aid earned by that district for the same year.

(2) In addition to the deduction in clause (1), the following amounts apportioned pursuant to section 124.10, subdivision 2 shall be deducted from foundation aid in the school years designated:

(a) In the 1977-1978 school year, one-sixth of the amount apportioned, but not to exceed one-sixth of the amount apportioned (IN) for the 1976-1977 school year;

(b) In the 1978-1979 school year, one-third of the amount apportioned, but not to exceed one-third of the amount apportioned (IN) for the 1976-1977 school year;

(c) In the 1979-1980 school year, one-half of the amount apportioned, but not to exceed one-half of the amount apportioned (IN) for the 1976-1977 school year;

(d) In the 1980-1981 school year, two-thirds of the amount apportioned, but not to exceed two-thirds of the amount apportioned (IN) for the 1976-1977 school year; and

(e) In the 1981-1982 school year, five-sixths of the amount apportioned, but not to exceed five-sixths of the amount apportioned (IN) for the 1976-1977 school year.

(3) In the 1982-1983 school year and each school year thereafter, the entire amount of money apportioned to a school district in that year pursuant to section 124.10, subdivision 2, shall be deducted from the foundation aid earned by that district for the same year.

Sec. 25. Minnesota Statutes, 1977 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; 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 50 percent 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 law distributing proceeds in lieu of ad valorem tax assessments on copper or nickel properties; the foundation aid shall be reduced in the October 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 50 PERCENT OF THE PREVIOUS FISCAL YEAR'S PAYMENT) *difference between the dollar amount of the payments received pursuant to those sections in the fiscal year to which the October adjustment is attributable and the amount which was calculated, pursuant to section 275.125, subdivision 9, as a reduction of the levy attributable to the fiscal year to which the October adjustment is attributable.* If the October adjustment of a district's foundation aid for a fiscal year is a negative amount because of this clause, the next fiscal year's foundation aid to that district shall be reduced by this negative amount *in the following manner: there shall be withheld from each monthly scheduled foundation aid payment due the district in such fiscal year, 15 percent of the total negative amount, until the total negative amount has been withheld.* The amount reduced from foundation aid pursuant to this clause shall be recognized as revenue in the fiscal year to which the October adjustment payment is attributable.

Sec. 26. Minnesota Statutes, 1977 Supplement, Section 124.213, Subdivision 1, is amended to read:

124.213 [AID RECAPTURE.] Subdivision 1. In any year when the amount of the maximum levy allowed for any district by section 275.125, subdivision 2a, clause (1) or (2), exceeds the product of (a) the district's foundation aid formula allowance for the corresponding school year under section 124.212 and (b) the number of pupil units computed for the district under section 124.17 for that school year, an amount equal to the difference between *the sum of the levy as certified plus the amount of any reductions pursuant to section 275.125, subdivision 9, of the maximum levy*, 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 or 124.573; (3) special education aid pursuant to section 124.32. 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. 27. Minnesota Statutes, 1977 Supplement, Section 124-222, Subdivision 6, is amended to read:

Subd. 6. [BASE COST ADJUSTMENTS.] For the purposes of payment of transportation aids in the 1978 fiscal year and thereafter, the commissioner of education may adjust the base cost per eligible pupil transported during the 1976 fiscal year to reflect changes in costs resulting from the following:

(a) Alterations in school district boundaries if application is made prior to December 15 of the school year following the year in which the alterations are made;

(b) Omissions in school district reports if application is made prior to December 15, 1977;

(c) The addition by the district of an authorized transportation aid category if that category of transportation was not provided during the 1976 fiscal year if application is made prior to December 15 of the school year following the year in which the additional transportation is provided;

(d) Omissions in school district reports determined by the legislative auditor;

(e) Increased costs resulting from changes in transportation patterns required by a schoolhouse closing provided that (1) the cost increases can be demonstrated to be a direct result of the closing; (2) the increases result in costs above the formula limitation; and (3) application is made prior to December 15 of the school year following the last school year in which the schoolhouse is open;

(f) *Increased costs resulting from changes in transportation patterns caused by a schoolhouse opening provided that (1) the cost increases can be demonstrated to be a direct result of the opening; (2) the increases result in costs above the formula limitation; and (3) application is made prior to December 15, 1978 or December 15 of the school year following the first school year in which the schoolhouse is open, whichever is later.*

In the 1978 fiscal year and thereafter, the commissioner shall appropriately adjust the base cost per eligible pupil transported during the 1976 fiscal year to reflect changes in the treatment of depreciation and qualification for depreciation aid resulting from changes in school bus fleet ownership from district owned and managed to privately owned and contracted or from privately owned and contracted to district owned and managed. Districts

shall report any such changes to the commissioner within 60 days of the date the changes are made.

Prior to making any base cost change pursuant to this subdivision, the department shall examine the appropriate factors that relate to the determination of the authorized transportation costs and aid for that district.

Sec. 28. Minnesota Statutes, 1977 Supplement, Section 124.245, Subdivision 1, is amended to read:

124.245 [CAPITAL EXPENDITURE EQUALIZATION AID.] Subdivision 1. *In 1977-1978 and 1978-1979, the state shall pay a school district the difference by which an amount equal to \$75 per pupil unit in that school year or, in districts where the pupil unit count is increased pursuant to section 124.17, subdivision 1, clause (7), \$80 per pupil unit in that school year, exceeds the amount raised by 10 mills times the adjusted assessed valuation of the taxable property in the district for the preceding year. In order to qualify for aid pursuant to this section in any year, a district must have levied the full 10 EARC mills for use for capital expenditures in that year pursuant to sections 124.04 or 275.125, subdivision 11a.*

Sec. 29. Minnesota Statutes, 1977 Supplement, Section 124.245, is amended by adding a subdivision to read:

*Subd. 1a. In 1979-1980 and each year thereafter, the state shall pay a school district the difference by which (a) an amount equal to \$80 per pupil unit in that school year, or (b) in districts where the number of actual pupil units has increased by not less than two and not more than five percent from the prior to the current school year, \$85 per pupil unit in that school year, or (c) in districts where the number of actual pupil units has increased by five percent or more from the prior to the current school year, \$90 per pupil unit in that school year, exceeds the amount raised by 10 mills times the adjusted assessed valuation of the taxable property in the district for the preceding year. In order to qualify for aid pursuant to this section in any year, a district must have levied the full 10 EARC mills for use for capital expenditures in that year pursuant to section 275.125, subdivision 11a.*

Sec. 30. Minnesota Statutes, 1977 Supplement, Section 124.245, Subdivision 2, is amended to read:

Subd. 2. As used in this section, pupil units shall include only those units identified in section 124.17, subdivision 1, clauses (1), (2), (4), (5), (6) and (7) and actual pupil units shall include only those units identified in section 124.17, subdivision 1, clauses (1) and (2).



Sec. 31. Minnesota Statutes, 1977 Supplement, Section 124.32, Subdivision 1b, is amended to read:

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 60 percent of the difference between the amount of the contract and the foundation aid formula allowance of the district for that pupil (OR), a pro rata portion of the foundation aid formula allowance for pupils who receive services by contract on less than a full time basis *or, in the case of summer school programs, the foundation aid to the district for that pupil.*

Sec. 32. Minnesota Statutes, 1977 Supplement, Section 124.32, Subdivision 5, is amended to read:

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 60 percent of *the difference between the instructional costs charged to the resident district, (LESS) and the foundation aid formula allowance in the resident district for each handicapped child placed in a residential facility.* Not more than (\$500,000) *\$550,000* for 1977-1978 and \$600,000 for 1978-1979 shall be paid for the purposes of 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 *the state or 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.

Sec. 33. Minnesota Statutes, 1977 Supplement, Section 124.32, is amended by adding a subdivision to read:

*Subd. 12. Beginning in the 1977-1978 school year, the commissioner of education may withhold state special education aid pursuant to this section for personnel salaries, supplies and equipment in special education programs which receive grants from federal funds or special grants from other state sources. In no event shall this withholding result in the payment of less state special education aid than was paid for personnel salaries, supplies and equipment in programs that were operating during the 1976-1977 school year.*

Sec. 34. Minnesota Statutes, 1977 Supplement, Section 124.38, Subdivision 7, is amended to read:

Subd. 7. "Maximum effort debt service levy" means the lesser of (1) a levy in a total dollar amount computed as 20 mills on the adjusted assessed value; or (2) a levy in whichever of the following amounts is applicable:

(a) In any school district which received a debt service or capital loan from the state before January 1, 1965, a levy in a total dollar amount computed as 4.10 mills on the market value in each year, unless the district applies or has applied for an additional loan subsequent to January 1, 1965, or issues or has issued bonds on the public market, other than bonds refunding state loans, subsequent to January 1, 1967;

(b) In any school district granted a debt service or capital loan between January 1, 1965, and July 1, 1969, a levy in a total dollar amount computed as 5 1/2 mills on the market value in each year, until and unless the district receives an additional loan; (OR)

(c) In any school district granted a debt service or capital loan between July 1, 1969 and July 1, 1975, a levy in a total dollar amount computed as 6.3 mills on market value in each year until and unless the district has received an additional loan; or

(d) *In any school district which has an outstanding capital loan, a levy in a total dollar amount equal to the sum of the amount of the required debt service levy and an amount which when levied annually will be sufficient to retire the remaining interest and principal on any outstanding loans from the state within 30 years of the original date when the capital loan was granted; provided, that the school board in any district affected by the provisions of this clause may elect instead to be governed by the provisions of clause (1) of this subdivision.*

Sec. 35. Minnesota Statutes, 1977 Supplement, Section 124.562, Subdivision 1, is amended to read:

124.562 [POST-SECONDARY VOCATIONAL FOUNDATION AID.] Subdivision 1. A district shall receive post-secondary vocational foundation aid in the amount of \$2,120 for

fiscal year 1978 and \$2,240 for fiscal year 1979, times the number of post-secondary vocational-technical pupils in average daily membership, as defined in subdivision 2, less the sum of (1) any amounts received as tuition and fees for post-secondary vocational-technical pupils, and (2) the amount raised by the minimum levy required by section 275.125, subdivision 13, for collection in the calendar year ending in that fiscal year, AND (3) ANY AMOUNTS RECEIVED FOR POST-SECONDARY VOCATIONAL PROGRAMS AS FEDERAL VOCATIONAL CATEGORICAL AID AND AS SPECIAL GRANTS FROM STATE ALLOCATIONS OF FEDERAL VOCATIONAL FUNDS, UNLESS THESE GRANTS ARE USED TO FUND ADDITIONAL SERVICES BEYOND THE NORMAL PROGRAM).

Sec. 36. Minnesota Statutes, 1977 Supplement, Section 124.572, Subdivision 2, is amended to read:

Subd. 2. In the 1977-1978 school year and thereafter, the state shall pay to any district or cooperative vocational center 75 percent of the salaries paid to essential, licensed personnel in that school year for services rendered in that district's or center's adult vocational education programs. In addition, the state shall pay 50 percent of the costs of necessary travel between instructional sites by adult vocational education teachers. (THE AID PAID BY THE STATE FOR SALARIES AND TRAVEL PURSUANT TO THIS SUBDIVISION SHALL BE REDUCED BY ANY AUTHORIZED FEDERAL VOCATIONAL AID FUNDS PAID BY THE DEPARTMENT TO THAT DISTRICT OR CENTER FOR ADULT VOCATIONAL EDUCATION PROGRAMS) *In no event shall a district or center receive for an adult vocational program a total amount of state aid pursuant to this section and funds from other sources which exceeds 100 percent of the amount of its expenditures for salaries and travel in the program.*

Sec. 37. Minnesota Statutes, 1977 Supplement, Section 124.573, Subdivision 2, is amended to read:

Subd. 2. In the 1978-1979 school year and thereafter, the state shall pay to any district or cooperative center 50 percent of the salaries paid to essential, licensed personnel in that school year for services rendered in that district's or center's secondary vocational education programs. In addition, the state shall pay 50 percent of the costs of necessary equipment for these programs (AND), 50 percent of the costs of necessary travel between instructional sites by secondary vocational education teachers and 50 percent of the costs of travel by secondary vocational education teachers to and from vocational student organization meetings within the state. (THE AID PAID BY THE STATE FOR SALARIES, EQUIPMENT AND TRAVEL PURSUANT TO THIS SUBDIVISION SHALL BE REDUCED BY ANY AUTHORIZED FEDERAL VOCATIONAL AID FUNDS

PAID BY THE DEPARTMENT TO THAT DISTRICT OR CENTER FOR SECONDARY VOCATIONAL EDUCATION PROGRAMS) *In no event shall a district or center receive for a secondary vocational program a total amount of state aid pursuant to this section and funds from other sources which exceeds 100 percent of the amount of its expenditures for salaries, equipment and travel in the program.*

Sec. 38. Minnesota Statutes 1976, Chapter 124, is amended by adding a section to read:

[124.574] [SECONDARY VOCATIONAL EDUCATION FOR HANDICAPPED CHILDREN.] *Subdivision 1. The purpose of this section is to provide a method to fund programs for secondary vocational education for handicapped children. As used in this section, the term "handicapped children" shall have the meaning ascribed to it in section 120.03.*

*Subd. 2. In the 1978-1979 school year and thereafter, the state shall pay to any district or cooperative center the greater of:*

*(a) 50 percent of the salaries paid to essential licensed personnel in that school year for services rendered in that district's or center's secondary vocational education programs for handicapped children; or*

*(b) 65 percent of the salaries paid to essential licensed personnel in that school year for services rendered in that district's or center's secondary vocational education programs for handicapped children, but not to exceed \$12,000 for the normal school year for each such full time person employed, or a pro rata amount for a part time person or a person employed for a limited time; plus an additional five percent of the salaries paid such essential licensed personnel.*

*Subd. 3. In addition to the provisions of subdivision 2, the state shall pay:*

*(a) 50 percent of the costs of necessary equipment for these secondary vocational education programs for handicapped children;*

*(b) 50 percent of the costs of necessary travel between instructional sites by secondary vocational education teachers of handicapped children, but not including travel to and from local, regional, district, state or national vocational student organization meetings; and*

*(c) 50 percent of the costs of necessary supplies for these secondary vocational education programs for handicapped children, but not to exceed an average of \$50 in any one school year for each handicapped child receiving these services.*

*Subd. 4. In addition to the provisions of subdivisions 2 and 3 of this section, a school district may contract with a public or private agency other than a Minnesota school district or cooperative center for the provision of secondary vocational education programs for handicapped children. The formula for payment of aids for these contracts in the 1978-1979 school year and thereafter shall be that provided in section 124.32, subdivision 1b. The state board shall promulgate rules relating to approval procedures and criteria for these contracts and aid shall be paid only for contracts approved by the commissioner of education. For the purposes of subdivision 6 of this section, the district or cooperative center contracting for these services shall be construed to be providing these services. For the purposes of subdivision 8 of this section, aid for these contracts shall be distributed on the same basis as aids for salaries, supplies and travel.*

*Subd. 5. The aid provided pursuant to this section shall be paid only for services rendered as designated in subdivision 2 or for the costs designated in subdivision 3 which are incurred in secondary vocational education programs for handicapped children which are approved by the commissioner of education and operated in accordance with rules promulgated by the state board. These rules shall be subject to the restrictions provided in section 124.573, subdivision 3. The procedure for application for approval of these programs shall be as provided in section 124.32, subdivisions 7 and 10 and the application review process shall be conducted jointly by the division of special and compensatory education and the division of vocational-technical education of the state department.*

*Subd. 6. All aid pursuant to this section shall be paid to the district or cooperative center providing the services. All aid received by a district or center from any source for secondary vocational education for handicapped children shall be utilized solely for that purpose.*

*Subd. 7. A district shall not receive aid pursuant to section 124.32 or section 124.573 for salaries, supplies, travel or equipment for which the district receives aid pursuant to this section.*

*Subd. 8. All aid pursuant to this section shall be distributed at the same times and in the same manner as provided in section 124.573, subdivision 5. Aid for supplies shall be distributed at the same time as aid for salaries and travel.*

**Sec. 39. Minnesota Statutes 1976, Section 124.74, is amended to read:**

**124.74 [ENABLING RESOLUTION; FORM OF CERTIFICATES OF INDEBTEDNESS.]** The board may authorize and effect such borrowing, and may issue such certificates of indebtedness upon passage of a resolution specifying the amount and purposes for which it deems such borrowing is necessary,

which resolution shall be adopted by a vote of at least two thirds of its members. The board shall fix the amount, date, maturity, form, denomination, and other details thereof, not inconsistent herewith, and shall fix the date and place for receipt of bids for the purchase thereof *when bids are required* and direct the clerk to give notice thereof.

Sec. 40. Minnesota Statutes 1976, Section 124.76, is amended to read:

124.76 [SALE OF CERTIFICATES; DISBURSEMENT OF PROCEEDS.] *Subdivision 1.* The clerk of the board shall give notice of the proposed sale as required by chapter 475. At the time and place so fixed, such certificates may be sold by the board, or its officers if authorized by the board, to the bidder who will agree to purchase the same on terms deemed most favorable to the district. Such certificates shall be executed and delivered as required by chapter 475. The money so received shall be disbursed solely for the purposes for which such taxes are levied or aids are receivable. The purchaser of such certificates shall not be obligated to see to such application of the proceeds.

*Subd. 2. Public sale of tax and aid anticipation certificates of indebtedness according to subdivision 1 shall not be required if the proposed borrowing is in an amount less than \$200,000, and if the sum of all outstanding tax and aid anticipation certificates issued by the board within the preceding six months does not exceed \$200,000. If no public sale is held, the certificates of indebtedness must be sold in accordance with the most favorable of two or more proposals solicited privately.*

Sec. 41. Minnesota Statutes 1976, Section 125.12, Subdivision 6a, is amended to read:

Subd. 6a. [NEGOTIATED UNREQUESTED LEAVE OF ABSENCE.] The school board and the exclusive bargaining representative of the teachers may negotiate a plan providing for unrequested leave of absence without pay or fringe benefits for as many teachers as may be necessary because of discontinuance of position, lack of pupils, financial limitations, or merger of classes caused by consolidation of districts. Failing to successfully negotiate such a plan (BY THE BEGINNING DATE OF A NEW MASTER CONTRACT), the provisions of subdivision 6b shall apply. The provisions of section 179.72 shall not apply for the purposes of this subdivision.

Sec. 42. Minnesota Statutes 1976, Section 125.12, Subdivision 6b, is amended to read:

Subd. 6b. [UNREQUESTED LEAVE OF ABSENCE.] The school board may place on unrequested leave of absence, without pay or fringe benefits, as many teachers as may be nec-

essary because of discontinuance of position, lack of pupils, financial limitations, or merger of classes caused by consolidation of districts. The unrequested leave shall be effective at the close of the school year. In placing teachers on unrequested leave, the board shall be governed by the following provisions:

(a) The board may place probationary teachers on unrequested leave first in the inverse order of their employment. No teacher who has acquired continuing contract rights shall be placed on unrequested leave of absence while probationary teachers are retained in positions for which the teacher who has acquired continuing contract rights is certified;

(b) Teachers who have acquired continuing contract rights shall be placed on unrequested leave of absence in fields in which they are certified in the inverse order in which they were employed by the school district. (IN THE CASE OF MERGER OF CLASSES CAUSED BY CONSOLIDATION OF DISTRICTS OR) In the case of equal seniority, the order in which teachers who have acquired continuing contract rights shall be placed on unrequested leave of absence in fields in which they are certified shall be negotiable;

(c) Notwithstanding clauses (a) and (b), if either the placing of a probationary teacher on unrequested leave before a teacher who has acquired continuing rights or the placing of a teacher who has acquired continuing contract rights on unrequested leave before another teacher who has acquired continuing contract rights but who has greater seniority would place the district in violation of its affirmative action program, the district may retain the probationary teacher or the teacher with less seniority;

(d) Teachers placed on unrequested leave of absence shall be reinstated to the positions from which they have been given leaves of absence or, if not available, to other available positions in the school district in fields in which they are certified. Reinstatement shall be in the inverse order of placement on leave of absence. The order of reinstatement of teachers who have equal seniority and who are placed on unrequested leave in the same school year shall be negotiable;

**((E) TEACHERS, OTHER THAN PROBATIONARY TEACHERS, TERMINATED UNDER MINNESOTA STATUTES 1971, SECTION 125.12, SUBDIVISION 6, CLAUSE (E), IN THE 1973-74 SCHOOL YEAR SHALL BE REINSTATED TO THE POSITIONS FROM WHICH THEY HAVE BEEN TERMINATED OR, IF NOT AVAILABLE, TO OTHER AVAILABLE POSITIONS IN THE SCHOOL DISTRICT IN FIELDS IN WHICH THEY ARE CERTIFIED. REINSTATEMENT SHALL BE IN THE ORDER OF SENIORITY. THE ORDER OF REINSTATEMENT OF CONTINUING CONTRACT TEACHERS WHO HAVE EQUAL SENIORITY AND**

WHO ARE TERMINATED UNDER MINNESOTA STATUTES 1971, SECTION 125.12, SUBDIVISION 6, CLAUSE (E) IN THE 1973-74 SCHOOL YEAR SHALL BE NEGOTIABLE. THESE TEACHERS SHALL ALSO BE SUBJECT TO CLAUSES (F), (G), (H), (I) AND (K) OF THIS SUBDIVISION.)

((F)) (e) No appointment of a new teacher shall be made while there is available, on unrequested leave, a teacher who is properly certified to fill such vacancy, unless the teacher fails to advise the school board within 30 days of the date of notification that a position is available to him, that he may return to employment and that he will assume the duties of the position to which appointed on a future date determined by the board;

((G)) (f) A teacher placed on unrequested leave of absence may engage in teaching or any other occupation during the period of this leave;

((H)) (g) The unrequested leave of absence shall not impair the continuing contract rights of a teacher or result in a loss of credit for previous years of service;

((I)) (h) *The unrequested leave of absence of a teacher who is placed on unrequested leave of absence prior to January 1, 1978 and who is not reinstated shall continue for a period of two years after which the right to reinstatement shall terminate; the unrequested leave of absence of a teacher who is placed on unrequested leave of absence on or after January 1, 1978 and who is not reinstated shall continue for a period of five years, provided the teacher files with the board by April 1 each year a written statement requesting reinstatement, after which the right to reinstatement shall terminate;*

((J)) (i) The same provisions applicable to terminations of probationary or continuing contracts in subdivisions 3 and 4 shall apply to placement on unrequested leave of absence;

((K)) (j) Nothing in this subdivision shall be construed to impair the rights of teachers placed on unrequested leave of absence to receive unemployment compensation if otherwise eligible.

Sec. 43. Minnesota Statutes, 1977 Supplement, Section 125.60, Subdivision 2, is amended to read:

Subd. 2. The board of any district may grant an extended leave of absence without salary to any full time elementary or secondary school teacher who has been employed by the district for at least ten (BUT NO MORE THAN 20) years of allowable service, as defined in section 354.05, subdivision 13, or the by-laws of the appropriate retirement association, and who has not attained the age of (55) 58 years or over. *The maximum duration*



*of an extended (LEAVES) leave of absence pursuant to this section shall be determined by mutual agreement of the board and the teacher at the time the leave is granted and shall (NOT EXCEED) be at least three but no more than five years (IN DURATION). An extended leave of absence pursuant to this section shall be taken by mutual consent of the board and the teacher and may be granted only once.*

Sec. 44. Minnesota Statutes, 1977 Supplement, Section 125.60, Subdivision 3, is amended to read:

Subd. 3. A teacher on an extended leave of absence pursuant to this section shall have the right to be reinstated to a position for which he is licensed at the beginning of any (OF THE FIRST FIVE) school (YEARS AFTER HIS) year which immediately follows a year of the extended leave of absence (BEGINS), unless he is discharged or placed on unrequested leave of absence or his contract is terminated pursuant to section 125.17 or 125.12 while he is on the extended leave. The board shall not be obligated to reinstate any teacher who is on an extended leave of absence pursuant to this section unless the teacher advises the board of his intention to return before February 1 in the school year preceding the school year in which he wishes to return. *The board shall notify the commissioner within 30 days of being notified that a teacher intends to return from an extended leave.*

Sec. 45. Minnesota Statutes, 1977 Supplement, Section 125.60, is amended by adding a subdivision to read:

*Subd. 7. No school board shall grant an extended leave of absence pursuant to this section without applying for and receiving authorization from the commissioner of education. The commissioner of education shall establish deadlines and procedures for applications pursuant to this subdivision and shall approve or disapprove applications pursuant to this subdivision within the limits of the appropriation for the purposes of sections 354.094 and 354A.091.*

Sec. 46. Minnesota Statutes, 1977 Supplement, Section 125.61, Subdivision 1, is amended to read:

125.61 [TEACHER EARLY RETIREMENT INCENTIVE PROGRAM.] Subdivision 1. For purposes of this section, "teacher" means a teacher as defined in section 125.03, subdivision 1, who is employed in the public elementary or secondary schools in the state, who has not less than 15 total years of full time teaching service (THEREIN) in elementary and secondary schools, and who has or will have attained the age of 55 years but less than 65 years as of the (END OF) July 15 after the school year during which an application for an early retirement incentive is made.

Sec. 47. Minnesota Statutes, 1977 Supplement, Section 125.-61, is amended by adding a subdivision to read:

*Subd. 1a. For purposes of this section, "retirement" means termination of services in the employing district and withdrawal from active teaching service.*

Sec. 48. Minnesota Statutes, 1977 Supplement, Section 125.-61, Subdivision 2, is amended to read:

Subd. 2. A teacher meeting the requirements of subdivision 1 may be offered a contract for termination of services *in the employing school district, withdrawal from active teaching service, and payment of an early retirement incentive by the employing school district.* An offer may be accepted by the teacher by submitting a written resignation to the school board of the employing district. Applications shall be submitted (PRIOR TO JULY 1, 1977 IN THE CASE OF A TEACHER RETIRING AT THE END OF THE 1977-78 SCHOOL YEAR,) prior to May 1, 1978 in the case of a teacher retiring at the end of the (1978-79) 1977-1978 school year, or, thereafter, prior to May 1 of (THE YEAR IMMEDIATELY PRECEDING) the school year at the end of which the teacher wishes to retire.

Sec. 49. Minnesota Statutes, 1977 Supplement, Section 125.-61, Subdivision 3, is amended to read:

Subd. 3. An eligible teacher who is or will be 55 years of age as of the end of the school year during which an application for an early retirement incentive is made and accepted shall receive an early retirement incentive in the amount of \$7,500. This amount shall be reduced by \$375 for each year that a teacher is over the age of 55 years to a maximum age of 60 years and by an additional \$1,125 for each year that a teacher is over the age of 60 years. The age of the teacher shall be determined as of the (END OF) *July 15* after the school year during which the application for the early retirement incentive is made.

Sec. 50. Minnesota Statutes, 1977 Supplement, Section 125.-61, Subdivision 4, is amended to read:

Subd. 4. The early retirement incentive shall be paid by the employing school district in four equal successive monthly installments commencing on November 1 of the year of retirement. The state shall reimburse the district for 10 percent of any amount or amounts paid out as an early retirement incentive pursuant to this section (UPON RECEIPT OF A PROPER CLAIM THEREFOR ACCOMPANYING THE REPORT REQUIRED BY SUBDIVISION 5), *according to the provisions of subdivision 6.* An early retirement incentive shall not be paid to any teacher who is discharged by a school district.

Sec. 51. Minnesota Statutes, 1977 Supplement, Section 125.-61, Subdivision 6, is amended to read:

Subd. 6. No school board shall enter into an agreement for termination of services with an early retirement incentive without applying for and receiving authorization from the commissioner of (FINANCE) *education*. The commissioner of (FINANCE) *education shall establish procedures for applications pursuant to this subdivision and shall approve or disapprove applications pursuant to this subdivision within the limits of the appropriation for the purposes of this section. Applications pursuant to this subdivision shall include the annual salaries which would be paid to the teachers for whom the applications are made if they did not retire and any other information required by the commissioner of education.*

Sec. 52. Minnesota Statutes 1976, Section 126.12, is amended to read:

126.12 [SCHOOL CALENDAR.] (THE SCHOOL SHALL BE IN SESSION FOR NOT LESS THAN A MINIMUM TERM, AS DEFINED BY THE STATE BOARD, BUT THIS PROVISION SHALL NOT APPLY TO NIGHT SCHOOLS OR KINDERGARTENS.) Every Saturday shall be a school holiday. The school board shall determine the number of school days of each school year on or before April 1 of the calendar year in which such school year commences.

Sec. 53. Minnesota Statutes 1976, Section 127.29, Subdivision 1, is amended to read:

127.29 [GROUNDS FOR DISMISSAL.] Subdivision 1. No school shall dismiss any pupil without attempting to provide alternative programs of education prior to dismissal proceedings, *except where it appears that the pupil will create an immediate and substantial danger to the pupil or persons or property around him.* Such programs may include special tutoring, modification of the curriculum for the pupil, placement in a special class or assistance from other agencies.

Sec. 54. Minnesota Statutes 1976, Section 128A.02, is amended by adding a subdivision to read:

Subd. 5. *The state board may by agreement with teacher preparing institutions or accredited institutions of higher learning arrange for practical experience in the Minnesota school for the deaf and the Minnesota braille and sight-saving school for practice or student teachers, or for other students engaged in fields of study which prepare professionals to provide special services to handicapped children in school programs, who have completed not less than two years of an approved program in their respective fields. These student trainees shall be provided with appropriate supervision by a teacher licensed by the board of*

*teaching or by a professional licensed or registered in the appropriate field of special services, and shall be deemed employees of the school for the deaf or the braille and sight-saving school, as applicable, for purposes of worker's compensation.*

Sec. 55. Minnesota Statutes 1976, Section 128A.02, is amended by adding a subdivision to read:

*Subd. 6. The rules of the state board pursuant to this section shall establish procedures for admission to and discharge from the schools, for decisions on a child's program at the schools and for evaluation of the progress of children enrolled in the schools. These procedures shall guarantee children and their parents appropriate procedural safeguards and the right to participate in educational program decisions.*

Sec. 56. Minnesota Statutes 1976, Section 134.03, is amended to read:

134.03 [TAX LEVY.] In cities of less than 2,000 inhabitants not levying a tax for public library purposes, the school board may maintain a public library for the use of all residents of the district and provide ample and suitable rooms for its use in the school buildings (AND IN ANY INDEPENDENT SCHOOL DISTRICT EMBRACING ANY SUCH CITY, WHERE A LIBRARY BUILDING HAS BEEN ERECTED WITH FUNDS DONATED FOR LIBRARY PURPOSES, THE SCHOOL DISTRICT MAY LEVY AN ANNUAL TAX OF NOT MORE THAN ONE MILL, THE PROCEEDS OF WHICH TAX SHALL BE USED FOR THE SUPPORT AND MAINTENANCE OF THIS LIBRARY AND KNOWN AS THE "LIBRARY FUND.") *or the district.*

Upon a library being so established in any such school district, whose library building has been erected with funds acquired by gift or donation, the school board is empowered to appoint a library board of nine members, of which each member of the school board shall be a member ex officio.

The remaining members of such library board shall be appointed by the school board, one of which remaining members shall hold office for one year, one for two years, and one for three years *if the school board has only six members*, from the first Saturday of September following their appointment, the term of office of each being specified in such appointment; annually thereafter, such school board shall appoint a member of the library board for the term of three years and until his successor shall qualify. Such school board may remove any member so appointed for misconduct or neglect. Vacancies in such board shall be filled by appointment for the unexpired term. Members of such board shall receive no compensation for their services as such.

Immediately after appointment, such board shall organize by electing one of its members as president and one as secretary and from time to time it may appoint such other officers and employees as it deems necessary. The secretary, before entering upon his duties, shall give bond to the school district in an amount fixed by the library board, conditioned for the faithful discharge of his official duties. The library board shall adopt such bylaws and regulations for the government of the library and reading-room and for the conduct of its business as may be expedient and conformable to law. It shall have exclusive control of the expenditures of all money collected for, or placed to the credit of, the library funds, and of the rooms and buildings provided for library purposes. All moneys received for such library fund shall be kept in the treasury of the school district, credited to the library fund, and be paid out only upon itemized vouchers approved by the library board. The library board may fix the compensation of employees and remove any of them at pleasure.

All books or other property given, granted, conveyed, donated, devised, or bequeathed to, or purchased by, such library shall vest in, and be held in the name of, such school district. Every library and reading-room established hereunder shall be free to the use of the inhabitants of the school district, subject to such reasonable regulations as the directors may adopt.

When so established, no such library shall be abandoned without a two-thirds majority vote of the electors cast at any annual or special school meeting called for the purpose.

When so established, in cases where the building has been erected with funds so donated, no such library shall be abandoned without a two-thirds majority vote of the electors cast at any annual or special school meeting called for the purpose.

Sec. 57. Minnesota Statutes, 1977 Supplement, 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, 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 except an officer of a family farm corporation as defined in section 500.24, subdivision 1, clause (c);

(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, *and state institutions under the state board of education*, 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 *or the state board of education*, 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 this chapter, 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 trier of fact shall consider the member's earnings as a member of the military forces;

(12) a voluntary uncompensated worker; accepted by the director of the Minnesota historical society, rendering services as a volunteer, pursuant to chapter 138, shall be an employee. The daily wage of the worker, for the purposes of calculating compensation payable under this chapter, 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.

In the event it is difficult to determine the daily wage as herein provided, then the trier of fact may determine the wage upon which the compensation is payable.

Sec. 58. Minnesota Statutes, 1977 Supplement, Section 275.-07, is amended to read:

275.07 [CITY, TOWN AND SCHOOL DISTRICT TAXES.]  
*Subdivision 1.* The taxes voted by cities, towns, and school districts shall be certified by the proper authorities to the county auditor on or before October tenth in each year. If a city, town, county, school district or special district fails to certify its levy by that date, its levy shall be the amount levied by it for the preceding year. If the local unit notifies the commissioner of revenue before October tenth of its inability to certify its levy by that date, and the commissioner is satisfied that the delay is unavoidable and is not due to the negligence of the local unit's officials or staff, the commissioner shall extend the time within which the local unit shall certify its levy.

*Subd. 2.* In school districts lying in more than one county, the clerk shall certify the tax levied to the auditor of the county in which the administrative offices of the school district are located.

Sec. 59. Minnesota Statutes, 1977 Supplement, Section 275.-124, is amended to read:

275.124 [REPORT OF CERTIFIED LEVY.] Prior to (MARCH) *February* 1 of each year, each county auditor shall report to the commissioner of education on forms furnished by

the commissioner, the amount of the certified levy made by each school district within the county which has taxable property *and any other information concerning these levies that is deemed necessary by the commissioner.*

Sec. 60. Minnesota Statutes, 1977 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 that portion of the previous year's payment not deducted from foundation aid on account of the payment. The levy reductions shall be made in the proportions that each permissible levy bears to the sum of the permissible levies. Reductions in levies pursuant to this clause, subdivision 10 of this section, and section 273.138, shall be made prior to the reductions in clause (2).

(2) Notwithstanding any other law to the contrary, districts which received payments pursuant to sections 294.21 to 294.28; 298.23 to 298.28; 298.32; 298.34 to 298.39; 298.391 to 298.396; 298.405; 298.51 to 298.67; and any law imposing a tax upon severed mineral values, or under any other law distributing proceeds in lieu of ad valorem tax assessments on copper or nickel properties; shall not include a portion of these aids in their permissible levies pursuant to those sections, but instead shall reduce the permissible levies authorized by this section (TO BE CERTIFIED IN THE CALENDAR YEAR IN WHICH THE DEDUCTION FROM FOUNDATION AID IS MADE PURSUANT TO SECTION 124.212, SUBDIVISION 8A, BY THE PORTION OF THE PREVIOUS FISCAL YEAR'S PAYMENT WHICH WAS NOT DEDUCTED FROM FOUNDATION AID IN THAT CALENDAR YEAR PURSUANT TO SECTION 124.212, SUBDIVISION 8A.) *by the greater of the following:*

(a) *an amount equal to 50 percent of the total dollar amount of the payments received pursuant to those sections in the previous fiscal year; or*

(b) *an amount equal to the total dollar amount of the payments received pursuant to those sections in the previous fiscal year less the product of the same dollar amount of payments times the ratio of the maximum levy allowed the district under section 275.125, subdivision 2a, to the total levy allowed the district under section 275.125 in the year in which the levy is certified.*

(3) No reduction pursuant to this subdivision shall reduce the levy made by the district pursuant to subdivision 2a, clause 1 or 2, to an amount less than the amount raised by a levy of 10 mills times the adjusted assessed valuation of that district for



the preceding year as determined by the equalization aid review committee. The amount of any increased levy authorized by referendum pursuant to subdivision 2a, clause (4) shall not be reduced pursuant to this subdivision. The amount of any levy authorized by subdivision 4, to make payments for bonds issued and for interest thereon, shall not be reduced pursuant to this subdivision.

(4) Before computing the reduction pursuant to this subdivision of the capital expenditure levy authorized by section 275.125, subdivision 11a, the commissioner shall ascertain from each affected school district the amount it proposes to levy for capital expenditures pursuant to that subdivision. The reduction of the capital expenditure levy shall be computed on the basis of the amount so ascertained.

(5) 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 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 AND NOT APPLIED TO REDUCE LEVIES CERTIFIED IN THE PRECEDING OCTOBER). *Any amounts received by districts in any fiscal year after fiscal year 1977 pursuant to the sections specified in this clause shall be paid by the district to the commissioner of finance in the following amounts on the designated dates: on or before March 15, 1979 and March 15 of each year thereafter, 100 percent of the amount required to be subtracted from the previous fiscal year's foundation aid pursuant to section 124.212, subdivision 8a, which is in excess of the foundation aid earned for that fiscal year.* 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 278.135.

Sec. 61. Minnesota Statutes, 1977 Supplement, Section 275.125, Subdivision 11a, is amended to read:

Subd. 11a. (a) A school district may levy an amount not to exceed the amount equal to (\$75) (1) \$80 per pupil unit or, (2) in districts where the *actual* pupil unit count (IS INCREASED PURSUANT TO SECTION 124.17, SUBDIVISION 1, CLAUSE (7)) *increases by not less than two and not more than five percent*, (\$80) \$85 per pupil unit or (3) *in districts where the actual pupil unit count increases by five percent or more, \$90 per pupil unit*. For purposes of computing allowable levies under (SECTION 275.125) *this subdivision*, pupil units shall include only those units identified in section 124.17, subdivision 1, clauses (1), (2), (4), (5), (6) and (7), *actual pupil units shall include only those pupil units identified in section 124.17, clauses (1) and (2), and increases in actual pupil units shall be the estimated increases between the school year when the levy is certified and the succeeding school year*. No levy under this subdivision shall exceed 10 mills times the adjusted assessed valuation of the taxable property in the district for the preceding year, notwithstanding the provisions of sections 272.64 and 275.49.

(b) The proceeds of the tax may be used only to acquire land, to equip and reequip buildings and permanent attached fixtures, and to pay leasing fees for computer systems hardware, computer terminals and telecommunications equipment, and related proprietary software. The proceeds of the tax may also be used for capital improvement and repair of school sites, buildings and permanent attached fixtures and for the payment of any special assessments levied against the property of the district authorized pursuant to section 435.19 or any other law or charter provision authorizing assessments against publicly owned property; provided that a district may not levy amounts to pay assessments for service charges, including but not limited to those described in section 429.101, whether levied pursuant to that section or pursuant to any other law or home rule provision. The proceeds of the tax may also be used for capital expenditures for the purpose of reducing or eliminating barriers to or increasing access to school facilities by handicapped individuals.

(c) Subject to the commissioner's approval, the tax proceeds may also be used to rent or lease buildings for school purposes and to acquire or construct buildings. The state board shall promulgate rules establishing the criteria to be used by the commissioner in approving and disapproving district applications requesting the use of capital expenditure tax proceeds for the renting or leasing of buildings for school purposes and the acquisition or construction of buildings. The approval criteria for purposes of building acquisition and construction shall include: the appropriateness of the proposal with respect to the district's long term needs; the availability of adequate existing facilities; and the economic feasibility of bonding because of the proposed building's size or cost.

(d) The board shall establish a fund in which the proceeds of this tax shall be accumulated until expended.

(e) The proceeds of the tax shall not be used for custodial or other maintenance services.

Sec. 62. Minnesota Statutes 1976, 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. HOWEVER,) If any *school district* levy is found to be excessive as a result of a decision of the tax court of appeals or a redetermination by the equalization aid review committee under section 124.212, subdivisions 11 to 18 or for any other reason, 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) *If any aid entitlement pursuant to sections 124.212, 124.222 and 124.245 would have been increased in a prior year as a result of a decision of the tax court of appeals or a redetermination by the equalization aid review committee, the amount of the increase shall be added to the current aid entitlement for the same purposes.*

Sec. 63. Minnesota Statutes 1976, Section 275.125, Subdivision 16, is amended to read:

Subd. 16. For the purposes of this section, the number of *resident* pupil units in average daily membership shall be computed in accordance with section 124.17, provided that the district may use an estimated average daily membership for the current school year. (ANY DISTRICT WHICH INCREASED ITS PUPIL UNITS, EXCLUSIVE OF CONSOLIDATION, OR MERGER OF DISTRICTS, OR CHANGE OF DEFINITION OF PUPIL UNITS BY MORE THAN FIVE PERCENT FROM ONE YEAR TO ANOTHER MAY USE AN ESTIMATED PUPIL UNIT COUNT FOR THE NEXT SUCCEEDING SCHOOL YEAR FOR DETERMINING A LEVY CERTIFIED IN THE CURRENT YEAR.) If as a result of such estimate the

levy is different from the amount that could actually have been levied under this section had such levy been based upon the pupil units computed under section 124.17 for that school year, (THEN IN THAT EVENT) the authorized levy for the following year shall be adjusted for the difference.

Sec. 64. Minnesota Statutes 1976, Section 275.125, Subdivision 18, is amended to read:

Subd. 18. By November 1 of each year each district shall (SUBMIT TO) *notify* the commissioner of education (A CERTIFICATE) of *the levies certified in* compliance with the levy limitations of this section. The commissioner of education shall prescribe the form of this (CERTIFICATE) *notification*.

Sec. 65. Minnesota Statutes, 1977 Supplement, Section 354.094, Subdivision 1, is amended to read:

354.094 [EXTENDED LEAVES OF ABSENCE.] Subdivision 1. If a member is granted an extended leave of absence pursuant to section 125.60, he may receive allowable service credit toward annuities and other benefits under this chapter, for each year of his leave by paying into the fund employee contributions during the period of the leave which shall not exceed five years. The (EMPLOYING DISTRICT) *state* shall pay employer contributions into the fund for each year for which a member who is on extended leave pays employee contributions into the fund. The employee and employer contributions shall be based upon the rates of contribution prescribed by section 354.42 for the salary received during the year immediately preceding the extended leave. Payments for the years for which a member is receiving service credit while on extended leave shall be made on or before June 30 of each fiscal year for which service credit is received.

Sec. 66. Minnesota Statutes, 1977 Supplement, Section 354.094, Subdivision 4, is amended to read:

Subd. 4. If a member who (PAID) *pays* employee contributions into the fund for (FIVE YEARS WHILE ON) *the agreed maximum duration of an* extended leave does not resume teaching in the (SIXTH) *first* school year after (THE BEGINNING OF HIS EXTENDED LEAVE) *that maximum duration has elapsed*, he shall be deemed to cease to render teaching services beginning in that year for purposes of this chapter.

Sec. 67. Minnesota Statutes, 1977 Supplement, Section 354.66, Subdivision 1, is amended to read:

354.66 [QUALIFIED PART TIME TEACHERS; PARTICIPATION IN FUND.] Subdivision 1. As used in this section, the term "teachers" shall have the meaning given it in section 125.03, subdivision 1, but shall not include superintendents

(, PRINCIPALS, ASSISTANT PRINCIPALS OR OTHER SUPERVISORY EMPLOYEES AS DEFINED IN SECTION 179.63, SUBDIVISION 9).

Sec. 68. Minnesota Statutes, 1977 Supplement, Section 354.66, Subdivision 9, is amended to read:

Subd. 9. A district shall not assign a teacher to a part time teaching position qualifying for the continuation of contributions and accrual of service credit pursuant to this section without applying for and receiving the authorization of the commissioner of (FINANCE) *education*. In cooperation with the boards of trustees of the appropriate retirement fund associations and within the limits of the amount appropriated for the purpose of this section, the commissioner of (FINANCE) *education* shall approve or disapprove applications from districts for authorization to assign teachers to part time teaching positions qualifying for the continuation of contributions and accrual for service credit pursuant to this section.

Sec. 69. Minnesota Statutes, 1977 Supplement, Section 354A.091, Subdivision 1, is amended to read:

354A.091 [TEACHERS ON EXTENDED LEAVE.] Subdivision 1. Notwithstanding any provision of chapter 354A or the bylaws of an association relating to salary for contribution purposes or accrual of service credit to the contrary, an elementary or secondary school teacher in the public schools of a city of the first class who is granted an extended leave of absence pursuant to section 125.60 may receive allowable service credit toward annuities and other benefits under this chapter for each year of his leave by paying into the fund employee contributions during the period of the leave which shall not exceed five years. The (EMPLOYING DISTRICT) *state* shall pay employer contributions into the fund for each year for which a member who is on extended leave pays employee contributions into the fund. The employee and employer contributions shall be based upon the rates of contribution prescribed by section 354A.12, for the salary received during the year immediately preceding the leave. Payments for the years for which a member is receiving service credit while on extended leave shall be made on or before June 30 of each fiscal year for which service credit is received.

Sec. 70. Minnesota Statutes, 1977 Supplement, Section 354A.091, Subdivision 4, is amended to read:

Subd. 4. If a member who (PAID) *pays* employee contributions into the fund for (FIVE YEARS WHILE ON) *the agreed maximum duration of an* extended leave does not resume teaching in the (SIXTH) *first* school year after (THE BEGINNING OF HIS EXTENDED LEAVE) *that maximum duration has elapsed*, he shall be deemed to cease to render teaching services

beginning in that year for purposes of this chapter and the by-laws of the retirement association.

Sec. 71. Minnesota Statutes, 1977 Supplement, Section 354A.-22, Subdivision 1, is amended to read:

354A.22 [QUALIFIED PART TIME TEACHERS; PARTICIPATION IN FUND.] Subdivision 1. As used in this section, the term "teachers" shall have the meaning given it in section 125.03, subdivision 1, but shall not include superintendents (, PRINCIPALS, ASSISTANT PRINCIPALS OR OTHER SUPERVISORY EMPLOYEES AS DEFINED IN SECTION 179.63, SUBDIVISION 9).

Sec. 72. Minnesota Statutes, 1977 Supplement, Section 354A.-22, Subdivision 9, is amended to read:

Subd. 9. A district shall not assign a teacher to a part time teaching position qualifying for the continuation of contributions and accrual of service credit pursuant to this section without applying for and receiving the authorization of the commissioner of (FINANCE) *education*. In cooperation with the boards of trustees of the appropriate retirement fund associations and within the limits of the amount appropriated for the purpose of this section, the commissioner of (FINANCE) *education* shall approve or disapprove applications from districts for authorization to assign teachers to part time teaching positions qualifying for the continuation of contributions and accrual of service credit pursuant to this section.

Sec. 73. *Notwithstanding the provisions of Minnesota Statutes, 1977 Supplement, Section 125.61, Subdivision 2, or section 51 of this act, the commissioner of finance shall pay the state's share of any early retirement incentive paid pursuant to section 125.61 to an eligible teacher who retired at the end of the 1976-1977 school year and for whom the employing school board submitted an application to the commissioner of finance prior to February 1, 1978. Notwithstanding the provisions of sections 68 and 72 of this act, the commissioner of finance shall pay the remainder of the state's obligation pursuant to sections 354.66 and 354A.22 for the fiscal year ending June 30, 1978.*

Sec. 74. Minnesota Statutes 1976, 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 sold by an issuer in an amount not exceeding the total sum of \$100,000 in any three month period;

(3) Obligations issued by a governing body other than a school board 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. 75. [REPEALER.] *Subdivision 1. Minnesota Statutes, 1977 Supplement, Sections 125.61, Subdivision 5; and 128A.06, are repealed effective the day following final enactment.*

*Subd. 2. Minnesota Statutes 1976, Sections 120.07; 124.02; and Laws 1977, Chapter 447, Article IX, Section 8, are repealed effective July 1, 1978.*

*Subd. 3. Minnesota Statutes 1976, Section 122.53, is repealed.*

Sec. 76. [SUMMER SCHOOL FOUNDATION AID APPROPRIATION.] *Subdivision 1. Notwithstanding any provision to the contrary contained in Laws 1977, Chapter 447, Article I, Section 23, the appropriation in Laws 1977, Chapter 447, Article I, Section 23, Subdivision 2 for foundation aid for fiscal year 1978 may be expended as provided in this section for the fiscal years ending June 30 in the years designated.*

*Subd. 2. [FOUNDATION AID FOR SUMMER SCHOOL] For payment of foundation aid for summer school programs, the following may be expended:*

\$600,000 . . . . . 1978

\$650,000 . . . . . 1979

*The expenditure authorized in this subdivision for fiscal year 1978 is for payment of foundation aid for 1977 summer school programs. The expenditure authorized in this subdivision for fiscal year 1979 is for payment of foundation aid for 1978 summer school programs. The expenditures authorized in this subdivision are in addition to the funds authorized for payment of summer school foundation aid in Laws 1977, Chapter 447, Article I, Section 23, Subdivision 2.*

**Sec. 77. [SPECIAL EDUCATION AID AUTHORIZATION.]** *Notwithstanding the provisions of Laws 1977, Chapter 447, Article III, Section 16, Subdivision 2, the appropriation in that subdivision for fiscal year 1978 includes not to exceed \$50,000 for the purpose of aid pursuant to section 124.32, subdivision 5 in 1978. The expenditure authorized in this section is in addition to the amount authorized to be expended for aid pursuant to section 124.32, subdivision 5, in Laws 1977, Chapter 447, Article III, Section 16, Subdivision 2, Clause (c).*

**Sec. 78. [AID FOR SECONDARY VOCATIONAL EDUCATION PROGRAMS FOR HANDICAPPED CHILDREN; TRANSFER OF APPROPRIATED SUMS.]** *Subdivision 1. The sum of \$1,800,000 shall be available for secondary vocational education programs for handicapped children for the year ending June 30, 1979.*

*(a) Of this amount, the sum of \$1,538,000 is transferred from the special education aid appropriation for fiscal year 1979 in Laws 1977, Chapter 447, Article III, Section 16, Subdivision 2, and reappropriated for this purpose.*

*(b) This amount is based on the assumption that the state will spend for this purpose an amount at least equal to \$262,000 in fiscal year 1979, of federal money received for vocational education programs pursuant to the vocational education act of 1963, as amended.*

*Subd. 2. None of the amounts transferred and reappropriated for secondary vocational education for handicapped children shall be used for any other purpose. If the amount reappropriated is insufficient, the aid shall be prorated among all qualifying districts and the state shall not be obligated for any amount in excess of the appropriation in this section for this purpose.*

**Sec. 79. [TRANSFERS OF APPROPRIATED FUNDS.]** *Subdivision 1. The sum of \$3,280,000 is transferred from the foundation aid appropriation for fiscal year 1978 in Laws 1977, Chapter 447, Article I, Section 23, Subdivision 2, and reappropriated to the department of education for the following purposes for the fiscal years ending June 30 in the years designated.*

*Subd. 2. [REGIONAL ACCOUNTING COORDINATORS.] For Uniform Financial Accounting Reporting System regional staff, there is appropriated:*

\$175,000 . . . . . 1979



*The appropriation in this subdivision shall be added to the sum appropriated in Laws 1977, Chapter 449, Section 2, Subdivision 5, Clause (b) for this purpose.*

*Subd. 3. [SCHOOL LUNCH PROGRAM.] For food storage costs for U.S.D.A. donated commodities, there is appropriated:*

\$135,000 ..... 1978

\$ 20,000 ..... 1979

*The appropriations in this subdivision shall be added to the sums appropriated in Laws 1977, Chapter 449, Section 2, Subdivision 5, Clause (c) for this purpose. In addition to this appropriation, any unexpended balance from funds appropriated in Laws 1977, Chapter 449, Section 2, Subdivision 5, Clause (c) for the type "A" lunch program may be expended for food storage costs for U.S.D.A. donated commodities.*

*Subd. 4. [TRANSPORTATION AID.] For transportation aid there is appropriated:*

\$ 300,000 ..... 1978

\$1,700,000 ..... 1979

*The appropriations in this subdivision include not to exceed \$180,000 in fiscal year 1978 and \$150,000 in fiscal year 1979 for transportation aid pursuant to section 124.222, subdivision 2a. The appropriations and allocations in this subdivision shall be added to the sums appropriated and allocated for these years for these purposes in Laws 1977, Chapter 447, Article II, Section 11, Subdivision 2.*

*Subd. 5. [REGIONAL MANAGEMENT INFORMATION CENTER.] For reimbursement of the T.I.E.S. Regional Management Information Center for costs incurred in converting to the statewide management information system, there is appropriated:*

\$500,000 ..... 1978

\$450,000 ..... 1979

*Any unexpended balance remaining from the appropriation in this section for 1978 shall not cancel but shall be available for the second year of the biennium. The appropriations in this subdivision shall be added to the sums appropriated in Laws 1977, Chapter 449, Section 2, Subdivision 5, Clause (b), for this purpose. The department of education shall determine which costs are eligible for reimbursement.*

**Sec. 80. [TEACHER MOBILITY; APPROPRIATION.]** *To meet the state's obligations prescribed in sections 125.61, 354.094, 354.66, 354A.091 and 354A.22, there is appropriated to the department of education the sum of \$2,974,200 for the fiscal year ending June 30, 1979.*

*(a) The amount appropriated in this section shall not be expended for a purpose other than the purposes indicated. If the appropriation amount for the purposes indicated is insufficient, the state shall not be obligated for any amount in excess of the appropriation in this section for these purposes.*

*(b) Notwithstanding the provisions of sections 354.43 and 354A.12, the state's additional obligations prescribed in sections 354.094, 354.66, 354A.091 and 354A.22 shall not be financed out of standing appropriations for the state's obligations pursuant to chapter 354 or 354A.*

**Sec. 81. [APPROPRIATION FOR SCHOOL FINANCE STUDY COMMISSION.]** *There is appropriated from the general fund of the state treasury to the legislative school finance study commission for the biennium ending June 30, 1979, the sum of \$40,000. Expenditures of the commission shall be approved as determined by commission resolution.*

**Sec. 82. [APPROPRIATION FOR FOUNDATION AID.]** *There is appropriated from the general fund to the department of education for the year ending June 30, 1979, the sum of \$11,000,000 for the purpose of foundation aid. This amount shall be added to the amount appropriated for this purpose for this year in Laws 1977, Chapter 447, Article I, Section 23, Subdivision 2.*

**Sec. 83. [EFFECTIVE DATES.]** *Subdivision 1. Sections 1, 3, 4, 5, 6, 17, 19, 20, 24, 26, 31, 33, 35, 36, 38, 41, 43, 44, 45, 46, 47, 48, 49, 50, 51, 54, 55, 57, 60, 66, 68, 70, 72, 73, 76, 77, and 79 of this act shall be effective the day following final enactment.*

*Subd. 2. Sections 27 and 32 of this act shall be effective the day following final enactment and shall govern the computation of aid for the 1977-1978 school year.*

*Subd. 3. Section 16 of this act, in so far as it affects named pairs of independent school districts, shall be effective as to each pair upon its approval by the school boards of both of the paired districts. Otherwise, section 16 of this act shall be effective the day following final enactment.*

*Subd. 4. Section 42 of this act shall be effective the day following final enactment, except as provided in subdivision 5 of this section.*

*Subd. 5. Sections 7, 8, 9, 10, 11, 12, 13, 14, 15, and 21; section 75, subdivision 3, and the provisions of section 42 concerning merger of classes caused by consolidation of districts, shall be effective the day following final enactment; provided, these sections shall not apply to districts affected by the order of a county board, issued prior to that date, that an interlocutory order of dissolution and attachment be final and effective or to districts affected by an order of the commissioner, issued prior to that date, assigning an identification number to a new district pursuant to section 122.23, subdivision 14."*

Further, delete the title and insert:

"A bill for an act relating to education; providing for aids to education, tax levies, and the distribution of tax revenues; granting certain powers and duties to teachers, school boards, school districts, county auditors, the commissioner of education, the commissioner of finance, and the state board of education; creating a legislative school finance study commission; revising the provisions governing effective date, levy limitations, and employee relations, in case of school district reorganization; allowing the experimental pairing of certain districts; limiting the liability of school bus contractors; increasing capital expenditure aid and the capital expenditure levy limitation; providing a funding method for programs of secondary vocational education for handicapped children; increasing the reinstatement period for teachers on unrequested leave of absence; providing state funding for the employer's share of retirement contributions for teachers on extended leaves of absence; authorizing certain expenditures; transferring certain appropriated funds; appropriating money; amending Minnesota Statutes 1976, Sections 6.62, Subdivision 1; 121.904, Subdivision 7, and by adding a subdivision; 122.22, Subdivision 9, and by adding a subdivision; 122.23, Subdivisions 13, 15, and 18; 122.46, Subdivision 2; 123.37, Subdivision 1b; 123.39, by adding a subdivision; 124.17, Subdivision 3; 124.20; 124.74; 124.76; 125.12, Subdivisions 6a and 6b; 126.12; 127.29, Subdivision 1; 128A.02, by adding subdivisions; 134.03; 275.125, Subdivisions 15, 16 and 18; 475.60, Subdivision 2; Chapter 122, by adding sections; Chapter 124, by adding a section; Minnesota Statutes, 1977 Supplement, Sections 121.912, Subdivision 1; 122.85, Subdivision 1; 124.17, Subdivisions 1 and 2; 124.19, Subdivision 1; 124.212, Subdivisions 5a and 8a; 124.213, Subdivision 1; 124.222, Subdivision 6; 124.245, Subdivisions 1 and 2, and by adding a subdivision; 124.32, Subdivisions 1b, 5, and by adding a subdivision; 124.38, Subdivision 7; 124.562, Subdivision 1; 124.572, Subdivision 2; 124.573, Subdivision 2; 125.60, Subdivisions 2 and 3, and by adding a subdivision; 125.61, Subdivisions 1, 2, 3, 4, 6, and by adding a subdivision; 176.011, Subdivision 9; 275.07; 275.124; 275.125, Subdivisions 9, and 11a; 354.094, Subdivisions 1 and 4; 354.66, Subdivisions 1 and 9; 354A.091, Subdivisions 1 and 4; and 354A.22, Subdivisions 1 and 9; repealing Minnesota Statutes 1976, Sections 120.07; 122.53; 124.02; Minnesota Statutes, 1977 Supple-

ment, Sections 125.61, Subdivision 5; 128A.06; and Laws 1977, Chapter 447, Article IX, Section 8.”.

With the recommendation that when so amended the bill 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. 1220, A bill for an act relating to courts; providing for law clerks to assist district judges; amending Minnesota Statutes 1976, Section 484.545, Subdivision 1.

Reported the same back with the following amendments:

Page 1, after line 17, add a new section to read:

*“Sec. 2. This act is effective upon approval by the county board of each county within the first judicial district, and upon compliance with Minnesota Statutes, Section 645.021.”.*

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Sieben, H., from the Committee on Governmental Operations to which was referred:

H. F. No. 1400, A bill for an act relating to American Indians; changing references from native American to American Indian; defining in terms of a federally recognized tribe; amending Minnesota Statutes 1976, Sections 84.10; 124.48; 145.922, Subdivision 2; 152.02, Subdivision 2; 245.76; 254A.02, Subdivision 11; 254A.03; 254A.031; 254A.07, Subdivision 2; 325.41; 362.40, Subdivision 2; 462A.07, Subdivision 14; 462A.21, Subdivision 4c; 462A.26; 472.03, Subdivision 12; and 517.18, Subdivision 4.

Reported the same back with the following amendments:

Page 1, line 24, delete “1976” and insert “, 1977 Supplement”.

Page 2, line 2, after “any” insert “Minnesota resident”.

Page 2, line 2, delete the stricken “has” and insert “is (OF)”.

Page 2, line 3, delete the stricken “blood” and insert “(ANCESTRY)”.

Page 2, line 3, delete "is".

Page 2, line 5, delete "profit" and insert "benefit".

Page 2, line 6, delete "Scholarship" and insert "Scholarships".

Page 2, line 9, after "fees" insert "; books, supplies, transportation, other related school costs".

Pages 2, 3, and 4, delete all of section 4.

Pages 12, 13, 14, and 15, delete all of section 14.

Renumber the remaining sections in sequence.

Further amend the title:

Line 5, delete "124.48;"

Line 6, delete "152.02, Subdivision 2;"

Line 10, delete "462A.26;"

Line 11, after "4" insert "; and Minnesota Statutes, 1977 Supplement, Section 124.48".

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Sieben, H., from the Committee on Governmental Operations to which was referred:

H. F. No. 1599, A bill for an act relating to unemployment compensation; making certain daytime activity center teachers ineligible for benefits during certain periods; amending Minnesota Statutes 1976, Section 268.08, Subdivision 5.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes, 1977 Supplement, Section 268.08, Subdivision 6, is amended to read:

Subd. 6. [SERVICES PERFORMED FOR STATE, MUNICIPALITIES OR CHARITABLE CORPORATION.] Effective January 1, 1978 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 benefits payable on the basis of other service subject to this chapter; except that

(a) With respect to weeks of unemployment after December 31, 1977, benefits based upon service performed in an instructional, research, or principal administrative capacity for an institution of higher education or a public school, or a nonpublic school or the Minnesota school for the deaf or Minnesota braille and sight saving school or a *developmental achievement center operating pursuant to sections 252.21 to 252.26 and licensed pursuant to section 245.783*, benefits shall not be paid based upon such services for any week of unemployment commencing during the period between two successive academic years or terms, or during a similar period between two regular but not successive terms, or during a period of paid sabbatical leave provided for in the individual's contract, to any individual if such individual performs such services in the first of such academic years or terms and if there is a contract or a reasonable assurance that such individual will perform services in any such capacity for any institution of higher education, public school, nonpublic school, or said state deaf and sight saving schools in the second of such academic years or terms, and

(b) With respect to service performed after December 31, 1977 in any capacity, other than those capacities described in clause (a) of this subdivision, for a public school or nonpublic school, or the Minnesota school for the deaf or Minnesota braille and sight saving school, and for service with a political subdivision with respect to a school, or a *development achievement center operating pursuant to sections 252.21 to 252.26 and licensed pursuant to section 245.783*, benefits shall not be paid on the basis of such services to any individual for any week which commences during a period between two successive academic years or term if such individual performs such services in the first of such academic years or terms and there is a reasonable assurance that such individual will perform such services in the second of such academic years or terms, and

(c) With respect to any services described in clause (a) or (b), compensation payable on the basis of such services shall not be paid to any individual for any week which commences during an established and customary vacation period or holiday recess if such individual performs such services in the period immediately before such vacation period or holiday recess, and there is a reasonable assurance that such individual will perform such services in the period immediately following such vacation period or holiday recess. *For a development achievement center operating pursuant to sections 252.21 to 252.26 and licensed pursuant to section 245.783 school year means that period established by resolution of its board of directors.*

Further amend the title :

Page 1, line 3, delete "daytime activity" and insert "development achievement".

Page 1, line 5, delete "1976" and insert ", 1977 Supplement".

Page 1, line 6, delete "5" and insert "6".

With the recommendation that when so amended the bill pass.

The report was adopted.

Sieben, H., from the Committee on Governmental Operations to which was referred:

H. F. No. 1663, A bill for an act relating to retirement; authorizing a combined service annuity and the purchase of prior service credit for certain university employees.

Reported the same back with the following amendments:

Page 2, line 4, after "made" and before the period, insert "; provided, however, that the university of Minnesota at its discretion may make the employer and employer additional contributions plus interest at the applicable rate".

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Sieben, H., from the Committee on Governmental Operations to which was referred:

H. F. No. 2093, A bill for an act relating to retirement; transfer of pension coverage for university of Minnesota peace officers to the public employees police and fire fund; terminating the university of Minnesota police department retirement plan and fund; transfer of assets and records; providing for an extension of police state aid; amending Minnesota Statutes 1976, Sections 69.021, Subdivision 9; 69.031, Subdivision 4; 356.20, Subdivision 2; Minnesota Statutes, 1977 Supplement, Sections 69.011, Subdivisions 1 and 2; 69.021, Subdivisions 5, 6 and 7; and 69.031, Subdivision 5.

Reported the same back with the following amendments:

Page 3, line 13, after "1977." insert: "*If an adjustment from the Minnesota adjustable fixed benefit fund pursuant to section 11.25 is payable as of January 1, 1979, the required reserves for the increase determined using a five percent interest assump-*

*tion and the applicable public employees police and fire fund mortality table shall be transferred by the public employees police and fire fund to the Minnesota adjustable fixed benefit fund on January 1, 1979."*

Page 5, line 7, delete "\$....." and insert "\$82,904".

Page 5, line 8, delete "30" and insert "ten".

With the recommendation that when so amended the bill pass.

The report was adopted.

Sieben, H., from the Committee on Governmental Operations to which was referred:

H. F. No. 2094, A bill for an act relating to retirement; transit operating division of the metropolitan transit commission; transfer of pension coverage; termination of the metropolitan transit commission—transit operating division employees retirement fund; amending Minnesota Statutes 1976, Sections 352.01, Subdivisions 2A and 11; and 352.22, by adding a subdivision; and Minnesota Statutes, 1977 Supplement, Sections 352.03, Subdivisions 1 and 2; and 473.415.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1976, Section 352.01, Subdivision 2A, is amended to read:

Subd. 2A. [INCLUDED EMPLOYEES.] The following persons are included in the meaning of state employee:

- (1) Employees of the Minnesota Historical Society.
- (2) Employees of the State Horticultural Society.
- (3) Employees of the Disabled American Veterans, Department of Minnesota, Veterans of Foreign Wars, Department of Minnesota, if employed prior to July 1, 1963.
- (4) Employees of the Minnesota Crop Improvement Association.
- (5) Employees of the adjutant general who are paid from federal funds and who are not covered by any federal civilian employees retirement system.



(6) Employees of the state universities employed under the university activities program.

(7) Currently contributing employees covered by the system who are temporarily employed by the legislature during a legislative session or any currently contributing employee employed for any special service as defined in item (8) of subdivision 2B.

(8) Employees of the armory building commission.

(9) Permanent employees of the legislature and persons employed or designated by the legislature or by a legislative committee or commission or other competent authority to make or conduct a special inquiry, investigation, examination or installation including permanent employees of the legislative research committee.

(10) Trainees who are employed on a full time established training program performing the duties of the classified position for which they will be eligible to receive immediate appointment at the completion of the training period.

(11) Employees of the Minnesota Safety Council.

(12) *Employees of the transit operating division of the metropolitan transit commission and any employees on authorized leave of absence from the transit operating division who are employed by the labor organization which is the exclusive bargaining agent representing employees of the transit operating division.*

(13) *Employees of the metropolitan council, metropolitan parks and open space commission, metropolitan transit commission, metropolitan waste control commission, metropolitan sports facilities commission or the metropolitan mosquito control commission unless excluded or covered by another public pension fund or plan pursuant to section 473.141, subdivision 12, or 473.411, subdivision 3.*

Sec. 2. Minnesota Statutes 1976, Section 352.01, Subdivision 11, is amended to read:

Subd. 11. [ALLOWABLE SERVICE.] "Allowable service" means:

(1) Any service rendered by an employee for which on or before July 1, 1957, he was entitled to allowable service credit on the records of the system by reason of employee contributions in the form of salary deductions, payments in lieu of salary deductions, or in any other manner authorized by Minnesota Statutes 1953, Chapter 352, as amended by Laws 1955, Chapter 239, or

(2) Any service rendered by an employee for which on or before July 1, 1961, he elected to obtain credit for service by making payments to the fund pursuant to Minnesota Statutes 1961, Section 352.24, or

(3) Any service rendered by an employee after July 1, 1957, for any calendar month in which he is paid salary from which deductions are made, deposited and credited in the fund, including deductions made, deposited and credited as provided in section 352.041, or

(4) Any service rendered by an employee after July 1, 1957 for any calendar month for which payments in lieu of salary deductions are made, deposited and credited in the fund, as provided in section 352.27 and Minnesota Statutes 1957, Section 352.021, Subdivision 4.

(For purposes of paragraphs (3) and (4) of this subdivision, any salary paid for a fractional part of any calendar month is deemed the compensation for the entire calendar month. The board of directors of the Minnesota state retirement system shall establish rules governing the accrual of allowable service credit for less than full time employment.), or

(5) The period of absence from their duties by employees who by reason of injuries incurred in the performance thereof are temporarily disabled and for which disability the state is liable under the worker's compensation law until the date authorized by the director for the commencement of payments of a total and permanent disability benefit from the retirement fund, or

(6) The unused portion of an employee's annual leave allowance for which he is paid salary, or

(7) Any employee who made payment in installments in order to obtain additional service credit but failed to make the final payment on or before July 1, 1962 shall be entitled to have credit for all service for which the payments he made will entitle him under the provisions of Minnesota Statutes 1961, Section 352.24. In determining "the service for which the payments he made will entitle him" service credit shall extend retroactively from the latest service for which he made payment, or

(8) Former state employees who hold numbered certificates of deferred annuity who again become state employees shall surrender such certificates and shall be entitled to full credit for the service covered by the surrendered certificates, or

(9) Any service covered by refundment repaid as provided in section 352.23 but does not include service rendered as an em-

ployee of the adjutant general for which the person has credit with the federal civil service retirement system(.) , or

*(10) Any service prior to the effective date of the act by an employee of the transit operating division of the metropolitan transit commission or by an employee on an authorized leave of absence from the transit operating division of the metropolitan transit commission who is employed by the labor organization which is the exclusive bargaining agent representing employees of the transit operating division which was credited by the metropolitan transit commission—transit operating division employees retirement fund or any of its predecessor plans or funds as past, intermediate, future, continuous or allowable service as defined in the metropolitan transit commission—transit operating division employees retirement fund plan document in effect on December 31, 1977.*

Sec. 3. Minnesota Statutes, 1977 Supplement, Section 352.03, Subdivision 1, amended to read:

**352.03 [BOARD OF DIRECTORS, COMPOSITION, EXECUTIVE DIRECTOR; DUTIES, POWERS.]** Subdivision 1. **[MEMBERSHIP OF BOARD; ELECTION; TERM.]** The policy making function of the system is hereby vested in a board of (EIGHT) *nine* members, who shall be known as the board of directors, hereinafter called the board. This board shall consist of three members appointed by the governor, one of whom shall be a constitutional officer or appointed state official and two public members knowledgeable in pension matters, four state employees who shall be elected by state employees covered by the system *excluding employees of the transit operating division of the metropolitan transit commission and employees on authorized leave of absence from the transit operating division who are employed by the labor organization which is the exclusive bargaining agent representing employees of the transit operating division, one employee of the transit operating division of the metropolitan transit commission who shall be designated by the executive committee of the labor organization which is the exclusive bargaining agent representing employees of the transit division, and one retired employee who shall be elected by retired employees at a time and in a manner to be fixed by the board.* Two board members, whose terms of office shall begin on the first Monday in March next succeeding their election, shall be elected biennially. The term of the two board members whose terms expire in 1968 shall terminate on the first Monday in March, 1968, and the terms of the two board members whose terms expire in 1970 shall terminate on the first Monday in March, 1970. The elected retired board member shall serve a term commencing January 1, 1978 and terminating on the first Monday in March, 1980. *The transit operating division board member shall serve a term commencing January 1, 1979, and terminating on the first Monday in March, 1980.* Thereafter the

members of the board so elected *and the transit operating division member so appointed* shall hold office for a term of four years, except the retired member whose term shall be two years, and until their successors are elected *or appointed*, and have qualified. A state employee on leave of absence shall not be eligible for election or re-election to membership on the board of directors; and the term of any board member who is on leave for more than six months shall automatically terminate upon the expiration of such period.

Sec. 4. Minnesota Statutes, 1977 Supplement, Section 352.03, Subdivision 2, is amended to read:

Subd. 2. [VACANCY.] Any vacancy of a state employee or retired employee in the board caused by death, resignation, or removal of any member so elected shall be filled by the board for the unexpired portion of the term in which the vacancy occurs. *Any vacancy of the employee of the transit operating division member of the board caused by death, resignation, or removal shall be filled by the governing board of the labor organization which is the exclusive bargaining agent representing employees of the transit operating division.*

Sec. 5. Minnesota Statutes 1976, Section 352.22, is amended by adding a subdivision to read:

Subd. 2a. [AMOUNT OF CERTAIN REFUNDS.] *For any employee who is entitled to receive a refund pursuant to subdivision 1 and who, prior to the effective date of this act, was a member of the metropolitan transit commission—transit operating division employees retirement fund, the refund for contributions made prior to the effective date of this act shall be equal to the following amounts:*

(a) *For any employee contributions made prior to January 1, 1950, the amount equal to one half of the employee contributions without interest;*

(b) *For any employee contributions made subsequent to December 31, 1949, but prior to January 1, 1975, the amount of the employee contributions plus simple interest at the rate of two percent per annum; and*

(c) *For any employee contributions made subsequent to December 31, 1974, but prior to the effective date of this act, the amount of the employee contributions plus simple interest at the rate of three and one half percent per annum.*

*The refund for contributions made on or after the effective date of this act shall be determined pursuant to subdivision 2. Interest shall be computed to the first day of the month in which the refund is processed and shall be based on fiscal year balances.*

Sec. 6. Minnesota Statutes 1976, Section 356.20, Subdivision 2, is amended to read:

- Subd. 2. (1) State employees retirement fund.
- (2) Public employees retirement fund.
- (3) Teachers retirement fund.
- (4) Highway patrolmen's retirement fund.
- (5) TWIN CITY LINES EMPLOYEES RETIREMENT PLAN.)
- (6) (5) Minneapolis teachers retirement fund association.
- (7) (6) St. Paul teachers retirement fund association.
- (8) (7) Duluth teachers retirement fund association.
- (9) (8) Municipal employees retirement board of Minneapolis.
- (10) (9) University of Minnesota police retirement plan.
- (11) (10) University of Minnesota faculty retirement plan.

Sec. 7. Minnesota Statutes, 1977 Supplement, Section 473.415, is amended to read:

473.415 [LABOR PROVISIONS.] *Subdivision 1.* If the commission acquires an existing transit system, the commission shall assume and observe all existing labor contracts and pension obligations. All employees of such system except executive and administrative officers who are necessary for the operation thereof by the commission shall be transferred to and appointed as employees of the commission for the purposes of the transit system, subject to all the rights and benefits of sections 473.401 to 473.451. Such employees shall be given seniority credit and sick leave, vacation, insurance, and pension credits in accordance with the records or labor agreements from the acquired transit system. The commission shall assume the obligations of any transit system acquired by it with regard to wages, salaries, hours, working conditions, sick leave, health and welfare and pension or retirement provisions for employees. The commission and the employees, through their representatives for collective bargaining purposes, shall take whatever action may be necessary to have pension trust funds presently under the joint control of the acquired system and the participating employees through their representatives transferred to the trust fund to be established,

maintained and administered jointly by the commission and the participating employees through their representatives. No employee of any acquired system who is transferred to a position with the commission shall by reason of such transfer be placed in any worse position with respect to worker's compensation, pension, seniority, wages, sick leave, vacation, health and welfare insurance or any other benefits than he enjoyed as an employee of such acquired system.

*Subd. 2. For any employees of the commission who were transferred to and appointed as employees of the commission upon completion of acquisitions of transit systems which occurred prior to the effective date of this act, the provisions of this act shall replace the provisions of subdivision 1 relating to the pension obligations which the commission is required to assume, and the pension or retirement plan and pension trust funds which the commission is required to establish, maintain and administer. Upon compliance with the applicable provisions of this act, the commission shall not be deemed to have placed any employee of the commission who was transferred to and appointed as an employee of the commission upon completion of acquisitions of transit systems which occurred prior to the effective date of this act in any worse position with respect to pension and related benefits than the employee of the commission enjoyed as an employee of the acquired existing transit system.*

*Subd. 3. For any employees of the commission who are transferred to and appointed as employees of the commission upon completion of acquisitions of transit systems which occur subsequent to the effective date of this act, those employees shall be governed by the provisions of this act unless the acquisition of the transit system which employed them immediately preceding the acquisition included the acquisition of a pension trust fund under the joint control of the acquired system and the participating employees through their representatives.*

**Sec. 8. [TRANSFER OF PENSION COVERAGE.]** *Subdivision 1. [EXISTING EMPLOYEES.] Notwithstanding any provisions of law to the contrary, as of the effective date of this act, all active employees of the transit operating division of the metropolitan transit commission and all employees on authorized leaves of absence from the transit operating division who are employed on the effective date of this act by a labor organization which is the exclusive bargaining agent representing employees of the transit operating division shall cease to be members of the metropolitan transit commission—transit operating employees retirement fund and shall cease to have any accrual of service credit, rights or benefits under that retirement fund. From and after the effective date of this act, all active employees of the transit operating division of the metropolitan transit commission and all employees on authorized leaves of absence from the transit operating division who are employed on the effective date of this act by the labor organization*

*which is the exclusive bargaining agent representing employees of the transit operating division shall be members of the Minnesota state retirement system, shall be considered state employees for purposes of chapter 352, unless specifically excluded pursuant to section 352.01, subdivision 2B, and shall have past service with the transit operating division of the metropolitan transit commission credited by the Minnesota state retirement system in accordance with section 2, clause (10), of this act. Any employees on authorized leaves of absence from the transit operating division of the metropolitan transit commission who become employed by the labor organization which is the exclusive bargaining agent representing employees of the transit operating division after the effective date of this act shall be entitled to be members of the Minnesota state retirement system pursuant to section 352.029.*

*Subd. 2. [NEW EMPLOYEES.] All persons first employed by the metropolitan transit commission as employees of the transit operating division on or after the effective date of this act shall be members of the Minnesota state retirement system and shall be considered state employees for purposes of chapter 352 unless specifically excluded pursuant to section 352.01, subdivision 2B.*

*Subd. 3. [EXISTING RETIRED MEMBERS AND BENEFIT RECIPIENTS.] As of the effective date of this act, the liability for all retirement annuities, disability benefits, survivorship annuities and survivor of deceased active employee benefits of annuitants and benefit recipients paid or payable by the metropolitan transit commission—transit operating division employees retirement fund shall be transferred to the Minnesota state retirement system, and shall no longer be the liability of the metropolitan transit commission—transit operating division employees retirement fund. The required reserves for retirement annuities, disability benefits and optional joint and survivor annuities in effect on the day prior to the effective date of this act and the required reserves for the increase in annuities and benefits provided pursuant to section 9 of this act shall be determined using a five percent interest assumption and the applicable Minnesota state retirement system mortality table and shall be transferred by the Minnesota state retirement system to the Minnesota adjustable fixed benefit fund on the effective date of this act but shall be considered appropriated as of June 30, 1978. The annuity or benefit amount in effect on the effective date of this act, including the increase granted pursuant to section 9 of this act, shall be considered the "originally determined benefit" for purposes of any adjustments made pursuant to section 11.25. If an adjustment from the Minnesota adjustable fixed benefit fund pursuant to section 11.25 is payable as of January 1, 1979, any annuitant or benefit recipient receiving an annuity or benefit from the Minnesota adjustable fixed benefit fund pursuant to this section shall be entitled to receive the adjustment if the annuitant or recipient began receiving the*

annuity or benefit from the metropolitan transit commission—transit operating division employees retirement fund on or before June 30, 1977, but that adjustment shall not include in the base for calculation the amount of any increase granted pursuant to section 9 of this act. If an adjustment from the Minnesota adjustable fixed benefit fund pursuant to section 11.25 is payable as of January 1, 1979, the required reserves for the increase determined using a five percent interest assumption and the applicable Minnesota state retirement system mortality table shall be transferred by the Minnesota state retirement system to the Minnesota adjustable fixed benefit fund on January 1, 1979. For persons receiving benefits as survivors of deceased former retirement annuitants, the benefits shall be considered as having commenced on the date on which the retirement annuitant began receiving the retirement annuity.

Subd. 4. [EXISTING DEFERRED RETIREES.] Any former member of the metropolitan transit commission—transit operating division employees retirement fund who is not an active employee of the transit operating division of the metropolitan transit commission on the effective date of this act, who has at least ten years of active continuous service with the transit operating division of the metropolitan transit commission as defined by the metropolitan transit commission—transit operating division employees retirement plan document in effect on December 31, 1977, who has not received a refund of contributions and who has not retired or begun receiving an annuity or benefit from the metropolitan transit commission—transit operating division employees retirement fund shall be entitled to a retirement annuity from the Minnesota state retirement system upon attaining the age of at least 55 years and submitting a valid application for a retirement annuity to the executive director of the Minnesota state retirement system. The person shall be entitled to a retirement annuity in an amount equal to the normal old age retirement allowance calculated under the metropolitan transit commission—transit operating division employees retirement fund plan document in effect on December 31, 1977 subject to an early retirement reduction or adjustment in amount on account of retirement prior to the normal retirement age specified in that metropolitan transit commission—transit operating division employees retirement fund plan document. The deferred retirement annuity of any person to whom this subdivision applies shall be augmented. The required reserves applicable to the deferred retirement annuity, determined as of the date the allowance begins to accrue using an appropriate mortality table and an interest assumption of five percent, shall be augmented by interest at the rate of five percent per annum compounded annually from January 1, 1978, to the first day of the month in which the annuity begins to accrue. Upon the commencement of the retirement annuity, the required reserves for the annuity shall be transferred to the Minnesota adjustable fixed benefit fund in accordance with subdivision 2 and section 352.119. Upon application for a retirement annuity under this subdivision, the person shall be entitled to elect a joint and sur-



*vivor optional annuity pursuant to section 352.116, subdivision 3.*

**Sec. 9. [SAVINGS CLAUSE FOR CERTAIN EXISTING EMPLOYEES.]** *Any person who is a member of the metropolitan transit commission—transit operating division employees retirement fund on the effective date of this act shall be entitled to retain past and prospective rights under the retirement benefit formula, normal retirement age and early reduced retirement age provisions of the metropolitan transit commission—transit operating division employees retirement fund plan document in effect on the effective date of this act in lieu of the provisions contained in sections 352.115; 352.116; 352.22, subdivisions 3 to 11; and 356.30.*

**Sec. 10. [INCREASE IN EXISTING ANNUITIES AND BENEFITS.]** *All persons receiving retirement allowances or annuities, disability benefits, survivorship annuities and survivor of deceased active employee benefits from the metropolitan transit commission—transit operating division employees retirement fund on December 31, 1977 and on the effective date of the act, shall be entitled to have that retirement allowance or annuity, disability benefit, survivorship annuity or survivorship benefit increased by an amount equal to \$20 per month. Notwithstanding section 356.18, increases in payments pursuant to this section shall be made automatically unless the intended recipient files written notice with the executive director of the Minnesota state retirement system requesting that the increase shall not be made. If any actuarial reduction or adjustment was applied to the retirement allowance or annuity, disability benefit, survivorship annuity or survivor of deceased active employee benefit, the increase specified in this section shall be similarly reduced or adjusted. Upon the death of any person receiving an annuity or benefit where the person made a joint and survivor optional annuity election, the survivor shall be entitled to the continued receipt of the increase provided for under this section; provided, however, that the increase shall be reduced or adjusted in accordance with the optional annuity election.*

**Sec. 11. [TERMINATION OF FUND; TRANSFER OF ASSETS AND RECORDS OF FUND.]** *Subdivision 1. [TRANSFER OF ASSETS.] On the effective date of this act, the retirement allowance committee of the metropolitan transit commission—transit operating division employees retirement fund shall transfer the entire assets of the fund to the Minnesota state retirement system. The assets shall include whatever interest the fund has in any debt or equity securities, any bank deposits, all accounts receivable, irrespective of source, any real or personal property holdings, any accrued interest or dividends on stock declared but not yet received, and any equipment. Any accounts payable on the effective date of this act shall also be transferred to the Minnesota state retirement system. The Minnesota state retirement system shall be the successor in interest to all claims*

for and against the metropolitan transit commission—transit operating division employees retirement fund or the metropolitan transit commission with respect to the fund, except any claim against the metropolitan transit commission—transit operating division employees retirement fund or any person connected with the fund in a fiduciary capacity, based on any act or acts by that person which were not done in good faith and which constituted a breach of his obligation as a fiduciary. As a successor in interest, the Minnesota state retirement system may assert any applicable defense in any judicial proceeding which the retirement allowance committee of the metropolitan transit commission—transit operating division employees retirement fund or the metropolitan transit commission would otherwise have been entitled to assert. If the assets transferred to the Minnesota state retirement system include securities which are not proper investments pursuant to section 11.16, those securities may be retained by the board of directors for a period of time not to exceed the maturity date of the security involved or twenty-four months after the date of the transfer of the assets, whichever is earlier. Notwithstanding any contrary provision of section 11.25, subdivision 10, the Minnesota state retirement system shall not be required to sell any of the transferred securities and transfer cash equal to the required reserves to be transferred to the Minnesota adjustable fixed benefit fund pursuant to section 8, subdivision 3, of this act. The transfer to the Minnesota adjustable fixed benefit fund shall be made from those transferred securities which are proper investments pursuant to section 11.16. If the transfer results in an adverse change in portfolio balance of the Minnesota adjustable fixed benefit fund, exceeding the limitations set forth in section 11.25, subdivision 2, the deviation may be permitted by the state board of investment for a period not to exceed three months from the date that the portfolio balance limitation was exceeded.

Subd. 2. [VALUATION OF ASSETS.] The assets of the metropolitan transit commission—transit operating division employees retirement fund shall be valued upon the date of transfer in a manner agreeable to the retirement allowance committee of the metropolitan transit commission—transit operating division employees retirement fund and the board of directors of the Minnesota state retirement system. In determining the value of the assets of the metropolitan transit commission—transit operating division employees retirement fund, the board of trustees of the Minnesota state retirement system shall utilize the state board of investment in an advisory capacity. If the two parties cannot agree on the value of the assets of the metropolitan transit commission—transit operating division employees retirement fund, then the board of trustees of the Minnesota state retirement system shall specify the value of the assets. If the retirement allowance committee contests the value of the assets as specified by the board of directors of the Minnesota state retirement system, then the dispute shall be submitted to the district court of the second judicial district.

*Subd. 3. [TRANSFER OF RECORDS.] On the effective date of this act, the retirement allowance committee of the metropolitan transit commission—transit operating division employees retirement fund shall transfer to the Minnesota state retirement system all records and documents relating to the metropolitan transit commission—transit operating division employees retirement fund and any of its members, including certified copies of the most recent and all previous collective bargaining agreements relating to retirement and the retirement fund, which are in the possession of the retirement allowance committee, the actuary of the retirement fund, the metropolitan transit commission or labor organization which is the exclusive bargaining agent for employees of the transit operating division of the metropolitan transit commission. In addition, the retirement allowance committee shall certify the following to the board of directors of the Minnesota state retirement system:*

*(a) The date of retirement or commencement of retirement annuities or benefits of and the amounts entitled to be received by all persons receiving retirement allowances or annuities, disability benefits, survivorship annuities and survivor of deceased active employee benefits from the metropolitan transit commission—transit operating division employees retirement fund as of the effective date of this act; and*

*(b) The amount of member or employee contributions made by, the dates of service commencement and termination of, the length of service credited to, and the salaries of all active and inactive members of the metropolitan transit commission—transit operating division employees retirement fund as of the effective date of this act.*

*Subd. 4. [TERMINATION OF THE FUND.] Upon the transfer of the assets, liabilities and records of the metropolitan transit commission—transit operating division employees retirement fund to the Minnesota state retirement system, the metropolitan transit commission—transit operating division employees retirement fund shall cease to exist as a legal entity. As its final official act, the retirement allowance committee shall notify in writing the secretary of the federal department of labor of the termination of the fund and the transfer of pension coverage and obligations to the fund to the Minnesota state retirement system. A copy of this act shall also be included with the written notification.*

**Sec. 12. [ADDITIONAL EMPLOYER OBLIGATION TO AMORTIZE UNFUNDED ACCRUED LIABILITIES.]** *In order to amortize the additional unfunded accrued liability incurred by the Minnesota state retirement system as a result of the consolidation of the metropolitan transit commission—transit operating division employees retirement fund, and to place the metropolitan transit commission on an equivalent basis with the other employing units and agencies having employees*

covered by the Minnesota state retirement system, the metropolitan transit commission shall make an annual contribution to the Minnesota state retirement system in addition to the employer contribution specified in section 352.04, subdivision 3. The additional contribution shall be an amount equal to three and eight-tenths percent of the salaries of employees of the transit operating division of each payroll abstract, commencing July 1, 1978, and payable for a period of 20 years.

Sec. 13. [DISABILITY AND SURVIVORSHIP COVERAGE.] From and after the effective date of this act, the metropolitan transit commission shall provide for all active employees of the transit operating division of the metropolitan transit commission disability and survivorship coverage which, when added to the disability benefit or the survivorship benefit payable from the Minnesota state retirement system pursuant to section 352.113 or 352.12, subdivision 2, will at least equal the disability benefit or the survivorship benefit which that employee at the time of disability or the employee's surviving spouse at the time of the death of the employee while on active duty would have been entitled to receive under the disability benefit or survivor of active employee deceased while on active duty benefit provisions of the metropolitan transit commission—transit operating division employees retirement fund plan document in effect immediately prior to the effective date of this act. The metropolitan transit commission may elect to provide the additional disability and survivorship coverage either through contract with an insurance carrier or through self insurance. If the commission elects to provide the coverage through an insurance contract, the chairman of the metropolitan transit commission is authorized to request bids from, or to negotiate with, insurance carriers and to enter into contracts with carriers which in the judgement of the commission are best qualified to underwrite and service this insurance benefit coverage. The commission shall consider factors such as the cost of the contracts as well as the service capabilities, character, financial position and reputation with respect to carriers under consideration, as well as any other factors which the commission deems appropriate. The disability and survivorship insurance contract with the particular insurance carrier shall be for a uniform term of at least one year, but may be made automatically renewable from term to term in absence of notice of termination by either party. The disability and survivorship insurance contract shall contain a detailed statement of benefits offered, maximums, limitations and exclusions. A summary description of the essential terms of the contract shall be provided by the commission to the labor organization which is the exclusive bargaining agent representing employees of the transit operating division of the metropolitan transit commission and to each active employee of the transit operating division. The determination of whether the disability or survivorship insurance coverage meets the minimum requirements of this section shall be made by the commission upon consultation with the executive director of the Minnesota state retirement system. If the disability or survivorship coverage pro-

vided by the metropolitan transit commission fails at any time after the effective date of this act to meet the requirements of this section as to the level of disability or survivorship coverage to be provided, the deficiency in the actual benefits provided shall continue to be an obligation of the commission. Notwithstanding any provisions of chapter 179 to the contrary, the labor organization which is the exclusive bargaining agent representing employees of the transit operating division of the metropolitan transit commission may meet and bargain with the commission on an increase in the level of disability or survivor of active employee deceased while on active duty coverage to be provided by the commission at the same time that wages and other terms and conditions of employment are considered.

Sec. 14. [MANDATORY RETIREMENT AGE.] An employee of the transit operating division of the metropolitan transit commission and an employee on leave of absence from the transit operating division of the metropolitan transit commission who is employed by the labor organization which is the exclusive bargaining agent representing employees of the transit operating division shall terminate employment on the first day of the month next following the month in which the employee reaches the age of 65; provided, however, that an employee of the transit operating division may be employed beyond the age of 65 at the option of the metropolitan transit commission, but shall not be employed beyond the first day of the month next following the month in which the employee reaches the age of 70.

Sec. 15. [NONAPPLICABILITY OF CERTAIN PROVISIONS.] Nothing required by any provision of this act shall constitute abandonment of the plan within the meaning of that or a similar term contained in any collective bargaining agreement entered into between the metropolitan transit commission and the labor organization which is the exclusive bargaining agent representing employees of the transit operating division of the metropolitan transit commission.

Sec. 16. [EMPLOYER CONTRIBUTIONS FOR CERTAIN EMPLOYEES.] Notwithstanding any contrary provisions of section 352.029, the metropolitan transit commission shall make the employer contributions required pursuant to section 352.04, subdivision 3, for any employee on authorized leave of absence from the transit operating division of the metropolitan transit commission who is employed by the labor organization which is the exclusive bargaining agent representing employees of the transit operating division and who is covered by the Minnesota state retirement system in addition to all other employer contributions the commission is required to make.

Sec. 17. [GENERAL ADMINISTRATION.] Any provisions of this act relating to the administration of provisions of the metropolitan transit commission—transit operating division

*employees retirement fund plan documents in force on or prior to the effective date of this act shall be governed by the provisions of Minnesota Statutes, Chapter 352, in all instances where not inconsistent with the explicit provisions of any plan document.*

**Sec. 18. [REFUND OF CERTAIN EMPLOYEE CONTRIBUTIONS.]** *All active employees of the transit operating division of the metropolitan transit commission who were members of the metropolitan transit commission—transit operating division employees retirement fund on June 30, 1978, and who made employee contributions to that retirement fund shall be entitled to a refund of any employee contributions to that retirement fund in excess of four percent of covered salary made between January 1, 1978 and June 30, 1978. The refund shall be made on or after July 1, 1978 upon the employee filing a valid application with the executive director of the Minnesota state retirement system.*

**Sec. 19. [FUTURE ACTUARIAL VALUATIONS.]** *Notwithstanding section 356.215, the retirement fund allowance committee of the metropolitan transit commission—transit operating division employees retirement fund shall not be required to have an actuarial valuation made as of January 1, 1978. The executive director of the Minnesota state retirement system shall include the transferred membership, liabilities and assets of the metropolitan transit commission—transit operating division employees retirement fund in the valuation of the Minnesota state retirement system next following the effective date of this act.*

**Sec. 20. [EFFECTIVE DATE.]** *This act shall be effective July 1, 1978.*

**Sec. 21. [RETROACTIVE EFFECT.]** *This act shall have retroactive application for any person who, on or after January 1, 1978, but prior to July 1, 1978:*

*(a) Terminates active service from the transit operating division of the metropolitan transit commission with less than ten years of active service;*

*(b) Terminates active service from the transit operating division of the metropolitan transit commission with at least ten years of active service;*

*(c) Becomes so disabled that the person is unable to continue to perform his duties as an active employee of the transit operating division of the metropolitan transit commission within the meaning of article ten of the most recent collective bargaining agreement in force between the metropolitan transit commission and the labor organization which is the exclusive bargaining agent representing employees of the transit operating*

*division of the metropolitan transit commission and has at least five years of active service; or*

*(d) Becomes the surviving spouse of a former active employee of the transit operating division of the metropolitan transit commission who dies as a result of an accident which occurs during his employment with the transit operating division.*

*Any person obtaining the status described in clause (a) shall be entitled to receive a refund of employee contributions under section 352.22, subdivision 2a. Any person obtaining the status described in clause (b) shall be entitled to receive an annuity under section 352.115, subdivisions 2 and 3, notwithstanding that the person had not attained the minimum age specified in section 352.115, subdivision 1, at the time of the commencement of the annuity; provided, however, that the early retirement reduction factor specified in section 352.116, subdivision 1, shall apply unless the age of the person at the commencement of the annuity was at least 65 if the person had credit for ten or more years of service, or was at least age 62 if the person had credit for 30 or more years of service. Any person obtaining the status described in clause (c) shall be entitled to receive a benefit in an amount equal to the accrued retirement annuity computed pursuant to section 352.115, subdivisions 2 and 3, without the reduction for early commencement of the benefit set forth in section 352.116, with a minimum disability benefit of \$130 per month and a maximum disability benefit of the amount of the disability benefit which, when added to any earnings from partial or total re-employment, shall not exceed 85 percent of the current top rate of salary paid to the employment position classification held by the person at the time of the occurrence of the disability. Upon the commencement of a disability under this section, section 352.113, subdivisions 1 to 11 shall not be considered applicable to that person. Any person obtaining the status described in clause (d) shall be entitled to receive a benefit in an amount equal to the benefit provided by section 352.12, subdivision 2, notwithstanding the fact that the former active employee may not have attained one of the ages or have been credited with one of the lengths of service specified in that subdivision.*

*Any person entitled to receive an increase pursuant to section 9 of this act shall be entitled to receive the increase retroactively to January 1, 1978. The first payment of retirement allowances or annuities, disability benefits, survivorship annuities or survivorship benefits shall include the retroactive amounts."*

Further, amend the title:

Page 1, line 8, after the semicolon, delete "and".

Page 1, line 9, after "subdivision;" insert "356.20, Subdivision 2;".

With the recommendation that when so amended the bill pass.

The report was adopted.

Sieben, H., from the Committee on Governmental Operations to which was referred:

H. F. No. 2151, A bill for an act relating to unclaimed property; providing for reporting of certain unclaimed intangible property; amending Minnesota Statutes 1976, Sections 345.38, by adding a subdivision; 345.54; and 345.55, by adding a subdivision.

Reported the same back with the following amendments:

Page 2, after line 1, insert a new section:

"Sec. 2. Minnesota Statutes, 1977 Supplement, Section 345.41, is amended to read:

345.41 [REPORT OF ABANDONED PROPERTY.] (a) Every person holding funds or other property, tangible or intangible, presumed abandoned under sections 345.31 to 345.60 shall report annually to the state treasurer with respect to the property as hereinafter provided.

(b) The report shall be verified and shall include:

(1) except with respect to traveler's checks and money orders, the name, if known, and last known address, if any, of each person appearing from the records of the holder to be the owner of any property of the value of \$10 or more presumed abandoned under sections 345.31 to 345.60;

(2) in case of unclaimed funds of life insurance corporations, the full name of the policyholder, insured or annuitant and his last known address according to the life insurance corporation's records;

(3) the nature and identifying number, if any, or description of the property and the amount appearing from the records to be due, except that items of value under \$10 each may be reported in aggregate;

(4) the date when the property became payable, demandable or returnable, and the date of the last transaction with the owner with respect to the property; and

(5) other information which the state treasurer prescribes by rule as necessary for the administration of sections 345.31 to 345.60.



(c) If the person holding property presumed abandoned is a successor to other persons who previously held the property for the owner, or if the holder has changed his name while holding the property, he shall file with his report all prior known names and addresses of each holder of the property.

(d) The report shall be filed before November 1 of each year as of June 30 next preceding, but the report of life insurance corporations shall be filed before May 1 of each year as of December 31 next preceding. The state treasurer may postpone the reporting date upon written request by any person required to file a report.

(e) If the holder of property presumed abandoned under sections 345.31 to 345.60 knows the whereabouts of the owner and if the owner's claim has not been barred by the statute of limitations, the holder shall, before filing the annual report, inform the owner of the steps necessary to prevent abandonment from being presumed.

(f) Verification, if made by a partnership, shall be executed by a partner; if made by an unincorporated association or private corporation, by an officer, and if made by a public corporation, by its chief fiscal officer.

(g) Holders of property described in section 345.32 shall not impose any charges against property which is described in section 345.32, clauses (a), (b) or (c).

(h) Any person who has possession of property which he has reason to believe will be reportable in the future as unclaimed property may, with the permission of the state treasurer, report and deliver such property prior to the date required for reporting in accordance with this section.

*(i) The provisions contained in section 345.41, which reduced from 20 years to seven years the time periods for which unclaimed property must be held prior to the property being presumed abandoned, require that every person holding funds or other property, tangible or intangible, presumed abandoned under sections 345.31 to 345.60 as so amended report the same pursuant to section 345.41, clause (d), before November 1, 1977, it being the express intention of the legislature that said amendments be retroactive to that extent."*

Renumber the sections.

Further, amend the title:

Page 1, line 6, after "subdivision" insert "; and Minnesota Statutes, 1977 Supplement, Section 345.41".

With the recommendation that when so amended the bill pass.

The report was adopted.

Sieben, H., from the Committee on Governmental Operations to which was referred:

H. F. No. 2159, A bill for an act relating to courts; permitting personal jurisdiction over non-residents for causes of action relating to tortious acts; revising the provision to accord with federal constitutional requirements; amending Minnesota Statutes 1976, Section 543.19, Subdivision 1.

Reported the same back with the following amendments:

Page 2, line 2, delete "Either".

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Sieben, H., from the Committee on Governmental Operations to which was referred:

H. F. No. 2220, A bill for an act relating to retirement; hospital and medical benefits for retired or disabled state officials and employees; appropriating funds; amending Minnesota Statutes 1976, Chapter 43, by adding a section.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1976, Section 43.491, is amended by adding a subdivision to read:

*Subd. 5. Notwithstanding the restriction contained in section 43.44, subdivision 2, a retired or disabled employee receiving an annuity benefit through the Minnesota state retirement system or an annuity benefit as a result of service as a state employee as defined in section 43.43, subdivision 2, may elect to participate at his own expense in the hospital benefits coverage and medical benefits coverage provided by sections 43.42 to 43.50. The annuitant, or the surviving spouse of an annuitant, may also at his own expense obtain hospital benefits coverage and medical benefits coverage for his spouse who meets the general dependent eligibility requirements for those coverages. The commissioner, by rule, shall establish forms and procedures, eligibility requirements and enrollments periods for exercise of the option provided by this subdivision and for the payment of necessary premiums. The commissioner's rules shall also provide*

*for coordination of benefits with medicare, parts A and B. The annuitant shall pay the full cost of the coverage provided to him or to his spouse under this subdivision as determined from time to time by the commissioner. Until rules are established under this subdivision, the annuitant or the surviving spouse of an annuitant may exercise his option by notifying the commissioner in writing and by tendering payment of premiums as required by the commissioner.*

Sec. 2. *This act is effective April 1, 1978.*"

Further, delete the title in its entirety and insert:

"A bill for an act relating to state employees; authorizing persons receiving annuity benefits from the Minnesota state retirement system to participate in the state group health insurance program; amending Minnesota Statutes 1976, Section 43.491, by adding a subdivision."

With the recommendation that when so amended the bill pass.

The report was adopted.

Sieben, H., from the Committee on Governmental Operations to which was referred:

H. F. No. 2281, A bill for an act relating to conveyances; providing for the adoption of uniform conveyancing forms to replace certain forms in use; amending Minnesota Statutes 1976, Section 507.09.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Swanson from the Committee on Health and Welfare to which was referred:

H. F. No. 2099, A bill for an act relating to education; pupils; providing for a universal school breakfast program in each district.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Education.

The report was adopted.

Fugina from the Committee on Higher Education to which was referred:

H. F. No. 2040, A bill for an act relating to education; adopting the Midwestern Education Compact; implementing the operation of such compact.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Fugina from the Committee on Higher Education to which was referred:

H. F. No. 2170, A bill for an act relating to education; higher education coordinating board; providing for a statewide testing program; appropriating money.

Reported the same back with the following amendments:

Page 1, line 9, after "state" insert "who desire to participate,".

Page 2, line 7, delete "(a)" and insert "Subdivision 1.".

Page 2, line 14, after the comma insert "the Minnesota school boards association,".

Page 2, line 20, after the period insert "The expiration of this advisory task force and the terms, compensation and removal of its members shall be as provided in section 15.059, subdivision 6.".

Page 2, line 21, delete "(b)" and insert "Subd. 2.".

Page 2, line 23, delete "its" and insert "the program status and the boards".

Page 2, line 25, delete "(c)" and insert "Subd. 3.".

Page 2, line 32, after "students" insert ", who desire to participate in the program,".

Page 3, line 2, after "of" insert "sections 1 to 4 of".

Further amend the title as follows:

Page 1, line 4, delete "testing" and insert "career guidance".

With the recommendation that when so amended the bill 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:

H. F. No. 1797, A bill for an act relating to the city of Zumbrota; authorizing the sale of certain public land.

Reported the same back with the following amendments:

Page 1, line 6, delete "For the purpose of developing a senior".

Page 1, line 7, delete "citizens residential complex,".

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Berg from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 1913, A bill for an act relating to the Minneapolis-Saint Paul metropolitan airports commission; providing a maximum amount and funding terms for commission debt; amending Minnesota Statutes 1976, Section 473.667, Subdivisions 2 and 4, and by adding a subdivision.

Reported the same back with the following amendments:

Page 1, line 16, after "the" insert "*principal*".

Page 1, line 16, strike "borrowing authorized by" and insert "*bonds that may be issued under*".

Page 1, line 18, strike "July 1, 1974" and insert "*March 1, 1978*".

Page 1, line 19, delete "\$50,000,000" and insert "\$30,000,000".

Page 3, line 8, delete "*prevent the levy of*".

Page 3, line 9, delete "*taxes for*" and insert "*pay principal and interest due on the following year on*".

With the recommendation that when so amended the bill pass.

The report was adopted.

Berg from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 2052, A bill for an act relating to aeronautics; modifying airport zoning regulations to protect existing resi-

dential neighborhoods; amending Minnesota Statutes 1976, Sections 360.062; 360.066, Subdivision 1, and by adding a subdivision.

Reported the same back with the following amendments:

Page 3, line 29, delete "low".

Page 3, delete line 30.

Page 3, line 31, delete "particularly".

Page 3, line 31, delete "associated".

Page 3, line 32, delete "uses" and insert "isolated undeveloped residential parcels existing on January 1, 1978".

Page 4, after line 17, insert a section to read:

*"Sec. 4. Nothing in this act shall be construed to require the amendment of local zoning ordinances to give conforming use status to a use or structure which is currently nonconforming under an existing local zoning ordinance."*

Renumber the following section accordingly.

With the recommendation that when so amended the bill pass.

The report was adopted.

Berg from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 2292, A bill for an act relating to cities; establishing requirements for financial statements, reports and audits; providing a time limit for submissions of certain reports to the state auditor; providing for enforcement of reporting requirements; appropriating money; amending Minnesota Statutes 1976, Chapter 471, by adding sections; repealing Minnesota Statutes 1976, Sections 412.281 and 412.291.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1976, Chapter 471, is amended by adding a section to read:

[471.695] [DEFINITIONS.] *For the purposes of sections 1 to 5, "city" means a statutory city or home rule charter city.*

Sec. 2. Minnesota Statutes 1976, Chapter 471, is amended by adding a section to read:

[471.696] [FISCAL YEAR; DESIGNATION.] *Beginning in 1979 the fiscal year of a city and all of its funds shall be the calendar year. The state auditor may upon request of a city and a showing of inability to conform, extend the deadline for compliance with this section for one year.*

Sec. 3. Minnesota Statutes 1976, Chapter 471, is amended by adding a section to read:

[471.697] [FINANCIAL REPORTING; AUDITS; CITIES OF MORE THAN 2,500 POPULATION.] *Subdivision 1. In any city with a population of more than 2,500 according to the latest state or federal census, the city clerk or chief financial officer shall:*

(a) *Prepare a financial report covering the city's operations during the preceding fiscal year after the close of the fiscal year. The report shall contain financial statements and disclosures which present the city's financial position and the results of city operations in conformity with generally accepted accounting principles. The report shall include such information and be in such form as may be prescribed by the state auditor;*

(b) *File the financial report in his office for public inspection and present it to the city council after the close of the fiscal year. One copy of the financial report shall be furnished to the state auditor after the close of the fiscal year; and*

(c) *Submit to the state auditor audited financial statements which have been attested to by a certified public accountant, public accountant, or the state auditor within 180 days after the close of the fiscal year, except that the state auditor may upon request of a city and a showing of inability to conform, extend the deadline. The state auditor may accept this report in lieu of the report required in clause (b) above.*

*Subd. 2. The state auditor shall continue to audit cities of the first class pursuant to section 6.49.*

Sec. 4. Minnesota Statutes 1976, Chapter 471, is amended by adding a section to read:

[471.698] [FINANCIAL REPORTING; CITIES OF LESS THAN 2,500 POPULATION.] *Subdivision 1. In any city with a population of less than 2,500 according to the latest state or federal census, the city clerk or chief financial officer shall:*

(a) *Prepare a detailed statement of the financial affairs of the city in the style and form prescribed by the state auditor, for*

*the preceding fiscal year showing all money received, with the sources, and respective amounts thereof; all disbursements for which orders have been drawn upon the treasurer, to whom and for what purposes; the amount of outstanding and unpaid orders; all accounts payable; all indebtedness; contingent liabilities; all accounts receivable; the amount of money remaining in the treasury; and all items necessary to show accurately the revenues and expenditures and financial position of the city;*

*(b) File the statement in his office for the public inspection and present it to the city council within 45 days after the close of the fiscal year;*

*(c) (1) Publish the statement within 60 days after the close of the fiscal year in a newspaper published in the city; or*

*(2) If there is no newspaper in the city, the clerk shall, at the direction of the city council, publish the statement in the official newspaper published elsewhere or post copies in three of the most public places in the city; or*

*(3) If city council proceedings are published monthly or quarterly, showing to whom and for what purpose orders are drawn upon the treasurer, the annual statement to be published as required by this section may be summarized in such form as the state auditor may prescribe; and*

*(d) Submit within 90 days after the close of the fiscal year a copy of the statement to the state auditor in such summary form as the state auditor may prescribe.*

*Subd. 2. Any city described in subdivision 1 may comply with the provisions of section 3, in which case the provisions of subdivision 1 shall not apply to the city.*

**Sec. 5. Minnesota Statutes 1976, Chapter 471, is amended by adding a section to read:**

**[471.699] [ENFORCEMENT OF REPORTING REQUIREMENTS.]** *Failure of a city to timely file a statement or report under section 3 or 4 shall, in addition to any other penalties provided by law, authorize the state auditor to send full time personnel to the city or to contract with private persons, firms or corporations pursuant to section 6.58, in order to complete and file the financial statement or report. The expenses related to the completion and filing of the financial statement or report shall be charged to the city. Upon failure by the city to pay the charge within 30 days of billing, the state auditor shall so certify to the commissioner of finance who shall forward the amount certified to the state auditor's revolving fund and deduct the amount from any state funds due to the city under any shared taxes or aids. The state auditor's annual report on cities shall include a listing of all cities failing to file a statement or report.*



Sec. 6. [APPROPRIATION.] *There is appropriated to the state planning agency the sum of \$50,000 from the general fund for the period ending June 30, 1979 for the purpose of making grants to cities for converting from a cash basis to a modified accrual basis of financial reporting and for training city clerks or chief financial officers in the methods of a modified accrual basis of financial reporting.*

Sec. 7. [REPEALER.] *Minnesota Statutes 1976, Sections 412.281 and 412.291, are repealed.*

Sec. 8. [EFFECTIVE DATE.] *This act is effective January 1, 1979."*

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Lemke from the Committee on Transportation to which was referred:

H. F. No. 2254, A bill for an act relating to motor vehicles; providing for handicapped license plates on passenger vehicles; establishing motorized bicycle operator permit fees; prohibiting operation of motor vehicles during periods of license cancellation, suspension or revocation; removing certain restrictions relating to issuance of a limited license; amending Minnesota Statutes 1976, Sections 171.20, Subdivision 2; 171.24; and 171.30, Subdivision 1; and Minnesota Statutes, 1977 Supplement, Sections 168.021, Subdivision 1; and 171.02, Subdivision 3.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Lemke from the Committee on Transportation to which was referred:

H. F. No. 2256, A bill for an act relating to highway traffic regulation; concerning accident reports; making reports available for accident prevention purposes to additional agencies; concealing the identity of involved persons; amending Minnesota Statutes 1976, Section 169.09, Subdivision 13.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Lemke from the Committee on Transportation to which was referred:

H. F. No. 2298, A bill for an act relating to highway traffic regulation; change of course; clarifying requirement to signal a turn; amending Minnesota Statutes 1976, Section 169.19, Subdivision 4.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Lemke from the Committee on Transportation to which was referred:

H. F. No. 2299, A bill for an act relating to highways; county state-aid highway system; allocation of apportionments; authorizing money credited to the municipal account to be used on certain county state-aid highways; amending Minnesota Statutes 1976, Section 162.08, Subdivision 4.

Reported the same back with the following amendments:

Page 1, line 9, delete "LEGGISLATURE" and insert "LEGISLATURE".

Page 1, line 9, delete "STTE" and insert "STATE".

Page 1, line 21, strike "and regulations".

Page 2, line 2, strike the last "and".

Page 2, line 3, strike "regulations".

Page 2, line 6, strike "and regulations".

Page 2, line 24, delete "*current and*".

Page 3, line 13, after "*standards*" insert a comma.

Page 3, line 16, after "*budget*" insert "*consistent with the county's transportation plan, or there are justifiable reasons, beyond the control of the county that prohibit the county from programming or constructing the requested improvement or improvements, which have been created by or within the city*".

With the recommendation that when so amended the bill pass.

The report was adopted.

**SECOND READING OF HOUSE BILLS**

H. F. Nos. 2116, 2389, 1884, 1976, 1286, 1754, 1220, 1400, 1599, 1663, 2093, 2094, 2151, 2159, 2220, 2281, 1797, 1913, 2052, 2254, 2256, 2298 and 2299 were read for the second time.

**SECOND READING OF SENATE BILLS**

S. F. Nos. 1698, 1637, 1787 and 1643 were read for the second time.

**INTRODUCTION AND FIRST READING  
OF HOUSE BILLS**

The following House Files were introduced:

Beauchamp, Pehler, Dean, Arlandson and Anderson, G., introduced:

H. F. No. 2476, A bill for an act relating to education; public radio; providing grants for noncommercial educational radio stations serving Minnesota and supervision of grant expenditures; appropriating money.

The bill was read for the first time and referred to the Committee on Appropriations.

Anderson, G., and Anderson, D., introduced:

H. F. No. 2477, A bill for an act relating to education; providing funds for public education television; appropriating money.

The bill was read for the first time and referred to the Committee on Appropriations.

Anderson, D., and Anderson, G., introduced:

H. F. No. 2478, A bill for an act relating to appropriations; providing funds to pay certain special assessments against the state for ditch improvements in the county of Swift.

The bill was read for the first time and referred to the Committee on Appropriations.

Kahn, Casserly, Stanton, Adams and Clark introduced :

H. F. No. 2479, A bill for an act relating to domestic abuse; authorizing judicial intervention to provide protection from domestic abuse; prescribing penalties.

The bill was read for the first time and referred to the Committee on Criminal Justice.

Kahn, Stanton, Casserly, Adams and Forsythe introduced :

H. F. No. 2480, A bill for an act relating to criminal procedure; requiring judicial review of bail for persons charged with spouse assault; amending Minnesota Statutes 1976, Chapter 629, by adding a section.

The bill was read for the first time and referred to the Committee on Criminal Justice.

Kahn, Stanton, Casserly, Adams and Clark introduced :

H. F. No. 2481, A bill for an act relating to criminal procedure; permitting peace officers to make arrests upon probable cause in cases of spouse assault; extending immunity from suit to peace officers who make good faith arrests upon probable cause; amending Minnesota Statutes 1976, Chapter 629, by adding a section.

The bill was read for the first time and referred to the Committee on Criminal Justice.

Kahn, Casserly, Voss, Osthoff and Wynia introduced :

H. F. No. 2482, A bill for an act relating to educational programs; athletics and other extracurricular activities; permitting limited separation on the basis of sex in athletic programs operated by educational institutions or public services; establishing a state board of high school interscholastic athletics and extracurricular activities; prescribing its powers and duties; appropriating money; amending Minnesota Statutes 1976, Chapters 121, by adding a section; 129, by adding sections; and 363, by adding sections; repealing Minnesota Statutes 1976, Sections 126.21 and 129.121.

The bill was read for the first time and referred to the Committee on Education.

Wenstrom; Sieben, H.; Langseth; Anderson, R., and Evans introduced:

H. F. No. 2483, A bill for an act relating to waters; appeals of decisions on water use permits to district court; amending Minnesota Statutes, 1977 Supplement, Section 105.44, Subdivision 3.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Fugina and Begich introduced:

H. F. No. 2484, A bill for an act relating to game and fish; authorizing additional conservation officers.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Braun, Corbid and Prah! introduced:

H. F. No. 2485, A bill for an act relating to timber lands; auction and informal sales of state timber; authorizing the commissioner of natural resources to grant a second extension of time for removal of cut timber, equipment and buildings for hardship reasons; removing the requirement of a certain affidavit for informal sales; amending Minnesota Statutes 1976, Sections 90.151, Subdivision 1; and 90.191, Subdivisions 1 and 2.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Skoglund, Enebo, Clark, Berglin and Brandl introduced:

H. F. No. 2486, A bill for an act relating to elections; providing for comprehensive reporting of campaign financing for election of county attorney for Hennepin county; amending Minnesota Statutes 1976, Sections 10A.01, Subdivision 5, as amended; 10A.09, Subdivision 1; 10A.14, Subdivision 1, as amended; and 10A.20, Subdivision 2, as amended.

The bill was read for the first time and referred to the Committee on General Legislation and Veterans Affairs.

Battaglia, Begich, Osthoff and Fugina introduced:

H. F. No. 2487, A bill for an act relating to public land acquisition; limiting acquisition in certain counties.

The bill was read for the first time and referred to the Committee on Governmental Operations.

St. Onge introduced:

H. F. No. 2488, A bill for an act relating to public lands; authorizing the exchange of certain state-owned lands for the interests of a county or city in certain other lands; amending Minnesota Statutes 1976, Sections 94.343, Subdivision 1; and 94.344, Subdivision 1; and Chapter 94, by adding a section.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Beauchamp introduced:

H. F. No. 2489, A bill for an act relating to education; public broadcasting; extending the expiration date of the legislative study commission on public broadcasting; amending Laws 1977, Chapter 445, Section 3, Subdivision 3.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Patton and Sieben, H., introduced:

H. F. No. 2490, A bill for an act relating to the organization and operation of government; requiring a study of the proper role and structure of metropolitan government agencies; requiring a review of the distribution of powers and duties between the metropolitan council, the metropolitan commissions, the legislature and political subdivisions within the metropolitan area; mandating a report; providing for certain services to be performed by the state planning agency; appropriating money.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Jacobs and Kelly, W., introduced:

H. F. No. 2491, A bill for an act relating to taxation; income tax; providing as an option an alternative tax on gross income; providing income splitting for married taxpayers; setting out a rate schedule; amending Minnesota Statutes 1976, Section 290.06, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Taxes.

Gunter and Anderson, D., introduced:

**H. F. No. 2492, A bill for an act relating to the department of transportation; concerning the names and designations of certain highways; regarding the Glacial Ridge Trail; relating to directional markings; amending Minnesota Statutes 1976, Section 161.14, Subdivision 15.**

The bill was read for the first time and referred to the Committee on Transportation.

Norton, for the Committee on Appropriations, introduced:

**H. F. No. 2493, A bill for an act relating to public improvements; authorizing alteration, repair, rehabilitation, equipping, and replacement of equipment of public buildings with certain conditions; postponing deadline for submission of capital budget; authorizing purchase and sale of public lands and buildings; appropriating money; amending Minnesota Statutes 1976, Section 16A.11, Subdivision 1.**

The bill was read for the first time and laid over one day.

Norton, for the Committee on Appropriations, introduced:

**H. F. No. 2494, A bill for an act relating to public improvements; authorizing the acquisition and betterment of public land and buildings and other public improvements of a capital nature with certain conditions; authorizing issuance of state building bonds; authorizing university of Minnesota to participate in shade tree disease control program; limiting capital improvements at vocational-technical schools; appropriating money; amending Minnesota Statutes 1976, Sections 121.21, Subdivision 4a; 121.214, Subdivisions 1, 3, and 4; 124.564; and Minnesota Statutes, 1977 Supplement, Section 18.023, Subdivisions 1 and 3a; repealing Minnesota Statutes, 1977 Supplement, Sections 16.015 and 16.016.**

The bill was read for the first time and laid over one day.

#### HOUSE ADVISORIES

Pursuant to rule 5.3, the following House Advisories were introduced:

George, Osthoff, Rice, Samuelson and Cummiskey introduced:

**H. A. No. 75, A proposal to study need for and legality of higher campaign expenditure limits for nonincumbents.**

The advisory was referred to the Committee on General Legislative and Veterans Affairs.

Sieben, H.; Zubay; Berglin; Kaley and Clawson introduced:

H. A. No. 76, A proposal for study of state management positions.

The advisory was referred to the Committee on Governmental Operations.

### 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. 1879, A bill for an act relating to the trunk highway system; discontinuing and removing certain routes therefrom; adding a new route in substitution of an existing route.

H. F. No. 1882, A bill for an act relating to commerce; repealing the fair trade laws; repealing Minnesota Statutes 1976, Sections 325.08 to 325.14.

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. 1194 and 1547.

PATRICK E. FLAHAVEN, Secretary of the Senate

### FIRST READING OF SENATE BILLS

S. F. No. 1194, A bill for an act relating to real estate; removing specific charge for copies of instrument filed with registrar; amending Minnesota Statutes 1976, Section 508.38.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

S. F. No. 1547, 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.

The bill was read for the first time and referred to the Committee on Education.



## PROGRESS REPORTS ON CONFERENCE COMMITTEES

Pursuant to Joint Rule 2.06, progress on H. F. Nos. 544 and 405 and S. F. No. 65 was reported to the House.

## CONSENT CALENDAR

H. F. No. 2175 was reported to the House.

There being no objection, H. F. No. 2175 was continued on the Consent Calendar for one day.

H. F. No. 2008 was reported to the House.

Hokanson moved that H. F. No. 2008 be re-referred to the Committee on Appropriations. The motion prevailed.

## CALENDAR

H. F. No. 1345, A bill for an act relating to water well contractors; requiring water well drilling machines to be operated by licensed water well contractors; amending Minnesota Statutes 1976, Sections 156A.02, Subdivision 3; 156A.03, Subdivisions 1 and 2; 156A.05, by adding a subdivision.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 80 yeas and 33 nays as follows:

Those who voted in the affirmative were:

Abeln	Carlson, L.	Hokanson	Mangan	Schulz
Adams	Clark	Jacobs	Mann	Searle
Anderson, I.	Clawson	Jaros	McCarron	Sieben, H.
Arlandson	Cohen	Jude	McCollar	Sieben, M.
Battaglia	Corbid	Kahn	McEachern	Simoneau
Beauchamp	Cummiskey	Kalis	Munger	Skoglund
Begich	Dean	Kelly, R.	Neisen	Spanish
Berg	Ellingson	Kelly, W.	Nelsen, M.	Swanson
Berglin	Enebo	Kempe, A.	Nelson	Tomlinson
Berkelman	Erickson	Kempe, R.	Novak	Waldorf
Biersdorf	Ewald	King	Osthoff	Welch
Brandl	Faricy	Knickerbocker	Petrafeso	Wenstrom
Braun	Fugina	Kostohryz	Prahl	Wenzel
Brinkman	George	Kroening	St. Onge	White
Byrne	Gunter	Langseth	Sarna	Wynia
Carlson, A.	Hanson	Lehto	Scheid	Speaker Sabo

Those who voted in the negative were:

Albrecht	Carlson, D.	Fjoslien	Kaley	Niehaus
Anderson, B.	Den Ouden	Forsythe	Laidig	Onnen
Anderson, D.	Eckstein	Friedrich	McDonald	Peterson
Anderson, G.	Eken	Heinitz	Nelsen, B.	Pleasant

Redalen	Searles	Stanton	Vanasek	Zubay
Rose	Sherwood	Stoa	Wieser	
Savelkoul	Smogard	Suss	Wigley	

The bill was passed and its title agreed to.

H. F. No. 1137, A bill for an act relating to juvenile courts; disposition of delinquent children; counselling program; restitution; amending Minnesota Statutes 1976, Section 260.185, Subdivision 1, and by adding a subdivision.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 119 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Clawson	Kahn	Nelsen, B.	Sherwood
Adams	Cohen	Kaley	Nelsen, M.	Sieben, H.
Albrecht	Corbid	Kalis	Nelson	Sieben, M.
Anderson, B.	Cummiskey	Kelly, R.	Niehaus	Simoneau
Anderson, D.	Dean	Kelly, W.	Norton	Skoglund
Anderson, G.	Den Ouden	Kempe, A.	Novak	Smogard
Anderson, I.	Eckstein	Kempe, R.	Onnen	Spanish
Arlandson	Eken	King	Osthoff	Stanton
Battaglia	Ellingson	Knickerbocker	Pehler	Stoa
Beauchamp	Enebo	Kostohryz	Peterson	Suss
Begich	Erickson	Kroening	Petrafeso	Swanson
Berg	Ewald	Laidig	Pleasant	Tomlinson
Berglin	Faricy	Langseth	Prahl	Vanasek
Berkelman	Fjoslien	Lehto	Redalen	Waldorf
Biersdorf	Forsythe	Lemke	Reding	Welch
Brandl	Friedrich	Mangan	Rice	Wenstrom
Braun	Fugina	Mann	Rose	Wenzel
Brinkman	George	McCarron	St. Onge	White
Byrne	Gunter	McCollar	Sarna	Wieser
Carlson, A.	Hanson	McDonald	Savelkoul	Wigley
Carlson, D.	Heinitz	McEachern	Scheid	Wynia
Carlson, L.	Hokanson	Moe	Schulz	Zubay
Casserly	Jacobs	Munger	Searle	Speaker Sabo
Clark	Jude	Neisen	Searles	

The bill was passed and its title agreed to.

H. F. No. 1808, A bill for an act relating to special school district No. 1 of the city of Minneapolis; establishing four year terms of office for directors of the board of education; amending Laws 1959, Chapter 462, Section 3, Subdivision 1, as amended and renumbered.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 117 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Clawson	Kahn	Nelsen, B.	Sieben, H.
Adams	Cohen	Kaley	Nelsen, M.	Sieben, M.
Albrecht	Corbid	Kalis	Nelson	Simoneau
Anderson, B.	Cummiskey	Kelly, R.	Niehaus	Skoglund
Anderson, D.	Dean	Kelly, W.	Norton	Smogard
Anderson, G.	Den Ouden	Kempe, A.	Novak	Spanish
Anderson, I.	Eckstein	Kempe, R.	Onnen	Stanton
Arlandson	Eken	King	Osthoff	Stoa
Battaglia	Ellingson	Knickerbocker	Pehler	Suss
Beauchamp	Enebo	Kostohryz	Peterson	Swanson
Begich	Erickson	Kroening	Petrafaso	Tomlinson
Berg	Ewald	Laidig	Pleasant	Vanasek
Berglin	Faricy	Langseth	Prahl	Waldorf
Berkelman	Fjoslien	Lehto	Redalen	Welch
Biersdorf	Forsythe	Lemke	Reding	Wenstrom
Brandl	Friedrich	Mangan	Rice	Wenzel
Braun	Fugina	Mann	Rose	Wieser
Brinkman	George	McCarron	St. Onge	Wigley
Byrne	Gunter	McCollar	Sarna	Wynia
Carlson, A.	Hanson	McDonald	Savelkoul	Zubay
Carlson, D.	Heinitz	McEachern	Scheid	Speaker Sabo
Carlson, L.	Hokanson	Moe	Schulz	
Casserly	Jacobs	Munger	Searle	
Clark	Jude	Neisen	Sherwood	

The bill was passed and its title agreed to.

S. F. No. 1613, A bill for an act relating to courts; judges; removal due to mental or physical incapacity; amending Minnesota Statutes 1976, Section 490.16, Subdivision 5; repealing Minnesota Statutes 1976, Sections 490.04; 490.05; 490.06; 490.07; 490.08; and 490.09.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 122 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Byrne	Faricy	Kempe, A.	Murphy
Adams	Carlson, A.	Fjoslien	Kempe, R.	Neisen
Albrecht	Carlson, D.	Forsythe	King	Nelsen, B.
Anderson, B.	Carlson, L.	Friedrich	Knickerbocker	Nelsen, M.
Anderson, D.	Casserly	Fugina	Kostohryz	Nelson
Anderson, G.	Clark	George	Kroening	Niehaus
Anderson, I.	Clawson	Gunter	Laidig	Norton
Arlandson	Cohen	Hanson	Langseth	Novak
Battaglia	Corbid	Heinitz	Lehto	Onnen
Beauchamp	Cummiskey	Hokanson	Lemke	Osthoff
Begich	Dean	Jacobs	Mangan	Pehler
Berg	Den Ouden	Johnson	Mann	Peterson
Berglin	Eckstein	Jude	McCarron	Petrafaso
Berkelman	Eken	Kahn	McCollar	Pleasant
Biersdorf	Ellingson	Kaley	McDonald	Prahl
Brandl	Enebo	Kalis	McEachern	Redalen
Braun	Erickson	Kelly, R.	Moe	Reding
Brinkman	Ewald	Kelly, W.	Munger	Rice

Rose	Sherwood	Stanton	Waldorf	Williamson
St. Onge	Sieben, H.	Stoa	Welch	Wynia
Sarna	Sieben, M.	Suss	Wenstrom	Zubay
Savelkoul	Simoneau	Swanson	Wenzel	Speaker Sabo
Scheid	Skoglund	Tomlinson	White	
Schulz	Smogard	Vanasek	Wieser	
Searle	Spanish	Voss	Wigley	

The bill was passed and its title agreed to.

H. F. No. 1787, A bill for an act relating to education; higher education coordinating board; providing financial assistance.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 122 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Cohen	Kahn	Nelsen, B.	Simoneau
Adams	Corbid	Kaley	Nelsen, M.	Skoglund
Albrecht	Cummiskey	Kalis	Nelson	Smogard
Anderson, B.	Dean	Kelly, R.	Niehaus	Spanish
Anderson, D.	Den Ouden	Kelly, W.	Norton	Stanton
Anderson, G.	Eckstein	Kempe, A.	Novak	Stoa
Anderson, I.	Eken	Kempe, R.	Onnen	Suss
Arlandson	Ellingson	King	Osthoff	Swanson
Battaglia	Enebo	Knickerbocker	Pehler	Tomlinson
Beauchamp	Erickson	Kostohryz	Peterson	Vanasek
Begich	Ewald	Kroening	Petrafeso	Voss
Berg	Faricy	Laidig	Pleasant	Waldorf
Berglin	Fjoslien	Langseth	Prahl	Welch
Berkelman	Forsythe	Lehto	Redalen	Wenstrom
Biersdorf	Friedrich	Lemke	Reding	Wenzel
Brandl	Fugina	Mangan	Rice	White
Braun	George	Mann	Rose	Wieser
Brinkman	Gunter	McCarron	St. Onge	Wigley
Byrne	Hanson	McCollar	Sarna	Williamson
Carlson, A.	Heinitz	McDonald	Scheid	Wynia
Carlson, D.	Hokanson	McEachern	Schulz	Zubay
Carlson, L.	Jacobs	Moe	Searle	Speaker Sabo
Cassery	Jaros	Munger	Sherwood	
Clark	Johnson	Murphy	Sieben, H.	
Clawson	Jude	Neisen	Sieben, M.	

The bill was passed and its title agreed to.

S. F. No. 804, A bill for an act relating to highway traffic regulations; driving under the influence of alcohol or controlled substances; chemical tests and consent therefor; providing for immediate notice of revocation of a driver license or permit, retention of the license or permit by a court or peace officer and the substitution of temporary licenses under certain circumstances; providing for county court jurisdiction over prosecution for certain offenses; prescribing penalties; amending Minnesota Statutes 1976, Sections 169.121; 169.123; 169.127; and Chapter 169, by adding sections; repealing Minnesota Statutes 1976, Section 171.245.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 111 yeas and 9 nays as follows:

Those who voted in the affirmative were:

Abeln	Clawson	Johnson	Neisen	Skoglund
Adams	Cohen	Jude	Nelson, B.	Smogard
Albrecht	Corbid	Kahn	Nelson	Spanish
Anderson, B.	Cummiskey	Kaley	Niehaus	Stanton
Anderson, D.	Dean	Kalis	Norton	Stoa
Anderson, G.	Den Ouden	Kelly, R.	Novak	Suss
Anderson, I.	Eken	Kelly, W.	Onnen	Swanson
Arlandson	Ellingson	Kempe, A.	Pehler	Tomlinson
Battaglia	Enebo	Kempe, R.	Peterson	Vanasek
Beauchamp	Erickson	King	Petrafeso	Voss
Begich	Ewald	Knickerbocker	Pleasant	Waldorf
Berg	Faricy	Kostohryz	Prahl	Welch
Berglin	Fjoslien	Kroening	Reding	Wenstrom
Berkelman	Forsythe	Laidig	Rose	White
Biersdorf	Friedrich	Langseth	St. Onge	Wieser
Brandl	Fugina	Lehto	Savelkoul	Williamson
Brinkman	George	Lemke	Scheid	Wynia
Byrne	Gunter	Mangan	Schulz	Zubay
Carlson, A.	Hanson	Mann	Searle	Speaker Sabo
Carlson, D.	Heinitz	McCollar	Sherwood	
Carlson, L.	Hokanson	McDonald	Sieben, H.	
Casserly	Jacobs	Moe	Sieben, M.	
Clark	Jaros	Munger	Simoneau	

Those who voted in the negative were:

Anderson, R.	Eckstein	Osthoff	Sarna	Wigley
Braun	McEachern	Redalen	Wenzel	

The bill was passed and its title agreed to.

Clark, Clawson, Heinitz and Swanson were excused at 3:30 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. After some time spent therein the Committee arose.

### REPORT OF COMMITTEE OF THE WHOLE

The Speaker resumed the Chair, whereupon the following proceedings of the Committee as kept by the Chief Clerk were reported to the House:

H. F. Nos. 1612, 1931, 1773, 2020, 2023, 2283, 2372, 649 and 2111 which it recommended to pass.

S. F. No. 1637 which it recommended to pass.

H. F. Nos. 2043, 838 and 1256 which it recommended progress.

H. F. No. 1847 which it recommended progress until Thursday, March 9, 1978.

H. F. No. 1977 which it recommended progress until Tuesday, March 7, 1978.

H. F. Nos. 1861 and 2160 which it recommended progress until Wednesday, March 8, 1978.

S. F. No. 397 which it recommended re-referral to the Committee on Governmental Operations.

On the motion of Anderson, I., the report of the Committee of the Whole was adopted.

#### ROLL CALLS IN COMMITTEE OF THE WHOLE

Pursuant to rule 1.6, the following roll calls were taken in the Committee of the Whole:

The question was taken on the Carlson, D., motion to re-refer S. F. No. 397 to the Committee on Governmental Operations and the roll was called. There were 62 yeas and 60 nays as follows:

Those who voted in the affirmative were:

Adams	Casserly	George	Osthoff	Simoneau
Albrecht	Clark	Hanson	Pehler	Skoglund
Anderson, G.	Corbid	Jacobs	Peterson	Smogard
Anderson, I.	Cummiskey	Kalis	Petrafeso	Suss
Arlandson	Dean	Kelly, W.	Pleasant	Vanasek
Begich	Den Ouden	Kroening	Prahl	Voss
Berg	Eckstein	Laidig	Redalen	Welch
Biersdorf	Eken	Lemke	Rice	Wigley
Braun	Enebo	Mann	Sarna	Williamson
Byrne	Evans	McCarron	Savelkoul	Speaker Sabo
Carlson, A.	Fjoslien	Nelsen, M.	Scheid	
Carlson, D.	Forsythe	Niehaus	Searle	
Carlson, L.	Friedrich	Novak	Sieben, H.	

Those who voted in the negative were:

Abeln	Brinkman	Hokanson	King	Munger
Anderson, B.	Clawson	Jaros	Knickerbocker	Murphy
Anderson, D.	Cohen	Johnson	Kostohryz	Neisen
Anderson, R.	Ellingson	Jude	Langseth	Nelsen, B.
Battaglia	Erickson	Kahn	Lehto	Norton
Beauchamp	Ewald	Kaley	Mangan	Onnen
Berglin	Fugina	Kelly, R.	McCollar	Reding
Berkelman	Gunter	Kempe, A.	McDonald	Rose
Brandl	Heinitz	Kempe, R.	Moe	St. Onge

Schulz	Spanish	Swanson	Wenstrom	Wieser
Sherwood	Stanton	Tomlinson	Wenzel	Wynia
Sieben, M.	Stoa	Waldorf	White	Zubay

The motion prevailed.

Savelkoul moved to amend H. F. No. 1931, as follows:

Page 2, line 28, strike "five" insert "10".

The question was taken on the adoption of the amendment and the roll was called. There were 35 yeas and 83 nays as follows:

Those who voted in the affirmative were:

Albrecht	Den Ouden	Friedrich	McDonald	Savelkoul
Anderson, D.	Eckstein	Kaley	Nelsen, B.	Searle
Anderson, R.	Erickson	Kalis	Niehaus	Searles
Biersdorf	Evans	Kempe, R.	Onnen	White
Carlson, A.	Ewald	Knickerbocker	Peterson	Wieser
Carlson, D.	Fjoslien	Kvam	Pleasant	Wigley
Dean	Forsythe	Laidig	Redalen	Zubay

Those who voted in the negative were:

Abeln	Casserly	Jude	Murphy	Sieben, M.
Adams	Cohen	Kahn	Neisen	Simoneau
Anderson, B.	Corbid	Kelly, R.	Nelson	Skoglund
Anderson, G.	Cummiskey	Kelly, W.	Norton	Smogard
Anderson, I.	Eken	Kempe, A.	Novak	Spanish
Arlandson	Ellingson	King	Osthoff	Stanton
Battaglia	Enebo	Kostohryz	Patton	Stoa
Beauchamp	Faricy	Kroening	Pehler	Suss
Begich	Fugina	Langseth	Petrafeso	Tomlinson
Berg	George	Lehto	Prahl	Vanasek
Berglin	Gunter	Lemke	Reding	Waldorf
Berkelman	Hanson	Mangan	Rice	Wenstrom
Brandl	Hokanson	Mann	St. Onge	Wenzel
Braun	Jacobs	McCollar	Sarna	Wynia
Brinkman	Jaros	McEachern	Scheid	Speaker Sabo
Byrne	Jensen	Metzen	Schulz	
Carlson, L.	Johnson	Moe	Sieben, H.	

The motion did not prevail and the amendment was not adopted.

Friedrich moved to amend H. F. No. 1931, as follows:

Page 2, line 1, reinstate the stricken language.

Page 2, line 2, reinstate "products (4)" delete "(3)".

Page 2, line 2, reinstate "(5)" delete "(4)".

Page 2, lines 10 and 11, delete the new language.

The question was taken on the adoption of the amendment and the roll was called. There were 38 yeas and 79 nays as follows:

Those who voted in the affirmative were:

Albrecht	Fjoslien	Kempe, R.	Patton	Spanish
Biersdorf	Forsythe	Knickerbocker	Peterson	Stanton
Carlson, A.	Friedrich	Kvam	Pleasant	Stoa
Carlson, D.	Heinitz	Laidig	Redalen	Suss
Dean	Jude	Mann	Rice	Wigley
Eckstein	Kaley	McEachern	Savelkoul	Zubay
Erickson	Kalis	Niehaus	Searle	
Ewald	Kelly, R.	Onnen	Searles	

Those who voted in the negative were:

Abeln	Byrne	Jaros	Munger	Sieben, H.
Adams	Carlson, L.	Jensen	Murphy	Sieben, M.
Anderson, B.	Casserly	Johnson	Nelsen, B.	Simoneau
Anderson, D.	Corbid	Kahn	Nelsen, M.	Skoglund
Anderson, G.	Cummiskey	Kelly, W.	Nelson	Smogard
Anderson, I.	Den Ouden	King	Novak	Tomlinson
Arlandson	Eken	Kostohryz	Osthoff	Waldorf
Battaglia	Ellingson	Kroening	Pehler	Welch
Beauchamp	Enebo	Langseth	Petraleso	Wenstrom
Begich	Evans	Lehto	Prahl	Wenzel
Berg	Fugina	Lemke	Reding	White
Berglin	George	Mangan	St. Onge	Wieser
Berkelman	Gunter	McCollar	Sarna	Williamson
Birnstihl	Hanson	McDonald	Scheid	Wynia
Brandl	Hokanson	Metzen	Schulz	Speaker Sabo
Braun	Jacobs	Moe	Sherwood	

The motion did not prevail and the amendment was not adopted.

## MOTIONS AND RESOLUTIONS

Nelsen, B., introduced:

House Resolution No. 19, A house resolution congratulating the Staples Senior High School wrestling team on winning the state class A wrestling championship.

The resolution was referred to the Committee on Rules and Legislative Administration.

Abeln moved that the name of Simoneau be added as an author on H. F. No. 561. The motion prevailed.

Patton moved that the name of Byrne be added as an author on H. F. No. 2490. The motion prevailed.

Begich moved that the name of Nelsen, M., be added as an author on H. F. No. 1839. The motion prevailed.



Jude moved that the names of Simoneau and Metzen be added as authors on H. F. No. 2351. The motion prevailed.

Anderson, G., moved that the names of Smogard, Wenstrom, and Gunter be added as authors on H. F. No. 2477. The motion prevailed.

Wynia moved that the name of Heinitz be added as an author on H. F. No. 2194. The motion prevailed.

Kempe, A., moved that his name be stricken as an author on H. F. No. 1381. The motion prevailed.

Fugina moved that the name of Vanasek be added as an author on H. F. No. 2484. The motion prevailed.

King moved that S. F. No. 1431 be recalled from the Committee on Agriculture and together with H. F. No. 2389, now on Technical General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

Pursuant to Rule 1.15, Redalen moved that H. F. No. 2316 be now withdrawn from the Committee on Environment and Natural Resources, be given a second reading and be advanced to General Orders.

A roll call was requested and properly seconded.

The question was taken on the motion and the roll was called. There were 30 yeas and 88 nays as follows:

Those who voted in the affirmative were:

Albrecht	Eckstein	Kaley	Nelsen, B.	Redalen
Anderson, D.	Erickson	Kempe, R.	Nelsen, M.	Rose
Anderson, R.	Evans	Kvam	Niehaus	Savelkoul
Biersdorf	Ewald	Laidig	Onnen	Searles
Carlson, D.	Forsythe	Lemke	Peterson	Spanish
Den Ouden	Friedrich	McDonald	Pleasant	Wieser

Those who voted in the negative were:

Abeln	Brandl	Faricy	Kelly, R.	Moe
Adams	Braun	Fugina	Kelly, W.	Munger
Anderson, B.	Brinkman	George	Kempe, A.	Murphy
Anderson, G.	Byrne	Gunter	King	Neisen
Anderson, I.	Carlson, L.	Hanson	Kostohryz	Nelson
Arlandson	Casserly	Hokanson	Kroening	Norton
Battaglia	Cohen	Jacobs	Langseth	Novak
Beauchamp	Corbid	Jaros	Lehto	Osthoff
Begich	Cummiskey	Jensen	Mangan	Patton
Berg	Dean	Johnson	Mann	Pehler
Berglin	Eken	Jude	McCarron	Petrafeso
Berkelman	Ellingson	Kahn	McCollar	Reding
Birnstihl	Enebo	Kalis	Metzen	Rice

St. Onge	Sieben, H.	Stanton	Voss	Williamson
Sarna	Sieben, M.	Stoa	Waldorf	Wynia
Schulz	Simoneau	Suss	Welch	Speaker Sabo
Searle	Skoglund	Tomlinson	Wenzel	
Sherwood	Smogard	Vanasek	White	

The motion did not prevail.

Pursuant to Rule 1.15, Searles moved that H. F. No. 375 be now withdrawn from the Committee on Taxes, be given a second reading and be advanced to General Orders.

A roll call was requested and properly seconded.

The question was taken on the motion and the roll was called. There were 40 yeas and 85 nays as follows:

Those who voted in the affirmative were:

Albrecht	Den Ouden	Jensen	Nelsen, B.	Savelkoul
Anderson, D.	Erickson	Kaley	Niehaus	Searle
Anderson, R.	Evans	Kempe, R.	Onnen	Searles
Berkelman	Ewald	Knickerbocker	Peterson	Spanish
Biersdorf	Fjoslien	Kroening	Pleasant	Wieser
Carlson, A.	Forsythe	Kvam	Redalen	Wigley
Carlson, D.	Friedrich	Laidig	Reding	Williamson
Dean	Heintz	McDonald	Rose	Zubay

Those who voted in the negative were:

Abeln	Cassarly	Kahn	Munger	Sieben, H.
Adams	Cohen	Kalis	Murphy	Sieben, M.
Anderson, B.	Corbid	Kelly, R.	Nelsen, M.	Simoneau
Anderson, G.	Cummiskey	Kelly, W.	Nelson	Skoglund
Anderson, I.	Eken	Kempe, A.	Norton	Smogard
Arlandson	Ellingson	King	Novak	Stanton
Battaglia	Enebo	Kostohryz	Osthoff	Stoa
Beauchamp	Faricy	Langseth	Patton	Suss
Begich	Fugina	Lehto	Pehler	Tomlinson
Berg	George	Lemke	Petrafeso	Vanasek
Berglin	Gunter	Mangan	Prahl	Voss
Birnstihl	Hanson	Mann	Rice	Welch
Brandl	Hokanson	McCarron	St. Onge	Wenstrom
Braun	Jacobs	McCollar	Sarna	Wenzel
Brinkman	Jaros	McEachern	Scheid	White
Byrne	Johnson	Metzen	Schulz	Wynia
Carlson, L.	Jude	Moe	Sherwood	Speaker Sabo

The motion did not prevail.

#### ADJOURNMENT

Anderson, I., moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:00 p.m., Friday, March 3, 1978.

EDWARD A. BURDICK, Chief Clerk, House of Representatives



## STATE OF MINNESOTA

## SEVENTIETH SESSION - 1978

## EIGHTY-SECOND DAY

SAINT PAUL, MINNESOTA, FRIDAY, MARCH 3, 1978

The House of Representatives convened at 2:00 p.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	Corbid	Johnson	Murphy	Sherwood
Adams	Cummiskey	Jude	Neisen	Sieben, H.
Albrecht	Dean	Kahn	Nelsen, B.	Sieben, M.
Anderson, B.	Den Ouden	Kaley	Nelsen, M.	Simoneau
Anderson, D.	Eckstein	Kalis	Nelson	Skoglund
Anderson, G.	Eken	Kelly, R.	Niehaus	Smogard
Anderson, I.	Ellingson	Kelly, W.	Norton	Spanish
Anderson, R.	Enebo	Kempe, R.	Novak	Stanton
Arlandson	Erickson	King	Onnen	Stoa
Battaglia	Esau	Knickerbocker	Osthoff	Tomlinson
Beauchamp	Evans	Kostohryz	Patton	Vanasek
Begich	Ewald	Kroening	Pehler	Voss
Berg	Faricy	Kvam	Peterson	Waldorf
Berglin	Fjoslien	Laidig	Petrafeso	Welch
Berkelman	Forsythe	Langseth	Pleasant	Wenstrom
Biersdorf	Friedrich	Lehto	Prahl	Wenzel
Birnstihl	Fudro	Lemke	Redalen	White
Brandl	Fugina	Mangan	Reding	Wieser
Braun	George	Mann	Rice	Wigley
Brinkman	Gunter	McCarron	Rose	Williamson
Byrne	Hanson	McCollar	St. Onge	Wynia
Carlson, A.	Heinitz	McDonald	Sarna	Zubay
Carlson, D.	Hokanson	McEachern	Savelkoul	Speaker Sabo
Carlson, L.	Jacobs	Metzen	Scheid	
Casserly	Jaros	Moe	Schulz	
Cohen	Jensen	Munger	Searie	

A quorum was present.

Clark, Clawson, Samuelson, Searles, Suss and Swanson were excused. Kempe, A., was excused until 3:00 p.m.

The Chief Clerk proceeded to read the Journal of the preceding day. Laidig moved that further reading of the Journal be dispensed with and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.

## REPORTS OF CHIEF CLERK

Pursuant to Rules of the House, printed copies of H. F. Nos. 2116, 2281, 2254, 2256, 2298, 1400, 1599, 1797, 2052, 1220, 1663, 1913, 1976, 2093, 2151, 2159, 2299, 1286, 1754, 1884, 2220, 2389 and 2094 and S. F. Nos. 804, 1194 and 1547 have been placed in the members' files.

S. F. No. 1431 and H. F. No. 2389, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

## SUSPENSION OF RULES

King moved that the rules be so far suspended that S. F. No. 1431 be substituted for H. F. No. 2389 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 2, 1978

The Honorable Martin O. Sabo  
Speaker of the House of Representatives  
The Honorable Edward J. Gearty  
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1978 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 1978</i>	<i>Date Filed 1978</i>
682		464	March 2	March 2
698		465	March 2	March 2
1004		466	March 2	March 2
1178		467	March 2	March 2

S.F. No.	H.F. No.	Session Laws Chapter No.	Date Approved 1978	Date Filed 1978
	1065	468	March 2	March 2
	1180	469	March 2	March 2

Sincerely,

JOAN ANDERSON GROWE  
Secretary of State

### REPORTS OF STANDING COMMITTEES

Norton from the Committee on Appropriations to which was referred:

H. F. No. 960, A bill for an act relating to data processing by public bodies; its regulation and control; establishing the Minnesota public data processing board; prescribing its powers and duties; appropriating money; amending Minnesota Statutes 1976, Sections 16.94 and 16.95; repealing Minnesota Statutes 1976, Sections 16.90, Subdivisions 1, 2 and 4; 16.91; and 16.911, Subdivision 2.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert:

"Section 1. [16C.01] [STATEMENT OF LEGISLATIVE INTENT.] *The legislature finds that in order for the state of Minnesota to receive the maximum use and benefit from data processing devices and systems:*

(a) *There should be a continued centralization of policy control over data processing related plans, projects and acquisitions of state departments and agencies;*

(b) *There should be full cooperation and cohesive and responsive planning and effort by and between the several state departments and agencies, including those involved in education and criminal justice;*

(c) *There should be an evaluation of proposed state agency data processing projects, leases, or purchases independent of that conducted by agencies providing data processing services to contribute to a fair and beneficial decision process;*

(d) *All operating agencies should be required to hire staff within legislative complement limits to insure more ordered and*

*defined personnel practices with adequate legislative scrutiny; and*

*(e) There should be full cooperation and a willingness to share data processing information and expertise between the several state agencies and local government units.*

*Therefore, the legislature determines that a central data processing council should be established to assist in the planning for, and acquisition and use of, systems and data processing devices by all state agencies, and to monitor and facilitate the development of data processing systems in local governmental units, in order to promote the efficient, coordinated utilization of data processing resources.*

**Sec. 2. [16C.02] [DEFINITIONS.]** *Subdivision 1. For the purposes of sections 1 to 7, the terms defined in this section have the meanings given them.*

*Subd. 2. "Council" means the Minnesota advisory council for information systems created by section 3.*

*Subd. 3. "Data processing device" means any equipment or computer programming, including but not limited to computer hardware, firmware, software and communication protocol, utilized in connection with the processing of information via electronic data processing means and includes data communication devices used in connection with computer facilities for the transmission of data.*

*Subd. 4. "Joint powers organization" means any organization composed of local governmental units or local governmental units and state agencies empowered to acquire or plan for the acquisition of data processing devices.*

*Subd. 5. "Local governmental unit" means any municipal or quasi-municipal corporation, public school, school district, county or other political subdivision and all branches, organizations, agencies or combinations of such entities authorized to enter into contracts.*

*Subd. 6. "State agency" means any office, department, agency, institution, commission, board or educational body of state government including the university of Minnesota, and any branch, organization, agency or combination thereof.*

*Subd. 7. "System" means an automated, organized collection of procedures, data processing devices and methods designed to collect, store, retrieve or transfer data.*

**Sec. 3. [16C.03] [MINNESOTA ADVISORY COUNCIL FOR INFORMATION SYSTEMS.]** *Subdivision 1. [CREA-*

TION.] *The Minnesota advisory council for information systems is hereby created as an advisory council responsible and reporting to the governor.*

*Subd. 2. [COMPOSITION OF COUNCIL.] The council shall be composed of 15 persons, ten of whom shall be voting members. Three of the voting members shall be heads of state agencies extensively using data processing devices, and the remaining voting members shall include persons from local governmental units, joint power organizations, educational institutions, and the private sector who are knowledgeable in the use and application of data processing devices and systems, and members of the general public. The remaining five council members shall serve in a nonvoting, advisory capacity. Four of the advisory members shall be members of the Minnesota house of representatives and senate and the fifth shall be a representative of the judicial branch of Minnesota government.*

*Subd. 3. [SELECTION AND TERMS.] The ten voting council members shall be appointed by the governor who shall initially appoint three members to serve for one year, four members to serve for two years and three members to serve for three years. Thereafter, all voting members shall be appointed to two year terms. With respect to the nonvoting legislative members, two each shall be selected by the speaker of the Minnesota house of representatives and the president of the Minnesota senate. The nonvoting judicial representative shall be selected by the chief justice of the Minnesota supreme court. All nonvoting council members shall be appointed for two year terms. All initial appointments shall be made not later than July 1, 1978.*

*Subd. 4. [COMPENSATION.] Council members shall be compensated at the rate of \$50 per day or portion thereof spent on council activities plus expenses in the same manner and amount as received by state employees. Council members who are full-time state or local governmental employees shall not receive the \$50 per day, but they shall suffer no loss in compensation or benefits from their employers as a result of their service on the board. Council members who are full-time state or local governmental employees may receive the expenses provided for in this subdivision unless the expenses are reimbursed by another source.*

*Subd. 5. [REMOVAL; VACANCIES.] A member may be removed by the appointing authority at any time at the pleasure of the appointing authority. In case of a vacancy on the council, the appointing authority shall appoint a person to fill the vacancy for the remainder of the unexpired term.*

**Sec. 4. [16C.04] [DUTIES AND POWERS.]** *Subdivision 1. The council shall:*



(a) *Study existing state agency data processing devices and systems and future data processing needs and develop plans, including a master plan, regarding the effective use of existing resources and the need for future acquisitions;*

(b) *Promote and recommend the establishment of inter-governmental agreements whereby state agencies, joint powers organizations or local governmental units may benefit from the sharing of data processing resources;*

(c) *Develop data processing device specifications and procurement techniques, and recommend their use by state agencies;*

(d) *Review and within 60 calendar days advise on the data processing and systems-related budgets or plans of all state agencies if the budgets or plans envision expenditures in excess of \$10,000 per year;*

(e) *Review and within 60 calendar days advise on any proposed grant applications in excess of \$5,000 of all state agencies which relate to data processing devices or systems;*

(f) *Review and within 60 calendar days advise on any proposed data processing device acquisitions of state agencies which acquisitions are estimated to involve expenditures in excess of \$5,000;*

(g) *Determine, in its review of the budgets, plans and proposed acquisitions of a state agency whether data processing devices are needed and, if so, whether the state agency has selected the appropriate means, methods and technology to obtain necessary data processing services;*

(h) *Provide assistance to all local governmental units and joint powers organizations which seek assistance relating to the organization and operation of data processing systems including, but not limited to, providing information on the availability and capabilities of alternative data processing devices and assistance in the development of data processing device specifications;*

(i) *Annually collect and report information regarding the data processing activities of all local governmental units and joint powers organizations, including an inventory of computer hardware and comprehensive listings of data processing applications, providers of data processing services, and surplus data processing resources;*

(j) *Establish committees to assist the council in performing its duties pursuant to this subdivision, which committees shall include representatives from state agencies using data processing devices; and*

*(k) Appoint an executive director to administer council activities by September 1, 1978.*

*Subd. 2. To accomplish the purposes of sections 1 to 9 the council may:*

*(a) Elect officers, establish rules and procedures for meetings and establish committees as it deems appropriate;*

*(b) Subject to the provisions of Minnesota Statutes, Chapter 43, employ and delegate its powers to professional, technical, and clerical staff as it deems necessary, provided that the council may establish an executive director and two other management positions in the unclassified service;*

*(c) Enter into contracts for office supplies and services, consultant services and any other goods or commodities necessary for the undertaking of its duties;*

*(d) Enter into contracts with the federal government, state agencies or local governmental units for the provision of any advisory, technical or other services;*

*(e) Apply for, receive and expend grant moneys, provided that the board also files with the chairpersons of the house appropriations and senate finance committees a notice of intent to apply for grant moneys. The notice of intent shall contain an analysis of the immediate and future impact of related grant requirements, limitations and rules on state budgetary and fiscal matters and on state laws and rules;*

*(f) Receive and accept money, property or services from any person, agency or other source for any purpose within the scope of its authority. All money so received is annually appropriated for those purposes in the manner and subject to laws applicable to the appropriation of state funds;*

*(g) Undertake research and development projects;*

*(h) Delegate its powers to state agencies, joint powers organizations, local governmental units or the intergovernmental information systems advisory council which are hereby empowered to accept such delegations;*

*(i) Assign its interest in any contract to state agencies, joint powers organizations or local governmental units which are hereby empowered to accept such assignments;*

*(j) Request state agencies, joint powers organizations and local governmental units and their officials to appear before the council or produce any records or materials relating to data processing devices or systems for council review;*

(k) *Receive and expend legislative appropriations; and*

(l) *Undertake any other activity necessary to implement the powers set forth in this subdivision.*

Sec. 5. [16C.05] [MEETINGS; REPORTS TO LEGISLATURE.] *The council shall meet at least once every three months. On or before January 1 of each year and commencing January 1, 1979, the council shall submit a detailed, written report to the governor and the legislature setting forth its activities during the previous year and advising of its plans and projects for the ensuing year. Every five years, and commencing not later than January 1, 1980, the council shall submit to the governor and the legislature a long range plan setting forth its proposed plans and projects for the succeeding five years.*

Sec. 6. [16C.06] [STATE AGENCIES; ADHERENCE TO REVIEW PROCEDURE.] *Notwithstanding any law to the contrary, neither a state agency nor the Minnesota educational computing consortium shall apply for grants of any nature for data processing related projects, proceed with data processing related plans or acquisitions or the expenditure of computer services budgets without first seeking and receiving the advice of the council when so required pursuant to and under the conditions of section 4. If, pursuant to its authority, the department of administration seeks to substantially modify or reject the data processing activities or proposals of a state agency, such modification or rejection if disputed by the state agency shall not be effective until after representatives of the department of administration and the affected state agency have sought and received council advice.*

Sec. 7. [16C.07] [APPLICATION TO UNIVERSITY OF MINNESOTA.] *The board of regents of the university of Minnesota shall comply with the provisions of sections 1 to 6, to the fullest extent possible, consistent with the exercise of the powers conferred upon them by the constitution of this state.*

Sec. 8. [16C.08] [INTERGOVERNMENTAL INFORMATION SYSTEMS ADVISORY COUNCIL.] *Subdivision 1. The governor shall appoint an intergovernmental information systems advisory council, to serve at his pleasure, consisting of 25 members. The intergovernmental information systems advisory council shall be composed of two members from each of the following groups: counties outside of the seven county metropolitan area, counties within the metropolitan area, cities of the first class, municipalities of the second and third class outside the metropolitan area and municipalities of the second and third class within the metropolitan area; one member from each of the following groups: the metropolitan council, an outstate regional body, Minnesota higher education coordinating board, school districts located in cities of the first class, school districts in the metropolitan area not located in cities of the first*

*class, and school districts outside the metropolitan area; one member from each of the state departments of administration, education, legislative auditor and revenue; one member from the office of the state auditor; and four members from the state community at large. To the extent permitted by available resources the Minnesota advisory council for information systems shall furnish staff and other assistance as requested by the intergovernmental information systems advisory council. The intergovernmental information systems advisory council shall expire and the terms, compensation and removal of members shall be as provided in section 15.059.*

*Subd. 2. The intergovernmental information systems advisory council shall assist the Minnesota advisory council for information systems in the development of data standards and program budgeting systems and standards; recommend to the Minnesota advisory council for information systems policies and procedures governing the collection, security and confidentiality of data; review and comment on all applications for federal or foundation funding for information systems and on all computer systems involving intergovernmental funding; keep local governments abreast of the state of the art in information systems and prepare guidelines for intergovernmental systems.*

*Subd. 3. The intergovernmental information systems advisory council shall initially be composed of those members serving on the intergovernmental information systems advisory council pursuant to the 1976 edition of Minnesota Statutes, Section 16.911, as of the effective date of this act. The initial members shall serve out their terms under the conditions of their appointments pursuant to the 1976 edition of Minnesota Statutes, Section 16.911.*

*Subd. 4. [TRANSFER OF EXISTING APPROPRIATIONS.] The unliquidated appropriations and encumbrances of the department of administration for the intergovernmental coordination activity defined in section 16.911 are transferred and reappropriated to the Minnesota advisory council for information systems for the purposes of this section.*

Sec. 9. Minnesota Statutes 1976, Section 3.976, is amended to read:

**3.976 [INFORMATION COLLECTED FROM LOCAL GOVERNMENTS.]** The state auditor, or his designated agent, shall collect annually from all city, county, and other local units of government, information as to the assessment of property, collection of taxes, receipts from licenses and other sources, the expenditure of public funds for all purposes, borrowing, debts, principal and interest payments on debts, and such other information as may be needful. The data shall be supplied (UPON BLANKS) in a manner prescribed by the state auditor, and all public officials (SO CALLED UPON SHALL FILL OUT PROPERLY AND RETURN PROMPTLY ALL BLANKS SO TRANS-

MITTED) shall properly and promptly provide the data in the prescribed manner. The state auditor or his assistants, may examine local records in order to complete or verify the information. Copies of all reports so received shall be forwarded by the state auditor to the legislative auditor. Before establishing reporting requirements for local governmental units pursuant to this section or to any other section, the state auditor shall consult with the Minnesota advisory council for information systems.

Sec. 10. Minnesota Statutes 1976, Section 16.80, is amended by adding a subdivision to read:

*Subd. 3. The department of administration shall, prior to expenditure of any computer services revolving fund monies after June 30, 1979, prepare reports and budgets regarding the computer services revolving fund for inclusion in the governor's budget recommendations to the legislature and review by the legislature in the same manner and form as agencies operating on a direct appropriation basis. If the department of administration receives computer services revolving fund receipts in excess of those estimated in the executive/legislative budget process, it shall seek and obtain the approval of the legislative advisory committee prior to any expenditure of the excess receipts.*

Sec. 11. Minnesota Statutes 1976, Section 16.90, Subdivision 4, is amended to read:

Subd. 4. The commissioner (, AFTER CONSULTATION WITH THE STATE INFORMATION SYSTEMS ADVISORY COUNCIL AND THE INTERGOVERNMENTAL INFORMATION SYSTEMS ADVISORY COUNCIL,) shall (DESIGN AND MAINTAIN A MASTER PLAN FOR INFORMATION SYSTEMS IN THE STATE AND ITS POLITICAL SUBDIVISIONS AND SHALL REPORT THEREON TO THE GOVERNOR AND LEGISLATURE AT THE BEGINNING OF EACH REGULAR SESSION; ESTABLISH STANDARDS FOR INFORMATION SYSTEMS;) maintain a library of systems and programs developed by the state and its political subdivisions for use by agencies of government (;) and administer the communications for the state information system.

Sec. 12. Minnesota Statutes 1976, Section 16.94, is amended to read:

16.94 [MODIFICATION OF OPERATING AND MANAGEMENT PROCEDURES.] Where improved program effectiveness, better utilization of services, and greater efficiency and economy in state government can be demonstrated, the commissioner with the approval of the governor and with the advice of the Minnesota advisory council for information systems may

require a department or agency of the state to adjust its operating and management procedures to take advantage of improved systems, procedures, and methods resulting from systems analysis and information science technology.

Sec. 13. Minnesota Statutes 1976, Section 16.95, is amended to read:

16.95 [FUNCTION OF LEGISLATIVE AUDITOR.] The legislative auditor may conduct performance evaluation of all systems analysis, information services, and computerization efforts of all state agencies, and the university of Minnesota, and upon request of the governing body or request of the (STATE INFORMATION SYSTEMS ADVISORY COUNCIL HE) *Minnesota advisory council for information systems* shall conduct the same services for political subdivisions of the state and report his findings to the governor and to the legislature. The cost of such evaluations shall be paid by the agencies being evaluated.

Sec. 14. [REPEALER.] *Minnesota Statutes 1976, Sections 16.91 and 16.911, are repealed.*

Sec. 15. [APPROPRIATIONS.] *There is appropriated from the general fund to the Minnesota advisory council for information systems the sum of \$350,000 to be used for the purposes of this act during the biennium ending June 30, 1979.*

Sec. 16. [EFFECTIVE DATE.] *This act is effective July 1, 1978."*

Further, delete the title and insert:

"A bill for an act relating to data processing by certain public bodies; its regulation and control; establishing the Minnesota advisory council for information systems; prescribing its powers and duties; appropriating money; amending Minnesota Statutes 1976, Sections 3.976; 16.80, by adding a subdivision; 16.90, Subdivision 4; 16.94; and 16.95; repealing Minnesota Statutes 1976, Sections 16.91 and 16.911."

With the recommendation that when so amended the bill be re-referred to the Committee on Governmental Operations without further recommendation.

The report was adopted.

Norton from the Committee on Appropriations to which was referred:

H. F. No. 961, A bill for an act relating to education; data processing; establishing the Minnesota educational computing

consortium as a state agency; prescribing powers and duties therefor; repealing Minnesota Statutes 1976, Section 16.93.

Reported the same back with the following amendments:

Page 2, delete lines 1 and 2, and insert "or computer programming, including but not limited to computer hardware, firmware, software, and communication protocol, utilized in connection with the processing of information via electronic data processing".

Page 3, line 8, delete "1977" and insert "1978".

Page 3, line 25, delete ", if appropriate,".

Page 4, line 12, delete "promulgate" and insert "establish".

Page 4, delete lines 16 to 19 and insert "(2) Subject to the provisions of Minnesota Statutes, Chapter 43, employ and delegate its powers to such professional, technical and clerical staff as it deems necessary, including an executive director in the unclassified state service, within the complement limits established by the legislature. Individuals who are employees of the Minnesota educational computing consortium on the effective date of this act, excepting the executive director thereof, shall be transferred to the classified service of the state without competitive examination and shall be placed in the classifications and receive the compensation established by the department of personnel pursuant to Minnesota Statutes, Section 120.81, Subdivision 1. The executive director shall be transferred to the unclassified state service at the compensation level established for that position pursuant to Minnesota Statutes, Section 120.81, Subdivision 1. Incumbents of positions so transferred to the state civil service shall receive such status and length of service credits as would have accrued to them had they originally been appointed to the state civil service. All of the aforementioned employees' accrued annual and sick leave shall also be transferred to their benefit, provided that accumulations of annual leave in excess of state limitations shall be paid to the employees with such accumulations."

Page 6, line 11, delete "Notwithstanding any of the provisions".

Page 6, delete lines 12 to 14.

Page 6, line 15, delete "possible,".

Page 6, line 15, after "regents" insert "of the university of Minnesota".

Page 6, line 16, after "chapter." insert "If the university does not comply, it shall then report the reasons for any noncompliance to the board."

Page 6, delete lines 17 to 19 and renumber subsequent sections.

With the recommendation that when so amended the bill be re-referred to the Committee on Governmental Operations without further recommendation.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 1141, A bill for an act relating to waters; scenic rivers; local government compliance with plans for wild, scenic or recreational river areas; providing for costs to be borne by department of natural resources in certain instances; amending Minnesota Statutes 1976, Section 104.36, Subdivision 1.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert:

"Section 1. The commissioner of natural resources shall conduct a study to determine the costs to affected local units of government of preparing, adopting, and administering local land use controls required by Minnesota Statutes, Section 104.36. By January 15, 1979, the commissioner shall report to the legislature on the results of the study and on his findings regarding the need for a program of grants or reimbursements for such costs. If the commissioner finds that such a program is necessary, his report shall also contain recommendations on the funding required, the function of any such grants or reimbursements and other appropriate matters relating to the administration of such a program."

Further, amend the title as follows:

Page 1, line 2, delete "waters; scenic rivers;"

Page 1, line 4, delete "costs".

Page 1, delete lines 5 to 7, and insert "a study and recommendations concerning the amount and distribution of costs associated therewith."

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.



Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 1519, A bill for an act relating to natural resources; concerning forestry; regulating the maintenance of fires; amending Minnesota Statutes 1976, Sections 88.01, by adding a subdivision; 88.10; 88.16; 88.17; 88.22; 88.73; 88.75, Subdivision 1; 88.76; 88.77; and 88.78.

Reported the same back with the following amendments:

Page 2, line 30, after "1." insert "*Except as provided in subdivision 2.*".

Page 2, lines 30 to 32, reinstate the stricken language.

Page 3, reinstate stricken language in line 1 and strike "native" and insert "*natural*".

Page 3, reinstate stricken language in lines 2 to 4.

Page 3, line 5, reinstate "any open fire".

Page 3, lines 5 to 7, delete the new language.

With the recommendation that when so amended the bill pass.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 1937, A bill for an act relating to pollution control; providing for the receipt and appropriation of certain funds by the pollution control agency; further regulating the transport of sewage sludge; amending Minnesota Statutes 1976, Section 115.06, Subdivision 2; and Minnesota Statutes, 1977 Supplement, Section 169.80, Subdivision 2.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 2137, A bill for an act relating to natural resources; concerning water resources; revising certain provisions concern-

ing dams, reservoirs, control structures, and waterway obstructions; prescribing certain fees to finance safety examinations relating to such projects; appropriating money; amending Minnesota Statutes 1976, Sections 105.42, Subdivision 2; 105.482, Subdivision 2; 105.52; 105.53; and Minnesota Statutes, 1977 Supplement, Section 105.44, Subdivision 10.

Reported the same back with the following amendments:

Page 5, line 2, delete "general".

Page 5, line 3, delete "fund" and insert "dam safety account which is hereby created. All of the money in the dam safety account is annually appropriated to the commissioner to carry out duties related to dams, reservoirs, control structures, or waterway obstructions to be constructed, repaired, altered, abandoned, or removed and for their periodic examination. The dam safety account shall be subject to review by the legislature annually and the account shall terminate on January 1, 1981, unless otherwise extended by the legislature. In the event the account terminates on January 1, 1981, all money paid as inspection fees under clause (a) and all money paid under clauses (b) and (c) shall be deposited in the state treasury and credited to the general fund".

Page 6, line 23, delete "four" and insert "five".

Page 6, after line 24, insert a new section as follows:

"Sec. 7. The commissioner of natural resources shall make every effort possible to promulgate rules and regulations relating to the dam safety program by February 1, 1979. These rules and regulations shall include provisions which exclude from permit requirements, minor dams such as those less than six feet in height or which impound less than 50 acre-feet of storage at maximum storage elevations. This does not apply to any such barrier which is not in excess of six feet in height, regardless of storage capacity or which has a storage capacity at maximum water storage elevation not in excess of 15 acre-feet, regardless of height. Rules and regulations shall classify structures to adequately define risks and hazards involved in relation to public health, safety and welfare."

Page 6, line 25, delete "7" and insert "8".

Page 6, line 25, delete "July".

Page 6, delete line 26 and insert "the day following final enactment."

With the recommendation that when so amended the bill 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. 2261, A bill for an act relating to energy; changing the powers of the Minnesota energy agency; providing for the confidentiality of proprietary data furnished to the energy agency; mandating certain residential energy efficiency standards; establishing insulation product and application standards; prescribing penalties; appropriating money; amending Minnesota Statutes 1976, Section 116H.08; Chapter 116H, by adding a section; and Minnesota Statutes, 1977 Supplement, Section 116H.129, Subdivision 1, and by adding subdivisions.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1976, Section 116H.08, is amended to read:

116H.08 [POWERS.] The director may:

(a) Adopt rules (AND REGULATIONS,) pursuant to chapter 15 necessary to carry out the purposes of sections 116H.01 to 116H.15;

(b) Make all contracts pursuant to sections 116H.01 to 116H.15 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 116H.01 to 116H.15. Notwithstanding any other law the agency is designated the state agency to apply for, receive and accept federal *or other* funds made available to the state for the purposes of sections 116H.01 to 116H.15.

(c) Contract for professional services if such work or services cannot be satisfactorily performed by employees of the agency or by any other state agency;

(d) Enter into interstate compacts to jointly carry out such research and planning with other states or the federal government where appropriate;

(e) Distribute informational material at no cost to the public upon reasonable request.

Sec. 2. Minnesota Statutes, 1977 Supplement, Section 116H.-129, Subdivision 1, is amended to read:

116H.129 [ENERGY CONSERVATION IN RESIDENTIAL BUILDINGS.] Subdivision 1. Before January 1, (1978) 1979, the commissioner of administration, in consultation with the director and the appropriate standing committees of the legislature, shall promulgate minimum energy efficiency standards for existing residential buildings. The standards shall be economically feasible in that the resultant savings in energy procurement costs, based on current *and projected* average residential energy costs in Minnesota as certified by the director in the state register, will exceed the cost of the energy conserving requirements amortized over (A PERIOD OF FIVE YEARS) *the five year period subsequent to the incurring of such cost. The costs computed under this section shall include reasonable inflation and interest factors.*

(BY FEBRUARY 15, 1978, THE DIRECTOR SHALL MAKE RECOMMENDATIONS TO THE LEGISLATURE ON METHODS TO OBTAIN COMPLIANCE WITH THE STANDARDS SET FORTH IN THIS SUBDIVISION.)

Sec. 3. [RESIDENTIAL ENERGY DISCLOSURE REPORT.] Subdivision 1. [DEFINITIONS.] *For the purposes of this section, the following terms shall have the meaning given them.*

Subd. 2. "Residence" means any dwelling intended for permanent habitation except buildings such as hotels, hospitals, motels, dormitories, sanitariums, nursing homes, schools and other buildings used for educational purposes, or correctional institutions. A mobile home as defined in section 168.011, subdivision 8, shall be a residence for purposes of this section.

Subd. 3. "Time of sale" means the time when a written purchase agreement is executed by the buyer, or, in the absence of a purchase agreement, prior to the execution of any document providing for the conveyance of a residence.

Subd. 4. "Energy disclosure report" means the written and signed evaluation by a person certified pursuant to subdivision 5 of this section made on an approved form, representing to the actual buyer of the residence evaluated that the evaluator has used reasonable care and diligence, and has found no instance of noncompliance with the items contained on the approved form as of the date thereon except as specifically designated.

Subd. 5. By July 1, 1979, the commissioner of administration shall certify evaluators in each county of the state who are qualified to determine the compliance of a residence with standards adopted pursuant to Minnesota Statutes, Section 116H.129, Subdivision 1. The commissioner of administration shall, by rule pursuant to chapter 15, establish standards for the certification and performance of evaluators and set a fee for the certification of

*evaluators which is sufficient to cover the ongoing costs of the program once it is established. Effective July 1, 1979, each certified evaluator shall, on request of the owner, inspect any residence and report the degree to which it complies with applicable energy disclosure requirements.*

*Subd. 6. Effective October 1, 1979, no owner or agent shall sell by conveyance or contract for conveyance a residence constructed before January 1, 1976, without providing to the buyer, prior to the time of sale, an energy disclosure report for the residence unless the buyer has been provided a copy of the form used in making an energy disclosure report and has declared in writing that he waives his right to a report.*

**Sec. 4. Minnesota Statutes, 1977 Supplement, Section 116H.129, is amended by adding subdivisions to read:**

*Subd. 3. Effective January 1, 1980, all nonhomestead residences constructed prior to January 1, 1976, which are renter occupied and not owned by an agency of the federal government shall be in compliance with standards pursuant to subdivision 1 pertaining to caulking and weatherstripping of exterior joints and sealing of other openings in the building envelope. Effective July 1, 1983, all such renter occupied residences shall be in full compliance with standards pursuant to subdivision 1.*

*Subd. 4. The energy agency shall conduct inspections on a random basis for compliance with the provisions of subdivision 3 of this section.*

*Subd. 5. No more than one-fifth of the actual costs of compliance with subdivision 3 of this section shall be included in the rent charged for a unit in any one calendar year.*

**Sec. 5. [HOME INSULATION; CONSUMER PROTECTION; DEFINITIONS.] Subdivision 1. For the purposes of sections 6 to 11, the following terms shall have the meanings here given them.**

*Subd. 2. "Advertisement" means any written or verbal statement, illustration or depiction which appears in the mass media, in brochures, leaflets, or circulars, outdoor advertising, retail displays, or on vehicles, which is designed to cause the sale of or interest in the purchase of insulation.*

*Subd. 3. "Energy agency" means the Minnesota energy agency as provided in chapter 116H.*

*Subd. 4. "Industry members" means producers and suppliers of materials from which insulation is made who promote the sale or distribution of insulation; manufacturers of insulation; jobbers, wholesalers and retailers of insulation; contractors and ap-*

*plicators who sell and install residential insulation; and those engaged in the marketing of insulation who are, or who purport to act as, agents of manufacturers or suppliers of insulation.*

*Subd. 5. "Insulation" means any material or assembly of materials used primarily to provide resistance to heat flow in building structures, including but not limited to mineral fibrous, mineral cellular, organic fibrous, organic cellular or reflective materials, whether in loose fill, flexible, semi-rigid or rigid form.*

*Subd. 6. "Laboratory qualified to test thermal insulation" means an approved laboratory classified by the energy agency in consultation with industry members as passing an appropriate examination of ability to perform tests and continuing inspection or follow-up service according to specifications for manufacture and installation, also referred to as "testing laboratory".*

*Subd. 7. "Presenting a clear and present danger" means known to cause physical damage to structure or health hazards to occupants through continuing direct contact or release of hazardous substances as defined in section 24.33.*

*Subd. 8. "R value" means the measure of resistance to heat flow through a material or the reciprocal of the heat flow through a material expressed in British thermal units per hour per square foot per degree Fahrenheit at 75 degrees Fahrenheit mean temperature.*

*Subd. 9. "Specifications for manufacture and installation" means those specifications in section 6.*

**Sec. 6. [SPECIFICATIONS FOR THE MANUFACTURE, LABELING, AND INSTALLATION OF INSULATION.]** *Subdivision 1. Within nine months of the effective date of this act, the energy agency shall promulgate rules pursuant to chapter 15 regarding quality, information, and product safety specifications for the manufacture, labeling, installation, and thermographing of insulation. The specifications and any amendments to them shall conform as far as is practical to federal standards or other standards generally accepted and in use throughout the United States. Such standards, with modifications as may be deemed necessary, may be adopted by reference. The specifications as promulgated and any amendments shall be based on the application of scientific principles, approved tests, and professional judgment. Upon the effective date of this act, the energy agency may issue temporary rules pursuant to section 15.0412, subdivision 5, for the purposes of this section.*

*Subd. 2. In addition to the specifications promulgated pursuant to subdivision 1 of this section, no insulation presenting a clear and present danger by the nature of its composition at the time of installation shall be used or offered for sale in Minnesota.*

*Subd. 3. The manufacturer's written instructions describing the proper methods of application of the insulation and required or recommended safety measures shall be provided to each intermediate and ultimate consumer of all insulation sold for use in Minnesota within ten days of when the insulation is sold.*

**Sec. 7. [TESTING OF INSULATION.]** *Subdivision 1. The director of the energy agency shall promulgate rules concerning qualifications of testing laboratories and the nature of continuing inspection and follow-up services for this section.*

*Subd. 2. Effective December 1, 1979, all insulation used or offered for sale in Minnesota shall be subject to a continuing inspection and follow-up service by an approved laboratory qualified to test thermal insulation.*

*Subd. 3. Upon the adoption of specifications under section 6, subdivision 1, all insulation used or offered for sale in Minnesota shall be tested in accordance with testing procedures required under those specifications by a laboratory qualified to test thermal insulation.*

*Subd. 4. The director of the energy agency shall purchase from time to time unopened insulation packages which shall be sent to an approved testing laboratory to test for compliance with the specifications established under section 6, subdivision 1.*

**Sec. 8. [UNFAIR AND DECEPTIVE ADVERTISING PRACTICES.]** *Subdivision 1. It shall be considered an unfair and deceptive practice to violate any of the provisions of this section.*

*Subd. 2. No advertisement for insulation to be used or offered for sale in Minnesota shall state that a percentage of fuel costs or a certain dollar amount of fuel costs will be saved unless the statement is accompanied by the following or substantially similar disclaimer in letters the same size as the claim of savings: "Stated savings are estimates only. Actual savings may vary depending on type of home, weather conditions, occupant lifestyle, energy prices and other factors."*

*Subd. 3. No advertisement for insulation to be used or offered for sale in Minnesota shall contain any claim which is false or misleading, or for which there exists no reasonable substantiation at the time the claim is made. Prohibited claims include, but are not limited to, the following: does not burn, noncombustible, self-extinguishing, nonpoisonous, non-irritating, vermin-proof, rodent-proof, resists mildewing, will not shrink, will not crack, permanent, no deterioration, complete coverage, fills all voids, never needs replacing, will not settle. This prohibition shall not apply if the claim is substantiated by tests*

identified in the specifications established under section 6, subdivision 1, or by appropriate testing procedures of the American Society for Testing and Materials where no test required under section 6, subdivision 1, applies. Such tests shall be made by a laboratory qualified to test thermal insulation. When tests are not designed to duplicate actual conditions, substantiated claims must so state.

*Subd. 4. No representation about the thermal resistance value of insulation shall be made unless the R value is given and has been determined by the tests required in the specification established under section 6, subdivision 1, or by appropriate testing procedures of the American Society for Testing and Materials where no test required under section 6, subdivision 1, applies. Such tests shall be made by an approved laboratory qualified to test thermal insulation.*

**Sec. 9. [MARKING, LABELING, AND CONSUMER INFORMATION.]** *Subdivision 1. The outside of all containers and wrappings of insulation used or offered for sale in Minnesota shall have the following information printed legibly thereon in bold type not less than 1/8 inch high:*

*(a) Type (pneumatic or blown, pouring, batt, roll, blanket, board, cellular, or reflective);*

*(b) R value (to the nearest tenth) per inch at the recommended installation density;*

*(c) Required thickness in inches to obtain four or more commonly used R values and the corresponding coverage areas in square feet of the insulation in the container or wrapping;*

*(d) Expiration date and expected shelf life of all resins, catalysts, and foaming agents for all foam insulations, whether in powder, diluted or partially diluted state, on canister, drum, container, or package. For purposes of this section, "foam insulation" means products having an organic base or composed of vinyl or plastic material or both, which are manufactured or installed using a process involving a foaming agent, a resin, a catalyst and an air compressor, including but not limited to urea-formaldehyde, other urea-based foams, urethane foam, polyurethane foam, polystyrene foam, and isocyanurate foam;*

*(e) Name and address of the manufacturer of the insulation;*

*(f) A notation of those current specifications of the United States General Services Administration, the United States Department of Energy, the United States Department of Housing and Urban Development, the United States Consumer Product Safety Commission, the Federal Trade Commission and the energy agency with which the insulation complies;*



(g) *The net weight of the contents of the bag, package, or container.*

*Subd. 2. Where insulation is used or offered for sale without the manufacturer's container, the information required in subdivision 1 shall be provided in a separate printed statement to the intermediate and ultimate consumers.*

**Sec. 10. [ENFORCEMENT; PENALTIES.]** *Subdivision 1. Violation of section 6, subdivision 2, or section 7, subdivision 2 or 3, shall constitute a misdemeanor, provided that the sole liability for such violation on insulation sold under the manufacturer's brand or trademark shall be the manufacturer's, and that an industry member who is not a manufacturer shall be liable under this subdivision only if he has actual knowledge or knowledge fairly implied on the basis of the objective circumstances that the insulation presents a clear and present danger or has not been subject to the required testing procedures.*

*Subd. 2. Violation of section 6, subdivision 3, shall constitute a petty misdemeanor.*

*Subd. 3. Violation of section 8 or 9 shall constitute a misdemeanor.*

*Subd. 4. The provisions of section 8 may be enforced by the attorney general pursuant to section 325.907. The attorney general may recover costs and disbursements, including costs of investigation and reasonable attorney's fees. In addition to the remedies otherwise provided by law, any person injured by a violation of sections 6, 8, or 9 may bring a civil action and recover damages together with costs of investigation and reasonable attorney's fees, and receive other equitable relief as determined by the court. The court may as appropriate enter a consent judgment or decree without the finding of illegality.*

*Subd. 5. Remedies taken under this section shall not exclude other civil or criminal actions under Minnesota Statutes.*

**Sec. 11. [APPROPRIATIONS.]** *Subdivision 1. For the year ending June 30, 1979, the sum of \$ . . . . . is appropriated from the general fund to the energy agency for the purposes of sections 6 and 7.*

*Subd. 2. For the year ending June 30, 1979, the sum of \$18,000 is appropriated from the general fund to the department of administration for the purposes of section 3.*

*Subd. 3. For the year ending June 30, 1979, the sum of \$80,000 is appropriated from the general fund to the director of the housing finance agency for the purpose of studying and reporting to the legislature by January 15, 1979, on existing loan*

*programs for the rehabilitation of low and moderate income rental housing for energy conservation purposes. In particular, the study shall focus on the financial impact of rehabilitation and energy conservation programs on tenants. The director shall also include in the report to the legislature his recommendations for additional legislation for energy conservation programs for low and moderate income rental housing, and for methods of protecting tenants from unreasonable costs as a result of such programs.*

Sec. 12. [EFFECTIVE DATE.] *This act shall be effective the day after enactment.*"

Further, amend the title as follows:

Page 1, line 3, after the semicolon delete the remainder of the line.

Page 1, delete line 4.

Page 1, line 5, delete "the energy agency; mandating" and insert "implementing".

Page 1, line 10, delete "Chapter 116H, by adding a section;"

With the recommendation that when so amended the bill 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. 2393, A bill for an act relating to power plant sites and high voltage transmission line routes; clarifying the rights of property owners and transferees who previously transferred real property to utilities; amending Minnesota Statutes, 1977 Supplement, Section 116C.63, Subdivisions 4 and 5.

Reported the same back with the following amendments:

Page 1, delete lines 10 to 23.

Page 2, delete lines 1 to 7.

Page 2, line 11, delete "June 3, 1977" and insert "July 1, 1978".

Renumber sections.

Further, amend the title as follows:

Page 1, line 7, delete "Subdivisions 4 and" and insert "Subdivision".

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Brinkman from the Committee on Financial Institutions and Insurance to which was referred:

H. F. No. 2005, A bill for an act relating to medical malpractice insurance; extending the temporary joint underwriting association for an additional two year period; amending Minnesota Statutes 1976, Section 62F.01; repealing Laws 1976, Chapter 242, Section 16.

Reported the same back with the following amendments:

Page 1, line 14, delete "*June 30*" and insert "*September 1*".

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Rice from the Committee on General Legislation and Veterans Affairs to which was referred:

H. F. No. 2139, A bill for an act relating to emergency services; authorizing the division of emergency services to enter into an agreement with the federal disaster assistance administration for the maintenance of the Minnesota natural disaster assistance plan; appropriating money.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Rice from the Committee on General Legislation and Veterans Affairs to which was referred:

H. F. No. 2273, A bill for an act relating to veterans; commissioner of veterans affairs; providing for appeals from and enforcement of his decisions; amending Minnesota Statutes 1976, Section 197.481, Subdivision 6, and by adding a subdivision.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Rice from the Committee on General Legislation and Veterans Affairs to which was referred:

H. F. No. 2274, A bill for an act relating to veterans; providing for appeals from removals and disciplinary actions; amending Minnesota Statutes 1976, Sections 43.24, Subdivision 1; and 197.481, Subdivision 1.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Sieben, H., from the Committee on Governmental Operations to which was referred:

H. F. No. 1734, A bill for an act relating to courts; permitting referees in certain courts; repealing Minnesota Statutes, 1977 Supplement, Section 484.70.

Reported the same back with the following amendments:

Page 1, after line 6, insert sections to read:

"Section 1. [APPOINTMENT OF REFEREES AND JUDICIAL OFFICERS; RESTRICTION.] Notwithstanding any other provision of law, no additional referees or judicial officers for any county court, county municipal court or district court shall be appointed or authorized.

Sec. 2. [SUPREME COURT; LEGISLATIVE REPORT.] The supreme court shall study and review the issue of judicial officers and referees; and shall consider available alternatives to the use of referees and judicial officers in the state courts. The supreme court shall submit its recommendations to the legislature on or before February 1, 1979."

Renumber the remaining section.

Page 1, line 8, delete the first "Section" and insert "Sections".

Page 1, line 8, delete ", is" and insert "and 487.08 are".

Further amend the title:

Line 2, after "referees" insert "and judicial officers".

Line 3, after the semicolon, insert "restricting appointment of referees and judicial officers; requiring the supreme court to submit recommendations;"

Line 4, delete "Section" and insert "Sections".

Line 4, before the period insert "and 487.08".

With the recommendation that when so amended the bill pass.

The report was adopted.

Sieben, H., from the Committee on Governmental Operations to which was referred:

H. F. No. 2452, A bill for an act relating to state lands; directing the conveyance of Hastings state hospital surplus lands.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert:

"Section 1. [CONVEYANCE OF STATE LANDS; HASTINGS, CITY OF.] At such time that the Hastings state hospital is not used as a state facility the lands comprising the hospital shall not be transferred or conveyed by the state until the commissioner of administration determines what percentage of the lands were obtained by the state as a result of contributions from the city of Hastings. Upon that determination the governor shall convey to the city of Hastings a portion of the lands equal to the city's original contribution. The conveyance shall be made by a quitclaim deed in the form the attorney general approves and in the name of the state of Minnesota, to the city of Hastings for a consideration of one dollar.

Sec. 2. This act is effective upon final enactment."

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Sieben, H., from the Committee on Governmental Operations to which was referred:

S. F. No. 1617, A bill for an act relating to evidence; eliminating the presumption of due care in negligence actions; repealing Minnesota Statutes 1976, Section 602.04.

Reported the same back with the following amendments:

Page 1, after line 8, add:

"Sec. 2. This act shall be effective in any action the trial of which is commenced after June 30, 1978."

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Swanson from the Committee on Health and Welfare to which was referred:

H. F. No. 1317, A bill for an act relating to public welfare; neglected children; defining and providing procedures for termination of parental rights as to neglected children in foster care.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert:

"Section 1. [STATEMENT OF PURPOSE.] *The purpose of sections 1 to 7 is to establish criteria for judicial consideration of the termination of all parental rights and responsibilities; to provide stability in the lives of children who must be removed from their home and to make the ongoing needs of a child for proper physical, mental, and emotional growth and development the decisive considerations in permanent custody proceedings.*

Sec. 2. [CHILDREN IN FOSTER HOMES; PLACEMENT; REVIEW.] *Subdivision 1. [PLACEMENT; PLAN.] A case plan shall be prepared within 30 days after any child is placed in a foster home, either by court order or by the voluntary release of the child by his natural parent or parents. Within one year after the effective date of this act, a case plan shall be prepared for all children placed in a foster home prior to that date.*

*For the purposes of this section, a case plan means a written document ordered by the court or signed by the natural parent or parents of the child, the child's legal guardian, the social service agency responsible for the foster home placement and, if possible, the child. The document shall be explained to all persons involved in its implementation, including the child, and shall set forth:*

(1) *The specific reasons for the placement of the child in a foster home, including a description of the problems or conditions in the home of the natural parent or parents which necessitated removal of the child from his home;*

(2) *The specific actions to be taken by the natural parent or parents of the child to eliminate or correct the problems or*

conditions identified in clause (1), and the time period during which the actions are to be taken;

(3) The financial responsibilities and obligations, if any, of the natural parents for the support of the child during the period the child is in the foster home;

(4) The visitation rights and obligations of the natural parent or parents during the period the child is in the foster home;

(5) The social and other supportive services to be provided to the natural parent or parents of the child, the child, and the foster parents during the period the child is in the foster home;

(6) The nature of the effort to be made by the social service agency to reunite the family;

(7) The date on which the child is expected to be returned to the home of his natural parent or parents; and

(8) Notice to the natural parent that placement of the child in foster care may result in termination of parental rights but only after full notice of termination proceedings pursuant to section 260.231. The natural parent or parents and the child shall have the right to legal counsel in the preparation of the case plan. If unable to employ counsel from their own resources, the court shall appoint counsel upon the request of the natural parent or parents or the child or the child's legal guardian. The natural parent or parents may receive assistance from any person or social service agency in preparation of the case plan. After the plan has been agreed upon by the parties involved, the foster parents shall be fully informed of the provisions of the case plan, knowledge of which is necessary to elicit their full cooperation.

Subd. 2. [SIX MONTH REVIEW.] If the child is not returned to the home of his natural parent or parents within 180 days of his initial placement in a foster home, all persons involved in the preparation of the initial plan shall review the plan and may agree to change or add new provisions.

Subd. 3. [ANNUAL REVIEW.] After the initial six month review provided in subdivision 2, the agency responsible for the placement of a child in foster care shall petition the court at least annually for a review of the child's status and the implementation of the plan required by subdivision 1. If it appears to the agency that there exist grounds under section 260.221, clause (7), for termination of the parental rights of one or both parents of the child in foster care, the agency may file a petition for the termination pursuant to section 260.231.

Sec. 3. [NEGLECTED AND IN FOSTER CARE.] For purposes of section 260.221, clause (7), a child who is "neglected and in foster care" shall be a child who has been placed by court order in foster care for a period of at least 12 months, whose parents' circumstances, condition, or conduct are such that the child cannot be returned to them and whose parents have, despite the availability of needed rehabilitative services, failed to make reasonable efforts to adjust their circumstances, condition, or conduct or have willfully failed to meet reasonable expectations with regard to visiting the child or providing financial support for the child. If the child has been placed in a foster home pursuant to a voluntary release by his natural parent or parents, the court shall not determine that the child is "neglected and in foster care" unless notice has been served to the natural parent or parents in the manner set forth in section 260.141 specifying the grounds for determining that the child is "neglected and in foster care". The court shall not initiate proceedings to terminate parental rights of a parent of a child voluntarily placed in foster care unless the child had been found to be a neglected child as defined in section 260.015, subdivision 10, in a previous court proceeding.

In determining whether a child shall be considered "neglected and in foster care," the court shall consider, among other factors, the following:

(1) The effort the parent has made to adjust his circumstances, conduct, or condition to make it in the child's best interest to return him to his home in the foreseeable future, including the use of rehabilitative services offered to the parent by the agency;

(2) The extent to which the parent has maintained regular visitation or other contact with the child as part of a plan to reunite the child with the parent; a minimum visitation plan should call for at least one visit every nine months unless it is physically or financially impossible for the parent or not in the best interest of the child;

(3) The maintenance of regular contact or communication with the agency or person temporarily responsible for the child;

(4) The payment of a reasonable portion of substitute physical care and maintenance if financially able to do so;

(5) The appropriateness and adequacy of services provided or offered to the parent to facilitate a reunion;

(6) Whether additional services would be likely to bring about lasting parental adjustment enabling a return of the child to the parent within an ascertainable period of time; and



(7) *The nature of the effort made by the social service agency to rehabilitate and reunite the family.*

Sec. 4. Minnesota Statutes 1976, Section 259.29, is amended to read:

259.29 [EFFECT OF ADOPTION.] Upon adoption, such child shall become the legal child of the persons adopting him, and they shall become his legal parents with all the rights and duties between them of natural parents and legitimate child. By virtue of such adoption he shall inherit from his adoptive parents or their relatives the same as though he were the legitimate child of such parents, and in case of his death intestate the adoptive parents and their relatives shall inherit his estate as if they had been his natural parents and relatives in fact. After a decree of adoption is entered the natural parents of an adopted child shall be relieved of all parental responsibilities for such child, and they shall not exercise or have any rights over such adopted child or his property. The child shall not owe his natural parents or their relatives any legal duty nor shall he inherit from his natural parents or kindred. Notwithstanding any other provisions to the contrary in this section, the adoption of a child by his step-parent shall not in any way change the status of the relationship between the child and his natural parent who is the spouse of the petitioning step-parent. *Notwithstanding the provisions of this section, the adoption of a child whose natural parent or parents are enrolled in an American Indian tribe shall not change the child's enrollment in that tribe.*

Sec. 5. Minnesota Statutes 1976, Section 260.015, Subdivision 10, is amended to read:

Subd. 10. "Neglected child" means a child:

(a) Who is abandoned by his parent, guardian, or other custodian; or

(b) Who is without proper parental care because of the faults or habits of his parent, guardian, or other custodian; or

(c) Who is without necessary subsistence, education or other care necessary for his physical or mental health or morals because his parent, guardian or other custodian neglects or refuses to provide it; or

(d) Who is without the special care made necessary by his physical or mental condition because his parent, guardian, or other custodian neglects or refuses to provide it; or

(e) Whose occupation, behavior, condition, environment or associations are such as to be injurious or dangerous to himself or others; or

(f) Who is living in a facility for foster care which is not licensed as required by law, unless the child is living in the facility under court order; or

(g) Whose parent, guardian, or custodian has made arrangements for his placement in a manner detrimental to the welfare of the child or in violation of law; (OR)

(h) Who comes within the provisions of subdivision 5, but whose conduct results in whole or in part from parental neglect (.); or

(i) *Who is neglected and in foster care.*

Sec. 6. Minnesota Statutes 1976, Section 260.181, Subdivision 3, is amended to read:

Subd. 3. [PROTECTION OF RELIGIOUS AFFILIATION.] The court, in transferring legal custody of any child or appointing a guardian for him under the laws relating to juvenile courts, shall place him so far as it deems practicable in the legal custody or guardianship of some individual holding the same religious belief *and the same ethnic origin* as the parents of the child, or with some association which is controlled by persons of like religious faith *and ethnic origin* with the parents. *The court may require the county welfare agency to continue efforts to find a guardian of like religious faith or ethnic origin when such a guardian is not immediately available.*

Sec. 7. Minnesota Statutes 1976, Section 260.221, is amended to read:

260.221 [GROUNDS FOR TERMINATION OF PARENTAL RIGHTS.] The juvenile court may, upon petition, terminate all rights of parents to a child in the following cases:

(a) With the written consent of parents who for good cause desire to terminate their parental rights; or

(b) If it finds that one or more of the following conditions exist:

(1) That the parents have abandoned the child; or

(2) That the parents have substantially and continuously or repeatedly refused to give the child necessary parental care and protection; or

(3) That, although the parents are financially able, they have substantially and continuously neglected to provide the child with necessary subsistence, education, or other care necessary for his physical or mental health or morals or have neglected to pay for such subsistence, education or other care when legal custody is lodged with others; or

(4) That the parents are unfit by reason of debauchery, intoxication or habitual use of narcotic drugs, or repeated lewd and lascivious behavior, or other conduct found by the court to be likely to be detrimental to the physical or mental health or morals of the child; or

(5) That following upon a determination of neglect or dependency, reasonable efforts, under the direction of the court, have failed to correct the conditions leading to the determination; or

(6) That in the case of an illegitimate child the person is not entitled to notice of an adoption hearing under section 259.26 and either the person has not filed a notice of his intention to retain parental rights under section 259.261 or that such notice has been successfully challenged(.) ; or

(7) *That the child is neglected and in foster care.*"

Further, strike the title and insert:

"A bill for an act relating to public welfare; neglected children; defining and providing procedures for termination of parental rights as to neglected children in foster care; amending Minnesota Statutes 1976, Sections 259.29; 260.015, Subdivision 10; 260.181, Subdivision 3; and 260.221."

With the recommendation that when so amended the bill pass.

The report was adopted.

Swanson from the Committee on Health and Welfare to which was referred:

H. F. No. 1411, A bill for an act relating to health; increasing public availability of articles relating to the prevention of conception or disease; amending Minnesota Statutes 1976, Section 617.251.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1976, Chapter 145, is amended by adding a section to read:

[145.246] [CONTRACEPTIVES; SALE AND DISTRIBUTION.] *Contraceptives not defined or regulated as legend drugs pursuant to chapter 151 may be offered for sale or distributed by any health professional, or person under the supervision of a health professional. These contraceptives may be publicly displayed and publicly accessible. Any individual may purchase or acquire such nonprescription contraceptives. Distribution or sale of contraceptives on the premises of any elementary or secondary school is prohibited.*

Sec. 2. *Minnesota Statutes 1976, Section 617.251, is repealed."*

Further, strike the title and insert:

"A bill for an act relating to health; increasing public availability of articles relating to the prevention of conception or disease; amending Minnesota Statutes 1976, Chapter 145, by adding a section; repealing Minnesota Statutes 1976, Section 617.251."

With the recommendation that when so amended the bill pass.

The report was adopted.

Swanson from the Committee on Health and Welfare to which was referred:

H. F. No. 1823, A bill for an act relating to public health; requiring certain immunizations for students; amending Minnesota Statutes 1976, Section 123.70.

Reported the same back with the following amendments:

Page 1, line 10, strike "his".

Page 1, line 14, strike "signed by" and insert "from".

Page 1, line 14, after "physician" insert "*or a public clinic which provides immunizations*".

Page 1, line 18, after "mumps" strike the remaining language.

Page 1, line 19, strike "effective".

Page 1, line 20, delete "signed by" and insert "from".

Page 1, line 20, after "physician" insert "*or a public clinic which provides immunizations*".

Page 1, line 22, delete "he" and insert "*the child*".

Page 2, line 5, strike "his" and insert "*the*".

Page 2, line 5, after "health" insert "*of the child*".

Page 2, line 8, strike "he" and insert "*the child*".

Page 2, line 10, strike "; or" and insert a period.

Page 2, lines 11 to 22, delete the new language, strike the old language, and insert:

*"Subd. 2. No child who has commenced a treatment schedule of immunization pursuant to subdivision 1, clause (2), may remain enrolled in any school in this state after ten months of enrollment unless there is submitted to the principal, or other person having general control and supervision of the school, a statement from a physician or a public clinic which provides immunizations that the child has completed the schedule of immunizations for diphtheria, tetanus, pertussis, and polio."*

Page 2, after line 28, insert:

*"Subd. 5. If the commissioner of health finds that an immunization required pursuant to section 123.70 is not necessary to protect the public's health, he may suspend for one year the requirement that children receive that immunization prior to enrolling in school."*

With the recommendation that when so amended the bill pass.

The report was adopted.

Swanson from the Committee on Health and Welfare to which was referred:

H. F. No. 1831, A bill for an act relating to public welfare; extending the pilot dental health program; appropriating money; amending Laws 1976, Chapter 305, Sections 3 and 4, Subdivision 3.

Reported the same back with the following amendments:

Page 2, after line 13, insert a new section to read:

"Sec. 3. Laws 1976, Chapter 305, is amended by adding a section to read:

**Sec. 8a. [DENTAL HEALTH STUDY OF LONG-TERM CARE RESIDENTS.]** *The commissioner of health shall conduct a study of the dental health status of a representative sampling of residents and patients in long term care facilities, shall evaluate practical, cost effective, and appropriate methodologies to meet the dental health needs of patients and residents,*

*and shall prepare and submit to the legislature on or before March 1, 1979, a report of these findings and recommendations for assuring that effective preventive and corrective dental health measures are available to these residents and patients."*

Page 2, line 15, delete "department" and insert "commissioner".

Page 2, after line 19, insert new sections to read:

*"Sec. 5. [APPROPRIATION.] There is appropriated to the commissioner of health from the general fund for the biennium ending June 30, 1979, the sum of \$60,000 for purposes of conducting a study of the dental health of long term care residents.*

*Sec. 6. [REPEALER.] Laws 1976, Chapter 305, Section 10 is hereby repealed."*

Renumber the sections accordingly.

Further, amend the title as follows:

Page 1, line 3, after "program;" insert "providing for a dental health study of long term care residents;"

Page 1, line 4, delete "and" and insert a semicolon.

Page 1, line 5, after "3" insert ", and by adding a section; repealing Laws 1976, Chapter 305, Section 10".

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Swanson from the Committee on Health and Welfare to which was referred:

H. F. No. 1870, A bill for an act relating to nursing; providing for issuance of certain licenses without examination to persons receiving certain training or licensing outside this state; amending Minnesota Statutes 1976, Section 148.211, Subdivision 2; and 148.291, Subdivision 3.

Reported the same back with the following amendments:

Page 1, delete section 1.

Page 2, line 3, reinsert the stricken "may".

Page 2, line 4, delete "*shall*".

Page 2, line 6, reinsert the stricken "or a".

Page 2, line 7, delete "*, an applicant who has been*" and reinsert the stricken "person".

Page 2, line 9, delete "*, or an*".

Page 2, delete lines 10 to 11.

Page 2, line 12, delete "*armed services,*" and reinsert the stricken "in the opinion of the board".

Page 2, line 13, delete "*can demonstrate that he*".

Page 2, line 16, after the period insert "*A person who has been licensed as a licensed practical nurse in another state, who has passed a licensing examination acceptable to the board and who has had 24 months of experience as a licensed practical nurse in the five years prior to applying for a license shall not be required to meet any additional educational requirements.*".

Renumber the sections.

Further, amend the title as follows:

Page 1, line 6, delete "148.211, Subdivision 2; and".

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Swanson from the Committee on Health and Welfare to which was referred:

H. F. No. 1904, A bill for an act relating to battered women; appropriating money; amending Minnesota Statutes, 1977 Supplement, Sections 241.62, Subdivision 1; 241.63; 241.66, Subdivision 2, and by adding a subdivision.

Reported the same back with the following amendments:

Page 1, line 11, after "four" insert "*or more*".

Page 1, after line 20, insert a section to read:

"Sec. 2. Minnesota Statutes, 1977 Supplement, Section 241.62, Subdivision 4, is amended to read:

Subd. 4. [EDUCATIONAL PROGRAMS.] In addition to designating four pilot programs to provide emergency shelter services and support services, the commissioner shall award grants for the development and implementation of education programs designed to promote public and professional awareness of the problems of battered women. Any public or private nonprofit agency may apply to the commissioner for an education grant. The application shall be submitted in a form approved by the commissioner by rule. *In addition, education grant monies may be used by the commissioner to produce educational and promotional materials to encourage the development and utilization of emergency shelter services.* Every public or private nonprofit agency which receives an education grant shall comply with all rules of the commissioner related to the administration of education programs.”.

Page 2, line 4, after “four” insert “or more”.

Page 3, line 5, after the period, insert, “*Except for disclosure to the commissioner of corrections as required by this subdivision, the personal history information and other information from which the identity of any person described in section 241.61 may be determined is private data on individuals as defined in section 15.162, subdivision 5a.*”.

Renumber the sections in sequence.

Amend the title as follows:

Page 1, line 4, delete “Subdivision 1” and insert “Subdivisions 1 and 4”.

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Swanson from the Committee on Health and Welfare to which was referred:

H. F. No. 1950, A bill for an act relating to the practice of dentistry; amending Minnesota Statutes 1976, Sections 150A.06, Subdivision 4; 150A.08, Subdivision 1; and 150A.09, by adding subdivisions.

Reported the same back with the following amendments:

Page 1, after line 7, insert:

“Section 1. Minnesota Statutes 1976, Section 150A.03, Subdivision 1, is amended to read:



150A.03 [OFFICERS; SALARIES; EQUIPMENT AND SUPPLIES.] Subdivision 1. The board (OF DENTISTRY) shall elect from its members a president, a vice-president, and a (SECRETARY-TREASURER) *secretary*. The board shall have a common seal. It may hold meetings at such times as may be necessary and as it may determine. The board may (HOLD SPECIAL MEETINGS OUTSIDE OF THE STATE FOR THE PURPOSE OF CONDUCTING EXAMINATIONS IN CONJUNCTION WITH THE BOARDS OF DENTISTRY OF OTHER STATES, PROVIDED THAT THE COST OF SUCH EXAMINATIONS BE BORNE ENTIRELY BY THOSE PERSONS WISHING TO HAVE THE BOARD OF DENTISTRY CONDUCT SUCH EXAMINATIONS) *affiliate and participate, both in and out of state, with regional and national testing agencies for the purpose of conducting examinations for licensure and registration. The fee charged by such an agency for conducting the examination may be in addition to the application fee established by the board pursuant to section 150A.06.*

Sec. 2. Minnesota Statutes 1976, Section 150A.06, Subdivision 1, is amended to read:

150A.06 [LICENSURE.] Subdivision 1. [DENTISTS.] A person of *good moral character* not already a licensed dentist of the state, (DESIRING TO PRACTICE DENTISTRY HEREIN, SHALL APPLY TO THE STATE BOARD OF DENTISTRY FOR EXAMINATION AND PAY THE FEE ESTABLISHED BY THE BOARD FOR THE FIRST EXAMINATION, AND THE SAME FEE FOR EACH SUBSEQUENT EXAMINATION, WHICH IN NO CASE SHALL BE REFUNDED. AT THE TIME AND PLACE DESIGNATED BY THE BOARD THE APPLICANT MAY PRESENT HIMSELF FOR EXAMINATION AND SHALL PRODUCE) *having submitted an application and fee as prescribed by the board and his diploma or equivalent from a dental college of good standing, of which standing the board shall be the sole judge, (ALSO SATISFACTORY EVIDENCE SHOWING THAT THE APPLICANT IS OF GOOD MORAL CHARACTER. THE BOARD SHALL GIVE THE APPLICANT) may be examined by the board or by an agency pursuant to section 150A.03, subdivision 1, in such (AN EXAMINATION) a manner as to test thoroughly (HIS) this applicant's fitness (FOR THE) to practice (OF) dentistry. In the case of examinations conducted pursuant to section 150A.03, subdivision 1, applicants may take the examination prior to applying to the board for licensure. (SAID) The examination shall include an examination of the applicant's knowledge of the laws of Minnesota relating to dentistry and the rules of the (STATE) board (OF DENTISTRY). A separate fee may be charged for each time a person applies which in no case shall be refunded. An applicant who (SUCCESSFULLY) passes the examination and meets all other requirements of the board shall be licensed to practice dentistry and supplied with a license by the board. Rules of the board establishing an examination fee shall remain*

*in effect and shall constitute the application fee provided for herein until such time as the board shall amend, repeal, or otherwise change the rules pursuant to chapter 15.*

Sec. 3. Minnesota Statutes 1976, Section 150A.06, Subdivision 2, is amended to read:

Subd. 2. [DENTAL HYGIENISTS.] A person of good moral character not already a licensed dental hygienist of this state, being a graduate of an accredited high school or its equivalent, (WHO IS A GRADUATE OF) and having submitted an application and fee as prescribed by the board and his diploma or equivalent from a training school for dental hygienists of good standing, of which standing the board shall be the sole judge, or equivalent approved by the board, may, (UPON PAYMENT OF THE FEE ESTABLISHED BY THE BOARD,) be examined by the board or by an agency pursuant to section 150A.03, subdivision 1, in such manner as to thoroughly test the applicant's fitness to practice dental hygiene. In the case of examinations conducted pursuant to section 150A.03, subdivision 1, applicants may take the examination prior to applying to the board for licensure. Each applicant shall also be examined on the applicant's knowledge of the laws of Minnesota relating to dentistry and of the rules (AND REGULATIONS) of the (STATE) board (OF DENTISTRY). A separate fee may be charged for each time a person applies which in no case shall be refunded. An applicant who (SUCCESSFULLY) passes the examination and meets all the other requirements of the board shall be licensed as a dental hygienist and supplied with a license by the board. Rules of the board establishing an examination fee shall remain in effect and shall constitute the application fee provided for herein until such time as the board shall amend, repeal, or otherwise change the rules pursuant to chapter 15.

Sec. 4. Minnesota Statutes 1976, Section 150A.06, Subdivision 2a, is amended to read:

Subd. 2a. [REGISTERED DENTAL ASSISTANT.] (APPLICATION FOR REGISTRATION AS A REGISTERED DENTAL ASSISTANT SHALL BE MADE IN WRITING TO THE BOARD UPON A FORM FURNISHED BY THE BOARD, ACCOMPANIED BY SATISFACTORY EVIDENCE THAT THE APPLICANT IS OF GOOD MORAL CHARACTER AND IS A GRADUATE OF A TRAINING PROGRAM APPROVED BY THE BOARD BY RULE. THE APPLICATION SHALL BE ACCOMPANIED BY A FEE SET BY THE BOARD BY RULE. UPON FILING THE APPLICATION, THE BOARD, IF SATISFIED, SHALL EXAMINE THE APPLICANT ON HIS SKILLS, AND HIS KNOWLEDGE OF THE LAWS OF MINNESOTA RELATING TO DENTISTRY AND THE RULES OF THE BOARD. AN APPLICANT WHO SUCCESSFULLY PASSES THE EXAMINATION SHALL BE REGIS-

TERED AS A DENTAL ASSISTANT.) *A person of good moral character, having submitted an application and fee as prescribed by the board and his diploma or equivalent from a training school, of good standing, for dental assistants, of which standing the board shall be sole judge, or equivalent as approved by the board, may be examined by the board or by an agency pursuant to section 150A.03, subdivision 1, in such a manner as to test thoroughly the applicant's fitness to perform as a registered dental assistant. In the case of examinations conducted pursuant to section 150A.03, subdivision 1, applicants may take the examination prior to applying to the board for registration. The examination shall include an examination of the applicant's knowledge of the laws of Minnesota relating to dentistry and the rules of the board. A separate fee may be charged for each time a person applied which in no case shall be refunded. An applicant who passes the examination and meets all the other requirements of the board shall be registered as a dental assistant. Rules of the board establishing an examination fee shall remain in effect and shall constitute the application fee provided for herein until such time as the board shall amend, repeal, or otherwise change the rules pursuant to chapter 15."*

Page 1, line 12, delete "Canada" and insert "Canadian province".

Page 1, line 14, delete "Canada" and insert "Canadian province".

Page 3, after line 32, insert a new section to read:

"Sec. 9. [EFFECTIVE DATE.] *This act is effective the day following its final enactment.*"

Renumber the sections.

Amend the title as follows:

Page 1, line 3, after "Sections" insert "150A.03, Subdivision 1;"

Page 1, line 4, before "4" delete "Subdivision" and insert "Subdivisions 1, 2, 2a, and".

With the recommendation that when so amended the bill pass.

The report was adopted.

Berg from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 932, A bill for an act relating to Ramsey county; amending the Ramsey county code by deleting an obsolete provi-

sion therein relating to the printing of the code; amending Laws 1974, Chapter 435, Section 1.0213.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Berg from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 1091, A bill for an act relating to waters; permitting the establishment of water user districts.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert:

"Section 1. [POLICY STATEMENT.] Conservation of the state's water resources is a state function, and the public interest, welfare, convenience, and necessity require the creation of water user districts and the construction of systems of works, in the manner provided, for the conservation, storage, distribution, and use of water. The construction of systems of works by districts, as provided, is hereby declared to be in all respects for the welfare and benefit of the people of Minnesota.

Sec. 2. [DEFINITIONS.] Subdivision 1. For the purposes of this act the following terms have the definitions given in this section.

Subd. 2. "Water user district" or "district" means a district organized under this act, either as originally organized or as reorganized, altered, or extended.

Subd. 3. "Board" means the board of directors of a district organized under this act.

Subd. 4. "Works" and "system" include all lands, property, rights, rights of way, easements, and related franchises deemed necessary or convenient for their operation, all water rights acquired or exercised by the board in connection with works, all means of conserving, controlling, and distributing water, including, but not limited to outlets, treatment plants, pumps, lift stations, service connections, mains, valves, hydrants, wells, reservoirs, tanks and other appurtenances of public water systems. A work or system may be used for domestic, commercial, industrial and stock watering purposes only and shall not be used for irrigation purposes.

Subd. 5. "City" means any home rule charter, statutory or other city, however organized.

Subd. 6. "Court" means district court in the judicial district where the largest number of petitioners resides.

Sec. 3. [WATER USER DISTRICT; ORGANIZATION.] A water user district may be created and organized as provided in this act, and may sue and be sued in its corporate name. The procedure provided by this act is alternative to that provided by other law. A district may not be organized in Anoka, Carver, Dakota, Hennepin, Ramsey, Scott or Washington counties.

Sec. 4. [PETITION FOR ORGANIZATION.] A water user district may be organized under the provisions of this act after filing in the court a petition in compliance with the requirements set forth, and the approval of the petition by the court. The petition shall state that it is the intent and purpose of the petitioners to create a district under the provisions of this act, subject to approval by the court. The petition shall contain:

- (1) The name of the proposed district;
- (2) The object and purpose of the system proposed to be constructed or acquired, together with a general description of the nature, location, and method of operation of the proposed works;
- (3) A description of the land constituting the proposed district and its boundaries, and the names of any cities or towns included partly or wholly within the boundaries;
- (4) The location of the principal place of business of the proposed district;
- (5) A statement that the proposed district shall not have the power to levy taxes or assessments;
- (6) The number of members of the board of directors of the proposed district, which shall be not less than five nor more than 13, a statement as to whether the directors shall be elected at large or shall be apportioned to election divisions, the names and addresses of the members who shall serve until their successors are elected and qualified as provided in this act, and if election divisions are provided for, the respective divisions which the directors are to represent. The persons named in the petition as directors shall be owners of land within the district. If election divisions are provided for, they shall be owners of land within the divisions they are to represent.

Sec. 5. [LANDS INCLUDED.] The lands proposed to be included within the district need not consist of contiguous parcels. A district may consist of land within or outside the limits of cities or towns.

Sec. 6. [ORGANIZATION OF DISTRICT WITHIN TERRITORIAL BOUNDARIES OF ANOTHER DISTRICT.] A district may be organized within, or partly within, the territorial boundaries of another district organized under this or other law, so long as the works or systems, their operation, the exercise of powers and the assumptions of duties and responsibilities, of one district, do not nullify, conflict with, or materially affect those of another pre-existing district.

Sec. 7. [DIRECTORS; ELECTION.] Directors may be elected either at large, or from election divisions. If the petition states that the directors shall be elected from election divisions, the petition shall describe the boundaries of the divisions, which may be drawn either with or without regard to the limits of any city or town included within the district boundaries. So far as practicable, each district shall include the same number of parties to contracts with the district for purchase of water.

Sec. 8. [GROUPING OF DIRECTORS ELECTED AT LARGE; TERM OF OFFICE.] Directors shall be elected within 60 days after the petition is approved by the court and filed with the secretary of state. The directors named in the petition shall hold office until the election. So far as possible, an equal number of those elected shall serve one, two and three years.

Sec. 9. [PETITION; SIGNATURES.] The petition must be signed by 50 percent of the landowners within the area constituting the proposed district. If the proposed district includes any area within a city, the petition must be signed by 50 percent of the landowners in the portion of the proposed district area within the city, and must also be signed by 50 percent of the landowners in the area lying outside the limits of the city. On each petition, set opposite the signature of each petitioner, shall be stated his or her name and post office address and the location of land of which he or she is the owner.

Sec. 10. [INSTRUMENTS CONSTITUTING PETITION.] The petition may contain any number of separate instruments, and to each sheet for petitioners' signatures shall be attached a full and correct copy of the petition. Every sheet of every petition containing signatures shall have below the signatures an affidavit by the circulator in substantially the following form:

State of Minnesota,

County of .....

....., being first duly sworn, deposes, that he or she is the circulator of the foregoing petition containing ..... signatures; that each person whose name appears on the petition sheet personally signed the petition in the

presence of affiant; that he or she believes that each signer is an owner of the land described opposite his or her signature, to be included within the proposed district, residing at the address written opposite his or her name, and that affiant stated to every petitioner before he or she affixed his or her signature the legal effect and nature of the petition.

.....  
Circulator.

Sec. 11. [MAPS, PLANS AND ESTIMATES.] The petition shall be accompanied by maps showing the location of land within the proposed district and the proposed system of works, and by other maps, plans, and estimates as necessary to describe fully the proposed system.

Sec. 12. [EXAMINATION OF PETITION.] Upon receipt of the petition, the court shall determine whether it complies with the requirements of this act and dismiss the petition if the requirements are not complied with. The petitioners may present a new petition covering the same matter, or the same petition with additional signatures if additional signatures are necessary.

Sec. 13. [PUBLICATION OF PETITION.] The petition and a legal description of the proposed district shall be published in each county in which lands within the proposed district lie, in a newspaper of general circulation published in the county, once each week for at least two successive weeks before the time the petition is filed with the court together with a list of names of the petitioners within the county and their addresses and lands owned which need not be published.

Sec. 14. [PROTEST AGAINST ORGANIZATION.] Any owner of land within the proposed district may file with the court a protest against the qualifications of any signer of the petition, and the court shall consider and determine the validity of protests.

Sec. 15. [INVESTIGATION OF PROPOSED DISTRICT AND WORKS.] If the court determines that the petitioners have complied with the requirements of this act, it shall make an immediate investigation of the proposed district and of its proposed works, systems, or plans and of the engineering and economic feasibility of the project. The court, in its discretion, may make an estimate of the cost of the investigation and require the petitioners to defray part or all of the estimated cost before proceeding with the investigation.

Sec. 16. [FEASIBILITY; RECORDING; ESTABLISHMENT.] The court, within 90 days from the receipt of the petition, or within 90 days from the time funds are available to defray the cost of the investigation, shall declare that the proposed

project is or is not feasible and conforming to public convenience and welfare. If the project is not feasible, the court shall dismiss the petition. If the court deems the project feasible and conforming to public convenience and welfare, it shall immediately execute a certificate setting forth a copy of the petition and declaring that the petition is approved, and file it in the office of the secretary of state and a copy of it, certified by the secretary of state, in the office of the county auditor of each county in which any of the lands in the district are located. Thereupon, the district, under its designated name, shall be a public corporation of the state.

Sec. 17. [DIRECTORS; QUALIFICATION; MEETING.] Upon the filing of the certificate in the office of the secretary of state and a certified copy in the office of each county auditor, the members of the board of directors named in the petition shall immediately assume the duties of their office. The first meeting of the board of directors shall be called by the director first named in the petition.

Sec. 18. [ADDITIONAL TERRITORY.] The procedure for extending a water user district by including additional territory shall be as provided by sections 19 to 22.

Sec. 19. [PETITION TO INCLUDE ADDITIONAL TERRITORY.] A water user district may be extended by including additional territory by filing in the court a petition addressed to the court, signed by at least 50 percent of the landowners in any area to be included, and bearing the approval by resolution, of the board of directors of the district, upon compliance with the requirements hereinafter set forth. The petition shall contain a description of the lands to be included.

Sec. 20. [MAPS; PLANS; ESTIMATES.] The petition shall be accompanied by maps showing the location of the lands to be included, the proposed system of works and other plans and estimates as necessary to fully describe the project.

Sec. 21. [PUBLICATION; PROTESTS.] The petition shall be published in each county in which the lands to be included lie, in a newspaper of general circulation published in the county, once each week for at least two successive weeks before the time the petition is filed with the court together with the list of names of the petitioners and their addresses and land owned. Any owner of land within the area to be included, who did not sign the petition may file a written protest with the court as provided in section 14.

Sec. 22. [APPROVAL OF EXTENSION.] Upon receipt of the petition the court shall act upon the petition in the same manner as required upon an original petition to create a district, as set forth in sections 12 to 17.



Upon the approval of the petition and project, and the issuance and filing of the certificate of approval in the office of the secretary of state and filing a copy in the office of the county auditor of each county in which any lands in which the district is located, the included areas shall be part of the district.

Sec. 23. [MEMBERS; ELECTION; TERMS.] After the election of the board of directors members of the board to succeed those elected in the initial election provided for in section 8, respectively, and to fill unexpired terms, shall be nominated and elected and shall take office in the following manner. One year from the date of the initial election an election shall be held to elect directors to succeed those whose terms are about to expire. The term of each director thus elected shall commence two weeks after his or her election and continue for three years and until his or her successor is elected and qualified. Election of directors shall be conducted as provided by section 24.

Sec. 24. [ELECTIONS; PLACE.] Subdivision 1. The board of directors of the district shall fix the hour and place, within the boundaries of the district, of each election and shall preside. If the district is divided into election divisions, the board in its discretion may fix a place of election within each election division, and the directors who represent that division shall preside.

Subd. 2. Every person or corporation which is a party to a contract with the district for the purchase of water to be furnished by the district, may cast one vote at each election for each director to be elected. In case election divisions are provided for, each person or corporation entitled to vote by reason of being a party to a contract shall select the division in which he or it shall vote, which selection shall be made under rules established by the board of directors.

Subd. 3. The board shall at least 20 days prior to the date of election, mail to each person or corporation entitled to vote, at his or its last known place of residence or business, a notice stating the time, place, and purpose of the election or, in the alternative, publish in each county in which lands within the district lie, in a newspaper of general circulation in the county, once each week for at least two successive weeks before the time of election, a notice that the election will be held giving the purpose, time and place.

Subd. 4. At the hour and place of the election, the presiding directors shall call the roll of those entitled to vote, and the number of votes to which each is entitled. They shall make a record of the qualified voters present and prescribe the manner of casting ballots and canvassing votes. If election divisions are provided for, but the election is held at one place within the district instead of being held in each division, the board shall call the roll

for each division and conduct the election for each division separately. All costs incident to the election of directors shall be paid by the district.

Subd. 5. The candidate for director required to fill an existing vacancy or to succeed an outgoing director who receives the highest number of votes cast shall be declared elected.

Sec. 25. [DIRECTORS.] Subdivision 1. No person shall be qualified to hold office as a member of the board of directors of any district unless he or she is a party to a contract to purchase water from the district.

Subd. 2. Vacancies on the board by reason of death, disability, failure to hold land in the district, or in the election division if election divisions are provided for, or otherwise shall be filled by the board of directors. The members elected to fill vacancies shall serve until members to fill out the remainder of the terms may be elected at the next succeeding district election.

Subd. 3. Members of the board of directors shall be paid their actual expenses while engaged in performing the duties of their office or otherwise engaged upon the business of the district. In addition they shall receive compensation for services at rates determined by qualified voters at an annual meeting.

Sec. 26. [OFFICERS.] Subdivision 1. The board of directors shall elect the officers of the district who shall be a president, a vice president, a secretary and a treasurer. The board shall appoint an executive committee and other officers, agents, and employees as necessary to transact the business of the district. The president, vice president and treasurer shall be elected from the membership of the board of directors.

Subd. 2. The treasurer shall furnish and maintain a corporate surety bond in an amount sufficient to cover all moneys coming into his possession or control, which shall be satisfactory in form and with sureties approved by the board. The bond, as approved, shall be filed with the secretary of state, and the premium upon the bond paid by the district.

Sec. 27. [BOARD OF DIRECTORS.] Subdivision 1. The corporate powers of the district shall be exercised by the board of directors of the district.

Subd. 2. The board of directors may adopt rules and regulations or bylaws, consistent with this act, for the conduct of the business and affairs of the district. The board of directors shall cause to be kept accurate minutes of their meetings and accurate records and books of account, conforming to approved methods of bookkeeping, clearly setting out and reflecting the entire operation, management, and business of the district. The books and

records shall be kept at the principal place of business of the district and at reasonable business hours always open to public inspection.

Sec. 28. [POWERS.] Subdivision 1. The district shall have all the usual powers of a public corporation, and may acquire by purchase, gift, or other lawful means and hold real or personal property reasonably necessary for the conduct of its business, or lease property for its proper purposes, and sell, lease, or otherwise dispose of property when not needed.

Subd. 2. The district may own, construct, reconstruct, improve, purchase, lease, receive by gift, or otherwise acquire, hold, extend, manage, use, or operate any works, as defined in this act, and any and every kind of property, personal or real, necessary, useful, or incident to their acquisition, extension, management, use, and operation, and may sell, mortgage, alienate, or otherwise dispose of works under the terms and conditions provided in this act.

Subd. 3. A district may enter into any contract, lease, agreement, or arrangement with a state, county, city, town, district, governmental or public corporation or association, or with a person, firm, or corporation, public or private, or with the government of the United States, or with any officer, department, bureau, or agency thereof, or with any corporation organized under federal law to exercise the powers set forth in this section, or for the sale, leasing, or otherwise furnishing or establishing of water rights, water supply, conveyance and distribution of water, water service, or water storage, for domestic, industrial, municipal, or stock watering purposes, or for the financing or payment of the cost and expenses incident to the construction, acquisition, or operation of works, or incident to any obligation or liability entered into or incurred by the district.

Subd. 4. A district may exercise any of the powers enumerated in this section either within or beyond or partly within and partly beyond the boundaries of the district and of the state, unless prohibited by the law of the area or state concerned or of the United States of America.

Subd. 5. A district may appropriate the waters of the state in the same manner as other persons under the laws of this state. A district shall not, in the exercise of the powers conferred by this act, interfere with, injure, or otherwise damage or affect existing water rights, other than through the purchase of the rights or through condemnation proceedings. No district, corporation, association, or individual holding a water right for lands located either within or outside the boundaries of a district shall be in any way affected by the operations of the district other than by reason of a contract voluntarily entered into by the organization or individual with the district, or by reason of the exercise by the district of the power of eminent domain.

Subd. 6. A district may exercise the power of eminent domain in accordance with Minnesota Statutes, Chapter 117, after declaring by resolution the necessity for and purpose of the taking of property and the extent of the taking.

Subd. 7. The district shall have no power of taxation, or of levying assessments for special benefits. No governmental authority shall have power to levy or collect taxes or assessments for the purpose of paying, in whole or in part, any indebtedness or obligation of or incurred by the district or upon which the district may be or become in any manner liable. Nor shall any privately owned property within or outside a district, or the owner thereof, nor any city, town, county, or other political subdivision or public or private corporation or association or its property, be directly or indirectly liable for any district indebtedness or obligation beyond the liability to perform an express contract between the owner or public or private organization and the district.

Subd. 8. No person, city, town, county, or other governmental subdivision, or other public or private corporation or association shall be liable for the payment of any rent or charge for water storage, water supply, or for any of the costs of operation of a district, unless a contract has been entered into between the person or public or private organization and the district furnishing water storage or water supply. All capital and operating expenses shall be borne by the users in proportion to their use of water supplied by the district.

Subd. 9. A district organized under this act may exercise any power conferred by this act to obtain grants or loans or both from any federal agency pursuant to acts of congress, and may accept from private owners or other sources, gifts, deeds, or instruments of trust or title relating to land, water rights and any other form of property.

Subd. 10. A district may purchase and acquire lands, water rights, rights of way, and real and personal properties of every nature in cooperation with the United States under conditions as may to the board seem advisable, and to convey them under the conditions, terms and restrictions approved by the directors and the federal government or any of its agencies and to pay the purchase price and any and all construction costs or other necessary expenses and costs in connection with any works contemplated by this act either from its own funds or cooperatively with the federal government.

Sec. 29 [CONTRACTS.] Subdivision 1. Before a district shall enter into a contract for the construction, alteration, extension, or improvement of works, or any part or section thereof, or a building for the use of the district, or for the purchase of materials, machinery, or apparatus, the district shall cause estimates of the cost to be made by a competent engineer or

engineers, and if the estimated cost exceeds \$10,000 no contract shall be entered into for a price, cost or consideration exceeding the estimate nor without advertising for sealed bids.

Subd. 2. Prior to advertisement, plans and specifications for the proposed construction work or materials shall be prepared and filed at the principal office or place of business of the district. The advertisement shall designate the nature of construction work proposed to be done or materials proposed to be purchased.

Sec. 30. [DEBT.] The district may borrow money and incur indebtedness by issuing its obligations or entering into contracts for any lawful corporate purpose; provided that all the obligations and contracts, whether express or implied, shall be payable solely:

(1) From revenues, income, receipts and profits derived by the district from its operation and management of systems;

(2) From the proceeds of warrants, notes, revenue bonds, debentures, or other evidences of indebtedness issued and sold by the district which are payable solely from such revenues, income, receipts and profits; or

(3) From federal or state grant gifts or other moneys received by the district which are available therefor.

The district may by resolution pledge any such source to the payment of the obligations and contracts and the interest coming due thereon. Any resolution may specify the particular revenues that are pledged and the terms and conditions to be performed by the district and the rights of the holders of district obligations, and may provide for priorities of liens in any revenues as between the holders of district obligations issued at different times or under different resolutions. The district may provide for the refunding of any district obligation through the issuance of other district obligations, entitled to rights and priorities similar in all respects to those held by the obligations that are refunded. All the obligations and refunding obligations shall be issued in accordance with the provisions of Minnesota Statutes, Chapter 475, except that the obligations may be sold by negotiation.

Sec. 31. [SERVICE CHARGES.] Subdivision 1. The directors of the district are authorized to agree with the holders of district obligations as to the maximum or minimum amounts which the district shall charge and collect for water sold by the district.

Subd. 2. The directors of the district are authorized to fix and establish the prices, rates and charges at which any and all

services, products, resources and facilities made available under the provisions of this act shall be sold and disposed of; to enter into any and all contracts and agreements, and to do any and all things which in its judgment are necessary, convenient or expedient for the accomplishment of any and all the purposes and objectives of this act, under the general regulations and upon the terms, limitations and conditions it shall prescribe; and the directors shall enter into contracts and fix and establish prices, rates and charges so as to provide at all times funds which will be sufficient to pay all costs of operation and maintenance of any and all of the works and systems authorized by this act, together with necessary repairs thereto, and which will provide at all times sufficient funds to meet and pay the principal and interest of all obligations and other evidences of indebtedness of the district when due. Nothing in this act shall authorize any change, alteration or revision of rates, prices or charges established by any contract entered into under authority of this act except as provided by the contract.

Subd. 3. Every contract made by the board for the sale, conveyance and distribution of water, use of water, water storage, or other service, or for the sale of any property or facilities, shall provide that in the event of any failure or default in the payment of any moneys specified in the contract to be paid to the board, the board may, upon notice as shall be prescribed in the contract, terminate the contract and all obligations thereunder. The act of the board in ceasing on a default to furnish or deliver water, use of water, or water storage, under a contract shall not deprive the board of, or limit any remedy provided by the contract or by law for the recovery of money due or which may become due under the contract.

Sec. 32. [DISBURSEMENTS; FISCAL YEAR; AUDITS.]  
Subdivision 1. Money of the district shall be paid only upon approval of the board of directors and by warrant or other instrument in writing signed by the president and by the treasurer of the district. In case of the death, absence or other disqualification of the president, the vice president shall sign warrants or other instruments.

Subd. 2. The fiscal year of the district shall coincide with the calendar year. The board of directors, at the close of each year's business, shall cause an audit of the books, records and financial affairs of the district to be made by an experienced public accountant, copies of a written report of which audit, certified to by the auditors, shall be placed and kept on file at the principal place of business of the district and shall be filed with the secretary of state.

Sec. 33. [WORKS; OWNERSHIP; SALE.] Subdivision 1. No water supply works, owned by the district shall be sold, alienated, or mortgaged by the district, except under the circumstances described by this section.

Subd. 2. If in the judgment of the board of directors it is for the best interest of the district to sell any portion of the district works not needed for the performance of any outstanding contract, and not mortgaged or pledged as provided for in subdivision 3, the board shall pass a resolution to that effect. The board shall call a special election at which the question of selling the portion of the works shall be submitted to the electors of the district qualified to vote for district directors. The board shall mail to each qualified elector, at his last known place of residence or place of business, a notice stating the time, place, and purpose of the election, and so far as practicable shall conduct the election in all other respects as provided in section 24. If a majority of all qualified electors of the district vote "yes", the board may sell the portion of the works.

Subd. 3. If, in order to borrow money from the federal government or from any of its agencies, or from the state, it is necessary that the district mortgage or otherwise pledged any or all of its property to secure the payment of loans made to it, the district may mortgage or pledge property and assets for the purpose. Nothing in this section shall prevent the district from assigning, pledging, or otherwise legally committing its revenues, incomes, receipts, or profits to secure the payment of indebtedness to the federal government or any agency thereof, or the state. The state shall never pledge its credit or funds, or any part thereof, for the payment or settlement of any indebtedness or obligation whatsoever of any district created under the provisions of this act. Nothing in this act authorizes any agency of the state to make loans to a district, unless the agency is otherwise authorized by law.

Sec. 34. [FORECLOSURE.] If any district created under this act shall execute and deliver a mortgage or trust deed to secure the payment of any moneys borrowed by it for the purposes herein authorized, it may be provided in the mortgage or trust deed that it may be foreclosed upon default and a receiver may be appointed with the authority provided in the mortgage or trust deed.

Sec. 35. [DISSOLUTION.] Subdivision 1. Any district may be dissolved by authorization of a majority vote of the electors, qualified to vote for district directors, voting thereon at a special election called by the board of directors for that purpose, notice of which shall be mailed to each qualified elector at least 20 days prior to the date of the election and the procedure for which shall conform as nearly as may be to the procedure provided in section 24, for the election of directors. The district shall discharge its obligations and distribute the assets of the district in a just and equitable manner before dissolution. The board may liquidate noncash assets prior to dissolution.

Subd. 2. Dissolution shall be completed upon resolution of the board of directors canvassing the vote and declaring that a

majority of the qualified electors voting thereon have voted in favor of dissolution. A verified copy of the resolution shall be filed in the office of the secretary of state and in the office of the county auditor of each county in which any portion of the district shall lie.

Subd. 3. In case of dissolution all applications for appropriation of water shall be canceled and all rights of the district in applications shall end.”.

Further, strike the title and insert:

“A bill for an act relating to waters; permitting the establishment of rural water user districts.”.

With the recommendation that when so amended the bill pass.

The report was adopted.

Berg from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 1912, A bill for an act relating to the city of Minneapolis; establishing a program setting aside a portion of services and materials for small businesses; regulating bid and performance bonds for small businesses; amending Minnesota Statutes, 1977 Supplement, Section 574.262, Subdivision 1.

Reported the same back with the following amendments:

Page 1, line 21, after “*Minneapolis*” insert “or the board of commissioners of the housing and redevelopment authority in and for the city of Minneapolis except as otherwise provided”.

Page 1, line 23, after the period insert “Where a federal program prohibits any geographical limitation on the principal place of business of an eligible business, in order for the city or authority to be eligible for funds, the federal requirement shall prevail.”.

Page 2, line 14, before the period insert “for the three year period”.

Page 2, line 17, before the period insert “for the three year period”.

Page 2, line 20, before the period insert “for the three year period”.

Page 2, line 23, before the period insert “for the three year period”.



Page 3, line 12, after "*Minneapolis*" insert "and the housing and redevelopment authority in and for the city of Minneapolis".

Page 3, line 14, after "*city*" insert "or authority".

Page 3, line 18, after "*Minneapolis*" insert "and the housing and redevelopment authority in and for the city of Minneapolis".

Page 3, line 22, after "*city's*" insert "or the authority's".

Page 4, line 1, after "*city*" insert "or the authority".

Page 4, line 7, after "*Minneapolis*" insert "and the housing and redevelopment authority in and for the city of Minneapolis".

Page 4, line 19, after "*matters*" insert ", including Minnesota Statutes, Sections 177.41 to 177.44,".

Page 4, line 23, after "*ordinance*" insert ", and the housing and redevelopment authority in and for the city of Minneapolis shall promulgate by regulation,".

Page 4, line 31, after "*eligibility*" insert ", specifically whether a business is a small business or is owned and operated by a socially or economically disadvantaged person,".

Page 4, line 32, after "*city*" insert "or the authority".

Page 5, delete lines 2 to 22.

Renumber the remaining section accordingly.

Delete all underlining from the bill.

Further, amend the title as follows:

Page 1, line 3, after "*Minneapolis*" insert "and the housing and redevelopment authority in and for the city of Minneapolis".

Page 1, line 5, delete "; regulating bid and".

Page 1, delete lines 6 to 8, and insert a period.

With the recommendation that when so amended the bill pass.

The report was adopted.

Berg from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 1914, A bill for an act relating to Koochiching county; authorizing the county law library to be supported by judicially imposed fee charges.

Reported the same back with the following amendments:

Page 3, line 15, delete "\$3" and insert "\$5".

Page 3, line 18, delete "\$3" and insert "\$5".

Page 4, line 8, delete "\$3" and insert "\$5".

Page 4, line 21, delete "\$3" and insert "\$5".

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Berg from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 1921, A bill for an act relating to taxation; property tax; eliminating certain limitations on special assessments by municipalities; amending Minnesota Statutes 1976, Section 429.011, Subdivision 2b.

Reported the same back with the following amendments:

Page 1, reinstate the stricken language on lines 16 to 21 and before the period insert "*except when a majority of the owners of the land which would be benefited by the improvement petition for the improvement the requirement for approval by the town electors provided in this subdivision shall not apply*".

Page 1, line 22, delete "*This act is effective for*".

Page 2, delete lines 1 and 2, and insert "*This act is effective the day following its final enactment.*".

Further, strike the title in its entirety and insert:

"A bill for an act relating to local improvements; special assessments; eliminating certain limitations on special assessments by municipalities; amending Minnesota Statutes 1976, Section 429.011, Subdivision 2b."

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Berg from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 2050, A bill for an act providing for positions in the unclassified service of the city of Minneapolis; amending Laws 1969, Chapter 937, Section 1, Subdivision 1, as amended and by adding a subdivision.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Berg from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 2051, A bill for an act relating to the city of Minneapolis; authorizing increased compensation for members of the board of park commissioners; amending Laws 1974, Chapter 181, Section 1.

Reported the same back with the following amendments:

Page 1, line 12, after the second "the" insert "*park and recreation*".

Page 1, line 12, strike the second "of".

Page 1, line 13, strike "park commissioners".

Page 1, line 15, after "each" insert "*regular and committee*".

Page 1, line 15, after "board" insert "*attended*".

Page 1, line 16, after "board" insert "*and shall not exceed payment for a total of three meetings per month*".

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Berg from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 2246, A bill for an act relating to counties; concerning the investment of county funds; amending Minnesota Statutes 1976, Section 385.07.

Reported the same back with the following amendments:

Page 1, line 10, reinstate the stricken language.

Page 1, line 11, reinstate the stricken language "treasurer in the name of the county".

Page 2, line 22, after the period insert "*Interest and profits which accrue from such investment shall, when collected, be credited to the general revenue fund of the county.*".

With the recommendation that when so amended the bill pass.

The report was adopted.

Berg from the Committee on Local and Urban Affairs to which was referred:

S. F. No. 1285, A bill for an act relating to local government; setting a time limit for local improvements; amending Minnesota Statutes 1976, Sections 429.021, Subdivision 3; 429.041, Subdivision 1; and Chapter 435, by adding a section.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Berg from the Committee on Local and Urban Affairs to which was referred:

S. F. No. 1635, A bill for an act relating to St. Louis county; limiting the manner in which costs to collect a judgment may be defrayed; amending Laws 1961, Chapter 302, Section 3.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Kelly, W., from the Committee on Taxes to which was referred:

H. F. No. 46, A bill for an act relating to taxation; exempting from sales, use, and property tax certain property to be used to provide a solar energy heating or solar cooling or solar electricity generation system for buildings; amending Minnesota Statutes 1976, Sections 272.02, Subdivision 1; and 297A.25, Subdivision 1.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1976, Section 273.11, Subdivision 1, is amended to read:

273.11 [VALUATION OF PROPERTY.] Subdivision 1. Except as provided in (SUBDIVISION) *subdivisions 2 and 6* or section 273.17, subdivision 1, all property shall be valued at its market value. In estimating and determining such value, the assessor shall not adopt a lower or different standard of value because the same is to serve as a basis of taxation, nor shall he adopt as a criterion of value the price for which such property would sell at auction or at a forced sale, or in the aggregate with all the property in the town or district; but he shall value each article or description of property by itself, and at such sum or price as he believes the same to be fairly worth in money. In assessing any tract or lot of real property, the value of the land, exclusive of structures and improvements, shall be determined, and also the value of all structures and improvements thereon, and the aggregate value of the property, including all structures and improvements, excluding the value of crops growing upon cultivated land. In valuing real property upon which there is a mine or quarry, it shall be valued at such price as such property, including the mine or quarry, would sell for a fair, voluntary sale, for cash. In valuing real property which is vacant, the fact that such property is platted shall not be taken into account. An individual lot of such platted property shall not be assessed in excess of the assessment of the land as if it were unplatted until the lot is improved with a permanent improvement all or a portion of which is located upon the lot, or for a period of three years after final approval of said plat whichever is shorter. When a lot is sold or construction begun, the assessed value of that lot or any single contiguous lot fronting on the same street shall be eligible for reassessment. All property, or the use thereof, which is taxable under sections 272.01, subdivision 2, or 273.-19, shall be valued at the market value of such property and not at the value of a leasehold estate in such property, or at some lesser value than its market value.

Sec. 2. Minnesota Statutes 1976, Section 273.11, is amended by adding a subdivision to read:

*Subd. 6. [EXEMPTION FROM VALUATION INCREASE DUE TO ENERGY SYSTEM.] For purposes of property taxation, the market value of real and personal property installed prior to January 1, 1984, which is a solar, wind, or agriculturally derived methane gas system used as a heating, cooling, or electric power source of a building or structure shall be excluded from the market value of that building or structure.*

Sec. 3. [EFFECTIVE DATE.] *This act is effective January 1, 1978.”.*

Further strike the title and insert:

"A bill for an act relating to taxation; property tax; exempting certain energy systems; amending Minnesota Statutes 1976, Section 273.11, Subdivision 1, and by adding a subdivision."

With the recommendation that when so amended the bill pass.

The report was adopted.

Kelly, W., from the Committee on Taxes to which was referred:

H. F. No. 965, A bill for an act relating to the public land surveys; authorizing the counties to contract for the preservation and remonumentation of the United States public land survey; providing for the financing thereof; amending Minnesota Statutes 1976, Section 287.21, Subdivision 2; 287.25; 287.28; and 287.32.

Reported the same back with the following amendments:

Pages 5, 6, 7, and 8, delete sections 8, 9, 10, 11, 12 and 13.

Delete underlining from the bill.

Further, amend the title as follows:

Line 5, delete "; providing for the financing thereof;".

Delete line 6.

Line 7, delete "Subdivision 2; 287.25; 287.28; and 287.32".

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Lemke from the Committee on Transportation to which was referred:

H. F. No. 1605, A bill for an act relating to motor vehicles, registration dates, display of plates or insignia; amending Minnesota Statutes 1976, Section 168.09, Subdivision 3.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1976, Section 168.09, Subdivision 2, is amended to read:

Subd. 2. When a motor vehicle registered in Minnesota, has during the calendar year for which it is so registered, been re-registered for the following year, the display on such motor vehicle of the plates issued for such motor vehicle on its re-registration for the following year shall on and after November 15 of the calendar year in which it was so re-registered constitute compliance with subdivision 1 requiring display of plates *except as provided in subdivision 3.*

Sec. 2. Minnesota Statutes 1976, Section 168.09, Subdivision 3, is amended to read:

Subd. 3. Plates or other insignia issued for a motor vehicle registered under the provisions of section 168.187 for a calendar year shall be displayed on such motor vehicle not later than 12:01 a.m. on March 2 of the year unless extended by the registrar for such time as may be required for the issuance of such new plates or insignia. Plates or other insignia issued for a *self-propelled* motor vehicle *registered for over 27,000 pounds* except a motor vehicle registered under the provision of sections 168.017 and 168.187 shall be displayed on such vehicle not later than 12:01 a.m. on March 2 of the year, nor earlier than 12:01 a.m. on February 15 of the year, unless otherwise extended by the registrar for such period as may be required for the issuance of such new plates or insignia. The commissioner of public safety shall register all motor vehicles with the exception of those registered under sections 168.017 or 168.187 for a period of 14 months for the registration year 1978 to implement the provisions of this subdivision. The registration year for all vehicles herein shall be from March 1 to the last day of February for 1979 and succeeding years.

Sec. 3. Minnesota Statutes 1976, Section 168.31, Subdivision 1, is amended to read:

168.31 [TAX, WHEN DUE AND PAYABLE.] Subdivision 1. [TIME PAYABLE.] The tax required under this chapter to be paid upon a motor vehicle for each calendar year becomes due when the vehicle first uses the public streets or highways in the state, and upon January 1 each year thereafter, except those vehicles which are taxed under section 168.017 *and vehicles registered under 168.09, subdivision 3.* Taxes due upon January 1 become payable upon November 15 preceding the calendar year for which they are assessed except those upon motor vehicles which shall first use the public streets and highways of this state between November 15 and the next following December 31. *The tax required to register vehicles for the registration year March 1 to the last day of February shall be due on March 1 and payable November 15 preceding.* The tax that becomes due January 1 next following upon such motor vehicles becomes payable at the time the tax for the current year becomes payable. Taxes due upon January 1 become delinquent after January 10 unless paid. Taxes due when the vehicle first uses

the public streets or highways in the state shall become delinquent upon the expiration of seven days after the same became due unless paid.”.

Further amend the title as follows:

Page 1, line 4, delete “Section” and insert “Sections”.

Page 1, line 4, delete “Subdivision” and insert “Subdivisions 2 and”.

Page 1, line 4, after “3” insert “; and 168.31, Subdivision 1”.

With the recommendation that when so amended the bill pass.

The report was adopted.

### SECOND READING OF HOUSE BILLS

H. F. Nos. 2493, 2494, 1141, 1519, 1937, 2393, 2005, 2273, 2274, 1734, 2452, 1317, 1411, 1823, 1870, 1950, 932, 1091, 1912, 1914, 1921, 2050, 2051, 2246, 46 and 1605 were read for the second time.

### SECOND READING OF SENATE BILLS

S. F. Nos. 1431, 1617, 1285 and 1635 were read for the second time.

### INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Redalen and Friedrich introduced:

H. F. No. 2495, A bill for an act relating to appropriations; appropriating funds for establishment of a music library and interpretive center.

The bill was read for the first time and referred to the Committee on Appropriations.

Stoa introduced:

H. F. No. 2496, A bill for an act relating to corrections; commitment of prisoners; providing for education or treatment for drug dependency; amending Minnesota Statutes 1976, Section 631.425, Subdivisions 3, 4, 7 and 9.

The bill was read for the first time and referred to the Committee on Criminal Justice.



Redalen, Nelsen, B., and McDonald introduced:

H. F. No. 2497, A bill for an act relating to education; transportation aid; removing certain restrictions on transportation between educational facilities; amending Minnesota Statutes, 1977 Supplement, Section 124.223.

The bill was read for the first time and referred to the Committee on Education.

Battaglia introduced:

H. F. No. 2498, A bill for an act relating to state parks; deleting certain land from the boundaries of Judge C. R. Magney State Park.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Wenzel; Sieben, H.; Biersdorf and Braun introduced:

H. F. No. 2499, A resolution memorializing the Congress and President of the United States to remove prohibitions upon construction of high voltage transmission lines on highway and fish and wildlife lands.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Anderson, I., introduced:

H. F. No. 2500, A bill for an act relating to retirement; service requirement for elected public officials in public employees retirement association; amending Minnesota Statutes 1976, Section 353.29, Subdivision 1.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Jude introduced:

H. F. No. 2501, A bill for an act relating to the administration of justice; providing for compensation of assistant public defenders; amending Minnesota Statutes 1976, Section 611.24.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Gunter, Osthoff, Anderson, B., and Anderson, G., introduced:

H. F. No. 2502, A bill for an act relating to retirement; early retirement by members of the Minnesota state retirement system; amending Minnesota Statutes 1976, Section 352.116, Subdivision 1.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Williamson, White, McCollar, Metzen and Jensen introduced:

H. F. No. 2503, A bill for an act relating to taxation; income tax; providing certain inflation adjusted credits against tax; increasing individual credits against tax; amending Minnesota Statutes, 1977 Supplement, Section 290.06, Subdivision 3c.

The bill was read for the first time and referred to the Committee on Taxes.

Tomlinson, Novak, White, Pleasant and McCollar introduced:

H. F. No. 2504, A bill for an act relating to taxation; property tax; changing property assessment procedures; amending Minnesota Statutes, 1977 Supplement, Sections 273.11, Subdivision 2; 278.01; and 278.05.

The bill was read for the first time and referred to the Committee on Taxes.

Lemke introduced:

H. F. No. 2505, A bill for an act relating to transportation; providing for the expenditure of certain portions of the county turnback account on town road bridge structures; prohibiting funds for such expenditures to be declared surplus funds; amending Minnesota Statutes 1976, Sections 161.082, Subdivision 2a; and 161.084.

The bill was read for the first time and referred to the Committee on Transportation.

#### HOUSE ADVISORIES

Pursuant to rule 5.3, the following House Advisories were introduced:

Simoneau and McCarron introduced:

H. A. No. 77, A proposal to investigate allocation of costs of the metropolitan disposal system to local units.

The advisory was referred to the Committee on Local and Urban Affairs.

Pehler and Patton introduced:

H. A. No. 78, A proposal to study taxation of tax-exempt property leased for a non-exempt purpose.

The advisory was referred to the Committee on Taxes.

### 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. 356, A bill for an act relating to insurance; examination fees; abstract or summary of the annual statement; amending Minnesota Statutes 1976, Sections 60A.03, Subdivision 5; 60A.13, Subdivision 3; and 60A.14, Subdivision 1.

PATRICK E. FLAHAVER, Secretary of the Senate

### CONCURRENCE AND REPASSAGE

Wynia moved that the House concur in the Senate amendments to H. F. No. 356 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 356, A bill for an act relating to insurance; increasing fees for examinations of insurance companies and insurance agents; increasing fees for agents' licenses and amendments; amending Minnesota Statutes 1976, Sections 60A.03, Subdivision 5; and 60A.14, Subdivision 1.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 119 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Albrecht	Anderson, D.	Anderson, I.	Battaglia
Adams	Anderson, B.	Anderson, G.	Arlandson	Beauchamp

Begich	Erickson	Kelly, W.	Niehaus	Sieben, M.
Berg	Esau	Kempe, R.	Norton	Simoneau
Berglin	Evans	King	Novak	Skoglund
Berkelman	Ewald	Knickerbocker	Onnen	Smogard
Biersdorf	Faricy	Kostohryz	Osthoff	Spanish
Birnstihl	Fjoslien	Kroening	Patton	Stanton
Brandl	Forsythe	Kvam	Pehler	Stoa
Braun	Friedrich	Laidig	Peterson	Tomlinson
Byrne	Fudro	Langseth	Petrafeso	Vanasek
Carlson, A.	Fugina	Lehto	Pleasant	Voss
Carlson, D.	George	Lemke	Prahl	Waldorf
Carlson, L.	Gunter	Mann	Redalen	Welch
Cassery	Hanson	McCollar	Reding	Wenstrom
Cohen	Heinitz	McDonald	Rose	Wenzel
Corbid	Jacobs	McEachern	St. Onge	White
Cummiskey	Jaros	Moe	Sarna	Wieser
Dean	Jensen	Munger	Savelkoul	Wigley
Den Ouden	Johnson	Murphy	Scheid	Williamson
Eckstein	Jude	Neisen	Schulz	Wynia
Eken	Kaley	Nelsen, B.	Searle	Zubay
Ellingson	Kalis	Nelsen, M.	Sherwood	Speaker Sabo
Enebo	Kelly, R.	Nelson	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. 1095, A bill for an act relating to public health; requiring medical malpractice information from insurers; granting subpoena power to the board of medical examiners; amending Minnesota Statutes 1976, Section 147.072.

PATRICK E. FLAHAVERN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Carlson, L., moved that the House concur in the Senate amendments to H. F. No. 1095 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1095, A bill for an act relating to public health; requiring medical malpractice information from insurers; granting subpoena power to the board of medical examiners; amending Minnesota Statutes 1976, Section 147.072.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 118 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Cummiskey	Johnson	Neisen	Sieben, H.
Adams	Dean	Jude	Nelsen, B.	Sieben, M.
Albrecht	Den Ouden	Kahn	Nelsen, M.	Simoneau
Anderson, B.	Eckstein	Kaley	Nelson	Skoglund
Anderson, D.	Eken	Kalis	Niehaus	Smogard
Anderson, G.	Ellingson	Kelly, R.	Norton	Spanish
Anderson, I.	Enebo	Kelly, W.	Novak	Stanton
Arlandson	Erickson	Kempe, R.	Onnen	Stoa
Battaglia	Esau	King	Osthoff	Tomlinson
Beauchamp	Evans	Knickerbocker	Patton	Vanasek
Begich	Ewald	Kroening	Pehler	Voss
Berglin	Faricy	Kvam	Peterson	Waldorf
Berkelman	Fjoslien	Laidig	Petrafeso	Welch
Biersdorf	Friedrich	Langseth	Pleasant	Wenstrom
Birnstihl	Fudro	Lehto	Prahl	Wenzel
Brandl	Fugina	Lemke	Redalen	White
Braun	George	Mann	Reding	Wieser
Byrne	Gunter	McCollar	Rose	Wigley
Carlson, A.	Hanson	McDonald	St. Onge	Williamson
Carlson, D.	Heinitz	McEachern	Sarna	Wynia
Carlson, L.	Hokanson	Metzen	Savelkoul	Zubay
Casserly	Jacobs	Moe	Scheid	Speaker Sabo
Cohen	Jaros	Munger	Searle	
Corbid	Jensen	Murphy	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. 85, A bill for an act relating to governmental agencies; providing for an open appointment process; requiring reports from appointing authorities and the commissioner of administration; providing for publication of agency vacancies.

PATRICK E. FLAHAVEN, Secretary of the Senate

Wenstrom moved that the House refuse to concur in the Senate amendments to H. F. No. 85, 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.

#### CONSENT CALENDAR

H. F. No. 2175, A bill for an act relating to the city of South St. Paul; authorizing an on-sale liquor license for Wakota arena.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 115 yeas and 6 nays as follows:

Those who voted in the affirmative were:

Abeln	Cummiskey	Jude	Murphy	Sherwood
Adams	Dean	Kaley	Neisen	Sieben, H.
Anderson, B.	Den Ouden	Kalis	Nelsen, B.	Sieben, M.
Anderson, D.	Eckstein	Kelly, R.	Nelsen, M.	Simoneau
Anderson, G.	Eken	Kelly, W.	Nelson	Skoglund
Anderson, I.	Ellingson	Kempe, R.	Niehaus	Smogard
Arlandson	Enebo	King	Norton	Spanish
Battaglia	Evans	Knickerbocker	Novak	Stanton
Beauchamp	Ewald	Kostohryz	Onnen	Stoa
Begich	Faricy	Kroening	Osthoff	Tomlinson
Berg	Forsythe	Kvam	Patton	Vanasek
Berglin	Friedrich	Laidig	Peterson	Voss
Berkelman	Fudro	Langseth	Petrafeso	Waldorf
Biersdorf	Fugina	Lehto	Pieasant	Welch
Birnstihl	George	Lemke	Prahl	Wenstrom
Brandl	Gunter	Mann	Redalen	Wenzel
Braun	Hanson	McCarron	Reding	White
Byrne	Heinitz	McCollar	Rice	Wieser
Carlson, A.	Hokanson	McDonald	Rose	Wigley
Carlson, L.	Jacobs	McEachern	St. Onge	Williamson
Casserly	Jaros	Metzen	Sarna	Wynia
Cohen	Jensen	Moe	Savelkoul	Zubay
Corbid	Johnson	Munger	Scheid	Speaker Sabo

Those who voted in the negative were:

Carlson, D.	Esau	Fjoslien	Pehler	Searle
Erickson				

The bill was passed and its title agreed to.

S. F. No. 1698 was reported to the House.

Jacobs moved to amend S. F. No. 1698 as follows:

Page 2, line 6, delete "*the right*" and insert "*first priority*".

The motion prevailed and the amendment was adopted.

S. F. No. 1698, A bill for an act relating to armories; authorizing disposition of unused armories to counties in addition to municipalities; amending Minnesota Statutes 1976, Section 193.36, Subdivision 2.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 124 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Cummiskey	Jude	Murphy	Searle
Adams	Dean	Kahn	Neisen	Sherwood
Albrecht	Den Ouden	Kaley	Nelsen, B.	Sieben, H.
Anderson, B.	Eckstein	Kalis	Nelsen, M.	Sieben, M.
Anderson, D.	Eken	Kelly, R.	Nelson	Simoneau
Anderson, G.	Ellingson	Kelly, W.	Niehaus	Skoglund
Anderson, I.	Enebo	Kempe, R.	Norton	Smogard
Arlandson	Erickson	King	Novak	Spanish
Battaglia	Esau	Knickerbocker	Onnen	Stanton
Beauchamp	Evans	Kostohryz	Osthoff	Stoa
Begich	Ewald	Kroening	Patton	Tomlinson
Berg	Faricy	Kvam	Pehler	Vanasek
Berglin	Fjoslien	Laidig	Peterson	Voss
Berkelman	Forsythe	Langseth	Petrafeso	Waldorf
Biersdorf	Friedrich	Lehto	Pleasant	Welch
Birnstihl	Fudro	Lemke	Prahl	Wenstrom
Brandl	Fugina	Mangan	Redalen	Wenzel
Braun	George	Mann	Reding	White
Byrne	Hanson	McCarron	Rice	Wieser
Carlson, A.	Heinritz	McCollar	Rose	Wigley
Carlson, D.	Hokanson	McDonald	St. Onge	Williamson
Carlson, L.	Jacobs	McEachern	Sarna	Wynia
Casserly	Jaros	Metzen	Savelkoul	Zubay
Cohen	Jensen	Moe	Scheid	Speaker Sabo
Corbid	Johnson	Munger	Schulz	

The bill was passed, as amended, and its title agreed to.

S. F. No. 1787 was reported to the House.

Waldorf moved to amend S. F. No. 1787 as follows:

Page 6, line 27, delete "*in an amount not to exceed \$100*".

The motion prevailed and the amendment was adopted.

S. F. No. 1787, A bill for an act relating to the national guard; amending the state military code; providing penalties; amending Minnesota Statutes 1976, Sections 192.06; 192.11; 192.12; 192.261, Subdivision 5; 192.32; 192.33; 192.34; and Chapter 192, by adding a section; repealing Minnesota Statutes 1976, Sections 190.28; 192.09; and 192.10.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 122 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Anderson, I.	Berglin	Carlson, A.	Cummiskey
Adams	Arlandson	Berkelman	Carlson, D.	Dean
Albrecht	Battaglia	Birnstihl	Carlson, L.	Den Ouden
Anderson, B.	Beauchamp	Brandl	Casserly	Eckstein
Anderson, D.	Begich	Braun	Cohen	Eken
Anderson, G.	Berg	Byrne	Corbid	Ellingson

Enebo	Johnson	McCollar	Pleasant	Stanton
Erickson	Jude	McDonald	Prahl	Stoa
Esau	Kahn	McEachern	Redalen	Tomlinson
Evans	Kaley	Metzen	Reding	Vanasek
Ewald	Kalis	Moe	Rice	Voss
Faricy	Kelly, R.	Munger	Rose	Waldorf
Fjoslien	Kelly, W.	Murphy	St. Onge	Welch
Forsythe	Kempe, R.	Neisen	Sarna	Wenstrom
Friedrich	King	Nelsen, B.	Savelkoul	Wenzel
Fudro	Knickerbocker	Nelsen, M.	Scheid	White
Fugina	Kostohryz	Nelson	Schulz	Wieser
George	Kroening	Niehaus	Searle	Wigley
Gunter	Kvam	Norton	Sherwood	Williamson
Hanson	Laidig	Novak	Sieben, H.	Wynia
Heinitz	Langseth	Onnen	Sieben, M.	Zubay
Hokanson	Lehto	Osthoff	Simoneau	Speaker Sabo
Jacobs	Lemke	Patton	Skoglund	
Jaros	Mann	Pehler	Smogard	
Jensen	McCarron	Petrafeso	Spanish	

The bill was passed, as amended, and its title agreed to.

### CALENDAR

H. F. No. 1612, A bill for an act relating to military justice; providing for military judges; modifying court composition and punishment authority; making other changes consistent and current federal military law; amending Minnesota Statutes 1976, Sections 192A.015; 192A.02; 192A.045; 192A.06; 192A.085; 192A.09; 192A.10; 192A.105; 192A.11, Subdivision 3; 192A.12; 192A.13; 192A.14; 192A.145, Subdivisions 3 and 4; 192A.15; 192A.155; 192A.16; 192A.165; 192A.18, Subdivisions 1 and 2; 192A.195; 192A.205; 192A.21, Subdivision 2; 192A.215; 192A.22; 192A.225; 192A.23; 192A.245; 192A.25, Subdivision 2; 192A.265, Subdivision 1; 192A.275; 192A.28; 192A.29; 192A.305; 192A.315; 192A.345, Subdivisions 2 and 3; 192A.355; 192A.47; 192A.555; 192A.585; 192A.595, Subdivision 1; 192A.61, Subdivision 3; 192A.615; Chapter 192A by adding sections; and repealing Minnesota Statutes 1976, Sections 192A.01, Subdivision 2; 192A.04, Subdivisions 4 and 5; 192A.125; and 192A.565.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 123 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Begich	Carlson, D.	Enebo	Fugina
Adams	Berg	Carlson, L.	Erickson	George
Albrecht	Berglin	Casserly	Esau	Gunter
Anderson, B.	Berkelman	Cohen	Evans	Hanson
Anderson, D.	Biersdorf	Corbid	Ewald	Heinitz
Anderson, G.	Birnstihl	Cummiskey	Faricy	Hokanson
Anderson, I.	Brandl	Dean	Fjoslien	Jacobs
Arlandson	Braun	Den Ouden	Forsythe	Jaros
Battaglia	Byrne	Eckstein	Friedrich	Jensen
Beauchamp	Carlson, A.	Eken	Fudro	Johnson



Jude	Mangan	Norton	Sarna	Vanasek
Kahn	Mann	Novak	Savelkoul	Voss
Kaley	McCarron	Onnen	Scheid	Waldorf
Kelly, R.	McCollar	Osthoff	Schulz	Welch
Kelly, W.	McDonald	Patton	Searle	Wenstrom
Kempe, R.	McEachern	Pehler	Sherwood	Wenzel
King	Metzen	Peterson	Sieben, H.	White
Knickerbocker	Moe	Petrafeso	Sieben, M.	Wieser
Kostohryz	Munger	Pleasant	Simoneau	Wigley
Kroening	Murphy	Prahl	Skoglund	Williamson
Kvam	Nelsen	Redalen	Smogard	Wynia
Laidig	Nelsen, B.	Reding	Spanish	Zubay
Langseth	Nelsen, M.	Rice	Stanton	Speaker Sabo
Lehto	Nelson	Rose	Stoa	
Lemke	Niehaus	St. Onge	Tomlinson	

The bill was passed and its title agreed to.

H. F. No. 1931, A bill for an act relating to agriculture; corporate farming; providing new definitions; declaring the desirability of family farm stability; amending Minnesota Statutes 1976, Sections 268.04, Subdivision 31; 308.11; 500.24; and Minnesota Statutes, 1977 Supplement, Section 176.041, Subdivision 1.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 105 yeas and 18 nays as follows:

Those who voted in the affirmative were:

Abeln	Carlson, D.	Jacobs	Metzen	Schulz
Adams	Carlson, L.	Jaros	Moe	Sherwood
Anderson, B.	Casserly	Jensen	Munger	Sieben, H.
Anderson, D.	Cohen	Johnson	Murphy	Sieben, M.
Anderson, G.	Corbid	Jude	Nelsen	Simoneau
Anderson, I.	Cummiskey	Kahn	Nelsen, B.	Skoglund
Anderson, R.	Den Ouden	Kelly, R.	Nelsen, M.	Smogard
Arlandson	Eckstein	Kelly, W.	Niehaus	Spanish
Battaglia	Eken	Kempe, R.	Norton	Stanton
Beauchamp	Ellingson	King	Novak	Stoa
Begich	Erickson	Knickerbocker	Osthoff	Tomlinson
Berg	Esau	Kostohryz	Patton	Vanasek
Berglin	Evans	Kroening	Pehler	Voss
Berkelman	Farcy	Langseth	Peterson	Welch
Biersdorf	Fjoslien	Lehto	Petrafeso	Wenstrom
Birnstihl	Fudro	Lemke	Prahl	Wenzel
Brandl	Fugina	Mangan	Reding	White
Braun	George	Mann	Rice	Wieser
Brinkman	Gunter	McCarron	St. Onge	Williamson
Byrne	Hanson	McCollar	Sarna	Wynia
Carlson, A.	Hokanson	McEachern	Scheid	Speaker Sabo

Those who voted in the negative were:

Albrecht	Friedrich	Kvam	Pleasant	Wigley
Dean	Heinitz	Laidig	Rose	Zubay
Ewald	Kaley	McDonald	Savelkoul	
Forsythe	Kalis	Onnen	Searle	

The bill was passed and its title agreed to.

H. F. No. 1773, A bill for an act relating to unemployment compensation; providing limited benefits to certain employees; amending Minnesota Statutes, 1977 Supplement, Section 268.09, Subdivision 1.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 123 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Abeln	Cohen	Jude	Murphy	Searle
Adams	Corbid	Kahn	Neisen	Sherwood
Albrecht	Cummiskey	Kaley	Nelsen, B.	Sieben, H.
Anderson, B.	Dean	Kalis	Nelsen, M.	Sieben, M.
Anderson, D.	Den Ouden	Kelly, R.	Nelson	Simoneau
Anderson, G.	Eckstein	Kelly, W.	Niehaus	Skoglund
Anderson, I.	Eken	Kempe, R.	Norton	Smogard
Anderson, R.	Ellingson	King	Novak	Spanish
Arlandson	Erickson	Knickerbocker	Onnen	Stanton
Battaglia	Evans	Kostohryz	Osthoff	Stoa
Beauchamp	Ewald	Kroening	Patton	Tomlinson
Begich	Faricy	Kvam	Pehler	Vanasek
Berg	Fjoslien	Laidig	Peterson	Voss
Berglin	Friedrich	Langseth	Petraleso	Welch
Berkelman	Fudro	Lehto	Pleasant	Wenstrom
Biersdorf	Fugina	Lemke	Prahl	Wenzel
Birnstihl	George	Mangan	Redalen	White
Brandl	Gunter	Mann	Reding	Wieser
Braun	Hanson	McCarron	Rice	Wigley
Brinkman	Heinitz	McCollar	Rose	Williamson
Byrne	Hokanson	McDonald	St. Onge	Wynia
Carlson, A.	Jacobs	McEachern	Sarna	Zubay
Carlson, D.	Jaros	Metzen	Savelkoul	Speaker Sabo
Carlson, L.	Jensen	Moe	Scheid	
Casserly	Johnson	Munger	Schulz	

Those who voted in the negative were:

Forsythe

The bill was passed and its title agreed to.

H. F. No. 2020, A bill for an act relating to workers' compensation; changing the definition of family farms; amending Minnesota Statutes, 1977 Supplement, Section 176.011, Subdivision 11a.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 120 yeas and 3 nays as follows:

Those who voted in the affirmative were:

Abeln	Corbid	Jensen	Murphy	Searle
Albrecht	Cummiskey	Johnson	Neisen	Sherwood
Anderson, B.	Dean	Jude	Nelsen, B.	Sieben, H.
Anderson, D.	Den Ouden	Kahn	Nelsen, M.	Sieben, M.
Anderson, G.	Eckstein	Kalis	Nelson	Simoneau
Anderson, I.	Eken	Kelly, R.	Niehaus	Skoglund
Anderson, R.	Ellingson	Kelly, W.	Norton	Smogard
Arlandson	Erickson	Kempe, R.	Novak	Spanish
Battaglia	Esau	King	Onnen	Stanton
Beauchamp	Evans	Knickerbocker	Osthoff	Stoa
Begich	Ewald	Kostohryz	Patton	Tomlinson
Berg	Faricy	Kroening	Pehler	Vanasek
Berglin	Fjoslien	Kvam	Peterson	Voss
Berkelman	Forsythe	Laidig	Petrafeso	Waldorf
Birnstihl	Friedrich	Langseth	Prahl	Welch
Brandl	Fudro	Lehto	Redalen	Wenstrom
Braun	Fugina	Lemke	Reding	Wenzel
Brinkman	George	Mangan	Rice	White
Byrne	Gunter	Mann	Rose	Wieser
Carlson, A.	Hanson	McCarron	St. Onge	Wigley
Carlson, D.	Heinitz	McCollar	Sarna	Williamson
Carlson, L.	Hokanson	McDonald	Savelkoul	Wynia
Cassery	Jacobs	McEachern	Scheid	Zubay
Cohen	Jaros	Metzen	Schulz	Speaker Sabo

Those who voted in the negative were:

Adams	Kaley	Moe
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The bill was passed and its title agreed to.

H. F. No. 2023, A bill for an act relating to retirement; the highway patrolmen's retirement fund; payment of survivor benefits; amending Minnesota Statutes 1976, Section 352B.11, Subdivision 2.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 125 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Berkelman	Den Ouden	Fugina	Kelly, R.
Adams	Biersdorf	Eckstein	George	Kelly, W.
Albrecht	Birnstihl	Eken	Gunter	Kempe, R.
Anderson, B.	Brandl	Ellingson	Hanson	King
Anderson, D.	Braun	Enebo	Heinitz	Knickerbocker
Anderson, G.	Byrne	Erickson	Hokanson	Kostohryz
Anderson, I.	Carlson, A.	Esau	Jacobs	Kroening
Anderson, R.	Carlson, D.	Evans	Jaros	Kvam
Arlandson	Carlson, L.	Ewald	Jensen	Laidig
Battaglia	Cassery	Faricy	Johnson	Langseth
Beauchamp	Cohen	Fjoslien	Jude	Lehto
Begich	Corbid	Forsythe	Kahn	Lemke
Berg	Cummiskey	Friedrich	Kaley	Mangan
Berglin	Dean	Fudro	Kalis	Mann

McCarron	Nelson	Prahl	Sherwood	Waldorf
McCollar	Niehaus	Redalen	Sieben, H.	Welch
McDonald	Norton	Reding	Sieben, M.	Wenstrom
McEachern	Novak	Rice	Simoneau	Wenzel
Metzen	Onnen	Rose	Skoglund	White
Moe	Osthoff	St. Onge	Smogard	Wieser
Munger	Patton	Sarna	Spanish	Wigley
Murphy	Pehler	Savelkoul	Stoa	Williamson
Neisen	Peterson	Scheid	Tomlinson	Wynia
Nelsen, B.	Petrafaso	Schulz	Vanasek	Zubay
Nelsen, M.	Pleasant	Searle	Voss	Speaker Sabo

The bill was passed and its title agreed to.

H. F. No. 2283, A bill for an act relating to the division of highway patrol; concerning salaries; increasing the salary of a corporal; amending Minnesota Statutes, 1977 Supplement, Section 299D.03, Subdivision 2.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 126 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Corbid	Johnson	Neisen	Sieben, H.
Adams	Cummiskey	Jude	Nelsen, B.	Sieben, M.
Albrecht	Dean	Kahn	Nelsen, M.	Simoneau
Anderson, B.	Den Ouden	Kaley	Nelson	Skoglund
Anderson, D.	Eckstein	Kalis	Niehaus	Smogard
Anderson, G.	Eken	Kelly, R.	Norton	Spanish
Anderson, I.	Ellingson	Kelly, W.	Novak	Stanton
Anderson, R.	Enebo	Kempe, R.	Onnen	Stoa
Arlandson	Erickson	King	Osthoff	Tomlinson
Battaglia	Esau	Knickerbocker	Patton	Vanasek
Beauchamp	Evans	Kostohryz	Pehler	Voss
Begich	Ewald	Kroening	Peterson	Waldorf
Berg	Faricy	Kvam	Petrafaso	Welch
Berglin	Fjoslien	Laidig	Pleasant	Wenstrom
Berkelman	Forsythe	Langseth	Prahl	Wenzel
Biersdorf	Friedrich	Lehto	Redalen	White
Birnstihl	Fudro	Lemke	Reding	Wieser
Brandl	Fugina	Mangan	Rice	Wigley
Braun	George	Mann	Rose	Williamson
Brinkman	Gunter	McCarron	St. Onge	Wynia
Byrne	Hanson	McCollar	Sarna	Zubay
Carlson, A.	Heinitz	McDonald	Savelkoul	Speaker Sabo
Carlson, D.	Hokanson	Metzen	Scheid	
Carlson, L.	Jacobs	Moe	Schulz	
Casserly	Jaros	Munger	Searle	
Cohen	Jensen	Murphy	Sherwood	

The bill was passed and its title agreed to.

H. F. No. 2372, A bill for an act relating to public employee labor relations; including physical therapists and occupational therapists in the definition of "teacher"; amending Minnesota Statutes 1976, Section 179.63, Subdivision 13.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 126 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Corbid	Johnson	Neisen	Sieben, H.
Adams	Cummiskey	Jude	Nelsen, B.	Sieben, M.
Albrecht	Dean	Kahn	Nelsen, M.	Simoneau
Anderson, B.	Den Ouden	Kaley	Nelson	Skoglund
Anderson, D.	Eckstein	Kelly, R.	Niehaus	Smogard
Anderson, G.	Eken	Kelly, W.	Norton	Spanish
Anderson, I.	Ellingson	Kempe, R.	Novak	Stanton
Anderson, R.	Enebo	King	Onnen	Stoa
Arlandson	Erickson	Knickerbocker	Osthoff	Tomlinson
Battaglia	Esau	Kostohryz	Patton	Vanasek
Beauchamp	Evans	Kroening	Pehler	Voss
Begich	Ewald	Kvam	Peterson	Waldorf
Berg	Faricy	Laidig	Petrafeso	Welch
Berglin	Fjoslien	Langseth	Pleasant	Wenstrom
Berkelman	Forsythe	Lehto	Prahl	Wenzel
Biersdorf	Friedrich	Lemke	Redalen	White
Birnstihl	Fudro	Mangan	Reding	Wieser
Brandl	Fugina	Mann	Rice	Wigley
Braun	George	McCarron	Rose	Williamson
Brinkman	Gunter	McCollar	St. Onge	Wynia
Byrne	Hanson	McDonald	Sarna	Zubay
Carlson, A.	Heinitz	McEachern	Savelkoul	Speaker Sabo
Carlson, D.	Hokanson	Metzen	Scheid	
Carlson, L.	Jacobs	Moe	Schulz	
Casserly	Jaros	Munger	Searle	
Cohen	Jensen	Murphy	Sherwood	

The bill was passed and its title agreed to.

H. F. No. 649 was reported to the House and given its third reading.

#### UNANIMOUS CONSENT

Fugina requested unanimous consent to offer an amendment. The request was granted.

Fugina moved to amend H. F. No. 649, as follows:

Page 1, line 16, after the word "to" delete "*a proprietor of a general*".

Page 1, line 17, delete the words "*food store or*".

The motion prevailed and the amendment was adopted.

H. F. No. 649, A bill for an act relating to intoxicating liquor; authorizing certain counties to issue off-sale liquor licenses in

unorganized areas of the county; amending Minnesota Statutes 1976, Section 340.11, by adding a subdivision.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 111 yeas and 12 nays as follows:

Those who voted in the affirmative were:

Abeln	Cohen	Jude	Nelsen, B.	Skoglund
Adams	Corbid	Kahn	Nelsen, M.	Smogard
Anderson, B.	Dean	Kaley	Nelson	Spanish
Anderson, G.	Eckstein	Kalis	Niehaus	Stanton
Anderson, I.	Eken	Kelly, W.	Norton	Stoa
Anderson, R.	Ellingson	Kempe, R.	Novak	Tomlinson
Arlandson	Enebo	King	Osthoff	Vanasek
Battaglia	Evans	Knickerbocker	Patton	Voss
Beauchamp	Faricy	Kostohryz	Peterson	Waldorf
Begich	Fjoslien	Kroening	Petraleso	Welch
Berg	Forsythe	Langseth	Pleasant	Wenstrom
Berglin	Friedrich	Lehto	Prahl	Wenzel
Berkelman	Fudro	Lemke	Redalen	White
Biersdorf	Fugina	Mangan	Reding	Wieser
Birnstihl	George	Mann	Rice	Wigley
Brandl	Gunter	McCarron	Rose	Williamson
Braun	Hanson	McCollar	St. Onge	Wynia
Brinkman	Heinitz	McEachern	Sarna	Zubay
Byrne	Hokanson	Metzen	Scheid	Speaker Sabo
Carlson, A.	Jacobs	Moe	Schulz	
Carlson, D.	Jaros	Munger	Sieben, H.	
Carlson, L.	Jensen	Murphy	Sieben, M.	
Cassery	Johnson	Neisen	Simoneau	

Those who voted in the negative were:

Albrecht	Erickson	Laidig	Onnen	Searle
Anderson, D.	Ewald	McDonald	Savelkoul	Sherwood
Den Ouden	Kvam			

The bill was passed, as amended, and its title agreed to.

S. F. No. 1637, A bill for an act relating to political subdivisions; authorizing loans to acquire town halls; authorizing issuance of general obligation bonds for a fire and community hall in the city of Tower; amending Minnesota Statutes, 1977 Supplement, Section 465.73.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 125 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Cohen	Jaros	Moe	Scheid
Adams	Corbid	Jensen	Munger	Schulz
Albrecht	Cummiskey	Johnson	Murphy	Searle
Anderson, B.	Dean	Jude	Neisen	Sherwood
Anderson, D.	Den Ouden	Kaley	Nelsen, B.	Sieben, H.
Anderson, G.	Eckstein	Kalis	Nelsen, M.	Sieben, M.
Anderson, I.	Eken	Kelly, R.	Nelson	Simoneau
Anderson, R.	Ellingson	Kelly, W.	Niehaus	Skoglund
Arlandson	Enebo	Kempe, R.	Norton	Smogard
Battaglia	Erickson	King	Novak	Spanish
Beauchamp	Esau	Knickerbocker	Onnen	Stanton
Begich	Evans	Kostohryz	Osthoff	Stoa
Berg	Ewald	Kroening	Patton	Tomlinson
Berglin	Faricy	Kvam	Pehler	Vanasek
Berkelman	Fjoslien	Laidig	Peterson	Voss
Biersdorf	Forsythe	Langseth	Petrafeso	Waldorf
Birnstihl	Friedrich	Lehto	Pleasant	Welch
Brandl	Fudro	Lemke	Prahl	Wenstrom
Braun	Fugina	Mangan	Redalen	Wenzel
Brinkman	George	Mann	Reding	White
Byrne	Gunter	McCarron	Rice	Wieser
Carlson, A.	Hanson	McCollar	Rose	Wigley
Carlson, D.	Heinitz	McDonald	St. Onge	Wynia
Carlson, L.	Hokanson	McEachern	Sarna	Zubay
Casserly	Jacobs	Metzen	Savelkoull	Speaker Sabo

The bill was passed and its title agreed to.

H. F. No. 2111, A bill for an act relating to aeronautics; providing for reimbursement for services; changing the permitted number of certain types of airports; permitting municipalities flexibility in airport acquisition; amending Minnesota Statutes 1976, Sections 360.015, Subdivision 7; 360.032, by adding a subdivision; and 360.305, Subdivision 3.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 126 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Birnstihl	Eken	Hanson	Knickerbocker
Adams	Brandl	Ellingson	Heinitz	Kostohryz
Albrecht	Braun	Enebo	Hokanson	Kroening
Anderson, B.	Brinkman	Erickson	Jacobs	Kvam
Anderson, D.	Byrne	Esau	Jaros	Laidig
Anderson, G.	Carlson, A.	Evans	Jensen	Langseth
Anderson, I.	Carlson, D.	Ewald	Johnson	Lehto
Anderson, R.	Carlson, L.	Faricy	Jude	Lemke
Arlandson	Casserly	Fjoslien	Kahn	Mangan
Battaglia	Cohen	Forsythe	Kaley	Mann
Beauchamp	Corbid	Friedrich	Kalis	McCarron
Begich	Cummiskey	Fudro	Kelly, R.	McCollar
Berg	Dean	Fugina	Kelly, W.	McDonald
Berglin	Den Ouden	George	Kempe, R.	McEachern
Berkelman	Eckstein	Gunter	King	Metzen

Moe	Osthoff	St. Onge	Smogard	White
Munger	Patton	Sarna	Spanish	Wieser
Murphy	Pehler	Savelkoul	Stanton	Wigley
Neisen	Peterson	Scheid	Stoa	Williamson
Nelsen, B.	Petrafeso	Schulz	Tomlinson	Wynia
Nelsen, M.	Pleasant	Searle	Vanasek	Zubay
Nelson	Prahl	Sherwood	Voss	Speaker Sabo
Niehaus	Redalen	Sieben, H.	Waldorf	
Norton	Reding	Sieben, M.	Welch	
Novak	Rice	Simoneau	Wenstrom	
Onnen	Rose	Skoglund	Wenzel	

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. Nos. 1881 and 1916.

H. F. No. 1881 was reported to the House.

Peterson and Albrecht moved to amend H. F. No. 1881, as follows:

Page 1, after line 15, insert:

“Section 2. Minnesota Statutes 1976, Chapter 41, is amended by adding a section to read:

[41.585] [CONTRACT FOR DEED/DEDUCTION.] *If the seller of property is 62 years of age or older, the interest earned by the seller from a buyer who is approved by the council in meeting the eligibility criteria in section 41.55 shall be excludable from gross income tax for purposes of chapter 290 for the year in which the interest is received. The interest earned by the seller must be paid pursuant to a contract for deed for the sale of farmland by the seller to the buyer. No family farm security loan, as defined by section 41.52, subdivision 2, need be made for the seller to qualify for the deduction.*

Sec. 3. Minnesota Statutes 1976, Section 41.55, is amended to read:

41.55 [ELIGIBILITY.] A family farm security loan approval may be granted if the following criteria are satisfied:

(a) That the applicant is a resident of the state of Minnesota, or shows sufficient evidence that he intends to become a resident;

(b) That the applicant has sufficient education, training or experience in the type of farming for which he wishes the loan and continued participation in a farm management program,



approved by the commissioner, for the duration of the family farm security loan;

(c) That the applicant, his dependents and spouse have total net worth valued at less than \$50,000 and has demonstrated a need for the loan;

(d) That the applicant intends to purchase farm land to be used by the applicant for agricultural purposes;

(e) That the applicant is credit worthy according to standards prescribed by the commissioner;

(f) That the seller has not acquired the farm land for purposes of obtaining the income tax exemption allowed by sections 41.58, 41.585, and Laws 1976, Chapter 210, Section 12."

Renumber the sections in sequence.

Further amend the title as follows:

Page 1, line 6, after the word "subdivision" insert "; Chapter 41 by adding a section; and amending Section 41.55".

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll was called. There were 35 yeas and 82 nays as follows:

Those who voted in the affirmative were:

Albrecht	Den Ouden	Friedrich	Lemke	Rose
Anderson, D.	Eckstein	Heinitz	McDonald	Savelkoul
Anderson, R.	Erickson	Kaley	Neisen	Sherwood
Biersdorf	Esau	Kempe, R.	Nelsen, B.	Stoa
Carlson, A.	Evans	Knickerbocker	Niehaus	Wieser
Carlson, D.	Ewald	Kvam	Peterson	Wigley
Dean	Fjoslien	Laidig	Redalen	Zubay

Those who voted in the negative were:

Abeln	Byrne	Hanson	Langseth	Osthoff
Adams	Carlson, L.	Hokanson	Lehto	Patton
Anderson, B.	Casserly	Jacobs	Mangan	Pehler
Anderson, G.	Cohen	Jaros	Mann	Petrafeso
Anderson, I.	Corbid	Jensen	McCarron	Reding
Arlandson	Cummiskey	Jude	McCollar	St. Onge
Battaglia	Eken	Kahn	McEachern	Sarna
Begich	Ellingson	Kalis	Metzen	Scheid
Berglin	Enebo	Kelly, R.	Moe	Schulz
Berkelman	Faricy	Kelly, W.	Munger	Sieben, H.
Birnstihl	Fudro	Kempe, A.	Murphy	Sieben, M.
Brandl	Fugina	King	Nelsen, M.	Simoneau
Braun	George	Kostohryz	Norton	Skoglund
Brinkman	Gunter	Kroening	Novak	Smogard

Stanton  
Tomlinson  
Vanasek

Voss  
Waldorf  
Welch

Wenstrom  
Wenzel  
White

Williamson  
Wynia

Speaker Sabo

The motion did not prevail and the amendment was not adopted.

H. F. No. 1881, A bill for an act relating to agriculture; family farm security program; providing for exclusion from gross income of interest on certain loans; amending Minnesota Statutes 1976, Section 41.58, by adding a subdivision.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 123 yeas and 2 nays as follows:

Those who voted in the affirmative were:

Abeln	Corbid	Jensen	Moe	Searle
Adams	Cummiskey	Johnson	Munger	Sherwood
Anderson, B.	Dean	Jude	Murphy	Sieben, H.
Anderson, D.	Den Ouden	Kahn	Neisen	Sieben, M.
Anderson, G.	Eckstein	Kaley	Nelsen, B.	Simoneau
Anderson, I.	Eken	Kelly, R.	Nelsen, M.	Skoglund
Anderson, R.	Ellingson	Kelly, W.	Nelson	Smogard
Arlandson	Enebo	Kempe, A.	Niehaus	Spanish
Battaglia	Erickson	Kempe, R.	Norton	Stanton
Beauchamp	Esau	King	Novak	Stoa
Begich	Evans	Knickerbocker	Onnen	Tomlinson
Berg	Ewald	Kostohryz	Patton	Vanasek
Berglin	Faricy	Kroening	Pehler	Voss
Berkelman	Fjoslien	Kvam	Peterson	Waldorf
Biersdorf	Forsythe	Laidig	Petrafeso	Welch
Birnstihl	Friedrich	Langseth	Pleasant	Wenstrom
Brandl	Fudro	Lehto	Prahl	Wenzel
Braun	Fugina	Lemke	Redalen	White
Brinkman	George	Mangan	Reding	Wieser
Byrne	Gunter	Mann	Rice	Wigley
Carlson, A.	Hanson	McCarron	Rose	Williamson
Carlson, D.	Heinitz	McCollar	St. Onge	Wynia
Carlson, L.	Hokanson	McDonald	Savelkoul	Zubay
Casserly	Jacobs	McEachern	Scheid	
Cohen	Jaros	Metzen	Schulz	

Those who voted in the negative were:

Osthoff                      Speaker Sabo

The bill was passed and its title agreed to.

H. F. No. 1916 was reported to the House.

Peterson moved to amend H. F. No. 1916, as follows:

Page 19, after line 6, insert:

*“(d) Notwithstanding the provisions of clauses (b) and (c), all losses attributable to farming, including losses incurred in connection with farms outside the state, will be allowed to the extent allowed under the provisions of section 290.09, subdivision 29.”*

The motion did not prevail and the amendment was not adopted.

Albrecht moved to amend H. F. No. 1916, as follows:

Page 7, line 8, strike “contiguous”.

The motion did not prevail and the amendment was not adopted.

H. F. No. 1916, A bill for an act relating to taxation; defining the use of sales ratio studies; requiring social security numbers; providing a procedure for handling ad valorem tax abatements; providing a uniform appeal and demand period; clarifying classification of certain homesteads; recodifying the classification of resort property; allowing a special levy for commuter van program; providing adjustments to the levy limit base; defining resident estate and resident trust for income tax purposes; defining income in computing low income credit; providing apportionment in computing minimum tax on preference items; allowing a carryback period for out-of-state losses; authorizing the commissioner of revenue to release information to assessors; amending Minnesota Statutes 1976, Sections 270.07, by adding a subdivision; 270.075, Subdivision 2; 270.076, Subdivision 1; 272.08; 273.13, Subdivision 19, and by adding a subdivision; 290.01, by adding subdivisions; 290.46; 290.47; 290.48, Subdivisions 1 and 2; 290A.11, Subdivision 1; 290A.12; 292.08, Subdivision 4; 292.09, Subdivision 3; 294.02; 294.021; 297.07, Subdivision 3; 297.09, Subdivision 5; 297.35, Subdivision 3; 297.37, Subdivision 5; 297A.31, Subdivision 1; 297A.33, Subdivision 1; and Chapter 270, by adding a section; Minnesota Statutes, 1977 Supplement, Sections 124.212, Subdivision 11; 273.13, Subdivisions 4 and 6; 275.50, Subdivision 5; 275.51, Subdivision 3d; 290.012, Subdivision 2; 290.091; 290.17; 298.282, Subdivision 2; 298.48, Subdivision 4; repealing Laws 1977, Chapter 307, Section 27.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 122 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Anderson, B.	Anderson, G.	Anderson, R.	Battaglia
Adams	Anderson, D.	Anderson, I.	Arlandson	Beauchamp

Begich	Esau	Kelly, W.	Nelson	Sieben, M.
Berg	Evans	Kempe, A.	Niehaus	Simoneau
Berglin	Ewald	Kempe, R.	Norton	Skoglund
Berkelman	Faricy	King	Novak	Smogard
Biersdorf	Fjoslien	Knickerbocker	Onnen	Spanish
Birnstihl	Forsythe	Kostohryz	Osthoff	Stanton
Brandl	Friedrich	Kroening	Patton	Stoa
Brinkman	Fudro	Kvam	Pehler	Tomlinson
Byrne	Fugina	Langseth	Peterson	Vanasek
Carlson, A.	George	Lehto	Petrafeso	Voss
Carlson, D.	Gunter	Lemke	Pleasant	Waldorf
Carlson, L.	Hanson	Mangan	Prahl	Welch
Casserly	Heinitz	Mann	Redalen	Wenstrom
Cohen	Hokanson	McCarron	Reding	Wenzel
Corbid	Jacobs	McCollar	Rose	White
Cummiskey	Jaros	McEachern	St. Onge	Wieser
Dean	Jensen	Metzen	Sarna	Wigley
Den Ouden	Johnson	Moe	Savelkoul	Wynia
Eckstein	Jude	Munger	Scheid	Zubay
Eken	Kahn	Murphy	Schulz	Speaker Sabo
Ellingson	Kaley	Neisen	Searle	
Enebo	Kalis	Nelsen, B.	Sherwood	
Erickson	Kelly, R.	Nelsen, M.	Sieben, H.	

The bill was passed and its title agreed to.

Evans was excused at 3:35 p.m. Mangan was excused at 4:10 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. After some time spent therein the Committee arose.

#### REPORT OF COMMITTEE OF THE WHOLE

The Speaker resumed the Chair, whereupon the following proceedings of the Committee as kept by the Chief Clerk were reported to the House:

H. F. No. 2192 which it recommended to pass.

H. F. Nos. 1256 and 2112 which it recommended progress.

S. F. Nos. 478 and 1096 which it recommended progress.

H. F. No. 2043 which it recommended to pass as amended by the Committee of the Whole on Wednesday, March 1, 1978 and with the following amendment offered by Begich:

Page 1, line 13, after "TENURE.]" insert "*Subdivision 1.*".

Page 1, line 19, reinstate the stricken language and delete the underscored language.

Page 1, line 23, after the period insert:

*"Subd. 2. No member as described in subdivision 1 shall be discriminated against or discharged from his or her employment in retribution for his or her political acts, statements or beliefs while a member of the legislature, regardless of the time elapsed since continuation or restoration of employment."*

Further, amend the title:

Page 1, line 6, after the semicolon insert "political discrimination;"

H. F. No. 838 which it recommended to pass with the following amendments:

Offered by Neisen:

Page 16, after line 32, add a new section to read:

*"Sec. 15. Laws 1969, Chapter 969 is repealed."*

Further amend the title as follows:

Line 17, after "sections" insert "; repealing Laws 1969, Chapter 969".

Offered by Jensen:

Page 16, after line 32, add a new section to read:

*"Sec. 16. This act is effective the day following its final enactment."*

H. F. No. 2348 which it recommended progress with the following amendment offered by Kvam:

Page 1, line 14, after "highway." insert the following: *"Installations are to be primarily for crossing the highway and the length of longitudinal installations are to be kept to a minimum."*

Page 1, line 22, after "made." insert *"The road authority shall not be responsible for any damage to the tile installation resulting from the action of the authority or any permittee utilizing the right-of-way. No open trenching will be allowed. The commissioner shall take no action pursuant to this act which will result in the loss of federal aid for highway construction in this state."*

H. F. No. 1131 which it recommended re-referral to the Committee on Appropriations and with the following amendments:

Offered by Stanton:

Strike everything after the enacting clause and insert the following:

"Section 1. Minnesota Statutes 1976, Section 45.16, Subdivision 1, is amended to read:

[45.16] [CONSUMER SERVICES SECTION, RESPONSIBILITIES AND DUTIES.] Subdivision 1. The section of consumer services shall have the responsibilities and duties prescribed by this section *and section 45.17* and such other authority as may be conferred by the commissioner of commerce.

Sec. 2. Minnesota Statutes 1976, Chapter 45, is amended by adding a section to read:

45.17 [DEFINITIONS.] *Subdivision 1. For the purposes of this section, the terms defined in this subdivision shall apply:*

(1) *"Public utility" means a publicly or privately owned entity engaged in supplying utility services to residential utility consumers in this state or to another public utility for ultimate distribution to residential utility consumers in this state and whose rates or charges are subject to approval by the public service commission or any agency of the federal government provided that no municipal utility or electrical cooperative shall be considered a "public utility" for the purposes of this clause.*

(2) *"Consumer services section" means the consumer services section of the department of commerce.*

(3) *"Residential utility consumer" or "consumer" means a person who uses utility services at his residence in this state and who is billed by or pays a public utility for these services.*

(4) *"Utility services" means electricity, natural gas, or telephone services distributed to residential utility consumers by a public utility.*

*Subd. 2. The consumer services section shall be responsible for representing and furthering the interests of residential utility consumers through participation in matters before the public service commission involving utility rates and adequacy of utility services to residential utility consumers.*

*Subd. 3. Subject to the limitations of subdivision 2, the consumer services section may intervene as of right or participate*

as an interested party in matters pending before the public service commission which affect the distribution by a public utility of utility services to residential utility consumers. The right of the consumer services section to participate or intervene shall in no way affect the obligation of the public service commission to protect the public interest.

*Subd. 4. The public service commission shall give reasonable notice to the consumer services section of any matter scheduled to come before the commission affecting a public utility's rates or adequacy of services to residential utility consumers. Rules of the commission governing procedures before the commission shall apply to the consumer services section and its employees or representatives. The consumer services section shall have the same rights and privileges accorded other intervenors or participants in matters pending before the commission.*

*Subd. 5. The consumer services section shall be deemed to have an interest sufficient to maintain, intervene as of right in, or otherwise participate in any civil action in the trial courts or supreme court of this state for the review or enforcement of any public service commission action which affects a public utility's rates or adequacy of service to residential utility consumers.*

*Subd. 6. The expenses of performing the responsibilities authorized by this act shall be defrayed as follows:*

*Immediately after the final enactment of this act, the public service commission shall assess to all public utilities subject to the provisions of this act, in proportion to their respective gross operating revenues during the preceding calendar year, the sum of \$300,000. Thereafter, commencing with the year 1979, the public service commission shall make the assessment provided above on July 1 of each year. The assessment shall be paid into the state treasury within 30 days after the bill has been mailed, by registered mail, to the several public utilities, which shall constitute notice of said assessment and demand of payment thereof. The assessments shall be credited to a special account within the agency fund in behalf of the consumer services section.*

*Subd. 7. [BOARD OF RESIDENTIAL UTILITY CONSUMERS.] There is hereby created the board of residential utility consumers whose duties shall include:*

*(1) Establishing policy guidelines concerning the utility related activities of the commerce department's consumer services section;*

*(2) Reviewing and approving the section's staff employment decisions related to performing the responsibilities conferred in Minnesota Statutes 45.17; and*

(3) *Annual review and approval of the consumer services section's budget of estimated expenses for utility related activities.*

*The board shall consist of eleven voting members to be appointed by the governor. Each congressional district shall be represented by at least one member. In making appointments, the governor shall give consideration to individuals having a special interest in the provision of utility services to residential consumers, and so far as practicable, shall include persons representing diverse socio-economic backgrounds.*

*The board members shall elect from among their number a chairman and such other officers as it may deem necessary. The board shall meet at the call of the chairman or the director. The terms of office, compensation, and provisions for removal and filling vacancies of members shall be as provided in section 15.0575.*

*The director of the consumer services section shall submit an annual budget of estimated expenses to the board for review and approval. The director shall also periodically seek the advice of the board concerning its operations related to the responsibilities conferred by this section. The director shall also file an annual report of the section's utility related activities with the board on or before December 31 of each year."*

Amend the title as follows:

Page 1, line 4, after "matters", insert "by the consumer services section".

Page 1, line 4, delete "permitting a private, nonprofit".

Page 1, delete lines 5 through 7 and insert "assessing utility companies for the expenses of the representation; amending Minnesota Statutes 1976, Section 45.16, Subdivision 1; and Chapter 45, by adding a section."

Offered by Anderson, G.:

As previously amended.

Page 3, line 24 of the amendment, after "year." insert "Any monies not expended during the year of assessment shall be applied towards the assessment for the following year."

On the motion of Anderson, I., the report of the Committee of the Whole was adopted.

#### ROLL CALLS IN COMMITTEE OF THE WHOLE

Pursuant to rule 1.6, the following roll calls were taken in the Committee of the Whole:



Stanton moved to amend H. F. No. 1131, as follows:

Strike everything after the enacting clause and insert the following:

“Section 1. Minnesota Statutes 1976, Section 45.16, Subdivision 1, is amended to read:

**[45.16] [CONSUMER SERVICES SECTION, RESPONSIBILITIES AND DUTIES.]** Subdivision 1. The section of consumer services shall have the responsibilities and duties prescribed by this section *and section 45.17* and such other authority as may be conferred by the commissioner of commerce.

Sec. 2. Minnesota Statutes 1976, Chapter 45, is amended by adding a section to read:

**45.17 [DEFINITIONS.]** *Subdivision 1. For the purposes of this section, the terms defined in this subdivision shall apply:*

(1) *“Public utility” means a publicly or privately owned entity engaged in supplying utility services to residential utility consumers in this state or to another public utility for ultimate distribution to residential utility consumers in this state and whose rates or charges are subject to approval by the public service commission or any agency of the federal government provided that no municipal utility or electrical cooperative shall be considered a “public utility” for the purposes of this clause.*

(2) *“Consumer services section” means the consumer services section of the department of commerce.*

(3) *“Residential utility consumer” or “consumer” means a person who uses utility services at his residence in this state and who is billed by or pays a public utility for these services.*

(4) *“Utility services” means electricity, natural gas, or telephone services distributed to residential utility consumers by a public utility.*

*Subd. 2. The consumer services section shall be responsible for representing and furthering the interests of residential utility consumers through participation in matters before the public service commission involving utility rates and adequacy of utility services to residential utility consumers.*

*Subd. 3. Subject to the limitations of subdivision 2, the consumer services section may intervene as of right or participate as an interested party in matters pending before the public service commission which affect the distribution by a public utility of utility services to residential utility consumers. The right of*

*the consumer services section to participate or intervene shall in no way affect the obligation of the public service commission to protect the public interest.*

*Subd. 4. The public service commission shall give reasonable notice to the consumer services section of any matter scheduled to come before the commission affecting a public utility's rates or adequacy of services to residential utility consumers. Rules of the commission governing procedures before the commission shall apply to the consumer services section and its employees or representatives. The consumer services section shall have the same rights and privileges accorded other intervenors or participants in matters pending before the commission.*

*Subd. 5. The consumer services section shall be deemed to have an interest sufficient to maintain, intervene as of right in, or otherwise participate in any civil action in the trial courts or supreme court of this state for the review or enforcement of any public service commission action which affects a public utility's rates or adequacy of service to residential utility consumers.*

*Subd. 6. The expenses of performing the responsibilities authorized by this act shall be defrayed as follows:*

*Immediately after the final enactment of this act, the public service commission shall assess to all public utilities subject to the provisions of this act, in proportion to their respective gross operating revenues during the preceding calendar year, the sum of \$300,000. Thereafter, commencing with the year 1979, the public service commission shall make the assessment provided above on July 1 of each year. The assessment shall be paid into the state treasury within 30 days after the bill has been mailed, by registered mail, to the several public utilities, which shall constitute notice of said assessment and demand of payment thereof. The assessments shall be credited to a special account within the agency fund in behalf of the consumer services section.*

*Subd. 7. [BOARD OF RESIDENTIAL UTILITY CONSUMERS.] There is hereby created the board of residential utility consumers whose duties shall include:*

*(1) Establishing policy guidelines concerning the utility related activities of the commerce department's consumer services section;*

*(2) Reviewing and approving the section's staff employment decisions related to performing the responsibilities conferred in Minnesota Statutes 45.17; and*

*(3) Annual review and approval of the consumer services section's budget of estimated expenses for utility related activities.*

*The board shall consist of eleven voting members to be appointed by the governor. Each congressional district shall be represented by at least one member. In making appointments, the governor shall give consideration to individuals having a special interest in the provision of utility services to residential consumers, and so far as practicable, shall include persons representing diverse socio-economic backgrounds.*

*The board members shall elect from among their number a chairman and such other officers as it may deem necessary. The board shall meet at the call of the chairman or the director. The terms of office, compensation, and provisions for removal and filling vacancies of members shall be as provided in section 15.0575.*

*The director of the consumer services section shall submit an annual budget of estimated expenses to the board for review and approval. The director shall also periodically seek the advice of the board concerning its operations related to the responsibilities conferred by this section. The director shall also file an annual report of the section's utility related activities with the board on or before December 31 of each year."*

Amend the title as follows:

Page 1, line 4, after "matters", insert "by the consumer services section".

Page 1, line 4, delete "permitting a private, nonprofit".

Page 1, delete lines 5 through 7 and insert "assessing utility companies for the expenses of the representation; amending Minnesota Statutes 1976, Section 45.16, Subdivision 1; and Chapter 45, by adding a section."

The question was taken on the adoption of the amendment and the roll was called. There were 78 yeas and 39 nays as follows:

Those who voted in the affirmative were:

Adams	Cohen	Jensen	Metzen	Searle
Anderson, B.	Corbid	Johnson	Munger	Sherwood
Arlandson	Cummiskey	Kahn	Neisen	Simoneau
Battaglia	Dean	Kalis	Nelsen, M.	Skoglund
Beauchamp	Den Ouden	Kelly, R.	Nelson	Smogard
Begich	Eken	Kelly, W.	Novak	Stanton
Berg	Ellingson	Kempe, A.	Onnen	Stoa
Berglin	Enebo	King	Pehler	Voss
Berkelman	Farcy	Kroening	Petrafaso	Waldorf
Birnstihl	Fudro	Langseth	Prahl	Welch
Braun	George	Lehto	Redalen	Wenstrom
Brinkman	Gunter	Lemke	Rice	Wieser
Byrne	Hanson	McCarron	Rose	Wynia
Carlson, D.	Heinritz	McCollar	Sarna	Speaker Sabo
Carlson, L.	Hokanson	McDonald	Scheid	
Casserty	Jaros	McEachern	Schulz	

Those who voted in the negative were:

Abeln	Carlson, A.	Fugina	Nelsen, B.	Sieben, M.
Albrecht	Erickson	Jude	Niehaus	Vanasek
Anderson, D.	Esau	Kaley	Peterson	Wenzel
Anderson, G.	Evans	Kempe, R.	Pleasant	White
Anderson, I.	Ewald	Knickerbocker	Reding	Wigley
Anderson, R.	Fjoslien	Kostohryz	St. Onge	Williamson
Biersdorf	Forsythe	Kvam	Savelkoul	Zubay
Brandl	Friedrich	Murphy	Sieben, H.	

The motion prevailed and the amendment was adopted.

The question was taken on the Searle motion to re-refer H. F. No. 1131, as amended, to the Committee on Appropriations and the roll was called. There were 63 yeas and 59 nays as follows:

Those who voted in the affirmative were:

Adams	Carlson, A.	Forsythe	Lemke	Redalen
Albrecht	Carlson, D.	Friedrich	McCollar	Rose
Anderson, B.	Carlson, L.	Fudro	McDonald	St. Onge
Anderson, D.	Corbid	Jensen	McEachern	Sarna
Anderson, G.	Dean	Kaley	Metzen	Savelkoul
Anderson, I.	Den Ouden	Kalis	Neisen	Schulz
Anderson, R.	Eckstein	Kelly, W.	Nelsen, B.	Searle
Berkelman	Eken	King	Niehaus	Smogard
Biersdorf	Erickson	Knickerbocker	Norton	Wenstrom
Birnstihl	Esau	Kostohryz	Onnen	Wigley
Brandl	Evans	Kvam	Osthoff	Zubay
Braun	Ewald	Laidig	Peterson	
Brinkman	Fjoslien	Langseth	Pleasant	

Those who voted in the negative were:

Abeln	Enebo	Kahn	Novak	Stanton
Arlandson	Faricy	Kelly, R.	Pehler	Stoa
Battaglia	Fugina	Kempe, A.	Petrafeso	Tomlinson
Beauchamp	George	Kempe, R.	Prahl	Vanasek
Begich	Gunter	Kroening	Reding	Waldorf
Berg	Hanson	Lehto	Rice	Welch
Berglin	Heinitz	Mann	Scheid	Wenzel
Byrne	Hokanson	McCarron	Sherwood	White
Casserly	Jacobs	Munger	Sieben, H.	Williamson
Cohen	Jaros	Murphy	Sieben, M.	Wynia
Cummiskey	Johnson	Nelsen, M.	Simoneau	Speaker Sabo
Ellingson	Jude	Nelson	Skoglund	

The motion prevailed.

## MOTIONS AND RESOLUTIONS

St. Onge moved that his name be stricken as an author on H. F. No. 2291. The motion prevailed.

Wenzel moved that the name of Anderson, D., be added as an author on H. F. No. 2499. The motion prevailed.

Carlson, A., moved that the names of Adams, Cohen, Begich, and Clark be added as authors on H. F. No. 2323. The motion prevailed.

Patton moved that the name of Jude be added as an author on H. F. No. 2490. The motion prevailed.

Fudro moved that his name be stricken as an author on H. F. No. 2449. The motion prevailed.

Sherwood moved that the name of Sherwood be stricken and the name of Reding be shown as chief author on H. F. No. 520. The motion prevailed.

Pehler moved that the names of Petrafeso, Jaros, and Adams be added as authors on H. F. No. 1243. The motion prevailed.

Sieben, H., moved that H. F. No. 2455 be recalled from the Committee on Health and Welfare and be re-referred to the Committee on Governmental Operations. The motion prevailed.

Pursuant to Rule 1.15, Carlson, A., moved that H. F. No. 1985 be now withdrawn from the Committee on Environment and Natural Resources, be given a second reading and be advanced to General Orders.

A roll call was requested and properly seconded.

The question was taken on the motion and the roll was called. There were 32 yeas and 87 nays as follows:

Those who voted in the affirmative were:

Albrecht	Ewald	Knickerbocker	Peterson	Wenstrom
Anderson, D.	Fjoslien	Kvam	Pleasant	Wieser
Anderson, R.	Forsythe	Laidig	Redalen	Wigley
Carlson, A.	Friedrich	McDonald	Rose	Zubay
Den Ouden	Heinitz	Nelsen, B.	Savelkoul	
Erickson	Kaley	Niehaus	Searle	
Evans	Kempe, R.	Onnen	Sherwood	

Those who voted in the negative were:

Abeln	Berg	Carlson, L.	Ellingson	Jacobs
Adams	Berglin	Casserly	Enebo	Jaros
Anderson, B.	Berkelman	Cohen	Faricy	Jensen
Anderson, G.	Birnstihl	Corbid	Fugina	Johnson
Anderson, I.	Brandl	Cummiskey	George	Jude
Battaglia	Braun	Dean	Gunter	Kahn
Beauchamp	Brinkman	Eckstein	Hanson	Kelly, R.
Begich	Carlson, D.	Eken	Hokanson	Kelly, W.

Kempe, A.	McEachern	Patton	Sieben, M.	Waldorf
King	Metzen	Pehler	Simoneau	Welch
Kosthoryz	Munger	Petrafeso	Skoglund	Wenzel
Kroening	Murphy	Reding	Smogard	White
Langseth	Neisen	Rice	Spanish	Williamson
Lehto	Nelsen, M.	St. Onge	Stanton	Wynia
Lemke	Nelson	Sarna	Stoa	Speaker Sabo
Mann	Norton	Scheid	Tomlinson	
McCarron	Novak	Schulz	Vanasek	
McCollar	Osthoff	Sieben, H.	Voss	

The motion did not prevail.

#### ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to the Conference Committee on H. F. No. 85: Wenstrom, Langseth, and Anderson, R.

#### ADJOURNMENT

Anderson, I., moved that when the House adjourns today it adjourn until 2:00 p.m., Monday, March 6, 1978. The motion prevailed.

Anderson, I., moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:00 p.m., Monday, March 6, 1978.

EDWARD A. BURDICK, Chief Clerk, House of Representatives



STATE OF MINNESOTA

SEVENTIETH SESSION - 1978

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EIGHTY-THIRD DAY

SAINT PAUL, MINNESOTA, SATURDAY, MARCH 4, 1978

The Senate met on Saturday, March 4, 1978, which was the Eighty-third Legislative Day of the Seventieth Session of the Minnesota State Legislature. The House of Representatives did not meet on this date.





## STATE OF MINNESOTA

## SEVENTIETH SESSION - 1978

## EIGHTY-FOURTH DAY

SAINT PAUL, MINNESOTA, MONDAY, MARCH 6, 1978

The House of Representatives convened at 2:00 p.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	Cohen	Johnson	Murphy	Sherwood
Adams	Corbid	Jude	Neisen	Sieben, H.
Albrecht	Cummiskey	Kahn	Nelsen, B.	Sieben, M.
Anderson, B.	Dean	Kaley	Nelsen, M.	Simoneau
Anderson, D.	Den Ouden	Kalis	Nelson	Skoglund
Anderson, G.	Eckstein	Kelly, R.	Niehaus	Smogard
Anderson, I.	Eken	Kelly, W.	Norton	Spanish
Anderson, R.	Ellingson	Kempe, A.	Novak	Stanton
Arlandson	Enebo	Kempe, R.	Onnen	Stoa
Battaglia	Erickson	King	Osthoff	Suss
Beauchamp	Esau	Knickerbocker	Patton	Swanson
Begich	Evans	Kostohryz	Pehler	Tomlinson
Berg	Ewald	Kroening	Peterson	Vanasek
Berglin	Faricy	Kvam	Petrafaso	Voss
Berkelman	Fjoslien	Laidig	Pleasant	Waldorf
Biersdorf	Forsythe	Langseth	Prahl	Welch
Birnstihl	Friedrich	Lehto	Redalen	Wenstrom
Brandl	Fudro	Lemke	Reding	Wenzel
Braun	Fugina	Mangan	Rose	White
Brinkman	George	Mann	St. Onge	Wieser
Byrne	Gunter	McCarron	Samuelson	Wigley
Carlson, A.	Hanson	McCollar	Sarna	Williamson
Carlson, D.	Heinitz	McDonald	Savelkoul	Wynia
Carlson, L.	Hokanson	McEachern	Scheid	Zubay
Casserly	Jacobs	Metzen	Schulz	Speaker Sabo
Clark	Jaros	Moe	Searle	
Clawson	Jensen	Munger	Searles	

A quorum was present.

Rice was excused until 3:00 p.m.

The Chief Clerk proceeded to read the Journals of the preceding days. Suss moved that further reading of the Journals be dispensed with and that the Journals be approved as corrected by the Chief Clerk. The motion prevailed.

## REPORTS OF CHIEF CLERK

Pursuant to Rules of the House, printed copies of H. F. Nos. 2493, 2494, 1937, 2273, 2274, 932, 2050, 1141, 1411, 1605, 1519, 1734, 1870, 1921, 2005, 2246, 46, 649, 1091, 1317, 1823, 1914, 1950, 2051, 1256, 2452, 2393, 1912, 2043, 838, 2348 and 1131 and S. F. No. 1617 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 6, 1978

The Honorable Martin O. Sabo  
Speaker of the House

Dear Sir:

The following appointment to the Ethical Practices Board is hereby respectfully submitted to the House for confirmation as required by law:

Ms. Mary Jo Richardson, 2985 Palace Ave., St. Paul, Ramsey County, has been appointed by me, effective July 1, 1977, for a term expiring January 1, 1979.

Sincerely,

RUDY PERPICH  
Governor

The communication from the Governor relating to the appointment was referred to the Committee on General Legislation and Veterans Affairs.

## REPORTS OF STANDING COMMITTEES

Hanson from the Committee on Commerce and Economic Development to which was referred:

H. F. No. 237, A bill for an act relating to assumed business names; amending Minnesota Statutes 1976, Sections 333.01; 333.04; and 333.06; and Chapter 333, by adding sections; repealing Minnesota Statutes 1976, Sections 333.02; 333.03; and 333.05.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1976, Section 301.09, is amended to read:

**301.09 [POWERS COMMON TO CORPORATIONS.]** Every corporation shall have power:

(1) To continue as a corporation for the time limited in its articles of incorporation, or, if no such time limit is specified, then perpetually;

(2) To sue and be sued;

(3) To adopt, use, and, at will, alter a corporate seal, but failure to affix the corporate seal, if any, shall not affect the validity of any instrument;

(4) To acquire, hold, lease, encumber, convey, or otherwise dispose of real and personal property within or without the state, and to take real and personal property by will or gift, subject to any limitation prescribed by law or the articles of incorporation;

(5) To conduct business in this state and elsewhere;

(6) To enter into obligations or contracts and to do any acts incidental to the transaction of its business or expedient for the attainment of the purposes stated in its articles;

(7) To indemnify persons against certain expenses and liabilities as provided in section 301.095; (AND)

(8) Unless otherwise provided in the articles of incorporation, to participate with others in any corporation, partnership, limited partnership, joint venture, trust, or other association of any kind, or in any transaction, undertaking, or arrangement which the participating corporation would have power to conduct by itself whether or not such participation involves sharing or delegation of control with or to others; *and*

(9) *To conduct all or part of its business under one or more assumed names as provided by section 3 of this act and sections 333.01 to 333.06.*

Sec. 2. Minnesota Statutes 1976, Section 333.01, is amended to read:

**333.01 [COMMERCIAL ASSUMED NAMES; CERTIFICATE.]** No person (OR PERSONS) shall hereafter carry on

or conduct or transact a commercial business in this state under any designation, name, or style, which does not set forth the (FULL INDIVIDUAL) *true* name of every person interested in such business unless such person (OR PERSONS) shall file in the office of the (CLERK OF THE DISTRICT COURT OF THE COUNTY OR COUNTIES IN WHICH THE PERSON OR PERSONS CONDUCT OR TRANSACT, OR INTEND TO CONDUCT OR TRANSACT, SUCH BUSINESS) *secretary of state*, a certificate setting forth the name under which the business is conducted or transacted, or is to be conducted or transacted, and the true (OR REAL FULL) name (OR NAMES) of the person (OR PERSONS) conducting or transacting the same, with the (POST OFFICE) address (OR ADDRESSES) of such person (OR PERSONS). The certificate shall be executed and duly acknowledged by one of the persons conducting, or intending to conduct, the business. The certificate shall be published in a qualified newspaper in the county (WHERE THE CERTIFICATE IS FILED FOR TWO SUCCESSIVE DAYS IN A DAILY NEWSPAPER, OR FOR TWO SUCCESSIVE WEEKS IN A WEEKLY NEWSPAPER) *in which the person has a principal or registered office for two successive issues.*

Sec. 3. Minnesota Statutes 1976, Chapter 333, is amended by adding a section to read:

[333.001] [DEFINITIONS.] *Subdivision 1. As used in this section and sections 333.01 to 333.06, the following terms shall have the meanings given, unless the context clearly indicates that a different meaning is intended.*

*Subd. 2. "Person" means one or more natural persons; a partnership, including a limited partnership; a corporation, including a foreign, domestic, or nonprofit corporation; a trust; or any other business organization.*

*Subd. 3. "True name" means the true full name of the natural person, if a proprietorship; the true full name of at least one general partner, if a partnership; the full corporate name as stated in its articles, if a corporation; the true full name of at least one trustee, if a trust; or the true full name of at least one beneficial owner, if any other form of business organization.*

*Subd. 4. "Address" means the full residential address of each natural person, trustee or beneficial owner, or any corporation, included in subdivision 3, and the address of the principal place in Minnesota where the business is conducted or transacted, if different.*

*Subd. 5. "Executed" means executed by one natural person, if a proprietorship; by a general partner if a general or limited partnership; by an officer, if a corporation; by a trustee, if a trust; or by a beneficial owner or managing agent, if some other form of business organization.*

Sec. 4. Minnesota Statutes 1976, Chapter 333, is amended by adding a section to read:

[333.035] [AMENDMENT OF CERTIFICATE.] *Within 60 days after the occurrence of any event which makes any statement in the last previous statement filed incorrect, an amended certificate shall be filed with proof of publication by the person conducting the business in the same manner as provided by section 333.01.*

Sec. 5. Minnesota Statutes 1976, Section 333.04, is amended to read:

333.04 [SECRETARY OF STATE; DUTIES, FEES.] The (SEVERAL CLERKS OF THE DISTRICT COURTS OF THIS) *secretary of state shall keep an alphabetical list of (ALL PERSONS FILING CERTIFICATES PROVIDED FOR IN) assumed names filed pursuant to section 333.01 after August 1, 1978, together with trademarks, service marks, certification marks or collective marks filed with the secretary of state and issued pursuant to sections 333.20 and 333.21, and for the indexing and filing of (SUCH) the certificates (THEY) shall (RECEIVE) charge the applicant a fee (OF \$1) prescribed by section 6. A copy of such certificate, duly certified to by the (CLERK OF THE DISTRICT COURT IN WHOSE OFFICE THE SAME IS FILED) secretary of state, shall be presumptive evidence in all courts of law in this state of the facts therein contained.*

Sec. 6. Minnesota Statutes 1976, Chapter 333, is amended by adding a section to read:

[333.055] [TERM OF CERTIFICATE; RENEWAL, NOTICES, FEES.] *Subdivision 1. Filing of a certificate with proof of publication hereunder shall be effective for a term of ten years from the date of filing and upon application filed within the six month period prior to the expiration of such term or a renewal thereof, on a form prescribed by the secretary of state, the certificate may be renewed for additional ten year terms. A renewal fee as specified herein, payable to the secretary of state, shall accompany the application for renewal. The secretary of state shall notify each person filing a certificate hereunder of the necessity of renewal thereof by writing to the last known address of the person at least six months prior to the certificate's expiration date.*

*Subd. 2. Any assumed name certificate of record in the district courts and in force on the effective date of this act shall continue in force without the necessity of another filing under section 5 until July 31, 1979, at which time all such certificates shall expire unless renewed as hereinafter provided. Any certificate may be renewed by filing an application with the secretary of*

*state on a form prescribed by the secretary and paying the renewal fee prescribed by subdivision 3 within the six month period prior to the expiration of the certificate.*

*Subd. 3. The secretary of state shall charge and collect:*

*(a) For the filing of each certificate or amended certificate of an assumed name—\$10*

*(b) Certificate renewal fee—\$10*

*Subd. 4. The secretary of state shall accept for filing all certificates and renewals thereof which comply with the provisions of section 3 of this act and sections 333.01 to 333.06 and which are accompanied by the prescribed fees, notwithstanding the fact that the assumed name disclosed therein may be the same as, or similar to, one or more other assumed names already filed with the secretary of state. In the event of duplication or similarity, the secretary of state shall, within 20 days after the filing, notify in writing each person who has previously filed a certificate for the assumed name or a similar assumed name, of the duplication or similarity, including in the notice the name and last known address of the person so filing.*

**Sec. 7. Minnesota Statutes 1976, Section 333.06, is amended to read:**

**333.06 [PLEADING FAILURE TO FILE CERTIFICATE; COSTS.]** If any person (OR PERSONS) conducting a business contrary to the terms of *section 3 of this act and sections 333.01 to 333.06* shall, prior to the filing of the certificate and proof of publication therein prescribed, commence a civil action in any court of this state on account of any contract made by, or transaction had on behalf of the business, the defendant may plead such failure in abatement of the action; and all proceedings had in the action shall thereupon be stayed until the certificate provided for by *section 3 of this act and sections 333.01 to 333.06* is duly filed, and the defendant, in case he prevails in the action, shall also be entitled to tax (\$5) \$100 costs, in addition to such other statutory costs as (ARE NOW) *may be allowed by law, and, in case he does not prevail in the action, shall be entitled to deduct (\$5) \$100 from the judgment otherwise recoverable therein.*

**Sec. 8. Minnesota Statutes 1976, Sections 333.03 and 333.05, are repealed."**

**Further amend the title as follows:**

**Page 1, line 2, after the semicolon insert, "permitting and regulating conduct of business under assumed business name;"**

Page 1, line 3, after "Sections" insert "301.09;"

Page 1, line 6, delete "333.02;"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Hanson from the Committee on Commerce and Economic Development to which was referred:

H. F. No. 1009, A bill for an act relating to economic development; changing certain requirements for loan eligibility through the Minnesota area redevelopment administration; amending Minnesota Statutes 1976, Section 472.11, by adding subdivisions.

Reported the same back with the following amendments:

Page 2, line 11, delete "each".

Page 2, line 12, delete "grant" and insert "grants".

Page 2, line 12, delete "loan" and insert "loans".

Page 2, line 12, delete "a maximum" and insert "an aggregate".

Page 2, line 14, after the period insert "*Such technical assistance grants or loans shall not be included when computing the 20 percent limitation provided in Minnesota Statutes, Section 472.125.*"

With the recommendation that when so amended the bill pass.

The report was adopted.

Hanson from the Committee on Commerce and Economic Development to which was referred:

H. F. No. 1513, A bill for an act relating to contracts; distributing partial payments to construction subcontractors.

Reported the same back with the following amendments:

Page 1, line 8, delete "general".

Page 1, line 10, after "subcontractor" insert "or material supplier".



Page 1, line 13, after "subcontractor" insert "or material supplier".

Page 1, line 19, after "subcontractor" insert "or material supplier".

Page 1, after line 19, insert:

"Subd. 2. [WITHHOLDING OF PAYMENT.] Notwithstanding subdivision 1, a contractor may in good faith withhold partial payment to a subcontractor or material supplier if such withholding is a result of costs or liabilities incurred by the contractor which are attributable to acts or omissions of the subcontractor or material supplier. Acts or omissions by the subcontractor or material supplier which will justify withholding of partial payment include but are not limited to: late or defective workmanship, the supply of defective materials, violation of any applicable state or federal law or regulation, and breach of contract by the subcontractor or material supplier."

Page 1, line 21, after "subcontractor" insert "or material supplier".

Page 2, line 1, after "1" insert "or 2".

Page 2, line 1, delete "eight percent a year" and insert "four and one half percent in excess of the discount rate on 90 day commercial paper in effect at the Federal Reserve Bank in the Federal Reserve District encompassing Minnesota or as agreed unless otherwise provided by agreement between the contractor and the subcontractor or material supplier" and after the period insert "The payment withheld under this subdivision would be released to the subcontractor or material supplier when the act or omission has been corrected."

Page 2, line 4, after "subcontractor" insert "or material supplier".

Page 2, after line 4, insert:

"Sec. 2. This act is effective upon final enactment."

Renumber the subdivisions accordingly.

Further amend the title as follows:

Page 1, line 3, after "subcontractors" insert "or material suppliers".

With the recommendation that when so amended the bill pass.

The report was adopted.

Hanson from the Committee on Commerce and Economic Development to which was referred:

H. F. No. 1672, A bill for an act relating to contracts for deeds; requiring certain disclosures; requiring registration or recording of contracts for deed; providing additional remedies for vendees; amending Minnesota Statutes 1976, Section 559.21; Chapters 507, by adding sections; and 559, by adding a section.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert the following:

"Section 1. Minnesota Statutes 1976, Section 559.21, is amended to read:

559.21 [TERMINATION OF CONTRACT OF SALE; NOTICE, SERVICE AND RETURN, COSTS, REINSTATEMENT.] When default is made in the conditions of any contract for the conveyance of real estate or any interest therein, whereby the vendor has a right to terminate the same, he may do so by serving upon the purchaser, his personal representatives or assigns, either within or without the state, a notice specifying the conditions in which default has been made, and stating that such contract will terminate, *except as where provided in section 2 of this act*, (1) 30 days after the service of such notice if the purchaser has paid less than 30 percent of the purchase price, exclusive of interest thereon, and any mortgages or prior contracts for deed which are assumed by the purchaser, (2) 45 days after service of such notice if the purchaser has paid 30 percent, or more, but less than 50 percent of the purchase price, exclusive of interest thereon, and any mortgages or prior contracts for deed which are assumed by the purchaser, (3) 60 days after service of such notice if the vendee has paid 50 percent, or more, of the purchase price, exclusive of interest thereon, and any mortgages or prior contracts for deed which are assumed by the purchaser, unless prior thereto the purchaser shall comply with such conditions and pay the costs of service, the mortgage registration tax, if actually paid by the vendor, together with an amount to apply on attorneys' fees actually expended or incurred, of \$75 when the amount in default is less than \$750, and of \$200 when the amount in default is \$750 or more; provided, however, that no amount shall be required to be paid for attorneys' fees as provided hereunder, unless some part of the conditions of default shall have existed at least 45 days prior to the date of service of said notice. Such notice must be given notwithstanding any provisions in the contract to the contrary, and shall be served within the state in the same manner as a summons in the district court, without the state, in the same manner, and without securing any sheriff's return of not found, making any preliminary affidavit, mailing a copy of said notice or doing any other preliminary act or thing whatsoever. Service of the notice without the state may be proved by the affidavit of the person

making the same, made before an authorized officer having a seal, and within the state by such an affidavit or by the return of the sheriff of any county therein. *The notice shall include the following information in 12 point or larger bold type, typewritten or handwritten legibly:*

**THIS NOTICE IS TO INFORM YOU THAT BY THIS NOTICE THE SELLER HAS BEGUN PROCEEDINGS UNDER MINNESOTA STATUTES, SECTION 559.21, TO TERMINATE THE CONTRACT FOR THE CONVEYANCE OF REAL ESTATE WITH YOU FOR REASONS SPECIFIED IN THIS NOTICE. THE CONTRACT WILL TERMINATE . . . . . DAYS AFTER SERVICE OF THIS NOTICE UPON YOU UNLESS BEFORE THEN YOU CORRECT THE CONDITIONS IN WHICH DEFAULT HAS BEEN MADE AND PAY THE COSTS OF SERVICE TOGETHER WITH THE MORTGAGE REGISTRATION TAX OF \$ . . . . . AND \$ . . . . . TO APPLY ON ATTORNEY'S FEES ACTUALLY EXPENDED OR INCURRED; OR UNLESS YOU INITIATE A GOOD FAITH CLAIM OR DEFENSE ARISING UNDER OR IN RELATION TO THE CONTRACT, ITS TERMINATION OR YOUR ALLEGED DEFAULT THEREUNDER, BY FILING A COMPLAINT WITH THE DISTRICT COURT OF THE COUNTY IN WHICH THE PROPERTY IS LOCATED. IF YOU INITIATE A CLAIM OR DEFENSE YOU MAY REQUEST A COURT ORDER THAT THE TERMINATION ON THE CONTRACT BE HELD IN ABEYANCE UNTIL YOUR CLAIMS OR DEFENSES ARE FINALLY DISPOSED OF BY TRIAL, HEARING OR SETTLEMENT. YOUR COMPLAINT MUST SPECIFICALLY STATE THOSE FACTS AND GROUNDS THAT DEMONSTRATE YOUR GOOD FAITH CLAIM OR DEFENSE. IF YOU DO NOT CORRECT THE CONDITIONS OF DEFAULT OR OBTAIN A COURT ORDER HOLDING THIS TERMINATION IN ABEYANCE, THIS CONTRACT WILL FINALLY TERMINATE AS STATED ABOVE AND YOU MAY LOSE YOUR RIGHT TO POSSESSION AND/OR LIVE ON THE PROPERTY; YOU MAY LOSE YOUR RIGHT TO ASSERT ANY DEFENSES (BUT NOT CLAIMS) YOU HAVE; AND YOU MAY BE EVICTED AFTER THE COMMENCEMENT AND HEARING OF A COURT ACTION.**

Three weeks published notice, and if the premises described in the contract are actually occupied, then in addition thereto, the personal service of a copy of the notice within ten days after the first date of publication of the notice, and in like manner as the service of a summons in a civil action in the district court upon the person in possession of the premises, shall have the same effect as the personal service of the notice upon the purchaser, his personal representatives or assigns, either within or without the state as herein provided for. In case of such service by publication, as herein provided, the notice shall (SPECIFY) *set forth in bold type* the conditions in which default has been

made and (STATE) a *statement* that such contract will terminate 90 days after the first date of publication of the notice, unless prior thereto the purchaser comply with such conditions and pay the costs of service and attorneys' fees as provided herein, and the purchaser, his personal representatives or assigns, shall be allowed 90 days from and after the first date of publication of the notice to comply with the conditions of such contract.

If, within the time mentioned, the person served complies with such conditions and pays the costs of service and attorneys' fees as provided herein, the contract shall be thereby reinstated; but otherwise shall terminate *except as provided in section 2 of this act*. In the event that such notice was not signed by an attorney for the vendor and the vendor is not present in the state, or cannot be found therein, then compliance with the conditions specified in the notice may be made by paying to the clerk of the district court in the county wherein the real estate or any part thereof is situated any money due and filing proof of compliance with other defaults specified, and the clerk of the district court shall be deemed the agent of the vendor for such purposes. A copy of the notice with proof of service thereof, and the affidavit of the vendor, his agent or attorney, showing that the purchaser has not complied with the terms of the notice, may be recorded with the county recorder, and shall be *prima facie* evidence of the facts therein stated; but this section shall in no case be held to apply to contracts for the sale or conveyance of lands situated in another state or in a foreign country.

Sec. 2. Minnesota Statutes 1976, Chapter 559, is amended by adding a section to read:

[559.211] [DEFENSE OR CLAIM TO TERMINATION OF CONTRACT FOR DEED; SPECIAL PROCEEDING.] *Subdivision 1. A vendee who has a good faith claim or defense, arising under or in relation to a contract for the conveyance of real estate including a default or termination thereunder, may place a termination proceeding commenced pursuant to section 1 of this act in abeyance until final disposition or settlement of vendee's claim or defense in the following manner:*

(a) *The vendee shall present a verified complaint to the district court of the county in which the property is located, which complaint shall:*

(1) *Describe the real property which is the subject of the contract and the name of the vendor;*

(2) *Specifically state the facts and grounds that demonstrate the vendee's good faith claim or defense including a statement that the applicable termination period specified in section 1 of this act has not expired;*

(3) *Include a copy of the contract or a statement demonstrating that the plaintiff is a vendee under the contract;*

(4) *Ask that any termination proceedings, commenced pursuant to section 1 of this act, be held in abeyance;*

(5) *Set forth such other matters as required to be included in a complaint, including a specification of the relief requested.*

(b) *If it clearly appears from the grounds and facts stated in the verified petition or by separate affidavit of plaintiff, or his counsel, or agent, that plaintiff has a good faith claim or defense, arising under or in relation to the contract or default or termination thereunder, the court shall immediately order on an ex parte basis that the termination proceedings commenced pursuant to section 1 of this act be held in abeyance until final disposition of vendee's claim or defense or until the order is subsequently modified or dissolved pursuant to subdivision 3.*

(c) *The vendee shall tender to the court installments or other periodic payments, other than a balloon payment, as the payments become due and owing under the contract, or other security, if any, the court deems appropriate under the circumstances for payment of all costs and damages the vendor may sustain if the order is subsequently found to have been obtained wrongfully or if vendee's claim or defense is not upheld. In determining the appropriateness of any security the court shall consider vendee's ability to afford and secure monetary security.*

(d) *The court shall direct the order to the sheriff or constable in the county in which the property is located, and the sheriff or constable shall execute the order immediately by serving the order, a summons, verified complaint, and affidavit without delay upon the vendor or upon his agent, in the same manner as a summons is required to be served in a civil action in district court.*

*Subd. 2. The effect of an order issued pursuant to subdivision 1, clause (b), shall be to place a termination proceeding commenced pursuant to section 1 of this act in abeyance and the contract shall not be terminated or otherwise cancelled until the final disposition or settlement of vendee's claim or defense or until the order is modified or dissolved pursuant to subdivision 3.*

*Subd. 3. The vendor, by written motion and notice served by mail or personally upon the vendee or his attorney at least seven days prior to the hearing date on the motion, may obtain dissolution or modification of the order for abeyance issued pursuant to subdivision 1, clause (b), unless it appears by verified complaint, affidavit, deposition testimony, or oral testimony in the court that sufficient grounds as set forth in subdivision*

1, clause (b), exist for the order and provided that the vendee has complied with his obligations under subdivision 2, clause (c). Before or after the commencement of the hearing on such a motion the court may order the trial of the action on the merits to be advanced and consolidated with the hearing on the motion. Even if this consolidation is not ordered, any evidence received upon the motion which would be admissible in a trial on the merits becomes part of the record of the trial and need not be repeated at the trial. This subdivision shall be construed and applied to save any rights the parties may have to trial by jury. Upon dissolution of the order, the termination proceeding commenced pursuant to section 1 of this act shall be reinstated, and the court shall tax costs to the vendee, subject to the provisions of section 563.01, and may allow damages and reasonable attorney's fees. If the order is affirmed the court shall tax costs against vendor and may allow vendee reasonable attorney's fees.

Subd. 4. The procedures set forth herein concerning a vendee's claim or defense arising under or in relation to a contract for the conveyance of real estate or default or termination thereunder for which a termination proceeding under section 1 of this act has been commenced, supersede any provisions of law or the Minnesota rules of civil procedure relating to temporary restraining orders and temporary injunctions and are exclusive. If an order requested pursuant to the provisions of subdivision 1, clause (b), is denied or if an order is subsequently dissolved or modified, the action shall proceed as any other action initiated pursuant to rules 3 and 4 of the Minnesota rules of civil procedure, except as where otherwise expressly provided in this act.

Subd. 5. An order issued under subdivision 1, clause (b), or affirmed, modified or dissolved under subdivision 3, is a final order for purposes of appeal and the party aggrieved by the order may appeal within ten days after the entry of the order. The party who appeals shall furnish a bond, if not waived, conditioned to pay all costs of the appeal, to abide by the order the court may make, and to pay all damages justly accruing to the other party during the pendency of the appeal.

Subd. 6. Within 20 days after service of the summons and complaint the vendor may answer, setting forth the conditions under which default under the contract has been made and alleging any other claims or defenses. Thereafter the court shall order the matter to the front of the court calendar. The vendee, until 20 days prior to the trial may amend his complaint to allege any defense that he may have arising under or in relation to the contract, or default or termination thereunder. Thereafter the action shall proceed as any other action initiated pursuant to rules 3 and 4 of the Minnesota rules of civil procedure. The court may grant the relief it deems just and proper."

Further, amend the title as follows:

Strike the title in its entirety and insert:

“A bill for an act relating to contracts for deeds; providing additional remedies for vendees; amending Minnesota Statutes 1976, Section 559.21; and Chapter 559, by adding a section.”

With the recommendation that when so amended the bill pass.

The report was adopted.

Hanson from the Committee on Commerce and Economic Development to which was referred:

H. F. No. 2075, A bill for an act relating to employments licensed by the state; concerning architects, engineers, surveyors, and landscape architects; amending Minnesota Statutes 1976, Section 326.03, Subdivision 2.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1976, Section 326.03, Subdivision 1, is amended to read:

326.03 [LICENSE REQUIRED.] Subdivision 1. No person, except an architect, engineer, land surveyor or landscape architect, licensed as provided for in sections 326.02 to 326.15 shall practice architecture, professional engineering, land surveying or landscape architecture, respectively, in the preparation of plans, specifications, report, plats or other architectural, engineering, land surveying or landscape architectural documents, or in the observation of architectural, engineering, land surveying or landscape architectural projects. *All the documents shall meet and be in full compliance with all applicable building codes and ordinances.*

Sec. 2. Minnesota Statutes 1976, Section 326.03, Subdivision 2, is amended to read:

Subd. 2. Nothing contained in sections 326.02 to 326.16 shall prevent persons from advertising and performing services such as consultation, investigation, or evaluation in connection with, or from making plans and specifications for, or from supervising, the erection, enlargement, or alteration of any of the following buildings:

(a) Dwellings for single families, and outbuildings in connection therewith, such as barns and private garages;

(b) Two family dwellings;

(c) Any farm building or accessory thereto;

(d) Temporary buildings or sheds used exclusively for construction purposes, not exceeding two stories in height, and not used for living quarters;

(e) Any public work or public improvement done by a public body in this state, the cost of which does not exceed (\$30,000) \$100,000, provided that plans and specifications for such work or improvement affecting water supply or waste disposal are approved by the appropriate state agency; or

(f) Any building, structure, or work, the total cost of which does not exceed (\$30,000) \$100,000.

Sec. 3. Minnesota Statutes 1976, Section 326.06, is amended to read:

326.06 [GENERAL POWERS AND DUTIES OF BOARD.] Each member of the board shall receive a certificate of appointment from the governor, and, before beginning his term of office, shall file with the secretary of state the constitutional oath of office. The board shall adopt and have an official seal, which shall be affixed to all licenses granted; shall make all rules, not inconsistent with law, needed in performing its duties; and shall fix standards for determining the qualifications of applicants for certificates, which shall not exceed the requirements contained in the curriculum of a recognized school of architecture, landscape architecture or engineering. *The board shall make rules to define classes of buildings which may be exempted from the provisions of sections 326.02 to 326.16, by a finding of no probable risk to life, health, property or public welfare. These rules shall be promulgated on or before April 1, 1979. Upon the adoption of these rules, section 326.03, subdivision 2, clauses (e) and (f), and section 2 are superseded and of no effect.*

Sec. 4. [EFFECTIVE DATE.] *Section 2 is effective April 1, 1979. Sections 1 and 3 are effective following day of enactment."*

Further amend the title by striking it in its entirety and inserting:

"A bill for an act relating to employments licensed by the state; requiring the services of a licensed architect, engineer, surveyor or landscape architect for the supervision, erection or alteration of buildings and structures exceeding certain specified costs; requiring compliance with applicable building codes and ordinances; prescribing certain duties of the licensing board; amending Minnesota Statutes 1976, Sections 326.03, Subdivisions 1 and 2; and 326.06."

With the recommendation that when so amended the bill pass.



The report was adopted.

Hanson from the Committee on Commerce and Economic Development to which was referred:

H. F. No. 2077, A bill for an act relating to commerce; regulating building movers; creating an advisory council; amending Minnesota Statutes 1976, Chapter 221, by adding a section.

Reported the same back with the following amendments:

Page 1, line 11, after "in" insert "*the business of*".

Page 1, line 12, before the period insert ", *excluding mobile homes*".

Page 1, lines 14, 17, 18, 19, delete "*department*" and insert "*commission*".

Page 2, lines 2, 4, 9, 15, 17, 20, 24, delete "*department*" and insert "*commission*".

Page 2, line 32, after the first "*the*" delete "*department*" and insert "*commission*" and after the second "*the*" delete "*department*" and insert "*commission*".

Page 3, line 5, after the first "*the*" delete "*department*" and insert "*commission*" and after the second "*The*" delete "*department*" and insert "*commission*".

Page 3, delete lines 8 to 17.

Further amend the title as follows:

Page 1, line 3, delete "creating an advisory council;".

With the recommendation that when so amended the bill pass.

The report was adopted.

Hanson from the Committee on Commerce and Economic Development to which was referred:

H. F. No. 2201, A bill for an act relating to housing; providing funds for housing programs for native Americans; appropriating money; amending Minnesota Statutes 1976, Sections 462A.07, by adding a subdivision; 462A.21, by adding a subdivision.

Reported the same back with the following amendments:

Page 1, line 16, after "*construction*" insert ", *purchase*".

Page 1, line 17, delete "*separately*".

Page 1, line 18, delete "*through this subdivision, through subdivision 14, or*".

Page 1, line 19, delete "*this*".

Page 1, line 19, after "*chapter*" insert "*462A*".

Page 1, line 22, after the period insert "*Rules to implement this section may be promulgated as emergency rules pursuant to chapter 15.*".

Page 2, line 3, delete "*making of grants and the*".

Page 2, line 20, delete "*metropolitan area*" and insert "*urban*".

Page 2, after line 21, insert "*To the extent possible the agency shall combine this appropriation with proceeds of bond sales.*".

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Hanson from the Committee on Commerce and Economic Development to which was referred:

H. F. No. 2211, A bill for an act relating to industrial revenue bonding; creating bonding authority to fund development of solar and other alternative energy sources; amending Minnesota Statutes 1976, Sections 474.01, Subdivision 4; 474.02, Subdivision 1, and by adding a subdivision; and 474.03.

Reported the same back with the following amendments:

Page 1, lines 20 and 21, delete "*by welfare recipients*".

With the recommendation that when so amended the bill pass.

The report was adopted.

Hanson from the Committee on Commerce and Economic Development to which was referred:

H. F. No. 2266, A bill for an act relating to intoxicating liquor; requiring wholesalers to maintain a warehouse stock; amending Minnesota Statutes 1976, Section 340.07, Subdivision 8.

Reported the same back with the following amendments:

Page 1, after line 13, insert:

"Sec. 2. Minnesota Statutes 1976, Chapter 340, is amended by adding a section to read:

[340.145] [INTOXICATING LIQUOR TO BE WAREHOUSED IN MINNESOTA.] *All intoxicating liquor manufactured outside of the state of Minnesota shall be ordered for delivery only to a warehouse of the manufacturer or wholesaler located in Minnesota, and shall be unloaded into such warehouse before further sale by such manufacturer or wholesaler. Sales and deliveries from such warehouses shall be for consumption in Minnesota only. Notwithstanding the provisions of this section, the manufacturer or United States importer of intoxicating liquor manufactured outside of Minnesota may, on such forms as the director shall prescribe, authorize any Minnesota licensed manufacturer or wholesaler to purchase intoxicating liquor for direct shipment to another state or may appoint such manufacturer or wholesaler as its agent to sell or deliver intoxicating liquor from the Minnesota warehouse inventory of such manufacturer or wholesaler to purchasers in other states."*

Further amend the title as follows:

Page 1, line 5, after "8" insert "; and Chapter 340, by adding a section".

With the recommendation that when so amended the bill pass.

The report was adopted.

Hanson from the Committee on Commerce and Economic Development to which was referred:

H. F. No. 2267, A bill for an act relating to emergency telephone systems; providing for the payment of certain costs of operating emergency telephone systems; amending Minnesota Statutes, 1977 Supplement, Section 403.11.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Hanson from the Committee on Commerce and Economic Development to which was referred:

H. F. No. 2268, A bill for an act relating to the state housing commission; substituting the state planning agency for the commission; substituting the director of planning for the director of housing; instructing the revisor; amending Minnesota Stat-

utes 1976, Sections 462.425, Subdivision 4; 462.426, Subdivision 4; 462.631; repealing Minnesota Statutes 1976, Section 462.711.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Hanson from the Committee on Commerce and Economic Development to which was referred:

S. F. No. 1955, A bill for an act relating to transportation construction contracts; defining the term "small business"; amending Minnesota Statutes, 1977 Supplement, Section 161.321, Subdivision 1.

Reported the same back with the following amendments:

Page 1, line 17, delete "*the*" and insert "*these*".

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Moe from the Committee on Criminal Justice to which was referred:

H. F. No. 2124, A bill for an act relating to corrections; providing for the licensing of correctional facilities; amending Minnesota Statutes 1976, Sections 241.021, Subdivision 1; 641.09; and 641.18.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1976, Section 241.021, Subdivision 1, is amended to read:

241.021 [LICENSING AND SUPERVISION OF INSTITUTIONS AND FACILITIES.] Subdivision 1. [SUPERVISION OVER CORRECTIONAL INSTITUTIONS.] (1) The commissioner of corrections shall inspect *and license* 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 JUNE 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, 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 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 these facilities to furnish all information and statistics he deems necessary, upon 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, after due notice and hearing, the commissioner finds that any facility described in this subdivision, except county jails and lockups as provided in sections 641.26, 642.10, and 642.11, does not conform to minimum standards, or is not making satisfactory progress toward substantial compliance therewith, he may issue his order revoking the license of that facility. After revocation of its license, that facility shall not be used until its license is renewed.* When the

commissioner is satisfied 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.

(5) [DEFINITIONS.] *For the purpose of this subdivision the following terms shall have the meanings given to them:*

(a) *"License" means a certificate issued by the commissioner of corrections authorizing operator to provide specified services for a specified period of time in accordance with the terms of the license and the rules of the commissioner;*

(b) *"Operator" means any individual, corporation, partnership, voluntary association or other private organization legally responsible for the operation of any correctional facility described in this subdivision.*

(c) *"Correctional facility" means any facility having a residential component, including group homes, the primary purpose of which is to serve persons placed therein by a court, court services department, parole authority or other correctional agency having dispositional power over persons charged with, convicted of or adjudicated to be guilty or delinquent.*

Sec. 2. Minnesota Statutes 1976, Section 260.185, Subdivision 1, is amended to read:

260.185 [DISPOSITIONS; DELINQUENT CHILD.] Subdivision 1. If the court finds that the child is delinquent, it shall enter an order making any of the following dispositions of the case which are deemed necessary to the rehabilitation of the child:

(a) Counsel the child or his parents, guardian, or custodian;

(b) Place the child under the supervision of a probation officer or other suitable person in his own home under conditions prescribed by the court including reasonable rules for his conduct and the conduct of his parents, guardian, or custodian, designed for the physical, mental, and moral well-being and behavior of the child, or with the consent of the commissioner of corrections, in a group foster care facility which is under the management and supervision of said commissioner;

(c) Subject to the supervision of the court, transfer legal custody of the child to one of the following:

(1) A child placing agency; or

(2) The county welfare board; or

(3) A reputable individual of good moral character. *If such individual receives custody of two or more unrelated children, he must be a licensed foster care provider pursuant to chapter 245; or*

(4) Except for children found to be delinquent as defined in section 260.015, subdivision 5, clauses (c) and (d), unless the child has previously appeared before a juvenile court on the same charge, and in the judgment of the court, community resources have been exhausted, a county home school, if the county maintains a home school or enters into an agreement with a county home school; or

(5) A county probation officer for placement in a group foster home established under the direction of the juvenile court (IN ACCORDANCE WITH STANDARDS ESTABLISHED BY THE COMMISSIONER OF CORRECTIONS) *and licensed pursuant to section 241.021;*

(d) Except for children found to be delinquent as defined in section 260.015, subdivision 5, clauses (c) and (d), unless the child has previously appeared before a juvenile court on the same charge, and in the judgment of the court, community resources have been exhausted, transfer legal custody by commitment to the commissioner of corrections;

(e) If the child is found to have violated a state or local law or ordinance which has resulted in damage to the property of another, the court may order the child to make reasonable restitution for such damage;

(f) If the child is in need of special treatment and care for his physical or mental health, the court may order the child's parent, guardian, or custodian to provide it. If the parent, guardian, or custodian fails to provide this treatment or care, the court may order it provided(.); *or*

(g) If the court believes that it is in the best interests of the child and of public safety that the driver's license of the child be cancelled until his eighteenth birthday, the court may recommend to the commissioner of transportation the cancellation of the child's license for any period up to the child's eighteenth birthday, and the commissioner is hereby authorized to cancel such license without a hearing. At any time before the termination of the period of cancellation, the court may, for good cause, recommend to the commissioner of transportation that the child be authorized to apply for a new license, and the commissioner may so authorize.

Any order for a disposition authorized under this section shall contain written findings of fact to support the disposition ordered, and shall also set forth in writing the following information:

(a) Why the best interests of the child are served by the disposition ordered; and

(b) What alternative dispositions were considered by the court and why such dispositions were not appropriate in the instant case.

Sec. 3. Minnesota Statutes 1976, Section 641.09, is amended to read:

641.09 [POWER OF OFFICERS.] The officer in charge of prisoners so sentenced to labor may use all reasonable means necessary to prevent escape or enforce obedience. For refusal to labor or obey necessary orders in reference thereto, a prisoner may be kept in solitary confinement (ON BREAD AND WATER, UNLESS OTHER FOOD IS REQUIRED FOR THE PRESERVATION OF HEALTH), but shall not be so confined more than ten days for any one offense, nor more than 90 days in all. Such punishment shall not be treated as any part of the sentence.

Sec. 4. Minnesota Statutes 1976, Section 641.165, is amended to read:

641.165 [CONTRABAND ARTICLES FORBIDDEN; PENALTY.] (ANY PERSON WHO, IN ANY MANNER, CAUSES THE INTRODUCTION INTO A JAIL, LOCKUP OR OTHER PLACE OF CONFINEMENT, OR UPON THE GROUNDS THEREOF, OF ANY CONTROLLED SUBSTANCE AS DEFINED IN SECTION 152.01, SUBDIVISION 4, OR ANY INTOXICATING OR ALCOHOLIC LIQUOR, OR MALT BEVERAGE, REGARDLESS OF ALCOHOLIC CONTENT, OR ANY WEAPON OR EXPLOSIVE WITHOUT THE CONSENT OF THE PERSON IN CHARGE OF THE JAIL, LOCKUP OR PLACE OF CONFINEMENT SHALL BE GUILTY OF A GROSS MISDEMEANOR.) *Subdivision 1.* [DEFINITION.] *"Contraband" is any controlled substance as defined in section 152.01, subdivision 4, or any intoxicating or alcoholic liquor or malt beverage.*

*Subd. 2. [ACTS PROHIBITED.] (a) Whoever introduces or in any manner causes the introduction of contraband, as defined in subdivision 1, into any jail, lockup, or correctional facility, as defined in section 1 of this act, without the consent of the person in charge, is guilty of a gross misdemeanor.*

*(b) Whoever introduces or in any manner causes the introduction of a dangerous weapon, as defined in section 609.02, subdivision 6, into any jail, lockup, or correctional facility, as defined in section 1 of this act, without the consent of the person in charge, is guilty of a felony and, upon conviction, may be sentenced to imprisonment for not more than five years.*



*Subd. 3. The provisions of this section shall not apply to physicians carrying drugs into such institutions for use in the practice of their profession, nor to peace officers carrying revolvers or firearms in the discharge of their duties.*

Sec. 5. Minnesota Statutes 1976, Section 641.18, is amended to read:

641.18 [SOLITARY CONFINEMENT.] When any prisoner is unruly or disobeys any regulation for the management of jails, the sheriff or jailer may order him kept in solitary confinement (ON BREAD AND WATER FOR NOT MORE THAN 20 DAYS FOR EACH OFFENSE) as provided in section 641.09.

Sec. 6. [EFFECTIVE DATE.] Notwithstanding the provisions of sections 15.0412 and 15.0413, section 2 of this act shall not take effect until September 1, 1979.

Sec. 7. The commissioner shall appoint an advisory task force consisting of at least nine persons and including representation from the judiciary serving the juvenile court, county probation officers, and county board members to assist in the development of standards for the correctional facilities, as defined in section 1 of this act, including group foster homes established under the direction of the juvenile court. The provisions of section 15.059, subdivision 6, shall govern the terms, compensation and removal of the members of the advisory task force.”.

Further amend the title:

Page 1, line 3, after the semicolon insert “prohibiting the introduction of contraband or weapons into correctional facilities;”.

Page 1, line 5, after “Subdivision 1;” insert “260.185, Subdivision 1;” and after “641.09;” insert “641.165;”.

With the recommendation that when so amended the bill pass.

The report was adopted.

Moe from the Committee on Criminal Justice to which was referred:

H. F. No. 2432, A bill for an act relating to Washington county; providing for the appointment of compensation of probation officers and supporting staff.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert:

“Section 1. [PROBATION OFFICERS; APPOINTMENT; COMPENSATION.] Notwithstanding the provisions of Minnesota Statutes, Section 260.311, regarding the appointment of probation officers, the county board of Washington county may appoint one or more salaried probation officers to serve at the pleasure of the county board to perform all the functions and duties set forth in Minnesota Statutes, Section 260.311. Such probation officers shall be paid such salaries as may be set by the county board of Washington county and shall otherwise be subject to the county personnel regulations.

Sec. 2. [EFFECTIVE DATE.] This act is effective upon approval by the county board of Washington county in accordance with Minnesota Statutes, Section 645.021.”.

Further amend the title:

Page 1, line 4, delete “and supporting staff”.

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Johnson from the Committee on Education to which was referred:

H. F. No. 1851, A bill for an act relating to county libraries; authorizing increased membership on county library boards; amending Minnesota Statutes 1976, Section 375.33, Subdivision 4.

Reported the same back with the following amendments:

Page 1, line 13, after “five” insert “*but not more than 11*”.

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Johnson from the Committee on Education to which was referred:

H. F. No. 1991, A bill for an act relating to education; transportation; permitting school buses to transport senior citizens free of charge.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert the following:

“Section 1. Minnesota Statutes 1976, Section 123.39, is amended by adding a subdivision to read:

*Subd. 8a. Any school district may use a school bus which is owned by the district or operated by the district's bus contractor, to provide transportation for senior citizens, defined for this purpose as persons 62 years of age or older. This use of the bus shall not interfere with the transportation of pupils to and from school or other authorized transportation of pupils and shall only be provided along a regular school bus route and on a space available basis. The cost of providing this transportation shall be paid by sources other than the school district. The provisions of section 65B.47, subdivision 4, shall apply to this transportation.”*

Further, amend the title as follows:

Line 3, delete “free of”.

Delete line 4 to the period and insert “; amending Minnesota Statutes 1976, Section 123.39, by adding a subdivision”.

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Johnson from the Committee on Education to which was referred:

H.F. No. 2086, A bill for an act relating to education; authorizing school districts to operate buses for nonpupils attending school events in other public school districts; amending Minnesota Statutes 1976, Section 221.021.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert the following:

“Section 1. Minnesota Statutes 1976, Section 123.39, is amended by adding a subdivision to read:

*Subd. 8b. Notwithstanding the provisions of section 221.021, any public school district or school bus contractor providing transportation services to a school district on a regular basis in this state may operate school buses, excluding motor coach buses, for the purpose of providing transportation to nonpupils of the school district attending school events, as defined in section 123.38, provided that no person having a charter carrier permit*

*has his principal office and place of business or garage within the school district. School district owned buses and the operators thereof shall otherwise comply with the provisions of sections 123.18 and 123.39 and the rules of the state board of education and shall be insured in at least the amounts stated in section 466.04, subdivision 1. In all cases the total cost of providing such services as determined by sound accounting procedures shall be paid by charges made against those using the buses."*

Further, amend the title as follows:

Page 1, line 5, delete "221.021" and insert "123.39, by adding a subdivision".

With the recommendation that when so amended the bill pass.

The report was adopted.

Johnson from the Committee on Education to which was referred:

H. F. No. 2204, A bill for an act relating to education; school districts; separate election districts; changing the requirements for petitions for division into and changing boundaries of special election districts; amending Minnesota Statutes 1976, Section 123.32, Subdivisions 10 and 15.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Johnson from the Committee on Education to which was referred:

H. F. No. 2361, A bill for an act relating to education; permitting Independent School District No. 706 (Virginia) to use a surplus in the debt service fund for capital expenditures.

Reported the same back with the following amendments:

Page 1, line 10, delete "706 may" and insert "710 shall".

Page 1, line 13, delete "\$280,000" and insert "\$210,000".

Page 1, delete all of section 2.

Further, amend the title as follows:

Line 3, delete "706 (Virginia)" and insert "710 (St. Louis county)".

With the recommendation that when so amended the bill pass.

The report was adopted.

Brinkman from the Committee on Financial Institutions and Insurance to which was referred:

H. F. No. 1943, A bill for an act relating to fire and related insurance; permitting cancellation of fire and related insurance policies only under certain circumstances; requiring notice of reason for cancellation or nonrenewal; amending Minnesota Statutes 1976, Section 65A.01, Subdivision 3.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1976, Section 65A.01, is amended by adding a subdivision to read:

*Subd. 3a. There shall be printed in the policy or an endorsement attached to the policy a printed form in the following words:*

*When this policy has been issued to cover buildings used for residential purposes other than a hotel or motel and has been in effect for at least six months, or if it has been renewed, this policy shall not be cancelled, except for one or more of the following reasons which shall be stated in the notice of cancellation:*

- (a) Nonpayment of premium;*
- (b) Misrepresentation or fraud made by or with the knowledge of the insured in obtaining the policy or in pursuing a claim thereunder;*
- (c) An act of the insured which materially increases the risk originally accepted;*
- (d) Physical changes in the insured property which are not corrected or restored within a reasonable time after they occur and which result in the property becoming uninsurable; or*
- (e) Nonpayment of dues to an association or organization, other than an insurance association or organization, where payment of dues is a prerequisite to obtaining or continuing the insurance. Provided, however, that this limitation on cancellation shall not apply to additional coverages in a divisible policy, other than a policy of fire and extended coverage insurance. If the company cancels the additional coverages, it may issue a new, separate fire policy at a premium calculated on a pro rata basis for the remaining period of the original policy.*

Sec. 2. Minnesota Statutes 1976, Section 65A.01, is amended by adding a subdivision to read:

*Subd. 6. When policies covered by this section are subject to limitations or cancellation as provided in subdivision 3a, the notice of cancellation shall include a statement of the reason for cancellation in a sufficiently clear and specific form so that an insured of reasonable intelligence will be able to identify the basis for the company's cancellation without making further inquiry."*

Amend the title as follows:

Page 1, line 7, delete "Subdivision 3" and insert "by adding subdivisions".

With the recommendation that when so amended the bill pass.

The report was adopted.

Brinkman from the Committee on Financial Institutions and Insurance to which was referred:

H. F. No. 1994, A bill for an act relating to insurance; changing certain abstracting and publishing requirements for annual statements; exempting certain assessments from retaliatory provisions; clarifying application of certain benefit requirements for handicapped children under group hospital or medical expense insurance policies; amending Minnesota Statutes 1976, Sections 60A.13, Subdivisions 3, 4 and 7; 60A.14, Subdivision 1; 60A.19, Subdivision 6; and 62A.14, Subdivision 2.

Reported the same back with the following amendments:

Pages 1, 2 and 3, delete sections 1 and 2.

Page 3, line 15, strike "(1) [TO FILE STATEMENT.]".

Page 3, lines 23 to 30, delete the new language and strike the old language.

Page 4, line 22, strike the semicolon and insert a period.

Page 4, lines 23 to 27, delete the new language and strike the old language.

Page 7, after line 32 insert a new section to read:

*"Sec. 5. Minnesota Statutes 1976, Section 60A.13, Subdivisions 3 and 4, are repealed."*

Renumber the sections in order.

Further amend the title:

Page 1, line 9, delete "Subdivisions 3, 4 and" and insert "Subdivision".

Page 1, line 11, after "2" insert "; repealing Minnesota Statutes 1976, Section 60A.13, Subdivisions 3 and 4".

With the recommendation that when so amended the bill pass.

The report was adopted.

Brinkman from the Committee on Financial Institutions and Insurance to which was referred:

H. F. No. 2002, A bill for an act relating to Hennepin county; authorizing the county board to self-insure against the claims of liability.

Reported the same back with the following amendments:

Page 2, line 2, delete "health and hospitalization, long term".

Page 2, line 3, delete "disability" and after the period insert "This act shall not authorize self insurance against risks as defined in Minnesota Statutes, Section 60A.06, Subdivision 1, Clauses (4) and (5) (a).".

With the recommendation that when so amended the bill pass.

The report was adopted.

Brinkman from the Committee on Financial Institutions and Insurance to which was referred:

H. F. No. 2004, A bill for an act relating to savings associations; authorizing savings associations to establish negotiable order of withdrawal accounts; amending Minnesota Statutes 1976, Chapter 51A, by adding a section.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1976, Chapter 51A, is amended by adding a section to read:

[51A.345] [NEGOTIABLE ORDER OF WITHDRAWAL  
ACCOUNT.] *An insured association may establish negotiable*

*order of withdrawal accounts on which it may or may not pay interest or dividends. Withdrawals from the accounts are subject to the right of the association to require the account holder to give notice of an intended withdrawal not less than 30 days before the withdrawal is made, though in practice the notice is not regularly required and the account holder is allowed to make withdrawals by negotiable instruments for the purpose of making payments to third persons or otherwise.*

*An insured savings association shall maintain a reserve sufficient to satisfy reserve requirements of section 51A.36 or requirements of the Federal Home Loan Bank, whichever is applicable, of its noninterest bearing negotiable order of withdrawal accounts, which shall be in cash, cash items in process of collection, and not more than 30 percent in direct obligations at the Federal Home Loan Bank which mature within one year from the date the obligations are first considered as a part of the association's reserve. If on any one day a savings association shall fail to meet the reserve requirements of this section then that association shall pay a fine of \$50 per day to the commissioner of banks on his making a request for payment. Whenever the commissioner of banks shall determine that the maintenance of sound banking practices or the prevention of injurious credit expansion or contraction makes action advisable, he may by directive change the requirements as to reserves against non-interest or interest bearing negotiable order of withdrawal accounts in savings associations. The reserve requirements established in any such directive shall not be more than those required of member associations of the Federal Home Loan Bank on the date that the directive is issued by the commissioner."*

Further amend the title as follows:

Page 1, line 4, after the word "accounts;" add "imposing reserve requirements;"

With the recommendation that when so amended the bill pass.

The report was adopted.

Brinkman from the Committee on Financial Institutions and Insurance to which was referred:

H. F. No. 2089, A bill for an act relating to county agricultural societies; providing for tort liability of county agricultural societies; authorizing county boards to levy a tax to pay certain judgments or liability insurance premiums; amending Minnesota Statutes 1976, Sections 38.27, by adding a subdivision; 466.01, Subdivision 1; and Chapter 38, by adding a section.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Taxes.

The report was adopted.



Brinkman from the Committee on Financial Institutions and Insurance to which was referred:

H. F. No. 2146, A bill for an act relating to insurance; regulating minimum nonforfeiture benefits and reserves of insurance policies and annuity contracts; amending Minnesota Statutes 1976, Sections 61A.08; 61A.21; 61A.24, Subdivisions 1, 9 and 11; 61A.25, Subdivisions 3, 3a, 4, 5, 6, 7, and by adding a subdivision; and Chapter 61A, by adding a section.

Reported the same back with the following amendments:

Page 3, line 20, strike "may" and insert "*shall*".

Page 3, line 21, strike "more" and insert "*less*".

Page 13, line 9, strike "may" and insert "*shall*" and strike "more" and insert "*less*".

With the recommendation that when so amended the bill pass.

The report was adopted.

Brinkman from the Committee on Financial Institutions and Insurance to which was referred:

H. F. No. 2194, A bill for an act relating to insurance; prohibiting certain unfair discriminatory practices in the sale, underwriting and rating of insurance policies; prohibiting certain discrimination on the basis of sex, marital status or occupation as a homemaker; providing remedies; amending Minnesota Statutes 1976, Chapter 72A, by adding a section.

Reported the same back with the following amendments:

Page 1, line 20, delete "or" and after "cancel" insert "*or to refuse to make available*".

Page 1, line 21, after "option" insert "*or benefits*".

Page 2, line 1, delete "or" and after "cancel" insert "*or to refuse to make available*".

Page 2, line 2, after "option" insert "*or benefits*".

Page 2, line 4, after the semicolon insert "*provided, however, that insurance companies issuing disability income coverage shall have the option of providing such coverage in the form of expense reimbursement;*".

Page 2, line 6, after "rates" insert "*whether in the same company or in another, affiliated company,*".

Page 2, line 9, after "household" insert "*, unless such differentials are based upon sound actuarial principles, valid classification systems and claims experience statistics which establish significant and substantial differences in class rates*".

Page 2, delete lines 10 to 15.

Page 2, line 16, delete "(e)" and insert "(d)".

Page 2, line 20, delete "(f)" and insert "(e)".

Page 2, line 21, delete "*in the sale of insurance or*".

Page 2, line 22, delete "other" and after "services" insert "*to persons requesting such service*".

Page 2, after line 23, add a new subdivision to read:

*"Subd. 2a. An insurance company shall, upon the request and to the satisfaction of the commissioner, justify that any differentials in premiums, policy fees, or other rates based on sex, marital status or occupational status as a homemaker or manager of a household, are based upon sound actuarial principles, valid classification systems and claims experience statistics which establish significant and substantial differences in class rates."*

Page 3, after line 24, insert:

*"Subd. 5. This section shall not apply (a) to require any insurance company to sell or issue insurance to a person whose principal occupation is that of a homemaker or manager of a household, if the company's charter or by-laws limits its sale or issuance of insurance to a certain occupational group, as approved by the commissioner or (b) to the qualifications for membership in a fraternal beneficiary association."*

Page 3, line 25, delete "5" and insert "6".

Page 3, line 28, delete "*this section*" and insert "*chapter 72A*".

With the recommendation that when so amended the bill pass.

The report was adopted.

Brinkman from the Committee on Financial Institutions and Insurance to which was referred:

H. F. No. 2214, A bill for an act relating to mutual insurance companies; providing for their conversion into stock companies; protecting the rights of guaranty fund certificate holders; amending Minnesota Statutes 1976, Section 60A.07, Subdivision 8.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1976, Section 66A.16, is amended by adding a subdivision to read:

*Subd. 4. [CONVERSION OF CERTAIN MUTUALS.] (a) Any domestic mutual company qualified to issue policies of insurance without contingent liability as provided by subdivision 3 with surplus of \$1,000,000 or less may adopt a plan of conversion to a stock company pursuant to section 60A.07, subdivision 8, clause (4), which authorizes holders of guaranty fund certificates to exchange the certificates for shares of the stock company. Shares of the stock company being formed may be issued during the conversion in exchange for such guaranty fund certificates.*

*(b) The plan of conversion shall establish the price of the shares to be issued in exchange for the guaranty fund certificates. The price shall be established by an appraisal of the mutual company as an operating company. The appraisal shall be made by an independent certified public accountant. The plan, including the price, shall not be unfair or inequitable to the mutual company policyholders and shall not become effective until approved by the commissioner of insurance.*

Sec. 2. *This act is effective the day following its final enactment.”.*

Further, amend the title as follows:

Page 1, delete line 6, and insert “66A.16, by adding a subdivision.”.

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Brinkman from the Committee on Financial Institutions and Insurance to which was referred:

H. F. No. 2216, A bill for an act relating to insurance companies; providing for the reporting of certain claims and other

information to the commissioner of insurance; amending Minnesota Statutes 1976, Chapter 72A, by adding a section.

Reported the same back with the following amendments:

Page 1, line 12, after the first comma insert "*every insurer licensed to write general liability insurance and*" and delete "*insurer, including any*".

Page 2, after line 7, insert:

*"For purposes of this section, "category of claims" shall include (a) whether the claim was based on an alleged sale to an intoxicated person, (b) whether the claim was based on an alleged sale to a minor, (c) whether the claim sought recovery for damages for personal injury, (d) whether the claim sought recovery for damages to property, and (e) whether the claim sought recovery for loss of means of support."*

Page 2, line 8, after "*year*" insert "*every insurer licensed to write general liability insurance and*".

Page 2, line 9, delete "*insurer, including any*".

Page 2, line 23, after "*of*" insert "*municipalities and*" and after "*persons*" insert "*licensed to sell at retail intoxicating liquors*".

Page 2, line 26, after "*of*" insert "*municipalities and*" and after "*persons*" insert "*licensed to sell at retail intoxicating liquors*".

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Brinkman from the Committee on Financial Institutions and Insurance to which was referred:

H. F. No. 2272, A bill for an act relating to banks; open-end loan account arrangements; authorizing alternative finance charge for use of bank credit cards; amending Minnesota Statutes 1976, Section 48.185, Subdivision 3.

Reported the same back with the following amendments:

Page 2, after line 4, insert new sections to read:

"Sec. 2. Minnesota Statutes 1976, Section 48.185, is amended by adding a subdivision to read:

*Subd. 4a. Any bank or savings bank extending credit pursuant to this section shall offer to the applicant or the debtor the option of selecting a plan providing for either (a) a periodic*

*finance charge not to exceed one percent per month and an additional annual charge of up to \$15 per year or (b) a periodic finance charge not to exceed one and one-half percent per month with no additional charge. The bank or savings bank may restrict the debtor's exercise of this option to not more than once per year.*

Sec. 3. [EFFECTIVE DATE.] *This act is effective the day following its final enactment."*

Amend the title:

Line 6, before the period, insert “, and by adding a subdivision”.

With the recommendation that when so amended the bill pass.

The report was adopted.

Brinkman from the Committee on Financial Institutions and Insurance to which was referred:

H. F. No. 2367, A bill for an act relating to banks; authorizing a bank to establish two detached banking facilities; providing for notice and approval procedures; amending Minnesota Statutes, 1977 Supplement, Sections 47.51; 47.53; and 47.54.

Reported the same back with the following amendments:

Page 1, delete lines 10 to 23.

Page 2, delete lines 1 to 29 and insert:

“Section 47.52, is amended to read:

47.52 [AUTHORIZATION.] (a) With the prior approval of the commissioner, any bank doing business in this state may establish and maintain not more than two detached facilities provided the facilities are located within the municipality in which the principal office of the applicant bank is located; or within 5,000 feet of its principal office measured in a straight line from the closest points of the closest structures involved; or within 25 miles of its principal office measured in a straight line from the closest points of the closest structures involved, if the detached facility is within any municipality in which no bank is located at the time of application or if the detached facility is in a municipality having a population of more than 10,000, according to the last previous United States census, or if the detached facility is located in a municipality having a population of 10,000 or less and all the banks having a principal office in the municipality have consented in writing to the estab-

lishment of the facility; or *within the premises of an airport, acquired, established, maintained or operated by a political subdivision, public corporation, authority or district in this state, which is within 25 miles of the bank's principal office measured in a straight line from the closest structures involved.* (b) A detached facility shall not be closer than 50 feet to a detached facility operated by any other bank and shall not be closer than 100 feet to the principal office of any other bank, the measurement to be made in the same manner as provided above. This clause shall not be applicable if the proximity to the facility or the bank is waived in writing by the other bank and filed with the application to establish a detached facility.”.

Renumber the sections accordingly.

Further amend the title as follows:

Page 1, line 5, delete “47.51; 47.53;” and insert “47.52”.

With the recommendation that when so amended the bill pass.

The report was adopted.

Sieben, H., from the Committee on Governmental Operations to which was referred:

H. F. No. 413, A bill for an act relating to retirement; state employees; reducing the penalty for early retirement in certain cases; increasing the retirement annuity formula; amending Minnesota Statutes 1976, Sections 352.115, Subdivision 3; and 352.116, Subdivision 1.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1976, Section 352.116, Subdivision 1, is amended to read:

352.116 [ANNUITIES UPON RETIREMENT.] Subdivision 1. [REDUCED ANNUITY BEFORE AGE 65.] Any employee who retires prior to age 65 shall be paid the normal retirement annuity provided in sections 352.115, subdivisions 2 and 3, or 352.715, subdivision 2, as the case may be, reduced by (ONE-HALF) .375 of one percent for each month that the employee is under age 65 on the (LAST DAY FOR WHICH HE IS ENTITLED TO SERVICE CREDIT AS PROVIDED IN SECTION 352.01, SUBDIVISION 11, CLAUSE (3), OR THE DATE STATE SERVICE TERMINATED, OR THE DATE THE APPLICATION FOR THE ANNUITY IS FILED WITH THE DIRECTOR, WHICHEVER IS LATER,) *day the benefit*

*begins to accrue*, provided however that if an employee is entitled to credit for not less than 30 years allowable service, (SUCH) *the* reduction shall be applied only for each month the employee is under age 62.

Sec. 2. Minnesota Statutes 1976, Section 352.91, Subdivision 2, is amended to read:

Subd. 2. Covered correctional service shall also mean service rendered at any time by state employees as special teachers, tradesmen and maintenance personnel certified by the commissioner of personnel as being regularly engaged in rehabilitation, treatment, custody or supervision of inmates employed at the Minnesota state reformatory for men, the state prison and the Minnesota correctional institution for women on or after July 1, 1974, other than any such employees who are 62 years of age or older as of July 1, 1974. For each special teacher who on July 1, 1974 is employed at one of the foregoing institutions and is a member of the teachers retirement association, the teachers retirement association shall transfer to the Minnesota state retirement system an amount equal to accumulated employee and employer contributions, including any additional employer contributions on behalf of such employee. *The term special teacher shall also include the classifications of institution educational administrator and supervisor.*

Sec. 3. Minnesota Statutes 1976, Section 353.30, Subdivision 1, is amended to read:

353.30 [ANNUITIES UPON RETIREMENT.] Subdivision 1. Upon separation from public service any person who has attained the age of at least 58 years and who received credit for not less than 20 years of allowable service is entitled upon application to a retirement annuity in an amount equal to the normal annuity provided in section 353.29, subdivisions 2 and 3, reduced by (ONE-HALF) .375 of one percent for each month that the member is under age 65 at the time of retirement.

Sec. 4. Minnesota Statutes 1976, Section 353.30, Subdivision 1b, is amended to read:

Subd. 1b. Any person with 30 years or more of allowable service credit who elects early retirement under subdivision 1, shall receive an annuity reduced by (ONE-HALF) .375 of one percent for each month that such person is under age 62 at the time of retirement.

Sec. 5. Minnesota Statutes 1976, Section 354.42, Subdivision 2, is amended to read:

Subd. 2. The employee contribution to the fund shall be an amount equal to four *and one half* percent of the salary of

every coordinated member and eight *and one half* percent of the salary of every basic member. This contribution shall be made by deduction from salary. Where any portion of a member's salary is paid from other than public funds, such member's employee contribution shall be based on the entire salary received. For purposes of financing the various options related to the variable annuity division, employee variable annuity contributions will be credited in accordance with section 354.62, subdivision 2.

Sec. 6. Minnesota Statutes 1976, Section 354.42, Subdivision 3, is amended to read:

Subd. 3. (PRIOR TO JULY 1, 1975 THE EMPLOYER CONTRIBUTION TO THE FUND SHALL BE AN AMOUNT EQUAL TO THREE AND ONE-HALF PERCENT OF THE SALARY OF EVERY COORDINATED MEMBER AND SEVEN PERCENT OF THE SALARY OF EVERY BASIC MEMBER. EFFECTIVE JULY 1, 1975) The employer contribution to the fund shall be an amount equal to four *and one half* percent of the salary of each coordinated member and eight *and one half* percent of the salary of each basic member. This contribution shall be made in the manner provided in section 354.43. For purposes of financing the various options related to the variable annuity division employer contributions equal to the employee variable annuity contributions prescribed in section 354.62, subdivision 2, will be allocated at the same time to the employer variable annuity contribution account in section 354.62, subdivision 3.

Sec. 7. Minnesota Statutes, 1977 Supplement, Section 354.42, Subdivision 5, is amended to read:

Subd. 5. An additional employer contribution shall be made in the amount of three *and one half* percent of the salary of each member for the purpose of amortizing the deficit in the fund. This contribution shall be made in the manner provided in section 354.43.

Sec. 8. Minnesota Statutes 1976, Section 354.44, Subdivision 1, is amended to read:

354.44 [RETIREMENT BENEFITS.] Subdivision 1. [REQUIREMENTS AS TO AGE AND SERVICE.] Any member *who ceases or any former member who (CEASES OR) has ceased to render teaching services in any school or institution covered by the provisions of this chapter prior to July 1, 1981, and (WHO) has attained the age of at least 55 years with not less than ten years allowable service, or who has received credit for not less than 30 years allowable service regardless of age, is entitled upon written application to a retirement annuity. Any member who ceases or any former member who has ceased to*



*render teaching services in any school or institution covered by the provisions of this chapter after June 30, 1981, and has attained either the age of at least 58 years with not less than 20 years of allowable service credit or the age of at least 62 with not less than 10 years of allowable service credit is entitled upon written application to a retirement annuity.*

Sec. 9. Minnesota Statutes 1976, Section 354.44, Subdivision 6, is amended to read:

Subd. 6. [COMPUTATION OF FORMULA PROGRAM RETIREMENT ANNUITY.] (1) The formula retirement annuity hereunder shall be computed in accordance with the applicable provisions of the formula stated in clause (2) hereof on the basis of each member's average salary for the period of his formula service credit. For the purposes of computing the formula benefits under the formula and variable program, if a combination of these formulas is used, the formula percentages used will be those percentages in each formula as continued for the respective years of service from one formula to the next.

For all years of formula service credit "average salary" for the purpose of determining the member's retirement annuity means the average salary upon which contributions were made and upon which payments were made to increase the salary limitation provided in Minnesota Statutes 1971, Section 354.511 for the highest five successive years of formula service credit provided however that such "average salary" shall not include any more than the equivalent of 60 monthly salary payments.

(2) The average salary as defined in clause (1), multiplied by the following percentages per year of formula service credit shall determine the amount of the annuity to which the member qualifying therefor is entitled:

	Coordinated Member	Basic Member
Each year of service during first ten	1.0 percent per year	2.0 percent per year
Each year of service thereafter	1.5 percent per year	2.5 percent per year

(3) Where any member retires prior to age 65 under a formula annuity, he shall be paid a retirement annuity in an amount equal to the normal annuity provided in subdivisions 6 and 7, reduced by (ONE-HALF) .375 of one percent for each month that the member is under age 65 (TO AND INCLUDING AGE 60 AND REDUCED BY ONE-FOURTH OF ONE PERCENT FOR EACH MONTH UNDER AGE 60) at the time of

retirement except that for any member who has 30 or more years of allowable service credit, (SUCH) *the* reduction shall be applied only for each month (SUCH) *that the* member is under age 62.

(THIS SECTION IS EFFECTIVE JUNE 1, 1975.)

Sec. 10. Minnesota Statutes 1976, Section 354A.12, is amended to read:

354A.12 [STATE PAYMENTS TO RETIREMENT FUND ASSOCIATIONS IN CITIES OF THE FIRST CLASS.] Notwithstanding any law to the contrary, for taxes levied in 1975 payable in 1976 and thereafter, levies for teachers retirement fund associations in cities of the first class, including levies for any employer social security taxes for teachers covered by a fully or partially coordinated teachers retirement social security fund, are disallowed and the state shall assume the total employer obligation. Effective July 1, 1975 the state shall pay to said retirement fund association an employer contribution equal to the amount, expressed as a percentage of payroll, that the state of Minnesota is required to pay for all contributing members of the state teachers retirement association including social security taxes, in accordance with the provisions of Minnesota Statutes 1974, Section 354A.07, Subdivisions 3, 3a and 4, except that:

(1) employer contributions which are paid to the retirement fund associations pursuant to this section shall be appropriated and remitted directly to said retirement fund associations each month in accordance with the procedures described in section 354.43, subdivisions 1, 2, and 5; and

(2) with respect to any city of the first class having a fully or partially coordinated teachers retirement fund association, employer social security taxes on salaries paid after June 30, 1975 shall be paid by the state in accordance with the provisions of section 355.46, subdivision 3, clause (b), and employer contributions to said retirement fund association shall be reduced by the amount of such taxes. (EFFECTIVE MARCH 1, 1976,) The contribution required to be paid by each coordinated member of a teachers retirement fund association in a city of the first class which does have a fully (OR PARTIALLY) coordinated teachers retirement social security fund shall not be less than four percent of total salary, *the contribution required to be paid by each coordinated member of a teachers retirement fund association which does have a partially coordinated teachers retirement social security fund shall not be less than four and one half percent of total salary* and the contribution required to be paid by each basic member of a teachers retirement fund association in a city of the first class which does not have a fully coordinated teachers retirement social security fund shall not be less than eight percent of total salary. No change in bylaws or articles of incorporation affecting benefits, contributions or ac-

tuarial assumptions shall be made without approval by the legislature. Notwithstanding any provision of the articles or bylaws, amendments may be made at the annual meeting called for such purpose, without further local approval.

Sec. 11. Minnesota Statutes 1976, Chapter 356, is amended by adding a section to read:

[356.60] [LIMITATION OF PUBLIC RETIREMENT ANNUITIES.] *Subdivision 1. [DEFINITIONS.] For purposes of this section, unless the context clearly indicates otherwise, the following terms shall have the meanings given to them:*

(a) *“Public pension plan” is any Minnesota public pension plan or fund, including any plan or fund enumerated in sections 356.21, subdivision 2, or 356.30, subdivision 3, any local police or firefighter’s relief association to which section 69.77 applies, or any retirement or pension plan or fund, including a supplemental retirement plan or fund, established, maintained or supported by any governmental subdivision or public body whose revenues are derived from taxation, fees, assessments or from other public sources, which provides pension or retirement coverage for public employees other than volunteer firefighters.*

(b) *“Year of covered service” is a year of covered, credited or allowable service as defined by a public pension plan which provides formula pension or retirement benefits, or a period of 12 consecutive months of service commencing with the date or anniversary date of membership with a public pension plan or program which does not provide formula or other defined benefits for which contributions on behalf of the covered employee or member have been made.*

*Subd. 2. [SERVICE MAXIMUM.] Notwithstanding any provisions to the contrary of the laws, bylaws, articles of incorporation, retirement and disability allowance plan agreements or retirement plan contracts, no person who has pension or retirement coverage by a public pension plan shall, except as provided in subdivision 3, be entitled to accrue additional pension or retirement credit, receive credit for additional pension or retirement contributions in a nonformula public pension plan, repay additional refunds, or purchase additional prior service credit in excess of a cumulative total of 40 years of covered service.*

*If a person has service in more than one public pension plan, all years or portions of years of covered service shall be included in computing the cumulative maximum of 40 years of covered service. For any period of time during which a person simultaneously has a year or a fraction of a year of covered service in more than one public pension plan, the years of covered service in each applicable public pension plan shall be included in computing the cumulative maximum of 40 years of covered*

*service unless the simultaneous covered service is the result of two part time employments, in which case each applicable public pension plan shall split each year of covered service on a pro rata basis. If the simultaneous covered service is the result of primary and principal pension plan coverage and supplemental pension plan coverage based on the same employment and contributed to by the same public employer, then a year of service credited in each shall be considered together as a single year of covered service in computing the cumulative maximum.*

*Subd. 3. [EXCEPTION OF MAXIMUM.] For any person who, as of the effective date of this section, has covered service in a public pension plan in excess of a cumulative total of 40 years, the provisions of subdivision 2 shall apply to any additional years of covered service occurring after the effective date of this section.*

Sec. 12. Minnesota Statutes, 1977 Supplement, Section 422A.32, Subdivision 2, is amended to read:

Subd. 2. [REDUCED RETIREMENT ANNUITY.] Upon separation from service, any coordinated employee who has attained the age of at least 58 years and who has received credit for not less than 20 years of service is entitled upon application to a retirement annuity in an amount equal to the normal coordinated retirement annuity reduced by (ONE-HALF) .375 of one percent for each month that a coordinated employee is under age 65 at the time of retirement; provided however that for any coordinated employee who has received credit for 30 or more years of service who applies for a retirement annuity, such reduction shall be applied for each month that the coordinated employee is under age 62 at the time of retirement.

Sec. 13. *Any person who was employed by the city of Minneapolis between February 15, 1972 and March 15, 1972, who attained the age of 65 years on December 17, 1974, who was excluded from membership in the Minneapolis municipal employees retirement fund during the period of his employment, and who was terminated from employment by the city of Minneapolis on December 30, 1976, shall be entitled to purchase four years and ten months of service credit in the Minneapolis municipal employees retirement fund. To purchase the prior service credit, the person shall be required to make an employee contribution to the executive secretary of the Minneapolis municipal employees retirement fund in an amount equal to the employee contribution rate in effect and on the salaries in effect during the period of prior service plus interest at the rate of six percent per annum compounded annually from the date the contribution would otherwise have been made to the date the payment is made. Upon the completion by the person of the payment required by this action, the city of Minneapolis shall make an employer contribution to the executive secretary of the Minneapolis municipal employees retirement fund in an amount equal to the employer*

*and employer additional contribution rates in effect and on the salaries in effect during the period of prior service plus interest at the rate of six percent per annum compounded annually from the date the contributions would otherwise have been made to the date the payment is made. In addition, the person making the purchase of prior service pursuant to this section shall be entitled to receive a proportionate annuity pursuant to Minnesota Statutes, Section 356.32, Subdivision 1, notwithstanding the fact that the person did not retire at age 65. The annuity shall be payable on the first day of the month next following the completion of the purchase of prior service, and the first check or warrant shall include payment retroactive January 1, 1977.*

**Sec. 14. [STUDY OF OVERTIME ABUSES AND RETIREMENT.]** *The commissioner of personnel shall complete a study and shall make an interim report to the legislative commission on pensions and retirement on or before November 15, 1978 on the subject of overtime compensation and extraordinary payment abuses affecting public retirement annuities. The study and report shall consist of an examination of the salary histories of a random sampling of persons from the various departments, divisions and agencies of state government who have retired in the period January 1, 1975 to December 31, 1977, contrasting variations in the compensation paid during the preceding ten years of employment. The examination shall attempt to isolate the effect of any overtime compensation and other extraordinary payments. The persons utilized in the random sample shall not be identified in the report or any materials for public release. The Minnesota state retirement system shall furnish information requested by the commissioner of personnel in connection with this study.*

**Sec. 15.** *Minnesota Statutes 1976, Section 356.34, as amended by Laws 1977, Chapter 429, Section 49, is repealed.*

**Sec. 16. [EFFECTIVE DATE.]** *Sections 2, 11, 13, 14 and 15 shall be effective the day following final enactment. Sections 1, 3, 4, 8, 9 and 12 shall be effective July 1, 1978. Sections 5, 6, 7 and 10 shall be effective July 1, 1979."*

Further amend the title by deleting it in its entirety and inserting:

"A bill for an act relating to retirement; modifying early reduced retirement ages in certain cases; reducing certain early retirement reduction factors; providing for increased employee and employer contributions in certain cases; placing a general limitation on public retirement annuities; requiring study and report; amending Minnesota Statutes 1976, Sections 352.116, Subdivision 1; 352.91, Subdivision 2; 353.30, Subdivisions 1 and 1b; 354.42, Subdivisions 2 and 3; 354.44, Subdivisions 1 and 6; 354A.12; and Chapter 356, by adding a section; Minnesota

Statutes, 1977 Supplement, Sections 354.42, Subdivision 5; and 422A.32, Subdivision 2; repealing Minnesota Statutes 1976, Section 356.34, as amended.”.

With the recommendation that when so amended the bill 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. 794, A bill for an act relating to courts; expanding jurisdiction of county courts in certain matters; amending Minnesota Statutes 1976, Sections 487.15; 487.18; and 487.19, Subdivision 1.

Reported the same back with the following amendments:

Page 1, line 12, delete “\$10,000” and insert “\$25,000”.

Page 2, lines 4 to 9, reinstate the stricken language and delete the new language.

Page 2, line 11, delete “1976” and insert “, 1977 Supplement”.

Page 2, line 24, delete the stricken language.

Page 2, line 25, strike “and” and insert a comma.

Page 2, line 26, after “action” insert “*and mechanic lien foreclosures*”.

Page 2, line 26, delete “;and” and insert “; and”.

Page 2, delete lines 27 and 28 and insert “(f) Proceedings for the determination of paternity of and establishment and enforcement of child support payments for (AN ILLEGITIMATE) a child.”.

Further amend the title:

Page 1, line 4, after “487.15;” insert “and”.

Page 1, line 5, after “and” insert “Minnesota Statutes, 1977 Supplement, Section”.

With the recommendation that when so amended the bill pass.

The report was adopted.

Sieben, H., from the Committee on Governmental Operations to which was referred:

H. F. No. 1402, A bill for an act relating to civil service; providing an affirmative action program for the state work force; amending Minnesota Statutes 1976, Section 43.15.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1976, Section 43.15, is amended to read:

43.15 [AFFIRMATIVE ACTION; DISCRIMINATION FORBIDDEN.] *Subdivision 1. [STATEWIDE AFFIRMATIVE ACTION PROGRAM.] In order to assure that positions in the state civil service are equally accessible to all qualified persons, and in order to eliminate the underutilization of qualified members of protected groups, the commissioner of personnel shall adopt and periodically revise as necessary a statewide affirmative action program covering all agencies in the executive branch. The commissioner shall designate a state director of equal employment opportunity to serve in the unclassified service and to whom may be delegated the preparation, revision and implementation of the program. The statewide program and any revisions thereto shall be adopted as rules but individual agency affirmative action plans adopted pursuant to the statewide program shall not be adopted as rules. As used in this section, "protected group" means a group consisting of females, handicapped persons, Vietnam era veterans, or members of the following minorities: Black, Hispanic, Asian or Pacific Islander, American Indian or Alaskan native.*

*Subd. 2. [CONTENT OF STATEWIDE PROGRAM.] The statewide affirmative action program shall consist of at least the following:*

*(a) A statement of general goals and policies to be followed in the state civil service in respect to affirmative action;*

*(b) Procedures, standards and assumptions to be used by state agencies in the preparation of their agency affirmative action plans;*

*(c) The form and content of agency plans;*

*(d) Goals and timetables which the state civil service as a whole, and each individual agency, will be expected to meet;*

*(e) Periodic reporting requirements whereby the head of each agency will be required to report to the governor and the legislature on the implementation of his agency's plan.*

**Subd. 3. [AGENCY AFFIRMATIVE ACTION PLANS.]** *The head of each agency in the executive branch shall prepare and implement an affirmative action plan consistent with subdivisions 1 and 2. Prior to implementation, the plan shall be submitted to the commissioner for approval or modification. Annually, or more often if necessary, the plan shall be updated and resubmitted to the commissioner.*

**Subd. 4. [AFFIRMATIVE ACTION OFFICERS.]** *Within each agency the agency head shall appoint an affirmative action officer who shall have primary responsibility for the administration of the agency's affirmative action plan. To the extent possible consistent with complement and budget restrictions, the affirmative action officer shall devote full time to affirmative action related activities. The officer shall report directly to the agency head on affirmative action matters. The commissioner of personnel shall implement periodic training programs for affirmative action officers and shall provide the officers with necessary technical assistance.*

**Subd. 5. [EXPANSION OF ELIGIBLE LISTS TO MEET AFFIRMATIVE ACTION GOALS.]** *When the commissioner of personnel determines that a disparity exists between the agency's work force and its approved affirmative action plan, the commissioner shall insure to the extent possible that members of the protected group for which the disparity exists are included on that portion of the eligible list of persons to be considered for appointment, which list is hereinafter referred to as the "appointment list". Notwithstanding any contrary provision of chapter 43, when a position is to be filled by open competitive examination and fewer than three individuals of the protected group for which the disparity has been determined to exist appear on the appointment list, the commissioner shall certify, if possible, as many additional names in order from the eligible list as are necessary so that a total of three persons from the protected group for which the disparity has been determined to exist have been added to the appointment list. Notwithstanding any contrary provision of chapter 43, when a position is to be filled by examination other than open competitive examination and fewer than one-third of the individuals on the appointment list are members of the protected group for which the disparity has been determined to exist, the commissioner shall certify, if possible, as many additional names in order from the eligible list as are necessary so that persons from the protected group for which the disparity has been determined to exist comprise one-third of the appointment list or until a total of three persons from the protected group for which the disparity has been determined to exist have been added to the appointment list, whichever comes first.*

**Subd. 6. [DISCRIMINATION PROHIBITED.]** *No discrimination shall be exercised, threatened, or promised by any person in the civil service against, or in favor of, any applicant, eligible, or employee in the civil service because of his political*



or religious opinions or affiliations, or age, race, sex, or disability. *Implementation of subdivisions 1 to 5 shall not be deemed a violation of this subdivision or a violation of any provisions of chapters 43 or 363, nor shall this act be construed to deny a veteran the credit afforded him by section 43.30.*

**Sec. 2. [TEMPORARY PROVISIONS.]** *This act supersedes and replaces executive orders of the governor relating to affirmative action and equal employment opportunity. Notwithstanding the foregoing, a statewide affirmative action program in effect on the effective date of this act and agency affirmative action plans adopted pursuant to that statewide program, shall be and remain effective until superseded, amended or repealed pursuant to this act.*

**Sec. 3. [EFFECTIVE DATE.]** *This act is effective July 1, 1978."*

Amend the title by striking it in its entirety and inserting:

**"A bill for an act relating to the state civil service; requiring a statewide affirmative action program and agency plans; providing for expanding eligible lists so as to include protected group members; amending Minnesota Statutes 1976, Section 43.15."**

With the recommendation that when so amended the bill 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. 1403, A bill for an act relating to retirement; maximum benefits for firemen's relief associations; amending Minnesota Statutes 1976, Section 69.691.**

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert:

**"Section 1. Subdivision 1. The Spring Lake Park firefighter's relief association, subsidiary to a nonprofit corporation organized and operating exclusively for fire fighting purposes having a retirement plan, and otherwise coming within the provisions of Minnesota Statutes, Chapter 69, may pay firefighter's service pensions as provided in this section.**

**Subd. 2. The association may pay firefighter's service pensions in excess of the amounts authorized by Minnesota Statutes, Section 69.691, but not in excess of the following total amounts:**

\$120 per month, as hereinafter authorized, or as may be provided by its bylaws, to each of its members who has heretofore retired or may hereafter retire, who has reached or shall hereafter reach the age of 50 years and who has done or hereafter shall do active duty for 20 years or more as a member of the volunteer, paid or partially paid and partially volunteer, nonprofit corporation and who has been or shall hereafter be a member of the fire department relief association of the corporation at least ten years prior to retirement and who complies with the additional conditions as to age, service, and membership as may be prescribed by the certificate or bylaws of the association.

Subd. 3. The amount of monthly pension which may be paid to the retired firefighter may be increased by adding to the maximum above prescribed an amount not exceeding \$6 per month for each year of active duty over 20 years of service before retirement but the association or corporation shall not pay to any member a pension greater than \$180 per month.

Subd. 4. Except as otherwise provided in this section, the applicable provisions of Minnesota Statutes, Chapter 69, shall apply to the Spring Lake Park firefighter's relief association and its retirement plan.

Sec. 2. [EFFECTIVE DATE.] This act is effective upon approval by the governing body of the city of Spring Lake Park and upon compliance with Minnesota Statutes, Section 645.021."

Further, strike the title in its entirety and insert:

"A bill for an act relating to retirement; providing for service pensions of the Spring Lake Park firefighter's relief association."

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Sieben, H., from the Committee on Governmental Operations to which was referred:

H. F. No. 1760, A bill for an act relating to the city of Crystal; benefits payable by the firemen's relief association; amending Laws 1969, Chapter 1088, Sections 2, 4, 5, and 6.

Reported the same back with the following amendments:

Page 1, line 13, strike "fireman" and insert "firefighter".

Page 2, line 6, strike "fireman" and insert "firefighter".

Page 2, line 26, strike "fireman" and insert "firefighter".

Page 3, line 12, strike "fireman" and insert "firefighter".

Page 3, line 16, strike "fireman" and insert "firefighter".

Page 3, line 21, strike "fireman" and insert "firefighter".

Page 3, line 29, strike "fireman" and insert "firefighter".

Page 3, line 30, strike "fireman" and insert "firefighter".

Page 4, line 11, strike "fireman" and insert "firefighter".

Page 4, line 22, strike "fireman" and insert "firefighter".

Page 5, line 4, strike "fireman" and insert "firefighter".

Page 5, line 21, strike "fireman" and insert "firefighter".

Page 5, line 32, strike "fireman" and insert "firefighter".

Page 6, line 3, strike "fireman" and insert "firefighter".

Further, amend the title as follows:

Page 1, line 3, delete "firemen's" and insert "firefighter's".

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Sieben, H., from the Committee on Governmental Operations to which was referred:

H. F. No. 1770, A bill for an act relating to retirement; definition of teacher; exemptions; amending Minnesota Statutes, 1977 Supplement, Section 354.05, Subdivision 2.

Reported the same back with the following amendments:

Page 2, lines 17 to 20, delete the new language, and insert "*During any fiscal year, the term also does not mean a person who works for a school or institution on a part time basis where the person has certified that he has established and is contributing to an individual retirement account; provided that the certification is made annually and is made on a form prescribed by the executive director.*".

Page 2, lines 21 to 24, delete the new language and insert "*This act is effective the day following final enactment.*".

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Sieben, H., from the Committee on Governmental Operations to which was referred:

H. F. No. 1849, A bill for an act relating to commerce; creating an advisory task force on small business development programs; appropriating money.

Reported the same back with the following amendments:

Page 2, line 1, after "house" insert ", each from a different political party".

Page 2, line 1, after "senate" insert ", each from a different political party".

Page 2, line 12, delete ", with" and insert a period.

Page 2, line 13, after "membership" insert "on the task force shall be".

Page 2, line 13, delete "be".

Page 2, line 14, delete "appointed from" and insert "represent".

Page 2, line 14, delete ", as established by".

Page 2, line 15, delete "executive order".

Page 2, line 21, delete "The governor shall fill".

Page 2, line 21, delete "by".

Page 2, line 22, delete "appointing members" and insert "shall be filled pursuant to Minnesota Statutes, Section 15.059, provided that the appointees shall be".

Page 2, line 23, delete "for the remainder of the unexpired term".

Page 3, line 15, after "legislature" delete "and" and insert ", the".

Page 3, line 15, after "governor" insert ", and the Minnesota congressional delegation".

With the recommendation that when so amended the bill 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. 1865, A bill for an act relating to retirement; fractional years of service for judges; amending Minnesota Statutes 1976, Sections 490.121, Subdivision 4; and 490.124, Subdivision 1.

Reported the same back with the following amendments:

Page 1, line 10, after the second "year" strike the comma.

Page 1, line 11, delete the new language and strike "any fraction thereof."

Page 1, after line 13, insert a section to read:

"Sec. 2. Minnesota Statutes 1976, Section 490.121, is amended by adding a subdivision to read:

*Subd. 4a. "Fractional year of service" means a fraction of a whole year served as a judge at any time, or served as a referee in probate for all such referees in office prior to January 1, 1974, for which credit shall be granted pro rata based on the relationship that the number of months and days of service bear to a whole year."*

Page 2, after line 6, insert a section to read:

"Sec. 4. Minnesota Statutes 1976, Section 490.124, Subdivision 12, is amended to read:

**Subd. 12. [REFUND.] Any person who ceases to be a judge but who does not qualify for a retirement annuity or other benefit under (SECTIONS 490.121 TO 490.132) section 490.121 shall be entitled to a refund (OF) in an amount equal to all his contributions to the judges' retirement fund (WITH) plus interest computed (ON THE BASIS OF) to the first day of the month in which the refund is processed based on fiscal year balances at the rate of five percent per annum compounded annually (INTEREST ASSUMPTION UNDER THE PROVISIONS OF SECTION 356.21. NO REFUND SHALL BE PAYABLE UPON THE DEATH OF A JUDGE PRIOR TO RETIREMENT IF NO BENEFITS SHALL BE PAYABLE UNDER SUBDIVI-**

SION 9). *The surviving spouse, or if there is no surviving spouse, then the estate, of any person who has ceased to be a judge and has died prior to receiving a retirement annuity or other retirement benefits shall be entitled to receive a refund in an amount equal to all the contributions made by the person to the judges' retirement fund plus interest computed to the date of death at the rate of five percent per annum compounded annually.*"

Page 2, line 7, delete "*retroactive to January*".

Page 2, delete line 8, and insert: "*the day following final enactment. The provisions of this act shall apply to all judges retiring on or after the effective date of this act.*".

Re-number subsequent sections accordingly.

Further amend the title as follows:

Page 1, line 4, after "Subdivision 4" insert ", and by adding a subdivision".

Page 1, line 5, delete "Subdivision" and insert "Subdivisions".

Page 1, line 5, after "1" insert "and 12".

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Sieben, H., from the Committee on Governmental Operations to which was referred:

H. F. No. 1900, A bill for an act relating to the city of Mound; firemen's service pensions; amending Laws 1973, Chapter 175, Section 1, as amended.

Reported the same back with the following amendments:

Page 1, line 14, strike the first "firemen" and insert "*firefighters*".

Page 1, line 14, strike the second "firemen" and insert "*firefighters*".

Page 1, line 17, after "Payments" insert "*to retired firefighters receiving a service pension on the effective date of this act*".

Further amend the title.

Page 1, line 2, delete "firemen's" and insert "firefighters'".

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Sieben, H., from the Committee on Governmental Operations to which was referred:

H. F. No. 1945, A bill for an act relating to veterans; classification of records; amending Minnesota Statutes 1976, Section 197.603.

Reported the same back with the following amendments:

Page 1, line 21, delete "and" and insert a period.

Page 2, line 1, delete "*individuals contained in the records*" and insert "*clients' applications for assistance*".

Page 2, line 1, delete the semicolon.

Page 2, delete lines 2 to 4 and insert a period.

With the recommendation that when so amended the bill pass.

The report was adopted.

Sieben, H., from the Committee on Governmental Operations to which was referred:

H. F. No. 1948, A bill for an act relating to courts; providing statewide jurisdiction for conciliation courts; providing statewide jurisdiction for the municipal courts of Hennepin and Ramsey counties; providing that venue for an action may lie in the county where the plaintiff resides; amending Minnesota Statutes 1976, Sections 487.30, Subdivision 1; 488A.01, Subdivision 8; 488A.18, Subdivision 9; and 542.09; Minnesota Statutes, 1977 Supplement, Sections 488A.12, Subdivision 3; and 488A.29, Subdivision 3.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1976, Section 487.30, Subdivision 1, is amended to read:

487.30 [CONCILIATION COURT.] Subdivision 1. The conciliation court shall hear and determine civil claims if the amount of money or property which is the subject matter of the claim does not exceed \$1,000 for the determination thereof without jury trial and by a simple and informal procedure. The rules of the supreme court shall provide for a right of appeal from the decision of the conciliation court to the county court for a trial on the merits. (THE TERRITORIAL JURISDICTION OF A CONCILIATION COURT SHALL BE COEXTENSIVE WITH THE COUNTY IN WHICH THE COURT IS ESTABLISHED) *The civil claim may be filed in the conciliation court of the county in which the defendant is located or resides or in the conciliation court of the county in which the cause of action arose. The provisions of this section shall not apply to the assignee of such a cause or when the transaction was made by mail or telephone.*

Sec. 2. Minnesota Statutes 1976, Section 488A.12, Subdivision 3, is amended to read:

Subd. 3. [JURISDICTION.] (a) Excepting actions involving title to real estate, the court has jurisdiction to hear, conciliate, try and determine civil actions at law where the amount in controversy does not exceed the sum of \$1000. (THE TERRITORIAL JURISDICTION OF THE COURT IS CO-EXTENSIVE WITH THE GEOGRAPHIC BOUNDARIES OF THE COUNTY OF HENNEPIN) *The civil claim may be filed in Hennepin county if the defendant is located or resides in Hennepin county. The provisions of this section shall not apply to the assignee of such a cause or when the transaction in question was made by mail or telephone.*

(b) Notwithstanding the provisions of clause (a), or any rule of court to the contrary, the conciliation court of Hennepin county has jurisdiction to determine an action brought pursuant to section 504.20 for the recovery of a deposit on rental property located in whole or in part in Hennepin county, and the summons in the action may be served anywhere within the state of Minnesota.

Sec. 3. Minnesota Statutes 1976, Section 488A.29, Subdivision 3, is amended to read:

Subd. 3. [JURISDICTION.] (a) Excepting actions involving title to real estate, the court has jurisdiction to hear, conciliate, try and determine civil actions at law where the amount in controversy does not exceed the sum of \$1000. (THE TERRITORIAL JURISDICTION OF THE COURT IS CO-EXTENSIVE WITH THE GEOGRAPHIC BOUNDARIES OF THE COUNTY OF RAMSEY) *The civil action may be filed in Ramsey county if the defendant is located or resides in Ramsey county or if the transaction took place in Ramsey county. The provisions of this section shall not apply to the assignee of such a cause or when the transaction in question was made by mail or telephone."*

(b) Notwithstanding the provisions of clause (a) or any rule of court to the contrary, the conciliation court of Ramsey county has jurisdiction to determine an action brought pursuant to section 504.20 for the recovery of a deposit on rental property located in whole or in part in Ramsey county, and the summons in the action may be served anywhere in the state of Minnesota.

Delete the title in its entirety and insert:

"A bill for an act relating to venue of conciliation courts; amending Minnesota Statutes 1976, Sections 487.30, Subdivision 1; 488A.12, Subdivision 3; and 488A.29, Subdivision 3."

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.



Sieben, H., from the Committee on Governmental Operations to which was referred:

H. F. No. 2019, A bill for an act relating to marriage; providing that the clerk of county court may solemnize marriages; amending Minnesota Statutes 1976, Section 517.04.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Sieben, H., from the Committee on Governmental Operations to which was referred:

H. F. No. 2025, A bill for an act relating to the city of Chisholm; police and firemen's relief associations; reversion of funds and bond of treasurer.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Sieben, H., from the Committee on Governmental Operations to which was referred:

H. F. No. 2032, A bill for an act relating to state employees; improving testing procedures; tightening provisions relating to provisional appointments; providing for a pilot reliability-based band width certification program; appropriating money; amending Minnesota Statutes 1976, Sections 43.13, by adding a subdivision; and 43.20, Subdivision 2.

Reported the same back with the following amendments:

Page 1, after line 10, insert:

"Section 1. Minnesota Statutes 1976, Section 43.13, Subdivision 1, is amended to read:

43.13 [EXAMINATIONS.] Subdivision 1. [FAIR TESTS; RECORDS.] All examinations for positions in the classified service shall relate to those matters which will fairly test the capacity and fitness of the persons examined to efficiently discharge the duties of the (OFFICE OR EMPLOYMENT) *position* sought by them. Each applicant in an oral examination shall be rated individually by each examiner who shall sign his rating of the applicant. The average of the (EXAMINERS,) *examiners'* separate ratings, if more than one examiner conducts the oral examinations, is the applicant's oral examination rating. (THE

APPOINTING AUTHORITY MAY PAY REASONABLE TRAVEL EXPENSES ACTUALLY INCURRED TO APPLICANTS INVITED FOR ORAL EXAMINATIONS FOR THOSE POSITIONS WHERE UNUSUAL DIFFICULTY IN RECRUITING QUALIFIED APPLICANTS IS BEING ENCOUNTERED.)”.

Page 1, line 20, delete “*open-competitive basis an*”.

Page 2, after line 19, insert:

“Sec. 4. Minnesota Statutes 1976, Section 43.14, Subdivision 1, is amended to read:

43.14 [EXAMINATION REFUSED; APPEAL; BOND.] Subdivision 1. [REASONS FOR REFUSAL.] The commissioner may refuse to examine an applicant, or after examination may refuse to certify an eligible, who is found to lack any of the preliminary requirements established for the examination for the position (OR EMPLOYMENT) for which he applies; or who is physically so disabled as to be rendered unfit for the proper performance of the duties of the position to which he seeks appointment; or who is addicted to habit-forming drugs or is an habitual user of intoxicating liquors to excess; (OR WHO HAS BEEN GUILTY OF ANY CRIME INVOLVING MORAL TURPITUDE OR OF INFAMOUS OR NOTORIOUSLY DISGRACEFUL CONDUCT;) or who has been dismissed from the public service for delinquency or misconduct; or who has made a false statement of any material fact; or who, directly or indirectly, shall give, render or pay, or promise to give, render or pay, any money, service, or other valuable thing to any person for, or on account of, or in connection with, his test, appointment, or proposed appointment; or who practiced, or attempted to practice, any deception or fraud in his application, in his certificate, in his examination, or in securing his eligibility or appointment; or who refuses to furnish testimony as required in section 43.07.

Sec. 5. Minnesota Statutes 1976, Chapter 43, is amended by adding a section to read:

[43.162] [VALIDITY OF APPLICATIONS.] *No person shall be appointed to a position in the civil service until the appointing authority has made reasonable effort to verify any information contained in the prospective employee's job application which relates to the ability of the person to perform the job. The commissioner shall establish procedures, which shall not be promulgated as rules, for use by an appointing authority in performing this verification function. Notice of the verification responsibilities of the appointing authority for misrepresentations shall be conspicuously printed on all state employment application forms.*

Sec. 6. Minnesota Statutes 1976, Section 43.18, is amended to read:

43.18 [VACANCIES.] Subdivision 1. [NOTICE.] Appointing (OFFICERS) *authorities* shall give written notice to the commissioner of personnel of their intention to establish new positions and of the existence of any vacancy to be filled (IN ANY OFFICE OR EMPLOYMENT) in the classified service, and, within a reasonable time after the receipt of this notice, the commissioner shall certify, from the list of eligibles, appropriate for the (GRADE AND) class in which the position is classified, names in the manner as provided in this section.

Subd. 2. [PROMOTIONS.] In the case of positions to be filled by examinations other than open competitive examinations, the commissioner shall certify, from the list of eligibles, appropriate for the (GRADE AND) class in which the position is classified, the first three names on such list together with any additional names of persons having an examination rating within three points of the person on the list with the highest examination rating *and with any additional names of persons having the same score as the last name certified in accordance with the above*, except as provided in sections 43.23 and 43.19, subdivision 1.

Subd. 3. [ORIGINAL ENTRY.] In the case of positions to be filled by open competitive examination, the commissioner shall certify the first ten names on the list *together with any additional names of persons having the same score as the tenth name so certified*. Appointments from the list shall only be made from the (FIRST TEN AVAILABLE ELIGIBLES) *names so certified*. The commissioner shall promulgate rules so that a determination of unavailability by an appointing authority will be based on a statement of unavailability from the eligible or lack of response by the eligible to notification by certified mail of the open position. Before requesting a recertification based on unavailability or rejection of an eligible, the appointing authority shall demonstrate the unavailability of an eligible or shall provide reasons for requesting the removal of an eligible's name from the certification.

Subd. 4. [APPOINTMENT; PROBATION.] The appointing (OFFICER) *authority* shall appoint on probation, with sole reference to merit and fitness, one of the said candidates, whose name is certified in the manner above set forth, to fill such vacancy, except as provided in section 43.23. Seniority in length of service shall also be one of the factors in an appointment in the manner as provided by personnel rule. The provisions of this section shall not apply when the (OFFICE OR) employment *situation* is among those listed in section 43.20, for which competitive examinations are not required.

Sec. 7. Minnesota Statutes 1976, Section 43.19, Subdivision 1, is amended to read:

43.19 [VACANCIES; PROMOTIONS; DISMISSALS.]  
Subdivision 1. [VACANCIES FILLED BY PROMOTION.]

(1) Vacancies in positions shall be filled, so far as practicable, by promotion from among persons holding positions in the classified service, and, subject to such exceptions as the commissioner may provide, from the lower class (OR GROUP WITHIN THE PARTICULAR CLASSIFICATION,) and in accordance with section 43.18 and personnel rules. Except as provided in clause (2), promotions shall be based upon merit and fitness, to be ascertained by competitive examinations in which the employee's efficiency (, CHARACTER,) and *job-related* conduct shall (ALL) constitute a factor. For positions defined by personnel rule as "non-managerial" seniority shall also constitute a factor.

(2) The commissioner may authorize the appointing authority of any state (OFFICE OR DEPARTMENT) *agency* to promote any employee in that (OFFICE OR DEPARTMENT) *agency* to a position (OF) *in* a higher (GRADE OR) class requiring peculiar and exceptional qualifications of an administrative, scientific, professional, or expert character, following a non-competitive examination, which shall be practical and shall involve only the duties of the position.

(3) The commissioner shall give the non-competitive examinations provided for in clause (2) upon request of any appointing authority, in accordance with personnel rules."

Page 2, line 30, delete "*Before*" and insert "*When*".

Page 2, line 31, delete "*give*".

Page 2, delete line 32.

Page 3, delete line 1, and insert "*certify to the commissioner that he has determined that all persons on an incomplete appropriate list are unsuitable or unavailable for appointment.*".

Page 3, line 21, delete "*permanent*" and insert "*probationary*".

Page 3, line 23, delete all language after "*capacity*".

Page 3, delete lines 24 and 25.

Page 3, line 26, delete "*not be successful*".

Page 3, line 26, delete "*permanent*" and insert "*probationary*".

Page 3, line 28, delete "*a*" and insert "*the same*".

Page 3, line 28, delete "*comparable to*" and insert "*as*".

Page 3, after line 29, insert:

"Sec. 9. Minnesota Statutes 1976, Section 43.20, Subdivision 3, is amended to read:

Subd. 3. In case of an emergency, an appointment may be made without regard to the provisions of this chapter, but in no case shall it continue longer than ten working days, and in no case shall successive emergency appointments be made; this provision shall apply to both persons and positions; and no person shall receive more than three emergency appointments in any one or different positions within (ONE YEAR) *any 12 month period.*

Sec. 10. Minnesota Statutes 1976, Section 43.20, Subdivision 5, is amended to read:

Subd. 5. Where the services to be rendered by an appointee are for a temporary period not to exceed six months, the commissioner shall certify from an eligible list for the temporary service any person he deems qualified; the acceptance or refusal by an eligible of a temporary appointment shall not affect his standing on the register for permanent employment, nor shall the period of temporary service be counted as a part of the probationary period in case of subsequent appointment to a permanent position. (NO PERSON SHALL RECEIVE MORE THAN ONE TEMPORARY APPOINTMENT WITHIN ONE YEAR.) No temporary appointment shall exceed six months except to fill a vacancy created by an approved leave of absence not to exceed one year or where the commissioner grants an extension of temporary appointment to the maximum of one year in the best interests of the state.

Sec. 11. Minnesota Statutes 1976, Section 43.20, is amended by adding a subdivision to read:

*Subd. 7. Where the position to be filled is of a routine, service nature involving unskilled tasks, the performance of which cannot be directly related to qualifications beyond a minimum competency level, the commissioner may authorize the administration of a basic qualifying selection process designed to ascertain which candidates could perform the tasks of the job in a satisfactory manner. Any candidate found so qualified may be certified and appointed to such a position.*

Sec. 12. Minnesota Statutes 1976, Section 43.32, Subdivision 11, is amended to read:

Subd. 11. [REVIEW OF TRAINING PLANS.] The head of each department shall be responsible, with the advice and

counsel of the commissioner, for planning, budgeting and conducting training programs within the scope of the overall training plan. He shall submit his training plans and budgets for each year of the biennium to the commissioner for review and comment prior to the implementation of any program, but in any case no later than six weeks after the budget appropriations are approved.

For purposes of training, the commissioner may accept funds from any source and may be reimbursed by the various departments for reasonable program cost. *Monies transferred to the commissioner pursuant to this subdivision are appropriated to the commissioner to perform training functions as provided herein.*

Sec. 13. Minnesota Statutes 1976, Section 43.327, Subdivision 1, is amended to read:

43.327 [TRAVEL AND RELOCATION EXPENSES.]  
Subdivision 1. [COMMISSIONER TO MAKE RULES ON RELOCATION.] The commissioner shall make personnel rules relating to the expenses of moving state (OFFICERS AND) employees, their families and household goods to new stations, subsistence, realtor fees, and such other expenses as may be incident to assignment to such stations.

Sec. 14. Minnesota Statutes 1976, Section 43.327, Subdivision 2, is amended to read:

Subd. 2. [COMMISSIONER TO MAKE RULES ON TRAVEL.] The commissioner shall make personnel rules relating to travel of state (OFFICERS AND) employees on state business and expenses incurred thereon. *When unusual difficulty in recruiting qualified applicants is being encountered the commissioner may authorize the appointing authority to pay travel expenses incurred by applicants invited for oral examinations or for employment interviews in the same manner and amounts authorized by personnel rules for state employees.*

Sec. 15. Minnesota Statutes 1976, Section 43.491, is amended by adding a subdivision to read:

Subd. 5. *Notwithstanding the restrictions contained in section 43.44, subdivision 2, a state employee who retires prior to age 65 and who is eligible for, applies for and receives an annuity under a state retirement program shall be eligible to continue to participate at his own expense in the hospital benefits coverage and medical benefits coverage provided for other state employees by sections 43.42 to 43.50. The retired employee may also, at his own expense, continue hospital benefits coverage and medical benefits coverage for his dependents who meet the general dependent eligibility requirements for those coverages. The cov-*

*erage may be maintained until the employee and the employee's spouse each become eligible for medicare. Within 30 days after the effective date of this section or within 30 days after the effective date of his retirement, whichever day is later, the employee shall notify the commissioner or his designee of his intention to continue the coverage. The commissioner shall establish forms and procedures for exercise of the option provided by this section and for payment of necessary premiums."*

Page 4, line 4, delete "*expected*".

Page 4, line 4, delete "*open to competitive*".

Page 4, line 5, delete "*examination*" and insert "*filled*".

Page 4, line 8, after "*must*" insert "*be expected to have vacancies to be filled by open competitive examination in that upcoming year and must*".

Page 4, line 21, delete "*certified*".

Page 4, line 21, after "*of*" and before "*eligibles*" insert "*certified*".

Page 4, line 27, delete "*certified*".

Page 4, line 27, after "*of*" and before "*eligibles*" insert "*certified*".

Page 4, line 32, delete "*certified*".

Page 4, line 32, after "*list*" insert "*of certified eligibles*".

Page 5, line 8, delete "*certified*".

Page 5, line 8, after "*list*" insert "*of certified eligibles*".

Page 5, line 9, after "*Names*" insert "*of certified eligibles*".

Page 5, line 10, delete "*certified*".

Page 5, line 22, delete "*certified*".

Page 5, line 23, after "*of*" insert "*certified*".

Page 6, line 8, after "*rules*" insert "*and*".

Page 7, after line 13, insert:

"Sec. 18. Minnesota Statutes, 1977 Supplement, Section 121.16, Subdivision 1, is amended to read:

121.16 [COMMISSIONER OF EDUCATION.] Subdivision 1. The department shall be under the administrative control of the commissioner of education which office is established. The commissioner shall be the secretary of the state board. He shall be appointed by the state board with the approval of the governor under the provisions of section 15.06. For purposes of section 15.06, the board shall be the appointing authority.

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 *may appoint two deputy commissioners who shall serve in the unclassified service and shall appoint other employees as may be necessary for the organization of the department.* 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 department. He shall make recommendations to the 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 its duties.

Sec. 19. Minnesota Statutes 1976, Section 43.24, Subdivision 1, is amended to read:

43.24 [REMOVAL.] Subdivision 1. [WRITTEN STATEMENT.] No permanent employee in the classified service, under the provisions of this chapter or the rules made pursuant thereto, shall be removed, discharged, suspended without pay for more than 30 days, or reduced in pay or position, except for just cause, which shall not be religious or political, or because of the employee's race, sex, disability or age, subject however to the mandatory retirement ages specified by law. In case of any disciplinary action, as enumerated in this section, the employee shall, before the action is taken, be furnished with a statement, in writing, setting forth the reasons for the disciplinary action, be permitted five days time to reply thereto, in writing, or upon his request, to appear personally and reply to the head of the department. A copy of the statement and the employee's reply, if any, shall be filed with the commissioner prior to the effective date thereof. *Any permanent employee in the classified service who is removed, discharged, suspended without pay, or reduced in pay or position, shall be notified no later than the effective date of the action of his right to appeal the action to the board."*

Page 7, line 15, after the period insert "*Section 16 shall expire June 30, 1980. Procedures relating to examinations announced*



*prior to May 1, 1978, shall be completed pursuant to law in effect on April 30, 1978. Certifications of eligibles in force on May 1, 1978, shall remain effective pursuant to law in effect on April 30, 1978."*

Renumber the sections.

Further amend the title:

Page 1, line 6, after "programs;" insert "altering certain requirements for appointment and benefit eligibility; establishing special procedures for filling certain positions; providing for modified reimbursements of costs; providing for a notice to certain employees; providing for deputy commissioners of education;"

Page 1, line 7, after "43.13," insert "Subdivision 1, and".

Page 1, line 8, delete "and" and insert "43.14, Subdivision 1; 43.18; 43.19, Subdivision 1;"

Page 1, line 8, after "43.20," delete "Subdivision" and insert "Subdivisions".

Page 1, line 8, after "2" insert ", 3 and 5, and by adding a subdivision; 43.24, Subdivision 1; 43.32, Subdivision 11; 43.327, Subdivisions 1 and 2; 43.491, by adding a subdivision; and Chapter 43, by adding a section; and Minnesota Statutes, 1977 Supplement, Section 121.16, Subdivision 1."

With the recommendation that when so amended the bill 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. 2041, A bill for an act relating to labor and employment; prohibiting mandatory retirement of public or private employees; rights and remedies of employees; amending Minnesota Statutes 1976, Sections 356.32; 422A.13, Subdivision 2; 423.075, Subdivision 1; 473.606, Subdivision 5; and Chapter 181, by adding a section; and Minnesota Statutes, 1977 Supplement, Section 363.02, Subdivision 6; repealing Minnesota Statutes 1976, Sections 125.12, Subdivision 5; 163.07, Subdivision 2a; 352B.075; 354A.21; and 423.26; and Minnesota Statutes, 1977 Supplement, Sections 43.051, Subdivisions 1, 2 and 4; and 354.44, Subdivision 1a.

Reported the same back with the following amendments:

Page 9, line 6, delete "*June 1, 1978*" and insert "*March 15, 1978*".

With the recommendation that when so amended the bill pass.

The report was adopted.

Sieben, H., from the Committee on Governmental Operations to which was referred:

H. F. No. 2096, A bill for an act relating to state lands; authorizing conveyance of a certain parcel of land in Beltrami county.

Reported the same back with the following amendments:

Page 1, line 7, delete "On July 7, 1967 the state of Minnesota granted a".

Page 1, delete lines 8 to 16.

Page 1, line 17, delete "portion,".

Page 2, after line 5, insert a paragraph to read:

"The auditor and the treasurer shall deposit \$4,000 of the proceeds from the sale of the above described land in the forfeited tax sale fund of Beltrami county and deposit the remaining proceeds of the sale in the county's general fund."

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Sieben, H., from the Committee on Governmental Operations to which was referred:

H. F. No. 2155, A bill for an act relating to retirement; validating certain administrative expenses from the special fund of the Austin firefighter's relief association.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Sieben, H., from the Committee on Governmental Operations to which was referred:

H. F. No. 2162, A bill for an act relating to courts; increasing the maximum salary for district court reporters; amending Minnesota Statutes 1976, Section 486.05, Subdivision 1.

Reported the same back with the following amendments:

Page 2, after line 22, insert a section to read:

"Sec. 2. Minnesota Statutes 1976, Section 486.06, is amended to read:

486.06 [CHARGE FOR TRANSCRIPT.] (IN ADDITION TO SUCH SALARY,) The reporter may charge for a transcript of his record ordered by any person other than the judge 35 cents per folio thereof and seven and one-half cents per folio for each manifold or other copy thereof when so ordered that it can be made with such transcript. (THIS SECTION SHALL NOT APPLY TO THE FOURTH JUDICIAL DISTRICT) *Any portion of fees received for transcripts remaining after deductions for actual cash expenses incurred to prepare the transcripts shall be deposited in the county general revenue fund.*"

Amend the title:

Page 1, line 3, after the semicolon, insert "disposition of transcript fees;"

Page 1, line 4, delete "Section" and insert "Sections".

Page 1, line 4, after "1" insert "; and 486.06".

With the recommendation that when so amended the bill pass.

The report was adopted.

Sieben, H., from the Committee on Governmental Operations to which was referred:

H. F. No. 2163, A bill for an act relating to retirement; providing annual benefit adjustments to disabled members of the public employees retirement association and survivors of deceased members; amending Minnesota Statutes 1976, Section 353.271, by adding a subdivision.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert the following:

"Section 1. Minnesota Statutes 1976, Chapter 356, is amended by adding a section to read:

[356.41] [BENEFIT ADJUSTMENTS.] *Disability benefits and survivor benefits payable to a disabilitant or a survivor now or hereafter receiving benefits from any public pension fund which participates in the Minnesota adjustable fixed benefit fund shall be adjusted in the same manner, at the same times and in the same amounts as are benefits payable from the Minnesota adjustable fixed benefit fund to retirees of that public pension fund. No recipient shall, however, be entitled to more than one adjustment at one time by reason of this section.*

Sec. 2. *In addition to increases granted pursuant to section 1, each fund included therein shall, on the effective date of this act, pay an increase equal to four percent to disabilitants and eligible survivors who were receiving benefits prior to July 1, 1976 and who did not receive an increase from or an increase equal to the increase from the Minnesota adjustable fixed benefit fund paid or payable January 1, 1978.*

Sec. 3. *This act is effective July 1, 1978.*"

Further amend the title as follows:

Page 1, delete lines 2 to 6 and insert the following: "relating to retirement; adjustment of benefits of disabilitants and survivors under public pension funds; amending Minnesota Statutes 1976, Chapter 356, by adding a section."

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Sieben, H., from the Committee on Governmental Operations to which was referred:

H. F. No. 2165, A bill for an act relating to negligence actions; recovery in actions under the rules of comparative negligence; amending Minnesota Statutes 1976, Section 604.01, Subdivision 1.

Reported the same back with the following amendments:

Page 1, line 15, delete "combined".

Page 1, line 16, delete "or persons".

With the recommendation that when so amended the bill pass.

The report was adopted.

Sieben, H., from the Committee on Governmental Operations to which was referred:

H. F. No. 2218, A bill for an act relating to courts; providing for administration of the tax court; amending Minnesota Statutes, 1977 Supplement, Section 271.02.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert:

“Section 1. Minnesota Statutes, 1977 Supplement, Section 271.01, is amended by adding a subdivision to read:

*Subd. 6. [PENDING CASES.] A case arising under the tax laws of this state, as defined in subdivision 5, which was pending on July 1, 1977 may be transferred to the tax court by the district court in which it was pending.*

Sec. 2. Minnesota Statutes, 1977 Supplement, Section 271.02, is amended to read:

271.02 [OFFICERS.] The judges of the tax court (OF APPEALS) shall choose a chief judge of the tax court (OF APPEALS). The chief judge of the tax court (OF APPEALS) shall appoint one of the judges to serve as the administrator, who shall be custodian of the court's files and records, and shall coordinate and make hearing assignments. The administrator may appoint up to two employees who shall be in the unclassified service. The judge who is appointed the administrator may delegate his duties as administrator to the employees whom he has appointed and may select one employee to act in his place as the assistant administrator. The clerk of district court in each county shall be the clerk of the tax court in that county. *Filing fees and library fees deposited with the clerk of district court in his capacity as clerk of the tax court and in cases originally commenced in district court and transferred to the tax court shall be retained by the clerk of district court.* The tax court clerk in each county shall be subject to the supervision of the administrator in tax court matters.

Sec. 3. Minnesota Statutes, 1977 Supplement, Section 271.04, is amended to read:

271.04 [HEARINGS.] The tax court shall hold hearings and meetings as may be prescribed by the rules of the tax court. The principal office of the tax court shall be at the capitol, but it shall hold hearings at any other place within the state, so that taxpayers may appear before the court with as little inconvenience and expense to the taxpayer as is practicable. The tax court shall be allowed to use the district court and county court court room in all of the counties. The administrator of the tax

court shall consult with the district and county court judges involved before a schedule of court room to be used by the tax court is established. Each tax court judge may hear and decide cases. Upon petition by a party to a case, or upon a motion by a tax court judge, and approval by a majority of the tax court, a case may be tried before the entire tax court. When an appeal is taken by a resident taxpayer from an order of the commissioner, *not involving property taxes*, venue for the case shall be, at the election of the taxpayer, in Ramsey county or in the district court judicial district in which the taxpayer resides. Venue shall be in Ramsey county for an appeal taken by a non-resident taxpayer from an order of the commissioner. Venue for all other cases arising under the tax laws of the state shall be in the same judicial district as if the case was being tried in district court.

Sec. 4. Minnesota Statutes, 1977 Supplement, Section 271.06, Subdivision 2, is amended to read:

Subd. 2. [TIME; NOTICE; INTERVENTION.] Except as otherwise provided by law, within 60 days after notice of the making and filing of (SUCH) *an order of the commissioner* (, OR UPON THE FINAL DETERMINATION OF ANY MATTER CONCERNING THE TAX LAWS LISTED IN SECTION 271.01, SUBDIVISION 5) *of revenue*, the appellant, or his attorney, shall serve a notice of appeal upon the commissioner (OR THE APPROPRIATE UNIT OF GOVERNMENT) and file the original, with proof of such service, with the tax court (OF APPEALS) *administrator or with the clerk of district court acting as clerk of the tax court*; provided, that a tax court (OF APPEALS) judge, for cause shown, may by written order extend the time for appealing for an additional period(,) not exceeding 30 days. (IN RAMSEY COUNTY, NOTICE OF APPEAL MAY BE FILED WITH THE TAX COURT CLERK OR WITH THE ADMINISTRATOR. THE TAX COURT SHALL PRESCRIBE A FILING SYSTEM SO THAT THE NOTICE OF APPEAL FILED WITH THE TAX COURT CLERK IS FORWARDED TO THE ADMINISTRATOR. IN ANY APPEAL CONCERNING PROPERTY VALUATION, FOR WHICH THE STATE BOARD OF EQUALIZATION OR COMMISSIONER OF REVENUE HAS ISSUED AN ORDER, THE OFFICER ISSUING THE ORDER SHALL BE NOTIFIED OF THE FILING OF AN APPEAL.) The notice of appeal shall be in the form prescribed by the tax court. Within five days after receipt, the commissioner shall transmit a copy of the notice of appeal to the attorney general in all cases where the amount at issue exceeds \$100. The attorney general shall represent the commissioner, if requested, upon all such appeals except in cases where the attorney general has appealed in behalf of the state, or in other cases where he deems it against the interests of the state to represent the commissioner, in which event the attorney general may intervene or be substituted as an appellant in behalf of the state at any stage of the proceedings.

*Upon a final determination of any other matter concerning the tax laws listed in section 271.01, subdivision 5, the taxpayer or his attorney may file a petition or notice of appeal as provided by law with the clerk of district court, acting in the capacity of clerk of the tax court, with proof of service of the petition or notice of appeal as required by law and within the time required by law. As used in this subdivision, "final determination" includes a notice of assessment and equalization for the year in question received from the local assessor, an order of the local board of equalization, or an order of a county board of equalization.*

*The tax court shall prescribe a filing system so that the notice of appeal or petition filed with the tax court clerk is forwarded to the tax court administrator. In the case of an appeal or a petition concerning property valuation for which the assessor, a local board of equalization, a county board of equalization, or the commissioner of revenue has issued an order, the officer issuing the order shall be notified of the filing of the appeal. The notice of appeal or petition shall be in the form prescribed by the tax court.*

Sec. 5. Minnesota Statutes 1976, Section 274.19, Subdivision 4, is amended to read:

Subd. 4. Any person who claims that his class 2a property has been unfairly or unequally assessed, or that such property has been assessed at a valuation greater than its real or actual value, or that the tax levied against the same is illegal, in whole or in part, or has been paid, or that the property is exempt from the tax so levied, may have the validity of his claim, defense or objection determined by the district court of the county in which the tax is levied or by the tax court by filing a petition for such determination, in the office of the clerk of the district court on or before the first day of September of the year in which such tax becomes payable. A petition for determination under this section may be transferred by the district court to the tax court.

Sec. 6. Minnesota Statutes 1976, Section 274.19, Subdivision 5, is amended to read:

Subd. 5. (PAYMENT OF THE TAX SHALL BE A CONDITION PRECEDENT TO THE FILING OF A PETITION FOR REVIEW BY THE DISTRICT COURT) *The right to continue prosecution of the petition shall be conditioned upon the payment of the tax when due unless the court permits the (PETITION TO BE FILED) petitioner to continue prosecution of the petition without payment, or with a reduced payment, pursuant to section 277.011, subdivision 3. The petitioner, upon ten days notice to the county attorney and to the county auditor, given at least ten days prior to the last day of August, may apply to the court for permission to (FILE THE PETITION) continue*

*prosecution of the petition without (SUCH) payment or with a reduced payment.*

Sec. 7. Minnesota Statutes, 1977 Supplement, Section 277.011, Subdivision 1, is amended to read:

277.011 [DEFENSE OR OBJECTION TO TAX ON PERSONAL PROPERTY.] Subdivision 1. [SERVICE AND FILING OF PETITION.] Any person who claims that his personal property has been unfairly or unequally assessed, or that such property has been assessed at a valuation greater than its real or actual value, or that the tax levied against the same is illegal, in whole or in part, or has been paid, or that the property is exempt from the tax so levied, may have the validity of his claim, defense or objection determined by the district court of the county in which the tax is levied *or by the tax court* by serving two copies of a petition for such determination upon the county auditor and one copy each on the county treasurer and the county attorney and filing the same, with proof of such service, in the office of the clerk of the district court on or before the first day of July of the year in which such tax becomes payable. The county auditor shall immediately forward one copy of the petition to the appropriate governmental authority in a home-rule charter or statutory city or town in which the property is located, if that city or town employs its own certified assessor. *A petition for determination under this section may be transferred by the district court to the tax court.*

Sec. 8. Minnesota Statutes 1976, Section 277.011, Subdivision 3, is amended to read:

Subd. 3. [PAYMENT OF TAX.] (BEFORE FILING SUCH PETITION, AND AS A CONDITION PRECEDENT THERETO) *If the proceedings instituted by the filing of the petition have not been completed before July 1 next following the filing of the petition,* the petitioner shall pay to the county treasurer 50 percent of the tax levied for (SUCH) the year against the property involved, unless permission to file the petition without such payment is obtained as herein provided (, WHICH PAYMENT SHALL BE ENDORSED BY THE COUNTY TREASURER ON THE ORIGINAL PETITION BEFORE THE SAME MAY BE FILED). The petitioner, upon ten days notice to the county attorney and to the county auditor, given at least ten days prior to the first day of July, may apply to the court for permission to file the petition without such payment; and, if it is made to appear

(1) That the proposed review is to be taken in good faith;

(2) That there is probable cause to believe that the property may be held exempt from the tax levied or that the tax may be determined to be less than 50 percent of the amount levied; and



(3) That it would work a hardship upon petitioner to pay (SUCH) 50 percent of the tax.

The court may permit the (PETITION TO BE FILED) *petitioner to continue to prosecute the petition* without (SUCH) payment, or may fix a lesser amount to be paid as a condition (PRECEDENT) to the right to (FILE) *continue to prosecute* the same. Payment of the amount so fixed shall be endorsed on the order by the county treasurer.

Sec. 9. Minnesota Statutes, 1977 Supplement, Section 278.01, is amended to read:

278.01 [DEFENSE OR OBJECTION TO TAX ON LAND; SERVICE AND FILING.] (a) Any person having any estate, right, title, or interest in or lien upon any parcel of land, who claims that such property has been partially, unfairly, or unequally assessed, or that such parcel has been assessed at a valuation greater than its real or actual value, or that the tax levied against the same is illegal, in whole or in part, or has been paid, or that the property is exempt from the tax so levied, may have the validity of his claim, defense, or objection determined by the district court of the county in which the tax is levied *or by the tax court* by serving two copies of a petition for such determination upon the county auditor and one copy each on the county treasurer and the county attorney and filing the same, with proof of such service, in the office of the clerk of the district court (ON OR) before the first day of June of the year in which such tax becomes payable. The county auditor shall immediately forward one copy of the petition to the appropriate governmental authority in a home rule charter or statutory city or town in which the property is located if that city or town employs its own certified assessor. *A petition for determination under this section may be transferred by the district court to the tax court.*

(b) Any person having any estate, right, title or interest in or lien upon any parcel which is classified as homestead under the provisions of section 273.13, subdivisions 6, 6a, 7, 7b, 10 or 12, who claims that said parcel has been assessed at a valuation which exceeds by ten percent or more the valuation which the parcel would have if it were valued at the average assessment/sales ratio for real property in the same class, in that portion of the county in which that parcel is located, for which the commissioner is able to establish and publish a sales ratio study as determined by the applicable real estate assessment/sales ratio study published by the commissioner of revenue, may have the validity of his claim, defense, or objection determined by the district court of the county in which the tax is levied *or by the tax court* by serving two copies of a petition for such determination upon the county auditor and one copy each on the county treasurer and the county attorney and filing the same, with proof of such service, in the office of the clerk of the district

court (ON OR) before the first day of June of the year in which such tax becomes payable. The county auditor shall immediately forward one copy of the petition to the appropriate governmental authority in a home rule charter or statutory city or town in which the property is located if that city or town employs its own certified assessor. *A petition for determination under this section may be transferred by the district court to the tax court.*

Sec. 10. Minnesota Statutes 1976, Section 278.03, is amended to read:

278.03 [PAYMENT OF PORTION OF TAX.] (BEFORE FILING SUCH PETITION AND AS A CONDITION PRECEDENT THERETO) *If the proceedings instituted by the filing of the petition have not been completed before the first day of June next following the filing, the petitioner shall pay to the county treasurer (AT LEAST) 50 percent of the tax levied for such year against the property involved, unless permission to (FILE) continue prosecution of the petition without such payment is obtained as herein provided (, WHICH PAYMENT SHALL BE ENDORSED BY THE COUNTY TREASURER ON THE ORIGINAL PETITION BEFORE THE SAME MAY BE FILED. PERMISSION TO FILE SUCH PETITION WITHOUT SUCH PAYMENT MAY BE).* *If the proceedings instituted by the filing of the petition have not been completed by the next November 1, the petitioner shall pay to the county treasurer 50 percent of the unpaid balance of the taxes levied for the year against the property involved, unless permission to continue prosecution of the petition without payment is obtained as herein provided. The petitioner, upon ten days notice to the county attorney and to the county auditor, given at least ten days prior to the first day of June or the first day of November, may apply to the court for permission to (FILE) continue prosecution of the petition without (SUCH PAYMENTS) payment; and, if it is made to appear*

- (1) That the proposed review is to be taken in good faith;
- (2) That there is probable cause to believe that the property may be held exempt from the tax levied or that the tax may be determined to be less than 50 percent of the amount levied; and
- (3) That it would work a hardship upon petitioner to pay 50 percent of such taxes,

The court may permit *the petitioner to continue prosecution of the petition (TO BE FILED) without (SUCH) payment, or may fix a lesser amount to be paid as a condition (PRECEDENT TO THE RIGHT TO FILE THE SAME. PAYMENT OF THE AMOUNT SO FIXED SHALL BE ENDORSED ON THE ORDER BY THE COUNTY TREASURER) of continuing the prosecution of the petition.*

(IF THE COURT SHALL ALLOW THE FILING OF THE PETITION WITHOUT SUCH PAYMENT OR FIX THE AMOUNT TO BE PAID, THEN THE MATTER SHALL STAND FOR TRIAL WITHOUT FURTHER PAYMENT. IN ALL OTHER CASES, IF THE PROCEEDINGS INSTITUTED BY THE FILING OF SUCH PETITION HAVE NOT BEEN COMPLETED BEFORE NOVEMBER FIRST, NEXT FOLLOWING THE FILING OF SUCH PETITION, THE PETITIONER SHALL PAY 50 PERCENT OF THE REMAINING UNPAID TAXES FOR THE CURRENT YEAR OR 50 PERCENT OF THE REMAINING UNPAID TAXES BASED UPON THE PROBABLE VALUE OF SUCH PROPERTY, IF THE VALUE HAS BEEN FOUND BY THE COURT UPON APPLICATION AS AFORESAID.) Failure to make payment of (SUCH ADDITIONAL) *the amount required when due* shall operate automatically to dismiss the petition and all proceedings thereunder unless (SUCH) *the payment is waived by an order of the court* (UPON APPLICATION AS HEREINAFTER PROVIDED. THE PETITIONER, UPON TEN DAYS' NOTICE TO THE COUNTY ATTORNEY AND TO THE COUNTY AUDITOR, GIVEN AT LEAST TEN DAYS PRIOR TO NOVEMBER FIRST, MAY APPLY TO THE COURT FOR AN ORDER WAIVING THE REQUIREMENT OF SUCH ADDITIONAL PAYMENT, UPON THE SAME GROUNDS AS SET FORTH HEREIN, FOR RELIEF FROM THE REQUIREMENT TO PAY THE ORIGINAL 50 PERCENT OF SUCH TAXES, EXCEPT THAT HE MUST SHOW THAT THE TAX MAY BE DETERMINED TO BE LESS THAN 75 PERCENT OF THE AMOUNT LEVIED) *permitting the petitioner to continue prosecution of the petition without payment.* The county treasurer shall, *upon request of the petitioner*, issue duplicate receipts for (SUCH ADDITIONAL) *the tax payment*, one of which shall be filed by the petitioner in (SUCH) *the proceeding.*

Sec. 11. Minnesota Statutes 1976, Section 356.30, is amended by adding a subdivision to read:

*Subd. 4. A judge of the tax court who is a member of the judges' retirement fund by reason of Laws 1977, Chapter 307, Section 28, shall nevertheless be entitled to a combined service annuity in accordance with this section.*

Sec. 12. *This act is effective July 1, 1977."*

Further, strike the title and insert:

"A bill for an act relating to the tax court; providing for review of certain tax matters by the tax court; modifying procedures that condition the right to prosecute the tax matter; specifying qualifications of judges; providing for administration of the tax court; amending Minnesota Statutes 1976, Sections 274.19, Subdivisions 4 and 5; 277.011, Subdivision 3; 278.03; 356.30, by adding a subdivision; and Minnesota Statutes, 1977

Supplement, Sections 271.01, by adding a subdivision; 271.02; 271.04; 271.06, Subdivision 2; 277.011, Subdivision 1; and 278.01.”.

With the recommendation that when so amended the bill pass.

The report was adopted.

Sieben, H., from the Committee on Governmental Operations to which was referred:

H. F. No. 2219, A bill for an act relating to the city of Eagan; volunteer firemen's service pensions; amending Laws 1975, Chapter 43, Section 1.

Reported the same back with the following amendments:

Page 1, line 9, delete “FIREMEN’S” and insert “FIRE-FIGHTER’S”.

Page 1, line 10, strike “firemen’s” and insert “*firefighter’s*”.

Page 1, line 11, strike “firemen’s” and insert “*firefighter’s*”.

Page 1, line 13, delete “\$200” and insert “\$160”.

Page 1, line 20, strike “firemen’s” and insert “*firefighter’s*”.

Page 2, line 4, strike “firemen” and insert “*firefighter*”.

Page 2, line 5, delete “\$10” and insert “\$8”.

Page 2, line 8, delete “\$300” and insert “\$240”.

Page 2, line 13, delete “\$1,500” and insert “\$1,200”.

Further, amend the title as follows:

Page 1, line 2, delete “firemen’s” and insert “*firefighter’s*”.

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Sieben, H., from the Committee on Governmental Operations to which was referred:

H. F. No. 2223, A bill for an act relating to Hennepin county municipal court; authorizing the establishment of three subur-

ban court locations; amending Minnesota Statutes 1976, Section 488A.01, Subdivision 9.

Reported the same back with the following amendments:

Page 1, line 13, strike "Bloomington, St. Louis Park,".

Page 1, line 14, strike "Wayzata, and Crystal, and at such other places in" and insert "*and in at least four other suburban locations disbursed throughout*".

Page 2, line 1, strike "shall" and insert "*may*".

Page 2, line 1, strike "the municipalities of Golden Valley,".

Page 2, strike lines 2 to 4.

Page 2, line 5, strike "so designated in clause (a) above and".

Page 2, delete lines 10 to 17.

Further amend the title as follows:

Page 1, line 3, delete "three".

With the recommendation that when so amended the bill pass.

The report was adopted.

Sieben, H., from the Committee on Governmental Operations to which was referred:

H. F. No. 2224, A bill for an act relating to the city of Nashwauk; police relief pensions and widows benefits; officers of association; amending Laws 1943, Chapter 196, Sections 4, as amended; and 8.

Reported the same back with the following amendments:

Page 2, line 11, after "department" insert "*, plus an additional \$3 per month for each year of service*".

Page 3, line 20, after the period add "*The increases provided for in section 1 of the act shall apply to service pensioners or widows who are receiving service pensions or widow's benefits on the effective date of this act. The increases shall begin to accrue on the first day of the month next following the effective date of this act.*".

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Sieben, H., from the Committee on Governmental Operations to which was referred:

H. F. No. 2228, A bill for an act relating to retirement; authorizing an annuity for the surviving spouse of a certain deceased former member of the public employees retirement association.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Sieben, H., from the Committee on Governmental Operations to which was referred:

H. F. No. 2236, A bill for an act relating to insurance; removing the limitation on the expense factor in setting workers' compensation insurance premiums; referring rates for expenses to the workers' compensation study commission; amending Minnesota Statutes, 1977 Supplement, Section 79.07; Laws 1977, Chapter 342, Section 27, Subdivision 1.

Reported the same back with the following amendments:

Page 3, after line 7, insert:

"Sec. 3. Minnesota Statutes 1976, Section 176.181, Subdivision 2, is amended to read:

Subd. 2. [COMPULSORY INSURANCE; SELF-INSURERS.] Every employer, except the state and its municipal subdivisions, liable under this chapter to pay compensation shall insure payment of such compensation with some insurance carrier authorized to insure such liability in this state, or obtain a written order from the commissioner (OF THE DEPARTMENT) of labor and industry exempting such employer from insuring his liability for compensation and permitting him to self-insure such liability. *The commissioner may also allow as he deems appropriate two or more employers to enter into agreements to pool their liabilities under chapter 176 for the purpose of qualifying as self-insurers.* With the approval of the commissioner (OF THE DEPARTMENT) of labor and industry, any employer may exclude medical, chiropractic and hospital benefits as required by this chapter. An employer conducting

distinct operations at different locations may either insure or self-insure such other portion of his operations which may be determined by the commissioner (OF THE DEPARTMENT) of labor and industry to be a distinct and separate risk. An employer desiring to be exempted from insuring his liability for compensation shall make application to the commissioner (OF THE DEPARTMENT) of labor and industry, showing his financial ability to pay such compensation, whereupon by written order the commissioner (OF THE DEPARTMENT) of labor and industry may make such exemption as it deems proper. The commissioner (OF THE DEPARTMENT) of labor and industry may require further statements of financial ability of the employer to pay compensation. Upon ten days written notice the commissioner (OF THE DEPARTMENT) of labor and industry may revoke (ITS) *his* order granting such exemption, in which event the employer shall immediately insure his liability. As a condition for the granting of an exemption the commissioner (OF THE DEPARTMENT) of labor and industry may require the employer to furnish such security as it considers sufficient to insure payment of all claims under this chapter. If the required security is in the form of currency or negotiable bonds, the commissioner (OF THE DEPARTMENT) of labor and industry shall deposit same with the state treasurer. In the event of any default upon the part of a self-insurer to abide by any final order or decision of the commissioner (OF THE DEPARTMENT) of labor and industry directing and awarding payment of compensation and benefits to any employee or the dependents of any deceased employee, then upon at least ten days notice to such self-insurer, the commissioner (OF THE DEPARTMENT) of labor and industry may by written order to the state treasurer require him to sell the pledged and assigned securities or such part thereof as is necessary to pay the full amount of any such claim or award with interest thereon. This authority to sell may be exercised from time to time to satisfy any order or award of the commissioner (OF THE DEPARTMENT) of labor and industry or any judgment obtained thereon. When such securities are sold the money so obtained shall be deposited in the state treasury to the credit of the commissioner (OF THE DEPARTMENT) of labor and industry and awards made against any such self-insurer by the commissioner (OF THE DEPARTMENT) of labor and industry shall be paid to the persons entitled thereto by the state treasurer upon warrants prepared by the commissioner (OF THE DEPARTMENT) of labor and industry and approved by the commissioner of finance out of the proceeds of the sale of such securities. Where the security is in the form of a surety bond or personal guaranty the commissioner (OF THE DEPARTMENT) of labor and industry, at any time, upon at least ten days notice and opportunity to be heard, may require the surety to pay the amount of the award, the payments to be enforced in like manner as the award may be enforced.

Sec. 4. *This act is effective the day following its final enactment.*"

Further amend the title:

Line 6, after "amending" insert "Minnesota Statutes 1976, Section 176.181, Subdivision 2;".

With the recommendation that when so amended the bill pass.

The report was adopted.

Sieben, H., from the Committee on Governmental Operations to which was referred:

H. F. No. 2278, A bill for an act relating to the city of Brooklyn Center; firemen's relief association; amending Laws 1967, Chapter 815, Sections 1; 2; 3; 4; 5; 7; and 8, Subdivision 1.

Reported the same back with the following amendments:

Page 1, line 10, delete "FIREMEN'S" and insert "FIRE-FIGHTER'S".

Page 1, line 13, strike "firemen's" and insert "*firefighter's*".

Page 3, line 8, strike "firemen's" and insert "*firefighter's*".

Page 3, line 12, delete "\$250" and insert "\$150".

Page 3, line 23, strike "firemen's" and insert "*firefighter's*".

Page 3, line 27, delete "\$250" and insert "\$150".

Page 4, line 17, strike "firemen's" and insert "*firefighter's*".

Page 5, line 5, strike "firemen's" and insert "*firefighter's*".

Page 5, line 21, strike "firemen's" and insert "*firefighter's*".

Page 7, line 22, strike "firemen's" and insert "*firefighter's*".

Page 7, line 23, strike "firemen's" and insert "*firefighter's*".

Page 7, line 32, strike "firemen's" and insert "*firefighter's*".

Page 8, line 8, strike "firemen's" and insert "*firefighter's*".

Further, amend the title as follows:

Page 1, line 2, delete "firemen's" and insert "*firefighter's*".



With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Sieben, H., from the Committee on Governmental Operations to which was referred:

H. F. No. 2279, A bill for an act relating to the city of Brooklyn Center; police membership in public employees police and fire fund; repealing Laws 1967, Chapter 736.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [BROOKLYN CENTER; POLICEMAN'S PENSION FUND.] Notwithstanding any law to the contrary, as of March 26, 1978, all active sworn police officers and deferred annuitants of the police department of the city of Brooklyn Center shall cease to be members of the Brooklyn Center policeman's pension fund and shall cease to have any accrual of or rights to benefits from such pension fund. As of March 26, 1978, active sworn police officers and deferred annuitants shall be members of the public employees police and fire fund operated pursuant to Minnesota Statutes, Sections 353.63 to 353.68.

Sec. 2. [PURCHASE OF PRIOR SERVICE CREDIT IN POLICE AND FIRE FUND.] Active sworn police officers and deferred annuitants shall receive service credit in the public employees police and fire fund as if they had been members of such fund since their date of employment by the Brooklyn Center police department or June 16, 1967, for those police officers whose date of employment by the Brooklyn Center police department was prior to June 16, 1967.

Sec. 3. [ADDITIONAL PRIOR SERVICE CREDIT.] Any active sworn police officer or deferred annuitant who has pension coverage transferred from the Brooklyn Center policeman's pension fund to the public employees police and fire fund pursuant to section 1 shall be eligible to receive credit in the public employees police and fire fund for any or all periods of service as a sworn police officer employed by the Brooklyn Center police department prior to June 16, 1967. Service credit in the public employees police and fire fund for each active sworn police officer or deferred annuitant who elects to purchase additional prior service credit shall be granted when the officer or the city of Brooklyn Center repays all refunds taken by the officer and interest received pursuant to Minnesota Statutes, Section 353.34, Subdivisions 1 and 2, plus interest at six percent per annum compounded annually.

Sec. 4. [TRANSFER OF FUNDS.] Notwithstanding any law to the contrary, as of March 26, 1978, the funds of the Brook-

lyn Center policeman's pension fund shall be transferred to the Brooklyn Center employees retirement fund which as of the same date shall pay out of such fund to the public employees police and fire fund the amount determined by the actuary for the public employees police and fire fund to be necessary to fund past service obligations to a funded ratio of 80 percent for sworn police officers and deferred annuitants being transferred as though June 16, 1967, were the date of employment for each police officer whose date of employment was prior to June 16, 1967. The Brooklyn Center employees retirement fund shall also pay to the public employees police and fire fund, to purchase additional prior service credit, an amount equal to all refunds taken and interest received pursuant to Minnesota Statutes, Section 353.34, Subdivisions 1 and 2, plus interest at six percent per annum compounded annually for those police officers and deferred annuitants being transferred who had previously purchased service credit prior to June 16, 1967, in the Brooklyn Center policeman's pension fund. Any police officer or deferred annuitant being transferred who was employed by the city of Brooklyn Center police department prior to June 16, 1967, and who had not purchased service credit prior to June 16, 1967, in the Brooklyn Center policeman's pension fund may purchase additional prior service credit by repaying to the public employees police and fire fund all refunds taken and interest received pursuant to Minnesota Statutes, Section 353.34, Subdivisions 1 and 2, plus interest at six percent per annum compounded annually. The balance of the funds transferred from the Brooklyn Center policeman's pension fund to the Brooklyn Center employees retirement fund shall be used to pay future obligations of the Brooklyn Center employees retirement fund.

Sec. 5. [CREDITING OF MEMBERS' ACCOUNTS.] As of March 26, 1978, the city of Brooklyn Center shall provide the public employees retirement association all pertinent information regarding members' accounts for members being transferred. The public employees retirement association shall credit to each member's account in the public employee police and fire fund the amounts which the member contributed to the Brooklyn Center policeman's pension fund.

Sec. 6. Laws 1967, Chapter 736, is repealed.

Sec. 7. This act shall be effective upon approval by the governing body of the city of Brooklyn Center and upon compliance with Minnesota Statutes, Section 645.021."

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Sieben, H., from the Committee on Governmental Operations to which was referred:

H. F. No. 2282, A bill for an act relating to the city of Plymouth; firemen's relief association benefits.

Reported the same back with the following amendments:

Page 1, line 8, delete "firemen's" and insert "firefighter's".

Page 1, line 8, after "may" insert "be amended to".

Page 1, line 12, after "69.06" insert "and the bylaws of the association".

Page 1, line 13, delete "firemen's" and insert "firefighter's".

Page 1, line 14, delete "pension" and insert "benefit".

Page 1, line 16, delete "pension" and insert "benefit".

Page 1, line 18, delete "pension" and insert "benefit".

Page 1, line 19, delete "pension" and insert "benefit".

Page 1, line 21, delete "firemen's" and insert "firefighter's".

Page 2, line 10, delete "Minnesota Statutes, Section".

Page 2, line 11, delete "69.44 or other law" and insert "any law to the contrary".

Page 2, line 12, after the first "disability" insert a period and delete the balance of the line.

Page 2, line 13, delete "provided that".

Further, amend the title as follows:

Page 1, line 2, delete "firemen's" and insert "firefighter's".

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Sieben, H., from the Committee on Governmental Operations to which was referred:

H. F. No. 2286, A bill for an act relating to retirement; increased benefits of former probate judges; payment by the Minnesota state retirement system; appropriating money; amending Minnesota Statutes 1976, Chapter 490, by adding a section.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert the following:

"Section 1. Minnesota Statutes 1976, Chapter 490, is amended by adding a section to read:

**[490.107] [RETIREMENT BENEFITS; INCREASE AND PAYMENT.]** (1) *Effective July 1, 1978, all retirement and disability benefits payable pursuant to sections 490.11, 490.12, subdivisions 1 and 2, and 487.06, commencing with the monthly benefit payment accruing on and after July 1, 1978 shall be paid by the Minnesota state retirement system.*

(2) *On the effective date of this act the balance of the sums appropriated to the commissioner of finance by Laws 1977, Chapter 432, for payment of the disability benefit made pursuant to sections 490.11 and 490.12, subdivision 1, shall be paid to the Minnesota state retirement system, judges retirement fund.*

(3) *Prior to July 1, 1978, the county auditors of the counties which on the effective date of this act are liable for the payment of retirement benefits pursuant to sections 487.06 and 490.12, subdivision 2, shall certify to the executive director of the Minnesota state retirement system the amount of the monthly benefit that the former judge of that county is or will be entitled to receive and, on June 30, 1978, and each June 30 thereafter, shall pay to the Minnesota retirement system an amount equal to the annual retirement benefit due such retired judge for the following fiscal year plus \$25 for administrative expense. In the event of the death of the retired judge, the director shall refund to the county any unexpended balance of the moneys the county had paid.*

(4) *On July 1, 1978, the retirement benefits due and payable as certified by the county auditors and disability benefit paid by the state pursuant to Minnesota Statutes, 1977 Supplement, Section 15A.083, Subdivision 3, shall be increased in accordance with the following schedule:*

<i>Benefit payments which initially had commenced:</i>	<i>Shall be increased on July 1, 1978 by the following percentages:</i>
<i>Prior to July 1, 1969</i>	<i>19.4</i>
<i>Between 7/1/69 and 6/30/70</i>	<i>15.3</i>
<i>Between 7/1/70 and 6/30/71</i>	<i>13.0</i>
<i>Between 7/1/71 and 6/30/72</i>	<i>8.2</i>
<i>Between 7/1/72 and 6/30/76</i>	<i>4.0</i>

(5) *On and after July 1, 1978, these retirement and disability benefits shall be payable from the judges retirement fund but shall thereafter be adjusted in the same manner and at the same time as other benefits payable from the Minnesota adjustable fixed benefit fund. The benefit level in effect on July 1, 1978, including the increase pursuant to clause (4), shall be deemed to be the originally determined benefit for the purpose of future adjustments.*

Sec. 2. [APPROPRIATION.] *There is hereby appropriated from the general fund to the executive director of the Minnesota state retirement system, to be deposited in the judges retirement fund, the sum of \$10,000 to be available for the fiscal year ending June 30, 1979, for the payment of the increases provided in section 1, clause (4).*

Sec. 3. *This act is effective the day following final enactment."*

With the recommendation that when so amended the bill 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. 2330, A bill for an act relating to retirement; consolidation of the police relief association of the city of Thief River Falls into the public employees police and fire fund.

Reported the same back with the following amendments:

Page 2, line 5, after "entitled" insert "to elect on or before January 1, 1980".

Page 3, line 5, after "amount" insert "at least".

Page 3, line 6, delete "\$ . . . . . ." and insert "\$52,788".

Page 4, line 21, delete "Notwithstanding any contrary".

Page 4, line 22, delete "provisions of Minnesota Statutes, Chapter 69,".

Page 4, line 25, after the second "section" insert "pursuant to Minnesota Statutes, Section 69.031, Subdivision 5".

Page 5, after line 16, insert a section to read:

"Section 9. [SAVINGS PROVISION FOR CERTAIN MEMBERS.] Any member of the relief association who has at least

20 years of service credited by the relief association on the effective date of the act, who has future pension coverage transferred to the public employees police and fire fund pursuant to section 1, and who has made the purchase of prior service pursuant to section 2 shall be entitled to a minimum service pension from the public employees police and fire fund when otherwise entitled to retire and commence receipt of a service pension in an amount equal to one half of the member's annual rate of salary in effect on the earlier of the effective date of this act or June 30, 1978."

Renumber the following section.

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Sieben, H., from the Committee on Governmental Operations to which was referred:

H. F. No. 2332, A bill for an act relating to retirement; local police, salaried firefighters and volunteer firefighters relief associations; specifying allowable administrative expenses; amending Minnesota Statutes 1976, Sections 69.40; 423.32; 423.38; 423.51; 423.808; 424.16; and 424.31.

Reported the same back with the following amendments:

Page 8, after line 19, insert sections to read as follows:

"Sec. 9. Laws 1974, Chapter 382, Section 4, Subdivision 3, is amended to read as follows:

Subd. 3. The board of trustees shall have exclusive control and management of all funds received by its treasurer under the provisions of Minnesota Statutes, Sections 424.30 and 424.31 and funds derived for the investment of these funds, and such funds when received, shall be kept in a special fund on the books of the secretary and treasurer of the association and never disbursed for any purpose except the following:

- (a) For the relief of sick, injured and disabled members;
- (b) For the payment of pensions to disabled firemen and their widows and orphans of firemen;
- (c) For the payment of pensions to retired firemen pursuant to the laws of the state and the bylaws of the association;
- (d) For the payment of such death or funeral benefits as may be from time to time stipulated in the bylaws of the association;

(e) For (THE PAYMENT OF ALL EXPENSES OF ADMINISTERING SUCH FUND, INCLUDING THE SECRETARY'S AND TREASURER'S SALARIES, AND INCLUDING) payments from the fund for the purchase of insurance to cover either the disability or death of a member declaring the special fund as beneficiary (AND INCLUDING EXPENSES IN CONNECTION WITH THE INVESTMENT AND PROTECTION OF MONEYS IN SAID FUND);

(f) For the payment of premiums for health insurance policies;

(g) *For the payment of premiums on medical insurance coverage on recipients of service, disability, or dependency pensions; provided that the amount per capita so expended does not exceed the amount per capita expended for similar coverage by the city of St. Cloud for municipal employees;*

(h) *For the payment of administrative expenses of the association as authorized pursuant to section 8 of this act.*

Sec. 10. [PURCHASE OF PRIOR SERVICE; CERTAIN PERA MEMBERS.] *A person who has at least 20 years of service as a firefighter for the city of St. Cloud, who commenced service prior to April, 1953, at the age of 36 and who is a member of the public employees police and fire fund shall be entitled to purchase one year of service credit for the year 1953 in the public employees police and fire fund. To purchase the prior service, the person shall pay to the public employees police and fire fund an amount equal to the employee contribution rate as specified in Minnesota Statutes, Section 353.65, Subdivision 2, applied to his annual salary at the rate in effect on the date which he applies to make the purchase of prior service. Upon receipt of the specified employee contribution, the executive director of the public employees retirement association shall certify to the city of St. Cloud a required municipal contribution in an amount equal to the employer contribution rate as specified in Minnesota Statutes, Section 353.65, Subdivision 3, applied to the person's annual salary at the rate in effect on the date which he applied to make the purchase of prior service. The city of St. Cloud shall make the required contribution within 60 days of receiving certification from the executive director. Failure of the city to make the required contribution within the specified time period shall be treated as an omitted salary deduction under Minnesota Statutes, Section 353.27, Subdivision 12."*

Renumber subsequent section accordingly.

Further, amend the title:

Page 1, line 7, after "424.31" insert "; and Laws 1974, Chapter 382, Section 4, Subdivision 3".

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Sieben, H., from the Committee on Governmental Operations to which was referred:

H. F. No. 2401, A bill for an act relating to the Minnesota-Wisconsin boundary area commission; providing that the terms of commissioners shall be staggered; amending Minnesota Statutes 1976, Section 1.33.

Reported the same back with the following amendments:

Page 1, line 15, strike “, but at the pleasure of the governor”.

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Sieben, H., from the Committee on Governmental Operations to which was referred:

H. F. No. 2419, A bill for an act relating to courts; supreme court; providing for publishing of reports of decisions; amending Minnesota Statutes 1976, Section 480.12.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Sieben, H., from the Committee on Governmental Operations to which was referred:

H. F. No. 2466, A bill for an act relating to privacy of data on individuals; definitions, determination and emergency classification; amending Minnesota Statutes, 1977 Supplement, Sections 15.162, Subdivision 2a; and 15.1642, Subdivisions 3 and 5; repealing Minnesota Statutes, 1977 Supplement, Section 15.1642, Subdivision 4.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.



Berg from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 933, A bill for an act relating to Ramsey county; amending the Ramsey county code by rearranging certain provisions therein relating to welfare and by deleting obsolete provisions therein relating to welfare; amending Laws 1974, Chapter 435, Sections 1.0204 and 3.13.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Berg from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 1227, A bill for an act relating to commerce; providing for deposits of public funds in thrift institutions; amending Minnesota Statutes 1976, Sections 118.005; 118.01; 118.09; 118.11; and 118.16; repealing Minnesota Statutes 1976, Section 118.17.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1976, Section 51A.21, is amended by adding a subdivision to read:

*Subd. 18. To accept and maintain treasury tax and loan accounts of the United States and to pledge collateral to secure the treasury tax or loan accounts, in accordance with the regulations of the Department of the Treasury of the United States.*

Sec. 2. Minnesota Statutes, 1977 Supplement, Section 52.04, Subdivision 1, is amended to read:

52.04 [POWERS.] Subdivision 1. A credit union shall have the following powers:

(1) To receive the savings of its members either as payment on shares or as deposits, including the right to conduct Christmas clubs, vacation clubs, and other such thrift organizations within its membership;

(2) To make loans to members for provident or productive purposes as provided in section 52.16;

(3) To make loans to a cooperative society or other organization having membership in the credit union;

(4) To deposit in state and national banks and trust companies authorized to receive deposits;

(5) To invest in any investment legal for savings banks or for trust funds in the state;

(6) To borrow money as hereinafter indicated;

(7) To adopt and use a common seal and alter the same at pleasure; and

(8) To make payments on shares of and deposit with any other credit union chartered by this or any other state or operating under the provisions of the federal credit union act, in amounts not exceeding in the aggregate 25 percent of its unimpaired assets providing that payments on shares of and deposit with credit unions chartered by other states shall be restricted to credit unions insured by the National Credit Union Administration. The restrictions imposed by this clause shall not apply to share accounts and deposit accounts of Minnesota central credit union in U.S. central credit union;

(9) To contract with any licensed insurance company or society to insure the lives of members to the extent of their share accounts, in whole or in part, and to pay all or a portion of the premium therefor;

(10) To indemnify each director, officer, or committee member, or former director, officer, or committee member against all expenses, including attorney's fees but excluding amounts paid pursuant to a judgment or settlement agreement, reasonably incurred by him in connection with or arising out of any action, suit, or proceeding to which he is a party by reason of being or having been a director, officer, or committee member of the credit union, except with respect to matters as to which he shall be finally adjudged in such action, suit, or proceeding to be liable for negligence or misconduct in the performance of his duties. Such indemnification shall not be exclusive of any other rights to which he may be entitled under any bylaw, agreement, vote of members, or otherwise; and

(11) Upon written authorization from a member, retained at the credit union, to make payments to third parties by withdrawals from the member's share or deposit accounts or through proceeds of loans made to such member, or by permitting the credit union to make such payments from the member's funds prior to deposit; to permit draft withdrawals from member accounts; however, this clause does not permit a credit union to establish demand deposits (checking accounts) for its members;

(12) To inform its members as to the availability of various group purchasing plans which are related to the promotion of

thrift or the borrowing of money for provident and productive purposes by means of informational materials placed in the credit union's office, through its publications, or by direct mailings to members by the credit union;

(13) To facilitate its members' voluntary purchase of types of insurance incidental to promotion of thrift or the borrowing of money for provident and productive purposes including, but not limited to the following types of group or individual insurance: Fire, theft, automobile, life and temporary disability; to be the policy holder of a group insurance plan or a sub-group under a master policy plan and to disseminate information to its members concerning the insurance provided thereunder; to remit premiums to an insurer or the holder of a master policy on behalf of a credit union member, provided that the credit union shall obtain written authorization from such member for remittance by share or deposit withdrawals or through proceeds of loans made by such members, or by permitting the credit union to make such payments from the member's funds prior to deposit; and to accept from the insurer reimbursement for the actual cost of ministerial tasks performed pertaining to insurance;

(14) To contract with another credit union to furnish services which either could otherwise perform. Contracted services under this clause are subject to regulation and examination by the commissioner of banks like other services;

(15) In furtherance of the twofold purpose of promoting thrift among its members and creating a source of credit for them at legitimate rates of interest for provident purposes, and not in limitation of the specific powers herinbefore conferred, to have all the powers enumerated, authorized, and permitted by this chapter, and such other rights, privileges and powers as may be incidental to, or necessary for, the accomplishment of the objectives and purposes of the credit union; (AND)

(16) To rent safe deposit boxes to its members provided the credit union obtains adequate insurance or bonding coverage for losses which might result from the rental of safe deposit boxes (.);

(17) *Notwithstanding the provisions of section 52.05, to accept deposits of public funds in an amount secured by insurance or other means pursuant to chapter 118; and*

(18) *To accept and maintain treasury tax and loan accounts of the United States and to pledge collateral to secure the treasury tax or loan accounts, in accordance with the regulations of the Department of the Treasury of the United States.*

Sec. 3. Minnesota Statutes 1976, Section 118.005, is amended to read:

118.005 [DESIGNATION, PROTECTION OF DEPOSIT.] Subdivision 1. (EXCEPT AS OTHERWISE PROVIDED BY LAW,) The governing body of every (PUBLIC AUTHORITY, PUBLIC CORPORATION, PUBLIC COMMISSION, SPECIAL DISTRICT, OR OTHER POLITICAL SUBDIVISION OR AGENCY OF THE STATE, OR ANY OF ITS SUBDIVISIONS) *municipality* which has the power to receive and disburse funds, shall designate as a depository of (SUCH) *the insured funds* such national (OR), *insured state banks or thrift institutions as defined in section 51A.02, subdivision 23, or credit unions*, as it may deem proper. "*Municipality*" as used in this section is defined as in section 118.01.

Subd. 2. In the event the bank, *insured thrift institution or credit union* selected as a depository is a member of the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation or insured by the National Credit Union Administration the custodian of (SUCH) *the funds* may deposit an amount not to exceed the maximum amount of insurance on (SUCH) *the deposits*. In the event it is desired to deposit a greater amount in any bank, *thrift institution, or credit union*, prior to (SUCH) *the deposit* the governing body or officer shall require the bank, *thrift institution or credit union* to furnish a bond, executed by a corporate surety company authorized to do business in the state in a sum at least equal to the estimated sum to be deposited in excess of the maximum amount of insurance. In lieu of (SUCH) *the bond*, the depository shall assign to the custodian of (SUCH) *the funds* collateral security in accordance with section 118.01.

Sec. 4. Minnesota Statutes 1976, Section 118.01, is amended to read:

118.01 [DEPOSITORY BONDS.] Any bank (OR), trust company, *thrift institution or credit union* authorized to do (A BANKING) business in this state, designated as a depository of funds of (COUNTY, CITY, TOWN, SCHOOL DISTRICT, HOSPITAL DISTRICT, PUBLIC AUTHORITY, PUBLIC CORPORATION, PUBLIC COMMISSION, SPECIAL DISTRICT, OTHER POLITICAL SUBDIVISION, OR AGENCY OF THE STATE OR OF ITS SUBDIVISIONS) *a municipality*, as provided by law may, in lieu of the corporate or personal surety bond required to be furnished to secure (SUCH) *the funds*, deposit with the custodian of (SUCH) *the funds*, (SUCH) *the bonds*, certificates of indebtedness, or warrants, except bonds secured by real estate, as are legally authorized investments for savings banks under the laws of the state, or the bonds of any of the insular possessions of the United States, or the bonds of any state, or its agency, the payment of the principal and interest of which, or either, is provided for otherwise than by direct taxation, or notes secured by first mortgages of future maturity, upon which interest is not past due, on improved real estate free from delinquent taxes, within the county wherein the (BANK OR

TRUST COMPANY) *depository* is located, or within counties immediately adjoining (SUCH) *the* county in the state of Minnesota. The total in amount of (SUCH) *the* collateral computed at its market value shall be at least ten percent more than the limit of deposit which would be permitted if a corporate or personal surety bond was furnished. The depository may at its discretion furnish both a bond and collateral aggregating the required amount. Any collateral so deposited shall be accompanied by an assignment thereof to the municipality designating (SUCH) *the* depository, which assignment shall recite that (SUCH) *the* depository shall pay over to the treasurer or his order on demand or, if a time deposit, when due, free of exchange or any other charges, all moneys deposited therein at any time during the period (SUCH) *the* collateral shall be so deposited and to pay the interest thereon when due at the agreed rate; and that, in case of any default upon the part of the depository, the governing body of the municipality making the designation shall have full power and authority to sell (SUCH) *the* collateral, or as much thereof as may be necessary to realize the full amount due the municipality and to pay over any surplus to the depository or its assigns. A depository may in its discretion deposit collateral of a value less than the total designation and may from time to time, during the period of its designation, deposit additional collateral and make withdrawals of excess collateral or substitute other collateral for that on deposit or any part thereof. Authority is vested in the treasurer to return the collateral to the depository when the trust so created is terminated and he shall, in the case of a reduction of the deposit, permit the depository to withdraw the excess portion thereof. All interest on the collateral so deposited when collected shall be paid to the depository so long as it is not in default. Before any collateral is deposited with the treasurer it shall first be approved by the same authority that designated the depository, but no such authority shall be necessary for the withdrawal of collateral. The closing of a depository shall be deemed a default upon the part of the depository and no demand upon the part of the municipality or its treasurer shall be necessary to establish (SUCH) *the* default. If a depository shall close, any time deposit placed therein shall immediately become due and payable. If both bond and collateral are furnished by a depository, all or any part of the collateral may be withdrawn without in any way impairing the full force and effect of the bond unless it shall contain a provision that the collateral shall not be withdrawn without the consent of the surety thereon. If a corporate surety bond is furnished by a depository, it shall be in a penal sum not to exceed the amount designated as the limit of deposit therein, notwithstanding any other provisions of law to the contrary. At no time shall the treasurer maintain a deposit in any depository against collateral in excess of 90 percent of the market value thereof. Any provision of law authorizing any (HOSPITAL DISTRICT,) municipality to designate banks as depositories shall be construed to include trust companies, *thrift institutions and credit unions* authorized to do (A BANKING) business. All bonds fur-

nished under the provisions of this section shall be approved by the governing body of the municipality making (SUCH) *the* designation and filed in the office of the county auditor as provided by section 124.05, and all collateral deposited under the provisions of this section shall be approved by the governing body of the municipality making such designation and after such approval deposited with the treasurer of such municipality, unless the governing body of such municipality shall by resolution fix and determine some other place for the safe-keeping of such collateral. Such collateral shall not be redeposited in the bank (OR), trust company, *thrift institution or credit union* furnishing the same.

Any (BANKING CORPORATION) *depository* pledging such securities, at any time it deems it advisable or desirable, may substitute obligations of the United States of America for all or any part of the securities pledged, except that no such (BANKING CORPORATION) *depository* shall substitute obligations of the United States which mature within one year from the date such obligations are first considered as a part of the (BANK'S) *depository's* reserve and which reserves are required by Minnesota Statutes 1967, (SECTION) *Sections 48.22, 51A.20 or 52.17*. The collateral so substituted shall be approved by the governing body of the (HOSPITAL DISTRICT,) municipality making such designation at its next official meeting.

Such securities so substituted shall, at the time of substitution, have a market value sufficient, together with the market value of the original securities for which no substitution is made, to equal or exceed \$110 for every \$100 of public deposits.

In the event of (SUCH) substitution the holder or custodian of the securities shall, on the same day, forward by registered or certified mail to the public corporation and the depository (BANK), a receipt specifically describing and identifying both the securities so substituted and those released and returned to the depository (BANK).

"Municipality" for the purpose of this section means county, city, town, school district, hospital district, public authority, public corporation, public commission, special district, other political subdivision, or agency of the state or of its subdivisions.

Sec. 5. Minnesota Statutes 1976, Section 118.09, is amended to read:

118.09 [TREASURER TO BE REIMBURSED FOR LOSSES.] Where the treasurer of any town, statutory city, or city of the fourth class shall reimburse (SUCH) *the* town or city for loss of funds of the town or city on deposit in any (BANK) *depository* which becomes insolvent such town or city shall reim-

burse the treasurer for the money so paid when a majority of the electors voting thereon at the annual town meeting or at any regular or special city election vote so to do; provided, that the notice of (SUCH) *the* annual meeting or election shall specify that (SUCH) *the* matter will be considered thereat.

Sec. 6. Minnesota Statutes 1976, Section 118.11, is amended to read:

118.11 [LIMITATION OF DEPOSITS NOT DEPENDENT ON CAPITAL AND SURPLUS; APPLICATION.] No designation of a bank (OR), trust company, *thrift institution or credit union* as a depository of state, county, town, city, school district, hospital district, or county sanitarium commission funds and no deposit of (SUCH) *the* funds in (SUCH) *the* designated depository shall be limited by the amount of the capital or surplus of (SUCH) *the* depository, but the authority designating (SUCH) *the* depository may nevertheless fix the limit of deposit to be made therein and shall require security therefor as provided by law.

This section shall apply to all cities, however organized.

Sec. 7. Minnesota Statutes 1976, Section 118.16, is amended to read:

118.16 [FAILURE TO PAY SALES AND USE TAXES.] Notwithstanding any law or regulation to the contrary, no banking or *thrift institution or credit union* shall act as a depository for any public funds if (SUCH) *the* banking or *thrift institution or credit union* does not pay sales and use taxes pursuant to chapter 297A to the state of Minnesota.

Sec. 8. *Minnesota Statutes 1976, Section 118.17, is repealed.*

Sec. 9. *This act is effective the day following final enactment."*

Further, strike the title in its entirety and insert:

"A bill for an act relating to commerce; providing for deposits of public funds in thrift institutions and credit unions; amending Minnesota Statutes, 1977 Supplement, Section 52.04, Subdivision 1; and Minnesota Statutes 1976, Sections 51A.21, by adding a subdivision; 118.005; 118.01; 118.09; 118.11; and 118.16; repealing Minnesota Statutes 1976, Section 118.17."

With the recommendation that when so amended the bill pass.

The report was adopted.

Berg from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 1268, A bill for an act relating to municipal obligations; revising provisions relating to advance refunding; amending Minnesota Statutes 1976, Section 475.67.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1976, Section 475.67, is amended to read:

475.67 [REFUNDING BONDS AND OTHER OBLIGATIONS; VALIDITY; PROCEDURE.] Subdivision 1. No purchaser or owner of bonds or other obligations issued by a municipality for the purpose of refunding its outstanding obligations or floating indebtedness need inquire into the validity of the debts refunded by such bonds or other obligations. The determination by resolution of the governing body to issue the bonds or other obligations of the municipality for such purpose, as to such purchaser or owner, shall be conclusive evidence of the validity of the debts thereby refunded.

Subd. 2. As between the municipality and the owner or holder of any bond, warrant, or order so refunded, nothing in this section validates any invalid bond, warrant, or order.

Subd. 3. Obligations and interest thereon may be refunded if and when and to the extent that for any reason the taxes or special assessments, revenues, or other funds appropriated for their payment are not sufficient to pay all principal and interest due or about to become due thereon. *All obligations (BUT NOT) of one or more issues regardless of their source of payment and interest thereon may be refunded before (MATURITY) their due dates, if consistent with covenants made with the holders thereof, when determined by the governing body to be necessary or desirable for the reduction of (INTEREST) debt service cost to the municipality or for the extension or adjustment of the maturities in relation to the resources available for their payment, or in the case of obligations payable solely from a special fund, for the more advantageous sale of additional obligations payable from the same fund or to relieve the municipality of restrictions imposed by covenants made with the holders of the obligations to be refunded; provided the amount of interest which may be refunded from the proceeds of the refunding obligations shall not exceed the amount of proceeds estimated to be required in excess of the principal amount of refunded obligations to retire the refunded obligations in accordance with subdivision 6, but in no event shall the aggregate principal amount of the refunding obligations exceed by more than ten percent the aggregate principal amount of the obligations to be refunded. No gen-*



eral obligations, for which the full faith and credit of the issuer is pledged, shall be issued to refund special obligations previously issued for any purpose, payable solely from a special fund, unless such issuance is authorized by such election, hearing, petition, resolution, or other procedure as would have been required as a condition precedent to the original issuance of general obligations for the same purpose.

Subd. 4. Refunding obligations shall not be issued and sold more than six months before the (EARLIEST) date on which all obligations to be refunded thereby will have matured or (BECOME SUBJECT TO CALL) *have been called* for redemption in accordance with their terms, unless the actions and conditions described in the following subdivisions of this section are taken or exist at or before the time when the refunding obligations are delivered to the purchasers.

Subd. 5. The proceeds of the refunding obligations, *less any accrued interest or premium thereon required to be taken into account for purposes of meeting the debt service savings test set forth in subdivision 12 or otherwise deposited in the debt service fund established for the refunding obligations, less any amount set aside to pay the expenses of the refunding described in subdivision 12,* shall be deposited, together with any other funds available and appropriated by the governing body for the purpose, in escrow with a suitable banking institution within or without the state, whose deposits are insured by the Federal Deposit Insurance Corporation, and whose combined capital and surplus is not less than \$500,000.

Subd. 6. The funds so deposited shall be invested in securities maturing or callable at the option of the holder on such dates and bearing interest at such rates as shall be required to provide funds sufficient, with any cash retained in the escrow account, to pay when due the interest to accrue on each obligation (OF THE ISSUE) refunded to its maturity or, if prepayable *and called for redemption,* (TO AN) *the* earlier date on which it (MAY BE) *is* called for redemption, and to pay the principal amount of each such obligation at maturity or, if prepayable *and called for redemption,* at such earlier redemption date, and to pay any premium required for redemption on that date; and the governing body shall irrevocably appropriate for these purposes the escrow account and all payments of principal and interest on the securities deposited therein, provided that (IT MAY DIRECT PAYMENT, FROM) *any* funds in the escrow account in excess of the amounts from time to time needed for the foregoing purposes (, OF THE REASONABLE COMPENSATION OF THE BANKS ACTING AS ESCROW AGENT AND AS PAYING AGENT OR AGENTS FOR THE REFUNDED OBLIGATIONS) *may be remitted to the municipality.*

Subd. 7. *Provision shall be made for notice of the call of any refunded obligations to be redeemed before maturity (SHALL) to be given in accordance with their terms, and in accordance with section 475.54, subdivision 4 (NO SUCH OBLIGATION SHALL 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 FUNDS SUBSEQUENTLY BECOMING AVAILABLE FROM A DESIGNATED SOURCE), no later than 30 days after issuance of the refunding obligations.*

Subd. 8. Securities purchased for the escrow account shall be limited to general obligations of the United States, securities whose principal and interest payments are guaranteed by the United States, and securities issued by the following agencies of the United States: Banks for Cooperatives, Federal Home Loan Banks, Federal Intermediate Credit Banks, Federal Land Banks, and the Federal National Mortgage Association.

Subd. 9. The municipality shall enter into an agreement with the banking institution acting as escrow agent under which the agent shall acknowledge receipt of the cash and securities and their sufficiency to comply with the requirements of this section, and shall agree to hold them, and all money received in payment of principal and interest on the securities, in a special trust account, and to remit from this account to each paying agent for the refunded obligations sufficient funds to pay the principal and interest due thereon at each maturity, interest payment date, and redemption date. The agent may be directed to reinvest the balance held in the account from time to time in other securities of the kinds authorized in this section, maturing or subject to redemption at the times and in the amounts required to meet all payments of principal and interest when due on the refunded obligations, which securities may be purchased from its own investment department at prices not higher than those at which similar securities are currently being sold by it to others.

Subd. 10. The escrow agent shall be directed to cause notice of the call of the refunded obligations which are to be prepaid to be republished not more than 90 nor less than 45 days before the date fixed for their redemption, in the manner provided in subdivision 7; but failure to republish shall not affect the validity of the call for redemption.

Subd. 11. When advance refunding obligations have been issued pursuant to subdivisions 4 to 10, they shall not be refunded by the issuance of similar advance refunding obligations pursuant to these subdivisions until and unless either (i) as a result of the refunding the average life of the maturities is extended at least five years or (ii) all of the original obligations refunded have been actually retired by payment or by deposit at their respective maturities or redemption dates of sufficient funds.

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 BEEN REDEEMED, AND) each such obligation, *if repayable*, shall be called for redemption (ON) *prior to its maturity in accordance with its terms no later than either (i) the earliest date on which it may be redeemed (IN ACCORDANCE WITH ITS TERMS) without payment of any premium, or (ii) if the obligation is only prepayable with payment of a premium, on the earliest date on which it may be redeemed with payment of the least premium required by its terms.* No refunding obligations shall be issued and sold more than six months before (SAID DATE) *the refunded obligations mature or are called for redemption in accordance with their terms, unless either (i) as a result of the refunding the average life of the maturities is extended at least five years or (ii) as of the nominal date of the refunding obligations the (AVERAGE ANNUAL NET INTEREST RATE OF) dollar amount of the debt service or interest only on the refunding obligations, computed to their stated maturity dates, after deducting any premium or adding any discount, is lower by at least (ONE FOURTH OF ONE) five percent (PER ANNUM) than (THE AVERAGE ANNUAL NET INTEREST RATE OF THE) the dollar amount of debt service or interest only, as the case may be, on all general obligations refunded, exclusive of any premium or discount, computed to their stated maturity dates; provided that in computing the (AVERAGE ANNUAL NET) dollar amount of debt service or interest (RATE OF) only on the refunding obligations, (THE) any expenses of the refunding payable from a source other than the proceeds of the refunding obligations or the interest derived from the investment thereof shall be added to the dollar amount of debt service or interest only on the refunding obligations. Expenses of the refunding include the amount, if any, in excess of the proceeds of the refunding obligations or the principal amount of obligations to be refunded, whichever is the greater, which is required to be deposited in escrow to provide cash and purchase securities sufficient to retire the refunded obligations and unaccrued interest thereon in accordance with subdivision (5) 6; 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. 2. *This act is effective on the day following final enactment."*

With the recommendation that when so amended the bill pass.

The report was adopted.

Berg from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 1476, A bill for an act relating to municipalities; hospital, nursing home and health care facilities; authorizing municipalities to include refinancing of existing indebtedness in the cost of a project; amending Minnesota Statutes 1976, Sections 447.35; 447.45, Subdivision 1; 447.47; and 474.05.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1976, Section 447.35, is amended to read:

447.35 [BONDS.] Each hospital district may borrow money by the issuance of its general obligation bonds for the acquisition and betterment of hospital and nursing home facilities (including, but without limitation, the provision of an adequate working capital for a new hospital or nursing home), for ambulances and related equipment, for refunding its outstanding bonds, and for funding valid outstanding orders, by the procedure and subject to all of the limitations and conditions set forth in chapter 475, and any future laws amending or supplementing the same, for the issuance of bonds by municipalities. *Except for revenue bonds issued pursuant to sections 447.45 through 447.50*, no bonds of a hospital district shall be deemed to be excluded from its net debt by virtue of the provisions of section 475.51, subdivision 4(5). Except as may be authorized by special law, the taxes initially levied by any district in accordance with section 475.61, for the payment of its bonds, upon property within each municipality included in the hospital district, shall be included in computing the limitations upon the levy of such municipality under section 275.10 or 275.11, as the case may be; but nothing herein shall limit the taxes required by section 475.74, to be levied by the district for payment of any deficiency in its bond sinking funds. If the tax required by section 475.61 to be levied for any year of the term of a bond issue upon property within any municipality included in the district would, when added to the taxes levied by such municipality for all purposes in the year preceding such issue, exceed the limitations prescribed in sections 275.10 or 275.11, the bonds shall not be issued without the consent by resolution of the governing body of such municipality. An election shall be required prior to the issuance of any but funding or refunding bonds. The proposition submitted at any such election shall be whether the hospital board shall be authorized to issue bonds of the district in a specified maximum amount, for the purpose of financing the acquisition and betterment of hospital and nursing home facilities, or of facilities of one of said types if it is not proposed to use the bond proceeds for facilities of the other type. Bonds issued by a hospital dis-

trict shall not constitute indebtedness for any purpose of any county, city, or town whose territory is included therein. The interest on such bonds shall be exempt from taxation by the state or any of its political subdivisions.

Sec. 2. Minnesota Statutes 1976, Section 447.45, Subdivision 1, is amended to read:

447.45 [HOSPITALS AND NURSING HOMES, FACILITIES FOR MENTALLY RETARDED; FINANCING AND LEASING.] Subdivision 1. Any county, city, or hospital district, except cities of the first class and counties in which are located any cities of the first class, is authorized, in addition to and not in substitution for any other power granted to it by law, to issue revenue bonds by resolution or resolutions of its governing body to finance the acquisition and betterment of hospital, nursing home and related medical facilities, or any of them, including but without limitation the payment of interest during construction and for a reasonable period thereafter and the establishment of reserves for bond payment and for working capital(; PROVIDED HOWEVER, THAT), *and, in connection with the acquisition of any existing hospital or nursing home facilities, to retire outstanding indebtedness incurred to finance the construction of the existing facilities.* The authority granted by this section shall not apply to any facility to which sections 145.71 to 145.83 apply, unless a certificate of need has been issued.

Sec. 3. Minnesota Statutes 1976, Section 447.47, is amended to read:

447.47 [LEASE OF FACILITIES TO NONPROFIT OR PUBLIC CORPORATION.] The county, city or hospital district may lease hospital or nursing home facilities for operation, administration, and maintenance by a nonprofit or public corporation as a community hospital or nursing home, open to all residents of the community upon equal terms, and may lease related medical facilities to any person, firm, association or corporation, upon such rentals and for such term, not exceeding 30 years, and subject to such other conditions as may be agreed. The lessee may be granted an option to renew the lease, for an additional term or terms upon such conditions and rentals, or to purchase the facilities at such price, as may be provided. The county, city or hospital district may by resolution or resolutions of its governing body undertake and agree to pay to the lessee of hospital or nursing home facilities annually, and to include in each annual budget and tax levy for hospital and nursing home purposes, a fixed compensation determined by the governing body to be just and proper compensation for services agreed to be performed by the lessee in the operation, administration, and maintenance of the hospital or nursing home as a community facility; for any investment by the lessee of its own funds or

funds granted or contributed to it in the construction or equipment of the hospital or nursing home; and for any auxiliary services to be provided or made available by the lessee through other facilities owned or operated by it; and services other than those provided for in the lease agreement may be compensated at such rates as may be agreed subsequently. Any lease agreement entered into hereunder shall, however, require the lessee to pay a net rental not less than the amount required to pay the principal and interest when due on all revenue bonds issued by the county, city or hospital district for the acquisition and betterment *and refinancing* of the leased facilities, and to maintain the agreed revenue bond reserve. No such lease agreement shall grant an option to the lessee to purchase the facilities at a price less than the amount of the bonds so issued and interest accrued thereon, except bonds and accrued interest paid from such net rentals before the option is exercised. To the extent that any such facilities are leased in accordance with this section for use by persons in private medical or dental or similar practice or in any other private business, a tax on the privilege of such use shall be imposed in the same amount and to the same extent as though the user were the owner of such space and shall be collected in the manner provided in section 272.01, subdivision 2.

Sec. 4. Minnesota Statutes 1976, Section 474.01, is amended by adding a subdivision to read:

*Subd. 9. The welfare of the state further requires the active promotion, encouragement, and development of adequate health care facilities, to the end that adequate health care services might be made available to all residents of the state at reasonable cost.*

Sec. 5. Minnesota Statutes 1976, Section 474.02, is amended by adding a subdivision to read:

*Subd. 1c. The term "project" shall also include any properties, real or personal, whether or not now in existence, used or useful in connection with a revenue producing enterprise, whether or not operated for profit, engaged in providing health care services, including, without limitation, hospitals, nursing homes, and related medical facilities.*

Sec. 6. Minnesota Statutes 1976, Section 474.03, is amended to read:

474.03 [POWERS.] Any municipality or redevelopment agency, in addition to the powers prescribed elsewhere by the laws of this state, shall have the power to:

(1) Acquire, construct, and hold any lands, buildings, easements, water and air rights, improvements to lands and buildings, and capital equipment to be located permanently or used exclusively on a designated site and solid waste disposal and pollution control equipment, regardless of where located, which are deemed necessary in connection with a project to be situated

within the state, whether wholly or partially within or without the municipality or redevelopment agency, and construct, reconstruct, improve, better, and extend such project;

(2) Issue revenue bonds, in anticipation of the collection of revenues of such project, to finance, in whole or in part, the cost of the acquisition, construction, reconstruction, improvement, betterment, or extension thereof;

(3) *Issue revenue bonds to pay all or any part of the outstanding indebtedness of a contracting party engaged primarily in the operation of one or more nonprofit hospitals or nursing homes, theretofore incurred in the acquisition or betterment of its existing hospital or nursing home facilities, including, to the extent deemed necessary by the governing body of the municipality or redevelopment agency, any unpaid interest on such indebtedness accrued or to accrue to the date on which such indebtedness is finally paid; if revenue bonds are issued for this purpose, the refinancing and the existing properties of the contracting party shall be deemed to constitute a project under section 474.02, subdivision 1c;*

((3)) (4) Enter into a revenue agreement with any person, firm, or public or private corporation or federal or state governmental subdivision or agency in such manner that payments required thereby to be made by the contracting party shall be fixed, and revised from time to time as necessary, so as to produce income and revenue sufficient to provide for the prompt payment of principal of and interest on all bonds issued hereunder when due, and the revenue agreement shall also provide that the contracting party shall be required to pay all expenses of the operation and maintenance of the project including, but without limitation, adequate insurance thereon and insurance against all liability for injury to persons or property arising from the operation thereof, and all taxes and special assessments levied upon or with respect to the project and payable during the term of the revenue agreement, during which term a tax shall be imposed and collected pursuant to the provisions of section 272.01, subdivision 2, for the privilege of using and possessing the project, in the same amount and to the same extent as though the contracting party were the owner of all real and personal property comprising the project;

((4)) (5) Pledge and assign to the holders of such bonds or a trustee therefor all or any part of the revenues of one or more projects and define and segregate such revenues or provide for the payment thereof to a trustee, whether or not such trustee is in possession of the project under a mortgage or otherwise;

((5)) (6) Mortgage or otherwise encumber such projects in favor of the municipality or redevelopment agency, the holders of such bonds, or a trustee therefor, provided that in creating any such mortgages or encumbrances a municipality or redevel-

opment agency shall not have the power to obligate itself except with respect to the project;

((6)) (7) Make all contracts, execute all instruments, and do all things necessary or convenient in the exercise of the powers herein granted, or in the performance of its covenants or duties, or in order to secure the payment of its bonds; including, but without limitation, a contract entered into prior to the construction of the project authorizing the contracting party, subject to such terms and conditions as the municipality or redevelopment agency shall find necessary or desirable and proper, to provide for the construction, acquisition, and installation of the buildings, improvements, and equipment to be included in the project by any means available to the contracting party and in the manner determined by the contracting party and without advertisement for bids as may be required for the construction or acquisition of other municipal facilities;

((7)) (8) Enter into and perform such contracts and agreements with other municipalities, political subdivisions, and state agencies, authorities, and institutions as the respective governing bodies of the same may deem proper and feasible for or concerning the planning, construction, lease, purchase, mortgaging or other acquisition, and the financing of a project, and the maintenance thereof, including an agreement whereby one municipality issues its revenue bonds in behalf of one or more other municipalities, which contracts and agreements may establish a board, commission, or such other body as may be deemed proper for the supervision and general management of the facilities of the project; provided, no municipality or redevelopment agency shall enter into or perform any contract or agreement with any school district under which the municipality or redevelopment agency issues its revenue bonds or otherwise provides for the construction of school facilities and the school leases or otherwise acquires these facilities;

((8)) (9) Accept from any authorized agency of the federal government loans or grants for the planning, construction, acquisition, leasing, purchase, or other provision of any project, and enter into agreements with such agency respecting such loans or grants;

((9)) (10) Sell and convey all properties acquired in connection with such projects, including without limitation the sale and conveyance thereof subject to such mortgage as herein provided, and the sale and conveyance thereof under an option granted to the lessee of the project, for such price, and at such time as the governing body of the municipality or redevelopment agency may determine, provided, however, that no sale or conveyance of such properties shall ever be made in such manner as to impair the rights or interests of the holder, or holders, of any bonds issued under the authority of this chapter;



((10)) (11) Issue revenue bonds to refund, in whole or in part, bonds previously issued by such municipality or redevelopment agency under the authority of this chapter;

((11)) (12) If so provided in the revenue agreement, terminate the agreement and re-enter or repossess the project upon the default of the contracting party, and operate, lease, or sell the project in such manner as may be authorized or required by the provisions of the revenue agreement or of the resolution or indenture securing the bonds issued for the project; any revenue agreement which includes provision for a conveyance of real estate to the contracting party may be terminated in accordance with the revenue agreement, notwithstanding that such revenue (AGENT) *agreement* may constitute an equitable mortgage provided that no municipality or redevelopment agency shall have power otherwise to operate any project referred to in this chapter as a business or in any manner whatsoever, and nothing herein authorizes any municipality or redevelopment agency to expend any funds on any project herein described, other than the revenues of such projects, or the proceeds of revenue bonds and notes issued hereunder, or other funds granted to the municipality or redevelopment agency for the purposes herein contemplated, except as may be otherwise permitted by law and except to enforce any right or remedy under any revenue agreement or related agreement for the benefit of the bondholders or for the protection of any security given in connection with a revenue agreement, provided that the public cost of redevelopment of land paid by a city or its redevelopment agency shall not be deemed part of the cost of any project situated on such land;

((12)) (13) Invest or deposit, or authorize a trustee to invest or deposit, any money on hand in funds or accounts established in connection with a project or payment of bonds issued therefor, to the extent they are not presently needed for the purposes for which such funds or accounts were created, in accordance with section 471.56, as amended; and

((13)) (14) Waive or require the furnishing of a contractors payment and performance bond of the kind described in section 574.26 and if such bond shall be required, then the provisions of chapter 514 relating to liens for labor and materials, shall not be applicable in respect of any work done or labor or materials supplied for the project, and if such bond be waived then the said provisions of chapter 514 shall apply in respect of work done or labor or materials supplied for the project.

Sec. 7. Minnesota Statutes 1976, Section 474.06, is amended to read:

474.06 [MANNER OF ISSUANCE OF BONDS: INTEREST RATE.] Bonds authorized under this chapter shall be issued in accordance with the provisions of chapter 475 relating

to bonds payable from income of revenue producing conveniences, except that public sale shall not be required, and the bonds may mature at any time or times in such amount or amounts within 30 years from date of issue and may be sold at a price equal to such percentage of the par value thereof, plus accrued interest, and bearing interest at such rate or rates, as may be agreed by the contracting party, the purchaser, and the municipality or redevelopment agency, notwithstanding any limitation of interest rate or cost of the amounts of annual maturities contained in any other law. When bonds authorized under this chapter are issued, they shall state whether they are issued for a project defined in section 474.02, subdivisions 1, 1a, (OR) 1b, or 1c.

Sec. 8. [EFFECTIVE DATE.] *This act is effective the day following its final enactment.*"

Amend the title as follows:

Line 7, after "447.47;" insert "474.01, by adding a subdivision; 474.02, by adding a subdivision; 474.03;"

Line 7, delete "474.05" and insert "474.06".

With the recommendation that when so amended the bill pass.

The report was adopted.

Berg from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 1799, A bill for an act relating to the city of Albert Lea; authorizing the annexation of certain land located outside the city limits.

Reported the same back with the following amendments:

Page 2, after line 23, insert a new section to read:

"Sec. 2. The city of Albert Lea may not annex land under the provisions of section 414.033 if the border of the land annexed by this act is necessary to fulfill the 60 percent requirement of the section until the land abuts the city."

Page 2, line 25, after "Albert Lea" insert "and the town board of Pickerel Lake".

Renumber the remaining section accordingly.

With the recommendation that when so amended the bill pass.

The report was adopted.

Berg from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 1910, A bill for an act relating to Itasca county; authorizing the exchange of certain riparian tax forfeited land for certain privately owned non-riparian land.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Berg from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 2048, A bill for an act relating to municipalities; purpose and name of range association of municipalities and schools; amending Minnesota Statutes 1976, Section 471.58.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Berg from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 2176, A bill for an act relating to the Minneapolis police department; providing for certain employee appointments; amending Laws 1961, Chapter 108, Section 1, as amended.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Berg from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 2341, A bill for an act relating to the city of St. Paul; providing and authorizing issuance of general obligation bonds for capital improvement budget purposes; amending Laws 1971, Chapter 773, Section 1, as amended.

Reported the same back with the following amendments:

Page 1, line 18, delete "*thereafter in*".

Page 1, line 20, after "*section,*" insert "*for a five year period commencing in 1980,*".

Page 2, line 1, before "*Commencing*" insert "*For the five year period*".

Page 2, line 1, delete "*and in each year*".

Page 2, line 2, delete "*thereafter*".

With the recommendation that when so amended the bill pass.

The report was adopted.

Berg from the Committee on Local and Urban Affairs to which was referred:

S. F. No. 910, A bill for an act relating to local government; amending powers and duties of the Minnesota municipal board; regulating the incorporation, annexation, detachment, consolidation and boundary adjustments of certain local governmental units; amending Minnesota Statutes 1976, Sections 414.01, Subdivisions 1, 2, 5, 7a, 8, 12, 14, and 15; 414.011, Subdivision 5, and by adding subdivisions; 414.02; 414.031; 414.033, Subdivisions 1, 2, 3, 5, 6, 7, and by adding a subdivision; 414.041; 414.06; 414.061, Subdivisions 1 and 4; 414.065; 414.067; 414.07; 414.09; and Chapter 414, by adding sections; repealing Minnesota Statutes 1976, Sections 414.021; 414.032; 414.033, Subdivision 4; 414.034; and 414.068.

Reported the same back with the following amendments:

Page 39, line 12, after "municipality," insert "*on its own motion*".

Page 39, line 12, strike "application" and insert "*the petition*".

Page 39, line 13, strike "property" and ", provided, however, that" and insert "*of property in the completely surrounded area*".

Page 39, line 15, strike "annexations of unincorporated property" and insert "*consolidations of two or more municipalities*".

Page 39, line 15, strike "section" and insert "sections".

Page 39, line 16, delete "2," and the comma after "3".

Page 39, line 16, before the period insert "*and 414.09*".

Page 39, after line 16, insert:

"Sec. 27. Minnesota Statutes 1976, Section 414.061, is amended by adding a subdivision to read:

*"Subd. 4a. Upon the petition of all of the owners of property of a portion of a municipality which at no point joins the major portion of the municipality but which at some point joins another municipality the board may initiate proceedings for the concurrent detachment and annexation of said portion. In such cases the board shall conduct hearings and issue its order as in the case of consolidations of two or more municipalities under sections 414.041, subdivisions 3 and 5, and 414.09."*

Renumber the sections.

Amend the title as follows:

Line 13, after "4" insert ", and by adding a subdivision".

With the recommendation that when so amended the bill pass.

The report was adopted.

Berg from the Committee on Local and Urban Affairs to which was referred:

S. F. No. 1699, A bill for an act relating to the town of Little Falls; allowing the town to contract for the lighting of town roads; allowing reimbursement for electrical service costs; providing for special assessments.

Reported the same back with the following amendments:

Page 1, line 9, after "Falls" insert "or Belle Prairie in Morrison county".

Page 1, line 11, after "designated" insert "in the town".

Page 1, line 14, before the period insert "having jurisdiction over the affected area".

Page 2, line 12, after "Falls" insert "or Belle Prairie".

Further, amend the title as follows:

Page 1, line 2, delete "town" and insert "towns".

Page 1, line 2, after "Falls" insert "and Belle Prairie in Morrison county".

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Berg from the Committee on Local and Urban Affairs to which was referred:

S. F. No. 1713, A bill for an act relating to the city of Minneapolis; providing for the extended assignment of city employees to the riverfront development coordination board.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Berg from the Committee on Local and Urban Affairs to which was referred:

S. F. No. 1959, A bill for an act relating to towns; providing for supervisors to control legal actions; amending Minnesota Statutes 1976, Sections 365.10; 365.40; and 366.01, by adding a subdivision.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Fudro from the Committee on Transportation to which was referred:

H. F. No. 2188, A bill for an act relating to drivers' licenses; providing for automatic reinstatement of nonresident driving privilege in certain circumstances; providing limited protection to a resident whose driving privilege in another state has been suspended or revoked; amending Minnesota Statutes 1976, Section 171.15; and Chapter 171, by adding a section.

Reported the same back with the following amendments:

Page 2, line 17, delete "*a foreign state*" and insert "*the contiguous states*".

Page 2, line 20, delete "*foreign state*" and insert "*contiguous states*".

Page 2, delete lines 29 to 31.

With the recommendation that when so amended the bill pass.

The report was adopted.

Fudro from the Committee on Transportation to which was referred:

H. F. No. 2429, A bill for an act relating to the city of Mankato; prohibiting regulation of the rates of the public transit system by the public service commission.

Reported the same back with the following amendments:

Page 1, line 9, delete "city" and insert "cities".

Page 1, line 9, after "Mankato" insert "and North Mankato".

Page 1, line 10, after "counties" insert "for regularly scheduled services only".

Further amend the title as follows:

Page 1, line 2, delete "city" and insert "cities".

Page 1, line 2, after "Mankato" insert "and North Mankato".

With the recommendation that when so amended the bill pass.

The report was adopted.

Fudro from the Committee on Transportation to which was referred:

H. F. No. 2441, A bill for an act relating to transportation; adding new routes to the trunk highway system.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Fudro from the Committee on Transportation to which was referred:

H. F. No. 2475, A bill for an act relating to trade regulations; requiring air supplies in service stations.

Reported the same back with the following amendments:

Page 1, line 11, after "public" insert "while such service station is open for business".

Page 1, after line 11, insert:

"Sec. 2. A violation of section 1 is a petty misdemeanor."

Further amend the title as follows:

Page 1, line 3, after "stations" insert "; providing a penalty".

With the recommendation that when so amended the bill pass.

The report was adopted.

## SECOND READING OF HOUSE BILLS

H. F. Nos. 1009, 1513, 1672, 2075, 2077, 2211, 2266, 2268, 2124, 2432, 1851, 1991, 2086, 2204, 2361, 1943, 1994, 2002, 2004, 2146, 2194, 2214, 2216, 2272, 2367, 794, 1403, 1760, 1770, 1865, 1900, 1945, 1948, 2019, 2025, 2041, 2096, 2155, 2162, 2163, 2165, 2218, 2219, 2223, 2224, 2228, 2236, 2278, 2279, 2282, 2330, 2332, 2401, 2419, 2466, 933, 1227, 1268, 1476, 1799, 1910, 2048, 2176, 2341, 2188, 2429, 2441 and 2475 were read for the second time.

## SECOND READING OF SENATE BILLS

S. F. Nos. 1955, 910, 1699, 1713 and 1959 were read for the second time.

## INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Johnson, Faricy, Eken, Berg and Searle introduced:

H. F. No. 2506, A bill for an act relating to education; appropriating money to the Minnesota historical society for an interpretive center at Traverse des Sioux.

The bill was read for the first time and referred to the Committee on Appropriations.

Schulz, Suss, Den Ouden and Esau introduced:

H. F. No. 2507, A bill for an act relating to programs for Minnesota Sioux Indian communities; appropriating money for home improvement grants and legal assistance; amending Minnesota Statutes, 1977 Supplement, Section 16.97, Subdivision 1.

The bill was read for the first time and referred to the Committee on Appropriations.

Wenzel, Wenstrom and Nelson introduced:

H. F. No. 2508, A resolution relating to energy; opposing the deregulation of oil and natural gas.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.



Wenzel; Wenstrom; Sieben, H.; Braun and Biersdorf introduced:

H. F. No. 2509, A resolution urging the Congress and President of the United States to remove prohibitions upon construction of high voltage transmission lines on highway and game refuge lands.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Stoa, Laidig, King, Wieser and Berglin introduced:

H. F. No. 2510, A bill for an act relating to public health; establishing a preventive dental health program for certain children; appropriating money; amending Minnesota Statutes 1976, Chapter 144, by adding a section.

The bill was read for the first time and referred to the Committee on Health and Welfare.

Scheid introduced:

H. F. No. 2511, A bill for an act relating to unemployment compensation; waiving interest penalties for certain excusable delays in payment of employer contributions; amending Minnesota Statutes 1976, Section 268.16, Subdivision 1, and by adding a subdivision.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Casserly, Munger, Pehler, Sieben, H., and Waldorf introduced:

H. F. No. 2512, A bill for an act relating to solid and hazardous wastes and toxic substances; providing for technology assessments and related research directed to certain goals; requiring studies and reports by the state planning agency, the pollution control agency, and the energy agency; establishing a temporary state solid and hazardous waste advisory task force; appropriating money.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Petrafeso introduced:

H. F. No. 2513, A bill for an act relating to the department of transportation; establishing a transit vehicle replacement assistance fund program; appropriating money.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

#### HOUSE ADVISORIES

Pursuant to rule 5.3, the following House Advisories were introduced:

Sarna, Osthoff, Braun and Biersdorf introduced:

H. A. No. 79, A proposal for a department study of the feasibility of a sportsman's advisory commission.

The advisory was referred to the Committee on Environment and Natural Resources.

Laidig, Norton, Faricy, Friedrich and Sherwood introduced:

H. A. No. 80, A proposal to investigate the number of uninsured registered motor vehicles operating upon public highways.

The advisory was referred to the Committee on Financial Institutions and Insurance.

Lemke, Kostohryz, Fudro, Hanson and Pleasant introduced:

H. A. No. 81, A proposal for a study of intrastate motor rates compared to interstate rates.

The advisory was referred to the Committee on Transportation.

#### 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. 1930, A resolution urging the President, Congress and Secretary of Transportation to provide necessary grants and loans to the Milwaukee Road.

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. 1936, A bill for an act relating to Independent School District No. 272 (Eden Prairie) and Independent School District No. 273 (Edina); providing for the transfer of territory from Independent School District No. 272 to Independent School District No. 273.

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. 2312, A bill for an act relating to Independent School District No. 272 (Eden Prairie) and Independent School District No. 271 (Bloomington); providing for the transfer of territory from Independent School District No. 272 to Independent School District No. 271.

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. 1191, A bill for an act relating to taxation; creating special districts to be called tax increment financing districts; providing for tax increment financing of renewal and development projects; amending Minnesota Statutes 1976, Chapter 273, by adding sections; Sections 458.192, Subdivision 11; 462.585, Subdivision 1; 472A.06; 473F.02, Subdivision 3; 474.10, Subdivision 2; and repealing Minnesota Statutes 1976, Sections 458.192, Subdivision 12; 462.545, Subdivision 5; 462.585, Subdivisions 2, 3 and 4; 472A.07; and 472A.08.

PATRICK E. FLAHAVEN, Secretary of the Senate

Pehler moved that the House refuse to concur in the Senate amendments to H. F. No. 1191, 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. 1693, 1754, 2234 and 2264.

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. 1137, 1206, 1622 and 1664.

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. 1630, 1704 and 1720.

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. 1752, 1891 and 2342.

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. 1951.

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. 1495, 1690, 1830 and 1943.

PATRICK E. FLAHAVEN, Secretary of the Senate

### FIRST READING OF SENATE BILLS

S. F. No. 1693, A bill for an act relating to the national guard; increasing the pay for enlisted persons on active duty; amending Minnesota Statutes 1976, Section 192.51.

The bill was read for the first time and referred to the Committee on Appropriations.

S. F. No. 1754, A bill for an act relating to highway traffic regulations; authorized emergency vehicles; approval of specifications and equipment test fees for lighting and vehicle safety equipment; warning devices on certain vehicles; and vehicle modification standards; amending Minnesota Statutes 1976, Sections 169.01, Subdivision 5; 169.468, Subdivision 2; 169.65; and 169.75; Minnesota Statutes, 1977 Supplement, Section 169.305, Subdivision 1; repealing Minnesota Statutes 1976, Section 169.47, Subdivision 2.

The bill was read for the first time.

Lemke moved that S. F. No. 1754 and H. F. No. 2112, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 2234, A bill for an act relating to Ramsey county; changing the day of county board meetings; amending Laws 1974, Chapter 435, Section 2.05, as amended.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

S. F. No. 2264, A bill for an act relating to statutory cities; providing for uniformity in bidding requirements for local government contracts; amending Minnesota Statutes 1976, Section 412.311.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

S. F. No. 1137, A bill for an act relating to chiropractic; further defining the practice of chiropractic; amending Minnesota Statutes 1976, Section 148.01, Subdivision 3, and by adding a subdivision.

The bill was read for the first time and referred to the Committee on Health and Welfare.

S. F. No. 1206, A bill for an act relating to aircraft; clarifying compulsory insurance requirements; requiring maintenance of liability coverage only during periods of contemplated aircraft use or operation; amending Minnesota Statutes 1976, Section 360.59, Subdivision 10.

The bill was read for the first time.

Fjoslien moved that S. F. No. 1206 and H. F. No. 1256, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1622, A bill for an act relating to game and fish; requiring a trout stamp; providing for disposition of the proceeds; appropriating funds; amending Minnesota Statutes 1976, Section 98.46, by adding a subdivision; Minnesota Statutes, 1977 Supplement, Sections 97.432; 98.46, Subdivision 2a; and 98.50, Subdivision 5.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

S. F. No. 1664, A bill for an act relating to public waters; clarifying certain provisions concerning public waters; establishing certain priorities for use of water in processing agricultural products; amending Minnesota Statutes 1976, Section 105.391, Subdivision 1; and Minnesota Statutes, 1977 Supplement, Section 105.41, Subdivision 1a.

The bill was read for the first time.

Kelly, W., moved that S. F. No. 1664 and H. F. No. 2116, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1630, A bill for an act relating to elections; providing certain safeguards against improper voter registration and casting of absentee ballots; revising forms and procedures for administering absentee ballot laws; prescribing certain powers and duties of and granting temporary rulemaking power to the secretary of state; eliminating civil service appointment of election judges in first class cities; prescribing penalties; amending Minnesota Statutes 1976, Sections 201.121; 201.15; 201.27; 204A.14, Subdivision 2; 207.04; 207.06; 207.08; 207.09; 207.30, Subdivisions 2, 3, 4, 5 and 6; Chapters 201, by adding a section; and 207, by adding a section; Minnesota Statutes, 1977 Supplement, Sections 201.061, Subdivision 3; 201.071, Subdivision 4; 204A.13, Subdivisions 2 and 6; 204A.17, Subdivision 1; 204A.175; 207.02; 207.03; 207.05, Subdivision 1; 207.10; 207.11; and 207.31; repealing Minnesota Statutes 1976, Sections 204A.17, Subdivision 2; 207.101; 207.12; 207.13; and 207.30, Subdivision 1.

The bill was read for the first time and referred to the Committee on General Legislation and Veterans Affairs.

S. F. No. 1704, A bill for an act relating to the city of Minneapolis and the housing and redevelopment authority in and for the city of Minneapolis; establishing a program setting aside a portion of services and materials for small businesses.

The bill was read for the first time.

Casserly moved that S. F. No. 1704 and H. F. No. 1912, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1720, A bill for an act relating to game and fish; revising certain provisions regarding placement of blinds and decoys; amending Minnesota Statutes 1976, Section 100.29, Subdivision 18.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

S. F. No. 1752, A bill for an act relating to nursing homes; authorizing sharing of administrators between certain hospitals and nursing homes; amending Minnesota Statutes 1976, Section 144A.04, Subdivision 5.

The bill was read for the first time and referred to the Committee on Health and Welfare.

S. F. No. 1891, A bill for an act relating to taxation; property tax; exempting certain cities containing utility plants from per capita levy limitations; amending Minnesota Statutes 1976, Section 275.11, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Taxes.

S. F. No. 2342, A bill for an act relating to Olmsted county; authorizing the board of county commissioners to finance an addition to and to renovate the Olmsted county hospital.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

S. F. No. 1951, A bill for an act relating to marriage; providing that the clerk of court may solemnize marriages; amending Minnesota Statutes 1976, Section 517.04.

The bill was read for the first time.

Sieben, H., moved that S. F. No. 1951 and H. F. No. 2019, now on the Technical Consent Calendar, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1495, A bill for an act relating to municipal obligations; revising provisions relating to advance refunding; amending Minnesota Statutes 1976, Section 475.67.

The bill was read for the first time.

Neisen moved that S. F. No. 1495 and H. F. No. 1268, now on the Technical General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1690, A bill for an act relating to the Minneapolis-Saint Paul metropolitan airports commission; providing a maximum amount and funding terms for commission debt; amending Minnesota Statutes 1976, Section 473.667, Subdivisions 2 and 4, and by adding a subdivision.

The bill was read for the first time.

Sieben, H., moved that S. F. No. 1690 and H. F. No. 1913, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1830, A bill for an act relating to corporations; modifying certain filing fees for domestic corporations; providing a uniform fee for filing instruments with the secretary of state; amending Minnesota Statutes 1976, Sections 300.49, Subdivision 1; and 301.071, Subdivision 2.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

S. F. No. 1943, A bill for an act relating to forests; regulating the maintenance of fires therein; amending Minnesota Statutes 1976, Sections 88.01, by adding a subdivision; 88.10; 88.16; 88.17; 88.22; 88.73; 88.75, Subdivision 1; 88.76; 88.77; and 88.78.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

#### PROGRESS REPORTS ON CONFERENCE COMMITTEES

Pursuant to Joint Rule 2.06, progress on S. F. No. 823 was reported to the House.

The following conference committee report was received:



## CONFERENCE COMMITTEE REPORT ON H. F. NO. 405

A bill for an act relating to gambling; authorizing the operation of certain gambling devices by licensed organizations; providing a penalty; amending Minnesota Statutes 1976, Sections 325.54, Subdivision 1; 340.14, Subdivision 2; 609.75; 609.76; Chapters 349, by adding a section; and 609, by adding a section.

March 1, 1978

The Honorable Martin O. Sabo  
Speaker of the House of Representatives  
The Honorable Edward J. Gearty  
President of the Senate

We, the undersigned conferees for H. F. No. 405, 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. 405 be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1976, Section 325.54, Subdivision 1, is amended to read:

325.54 [GAMBLING DEVICE; POSSESSION OF.] Subdivision 1. [INTENTIONAL POSSESSION; WILFUL KEEPING.] The intentional possession or wilful keeping of a gambling device upon any licensed premises is cause for the revocation of any license under which the licensed business is carried on upon the premises where the gambling device is found, *provided that possession of gambling devices commonly known as "paddlewheels" or "tipboards" or apparatus used in conducting raffles on the premises of a nonprofit organization and operated by organizations licensed for such operation pursuant to section 3 shall not be cause for revocation of a license.*

Sec. 2. Minnesota Statutes 1976, Section 340.14, Subdivision 2, is amended to read:

Subd. 2. [RESTRICTIONS.] Every licensee shall be responsible for the conduct of his place of business and for conditions of sobriety and order therein. No licensee shall keep, possess, or operate, or permit the keeping, possession, or operation of, on the licensed premises, or in any room adjoining the licensed premises, any slot machine, dice, or any gambling device or apparatus, nor permit any gambling therein, nor permit the licensed premises or any room in the same, or in any adjoining building, directly or indirectly under its control to be used as a resort for prostitutes or other disorderly persons, *except that*

*gambling devices may be kept or operated and raffles conducted on licensed premises and adjoining rooms when such activities are licensed by the local unit of government pursuant to section 3. No person under 18 years of age shall be employed in any rooms constituting the place in which intoxicating liquors are sold at retail "on-sale", except that persons under 18 years of age may be employed as musicians or to perform the duties of a busboy or dishwashing services in places defined as a restaurant or hotel or motel serving food in rooms in which intoxicating liquors are sold at retail "on-sale".*

Sec. 3. Minnesota Statutes 1976, Chapter 349, is amended by adding a section to read:

[349.26] [GAMBLING DEVICES.] *Subdivision 1. For the purposes of this section the terms defined in this section have the meanings given them.*

*Subd. 2. "Gambling devices" mean those gambling devices known as "paddlewheels" or "tipboards", or apparatus used in conducting raffles.*

*Subd. 3. "Paddlewheel" means a wheel marked off into sections containing one or more numbers, and which, after being turned or spun, uses a pointer or marker to indicate winning chances.*

*Subd. 4. "Tipboard" means a board, placard or other device measuring at least 12 inches square, marked off in a grid or similar pattern, in which each section contains a hidden number or numbers, or other symbol, which determines the winning chances.*

*Subd. 5. "Raffle" means a game in which a participant buys a ticket for a chance at a prize with the winner determined by a random drawing.*

*Subd. 6. "Profit" means the gross receipts from the operation of gambling devices and the conduct of raffles, less reasonable sums expended for prizes, local licensing fees, taxes and maintenance costs for the devices.*

*Subd. 7. Nothing in this section shall be construed to authorize any use, possession or operation of:*

*(a) Any gambling device which is activated by the insertion of a coin or token; or*

*(b) Any gambling game or device in which the winning numbers, tickets or chances are in any way determined by the outcome of any athletic contest or sporting event.*

*Subd. 8. Any county or city may establish a system for the licensing of organizations to operate gambling devices and to conduct raffles. The system may include a fee for each license in an amount to be determined by the local governing body. Licenses issued pursuant to this section shall be valid for one year, and may be suspended or revoked for any violation of this section. A local governing body shall act on a license application within 180 days from the date of application, but shall not issue a license until at least 30 days after the date of the application. Nothing in this section shall be construed to prohibit a county or city from adopting rules or ordinances for the operation of gambling devices or the conduct of raffles that are more restrictive than state law, including rules or ordinances prohibiting the operation of such devices.*

*Subd. 9. Licenses shall be issued only to a fraternal, religious, veterans or other nonprofit organization covered by section 290.05, subdivision 1, clause (i) or (k), which organization has been in existence for at least three years and has at least 30 active members, as defined in section 349.12, subdivision 2.*

*Subd. 10. Profits from the operation of gambling devices or the conduct of raffles shall be used solely for lawful purposes as defined in section 349.12, subdivision 6, and as authorized at a regular meeting of the organization.*

*Subd. 11. All operation of gambling devices and the conduct of raffles shall be under the supervision of a single gambling manager designated by the organization. The gambling manager shall be responsible for gross receipts and profits from gambling devices and raffles and for their operation. The gambling manager shall give a fidelity bond in the sum of \$10,000 in favor of the organization conditioned on the faithful performance of his duties, and the bond and the waiver thereof shall be subject to the same provisions as those applying to the bond required of a bingo manager pursuant to section 349.17, subdivision 7. A person may act as both gambling manager and bingo manager for a single organization, but a gambling manager for a single organization shall not act as either a gambling manager or bingo manager for any other organization. A gambling manager for an organization shall be an active member of the organization, as defined in section 349.12, subdivision 2.*

*Subd. 12. No compensation shall be paid to any person in connection with the operation of a gambling device or the conduct of a raffle by a licensed organization. No person who is not an active member of an organization, or its auxiliary, or the spouse or surviving spouse of an active member may participate in the organization's operation of a gambling device or conduct of a raffle.*

*Subd. 13. Each organization licensed to operate gambling devices shall keep records of its gross receipts, expenses and*

profits for each single gathering or occasion at which gambling devices are operated or a raffle is conducted. All deductions from gross receipts for each single gathering or occasion shall be documented with receipts or other records indicating the amount, a description of the purchased item or service or other reason for the deduction, and the recipient. The distribution of profits shall be itemized as to payee, purpose, amount and date of payment.

Gross receipts from the operation of gambling devices and the conduct of raffles shall be segregated from other revenues of the organization, including bingo gross receipts, and placed in a separate account. Each organization shall have separate records of its gambling operations. The person who accounts for gross receipts, expenses and profits from the operation of gambling devices or the conduct of raffles shall not be the same person who accounts for other revenues of the organization, except that such person may be the same person who accounts for bingo gross receipts, expenses and profits.

Each organization licensed to operate gambling devices or to conduct raffles shall report monthly to its membership, and to the licensing local unit of government, its gross receipts, expenses and profits from gambling devices or raffles, and the distribution of profits itemized as required in this subdivision.

Records required by this section shall be preserved for three years, and organizations shall make available their records relating to operation of gambling devices and the conduct of raffles for public inspection at reasonable times and places.

Subd. 14. Gambling devices shall be operated and raffles conducted by a licensed organization only upon premises which it owns or leases except that tickets for raffles conducted in accordance with this section may be sold off the premises. Leases, unless authorized in another location by the local unit of government, shall be for a period of not less than one year and shall be in writing. No lease shall provide that rental payments be based on a percentage of receipts or profits from gambling devices or raffles. Copies of all leases shall be provided to the licensing local unit of government.

Subd. 15. Total prizes from the operation of paddlewheels and tipboards awarded in any single day in which they are operated shall not exceed \$500. Total prizes resulting from any single spin of a paddlewheel, or from any single tipboard, shall not exceed \$100. Total prizes awarded in any calendar year by any organization from the operation of paddlewheels and tipboards and the conduct of raffles shall not exceed \$15,000. Merchandise prizes shall be valued at fair market retail value.

Subd. 16. Violation of any provision of this section is a misdemeanor. This subdivision shall not preclude civil or criminal action under other applicable law or preclude any agency of gov-

*ernment from investigating or prosecuting violations of the provisions of this section.*

Sec. 4. Minnesota Statutes 1976, Section 609.75, Subdivision 1, is amended to read:

609.75 [GAMBLING; DEFINITIONS.] Subdivision 1. [LOTTERY.] A lottery is a plan (DESIGNED FOR OR RESULTING IN ANY PRIVATE PECUNIARY GAIN TO THE SPONSORS OR THEIR AGENTS, AND) which provides for the distribution of money, property or other reward or benefit to persons selected by chance from among participants some or all of whom have given a consideration for the chance of being selected. Acts in this state in furtherance of a lottery conducted outside of this state are included notwithstanding its validity where conducted.

Sec. 5. Minnesota Statutes 1976, Section 609.75, Subdivision 3, is amended to read:

Subd. 3. [WHAT ARE NOT BETS.] The following are not bets:

(1) A contract to insure, indemnify, guarantee or otherwise compensate another for a harm or loss sustained, even though the loss depends upon chance.

(2) A contract for the purchase or sale at a future date of securities or other commodities.

(3) Offers of purses, prizes or premiums to the actual contestants in any bona fide contest for the determination of skill, speed, strength, endurance, or quality or to the bona fide owners of animals or other property entered in such a contest.

(4) The game of bingo when conducted in compliance with sections 349.11 to 349.23.

(5) A private social bet not part of or incidental to organized, commercialized, or systematic gambling.

(6) *The operation of a gambling device or the conduct of a raffle as defined in section 3, by an organization licensed for such operation by a local unit of government pursuant to section 3.*

Sec. 6. Minnesota Statutes 1976, Chapter 609, is amended by adding a section to read:

[609.761] [OPERATION PERMITTED.] *Notwithstanding sections 609.755 and 609.76, a fraternal, religious, veterans or other nonprofit organization may set up or operate a gambli-*

*ing device or conduct a raffle as defined in section 3, if licensed by the local unit of government and conducted pursuant to section 3, and a person may manufacture, sell or offer for sale a gambling device to the organization."*

Further, amend the title as follows:

Page 1, line 6, after "609.75" insert ", Subdivisions 1 and 3".

Page 1, line 7, delete "609.76;".

We request adoption of this report and repassage of the bill.

House Conferees: LEO J. REDING, ROBERT C. JENSEN and STANLEY J. FUDRO.

Senate Conferees: TOM A. NELSON, JACK I. KLEINBAUM and EDWARD J. GEARTY.

Reding moved that the report of the Conference Committee on H. F. No. 405 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 405, A bill for an act relating to gambling; authorizing the operation of certain gambling devices by licensed organizations; providing a penalty; amending Minnesota Statutes 1976, Sections 325.54, Subdivision 1; 340.14, Subdivision 2; 609.75; 609.76; Chapters 349, by adding a section; and 609, by adding a section.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 90 yeas and 41 nays as follows:

Those who voted in the affirmative were:

Abeln	Clawson	Jude	Neisen	Sieben, M.
Adams	Cohen	Kahn	Nelsen, M.	Simoneau
Anderson, I.	Cummiskey	Kaley	Nelson	Smogard
Anderson, R.	Eckstein	Kalis	Norton	Spanish
Arlandson	Ellingson	Kempe, A.	Novak	Stanton
Beauchamp	Evans	Knickerbocker	Osthoff	Suss
Begich	Faricy	Kostohryz	Patton	Swanson
Berg	Fudro	Kroening	Pehler	Tomlinson
Berglin	Fugina	Lehto	Petrafeso	Vanasek
Berkelman	George	Mangan	Prahl	Voss
Biersdorf	Gunter	Mann	Redalen	Welch
Birnstihl	Hanson	McCarron	Reding	White
Brandl	Heinitz	McCollar	Rose	Wieser
Braun	Hokanson	McEachern	St. Onge	Wigley
Brinkman	Jacobs	Metzen	Sarna	Williamson
Byrne	Jaros	Moe	Scheid	Wynia
Carlson, L.	Jensen	Munger	Searles	Zubay
Casserly	Johnson	Murphy	Sieben, H.	Speaker Sabo

Those who voted in the negative were:

Albrecht	Den Ouden	Kelly, W.	Niehaus	Skoglund
Anderson, B.	Eken	Kempe, R.	Onnen	Stoa
Anderson, D.	Enebo	King	Peterson	Waldorf
Anderson, G.	Erickson	Kvam	Pleasant	Wenstrom
Battaglia	Esau	Laidig	Samuelson	Wenzel
Carlson, D.	Ewald	Langseth	Savelkoul	
Clark	Fjoslien	Lemke	Schulz	
Corbid	Forsythe	McDonald	Searle	
Dean	Friedrich	Nelsen, B.	Sherwood	

The bill was repassed, as amended by Conference, and its title agreed to.

### CONSENT CALENDAR

H. F. No. 1884, A bill for an act relating to highway traffic regulations; prohibiting passing a school bus when it is stopped and is displaying stop signals; providing penalties; amending Minnesota Statutes 1976, Section 169.44, Subdivision 1.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Corbid	Kahn	Nelsen, B.	Sieben, M.
Adams	Dean	Kaley	Nelsen, M.	Simoneau
Albrecht	Den Ouden	Kalis	Nelson	Skoglund
Anderson, B.	Eckstein	Kelly, R.	Niehaus	Smogard
Anderson, D.	Eken	Kelly, W.	Norton	Spanish
Anderson, G.	Ellingson	Kempe, A.	Novak	Stanton
Anderson, I.	Enebo	Kempe, R.	Onnen	Stoa
Anderson, R.	Erickson	King	Osthoff	Suss
Arlandson	Esau	Knickerbocker	Patton	Swanson
Battaglia	Evans	Kostohryz	Pehler	Tomlinson
Beauchamp	Ewald	Kroening	Peterson	Vanasek
Begich	Faricy	Kvam	Petrafeso	Voss
Berg	Fjoslien	Laidig	Pleasant	Waldorf
Berglin	Forsythe	Langseth	Prahl	Welch
Berkelman	Friedrich	Lehto	Redalen	Wenstrom
Biersdorf	Fudro	Lemke	Reding	Wenzel
Birnstihl	Fugina	Mangan	Rose	White
Brandl	George	Mann	St. Onge	Wieser
Braun	Gunter	McCarron	Samuelson	Wigley
Brinkman	Hanson	McCollar	Sarna	Williamson
Byrne	Heinitz	McDonald	Savelkoul	Wynia
Carlson, D.	Hokanson	McEachern	Scheid	Zubay
Carlson, L.	Jacobs	Metzen	Schulz	Speaker Sabo
Casserly	Jaros	Moe	Searle	
Clark	Jensen	Munger	Searles	
Clawson	Johnson	Murphy	Sherwood	
Cohen	Jude	Neisen	Sieben, H.	

The bill was passed and its title agreed to.

H. F. No. 1220, A bill for an act relating to courts; providing for law clerks to assist district judges; amending Minnesota Statutes 1976, Section 484.545, Subdivision 1.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Corbid	Johnson	Murphy	Searles
Adams	Cummiskey	Jude	Neisen	Sherwood
Albrecht	Dean	Kahn	Nelsen, B.	Sieben, H.
Anderson, B.	Den Ouden	Kaley	Nelsen, M.	Sieben, M.
Anderson, D.	Eckstein	Kalis	Nelson	Simoneau
Anderson, G.	Eken	Kelly, R.	Niehaus	Skoglund
Anderson, R.	Ellingson	Kelly, W.	Norton	Smogard
Arlandson	Enebo	Kempe, A.	Novak	Spanish
Battaglia	Erickson	Kempe, R.	Onnen	Stanton
Beauchamp	Esau	King	Osthoff	Stoa
Begich	Evans	Knickerbocker	Patton	Suss
Berg	Ewald	Kostohryz	Pehler	Swanson
Berglin	Farcy	Kroening	Peterson	Tomlinson
Berkelman	Fjoslien	Kvam	Petrafaso	Vanasek
Biersdorf	Forsythe	Laidig	Pleasant	Waldorf
Birnstihl	Friedrich	Langseth	Prahl	Welch
Brandl	Fudro	Lehto	Redalen	Wenstrom
Braun	Fugina	Lemke	Reding	Wenzel
Brinkman	George	Mangan	Rose	White
Byrne	Gunter	Mann	St. Onge	Wieser
Carlson, D.	Hanson	McCollar	Samuelson	Wigley
Carlson, L.	Heinitz	McDonald	Sarna	Williamson
Casserly	Hokanson	McEachern	Savelkoul	Wynia
Clark	Jacobs	Metzen	Scheid	Zubay
Clawson	Jaros	Moe	Schulz	Speaker Sabo
Cohen	Jensen	Munger	Searle	

The bill was passed and its title agreed to.

H. F. No. 1400 was reported to the House.

Suss moved that H. F. No. 1400 be returned to its author. The motion prevailed.

H. F. No. 1663, A bill for an act relating to retirement; authorizing a combined service annuity and the purchase of prior service credit for certain university employees.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 126 yeas and 0 nays as follows:



## Those who voted in the affirmative were:

Abeln	Cohen	Jude	Nelsen, B.	Simoneau
Adams	Corbid	Kahn	Nelsen, M.	Skoglund
Albrecht	Cummiskey	Kaley	Nelson	Smogard
Anderson, B.	Dean	Kalis	Niehaus	Spanish
Anderson, D.	Den Ouden	Kelly, R.	Norton	Stanton
Anderson, G.	Eckstein	Kelly, W.	Novak	Stoa
Anderson, I.	Eken	Kempe, A.	Onnen	Suss
Anderson, R.	Ellingson	Kempe, R.	Osthoff	Swanson
Arlandson	Enebo	King	Patton	Tomlinson
Battaglia	Erickson	Knickerbocker	Pehler	Vanasek
Beauchamp	Esau	Kostohryz	Peterson	Voss
Begich	Evans	Kroening	Petrafaso	Waldorf
Berg	Ewald	Laidig	Prahl	Welch
Berglin	Faricy	Langseth	Redalen	Wenstrom
Berkelman	Fjoslien	Lehto	Reding	Wenzel
Biersdorf	Forsythe	Lemke	Rose	White
Birnstihl	Fudro	Mangan	St. Onge	Wieser
Brandl	Fugina	Mann	Samuelson	Wigley
Braun	George	McCarron	Sarna	Williamson
Brinkman	Gunter	McCollar	Scheid	Wynia
Byrne	Hanson	McDonald	Schulz	Zubay
Carlson, A.	Heinitz	McEachern	Searle	Speaker Sabo
Carlson, D.	Hokanson	Metzen	Searles	
Carlson, L.	Jacobs	Munger	Sherwood	
Casserly	Jaros	Murphy	Sieben, H.	
Clark	Johnson	Neisen	Sieben, M.	

The bill was passed and its title agreed to.

H. F. No. 2159, A bill for an act relating to courts; permitting personal jurisdiction over non-residents for causes of action relating to tortious acts; revising the provision to accord with federal constitutional requirements; amending Minnesota Statutes 1976, Section 543.19, Subdivision 1.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 131 yeas and 0 nays as follows:

## Those who voted in the affirmative were:

Abeln	Birnstihl	Eckstein	Hanson	Knickerbocker
Adams	Brandl	Eken	Heinitz	Kostohryz
Albrecht	Braun	Ellingson	Hokanson	Kroening
Anderson, B.	Brinkman	Enebo	Jacobs	Kvam
Anderson, D.	Byrne	Erickson	Jaros	Laidig
Anderson, G.	Carlson, A.	Esau	Jensen	Langseth
Anderson, I.	Carlson, D.	Evans	Johnson	Lehto
Anderson, R.	Carlson, L.	Ewald	Jude	Lemke
Arlandson	Casserly	Faricy	Kahn	Mangan
Battaglia	Clark	Fjoslien	Kaley	McCarron
Beauchamp	Clawson	Forsythe	Kalis	McCollar
Begich	Cohen	Friedrich	Kelly, R.	McDonald
Berg	Corbid	Fudro	Kelly, W.	McEachern
Berglin	Cummiskey	Fugina	Kempe, A.	Metzen
Berkelman	Dean	George	Kempe, R.	Moe
Biersdorf	Den Ouden	Gunter	King	Munger

Murphy	Pehler	Savelkoul	Spanish	White
Neisen	Peterson	Scheid	Stanton	Wieser
Nelsen, B.	Petrafeso	Schulz	Stoa	Wigley
Nelsen, M.	Pleasant	Searle	Swanson	Williamson
Nelson	Prahl	Searles	Tomlinson	Wynia
Niehaus	Redalen	Sherwood	Vanasek	Zubay
Norton	Reding	Sieben, H.	Voss	Speaker Sabo
Novak	Rose	Sieben, M.	Waldorf	
Onnen	St. Onge	Simoneau	Welch	
Osthoff	Samuelson	Skoglund	Wenstrom	
Patton	Sarna	Smogard	Wenzel	

The bill was passed and its title agreed to.

H. F. No. 2281, A bill for an act relating to conveyances; providing for the adoption of uniform conveyancing forms to replace certain forms in use; amending Minnesota Statutes 1976, Section 507.09.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abein	Cohen	Jude	Nelsen, B.	Sieben, M.
Adams	Corbid	Kahn	Nelsen, M.	Simoneau
Albrecht	Cummiskey	Kaley	Nelson	Skoglund
Anderson, B.	Dean	Kalis	Niehaus	Smogard
Anderson, D.	Den Ouden	Kelly, R.	Norton	Spanish
Anderson, G.	Eckstein	Kelly, W.	Novak	Stanton
Anderson, I.	Eken	Kempe, A.	Onnen	Stoa
Anderson, R.	Ellingson	Kempe, R.	Osthoff	Suss
Arlandson	Enebo	King	Patton	Swanson
Battaglia	Erickson	Knickerbocker	Pehler	Tomlinson
Beauchamp	Esau	Kostohryz	Peterson	Vanasek
Begich	Evans	Kroening	Petrafeso	Voss
Berg	Ewald	Kvam	Pleasant	Waldorf
Berglin	Fariy	Laidig	Prahl	Welch
Berkelman	Fjoslien	Langseth	Redalen	Wenstrom
Biersdorf	Forsythe	Lehto	Reding	Wenzel
Birnstihl	Fudro	Lemke	Rose	White
Brandl	Fugina	Mangan	St. Onge	Wieser
Braun	George	McCarron	Samuelson	Wigley
Brinkman	Gunter	McCollar	Sarna	Williamson
Byrne	Hanson	McDonald	Savelkoul	Wynia
Carlson, A.	Heinitz	McEachern	Scheid	Zubay
Carlson, D.	Hokanson	Metzen	Schulz	Speaker Sabo
Carlson, L.	Jacobs	Moe	Searle	
Casserly	Jaros	Munger	Searles	
Clark	Jensen	Murphy	Sherwood	
Clawson	Johnson	Neisen	Sieben, H.	

The bill was passed and its title agreed to.

H. F. No. 1797 was reported to the House.

Schulz moved to amend H. F. No. 1797, as follows:

Page 1, after line 15, insert:

"Sec. 2. The resolution or ordinance of the city council for the sale of land authorized in section 1 shall not be effective until it has been approved by a majority of the votes cast on the question at a regular or a special election if a petition asking for an election on the question signed by voters equal to five percent of the number of voters at the last regular election is filed with the city within 30 days following the publication of the resolution or ordinance."

Renumber the remaining section.

The motion prevailed and the amendment was adopted.

H. F. No. 1797, A bill for an act relating to the city of Zumbrota; authorizing the sale of certain public land.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Clawson	Jaros	Neisen	Sherwood
Adams	Cohen	Jensen	Nelsen, B.	Sieben, H.
Albrecht	Corbid	Johnson	Nelsen, M.	Sieben, M.
Anderson, B.	Cummiskey	Jude	Nelson	Simoneau
Anderson, D.	Dean	Kahn	Niehaus	Skoglund
Anderson, G.	Den Ouden	Kaley	Norton	Smogard
Anderson, I.	Eckstein	Kalis	Novak	Spanish
Anderson, R.	Eken	Kelly, R.	Onnen	Stanton
Arlandson	Ellingson	Kelly, W.	Osthoff	Stoa
Battaglia	Enebo	Kempe, A.	Patton	Suss
Beauchamp	Erickson	Kempe, R.	Pehler	Swanson
Begich	Esau	King	Peterson	Tomlinson
Berg	Evans	Knickerbocker	Petrafeso	Voss
Berglin	Ewald	Kostohryz	Pleasant	Waldorf
Berkelman	Faricy	Kroening	Prahl	Welch
Biersdorf	Fjoslien	Kvam	Redalen	Wenstrom
Birnstihl	Forsythe	Langseth	Reding	Wenzel
Brandl	Friedrich	Lehto	Rose	White
Braun	Fudro	Lemke	St. Onge	Wieser
Brinkman	Fugina	Mangan	Samuelson	Wigley
Byrne	George	McCollar	Sarna	Williamson
Carlson, A.	Gunter	McDonald	Savelkoul	Wynia
Carlson, D.	Hanson	McEachern	Scheid	Zubay
Carlson, L.	Heinitz	Metzen	Schulz	Speaker Sabo
Casserly	Hokanson	Moe	Searle	
Clark	Jacobs	Murphy	Searles	

The bill was passed, as amended, and its title agreed to.

H. F. No. 2298, A bill for an act relating to highway traffic regulation; change of course; clarifying requirement to signal

a turn; amending Minnesota Statutes 1976, Section 169.19, Subdivision 4.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 125 yeas and 4 nays as follows:

Those who voted in the affirmative were:

Abeln	Corbid	Jensen	Munger	Searles
Adams	Cummiskey	Johnson	Murphy	Sieben, H.
Albrecht	Dean	Jude	Neisen	Sieben, M.
Anderson, B.	Den Ouden	Kahn	Neisen, B.	Simoneau
Anderson, G.	Eckstein	Kaley	Nelson	Skoglund
Anderson, I.	Eken	Kalis	Niehaus	Smogard
Anderson, R.	Ellingson	Kelly, R.	Norton	Spanish
Arlandson	Enebo	Kelly, W.	Novak	Stanton
Battaglia	Erickson	Kempe, A.	Onnen	Stoa
Begich	Esau	Kempe, R.	Osthoff	Suss
Berg	Evans	King	Patton	Swanson
Berglin	Ewald	Knickerbocker	Pehler	Tomlinson
Berkelman	Faricy	Kostohryz	Peterson	Vanasek
Biersdorf	Fjoslien	Kroening	Petrafeso	Voss
Birnstihl	Forsythe	Kvam	Pleasant	Waldorf
Brandl	Friedrich	Laidig	Prahl	Welch
Braun	Fudro	Langseth	Redalen	Wenstrom
Byrne	Fugina	Lehto	Reding	Wenzel
Carlson, A.	George	Lemke	Rose	White
Carlson, D.	Gunter	Mangan	St. Onge	Wieser
Carlson, L.	Hanson	McCollar	Sarna	Wigley
Casserty	Heinitz	McDonald	Savelkoul	Williamson
Clark	Hokanson	McEachern	Scheid	Wynia
Clawson	Jacobs	Metzen	Schulz	Zubay
Cohen	Jaros	Moe	Searle	Speaker Sabo

Those who voted in the negative were:

Anderson, D. Beauchamp Brinkman Samuelson

The bill was passed and its title agreed to.

H. F. No. 1141, A bill for an act relating to local government compliance with plans for wild, scenic or recreational river areas; providing for a study and recommendations concerning the amount and distribution of costs associated therewith.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln Adams Albrecht Anderson, B. Anderson, D.

Anderson, G.	Den Ouden	Kaley	Nelson	Simoneau
Anderson, I.	Eckstein	Kalis	Niehaus	Skoglund
Anderson, R.	Eken	Kelly, W.	Norton	Smogard
Arlandson	Ellingson	Kempe, A.	Novak	Spanish
Battaglia	Enebo	Kempe, R.	Onnen	Stanton
Beauchamp	Erickson	King	Osthoff	Stoa
Begich	Esau	Knickerbocker	Patton	Suss
Berg	Evans	Kostohryz	Pehler	Swanson
Berglin	Ewald	Kroening	Peterson	Tomlinson
Berkelman	Faricy	Kvam	Petrafeso	Vanasek
Biersdorf	Fjoslien	Laidig	Pleasant	Voss
Birnstihl	Forsythe	Langseth	Prahl	Waldorf
Brandl	Friedrich	Lehto	Redalen	Welch
Braun	Fudro	Lemke	Reding	Wenstrom
Brinkman	Fugina	Mangan	Rose	Wenzel
Byrne	George	McCarron	St. Onge	White
Carlson, A.	Gunter	McCollar	Samuelson	Wieser
Carlson, D.	Hanson	McDonald	Sarna	Wigley
Carlson, L.	Heinitz	McEachern	Savelkoul	Williamson
Casserly	Hokanson	Metzen	Scheid	Wynia
Clark	Jacobs	Moe	Schulz	Zubay
Clawson	Jaros	Munger	Searle	Speaker Sabo
Cohen	Jensen	Murphy	Searles	
Corbid	Johnson	Neisen	Sherwood	
Cummiskey	Jude	Nelsen, B.	Sieben, H.	
Dean	Kahn	Nelsen, M.	Sieben, M.	

The bill was passed and its title agreed to.

H. F. No. 1937 was reported to the House.

Peterson moved to amend H. F. No. 1937, as follows:

Page 2, line 5, reinsert the stricken language and before "*disposal*" insert "*or*".

Page 2, line 11, reinsert the stricken "farm fields" and before "*disposal*" insert "*or*".

The motion prevailed and the amendment was adopted.

H. F. No. 1937, A bill for an act relating to pollution control; providing for the receipt and appropriation of certain funds by the pollution control agency; further regulating the transport of sewage sludge; amending Minnesota Statutes 1976, Section 115.06, Subdivision 2; and Minnesota Statutes, 1977 Supplement, Section 169.80, Subdivision 2.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Albrecht	Anderson, D.	Anderson, I.	Arlandson
Adams	Anderson, B.	Anderson, G.	Anderson, R.	Battaglia

Beauchamp	Enebo	Kempe, A.	Norton	Simoneau
Begich	Erickson	Kempe, R.	Novak	Skoglund
Berg	Esau	King	Onnen	Smogard
Berglin	Evans	Knickerbocker	Osthoff	Spanish
Berkelman	Ewald	Kostohryz	Patton	Stanton
Biersdorf	Faricy	Kroening	Pehler	Stoa
Birnstihl	Fjoslien	Kvam	Peterson	Suss
Brandl	Forsythe	Langseth	Petrafeso	Swanson
Braun	Friedrich	Lehto	Pleasant	Tomlinson
Brinkman	Fudro	Lemke	Prahl	Vanasek
Byrne	Fugina	Mangan	Redalen	Voss
Carlson, A.	George	Mann	Reding	Waldorf
Carlson, D.	Gunter	McCollar	Rose	Welch
Carlson, L.	Hanson	McDonald	St. Onge	Wenstrom
Casserly	Heinitz	McEachern	Samuelson	Wenzel
Clark	Hokanson	Metzen	Sarna	White
Clawson	Jacobs	Moe	Savelkoul	Wieser
Cohen	Jaros	Munger	Scheid	Wigley
Corbid	Jensen	Murphy	Schulz	Williamson
Dean	Jude	Neisen	Searle	Wynia
Den Ouden	Kaley	Nelsen, B.	Searles	Zubay
Eckstein	Kalis	Nelsen, M.	Sherwood	Speaker Sabo
Eken	Kelly, R.	Nelson	Sieben, H.	
Ellingson	Kelly, W.	Niehaus	Sieben, M.	

The bill was passed, as amended, and its title agreed to.

H. F. No. 2393 was reported to the House. Upon objection of ten members H. F. No. 2393 was stricken from the Consent Calendar and returned to General Orders.

H. F. No. 2005, A bill for an act relating to medical malpractice insurance; extending the temporary joint underwriting association for an additional two year period; amending Minnesota Statutes 1976, Section 62F.01; repealing Laws 1976, Chapter 242, Section 16.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Biersdorf	Den Ouden	George	Kempe, R.
Adams	Birnstihl	Eckstein	Gunter	King
Albrecht	Brandl	Eken	Hanson	Knickerbocker
Anderson, B.	Braun	Ellingson	Heinitz	Kostohryz
Anderson, D.	Brinkman	Enebo	Hokanson	Kroening
Anderson, G.	Byrne	Erickson	Jacobs	Kvam
Anderson, I.	Carlson, A.	Esau	Jaros	Laidig
Anderson, R.	Carlson, D.	Evans	Jensen	Langseth
Arlandson	Carlson, L.	Ewald	Johnson	Lehto
Battaglia	Casserly	Faricy	Jude	Lemke
Beauchamp	Clark	Fjoslien	Kaley	Mangan
Begich	Clawson	Forsythe	Kalis	Mann
Berg	Cohen	Friedrich	Kelly, R.	McCarron
Berglin	Corbid	Fudro	Kelly, W.	McCollar
Berkelman	Dean	Fugina	Kempe, A.	McDonald

McEachern	Onnen	Samuelson	Smogard	Wenzel
Metzen	Osthoff	Sarna	Spanish	White
Moe	Patton	Savelkoul	Stanton	Wieser
Munger	Pehler	Scheid	Stoa	Wigley
Murphy	Peterson	Schulz	Suss	Williamson
Neisen	Petraleso	Searle	Swanson	Wynia
Nelsen, B.	Pleasant	Searles	Tomlinson	Zubay
Nelsen, M.	Prahl	Sherwood	Vanasek	Speaker Sabo
Nelson	Redalen	Sieben, H.	Voss	
Niehaus	Reding	Sieben, M.	Waldorf	
Norton	Rose	Simoneau	Welch	
Novak	St. Onge	Skoglund	Wenstrom	

The bill was passed and its title agreed to.

H. F. No. 2452, A bill for an act relating to state lands; directing the conveyance of Hastings state hospital surplus lands.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 126 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Cohen	Johnson	Nelsen, B.	Sieben, M.
Adams	Corbid	Jude	Nelsen, M.	Simoneau
Albrecht	Dean	Kaley	Nelson	Skoglund
Anderson, B.	Den Ouden	Kalis	Niehaus	Smogard
Anderson, D.	Eckstein	Kelly, R.	Norton	Spanish
Anderson, I.	Eken	Kelly, W.	Novak	Stanton
Anderson, R.	Ellingson	Kempe, A.	Onnen	Stoa
Arlandson	Enebo	Kempe, R.	Osthoff	Suss
Battaglia	Erickson	Knickerbocker	Patton	Swanson
Beauchamp	Esau	Kostohryz	Pehler	Tomlinson
Begich	Evans	Kroening	Peterson	Vanasek
Berg	Ewald	Kvam	Petraleso	Voss
Berglin	Faricy	Langseth	Pleasant	Waldorf
Berkelman	Fjoslien	Lehto	Prahl	Welch
Biersdorf	Forsythe	Lemke	Redalen	Wenstrom
Birnstihl	Friedrich	Mangan	Reding	Wenzel
Brandl	Fudro	Mann	Rose	White
Braun	Fugina	McCarron	St. Onge	Wieser
Brinkman	George	McCollar	Samuelson	Wigley
Byrne	Gunter	McDonald	Sarna	Williamson
Carlson, A.	Hanson	McEachern	Savelkoul	Wynia
Carlson, D.	Heimitz	Metzen	Schulz	Zubay
Carlson, L.	Hokanson	Moe	Searle	
Casserly	Jacobs	Munger	Searles	
Clark	Jaros	Murphy	Sherwood	
Clawson	Jensen	Neisen	Sieben, H.	

The bill was passed and its title agreed to.

H. F. No. 1870, A bill for an act relating to nursing; providing for issuance of certain licenses without examination to persons receiving certain training or licensing outside this state; amending Minnesota Statutes 1976, Section 148.291, Subdivision 3.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Cohen	Jude	Neisen	Sherwood
Adams	Corbid	Kahn	Nelsen, B.	Sieben, H.
Albrecht	Dean	Kaley	Nelsen, M.	Sieben, M.
Anderson, B.	Den Ouden	Kalis	Nelson	Simoneau
Anderson, D.	Eckstein	Kelly, R.	Niehaus	Skoglund
Anderson, G.	Eken	Kelly, W.	Norton	Smogard
Anderson, I.	Ellingson	Kempe, R.	Novak	Spanish
Anderson, R.	Enebo	King	Onnen	Stanton
Arlandson	Erickson	Knickerbocker	Osthoff	Stoa
Battaglia	Esau	Kostohryz	Patton	Suss
Beauchamp	Evans	Kroening	Pehler	Swanson
Begich	Ewald	Kvam	Peterson	Tomlinson
Berg	Faricy	Laidig	Petrafeso	Vanasek
Berglin	Fjoslien	Langseth	Pleasant	Voss
Berkelman	Forsythe	Lehto	Prahl	Waldorf
Biersdorf	Fudro	Lemke	Redalen	Welch
Birnstihl	Fugina	Mangan	Reding	Wenstrom
Brandl	George	Mann	Rose	Wenzel
Braun	Gunter	McCarron	St. Onge	White
Byrne	Hanson	McCollar	Samuelson	Wieser
Carlson, A.	Heinitz	McDonald	Sarna	Wigley
Carlson, D.	Hokanson	McEachern	Savelkoul	Williamson
Carlson, L.	Jacobs	Metzen	Scheid	Wynia
Casserly	Jaros	Moe	Schulz	Zubay
Clark	Jensen	Munger	Searle	Speaker Sabo
Clawson	Johnson	Murphy	Searles	

The bill was passed and its title agreed to.

H. F. No. 932, A bill for an act relating to Ramsey county; amending the Ramsey county code by deleting an obsolete provision therein relating to the printing of the code; amending Laws 1974, Chapter 435, Section 1.0213.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Battaglia	Braun	Cohen	Evans
Adams	Beauchamp	Brinkman	Corbid	Ewald
Albrecht	Begich	Byrne	Dean	Faricy
Anderson, B.	Berg	Carlson, A.	Den Ouden	Fjoslien
Anderson, D.	Berglin	Carlson, D.	Eckstein	Forsythe
Anderson, G.	Berkelman	Carlson, L.	Eken	Fudro
Anderson, I.	Biersdorf	Casserly	Ellingson	Fugina
Anderson, R.	Birnstihl	Clark	Enebo	George
Arlandson	Brandl	Clawson	Erickson	Gunter



Hanson	Kostohryz	Neisen	Rose	Stoa
Heinitz	Kroening	Nelsen, B.	St. Onge	Suss
Hokanson	Kvam	Nelsen, M.	Samuelson	Swanson
Jacobs	Laidig	Nelson	Sarna	Tomlinson
Jaros	Langseth	Niehaus	Savelkoul	Vanasek
Jensen	Lehto	Norton	Scheid	Voss
Johnson	Lemke	Novak	Schulz	Waldorf
Jude	Mangan	Onnen	Searle	Welch
Kahn	Mann	Osthoff	Searles	Wenstrom
Kaley	McCarron	Patton	Sherwood	Wenzel
Kalis	McCollar	Pehler	Sieben, H.	White
Kelly, R.	McDonald	Peterson	Sieben, M.	Wieser
Kelly, W.	McEachern	Petrafeso	Simoneau	Wigley
Kempe, A.	Metzen	Pleasant	Skoglund	Williamson
Kempe, R.	Moe	Prahl	Smogaid	Wynia
King	Munger	Redalen	Spanish	Zubay
Knickerbocker	Murphy	Reding	Stanton	Speaker Sabo

The bill was passed and its title agreed to.

H. F. No. 1914, A bill for an act relating to Koochiching county; authorizing the county law library to be supported by judicially imposed fee charges.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 121 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Cohen	Kahn	Murphy	Sieben, M.
Adams	Corbid	Kaley	Neisen	Skoglund
Albrecht	Dean	Kalis	Nelsen, B.	Smogard
Anderson, B.	Eckstein	Kelly, R.	Nelson	Spanish
Anderson, D.	Eken	Kelly, W.	Niehaus	Stanton
Anderson, G.	Ellingson	Kempe, A.	Norton	Stoa
Anderson, I.	Enebo	Kempe, R.	Novak	Suss
Anderson, R.	Erickson	King	Onnen	Swanson
Arlandson	Esau	Knickerbocker	Osthoff	Tomlinson
Battaglia	Evans	Kostohryz	Pehler	Vanasek
Beauchamp	Ewald	Kroening	Pleasant	Voss
Begich	Faricy	Kvam	Prahl	Waldorf
Berg	Fjoslien	Laidig	Redalen	Welch
Berglin	Forsythe	Langseth	Reding	Wenstrom
Berkelman	Fudro	Lehto	Rice	Wenzel
Biersdorf	Fugina	Lemke	Rose	White
Birnstihl	Gunter	Mangan	St. Onge	Wieser
Brandl	Hanson	Mann	Samuelson	Wigley
Brinkman	Heinitz	McCarron	Sarna	Wynia
Byrne	Hokanson	McCollar	Savelkoul	Zubay
Carlson, A.	Jacobs	McDonald	Scheid	Speaker Sabo
Carlson, D.	Jaros	McEachern	Searle	
Carlson, L.	Jensen	Metzen	Searles	
Clark	Johnson	Moe	Sherwood	
Clawson	Jude	Munger	Sieben, H.	

The bill was passed and its title agreed to.

H. F. No. 1921, A bill for an act relating to local improvements; special assessments; eliminating certain limitations on special assessments by municipalities; amending Minnesota Statutes 1976, Section 429.011, Subdivision 2b.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Cohen	Kahn	Nelsen, B.	Sieben, H.
Adams	Corbid	Kaley	Nelsen, M.	Sieben, M.
Albrecht	Dean	Kalis	Nelson	Simoneau
Anderson, B.	Den Ouden	Kelly, R.	Niehaus	Skoglund
Anderson, D.	Eckstein	Kelly, W.	Norton	Smogard
Anderson, G.	Eken	Kempe, A.	Novak	Spanish
Anderson, I.	Ellingson	Kempe, R.	Onnen	Stanton
Anderson, R.	Enebo	King	Osthoff	Stoa
Arlandson	Erickson	Knickerbocker	Patton	Suss
Battaglia	Esau	Kostohryz	Pehler	Swanson
Beauchamp	Evans	Kroening	Peterson	Tomlinson
Begich	Ewald	Kvam	Petrafeso	Vanasek
Berg	Faricy	Laidig	Pleasant	Voss
Berglin	Fjoslien	Langseth	Prahl	Waldorf
Berkelman	Forsythe	Lehto	Redalen	Welch
Biersdorf	Fudro	Lemke	Reding	Wenstrom
Birnstihl	Fugina	Mangan	Rice	Wenzel
Brandl	George	Mann	Rose	White
Braun	Gunter	McCarron	St. Onge	Wieser
Brinkman	Hanson	McCollar	Samuelson	Wigley
Byrne	Heinitz	McDonald	Sarna	Williamson
Carlson, A.	Hokanson	McEachern	Savelkoul	Wynia
Carlson, D.	Jacobs	Metzen	Scheid	Zubay
Carlson, L.	Jaros	Moe	Schulz	Speaker Sabo
Casserly	Jensen	Munger	Searle	
Clark	Johnson	Murphy	Searles	
Clawson	Jude	Neisen	Sherwood	

The bill was passed and its title agreed to.

H. F. No. 2051, A bill for an act relating to the city of Minneapolis; authorizing increased compensation for members of the board of park commissioners; amending Laws 1974, Chapter 181, Section 1.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 120 yeas and 5 nays as follows:

Those who voted in the affirmative were:

Abeln	Albrecht	Anderson, D.	Anderson, I.	Arlandson
Adams	Anderson, B.	Anderson, G.	Anderson, R.	Battaglia

Beauchamp	Eken	Kahn	Murphy	Sieben, H.
Begich	Ellingson	Kaley	Neisen	Sieben, M.
Berg	Enebo	Kalis	Nelsen, M.	Simoneau
Berglin	Erickson	Kelly, R.	Nelson	Skoglund
Berkelman	Esau	Kelly, W.	Norton	Smogard
Biersdorf	Evans	Kempe, A.	Novak	Spanish
Birnstihl	Ewald	Kempe, R.	Onnen	Stanton
Brandl	Faricy	King	Osthoff	Stoa
Braun	Fjoslien	Knickerbocker	Pehler	Suss
Brinkman	Forsythe	Kostohryz	Peterson	Swanson
Byrne	Fudro	Kroening	Pleasant	Tomlinson
Carlson, A.	Fugina	Laidig	Redalen	Vanasek
Carlson, D.	George	Langseth	Reding	Voss
Carlson, L.	Gunter	Lehto	Rice	Waldorf
Casserly	Hanson	Mangan	Rose	Welch
Clark	Heinitz	Mann	St. Onge	Wenstrom
Clawson	Hokanson	McCarron	Samuelson	Wenzel
Cohen	Jacobs	McDonald	Sarna	White
Corbid	Jaros	McEachern	Scheid	Wigley
Cummiskey	Jensen	Metzen	Schulz	Williamson
Dean	Johnson	Moe	Searles	Wynia
Den Ouden	Jude	Munger	Sherwood	Speaker Sabo

Those who voted in the negative were:

Kvam	McCollar	Niehaus	Prahl	Wieser
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The bill was passed and its title agreed to.

S. F. No. 1617, A bill for an act relating to evidence; eliminating the presumption of due care in negligence actions; repealing Minnesota Statutes 1976, Section 602.04.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Brinkman	Evans	Kelly, R.	Metzen
Adams	Byrne	Ewald	Kelly, W.	Moe
Albrecht	Carlson, A.	Faricy	Kempe, A.	Munger
Anderson, B.	Carlson, D.	Fjoslien	Kempe, R.	Murphy
Anderson, D.	Carlson, L.	Forsythe	King	Neisen
Anderson, G.	Casserly	Fudro	Knickerbocker	Nelsen, B.
Anderson, I.	Clark	Fugina	Kostohryz	Nelsen, M.
Anderson, R.	Clawson	George	Kroening	Nelson
Arlandson	Cohen	Gunter	Kvam	Niehaus
Battaglia	Corbid	Hanson	Laidig	Norton
Beauchamp	Cummiskey	Heinitz	Langseth	Novak
Begich	Dean	Jacobs	Lehto	Onnen
Berg	Den Ouden	Jaros	Lemke	Osthoff
Berglin	Eckstein	Jensen	Mangan	Patton
Berkelman	Eken	Johnson	Mann	Pehler
Biersdorf	Ellingson	Jude	McCarron	Peterson
Birnstihl	Enebo	Kahn	McCollar	Petrafeso
Brandl	Erickson	Kaley	McDonald	Pleasant
Braun	Esau	Kalis	McEachern	Prahl

Redalen	Scheid	Skoglund	Vanasek	Wigley
Reding	Schulz	Smogard	Voss	Williamson
Rice	Searle	Spanish	Waldorf	Wynia
Rose	Searles	Stanton	Welch	Zubay
St. Onge	Sherwood	Stoa	Wenstrom	Speaker Sabo
Samuelson	Sieben, H.	Suss	Wenzel	
Sarna	Sieben, M.	Swanson	White	
Savelkoul	Simoneau	Tomlinson	Wieser	

The bill was passed and its title agreed to.

### CALENDAR

H. F. No. 2043, A bill for an act relating to the legislature; continuation in or return of members to their employment after legislative sessions; prescribing a period during which a member may not be discharged except for good cause; political discrimination; amending Minnesota Statutes 1976, Section 3.083.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 110 yeas and 19 nays as follows:

Those who voted in the affirmative were:

Abeln	Cohen	Kahn	Moe	Schulz
Adams	Cummiskey	Kaley	Munger	Sieben, H.
Albrecht	Dean	Kalis	Murphy	Sieben, M.
Anderson, G.	Eckstein	Kelly, R.	Neisen	Simoneau
Anderson, I.	Eken	Kelly, W.	Nelsen, M.	Smogard
Arlandson	Ellingson	Kempe, A.	Nelson	Spanish
Battaglia	Enebo	Kempe, R.	Niehaus	Stanton
Beauchamp	Evans	King	Norton	Stoa
Begich	Ewald	Knickerbocker	Novak	Suss
Berg	Faricy	Kostohryz	Osthoff	Swanson
Berglin	Friedrich	Kroening	Patton	Tomlinson
Berkelman	Fudro	Laidig	Pehler	Vanasek
Biersdorf	Fugina	Langseth	Peterson	Voss
Birnstihl	George	Lehto	Petrafeso	Waldorf
Brandl	Gunter	Lemke	Prahl	Wenstrom
Braun	Hanson	Mangan	Redalen	Wenzel
Brinkman	Hokanson	Mann	Reding	White
Byrne	Jacobs	McCarron	Rice	Wigley
Carlson, A.	Jaros	McCollar	St. Onge	Williamson
Carlson, L.	Jensen	McDonald	Samuelson	Wynia
Casserly	Johnson	McEachern	Sarna	Zubay
Clawson	Jude	Metzen	Scheid	Speaker Sabo

Those who voted in the negative were:

Anderson, B.	Den Ouden	Forsythe	Onnen	Searle
Anderson, D.	Ericson	Heinitz	Pleasant	Skoglund
Anderson, R.	Esau	Kvam	Rose	Wieser
Carlson, D.	Fjoslien	Nelsen, B.	Savelkoul	

The bill was passed and its title agreed to.

H. F. No. 838, A bill for an act relating to natural resources; watershed districts; changing bonding provisions for managers; changing and clarifying administrative provisions; establishing a survey and data acquisition fund; creating fees for applications for permits and for field inspections; requiring a permit applicant to post a bond; providing penalties and enforcement provisions; amending Minnesota Statutes 1976, Sections 112.42, Subdivision 1; 112.43, Subdivision 1; 112.48, Subdivision 4; 112.49, by adding a subdivision; 112.50, Subdivision 1; 112.55; 112.61, by adding a subdivision; 112.62, by adding a subdivision; 112.69; 112.761, Subdivision 1; 112.85, Subdivision 1; and Chapter 112, by adding sections; repealing Laws 1969, Chapter 969.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 114 yeas and 13 nays as follows:

Those who voted in the affirmative were:

Adams	Eckstein	Kaley	Neisen	Sherwood
Anderson, B.	Ellingson	Kalis	Nelsen, B.	Sieben, H.
Anderson, D.	Enebo	Kelly, W.	Nelsen, M.	Sieben, M.
Anderson, G.	Erickson	Kempe, A.	Nelson	Simoneau
Anderson, R.	Esau	Kempe, R.	Norton	Smogard
Arlandson	Evans	King	Novak	Spanish
Battaglia	Ewald	Knickerbocker	Osthoff	Stanton
Beauchamp	Faricy	Kostohryz	Patton	Stoa
Berg	Fjoslien	Kroening	Pehler	Suss
Berkelman	Forsythe	Laidig	Peterson	Swanson
Biersdorf	Fudro	Langseth	Petraleso	Tomlinson
Birnstihl	Fugina	Lehto	Pleasant	Vanasek
Byrne	George	Lemke	Prahl	Voss
Carlson, A.	Gunter	Mangan	Redalen	Waldorf
Carlson, D.	Hanson	Mann	Reding	Welch
Carlson, L.	Heinitz	McCarron	Rose	Wenstrom
Casserly	Hokanson	McCollar	St. Onge	Wenzel
Clawson	Jacobs	McDonald	Sarna	White
Cohen	Jaros	McEachern	Savelkoul	Wieser
Corbid	Jensen	Metzen	Scheid	Williamson
Cummiskey	Johnson	Moe	Schulz	Zubay
Dean	Jude	Munger	Searle	Speaker Sabo
Den Ouden	Kahn	Murphy	Searles	

Those who voted in the negative were:

Abeln	Brandl	Eken	Samuelson	Wynia
Anderson, I.	Brinkman	Kvam	Skoglund	
Berglin	Clark	Niehaus	Wigley	

The bill was passed and its title agreed to.

H. F. No. 2192, A bill for an act relating to transportation; establishing a rail user loan guarantee program; creating a rail user loan guarantee account; prescribing powers and duties of the commissioner of transportation; appropriating money;

amending Minnesota Statutes 1976, Sections 362A.01, Subdivision 2; and 474.02, Subdivision 2.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Cummiskey	Kahn	Nelsen, B.	Sieben, H.
Adams	Dean	Kaley	Nelsen, M.	Sieben, M.
Albrecht	Den Ouden	Kalis	Nelson	Simoneau
Anderson, B.	Eckstein	Kelly, R.	Niehaus	Skoglund
Anderson, D.	Eken	Kelly, W.	Norton	Smogard
Anderson, G.	Ellingson	Kempe, A.	Novak	Spanish
Anderson, I.	Enebo	Kempe, R.	Onnen	Stanton
Anderson, R.	Erickson	King	Osthoff	Stoa
Arlandson	Esau	Knickerbocker	Patton	Suss
Battaglia	Evans	Kostohryz	Pehler	Swanson
Beauchamp	Ewald	Kroening	Peterson	Tomlinson
Begich	Farcy	Kvam	Petraleso	Vanasek
Berg	Fjoslien	Laidig	Pleasant	Voss
Berglin	Forsythe	Langseth	Prahl	Waldorf
Berkelman	Friedrich	Lehto	Redalen	Welch
Biersdorf	Fudro	Lemke	Reding	Wenstrom
Birnstihl	Fugina	Mangan	Rice	Wenzel
Brandl	George	Mann	Rose	White
Byrne	Gunter	McCarron	St. Onge	Wieser
Carlson, A.	Hanson	McCollar	Samuelson	Wigley
Carlson, D.	Heinitz	McDonald	Sarna	Williamson
Carlson, L.	Hokanson	McEachern	Savelkoul	Wynia
Casserly	Jacobs	Metzen	Scheid	Zubay
Clark	Jaros	Moe	Schulz	Speaker Sabo
Clawson	Jensen	Munger	Searle	
Cohen	Johnson	Murphy	Searles	
Corbid	Jude	Neisen	Sherwood	

The bill was passed and its title agreed to.

Fudro was excused for the remainder of today's session.

#### CONSIDERATION UNDER RULE 1.10

Pursuant to rule 1.10, Norton requested immediate consideration of H. F. Nos. 2494 and 2493.

H. F. No. 2494 was reported to the House.

Wynia moved to amend H. F. No. 2494, as follows:

Page 13, line 31, delete "15" and insert "16".

Page 14, line 1, delete "16" and insert "17".

Page 18, line 11, to page 22, line 15, delete Section 22 and Section 23 from the bill.

Page 27, line 15, delete "24" and insert "22".

Renumber remaining sections accordingly.

Further amend the title:

Delete all of line 7.

Line 8, delete everything before "limiting".

Page 1, line 12 after the first "and" delete "4" and insert "by adding a subdivision" and after "124.564;" delete "and".

Delete line 13.

Page 1, line 14, delete everything before "repealing".

The motion prevailed and the amendment was adopted.

Kvam moved to amend H. F. No. 2494, as follows:

Page 14, lines 19 to 30, delete Section 12 from the bill. Renumber the following sections accordingly.

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll was called. There were 21 yeas and 103 nays as follows:

Those who voted in the affirmative were:

Albrecht	Heinitz	Nelsen, B.	Searles	Zubay
Berg	Kahn	Niehaus	Smogard	
Den Ouden	Kaley	Pleasant	Stanton	
Esau	McCollar	Redalen	Waldorf	
Fjoslien	McDonald	Rose	Wigley	

Those who voted in the negative were:

Abeln	Clark	Jensen	Moe	Sherwood
Adams	Clawson	Johnson	Munger	Sieben, H.
Anderson, B.	Cohen	Jude	Murphy	Sieben, M.
Anderson, D.	Corbid	Kalis	Neisen	Simoneau
Anderson, G.	Cummiskey	Kelly, R.	Nelson	Skoglund
Anderson, I.	Dean	Kelly, W.	Norton	Spanish
Anderson, R.	Eckstein	Kempe, A.	Novak	Stoa
Arlandson	Eken	Kempe, R.	Onnen	Suss
Battaglia	Ellingson	King	Osthoff	Swanson
Beauchamp	Enebo	Knickerbocker	Patton	Tomlinson
Begich	Erickson	Kostohryz	Pehler	Voss
Berglin	Evans	Kroening	Petrafeso	Welch
Berkelman	Ewald	Laidig	Prahl	Wenstrom
Birnstihl	Faricy	Langseth	Rice	Wenzel
Brandl	Forsythe	Lehto	St. Onge	White
Braun	Fugina	Lemke	Samuelson	Wieser
Byrne	George	Mangan	Sarna	Williamson
Carlson, A.	Hanson	Mann	Savelkoul	Wynia
Carlson, D.	Hokanson	McCarron	Scheid	Speaker Sabo
Carlson, L.	Jacobs	McEachern	Schulz	
Cassery	Jaros	Metzen	Searle	

The motion did not prevail and the amendment was not adopted.

H. F. No. 2494, A bill for an act relating to public improvements; authorizing the acquisition and betterment of public land and buildings and other public improvements of a capital nature with certain conditions; authorizing issuance of state building

bonds; limiting capital improvements at vocational-technical schools; appropriating money; amending Minnesota Statutes 1976, Sections 121.21, Subdivision 4a; 121.214, Subdivisions 1, 3, and 4; 124.564; and Minnesota Statutes, 1977 Supplement, Section 18.023, Subdivisions 1 and 3a; repealing Minnesota Statutes, 1977 Supplement, Sections 16.015 and 16.016.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 125 yeas and 4 nays as follows:

Those who voted in the affirmative were:

Abeln	Clawson	Jaros	Murphy	Searles
Adams	Cohen	Jensen	Neisen	Sherwood
Albrecht	Corbid	Johnson	Nelsen, B.	Sieben, H.
Anderson, B.	Cummiskey	Jude	Nelsen, M.	Sieben, M.
Anderson, D.	Dean	Kahn	Nelson	Simoneau
Anderson, G.	Den Ouden	Kaley	Niehaus	Skoglund
Anderson, I.	Eckstein	Kalis	Norton	Smogard
Arlandson	Eken	Kelly, R.	Novak	Spanish
Battaglia	Ellingson	Kelly, W.	Onnen	Stanton
Beauchamp	Enebo	Kempe, A.	Patton	Stoa
Begich	Erickson	Kempe, R.	Pehler	Suss
Berg	Esau	King	Peterson	Swanson
Berglin	Evans	Knickerbocker	Petrafero	Tomlinson
Berkelman	Ewald	Kostohryz	Pleasant	Vanasek
Biersdorf	Farcy	Laidig	Prahl	Voss
Birnstihl	Fjoslien	Langseth	Reding	Waldorf
Brandl	Forsythe	Lehto	Rice	Welch
Braun	Friedrich	Lemke	Rose	Wenstrom
Brinkman	Fugina	Mangan	St. Onge	Wenzel
Byrne	George	Mann	Samuelson	White
Carlson, A.	Gunter	McCarron	Sarna	Wigley
Carlson, D.	Hanson	McEachern	Savelkoul	Williamson
Carlson, L.	Heinitz	Metzen	Scheid	Wynia
Casserly	Hokanson	Moe	Schulz	Zubay
Clark	Jacobs	Munger	Searle	Speaker Sabo

Those who voted in the negative were:

Anderson, R.	Kvam	Redalen	Wieser
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The bill was passed, as amended, and its title agreed to.

H. F. No. 2493 was reported to the House.

Carlson, D., and Weiser moved to amend H. F. No. 2493, as follows:

Page 9, line 23, delete "[16.323]".

Page 9, line 24, after "appropriated" insert "by this act".

The motion prevailed and the amendment was adopted.



H. F. No. 2493, A bill for an act relating to public improvements; authorizing alteration, repair, rehabilitation, equipping, and replacement of equipment of public buildings with certain conditions; postponing deadline for submission of capital budget; authorizing purchase and sale of public lands and buildings; appropriating money; amending Minnesota Statutes 1976, Section 16A.11, Subdivision 1.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 124 yeas and 5 nays as follows:

Those who voted in the affirmative were:

Abeln	Cohen	Jensen	Murphy	Sherwood
Adams	Corbid	Johnson	Neisen	Sieben, H.
Albrecht	Cummiskey	Jude	Nelson	Sieben, M.
Anderson, B.	Dean	Kahn	Niehaus	Simoneau
Anderson, D.	Den Ouden	Kaley	Norton	Skoglund
Anderson, G.	Eckstein	Kalis	Novak	Smogard
Anderson, I.	Eken	Kelly, W.	Onnen	Spanish
Arlandson	Ellingson	Kempe, A.	Osthoff	Stanton
Battaglia	Enebo	Kempe, R.	Patton	Stoa
Begich	Erickson	King	Pehler	Suss
Berg	Esau	Knickerbocker	Peterson	Swanson
Berglin	Evans	Kostohryz	Petraleso	Tomlinson
Berkelman	Ewald	Kroening	Prahl	Vanasek
Biersdorf	Faricy	Laidig	Redalen	Voss
Birnstihl	Fjoslien	Langseth	Reding	Waldorf
Brandl	Forsythe	Lehto	Rice	Welch
Braun	Friedrich	Lemke	Rose	Wenstrom
Brinkman	Fugina	Mangan	St. Onge	Wenzel
Byrne	George	Mann	Samuelson	White
Carlson, A.	Gunter	McCarron	Sarna	Wieser
Carlson, D.	Hanson	McCollar	Savelkoul	Williamson
Carlson, L.	Heinitz	McEachern	Scheid	Wynia
Casserly	Hokanson	Metzen	Schulz	Zubay
Clark	Jacobs	Moe	Searle	Speaker Sabo
Clawson	Jaros	Munger	Searles	

Those who voted in the negative were:

Anderson, R.	Kvam	Nelsen, B.	Pleasant	Wigley
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The bill was passed, as amended, and its title agreed to.

## GENERAL ORDERS

There being no objection, the bills on General Orders for today were continued on General Orders one day.

## MOTIONS AND RESOLUTIONS

Lemke and Schulz introduced:

House Resolution No. 20, A house resolution congratulating the Lake City Senior High School basketball team on winning the Class A basketball championship.

The resolution was referred to the Committee on Rules and Legislative Administration.

## ADJOURNMENT

Anderson, I., moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:00 p.m., Tuesday, March 7, 1978.

**EDWARD A. BURDICK, Chief Clerk, House of Representatives**



## STATE OF MINNESOTA

## SEVENTIETH SESSION - 1978

## EIGHTY-FIFTH DAY

SAINT PAUL, MINNESOTA, TUESDAY, MARCH 7, 1978

The House of Representatives convened at 2:00 p.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	Cohen	Jude	Nelsen	Sherwood
Adams	Corbid	Kahn	Nelsen, B.	Sieben, H.
Albrecht	Cummiskey	Kaley	Nelsen, M.	Sieben, M.
Anderson, B.	Dean	Kalis	Nelson	Simoneau
Anderson, D.	Den Ouden	Kelly, R.	Niehaus	Skoglund
Anderson, G.	Eckstein	Kelly, W.	Norton	Smogard
Anderson, I.	Eken	Kempe, A.	Novak	Spanish
Anderson, R.	Ellingson	Kempe, R.	Onnen	Stanton
Arlandson	Enebo	King	Osthoff	Stoa
Battaglia	Erickson	Knickerbocker	Patton	Suss
Beauchamp	Esau	Kostohryz	Pehler	Swanson
Begich	Evans	Kroening	Peterson	Tomlinson
Berg	Ewald	Kvam	Petrafeso	Vanasek
Berglin	Farcy	Laidig	Pleasant	Voss
Berkelman	Fjoslien	Langseth	Prahl	Waldorf
Biersdorf	Forsythe	Lehto	Redalen	Welch
Birnstihl	Fudro	Lemke	Reding	Wenstrom
Brandl	Fugina	Mangan	Rice	Wenzel
Braun	George	Mann	Rose	White
Brinkman	Gunter	McCarron	St. Onge	Wieser
Byrne	Hanson	McCollar	Samuelson	Wigley
Carlson, A.	Heinitz	McDonald	Sarna	Williamson
Carlson, D.	Hokanson	McEachern	Savelkoul	Wynia
Carlson, L.	Jacobs	Metzen	Scheid	Zubay
Casserly	Jaros	Moe	Schulz	Speaker Sabo
Clark	Jensen	Munger	Searle	
Clawson	Johnson	Murphy	Searles	

A quorum was present.

Friedrich was excused until 2:30 p.m.

The Chief Clerk proceeded to read the Journal of the preceding day. Vanasek moved that further reading of the Journal be dispensed with and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.

## REPORTS OF CHIEF CLERK

Pursuant to Rules of the House, printed copies of H. F. Nos. 2268, 2204, 2019, 2025, 2155, 2228, 2419, 2466, 933, 1910, 2048, 2176, 2441, 1009, 1227, 1513, 1799, 2041, 2165, 2236, 2341, 2429, 1268, 1937, 2096, 2224, 2282, 794, 1672, 1760, 1770, 1851, 1943, 1991, 1994, 2077, 2086, 2146, 2163, 2214, 2219, 2266, 2279, 2332, 2401, 2475, 1403, 1476, 1797, 1865, 1900, 1945, 1948, 2004, 2075, 2124, 2188, 2218, 2223, 2272, 2278, 2361, 2367, 2432, 2493, 2002, 2194, 2211, 2216, 2330, 2494 and 2162 and S. F. Nos. 1693, 1754, 2234, 2264, 1137, 1206, 1622, 1664, 1630, 1704, 1720, 1752, 1891, 2342, 1951, 1495, 1690, 1830, 1943, 1699, 1955 and 910 have been placed in the members' files.

S. F. No. 1495 and H. F. No. 1268, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Neisen moved that S. F. No. 1495 be substituted for H. F. No. 1268 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1206 and H. F. No. 1256, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

## SUSPENSION OF RULES

Fjoslien moved that the rules be so far suspended that S. F. No. 1206 be substituted for H. F. No. 1256 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1951 and H. F. No. 2019, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

## SUSPENSION OF RULES

Sieben, H., moved that the rules be so far suspended that S. F. No. 1951 be substituted for H. F. No. 2019 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1754 and H. F. No. 2112, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

## SUSPENSION OF RULES

Lemke moved that the rules be so far suspended that S. F. No. 1754 be substituted for H. F. No. 2112 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1664 and H. F. No. 2116, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

#### SUSPENSION OF RULES

Kelly, W., moved that the rules be so far suspended that S. F. No. 1664 be substituted for H. F. No. 2116 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1690 and H. F. No. 1913, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

#### SUSPENSION OF RULES

Sieben, H., moved that the rules be so far suspended that S. F. No. 1690 be substituted for H. F. No. 1913 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1704 and H. F. No. 1912, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

#### SUSPENSION OF RULES

Casserly moved that the rules be so far suspended that S. F. No. 1704 be substituted for H. F. No. 1912 and that the House File be indefinitely postponed. The motion prevailed.

#### REPORT FROM THE COMMITTEE ON RULES AND LEGISLATIVE ADMINISTRATION

Anderson, I., from the Committee on Rules and Legislative Administration, pursuant to rule 1.9, designated the following bills as a Special Order to be acted upon immediately preceding General Orders for today, March 7, 1978:

H. F. Nos. 2348, 2014, 582, 2220, 2274, 1734, 1411 and 1605.

#### REPORTS OF STANDING COMMITTEES

Moe from the Committee on Criminal Justice to which was referred:

H. F. No. 2270, A bill for an act relating to peace officers and constables; requiring training and licensing for all peace officers; requiring training and licensing for constables; establishing the position of deputy constable; amending Minnesota Statutes 1976, Sections 367.03, Subdivisions 1 and 3; 367.22; 382.28; 626.843, by adding a subdivision; Chapter 367, by adding

sections; and Minnesota Statutes, 1977 Supplement, Sections 626.84; 626.843, Subdivisions 1 and 3; 626.845; 626.846, Subdivisions 1, 2 and 3, and by adding subdivisions; 626.847; 626.848; and 626.851, Subdivision 2; repealing Minnesota Statutes, 1977 Supplement, Section 626.853.

Reported the same back with the following amendments:

Page 2, line 12, delete "*shall*" and insert "*may*".

Page 2, line 21, delete "*, one of whom shall be a*".

Page 2, line 22, delete "*constable,*".

Page 3, line 8, after "*employed*" insert "*, appointed*".

Page 3, line 16, after "*employed*" insert "*, appointed*".

Page 6, line 20, strike "*shall*" and insert "*may*".

Page 6, line 21, delete "*three*" and insert "*two*".

Page 6, line 22, delete "*shall*" and insert "*may*".

Page 6, line 23, delete "*two*".

Page 6, line 24, delete "*positions*" and insert "*position*" delete "*any combination of*" and insert "*a*".

Page 6, line 25, delete "*officers*" and insert "*officer*" delete "*constables*" and insert "*constable*".

Page 6, line 26, delete "*constables*" and insert "*constable*".

Page 8, line 9, after "*be*" insert "*comprehensive and shall be*".

Page 8, line 10, strike "*January*" insert "*July*".

With the recommendation that when so amended the bill pass.

The report was adopted.

Moe from the Committee on Criminal Justice to which was referred:

S. F. No. 194, A bill for an act relating to cemeteries; prohibiting trespassing on public or private cemeteries; providing penalties; amending Minnesota Statutes 1976, Section 609.605.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 449, A bill for an act relating to game and fish; permitting the use of tip-ups; amending Minnesota Statutes 1976, Section 101.42, Subdivision 20.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1976, Section 97.40, Subdivision 12, is amended to read:

Subd. 12. "Minnows" includes all members of the minnow family (Cyprinidae), except carp and goldfish; mudminnows; all members of the sucker family (Catostomidae) not over 12 inches in length; yellow perch, bullheads, tullibees, herring, whitefish, goldeyes and mooneyes not over seven inches in length. *For purposes of any law regulating the taking, sale or transportation thereof, a leech shall be considered a minnow.*

Sec. 2. Minnesota Statutes 1976, Section 97.45, Subdivision 15, is amended to read:

Subd. 15. The following restrictions on the transportation of minnows apply only to quantities in excess of 12 dozen. The following restrictions do not apply to minnows being transported through the state pursuant to a permit issued by the commissioner under section 101.42, subdivision 6. No person shall transport any minnows beyond the boundaries of the state, except *suckers, and fathead minnows, which may be transported without the state by any resident minnow dealer holding an exporting minnow dealers license or by any licensed nonresident exporting minnow hauler bearing a bill of lading issued by a dealer holding an exporting license, on forms furnished by the department. Said bill of lading shall contain the exporter's name and address, route of exit to be used leaving the state, amount and type of bait, time of issuance and 24 hours to exit the state. (NO PERSON WHO IS NOT A RESIDENT SHALL TRANSPORT, BE EMPLOYED AS A HELPER, OR ASSIST IN TRANSPORTING MINNOWS WITHIN THE STATE.) Except for a licensed and authorized nonresident hauler transporting minnows in accordance with this subdivision, no motor vehicle which is not registered and licensed in this state and which is not licensed under section 98.46, subdivision 5, clause 11, shall contain minnows or be used to transport minnows in Minnesota.*



(IT SHALL BE UNLAWFUL FOR ANY PERSON TO ASSIST ANY NONRESIDENT IN TRANSPORTING OR POSSESSING MORE THAN 12 DOZEN MINNOWS WITHIN THE BOUNDARIES OF THIS STATE.) A minnow retailer who transports minnows from a place of wholesale purchase to his place of business shall transport the minnows by the most convenient and direct route.

Sec. 3. Minnesota Statutes 1976, Section 98.46, Subdivision 5, 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, \$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 \$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, \$3;
- (4) To conduct a taxidermist business, \$10;
- (5) To maintain fur and game farms, including deer, \$10;
- (6) To take mussels or clams, \$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, \$50 plus \$10 for each vehicle;
- (10) Minnow dealer's helper, \$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) \$300, plus \$10 for (ONE) each 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. 4. Minnesota Statutes 1976, Section 98.46, is amended by adding a subdivision to read:

*Subd. 5a. Fees for the following licenses, to be issued to non-residents, shall be:*

(1) *For an exporting minnow hauler, \$600, plus \$10 for one vehicle license only.*

(2) *Each vehicle license shall cover a specified vehicle. The serial number, license number, make and model shall be conspicuously posted in the vehicle licensed.*

Sec. 5. Minnesota Statutes 1976, Section 98.52, Subdivision 2, is amended to read:

Subd. 2. The provisions of subdivision 1 shall apply to licenses to take small game or to take fish by angling or by spearing, only upon a second conviction within a period of three years. *In the case of a minnow dealer's license, revocation shall be limited to instances of three or more convictions within any twelve month period.*

Sec. 6. Minnesota Statutes 1976, Section 98.52, Subdivision 3, is amended to read:

Subd. 3. Where, in his opinion, the public welfare will not be injured, the commissioner may reinstate the following types of licenses which have become null and void by operation of subdivision 1 (**PROVIDED SUCH AUTHORITY TO REINSTATE SHALL NOT EXTEND TO PERSONS WHO HAVE BEEN SO CONVICTED DURING THE PRECEDING THREE YEAR PERIOD**):

(1) To maintain and operate fur and game farms or private fish hatcheries;

(2) To take fish commercially in Lake of the Woods, Rainy Lake, Namakan Lake, or Lake Superior;

(3) To buy fish from licensed commercial fishermen in Lake of the Woods, Rainy Lake, Namakan Lake, or Lake Superior;

(4) To sell live minnows.

Sec. 7. Minnesota Statutes 1976, Section 101.41, is amended by adding a subdivision to read:

*Subd. 2a. Notwithstanding subdivision 2, the commissioner may by order authorize the use of two lines and two baits in areas designated by the commissioner in Lake Superior by anglers other than licensed commercial fishermen.*

Sec. 8. Minnesota Statutes 1976, Section 101.42, Subdivision 11, is amended to read:

Subd. 11. Except as otherwise specifically permitted, it shall be unlawful to take fish by means of *devices, chemicals, or substances such as, but not limited to, explosives, drugs, poisons, lime, medicated bait, fish berries, or other deleterious substances, which kill, stun, or narcotize fish; or by means of nets, traps, (TIP-UPS,) trot lines, (WIRES, SPRINGS, ROPES OR CABLES,) or snares; or any spring devices which impale, hook, or otherwise capture fish, except as expressly authorized.* Possession of any such substances or contrivances by any persons on any waters of this state, their shores or islands, shall be presumptive evidence that the same are possessed in violation of this provision.

Sec. 9. Minnesota Statutes 1976, Section 101.42, Subdivision 20, is amended to read:

Subd. 20. It shall be unlawful to take fish by angling with a set or unattended line except that two lines with a single hook attached to each line, used for angling through the ice, shall not be deemed an unattended line if the owner is within sight of the line. *Lines to which tip-ups are attached shall not be deemed unattended if the owner is within 80 feet of the tip-up.*

Sec. 10. *This act is effective 30 days after its final enactment.*

Further, amend the title as follows:

Page 1, line 2, after the semicolon insert "licensing and regulating the taking, sale and possession of minnows;"

Page 1, line 3, delete "Section" and insert "Sections 97.40, Subdivision 12; 97.45, Subdivision 15; 98.46, Subdivision 5, and by adding a subdivision; 98.52, Subdivisions 2 and 3; 101.41, by adding a subdivision; and".

Page 1, line 4, delete "Subdivision" and insert "Subdivisions 11 and".

With the recommendation that when so amended the bill pass.

The report was adopted.

Sieben, H., from the Committee on Governmental Operations to which was referred:

H. F. No. 1783, A bill for an act relating to the city of Brainerd; service credit in the public employees police and fire fund for the fire chief therein.

Reported the same back with the following amendments:

Page 1, line 8, before "The" insert "Notwithstanding any provision of Minnesota Statutes, Section 353.64, Subdivision 1, Laws 1955, Chapter 375, as amended, or any other law, to the contrary".

Page 1, line 9, after "shall" insert "be entitled to".

Page 1, line 12, delete "firemen's" and insert "firefighters".

Page 1, line 13, delete ". Within 30 days after the effective date".

Page 1, delete lines 14 and 15.

Page 1, line 16, delete "fund to" and insert "by paying into".

Page 1, line 22, delete "firemen's" and insert "firefighters'".

Page 2, line 1, after "annually" insert "from the year the payment would otherwise have been made to the year the payment is made. Payment shall be made within 90 days after the effective date of this act".

Page 2, delete lines 2 to 12.

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Sieben, H., from the Committee on Governmental Operations to which was referred:

H. F. No. 1819, A bill for an act relating to workers' compensation; providing for the coverage of certain farm and business owners and employees; amending Minnesota Statutes, 1977 Supplement, Section 176.012.

Reported the same back with the following amendments:

Page 1, line 10, strike "If a workers'".

Page 1, line 11, strike "compensation policy is procured".

Page 1, line 12, delete "*small*".

Page 1, line 19, reinstate the stricken words "included within" and delete "*excluded from*".

Page 1, line 20, strike "unless" and insert "*if*".

Page 1, line 21, before "corporation" insert "*family farm*".

Page 1, line 21, strike "in writing".

Page 1, line 21, strike "bring themselves, an".

Page 1, line 22, strike "executive officer, or a spouse, parent, or child" and insert "*come*".

Page 2, line 1, strike "the policy so states the".

Page 2, line 2, strike "election" and insert "*provide the insurance required thereunder*".

Page 2, line 4, before "corporations" insert "*family farm*".

Page 2, lines 5 to 9, delete all the new language.

With the recommendation that when so amended the bill pass.

The report was adopted.

Enebo from the Committee on Labor-Management Relations to which was referred:

H. F. No. 2374, A bill for an act relating to labor and employment; employee wage deductions; amending Minnesota Statutes, 1977 Supplement, Section 181.79, Subdivision 1.

Reported the same back with the following amendments:

Page 2, line 15, delete "*purchases by an employee from an employer, the*".

Page 2, line 16, delete "*costs of which are*" and insert "*in cases where an employee, prior to making a purchase from the employer, voluntarily authorizes in writing that the cost of the purchase shall be*".

Page 2, line 17, after "*termination*" insert "*of employment*".

With the recommendation that when so amended the bill pass.

The report was adopted.

Enebo from the Committee on Labor-Management Relations to which was referred:

S. F. No. 291, A bill for an act relating to labor; prohibiting termination of employee benefits; amending Minnesota Statutes 1976, Chapter 181, by adding a section.

Reported the same back with the following amendments:

Page 1, line 9, delete "[181.78]" and insert "[181.81]".

Page 1, line 16, after "*performance*" insert "*unless the employer has first given the employee the opportunity to continue coverage by making the same contribution the employer would have to make to continue coverage for the employee*".

Further, amend the title as follows:

Page 1, line 3, after "benefits" insert "unless certain conditions are met".

With the recommendation that when so amended the bill pass.

The report was adopted.

Enebo from the Committee on Labor-Management Relations to which was referred:

S. F. No. 1607, A bill for an act relating to occupational safety and health; children under 16 not to be employed in occupations or places potentially injurious; amending Minnesota Statutes 1976, Section 182.09.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert:

"Section 1. [REPEAL.] Minnesota Statutes 1976, Section 182.09, is repealed."

Further, amend the title as follows:

Page 1, line 5, delete "amending" and insert "repealing".

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Berg from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 2044, A bill for an act relating to shade tree disease control; clarifying utilization of appropriations; authorizing extension of temporary rules; repealing Laws 1977, Chapter 90, Section 14, Subdivision 4.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes, 1977 Supplement, Section 275.50, Subdivision 6, is amended to read:

Subd. 6. The cost to a governmental unit of implementing section 18.023, including sanitation and reforestation, as defined

in section 18.023, subdivision 1, is a "special levy" and is not subject to tax levy limitations including those contained in sections 275.50 to 275.56 and in Laws 1969, Chapter 593, as amended by Laws 1974, Chapter 108, commencing with the levy made in 1976, payable in 1977, and terminating with the levy made in (1977) 1978, payable in (1978) 1979. A governmental subdivision may make a supplementary levy in 1977, payable in 1978, for all costs of implementing section 18.023 incurred in calendar year 1977 for which a levy was not made in 1976, payable in 1977. For the purpose of calculating the tax levy limit base under section 275.51, for levy year 1977, taxes payable 1978, there shall be subtracted from the levy limit base of any governmental subdivision an amount equal to 112 percent of the amount levied under section 18.023 in levy year 1974, taxes payable 1975, and included in the levy limit base of the governmental subdivision as a result of Laws 1975, Chapter 437.

*Sec. 2. Of the money appropriated by Laws 1977, Chapter 90, Section 14, Subdivision 1, Clauses (a) and (b), one half is available for expenditure in the calendar year ending December 31, 1977, and one half is available in the calendar year ending December 31, 1978.*

*Money appropriated by Laws 1977, Chapter 90, Section 14, Subdivision 1, Clauses (c), (d), (e) and (f), shall remain available until expended.*

*The conditions set forth in this section supersede Laws 1977, Chapter 90, Section 14, Subdivision 1, so far as they are inconsistent therewith.*

*Sec. 3. Notwithstanding the limitations provided in Minnesota Statutes, Section 15.0412, the temporary rules adopted by the commissioner of agriculture pursuant to Laws 1977, Chapter 90, Section 12, are effective until permanent rules are adopted. The conditions set forth in this section supersede Laws 1977, Chapter 90, Section 12, so far as they are inconsistent therewith.*

*Sec. 4. [EFFECTIVE DATE.] This act is effective the day following final enactment."*

Further strike the title and insert:

**"A bill for an act relating to shade tree disease control; extending the special levy authority for sanitation and reforestation; clarifying utilization of appropriations; authorizing extension of temporary rules; amending Minnesota Statutes, 1977 Supplement, Section 275.50, Subdivision 6."**

With the recommendation that when so amended the bill 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. 1915, A bill for an act relating to taxation; providing that all orders relating to valuation of property for ad valorem taxes be issued on or before November 15; classifying assessors' field cards as private data; authorizing the commissioner of revenue to provide new income tax tables; defining the deduction for tuition and transportation expense in computing income tax; providing a seven year carryforward for farm losses; limiting the deduction for charitable contributions; authorizing the commissioner to require a copy of computations used to compute federal income tax; allowing spouses to file combined returns even if one is a nonresident; requiring employers to file a withholding application; providing property tax relief benefits for persons becoming disabled before June 1; defining the acreage eligible for homestead exemption for inheritance tax purposes; changing gift tax rates and credits for certain donees; changing interest rates on certain gift tax refunds; altering classification of alcoholic beverages for tax purposes; requiring the revisor of statutes to recodify certain functions transferred to the department of public service; eliminating inheritance tax receipts; repealing the deduction for alimony; amending Minnesota Statutes 1976, Sections 270.12, Subdivision 3; 290.09, Subdivision 22; 290.37, Subdivision 3; 290.39, Subdivision 2; 290.92, by adding a subdivision; 290A.04, Subdivision 1; 291.05; 292.07, Subdivisions 3 and 5; 292.125; 340.47, Subdivision 1; and Chapter 272, by adding a section; and Minnesota Statutes, 1977 Supplement, Sections 290.06, Subdivision 2c; 290.09, Subdivisions 15 and 29; 290.21, Subdivision 3; 340.47, Subdivision 1a; repealing Minnesota Statutes 1976, Section 291.13, Subdivision 2; and Minnesota Statutes, 1977 Supplement, Section 290.09, Subdivision 14.

Reported the same back with the following amendments:

Pages 3, 4, and 5, delete sections 2, 3, and 4 and insert a new section 2 as follows:

"Sec. 2. Minnesota Statutes 1976, Section 290.39, is amended by adding a subdivision to read:

*Subd. 1a. [TAX TABLES.] Notwithstanding any other provision of chapter 290 to the contrary, the commissioner may, in his discretion, prepare tables for computing the tax for individuals, estates, and trusts which may reflect the allowance of personal and dependent credits or which may reflect the allowance of the standard deduction and the personal and dependent credits."*

Page 14, after line 22, insert:

"Sec. 10. Minnesota Statutes, 1977 Supplement, Section 290A.04, Subdivision 2b, is amended to read:

Subd. 2b. An additional refund shall be allowed each claimant who is disabled or has attained the age of 65 by June 1 of the year in which the taxes were payable in an amount equal to 50 percent of the amount by which property taxes payable or rent constituting property taxes exceed the sum of (a) the refund calculated pursuant to subdivision 2 and (b) the percentage of the claimant's household income specified in subdivision 2. The sum of the refunds provided in subdivision 2 and this subdivision shall not exceed the maximum amounts provided below.

For claimants earning:

\$ 0 to 19,999, up to \$800;

20,000 to 22,999, up to \$800;

23,000 to 25,999, up to \$763;

26,000 to 35,999, up to \$725;

36,000 and over, up to \$525;

provided that maximum refunds for incomes above \$20,000 decline according to the following schedule:

between \$20,000 and \$26,000 decline \$12.50 per \$1,000; between \$26,000 and \$36,000 decline \$20 per \$1,000.

In the case of a claimant who was disabled on or before June 1 or who attained the age of 65 on the date specified in subdivision 1, the refund shall not be less than the refund which the claimant's household income as defined in section 290A.03 and property tax or rent constituting property tax would have entitled him to receive under Minnesota Statutes 1974, Section 290.0618."

Page 21, line 25, strike "fortified".

Page 22, line 28, strike "fortified".

Page 23, delete section 18 and insert new sections to read:

"Sec. 17. Minnesota Statutes 1976, Section 473.249, Subdivision 1, is amended to read:

473.249 [TAX LEVY.] 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 sec-

tions 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 eight-thirtieths of one mill on (EACH DOLLAR OF) *the total assessed valuation of all such taxable property located in the metropolitan area*, and shall be levied and collected in the manner provided by section 473.08.

Sec. 18. Minnesota Statutes 1976, Section 473.249, Subdivision 2, is amended to read:

Subd. 2. (THIS SECTION APPLIES TO TAXES LEVIED IN 1969 AND SUBSEQUENT YEARS.) *The commissioner of revenue shall annually determine whether the ad valorem property tax certified by the metropolitan council for levy following the adoption of its budget is within the levy limitation imposed by this section. To the extent practicable, the determination shall be completed prior to December 1 of each year. If current information regarding assessed valuation in any county is not transmitted to the commissioner in a timely manner, the commissioner may estimate the current assessed valuation within that county for purposes of making the calculation.*"

Page 23, line 22, delete "2, 8, 18" and insert "6".

Page 23, line 23, after "Sections" insert "2,".

Page 23, line 23, after "3" insert a comma.

Page 23, line 24, delete "to" and insert "4, 5,".

Page 23, line 24, delete ", 9".

Page 23, line 25, delete "10 and" and insert "8, 14,".

Page 23, line 25, after "15" insert "and 16".

Page 23, line 26, delete "Section 11 is" and insert "Sections 9 and 10 are".

Page 23, line 28, delete "12" and insert "11".

Page 23, line 30, delete "13 and 14" and insert "12 and 13".

Page 23, line 31, delete "Sections 16 and 17 are effective January".

Page 23, line 32, delete "1, 1978" and insert "Sections 17 and 18 are effective for property taxes levied in 1978, payable in 1979 and subsequent years".

Renumber the sections accordingly.

Further, amend the title as follows:

Delete line 5.

Line 6, delete "data;".

Line 23, delete "requiring the revisor".

Delete lines 24 and 25.

Line 27, after the semicolon insert "altering the method of computing metropolitan council tax levies;".

Line 30, after "2" insert ", and by adding a subdivision".

Line 33, delete "and Chapter 272, by adding a".

Line 34, delete "section" and insert "473.249, Subdivisions 1 and 2".

Line 35, delete "290.06, Subdivision 2c;".

Line 36, delete "Subdivisions 15 and" and insert "Subdivision".

Line 36, after "3;" insert "290A.04, Subdivision 2b;".

With the recommendation that when so amended the bill pass.

The report was adopted.

#### SECOND READING OF HOUSE BILLS

H. F. Nos. 2270, 449, 1783, 1819, 2374 and 1915 were read for the second time.

#### SECOND READING OF SENATE BILLS

S. F. Nos. 1495, 1206, 1951, 1754, 1664, 1690, 1704, 194, 291 and 1607 were read for the second time.

#### INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Moe introduced:

H. F. No. 2514, A bill for an act relating to peace officers; providing for an exemption from certain statutory requirements for prospective peace officers; amending Minnesota Statutes, 1977 Supplement, Section 626.846, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Criminal Justice.

Fjoslien, Wenstrom, Anderson, D., and Niehaus introduced:

H. F. No. 2515, A bill for an act relating to public utilities; prohibiting construction of certain high voltage transmission lines over agricultural land.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

#### HOUSE ADVISORIES

Pursuant to rule 5.3, the following House Advisories were introduced:

Vanasek, Reding, Biersdorf, Braun and Sarna introduced:

H. A. No. 82, A proposal to study setting a minimum size on certain game fish species.

The advisory was referred to the Committee on Environment and Natural Resources.

Vanasek; Begich; Anderson, G.; Braun and Anderson, I., introduced:

H. A. No. 83, A proposal to study the deer hunting season in Minnesota.

The advisory was referred to the Committee on Environment and Natural Resources.

Vanasek, White, Biersdorf, Johnson and Sherwood introduced:

H. A. No. 84, A proposal to examine the feasibility of using tax incentives to conserve woodlands in Minnesota.

The advisory was referred to the Committee on Taxes.

## 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. 1857, A bill for an act relating to veterans; requiring counties to appoint a veterans service officer; amending Minnesota Statutes 1976, Section 197.60, Subdivision 1.

PATRICK E. FLAHAVEN, Secretary of the Senate

Suss moved that the House refuse to concur in the Senate amendments to H. F. No. 1857, 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. 85, A bill for an act relating to governmental agencies; providing for an open appointment process; requiring reports from appointing authorities and the commissioner of administration; providing for publication of agency vacancies.

The Senate has appointed as such committee Messrs. Luther, Schaaf and Keefe, J.

House File No. 85 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. 1728, A bill for an act relating to employments licensed by the state; architects, engineers and landscape architects; requiring knowledge of barrier free design to acquire license; amending Minnesota Statutes 1976, Section 326.10, by adding a subdivision.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Berkelman moved that the House concur in the Senate amendments to H. F. No. 1728 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1728, A bill for an act relating to employments licensed by the state; architects, engineers and landscape architects; requiring knowledge of barrier free design to acquire license; amending Minnesota Statutes 1976, Section 326.10, by adding a subdivision.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Clawson	Johnson	Neisen	Sherwood
Adams	Cohen	Jude	Nelsen, B.	Sieben, H.
Albrecht	Corbid	Kahn	Nelsen, M.	Sieben, M.
Anderson, B.	Cummiskey	Kaley	Nelson	Simoneau
Anderson, D.	Dean	Kalis	Niehaus	Skoglund
Anderson, G.	Den Ouden	Kelly, R.	Norton	Smogard
Anderson, I.	Eckstein	Kelly, W.	Novak	Spanish
Anderson, R.	Eken	Kempe, A.	Onnen	Stanton
Arlandson	Ellingson	Kempe, R.	Osthoff	Stoa
Battaglia	Erickson	King	Patton	Suss
Beauchamp	Esau	Knickerbocker	Peterson	Swanson
Begich	Evans	Kostohryz	Petraieso	Tomlinson
Berg	Ewald	Kroening	Pleasant	Vanasek
Berglin	Faricy	Kvam	Prahl	Voss
Berkelman	Fjoslien	Langseth	Redalen	Waldorf
Biersdorf	Forsythe	Lehto	Reding	Welch
Birnstihl	Fudro	Lemke	Rice	Wenstrom
Brandl	Fugina	Mangan	Rose	Wenzel
Braun	George	Mann	St. Onge	Wieser
Brinkman	Gunter	McCollar	Samuelson	Wigley
Byrne	Hanson	McDonald	Sarna	Wynia
Carlson, A.	Heinitz	McEachern	Savelkoul	Zubay
Carlson, D.	Hokanson	Metzen	Scheid	Speaker Sabo
Carlson, L.	Jacobs	Moe	Schulz	
Casserly	Jaros	Munger	Searle	
Clark	Jensen	Murphy	Searles	

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 amendment to:

S. F. No. 804, A bill for an act relating to highway traffic regulations; driving under the influence of alcohol or controlled substances; chemical tests and consent therefor; providing for immediate notice of revocation of a driver license or permit, retention of the license or permit by a court or peace officer and the substitution of temporary licenses under certain circumstances; providing for county court jurisdiction over prosecution for certain offenses; prescribing penalties; amending Minnesota Statutes 1976, Sections 169.121; 169.123; 169.127; and Chapter 169, by adding sections; repealing Minnesota Statutes 1976, Section 171.245.

And the Senate respectfully requests that a Conference Committee of 3 members be appointed thereon. Messrs. Davies, Bernhagen and Gearty 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

Arlandson moved that the House accede to the request of the Senate and that the Speaker appoint 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. 804. The motion prevailed.

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate File, herewith transmitted:

S. F. No. 318.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### FIRST READING OF SENATE BILLS

S. F. No. 318, A bill for an act relating to criminal procedure; permitting peace officers to make arrests upon probable cause in cases of domestic assault; requiring detention and review of bail for persons charged with domestic assault; permitting the judge to stay execution and imposition of sentence conditioned upon the defendant seeking appropriate counseling; amending Minnesota Statutes 1976, Section 609.135, by adding a subdivision; and Chapter 629, by adding sections.



The bill was read for the first time and referred to the Committee on Criminal Justice.

There being no objection the bills on the Technical Consent Calendar for today were reported to the House.

### CONSENT CALENDAR

H. F. No. 2432 was reported to the House.

There being no objection, H. F. No. 2432 was continued on the Consent Calendar for one day.

H. F. No. 1851, A bill for an act relating to county libraries; authorizing increased membership on county library boards; amending Minnesota Statutes 1976, Section 375.33, Subdivision 4.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 123 yeas and 3 nays as follows:

Those who voted in the affirmative were:

Abeln	Clark	Jensen	Murphy	Searles
Adams	Clawson	Johnson	Neisen	Sherwood
Albrecht	Cohen	Jude	Nelsen, B.	Sieben, H.
Anderson, B.	Corbid	Kahn	Nelsen, M.	Sieben, M.
Anderson, D.	Cummiskey	Kaley	Nelson	Skoglund
Anderson, G.	Dean	Kalis	Niehaus	Smogard
Anderson, I.	Den Ouden	Kelly, R.	Norton	Spanish
Anderson, R.	Eckstein	Kelly, W.	Novak	Stanton
Arlandson	Eken	Kempe, A.	Onnen	Stoa
Battaglia	Ellingson	Kempe, R.	Osthoff	Swanson
Beauchamp	Erickson	King	Patton	Tomlinson
Begich	Esau	Kostohryz	Petrafeso	Vanasek
Berg	Evans	Kroening	Pleasant	Voss
Berglin	Ewald	Kvam	Prahl	Waldorf
Berkelman	Faricy	Langseth	Redalen	Welch
Biersdorf	Fjoslien	Lehto	Reding	Wenstrom
Birnstihl	Forsythe	Lemke	Rice	Wenzel
Brandl	Fudro	Mangan	Rose	White
Braun	Fugina	Mann	St. Onge	Wieser
Brinkman	Gunter	McCollar	Samuelson	Williamson
Byrne	Hanson	McDonald	Sarna	Wynia
Carlson, A.	Heinitz	McEachern	Savelkoul	Zubay
Carlson, D.	Hokanson	Metzen	Scheid	Speaker Sabo
Carlson, L.	Jacobs	Moe	Schulz	
Cassarly	Jaros	Munger	Searle	

Those who voted in the negative were:

McCarron      Simoneau      Suss

The bill was passed and its title agreed to.

H. F. No. 1991, A bill for an act relating to education; transportation; permitting school buses to transport senior citizens; amending Minnesota Statutes 1976, Section 123.39, by adding a subdivision.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Clawson	Johnson	Murphy	Sherwood
Adams	Cohen	Jude	Neisen	Sieben, H.
Albrecht	Corbid	Kahn	Nelsen, B.	Sieben, M.
Anderson, B.	Cummiskey	Kaley	Nelsen, M.	Simoneau
Anderson, D.	Dean	Kalis	Nelson	Skoglund
Anderson, G.	Den Ouden	Kelly, R.	Niehaus	Smogard
Anderson, I.	Eckstein	Kelly, W.	Norton	Spanish
Anderson, R.	Eken	Kempe, A.	Novak	Stanton
Arlandson	Ellingson	Kempe, R.	Onnen	Stoa
Battaglia	Enebo	King	Osthoff	Suss
Beauchamp	Erickson	Kostohryz	Patton	Swanson
Begich	Esau	Kroening	Petraleso	Tomlinson
Berg	Evans	Kvam	Pleasant	Vanasek
Berglin	Ewald	Laidig	Prahl	Voss
Berkelman	Faricy	Langseth	Redalen	Waldorf
Biersdorf	Fjoslien	Lehto	Reding	Welch
Birnstihl	Forsythe	Lemke	Rice	Wenstrom
Brandl	Fudro	Mangan	Rose	Wenzel
Braun	Fugina	Mann	St. Onge	White
Brinkman	George	McCarron	Samuelson	Wieser
Byrne	Hanson	McCollar	Sarna	Wigley
Carlson, A.	Heinitz	McDonald	Savelkoul	Williamson
Carlson, D.	Hokanson	McEachern	Scheid	Wynia
Carlson, L.	Jacobs	Metzen	Schulz	Zubay
Casserly	Jaros	Moe	Searle	Speaker Sabo
Clark	Jensen	Munger	Searles	

The bill was passed and its title agreed to.

H. F. No. 2204, A bill for an act relating to education; school districts; separate election districts; changing the requirements for petitions for division into and changing boundaries of special election districts; amending Minnesota Statutes 1976, Section 123.32, Subdivisions 10 and 15.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 122 yeas and 5 nays as follows:

Those who voted in the affirmative were:

Adams	Anderson, B.	Anderson, G.	Anderson, R.	Battaglia
Albrecht	Anderson, D.	Anderson, I.	Arlandson	Beauchamp

Begich	Evans	Kempe, R.	Norton	Smogard
Berg	Ewald	King	Novak	Spanish
Berglin	Faricy	Knickerbocker	Onnen	Stanton
Berkelman	Fjoslien	Kostohryz	Patton	Stoa
Birnstihl	Forsythe	Kroening	Pehler	Suss
Brandl	Fudro	Kvam	Peterson	Swanson
Brinkman	Fugina	Laidig	Prahl	Tomlinson
Byrne	George	Langseth	Redalen	Vanasek
Carlson, A.	Gunter	Lehto	Reding	Voss
Carlson, L.	Hanson	Lemke	Rice	Waldorf
Casserly	Heinitz	Mangan	Rose	Welch
Clark	Hokanson	Mann	St. Onge	Wenstrom
Clawson	Jacobs	McCarron	Samuelson	Wenzel
Cohen	Jaros	McDonald	Sarna	White
Corbid	Jensen	McEachern	Savelkoul	Wieser
Cummiskey	Johnson	Metzen	Scheid	Wigley
Dean	Jude	Moe	Schulz	Williamson
Den Ouden	Kahn	Munger	Searle	Wynia
Eckstein	Kaley	Murphy	Sherwood	Zubay
Eken	Kalis	Neisen	Sieben, H.	Speaker Sabo
Ellingson	Kelly, R.	Nelsen, B.	Sieben, M.	
Enebo	Kelly, W.	Nelsen, M.	Simoneau	
Erickson	Kempe, A.	Niehaus	Skoglund	

Those who voted in the negative were:

Abeln	Biersdorf	Braun	Osthoff	Searles
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The bill was passed and its title agreed to.

H. F. No. 2214, A bill for an act relating to mutual insurance companies; providing for their conversion into stock companies; protecting the rights of guaranty fund certificate holders; amending Minnesota Statutes 1976, Section 66A.16, by adding a subdivision.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Brandl	Ellingson	Jensen	Lehto
Adams	Braun	Erickson	Johnson	Lemke
Albrecht	Brinkman	Esau	Jude	Mangan
Anderson, B.	Byrne	Evans	Kahn	Mann
Anderson, D.	Carlson, A.	Ewald	Kaley	McCollar
Anderson, G.	Carlson, D.	Faricy	Kalis	McDonald
Anderson, I.	Carlson, L.	Fjoslien	Kelly, R.	McEachern
Anderson, R.	Casserly	Forsythe	Kelly, W.	Metzen
Arlandson	Clark	Friedrich	Kempe, A.	Moe
Battaglia	Clawson	Fudro	Kempe, R.	Munger
Beauchamp	Cohen	Fugina	King	Murphy
Begich	Corbid	Gunter	Knickerbocker	Neisen
Berg	Cummiskey	Hanson	Kostohryz	Nelsen, B.
Berglin	Dean	Heinitz	Kroening	Nelsen, M.
Berkelman	Den Ouden	Hokanson	Kvam	Nelson
Biersdorf	Eckstein	Jacobs	Laidig	Niehaus
Birnstihl	Eken	Jaros	Langseth	Norton

Novak	Reding	Searle	Stanton	Wenstrom
Onnen	Rice	Searles	Stoa	Wenzel
Osthoff	Rose	Sherwood	Suss	White
Patton	St. Onge	Sieben, H.	Swanson	Wieser
Peterson	Samuelson	Sieben, M.	Tomlinson	Wigley
Petrafeso	Sarna	Simoneau	Vanasek	Williamson
Pleasant	Savelkoul	Skoglund	Voss	Wynia
Prahl	Scheid	Smogard	Waldorf	Zubay
Redalen	Schulz	Spanish	Welch	Speaker Sabo

The bill was passed and its title agreed to.

H. F. No. 2216, A bill for an act relating to insurance companies; providing for the reporting of certain claims and other information to the commissioner of insurance; amending Minnesota Statutes 1976, Chapter 72A, by adding a section.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Cohen	Johnson	Nelsen	Sieben, H.
Adams	Corbid	Jude	Nelsen, B.	Sieben, M.
Albrecht	Cummiskey	Kahn	Nelsen, M.	Simoneau
Anderson, B.	Dean	Kaley	Nelson	Skoglund
Anderson, D.	Den Ouden	Kalis	Niehaus	Smogard
Anderson, G.	Eckstein	Kelly, R.	Norton	Spanish
Anderson, I.	Eken	Kelly, W.	Novak	Stanton
Anderson, R.	Ellingson	Kempe, A.	Onnen	Stoa
Arlandson	Enebo	Kempe, R.	Osthoff	Suss
Battaglia	Erickson	King	Patton	Swanson
Beauchamp	Esau	Knickerbocker	Peterson	Tomlinson
Begich	Evans	Kostohryz	Petrafeso	Vanasek
Berg	Ewald	Kroening	Pleasant	Voss
Berglin	Faricy	Kvam	Prahl	Waldorf
Berkelman	Fjoslien	Laidig	Redalen	Welch
Biersdorf	Forsythe	Langseth	Reding	Wenstrom
Birnstihl	Friedrich	Lehto	Rice	Wenzel
Brandl	Fudro	Lemke	Rose	White
Braun	Fugina	Mangan	St. Onge	Wieser
Brinkman	George	Mann	Samuelson	Wigley
Byrne	Gunter	McCollar	Sarna	Williamson
Carlson, A.	Hanson	McDonald	Savelkoul	Wynia
Carlson, D.	Heinitz	McEachern	Scheid	Zubay
Carlson, L.	Hokanson	Metzen	Schulz	Speaker Sabo
Casserly	Jacobs	Moe	Searle	
Clark	Jaros	Munger	Searles	
Clawson	Jensen	Murphy	Sherwood	

The bill was passed and its title agreed to.

H. F. No. 1403, A bill for an act relating to retirement; providing for service pensions of the Spring Lake Park firefighter's relief association.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Cohen	Johnson	Neisen	Sieben, H.
Adams	Corbid	Jude	Nelsen, B.	Sieben, M.
Albrecht	Cummiskey	Kahn	Nelsen, M.	Simoneau
Anderson, B.	Dean	Kaley	Nelson	Skoglund
Anderson, D.	Den Ouden	Kalis	Niehaus	Smogard
Anderson, G.	Eckstein	Kelly, R.	Norton	Spanish
Anderson, I.	Eken	Kelly, W.	Novak	Stanton
Anderson, R.	Ellingson	Kempe, A.	Onnen	Stoa
Arlandson	Enebo	Kempe, R.	Osthoff	Suss
Battaglia	Erickson	King	Patton	Swanson
Beauchamp	Esau	Knickerbocker	Peterson	Tomlinson
Begich	Evans	Kostohryz	Petraieso	Vanasek
Berg	Ewald	Kroening	Pleasant	Voss
Berglin	Faricy	Kvam	Prahl	Waldorf
Berkelman	Fjoslien	Laidig	Redalen	Welch
Biersdorf	Forsythe	Langseth	Reding	Wenstrom
Birnstihl	Friedrich	Lehto	Rice	Wenzel
Brandl	Fudro	Lemke	Rose	White
Braun	Fugina	Mangan	St. Onge	Wieser
Brinkman	George	Mann	Samuelson	Wigley
Byrne	Gunter	McCollar	Sarna	Williamson
Carlson, A.	Hanson	McDonald	Savelkoul	Wynia
Carlson, D.	Heinitz	McEachern	Scheid	Zubay
Carlson, L.	Hokanson	Metzen	Schulz	Speaker Sabo
Casserly	Jacobs	Moe	Searle	
Clark	Jaros	Munger	Searles	
Clawson	Jensen	Murphy	Sherwood	

The bill was passed and its title agreed to.

H. F. No. 1760, A bill for an act relating to the city of Crystal; benefits payable by the firefighter's relief association; amending Laws 1969, Chapter 1088, Sections 2, 4, 5, and 6.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 133 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Battaglia	Braun	Cohen	Erickson
Adams	Beauchamp	Brinkman	Corbid	Esau
Albrecht	Begich	Byrne	Cummiskey	Evans
Anderson, B.	Berg	Carlson, A.	Dean	Ewald
Anderson, D.	Berglin	Carlson, D.	Den Ouden	Faricy
Anderson, G.	Berkelman	Carlson, L.	Eckstein	Fjoslien
Anderson, I.	Biersdorf	Casserly	Eken	Forsythe
Anderson, R.	Birnstihl	Clark	Ellingson	Friedrich
Arlandson	Brandl	Clawson	Enebo	Fudro

Fugina	King	Murphy	Rose	Suss
George	Knickerbocker	Neisen	St. Onge	Swanson
Gunter	Kostohryz	Nelsen, B.	Samuelson	Tomlinson
Hanson	Kroening	Nelsen, M.	Sarna	Vanasek
Heinitz	Kvam	Nelson	Savelkoul	Voss
Hokanson	Laidig	Niehaus	Scheid	Waldorf
Jacobs	Langseth	Norton	Schulz	Welch
Jaros	Lehto	Novak	Searle	Wenstrom
Jensen	Lemke	Onnen	Searles	Wenzel
Johnson	Mangan	Osthoff	Sherwood	White
Jude	Mann	Patton	Sieben, H.	Wieser
Kahn	McCarron	Peterson	Sieben, M.	Wigley
Kaley	McCollar	Petrafaso	Simoneau	Williamson
Kalis	McDonald	Pleasant	Skoglund	Wynia
Kelly, R.	McEachern	Prahl	Smogard	Zubay
Kelly, W.	Metzen	Redalen	Spanish	Speaker Sabo
Kempe, A.	Moe	Reding	Stanton	
Kempe, R.	Munger	Rice	Stoa	

The bill was passed and its title agreed to.

H. F. No. 1770, A bill for an act relating to retirement; definition of teacher; exemptions; amending Minnesota Statutes, 1977 Supplement, Section 354.05, Subdivision 2.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 133 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Cohen	Johnson	Murphy	Sherwood
Adams	Corbid	Jude	Neisen	Sieben, H.
Albrecht	Cummiskey	Kahn	Nelsen, B.	Sieben, M.
Anderson, B.	Dean	Kaley	Nelsen, M.	Simoneau
Anderson, D.	Den Ouden	Kalis	Nelson	Skoglund
Anderson, G.	Eckstein	Kelly, R.	Niehaus	Smogard
Anderson, I.	Eken	Kelly, W.	Norton	Spanish
Anderson, R.	Ellingson	Kempe, A.	Novak	Stanton
Arlandson	Enebo	Kempe, R.	Onnen	Stoa
Battaglia	Erickson	King	Osthoff	Suss
Beauchamp	Esau	Knickerbocker	Patton	Swanson
Begich	Evans	Kostohryz	Peterson	Tomlinson
Berg	Ewald	Kroening	Petrafaso	Vanasek
Berglin	Farcy	Kvam	Pleasant	Voss
Berkelman	Fjoslien	Laidig	Prahl	Waldorf
Biersdorf	Forsythe	Langseth	Redalen	Welch
Birnsthil	Friedrich	Lehto	Reding	Wenstrom
Brandl	Fudro	Lemke	Rice	Wenzel
Braun	Fugina	Mangan	Rose	White
Brinkman	George	Mann	St. Onge	Wieser
Byrne	Gunter	McCarron	Samuelson	Wigley
Carlson, A.	Hanson	McCollar	Sarna	Williamson
Carlson, D.	Heinitz	McDonald	Savelkoul	Wynia
Carlson, L.	Hokanson	McEachern	Scheid	Zubay
Casserly	Jacobs	Metzen	Schulz	Speaker Sabo
Clark	Jaros	Moe	Searle	
Clawson	Jensen	Munger	Searles	

The bill was passed and its title agreed to.

H. F. No. 1865, A bill for an act relating to retirement; fractional years of service for judges; amending Minnesota Statutes 1976, Sections 490.121, Subdivision 4, and by adding a subdivision; and 490.124, Subdivisions 1 and 12.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 134 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Cohen	Johnson	Murphy	Searles
Adams	Corbid	Jude	Neisen	Sherwood
Albrecht	Cummiskey	Kahn	Nelsen, B.	Sieben, H.
Anderson, B.	Dean	Kaley	Nelsen, M.	Sieben, M.
Anderson, D.	Den Ouden	Kalis	Nelson	Simoneau
Anderson, G.	Eckstein	Kelly, R.	Niehaus	Skoglund
Anderson, I.	Eken	Kelly, W.	Norton	Smogard
Anderson, R.	Ellingson	Kempe, A.	Novak	Spanish
Arlandson	Enebo	Kempe, R.	Onnen	Stanton
Battaglia	Erickson	King	Osthoff	Stoa
Beauchamp	Esau	Knickerbocker	Patton	Suss
Begich	Evans	Kostohryz	Pehler	Swanson
Berg	Ewald	Kroening	Peterson	Tomlinson
Berglin	Faricy	Kvam	Petrafaso	Vanasek
Berkelman	Fjoslien	Laidig	Pleasant	Voss
Biersdorf	Forsythe	Langseth	Prahl	Waldorf
Birnstihl	Friedrich	Lehto	Redalen	Welch
Brandl	Fudro	Lemke	Reding	Wenstrom
Braun	Fugina	Mangan	Rice	Wenzel
Brinkman	George	Mann	Rose	White
Byrne	Gunter	McCarron	St. Onge	Wieser
Carlson, A.	Hanson	McCollar	Samuelson	Wigley
Carlson, D.	Heinitz	McDonald	Sarna	Williamson
Carlson, L.	Hokanson	McEachern	Savelkoul	Wynia
Casserly	Jacobs	Metzen	Scheid	Zubay
Clark	Jaros	Moe	Schulz	Speaker Sabo
Clawson	Jensen	Munger	Searle	

The bill was passed and its title agreed to.

H. F. No. 1900, A bill for an act relating to the city of Mound; firefighters' service pensions; amending Laws 1973, Chapter 175, Section 1, as amended.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 134 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Albrecht	Anderson, D.	Anderson, I.	Arlandson
Adams	Anderson, B.	Anderson, G.	Anderson, R.	Battaglia

Beauchamp	Enebo	Kelly, W.	Nelson	Sieben, H.
Begich	Erickson	Kempe, A.	Niehaus	Sieben, M.
Berg	Esau	Kempe, R.	Norton	Simoneau
Berglin	Evans	King	Novak	Skoglund
Berkelman	Ewald	Knickerbocker	Onnen	Smogard
Biersdorf	Faricy	Kostohryz	Osthoff	Spanish
Birnstihl	Fjoslien	Kroening	Patton	Stanton
Brandl	Forsythe	Kvam	Pehler	Stoa
Braun	Friedrich	Laidig	Peterson	Suss
Brinkman	Fudro	Langseth	Petrafeso	Swanson
Byrne	Fugina	Lehto	Pleasant	Tomlinson
Carlson, A.	George	Lemke	Prahl	Vanasek
Carlson, D.	Gunter	Mangan	Redalen	Voss
Carlson, L.	Hanson	Mann	Reding	Waldorf
Casserly	Heinitz	McCarron	Rice	Welch
Clark	Hokanson	McCollar	Rose	Wenstrom
Clawson	Jacobs	McDonald	St. Onge	Wenzel
Cohen	Jaros	McEachern	Samuelson	White
Corbid	Jensen	Metzen	Sarna	Wieser
Cummiskey	Johnson	Moe	Savelkoul	Wigley
Dean	Jude	Munger	Scheid	Williamson
Den Ouden	Kahn	Murphy	Schulz	Wynia
Eckstein	Kaley	Neisen	Searle	Zubay
Eken	Kalis	Nelsen, B.	Searles	Speaker Sabo
Ellingson	Kelly, R.	Nelsen, M.	Sherwood	

The bill was passed and its title agreed to.

H. F. No. 1948 was reported to the House.

Clawson moved that H. F. No. 1948 be placed on General Orders. The motion prevailed.

H. F. No. 2025, A bill for an act relating to the city of Chisholm; police and firemen's relief associations; reversion of funds and bond of treasurer.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Brandl	Ellingson	Jacobs	Laidig
Adams	Braun	Enebo	Jaros	Langseth
Albrecht	Brinkman	Erickson	Jensen	Lehto
Anderson, B.	Byrne	Esau	Johnson	Lemke
Anderson, D.	Carlson, A.	Evans	Jude	Mangan
Anderson, G.	Carlson, D.	Ewald	Kahn	Mann
Anderson, I.	Carlson, L.	Faricy	Kaley	McCarron
Anderson, R.	Casserly	Fjoslien	Kalis	McDonald
Arlandson	Clark	Forsythe	Kelly, R.	McEachern
Battaglia	Clawson	Friedrich	Kelly, W.	Metzen
Beauchamp	Cohen	Fudro	Kempe, A.	Moe
Begich	Corbid	Fugina	Kempe, R.	Munger
Berg	Cummiskey	George	King	Murphy
Berglin	Dean	Gunter	Knickerbocker	Neisen
Berkelman	Den Ouden	Hanson	Kostohryz	Nelsen, B.
Biersdorf	Eckstein	Heinitz	Kroening	Nelsen, M.
Birnstihl	Eken	Hokanson	Kvam	Nelson



Niehaus	Prahl	Schulz	Stoa	White
Norton	Redalen	Searle	Suss	Wieser
Novak	Reding	Sherwood	Swanson	Wigley
Onnen	Rice	Sieben, H.	Tomlinson	Williamson
Osthoff	Rose	Sieben, M.	Vanasek	Wynia
Patton	St. Onge	Simoneau	Voss	Zubay
Pehler	Samuelson	Skoglund	Waldorf	Speaker Sabo
Peterson	Sarna	Smogard	Welch	
Petrafeso	Savelkoul	Spanish	Wenstrom	
Pleasant	Scheid	Stanton	Wenzel	

The bill was passed and its title agreed to.

H. F. No. 2096, A bill for an act relating to state lands; authorizing conveyance of a certain parcel of land in Beltrami county.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 134 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Cohen	Johnson	Murphy	Searles
Adams	Corbid	Jude	Neisen	Sherwood
Albrecht	Cummiskey	Kahn	Nelsen, B.	Sieben, H.
Anderson, B.	Dean	Kaley	Nelsen, M.	Sieben, M.
Anderson, D.	Den Ouden	Kalis	Nelson	Simoneau
Anderson, G.	Eckstein	Kelly, R.	Niehaus	Skoglund
Anderson, I.	Eken	Kelly, W.	Norton	Smogard
Anderson, R.	Ellingson	Kempe, A.	Novak	Spanish
Arlandson	Enebo	Kempe, R.	Onnen	Stanton
Battaglia	Erickson	King	Osthoff	Stoa
Beauchamp	Esau	Knickerbocker	Patton	Suss
Begich	Evans	Kostohryz	Pehler	Swanson
Berg	Ewald	Kroening	Peterson	Tomlinson
Berglin	Faricy	Kvam	Petrafeso	Vanasek
Berkelman	Fjoslien	Laidig	Pleasant	Voss
Biersdorf	Forsythe	Langseth	Prahl	Waldorf
Birnstihl	Friedrich	Lehto	Redalen	Welch
Brandl	Fudro	Lemke	Reding	Wenstrom
Braun	Fugina	Mangan	Rice	Wenzel
Brinkman	George	Mann	Rose	White
Byrne	Gunter	McCarron	St. Onge	Wieser
Carlson, A.	Hanson	McCollar	Samuelson	Wigley
Carlson, D.	Heinitz	McDonald	Sarna	Williamson
Carlson, L.	Hokanson	McEachern	Savelkoul	Wynia
Casserly	Jacobs	Metzen	Scheid	Zubay
Clark	Jaros	Moe	Schulz	Speaker Sabo
Clawson	Jensen	Munger	Searle	

The bill was passed and its title agreed to.

H. F. No. 2155, A bill for an act relating to retirement; validating certain administrative expenses from the special fund of the Austin firefighter's relief association.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Cohen	Johnson	Murphy	Sherwood
Adams	Corbid	Jude	Neisen	Sieben, H.
Albrecht	Cummiskey	Kahn	Nelsen, B.	Sieben, M.
Anderson, B.	Dean	Kaley	Nelsen, M.	Simoneau
Anderson, D.	Den Ouden	Kalis	Nelson	Skoglund
Anderson, G.	Eckstein	Kelly, R.	Niehaus	Smogard
Anderson, I.	Eken	Kelly, W.	Norton	Spanish
Anderson, R.	Ellingson	Kempe, A.	Novak	Stoa
Arlandson	Enebo	Kempe, R.	Onnen	Suss
Battaglia	Erickson	King	Osthoff	Swanson
Beauchamp	Esau	Knickerbocker	Patton	Tomlinson
Begich	Evans	Kostohryz	Peterson	Vanasek
Berg	Ewald	Kroening	Petraleso	Voss
Berglin	Faricy	Kvam	Pleasant	Waldorf
Berkelman	Fjoslien	Laidig	Prahl	Welch
Biersdorf	Forsythe	Langseth	Redalen	Wenstrom
Birnstihl	Friedrich	Lehto	Reding	Wenzel
Brandl	Fudro	Lemke	Rice	White
Braun	Fugina	Mangan	Rose	Wieser
Brinkman	George	Mann	St. Onge	Wigley
Byrne	Gunter	McCarron	Samuelson	Williamson
Carlson, A.	Hanson	McCollar	Sarna	Wynia
Carlson, D.	Heinitz	McDonald	Savelkoul	Zubay
Carlson, L.	Hokanson	McEachern	Scheid	Speaker Sabo
Casserly	Jacobs	Metzen	Schulz	
Clark	Jaros	Moe	Searle	
Clawson	Jensen	Munger	Searles	

The bill was passed and its title agreed to.

H. F. No. 2163, A bill for an act relating to retirement; adjustment of benefits of disabilitants and survivors under public pension funds; amending Minnesota Statutes 1976, Chapter 356, by adding a section.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 134 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Berglin	Clawson	Ewald	Jaros
Adams	Berkelman	Cohen	Faricy	Jensen
Albrecht	Biersdorf	Corbid	Fjoslien	Johnson
Anderson, B.	Birnstihl	Cummiskey	Forsythe	Jude
Anderson, D.	Brandl	Dean	Friedrich	Kahn
Anderson, G.	Braun	Den Ouden	Fudro	Kaley
Anderson, I.	Brinkman	Eckstein	Fugina	Kalis
Anderson, R.	Byrne	Eken	George	Kelly, R.
Arlandson	Carlson, A.	Ellingson	Gunter	Kelly, W.
Battaglia	Carlson, D.	Enebo	Hanson	Kempe, A.
Beauchamp	Carlson, L.	Erickson	Heinitz	Kempe, R.
Begich	Casserly	Esau	Hokanson	King
Berg	Clark	Evans	Jacobs	Knickerbocker

Kostohryz	Moe	Peterson	Searle	Vanasek
Kroening	Munger	Petrafeso	Searles	Voss
Kvam	Murphy	Pleasant	Sherwood	Waldorf
Laidig	Neisen	Prahl	Sieben, H.	Welch
Langseth	Nelsen, B.	Redalen	Sieben, M.	Wenstrom
Lehto	Nelsen, M.	Reding	Simoneau	Wenzel
Lemke	Nelson	Rice	Skoglund	White
Mangan	Niehaus	Rose	Smogard	Wieser
Mann	Norton	St. Onge	Spanish	Wigley
McCarron	Novak	Samuelson	Stanton	Williamson
McCollar	Onnen	Sarna	Stoa	Wynia
McDonald	Osthoff	Savelkoul	Suss	Zubay
McEachern	Patton	Scheid	Swanson	Speaker Sabo
Metzen	Pehler	Schulz	Tomlinson	

The bill was passed and its title agreed to.

H. F. No. 2219, A bill for an act relating to the city of Eagan; volunteer firefighter's service pensions; amending Laws 1975, Chapter 43, Section 1.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 117 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Corbid	Kahn	Neisen	Sieben, M.
Adams	Dean	Kaley	Nelsen, B.	Simoneau
Albrecht	Den Ouden	Kalis	Nelsen, M.	Skoglund
Anderson, B.	Eckstein	Kelly, R.	Nelson	Smogard
Anderson, G.	Eken	Kelly, W.	Niehaus	Spanish
Anderson, L.	Ellingson	Kempe, A.	Norton	Stanton
Anderson, R.	Erickson	Kempe, R.	Novak	Stoa
Battaglia	Esau	King	Onnen	Suss
Berg	Evans	Knickerbocker	Osthoff	Swanson
Berglin	Ewald	Kostohryz	Patton	Tomlinson
Berkelman	Faricy	Kroening	Pehler	Vanasek
Biersdorf	Fjoslien	Kvam	Petrafeso	Voss
Birnstihl	Forsythe	Laidig	Pleasant	Wenstrom
Brandl	Friedrich	Lehto	Prahl	Wenzel
Braun	Fugina	Lemke	Redalen	White
Brinkman	George	Mangan	Rose	Wieser
Byrne	Gunter	Mann	St. Onge	Wigley
Carlson, A.	Hanson	McCarron	Samuelson	Williamson
Carlson, D.	Hejnitz	McCollar	Savelkoul	Wynia
Carlson, L.	Hokanson	McEachern	Schulz	Zubay
Casserly	Jacobs	Metzen	Searle	Speaker Sabo
Clark	Jaros	Moe	Searles	
Clawson	Johnson	Munger	Sherwood	
Cohen	Jude	Murphy	Sieben, H.	

The bill was passed and its title agreed to.

H. F. No. 2224, A bill for an act relating to the city of Nashwauk; police relief pensions and widows benefits; officers of as-

sociation; amending Laws 1943, Chapter 196, Sections 4, as amended; and 8.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 133 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Corbid	Jude	Neisen	Sherwood
Adams	Cummiskey	Kahn	Nelsen, B.	Sieben, H.
Albrecht	Dean	Kaley	Nelsen, M.	Sieben, M.
Anderson, B.	Den Ouden	Kalis	Nelson	Simoneau
Anderson, D.	Eckstein	Kelly, R.	Niehaus	Skoglund
Anderson, G.	Eken	Kelly, W.	Norton	Smogard
Anderson, I.	Ellingson	Kempe, A.	Novak	Spanish
Anderson, R.	Enebo	Kempe, R.	Onnen	Stanton
Arlandson	Erickson	King	Osthoff	Stoa
Battaglia	Esau	Knickerbocker	Patton	Suss
Beauchamp	Evans	Kostohryz	Pehler	Swanson
Begich	Ewald	Kroening	Peterson	Tomlinson
Berg	Faricy	Kvam	Petrafeso	Vanasek
Berglin	Fjoslien	Laidig	Pleasant	Voss
Berkelman	Forsythe	Langseth	Prahl	Waldorf
Biersdorf	Friedrich	Lehto	Redalen	Welch
Birnstihl	Fudro	Lemke	Reding	Wenstrom
Brandl	Fugina	Mangan	Rice	Wenzel
Braun	George	Mann	Rose	White
Brinkman	Gunter	McCarron	St. Onge	Wieser
Byrne	Hanson	McCollar	Samuelson	Wigley
Carlson, A.	Heinitz	McDonald	Sarna	Williamson
Carlson, L.	Hokanson	McEachern	Savelkoul	Wynia
Casserly	Jacobs	Metzen	Scheid	Zubay
Clark	Jaros	Moe	Schulz	Speaker Sabo
Clawson	Jensen	Munger	Searle	
Cohen	Johnson	Murphy	Searles	

The bill was passed and its title agreed to.

H. F. No. 2228, A bill for an act relating to retirement; authorizing an annuity for the surviving spouse of a certain deceased former member of the public employees retirement association.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Anderson, D.	Arlandson	Berg	Birnstihl
Adams	Anderson, G.	Battaglia	Berglin	Brandl
Albrecht	Anderson, I.	Beauchamp	Berkelman	Braun
Anderson, B.	Anderson, R.	Begich	Biersdorf	Brinkman

Byrne	Fugina	Laidig	Patton	Spanish
Carlson, A.	George	Langseth	Pehler	Stanton
Carlson, D.	Gunter	Lehto	Peterson	Stoa
Carlson, L.	Hanson	Lemke	Petrafeso	Suss
Casserly	Heinitz	Mangan	Pleasant	Swanson
Clark	Hokanson	Mann	Prahl	Tomlinson
Clawson	Jacobs	McCarron	Redalen	Vanasek
Cohen	Jaros	McCollar	Reding	Voss
Corbid	Jensen	McDonald	Rice	Waldorf
Dean	Johnson	McEachern	Rose	Welch
Den Ouden	Jude	Metzen	St. Onge	Wenstrom
Eckstein	Kahn	Moe	Samuelson	Wenzel
Eken	Kaley	Munger	Sarna	White
Ellingson	Kalis	Murphy	Savelkoul	Wieser
Erickson	Kelly, R.	Neisen	Scheid	Wigley
Esau	Kelly, W.	Nelsen, B.	Schulz	Williamson
Evans	Kempe, A.	Nelsen, M.	Searle	Wynia
Ewald	Kempe, R.	Nelson	Searles	Zubay
Faricy	King	Niehaus	Sieben, H.	Speaker Sabo
Fjoslien	Knickerbocker	Norton	Sieben, M.	
Forsythe	Kostohryz	Novak	Simoneau	
Friedrich	Kroening	Onnen	Skoglund	
Fudro	Kvam	Osthoff	Smogard	

The bill was passed and its title agreed to.

H. F. No. 2278, A bill for an act relating to the city of Brooklyn Center; firefighter's relief association; amending Laws 1967, Chapter 815, Sections 1; 2; 3; 4; 5; 7; and 8, Subdivision 1.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Casserly	Hokanson	McCarron	Reding
Adams	Clark	Jacobs	McCollar	Rice
Albrecht	Clawson	Jaros	McDonald	Rose
Anderson, B.	Cohen	Jensen	McEachern	St. Onge
Anderson, D.	Corbid	Johnson	Metzen	Samuelson
Anderson, G.	Cummiskey	Jude	Moe	Sarna
Anderson, I.	Dean	Kahn	Munger	Scheid
Anderson, R.	Den Ouden	Kaley	Murphy	Schulz
Arlandson	Eckstein	Kalis	Neisen	Searle
Battaglia	Ellingson	Kelly, R.	Nelsen, B.	Searles
Beauchamp	Erickson	Kelly, W.	Nelsen, M.	Sieben, H.
Begich	Esau	Kempe, A.	Nelson	Sieben, M.
Berg	Evans	Kempe, R.	Niehaus	Simoneau
Berglin	Ewald	King	Norton	Skoglund
Berkelman	Faricy	Knickerbocker	Novak	Smogard
Biersdorf	Fjoslien	Kostohryz	Onnen	Spanish
Birnstihl	Forsythe	Kroening	Osthoff	Stanton
Brandl	Friedrich	Kvam	Patton	Stoa
Braun	Fudro	Laidig	Pehler	Suss
Brinkman	Fugina	Langseth	Peterson	Swanson
Byrne	George	Lehto	Petrafeso	Tomlinson
Carlson, A.	Gunter	Lemke	Pleasant	Vanasek
Carlson, D.	Hanson	Mangan	Prahl	Voss
Carlson, L.	Heinitz	Mann	Redalen	Waldorf

Welch  
Wenstrom

Wenzel  
White

Wieser  
Wigley

Williamson  
Wynia

Zubay  
Speaker Sabo

The bill was passed and its title agreed to.

H. F. No. 2279, A bill for an act relating to the city of Brooklyn Center; police membership in public employees police and fire fund; repealing Laws 1967, Chapter 736.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 119 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Corbid	Johnson	Murphy	Searles
Adams	Cummiskey	Jude	Neisen	Sherwood
Albrecht	Dean	Kaley	Nelsen, B.	Sieben, H.
Anderson, B.	Den Ouden	Kalis	Nelsen, M.	Sieben, M.
Anderson, D.	Eckstein	Kelly, R.	Nelson	Simoneau
Anderson, G.	Eken	Kelly, W.	Niehaus	Skoglund
Anderson, I.	Ellingson	Kempe, A.	Norton	Smogard
Anderson, R.	Erickson	Kempe, R.	Novak	Spanish
Arlandson	Esau	King	Onnen	Stoa
Battaglia	Evans	Knickerbocker	Osthoff	Suss
Begich	Ewald	Kostohryz	Patton	Swanson
Berg	Faricy	Kroening	Pehler	Tomlinson
Berglin	Fjoslien	Kvam	Peterson	Voss
Berkelman	Forsythe	Laidig	Petrafeo	Waldorf
Birnstihl	Friedrich	Langseth	Pleasant	Welch
Brandl	Fugina	Lemke	Prahl	Wenstrom
Byrne	George	Mangan	Rice	Wenzel
Carlson, A.	Gunter	Mann	Rose	White
Carlson, D.	Hanson	McCarron	St. Onge	Wieser
Carlson, L.	Heintz	McDonald	Sarna	Wigley
Casserly	Hokanson	McEachern	Savelkoul	Williamson
Clark	Jacobs	Metzen	Scheid	Wynia
Clawson	Jaros	Moe	Schulz	Speaker Sabo
Conen	Jensen	Munger	Searle	

The bill was passed and its title agreed to.

H. F. No. 2282, A bill for an act relating to the city of Plymouth; firefighter's relief association benefits.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Anderson, B.	Anderson, I.	Battaglia	Berg
Adams	Anderson, D.	Anderson, R.	Beauchamp	Berglin
Albrecht	Anderson, G.	Arlandson	Begich	Berkelman

Biersdorf	Fjoslien	Kostohryz	Onnen	Smogard
Birnstihl	Forsythe	Kroening	Osthoff	Spanish
Brandl	Friedrich	Kvam	Patton	Stanton
Braun	Fudro	Laidig	Pehler	Stoa
Byrne	Fugina	Langseth	Peterson	Suss
Carlson, A.	George	Lehto	Petrafeso	Swanson
Carlson, D.	Gunter	Lemke	Pleasant	Tomlinson
Carlson, L.	Hanson	Mangan	Prahl	Vanasek
Casserly	Heinitz	Mann	Redalen	Voss
Clark	Hokanson	McCarron	Reding	Waldorf
Clawson	Jacobs	McCollar	Rice	Welch
Cohen	Jaros	McDonald	Rose	Wenstrom
Corbid	Jensen	McEachern	St. Onge	Wenzel
Cummiskey	Johnson	Metzen	Samuelson	White
Dean	Jude	Moe	Sarna	Wieser
Den Ouden	Kahn	Munger	Scheid	Wigley
Eckstein	Kaley	Murphy	Schulz	Williamson
Eken	Kalis	Neisen	Searle	Wynia
Ellingson	Kelly, R.	Nelsen, B.	Searles	Zubay
Erickson	Kelly, W.	Nelsen, M.	Sherwood	Speaker Sabo
Esau	Kempe, A.	Nelson	Sieben, H.	
Evans	Kempe, R.	Niehaus	Sieben, M.	
Ewald	King	Norton	Simoneau	
Faricy	Knickerbocker	Novak	Skoglund	

The bill was passed and its title agreed to.

H. F. No. 2330, A bill for an act relating to retirement; consolidation of the police relief association of the city of Thief River Falls into the public employees police and fire fund.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Carlson, L.	Gunter	Lemke	Pleasant
Adams	Casserly	Hanson	Mangan	Prahl
Albrecht	Clark	Heinitz	Mann	Redalen
Anderson, B.	Clawson	Hokanson	McCarron	Reding
Anderson, D.	Cohen	Jacobs	McCollar	Rice
Anderson, G.	Corbid	Jaros	McDonald	Rose
Anderson, I.	Cummiskey	Jensen	McEachern	St. Onge
Anderson, R.	Dean	Johnson	Metzen	Savelkoul
Ariandson	Den Ouden	Jude	Moe	Scheid
Battaglia	Eckstein	Kahn	Munger	Schulz
Beauchamp	Eken	Kaley	Murphy	Searle
Begich	Ellingson	Kalis	Neisen	Searles
Berg	Erickson	Kelly, W.	Nelsen, B.	Sherwood
Berglin	Esau	Kempe, A.	Nelsen, M.	Sieben, H.
Berkelman	Evans	Kempe, R.	Nelson	Sieben, M.
Biersdorf	Ewald	King	Niehaus	Simoneau
Birnstihl	Faricy	Knickerbocker	Norton	Skoglund
Brandl	Fjoslien	Kostohryz	Novak	Smogard
Braun	Forsythe	Kroening	Onnen	Spanish
Brinkman	Friedrich	Kvam	Patton	Stanton
Byrne	Fudro	Laidig	Pehler	Stoa
Carlson, A.	Fugina	Langseth	Peterson	Suss
Carlson, D.	George	Lehto	Petrafeso	Swanson

Tomlinson	Waldorf	Wenzel	Wigley	Zubay
Vanasek	Welch	White	Williamson	Speaker Sabo
Voss	Wenstrom	Wieser	Wynia	

The bill was passed and its title agreed to.

H. F. No. 2332, A bill for an act relating to retirement; local police, salaried firefighters and volunteer firefighters relief associations; specifying allowable administrative expenses; amending Minnesota Statutes 1976, Sections 69.40; 423.32; 423.38; 423.51; 423.808; 424.16; and 424.31; and Laws 1974, Chapter 382, Section 4, Subdivision 3.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Corbid	Kahn	Nelsen, M.	Sieben, M.
Adams	Cummiskey	Kaley	Nelson	Simoneau
Albrecht	Dean	Kalis	Niehaus	Skoglund
Anderson, B.	Den Ouden	Kelly, R.	Norton	Smogard
Anderson, D.	Eckstein	Kelly, W.	Novak	Spanish
Anderson, G.	Elken	Kempe, A.	Onnen	Stanton
Anderson, I.	Ellingson	King	Osthoff	Stoa
Anderson, R.	Enebo	Knickerbocker	Patton	Suss
Arlandson	Erickson	Kostohryz	Pehler	Swanson
Battaglia	Esau	Kroening	Peterson	Tomlinson
Beauchamp	Evans	Kvam	Petrafeso	Vanasek
Begich	Ewald	Laidig	Pleasant	Voss
Berg	Faricy	Langseth	Prahl	Waldorf
Berglin	Fjoslien	Lehto	Redalen	Welch
Berkelman	Forsythe	Lemke	Reding	Wenstrom
Biersdorf	Friedrich	Mangan	Rice	Wenzel
Birnstihl	Fudro	Mann	Rose	White
Braun	Fugina	McCarron	St. Onge	Wieser
Brinkman	George	McCollar	Samuelson	Wigley
Byrne	Gunter	McDonald	Sarna	Williamson
Carlson, A.	Hanson	McEachern	Savelkoul	Wynia
Carlson, D.	Heinitz	Metzen	Scheid	Zubay
Carlson, L.	Hokanson	Moe	Schulz	Speaker Sabo
Cassery	Jaros	Munger	Searle	
Clark	Jensen	Murphy	Searles	
Clawson	Johnson	Neisen	Sherwood	
Cohen	Jude	Nelsen, B.	Sieben, H.	

The bill was passed and its title agreed to.

H. F. No. 2401, A bill for an act relating to the Minnesota-Wisconsin boundary area commission; providing that the terms of commissioners shall be staggered; amending Minnesota Statutes 1976, Section 1.33.

The bill was read for the third time and placed upon its final passage.



The question was taken on the passage of the bill and the roll was called. There were 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Corbid	Johnson	Murphy	Searles
Adams	Cummiskey	Jude	Neisen	Sherwood
Albrecht	Dean	Kahn	Nelsen, B.	Sieben, H.
Anderson, B.	Den Ouden	Kaley	Nelsen, M.	Sieben, M.
Anderson, D.	Eckstein	Kalis	Nelson	Skoglund
Anderson, G.	Eken	Kelly, R.	Niehaus	Smogard
Anderson, I.	Ellingson	Kelly, W.	Norton	Stanton
Anderson, R.	Enebo	Kempe, A.	Novak	Stoa
Arlandson	Erickson	Kempe, R.	Onnen	Suss
Battaglia	Esau	King	Osthoff	Swanson
Beauchamp	Evans	Knickerbocker	Patton	Tomlinson
Begich	Ewald	Kostohryz	Pehler	Vanasek
Berg	Faricy	Kroening	Peterson	Voss
Berglin	Fjoslien	Kvam	Petrafeso	Waldorf
Berkelman	Forsythe	Laidig	Pleasant	Welch
Biersdorf	Friedrich	Langseth	Prahl	Wenstrom
Birnstihl	Fudro	Lehto	Redalen	Wenzel
Brandl	Fugina	Lemke	Reding	White
Braun	George	Mann	Rice	Wieser
Brinkman	Gunter	McCarron	Rose	Wigley
Carlson, A.	Hanson	McCollar	St. Onge	Williamson
Carlson, D.	Heinitz	McDonald	Samuelson	Wynia
Carlson, L.	Hokanson	McEachern	Sarna	Zubay
Casserly	Jacobs	Metzen	Savelkoul	Speaker Sabo
Clark	Jaros	Moe	Scheid	
Cohen	Jensen	Munger	Searle	

The bill was passed and its title agreed to.

H. F. No. 2419, A bill for an act relating to courts; supreme court; providing for publishing of reports of decisions; amending Minnesota Statutes 1976, Section 480.12.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Birnstihl	Eken	Heinitz	Kostohryz
Adams	Brandl	Ellingson	Hokanson	Kroening
Albrecht	Braun	Enebo	Jacobs	Kvam
Anderson, B.	Brinkman	Erickson	Jaros	Laidig
Anderson, D.	Byrne	Esau	Jensen	Langseth
Anderson, G.	Carlson, A.	Evans	Johnson	Lehto
Anderson, I.	Carlson, B.	Ewald	Jude	Lemke
Anderson, R.	Carlson, L.	Faricy	Kahn	Mangan
Arlandson	Casserly	Fjoslien	Kaley	Mann
Battaglia	Clark	Forsythe	Kalis	McCarron
Reauchamp	Clawson	Friedrich	Kelly, R.	McCollar
Begich	Cohen	Fudro	Kelly, W.	McDonald
Berg	Cummiskey	Fugina	Kempe, A.	McEachern
Berglin	Dean	George	Kempe, R.	Metzen
Berkelman	Den Ouden	Gunter	King	Moe
Biersdorf	Eckstein	Hanson	Knickerbocker	Munger

Murphy	Pehler	Sarna	Smogard	Wenzel
Neisen	Peterson	Savelkoul	Stanton	White
Neisen, B.	Petrafeso	Scheid	Stoa	Wieser
Neisen, M.	Pleasant	Schulz	Suss	Wigley
Neison	Prahl	Searle	Swanson	Williamson
Niehaus	Redalen	Searles	Tomlinson	Wynia
Norton	Reding	Sherwood	Vanasek	Zubay
Novak	Rice	Sieben, H.	Voss	Speaker Sabo
Onnen	Rose	Sieben, M.	Waldorf	
Osthoff	St. Onge	Simoneau	Welch	
Patton	Samuelson	Skoglund	Wenstrom	

The bill was passed and its title agreed to.

H. F. No. 2466 was reported to the House.

There being no objection, H. F. No. 2466 was continued on the Consent Calendar for one day.

H. F. No. 933, A bill for an act relating to Ramsey county; amending the Ramsey county code by rearranging certain provisions therein relating to welfare and by deleting obsolete provisions therein relating to welfare; amending Laws 1974, Chapter 435, Sections 1.0204 and 3.13.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 133 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Cohen	Jude	Neisen	Sherwood
Adams	Corbid	Kahn	Nelsen, B.	Sieben, H.
Albrecht	Cummiskey	Kaley	Nelsen, M.	Sieben, M.
Anderson, B.	Dean	Kalis	Nelson	Simoneau
Anderson, D.	Den Ouden	Kelly, R.	Niehaus	Skoglund
Anderson, G.	Eckstein	Kelly, W.	Norton	Smogard
Anderson, I.	Eken	Kempe, A.	Novak	Spanish
Anderson, R.	Ellingson	Kempe, R.	Onnen	Stanton
Arlandson	Erickson	King	Osthoff	Stoa
Battaglia	Esau	Knickerbocker	Patton	Suss
Beauchamp	Evans	Kostohryz	Pehler	Swanson
Begich	Ewald	Kroening	Peterson	Tomlinson
Berg	Faricy	Kvam	Petrafeso	Vanasek
Berglin	Fjoslien	Laidig	Pleasant	Voss
Berkelman	Forsythe	Langseth	Prahl	Waldorf
Biersdorf	Friedrich	Lehto	Redalen	Welch
Birnstihl	Fudro	Lemke	Reding	Wenstrom
Brandl	Fugina	Mangan	Rice	Wenzel
Braun	George	Mann	Rose	White
Brinkman	Gunter	McCarron	St. Onge	Wieser
Byrne	Hanson	McCollar	Samuelson	Wigley
Carlson, A.	Heinitz	McDonald	Sarna	Williamson
Carlson, D.	Hokanson	McEachern	Savelkoul	Wynia
Carlson, L.	Jacobs	Metzen	Scheid	Zubay
Casserly	Jaros	Moe	Schulz	Speaker Sabo
Clark	Jensen	Munger	Searle	
Clawson	Johnson	Murphy	Searles	

The bill was passed and its title agreed to.

H. F. No. 1910, A bill for an act relating to Itasca county; authorizing the exchange of certain riparian tax forfeited land for certain privately owned non-riparian land.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Corbid	Jude	Nelsen, B.	Sieben, H.
Adams	Cummiskey	Kahn	Nelsen, M.	Sieben, M.
Albrecht	Dean	Kaley	Nelson	Simoneau
Anderson, B.	Den Ouden	Kalis	Niehaus	Skoglund
Anderson, D.	Eckstein	Kelly, R.	Norton	Smogard
Anderson, G.	Eken	Kelly, W.	Novak	Spanish
Anderson, I.	Ellingson	Kempe, A.	Onnen	Stanton
Anderson, R.	Enebo	Kempe, R.	Osthoff	Stoa
Arlandson	Erickson	King	Patton	Suss
Battaglia	Esau	Knickerbocker	Pehler	Swanson
Begich	Evans	Kroening	Peterson	Tomlinson
Berg	Ewald	Kvam	Petrafaso	Vanasek
Berglin	Faricy	Laidig	Pleasant	Voss
Berkelman	Fjoslien	Langseth	Prahl	Waldorf
Biersdorf	Forsythe	Lehto	Redalen	Welch
Birnstihl	Friedrich	Lemke	Reding	Wenstrom
Brandl	Fudro	Mangan	Rice	Wenzel
Braun	Fugina	Mann	Rose	White
Brinkman	George	McCarron	St. Onge	Wieser
Byrne	Gunter	McCollar	Samuelson	Wigley
Carlson, A.	Hanson	McDonald	Sarna	Williamson
Carlson, D.	Heinitz	McEachern	Savelkoul	Wynia
Carlson, L.	Hokanson	Metzen	Scheid	Zubay
Cassery	Jacobs	Moe	Schulz	Speaker Sabo
Clark	Jaros	Munger	Searles	
Clawson	Jensen	Murphy	Sherwood	
Cohen	Johnson	Neisen		

The bill was passed and its title agreed to.

H. F. No. 2048, A bill for an act relating to municipalities; purpose and name of range association of municipalities and schools; amending Minnesota Statutes 1976, Section 471.58.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 134 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Adams	Albrecht	Anderson, B.	Anderson, D.
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Anderson, G.	Den Ouden	Kaley	Nelsen, B.	Sherwood
Anderson, I.	Eckstein	Kalis	Nelsen, M.	Sieben, H.
Anderson, R.	Eken	Kelly, R.	Nelson	Sieben, M.
Arlandson	Ellingson	Kelly, W.	Niehaus	Simoneau
Battaglia	Enebo	Kempe, A.	Norton	Skoglund
Beauchamp	Erickson	Kempe, R.	Novak	Smogard
Begich	Esau	King	Onnen	Spanish
Berg	Evans	Knickerbocker	Osthoff	Stanton
Berglin	Ewald	Kostohryz	Patton	Stoa
Berkelman	Faricy	Kroening	Pehler	Suss
Biersdorf	Fjoslien	Kvam	Peterson	Swanson
Birnstihl	Forsythe	Laidig	Petrafeso	Tomlinson
Brandl	Friedrich	Langseth	Pleasant	Vanasek
Braun	Fudro	Lehto	Prahl	Voss
Brinkman	Fugina	Lemke	Redalen	Waldorf
Byrne	George	Mangan	Reding	Welch
Carlson, A.	Gunter	Mann	Rice	Wenstrom
Carlson, D.	Hanson	McCarron	Rose	Wenzel
Carlson, L.	Heinitz	McCollar	St. Onge	White
Casserly	Hokanson	McDonald	Samuelson	Wieser
Clark	Jacobs	McEachern	Sarna	Wigley
Clawson	Jaros	Metzen	Savelkoul	Williamson
Cohen	Jensen	Moe	Scheid	Wynia
Corbid	Johnson	Munger	Schulz	Zubay
Cummiskey	Jude	Murphy	Searle	Speaker Sabo
Dean	Kahn	Neisen	Searles	

The bill was passed and its title agreed to.

H. F. No. 2176, A bill for an act relating to the Minneapolis police department; providing for certain employee appointments; amending Laws 1961, Chapter 108, Section 1, as amended.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Carlson, A.	Fjoslien	Kempe, A.	Neisen
Adams	Carlson, D.	Forsythe	Kempe, R.	Nelsen, B.
Albrecht	Carlson, L.	Friedrich	King	Nelsen, M.
Anderson, B.	Casserly	Fudro	Knickerbocker	Nelson
Anderson, D.	Clark	Fugina	Kostohryz	Niehaus
Anderson, G.	Clawson	George	Kroening	Norton
Anderson, I.	Cohen	Gunter	Laidig	Novak
Anderson, R.	Corbid	Hanson	Langseth	Onnen
Arlandson	Cummiskey	Heinitz	Lehto	Osthoff
Battaglia	Dean	Hokanson	Lemke	Patton
Begich	Den Ouden	Jacobs	Mangan	Pehler
Berg	Eckstein	Jaros	Mann	Peterson
Berglin	Eken	Jensen	McCarron	Petrafeso
Berkelman	Ellingson	Johnson	McCollar	Pleasant
Biersdorf	Enebo	Jude	McDonald	Redalen
Birnstihl	Erickson	Kahn	McEachern	Reding
Brandl	Esau	Kaley	Metzen	Rice
Braun	Evans	Kalis	Moe	Rose
Brinkman	Ewald	Kelly, R.	Munger	St. Onge
Byrne	Faricy	Kelly, W.	Murphy	Samuelson

Sarna	Sieben, H.	Stoa	Welch	Wynia
Savelkoul	Sieben, M.	Suss	Wenstrom	Zubay
Scheid	Simoneau	Swanson	Wenzel	Speaker Sabo
Schulz	Skoglund	Tomlinson	White	
Searle	Smogard	Vanasek	Wieser	
Searles	Spanish	Voss	Wigley	
Sherwood	Stanton	Waldorf	Williamson	

The bill was passed and its title agreed to.

S. F. No. 1955 was reported to the House.

There being no objection, S. F. No. 1955 was continued on the Consent Calendar for one day.

S. F. No. 1699 was reported to the House.

There being no objection, S. F. No. 1699 was continued on the Consent Calendar for one day.

S. F. No. 1713, A bill for an act relating to the city of Minneapolis; providing for the extended assignment of city employees to the riverfront development coordination board.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 130 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Abeln	Cohen	Jude	Murphy	Searles
Adams	Cummiskey	Kahn	Neisen	Sherwood
Anderson, B.	Dean	Kaley	Nelsen, B.	Sieben, H.
Anderson, D.	Den Ouden	Kalis	Nelsen, M.	Sieben, M.
Anderson, G.	Eckstein	Kelly, R.	Nelson	Simoneau
Anderson, I.	Eken	Kelly, W.	Niehaus	Skoglund
Anderson, R.	Ellingson	Kempe, A.	Norton	Smogard
Arlandson	Enebo	Kempe, R.	Novak	Spanish
Battaglia	Erickson	King	Onnen	Stanton
Beauchamp	Esau	Knickerbocker	Patton	Stoa
Begich	Evans	Kostohryz	Pehler	Suss
Berg	Ewald	Kroening	Peterson	Swanson
Berglin	Faricy	Kvam	Petrafeso	Tomlinson
Berkelman	Fjoslien	Laidig	Pleasant	Vanasek
Biersdorf	Forsythe	Langseth	Prahl	Voss
Birnstihl	Fudro	Lehto	Redalen	Waldorf
Brandl	Fugina	Lemke	Reding	Welch
Braun	George	Mangan	Rice	Wenstrom
Brinkman	Gunter	Mann	Rose	Wenzel
Byrne	Hanson	McCarron	St. Onge	White
Carlson, A.	Heinitz	McCollar	Samuelson	Wieser
Carlson, D.	Hokanson	McDonald	Sarna	Wigley
Carlson, L.	Jacobs	McEachern	Savelkoul	Williamson
Casserly	Jaros	Metzen	Scheid	Wynia
Clark	Jensen	Moe	Schulz	Zubay
Clawson	Johnson	Munger	Searle	Speaker Sabo

Those who voted in the negative were:

Corbid

The bill was passed and its title agreed to.

S. F. No. 1959, A bill for an act relating to towns; providing for supervisors to control legal actions; amending Minnesota Statutes 1976, Sections 365.10; 365.40; and 366.01, by adding a subdivision.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Clawson	Jensen	Moe	Searle
Adams	Cohen	Johnson	Munger	Searles
Albrecht	Corbid	Jude	Murphy	Sherwood
Anderson, B.	Dean	Kahn	Neisen	Sieben, H.
Anderson, D.	Den Ouden	Kaley	Nelsen, B.	Sieben, M.
Anderson, G.	Eckstein	Kalis	Nelsen, M.	Simoneau
Anderson, I.	Eken	Kelly, R.	Nelson	Skoglund
Anderson, R.	Ellingson	Kelly, W.	Niehaus	Smogard
Arlandson	Enebo	Kempe, A.	Norton	Spanish
Battaglia	Erickson	Kempe, R.	Novak	Stoa
Beauchamp	Esau	King	Onnen	Suss
Begich	Evans	Knickerbocker	Osthoff	Swanson
Berg	Ewald	Kostohryz	Patton	Tomlinson
Berglin	Faricy	Kroening	Pehler	Vanasek
Berkelman	Fjoslien	Kvam	Peterson	Voss
Biersdorf	Forsythe	Laidig	Petrafeso	Waldorf
Birnstihl	Friedrich	Langseth	Pleasant	Welch
Brandl	Fudro	Lehto	Prahl	Wenstrom
Braun	Fugina	Lemke	Redalen	Wenzel
Brinkman	George	Mangan	Rice	White
Byrne	Gunter	Mann	Rose	Wieser
Carlson, A.	Hanson	McCarron	St. Onge	Wigley
Carlson, D.	Heinitz	McCollar	Samuelson	Williamson
Carlson, L.	Hokanson	McDonald	Sarna	Wynia
Cassery	Jacobs	McEachern	Savelkoul	Zubay
Clark	Jaros	Metzen	Schulz	Speaker Sabo

The bill was passed and its title agreed to.

### SPECIAL ORDERS

H. F. No. 2348 was reported to the House.

Kempe, A., moved to amend H. F. No. 2348, as follows:

Page 2, line 9, after the period add "*For the purpose of this act highways shall mean trunk highways, county state aid high-*

*ways, county highways and town roads as defined in chapter 160 when said highways are outside city corporate limits."*

The motion prevailed and the amendment was adopted.

Kvam moved to amend H. F. No. 2348, as follows:

Page 1, line 22, after "rules" insert "and require bond".

The motion prevailed and the amendment was adopted.

H. F. No. 2348, A bill for an act relating to highways; allowing private landowners to install drainage tiles in highway right-of-way; amending Minnesota Statutes 1976, Section 160.20, by adding a subdivision.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 130 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Abeln	Clawson	Johnson	Neisen	Searles
Adams	Cohen	Jude	Nelsen, B.	Sherwood
Albrecht	Corbid	Kahn	Nelsen, M.	Sieben, H.
Anderson, B.	Cummiskey	Kaley	Nelson	Sieben, M.
Anderson, D.	Dean	Kalis	Niehaus	Simoneau
Anderson, G.	Den Ouden	Kelly, R.	Norton	Skoglund
Anderson, I.	Eckstein	Kelly, W.	Novak	Smogard
Anderson, R.	Eken	Kempe, A.	Onnen	Spanish
Arlandson	Ellingson	Kempe, R.	Osthoff	Stanton
Battaglia	Erickson	King	Patton	Stoa
Beauchamp	Esau	Knickerbocker	Pehler	Suss
Begich	Evans	Kostohryz	Peterson	Swanson
Berg	Ewald	Kroening	Petraleso	Tomlinson
Berglin	Faricy	Kvam	Pleasant	Vanasek
Berkelman	Fjoslien	Laidig	Prahl	Voss
Biersdorf	Forsythe	Langseth	Redalen	Waldorf
Birnstihl	Friedrich	Lemke	Reding	Welch
Brandl	Fudro	Mangan	Rice	Wenstrom
Braun	George	Mann	Rose	Wenzel
Brinkman	Gunter	McCarron	St. Onge	White
Byrne	Hanson	McCollar	Samuelson	Wieser
Carlson, A.	Heinitz	McDonald	Sarna	Wigley
Carlson, D.	Hokanson	Metzen	Savelkoul	Williamson
Carlson, L.	Jacobs	Moe	Scheid	Wynia
Casserly	Jaros	Munger	Schulz	Zubay
Clark	Jensen	Murphy	Searle	Speaker Sabo

Those who voted in the negative were:

Fugina

The bill was passed, as amended, and its title agreed to.

H. F. No. 2014 was reported to the House.

Carlson, D., moved to amend H. F. No. 2014, as follows:

Page 1, line 22 to page 2, line 10, delete subdivision 3 of Section 1 from the bill.

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll was called. There were 43 yeas and 65 nays as follows:

Those who voted in the affirmative were:

Albrecht	Eckstein	Knickerbocker	Niehaus	Smogard
Anderson, D.	Erickson	Kostohryz	Onnen	Stanton
Anderson, R.	Esau	Kroening	Patton	Stoa
Beauchamp	Ewald	Kvam	Pehler	Vanasek
Berglin	Faricy	Langseth	Peterson	Wenstrom
Biersdorf	Fjoslien	Mangan	Rose	Wenzel
Carlson, D.	Fugina	McDonald	Savelkoul	Wieser
Corbid	Kelly, R.	Neisen	Searle	
Den Ouden	Kempe, R.	Nelsen, B.	Sherwood	

Those who voted in the negative were:

Abeln	Casserly	Gunter	Lehto	Scheid
Adams	Clark	Hanson	Mann	Searles
Anderson, B.	Clawson	Heinitz	McCarron	Simoneau
Arlandson	Cohen	Hokanson	McCollar	Skoglund
Battaglia	Cummiskey	Jacobs	Metzen	Suss
Begich	Dean	Jaros	Munger	Swanson
Berg	Eken	Jensen	Norton	Tomlinson
Berkelman	Ellingson	Jude	Osthoff	White
Birnstihl	Enebo	Kahn	Petrafaso	Wigley
Brandl	Evans	Kaley	Pleasant	Williamson
Braun	Forsythe	Kelly, W.	Reding	Wynia
Carlson, A.	Fudro	Kempe, A.	Rice	Zubay
Carlson, L.	George	King	Sarna	Speaker Sabo

The motion did not prevail and the amendment was not adopted.

Hanson moved to amend H. F. No. 2014.

Searle requested a division of the amendment.

The first portion of the Hanson amendment reads as follows:

Page 1, line 9, after "resources" insert "with the approval of the Executive Council".

Page 1, line 22, after "safety" insert "with the approval of the Executive Council".



The motion prevailed and the first portion of the Hanson amendment was adopted.

The second portion of the Hanson amendment reads as follows:

Page 1, line 17, after "general" insert "and the Historical Society".

The motion did not prevail and the second portion of the Hanson amendment was not adopted.

Dean moved to amend H. F. No. 2014, as follows:

Page 2, line 2, delete "a combination" and insert "an".

Page 2, line 2, delete "and off-sale".

The motion prevailed and the amendment was adopted.

H. F. No. 2014, A bill for an act relating to state parks; authorizing the lease of a portion of Fort Snelling state park; waiving park admission fees and authorizing a liquor license on the leased property.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 95 yeas and 33 nays as follows:

Those who voted in the affirmative were:

Abeln	Clark	Jacobs	McEachern	Sieben, M.
Adams	Clawson	Jaros	Metzen	Simoneau
Anderson, B.	Cohen	Jude	Murphy	Skoglund
Anderson, G.	Corbid	Kahn	Nelson	Smogard
Anderson, I.	Cummiskey	Kaley	Norton	Stanton
Arlandson	Dean	Kalis	Novak	Stoa
Battaglia	Eckstein	Kelly, R.	Osthoff	Suss
Begich	Eken	Kelly, W.	Petrafeo	Swanson
Berg	Ellingson	Kempe, A.	Pleasant	Tomlinson
Berglin	Enebo	Kempe, R.	Prahl	Voss
Berkelman	Evans	King	Redalen	Welch
Birnstihl	Fjoslien	Kvam	Reding	Wenstrom
Brandl	Forsythe	Laidig	Rice	Wenzel
Braun	Friedrich	Langseth	St. Onge	White
Brinkman	Fudro	Lehto	Samuelson	Wigley
Byrne	George	Lemke	Scheid	Williamson
Carlson, A.	Gunter	Mangan	Schulz	Wynia
Carlson, L.	Heinitz	McCarron	Searles	Zubay
Casserly	Hokanson	McDonald	Sieben, H.	Speaker Sabo

Those who voted in the negative were:

Albrecht	Erickson	Knickerbocker	Onnen	Searle
Anderson, D.	Esau	Kostohryz	Patton	Sherwood
Anderson, R.	Ewald	Kroening	Pehler	Vanasek
Beauchamp	Faricy	Munger	Peterson	Waldorf
Biersdorf	Fugina	Neisen	Rose	Wieser
Carlson, D.	Hanson	Nelsen, B.	Sarna	
Den Ouden	Johnson	Niehaus	Savelkoul	

The bill was passed, as amended, and its title agreed to.

H. F. No. 582, A bill for an act relating to human rights; specifying medical standards for employment and bona fide occupational qualifications; amending Minnesota Statutes, 1977 Supplement, Section 363.03, Subdivision 1.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 40 yeas and 72 nays as follows:

Those who voted in the affirmative were:

Anderson, I.	Ellingson	Kempe, A.	Murphy	St. Onge
Battaglia	Enebo	Kostohryz	Neisen	Sarna
Begich	Fudro	Kroening	Novak	Scheid
Berglin	Fugina	Lehto	Patton	Sherwood
Braun	Gunter	Mangan	Pehler	Simoneau
Carlson, A.	Hanson	Mann	Prahl	Spanish
Carlson, L.	Hokanson	McCollar	Reding	Williamson
Clawson	Jaros	Moe	Rice	Speaker Sabo

Those who voted in the negative were:

Abeln	Corbid	Jude	Niehaus	Suss
Adams	Dean	Kahn	Onnen	Tomlinson
Albrecht	Den Ouden	Kaley	Osthoff	Voss
Anderson, B.	Eckstein	Kalis	Peterson	Waldorf
Anderson, D.	Eken	Kelly, W.	Pleasant	Welch
Anderson, G.	Erickson	Kempe, R.	Redalen	Wenstrom
Anderson, R.	Esau	King	Rose	Wenzel
Beauchamp	Evans	Knickerbocker	Savelkoul	White
Berkelman	Ewald	Kvam	Searle	Wieser
Biersdorf	Fjoslien	Laidig	Searles	Wigley
Brandl	Forsythe	Langseth	Sieben, H.	Wynia
Brinkman	Friedrich	McDonald	Sieben, M.	Zubay
Byrne	Heinitz	McEachern	Skoglund	
Carlson, D.	Jacobs	Metzen	Smogard	
Clark	Johnson	Nelsen, B.	Stoa	

The bill was not passed.

Fudro was excused for the remainder of today's session.

H. F. No. 2220, A bill for an act relating to state employees; authorizing persons receiving annuity benefits from the Minnesota state retirement system to participate in the state group health insurance program; amending Minnesota Statutes 1976, Section 43.491, by adding a subdivision.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Clawson	Jude	Murphy	Searle
Adams	Cohen	Kahn	Neisen	Searles
Albrecht	Corbid	Kaley	Nelsen, B.	Sherwood
Anderson, B.	Dean	Kalis	Nelsen, M.	Sieben, H.
Anderson, D.	Den Ouden	Kelly, R.	Nelson	Sieben, M.
Anderson, G.	Eckstein	Kelly, W.	Niehaus	Simoneau
Anderson, I.	Eken	Kempe, A.	Norton	Skoglund
Anderson, R.	Ellingson	Kempe, R.	Novak	Smogard
Arlandson	Enebo	King	Onnen	Spanish
Battaglia	Erickson	Knickerbocker	Osthoff	Stanton
Beauchamp	Esau	Kostohryz	Patton	Stoa
Begich	Evans	Kroening	Pehler	Suss
Berg	Ewald	Kvam	Peterson	Swanson
Berglin	Faricy	Laidig	Petrafeso	Tomlinson
Berkelman	Fjoslien	Langseth	Pleasant	Vanasek
Biersdorf	Forsythe	Lehto	Prahl	Voss
Birnstihl	Friedrich	Lemke	Redalen	Waldorf
Brandl	Fugina	Mangan	Reding	Wenstrom
Braun	George	Mann	Rice	Wenzel
Brinkman	Gunter	McCarron	Rose	White
Byrne	Hanson	McCollar	St. Onge	Wieser
Carlson, A.	Heinitz	McDonald	Samuelson	Wigley
Carlson, D.	Hokanson	McEachern	Sarna	Williamson
Carlson, L.	Jacobs	Metzen	Savelkoul	Wynia
Casserly	Jaros	Moe	Scheid	Zubay
Clark	Jensen	Munger	Schulz	Speaker Sabo

The bill was passed and its title agreed to.

H. F. No. 2274 was reported to the House.

There being no objection, H. F. No. 2274 was continued on Special Orders for one day.

H. F. No. 1734 was reported to the House.

Voss moved to amend H. F. No. 1734, as follows:

Page 2, line 1, after "enactment" insert "*and shall expire on December 31, 1980*".

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll was called. There were 38 yeas and 82 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Clark	George	Munger	Stoa
Anderson, G.	Clawson	Jacobs	Murphy	Suss
Battaglia	Cummiskey	Jaros	Nelsen, M.	Voss
Beauchamp	Eckstein	Johnson	Pehler	Wieser
Begich	Eken	Kaley	Reding	Wynia
Berkelman	Ellingson	Kelly, W.	Schulz	Zubay
Braun	Friedrich	Lehto	Sherwood	
Byrne	Fugina	Mangan	Simoneau	

Those who voted in the negative were:

Abeln	Den Ouden	King	Onnen	Smogard
Adams	Enebo	Kvam	Osthoff	Spanish
Anderson, D.	Erickson	Laidig	Patton	Stanton
Anderson, I.	Esau	Langseth	Peterson	Swanson
Anderson, R.	Evans	Lemke	Redalen	Tomlinson
Arlandson	Ewald	Mann	Rice	Vanasek
Berg	Faricy	McCollar	Rose	Waldorf
Berglin	Fjoslien	McDonald	St. Onge	Welch
Biersdorf	Forsythe	McEachern	Samuelson	Wenstrom
Birnstihl	Gunter	Metzen	Sarna	Wenzel
Brandl	Heinitz	Moe	Savelkoul	White
Brinkman	Jensen	Neisen	Scheid	Wigley
Carlson, A.	Jude	Nelsen, B.	Searle	Williamson
Carlson, D.	Kahn	Nelson	Searles	Speaker Sabo
Carlson, L.	Kelly, R.	Niehaus	Sieben, H.	
Cohen	Kempe, A.	Norton	Sieben, M.	
Dean	Kempe, R.	Novak	Skoglund	

The motion did not prevail and the amendment was not adopted.

Byrne moved to amend H. F. No. 1734, as follows:

Page 1, line 17, after "referees" insert "and juvenile judge rotation".

Page 1, line 18, after "to" insert "rotation of judges and to".

The motion did not prevail and the amendment was not adopted.

Moe moved to amend H. F. No. 1734, as follows:

Page 1, lines 15 to 21, delete Section 2 from the bill.

The motion did not prevail and the amendment was not adopted.

McCollar moved to amend H. F. No. 1734, as follows:

Page 1, lines 10 to 14, delete Section 1 from the bill.

The motion did not prevail and the amendment was not adopted.

H. F. No. 1734, A bill for an act relating to courts; permitting referees and judicial officers in certain courts; restricting appointment of referees and judicial officers; requiring the supreme court to submit recommendations; repealing Minnesota Statutes, 1977 Supplement, Sections 484.70 and 487.08.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 125 yeas and 2 nays as follows:

Those who voted in the affirmative were:

Abeln	Clawson	Johnson	Murphy	Sherwood
Adams	Cohen	Jude	Neisen	Sieben, H.
Albrecht	Corbid	Kahn	Nelsen, B.	Sieben, M.
Anderson, B.	Cummiskey	Kalis	Nelson	Simoneau
Anderson, D.	Dean	Kelly, R.	Niehaus	Skoglund
Anderson, G.	Den Ouden	Kelly, W.	Norton	Smogard
Anderson, I.	Eckstein	Kempe, A.	Novak	Spanish
Anderson, R.	Eken	Kempe, R.	Onnen	Stanton
Arlandson	Ellingson	King	Osthoff	Stoa
Battaglia	Enebo	Knickerbocker	Patton	Suss
Beauchamp	Erickson	Kostohryz	Pehler	Swanson
Begich	Esau	Kroening	Peterson	Tomlinson
Berg	Evans	Kvam	Petrafeso	Vanasek
Berglin	Ewald	Laidig	Pleasant	Voss
Berkelman	Faricy	Langseth	Redalen	Waldorf
Biersdorf	Fjoslien	Lehto	Reding	Welch
Birnstihl	Forsythe	Lemke	Rice	Wenstrom
Brandl	Friedrich	Mangan	Rose	Wenzel
Brinkman	Gunter	Mann	St. Onge	White
Byrne	Hanson	McCollar	Samuelson	Wieser
Carlson, A.	Heinitz	McDonald	Sarna	Wigley
Carlson, D.	Hokanson	McEachern	Savelkoul	Williamson
Carlson, L.	Jacobs	Metzen	Scheid	Wynia
Cassery	Jaros	Moe	Schulz	Zubay
Clark	Jensen	Munger	Searle	Speaker Sabo

Those who voted in the negative were:

Fugina                      George

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 until Wednesday, March 8, 1978, immediately following the Consent Calendar. The motion prevailed.

## GENERAL ORDERS

There being no objection, the bills on General Orders for today were continued on General Orders one day.

## MOTIONS AND RESOLUTIONS

Beauchamp moved that H. F. No. 2160, now on General Orders, be re-referred to the Committee on Appropriations. The motion prevailed.

Fjoslien moved that the name of Wenzel be added as an author on H. F. No. 2515. The motion prevailed.

Corbid moved that the name of Swanson be added as an author on H. F. No. 2367. The motion prevailed.

Munger moved that S. F. No. 1943 be recalled from the Committee on Environment and Natural Resources and together with H. F. No. 1519, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

Forsythe introduced:

House Resolution No. 21, A house resolution congratulating Barbara Peterson and Dorothy Benham for their success in the Miss U.S.A. and Miss America competitions.

The resolution was referred to the Committee on Rules and Legislative Administration.

Fudro and Sarna introduced:

House Resolution No. 22, A house resolution opposing the proposed fuel economy standards for 1980 and 1981 light trucks, vans and utility vehicles; indicating this opposition to the secretary of the United States Department of Transportation.

The resolution was referred to the Committee on Rules and Legislative Administration.

Anderson, I., and Savelkoul introduced:

House Concurrent Resolution No. 10, 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.

## ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to the Conference Committee on H. F. No. 1857: Suss, Beauchamp, and Biersdorf.

The Speaker announced the appointment of the following members of the House to the Conference Committee on S. F. No. 804: Arlandson, Sherwood, and Sieben, M.

The Speaker announced the appointment of the following members of the House to the Conference Committee on H. F. No. 1191: Kelly, W.; Pehler; Berg; Corbid; and Savelkoul.

## ADJOURNMENT

Anderson, I., moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:00 p.m., Wednesday, March 8, 1978.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

## STATE OF MINNESOTA

## SEVENTIETH SESSION - 1978

## EIGHTY-SIXTH DAY

SAINT PAUL, MINNESOTA, WEDNESDAY, MARCH 8, 1978

The House of Representatives convened at 2:00 p.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	Cohen	Johnson	Murphy	Searles
Adams	Corbid	Jude	Neisen	Sherwood
Albrecht	Cummiskey	Kahn	Nelsen, B.	Sieben, H.
Anderson, B.	Dean	Kaley	Nelsen, M.	Sieben, M.
Anderson, D.	Den Ouden	Kalis	Nelson	Simoneau
Anderson, G.	Eckstein	Kelly, R.	Niehaus	Skoglund
Anderson, I.	Eken	Kelly, W.	Norton	Smogard
Anderson, R.	Ellingson	Kempe, A.	Novak	Spanish
Arlandson	Enebo	Kempe, R.	Onnen	Stanton
Battaglia	Erickson	King	Osthoff	Stoa
Beauchamp	Esau	Knickerbocker	Patton	Suss
Begich	Evans	Kostohryz	Pehler	Swanson
Berg	Ewald	Kroening	Peterson	Tomlinson
Berglin	Faricy	Kvam	Petraseso	Vanasek
Berkelman	Fjoslien	Laidig	Pleasant	Voss
Biersdorf	Forsythe	Langseth	Prahl	Waldorf
Birnstihl	Friedrich	Lehto	Redalen	Welch
Brandl	Fudro	Lemke	Reding	Wenstrom
Braun	Fugina	Mangan	Rice	Wenzel
Brinkman	George	Mann	Rose	White
Byrne	Gunter	McCarron	St. Onge	Wieser
Carlson, A.	Hanson	McCollar	Samuelson	Wigley
Carlson, D.	Heinitz	McDonald	Sarna	Williamson
Carlson, L.	Hokanson	McEachern	Savelkoul	Wynia
Cassery	Jacobs	Metzen	Scheid	Zubay
Clark	Jaros	Moe	Schulz	Speaker Sabo
Clawson	Jensen	Munger	Searle	

A quorum was present.

The Chief Clerk proceeded to read the Journal of the preceding day. Johnson moved that further reading of the Journal be dispensed with and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.



## REPORTS OF CHIEF CLERK

Pursuant to Rules of the House, printed copies of H. F. Nos. 449, 1783, 1819, 1915, 2270, 2348, 2374 and 2014 and S. F. Nos. 318, 1607 and 291 have been placed in the members' files.

S. F. No. 1943 and H. F. No. 1519, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

## SUSPENSION OF RULES

Stoa moved that the rules be so far suspended that S. F. No. 1943 be substituted for H. F. No. 1519 and that the House File be indefinitely postponed. The motion prevailed.

REPORT FROM THE COMMITTEE ON RULES AND  
LEGISLATIVE ADMINISTRATION

Anderson, I., from the Committee on Rules and Legislative Administration, pursuant to rule 1.9, designated the following bills as a Special Order to be acted upon immediately following the Special Orders set for today, March 8, 1978:

H. F. Nos. 1009, 1994 and 2429.

## REPORTS OF STANDING COMMITTEES

Hanson from the Committee on Commerce and Economic Development to which was referred:

H. F. No. 2445, A bill for an act relating to commerce; requiring certain disclosures by foreign currency exchanges operated at airports; providing remedies.

Reported the same back with the following amendments:

Page 1, line 12, after the semicolon insert "and".

Page 1, line 14, delete "; and" and insert a period.

Page 1, delete lines 15 to 19.

With the recommendation that when so amended the bill pass.

The report was adopted.

Hanson from the Committee on Commerce and Economic Development to which was referred:

S. F. No. 1194, A bill for an act relating to real estate; removing specific charge for copies of instrument filed with registrar; amending Minnesota Statutes 1976, Section 508.38.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Hanson from the Committee on Commerce and Economic Development to which was referred:

S. F. No. 1229, A bill for an act relating to commerce; permitting price advertising of eyeglasses; amending Minnesota Statutes 1976, Section 148.57, Subdivision 3.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Hanson from the Committee on Commerce and Economic Development to which was referred:

S. F. No. 1611, 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; establishing filing fees; appropriating money; amending Minnesota Statutes 1976, Chapter 301, by adding a section.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Hanson from the Committee on Commerce and Economic Development to which was referred:

S. F. No. 1830, A bill for an act relating to corporations; modifying certain filing fees for domestic corporations; providing a uniform fee for filing instruments with the secretary of state; amending Minnesota Statutes 1976, Sections 300.49, Subdivision 1; and 301.071, Subdivision 2.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Johnson from the Committee on Education to which was referred:

S. F. No. 1547, 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.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Sieben, H., from the Committee on Governmental Operations to which was referred:

H. F. No. 911, A bill for an act relating to workers' compensation insurance; providing for the approval of rates and classifications by the commissioner of insurance after a hearing; providing for a hearing procedure; requiring the commissioner to employ an actuary; requiring the commissioner to assess a fee to the bureau; regulating conflicts of interest; appropriating money; amending Minnesota Statutes 1976, Sections 79.01, Subdivision 1, and by adding subdivisions; 79.07; 79.09; 79.10; 79.11; 79.15; 79.17; 79.21; and Chapter 79, by adding sections.

Reported the same back with the following amendments:

Page 2, line 10, delete "1976" and insert ", 1977 Supplement".

Page 2, line 28, before "rate" delete "A" and insert "*An existing*".

Page 2, line 29, delete "*which is filed and approved*".

Page 2, line 29, delete "*changed until the*".

Page 2, line 30, delete "*substituted rate has been filed*" and insert "*increased*".

Page 2, line 30, delete "*and has*".

Page 2, line 31, delete "*been approved*" and insert "*after its approval*".

Page 2, line 31, delete "*after a hearing under*".

Page 2, line 32, delete "*section 7*".

Page 3, line 3, delete "*change*" and insert "*increase*".

Page 3, line 8, delete "*change*" and insert "*increase*".

Page 3, line 15, before "modification" insert "approved system of merit or experience rating shall result in an equivalent dollar amount of credits and additions to the rates of insureds in the state taken as a whole and shall not discriminate against any group of employers based on the dollar amount of their workers' compensation insurance premium. Any".

Page 3, line 28, after the period, insert "In determining what is a reasonable, fair, and adequate rate the commissioner shall allow insurers to charge an amount for profit and expenses in addition to the amounts necessary to pay any benefits or charges required by chapter 176. The amount allowed for profit and expenses shall not exceed 22.5 percent of the total premiums paid for workers' compensation insurance within this state."

Page 3, line 30, delete "an individual rate".

Page 3, line 31, delete "modification,".

Page 4, line 5, after the period, insert "Notice of such hearing shall be published and no more than one hearing for any classification need be held in any 24 month period under this subdivision."

Page 4, after line 9, insert "When establishing a rate based on an appropriate ratio of benefits to premiums the commissioner shall take into consideration the amount and pattern of benefits actually paid by insurers as compared to the dollar amounts placed in reserve by insurers to pay benefits in the future. No such reserves shall be considered by the commissioner in establishing rates unless the reserves are established under a procedure that assumes that the insurers will earn an income on any reserved amount at a rate no less than could be secured by a prudent and knowledgeable investor as determined by the commissioner."

Page 4, line 10, delete "promulgate" and insert "issue emergency".

Page 4, line 10, after "rules" insert "pursuant to section 15.0412, subdivision 5,".

Page 4, line 11, after "section" insert "not more than 30 days after the effective date of this act".

Page 4, line 15, delete "Such rules shall be promulgated within 90".

Page 4, line 16, delete "days of the effective date of this act" and insert "Not more than 30 days after issuing the emergency rules the commissioner shall begin the promulgation of permanent rules for the implementation and administration of this

*section, which rules shall include the items required above for emergency rules".*

Page 5, line 4, delete "no" and insert "No".

Page 5, line 10, delete "change" and insert "increase".

Page 5, line 11, after "classifications" insert "*which may result in a rate increase*".

Page 6, line 6, delete "*Upon request of any insured, the actuary*".

Page 6, delete lines 7 to 9.

Page 9, line 19, delete "audited" and insert "reviewed".

Pages 10 and 11, delete all of Section 15.

Renumber the remaining section.

Page 11, line 6, delete "July".

Page 11, line 7, delete "1, 1977" and insert "*the day following final enactment*".

Page 11, line 9, delete "1977" and insert "1978".

Further amend the title:

Line 8, delete "regulating conflicts of".

Line 9, delete "interest; appropriating money;".

Line 11, delete "79.07;".

Line 13, before the period insert "; and Minnesota Statutes, 1977 Supplement, Section 79.07".

With the recommendation that when so amended the bill pass.

The report was adopted.

Sieben, H., from the Committee on Governmental Operations to which was referred:

H. F. No. 2027, A bill for an act relating to marriage and divorce; revising provisions allowing minors to marry; modifying prohibitions of marriage between certain parties; modifying requirements to receive a marriage license; modifying penalties

for certain offenses; providing that children born of a prohibited marriage are legitimate; revising procedures and grounds for annulment actions; declaring the legal rights of putative spouses; providing new procedures for actions of dissolution and legal separation; limiting grounds for a dissolution to a finding that the marriage is irretrievably broken; modifying procedures for custody proceedings; declaring the right of a custodial parent to determine a child's upbringing; defining marital property; defining provisions for an award of maintenance to a spouse; amending Minnesota Statutes 1976, Sections 517.02; 517.03; 517.04; 517.05; 517.06; 517.07; 517.09; 517.13; 517.14; 517.15; 517.16; 517.17; 517.19; 518.01; 518.02; 518.03; 518.05; 518.06, Subdivision 1, and by adding a subdivision; 518.07; 518.09; 518.10; 518.11; 518.13; 518.14; 518.16; 518.165; 518.17; 518.175, Subdivisions 1 and 3, and by adding a subdivision; 518.18; 518.24; 518.27; 518.54; 518.55; 518.57; 518.58; 518.61; 518.62; 518.63; 518.64; 518.65; Chapter 517, by adding a section; and Chapter 518, by adding sections; and Minnesota Statutes, 1977 Supplement, Sections 517.01; 517.08, Subdivisions 1 and 3; 518.155; and 518.551; repealing Minnesota Statutes 1976, Sections 518.06, Subdivision 2; 518.15; 518.29; 518.59; and 518.67.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes, 1977 Supplement, Section 517.01, is amended to read:

517.01 [MARRIAGE A CIVIL CONTRACT.] Marriage, so far as its validity in law is concerned, is a civil contract between a man and a woman, to which the consent of the parties, capable in law of contracting, is essential. Lawful marriage (HEREAFTER) may be contracted only when a license has been obtained (THEREFOR) as provided by law and when (SUCH) *the* marriage is contracted in the presence of two witnesses and solemnized by one authorized, or whom the parties in good faith believe to be authorized, so to do. Marriages subsequent to April 26, 1941, not so contracted shall be null and void.

Sec. 2. Minnesota Statutes 1976, Section 517.02, is amended to read:

517.02 [PERSONS CAPABLE OF CONTRACTING.] *Subdivision 1.* Every person who (HAS) *will have* attained the (FULL) age of 18 years *at the time the marriage license becomes effective* is capable (IN LAW) of contracting marriage, if otherwise competent. (A FEMALE PERSON OF THE FULL AGE OF 16 YEARS MAY, WITH THE CONSENT OF HER PARENTS, GUARDIAN, OR THE COURT, AS PROVIDED IN SECTION 517.08, RECEIVE A LICENSE TO MARRY, WHEN, AFTER A CAREFUL INQUIRY INTO THE FACTS

AND THE SURROUNDING CIRCUMSTANCES, HER APPLICATION FOR A LICENSE IS APPROVED BY THE JUDGE OF THE JUVENILE COURT OF THE COUNTY IN WHICH SHE RESIDES) *A person who has attained the age of 16 years and has the consent to the marriage of both parents or guardian and judicial approval, is capable of contracting marriage, if otherwise competent.*

*Subd. 2. The judge of juvenile court of the county in which the application for license was made, after a reasonable effort has been made to notify the parents or guardian of each under-aged party, may order the clerk to issue a marriage license and a marriage certificate form to a party aged 16 or 17 years who has no parent or guardian or has no parent or guardian capable of consenting to his marriage, or whose parent or guardian has not consented to his marriage.*

If the judge of juvenile court (OF THE COUNTY IN WHICH SHE RESIDES) is absent from the county and has not by order assigned another (PROBATE) judge or a retired (PROBATE) judge to act in his stead, then (THE COURT COMMISSIONER OR) any judge (OF DISTRICT COURT) of the county may approve (HER) *the application for a license.*

Sec. 3. Minnesota Statutes 1976, Section 517.03, is amended to read:

517.03 [PROHIBITED MARRIAGES.] (NO MARRIAGE SHALL BE CONTRACTED WHILE EITHER OF THE PARTIES HAS A HUSBAND OR WIFE LIVING; NOR WITHIN SIX MONTHS AFTER EITHER HAS BEEN DIVORCED FROM A FORMER SPOUSE; EXCEPTING RE-INTERMARRIAGE BETWEEN SUCH PARTIES; NOR WITHIN SIX MONTHS AFTER EITHER WAS A PARTY TO A MARRIAGE WHICH HAS BEEN ADJUDGED A NULLITY, EXCEPTING INTERMARRIAGE BETWEEN SUCH PARTIES; NOR BETWEEN PARTIES WHO ARE NEARER THAN SECOND COUSINS, WHETHER OF THE HALF OR WHOLE BLOOD, COMPUTED BY THE RULES OF THE CIVIL LAW; NOR BETWEEN PERSONS ONE OF WHOM IS A MALE PERSON UNDER 18 YEARS OF AGE OR ONE OF WHOM IS A FEMALE PERSON UNDER THE AGE OF 16 YEARS;)

*The following marriages are prohibited:*

(a) *A marriage entered into prior to the dissolution of an earlier marriage of one of the parties;*

(b) *A marriage between an ancestor and a descendant, or between a brother and a sister, whether the relationship is by the half or the whole blood or by adoption;*

(c) *A marriage between an uncle and a niece, between an aunt and a nephew, or between first cousins, whether the relationship is by the half or the whole blood, except as to marriages permitted by the established customs of aboriginal cultures; provided, however, that mentally deficient persons committed to the guardianship of the commissioner of public welfare and mentally deficient persons committed to the conservatorship of the commissioner of public welfare in which the terms of the conservatorship limit the right to marry, may marry on receipt of written consent of the commissioner. The commissioner shall grant (SUCH) consent unless it appears from his investigation that (SUCH) the marriage is not in the best interest of the ward or conservatee and the public. The clerk of the district court in the county where the application for a license is made by (SUCH) the ward or conservatee shall not issue the license unless (AND UNTIL) he has received a signed copy of the consent of the commissioner of public welfare.*

Sec. 4. Minnesota Statutes 1976, Section 517.04, is amended to read:

517.04 [SOLEMNIZATION.] Marriages may be solemnized (BY ANY JUSTICE OF THE PEACE IN THE COUNTY IN WHICH HE IS ELECTED, AND) throughout the state by (ANY) a judge of a court of record, (THE SUPERINTENDENT OF THE DEPARTMENT FOR THE DEAF AND DUMB, IN THE STATE SCHOOL FOR THE DEAF AND BLIND) *the residential school administrators of the Minnesota school for the deaf and the Minnesota braille and sight-saving school,* (OR ANY) a licensed or ordained minister of (THE GOSPEL IN REGULAR COMMUNION WITH A RELIGIOUS SOCIETY) *any religious denomination, or by any mode recognized in section 517.18.*

Sec. 5. Minnesota Statutes 1976, Section 517.05, is amended to read:

517.05 [CREDENTIALS OF MINISTER.] Ministers of (THE GOSPEL) *any religious denomination,* before they are authorized to (PERFORM THE) *solemnize a marriage (RITE,)* shall file a copy of their credentials of license or ordination with the clerk of the district court of (SOME) *a county in this state,* who shall record the same and give a certificate thereof( ; AND). The place where (SUCH) *the credentials are recorded* shall be endorsed upon and recorded with each certificate of marriage granted by a minister.

Sec. 6. Minnesota Statutes 1976, Section 517.06, is amended to read:

517.06 [PARTIES EXAMINED.] Every person authorized by law to perform the marriage ceremony, before solemnizing (ANY) *a marriage,* may examine the parties on oath, which



oath he is authorized to administer, as to the legality of (SUCH) *the* intended marriage, and no (SUCH) person shall solemnize a marriage unless he is satisfied that there is no legal impediment (THERE TO) *to it*.

Sec. 7. Minnesota Statutes 1976, Section 517.07, is amended to read:

517.07 [LICENSE.] Before any persons (SHALL BE) *are* joined in marriage, a license shall be obtained from the clerk of the district court (OF THE COUNTY IN WHICH THE WOMAN RESIDES, OR, IF NOT A RESIDENT OF THIS STATE, THEN FROM THE CLERK OF THE DISTRICT COURT) of any county (AND). The marriage need not take place in the county where the license is obtained.

Sec. 8. Minnesota Statutes, 1977 Supplement, Section 517.08, Subdivision 1, is amended to read:

517.08 [APPLICATION FOR LICENSE.] Subdivision (1) *1a.* Application for a marriage license shall be made (AT LEAST FIVE DAYS BEFORE A LICENSE SHALL BE ISSUED. SUCH APPLICATION SHALL BE MADE) upon a form provided for the purpose and shall contain *the following information:*

the full names of the parties,

their post office addresses and county and state of residence,

their full ages,

*if either party has previously been married, his married name, and the date, place and court in which the marriage was dissolved or annulled or the date and place of death of the former spouse,*

*if either party is a minor, the name and address of the minor's parents or guardian,*

*whether the parties are related to each other, and, if so, their relationship,*

*the name and date of birth of any child of which both parties are parents, born before the making of the application, unless their parental rights and the parent and child relationship with respect to the child have been terminated,*

*address of the bride and groom after the marriage to which the clerk shall send a certified copy of the marriage certificate,*

and the full names the parties will have after marriage.

*Subd. 1b.* The clerk shall examine upon oath the party applying for a license relative to the legality of (SUCH) *the* contemplated marriage (AND,). If at the expiration of (THIS) a five-day period, he is satisfied that there is no legal impediment (THERE TO) *to it*, he shall issue (SUCH) *the* license, containing the full names of the parties before and after marriage, and county and state of residence, with the district court seal attached, and make a record of the date of issuance (THERE OF, WHICH). *The* license shall be valid for a period of six months. In case of emergency or extraordinary circumstances, (THE) a judge of the (PROBATE) *county* court, (THE COURT COMMISSIONER,) or (ANY) a judge of the district court, of the county in which the application is made, may authorize the license to be issued at any time before the expiration of the five days. The clerk shall collect from the applicant a fee of \$11 for administering the oath, issuing, recording, and filing all papers required, and preparing and transmitting to the state registrar of vital statistics the reports of marriage required by this section. If illness or other extenuating circumstances, it may be surrendered to the clerk for cancellation, and in (SUCH) *that* case a new license shall issue upon request of the parties of the original license without fee (THERE FOR). (ANY) A clerk who (SHALL) knowingly (ISSUE OR SIGN) *issues or signs* a marriage license in any (OTHER) manner than *as provided* in this section (PROVIDED) shall (FORFEIT AND) pay to (FOR THE USE OF) the parties aggrieved *an amount* not to exceed \$1,000.

Sec. 9. Minnesota Statutes, 1977 Supplement, Section 517.08, Subdivision 3, is amended to read:

Subd. 3. The personal information necessary to complete the report of marriage shall be furnished by the applicant prior to the issuance of the license. The report shall contain only the following information:

(a) Personal information on bride and groom.

1. Name.
2. Residence.
3. Date and place of birth.
4. Race.
5. If previously married, how terminated.
6. Name after marriage.

7. Signature of applicant and date signed.

(b) Information concerning the marriage.

1. Date of marriage.

2. Place of marriage.

3. Civil or religious ceremony.

(c) Signature of clerk of court and date signed.

((D) ADDRESS OF THE BRIDE AND GROOM AFTER THE MARRIAGE TO WHICH THE CLERK SHALL SEND A CERTIFIED COPY OF THE MARRIAGE CERTIFICATE.)

Sec. 10. Minnesota Statutes 1976, Section 517.09, is amended to read:

517.09 [SOLEMNIZATION.] (IN THE SOLEMNIZATION OF MARRIAGE) No particular form (SHALL BE) is required to *solemnize a marriage*, except: (THAT) the parties shall declare in the presence of a person authorized (BY SECTION 517.04) to solemnize marriages(,) and (THE) *two* attending witnesses that they take each other as husband and wife; or *the marriage shall be solemnized in a manner provided by section 517.18.* (IN EACH CASE AT LEAST TWO WITNESSES SHALL BE PRESENT BESIDES THE PERSON PERFORMING THE CEREMONY.)

Sec. 11. Minnesota Statutes 1976, Section 517.13, is amended to read:

517.13 [PENALTY FOR FAILURE TO DELIVER AND FILE CERTIFICATE.] Every person solemnizing a marriage who (SHALL NEGLECT) *neglects* to (MAKE AND) deliver to the clerk a certificate (THEREOF) within the time (ABOVE SPECIFIED) *set forth in section 517.10* shall forfeit a sum not exceeding \$100, and every clerk who neglects to record (SUCH) *a* certificate shall forfeit a like sum.

Sec. 12. Minnesota Statutes 1976, Section 517.14, is amended to read:

517.14 [ILLEGAL MARRIAGE; FALSE CERTIFICATE; PENALTY.] (IF ANY) A person (AUTHORIZED BY LAW TO JOIN PERSONS IN MARRIAGE SHALL) *who knowingly (SOLEMNIZE ANY) solemnizes a marriage contrary to the provisions of this chapter, or wilfully (MAKE ANY) makes a false certificate of any marriage, or pretended marriage, (HE SHALL FORFEIT FOR EVERY SUCH OF-*

FENSE A SUM NOT EXCEEDING \$500, OR MAY BE IMPRISONED NOT EXCEEDING ONE YEAR) *is guilty of a misdemeanor.*

Sec. 13. Minnesota Statutes 1976, Section 517.15, is amended to read:

517.15 [UNAUTHORIZED PERSON PERFORMING CEREMONY.] (IF ANY) A person *who* undertakes to (JOIN OTHERS IN MARRIAGE) *solemnize a marriage*, knowing that he is not lawfully authorized to do so, or *who undertakes to solemnize a marriage*, knowing of any legal impediment to the proposed marriage, (HE SHALL BE) *is guilty of a (GROSS) misdemeanor* (; AND, UPON CONVICTION THEREOF, PUNISHED BY IMPRISONMENT OF NOT MORE THAN ONE YEAR, OR BY A FINE OF NOT MORE THAN \$500, OR BY BOTH SUCH FINE AND IMPRISONMENT).

Sec. 14. Minnesota Statutes 1976, Section 517.16, is amended to read:

517.16 [IMMATERIAL IRREGULARITY OF OFFICIATING PERSON DOES NOT VOID.] (NO) A marriage solemnized before (ANY) a person professing to be (A JUDGE, JUSTICE OF THE PEACE, OR MINISTER OF THE GOSPEL) *lawfully authorized to do so* shall *not* be (DEEMED OR) adjudged to be void, nor shall (THE) *its* validity (THEREOF) be in any way affected, on account of (ANY) a want of jurisdiction or authority in (SUCH) *the* supposed officer or person (; PROVIDED,) *if* the marriage is consummated with the full belief on the part of the persons so married, or either of them, that they have been lawfully joined in marriage.

Sec. 15. Minnesota Statutes 1976, Section 517.17, is amended to read:

517.17 [SOLEMNIZING UNLAWFUL MARRIAGES.] (EVERY) A minister or magistrate who (SHALL SOLEMNIZE) *solemnizes* a (MARRIAGE WHEN EITHER PARTY THERETO IS KNOWN TO HIM TO BE UNDER THE AGE OF LEGAL CONSENT, OR TO BE AN IDIOT OR INSANE PERSON, OR A) marriage to which, within his knowledge, a legal impediment exists, (SHALL BE) *is guilty of a (GROSS) misdemeanor.*

Sec. 16. Minnesota Statutes 1976, Section 517.19, is amended to read:

517.19 [ILLEGITIMATE CHILDREN.] Illegitimate children shall become legitimized by the subsequent marriage of their parents to each other, and the issue of marriages declared null in law shall nevertheless be legitimate.

*Children born of a prohibited marriage are legitimate.*

Sec. 17. Minnesota Statutes 1976, Chapter 517, is amended by adding a section to read:

[517.20] [APPLICATION.] *All marriages contracted within this state prior to the effective date of this act or outside this state that were valid at the time of the contract or subsequently validated by the laws of the place in which they were contracted or by the domicile of the parties are valid in this state.*

Sec. 18. Minnesota Statutes 1976, Chapter 518, is amended by adding a section to read:

[518.005] [RULES GOVERNING PROCEEDINGS.] *Subdivision 1. Unless otherwise specifically provided, and except where inconsistent with this chapter, the rules of civil procedure for the district court apply to all proceedings under chapter 518.*

*Subd. 2. A proceeding for dissolution of marriage, legal separation, or annulment shall be entitled "In re the Marriage of . . . . . and . . . . ." A custody or support proceeding shall be entitled "In re the [Custody] [Support] of . . . . ."*

*Subd. 3. The initial pleading in all proceedings under Minnesota Statutes, Sections 518.001 to 518.67, shall be denominated a petition. A responsive pleading shall be denominated a response. Other pleadings shall be denominated as provided in the rules of civil procedure.*

*Subd. 4. In Minnesota Statutes, Sections 518.001 to 518.67, "decree" includes "judgment".*

Sec. 19. Minnesota Statutes 1976, Section 518.01, is amended to read:

518.01 [VOID MARRIAGES.] *All marriages which are prohibited by (LAW ON ACCOUNT OF CONSANGUINITY, OR ON ACCOUNT OF EITHER OR BOTH PARTIES BEING UNDER THE AGE ESTABLISHED FOR MARRIAGE BY SECTION 517.03, OR ON ACCOUNT OF EITHER PARTY HAVING A FORMER HUSBAND OR WIFE THEN LIVING, IF SOLEMNIZED WITHIN THIS STATE,) section 517.03 shall be absolutely void, without any decree of dissolution or other legal proceedings; (PROVIDED, THAT) except if (ANY) a person whose husband or wife has been absent for four successive years, without being known to (SUCH) a person to be living during that time, marries during the lifetime of (SUCH) the absent husband or wife, the marriage shall be void only from the time that its nullity is duly adjudged. If the absentee is declared dead*

in accordance with section 576.142, the subsequent marriage shall not be void.

Sec. 20. Minnesota Statutes 1976, Section 518.02, is amended to read:

518.02 [VOIDABLE MARRIAGES.] (WHEN EITHER PARTY TO A MARRIAGE IS INCAPABLE OF ASSENTING THERETO FOR WANT OF AGE OR UNDERSTANDING, OR WHEN THE CONSENT OF EITHER HAS BEEN OBTAINED BY FORCE OR FRAUD, AND THERE IS NO SUBSEQUENT VOLUNTARY COHABITATION OF THE PARTIES, THE MARRIAGE MAY BE ANNULLED AT THE SUIT OF THE INJURED PARTY, AND SHALL BE VOID FROM THE TIME ITS NULLITY IS ADJUDGED) *A marriage shall be declared a nullity under the following circumstances:*

(a) *A party lacked capacity to consent to the marriage at the time the marriage was solemnized, either because of mental incapacity or infirmity and the other party at the time of the marriage was solemnized did not know of the incapacity; or because of the influence of alcohol, drugs, or other incapacitating substances; or because consent of either was obtained by force or fraud and there was no subsequent voluntary cohabitation of the parties;*

(b) *A party lacks the physical capacity to consummate the marriage by sexual intercourse and the other party at the time the marriage was solemnized did not know of the incapacity;*

(c) *A party was under the age of 16 years and did not have the consent of his parents or guardian and judicial approval or was aged 16 or 17 years and did not have the consent of his parents or guardian or judicial approval.*

Sec. 21. Minnesota Statutes 1976, Section 518.03, is amended to read:

518.03 [ACTION TO ANNUL; DECREE.] (WHEN THE VALIDITY OF A MARRIAGE IS DISPUTED FOR ANY OF THE CAUSES MENTIONED IN SECTION 518.01 OR 518.02, EITHER PARTY MAY BEGIN AN ACTION IN THE DISTRICT COURT OF THE COUNTY WHERE EITHER RESIDES, TO ANNUL THE SAME. IN SUCH ACTION) *A proceeding for annulment shall be commenced and the complaint shall be filed and proceedings had (THEREON) as in proceedings for dissolution. (AND,) Upon due proof of the nullity of the marriage, it shall be adjudged null and void.*

*The provisions of Minnesota Statutes, Section 518.54 to 518.67, relating to property rights of the spouses, maintenance, support*

*and custody of children on dissolution of marriage are applicable to proceedings for annulment.*

Sec. 22. Minnesota Statutes 1976, Section 518.05, is amended to read:

518.05 [ANNULMENT; WHEN TO BRING.] (NO MARRIAGE SHALL BE ADJUDGED A NULLITY AT THE SUIT OF THE PARTY CAPABLE OF CONTRACTING, ON THE GROUND THAT THE OTHER PARTY WAS UNDER THE AGE OF LEGAL CONSENT, OR WAS IDIOTIC OR INSANE, IF SUCH IDIOCY OR INSANITY WAS KNOWN TO THE PARTY CAPABLE OF CONTRACTING AT THE TIME OF SUCH MARRIAGE) *An annulment may be sought by any of the following persons and must be commenced within the times specified, but in no event may an annulment be sought after the death of either party to the marriage:*

(a) *For a reason set forth in section 21, clause (a), by either party or by the legal representative of the party who lacked capacity to consent, no later than 90 days after the petitioner obtained knowledge of the described condition;*

(b) *For the reason set forth in section 21, clause (b), by either party no later than one year after the petitioner obtained knowledge of the described condition;*

(c) *For the reason set forth in section 21, clause (c), by the underaged party, his parent or guardian, before the time the underaged party reaches the age at which he could have married without satisfying the omitted requirement.*

Sec. 23. Minnesota Statutes 1976, Chapter 518, is amended by adding a section to read:

[518.055] [PUTATIVE SPOUSE.] *Any person who has cohabited with another to whom he is not legally married in the good faith belief that he was married to that person is a putative spouse until knowledge of the fact that he is not legally married terminates his status and prevents acquisition of further rights. A putative spouse acquires the rights conferred upon a legal spouse, including the right to maintenance following termination of his status, whether or not the marriage is prohibited or declared a nullity. If there is a legal spouse or other putative spouses, rights acquired by a putative spouse do not supersede the rights of the legal spouse or those acquired by other putative spouses, but the court shall apportion property, maintenance, and support rights among the claimants as appropriate in the circumstances and in the interests of justice.*

Sec. 24. Minnesota Statutes 1976, Section 518.06, Subdivision 1, is amended to read:

**518.06 [DISSOLUTION OF MARRIAGE; LEGAL SEPARATION.]** Subdivision 1. A dissolution of a marriage may be granted by a *county or district court (OF COMPETENT JURISDICTION UPON A SHOWING TO THE SATISFACTION OF)* : (a) *when the court finds that there has been an irretrievable breakdown of the marriage relationship; and (b) to the extent it has jurisdiction to do so, when the court has considered, approved, or made provision for child custody, the support of any child of the marriage who is entitled to support, the maintenance of either spouse, and the disposition of property.*

*Previously existing defenses to divorce, dissolution and legal separation, including but not limited to condonation, connivance, collusion, recrimination, insanity, and lapse of time, are abolished.*

Sec. 25. Minnesota Statutes 1976, Section 518.06, is amended by adding a subdivision to read:

*Subd. 3. If a party requests a decree of legal separation rather than a decree of dissolution of marriage, the court shall grant the decree in that form unless the other party objects.*

Sec. 26. Minnesota Statutes 1976, Section 518.07, is amended to read:

**518.07 [RESIDENCE OF PARTIES.]** No dissolution shall be granted unless (THE PETITIONER) *one of the parties has resided in this state (ONE YEAR) , or has been a member of the armed services stationed in this state, for 180 days immediately preceding the (FILING OF THE PETITION) commencement of the proceeding.*

Sec. 27. Minnesota Statutes 1976, Section 518.09, is amended to read:

**518.09 [PROCEEDING; HOW AND WHERE BROUGHT; VENUE.]** A proceeding for dissolution or (SEPARATE MAINTENANCE) *legal separation* may be brought by (A PETITIONER) *either or both spouses* and (ALL SUCH PROCEEDINGS) shall be commenced by summons and petition in the county where the petitioner resides (, AS HEREINAFTER PROVIDED,) *or, if the petitioner is not a resident of the state, then in the county where the respondent resides. This venue shall be subject to the power of the court to change the place of hearing by consent of the parties, or when it (SHALL APPEAR) appears to the court that an impartial hearing cannot be had in the county where the proceedings are pending, or when the convenience of the parties or the ends of justice would be promoted by the change.*



Sec. 28. Minnesota Statutes 1976, Section 518.10, is amended to read:

518.10 [REQUISITES OF PETITION.] The petition for dissolution of marriage *or legal separation* shall:

(1) State the name and address of the petitioner and his attorney *and the length of petitioner's residence in this state, or if petitioner is not a resident of the state, then the respondent's length of residence in the state;*

(2) State the place and date of marriage of the parties;

(3) State the name and address, if known, of the respondent *and the length of residence in this state;*

(4) State the name and age of each (MINOR) child by date of birth (WHOSE WELFARE MAY BE AFFECTED BY THE CONTROVERSY) , *whether any child is under the jurisdiction of a juvenile court, and whether the wife is pregnant;*

(5) State whether or not a separate proceeding for dissolution of marriage has been commenced by the respondent and whether such proceeding is pending in any court in this state or elsewhere;

(6) Allege that the (PETITION) *proceeding* has been (FILED) *commenced* in good faith and for the purposes set forth therein;

(7) Allege that there has been an irretrievable breakdown of the marriage relationship, *and in a proceeding for legal separation, allege the need for legal separation;*

(8) *State the date on which the parties separated;*

(9) *Set forth any arrangements between the parties as to the custody and support of the children and the maintenance of a spouse;*

((8)) (10) Set forth any application for temporary support of (THE PETITIONER) *a spouse and any children; and*

((9)) (11) Set forth any application for permanent (ALIMONY) *maintenance* or support, child custody, or disposition of property, as well as attorneys' fees and suit money, without enumerating the amounts thereof (; AND)

((10)) STATE THAT THE PETITIONER HAS BEEN FOR THE LAST YEAR A RESIDENT OF THE STATE).

The petition shall be verified by the petitioner, and its allegations established by competent evidence.

Sec. 29. Minnesota Statutes 1976, Section 518.11, is amended to read:

518.11 [SERVICE; PUBLICATION.] *If a proceeding is brought by one of the parties, copies of the summons and petition shall be served on the respondent personally (, AND,). When (SUCH) service is made out of this state and within the United States, it may be proved by the affidavit of the person making the same (, AND). When service is made without the United States it may be proved by the affidavit of the person making the same, taken before and certified by any United States minister, charge d'affaires, commissioner, consul or commercial agent, or other consular or diplomatic officer of the United States appointed to reside in such country, including all deputies or other representatives of such officer authorized to perform their duties; or before an officer authorized to administer an oath with the certificate of an officer of a court of record of the country wherein such affidavit is taken as to the identity and authority of the officer taking the same (,). But, if personal service cannot (WELL) be made, the court may order service of the summons by publication, which publication shall be made as in other actions.*

Sec. 30. Minnesota Statutes 1976, Section 518.13, is amended to read:

518.13 [FAILURE TO ANSWER; FINDINGS; HEARING.] *Subdivision 1. If the respondent does not appear after service duly made and proved, the court may hear and determine the proceeding at a general or special term, or in vacation ( ; PROVIDED, THAT).*

*Subd. 2. If both of the parties by petition or otherwise have stated under oath or affirmation that the marriage is irretrievably broken, or one of the parties has so stated and the other has not denied it, the court, after hearing, shall make a finding whether the marriage is irretrievably broken.*

*Subd. 3. If one of the parties has denied under oath or affirmation that the marriage is irretrievably broken, the court shall consider all relevant factors, including the circumstances that gave rise to the commencement of the proceeding and the prospect of reconciliation, and shall*

*(a) make a finding whether the marriage is irretrievably broken, or*

*(b) continue the matter for further hearing not less than 30 or more than 60 days later, or as soon thereafter as the matter*

*may be reached on the court's calendar and may suggest to the parties that they seek counseling. At the adjourned hearing, or after a further continuance ordered by the court, the court shall make a finding whether the marriage is irretrievably broken.*

*A finding of irretrievable breakdown is a determination that there is no reasonable prospect of reconciliation. The finding must be supported by evidence that (i) the parties have lived separate and apart for a period of more than 180 days immediately preceding the commencement of the proceeding, or (ii) there is serious marital discord adversely affecting the attitude of one or both of the parties toward the marriage.*

**Subd. 4.** The court or judge, upon application, may refer the proceeding to a referee to take and report the evidence therein. Hearings for dissolution of marriage shall be heard in open court or before a referee appointed by the court to receive the testimony of the witnesses, or depositions taken as in other equitable actions. However, the court may in its discretion close the hearing. (HEARINGS HELD FOR THE PURPOSE OF DETERMINING CHILD CUSTODY MAY BE LIMITED IN ATTENDANCE BY THE COURT TO THE AFFECTED PARTIES AND NECESSARY WITNESSES IF ANY.)

Sec. 31. Minnesota Statutes 1976, Chapter 518, is amended by adding a section to read:

[518.135] [TEMPORARY ORDER OR INJUNCTION; PENALTY.] *Subdivision 1. In a proceeding brought for dissolution or legal separation or for disposition of property, maintenance, or support following the dissolution of a marriage by a court which lacked personal jurisdiction over the absent spouse, either party may move for temporary maintenance or temporary support of children of the marriage entitled to support or for a temporary order relative to property of the parties. The motion shall be accompanied by an affidavit setting forth the factual basis for the motion and the amounts requested.*

**Subd. 2. (a)** *As a part of a motion for temporary maintenance or support or by independent motion accompanied by affidavit either party may request the court to issue a restraining order:*

*(i) Restraining a person from transferring, encumbering, concealing, or disposing of property except in the usual course of business or for the necessities of life, and, if so restrained, requiring him to notify the moving party of proposed extraordinary expenditures and to account to the court for all extraordinary expenditures made after the order is issued;*

*(ii) Restraining a party from molesting or disturbing the peace or restraining the personal liberty of the other party or of a child;*

(iii) *Excluding a party from the family home or from the home of the other party upon a showing that physical or emotional harm would otherwise result. A party may be excluded from the family home only upon due notice and hearing. If a party makes specific allegations of an immediate danger of physical harm, the court shall waive the requirement of notice and shall hold a hearing on the request for a restraining order at the earliest possible time.*

(b) *The court may issue an ex parte restraining order only if it finds on the basis of the moving affidavit or other evidence that immediate and irreparable injury would result to the moving party if an order is not issued before the adverse party can be heard in opposition and the moving party states to the court in writing the efforts that have been made to give notice or the reasons why notice should not be required.*

(c) *A response may be filed within 20 days after service of notice of motion or at the time specified in the ex parte restraining order.*

(d) *On the basis of the showing made and in conformity with section 54 on maintenance and section 41, subdivision 2, on support, the court may issue a restraining order and an order for temporary maintenance or support in such amounts and on such terms as are just and proper in the circumstances.*

(e) *A temporary order or restraining order:*

(i) *Shall not prejudice the rights of the parties or the child which are to be adjudicated at subsequent hearings in the proceeding;*

(ii) *May be revoked or modified before the final decree on notice to the other party and on a showing by affidavit of the facts which support the necessity for revocation or modification; and*

(iii) *Terminates when the final judgment is entered or when the petition for dissolution or legal separation is voluntarily dismissed.*

*Subd. 3. A person who violates an order issued pursuant to subdivision 2, clause (a) (ii) or (iii), is guilty of a misdemeanor.*

Sec. 32. Minnesota Statutes 1976, Section 518.14, is amended to read:

518.14 [COSTS AND DISBURSEMENTS AND ATTORNEY'S FEES.] In (ANY) a proceeding brought either for dissolution or (SEPARATE MAINTENANCE) legal separation under chapter 518, the court, (IN ITS DISCRETION) from time to time, after considering the financial resources of both parties,

may require one party to pay a reasonable amount(,) necessary to enable the other spouse to carry on, or to contest the proceeding, and (TO SUPPORT SUCH SPOUSE AND THE CHILDREN DURING ITS PENDENCY) *to pay attorney's fees, including sums for legal services rendered and costs incurred prior to the commencement or after entry of judgment.* The court may adjudge costs and disbursements against either party. The court may authorize the collection of (ANY) money (SO) awarded by execution, or out of (ANY) property sequestered, or in any other manner within the power of the court. An award of attorney's fees made by the court during the pendency of the proceeding or in the final judgment survives the proceeding and if not paid by the party directed to pay the same may be enforced as above provided or by a separate civil action brought by the attorney in his own name. If the proceeding is dismissed or abandoned prior to determination and award of attorney's fees, the court may nevertheless award attorney's fees upon the attorney's motion (AND SUCH). *The award shall also survive the proceeding and may be enforced in the same manner as last above provided.*

Sec. 33. Minnesota Statutes 1976, Chapter 518, is amended by adding a section to read:

[518.145] [DECREE.] *A decree of dissolution of marriage or of legal separation is final when entered, subject to the right of appeal. An appeal from the decree of dissolution that does not challenge the finding that the marriage is irretrievably broken does not delay the finality of that provision of the decree which dissolves the marriage beyond the time for appealing from that provision. A party may remarry before the time for appeal has run if the parties have agreed that the marriage is irretrievably broken.*

*No earlier than six months after entry of a decree of legal separation, on motion of either party to dissolve the marriage, the court shall proceed as provided in section 518.13.*

Sec. 34. Minnesota Statutes, 1977 Supplement, Section 518.155, is amended to read:

518.155 [CUSTODY DETERMINATIONS.] *Notwithstanding any law to the contrary, a court in which a proceeding for dissolution or legal separation has been (OR MAY BE) commenced shall not issue, revise, modify or amend any order, pursuant to sections 518.16, 518.165, 518.17, 518.175 or 518.18 or sections 39 or 45 of this act, which affects the custody of a minor child or the visitation rights of a noncustodial parent unless the court has jurisdiction over the matter pursuant to the provisions of sections 518A.01 to 518A.25.*

Sec. 35. Minnesota Statutes 1976, Chapter 518, is amended by adding a section to read:

[518.156] [COMMENCEMENT OF CUSTODY PROCEEDING.] *Subdivision 1. In a court of this state which has jurisdiction to decide child custody matters, a child custody proceeding is commenced:*

(a) *By a parent*

(1) *By filing a petition for dissolution or legal separation; or*

(2) *Where a decree of dissolution has been entered or where none is sought, by filing a petition seeking custody of the child in the county where the child is permanently resident or where he is found; or*

(b) *By a person other than a parent, by filing a petition seeking custody of the child in the county where the child is permanently resident or where he is found.*

*Subd. 2. Notice of a child custody proceeding shall be given to the child's parent, guardian and custodian, who may appear and be heard and may file a responsive pleading. The court may, upon a showing of good cause, permit the intervention of other interested parties.*

Sec. 36. Minnesota Statutes 1976, Section 518.16, is amended to read:

518.16 [CUSTODY OF CHILDREN DURING PENDENCY.] The court, on the (APPLICATION) *motion* of either party, may make (SUCH) *an order* concerning the care and custody of the minor children of the parties, and their suitable maintenance, during the pendency of (SUCH) a proceeding (, AND SUCH TEMPORARY ORDERS RELATIVE TO THE PERSONS OR PROPERTY OF THE PARTIES,) as shall be deemed necessary and proper. *The motion must be supported by an affidavit. The court may award temporary custody after a hearing, or, if there is no objection, solely on the basis of the affidavits.*

*If a proceeding for dissolution of marriage or legal separation is dismissed, a temporary custody order is vacated unless a parent or the child's custodian moves that the proceeding continue as a custody proceeding and the court finds, after a hearing, that the circumstances of the parents and the best interests of the child require that a custody order be issued.*

Sec. 37. Minnesota Statutes 1976, Section 518.165, is amended to read:

518.165 [GUARDIANS FOR MINOR CHILDREN.] In all (ACTIONS) *proceedings* for (DIVORCE) *dissolution* or

(SEPARATE MAINTENANCE) *legal separation* in which custody or visitation of a minor child is in issue, the court may appoint a guardian ad litem from a panel established by the court to represent the interests of (ANY SUCH) *the* child. The guardian ad litem shall advise the court with respect to custody, support and visitation. (THE COURT MAY ASSESS COSTS INCIDENT HERETO AGAINST EITHER OR BOTH PARTIES) *The court shall enter an order for costs, fees and disbursements in favor of the child's guardian ad litem. The order shall be made against either or both parties, except that, if the responsible party is indigent, the costs, fees, and disbursements shall be borne by the county.*

Sec. 38. Minnesota Statutes 1976, Chapter 518, is amended by adding a section to read:

[518.166] [INTERVIEWS.] *The court may interview the child in chambers to ascertain the child's wishes as to his custodian. The court may permit counsel to be present at the interview. The court shall cause a record of the interview to be made and to be made part of the record in the case unless waived by the parties.*

*The court may seek the recommendations of professional personnel whether or not they are employed on a regular basis by the court. The recommendations given shall be in writing and shall be made available by the court to counsel upon request. Counsel may call for cross-examination of professional personnel consulted by the court.*

Sec. 39. Minnesota Statutes 1976, Chapter 518, is amended by adding a section to read:

[518.167] [INVESTIGATIONS AND REPORTS.] *Subdivision 1. In contested custody proceedings, and in other custody proceedings if a parent or the child's custodian so requests, the court may order an investigation and report concerning custodial arrangements for the child. The investigation and report may be made by the county welfare agency or department of court services.*

*Subd. 2. In preparing his report concerning a child, the investigator may consult any person who may have information about the child and his potential custodial arrangements. Upon order of the court, the investigator may refer the child to professional personnel for diagnosis. The investigator may consult with and obtain information from medical, psychiatric, or other expert persons who have served the child in the past after obtaining the consent of the parents or the child's custodian or guardian. If the requirements of subdivision 3 are fulfilled, the investigator's report may be received in evidence at the hearing.*

*Subd. 3. The court shall mail the investigator's report to counsel and to any party not represented by counsel at least ten days before the hearing. The investigator shall make available to counsel and to a party not represented by counsel the investigator's file of underlying data and reports, complete texts of diagnostic reports made to the investigator pursuant to the provisions of subdivision 2, and the names and addresses of all persons whom the investigator has consulted. A party to the proceeding may call the investigator and any person whom he has consulted for cross-examination. A party may not waive his right of cross-examination before the hearing.*

Sec. 40. Minnesota Statutes 1976, Chapter 518, is amended by adding a section to read:

[518.168] [HEARINGS.] (a) *Custody proceedings shall receive priority in being set for hearing.*

(b) *The court may tax as costs the payment of necessary travel and other expenses incurred by a person whose presence at the hearing the court deems necessary to determine the best interests of the child.*

(c) *The court without a jury shall determine questions of law and fact. If it finds that a public hearing may be detrimental to the child's best interest, the court may exclude the public from a custody hearing, but may admit any person who has a direct interest in the particular case or a legitimate educational or research interest in the work of the court.*

(d) *If the court finds it necessary for the protection of the child's welfare that the record of an interview, report, investigation, or testimony in a custody proceeding be kept secret, the court may make an appropriate order sealing the record.*

Sec. 41. Minnesota Statutes 1976, Section 518.17, is amended to read:

518.17 [CUSTODY AND SUPPORT OF CHILDREN ON JUDGMENT.] Subdivision 1. (FOR THE PURPOSES OF THIS SECTION) "The best interest of the (CHILDREN) child" means (THE SUM TOTAL OF THE FOLLOWING) *all relevant factors to be considered and evaluated by the court including:*

(A) THE LOVE, AFFECTION AND OTHER EMOTIONAL TIES EXISTING BETWEEN THE COMPETING PARTIES AND THE CHILD;

(B) THE CAPACITY AND DISPOSITION OF COMPETING PARTIES TO GIVE THE CHILD LOVE, AFFECTION AND GUIDANCE AND CONTINUATION OF THE



EDUCATING AND RAISING OF THE CHILD IN ITS RELIGION OR CREED, IF ANY, OR CULTURE;)

((C) THE CAPACITY AND DISPOSITION OF COMPETING PARTIES TO PROVIDE THE CHILD WITH FOOD, CLOTHING, MEDICAL CARE OR OTHER REMEDIAL CARE RECOGNIZED AND PERMITTED UNDER THE LAWS OF THIS STATE IN LIEU OF MEDICAL CARE, AND OTHER MATERIAL NEEDS;)

((D) THE LENGTH OF TIME THE CHILD HAS LIVED IN A STABLE, SATISFACTORY ENVIRONMENT AND THE DESIRABILITY OF MAINTAINING CONTINUITY;)

((E) THE PERMANENCE, AS A FAMILY UNIT, OF THE EXISTING OR PROPOSED CUSTODIAL HOME;)

((F) THE CULTURAL BACKGROUND OF THE CHILD;)

((G) THE MENTAL AND PHYSICAL HEALTH OF THE COMPETING PARTIES;)

((H) THE HOME, SCHOOL AND COMMUNITY RECORD OF THE CHILD;)

((I) THE REASONABLE PREFERENCE OF THE CHILD, IF THE COURT DEEMS THE CHILD TO BE OF SUFFICIENT AGE TO EXPRESS PREFERENCE;)

((J) ANY OTHER FACTOR CONSIDERED BY THE COURT TO BE RELEVANT TO A PARTICULAR CHILD CUSTODY DISPUTE.)

*(a) The wishes of the child's parent or parents as to his custody;*

*(b) The wishes of the child as to his custodian;*

*(c) The interaction and interrelationship of the child with his parent or parents, his siblings, and any other person who may significantly affect the child's best interests;*

*(d) The child's adjustment to his home, school, and community;*

*(e) The length of time the child has lived in a stable, satisfactory environment and the desirability of maintaining continuity;*

*(f) The permanence, as a family unit, of the existing or proposed custodial home; and*

(g) *The mental and physical health of all individuals involved.*

*The court shall not consider conduct of a proposed custodian that does not affect his relationship to the child.*

Subd. 2. Upon adjudging the nullity of a marriage, or a dissolution or separation, the court may make such further order as it deems just and proper concerning the care, custody, and maintenance of the minor children of the parties and may determine with which of the parents they, or any of them, shall remain. In determining the parent with whom a child shall remain, the court shall consider the best interest of the (CHILDREN) *child* and shall not prefer one parent over the other solely on the basis of the sex of the parent. (IN DETERMINING THE AMOUNT OF CHILD SUPPORT TO BE PAID BY EACH PARENT, THE COURT SHALL CONSIDER THE EARNING CAPACITY AND FINANCIAL CIRCUMSTANCES OF EACH PARENT. ON PETITION FOR ANY CHANGE IN CHILD SUPPORT BECAUSE OF ALLEGED CHANGE IN CIRCUMSTANCES THE COURT SHALL TAKE INTO CONSIDERATION THE EARNING CAPACITY AND FINANCIAL CIRCUMSTANCES OF EACH PARENT AND THE CUSTODIAL PARENT'S SPOUSE, IF ANY) *The court may order either or both parents owing a duty of support to a child of the marriage to pay an amount reasonable or necessary for his support, without regard to marital misconduct, after considering all relevant factors including:*

- (a) *The financial resources and needs of the child;*
- (b) *The financial resources and needs of the custodial parent;*
- (c) *The standard of living the child would have enjoyed had the marriage not been dissolved;*
- (d) *The physical and emotional condition of the child, and his educational needs; and*
- (e) *The financial resources and needs of the noncustodial parent.*

Sec. 42. Minnesota Statutes 1976, Section 518.175, Subdivision 1, is amended to read:

518.175 [VISITATION OF CHILDREN AND NONCUSTODIAL PARENT.] Subdivision 1. In all proceedings for dissolution, subsequent to the commencement of the proceeding and continuing thereafter during the minority of the child, the court (MAY) *shall*, upon the request of the noncustodial parent, grant (SUCH) rights of visitation as will enable the child and the non-

custodial parent to maintain (SUCH) a child to parent relationship (AS) that will be beneficial to the child unless the court finds, after a hearing, that visitation would endanger the child's physical or emotional health or impair his emotional development. The court shall consider the age of the child and the child's relationship with the noncustodial parent prior to the commencement of the proceeding. (THE COURT MAY DENY VISITATION RIGHTS TO THE NONCUSTODIAL PARENT IF SUCH VISITATION IS NOT IN THE BEST INTEREST OF THE CHILD.) A parent's failure to pay support because of the parent's inability to do so shall not be sufficient cause for denial of visitation(, UNLESS SUCH INABILITY IS WILLFUL).

Sec. 43. Minnesota Statutes 1976, Section 518.175, Subdivision 3, is amended to read:

Subd. 3. The custodial parent shall not move the residence of the child to another state or more than 100 miles within this state except upon order of the court or with the consent of the noncustodial parent, when the noncustodial parent has been given visitation rights by the decree.

Sec. 44. Minnesota Statutes 1976, Section 518.175, is amended by adding a subdivision to read:

Subd. 5. The court may modify an order granting or denying visitation rights whenever modification would serve the best interest of the child, but the court shall not restrict a parent's visitation rights unless it finds that the visitation would endanger the child's physical or emotional health or impair his emotional development. If the custodial parent makes specific allegations that visitation endangers the custodial parent's physical health, the court shall hold a hearing at the earliest possible time to determine the need to modify the order granting visitation rights. The court may require a third party, including the county welfare board, to supervise the visitation or may restrict a parent's visitation rights if necessary to protect the physical health of the custodial parent.

Sec. 45. Minnesota Statutes 1976, Chapter 518, is amended by adding a section to read:

[518.176] [JUDICIAL SUPERVISION.] (a) Except as otherwise agreed by the parties in writing at the time of the custody order, the custodian may determine the child's upbringing, including his education, health care, and religious training, unless the court after hearing, finds, upon motion by the noncustodial parent, that in the absence of a specific limitation of the custodian's authority, the child's physical or emotional health would be endangered or his emotional development impaired.

(b) If both parents or all contestants agree to the order, or if the court finds that in the absence of the order the child's

*physical or emotional health would be endangered or his emotional development impaired, the court may order the county welfare board to exercise continuing supervision over the case to assure that the custodial or visitation terms of the decree are carried out.*

Sec. 46. Minnesota Statutes 1976, Section 518.18, is amended to read:

518.18 [MODIFICATION OF ORDER.] (THE COURT MAY AFTERWARD, FROM TIME TO TIME, ON THE PETITION OF EITHER PARENT, REVISE AND ALTER SUCH ORDER CONCERNING THE CARE, CUSTODY, AND MAINTENANCE OF THE CHILDREN, OR ANY OF THEM, AND MAKE SUCH NEW ORDER CONCERNING THEM, AS THE CIRCUMSTANCES OF THE PARENTS AND THE BENEFIT OF THE CHILDREN SHALL REQUIRE.) (a) *No motion to modify a custody decree may be made earlier than one year after the date of the initial decree except in accordance with clause (c).*

(b) *If a motion for modification has been filed, whether or not it was granted, no subsequent motion may be filed within two years after disposition of the prior motion except in accordance with clause (c).*

(c) *The time limitations prescribed in clauses (a) and (b) shall not prohibit a motion to modify a custody decree if the court decides on the basis of affidavits submitted pursuant to section 47, that there is reason to believe that the child's present environment may endanger his physical or emotional health or impair his emotional development.*

(d) *If the court has jurisdiction to determine child custody matters, the court shall not modify a prior custody decree unless it finds, upon the basis of facts that have arisen since the prior decree or that were unknown to the court at the time of the prior decree, that a change has occurred in the circumstances of the child or his custodian and that the modification is necessary to to serve the best interests of the child. In applying these standards the court shall retain the custodian established by the prior decree unless:*

(i) *The custodian agrees to the modification;*

(ii) *The child has been integrated into the family of the petitioner with the consent of the custodian; or*

(iii) *The child's present environment endangers his physical or emotional health or impairs his emotional development and the harm likely to be caused by a change of environment is outweighed by the advantage of a change to the child.*

Sec. 47. Minnesota Statutes 1976, Chapter 518, is amended by adding a section to read:

[518.185] [AFFIDAVIT PRACTICE.] *A party seeking a temporary custody order or modification of a custody order shall submit together with his moving papers an affidavit setting forth facts supporting the requested order or modification and shall give notice, together with a copy of his affidavit, to other parties to the proceeding, who may file opposing affidavits. The court shall deny the motion unless it finds that adequate cause for hearing the motion is established by the affidavits, in which case it shall set a date for hearing on an order to show cause why the requested order or modification should not be granted.*

Sec. 48. Minnesota Statutes 1976, Section 518.24, is amended to read:

518.24 [SECURITY; SEQUESTRATION; CONTEMPT.] In all cases when (ALIMONY OR OTHER ALLOWANCE IS) *maintenance or support payments are ordered or decreed, the court may require sufficient security to be given for the payment (THEREOF,) of it according to the terms of the order or decree (; AND,) . Upon neglect or refusal to give (SUCH) security, or upon failure to pay (SUCH ALIMONY OR ALLOWANCE) the maintenance or support, the court may sequester the obligor's personal estate (,) and the rents and profits of real estate of the obligor, and appoint a receiver (THEREOF, AND) of them. The court may cause (SUCH) the personal estate (,) and the rents and profits of (SUCH) the real estate, to be applied according to the terms of (SUCH) the order or decree. If the obligor has an income from (ANY) a source sufficient to enable him to pay (SUCH ALIMONY OR OTHER ALLOWANCE,) the maintenance or support and he fails (AND REFUSES) to pay the same, the court (MAY) shall order him to pay (SUCH ALIMONY OR ALLOWANCE) the maintenance or support. If (ANY) a person or party (SHALL DISOBEY) disobeys (SUCH) the order, he may be punished by the court as for contempt.*

Sec. 49. Minnesota Statutes 1976, Section 518.27, is amended to read:

518.27 [EFFECT OF DISSOLUTION; NAME OF PARTY.] When a decree of dissolution (FROM THE BONDS) of (MATRIMONY) *marriage is granted in this state, (SUCH) the decree shall completely dissolve the marriage contract as to both parties. If a dissolution is granted, the court shall, if requested by (THE) a party whose name was changed by the marriage, change the name of (THE) a party who had acquired the name of his spouse back to that person's family name or the name acquired from a prior spouse, and that person shall thereafter be known by that family name and be so designated in the court's decree.*

Sec. 50. Minnesota Statutes 1976, Section 518.54, is amended to read:

518.54 [DEFINITIONS.] Subdivision 1. [TERMS.] For the purposes of sections 518.54 to 518.67, the terms defined in this section shall have the meanings respectively ascribed to them.

Subd. 2. [CHILD.] "Child" means an individual under 18 years of age (,) or an individual who, by reason of his physical or mental condition, is unable to support himself.

Subd. 3. [MAINTENANCE.] "(ALIMONY) *Maintenance*" means an award made in a dissolution or *legal separation* proceeding of payments from the future income or earnings of one spouse for the support and maintenance of the other.

Subd. 4. [SUPPORT MONEY.] "Support money" means an award in a dissolution, *legal separation*, or annulment proceeding for the care, support and education of any child of the marriage or of the parties to the annulment proceeding.

Subd. 5. [MARITAL PROPERTY; EXCEPTIONS.] (EXCEPT AS PROVIDED IN THIS SUBDIVISION, "PROPERTY ACQUIRED DURING COVERTURE") "*Marital property*" means (ANY) property, real or personal, *including nonforfeitable pension benefits or rights*, acquired by the parties, or either of them, to a dissolution, *legal separation*, or annulment proceeding at any time during the existence of the marriage relation between them, or at any time during which the parties were living together as husband and wife under a purported marriage relationship which is annulled in an annulment (PROCEEDINGS) proceeding. *All property acquired by either spouse subsequent to the marriage and before a decree of legal separation is presumed to be marital property regardless of whether title is held individually or by the spouses in a form of co-ownership such as joint tenancy, tenancy in common, tenancy by the entirety, or community property. The presumption of marital property is overcome by a showing that the property is of a type listed in clauses (a) to (f).*

"(PROPERTY ACQUIRED DURING COVERTURE) *Marital property*" does not include (ANY) property real or personal, acquired by either spouse before, during, or after (COVERTURE, WHERE SAID PROPERTY) *the existence of their marriage, which (a) is acquired as a gift, bequest, devise or inheritance made by a third party to one but not to the other spouse (,); (b) is acquired in exchange for property acquired before the marriage or in exchange for property acquired by gift, bequest, devise, or inheritance; (c) is the increase in value of property acquired before the marriage; (d) is acquired by a spouse after a decree of legal separation; (e) is excluded by valid agreement of the parties, including a valid antenuptial*

contract; or (f) is any property transferred from one spouse to the other.

Sec. 51. Minnesota Statutes 1976, Chapter 518, is amended by adding a section to read:

[518.541] [SEPARATION AGREEMENT.] (a) *To promote the amicable settlement of disputes between the parties to a marriage attendant upon their separation or the dissolution of their marriage, the parties may enter into a written separation agreement containing provisions for the maintenance of either of them, the disposition of property owned by either or both of them, and the custody, support, and visitation of their children.*

(b) *In a proceeding for dissolution of marriage or for legal separation, the terms of the separation agreement, except terms providing for the custody, support, and visitation of children, are binding upon the court unless it finds, after considering the economic circumstances of the parties and any other relevant evidence produced by the parties, on their own motion or on request of the court, that the separation agreement is unreasonable and unfair. If either party is receiving public assistance or it appears that a party will receive public assistance, the court shall request testimony as to the provisions of the separation agreement which concern maintenance, support, or the disposition of property from the public authority responsible for support enforcement.*

(c) *If the court finds the separation agreement unreasonable and unfair, the court may request the parties to submit a revised separation agreement or the court may make orders for the disposition of property, support, and maintenance pursuant to chapter 518.*

(d) *If the court finds that the separation agreement is not unreasonable or unfair as to support, maintenance, and property:*

(1) *Unless the separation agreement provides to the contrary, its terms shall be set forth in the decree of dissolution or legal separation and the parties shall be ordered to perform them; or*

(2) *If the separation agreement provides that its terms shall not be set forth in the decree, the decree shall identify the separation agreement and shall state that the court has found the terms not unreasonable or unfair.*

(e) *Terms of the agreement set forth in the decree can be enforced by all remedies available for the enforcement of a judgment, including contempt, and are enforceable as contract terms.*

(f) *Except for terms concerning the support, custody, or visitation of children, the decree may expressly preclude or limit modification of terms set forth in the decree if the separation agreement so provides. However, if either party applies for public assistance, that party or the public authority responsible for support enforcement may seek modification of the decree and the terms of the separation agreement.*

Sec. 52. Minnesota Statutes 1976, Section 518.55, is amended to read:

518.55 [MAINTENANCE OR SUPPORT MONEY.] Every award of (ALIMONY) *maintenance* or support money in a judgment of dissolution shall clearly designate whether the same is (ALIMONY) *maintenance* or support money, or what part of the award is (ALIMONY) *maintenance* and what part (THERE-OF) is support money. (ANY) An award of payments from future income or earnings of the custodial parent (SHALL BE) *is presumed to be (ALIMONY.) maintenance and (ANY) an award of payments from the future income or earnings of the noncustodial parent (SHALL BE) is presumed to be support money, unless otherwise designated by the court. In (ANY) a judgment of dissolution the court may determine, as one of the issues of the case, whether or not either spouse is entitled to an award of (ALIMONY) maintenance notwithstanding that no award is then made, or it may reserve jurisdiction of the issue of (ALIMONY) maintenance for determination at a later date.*

Sec. 53. Minnesota Statutes, 1977 Supplement, Section 518.551, is amended to read:

518.551 [MAINTENANCE AND SUPPORT PAYMENTS MADE TO WELFARE AGENCIES.] (NOTWITHSTANDING ANY LAW TO THE CONTRARY, ANY) A court having jurisdiction over proceedings for dissolution shall direct that all payments ordered for (ALIMONY) *maintenance* and support shall be made to the agency responsible for the welfare payments, when it appears that the party who is to receive the (ALIMONY) *maintenance* and support payments will receive public assistance. Amounts (SO) received by the (BOARD OVER AND ABOVE) *agency greater than* the amount granted to the party receiving public assistance shall be remitted to that party.

The *petitioner shall notify the agency responsible for the welfare payments (SHALL BE NOTIFIED BY THE PETITIONER) of all proceedings for dissolution, (SEPARATE MAINTENANCE) legal separation or for the custody of a child if either party is receiving aid to families of dependent children or applies for such aid subsequent to the commencement of (SUCH) the proceeding. After receipt of the notice, the (COUNTY WELFARE BOARD OR THE COMMISSIONER OF PUBLIC WELFARE) agency shall recommend to the court the (SUM OF MONEY, OR ITS EQUIVALENT,) support that is*



proper and adequate for the care and support of the child or children before the issuance of the order for judgment and decree in the proceeding.

If the court finds in a dissolution proceeding before issuing the order for judgment and decree that notification has not been given to the agency responsible for the welfare payments, the court shall order that notification be made and shall not issue its order for judgment and decree until the agency has made its recommendations. In those proceedings in which no notification has been made pursuant to this section and *in which* the agency determines that the judgment is not proper and adequate for the care and support of the child or children, it may petition the court for a redetermination of the support payments ordered.

Sec. 54. Minnesota Statutes 1976, Chapter 518, is amended by adding a section to to read:

[518.552] [MAINTENANCE.] *Subdivision 1. In a proceeding for dissolution of marriage or legal separation, or a proceeding for maintenance following dissolution of the marriage by a court which lacked personal jurisdiction over the absent spouse, the court may grant a maintenance order for either spouse only if it finds that the spouse seeking maintenance:*

(a) *Lacks sufficient property, including marital property apportioned to him, to provide for his reasonable needs, especially during a period of training or education; and*

(b) *Is unable to support himself through appropriate employment or is the custodian of a child whose condition or circumstances make it appropriate that the custodian not be required to seek employment outside the home.*

*Subd. 2. The maintenance order shall be in amounts and for periods of time as the court deems just, without regard to marital misconduct, and after considering all relevant factors including:*

(a) *The financial resources of the party seeking maintenance, including marital property apportioned to him, and his ability to meet his needs independently, including the extent to which a provision for support of a child living with the party includes a sum for that party as custodian;*

(b) *The time necessary to acquire sufficient education or training to enable the party seeking maintenance to find appropriate employment;*

(c) *The standard of living established during the marriage;*

(d) *The duration of the marriage;*

(e) *The age, and the physical and emotional condition of the spouse seeking maintenance; and*

(f) *The ability of the spouse from whom maintenance is sought to meet his needs while meeting those of the spouse seeking maintenance.*

Sec. 55. Minnesota Statutes 1976, Section 518.57, is amended to read:

518.57 [MINOR CHILDREN, SUPPORT.] Upon a decree of dissolution, *legal separation* or annulment, the court may make (SUCH) a further order (AS IT DEEMS) *which is just and proper concerning the maintenance of the minor children as is provided by section 518.17, and for the maintenance of any child of the parties (AS DEFINED IN THIS ACT), as support money, and may make the same a lien or charge upon the property of the parties to (SUCH) the proceeding, or either of them, either at the time of the entry of (SUCH) the judgment or by subsequent order upon proper application therefor.*

Sec. 56. Minnesota Statutes 1976, Section 518.58, is amended to read:

518.58 [DISPOSITION OF MARITAL PROPERTY.] Upon a dissolution of a marriage, (OR UPON) an annulment, *a legal separation, or a proceeding for disposition of property following a dissolution of marriage by a court which lacked personal jurisdiction over the absent spouse or lacked jurisdiction to dispose of the property, the court (MAY) shall set aside to each spouse his property and make (SUCH) a just and equitable disposition of the marital property of the parties (ACQUIRED DURING COVERTURE AS SHALL APPEAR JUST AND EQUITABLE, HAVING) without regard to (THE NATURE AND DETERMINATION OF THE ISSUES IN THE CASE, THE AMOUNT OF ALIMONY OR SUPPORT MONEY, IF ANY, AWARDED IN THE JUDGMENT, THE MANNER BY WHICH SAID PROPERTY WAS ACQUIRED AND THE PERSONS PAYING OR SUPPLYING THE CONSIDERATION THEREFOR, THE CHARGES OR LIENS IMPOSED THEREON TO SECURE PAYMENT OF ALIMONY OR SUPPORT MONEY, AND ALL THE FACTS AND CIRCUMSTANCES OF THE CASE.) marital misconduct, after making findings regarding the disposition of the property. The court shall base its findings on all relevant factors including the length of the marriage, any prior marriage of a party, the age, health, station, occupation, amount and sources of income, vocational skills, employability, estate, liabilities, needs, and opportunity for future acquisition of capital assets and income of each party, whether the property award is in lieu of or in addition to maintenance or support. The court shall also consider the contribution or dissipation of each in the acquisition, preservation, depreciation*

*or appreciation in value of the respective estates, as well as the contribution of a spouse as a homemaker. It shall be presumed that each spouse made a substantial contribution to the acquisition of income and property while they were living together as husband and wife.*

*If the court finds that either spouse's resources or property, including his portion of the marital property as defined in section 50, subdivision 5, are so inadequate as to work an extreme hardship, the court may, in addition to the marital property, apportion up to one half of the property otherwise excluded under section 50, subdivision 5, clauses (a) to (f), to prevent the hardship. If the court apportions property other than marital property, it shall make findings in support of the apportionment. The findings shall be based on all relevant factors including the length of the marriage, any prior marriage of a party, the age, health, station, occupation, amount and sources of income, vocational skills, employability, estate, liabilities, needs, and opportunity for future acquisition of capital assets and income of each party.*

Sec. 57. Minnesota Statutes 1976, Section 518.61, is amended to read:

518.61 [TRUSTEE.] (a) *Upon its own motion or upon motion of either party, the court may appoint (TRUSTEES) a trustee, when it is deemed expedient, to receive any money ordered to be paid as (ALIMONY) maintenance or support money (, OR AS) for remittance to the person entitled to receive the payments. The trustee may also receive property which is part of an award under (SECTIONS) section 518.58 (OR 518.59), upon trust to invest the same, and pay over the income in (SUCH) the manner (AS) the court (SHALL DIRECT) directs, or to pay over the principal sum in (SUCH) the proportions and at (SUCH) the times (AS) the court (SHALL ORDER, REGARD BEING HAD) orders. The court shall have regard in all (SUCH) cases to the situation and circumstances of the recipient, and the children, if there are any (, AND SUCH TRUSTEES). The trustee shall give (SUCH) a bond, as the court (SHALL REQUIRE) requires, for the faithful performance of (THEIR) his trust. If it appears that the recipient of money ordered to be paid as support will receive public assistance, the court shall appoint as trustee the public authority responsible for support enforcement.*

(b) *The trustee shall maintain records listing the amount of payments, the date when payments are required to be made, and the names and addresses of the parties affected by the order.*

(c) *The parties affected by the order shall inform the trustee of a change of address or of other conditions that may affect the administration of the order.*

(d) *If a required payment of support or of maintenance and support combined is not made within ten days after the due date, the trustee shall send by first class mail notice of the arrearage to the obligor. If payment of the sum due is not made to the trustee within ten days after sending notice, the trustee shall certify the amount due to the public authority responsible for support enforcement, whenever that authority is not the trustee. If the public authority responsible for support enforcement refers the arrearage to the county attorney, the county attorney shall promptly initiate enforcement proceedings for support or for maintenance and support combined against the obligor.*

(e) *The public authority responsible for support enforcement shall represent a person entitled to receive support or maintenance and support combined in all court proceedings initiated under this section to enforce compliance with a support order or combined maintenance and support orders.*

(f) *If the person obligated to pay support is beyond the jurisdiction of the court, the county attorney shall institute any proceeding available under state or federal law for the enforcement of duties of support and maintenance.*

Sec. 58. Minnesota Statutes 1976, Chapter 518, is amended by adding a section to read:

[518.611] [ASSIGNMENTS.] *If the person obligated to pay support or maintenance fails to make a required payment, the other party or, in the case of a failure to pay support or support and maintenance combined, the public authority responsible for support enforcement may, after 30 days, move the court to order the employer or trustee to withhold from the obligor's periodic earnings or trust income an amount equal to the court's order for support or maintenance. The assignment is binding on the employer, trustee, or other payor of the funds two weeks after service upon him of notice that it has been made. The payer shall withhold from the earnings or trust income payable to the person obligated to pay support or maintenance the amount specified in the assignment and shall monthly or more frequently remit the amounts withheld to the public agency responsible for support enforcement. Amounts received by the public authority responsible for support enforcement which are in excess of public assistance expended for the party or for a child shall be remitted to the party. An employer shall not discharge or otherwise discipline an employee as a result of a wage or salary assignment authorized by this section.*

Sec. 59. Minnesota Statutes 1976, Chapter 518, is amended by adding a section to read:

[518.612] [INDEPENDENCE OF PROVISIONS OF DECREE OR TEMPORARY ORDER.] *Failure by a party to make support payments is not a defense to: interference with*

*visitation rights; or without the permission of the court or the noncustodial parent moving a child more than 100 miles within the state, or removing a child from this state without the permission of the court or of the noncustodial parent. Nor is interference with visitation rights or moving a child more than 100 miles within the state or taking a child from this state without permission of the court or the noncustodial parent a defense to nonpayment of support. If a party fails to make support payments, or interferes with visitation rights, or without permission of the court or the noncustodial parent removes a child from this state or moves a child more than 100 miles within the state, the other party may petition the court for an appropriate order.*

Sec. 60. Minnesota Statutes 1976, Section 518.62, is amended to read:

**518.62 [TEMPORARY MAINTENANCE.]** Temporary (ALIMONY MAY BE AWARDED AS PROVIDED IN SECTION 518.14,) *maintenance* and temporary support (MONEY) may be awarded as provided in section (518.16, FOR THE SUPPORT OF ANY CHILDREN OF THE PARTIES, INCLUDING CHILDREN AS DEFINED IN SECTION 518.54; AND) 31. The court may also award to either party to the proceeding, having due regard to all the circumstances and the party awarded the custody of the children, the right to the exclusive use of the household goods and furniture of the parties pending the proceeding and the right to the use of the homestead of the parties, exclusive or otherwise, pending the proceeding (; AND). The court may order (AND DIRECT) either party to remove from the homestead of the parties upon proper application to the court for (SUCH) *an* order pending the proceeding.

Sec. 61. Minnesota Statutes 1976, Section 518.63, is amended to read:

**518.63 [HOMESTEAD, OCCUPANCY.]** The court, having due regard to all the circumstances and the custody of (ANY) children of the parties, may award to either party the right of occupancy of the homestead of the parties, exclusive or otherwise, upon a final decree of dissolution *or legal separation*, or proper modification (THEREOF) *of it*, for (SUCH) *a* period of time (AS MAY BE) determined by the court (, AND SUCH). *An* award of the right of occupancy of the homestead, whether exclusive or otherwise, may be in addition to the maximum (AMOUNT WHICH MAY BE AWARDED UNDER SECTION 518.59) *amounts awarded under sections 54, 55 and 56.*

Sec. 62. Minnesota Statutes 1976, Section 518.64, is amended to read:

**518.64 [MODIFICATION OF ORDERS OR DECREES.]**  
*Subdivision 1.* After an order or decree for (ALIMONY) *main-*

*tenance or support money, temporary or permanent, or for the appointment of trustees to receive (AND HOLD ANY) property awarded as (ALIMONY) maintenance or support money, the court may from time to time, on petition of either of the parties (REVISE AND ALTER SUCH) or on petition of the public authority responsible for support enforcement where the party entitled to support or maintenance receives or has applied for public assistance, modify the order or decree respecting the amount of (SUCH ALIMONY,) maintenance or support money, and the payment (THEREOF) of it, and also respecting the appropriation and payment of the principal and income of (THE) property (SO) held in trust, and may make (ANY) an order respecting these matters which it might have made in the original proceeding, except as herein otherwise provided.*

*Subd. 2. If the party entitled to maintenance or support receives public assistance, the public authority responsible for support enforcement shall periodically review the financial circumstances of the party obligated to pay support or maintenance, in order to determine whether modification is necessary. If the party entitled to maintenance or support applies for public assistance, the public authority responsible for support enforcement shall immediately review the obligor's financial circumstances in order to determine whether modification is necessary. To carry out this review, the public authority responsible for support enforcement may subpoena the obligor's financial records. If the obligor refuses to obey a subpoena, the refusal may at once be reported to the district court in the district where the obligor resides. The court shall enforce obedience to the subpoena in the manner provided by law for enforcing subpoenas of the court.*

*Subd. 3. Except as otherwise provided in section 51, clause (f), the terms of a decree respecting maintenance or support may be modified only as to installments accruing subsequent to the motion for modification and only upon a showing of increased or decreased earnings of a party or increased or decreased need of a party, which makes the terms unreasonable and unfair. On a motion for modification of support, the court shall take into consideration the needs of the children and the financial circumstances of the custodial parent's spouse, if any. Except for an award of the right of occupancy of the homestead, provided in section 61, all divisions of real and personal property provided by (SECTIONS) section 518.58 (AND 518.59) shall be final, and (SUBJECT ONLY TO THE POWER OF) may be revoked or modified only where the court finds the existence of conditions that justify reopening a judgment under the laws of this state. The court (TO) may impose a lien or charge (THEREON) on the divided property at any time while (SUCH) the property, or subsequently acquired property, is owned by the parties or either of them, for the payment of (ALIMONY) maintenance or support money, or (TO) may sequester the property as is provided by section 518.24.*

*Subd. 4. Unless otherwise agreed in writing or expressly provided in the decree, the obligation to pay future maintenance is terminated upon the death of either party or the remarriage of the party receiving maintenance.*

*Subd. 5. Unless otherwise agreed in writing or expressly provided in the decree, provisions for the support of a child are terminated by emancipation of the child but not by the death of a parent obligated to support the child. When a parent obligated to pay support dies, the amount of support may be modified, revoked, or commuted to a lump sum payment, to the extent just and appropriate in the circumstances.*

Sec. 63. Minnesota Statutes 1976, Section 518.65, is amended to read:

518.65 [PROPERTY; SALE, PARTITION.] In order to effect a division or award of property as is provided by (SECTIONS) section 518.58 (AND 518.59), the court may order (ANY SUCH) property sold or partitioned. Personal property may be ordered sold in (SUCH) the manner (AS SHALL BE) directed by the court, and real estate may be partitioned in the manner provided by Minnesota Statutes 1949, Chapter 558 (, INSOFAR AS THE SAME IS APPLICABLE).

Sec. 64. (a) Sections 1 to 66 apply to all proceedings commenced after December 31, 1978.

(b) Notwithstanding section 645.35, sections 1 to 66 apply to all pending actions and proceedings commenced prior to January 1, 1979 with respect to issues on which a judgment has not been entered. Pending actions for dissolution or separation are deemed to have been commenced on the basis of irretrievable breakdown. Evidence adduced after December 31, 1978 shall be in compliance with sections 1 to 66.

(c) Notwithstanding section 645.35, sections 1 to 66 apply to all proceedings commenced after December 31, 1978 for the modification of a judgment or order entered prior to January 1, 1979.

(d) In any action or proceeding in which an appeal was pending or a new trial was ordered prior to January 1, 1979, the law in effect at the time of the order sustaining the appeal of the new trial governs the appeal, the new trial, and any subsequent trial or appeal.

Sec. 65. [INSTRUCTIONS TO REVISOR.] Whenever the term "alimony" appears in the next or subsequent editions of Minnesota Statutes, the revisor of statutes is directed to substitute "maintenance" or an equivalent term.

*Whenever the term "separate maintenance" appears in the next or subsequent editions of Minnesota Statutes, the revisor is directed to substitute "legal separation".*

Sec. 66. [REPEALER.] *Minnesota Statutes 1976, Sections 518.06, Subdivision 2; 518.15; 518.29; 518.59; and 518.67, are repealed.*

Sec. 67. [EFFECTIVE DATE.] *This act is effective January 1, 1979."*

With the recommendation that when so amended the bill pass.

The report was adopted.

Sieben, H., from the Committee on Governmental Operations to which was referred:

H. F. No. 2402, A bill for an act relating to courts; judges of the district court; setting the number of judges for the second and fourth judicial districts; amending Minnesota Statutes, 1977 Supplement, Section 2.722, Subdivision 1.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes, 1977 Supplement, Section 43.42, is amended to read:

43.42 [INSURANCE BENEFITS; INTENT.] *Subdivision 1. It is the intent of sections 43.42 to 43.49 to provide certain state employees with basic life insurance, basic dental insurance, and basic health benefits coverage, including such basic health benefits coverage as the commissioner may make available from prepaid group practice plans, to be paid for by the state and to authorize an eligible state employee to enroll himself, and his dependents in such optional coverages as are made available therefor by the commissioner to be paid for by the employee through payroll deductions. Optional group coverages may include additional life insurance, auto insurance, disability insurance, dental insurance, legal insurance, homeowners insurance, and vision insurance.*

*Subd. 2. [JUDGES' INSURANCE COVERAGE.] Any county or county municipal judge in office prior to July 1, 1977 shall be eligible for basic life insurance at state expense and additional life insurance at the judge's expense, by payroll deduction, equal to the amount of life insurance coverage carried by him on June 30, 1977 under county policies, not to exceed the maximum group life coverage available under the state employees' contract effective on July 1, 1977.*



Sec. 2. Minnesota Statutes, 1977 Supplement, Section 43.43, Subdivision 2, is amended to read:

Subd. 2. "State employee" for the purpose of determining eligibility for the basic life insurance and basic health benefits coverage hereunder means:

(1) An employee in the classified service of the state civil service paid on a state payroll;

(2) An employee in the unclassified service of the state paid on a state payroll who is not excluded from any of the provisions of sections 43.42 to 43.49;

(3) A permanent employee of the legislature or a permanent employee of a permanent study or interim committee or commission;

(4) A judge of the supreme court or an officer or employee of such court; a judge of the district court, a judge of county court, a judge of county municipal court, a judge of probate court; *a district administrator; and the employees of the offices of the district administrators of the fifth and eighth judicial districts until July 1, 1979;*

(5) A salaried employee of the public employees retirement association;

(6) Full time military or civilian personnel in the unclassified service of the department of military affairs whose salary is paid from state funds;

(7) A salaried employee of the Minnesota historical society, whether paid from state funds or otherwise, who is not a member of the governing board;

(8) An employee of the regents of the University of Minnesota, who is a member of the academic staff with the rank of instructor, research fellow, or above, including a lecturer, serving on not less than 75 percent regular appointment;

(9) An employee of the regents of the University of Minnesota and a member of the civil service staff under the civil service plan, adopted by the university of Minnesota, who is employed on a monthly salaried appointment;

(10) An employee of the state university board or the state board for community colleges who is a member of the academic staff, who is employed for not less than a 75 percent time basis, and who is paid on a state salary payroll; or

(11) An employee of the state university board or the state board for community colleges who is either in the classified service or the unclassified service of the state civil service whose salary is paid from the university board of the state of Minnesota revenue fund, the university activity fund, or the community college activity fund. The required premium payment of such an employee is to be paid, however, from the fund from which the employee's salary is paid.

(12) A member of the state legislature.

(13) A seasonal employee of the waters, soils and minerals division of the state department of natural resources whose duties include the sampling, weighing or grading of iron ore, taconite, or other minerals; provided that the employee shall receive the benefits provided in sections 43.42 to 43.50, at no cost to the employee for the period in each calendar year when the employee is not working at his occupation, and the premiums therefor shall be paid from the same salary fund or account as the salary of the employee.

(14) A person employed in the state service as a pre-service trainee on a full time basis.

Sec. 3. Minnesota Statutes, 1977 Supplement, Section 484.62, is amended to read:

484.62 [COMPENSATION AND REPORTER.] When a retired judge undertakes such service, he shall be provided at the expense of the county in which he is performing the service with a reporter, selected by the retired judge, clerk, bailiff, if the judge deems a bailiff necessary, and a court room or hearing room for the purpose of holding court or hearings, to be paid for by the county in which the service is rendered and shall (BE PAID IN ADDITION TO HIS RETIREMENT COMPENSATION AND NOT AFFECTING THE AMOUNT THEREOF, THE SUM OF \$50 PER DIEM FOR SUCH ADDITIONAL SERVICE, TOGETHER WITH TRAVEL PAY IN THE SAME AMOUNT AND MANNER AS OTHER STATE EMPLOYEES AND HIS ACTUAL EXPENSES INCURRED IN THE SERVICE) *receive pay and expenses in the amount and manner provided by law for judges serving on the court to which the retired judge is assigned, less the amount of retirement pay which the judge is receiving;* said payment to be made in the same manner as the payment of salaries for judges of the district court, on certification by the chief judge of the judicial district or by the chief justice of the supreme court of the state of Minnesota. A deputy clerk may act as bailiff when called to do so for the purposes of this section.

Sec. 4. Minnesota Statutes, 1977 Supplement, Section 484.68, Subdivision 1, is amended to read:

484.68 [DISTRICT ADMINISTRATOR.] Subdivision 1. [APPOINTMENT.] (BY NOVEMBER 1, 1977,) The chief judge of the judicial district in each judicial district shall appoint a single district administrator, subject to the approval of the supreme court, with the advice of the judges of the judicial district.

The district administrator shall serve at the pleasure of a majority of the judges of the judicial district; *however, the district court administrator may be discharged only with the approval of the supreme court.*

*Administrators shall be compensated for travel and subsistence expenses in the same manner and amount as state employees; for membership dues in Minnesota associations for court administration; and registration fees, tuition, travel and subsistence for attending educational programs, attendance at which is approved by the chief judge of the district and the supreme court.*

*Each administrator claiming reimbursement for allowable expenses may file with the supreme court monthly and shall file not later than 90 days after the expenses are incurred, an itemized statement, verified by the administrator, of all expenses actually paid by him. All statements shall be audited by the supreme court and, if approved by the supreme court, shall be paid by the commissioner of finance from appropriations for this purpose.*

Sec. 5. Minnesota Statutes, 1977 Supplement, Section 484.68, Subdivision 2, is amended to read:

Subd. 2. [STAFF.] The district administrator shall (HAVE SUCH) *employ* deputies, assistants and staff as the (JUDGES OF THE JUDICIAL DISTRICT DEEM) *administrator deems necessary, subject to the approval of the chief judge, to perform the duties of the office.*

Sec. 6. Minnesota Statutes, 1977 Supplement, Section 484.68, Subdivision 6, is amended to read:

Subd. 6. [SALARY.] The salary of the district administrator shall be set by the state court administrator within the limits provided in section 15A.083, and shall be paid by the state. The salaries of the district administrators of the second and fourth judicial districts may be supplemented by the appropriate county board by an amount not to exceed \$10,000 per year. *If an administrator dies, the amount of his salary remaining unpaid for the month in which his death occurs shall be paid to his estate.*

Sec. 7. Minnesota Statutes, 1977 Supplement, Section 484.68, is amended by adding a subdivision to read:

*Subd. 7. [ACCUMULATED BENEFITS.] A clerk of district court who, without interruption of public service, is appointed a district administrator shall be given credit by the state of Minnesota for accumulated vacation time and sick leave while serving as a clerk of district court for which no compensation has been received.*

*Credit for accumulated vacation time and sick leave for which no compensation has been received shall be extended to the district administrators of the fifth judicial district and the eighth judicial district holding such office on the effective date of this act. These two administrators may elect to retain their membership in the public employees retirement association.*

Sec. 8. Minnesota Statutes, 1977 Supplement, Section 484.68, is amended by adding a subdivision to read:

*Subd. 8. A member of the public employees retirement association appointed as district administrator pursuant to chapter 484, shall remain a member of such fund unless the member elects, within six months of the appointment, to be covered by the Minnesota state retirement system.*

Sec. 9. Minnesota Statutes, 1977 Supplement, Section 484.69, Subdivision 3, is amended to read:

*Subd. 3. [ADMINISTRATIVE AUTHORITY.] In each judicial district, the chief judge, subject to the authority of the chief justice, shall exercise general administrative authority over the courts within the judicial (DISTRICT) districts, including but not limited to exercise of the authority of the courts granted by section 260.311, any programs or projects of the court and the day-to-day operation of such courts. The chief judge shall make assignments of judges to serve on the courts within the judicial district, and assignments may be made without the consent of the judges affected. The chief judge may assign any judge of any court within the judicial district to hear any matter in any court of the judicial district. When a judge of a court is assigned to another court he is vested with the powers of a judge of the court to which he is assigned. A judge may not be assigned to hear matters outside his judicial district pursuant to this subdivision.*

Sec. 10. Minnesota Statutes 1976, Section 542.16, is amended to read:

**542.16 [AFFIDAVIT OF PREJUDICE.]** Any party, or his attorney, to a cause pending in a district court, on or before ten days prior to the first day of a general, or five days prior to

a special, term thereof, or, in any district having two or more judges, within one day after it is ascertained which judge is to preside at the trial or hearing thereof, or at the hearing of any motion, order to show cause, or argument on demurrer, may make and file with the clerk of the court in which the action is pending and serve on the opposite party an affidavit stating that, on account of prejudice or bias on the part of such judge, he has good reason to believe, and does believe, that he cannot have a fair trial or hearing thereof, and thereupon (SUCH JUDGE) *the chief judge of the judicial district* shall forthwith, without any further act or proof, secure some other judge of the same or another district to preside at the trial of such cause or the hearing of the motion, demurrer, or order to show cause, and shall continue the cause on the calendar, until such judge can be present. In criminal actions such affidavit shall be made and filed with such clerk by the defendant, or his attorney, not less than two days before the expiration of the time allowed him by law to prepare for trial and in any of such cases such presiding judge shall be incapacitated to try such cause. In criminal cases, such judge, for the purpose of securing a speedy trial, may in his discretion change the place of trial to another county.

Sec. 11. Minnesota Statutes 1976, Section 648.39, Subdivision 1, is amended to read:

648.39 [MINNESOTA STATUTES AND SESSION LAWS; SALE AND DISTRIBUTION.] Subdivision 1. To the extent that appropriations are available therefor, the revisor of statutes shall distribute each edition of Minnesota Statutes and each edition of the session laws as follows:

30 copies to the supreme court;

1 copy to each judge of a district, *county, municipal and probate* court;

1 copy to the clerk of each district court for use in each courtroom of the district court of his county;

*1 copy to each district administrator appointed pursuant to section 484.68, subdivision 1;*

100 copies to the state law library;

100 copies to the law school of the University of Minnesota;

35 copies to the office of the attorney general;

Such copies as may be necessary but not exceeding ten each to the governor's office, the departments of administration, agriculture, commerce, corrections, education, health, transportation,

labor and industry, employment services, natural resources, public safety, public service, public welfare, and revenue, and the pollution control agency;

1 copy each to the state departments, agencies, boards, and commissions that may request a copy;

1 copy to each member of the legislature;

The necessary number of copies required for the use of the senate and the house of representatives;

4 copies to the secretary of the senate;

4 copies to the chief clerk of the house of representatives;

1 copy to each judge, district attorney, clerk of court of the United States and the deputy clerk of each division of the United States district court in this state, the secretary of state of the United States, the library of congress, and the Minnesota historical society.”.

Further delete the title in its entirety and insert:

“A bill for an act relating to courts; providing for judges’ insurance; establishing pay of retired judges; providing for payment of expenses for court administrators; providing for selection of judge upon affidavit of prejudice; making other changes; appropriating money; amending Minnesota Statutes 1976, Sections 542.16 and 648.39, Subdivision 1; and Minnesota Statutes, 1977 Supplement, Sections 43.42; 43.43, Subdivision 2; 484.62; 484.68, Subdivisions 1, 2, 6, and by adding subdivisions; and 484.69, Subdivision 3.”.

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Swanson from the Committee on Health and Welfare to which was referred:

H. F. No. 1951, A bill for an act relating to public welfare; child care services; defining a sliding schedule fee payment plan for child care; appropriating money; amending Minnesota Statutes 1976, Section 245.84, Subdivision 2.

Reported the same back with the following amendments:

Page 1, line 11, after “Subd. 2.” insert “*Within the limit of appropriations available*”.

Page 2, line 28, delete "this".

Page 2, line 29, delete "act" and insert "section 1".

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Swanson from the Committee on Health and Welfare to which was referred:

H. F. No. 2033, A bill for an act relating to health and welfare; Title XX funds for social services; establishing a formula for allocating Title XX funds to counties.

Reported the same back with the following amendments:

Page 1, delete lines 17 to 22.

Page 2, delete lines 1 to 11 and insert:

"(a) Fifty percent shall be allocated on the basis of the average number of persons in each county who are recipients of one of the following aid to families with dependent children, medical assistance, supplementary security income or nonpublic assistance food stamps.

(b) Fifty percent shall be allocated on the basis of the number of persons residing in the county in calendar year 1975 as determined by the state demographer."

Page 2, line 12, delete "The Title XX funds allocated to the counties shall".

Page 2, line 13, delete "be multiplied by the ratio for each county."

Page 3, after line 2, insert a new subdivision to read:

"Subd. 4. There is appropriated from the general fund to the commissioner of public welfare the sum of \$650,000 for the purposes of this act."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Swanson from the Committee on Health and Welfare to which was referred:

H. F. No. 2238, A bill for an act relating to public welfare; adjusting eligibility requirements for medical assistance benefits; authorizing the commissioner of public welfare to seek a waiver from federal regulations; amending Minnesota Statutes 1976, Sections 256.935, Subdivision 2; 256B.07; and Minnesota Statutes, 1977 Supplement, Section 256B.06, Subdivision 1.

Reported the same back with the following amendments:

Page 1, delete all of section 1.

Renumber the remaining sections.

Page 2, line 30, delete "\$3,000" and insert "\$1,500".

Page 2, line 31, after the stricken "\$1,000" insert "\$3,000" and reinstate the remainder of the stricken language.

Page 2, line 32, reinstate the stricken language and delete "\$15,000".

Page 4, after line 29, insert a new section to read:

*"Sec. 3. The commissioner shall report to the legislature no later than January 15, 1979 the actual costs of this act."*

Further, amend the title as follows:

Page 1, line 6, delete "Sections 256.935,".

Page 1, line 7, delete "Subdivision 2;" and insert "Section".

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Swanson from the Committee on Health and Welfare to which was referred:

S. F. No. 861, A bill for an act relating to public welfare; providing for allocation of fees collected by community mental health programs.

Reported the same back with the following amendments:

Page 1, line 18, after "behalf" insert "pursuant to Minnesota Statutes, Section 62A.152".



With the recommendation that when so amended the bill pass.

The report was adopted.

Berg from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 2248, A bill for an act relating to municipal police and fire civil service commissions; requiring that commissioners be appointed by city councils; limiting the commission's power to prescribe employment requirements; amending Minnesota Statutes 1976, Sections 419.02; 419.05; 419.06; 420.06; and 420.07.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1976, Section 419.02, is amended to read:

419.02 [MEMBERSHIP; JOINT POLICE AND FIRE COMMISSION.] Subdivision 1. This commission shall consist of three members who are citizens of the state and residents of such city, and shall be appointed by the (MAYOR OF THE CITY AND THE APPOINTMENT OF EACH COMMISSIONER, TO BE CONFIRMED BY A MAJORITY OF THE GOVERNING BODY THEREOF) *council of the city*, and when first created one commissioner shall be appointed for the term of one year, who shall be president of the commission, one for the term of two years, and one for the term of three years, and all commissioners shall hold their office until their successors are appointed and qualified. No commissioner shall, at the time of his appointment or while serving, hold any other office or employment under the city, the United States, the state of Minnesota, or any public corporation or political division thereof, other than the office of notary public or member of a civil service commission for firemen or other municipal personnel. Each commissioner, before entering upon his duties, shall subscribe and file with the city clerk an oath for the faithful discharge of his duties. There shall be appointed each year thereafter by the (MAYOR) *city council* one member of the commission whose term of office shall be for three years, and each member of the commission shall be president of the commission during the last year of the term for which he is appointed.

Subd. 2. In any city establishing or having a firemen's civil service commission, the (GOVERNING BODY) *city council* may, in the ordinance establishing the police or firemen's civil service commission or in a later ordinance adopted in the same manner, provide that a single commission shall serve as both police and firemen's civil service commissions. The joint commission shall

consist of three members appointed in the same manner, for the same terms, and with the same qualifications as a police civil service commission under sections 419.01 to 419.18. When existing police and firemen's civil service commissions are combined, all the members of the two commissions shall become the members of the combined commission and shall continue to serve as members of the new commission for the remainder of the terms for which they were originally appointed. No successor shall be appointed for the members whose terms are the first, third, and fifth of the six to end, but at the end of every other term, one member shall be appointed for a three-year term, thus reducing the commission membership to five by the end of the first year, four by the end of the second year, and three by the end of the third year.

Sec. 2. Minnesota Statutes 1976, Section 419.05, is amended to read:

419.05 [DUTIES OF COMMISSION.] The commission shall have absolute control and supervision over the employment, promotion, discharge, and suspension of all officers and employees of the police department of such city and these powers shall extend to and include all members of the police department. *The commission may not, however, prescribe any residency requirements for the positions under its control, unless approved by the city council.*

The commission shall, immediately after its appointment and organization, grade and classify all of the employees of the police department of the city and a service register shall be prepared for the purpose, in which shall be entered, in their classes, the names, ages, compensation, period of past employment and such other facts and data with reference to each employee as the commission may deem useful.

The commission shall keep a second register to be known as the application register in which shall be entered the names and addresses, in the order of the date of application, of all applicants for examination and the offices or employments they seek. All applications shall be upon forms prescribed by the commission and contain such data and information as the commission deems necessary and useful.

Sec. 3. Minnesota Statutes 1976, Section 420.06, is amended to read:

420.06 [POWERS AND DUTIES.] The commission shall have absolute control and supervision over the employment, promotion, discharge, and suspension of all officers and employees of the fire department of such city and these powers shall extend to and include the chief and assistant chief of such, and all inspectors, fire-wardens, electricians, engineers, auto mechanics, clerks, and other persons exclusively engaged in the

fire prevention and protection service in the city. *The commission may not, however, prescribe any residency requirements for the positions under its control, unless approved by the city council.*

The commission shall immediately after its appointment and organization grade and classify all of these employees of the fire department of the city and a service register shall be prepared for the purpose, in which shall be entered, in their classes, the names, ages, compensation, period of past employment, and such other facts and data with reference to each employee as the commission may deem useful.

The commission shall keep a second register to be known as the application register in which shall be entered the names and addresses in the order of the date of application of all applicants for examination and the offices or employments they seek. All applications shall be upon forms prescribed by the commission and contain such data and information as the commission shall deem necessary and useful.”.

Further, amend the title as follows:

Page 1, line 7, delete “419.06;” and insert “and”.

Page 1, line 7, delete “; and”.

Page 1, line 8, delete “420.07”.

With the recommendation that when so amended the bill pass.

The report was adopted.

Berg from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 2512, A bill for an act relating to solid and hazardous wastes and toxic substances; providing for technology assessments and related research directed to certain goals; requiring studies and reports by the state planning agency, the pollution control agency, and the energy agency; establishing a temporary state solid and hazardous waste advisory task force; appropriating money.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert:

“Section 1. [PURPOSES; OBJECTIVES.] It is the goal of sections 1 to 6 to assemble the information necessary to identify, evaluate, and select among alternative policies, programs,

technologies, institutional arrangements, and proposals designed to further the following purposes:

- (a) Reduction in the volumes of solid and hazardous wastes generated in the state;
- (b) Separation and recovery or pretreatment of solid and hazardous wastes at their point of generation;
- (c) Recovery of materials and energy from solid and hazardous wastes;
- (d) Coordination of decisions on the production of energy from solid and hazardous wastes with decisions on the production of energy from coal and from other recoverable residual materials such as sewage sludge and agricultural and timber residues; and
- (e) Reduction in needless dependence on land disposal of solid and hazardous wastes.

The research under sections 1 to 6 shall be directed to help:

- (i) Identify the most important unrealized potentials for accomplishing these purposes;
- (ii) Identify the most important constraints or barriers which are preventing the fuller realization of these potentials and which are amenable to government manipulation;
- (iii) Identify, evaluate, and make recommendations on the costs, benefits, and priority of alternative government actions in the state to overcome the constraints and more fully realize the potentials and thereby to further the purposes.

Sec. 2. [GENERAL PROVISIONS.] Subdivision 1. [STATE PLANNING AGENCY; ADMINISTRATION; RELATED RESEARCH.] The director of the state planning agency shall be responsible for the preparation of the research design and coordinated work program under subdivision 3 and for research studies and reports undertaken by the agency or by interagency agreement pursuant thereto. The planning agency may contract with the pollution control agency or other appropriate state agencies for the performance of parts of the studies assigned by section 4, subdivision 3, and section 5, subdivision 2, subject to the approval of the executive committee as provided in subdivision 2 of this section. The planning agency shall summarize, and if and where possible evaluate, laws, programs, and practices in other states relating to solid and hazardous waste and toxic substances. The agency, in cooperation with other units and agencies of government, shall identify available federal funding for research contemplated by sections 1 to 6. The agency

shall evaluate the law and government procedures, practices, and responsibilities for planning, locating, reviewing, and regulating solid and hazardous waste disposal and processing facilities and sites and for ensuring public education and involvement in such matters. The agency shall assess local and regional solid and hazardous waste plans and the relationship and coordination of such plans with the goals expressed in section 1 and shall study and recommend means of coordinating federal, state, and local laws and regulations, programs, program administration, and funding relating to solid and hazardous waste and toxic substances.

Subd. 2. [ADVISORY TASK FORCE.] A solid and hazardous waste advisory task force shall be established pursuant to this subdivision. The task force shall be established by April 15, 1978, and shall go out of existence by June 1, 1979, unless extended by legislative action.

The task force shall be composed of 23 members as follows:

(a) Fifteen members appointed by the governor as follows: (i) a representative of city governments from the twin cities metropolitan area and another from elsewhere in the state; (ii) a representative of county governments from the twin cities metropolitan area and another from elsewhere in the state; (iii) a representative of the private solid waste management industry from the twin cities metropolitan area and another from elsewhere in the state; (iv) a representative of the private recycling industry; (v) a representative of commercial and industrial generators of waste; (vi) a representative of the department of health; (vii) a member of the board of the pollution control agency; (viii) a citizen member of the environmental quality board; (ix) a member of the environmental education board; (x) a member of the metropolitan council; (xi) a member of a regional development commission; (xii) a member of the metropolitan waste control commission;

(b) Three members of the house of representatives appointed by the speaker;

(c) Three members of the senate appointed by the majority leader;

(d) The chairman of the legislative commission on Minnesota resources;

(e) The chairman of the joint science and technology subcommittee of the legislative coordinating commission, who shall be the chairman of the task force.

The task force shall assist and advise the director of the planning agency and the other agencies responsible for research

under sections 1 to 6 in designing the research program and projects, review the research in progress, review and comment on the reports, and encourage and facilitate contribution and participation by interested individuals and organizations in the state. The legislative members of the task force shall constitute the executive committee of the task force. The executive committee shall have authority to approve the research design and work program and any reassignment by the planning agency of parts of studies assigned by section 4, subdivision 3, and section 5, subdivision 2. The joint science and technology staff of the legislature shall serve as staff to the advisory task force.

Subd. 3. [WORK PROGRAM.] By May 15, 1978 the planning agency shall submit a coordinated research design and work program for projects under sections 1 to 6 for review by the task force. The research design and work program shall be prepared after consultation with the responsible agencies, the joint science and technology staff of the legislature, and the task force. The research design and work program shall be based upon and shall proceed from preliminary research studies by the joint science and technology staff, particularly studies relating to decision models for resource recovery facilities. The work program shall include provisions for review by the task force of work in progress and agency reports.

Sec. 3. [REPORTS; PURPOSE; GENERAL CONTENT.] The agencies responsible for research under sections 1 to 6 shall submit their research reports to the planning agency by January 1, 1979. By March 1, 1979, the planning agency shall present a report to the legislature on the results of research undertaken pursuant to sections 1 to 6. The report of the planning agency to the legislature shall include the research reports of the planning agency and the other agencies; a general assessment and evaluation of the research program; and recommendations on the continuation and extension of the planning, research, and analysis contemplated by sections 1 to 6. The reports may also recommend strategies; priorities; policies; changes in government structures, responsibilities, and procedures; program development; or other legislative actions related to the research contemplated by sections 1 to 6.

Sec. 4. [NONHAZARDOUS SOLID WASTE RESEARCH PROJECTS.] Subdivision 1. [ENERGY AGENCY.] The planning agency shall contract with the energy agency to perform research studies directed to:

(a) Produce recommendations for relating decisions in the metropolitan area on resource recovery facilities to decisions on coal conversion, co-generation, and district heating;

(b) Develop a model or method for relating decisions in the state on resource recovery facilities, the production of energy from sewage sludge and agricultural and timber residues, coal

conversion, co-generation, and district heating; determine the availability of data necessary to apply the model in standard metropolitan statistical areas of the state; and, if possible, test the model.

Subd. 2. [POLLUTION CONTROL AGENCY.] The planning agency shall contract with the pollution control agency to perform research studies directed to:

(a) Develop a profile of solid waste generation and disposal in the state in sufficient detail and reliability at least to identify the boundaries of existing waste sheds of sufficient volume and density to support resource recovery facilities;

(b) Assess the feasibility and effects of alternative methods for recovering and recycling resources from solid waste, including alternative separation and collection systems, coordinated marketing, satellite facilities and transfer stations, refuse derived fuel, ecofuel, and small resource recovery facilities;

(c) Identify land disposal sites of municipal solid waste which may threaten to contaminate groundwater or surface water and develop recommendations for a program to establish priorities for and estimates of the costs of the restoration of such sites or the abatement of such threats.

Subd. 3. [PLANNING AGENCY.] The planning agency shall perform research studies directed to:

(a) Develop and test a model or method for evaluating proposals for resource recovery facilities and alternatives thereto, incorporating at least the following factors: (i) identification, analysis, and control of markets for any products recovered from waste; (ii) identification and control of the waste necessary for economic operation; (iii) identification of risks, reduction of risks, and explicit assignment of risks, financial responsibility, and liability; (iv) facility location and capacity; (v) alternative technologies; (vi) environmental impact; (vii) capital and operating costs; (viii) financing alternatives and alternative allocations of costs among users and the general public; (ix) legal and institutional requirements; (x) effects on collection and disposal practices and costs;

(b) Produce recommendations on the nature and purposes of any state program of encouragement or assistance to resource recovery facilities;

(c) Produce recommendations for encouraging or requiring state and local government and regional agencies to reduce the amount of solid waste they generate and, wherever markets exist or may be developed, to separate and recover more recyclable waste at the point of generation;

(d) Produce recommendations for encouraging or requiring specific changes in the materials procurement practices and policies of state and local government and regional agencies which will serve to develop and ensure government markets in the state for recovered waste materials;

(e) Produce recommendations for further research on markets and the development of markets for recovered materials;

(f) Produce recommendations for further research on methods to reduce the volumes of solid waste generated, by encouraging reuse of products, reductions in material and energy used in products, increases in product lifetimes, and decreases in product consumption.

Sec. 5. [HAZARDOUS WASTES RESEARCH PROJECTS.] Subdivision 1. [POLLUTION CONTROL AGENCY.] The planning agency shall contract with the pollution control agency to perform research studies directed to:

(a) Assess access to and cost of disposal and treatment processes at hazardous waste facilities located within and outside the state;

(b) Identify alternative methods and processes for reducing the generation of hazardous wastes, for separating and recovering or pretreating categories of hazardous wastes at the point of generation and for separating and recovering, treating, or disposing of categories of hazardous wastes at facilities separated from the point of generation;

(c) Identify hazardous waste land disposal sites which may threaten to contaminate groundwater or surface water and develop recommendations for a program to establish priorities for and estimates of the costs of the restoration of such sites or the abatement of such threats;

(d) Produce recommendations for implementing and enforcing the proposed hazardous waste regulations, including: (i) guidelines for evaluating the role and performance of state, regional, and local agencies in implementing and enforcing the regulations and analyzing data; (ii) education, training, and technical assistance programs for generators of hazardous waste and for regulatory and enforcement officials; (iii) improvements in technical resources and procedures for data analysis;

(e) Summarize available information on the generation, processing, and disposal of hazardous waste; evaluate the appropriateness and adequacy of the information to the purposes of section 1; and recommend any necessary data gathering devices supplementary to the proposed regulations.



Subd. 2. [PLANNING AGENCY.] The planning agency shall perform research studies directed to:

(a) Assess the effect of existing and proposed federal and state law and regulations affecting the treatment and disposal of hazardous wastes and toxic substances on: (i) the volume and types of hazardous waste and waste sludges generated in the state; (ii) the economic feasibility and use of practices and processes by generators to reduce the generation of hazardous waste and to separate and recover or pretreat the waste at the point of generation; and (iii) the control of toxic substances;

(b) Assess the need for and means of developing hazardous waste treatment, processing, and disposal schemes and capabilities within the state, based on goals relating at least to the following: (i) technical feasibility; (ii) alternative technologies; (iii) anticipation of future technical developments; (iv) capital and operating costs and allocation thereof; (v) availability of similar facilities outside the state; (vi) volume and properties of the waste; (vii) reclamation and reuse of materials and energy in the waste; (viii) environmental impact; (ix) siting and land use; (x) public education and participation; (xi) operation and ownership; (xii) liability and long term care; (xiii) encouragement of generators and private processors to reduce the volumes of hazardous waste generated and to separate and recover or pretreat the waste at the point of generation; and (xiv) transportation costs and safety;

(c) Produce recommendations on methods and institutional arrangements by which this state and surrounding states may develop the capacity to plan for and manage hazardous waste control problems cooperatively and share reciprocally the burdens of treatment and disposal of hazardous waste.

Sec. 6. [APPROPRIATIONS.] Subdivision 1. There is appropriated from the general fund to the state planning agency the sum of \$175,000 for expenditure pursuant to sections 1 to 6. Of this amount, \$25,000 shall be available to the energy agency; \$50,000 shall be available to the pollution control agency; and \$100,000 shall be available to the state planning agency for general administration and research or research contracts.

Subd. 2. There is appropriated from the general fund to the legislative coordinating commission the sum of \$25,000 for expenditure by the joint science and technology project pursuant to section 2 for staff and consultant services for preparation of preliminary research studies and research design and to secure expertise in advanced technology in resource recovery, hazardous waste, and toxic substances necessary to advise the task force and the agencies.

Subd. 3. The appropriations in this section shall be available until June 30, 1979. The complements of the following agencies are increased by the number of positions listed below. The positions are in the unclassified service and their continuation is contingent upon the availability of money from this appropriation.

state planning—3

pollution control—2

energy—1

Sec. 7. [HAZARDOUS WASTE FACILITY.] Site selection, design, acquisition, and construction for any hazardous waste facility by the metropolitan waste control commission under the authority of section 473.516 or under a federal environmental protection agency demonstration grant to the pollution control agency shall not proceed further except after completion of the reports on hazardous wastes required by this act, in conformance with the purposes expressed in section 1 of this act, and after reevaluation of site selection criteria and associated environmental and design studies in light of the reports required and purposes expressed by this act.

Sec. 8. [EFFECTIVE DATE.] This act is effective on the day following final enactment.”.

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Environment and Natural Resources.

The report was adopted.

Berg from the Committee on Local and Urban Affairs to which was referred :

S. F. No. 1106, A bill for an act relating to solid waste disposal; authorizing counties to prohibit transportation of solid waste to other counties for disposal; authorizing counties to designate disposal sites for solid waste generated within their boundaries; amending Minnesota Statutes 1976, Section 400.04, by adding a subdivision.

Reported the same back with the following amendments :

Page 1, line 11, delete everything after “1.”.

Page 1, delete line 12.

Page 1, line 13, delete “Subd. 7. A county” and insert “Brown county”.

Page 1, line 19, after "*county*" insert "and provided that the designation be limited to a maximum period of five years".

Page 1, line 20, delete everything after "2."

Page 1, delete line 21 and insert "This act is effective only after the approval of the governing board of Brown county and upon compliance with Minnesota Statutes, Section 645.021."

Remove all underlining from the bill.

Further amend the title as follows:

Page 1, line 2, delete "solid waste disposal" and insert "Brown county".

Page 1, line 3, delete "counties" and insert "Brown county".

Page 1, line 5, delete "counties to designate" and insert "the designation of".

Page 1, line 6, delete "their" and insert "county".

Page 1, line 6, delete "; amending".

Page 1, delete lines 7 and 8 and insert a period.

With the recommendation that when so amended the bill pass.

The report was adopted.

Berg from the Committee on Local and Urban Affairs to which was referred:

S. F. No. 1603, A bill for an act relating to Washington county; authorizing the city of Stillwater, the town of Stillwater and Washington county to jointly exercise planning and land use control powers; applying the authorization retroactively.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

## SECOND READING OF HOUSE BILLS

H. F. Nos. 2445, 911, 2027 and 2248 were read for the second time.

## SECOND READING OF SENATE BILLS

S. F. Nos. 1943, 1194, 1229, 1830, 1547, 861, 1106 and 1603 were read for the second time.

INTRODUCTION AND FIRST READING  
OF HOUSE BILLS

The following House Files were introduced :

Ellingson, Sieben, H., and Jude introduced :

H. F. No. 2516, A bill for an act relating to certain commercial transactions; amending provisions of the uniform commercial code governing investment securities and related provisions; amending Minnesota Statutes 1976, Sections 336.1-201; 336.5-114; 336.8-102; 336.8-103; 336.8-104; 336.8-105; 336.8-106; 336.8-107; 336.8-201; 336.8-202; 336.8-203; 336.8-204; 336.8-205; 336.8-206; 336.8-207; 336.8-208; 336.8-301; 336.8-302; 336.8-303; 336.8-304; 336.8-305; 336.8-306; 336.8-307; 336.8-308; 336.8-309; 336.8-310; 336.8-311; 336.8-312; 336.8-313; 336.8-314; 336.8-315; 336.8-316; 336.8-317; 336.8-318; 336.8-319; 336.8-320; 336.8-401; 336.8-402; 336.8-403; 336.8-404; 336.8-405; 336.8-406; 336.9-103; 336.9-203; 336.9-302; 336.9-304; 336.9-305; 336.9-309; 336.9-312; and Chapter 336, by adding sections; Minnesota Statutes, 1977 Supplement, Section 336.9-105.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Moe, Casserly and McCarron introduced :

H. F. No. 2517, A bill for an act relating to peace officers; setting forth criteria for the use of deadly force by peace officers; amending Minnesota Statutes 1976, Sections 609.065; 629.33; and Chapter 609, by adding a section.

The bill was read for the first time and referred to the Committee on Criminal Justice.

Wynia, Cohen, Zubay, Berglin and Faricy introduced :

H. F. No. 2518, A bill for an act relating to courts; concerning the expungement of judicial commitment proceedings.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Beauchamp, Reding, Wieser, Lehto and Sherwood introduced:

H. F. No. 2519, A bill for an act relating to privacy; prohibiting the exchange of data on individuals between agencies or political subdivisions and certain international organizations; amending Minnesota Statutes 1976, Chapter 15, by adding a section.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Patton and Beauchamp introduced:

H. F. No. 2520, A bill for an act relating to retirement; granting an election as to coverage to a certain member of the public employees retirement association.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Kroening introduced:

H. F. No. 2521, A bill for an act relating to taxation; property tax; providing for assessment of certain housing projects; amending Minnesota Statutes 1976, Section 273.13, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Taxes.

Jude, Jensen, Neisen, Fudro and Lemke introduced:

H. F. No. 2522, A bill for an act relating to highway traffic regulation; requiring uniform traffic control devices; amending Minnesota Statutes 1976, Section 169.05; and Chapter 169, by adding a section.

The bill was read for the first time and referred to the Committee on Transportation.

Adams, Berg, Munger and Petrafeso introduced:

H. F. No. 2523, A bill for an act relating to motor vehicles; requiring mandatory annual inspection of motor vehicles; prescribing powers and duties of the commissioner of public safety and the pollution control agency; imposing fees for inspection; prescribing penalties; and appropriating money.

The bill was read for the first time and referred to the Committee on Transportation.

## HOUSE ADVISORIES

Pursuant to rule 5.3, the following House Advisories were introduced:

Welch; Sabo; Carlson, L.; Samuelson and Heinitz introduced:

H. A. No. 85, A proposal for the study of comprehensive health insurance for all Minnesota residents.

The advisory was referred to the Committee on Health and Welfare.

Welch, Swanson, Brinkman, Berkelman and Forsythe introduced:

H. A. No. 86, A proposal for the study of comprehensive health insurance for all Minnesota residents.

The advisory was referred to the Committee on Health and Welfare.

## 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. 1793, A bill for an act relating to Ramsey county; authorizing the county to issue general obligation bonds for the costs of construction of a county nursing home; amending Laws 1974, Chapter 435, by adding a section.

H. F. No. 1834, A bill for an act relating to labor; increasing fees for boiler inspection and engineers' licenses; amending Minnesota Statutes 1976, Sections 183.545, Subdivisions 1, 2, 3, and 4; and 183.57, Subdivision 2.

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. 1636, 1702 and 2183.

PATRICK E. FLAHAVEN, Secretary of the Senate

## FIRST READING OF SENATE BILLS

S. F. No. 1636, A bill for an act relating to education; allowing Independent School District No. 710 to transfer a surplus amount from its debt service fund to its capital expenditure fund.

The bill was read for the first time.

Fugina moved that S. F. No. 1636 and H. F. No. 2361, now on General Orders, be referred to the Chief Clerk for comparison.

The motion prevailed.

S. F. No. 1702, A bill for an act relating to education; school district pairing; permitting experimental pairing for certain independent school districts; amending Minnesota Statutes, 1977 Supplement, Section 122.85, Subdivision 1.

The bill was read for the first time and referred to the Committee on Education.

S. F. No. 2183, A bill for an act relating to the administration of justice; providing for compensation of assistant public defenders; amending Minnesota Statutes 1976, Section 611.24.

The bill was read for the first time and referred to the Committee on Governmental Operations.

## CONSENT CALENDAR

H. F. No. 2432 was reported to the House.

Sieben, M., moved to amend H. F. No. 2432, as follows:

Page 1, line 10, delete "county board" and insert "board of commissioners".

Page 1, delete lines 11 to 17 and insert: "may, upon enactment of the appropriate resolutions, assume the power to appoint probation officers sufficient to meet the needs of the county court, fix their salaries pursuant to the provisions of Minnesota Statutes, Section 260.311, Subdivision 5, and employ such other staff as deemed necessary to the efficient administration and delivery of probation services to the county court. The county board may delegate the powers assumed pursuant to this act to the corrections advisory board or any other administrative body established to administer and deliver correctional services."

Page 1, line 19, before "approval" insert "its".

Page 1, line 19, delete "county board" and insert "board of commissioners".

Page 1, lines 19 and 20, delete "in accordance" and insert "and compliance".

Page 1, line 20, after "645.021" insert "and expires two years after that date".

The motion prevailed and the amendment was adopted.

H. F. No. 2432, A bill for an act relating to Washington county; providing for the appointment and compensation of probation officers.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 118 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Cohen	Kaley	Neisen	Sherwood
Adams	Corbid	Kelly, R.	Nelsen, B.	Sieben, H.
Albrecht	Dean	Kelly, W.	Nelsen, M.	Sieben, M.
Anderson, B.	Den Ouden	Kempe, A.	Nelson	Simoneau
Anderson, D.	Eckstein	Kempe, R.	Niehaus	Skoglund
Anderson, G.	Eken	King	Norton	Smogard
Anderson, R.	Enebo	Knickerbocker	Novak	Spanish
Arlandson	Erickson	Kostohryz	Onnen	Stoa
Battaglia	Esau	Kroening	Osthoff	Suss
Beauchamp	Evans	Kvam	Patton	Swanson
Begich	Ewald	Laidig	Peterson	Tomlinson
Berg	Farcy	Langseth	Petrafeso	Voss
Berglin	Forsythe	Lehto	Pleasant	Waldorf
Berkelman	Friedrich	Lemke	Prahl	Welch
Biersdorf	Fugina	Mangan	Redalen	Wenstrom
Brandl	George	Mann	Reding	Wenzel
Braun	Hanson	McCarron	Rose	White
Brinkman	Heinitz	McCollar	Samuelson	Wieser
Byrne	Hokanson	McDonald	Sarna	Williamson
Carlson, A.	Jacobs	McEachern	Savelkoul	Wynia
Carlson, D.	Jaros	Metzen	Scheid	Zubay
Carlson, L.	Jensen	Moe	Schulz	Speaker Sabo
Clark	Johnson	Munger	Searle	
Clawson	Jude	Murphy	Searles	

The bill was passed, as amended, and its title agreed to.

S. F. No. 1951 was reported to the House.

There being no objection, S. F. No. 1951 was continued on the Consent Calendar for one day.

H. F. No. 2466, A bill for an act relating to privacy of data on individuals; definitions, determination and emergency classification; amending Minnesota Statutes, 1977 Supplement, Sections 15.162, Subdivision 2a; and 15.1642, Subdivisions 3 and 5; repeal-



ing Minnesota Statutes, 1977 Supplement, Section 15.1642, Sub-division 4.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Cohen	Johnson	Munger	Searle
Adams	Corbid	Jude	Neisen	Searles
Albrecht	Cummiskey	Kahn	Nelsen, B.	Sherwood
Anderson, B.	Dean	Kaley	Nelsen, M.	Sieben, H.
Anderson, D.	Den Ouden	Kalis	Nelson	Sieben, M.
Anderson, G.	Eckstein	Kelly, R.	Niehaus	Simoneau
Anderson, I.	Eken	Kelly, W.	Norton	Skoglund
Anderson, R.	Ellingson	Kempe, A.	Novak	Smogard
Arlandson	Enebo	Kempe, R.	Onnen	Spanish
Battaglia	Erickson	King	Osthoff	Stoa
Beauchamp	Esau	Knickerbocker	Patton	Suss
Begich	Evans	Kostohryz	Pehler	Swanson
Berg	Ewald	Kroening	Peterson	Tomlinson
Berglin	Faricy	Kvam	Petrafeso	Vanasek
Berkelman	Fjoslien	Laidig	Pleasant	Voss
Biersdorf	Forsythe	Langseth	Prahl	Waldorf
Birnstihl	Friedrich	Lehto	Redalen	Wenstrom
Brandl	Fugina	Lemke	Reding	Wenzel
Braun	George	Mangan	Rice	White
Brinkman	Gunter	Mann	Rose	Wieser
Byrne	Hanson	McCarron	St. Onge	Wigley
Carlson, A.	Heinitz	McCollar	Samuelson	Williamson
Carlson, D.	Hokanson	McDonald	Sarna	Wynia
Carlson, L.	Jacobs	McEachern	Savelkoul	Zubay
Clark	Jaros	Metzen	Scheid	Speaker Sabo
Clawson	Jensen	Moe	Schulz	

The bill was passed and its title agreed to.

S. F. No. 1955 was reported to the House.

There being no objection, S. F. No. 1955 was continued on Consent Calendar for one day.

S. F. No. 1699, A bill for an act relating to the town of Little Falls; allowing the town to contract for the lighting of town roads; allowing reimbursement for electrical service costs; providing for special assessments.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Cummiskey	Kahn	Neisen	Searles
Adams	Dean	Kaley	Nelsen, B.	Sherwood
Albrecht	Den Ouden	Kalis	Nelsen, M.	Sieben, H.
Anderson, B.	Eckstein	Kelly, R.	Nelson	Sieben, M.
Anderson, D.	Eken	Kelly, W.	Niehaus	Simoneau
Anderson, G.	Ellingson	Kempe, A.	Norton	Skoglund
Anderson, R.	Enebo	Kempe, R.	Novak	Smogard
Arlandson	Erickson	King	Onnen	Spanish
Battaglia	Esau	Knickerbocker	Osthoff	Stoa
Beauchamp	Evans	Kostohryz	Patton	Suss
Begich	Ewald	Kroening	Pehler	Swanson
Berg	Faricy	Kvam	Peterson	Tomlinson
Berkelman	Fjoslien	Laidig	Petrafaso	Vanasek
Biersdorf	Forsythe	Langseth	Pleasant	Voss
Birnstihl	Friedrich	Lehto	Prahl	Waldorf
Brandl	Fugina	Lemke	Redalen	Welch
Braun	George	Mangan	Reding	Wenstrom
Brinkman	Gunter	Mann	Rice	Wenzel
Byrne	Hanson	McCarron	Rose	White
Carlson, A.	Heinitz	McCollar	St. Onge	Wieser
Carlson, D.	Hokanson	McDonald	Samuelson	Wigley
Carlson, L.	Jacobs	McEachern	Sarna	Williamson
Clark	Jaros	Metzen	Savelkoul	Wynia
Clawson	Jensen	Moe	Scheid	Zubay
Cohen	Johnson	Munger	Schulz	Speaker Sabo
Corbid	Jude	Murphy	Searle	

The bill was passed and its title agreed to.

### SPECIAL ORDERS

H. F. No. 2274, A bill for an act relating to veterans; providing for appeals from removals and disciplinary actions; amending Minnesota Statutes 1976, Sections 43.24, Subdivision 1; and 197.481, Subdivision 1.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 121 yeas and 5 nays as follows:

Those who voted in the affirmative were:

Abeln	Birnstihl	Eken	Hanson	King
Adams	Braun	Ellingson	Heinitz	Knickerbocker
Albrecht	Brinkman	Enebo	Hokanson	Kostohryz
Anderson, B.	Byrne	Erickson	Jacobs	Kroening
Anderson, D.	Carlson, A.	Esau	Jaros	Kvam
Anderson, G.	Carlson, D.	Evans	Jensen	Laidig
Anderson, R.	Carlson, L.	Ewald	Johnson	Langseth
Arlandson	Clawson	Faricy	Jude	Lehto
Battaglia	Cohen	Fjoslien	Kaley	Lemke
Beauchamp	Corbid	Friedrich	Kalis	Mangan
Begich	Cummiskey	Fudro	Kelly, R.	Mann
Berg	Dean	Fugina	Kelly, W.	McCarron
Berkelman	Den Ouden	George	Kempe, A.	McCollar
Biersdorf	Eckstein	Gunter	Kempe, R.	McDonald

McEachern	Patton	Sarna	Spanish	White
Munger	Peterson	Scheid	Stoa	Wieser
Murphy	Petrafeso	Schulz	Suss	Wigley
Neisen	Pleasant	Searle	Swanson	Williamson
Nelsen, B.	Prahl	Searles	Tomlinson	Wynia
Nelsen, M.	Redalen	Sherwood	Vanasek	Zubay
Niehaus	Reding	Sieben, H.	Voss	Speaker Sabo
Norton	Rice	Sieben, M.	Waldorf	
Novak	Rose	Simoneau	Welch	
Onnen	St. Onge	Skoglund	Wenstrom	
Osthoff	Samuelson	Smogard	Wenzel	

Those who voted in the negative were:

Berglin	Brandl	Clark	Kahn	Nelson
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The bill was passed and its title agreed to.

H. F. No. 1411, A bill for an act relating to health; increasing public availability of articles relating to the prevention of conception or disease; amending Minnesota Statutes 1976, Chapter 145, by adding a section; repealing Minnesota Statutes 1976, Section 617.251.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 56 yeas and 73 nays as follows:

Those who voted in the affirmative were:

Abeln	Carlson, L.	George	Moe	Stanton
Anderson, B.	Casserly	Hanson	Munger	Stoa
Anderson, G.	Clark	Heinitz	Nelson	Swanson
Arlandson	Clawson	Jaros	Norton	Tomlinson
Beauchamp	Cohen	Jensen	Novak	Voss
Berg	Corbid	Kahn	Osthoff	Williamson
Berglin	Cummiskey	King	Petrafeso	Wynia
Berkelman	Dean	Laidig	Pleasant	Speaker Sabo
Brandl	Ellingson	Langseth	Scheid	
Braun	Enebo	Lehto	Sieben, M.	
Byrne	Faricy	Mangan	Simoneau	
Carlson, A.	Forsythe	McCarron	Skoglund	

Those who voted in the negative were:

Adams	Eken	Kalis	McEachern	Reding
Albrecht	Erickson	Kelly, R.	Metzen	Rose
Anderson, D.	Esau	Kelly, W.	Murphy	St. Onge
Anderson, I.	Evans	Kempe, A.	Neisen	Samuelson
Anderson, R.	Kempe, R.	Knickerbocker	Nelsen, B.	Sarna
Battaglia	Fjoslien	Kostohryz	Nelsen, M.	Savelkoul
Begich	Friedrich	Kroening	Niehaus	Schulz
Biersdorf	Fudro	Kvam	Onnen	Searle
Birnstihl	Fugina	Lemke	Patton	Searles
Brinkman	Hokanson	Mann	Pehler	Sherwood
Carlson, D.	Johnson	McCollar	Peterson	Smogard
Den Ouden	Jude	McDonald	Prahl	Spanish
Eckstein	Kaley		Redalen	Vanasek

Waldorf	Wenstrom	White	Wigley	Zubay
Welch	Wenzel	Wieser		

The bill was not passed.

George was excused for the remainder of today's session.

H. F. No. 1605, A bill for an act relating to motor vehicles, registration dates, display of plates or insignia; amending Minnesota Statutes 1976, Sections 168.09, Subdivisions 2 and 3; and 168.31, Subdivision 1.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Corbid	Jude	Neisen	Searles
Adams	Cummiskey	Kahn	Nelsen, B.	Sherwood
Albrecht	Dean	Kaley	Nelsen, M.	Sieben, H.
Anderson, B.	Den Ouden	Kalis	Nelson	Sieben, M.
Anderson, D.	Eckstein	Kelly, R.	Niehaus	Simoneau
Anderson, G.	Eken	Kelly, W.	Norton	Skoglund
Anderson, I.	Ellingson	Kempe, A.	Novak	Smogard
Anderson, R.	Enebo	Kempe, R.	Onnen	Spanish
Arlandson	Erickson	King	Osthoff	Stanton
Battaglia	Esau	Knickerbocker	Patton	Stoa
Begich	Evans	Kostohryz	Pehler	Suss
Berg	Ewald	Kroening	Peterson	Swanson
Berglin	Faricy	Kvam	Petrafeso	Tomlinson
Berkelman	Fjoslien	Laidig	Pleasant	Vanasek
Birnstihl	Forsythe	Langseth	Prahl	Voss
Brandl	Friedrich	Lehto	Redalen	Waldorf
Braun	Fudro	Lemke	Reding	Welch
Brinkman	Fugina	Mangan	Rice	Wenstrom
Byrne	Gunter	Mann	Rose	Wenzel
Carlson, A.	Hanson	McCarron	St. Onge	White
Carlson, D.	Heinitz	McCollar	Samuelson	Wieser
Carlson, L.	Hokanson	McDonald	Sarna	Wigley
Casserly	Jacobs	McEachern	Savelkoul	Williamson
Clark	Jaros	Metzen	Scheid	Wynia
Clawson	Jensen	Munger	Schulz	Zubay
Cohen	Johnson	Murphy	Searle	Speaker Sabo

The bill was passed and its title agreed to.

H. F. No. 1009, A bill for an act relating to economic development; changing certain requirements for loan eligibility through the Minnesota area redevelopment administration; amending Minnesota Statutes 1976, Section 472.11, by adding subdivisions.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Cohen	Kahn	Nelsen, B.	Sieben, M.
Adams	Corbid	Kaley	Nelsen, M.	Simoneau
Albrecht	Cummiskey	Kalis	Nelson	Skoglund
Anderson, B.	Dean	Kelly, R.	Niehaus	Smogard
Anderson, D.	Den Ouden	Kelly, W.	Norton	Spanish
Anderson, G.	Eckstein	Kempe, A.	Novak	Stanton
Anderson, I.	Eken	Kempe, R.	Onnen	Stoa
Anderson, R.	Enebo	King	Osthoff	Suss
Arlandson	Erickson	Knickerbocker	Patton	Swanson
Battaglia	Esau	Kostohryz	Pehler	Tomlinson
Beauchamp	Evans	Kroening	Peterson	Vanasek
Begich	Ewald	Kvam	Petrafaso	Voss
Berg	Faricy	Laidig	Pleasant	Waldorf
Berglin	Fjoslien	Langseth	Prahl	Welch
Berkelman	Forsythe	Lehto	Redalen	Wenstrom
Biersdorf	Friedrich	Lemke	Reding	Wenzel
Birnstihl	Fudro	Mangan	Rose	White
Brandl	Fugina	Mann	St. Onge	Wieser
Braun	Gunter	McCarron	Samuelson	Wigley
Brinkman	Hanson	McCollar	Sarna	Williamson
Byrne	Heinitz	McDonald	Savelkoul	Wynia
Carlson, A.	Hokanson	McEachern	Scheid	Zubay
Carlson, D.	Jacobs	Metzen	Schulz	Speaker Sabo
Carlson, L.	Jaros	Moe	Searle	
Casserly	Jensen	Munger	Searles	
Clark	Johnson	Murphy	Sherwood	
Clawson	Jude	Neisen	Sieben, H.	

The bill was passed and its title agreed to.

Sieben, H., was excused for the remainder of today's session.

H. F. No. 1994 was reported to the House.

Simoneau moved to amend H. F. No. 1994, as follows:

Page 6, lines 2 and 3, delete section 5 and renumber the following section accordingly.

Further amend the title, lines 11 and 12, strike “; repealing Minnesota Statutes 1976, Section 60A.13, Subdivisions 3 and 4”.

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll was called. There were 36 yeas and 68 nays as follows:

Those who voted in the affirmative were:

Anderson, I.	Birnstihl	Byrne	Fugina	Jude
Battaglia	Braun	Cohen	Gunter	Kempe, R.
Begich	Brinkman	Cummiskey	Jensen	Lemke

Mangan	Neisen	Samuelson	Stoa	Speaker Sabo
Mann	Nelsen, M.	Sarna	Suss	
McEachern	Novak	Simoneau	Vanasek	
Metzen	Osthoff	Smogard	Wenstrom	
Munger	Rose	Spanish	Wenzel	

Those who voted in the negative were:

Abeln	Corbid	Hanson	McCollar	Searle
Adams	Dean	Heinitz	Moe	Searles
Albrecht	Den Ouden	Jacobs	Nelsen, B.	Sieben, M.
Anderson, D.	Eken	Kaley	Niehaus	Stanton
Anderson, G.	Ellingson	Kelly, R.	Norton	Tomlinson
Anderson, R.	Erickson	Kelly, W.	Onnen	Voss
Arlandson	Esau	Kempe, A.	Patton	Waldorf
Beauchamp	Evans	King	Pehler	White
Biersdorf	Ewald	Knickerbocker	Peterson	Wigley
Brandl	Faricy	Kostohryz	Pleasant	Williamson
Carlson, D.	Fjoslien	Kroening	Rice	Wynia
Carlson, L.	Forsythe	Kvam	St. Onge	Zubay
Casserly	Friedrich	Laidig	Savelkoul	
Clawson	Fudro	Lehto	Schulz	

The motion did not prevail and the amendment was not adopted.

Stanton moved to amend H. F. No. 1994, as follows:

Page 6, after line 3, insert the following:

"Sec. 6. Minnesota Statutes 1976, Section 62A.151, is amended to read:

62A.151 [HEALTH INSURANCE BENEFITS FOR EMOTIONALLY HANDICAPPED CHILDREN.] No policy or plan of health, medical, hospitalization or accident and sickness insurance regulated under this chapter, or nonprofit health service plan corporation regulated under chapter 62C, or health maintenance organization regulated under chapter 62D which provides coverage of or reimbursement for inpatient hospital and medical expenses shall be delivered, issued, executed or renewed in this state, or approved for issuance or renewal in this state by the commissioner of insurance, after July 1, 1975 unless the policy or plan includes and provides health service benefits to any subscriber or other person covered thereunder, on the same basis as other benefits, for the treatment of emotionally handicapped children in a residential treatment facility licensed by the commissioner of public welfare. *For purposes of this section, residential treatment facilities, licensed by another state shall be deemed to be licensed by the commissioner.* For purposes of this section "emotionally handicapped child" shall have the meaning set forth by the commissioner of public welfare in the rules and regulations relating to residential treatment facilities. The restrictions and requirements of this section shall not apply to any plan or policy which is individually underwritten or provided for a specific individual and the members of his family as

a nongroup policy. The mandatory coverage under this section shall be on the same basis as inpatient hospital medical coverage provided under the policy or plan.”

Renumber the following section.

Further amend the title as follows:

Line 10, delete “and”.

Line 11, after “2;” insert “and 62A.151;”.

The motion prevailed and the amendment was adopted.

H. F. No. 1994, A bill for an act relating to insurance; changing certain abstracting and publishing requirements for annual statements; exempting certain assessments from retaliatory provisions; clarifying application of certain benefit requirements for handicapped children under group hospital or medical expense insurance policies; amending Minnesota Statutes 1976, Sections 60A.13, Subdivision 7; 60A.14, Subdivision 1; 60A.19, Subdivision 6; 62A.14, Subdivision 2; and 62A.151; repealing Minnesota Statutes 1976, Section 60A.13, Subdivisions 3 and 4.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 113 yeas and 8 nays as follows:

Those who voted in the affirmative were:

Abeln	Cummiskey	Kahn	Murphy	Sherwood
Adams	Dean	Kaley	Nelsen, B.	Sieben, M.
Albrecht	Den Ouden	Kalis	Nelsen, M.	Skoglund
Anderson, B.	Eckstein	Kelly, R.	Nelson	Smogard
Anderson, D.	Eken	Kelly, W.	Norton	Spanish
Anderson, G.	Enebo	Kempe, A.	Novak	Stanton
Anderson, I.	Erickson	Kempe, R.	Onnen	Stoa
Anderson, R.	Esau	King	Osthoff	Suss
Arlandson	Evans	Knickerbocker	Patton	Swanson
Beauchamp	Ewald	Kostohryz	Pehler	Tomlinson
Berg	Faricy	Kroening	Peterson	Vanasek
Biersdorf	Fjoslien	Kvam	Petrafeso	Voss
Brandl	Forsythe	Laidig	Pleasant	Waldorf
Brinkman	Friedrich	Langseth	Prahl	Welch
Byrne	Fudro	Lehto	Redalen	Wenstrom
Carlson, A.	Gunter	Lemke	Rice	Wenzel
Carlson, D.	Hanson	Mangan	Rose	White
Carlson, L.	Heinitz	Mann	St. Onge	Wigley
Casserly	Jacobs	McCarron	Samuelson	Williamson
Clark	Jaros	McCollar	Savelkoul	Wynia
Clawson	Jensen	McDonald	Scheid	Zubay
Cohen	Johnson	McEachern	Searle	
Corbid	Jude	Munger	Searles	

Those who voted in the negative were:

Battaglia	Birnstihl	Neisen	Sarna	Simoneau
Begich	Fugina	Niehaus		

The bill was passed, as amended, and its title agreed to.

H. F. No. 2429 was reported to the House.

Pleasant moved to amend H. F. No. 2429, as follows:

Page 1, line 11, delete "Blue Earth or" and insert "Mankato and North Mankato and adjacent townships".

Page 1, line 12, delete "Nicollet counties".

The motion prevailed and the amendment was adopted.

H. F. No. 2429, A bill for an act relating to the cities of Mankato and North Mankato; prohibiting regulation of the rates of the public transit system by the public service commission.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 107 yeas and 12 nays as follows:

Those who voted in the affirmative were:

Abeln	Cohen	Jensen	Moe	Skoglund
Adams	Corbid	Jude	Munger	Smogard
Albrecht	Cummiskey	Kahn	Murphy	Spanish
Anderson, B.	Dean	Kaley	Neisen	Stanton
Anderson, I.	Den Ouden	Kalis	Nelsen, M.	Stoa
Arlandson	Eckstein	Kelly, R.	Niehaus	Suss
Battaglia	Eken	Kelly, W.	Onnen	Swanson
Beauchamp	Ellingson	Kempe, A.	Osthoff	Tomlinson
Begich	Enebo	Kempe, R.	Peterson	Voss
Berkelman	Esau	King	Redalen	Waldorf
Biersdorf	Evans	Knickerbocker	Reding	Welch
Birnstihl	Ewald	Kostohryz	Rice	Wenstrom
Brandl	Faricy	Kroening	Rose	Wenzel
Braun	Forsythe	Laidig	St. Onge	White
Brinkman	Fudro	Langseth	Samuelson	Wigley
Byrne	Fugina	Lehto	Scheid	Williamson
Carlson, A.	Gunter	Lemke	Schulz	Wynia
Carlson, D.	Hanson	Mangan	Searle	Zubay
Carlson, L.	Heinitz	Mann	Searles	Speaker Sabo
Casserly	Hokanson	McCarron	Sherwood	
Clark	Jacobs	McCollar	Sieben, M.	
Clawson	Jaros	Metzen	Simoneau	

Those who voted in the negative were:

Anderson, D.	Anderson, G.	Berg	Berglin	Erickson
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Fjoslien  
KvamNovak  
Patton

Pehler

Petrafeso

Pleasant

The bill was passed, as amended, and its title agreed to.

Berg and Pehler were excused at 4:45 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. After some time spent therein the Committee arose.

### REPORT OF COMMITTEE OF THE WHOLE

The Speaker resumed the Chair, whereupon the following proceedings of the Committee as kept by the Chief Clerk were reported to the House:

H. F. Nos. 1977, 499 and 1898 which it recommended to pass.

S. F. Nos. 1754 and 478 which it recommended to pass.

S. F. No. 1096 which it recommended progress.

H. F. No. 13 which it recommended progress until Friday, March 10, 1978 retaining its place on General Orders.

H. F. No. 1383 which it recommended progress until Tuesday, March 14, 1978 retaining its place on General Orders.

H. F. No. 1344 which it recommended progress until Tuesday, March 14, 1978 retaining its place on General Orders.

S. F. No. 1685 which it recommended re-referral to the Committee on Health and Welfare.

S. F. No. 1643 which it recommended to pass with the following amendments:

Offered by Sieben, M.:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1976, Section 177.23, Subdivision 7, is amended to read:

Subd. 7. "Employee" means any individual employed by an employer but shall not include

(1) any individual employed in agriculture on a farming unit or operation employing less than the equivalent of two full time workers and on any given day employing no more than four employees. For the purpose of this clause, equivalent of a full time worker means 40 weeks of employment in a calendar year;

(2) an individual who has not attained the age of 18 who is employed in agriculture on a farm *to perform services other than corn detasseling*;

(3) any individual employed as a counselor to work with programs and campers in an organized resident or day camp;

(4) any individual employed in a bona fide executive, administrative, or professional capacity, or a salesman who conducts no more than 20 percent of his sales on the premises of the employer, as such terms are defined and delimited by regulations of the department;

(5) any individual who renders service gratuitously for a nonprofit organization as such terms are defined by regulations of the department;

(6) any individual who serves as an elected official for a political subdivision or who serves on any governmental board, commission, committee or other similar body, or who renders service gratuitously for a political subdivision;

(7) any individual employed by a political subdivision to provide police or fire protection services or who is employed by an entity whose principal purpose is to provide police or fire protection services to a political subdivision;

(8) any individual employed by a political subdivision who is ineligible for membership in the public employees retirement association by reason of the provisions of section 353.01, subdivision 2b, clauses (a), (b), (d), and (i);

(9) any driver employed by an employer engaged in the business of operating taxicabs;

(10) any individual engaged in babysitting as a sole practitioner;

(11) any individual employed on a part-time basis in a carnival, circus or fair;

(12) any individual under the age of 16 employed part-time by a municipality as part of a recreational program;

(13) any individual employed by the state as a natural resource manager 1, 2, or 3 (conservation officer);

(14) any individual in a position with respect to which the U.S. Department of Transportation has power to establish qualifications and maximum hours of service pursuant to the provisions of 49 U.S. Code, Section 304.

Sec. 2. Minnesota Statutes 1976, Chapter 181, is amended by adding a section to read:

[181.81] [CORN DETASSELERS; TERMINATION OF EMPLOYMENT.] *Upon termination by the employer of an individual's employment to perform corn detasseling, the employer shall provide transportation to the terminated individual to return him from the place of work to the location at which he was picked up on the day of termination. The employer shall pay a terminated individual at the individual's usual rate of pay during the time period between when the individual was terminated and when the employer supplied the transportation required by this section.*

Sec. 3. Minnesota Statutes 1976, Chapter 181, is amended by adding a section to read:

[181.82] [CORN DETASSELERS; WORK CONDITIONS.] *Notwithstanding any state or federal statute or regulation authorizing sanitary conditions less favorable to the employee than the following requirements, every employer of corn detasselers shall:*

(1) *provide sanitary and usable toilet facilities which are easily accessible to all employees or provide immediate transportation for the employees to and from a location where such toilet facilities are easily accessible; and*

(2) *provide a potable water supply easily accessible to all employees with materials or equipment so that the water may be easily drunk in a sanitary manner.*

Sec. 4. *This act is effective the day following final enactment."*

Further amend by striking the title and inserting:

"A bill for an act relating to agriculture; corn detasseling employees; providing minimum labor standards; amending Minnesota Statutes 1976, Section 177.23, Subdivision 7; and Chapter 181, by adding sections."

Offered by Anderson, G.:

As previously amended:

Page 3, line 26, after "provide" insert "at least one".

Page 3, line 26, delete "facilities which" and insert "facility for each crew of 20 or more workers".

Page 3, line 27, delete "are easily accessible to all employees".

S. F. No. 1206 which it recommended to pass with the following amendments:

Offered by Fjoslien:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1976, Section 360.59, Subdivision 10, is amended to read:

Subd. 10. [CERTIFICATE OF INSURANCE.] Every owner of aircraft in this state when applying for registration, reregistration, or transfer of ownership shall supply any information the commissioner reasonably requires to determine that the aircraft *during the period of its contemplated operation* is covered by an insurance policy with limits of not less than \$25,000 per passenger seat liability both for passenger bodily injury or death and for property damage; not less than \$25,000 for bodily injury or death to each non-passenger in any one accident; and not less than \$50,000 per occurrence for bodily injury or death to non-passengers in any one accident. The information shall include but is not limited to the name and address of the owner, *the period of contemplated operation, if any, and, if insurance coverage is then presently required, the name of the insurer, the insurance policy number, the term of the coverage, policy limits and any other data the commissioner requires.* No certificate of registration shall be issued pursuant to subdivision 3 in the absence of the information required by this subdivision (OR THE COMMISSIONER). In the event of cancellation of (THE) aircraft insurance the insurer shall notify the department of transportation at least ten days prior to the date on which the insurance coverage is to be terminated. (UNLESS PROOF OF A NEW POLICY OF INSURANCE IS FILED WITH THE DEPARTMENT) *If the owner of an aircraft fails, at any time, upon request of the department, to furnish satisfactory proof that insurance coverage meeting the requirements of this subdivision is in effect during the period of the aircraft's contemplated operation, the registration certificate for the aircraft shall be revoked forthwith. The requirements of this subdivision shall not apply to any aircraft built by the original manufacturer prior to December 31, 1939 and owned and operated solely as a collector's item, if the owner files an affidavit with the commissioner. The affidavit shall state the owner's name and address, the name and address of the person from whom the aircraft was purchased, the make, year and model number of the aircraft, the*

*manufacturer's identification number, and that the aircraft is owned and operated solely as a collector's item and not for general transportation purposes.*

Sec. 2. Minnesota Statutes 1976, Section 360.55, is amended by adding a subdivision to read:

*Subd. 4. [COLLECTOR'S AIRCRAFT; PIONEER LICENSES.] Any aircraft built by the original manufacturer prior to December 31, 1939, and owned and operated solely as a collector's item shall be listed for taxation and registration as follows: A sworn affidavit shall be executed stating the name and address of the owner, the name and address of the person from whom purchased, the make of the aircraft, year and number of the model, the federal aircraft registration number, the manufacturer's identification number and that the aircraft is owned and operated solely as a collector's item and not for general transportation or commercial operations purposes. The affidavit shall be filed with the commissioner along with a fee of \$25. Upon satisfaction that the affidavit is true and correct, the commissioner shall issue to the applicant number plates, decalcomania labels or stamps bearing the inscription "Pioneer", "Minnesota" and the registration number but no date. The number plates, decalcomania labels or stamps are valid without renewal as long as the owner operates the aircraft solely as a collector's item. Should such aircraft be operated other than as a collector's item, the pioneer number plates, decalcomania labels or stamps shall be void and removed, and the owner shall list the aircraft for taxation and registration in accordance with the other provisions of sections 360.511 to 360.67. Upon the sale of such aircraft, the new owner must list the aircraft for taxation and registration in accordance with the provisions of this subdivision (including the payment of \$25 fee) or the other provisions of sections 360.511 to 360.67, whichever is applicable.*

*In the event of defacement, loss or destruction of the number plates, decalcomania labels or stamps, the commissioner, upon receiving and filing a sworn affidavit of the aircraft owner setting forth the circumstances, together with any defaced plates, labels or stamps and fee of \$5, shall issue replacement plates, labels or stamps. The commissioner shall note on his records the issue of replacement number and shall proceed to cancel the original plates, labels or stamps.*

Sec. 3. *This act is effective the day following its final enactment."*

Further amend by striking the title and inserting:

*"A bill for an act relating to aircraft; clarifying compulsory insurance requirements; requiring maintenance of liability coverage only during periods of contemplated aircraft operation;*

setting forth the registration procedure for pioneer aircraft; amending Minnesota Statutes 1976, Sections 360.59, Subdivision 10 and 360.55, by adding a subdivision.”.

Offered by Fjoslien:

As previously amended:

Page 2, line 3, after “*contemplated*” insert “*use or*”.

Page 2, line 10, after “insurance” insert “*by the insurer,*”.

Page 2, line 13, reinstate the stricken language.

Page 2, line 14, reinstate the stricken language and delete the new language.

Page 2, delete lines 15 and 16.

Page 2, line 17, delete “*coverage*” and “*is in*”.

Page 2, line 18, delete “*effect*”.

Page 2, line 18, after “*contemplated*” insert “*use or*”.

Page 2, line 27, after “*aircraft,*” insert “*the federal aircraft registration number,*”.

Page 3, line 8, after “*year and*” insert “*model*” and after “*of the*” delete “*model*” and insert “*aircraft*”.

H. F. No. 1861 which it recommended to pass with the following amendment offered by Moe:

Page 6, line 29 to page 7, line 3, delete Section 6 from the bill.

Renumber remaining sections.

Further amend the title:

Page 1, line 6, after “353.30,” delete “Subdivision 1b, and”.

On the motion of Anderson, I., the report of the Committee of the Whole was adopted.

#### ROLL CALLS IN COMMITTEE OF THE WHOLE

Pursuant to rule 1.6, the following roll calls were taken in the Committee of the Whole:

The question was taken on the motion by Wigley to re-refer S. F. No. 1643, as amended, to the Committee on Agriculture and the roll was called. There were 54 yeas and 67 nays as follows:

Those who voted in the affirmative were:

Albrecht	Cummiskey	Gunter	Langseth	Schulz
Anderson, B.	Dean	Heinitz	Lemke	Searle
Anderson, D.	Den Ouden	Jensen	Mann	Searles
Anderson, G.	Eckstein	Johnson	McDonald	Smogard
Anderson, R.	Erickson	Jude	Nelsen, B.	Stoa
Beauchamp	Esau	Kaley	Niehaus	Welch
Biersdorf	Evans	Kalis	Onnen	Wenstrom
Birnstihl	Ewald	Kelly, R.	Peterson	Wieser
Brinkman	Fjoslien	King	Reding	Wigley
Carlson, A.	Forsythe	Knickerbocker	Rose	Zubay
Carlson, D.	Friedrich	Kvam	Savelkoul	

Those who voted in the negative were:

Abeln	Clawson	Kempe, R.	Novak	Stanton
Adams	Eken	Kostohryz	Osthoff	Suss
Anderson, I.	Ellingson	Kroening	Pehler	Swanson
Arlandson	Enebo	Laidig	Petrafeso	Vanasek
Battaglia	Faricy	Lehto	Pleasant	Voss
Berg	Fudro	Mangan	Prahl	Waldorf
Berglin	Fugina	McCarron	Redalen	Wenzel
Berkelman	Hanson	McCollar	Rice	White
Brandl	Hokanson	Metzen	St. Onge	Williamson
Braun	Jacobs	Moe	Samuelson	Wynia
Byrne	Jaros	Munger	Sarna	Speaker Sabo
Carlson, L.	Kahn	Murphy	Scheid	
Cassery	Kelly, W.	Neisen	Sieben, M.	
Clark	Kempe, A.	Nelson	Skoglund	

The motion did not prevail.

Friedrich moved to amend S. F. No. 1643, as amended, as follows:

Page 3, line 25, delete the colon.

Page 3, delete lines 26 to 29.

Page 3, line 30, delete "(2)".

The question was taken on the adoption of the amendment and the roll was called. There were 53 yeas and 68 nays as follows:

Those who voted in the affirmative were:

Albrecht	Den Ouden	Jude	Niehaus	Searles
Anderson, D.	Eckstein	Kaley	Onnen	Sherwood
Anderson, R.	Erickson	Kalis	Peterson	Smogard
Beauchamp	Esau	King	Redalen	Stanton
Biersdorf	Evans	Knickerbocker	Reding	Stoa
Birnstihl	Ewald	Kvam	Rose	Wenstrom
Brinkman	Fjoslien	Langseth	Samuelson	Wieser
Carlson, A.	Forsythe	Lemke	Sarna	Wigley
Carlson, D.	Friedrich	McDonald	Savelkoul	Zubay
Corbid	Gunter	McEachern	Schulz	
Cummiskey	Heinitz	Nelsen, B.	Searle	

Those who voted in the negative were:

Abeln	Casserly	Jensen	Moe	Simoneau
Adams	Clark	Kahn	Munger	Skoglund
Anderson, B.	Clawson	Kelly, R.	Murphy	Suss
Anderson, G.	Cohen	Kempe, A.	Neisen	Swanson
Anderson, I.	Dean	Kempe, R.	Nelson	Voss
Arlandson	Ellingson	Kostohryz	Novak	Waldorf
Battaglia	Enebo	Kroening	Osthoff	Welch
Begich	Faricy	Laidig	Patton	Wenzel
Berg	Fudro	Lehto	Pehler	White
Berglin	Fugina	Mangan	Pleasant	Williamson
Berkelman	Hanson	Mann	Rice	Wynia
Brandl	Hokanson	McCarron	St. Onge	Speaker Sabo
Byrne	Jacobs	McCollar	Scheid	
Carlson, L.	Jaros	Metzen	Sieben, M.	

The motion did not prevail and the amendment was not adopted.

The question was taken on the motion to recommend passage of S. F. No. 1643, as amended, and the roll was called. There were 74 yeas and 53 nays as follows:

Those who voted in the affirmative were:

Abeln	Clark	Jaros	Metzen	Sieben, M.
Adams	Clawson	Jensen	Moe	Simoneau
Anderson, B.	Cohen	Kahn	Munger	Skoglund
Anderson, G.	Corbid	Kelly, R.	Murphy	Stanton
Anderson, I.	Cummiskey	Kempe, A.	Neisen	Suss
Arlandson	Dean	Kempe, R.	Nelson	Swanson
Battaglia	Ellingson	King	Novak	Vanasek
Berg	Enebo	Kostohryz	Osthoff	Voss
Berglin	Ewald	Kroening	Patton	Waldorf
Berkelman	Faricy	Laidig	Pehler	Welch
Brandl	Fudro	Lehto	Petrafeso	Wenzel
Byrne	Fugina	Mangan	Prahl	Williamson
Carlson, A.	Hanson	Mann	Rice	Wynia
Carlson, L.	Hokanson	McCarron	St. Onge	Speaker Sabo
Casserly	Jacobs	McCollar	Scheid	

Those who voted in the negative were:

Albrecht	Eckstein	Kaley	Onnen	Searles
Anderson, D.	Eken	Kalis	Peterson	Sherwood
Anderson, R.	Erickson	Knickerbocker	Pleasant	Smogard
Beauchamp	Esau	Kvam	Redalen	Stoa
Begich	Evans	Langseth	Reding	Wenstrom
Biersdorf	Fjoslien	Lemke	Rose	White
Birnstihl	Forsythe	McDonald	Samuelson	Wieser
Braun	Friedrich	McEachern	Sarna	Wigley
Brinkman	Gunter	Nelsen, B.	Savelkoul	Zubay
Carlson, D.	Heintz	Nelsen, M.	Schulz	
Den Ouden	Jude	Niehaus	Searle	

The motion prevailed.



## MOTIONS AND RESOLUTIONS

Begich moved that the name of Kelly, R., be added as an author on H. F. No. 449. The motion prevailed.

## ADJOURNMENT

Anderson, I., moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:00 p.m., Thursday, March 9, 1978.

**EDWARD A. BURDICK, Chief Clerk, House of Representatives**

## STATE OF MINNESOTA

## SEVENTIETH SESSION - 1978

## EIGHTY-SEVENTH DAY

SAINT PAUL, MINNESOTA, THURSDAY, MARCH 9, 1978

The House of Representatives convened at 2:00 p.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	Cohen	Jude	Nelsen, B.	Sieben, H.
Adams	Corbid	Kahn	Nelsen, M.	Sieben, M.
Albrecht	Cummiskey	Kaley	Nelson	Simoneau
Anderson, B.	Dean	Kalis	Niehaus	Skoglund
Anderson, D.	Den Ouden	Kelly, R.	Norton	Smogard
Anderson, G.	Eckstein	Kelly, W.	Novak	Spanish
Anderson, I.	Eken	Kempe, A.	Onnen	Stanton
Arlandson	Ellingson	Kempe, R.	Patton	Stoa
Battaglia	Enebo	King	Pehler	Suss
Beauchamp	Erickson	Knickerbocker	Peterson	Swanson
Begich	Esau	Kostohryz	Petrafeso	Tomlinson
Berg	Evans	Kroening	Pleasant	Vanasek
Berglin	Ewald	Laidig	Prahl	Voss
Berkelman	Faricy	Langseth	Redalen	Waldorf
Biersdorf	Fjoslien	Lehto	Reding	Welch
Birnstihl	Forsythe	Lemke	Rice	Wenstrom
Brandl	Friedrich	Mangan	Rose	Wenzel
Braun	Fudro	Mann	St. Onge	White
Brinkman	Fugina	McCarron	Samuelson	Wieser
Byrne	Gunter	McCollar	Sarna	Wigley
Carlson, A.	Hanson	McDonald	Savelkoul	Williamson
Carlson, D.	Heinitz	McEachern	Scheid	Wynia
Carlson, L.	Hokanson	Moe	Schulz	Zubay
Casserly	Jaros	Munger	Searle	Speaker Sabo
Clark	Jensen	Murphy	Searles	
Clawson	Johnson	Neisen	Sherwood	

A quorum was present.

George, Jacobs, Kvam, Metzen and Osthoff were excused. Anderson, R., was excused until 4:15 p.m.

The Chief Clerk proceeded to read the Journal of the preceding day. Esau moved that further reading of the Journal be dispensed with and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.

## REPORTS OF CHIEF CLERK

Pursuant to Rules of the House, printed copies of H. F. Nos. 1994, 2429, 2432, 2445, 1861, 2248, 911 and 2027 and S. F. Nos. 1636, 1702, 2183, 861, 1106, 1643 and 1206 have been placed in the members' files.

S. F. No. 1636 and H. F. No. 2361, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

## SUSPENSION OF RULES

Fugina moved that the rules be so far suspended that S. F. No. 1636 be substituted for H. F. No. 2361 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 GOVERNOR  
ST. PAUL 55155

March 9, 1978

The Honorable Martin Sabo  
Speaker of the House  
State of Minnesota

Dear Speaker Sabo:

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. 356, relating to insurance; increasing fees for examinations of insurance companies and insurance agents; increasing fees for agents' licenses and amendments.

H. F. No. 1860, relating to public employees retirement association; providing for adjusted accrual dates for payment of annuities, survivor benefits and disability benefits, and clarifying membership requirements for elected officials.

H. F. No. 1879, relating to the trunk highway system; discontinuing and removing certain routes therefrom; adding a new route in substitution of an existing route.

H. F. No. 1882, relating to commerce; repealing the fair trade laws.

Sincerely,

**RUDY PERPICH**  
Governor

**REPORT FROM THE COMMITTEE ON RULES AND  
LEGISLATIVE ADMINISTRATION**

Anderson, I., from the Committee on Rules and Legislative Administration, pursuant to rule 1.9, designated the following bills as a Special Order to be acted upon immediately following the Consent Calendar for today, March 9, 1978.

H. F. Nos. 1513 and 2041.

**REPORTS OF STANDING COMMITTEES**

Moe from the Committee on Criminal Justice to which was referred:

H. F. No. 387, A bill for an act relating to crimes; restrictions on the justifiable taking of life upon making an arrest; amending Minnesota Statutes 1976, Section 609.065.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1976, Section 609.065, is amended to read:

609.065 [JUSTIFIABLE TAKING OF LIFE.] The intentional taking of the life of another is not authorized by section 609.06, except when necessary in (THE FOLLOWING CASES:)

(1) IN resisting or preventing an offense which the actor reasonably believes exposes him or another to great bodily harm or death, or preventing the commission of a felony in his place of abode (; OR)

(2) BY A PUBLIC OFFICER OR PERSON ASSISTING HIM, TO OVERCOME RESISTANCE TO THE EXECUTION OF LEGAL PROCESS OR ORDER OF A COURT WHEN HE REASONABLY BELIEVES THAT SUCH RESISTANCE EXPOSES HIM OR ANOTHER TO GREAT BODILY HARM OR DEATH; OR)

(3) BY A PUBLIC OFFICER, OR PERSON ASSISTING HIM, IN EFFECTING A LAWFUL ARREST FOR A FELONY OR IN PREVENTING AN ESCAPE OF A PERSON HELD THEREFOR).

Sec. 2. Minnesota Statutes 1976, Chapter 609, is amended by adding a section to read:

[609.0651] [AUTHORIZED USE OF DEADLY FORCE BY PEACE OFFICERS.] *Subdivision 1. [DEADLY FORCE DEFINED.] For the purposes of this section, "deadly force" means force which the actor intentionally uses with the purpose of causing, or which the actor should reasonably know creates a substantial risk of causing, death or great bodily harm. The intentional discharge of a firearm in the direction of another person, or at a vehicle in which another person is believed to be, constitutes deadly force.*

*Subd. 2. [USE OF DEADLY FORCE.] Notwithstanding the provisions of section 609.06 or 609.065, the use of deadly force by a peace officer in the conduct of law enforcement is justified when reasonably necessary:*

(1) *To protect himself or another from apparent death or great bodily harm;*

(2) *To effect the arrest or capture, or prevent the escape, of a person whom the peace officer knows or has reasonable grounds to believe has committed or attempted to commit a felony involving the use or threatened use of deadly force; or*

(3) *To effect the arrest or capture, or prevent the escape, of a person whom the officer knows or has reasonable grounds to believe has committed or attempted to commit a felony if the officer reasonably believes that the person will cause death or great bodily harm if his apprehension is delayed and if the use of deadly force will create no unreasonable risk of bodily harm to innocent persons.*

Sec. 3. Minnesota Statutes 1976, Section 629.33, is amended to read:

629.33 [MEANS USED.] *If, after notice of intention to arrest defendant, he shall flee or forcibly resist, the officer may use all reasonably necessary and lawful means to effect his arrest, provided the officer may not use deadly force unless authorized to do so under section 2 of this act. He may break open an inner or outer door or window of a dwelling house to execute (THE) a warrant if, after notice of his authority and purpose, he (SHALL BE) is refused admittance, or when necessary for his own liberation, or for the purpose of liberating another*

person who, having entered to make an arrest, (SHALL BE) is detained therein.

**Sec. 4. [DUTIES OF PEACE OFFICER TRAINING BOARD.]** *By August 1, 1978, the peace officer training board shall notify every peace officer employed in this state of the provisions of this act.*

**Sec. 5. [EFFECTIVE DATE.]** *Sections 1 to 3 are effective March 1, 1979. Section 4 is effective the day following final enactment."*

Further amend the title by deleting it entirely and inserting:

"A bill for an act relating to peace officers; setting forth criteria for the use of deadly force by peace officer; amending Minnesota Statutes 1976, Sections 609.065; 629.33; and Chapter 609, by adding a section."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Rules and Legislative Administration.

The report was adopted.

Moe from the Committee on Criminal Justice to which was referred:

S. F. No. 318, A bill for an act relating to criminal procedure; permitting peace officers to make arrests upon probable cause in cases of domestic assault; requiring detention and review of bail for persons charged with domestic assault; permitting the judge to stay execution and imposition of sentence conditioned upon the defendant seeking appropriate counseling; amending Minnesota Statutes 1976, Section 609.135, by adding a subdivision; and Chapter 629, by adding sections.

Reported the same back with the following amendments:

Page 2, line 3, after "person" insert "at his place of residence".

Page 2, line 4, after "person" insert "within the preceding four hours".

Page 2, line 7, after the period insert "A peace officer may not arrest a person pursuant to this section without first observing recent physical injury to, or impairment of physical condition of the alleged victim."

With the recommendation that when so amended the bill pass.

The report was adopted.

Johnson from the Committee on Education to which was referred:

S. F. No. 912, A bill for an act relating to education; providing for the correction or elimination of erroneous, ambiguous, omitted and obsolete references and text; amending Minnesota Statutes 1976, Sections 120.10, Subdivision 3; 120.17, Subdivision 5a; 120.171; 120.66; 121.02, Subdivision 1; 121.09; 121.12; 121.21, Subdivision 6; 121.212, Subdivision 1; 121.28; 121.49; 121.86; 122.34; 123.34, Subdivisions 6, 8 and 10; 123.36, Subdivision 5; 123.37, Subdivisions 1 and 13; 123.39, Subdivision 6; 123.40, Subdivision 5; 123.58, Subdivisions 2, 4, 6 and 10; 123.-581, Subdivisions 4 and 7; 123.69, Subdivision 2; 123.79, Subdivision 1; 124.09; 124.15, Subdivision 2; 124.17, Subdivision 2; 124.-30, Subdivision 5; 124.38, Subdivision 10; 124.41, Subdivision 1; 124.47, Subdivision 1; 124.561, Subdivision 3; 125.05, Subdivision 3; 125.08; 125.12, Subdivisions 6b and 9; 125.183, Subdivision 5; 125.185, Subdivision 5; 136.09, Subdivision 3; 136.11, Subdivision 4; 136.141; 136.142, Subdivision 1; 136.145; 136.15; 136.31, Subdivision 2; 136A.142; 136A.17, Subdivision 1; 136A.-172; 136A.173, Subdivision 1; 136A.174; 136A.175, Subdivision 4; 136A.176; 136A.177; 136A.178; 136A.179; 136A.28; 137.01, Subdivision 2; 275.09, Subdivision 4; 375.08; 375.14; 382.01; repealing Minnesota Statutes 1976, Sections 120.02, Subdivision 11; 121.16, Subdivision 2; 122.26; 124.562, Subdivision 6; 124.-563, Subdivision 4; 136.87, Subdivision 3; Laws 1965, Chapter 705, Section 1, Subdivisions 12, 13, 14, 15, 16 and 17; Laws 1969, Chapter 699, Section 2; Laws 1969, Chapters 939 and 1110; and Laws 1971, Chapter 256.

Reported the same back with the following amendments:

Page 2, line 3, strike "Such child may be".

Page 2, line 4, strike "excused from attendance upon application of his" and insert "A".

Page 2, line 5, strike "such" and insert "a".

Page 2, line 5, after "child" strike the comma and insert "*may apply to a school district to have the child excused from attendance for the whole or any part of the time school is in session during any school year. Application may be made*".

Page 2, line 6, before "truant" insert "a".

Page 2, line 6, before "principal" insert "a".

Page 2, line 6, after "or" insert "*the*".

Page 2, line 7, strike ", for the whole or any part of such period, by" and insert a period.

Page 2, line 8, before "board" insert "school".

Page 2, line 8, after "resides" strike the comma and insert "*may approve the application*".

Page 2, line 9, strike "its" and insert "*the following*".

Page 2, line 9, strike "shown" and insert "*demonstrated*".

Page 2, line 9, strike "such" and insert "*that*".

Page 2, line 10, strike "such" and insert "*the*".

Page 2, line 13, strike "such" and insert "*the*".

Page 2, line 16, strike "such" and insert "*the*".

Page 2, line 21, after "thereof" strike ", such" and insert "*This*".

Page 2, line 22, strike "to" and insert "*for religious instruction shall*".

Page 2, line 24, before "at" insert "*shall be conducted and maintained*".

Page 2, line 24, strike "; provided, that" and insert "*. However,*".

Page 3, delete section 2.

Page 4, line 15, strike "and regulations".

Page 5, line 8, delete "1976" and insert ", 1977 Supplement".

Page 5, lines 22 and 23, delete the stricken language.

Page 6, delete section 6.

Page 6, line 22, after "rules" strike "and".

Page 6, line 23, strike "regulations".

Pages 6 and 7, delete section 8.

Page 9, line 17, strike "and regulations".

Page 9, line 21, strike "and regulations".

Page 9, after line 32, add new sections to read:



"Sec. 11. Minnesota Statutes 1976, Section 123.12, Subdivision 2, is amended to read:

Subd. 2. The board shall submit to the annual meeting an estimate of the expenses of the district for the coming year for a school term as determined by the board and for such other specified purposes as the board may deem proper (AND). If such meeting shall fail to vote a sufficient tax to maintain (A SCHOOL) *the district* for such time, the board shall levy such tax *pursuant to and within the limitations of section 275.125*; but no board shall expend any money or incur any liability for any purpose beyond the sum appropriated by vote of the district for such purpose, or levied by the board pursuant to this subdivision, or on hand and applicable thereto.

Sec. 12. Minnesota Statutes 1976, Section 123.21, is amended to read:

123.21 [LIMITATION OF SECTIONS.] Material contained in sections 123.11 to 123.20 relates only to common school districts numbers 323 and 815. *The provisions of law relating to independent school districts shall apply to and govern these common school districts unless a particular provision of sections 123.11 to 123.20 provides for the matter, in which case that provision shall apply and control.*"

Page 13, line 15, strike "Such" and insert "This".

Page 13, line 18, strike "Such".

Page 17, line 3, strike "The" and insert "Each".

Page 17, line 4, strike "units" and insert "unit".

Page 17, line 4, strike "they" and insert "it".

Page 17, line 4, after "termed" insert "an".

Page 17, line 5, strike "units" and insert "unit".

Page 17, line 6, after "as" insert "an".

Page 18, line 3, strike "such" and insert "this".

Page 21, line 28, strike "and regulation".

Page 22, line 27, strike "such" and insert "the".

Page 23, line 25, after "sex," insert "age,".

Page 23, line 27, strike "1974".

Page 24, line 1, delete "1976" and insert ", 1977 Supplement".

Page 24, line 22, delete "The average daily membership".

Page 24, delete lines 23 to 32.

Page 25, delete lines 1 to 9.

Page 25, after line 9, insert a new section to read:

"Sec. 32. Minnesota Statutes, 1977 Supplement, Section 124.212, Subdivision 11, is amended to read:

Subd. 11. (a) The committee shall not increase the adjusted assessed valuation, exclusive of property valuation added, improved, reclassified, or reassessed since the prior assessment, of taxable property for 1962 or any subsequent year in any school district by more than eight percent over the certified valuation established for the year immediately preceding.

(b) The sales ratio studies, or any part thereof, or any copy of the same, or records accumulated in preparation thereof, which are prepared by the commissioner of revenue for the equalization aid review committee for use in determining school aids pursuant to this section published by the department of revenue shall not be admissible in evidence in any proceeding, except that in the case of property described in section 273.13, Subdivisions 6, 6a, 7, 7b, 10 or 12 the sales ratio studies shall be admissible as a public record without the laying of a foundation in actions under chapter 278 (AND), *in actions for review of the determination of the school aids payable under this section or in actions brought in the small claims division of the tax court.*"

Page 25, delete section 33.

Page 27, line 1, strike "and regulations".

Page 27, line 9, strike "area" and insert "*post-secondary*".

Page 27, line 10, strike "institutes" and insert "*schools*".

Page 27, line 12, strike "1976" and insert ", 1977 Supplement".

Page 27, line 14, delete the stricken language and insert "[EFFECTIVE DATE.]".

Page 27, delete section 39.

Page 31, line 16, before "chapter" insert "*Minnesota Statutes*".

Page 32, after line 2, insert new sections to read:

"Sec. 43. Minnesota Statutes, 1977 Supplement, Section 126.35, Subdivision 3, is amended to read:

Subd. 3. [NOTICE OF ENROLLMENT; CONTENT; RIGHTS OF PARENTS.] When a pilot program is established pursuant to sections 126.31 to 126.42, every school age child of limited English speaking ability (1) whose primary language is the non-English language which is the medium of instruction in the pilot program (AND), (2) who resides in (A) *the* school district participating in (A) *the* pilot program and (3) who is not enrolled in an existing private school system, shall be eligible to enroll and to participate in (ANY) *the* pilot program (IN TRANSITIONAL BILINGUAL EDUCATION,) established (UNDER LAWS 1977, CHAPTER 306) *by the school district* for the classification to which he belongs (BY THE SCHOOL DISTRICT,). *The child shall be eligible to enroll and participate* for a period of three years or until such time as he achieves a level of English language skills which will enable him to perform successfully in classes in which instruction is given only in English, whichever shall first occur. Consistent with the provisions of subdivision 2, nothing herein shall be construed to limit a school district's authority to enroll limited English speaking children, whose primary language is a non-English language other than the non-English language which is the medium of the instruction in the pilot program, in a program of bilingual education.

No later than ten days after the enrollment of any child in a program in transitional bilingual education, the school district in which the child resides shall notify by mail the parents of the child. Such notice shall:

- (a) Be in writing and be in English and in the primary language of the child's parents;
- (b) Inform the parents that their child has been enrolled in a program in transitional bilingual education;
- (c) Contain a simple, nontechnical description of the purposes, method and content of the program;
- (d) Inform the parents that they have the right to visit transitional bilingual education classes in which their child is enrolled;
- (e) Inform the parents of the time and manner in which to request and receive a conference for the purpose of explaining the nature and purpose of the program; and

(f) Inform the parents of their right to withdraw their child from a program in transitional bilingual education and the time and manner in which to do so.

Any parent whose child is enrolled in a program in transitional bilingual education shall have the absolute right, either at the time of the original notification of enrollment or at the close of any semester thereafter, to withdraw his child from the program by providing written notice of this intent to the principal of the school in which his child is enrolled or to the superintendent of the school district in which his child resides; provided that no withdrawal shall be allowed until the parent is informed in a conference with school district officials of the nature and purpose of the program. At that conference, parents must also be informed of the nature of the program into which the child will be placed. The conference shall be held in a manner and language understood by the parents. Nothing herein shall preclude a parent from reenrolling a child of limited English speaking ability in (THE) a bilingual educational program.

Sec. 44. Minnesota Statutes, 1977 Supplement, Section 126.46, is amended to read:

126.46 [DECLARATION OF POLICY.] The legislature finds that a more adequate education is needed for American Indian pupils in the state of Minnesota. Therefore, pursuant to the policy of the state to ensure equal educational opportunity to every individual, it is the purpose of (LAWS 1977, CHAPTER 312) *sections 126.45 to 126.55* to provide for the establishment of American Indian language and culture education programs.”

Page 33, line 28, delete “committee”.

Page 44, after line 2, insert a new section to read:

“Sec. 63. Minnesota Statutes, 1977 Supplement, Section 136A.55, is amended to read:

136A.55 [POST-SECONDARY EDUCATION CONSORTIUM; CREATION.] *Subdivision 1.* There is hereby created a post-secondary education consortium for southwestern and west central Minnesota which shall have its principal office at southwest state university at Marshall. The purpose of the consortium shall be to improve the efficiency and effectiveness of post-secondary education, through increased interinstitutional cooperation and planning, in the area served by southwest state university and the university of Minnesota at Morris.

*Subd. 2.* The consortium shall be coordinated by a southwestern and west central Minnesota post-secondary education consortium board consisting of: the provost of the university of Minnesota, or his designee; the chancellor of the state uni-

versity system, or his designee; the chancellor of the community college system, or his designee; the assistant commissioner for vocational-technical education within the state department of education, or his designee; the executive director of the higher education coordinating board, or his designee; and three persons representing the public at large who shall be appointed by the governor.

*Subd. 3.* The board shall appoint an advisory committee consisting of: the provost at the university of Minnesota at Morris; the presidents of southwest state university and the community colleges at Willmar and Worthington; the directors of the vocational-technical institutes located in the area served; and seven citizen members who shall be residents of the area served by southwest state university. The citizen members shall be appointed for terms of two years, except that three of the initial appointments shall be for terms of one year. No more than one citizen member shall be appointed from a county.

*Subd. 4.* The board is authorized to hire staff and incur other expenses as necessary for the purposes of (LAWS 1977, CHAPTER 449) *this section.*"

Page 44, line 20, delete "law" and insert "section 275.125".

Page 46, after line 11, insert a new section to read:

"Sec. 69. Minnesota Statutes, 1977 Supplement, Section 125.61, Subdivision 2, is amended to read:

*Subd. 2.* A teacher meeting the requirements of subdivision 1 may be offered a contract for termination of services and payment of an early retirement incentive by the employing school district. An offer may be accepted by the teacher by submitting a written resignation to the school board of the employing district. Applications shall be submitted prior to (JULY 1, 1977) *March 1, 1978* in the case of a teacher retiring at the end of the (1977-78) *1976-1977* school year, prior to May 1, 1978 in the case of a teacher retiring at the end of the (1978-79) *1977-1978* school year, or, thereafter, prior to May 1 of (THE YEAR IMMEDIATELY PRECEDING) the school year at the end of which the teacher wishes to retire."

Page 46, line 13, delete "121.16, Subdivision 2;"

Page 46, line 14, delete "124.562, Subdivision 6; 124.563, Subdivision 4;" and insert "123.12, Subdivisions 3, 4, 5, 6, 7, 8, 10, 11, 12, 13 and 15; 123.13, Subdivisions 1, 3, 4, 5, 6 and 7; 123.14; 123.15, Subdivisions 4, 5, 6, 7, 8, 9 and 10; 123.16; 123.17; 123.18; 123.19; 123.20;"

Page 46, line 17, delete the second "and".

Page 46, line 18, after "256" insert "; Laws 1977, Chapter 307, Section 27; and Laws 1977, Chapter 410, Section 13".

Renumber the sections accordingly.

Further, amend the title as follows:

Page 1, line 6, delete "120.17, Subdivision 5a;"

Page 1, line 7, delete "121.02, Subdivision 1; 121.09;"

Page 1, line 8, delete "121.21, Subdivision 6;"

Page 1, line 9, after "122.34;" insert "123.12, Subdivision 2; 123.21;"

Page 1, line 15, delete "124.17, Subdivision"

Page 1, line 16, delete "2; 124.30, Subdivision 5;"

Page 1, line 18, delete "125.05, Subdivision 3;"

Page 1, line 19, delete "125.08;"

Page 1, line 27, after "382.01;" insert "Minnesota Statutes, 1977 Supplement, Sections 121.02, Subdivision 1; 124.17, Subdivision 2; 124.212, Subdivision 11; 125.05, Subdivision 3; 125.-61, Subdivision 2; 126.35, Subdivision 3; 126.46; 136A.55;"

Page 1, line 29, delete "121.16, Subdivision 2;"

Page 1, line 30, after "122.26;" insert "123.12, Subdivisions 3, 4, 5, 6, 7, 8, 10, 11, 12, 13 and 15; 123.13, Subdivisions 1, 3, 4, 5, 6 and 7; 123.14; 123.15, Subdivisions 4, 5, 6, 7, 8, 9 and 10; 123.16; 123.17; 123.18; 123.19; 123.20;"

Page 1, line 30, delete "124.562, Subdivision 6; 124.563,"

Page 1, line 31, delete "Subdivision 4;"

Page 1, line 34, before "Laws" delete "and"

Page 1, line 35, after "256" insert "; Laws 1977, Chapter 307, Section 27; and Laws 1977, Chapter 410, Section 13".

With the recommendation that when so amended the bill pass.

The report was adopted.

Brinkman from the Committee on Financial Institutions and Insurance to which was referred:

S. F. No. 438, A bill for an act relating to bank charters; classifying data contained in financial statements of applicants; requiring payment of certain costs; requiring approval of managing officers; regulating issuance and expiration of certificates of authorization and charters; amending Minnesota Statutes 1976, Sections 45.04; and 45.07.

Reported the same back with the following amendments:

Page 1, line 11, after "45.04," insert "Subdivision 1,".

Page 2, line 26, delete "*pursuant to rules promulgated by the commission*".

Page 2, line 27, delete "*and the office of hearing examiners.*".

Page 2, delete lines 30 to 32.

Delete pages 3 and 4.

Page 5, delete lines 1 to 4.

Renumber the following section.

Further amend the title as follows:

Page 1, line 8, delete "Sections" and insert "Section".

Page 1, line 8, delete "; and 45.07" and insert ", Subdivision 1".

With the recommendation that when so amended the bill pass.

The report was adopted.

Brinkman from the Committee on Financial Institutions and Insurance to which was referred:

S. F. No. 1606, A bill for an act relating to no-fault automobile insurance; increasing medical expense threshold for recovery of damages for non-economic detriment; amending Minnesota Statutes 1976, Section 65B.51, Subdivision 3.

Reported the same back with the following amendments:

Page 1, line 15, delete "\$3,000" and insert "\$4,000".

With the recommendation that when so amended the bill pass.

The report was adopted.

Brinkman from the Committee on Financial Institutions and Insurance to which was referred:

S. F. No. 1612, A bill for an act relating to trusts; powers of trustee; permitting investment of trust assets in certain life insurance contracts; amending Minnesota Statutes 1976, Section 501.66, Subdivision 6.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Rice from the Committee on General Legislation and Veterans Affairs to which was referred:

S. F. No. 1842, A bill for an act relating to the Minnesota historical society; providing for a liaison position; implementing the administration of a state humanities program; updating statutory provisions; amending Minnesota Statutes 1976, Sections 138.081, Subdivision 2, and by adding a subdivision; 138.17, Subdivision 1; 138.35, Subdivision 1; repealing Minnesota Statutes 1976, Section 138.162.

Reported the same back with the following amendments:

Page 2, delete section 2.

Renumber remaining sections in sequence.

Page 4, line 22, before "and" insert "*who is not employed by the Minnesota historical society*".

Page 4, line 22, strike "director" and insert "board".

Further amend the title as follows:

Page 1, line 6, after "2" delete the comma.

Page 1, line 7, delete "and by adding a subdivision".

With the recommendation that when so amended the bill pass.

The report was adopted.

Enebo from the Committee on Labor-Management Relations to which was referred:



H. F. No. 2291, A bill for an act relating to labor; providing an exception of certain employees from the minimum wage requirement; amending Minnesota Statutes 1976, Section 177.23, Subdivision 7.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1976, Section 177.23, is amended by adding a subdivision to read:

*Subd. 10. With respect to any caretaker, manager or other on-site employee of a residential building or buildings whose principal place of residence is in the residential building or buildings, including a caretaker, manager or other on-site employee who receives a principal place of residence as full or partial compensation for duties performed for an employer, the term "hours worked", as contained in regulations promulgated pursuant to section 177.28, shall include time during which the caretaker, manager or other on-site employee is performing any duties of employment, but shall not mean time during which the caretaker, manager or other on-site employee is permitted to remain in his principal place of residence, but is on the premises and available to perform duties of employment and is not otherwise performing any duties of employment."*

Further, amend the title as follows:

Page 1, line 2, delete "providing an exception of".

Page 1, delete lines 3 to 5 and insert "defining "hours worked"; providing that for certain employees the term shall not include certain periods and shall not be used in computing wages; amending Minnesota Statutes 1976, Section 177.23, by adding a subdivision."

With the recommendation that when so amended the bill pass.

The report was adopted.

Berg from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 2104, A bill for an act relating to the state fire marshal; concerning the uniform fire code; providing for fee, fines and penalties; appropriating money; amending Minnesota Statutes 1976, Sections 299F.011; 299F.41, Subdivision 4; 299F.42; 299F.43, Subdivision 1; 299F.44; 299F.46; 299H.23; 299H.25; 299H.26; 299H.27; 299H.28; 299I.22; 299I.24; and Chapters 299F; 299H; and 299I, by adding sections; and Minnesota Statutes, 1977 Supplement, Section 299F.362, Subdivision 6; repeal-

ing Minnesota Statutes 1976, Sections 299F.33; 299F.39; 299G.01 to 299G.08; 299H.03 to 299H.21; 299I.01, Subdivisions 6, 7, 8 and 9; 299I.09; and 299I.11 to 299I.19.

Reported the same back with the following amendments:

Page 2, line 8, strike “, in accordance with chapter 15,”.

Page 2, line 8, delete “the”.

Page 2, line 9, delete “*administrative procedure act*,”.

Page 2, line 18, delete “; *provided that*” and insert “. *However*”.

Page 2, line 23, after the period insert a new sentence to read: “*Any such ordinance or regulation shall not specify requirements exceeding the applicable requirements of the Minnesota state building code, shall be uniform for each class or kind of building covered, and shall be directly related to the safeguarding of life and property from the hazards of fire.*”.

Page 2, line 30, delete “*substantial damage*” and insert “*undue hardship*”.

Page 2, line 31, after the period insert a new sentence to read: “*Any person aggrieved by a decision made under this subdivision may proceed in accordance with the administrative procedures act.*”.

Page 3, after line 4, insert:

“Sec. 2. Minnesota Statutes 1976, Section 299F.04, Subdivision 2, is amended to read:

Subd. 2. The investigation shall be begun within two days of the occurrence of the fire and the state fire marshal shall have the right to (SUPERVISE AND DIRECT) *coordinate* the investigation when he deems it (EXPEDIENT OR) necessary.

Sec. 3. Minnesota Statutes 1976, Section 299F.04, is amended by adding a subdivision to read:

Subd. 4. *The state fire marshal may conduct further investigation necessary to establish reasonable grounds to believe that a violation of Minnesota Statutes, Section 609.561 to 609.576, has occurred.*

Sec. 4. Minnesota Statutes 1976, Section 299F.05, is amended to read:

**299F.05 [EVIDENCE, TAKING OF.] Subdivision 1. [INVESTIGATIONS.] (THE STATE FIRE MARSHAL SHALL, WHEN IN HIS OPINION FURTHER INVESTIGATION IS NECESSARY, TAKE OR CAUSE TO BE TAKEN)**

*When the state fire marshal has determined that reasonable grounds exist to believe that a violation of sections 609.561 to 609.576 has occurred, or has reasonable grounds to believe that some other crime has occurred in connection with a fire investigated pursuant to section 299F.04, he shall so inform the superintendent of the bureau of criminal apprehension. The superintendent shall cooperate with the fire marshal and local officials in further investigating the reported incident in a manner which may include supervising and directing the subsequent criminal investigation and taking the testimony on oath of all persons supposed to be cognizant of any facts (OR TO HAVE ANY MEANS OF KNOWLEDGE IN RELATION) relating to the matter (AS TO WHICH AN EXAMINATION IS HEREIN REQUIRED TO BE MADE AND SHALL CAUSE THE SAME TO BE REDUCED TO WRITING; AND,) under investigation. If (HE) the superintendent (SHALL BE OF THE OPINION) believes that there is evidence sufficient to charge any person with (THE CRIME OF ARSON) a violation of sections 609.561 to 609.576, or of any other crime in connection with an investigated fire, he shall arrest or cause (SUCH) the person to be arrested and charged with the offense and furnish to the proper prosecuting attorney all (THIS) relevant evidence, together with the copy of all names of witnesses and all the information obtained by him or the state fire marshal, including a copy of all pertinent and material testimony taken in the case (; AND KEEP A RECORD OF THE PROCEEDINGS AND PROGRESS MADE IN ALL THESE PROSECUTIONS FOR ARSON AND THE RESULT OF ALL CASES FINALLY DISPOSED OF).*

*Subd. 2. [INFORMATION SYSTEMS.] The state fire marshal and the superintendent of the bureau of criminal apprehension shall maintain a record of arrests, charges filed, and final disposition of all fires reported and investigated under sections 299F.04 and 299F.05. For this purpose a single reporting system shall be implemented by the department of public safety utilizing the systems operated by the fire marshal and the bureau. The system shall be operated in such a way as to minimize duplication and discrepancies in reported figures.*

Sec. 5. Minnesota Statutes 1976, Chapter 299F, is amended by adding a section to read:

**[299F.051] [TRAINING LOCAL FIREFIGHTERS AND PEACE OFFICERS.] Subdivision 1. [CONTENT.]** *The superintendent of the bureau of criminal apprehension, after consultation with the state fire marshal, the Minnesota peace officers standards and training board and the state advisory*

*council on fire service education and research, shall establish the content of training programs which shall be available to firefighters and peace officers from political subdivisions. The content shall include fire scene investigation and preservation of evidence, interviewing of witnesses and suspects, constitutional limits on interrogation by sworn and nonsworn officers, and other topics deemed necessary to successful criminal investigation.*

**Subd. 2. [TRAINING PROGRAM; LOCATIONS, INSTRUCTORS.]** *The superintendent of the bureau of criminal apprehension shall provide courses at convenient locations in the state for training firefighters and peace officers in the conduct of investigations following the occurrence of a fire. For this purpose, the superintendent may use the services and employees of the bureau, the state fire marshal, and the attorney general. In addition, after consultation with the state fire marshal, the superintendent is authorized to engage part time instructors necessary and proper to furnish the best possible instruction, subject to the limitation of funds appropriated and available for expenditure. Sections 43.09 to 43.17 shall not apply to the part time instructors.*

**Subd. 3. [IN-SERVICE TRAINING.]** *The state fire marshal and the superintendent of the bureau of criminal apprehension, in cooperation with the Minnesota board of peace officer standards and training, shall encourage the establishment of in-service and refresher training for firefighters and peace officers through schools administered by the state, county, school district, municipality, or joint or contractual combinations thereof. The Minnesota board of peace officers standards and training shall report to the governor and legislature on the progress made in this effort as provided in section 626.843.*

**Subd. 4. [COOPERATIVE INVESTIGATION; REIMBURSEMENT.]** *The state fire marshal and the superintendent of the bureau of criminal apprehension shall encourage the cooperation of local firefighters and peace officers in the investigation of violations of sections 609.561 to 609.576 or other crimes associated with reported fires in all appropriate ways, including the reimbursement of political subdivisions at a rate not to exceed 50 percent of the salaries of peace officers and firefighters for time spent in attending fire investigation training courses offered by the bureau. Volunteer firefighters from a political subdivision shall be reimbursed at the rate of \$35 per day plus expenses incurred in attending fire investigation training courses offered by the bureau. Reimbursement shall be made only in the event that both a peace officer and a firefighter from the same political subdivision attend the same training course. The reimbursement shall be subject to the limitation of funds appropriated and available for expenditure.*

**Sec. 6. Minnesota Statutes 1976, Section 299F.06, Subdivision 1, is amended to read:**

299F.06 [TESTIMONIAL POWERS.] Subdivision 1. [ATTENDANCE OF WITNESSES.] *In order to establish if reasonable grounds exist to believe that a violation of Minnesota Statutes, Sections 609.561 to 609.576, has occurred, or to determine compliance with the uniform fire code or corrective orders issued thereunder, the state fire marshal, chief assistant fire marshal, and deputy state fire marshals, shall each have the power in any county of the state to summon and compel the attendance of witnesses before them, or either of them, to testify (IN RELATION TO ANY MATTER WHICH IS BY THE PROVISIONS OF THIS CHAPTER A SUBJECT OF INQUIRY AND INVESTIGATION) and may require the production of any book, paper, or document deemed pertinent thereto by them, or either of them. The summons shall be served in the same manner and have the same effect as subpoenas from district courts. All witnesses shall receive the same compensation as is paid to witnesses in district courts, which shall be paid out of the fire marshal fund upon vouchers signed by the state fire marshal, chief assistant fire marshal, or deputy fire marshal before whom any witnesses shall have attended and this officer shall, at the close of the investigation wherein the witness was subpoenaed, certify to the attendance and mileage of the witness, which certificate shall be filed in the office of the state fire marshal. All investigations held by or under the direction of the state fire marshal, or any subordinate, may in his discretion be private and persons other than those required to be present by the provisions of this chapter may be excluded from the place where the investigation is held, and witnesses may be kept separate and apart from each other and not allowed to communicate with each other until they have been examined."*

Page 4, line 10, after the period insert a new sentence to read: *"Any such ordinance or regulation shall not specify requirements exceeding the applicable requirements of the Minnesota state building code, shall be uniform for each class or kind of building covered, and shall be directly related to the safeguarding of life and property from the hazards of fire."*

Page 6, line 4, delete *"and lodging house"*.

Page 6, line 9, delete *"or lodging house"*.

Page 6, line 23, reinstate the stricken "word" and delete *"words"*.

Page 6, line 23, delete *"and lodging house"*.

Page 6, line 30, delete *"meanings given them"* and insert *"meaning given"*.

Page 11, line 17, before *"There"* insert *"Subdivision 1."*

Page 11, line 19, delete "\$220,400" and insert "\$.....".

Page 11, line 20, before the period insert "relating to the conduct of inspections".

Page 11, line 21, delete "ten" and insert "....".

Page 11, after line 23, insert:

*"Subd. 2. [BUREAU OF CRIMINAL APPREHENSION.] There is appropriated to the department of public safety, bureau of criminal apprehension, the sum of \$..... for fiscal year 1979 to implement and administer the provisions of this act relating to the conduct of criminal investigations and the provision of training. The commissioner of public safety is hereby directed to hire not less than .... persons which will be added to the department's present complement.*

*Subd. 3. [REIMBURSEMENT FOR TRAINING.] There is appropriated to the department of public safety the sum of \$..... for fiscal year 1979 to reimburse political subdivisions pursuant to section 5."*

Page 11, line 24, delete underscore from "Sec. 19."

Page 11, after line 31, insert a new section to read:

*"Sec. 25. This act is effective the day following final enactment."*

ReNUMBER the sections in sequence.

Amend the title:

Line 5, after "299F.011;" insert "299F.04, Subdivision 2, and by adding a subdivision; 299F.05; 299F.06, Subdivision 1;"

With the recommendation that when so amended the bill 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:

H. F. No. 2377, A bill for an act relating to the town of White, St. Louis county; authorizing the board of supervisors to set the compensation of the town assessor; amending Laws 1973, Chapter 530, Section 1; repealing Laws 1959, Chapter 314, Section 1.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Berg from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 2426, A bill for an act relating to public employees; political subdivisions; prohibiting denial or abridgement of the right to engage in political activities, except under certain circumstances.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Berg from the Committee on Local and Urban Affairs to which was referred:

S. F. No. 620, A bill for an act relating to sheriffs; salaries, fees and budgets; providing that the salary and budget of the sheriff shall be set by the county board in each county of the state; authorizing costs and reasonable attorney fees on appeal; amending Minnesota Statutes 1976, Section 387.20, Subdivisions 1, 2 and 7; repealing Minnesota Statutes 1976, Section 387.20, Subdivision 8.

Reported the same back with the following amendments:

Page 1, line 15, reinstate the stricken "with less than" and after the stricken "75,000" insert "250,000".

Page 1, line 16, reinstate the stricken "inhabitants according to the" and after the stricken "1960" insert "1970" and reinstate the stricken "federal census".

Pages 2, 3 and 4, delete sections 2 and 3.

Renumber the remaining section accordingly.

Further, amend the title as follows:

Page 1, line 4, delete "each" and insert "certain".

Page 1, line 5, delete "county" and insert "counties".

Page 1, line 5, delete "authorizing costs and".

Page 1, line 6, delete "reasonable attorney fees on appeal;".

Page 1, line 8, delete "Subdivisions" and insert "Subdivision".

Page 1, line 8, delete ", 2 and 7".

With the recommendation that when so amended the bill pass.

The report was adopted.

Berg from the Committee on Local and Urban Affairs to which was referred:

S. F. No. 1116, A bill for an act relating to plats; authorizing plats to be prepared by photographic process in counties having microfilm capabilities; amending Minnesota Statutes 1976, Sections 505.08, by adding a subdivision; 505.1792, Subdivision 2; and 508.47, Subdivision 4.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Berg from the Committee on Local and Urban Affairs to which was referred:

S. F. No. 2342, A bill for an act relating to Olmsted county; authorizing the board of county commissioners to finance an addition to and to renovate the Olmsted county hospital.

Reported the same back with the following amendments:

Page 1, line 8, delete "resolutions" and insert "resolution".

Page 1, after line 14, add a new section to read:

"Sec. 2. [NEGATIVE REFERENDUM.] The resolution of the county board approving this act shall be published in the official newspaper of the county and shall not be effective until approved by a majority of the votes cast on the question at a regular or a special election if a petition asking for an election on the question signed by voters equal to five percent of the number of voters at the last regular election is filed with the county within 30 days following publication of the resolution."

Re-number the remaining section.

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Anderson, I., from the Committee on Rules and Legislative Administration to which was referred:



H. F. No. 1758, A bill for an act proposing an amendment to the Minnesota Constitution, Article X, Section 7; permitting parimutuel betting on races if authorized by law.

Reported the same back with the following amendments:

Page 1, line 10, underscore "Sec. 7."

Page 1, line 10, delete "shall"; line 11, delete "on-track"; line 16, delete "on-track".

With the recommendation that when so amended the bill pass.

The report was adopted.

Birnstihl from the Committee on Transportation to which was referred:

S. F. No. 757, A bill for an act relating to transportation; repealing the "Sunday holiday law"; allowing commercial vehicles to operate within 35 miles of cities of the first class on Sundays and legal holidays; amending Minnesota Statutes 1976, Section 221.221; repealing Minnesota Statutes 1976, Sections 221.191, 221.201 and 221.211.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

## SECOND READING OF HOUSE BILLS

H. F. Nos. 2291, 2377, 2426 and 1758 were read for the second time.

## SECOND READING OF SENATE BILLS

S. F. Nos. 1636, 318, 912, 438, 1606, 1612, 1842, 620, 1116, 2342 and 757 were read for the second time.

## INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Wenstrom and Fjoslien introduced:

H. F. No. 2524, A bill for an act relating to shoreland management; requiring promulgation of uniform criteria for the granting of variances from shoreland management ordinances; clarifying procedures for review and appeal of local decisions

to grant or refuse variances; amending Minnesota Statutes 1976, Section 105.485, Subdivision 3, and by adding a subdivision.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Reding introduced:

H. F. No. 2525, A bill for an act relating to examining and licensing boards; abolishing the board of abstracters; altering the membership, regulatory powers, practices and supervision of certain boards; limiting criteria for issuing licenses; providing for a review of certain functions of the boards; amending Minnesota Statutes 1976, Sections 125.05, Subdivision 1; 147.02, Subdivision 1; 147.021, Subdivision 1; 148.211, Subdivision 1; 148.57, Subdivisions 1 and 3; 148.91, Subdivision 4; 148.93; 150A.06, Subdivisions 1, 2, 2a, and 4; 151.10; 153.04; 153.15; 154.05; 154.06; 154.11; 154.12; 154.22; 155.04; 155.05; 155.09, Subdivision 1; 156.02, Subdivision 1; 156.071; 156.072, Subdivision 2; 156.081, Subdivision 2; 214.04, as amended; 214.06, as amended; 214.09, Subdivision 2; 326.02, Subdivision 1; 326.10, Subdivision 1; 326.19, Subdivision 2; 326.332, Subdivision 1; 326.54; 326.546; and Chapters 214, by adding a section; 270, by adding a section; and 386, by adding a section; amending Minnesota Statutes, 1977 Supplement, Sections 148.10, Subdivision 1; and 214.01, Subdivision 3; repealing Minnesota Statutes 1976, Chapter 186; and Sections 147.11; 150A.11, Subdivisions 2, 3, and 4; 151.28; 270.41; 270.42; 270.43; 341.09; 386.61, Subdivision 3; and 386.63.

The bill was read for the first time and referred to the Committee on Governmental Operations.

#### HOUSE ADVISORIES

Pursuant to rule 5.3, the following House Advisory was introduced:

Pleasant, Hanson and Kroening introduced:

H. A. No. 87, A proposal to study the feasibility of providing incentives to commercial and industrial companies.

The advisory was referred to the Committee on Commerce and Economic Development.

#### 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. 405, A bill for an act relating to gambling; authorizing the operation of certain gambling devices by licensed organizations; providing a penalty; amending Minnesota Statutes 1976, Sections 325.54, Subdivision 1; 340.14, Subdivision 2; 609.75, Subdivisions 1 and 3; Chapters 349, by adding a section; and 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 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. 1191, A bill for an act relating to taxation; creating special districts to be called tax increment financing districts; providing for tax increment financing of renewal and development projects; amending Minnesota Statutes 1976, Chapter 273, by adding sections; Sections 458.192, Subdivision 11; 462.585, Subdivision 1; 472A.06; 473F.02, Subdivision 3; 474.10, Subdivision 2; and repealing Minnesota Statutes 1976, Sections 458.192, Subdivision 12; 462.545, Subdivision 5; 462.585, Subdivisions 2, 3 and 4; 472A.07; and 472A.08.

The Senate has appointed as such committee Messrs. Hanson, McCutcheon, Davies, Stokowski 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. 1857, A bill for an act relating to veterans; requiring counties to appoint a veterans service officer; amending Minnesota Statutes 1976, Section 197.60, Subdivision 1.

The Senate has appointed as such committee Messrs. Schmitz, Sillers and Setzepfandt.

House File No. 1857 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. 1103, A bill for an act relating to the operation of state government; centralizing the management and review of all state contracts in the office of the commissioner of administration; distinguishing consultant, professional and technical contracts; amending Minnesota Statutes 1976, Sections 15.061; 161.35; and Chapter 16, by adding a section; repealing Minnesota Statutes 1976, Section 16.10.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Reding moved that the House concur in the Senate amendments to H. F. No. 1103 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1103, A bill for an act relating to the operation of state government; centralizing the management and review of all state contracts in the office of the commissioner of administration; distinguishing consultant, professional and technical contracts; amending Minnesota Statutes 1976, Sections 15.061; and Chapter 16, by adding a section; repealing Minnesota Statutes 1976, Sections 16.10; and 161.35.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 126 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Berglin	Clark	Evans	Jaros
Adams	Berkelman	Clawson	Ewald	Jensen
Albrecht	Biersdorf	Cohen	Farcy	Johnson
Anderson, B.	Birnstihl	Cummiskey	Fjoslien	Jude
Anderson, D.	Brandl	Dean	Forsythe	Kahn
Anderson, G.	Braun	Den Ouden	Friedrich	Kaley
Anderson, I.	Brinkman	Eckstein	Fudro	Kalis
Arlandson	Byrne	Eken	Fugina	Kelly, R.
Battaglia	Carlson, A.	Ellingson	Gunter	Kelly, W.
Beauchamp	Carlson, D.	Enebo	Hanson	Kempe, A.
Begich	Carlson, L.	Erickson	Heinitz	Kempe, R.
Berg	Casserly	Esau	Hokanson	King

Knickerbocker	Munger	Prahl	Sieben, H.	Welch
Kostohryz	Murphy	Redalen	Sieben, M.	Wenstrom
Kroening	Neisen	Reding	Simoneau	Wenzel
Laidig	Nelsen, B.	Rice	Skoglund	White
Langseth	Nelson	Rose	Smogard	Wieser
Lehto	Niehau	St. Onge	Spanish	Wigley
Lemke	Norton	Samuelson	Stanton	Williamson
Mangan	Novak	Sarna	Stoa	Wynia
Mann	Onnen	Savelkoul	Suss	Zubay
McCarron	Patton	Scheid	Swanson	Speaker Sabo
McCollar	Pehler	Schulz	Tomlinson	
McDonald	Peterson	Searle	Vanasek	
McEachern	Petraieso	Searles	Voss	
Moe	Pleasant	Sherwood	Waldorf	

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. 2283, A bill for an act relating to the division of highway patrol; concerning salaries; increasing the salary of a corporal; amending Minnesota Statutes, 1977 Supplement, Section 299D.03, Subdivision 2.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Reding moved that the House concur in the Senate amendments to H. F. No. 2283 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 2283, A bill for an act relating to the division of highway patrol; concerning salaries; increasing the salary of a corporal; amending Minnesota Statutes, 1977 Supplement, Section 299D.03, Subdivision 2.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 126 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Anderson, D.	Battaglia	Berglin	Brandl
Adams	Anderson, G.	Beauchamp	Berkelman	Braun
Albrecht	Anderson, I.	Begich	Biersdorf	Brinkman
Anderson, B.	Arlandson	Berg	Birnstihl	Byrne

Carlson, A.	Fudro	Langseth	Petrafeso	Stanton
Carlson, D.	Fugina	Lehto	Pleasant	Stoa
Carlson, L.	Gunter	Lemke	Prahl	Suss
Casserly	Hanson	Mangan	Redalen	Swanson
Clark	Heinitz	Mann	Reding	Tomlinson
Cohen	Hokanson	McCarron	Rice	Vanasek
Corbid	Jaros	McCollar	Rose	Voss
Cummiskey	Jensen	McDonald	St. Onge	Waldorf
Dean	Johnson	McEachern	Samuelson	Welch
Den Ouden	Jude	Moe	Sarna	Wenstrom
Eckstein	Kahn	Munger	Savelkoul	Wenzel
Eken	Kaley	Murphy	Scheid	White
Ellingson	Kalis	Neisen	Schulz	Wieser
Enebo	Kelly, R.	Nelsen, B.	Searle	Wigley
Erickson	Kelly, W.	Nelson	Searles	Williamson
Esau	Kempe, A.	Niehaus	Sherwood	Wynia
Evans	Kempe, R.	Norton	Sieben, H.	Zubay
Ewald	King	Novak	Sieben, M.	Speaker Sabo
Faricy	Knickerbocker	Onnen	Simoneau	
Fjoslien	Kostohryz	Patton	Skoglund	
Forsythe	Kroening	Pehler	Smogard	
Friedrich	Laidig	Peterson	Spanish	

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. 935, A bill for an act relating to counties; powers of the boards of county commissioners; including the board of county commissioners of Ramsey County among those county boards that may set expense allowances for members of certain boards and agencies; amending Minnesota Statutes 1976, Section 375.47, Subdivision 1.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Tomlinson moved that the House concur in the Senate amendments to H. F. No. 935 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 935, A bill for an act relating to counties; including the board of county commissioners of Ramsey County among those county boards that may set expense allowances for members of certain boards and agencies; amending Minnesota Statutes 1976, Section 375.47, Subdivision 1.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 126 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Corbid	Kahn	Nelson	Simoneau
Adams	Cummiskey	Kaley	Niehaus	Skoglund
Albrecht	Dean	Kalis	Norton	Smogard
Anderson, D.	Den Ouden	Kelly, R.	Novak	Spanish
Anderson, G.	Eckstein	Kelly, W.	Onnen	Stanton
Anderson, I.	Eken	Kempe, A.	Patton	Stoa
Arlandson	Ellingson	Kempe, R.	Pehler	Suss
Battaglia	Enebo	King	Peterson	Swanson
Beauchamp	Erickson	Knickerbocker	Petrafeso	Tomlinson
Begich	Esau	Kostohryz	Pleasant	Vanasek
Berg	Evans	Kroening	Prahl	Voss
Berglin	Ewald	Laidig	Redalen	Waldorf
Berkelman	Faricy	Langseth	Reding	Welch
Biersdorf	Fjoslien	Lehto	Rice	Wenstrom
Birnstihl	Forsythe	Lemke	Rose	Wenzel
Brandl	Friedrich	Mangan	St. Onge	White
Braun	Fudro	Mann	Samuelson	Wieser
Brinkman	Fugina	McCarron	Sarna	Wigley
Byrne	Gunter	McCollar	Savelkoul	Williamson
Carlson, A.	Hanson	McDonald	Scheid	Wynia
Carlson, D.	Heinitz	McEachern	Schulz	Zubay
Carlson, L.	Hokanson	Moe	Searle	Speaker Sabo
Casserly	Jaros	Munger	Searles	
Clark	Jensen	Murphy	Sherwood	
Clawson	Johnson	Neisen	Sieben, H.	
Cohen	Jude	Nelsen, B.	Sieben, M.	

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby evance 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. 1323, A bill for an act relating to education; higher education coordinating board; private post-secondary institutions; exempting certain institutions from the requirement of registration with the board; amending Minnesota Statutes 1976, Sections 136A.61; 136A.62, Subdivision 3; and Chapter 136A, by adding sections.

PATRICK E. FLAHAVEN, Secretary of the Senate

Cohen moved that the House refuse to concur in the Senate amendments to H. F. No. 1323, 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. 2494, A bill for an act relating to public improvements; authorizing the acquisition and betterment of public land and buildings and other public improvements of a capital nature with certain conditions; authorizing issuance of state building bonds; limiting capital improvements at vocational-technical schools; appropriating money; amending Minnesota Statutes 1976, Sections 121.21, Subdivision 4a; 121.214, Subdivisions 1, 3, and by adding a subdivision; 124.564; repealing Minnesota Statutes, 1977 Supplement, Sections 16.015 and 16.016.

PATRICK E. FLAHAVEN, Secretary of the Senate

Norton moved that the House refuse to concur in the Senate amendments to H. F. No. 2494, 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. 2493, A bill for an act relating to public improvements; authorizing alteration, repair, rehabilitation, equipping, and replacement of equipment of public buildings with certain conditions; postponing deadline for submission of capital budget; authorizing purchase and sale of public lands and buildings; appropriating money; amending Minnesota Statutes 1976, Section 16A.11, Subdivision 1.

PATRICK E. FLAHAVEN, Secretary of the Senate

Norton moved that the House refuse to concur in the Senate amendments to H. F. No. 2493, 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.



## PROGRESS REPORTS ON CONFERENCE COMMITTEES

Pursuant to Joint Rule 2.06, progress on H. F. No. 544 and S. F. No. 65 was reported to the House.

## CONSENT CALENDAR

S. F. No. 1951, A bill for an act relating to marriage; providing that the clerk of county court may solemnize marriages; amending Minnesota Statutes 1976, Section 517.04.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 125 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Clawson	Jensen	Munger	Searle
Adams	Cohen	Johnson	Murphy	Searles
Albrecht	Corbid	Jude	Neisen	Sieben, M.
Anderson, B.	Cummiskey	Kahn	Neisen, B.	Simoneau
Anderson, D.	Dean	Kaley	Nelson	Skoglund
Anderson, G.	Den Ouden	Kalis	Niehaus	Smogard
Anderson, I.	Eckstein	Kelly, R.	Norton	Spanish
Arlandson	Eken	Kelly, W.	Novak	Stanton
Battaglia	Ellingson	Kempe, A.	Onnen	Stoa
Beauchamp	Enebo	Kempe, R.	Patton	Suss
Begich	Erickson	King	Pehler	Swanson
Berg	Esau	Knickerbocker	Peterson	Tomlinson
Berglin	Evans	Kostohryz	Petrafeso	Vanasek
Berkelman	Ewald	Kroening	Pleasant	Voss
Biersdorf	Farcy	Laidig	Prahl	Waldorf
Birnstihl	Fjoslien	Langseth	Redalen	Welch
Brandl	Forsythe	Lehto	Reding	Wenstrom
Braun	Friedrich	Lemke	Rice	Wenzel
Brinkman	Fudro	Mangan	Rose	White
Byrne	Fugina	Mann	St. Onge	Wieser
Carlson, A.	Gunter	McCarron	Samuelson	Wigley
Carlson, D.	Hanson	McCollar	Sarna	Williamson
Carlson, L.	Heinitz	McDonald	Savelkoul	Wynia
Casserly	Hokanson	McEachern	Scheid	Zubay
Clark	Jaros	Moe	Schulz	Speaker Sabo

The bill was passed and its title agreed to.

S. F. No. 1955, A bill for an act relating to transportation construction contracts; defining the term "small business"; amending Minnesota Statutes, 1977 Supplement, Section 161.321, Subdivision 1.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Cohen	Kahn	Nelsen, M.	Sieben, M.
Adams	Corbid	Kaley	Nelson	Simoneau
Albrecht	Cummiskey	Kalis	Niehaus	Skoglund
Anderson, B.	Dean	Kelly, R.	Norton	Smogard
Anderson, D.	Eckstein	Kelly, W.	Novak	Spanish
Anderson, G.	Eken	Kempe, A.	Onnen	Stanton
Anderson, I.	Ellingson	Kempe, R.	Patton	Stoa
Arlandson	Enebo	King	Peher	Suss
Battaglia	Erickson	Knickerbocker	Peterson	Swanson
Beauchamp	Esau	Kostohryz	Petrafaso	Tomlinson
Begich	Evans	Kroening	Pleasant	Vanasek
Berg	Ewald	Laidig	Prahl	Voss
Berglin	Faricy	Langseth	Redalen	Waldorf
Berkelman	Fjoslien	Lehto	Reding	Welch
Biersdorf	Forsythe	Lemke	Rice	Wenstrom
Birnstihl	Friedrich	Mangan	Rose	Wenzel
Brandl	Fudro	Mann	St. Onge	White
Braun	Fugina	McCarron	Samuelson	Wieser
Brinkman	Gunter	McCollar	Sarna	Wigley
Byrne	Hanson	McDonald	Savelkoul	Williamson
Carlson, A.	Heinitz	McEachern	Scheid	Wynia
Carlson, D.	Hokanson	Moe	Schulz	Zubay
Carlson, L.	Jaros	Munger	Searle	Speaker Sabo
Casserly	Jensen	Murphy	Searles	
Clark	Johnson	Neisen	Sherwood	
Clawson	Jude	Nelsen, B.	Sieben, H.	

The bill was passed and its title agreed to.

H. F. No. 1783, A bill for an act relating to the city of Brainerd; service credit in the public employees police and fire fund for the fire chief therein.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Birnstihl	Den Ouden	Gunter	King
Adams	Brandl	Eckstein	Hanson	Knickerbocker
Albrecht	Braun	Eken	Heinitz	Kostohryz
Anderson, B.	Brinkman	Ellingson	Hokanson	Kroening
Anderson, D.	Byrne	Enebo	Jaros	Laidig
Anderson, G.	Carlson, A.	Erickson	Jensen	Langseth
Anderson, I.	Carlson, D.	Esau	Johnson	Lehto
Arlandson	Carlson, L.	Evans	Jude	Lemke
Battaglia	Casserly	Ewald	Kahn	Mangan
Beauchamp	Clark	Faricy	Kaley	Mann
Begich	Clawson	Fjoslien	Kalis	McCarron
Berg	Cohen	Forsythe	Kelly, R.	McCollar
Berglin	Corbid	Friedrich	Kelly, W.	McDonald
Berkelman	Cummiskey	Fudro	Kempe, A.	McEachern
Biersdorf	Dean	Fugina	Kempe, R.	Moe

Munger	Pehler	Sarna	Smogard	Wenstrom
Murphy	Peterson	Savelkoul	Spanish	Wenzel
Neisen	Petrafeso	Scheid	Stanton	White
Nelsen, B.	Pleasant	Schulz	Stoa	Wieser
Nelsen, M.	Prahl	Searle	Suss	Wigley
Nelson	Redalen	Searles	Swanson	Williamson
Niehaus	Reding	Sherwood	Tomlinson	Wynia
Norton	Rice	Sieben, H.	Vanasek	Zubay
Novak	Rose	Sieben, M.	Voss	Speaker Sabo
Onnen	St. Onge	Simoneau	Waldorf	
Patton	Samuelson	Skoglund	Welch	

The bill was passed and its title agreed to.

S. F. No. 1607, A bill for an act relating to occupational safety and health; children under 16 not to be employed in occupations or places potentially injurious; amending Minnesota Statutes 1976, Section 182.09.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 122 yeas and 3 nays as follows:

Those who voted in the affirmative were:

Abeln	Corbid	Kaley	Nelson	Simoneau
Adams	Cummiskey	Kelly, R.	Niehaus	Skoglund
Albrecht	Dean	Kelly, W.	Norton	Smogard
Anderson, B.	Den Ouden	Kempe, A.	Novak	Spanish
Anderson, I.	Eckstein	Kempe, R.	Onnen	Stanton
Arlandson	Eken	King	Pehler	Stoa
Battaglia	Ellingson	Knickerbocker	Peterson	Suss
Beauchamp	Enebo	Kostohryz	Petrafeso	Swanson
Begich	Erickson	Kroening	Pleasant	Tomlinson
Berg	Esau	Laidig	Prahl	Vanasek
Berglin	Evans	Langseth	Redalen	Voss
Berkelman	Ewald	Lehto	Reding	Waldorf
Biersdorf	Faricy	Lemke	Rice	Welch
Birnstihl	Fjoslien	Mangan	Rose	Wenstrom
Brandl	Forsythe	Mann	St. Onge	Wenzel
Braun	Friedrich	McCarron	Samuelson	White
Brinkman	Fudro	McCollar	Sarna	Wieser
Byrne	Fugina	McDonald	Savelkoul	Wigley
Carlson, A.	Heinitz	McEachern	Scheid	Williamson
Carlson, D.	Hokanson	Moe	Schulz	Wynia
Carlson, L.	Jaros	Munger	Searle	Zubay
Casserly	Jensen	Murphy	Searles	Speaker Sabo
Clark	Johnson	Neisen	Sherwood	
Clawson	Jude	Nelsen, B.	Sieben, H.	
Cohen	Kahn	Nelsen, M.	Sieben, M.	

Those who voted in the negative were:

Anderson, D. Anderson, G. Kalis

The bill was passed and its title agreed to.

## MOTION FOR RECONSIDERATION

Wenzel moved that the vote whereby H. F. No. 582 was not passed on Special Orders Tuesday, March 7, 1978, be now reconsidered.

A roll call was requested and properly seconded.

The question was taken on the motion and the roll was called. There were 75 yeas and 42 nays as follows:

Those who voted in the affirmative were:

Abeln	Carlson, L.	Jude	Munger	Sieben, M.
Anderson, G.	Cassery	Kelly, R.	Murphy	Simoneau
Anderson, I.	Clark	Kelly, W.	Nelsen, B.	Smogard
Arlandson	Clawson	Kempe, A.	Nelsen, M.	Spanish
Battaglia	Cohen	Kempe, R.	Nelson	Stanton
Beauchamp	Cummiskey	King	Novak	Stoa
Begich	Eken	Kostohryz	Petrateso	Swanson
Berg	Ellingson	Kroening	Prahl	Tomlinson
Berglin	Enebo	Langseth	Rice	Waldorf
Berkelman	Faricy	Lehto	St. Onge	Welch
Biersdorf	Fudro	Lemke	Samuelson	Wenstrom
Birnstihl	Fugina	Mangan	Sarna	Wenzel
Braun	Hanson	McCarron	Scheid	White
Byrne	Hokanson	McCollar	Schulz	Williamson
Carlson, A.	Johnson	McEachern	Sherwood	Speaker Sabo

Those who voted in the negative were:

Adams	Erickson	Jensen	Onnen	Suss
Albrecht	Esau	Kahn	Peterson	Voss
Anderson, D.	Evans	Kaley	Pleasant	Wieser
Brandl	Ewald	Kalis	Redalen	Wigley
Brinkman	Fjoslien	Knickerbocker	Rose	Wynia
Carlson, D.	Forsythe	Laidig	Saveikoul	Zubay
Dean	Friedrich	Mann	Searle	
Den Ouden	Gunter	McDonald	Searles	
Eckstein	Heinitz	Niehaus	Skoglund	

The motion prevailed.

H. F. No. 582 was reported to the House.

Nelsen, M., moved to amend H. F. No. 582, as follows:

Page 1, delete lines 19 and 20.

Page 1, delete lines 22 and 23.

Page 2, delete lines 1, 2, and 3.

Page 2, delete lines 8 and 9.

Renumber the clauses.

Page 2, after line 29, insert:

*"(9) Minimal narrowing of the fifth lumbar interspace when unaccompanied by other findings,*

*(10) Complete sacralization; four lumbar vertebrae; last lumbar vertebra is fused in whole,*

*(11) Complete lumbarization; six lumbar vertebrae; first sacral segment has become a separate segment and has the appearance of the last lumbar,*

*(12) Minor anomalies of transverse processes or articular facets."*

The motion prevailed and the amendment was adopted.

Onnen moved that H. F. No. 582, as amended, be re-referred to the Committee on Labor-Management Relations. The motion did not prevail.

H. F. No. 582, A bill for an act relating to human rights; specifying medical standards for employment and bona fide occupational qualifications; amending Minnesota Statutes, 1977 Supplement, Section 363.03, Subdivision 1.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 76 yeas and 42 nays as follows:

Those who voted in the affirmative were:

Abeln	Clark	Kelly, W.	Nelsen, M.	Sieben, M.
Anderson, G.	Clawson	Kempe, A.	Nelson	Simoneau
Anderson, I.	Cohen	King	Norton	Spanish
Arlandson	Cummiskey	Kostohryz	Novak	Stanton
Battaglia	Ellingson	Kroening	Patton	Swanson
Beauchamp	Enebo	Langseth	Pehler	Tomlinson
Begich	Farcy	Lehto	Petrafeso	Waldorf
Berg	Fudro	Lemke	Prahl	Wenstrom
Berglin	Fugina	Mangan	Reding	Wenzel
Berkelman	Gunter	Mann	Rice	White
Biersdorf	Hanson	McCarron	St. Onge	Williamson
Birnstihl	Hokanson	McCollar	Samuelson	Speaker Sabo
Braun	Jensen	McEachern	Sarna	
Byrne	Johnson	Munger	Scheid	
Carlson, A.	Jude	Murphy	Schulz	
Carlson, L.	Kelly, R.	Neisen	Sherwood	

Those who voted in the negative were:

Adams	Anderson, D.	Brinkman	Dean	Eckstein
Albrecht	Brandl	Carlson, D.	Den Ouden	Eken

Erickson	Heinitz	Niehaus	Searle	Wieser
Esau	Kahn	Onnen	Searles	Wigley
Evans	Kaley	Peterson	Skoglund	Wynia
Ewald	Knickerbocker	Pleasant	Stoa	Zubay
Fjoslien	Laidig	Redalen	Suss	
Forsythe	McDonald	Rose	Voss	
Friedrich	Nelsen, B.	Savelkoul	Welch	

The bill was passed, as amended, and its title agreed to.

### SPECIAL ORDERS

H. F. No. 1513, A bill for an act relating to contracts; distributing partial payments to construction subcontractors or material suppliers.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 124 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Cohen	Jude	Nelsen, M.	Sieben, H.
Adams	Corbid	Kahn	Nelson	Sieben, M.
Albrecht	Cummiskey	Kaley	Niehaus	Simoneau
Anderson, B.	Dean	Kalis	Norton	Skoglund
Anderson, D.	Den Ouden	Kelly, R.	Novak	Smogard
Anderson, G.	Eckstein	Kelly, W.	Onnen	Spanish
Anderson, I.	Eken	Kempe, A.	Patton	Stanton
Battaglia	Ellingson	Kempe, R.	Pehler	Stoa
Beauchamp	Enebo	King	Peterson	Suss
Begich	Erickson	Knickerbocker	Petrafeso	Swanson
Berg	Esau	Kostohryz	Pleasant	Tomlinson
Berglin	Evans	Kroening	Prahl	Vanasek
Berkelman	Ewald	Laidig	Redalen	Voss
Biersdorf	Faricy	Langseth	Reding	Waldorf
Birnstihl	Fjoslien	Lehto	Rice	Welch
Brandl	Forsythe	Lemke	Rose	Wenstrom
Braun	Friedrich	Mangan	St. Onge	Wenzel
Brinkman	Fudro	Mann	Samuelson	White
Byrne	Fugina	McCarron	Sarna	Wieser
Carlson, A.	Gunter	McDonald	Savelkoul	Wigley
Carlson, D.	Hanson	McEachern	Scheid	Williamson
Carlson, L.	Heinitz	Munger	Schulz	Wynia
Casserly	Hokanson	Murphy	Searle	Zubay
Clark	Jensen	Neisen	Searies	Speaker Sabo
Clawson	Johnson	Nelsen, B.	Sherwood	

The bill was passed and its title agreed to.

H. F. No. 2041 was reported to the House.

Enebo moved to amend H. F. No. 2041, as follows:

Page 8, line 27, delete "June 1, 1978" and insert "March 15, 1980".

Page 8, line 29, delete "June 1, 1978" and insert "March 15, 1980".

Page 9, line 6, delete "March 15, 1978" and insert "March 15, 1980".

The motion prevailed and the amendment was adopted.

H. F. No. 2041, A bill for an act relating to labor and employment; prohibiting mandatory retirement of public or private employees; rights and remedies of employees; amending Minnesota Statutes 1976, Sections 356.32; 422A.13, Subdivision 2; 423.075, Subdivision 1; 473.606, Subdivision 5; and Chapter 181, by adding a section; and Minnesota Statutes, 1977 Supplement, Section 363.02, Subdivision 6; repealing Minnesota Statutes 1976, Sections 125.12, Subdivision 5; 163.07, Subdivision 2a; 352B.075; 354A.21; and 423.26; and Minnesota Statutes, 1977 Supplement, Sections 43.051, Subdivisions 1, 2 and 4; and 354.44, Subdivision 1a.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 117 yeas and 4 nays as follows:

Those who voted in the affirmative were:

Abeln	Clawson	Kahn	Nelsen, B.	Sieben, M.
Adams	Cohen	Kaley	Nelsen, M.	Simoneau
Anderson, B.	Corbid	Kalis	Nelson	Skoglund
Anderson, D.	Cummiskey	Kelly, R.	Niehaus	Smogard
Anderson, G.	Dean	Kelly, W.	Norton	Spanish
Anderson, I.	Den Ouden	Kempe, A.	Novak	Stanton
Arlandson	Ellingson	Kempe, R.	Onnen	Stoa
Battaglia	Enebo	King	Patton	Suss
Beauchamp	Erickson	Knickerbocker	Pehler	Swanson
Begich	Esau	Kostohryz	Peterson	Tomlinson
Berg	Ewald	Kroening	Petrafaso	Vanasek
Berglin	Faricy	Laidig	Pleasant	Waldorf
Berkelman	Fjoslien	Langseth	Prahl	Welch
Biersdorf	Forsythe	Lehto	Reding	Wenstrom
Birnstihl	Friedrich	Lemke	Rice	Wenzel
Brandl	Fudro	Mangan	Rose	White
Braun	Fugina	Mann	St. Onge	Wieser
Brinkman	Gunter	McCarron	Samuelson	Williamson
Byrne	Hanson	McCollar	Sarna	Wynia
Carlson, A.	Heinitz	McDonald	Savelkoul	Zubay
Carlson, D.	Hokanson	McEachern	Scheid	Speaker Sabo
Carlson, L.	Jaros	Moe	Schulz	
Casserly	Jensen	Munger	Sherwood	
Clark	Jude	Neisen	Sieben, H.	

Those who voted in the negative were:

Albrecht      Eken      Redalen      Wigley

The bill was passed, as amended, and its title agreed to.

## CALENDAR

S. F. No. 1643 was reported to the House and given its third reading.

## UNANIMOUS CONSENT

Laidig requested unanimous consent to offer an amendment. The request was granted.

Laidig moved to amend S. F. No. 1643, as follows:

Page 3, line 27, after "of" strike "20" insert "30".

The motion prevailed and the amendment was adopted.

S. F. No. 1643, A bill for an act relating to agriculture; corn detasseling employees; providing minimum labor standards; amending Minnesota Statutes 1976, Chapter 181, by adding sections.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 69 yeas and 55 nays as follows:

Those who voted in the affirmative were:

Abeln	Casslerly	Jude	Murphy	Simoneau
Adams	Clark	Kahn	Neisen	Skoglund
Anderson, B.	Clawson	Kelly, R.	Nelsen, M.	Stanton
Anderson, I.	Cohen	Kempe, A.	Nelson	Suss
Arlandson	Cummiskey	Kempe, R.	Norton	Swanson
Battaglia	Ellingson	King	Novak	Tomlinson
Begich	Enebo	Kostohryz	Patton	Vanasek
Berg	Ewald	Kroening	Pehler	Voss
Berglin	Faricy	Laidig	Petrafeso	Waldorf
Berkelman	Fudro	Lehto	Pleasant	Welch
Brandl	Fugina	Mangan	Rice	Wenzel
Byrne	Hanson	McCarron	St. Onge	Wynia
Carlson, A.	Hokanson	Moe	Sieben, H.	Speaker Sabo
Carlson, L.	Jensen	Munger	Sieben, M.	

Those who voted in the negative were:

Albrecht	Den Ouden	Jaros	Nelsen, B.	Schulz
Anderson, D.	Eckstein	Johnson	Niehaus	Searle
Anderson, G.	Eken	Kaley	Onnen	Searles
Beauchamp	Erickson	Kalis	Peterson	Sherwood
Biersdorf	Esau	Kelly, W.	Prahl	Smogard
Birnstihl	Evans	Knickerbocker	Redalen	Spanish
Braun	Fjoslien	Langseth	Reding	Stoa
Brinkman	Forsythe	Lemke	Rose	Wenstrom
Carlson, D.	Friedrich	Mann	Samuelson	Wieser
Corbid	Gunter	McDonald	Sarna	Wigley
Dean	Heintz	McEachern	Savelkoul	Zubay



The bill was passed, as amended, and its title agreed to.

H. F. No. 1977, A bill for an act relating to marijuana; retroactively reducing past convictions involving a small amount of marijuana to a petty misdemeanor; amending Minnesota Statutes 1976, Section 152.18, by adding a subdivision.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 89 yeas and 31 nays as follows:

Those who voted in the affirmative were:

Abeln	Dean	Jude	Murphy	Simoneau
Adams	Eckstein	Kahn	Nelsen, M.	Skoglund
Anderson, B.	Ellingson	Kelly, R.	Nelson	Smogard
Anderson, I.	Enebo	Kelly, W.	Norton	Spanish
Beauchamp	Esau	Kempe, A.	Novak	Stanton
Berg	Evans	King	Patton	Stoa
Berglin	Ewald	Knickerbocker	Pehler	Suss
Berkelman	Faricy	Kostohryz	Petrafeso	Swanson
Brandl	Forsythe	Laidig	Pleasant	Tomlinson
Brinkman	Friedrich	Lehto	Redalen	Vanasek
Byrne	Fudro	Lemke	Reding	Voss
Carlson, A.	Fugina	Mangan	Rice	Welch
Carlson, D.	Gunter	Mann	St. Onge	White
Carlson, L.	Hanson	McCarron	Samuelson	Williamson
Casserly	Hokanson	McCollar	Savelkoul	Wynia
Clark	Jaros	McDonald	Scheid	Zubay
Clawson	Jensen	Moe	Searles	Speaker Sabo
Cohen	Johnson	Munger	Sieben, M.	

Those who voted in the negative were:

Albrecht	Corbid	Kalis	Onnen	Wenzel
Anderson, D.	Den Ouden	Kempe, R.	Peterson	Wieser
Anderson, G.	Eken	Kroening	Rose	Wigley
Battaglia	Erickson	Langseth	Schulz	
Begich	Fjoslien	Neisen	Sherwood	
Biersdorf	Heinitz	Nelsen, B.	Waldorf	
Braun	Kaley	Niehaus	Wenstrom	

The bill was passed and its title agreed to.

S. F. No. 1206, A bill for an act relating to aircraft; clarifying compulsory insurance requirements; requiring maintenance of liability coverage only during periods of contemplated aircraft use or operation; amending Minnesota Statutes 1976, Section 360.59, Subdivision 10.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 106 yeas and 6 nays as follows:

Those who voted in the affirmative were:

Abeln	Corbid	Kaley	Nelsen, M.	Sherwood
Adams	Cummiskey	Kalis	Nelson	Sieben, H.
Albrecht	Dean	Kempe, R.	Niehaus	Sieben, M.
Anderson, B.	Den Ouden	King	Norton	Simoneau
Anderson, D.	Eckstein	Knickerbocker	Novak	Smogard
Anderson, G.	Eken	Kostohryz	Onnen	Spanish
Anderson, I.	Ellingson	Kroening	Patton	Stanton
Berg	Enebo	Laidig	Pehler	Stoa
Berglin	Erickson	Langseth	Peterson	Suss
Berkelman	Esau	Lehto	Petrafaso	Tomlinson
Birnstill	Evans	Lemke	Redalin	Vanasek
Brandl	Ewald	Mangan	Reding	Welch
Braun	Fjoslien	Mann	Rice	Wenstrom
Brinkman	Forsythe	McCarron	Rose	Wenzel
Byrne	Fudro	McCollar	St. Onge	Wieser
Carlson, A.	Fugina	McDonald	Samuelson	Wigley
Carlson, D.	Gunter	McEachern	Sarna	Wynia
Carlson, L.	Heinitz	Moe	Savelkoul	Speaker Sabo
Casserly	Hokanson	Munger	Scheid	
Clark	Jensen	Murphy	Schultz	
Clawson	Jude	Neisen	Searle	
Cohen	Kahn	Nelsen, B.	Searles	

Those who voted in the negative were:

Battaglia	Hanson	Kelly, R.	Pleasant	Skoglund
Begich				

The bill was passed and its title agreed to.

H. F. No. 1861, A bill for an act relating to retirement; miscellaneous amendments to the public employees retirement law; amending Minnesota Statutes 1976, Sections 353.01, Subdivisions 12, 16, and 20; 353.017, Subdivision 2; 353.30, by adding a subdivision; 353.31, Subdivision 1; 353.32, Subdivisions 5 and 9; 353.33, Subdivision 11; 353.34, Subdivision 6; 353.656, Subdivision 6; 353.657, Subdivision 1; 354.41, by adding a subdivision; 356.32, Subdivision 1; Minnesota Statutes, 1977 Supplement, Sections 353.01, Subdivision 2b; 353.36, Subdivision 2; and 354.41, Subdivision 6; repealing Minnesota Statutes, 1977 Supplement, Section 353.32, Subdivision 7.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 124 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Anderson, I.	Berglin	Brinkman	Clark
Adams	Arlanson	Berkelman	Byrne	Clawson
Albrecht	Battaglia	Biersdorf	Carlson, A.	Cohen
Anderson, B.	Beauchamp	Birnstill	Carlson, D.	Corbid
Anderson, D.	Begich	Brandl	Carlson, L.	Cummiskey
Anderson, G.	Berg	Braun	Casserly	Dean

Den Ouden	Jaros	McCarron	Redalen	Stanton
Eckstein	Jensen	McCollar	Reding	Stoa
Eken	Johnson	McDonald	Rice	Suss
Ellingson	Jude	McEachern	Rose	Swanson
Enebo	Kahn	Moe	St. Onge	Tomlinson
Erickson	Kaley	Munger	Samuelson	Vanasek
Esau	Kalis	Murphy	Sarna	Voss
Evans	Kempe, A.	Neisen	Savelkoul	Waldorf
Ewald	Kempe, R.	Nelsen, B.	Scheid	Welch
Faricy	King	Nelsen, M.	Schulz	Wenstrom
Fjoslien	Knickerbocker	Nelson	Searle	Wenzel
Forsythe	Kostohryz	Niehaus	Searles	White
Friedrich	Kroening	Novak	Sherwood	Wieser
Fudro	Laidig	Onnen	Sieben, H.	Wigley
Fugina	Langseth	Patton	Sieben, M.	Williamson
Gunter	Lehto	Pehler	Simoneau	Wynia
Hanson	Lemke	Peterson	Skoglund	Zubay
Heinitz	Mangan	Petrafeso	Smogard	Speaker Sabo
Hokanson	Mann	Pleasant	Spanish	

The bill was passed and its title agreed to.

S. F. No. 1754, A bill for an act relating to highway traffic regulations; authorized emergency vehicles; approval of specifications and equipment test fees for lighting and vehicle safety equipment; warning devices on certain vehicles; and vehicle modification standards; amending Minnesota Statutes 1976, Sections 169.01, Subdivision 5; 169.468, Subdivision 2; 169.65; and 169.75; Minnesota Statutes, 1977 Supplement, Section 169.305, Subdivision 1; repealing Minnesota Statutes 1976, Section 169.47, Subdivision 2.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Carlson, D.	Friedrich	Kroening	Onnen
Adams	Carlson, L.	Fudro	Laidig	Patton
Albrecht	Cassery	Fugina	Langseth	Pehler
Anderson, B.	Clark	Gunter	Lehto	Peterson
Anderson, D.	Clawson	Hanson	Lemke	Petrafeso
Anderson, G.	Cohen	Heinitz	Mangan	Pleasant
Anderson, I.	Corbid	Hokanson	Mann	Redalen
Arlandson	Cummiskey	Jaros	McCarron	Reding
Battaglia	Dean	Jensen	McCollar	Rice
Beauchamp	Den Ouden	Johnson	McDonald	Rose
Begich	Eckstein	Jude	McEachern	St. Onge
Berg	Eken	Kahn	Moe	Samuelson
Berglin	Ellingson	Kaley	Munger	Sarna
Berkelman	Enebo	Kalis	Murphy	Savelkoul
Biersdorf	Erickson	Kelly, R.	Neisen	Scheid
Birnstihl	Esau	Kelly, W.	Nelsen, B.	Schulz
Brandt	Evans	Kempe, A.	Nelsen, M.	Searle
Braun	Ewald	Kempe, R.	Nelson	Searles
Brinkman	Faricy	King	Niehaus	Sherwood
Byrne	Fjoslien	Knickerbocker	Norton	Sieben, H.
Carlson, A.	Forsythe	Kostohryz	Novak	Sieben, M.

Simoneau	Stoa	Voss	White	Zubay
Skoglund	Suss	Waldorf	Wieser	Speaker Sabo
Smogard	Swanson	Welch	Wigley	
Spanish	Tomlinson	Wenstrom	Williamson	
Stanton	Vanasek	Wenzel	Wynia	

The bill was passed and its title agreed to.

S. F. No. 478, A bill for an act relating to cities; amending the definition of first class cities; amending Minnesota Statutes 1976, Section 410.01.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 102 yeas and 16 nays as follows:

Those who voted in the affirmative were:

Abeln	Cohen	Kelly, R.	Nelson	Simoneau
Adams	Cummiskey	Kelly, W.	Norton	Skoglund
Anderson, B.	Dean	Kempe, A.	Novak	Smogard
Anderson, I.	Eckstein	Kempe, R.	Onnen	Spanish
Arlandson	Eken	King	Patton	Stanton
Battaglia	Enebo	Kostohryz	Pehler	Stoa
Begich	Esau	Laidig	Petrafeso	Suss
Berg	Evans	Langseth	Pleasant	Swanson
Berglin	Ewald	Lehto	Prahl	Tomlinson
Berkelman	Faricy	Lemke	Redalen	Vanasek
Biersdorf	Fjoslien	Mangan	Reding	Voss
Birnstihl	Fudro	Mann	Rice	Waldorf
Brandl	Gunter	McCarron	Rose	Welch
Braun	Hanson	McCollar	St. Onge	Wenzel
Brinkman	Hokanson	McDonald	Samuelson	White
Byrne	Jaros	McEachern	Sarna	Williamson
Carlson, A.	Jensen	Moe	Scheid	Wynia
Carlson, L.	Johnson	Munger	Schulz	Speaker Sabo
Casserly	Jude	Murphy	Searles	
Clark	Kahn	Neisen	Sieben, H.	
Clawson	Kaley	Nelsen, M.	Sieben, M.	

Those who voted in the negative were:

Albrecht	Den Ouden	Knickerbocker	Searle	Wieser
Anderson, D.	Erickson	Nelsen, B.	Wenstrom	Wigley
Anderson, G.	Forsythe	Niehaus		
Corbid	Heinitz	Peterson		

The bill was passed and its title agreed to.

H. F. No. 499, A bill for an act relating to insurance; permitting employees to opt for lower benefits provided by certain group insurance contracts; amending Minnesota Statutes, 1977 Supplement, Section 471.616, Subdivision 1.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Cohen	Kahn	Nelsen, M.	Sieben, M.
Adams	Corbid	Kaley	Nelson	Simoneau
Albrecht	Cummiskey	Kalis	Niehaus	Skoglund
Anderson, B.	Dean	Kelly, R.	Norton	Smogard
Anderson, D.	Den Ouden	Kelly, W.	Novak	Spanish
Anderson, G.	Eckstein	Kempe, A.	Onnen	Stanton
Anderson, I.	Eken	Kempe, R.	Patton	Stoa
Arlandson	Ellingson	King	Pehler	Suss
Battaglia	Enebo	Knickerbocker	Peterson	Swanson
Beauchamp	Erickson	Kostohryz	Petrafeso	Tomlinson
Begich	Esau	Kroening	Pleasant	Vanasek
Berg	Evans	Laidig	Prahl	Voss
Berglin	Ewald	Langseth	Redalen	Waldorf
Berkelman	Faricy	Lehto	Reding	Welch
Biersdorf	Fjoslien	Lemke	Rice	Wenstrom
Birnstihl	Forsythe	Mangan	Rose	Wenzel
Brandl	Friedrich	Mann	St. Onge	White
Braun	Fugina	McCarron	Samuelson	Wieser
Brinkman	Gunter	McCollar	Sarna	Wigley
Byrne	Hanson	McDonald	Savelkoul	Williamson
Carlson, A.	Heinitz	McEachern	Scheid	Wynia
Carlson, D.	Hokanson	Moe	Schulz	Zubay
Carlson, L.	Jaros	Munger	Searle	Speaker Sabo
Cassery	Jensen	Murphy	Searles	
Clark	Johnson	Neisen	Sherwood	
Clawson	Jude	Nelsen, B.	Sieben, H.	

The bill was passed and its title agreed to.

H. F. No. 1898, A bill for an act relating to public employment; the state civil service; providing on-the-job trial work experiences and noncompetitive appointment procedures for certain severely handicapped persons; amending Minnesota Statutes 1976, Section 43.20, by adding a subdivision.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 127 yeas and 0 nays as follows:

Those who voted in affirmative were:

Abeln	Berglin	Clark	Esau	Hokanson
Adams	Berkelman	Clawson	Evans	Jaros
Albrecht	Biersdorf	Cohen	Ewald	Jensen
Anderson, B.	Birnstihl	Corbid	Faricy	Johnson
Anderson, D.	Brandl	Cummiskey	Fjoslien	Jude
Anderson, G.	Braun	Dean	Forsythe	Kahn
Anderson, I.	Brinkman	Den Ouden	Friedrich	Kaley
Arlandson	Byrne	Eckstein	Fudro	Kalis
Battaglia	Carlson, A.	Eken	Fugina	Kelly, R.
Beauchamp	Carlson, L.	Ellingson	Gunter	Kelly, W.
Begich	Carlson, D.	Enebo	Hanson	Kempe, A.
Berg	Cassery	Erickson	Heinitz	Kempe, R.

King	Moe	Petrafeso	Searles	Voss
Knickerbocker	Munger	Pleasant	Sherwood	Welch
Kostohryz	Murphy	Prahl	Sieben, H.	Wenstrom
Kroening	Neisen	Redalen	Sieben, M.	Wenzel
Laidig	Nelsen, B.	Reding	Simoneau	White
Langseth	Nelsen, M.	Rice	Skoglund	Wieser
Lehto	Nelson	Rose	Smogard	Wigley
Lemke	Niehaus	St. Onge	Spanish	Williamson
Mangan	Norton	Samuelson	Stanton	Wynia
Mann	Novak	Sarna	Stoa	Zubay
McCarron	Onnen	Savelkoul	Suss	Speaker Sabo
McCollar	Patton	Scheid	Swanson	
McDonald	Pehler	Schulz	Tomlinson	
McEachern	Peterson	Searle	Vanasek	

The bill was passed and its title agreed to.

Sieben, H., was excused for the remainder of today's session. Searle was excused at 3:35 p.m. Heinitz was excused at 4:00 p.m. Anderson, I., and Brinkman were excused at 4:30 p.m. Berg and Prahl were excused at 5:10 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. After some time spent therein the Committee arose.

#### REPORT OF COMMITTEE OF THE WHOLE

The Speaker resumed the Chair, whereupon the following proceedings of the Committee as kept by the Chief Clerk were reported to the House:

H. F. Nos. 1790, 2177, 1353, 1976, 1599, 2151, 2052 and 2256 which it recommended to pass.

S. F. Nos. 1096 and 1664 which it recommended to pass.

H. F. Nos. 2338 and 2254 which it recommended progress.

S. F. No. 1690 which it recommended progress.

H. F. No. 1847 which it recommended progress retaining its place on General Orders.

S. F. No. 356 which it recommended re-referral to the Committee on Taxes.

S. F. No. 1614 which it recommended progress until Tuesday, March 14, 1978.

H. F. Nos. 2093 and 2094 which it recommended progress until Monday, March 13, 1978.

H. F. No. 2233 which it recommended to pass with the following amendment offered by Anderson, I.:

Page 2, line 3, strike the period and insert a semicolon.

Page 2, after line 3, insert "(e) *“Purchase” means acquire by purchase or lease.*”

H. F. No. 1786 which it recommended to pass with the following amendment offered by Kahn and Hokanson:

Page 2, line 13, after the period insert *“Sexual abuse also includes any person aiding, encouraging or coercing a child to commit a violation of section 609.32, or committing a violation of 609.32 with or upon a child.”*

H. F. No. 669 which it recommended to pass with the following amendments:

Offered by Den Ouden:

Page 3, after line 9, insert a new section to read:

**“Sec. 2. [LIABILITY FOR INJURY INCURRED ON LAND OF ANOTHER.]** *No cause of action shall arise against the landowner, his lessee or agent for injuries to any person 18 years of age or older who is on the lands of the owner without permission for the purpose of hunting, fishing, trapping, camping or snowmobiling unless the injuries were caused by the gross negligence or wilful and wanton misconduct of the owner, his lessee or agent.”*

Renumber the following sections.

Offered by Anderson, G.:

Page 3, line 6, after “All” insert *“conservation officers and”*.

Offered by Anderson, G.:

Page 2, line 28, delete “500” and insert “1,000”.

S. F. No. 1431 which it recommended to pass with the following amendment offered by King:

Page 5, line 4, after “fee” insert a period and delete the rest of the line.

Page 5, delete line 5.

Page 5, after line 8, insert a new section to read:

"Sec. 3. *Minnesota Statutes 1976, Section 28A.15, Subdivision 6 is repealed.*"

Further, amend the title as follows:

Page 1, line 6, after "Section 28A.09" insert "; repealing Minnesota Statutes 1976, Section 28A.15, Subdivision 6".

H. F. No. 1286 which it recommended to pass with the following amendment offered by McEachern:

Page 6, line 13, delete "*The state department may*".

Page 6, delete lines 14 and 15.

Page 6, line 16, delete "*system meets all other requirements.*".

H. F. No. 1754 which it recommended to pass with the following amendment offered by Suss:

Page 4, after line 9, insert the following:

"Sec. 9. Minnesota Statutes, 1977 Supplement, Section 122.86, Subdivision 3, is amended to read:

Subd. 3. [TASK FORCE MEMBERSHIP.] Each task force shall consist of one member from each school district within its geographic boundaries. Each school board shall be responsible for selecting its own representative. This appointment shall be made no later than August 15, 1977, and the ECSU and the commissioner shall be notified of these appointments no later than September 1, 1977. Members of these task forces shall hold their offices from the dates of their selection until June 30, 1980 *subject to removal at the pleasure of their appointing school board.* Vacancies on the task forces *including those caused by removal of a member by the school board* shall be filled by the representative school boards in the same manner as the original appointments. *When schools are consolidated the consolidated board shall select one representative to represent the new district on the task force.*"

Further amend the title as follows:

Page 1, line 3, after "provisions;" insert "planning task force; providing for removal of task force members;"

Page 1, line 7, after "Subdivision 2;" insert "amending Minnesota Statutes, 1977 Supplement, Section 122.86, Subdivision 3;"



On the motion of Berglin the report of the Committee of the Whole was adopted.

#### ROLL CALLS IN COMMITTEE OF THE WHOLE

Pursuant to rule 1.6, the following roll calls were taken in the Committee of the Whole:

The question was taken on the motion by Anderson, I., to recommend passage of H. F. No. 2233, as amended, and the roll was called. There were 82 yeas and 25 nays as follows:

Those who voted in the affirmative were:

Abeln	Carlson, L.	Johnson	Murphy	Schulz
Adams	Cassery	Jude	Neisen	Sieben, M.
Anderson, G.	Clark	Kalis	Nelsen, M.	Simoneau
Anderson, I.	Clawson	Kelly, W.	Nelson	Skoglund
Arlandson	Cohen	Kempe, A.	Norton	Smogard
Battaglia	Corbid	Kempe, R.	Novak	Spanish
Beauchamp	Ellingson	Knickerbocker	Onnen	Stanton
Begich	Enebo	Kostohryz	Patton	Swanson
Berg	Evans	Kroening	Pehler	Wenstrom
Berglin	Ewald	Langseth	Petraleso	Wenzel
Berkelman	Faricy	Lehto	Prahl	White
Birnstihl	Fudro	Lemke	Reding	Wieser
Braun	Fugina	Mangan	Rose	Wynia
Brinkman	Gunter	McCarron	St. Onge	Speaker Sabo
Byrne	Hanson	McEachern	Samuelson	
Carlson, A.	Hokanson	Moe	Sarna	
Carlson, D.	Jensen	Munger	Scheid	

Those who voted in the negative were:

Albrecht	Den Ouden	Forsythe	Nelsen, B.	Stoa
Anderson, D.	Eckstein	Kahn	Niehaus	Tomlinson
Brandl	Erickson	Kaley	Peterson	Wigley
Cummiskey	Esau	King	Pleasant	Williamson
Dean	Fjoslien	McDonald	Redalen	Zubay

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. 1246, A bill for an act relating to charitable trusts; regulating the solicitation of charitable funds; clarifying and revising registration, filing and reporting requirements; coordinating charitable solicitations with general trust provisions; defining terms; amending Minnesota Statutes 1976, Sections 309.50, Subdivisions 3, 4, and 10, and by adding subdivisions;

309.515, Subdivision 1; 309.52, Subdivisions 1a, 4, and 5; 309.53, Subdivisions 1, 1a, 3, and 4; 309.555; 309.56, Subdivision 1; 501.72; 501.74; 501.75; 501.76; 501.77; 501.78, Subdivisions 1, 2 and 4; 501.79, Subdivisions 2 and 5; and 501.81; and Chapters 309, by adding sections; and 525, by adding a section; repealing Minnesota Statutes 1976, Sections 309.52, Subdivision 6; and 501.79, Subdivision 3.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Norton from the Committee on Appropriations to which was referred:

H. F. No. 1575, A bill for an act relating to agriculture; grain inspection; weighing, sampling and analysis; appropriating money; amending Minnesota Statutes 1976, Sections 17B.03, Subdivision 1; 17B.04, Subdivision 1; and 17B.13.

Reported the same back with the following amendments:

Page 3, line 13, delete "*purposes of this act*" and insert "*period ending June 30, 1979*".

With the recommendation that when so amended the bill pass.

The report was adopted.

Norton from the Committee on Appropriations to which was referred:

H. F. No. 1885, A bill for an act relating to education; providing for aids to education, tax levies, and the distribution of tax revenues; granting certain powers and duties to teachers, school boards, school districts, county auditors, the commissioner of education, the commissioner of finance, and the state board of education; creating a legislative school finance study commission; revising the provisions governing effective date, levy limitations, and employee relations, in case of school district reorganization; allowing the experimental pairing of certain districts; limiting the liability of school bus contractors; increasing capital expenditure aid and the capital expenditure levy limitation; providing a funding method for programs of secondary vocational education for handicapped children; increasing the reinstatement period for teachers on unrequested leave of absence; providing state funding for the employer's share of retirement contributions for teachers on extended leaves of absence; authorizing certain expenditures; transferring certain appropriated funds; appropriating money; amending Minnesota Statutes

1976, Sections 6.62, Subdivision 1; 121.904, Subdivision 7, and by adding a subdivision; 122.22, Subdivision 9, and by adding a subdivision; 122.23, Subdivisions 13, 15, and 18; 122.46, Subdivision 2; 123.37, Subdivision 1b; 123.39, by adding a subdivision; 124.17, Subdivision 3; 124.20; 124.74; 124.76; 125.12, Subdivisions 6a and 6b; 126.12; 127.29, Subdivision 1; 128A.02, by adding subdivisions; 134.03; 275.125, Subdivisions 15, 16 and 18; 475.60, Subdivision 2; Chapter 122, by adding sections; Chapter 124, by adding a section; Minnesota Statutes, 1977 Supplement, Sections 121.912, Subdivision 1; 122.85, Subdivision 1; 124.17, Subdivisions 1 and 2; 124.19, Subdivision 1; 124.212, Subdivisions 5a and 8a; 124.213, Subdivision 1; 124.222, Subdivision 6; 124.245, Subdivisions 1 and 2, and by adding a subdivision; 124.32, Subdivisions 1b, 5, and by adding a subdivision; 124.38, Subdivision 7; 124.562, Subdivision 1; 124.572, Subdivision 2; 124.573, Subdivision 2; 125.60, Subdivisions 2 and 3, and by adding a subdivision; 125.61, Subdivisions 1, 2, 3, 4, 6, and by adding a subdivision; 176.011, Subdivision 9; 275.07; 275.124; 275.125, Subdivisions 9, and 11a; 354.094, Subdivisions 1 and 4; 354.66, Subdivisions 1 and 9; 354A.091, Subdivisions 1 and 4; and 354A.22, Subdivisions 1 and 9; repealing Minnesota Statutes 1976, Sections 120.07; 122.53; 124.02; Minnesota Statutes, 1977 Supplement, Sections 125.61, Subdivision 5; 128A.06; and Laws 1977, Chapter 447, Article IX, Section 8.

Reported the same back with the following amendments:

Pages 18 and 19, delete all of Section 18.

Page 21, line 9, strike "average" and insert "*quotient obtained when the sum*".

Page 21, line 9, before "actual" insert "*the numbers of*".

Page 21, line 10, delete the new language and reinstate the stricken language.

Page 21, line 11, after "year" insert "*and one half the number of actual pupil units in the district for the third prior year, is divided by three and one half*".

Page 24, after line 28, insert:

"Sec. 23. Minnesota Statutes 1976, Section 124.212, is amended by adding a subdivision to read:

*Subd. 6c. For the 1979-1980 school year a district shall receive in foundation aid \$1,170 per pupil unit less 27 mills times the 1977 adjusted assessed valuation of the district, plus the amount of the agricultural tax credit by which 1978 payable 1979 property taxes in the district are reduced pursuant to section 273.132.*

Sec. 24. Minnesota Statutes, 1977 Supplement, Section 124.212, Subdivision 7b, is amended to read:

Subd. 7b. For the 1978-1979 school year a district shall receive in foundation aid (\$1,090) \$1,095 per pupil unit less 28 mills times the 1976 adjusted assessed valuation of the district, plus the amount of the agricultural tax credit by which 1977 payable 1978 property taxes in the district are reduced pursuant to section 273.132.

Sec. 25. Minnesota Statutes 1976, Section 124.212, is amended by adding a subdivision to read:

*Subd. 7c. For the 1980-1981 school year a district shall receive in foundation aid \$1,250 per pupil unit less 27 mills times the 1978 adjusted assessed valuation of the district, plus the amount of the agricultural tax credit by which 1979 payable 1980 property taxes in the district are reduced pursuant to section 273.132."*

Page 28, after line 6, insert:

"Sec. 29. Minnesota Statutes, 1977 Supplement, Section 124.213, Subdivision 2, is amended to read:

Subd. 2. For the 1977-1978 school year, the foundation aid formula allowance shall equal the lesser of \$1,030 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 \$1,030, or (b) \$70. The foundation aid formula allowance shall be (\$1,090) \$1,095 for the 1978-1979 school year, \$1,170 for the 1979-1980 school year, and \$1,250 for the 1980-1981 school year."

Page 30, after line 32, insert:

"Sec. 34. Minnesota Statutes, 1977 Supplement, Section 124.32, Subdivision 1, is amended to read:

124.32 [HANDICAPPED CHILDREN.] Subdivision 1. The state shall pay to any district: (a) for the employment in its educational program for handicapped children, 60 percent of the salary of essential personnel in 1977-1978 and (65) 70 percent of the salary of essential personnel in 1978-1979, but this amount shall not exceed \$11,500 in 1977-1978 or \$12,000 in 1978-1979 for the normal school year for each full time person employed, or a pro rata amount for a part time person or a person employed for a limited time, whether the essential personnel are employed by a district alone or jointly with another district;

(b) plus five 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.

Sec. 35. Minnesota Statutes, 1977 Supplement, Section 124.32, Subdivision 1a, is amended to read:

Subd. 1a. For purposes of this section, for the 1977-1978 school year, the foundation aid formula allowance per pupil unit shall be the lesser of \$1,030 or the greater sum computed pursuant to section 124.212, subdivision 6b, clause (2). (FOR THE 1978-1979 SCHOOL YEAR,) The foundation aid formula allowance per pupil unit shall be (\$1,090) *\$1,095 for the 1978-1979 school year, \$1,170 for the 1979-1980 school year, and \$1,250 for the 1980-1981 school year.* Computations of foundation aid formula allowances pursuant to this section shall be based on the foundation aid formula allowance per pupil unit in the child's district of residence. For the purposes of computing foundation aid formula allowances pursuant to this section, each handicapped child shall be counted as prescribed in section 124.17, subdivision 1, clause (1) or (2)."

Page 36, line 4, delete "65" and insert "70".

Page 52, after line 20, insert:

"Sec. 63. Minnesota Statutes 1976, Section 179.70, Subdivision 1, is amended to read:

179.70 [CONTRACTS; GRIEVANCES; ARBITRATION.]  
Subdivision 1. A written contract or memorandum of contract containing the agreed upon terms and conditions of employment and such other matters as may be agreed upon by the employer and exclusive representative shall be executed by the parties. The duration of the contract shall be negotiable except in no event shall contracts be for a term exceeding three years. Any contract between employer school board and an exclusive representative of teachers shall in every instance be (FOR AN INITIAL TERM OF ONE YEAR COMMENCING ON JULY 1, 1974, THROUGH JUNE 30, 1975, AND THEREAFTER) for a term of two years beginning on July 1 of each odd-numbered year. *The written contract executed by an employer school board and an exclusive representative of teachers shall contain the teachers' agreed upon compensation including fringe benefits for the entire two year term and shall not contain a wage reopening clause or any other provision for the renegotiation of the teachers' agreed upon compensation for the second year of the contract.* All contracts shall include a grievance procedure which shall provide compulsory binding arbitration of grievances. In the event that the parties cannot reach agreement on the grievance procedure, they shall be subject to the grievance procedure promulgated by the director pursuant to section 179.71, subdivision 5, clause (i)."

Page 63, line 12, delete "51" and insert "56".

Page 63, line 18, delete "68" and insert "74".

Page 63, line 18, delete "72" and insert "78".

Page 65, line 21, delete "; TRANSFER OF APPROPRIATED".

Page 65, line 22, delete "SUMS".

Page 65, line 22, delete "\$1,800,000" and insert "\$1,912,500".

Page 66, after line 2, insert:

*"(c) For this purpose, the sum of \$112,500 is appropriated from the general fund to the department of education for the year ending June 30, 1979."*

Page 68, line 24, delete "\$11,000,000" and insert "\$7,036,000".

Page 68, after line 27, insert:

*"Sec. 89. [APPROPRIATION FOR SPECIAL EDUCATION AID.] There is appropriated from the general fund to the department of education for the year ending June 30, 1979, the sum of \$4,300,000 for the purpose of special education aid. This amount shall be added to the amount appropriated for this purpose for this year in Laws 1977, Chapter 447, Article III, Section 16, Subdivision 2."*

Page 68, line 29, after "17," insert "18," and delete "20,".

Page 68, line 29, delete "24, 26, 31, 33, 35, 36, 38, 41" and insert "26, 28, 36, 38, 40, 41, 43, 46".

Page 68, delete line 30, and insert "48, 49, 50, 51, 52, 53, 54, 55, 56, 59, 60, 62, 66, 72, 74,".

Page 68, line 31, delete "70, 72, 73, 76, 77, and 79" and insert "76, 78, 79, 82, 83, and 85".

Page 69, line 1, delete "27" and insert "30".

Page 69, line 1, delete "32" and insert "37".

Page 69, line 10, delete "42" and insert "47".

Page 69, line 14, delete "21" and insert "20".

Page 69, line 14, delete "75" and insert "81".

Page 69, line 15, delete "42" and insert "47".

Renumber sections.

Further, amend the title as follows:

Page 1, line 14, after "increasing" insert "foundation aid, special education aid,".

Page 1, line 22, after the semicolon insert "prohibiting wage reopening clauses in teachers' contracts;".

Page 1, line 30, delete "123.39, by adding a subdivision;".

Page 1, line 31, after "124.20;" insert "124.212, by adding subdivisions;".

Page 1, line 34, after "134.03;" insert "179.70, Subdivision 1;".

Page 1, line 40, after "5a" insert ", 7b".

Page 2, line 1, delete "Subdivision 1" and insert "Subdivisions 1 and 2".

Page 2, line 3, before "1b" insert "1, 1a,".

With the recommendation that when so amended the bill pass.

The report was adopted.

Norton from the Committee on Appropriations to which was referred:

H. F. No. 2098, A bill for an act relating to family planning services; providing for special grants to provide family planning services; appropriating funds; amending Minnesota Statutes 1976, Section 145.922, by adding a subdivision.

Reported the same back with the following amendments:

Page 1, line 12, delete ", or nonprofit".

Page 1, line 13, delete "corporations".

Page 1, line 14, after the period insert "*To provide pre-pregnancy family planning services the commissioner shall make special grants to nonprofit corporations, that do not provide or otherwise fund or directly refer persons to other facilities for abortion services.*".

Page 1, delete lines 22 and 23 and insert "*purposes of this act. The legislative complement for the department of health is increased by two positions.*".

Page 2, line 1, delete "Section 2" and insert "This act".

With the recommendation that when so amended the bill pass.

The report was adopted.

Norton from the Committee on Appropriations to which was referred:

H. F. No. 2196, A bill for an act relating to interim claims against the state; appropriating money for the payment thereof.

Reported the same back with the following amendments:

Page 1, line 6, after "Section 1." insert "[GENERAL FUND CLAIMS.]".

Page 3, delete lines 2 to 4.

Page 3, delete lines 9 to 11.

Page 3, delete lines 16 to 21.

Renumber the subdivisions.

Page 3, after line 21, insert:

"Subd. 12. Hilder Saltness, 110 North Ninth Street, Olivia, Minnesota 56277, for a finger broken by a fellow patient who assaulted him at Willmar state hospital, since the break was treated by hospital staff but did not mend properly . . . \$2,500.00

Subd. 13. For fines and settlement fees paid pursuant to action of the ethical practices board, pursuant to Minnesota Statutes, Section 10A.25; 10A.27; and 10A.28, since these sections were later held to be unconstitutional:

Heinitz Volunteer Committee, 2555 Queensland Lane, Plymouth, Minnesota 55391 . . . . . \$570.36

Transportation Political Education League (TPEL), 1000 Upper Midwest Building, Minneapolis, Minnesota 55401 . . . . . \$200.00

Minneapolis Federation of Teachers Local 59, 9 East 22nd Street, Minneapolis, Minnesota 55404 . . . . . \$200.00

Democrat, Republican Independent Voter Education (DRIVE) 3001 University Avenue, S.E., Minneapolis, Minnesota 55414 . . . . . \$400.00



International Association of Machinists & Aerospace Workers  
—1658, 107 N. E. First, Little Falls, Minnesota 56345 . . . . .  
\$840.00

Morrison County Defense Fund, 730 East 38th Street, . . . . .  
\$484.18

Morrison County DFL Party Settlement and Defense Fund,  
. . . . . \$1,925.00

Wenzel Volunteer Settlement and Defense Fund, 1920 South  
First Street, Minneapolis, Minnesota, No. 1806 . . . . . \$1,704.90

Marv Jensen Volunteer Committee, Route 2, Box 48, Evans-  
ville, Minnesota 56326 . . . . . \$46.48

Representative Doc Nelson Volunteer Committee (Mrs. Mil-  
dred A. Nelson), Fleming Route, Aitkin, Minnesota 56431 . . . . .  
\$200.00

Sec. 2. [GAME AND FISH FUND CLAIMS.] Subdivision  
1. The sum set forth in this section is appropriated from the  
game and fish fund to the person named in full and final pay-  
ment of a claim against the state.

Subd. 2. Mark J. Nosan, 1002 N.W. Third Avenue, Chisholm,  
Minnesota 55719, for unsold fishing licenses for the year 1975  
returned by him after the deadline for returning for a full re-  
fund had passed . . . . . \$600.00

Sec. 3. [TRUNK HIGHWAY FUND CLAIMS.] Subdivi-  
sion 1. The sum set forth in this section shall be paid by the  
commissioner of transportation out of money available to him  
for highway development to the person named in full and final  
payment of a claim against the state.

Subd. 2. Milan Stojevich, 8419 Grand Avenue, Duluth, Min-  
nesota 55808, as a refund of the unused portion of a deposit paid  
by him to cover the costs of processing a release of access to his  
property, since the deposit was inadvertently credited to an ac-  
count from which refunds may not be paid . . . . . \$250.00".

Page 3, line 22, delete "Sec. 2." and insert "Sec. 4. [VET-  
ERANS BONUS CLAIMS.]".

Page 5, delete lines 5 to 8.

Page 5, delete lines 13 and 14.

Page 7, delete lines 11 and 12.

Page 7, delete lines 21 and 22.

Page 8, delete lines 15 and 16.

Page 8, delete lines 19 and 20.

Page 9, delete lines 5 and 6.

Page 9, delete lines 25 and 26.

Page 10, delete lines 29 to 32.

Page 11, delete lines 27 and 28.

Page 12, delete lines 9 and 10.

Page 12, delete lines 13 and 14.

Page 12, delete lines 21 and 22.

Page 12, delete lines 25 and 26.

Page 13, delete lines 19 to 22.

Page 13, delete lines 31 and 32.

Page 14, delete lines 1 and 2.

Page 14, delete lines 7 and 8.

Page 14, delete lines 11 to 18.

Page 14, delete lines 21 and 22.

Page 14, delete lines 25 and 26.

Page 14, delete lines 29 and 30.

Page 15, delete lines 7 and 8.

Page 15, delete lines 13 to 16.

Page 15, delete lines 21 to 24.

Page 15, delete lines 29 and 30.

Page 16, delete lines 1 to 4.

Page 16, delete lines 9 to 18.

Page 16, delete lines 21 to 24.

Page 16, delete lines 31 and 32.

Page 17, delete lines 9 and 10.

Page 17, delete lines 13 and 14.

Page 17, delete lines 25 to 28.

Page 17, delete lines 31 and 32.

Page 18, delete lines 3 and 4.

Page 18, delete lines 7 and 8.

Page 18, after line 22, insert:

"Sec. 5. [EFFECTIVE DATE.] This act is effective the day following final enactment."

Amend the title as follows:

Line 2, delete "interim".

With the recommendation that when so amended the bill pass.

The report was adopted.

Norton from the Committee on Appropriations to which was referred:

H. F. No. 2197, A bill for an act relating to the organization and operation of state government; the payment of claims against the state and its employees; amending Minnesota Statutes 1976, Sections 3.732, Subdivision 1; and 3.736, Subdivision 9, and by adding a subdivision.

Reported the same back with the following amendments:

Page 1, line 19, after "Agency," insert "*the Minnesota Higher Education Coordinating Board,*".

Page 2, line 27, delete "*such*" and insert "*the indebtedness under the*".

Page 3, line 3, delete "*such an*" and insert "*the*".

Page 3, line 6, delete "*such an*" and insert "*the*".

Page 3, line 10, after "*occurring*" insert "*heretofore or hereafter*".

Page 3, line 24, delete "*such*" both times it appears in the line.

Page 3, line 27, delete "*such a*" and insert "*the*".

With the recommendation that when so amended the bill pass.

The report was adopted.

Norton from the Committee on Appropriations to which was referred:

S. F. No. 1071, A bill for an act relating to appropriations; providing funds for the programs of the Minnesota International Center.

Reported the same back with the following amendments:

Page 1, line 7, delete "\$30,000" and insert "\$15,000".

Page 1, line 8, delete "biennium" and insert "year".

Page 1, line 8, delete "1977" and insert "1978".

With the recommendation that when so amended the bill pass.

The report was adopted.

Norton from the Committee on Appropriations to which was referred:

S. F. No. 1693, A bill for an act relating to the national guard; increasing the pay for enlisted persons on active duty; amending Minnesota Statutes 1976, Section 192.51.

Reported the same back with the following amendments:

Page 1, line 7, after "192.51," insert "Subdivision 2,".

Page 1, delete lines 9 to 22.

Page 2, delete lines 1 to 4.

Page 2, after line 14 add:

"Sec. 2. *Minnesota Statutes 1976, Section 192.51, Subdivision 1, is repealed.*".

Amend the title as follows :

Page 1, line 4, after "192.51" insert ", Subdivision 2; repealing Minnesota Statutes 1976, Section 192.51, Subdivision 1".

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred :

H. F. No. 2512, A bill for an act relating to solid and hazardous wastes and toxic substances; providing for technology assessments and related research directed to certain goals; requiring studies and reports by the state planning agency, the pollution control agency, and the energy agency; establishing a temporary state solid and hazardous waste advisory task force; appropriating money.

Reported the same back with the following amendments:

Page 1, line 18, after "generated" insert "and control of toxic substances produced and used".

Page 2, line 30, delete "executive" and insert "joint legislative".

Page 3, line 9, after "involvement" insert "and assessing community attitudes".

Page 3, line 16, delete "ADVISORY TASK FORCE" and insert "JOINT LEGISLATIVE COMMITTEE".

Page 3, line 16, after "A" insert "joint legislative committee on".

Page 3, line 17, delete everything after "waste".

Page 3, line 18, delete "this subdivision. The task force".

Page 3, line 21, delete "task force" and insert "committee".

Page 3, line 21, delete "23 members as".

Page 3, delete lines 22 to 32.

Page 4, delete lines 1 to 7.

Page 4, line 8, delete "(b) Three" and insert "five".

Page 4, line 9, delete the semicolon and insert "and".

Page 4, line 10, delete "(c) Three" and insert "five".

Page 4, line 11, delete the semicolon and insert a period.

Page 4, delete lines 12 to 16 and insert "The committee shall elect a chairman from among its members."

Page 4, line 17, delete "task force" and insert "committee".

Page 4, line 20, after "progress" delete the comma.

Page 4, line 21, delete "review and comment on" and insert "and".

Page 4, line 23, delete "The legislative".

Page 4, delete line 24.

Page 4, line 25, delete everything before "shall" and insert "The committee".

Page 4, line 30, delete "advisory task".

Page 4, line 31, delete "force" and insert "committee".

Page 4, line 32, delete "May 15" and insert "July 1".

Page 5, line 3, delete "task force" and insert "joint committee".

Page 5, line 6, delete "task force" and insert "committee".

Page 5, line 11, delete "task force" and insert "committee".

Page 6, line 23, after "marketing," insert "transportation cost, and the use of sewage sludge as a fertilizer,".

Page 7, line 26, after "to" insert "(i) ensure consideration of recyclability and (ii)".

Page 7, line 27, after "for" insert "products made of".

Page 7, line 32, delete "further research on" and insert "encouraging or requiring".

Page 8, line 3, after "products," insert "and".

Page 8, line 3, delete “, and” and insert a semicolon.

Page 8, delete line 4, and insert “(g) Examine whether a conflict exists between the goals of source reduction and resource recovery.”.

Page 8, line 32, after the semicolon insert “(iv) methods of relating information produced under the regulations to the development of programs to accomplish the purposes of section 1;”.

Page 10, line 22, delete “task force” and insert “joint legislative committee”.

Further, amend the title as follows:

Page 1, line 7, delete “state” and insert “joint legislative committee on”.

Page 1, line 8, delete “advisory task force”.

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

## SECOND READING OF HOUSE BILLS

H. F. Nos. 1246, 1575, 1885, 2098, 2196 and 2197 were read for the second time.

## SECOND READING OF SENATE BILLS

S. F. Nos. 1071 and 1693 were read for the second time.

## ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to the Conference Committee on H. F. No. 2493: Norton, Samuelson, Faricy, Voss, and Forsythe.

The Speaker announced the appointment of the following members of the House to the Conference Committee on H. F. No. 2494: Norton, Samuelson, Faricy, Voss, and Forsythe.

The Speaker announced the appointment of the following members of the House to the Conference Committee on H. F. No. 1823: Cohen, Cummiskey, and Rose.

## MOTIONS AND RESOLUTIONS

Fugina moved that the name of Begich be added as an author on H. F. No. 2361. The motion prevailed.

Ellingson moved that the name of Jude be added as an author on H. F. No. 1764. The motion prevailed.

Berglin moved that the name of Clark be stricken and the name of Sabo be added as an author on H. F. No. 2238. The motion prevailed.

McCollar introduced:

House Resolution No. 23, A house resolution congratulating the White Bear Lake Senior High School Debate Team on winning the state debate championship.

The resolution was referred to the Committee on Rules and Legislative Administration.

## ADJOURNMENT

Berglin moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:00 p.m., Friday, March 10, 1978.

EDWARD A. BURDICK, Chief Clerk, House of Representatives



