

make any record or inquiry in connection with applications for such financial assistance which expresses, directly or indirectly, any limitation, specification, or discrimination as to race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance or disability or any intent to make any such limitation, specification, or discrimination.

(c) to discriminate against any person or group of persons who desire to purchase, lease, acquire, construct, rehabilitate, repair or maintain real property in a specific urban or rural area or any part thereof solely because of the social, economic or environmental conditions of the area in the granting, withholding, extending, modifying, or renewing, or in the rates, terms, conditions, or privileges of any such financial assistance or in the extension of services in connection therewith.

(4) For any real estate broker or real estate salesman, for the purpose of inducing a real property transaction from which such person, his firm, or any of its members may benefit financially, to represent that a change has occurred or will or may occur in the composition with respect to race, creed, color, national origin, sex, marital status, status with regard to public assistance or disability of the owners or occupants in the block, neighborhood, or area in which the real property is located, and to represent, directly or indirectly, that this change will or may result in undesirable consequences in the block, neighborhood, or area in which the real property is located, including but not limited to the lowering of property values, an increase in criminal or antisocial behavior, or a decline in the quality of schools or other public facilities.

Approved March 29, 1974.

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**CHAPTER 355—S.F.No.3580**  
[Coded in Part]

*An act relating to the organization, operation, and financing of state government; establishing a learning center; creating an advisory commission on school enrollments; establishing a joint legislative committee; establishing a shade tree disease control program; authorizing the issuance of certain local bonds; the acquisition of certain lands by gift, purchase or condemnation; the making of certain parking contracts; the preparation of fiscal notes; the fixing of certain salaries; the purchase of supplies, materials and equipment on an emergency basis and the reimbursement, appropriating and reappropriating of certain funds; amending Minnesota Statutes 1971, Sections 16.07, by adding a subdivision; 145.123, Subdivision 1; 176.611, by adding a subdivision; 268.071, by adding a subdivision; 271.01, Subdivision 4a; Chapters 3, by adding sections; 176, by adding sections; Minnesota Statutes, 1973 Supplement, Sections 1.36, Subdivision 1; 15A.083, by adding a subdivision; 16.15, Subdivision 1; 82.34, Subdivision 15; 176.131, Subdivision 10; 176.183,*

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*Subdivision 2; Extra Session Laws 1971, Chapter 32, Section 9, Subdivision 7; and Laws 1973, Chapter 595, Sections 1 and 2; 720, Section 31, Subdivision 2; repealing Minnesota Statutes 1971, Section 176.611, Subdivisions 5 and 6; Minnesota Statutes, 1973 Supplement, Section 176.601; Laws 1973, Chapters 380, Sections 6, 7, 10, 11, and 12; 556, Section 1; and 717, Sections 22 and 24.*

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:**

**Section 1. STATE GOVERNMENT; MISCELLANEOUS PROVISIONS.** The sum of \$177,360 appropriated from the general fund for the legislative service commission by Laws 1973, Chapter 720, Section 2, Subdivision 3, is cancelled.

**Sec. 2.** There is hereby transferred from the appropriation to the commissioner of administration made in Laws 1973, Chapter 778, Section 6, Subdivision 1, Clause (3) for capitol complex building and remodeling the sum of \$19,500 to the house of representatives, salaries, supplies and expense account for the fiscal year 1973-1974. Such sum is hereby appropriated.

**Sec. 3.** The appropriations made in Laws 1973, Chapter 720, Section 13, Subdivision 3, and in Laws 1973, Chapter 720, Section 20, Subdivision 3, shall not cancel on June 30, 1974, but shall be available for expenditure until June 30, 1975.

**Sec. 4.** There is appropriated to the state boxing commission from the general fund the sum of \$5,000, or so much thereof as may be required, for the purpose of carrying out the duties of the commission during the fiscal year commencing July 1, 1974 and ending June 30, 1975. Funds appropriated by this section are in addition to any other funds appropriated by law.

**Sec. 5.** Minnesota Statutes, 1973 Supplement, Section 82.34, Subdivision 15, is amended to read:

**Subd. 15.** Any sums received by the commissioner pursuant to any provisions of this section shall be deposited in the state treasury, and credited to the real estate education, research and recovery fund, and said sums shall be allocated exclusively for the purposes provided in this section. All moneys in the fund are appropriated annually to the commissioner for the purposes of this section.

**Sec. 6.** Notwithstanding the provisions of Laws 1973, Chapter 720, Section 43, Subdivision 14, or any other law to the contrary there is appropriated to the Arrowhead regional development commission from the natural resource federal reimbursement account the sum of \$50,000 for the development of a water quality management plan for the Lake Superior basin.

**Sec. 7.** There is appropriated from the general fund to the joint

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coordinating committee for the legislative reference library the sum of \$216,350 for the biennium ending June 30, 1975.

**Sec. 8. TRANSFER OF FUNDS, COMMISSIONER OF FINANCE.**

The commissioner of finance shall transfer to the general fund the sum of \$32,285.47 from the state airports fund to reimburse the general fund for the appropriation made in Laws 1973, Chapter 300, Section 2, Subdivision 21.

**Sec. 9.** The appropriation to the department of natural resources made in Laws 1971, Extra Session Chapter 3, Section 48, Subdivision 6 (f) (4), Bonanza Valley deep water survey \$15,000 for the biennium 1971-1973, is hereby reappropriated to the department of natural resources for the same purpose for the biennium ending June 30, 1975.

**Sec. 10.** There is appropriated to the department of agriculture from the general fund \$35,000 for the fiscal year ending June 30, 1974 and \$35,000 for the fiscal year ending June 30, 1975 for crop and livestock statistical reporting. Such amounts to be added to the appropriations made by Laws 1973, Chapter 720, Section 33.

Publications resulting from the reporting of crop and livestock statistics and not required by the department for its own use and the use of public agencies shall be sold and distributed by the documents section of the department of administration.

**Sec. 11.** Any unexpended balance not to exceed \$5,000 remaining on June 30, 1974 from the appropriation made in Laws 1973, Chapter 720, Section 16, Subdivision 2, shall not cancel but shall be made available for expenditure in fiscal year 1974-1975.

**Sec. 12.** There is appropriated to the supreme court from the general fund the sum of \$70,000 for the biennium ending June 30, 1975 for the purchase of furniture and equipment for the remodeled supreme court quarters.

**Sec. 13.** There is appropriated from the general fund to the university of Minnesota for fiscal year 1974-1975 the sum of \$62,000 which is to be added to the appropriation for that year made in Laws 1973, Chapter 768, Section 11, Subdivision 1.

**Sec. 14.** Minnesota Statutes 1971, Section 176.611, Subdivisions 5 and 6, are repealed.

**Sec. 15.** Minnesota Statutes 1971, Section 176.611, is amended by adding a subdivision to read:

Subd. 6a. There is hereby appropriated from the general fund in the state treasury to the state compensation revolving fund the sum of \$435,000 to be used to pay claims of employees of the state. This appropriation together with the sum of \$74,013.12 heretofore appropri-

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ated from the trunk highway fund and \$1,960,986.88 heretofore appropriated from the general fund totals \$2,470,000 and constitutes the revolving fund.

Sec. 16. There is appropriated from the general fund, the sum of \$98,000 to the state planning agency for fiscal year 1974-1975 to be added to the appropriation made in Laws 1973, Chapter 720, Section 4, Subdivision 1, for grant administration of Lawcon, Hud, and natural resources acceleration funds.

Sec. 17. There is appropriated from the general fund, the sum of \$300,000 to the department of agriculture, livestock and grain account for the fiscal year ending June 30, 1974 for grain inspection services. This appropriation shall be added to the appropriation for fiscal year 1974 made in Laws 1973, Chapter 720, Section 33.

Sec. 18. There is appropriated from the general fund the sum of \$100,000 to the general contingent account. This appropriation shall be added to the appropriation for fiscal year 1974 made in Laws 1973, Chapter 720, Section 2, Subdivision 9.

Sec. 19. There is appropriated from the general fund for fiscal year 1973-1974 the sum of \$180,224 to the attorney general for the Minnesota peace officers training board - reimbursements to local government. This is in addition to the appropriation of \$100,000 in fiscal year 1971-1972 made by Laws 1971, Extra Session Chapter 3, Section 12, Subdivision 4 (c). This appropriation and moneys heretofore appropriated shall cancel to the general fund on June 30, 1974.

Sec. 20. There is appropriated to the department of commerce from the general fund for fiscal year 1974-1975 the sum of \$20,000 for the administration of "no fault" insurance.

Sec. 21. Minnesota Statutes, 1973 Supplement, Section 176.131, Subdivision 10, is amended to read:

Subd. 10. The special compensation fund is created for the purposes provided in this chapter in the following manner:

(1) In every case of death of an employee resulting from personal injury arising out of and in the course of his employment where there are no persons entitled to monetary benefits of dependency compensation, the employer shall pay to the commissioner of the department of labor and industry the sum of \$5,000 for the benefit of the special compensation fund; in every case of death of an employee resulting from personal injury arising out of and in the course of his employment where there are no persons entitled to at least \$5,000 in monetary benefits of dependency compensation, the employer shall pay to the commissioner of the department of labor and industry for the benefit of the special compensation fund the difference between the amounts actually paid for such dependency benefits and \$5,000; but in no event

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shall the employer pay the commissioner of the department of labor and industry less than \$1,000;

(2) When an employee shall suffer personal injury which results in permanent partial disability, temporary total disability, temporary partial disability, permanent total disability or death and which entitles him or dependents to compensation under sections 176.101 or 176.111, the employer shall in addition to compensation provided therein, pay to the commissioner of the department of labor and industry for the benefit of the special compensation fund a lump sum without interest deduction equal to seven percent of such total compensation, as soon as the amount payable for the particular injury is determined, or arrived at by agreement of the parties and such amount is approved by the commissioner of the department of labor and industry.

The provisions of clause (1) and clause (2) of this subdivision shall apply to all workmen's compensation payments, exclusive of medical costs, paid under sections 176.101 and 176.111 for all injuries or death occurring on or after June 1, 1971.

Personal injuries that occurred prior to June 1, 1971 shall be assessed at the rate in effect on the date of occurrence.

The seven percent of the total compensation required to be paid by the employer to the commissioner of the department of labor and industry for the benefit of the special compensation fund as provided in clause (2) of this subdivision shall remain fixed at said seven percent for the period from June 1, 1971, to June 1, 1972. Effective June 1, 1972, and thereafter on June 1, of each subsequent year, the rate shall be adjusted on the following basis: if the balance in the special compensation fund as of April 30 in any year is below \$1,000,000, the rate of payment shall be increased by two percent over the then prevailing rate. If the balance is at least \$1,000,000 but below \$1,500,000, the rate will be increased by one percent. If the balance is at least \$1,500,000 but below \$2,000,000, there shall be no change. If the balance is at least \$2,000,000 but less than \$2,500,000, the rate shall be decreased by one percent. If the balance is at least \$2,500,000, the rate shall be decreased by two percent.

Such sums as are paid to the commissioner of the department of labor and industry pursuant to the provisions hereof, shall be by it deposited with the state treasurer for the benefit of the special compensation fund and be used to pay the benefits provided by chapter 176. All money heretofore arising from the provisions of this section or similar law shall be transferred to this special compensation fund.

The state treasurer shall be the custodian of this special fund and the workmen's compensation division and the workmen's compensation commission in cases before it shall direct the distribution thereof, the same to be paid as other payments of compensation are paid. In case deposit is or has been made under the provisions of clause (1) and

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dependency later is shown, or if deposit is or has been made pursuant to either clause (1) or (2) by mistake or inadvertence, or under such circumstances that justice requires a refund thereof, the state treasurer is hereby authorized to refund such deposit under order of the workmen's compensation division or the workmen's compensation commission. There is appropriated to the persons entitled to such refunds from the fund an amount sufficient to make the refund and payment.

Costs within the department of labor and industry for the accounting and legal procedures necessary for administration of the programs financed by the special compensation fund shall ~~come from the fund during each biennium commencing July 1, 1971 with the special compensation fund being reimbursed from general fund in the next regular session of the legislature~~ be paid from the moneys biennially appropriated to the department and not from the special compensation fund.

Sec. 22. Minnesota Statutes, 1973 Supplement, Section 176.183, Subdivision 2, is amended to read:

Subd. 2. Upon a warrant prepared by the commissioner of the department of labor and industry and approved by the commissioner of finance, and in accordance with the terms of the order awarding compensation, the state treasurer shall pay compensation to the employee or his dependent from the special compensation fund. The commissioner of the department of labor and industry shall certify to the state treasurer and to the legislature at the end of each biennium the total amount of compensation paid from the special compensation fund under subdivisions 1 and 1a; ~~including the necessary expenses and salary which the attorney general incurs in investigating, defending and in maintaining any cause of action against any employer~~. The state treasurer shall upon proper certification reimburse the special compensation fund from the general fund the total amount certified as paid under this section, and the funds required for the purpose of making such reimbursement are hereby annually appropriated.

Sec. 23. There is appropriated to the commissioner of labor and industry from the general fund for fiscal year 1974-1975 the sum of \$120,000 for administration of programs financed by the special compensation fund.

Sec. 24. There is appropriated to the commissioner of personnel for the job clarification program from the general fund for fiscal year 1974-1975, the sum of \$75,439 to be added to the appropriation made in Laws 1973, Chapter 720, Section 23, Subdivision 1, and the sum of \$7,500 to be added to the appropriation made in Laws 1973, Chapter 720, Section 23, Subdivision 2.

The complement of the department of personnel is increased in fiscal year 1974-1975 from 64 to 71.

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Sec. 25. There is appropriated to the board of investment from the general fund the sum of \$21,000 for fiscal year 1973-1974 and the sum of \$140,000 for fiscal year 1974-1975. These are to be added to the appropriations made in Laws 1973, Chapter 720, Section 21, Subdivision 1.

The complement of the investment board is increased to 20 for fiscal year 1974 and 22 for fiscal year 1975.

Sec. 26. There is appropriated to the governor the sum of \$40,000 from the general fund for the biennium ending June 30, 1975, for the purpose of hosting the 1974 Midwest governor's conference.

Sec. 27. Laws 1973, Chapter 595, Section 1, is amended to read:

Section 1. **DOVER, EYOTA AND ST. CHARLES AREA SANITARY DISTRICT; ADVANCE OF STATE FUNDS.** At any time after the organization of the sanitary sewer board of the Dover, Eyota and St. Charles area sanitary district as may be provided for by law, the ~~state auditor-commissioner of finance~~, at the request of the board, shall advance to the board for its use in accordance with the purposes specified in section 2, the sum of \$100,000 from moneys on hand in the general fund of the state and not needed for use on or before January 1, ~~1975-1976~~, and such amount is appropriated for this purpose.

Sec. 28. Laws 1973, Chapter 595, Section 2, is amended to read:

Sec. 2. **USE OF FUNDS; REPAYMENT.** The money so advanced shall be used by the sanitary sewer board to carry out its powers and duties to provide for the collection, treatment and disposal of sewage in the Dover, Eyota and St. Charles area sanitary sewer district. The board shall include all expenditures made or to be made from the moneys advanced under section 1 in its 1973 and 1974 budget. All moneys so advanced shall be repaid by the board to the ~~state auditor-commissioner of finance~~ on or before January 1, ~~1975-1976~~, with interest from the date of the advance to the date of repayment at the rate of six per cent per annum, for deposit in the general fund.

Sec. 29. Extra Session Laws 1971, Chapter 32, Section 9, Subdivision 7, is amended to read:

Subd. 7. **APPROPRIATION.** There is annually appropriated to the ~~commissioner of administration personnel board~~ from the general fund \$10,000 per fiscal year to carry out the functions of the ~~compensation review personnel board under the provisions of section 9~~. Funds not expended in the first year of a biennium shall not cancel but shall be available in the second year of the biennium. This appropriation shall expire June 30, 1975.

Sec. 30. Minnesota Statutes, 1973 Supplement, Section 176.601, is repealed.

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Sec. 31. Minnesota Statutes 1971, Chapter 176, is amended by adding a section to read:

**[176.602] PAYMENTS FROM STATE COMPENSATION REVOLVING FUND.** The state treasurer shall only pay from the state compensation revolving fund the awards of compensation and the expenses of other benefits to an employee or his dependent.

Sec. 32. Minnesota Statutes 1971, Chapter 176, is amended by adding a section to read:

**[176.603] COST OF ADMINISTERING CHAPTER; PAYMENT.** The annual cost to the commissioner of the department of labor and industry of administering this chapter in relation to state employees and the necessary expenses which the department of labor and industry or the attorney general incurs in investigating and defending a claim against the state for compensation shall be paid from the moneys biennially appropriated to the department and not from the state compensation revolving fund.

Sec. 33. There is appropriated to the commissioner of labor and industry from the general fund for fiscal year 1974-75 the sum of \$80,000 for administration of the program financed by the state compensation revolving fund. The complement of the department of labor and industry is increased by 17 positions.

Sec. 34. Minnesota Statutes 1971, Chapter 3, is amended by adding a section to read:

**[3.98] FISCAL NOTES. Subdivision 1.** The head or chief administrative officer of each department or agency of the state government shall prepare a fiscal note at the request of the chairman of the standing committee to which a bill has been referred, or the chairman of the house appropriations committee, or the chairman of the senate committee on finance.

Subd. 2. The fiscal note, where possible, shall: (1) cite the effect in dollar amounts; (2) cite the statutory provisions affected; (3) estimate the increase or decrease in revenues or expenditures; (4) include the costs which may be absorbed without additional funds; and (5) specify the long range implication if any. The fiscal note may comment on technical or mechanical defects in the bill but shall express no opinions concerning the merits of the proposal.

Subd. 3. A copy of the fiscal note shall be delivered to the chairman of the committee of appropriations of the house of representatives, the chairman of the committee of finance of the senate, the chairman of the standing committee to which the bill has been referred, to the chief author of the bill and to the commissioner of administration.

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Subd. 4. The commissioner of administration shall prescribe a uniform procedure to govern the departments and agencies of the state in complying with the requirements of this section.

Sec. 35. Minnesota Statutes, 1973 Supplement, Section 15A.083, is amended by adding a subdivision to read:

Subd. 4. Tax court

Salaries of members of the tax court      \$10,500

Sec. 36. Minnesota Statutes 1971, Section 271.01, Subdivision 4a, is amended to read:

Subd. 4a. **COMPENSATION AND EXPENSES.** Each member of the tax court shall receive ~~as full~~ compensation for time spent in the performance of his duties ; ~~the sum of \$9,000 per year~~ . He shall also receive his actual and necessary expenses paid or incurred in the performance of his duties as provided in Minnesota Statutes, 1973 Supplement, Section 15A.211 .

Sec. 37. There is appropriated from the general fund to the tax court for the period beginning April 1, 1974 and ending June 30, 1975, the sum of \$5,625. This sum is to be added to the appropriation provided in Laws 1973, Chapter 720, Section 12, Subdivision 1.

Sec. 38. The appropriation made in Laws 1973, Chapter 620, Section 7 shall not cancel on June 30, 1974, but shall be available for expenditure until June 30, 1975.

Sec. 39. The sum of \$440,000 is appropriated from the general fund to the department of administration for the purpose of preventive maintenance in the capitol complex. This appropriation shall be for the biennium ending June 30, 1975.

Sec. 40. The sum of \$110,000 is appropriated from the general fund to the department of administration for the purchase of fuel for the capitol complex. This appropriation shall be added to the appropriation for the period ending June 30, 1974 made in Laws 1973, Chapter 720, Section 20, Subdivision 1.

Sec. 41. The sum of \$200,000 is appropriated from the general fund to the department of finance for the fiscal year ending June 30, 1974 to complete the implementation of the statewide accounting system.

Sec. 42. Minnesota Statutes 1971, Section 16.07, is amended by adding a subdivision to read:

Subd. 15. CATEGORIES OF SUPPLIES, MATERIALS, EQUIPMENT OR SERVICES WHICH MAY BE PURCHASED ON OPEN MARKET. In recognition of the state's current energy crisis, the com-

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missioner of administration, until July 1, 1977, and with the approval of the executive council, may annually establish by regulation categories of supplies, materials, equipment or services which may be purchased in the open market, provided that the commissioner shall first conduct investigations and certify to the executive council that he cannot obtain competitive bids therefor. Regulations promulgated pursuant to this act shall not be subject to the administrative procedure act. The executive council may withdraw its approval of any such category or commodity therein at any time and thereupon purchases thereof shall be made in the manner otherwise provided by law.

Sec. 43. Minnesota Statutes, 1973 Supplement, Section 16.15, Subdivision 1, is amended to read:

**16.15 BUDGET SUBMITTED TO LEGISLATURE.** Subdivision 1. **WHEN TO BE SUBMITTED.** The governor shall, within three weeks after the first Monday in January in each odd-numbered year, submit the budget to the legislature. It shall include recommendations as to capital expenditure. The budget shall include two parts.

Sec. 44. [16.874] **FORT SNELLING CHAPEL; RENTAL.** After July 30, 1974, the Fort Snelling Chapel, located within the boundaries of Fort Snelling State Park, shall not be available for use except upon the payment of a rental fee. The commissioner of administration shall establish rental fees for both public and private use. The rental fee for private use by any organizations or individual shall reflect the reasonable value of equivalent rental space. Rental fees collected pursuant to this section shall be deposited in the general fund.

Sec. 45. [138.054] **MINNESOTA HISTORY AND GOVERNMENT LEARNING CENTER.** Subdivision 1. **PUBLIC POLICY.** The legislature of the state of Minnesota hereby declares that it is an important purpose and function of state government to preserve the people's appreciation of the heritage of the state and to promote and enrich their knowledge and understanding of the government and political tradition of the state; and that there is an urgent need to further these goals by: supporting research; developing resource materials and workshops for public and nonpublic high school students, college interns, and teachers; and utilizing the unique talents and experience of the members of the legislative, executive and judicial branches of the state government.

Subd. 2. **ESTABLISHMENT.** (a) There is hereby established a *Minnesota history and government learning center.*

(b) The center shall be co-sponsored by the Minnesota historical society, the Minnesota state college board and the Minnesota state board of education.

(c) The headquarters of the center shall be the Minnesota historical society.

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(d) The director of the Minnesota historical society shall appoint the administrator of the center after consultation with the executive council of the Minnesota historical society, the chancellor of the state college board and the commissioner of education.

(e) High school and college students selected for workshops sponsored by the center shall be apportioned evenly among the legislative districts of the state.

Subd. 3. **APPROPRIATION.** There is hereby appropriated to the Minnesota historical society the sum of \$50,000 from the general fund to carry out the purposes of this section.

Sec. 46. Notwithstanding the provisions of Laws 1973, Chapter 718, Section 10 or any other law to the contrary, the commissioner of highways is authorized to acquire by gift, purchase or condemnation proceeding a building and land at Wells, Minnesota to be used for field maintenance. Moneys for the purchases shall come from the appropriation made in section 10 of the before mentioned laws.

Sec. 47. **[16.723] LEASED PARKING FACILITIES; STATE EMPLOYEES.** Notwithstanding any other law to the contrary, the commissioner of administration shall, effective July 1, 1974 or as soon thereafter as practicable, charge state employees for any parking facilities which are used by them and furnished for their use pursuant to any lease entered into between the state of Minnesota and the lessor of any privately owned property situated in the seven county metropolitan area.

Sec. 48. There is appropriated to the state planning agency from the general fund the sum of \$246,000 for the biennium ending June 30, 1975. This amount is to be added to the appropriation made in Laws 1973, Chapter 342, Section 9, for the operation of the environmental quality council.

Sec. 49. There is appropriated to the commissioner of agriculture from the general fund the sum of \$30,000 for the fiscal year ending June 30, 1974 and \$30,000 for the fiscal year ending June 30, 1975 for the purpose of paying rent. These amounts are to be added to the appropriations made in Laws 1973, Chapter 720, Section 33.

Sec. 50. There is appropriated to the traffic safety contingent account from the trunk highway fund the sum of \$250,000 for the biennium ending June 30, 1975. This amount is to be added to the appropriation made in Laws 1973, Chapter 720, Section 2, Subdivision 14.

Sec. 51. There is appropriated to the commissioner of highways from the trunk highway fund the sum of \$235,000. This amount is to be added to the appropriation made in Laws 1973, Chapter 718, Section 10, for buildings and improvements.

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Sec. 52. Laws 1973, Chapter 720, Section 31, Subdivision 2, is amended to read:

Subd. 2. Advertising and publications.

1974... \$300,000. 1975... \$300,000.

Not more than \$15,000 each year may be expended through contract or by state employees for promotional expense.

Sec. 53. There is appropriated to the criminal justice contingent account from the general fund the sum of \$133,068 for the biennium ending June 30, 1975. This amount is to be added to the appropriation made in Laws 1973, Chapter 720, Section 2.

Sec. 54. There is appropriated from the general fund to the university of Minnesota the sum \$403,935 for maintenance and operations for the fiscal year ending June 30, 1974 and \$125,000 for general research for the fiscal year ending June 30, 1975. These appropriations are in addition to those made by Laws 1973, Chapter 768, Sections 4, Subdivision 1; and 11, Subdivision 6, respectively.

Sec. 55. All powers, duties, and responsibilities of the state auditor with respect to state bonds, except those conferred by the constitution, have been transferred to the commissioner of finance as successor to the state auditor by Laws 1973, Chapter 492. Whenever in any law adopted by the 68th legislature any such powers, duties, or responsibilities are stated to be conferred or imposed upon the state auditor, they shall be deemed to be conferred and imposed upon the commissioner of finance.

Sec. 56. Notwithstanding any provision of law to the contrary, the commissioner of administration shall not approve any contract for cleaning or food services in or for state buildings until June 30, 1975 which will result in the layoff or termination of employees in the classified service.

Sec. 57. Subdivision 1. The director of the state planning agency shall conduct or cause to be conducted within state government studies of the transportation of grain: (1) from northwestern Minnesota to Duluth, Minnesota and (2) from Minneapolis to the gulf of Mexico region. The studies shall examine the feasibility and advantages or disadvantages of all possible methods of transportation including barge transportation on the Mississippi river of such grain. The director shall report to the legislature the results of his study no later than December 31, 1974.

Subd. 2. **APPROPRIATION.** The sum of \$25,000 is appropriated from the general fund to the state planning agency for the biennium ending June 30, 1975 for the purposes of this act.

Sec. 58. Minnesota Statutes 1971, Section 268.071, is amended by

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adding a subdivision to read:

Subd. 7. EFFECT OF FEDERAL LAW. If the Federal-State Extended Unemployment Compensation Act of 1970 is amended so as to authorize this state to pay benefits for an extended benefit period in a manner other than that currently provided by this section, then, and in such case, all the terms and conditions contained in the amended provisions of such federal law shall become a part of this section to the extent necessary to authorize the payment of benefits to eligible individuals as permitted under such amended provision.

Sec. 59. In order to reimburse the city of Staples for the loss of gross earnings aids for the year 1973 as a result of the use of an inadequate valuation formula, the sum of \$12,730 is appropriated to the city of Staples from the general fund in the state treasury.

Sec. 60. Minnesota Statutes 1971, Section 145.123, Subdivision 1, is amended to read:

**145.123 PUBLIC HEALTH AND HOME HEALTH SERVICES.**  
Subdivision 1. **CHARGING OF FEES.** The county board of any county providing public health and home health services under Minnesota Statutes, Sections 145.08 and 145.12, and the governing body of a nursing district formed under section 145.08, subdivision 3, may charge and collect fees for such health services furnished to ~~all~~ or disabled persons within the county or the nursing district. Payment, in whole or in part, for such services may be accepted from any person. Payment of any charges due may be billed to and accepted either from a local, county, state or federal public assistance agency or any combination thereof; or from any individual, governmental agency, or corporation, public or private, when such services are provided any person, including but not limited to a recipient of any type of social security aids administered by the federal or state governments, or a recipient of direct relief.

Sec. 61. The state department of corrections, upon the request of the Reverend Francis J. Miller Memorial Foundation, Incorporated, is empowered and directed to return to said foundation the unexpended balance of moneys heretofore given to the state as a gift by said foundation for the purpose of constructing a memorial chapel at the Minnesota state prison, Stillwater, Minnesota. Such moneys as are necessary to carry out the provisions of this section are hereby appropriated to the state department of corrections.

Sec. 62. The appropriation contained in Laws 1973, Chapter 778, Section 6, Subdivision 1, Clause (9) may also be expended by the commissioner of administration to remodel and improve the state owned property located at 671 North Robert Street, St. Paul, Minnesota.

Sec. 63. Minnesota Statutes, 1973 Supplement, Section 1.36, Subdivision 1, is amended to read:

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**1.36 COMPENSATION AND REIMBURSEMENT FOR EXPENSES.** Subdivision 1. Members of the commission ~~and members of the advisory committee~~ shall serve without compensation, but the actual and necessary expenses incurred by any member thereof in the performance of his duties shall be reimbursed from the appropriations made for the support of the commission by the state of Minnesota.

**Sec. 64. WORTHINGTON, CITY OF; APPROPRIATION FOR SPECIAL ASSESSMENTS.** The sum of \$2,088.74 is appropriated from the general fund to the city of Worthington to pay special assessments levied against Worthington community college for street improvements on streets abutting its property.

**Sec. 65.** The sum of \$200,000 is appropriated from the general fund to the governor for the purpose of distributing to the Minnesota American revolution bicentennial commission to match federal funds to be given to the commission by the national bicentennial commission, for the biennium ending June 30, 1975.

**Sec. 66. [18.023] SHADE TREE DISEASE CONTROL.** Subdivision 1. **DEFINITIONS.** As used in subdivisions 1 to 12 the terms defined in this subdivision shall have the meanings given them.

(a) "Metropolitan area" means the area comprising the counties of Hennepin, Ramsey, Anoka, Dakota, Washington, Scott and Carver. (b) "Commissioner" means the commissioner of agriculture. (c) "Municipality" means any city or any town exercising municipal powers pursuant to Minnesota Statutes, Section 368.01, or any general or special law, located in the metropolitan area or any special park district as organized under Minnesota Statutes, Chapter 398, or any special purpose park district organized under the city charter of a city of the first class located in the metropolitan area, or any portion of a county in such metropolitan area located outside the geographic boundaries of a city or town exercising municipal powers and any municipality located outside the metropolitan area which petitions to and has consent of the commissioner to come within the provisions of this section.

(d) "Shade tree disease" means Dutch elm disease or oak wilt disease.

**Subd. 2. COMMISSIONER TO ADOPT RULES.** The commissioner shall adopt and from time to time may amend, rules and regulations relating to shade tree disease control in the metropolitan area in accordance with Minnesota Statutes, Sections 15.0411 to 15.0422. Such rules and regulations shall prescribe control measures to be used to prevent the spread of shade tree diseases and shall include the following: (a) a definition of shade tree, (b) qualifications for tree inspectors, (c) methods of identifying diseased shade trees, (d) procedures for giving reasonable notice of inspection of private real property, (e) measures for the treatment and removal of any shade tree which may contribute to the spread of shade tree disease, and (f) such other matters

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as shall be determined to be necessary by the commissioner to prevent the spread of shade tree disease and enforce the provisions of this section. In accordance with the rules and regulations adopted by the commissioner, and reasonable notice of inspection having been given to the owner of the real property, diseased shade trees shall be removed or treated by the owner of the real property on which such diseased shade trees are located within a period of time as may be established by the commissioner. In the case of the expense of removing or treating diseased shade trees located on street terraces or boulevards, not more than 50 percent of such expense may be assessed to the abutting properties by the municipality which expense shall become a lien on the property. Trees which are not removed or treated shall be declared a public nuisance and removed by the municipality which may assess the total expense or any part thereof to the property which expense shall become a lien on the property.

**Subd. 3. RULES AND REGULATIONS, APPLICABILITY TO MUNICIPALITIES.** The rules and regulations of the commissioner shall apply in a municipality unless the municipality adopts an ordinance which is determined by the commissioner to be more stringent than the rules and regulations of the commissioner. The rules and regulations of the commissioner or the more stringent ordinance of the municipality shall be in effect 60 days from the effective date of this section.

**Subd. 4. SUBSIDIES TO PRIVATE PROPERTY OWNERS.** (a) A municipality may provide subsidies to private property owners for the treatment or removal of diseased shade trees provided, however, that the cost to the municipality for providing such subsidies shall be within the limitations set forth in Minnesota Statutes, 1973 Supplement, Sections 275.50 to 275.56.

(b) Notwithstanding any law to the contrary, an owner of property on which shade trees are located may contract with a municipality to provide protection against the cost of treatment or removal of diseased shade trees or shade trees that will contribute to the spread of shade tree diseases. Under such contracts, the municipality shall pay for the removal or treatment under such terms and conditions as may be determined by the governing body of the municipality.

**Subd. 5. TREE INSPECTOR.** (a) Within 75 days from the effective date of this act, the governing body of each municipality shall appoint a qualified person to administer the rules and regulations of the commissioner or the more stringent shade tree disease control ordinance who shall be known as the tree inspector. In accordance with the provisions of Minnesota Statutes, 1973 Supplement, Section 471.59, two or more municipalities may jointly appoint a tree inspector for the purpose of administering the regulations or ordinance within their communities. In those municipalities which have not appointed a tree inspector upon the expiration of 75 days from the effective date of this section, the commissioner may appoint a tree inspector to serve the

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municipality until the municipality has made an appointment. If the commissioner is unable to make such appointment he may assign a qualified employee of the department of agriculture to perform the duties of the tree inspector. The expense of a tree inspector appointed by the commissioner shall be paid by the municipality. If an employee of the department of agriculture performs such duties the expense shall be billed to the municipality and paid into the state treasury and credited to the general fund.

(b) Upon a determination by the commissioner that a candidate for the position of the inspector is qualified, he shall issue a certificate to the tree inspector that he is so qualified. Any person certified as a tree inspector by the commissioner is authorized upon prior notification to enter and inspect any public or private property which might harbor diseased shade trees.

(c) The commissioner may upon notice and hearing, decertify any tree inspector when it appears to him that said tree inspector has failed to act competently or in the public interest in the performance of his duties. Such notice shall be provided and the hearing conducted in accordance with the provisions of Minnesota Statutes, Chapter 15, governing contested case proceedings. Nothing in this clause shall limit or otherwise affect the authority of a municipality to dismiss or suspend a tree inspector at its discretion; except as otherwise provided by law.

**Subd. 6. TAX LEVIES.** Except as provided in subdivision 4, the costs to a municipality implementing this act including removal or treatment of trees from municipally or privately owned property shall be deemed a "special levy" and may be outside all existing tax levy limitations including those contained in Minnesota Statutes, 1973 Supplement, Sections 275.50 to 275.56.

**Subd. 7. FINANCING.** (a) A municipality may collect the amount assessed against the property as a special assessment and may issue obligations as provided in Minnesota Statutes, 1973 Supplement, Section 429.101, Subdivision 1, provided that a municipality as its option make any assessment levied payable with interest in installments not to exceed five years from the date of the assessment.

(b) After a contract for the removal or treatment of trees on private property has been let, or the work commenced, the municipality may issue obligations to defray the expense of any such work financed by special assessments imposed upon private property. Minnesota Statutes, Section 429.091 shall apply to such obligations with the following modifications:

(1) Such obligations shall be payable not more than five years from the date of issuance; and

(2) No election shall be required.

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Obligations issued under the provisions of this clause shall not be considered bonded indebtedness for the purposes of Minnesota Statutes, 1973 Supplement, Sections 273.13, Subdivisions 6 and 7. The certificates shall not be included in the net debt of the issuing municipality.

**Subd. 8. DEPOSIT OF PROCEEDS IN SEPARATE FUND.** The proceeds of any tax levied, assessments and interest collected, or any certificates of indebtedness issued under subdivisions 6 and 7 shall be deposited in the municipal treasury in a separate fund and expended only for the purposes authorized by this section.

**Subd. 9. DIAGNOSTIC LABORATORY.** The commissioner of agriculture shall operate a diagnostic laboratory for culturing diseased trees for positive identification of diseased shade trees.

**Subd. 10. COOPERATION BY UNIVERSITY.** The university of Minnesota college of agriculture shall cooperate with the department of agriculture in control of shade tree disease. The college of agriculture shall also conduct research into means for identifying diseased shade trees, shall develop and evaluate control measures, shall develop means for disposing of and utilizing diseased shade trees.

**Subd. 11. REPORT TO THE LEGISLATURE.** On or before January 31 of each succeeding year, the commissioner shall report to the legislature on the preceding year's plans and control programs which have been implemented for shade tree diseases in the metropolitan area.

**Subd. 12. APPROPRIATION.** There is appropriated to the regents of the university of Minnesota the sum of \$35,000 and to the commissioner of agriculture the sum of \$65,000 for the fiscal year ending June 30, 1975, from the general fund, for the purposes of this section.

**Subd. 13.** The provisions of Minnesota Statutes, Sections 18.021 to 18.022, which are inconsistent with this act are hereby superseded for any municipality as defined in subdivision 1, clause (c), of this section.

**Sec. 67.** The restriction imposed by Laws 1971, Chapter 864, Section 3, to the appropriation made to the Minneapolis library board by Laws 1973, Chapter 720, Section 43, Subdivision 2, Clause (j), is hereby rescinded. The appropriation referred to however shall not be used to collect or catalogue unpublished personal papers or manuscripts or records or other material properly in the scope of the duties of the Minnesota historical society or subject to the laws on archives.

**Sec. 68. ADVISORY COMMISSION ON FLUCTUATING SCHOOL ENROLLMENTS; CREATION.** Subdivision 1. There is hereby created an advisory commission to the legislature and the state board of education which shall be known as the advisory commission on fluctuat-

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ing school enrollments, hereinafter referred to as the commission.

Subd. 2. (a) **MEMBERSHIP.** The commission shall be composed of 11 members to be appointed by the governor with the advice and consent of the senate, and shall consist of:

(1) One certified elementary or secondary education school teacher;

(2) One certified special education school teacher;

(3) One elementary or secondary school administrator;

(4) One superintendent of schools;

(5) One representative of the Minnesota state high school league;

(6) One current member of a school board; and

(7) Five public members, two of whom shall have demonstrated expertise in the field of school finance.

No two commission members shall reside in the same school district.

(b) **EX OFFICIO MEMBERS.** One designee of the chairman of the senate committee on education, one designee of the chairman of the house of representatives committee on education and one designee of the state board shall serve as nonvoting members of the commission.

(c) **TERMS.** All members shall serve a term of three years; however, every member shall continue in office until his successor has been duly named and qualified. When a vacancy occurs, it shall be filled within 30 days in the manner of the original appointment and all subsequent appointees must be qualified in the manner of the members they succeed.

(d) **COMPENSATION; EXPENSES.** Commission members shall be paid compensation of \$35 per day for each day spent in performance of their duties, plus ordinary and necessary expenses in the same amount and manner as state employees.

(e) **EXPIRATION.** Unless specifically renewed by the legislature, the authorization for this commission shall expire on June 30, 1977.

### Subd. 3. **POWERS AND DUTIES OF THE COMMISSION.**

(a) The commission shall meet and organize within 30 days of its appointment. It shall elect from its membership a chairman and such other officers as it deems necessary.

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(b) The commission shall examine, by whatever means it deems appropriate, the impact of fluctuating school enrollments and their consequential effect on the quality and cost of education.

(c) The commission shall make any investigations and conduct any hearings necessary to accomplish its purposes.

(d) The commission may employ such professional, clerical, and technical assistants as it deems necessary in order to accomplish its purposes.

(e) In carrying out its objectives, the commission shall have the right to confer with state officials and other governmental units, and to have access to such records as are necessary to obtain needed information. The commission shall also have the right to call upon and receive from various state departments, agencies, and institutions such technical advice and service as are reasonably needed to fulfill the purposes of the commission.

(f) Before January 15, 1976, the commission shall present to the legislature and the state board its preliminary findings and recommendations regarding incentives for additional cooperation among school districts, the optimal size of regional units of cooperation and appropriate teacher-pupil ratios. The commission shall present its final report to the legislature and the state board before January 15, 1977.

(g) Recommendations of the commission shall be given to all school boards and school districts at the time they are presented to the legislature and the state board.

Subd. 4. The provisions of Minnesota Statutes, Section 363.01, Subdivision 10, shall not apply to separation, based on sex, of athletic programs of educational institutions. This section shall expire July 1, 1975.

Subd. 5. There is hereby appropriated from the general fund the sum of \$30,000 for use by the commission to carry out the purposes of this section. This appropriation shall be available until expended or until the purposes of this section are completed.

Subd. 6. Subdivisions 1 to 5 shall be effective on June 1, 1974.

Sec. 69. Minnesota Statutes 1971, Chapter 3, is amended by adding a section to read:

**[3.965] COMMITTEE TO REVIEW ADMINISTRATIVE RULES.**  
Subdivision 1. COMPOSITION; MEETINGS. A legislative joint committee for review of administrative rules defined pursuant to sections 15.0411 to 15.0422, consisting of five senators appointed by the committee on committees of the senate and five representatives appointed by the speaker of the house of representatives shall be appointed. The

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committee shall meet at the call of its chairman or upon a call signed by two of its members or signed by five members of the legislature. The joint committee chairmanship shall alternate between the two houses of the legislature every two years.

**Subd. 2. REVIEW OF RULES BY COMMITTEE.** The committee shall promote adequate and proper rules by agencies and an understanding upon the part of the public respecting them. It may hold public hearings to investigate complaints with respect to rules if it considers the complaints meritorious and worthy of attention and may, on the basis of the testimony received at the public hearings, suspend any rule complained of by the affirmative vote of at least six members provided the provisions of subdivision 4 have been met. If any rule is suspended, the committee shall as soon as possible place before the legislature, at the next year's session, a bill to repeal the suspended rule. If the bill is defeated, or fails of enactment in that year's session, the rule shall stand and the committee may not suspend it again. If the bill becomes law, the rule is repealed and shall not be enacted again unless a law specifically authorizes the adoption of that rule. The committee shall make a biennial report to the legislature and governor of its activities and include therein its recommendations.

**Subd. 3. PUBLIC HEARINGS BY STATE DEPARTMENTS.** By a vote of a majority of its members, the committee may request any department issuing rules to hold a public hearing in respect to recommendations made pursuant to subdivision 2. The department shall give notice as provided in section 15.0412, subdivision 4 of a hearing thereon, to be conducted in accordance with section 15.0412. The hearing shall be held not more than 60 days after receipt of the request.

**Subd. 4. REVIEW BY STANDING COMMITTEES.** Before the committee suspends any rule, it shall request the speaker of the house and the president of the senate to refer the question of suspension of the given rule or rules to the appropriate committee or committees of the respective houses for the committees' recommendation. No suspension shall take effect until the recommendation is received, or 60 days after referral. However, the recommendation shall be advisory only.

Sec. 70. The city of Hanska may acquire, by purchase, gift, condemnation or otherwise, any real or personal property for the purpose of providing educational facilities to be leased to independent school districts Numbers 88, 837, and 840, or any combination thereof. The city council of the city of Hanska may provide for the acquisition of the property and for the construction, furnishing, and equipping of any buildings thereon in such manner and upon such terms and conditions as it deems appropriate. The city council may issue general obligation bonds of the city for the acquisition and betterment of any such property in accordance with Minnesota Statutes, Chapter 475; provided that, if the school districts agree to pay rentals to the city at the times and in the amounts required to provide funds sufficient to pay when due all principal and interest on the bonds, the bonds shall not be in-

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cluded in the net debt of the city for the purpose of any limitation on its indebtedness and except as otherwise provided herein an election shall not be required to authorize their issuance. The resolution of the city determining to issue the bonds shall be published in the official newspaper. If within 15 days after publication a petition asking for an election on the proposition signed by voters equal to ten percent of the number of voters at the last regular city election is filed with the city clerk, the bonds shall not be issued until the proposition of their issuance has been approved by a majority of the votes cast on the question at a regular or special election. Any such agreement shall provide for payment of the required rentals by the school districts at least annually and the share of each district shall be based upon an equitable distribution formula agreed upon by the participating districts and approved by the commissioner of education.

Sec. 71. The sum of \$32,500 is appropriated from the general fund to the department of highways for the fiscal year ending June 30, 1974 to partially reimburse the department for costs incurred in the implementation of the metropolitan car pooling program.

This appropriation is to be added to the appropriation made in Laws 1973, Chapter 718, Section 8 for the fiscal year ending June 30, 1974.

Sec. 72. Laws 1973, Chapter 380, Sections 6, 7, 10, 11, and 12; Laws 1973, Chapter 556, Section 1; and Laws 1973, Chapter 717, Sections 22 and 24, are repealed.

Sec. 73. Except as may be otherwise provided for herein, this act is in effect the day following its final enactment.

Approved March 30, 1974.

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#### CHAPTER 356—H.F.No.401

*An act relating to game and fish; authorizing angling with two lines through the ice; amending Minnesota Statutes 1971, Sections 97.40, Subdivision 32; 101.41, Subdivision 2, and 101.42, Subdivision 20.*

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1971, Section 97.40, Subdivision 32, is amended to read:

Subd. 32. **GAME AND FISH; ICE FISHING; USE OF TWO LINES.** "Angling" means taking fish by hook and line in hand, or rod in hand, with not to exceed more than one bait attached thereto, nor with more than one line or rod except that not more than two lines and two baits

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