

STATE OF MINNESOTA

SEVENTIETH SESSION - 1977

FIFTY-FOURTH DAY

SAINT PAUL, MINNESOTA, FRIDAY, MAY 13, 1977

The House of Representatives convened at 1:00 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	Jacobs	Metzen	Searles
Adams	Corbid	Jaros	Moe	Sherwood
Albrecht	Cummsiskey	Jensen	Munger	Sieben, H.
Anderson, B.	Dahl	Johnson	Murphy	Sieben, M.
Anderson, D.	Dean	Jude	Neisen	Simoneau
Anderson, G.	Den Ouden	Kahn	Nelsen, B.	Skoglund
Anderson, I.	Eckstein	Kaley	Nelsen, M.	Smogard
Anderson, R.	Eken	Kalis	Nelson	Spanish
Arlandson	Ellingson	Kelly, R.	Niehaus	Stanton
Battaglia	Enebo	Kelly, W.	Norton	Stoa
Beauchamp	Erickson	Kempe, A.	Novak	Suss
Begich	Esau	Kempe, R.	Osthoff	Swanson
Berg	Evans	King	Pehler	Tomlinson
Berglin	Ewald	Knickerbocker	Peterson	Vanasek
Berkelman	Faricy	Kostohryz	Petrafaso	Voss
Birnstihl	Fjoslien	Kroening	Pleasant	Waldorf
Brandl	Forsythe	Kvam	Prahl	Welch
Braun	Friedrich	Laidig	Reding	Wenstrom
Brinkman	Fudro	Langseth	Rice	Wenzel
Byrne	Fugina	Lehto	Rose	White
Carlson, A.	George	Lemke	St. Onge	Wieser
Carlson, D.	Gunter	Mangan	Samuelson	Wigley
Carlson, L.	Hanson	Mann	Savelkoul	Williamson
Casseri	Haugerud	McCollar	Scheid	Wynia
Clark	Heinitz	McDonald	Schulz	Zubay
Clawson	Hokanson	McEachern	Searle	Speaker Sabo

A quorum was present.

Biersdorf, McCarron, Patton and Sarna 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. 83, 331, 223, 1191, 180, 1300, 769 and 1383 and S. F. Nos. 897, 783, 347, 120, 625, 1362, 102, 223, 626, 709 and 1029 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

May 10, 1977

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 File:

H. F. No. 946, An act relating to the trunk highway system; adding a new route in substitution of an existing route.

Sincerely,

RUDY PERPICH
Governor

STATE OF MINNESOTA
OFFICE OF THE GOVERNOR
ST. PAUL 55155

May 12, 1977

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 File:

H. F. No. 425, An act relating to municipalities; authorizing appropriations for historical work.

Sincerely,

RUDY PERPICH
Governor

STATE OF MINNESOTA
OFFICE OF THE GOVERNOR
ST. PAUL 55155

May 11, 1977

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. 62, An act relating to towns; annual audit report; eliminating the requirement that a copy of the report be furnished to the state auditor.

H. F. No. 107, An act relating to state property; authorizing the conveyance of certain state property in Sherburne County to the City of St. Cloud, Minnesota.

H. F. No. 146, An act relating to cities of the first class; establishing procedures for refunds of certain special assessments.

H. F. No. 163, An act relating to the firemen's relief association of the city of Albertville, computation of years of service for volunteer firemen.

H. F. No. 218, An act relating to the city of Minneapolis and Hennepin county; providing for representation for the board of county commissions of Hennepin county and the Minneapolis city council on the municipal building commission.

H. F. No. 465, An act relating to redevelopment; providing for membership on regional development commissions.

H. F. No. 686, An act relating to retirement; judges' survivors' benefits; option to continue.

H. F. No. 979, An act relating to state lands; authorizing the conveyance by the state of certain lands in St. Louis county.

Sincerely,

RUDY PERPICH
Governor

STATE OF MINNESOTA
OFFICE OF THE SECRETARY OF STATE
ST. PAUL 55155

May 11, 1977

The Honorable Martin O. Sabo
Speaker of the House of Representatives
The Honorable Edward J. Gearty
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1977 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Date Approved 1977</i>	<i>Date Filed 1977</i>
	62	73	May 11	May 11
	107	74	May 11	May 11
	146	75	May 11	May 11
	163	76	May 11	May 11
	218	77	May 11	May 11
	465	78	May 11	May 11
	686	79	May 11	May 11
	946	80	May 10	May 11
	979	81	May 11	May 11
617		82	May 11	May 11
713		83	May 11	May 11

54th Day]

FRIDAY, MAY 13, 1977

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<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Date Approved 1977</i>	<i>Date Filed 1977</i>
836		84	May 11	May 11
1415		85	May 11	May 11

Sincerely,

JOAN ANDERSON GROWE
Secretary of State

STATE OF MINNESOTA
OFFICE OF THE SECRETARY OF STATE
ST. PAUL 55155

May 12, 1977

The Honorable Martin O. Sabo
Speaker of the House of Representatives
The Honorable Edward J. Gearty
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1977 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Date Approved 1977</i>	<i>Date Filed 1977</i>
	425	86	May 12	May 12
1034		87	May 12	May 12
1208		88	May 12	May 12

Sincerely,

JOAN ANDERSON GROWE
Secretary of State

REPORTS OF STANDING COMMITTEES

Kelly, W., from the Committee on Taxes to which was referred:

S. F. No. 830, A bill for an act relating to the city of Duluth; authorizing the imposition of an additional tax on certain sales of food and drink; amending Laws 1973, Chapter 461, Section 1.

Reported the same back with the following amendments:

Page 2, line 5, after the period insert "*Revenues received from this additional tax shall be used to provide revenues only for facilities or agencies which are run by the governing body of the city or by a board which is appointed by the governing body of the city.*".

Page 2, line 9, before the period insert "*and shall be in effect only to July 1, 1979*".

With the recommendation that when so amended the bill pass.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. No. 1630 was read for the second time.

SECOND READING OF SENATE BILLS

S. F. No. 830 was read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Moe, Cummiskey and McDonald introduced:

H. F. No. 1632, A bill for an act relating to retirement; phasing out local police and firefighter's relief associations into the public employees police and fire fund.

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

Cohen introduced:

H. F. No. 1633, A bill for an act relating to retirement; purchase of prior service credit in the Minnesota state retirement system by certain employees of the department of employment services.

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

Sieben, M., introduced:

H. F. No. 1634, A bill for an act relating to hospitalization and commitment; requiring committing courts to establish result oriented evaluation programs for committed persons; appointment of counsel guardians for committed persons; establishing a central agency within the department of public welfare which shall develop a program of statistical analysis relating to treatment of committed persons.

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

Sarna; Anderson, I.; Prahl; Adams and Jacobs introduced:

H. F. No. 1635, A bill for an act relating to labor; limiting the amount of weight an employee can be required to lift to 75 pounds; prescribing a penalty.

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

Kaley, Munger, Johnson, Eken and Searle introduced:

H. F. No. 1636, A bill for an act relating to taxation; providing a property tax credit for certain land kept as a wildlife habitat; appropriating money; amending Minnesota Statutes 1976, Chapter 272, by adding a section.

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:

Fugina introduced:

H. A. No. 32, A proposal to study unified sewer and water systems for certain range communities.

The advisory was referred to the Committee on Local and Urban Affairs.

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. 140, A bill for an act relating to natural resources; imposing limits on the issuance of licenses for commercial fishing on Lake Superior; providing maximum amounts of gill net to be licensed in Lake Superior; amending Minnesota Statutes 1976, Sections 98.46, Subdivision 12; and 102.28, Subdivision 4.

PATRICK E. FLAHAVER, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Lehto moved that the House concur in the Senate amendments to H. F. No. 140 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 140, A bill for an act relating to natural resources; imposing limits on the issuance of licenses for commercial fishing on Lake Superior; providing maximum amounts of gill net to be licensed in Lake Superior; amending Minnesota Statutes 1976, Sections 98.46, Subdivision 12; and 102.28, Subdivision 4.

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 113 yeas and 2 nays as follows:

Those who voted in the affirmative were:

Abeln	Dahl	Jensen	Moe	Sherwood
Adams	Dean	Johnson	Munger	Sieben, H.
Anderson, B.	Den Ouden	Jude	Murphy	Sieben, M.
Anderson, G.	Eckstein	Kaley	Neisen	Simoneau
Anderson, I.	Eken	Kelly, R.	Nelsen, M.	Skoglund
Anderson, R.	Ellingson	Kelly, W.	Nelson	Smogard
Arlandson	Enebo	Kempe, A.	Norton	Spanish
Beauchamp	Erickson	Kempe, R.	Novak	Stoa
Berg	Esau	King	Osthoff	Suss
Berglin	Evans	Knickerbocker	Peterson	Swanson
Birnstihl	Ewald	Kostohryz	Petrafeso	Tomlinson
Brandl	Faricy	Kroening	Pleasant	Vanaek
Braun	Fjoslien	Kvam	Prahl	Voss
Brinkman	Forsythe	Laidig	Reding	Waldorf
Byrne	Friedrich	Langseth	Rice	Welch
Carlson, A.	Fugina	Lehto	Rose	Wenzel
Carlson, D.	George	Lemke	St. Onge	White
Carlson, L.	Gunter	Mangan	Samuelson	Wieser
Clark	Hanson	Mann	Savelkoul	Wynia
Clawson	Heinitz	McCollar	Scheid	Zubay
Cohen	Hokanson	McDonald	Schulz	Speaker Sabo
Corbid	Jacobs	McEachern	Searie	
Cummiskey	Jaros	Metzen	Searles	

Those who voted in the negative were:

Battaglia Begich

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. 733, A bill for an act relating to the state transportation system; authorizing the issuance and sale of Minnesota trunk highway bonds under the provisions of Minnesota Constitution, Article XI, Sections 4 to 7, and Article XIV, Section 11, and authorizing the expenditure of the proceeds thereof for trunk highway bridges and approaches; authorizing the issuance and sale of Minnesota state transportation bonds under the provisions of Minnesota Constitution, Article XI, and authorizing the expenditure thereof for grants to political subdivisions for design, construction and reconstruction of certain bridges; appropriating money.

PATRICK E. FLAHAVER, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Lemke moved that the House concur in the Senate amendments to H. F. No. 733 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 733, A bill for an act relating to the state transportation system; authorizing the issuance and sale of Minnesota trunk highway bonds under the provisions of Minnesota Constitution, Article XI, Sections 4 to 7, and Article XIV, Section 11, and authorizing the expenditure of the proceeds thereof for trunk highway bridges and approaches; authorizing the issuance and sale of Minnesota state transportation bonds under the provisions of Minnesota Constitution, Article XI, and authorizing the expenditure thereof for grants to political subdivisions for construction and reconstruction of certain bridges; appropriating money.

The bill was read for 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 109 yeas and 4 nays as follows:

Those who voted in the affirmative were:

Abeln	Corbid	Hokanson	Metzen	Sieben, H.
Adams	Cummiskey	Jacobs	Moe	Sieben, M.
Albrecht	Dahl	Jaros	Munger	Simoneau
Anderson, B.	Dean	Jensen	Murphy	Skoglund
Anderson, G.	Den Ouden	Johnson	Neisen	Smogard
Anderson, I.	Eckstein	Jude	Nelsen, B.	Spanish
Anderson, R.	Eken	Kaley	Nelsen, M.	Stoa
Battaglia	Ellingson	Kelly, W.	Niehaus	Suss
Beauchamp	Enebo	Kempe, A.	Norton	Swanson
Begich	Erickson	Kempe, R.	Novak	Tomlinson
Berglin	Esau	King	Osthoff	Vanasek
Birnstihl	Evans	Knickerbocker	Peterson	Voss
Brandl	Ewald	Kostohryz	Prahl	Waldorf
Braun	Faricy	Laidig	Reding	Welch
Brinkman	Fjoslien	Langseth	St. Onge	Wenstrom
Byrne	Forsythe	Lehto	Samuelson	Wenzel
Carlson, A.	Friedrich	Lemke	Savelkoul	White
Carlson, D.	Fugina	Mangan	Scheid	Wieser
Carlson, L.	George	Mann	Schulz	Wynia
Clark	Gunter	McCollar	Searle	Zubay
Clawson	Hanson	McDonald	Searles	Speaker Sabo
Cohen	Haugerud	McEachern	Sherwood	

Those who voted in the negative were:

Arlandson	Berg	Kvam	Pleasant
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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. 635, A bill for an act relating to insurance; increasing solicitors license fees; authorizing issuance of cease and desist orders and injunctions; prescribing and clarifying penalties; amending Minnesota Statutes 1976, Sections 60A.17, Subdivision 4, and by adding subdivisions; and 72A.07.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Ellingson moved that the House concur in the Senate amendments to H. F. No. 635 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 635, A bill for an act relating to insurance; increasing solicitors license fees; authorizing issuance of cease and desist orders and injunctions; prescribing and clarifying penal-

ties; amending Minnesota Statutes 1976, Sections 60A.17, Subdivision 4, and by adding subdivisions; and 72A.07.

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	Corbid	Jensen	Murphy	Sieben, H.
Adams	Cummiskey	Johnson	Neisen	Sieben, M.
Albrecht	Dean	Jude	Nelsen, B.	Simoneau
Anderson, B.	Den Ouden	Kaley	Nelsen, M.	Skoglund
Anderson, G.	Eckstein	Kelly, W.	Nelson	Smogard
Anderson, I.	Eken	Kempe, A.	Niehaus	Spanish
Anderson, R.	Ellingson	Kempe, R.	Norton	Stanton
Arlandson	Enebo	King	Novak	Stoa
Battaglia	Erickson	Knickerbocker	Osthoff	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
Birnstihl	Forsythe	Lehto	Reding	Welch
Braun	Friedrich	Lemke	Rice	Wenstrom
Brinkman	Fugina	Mangan	St. Onge	Wenzel
Byrne	George	Mann	Samuelson	White
Carlson, A.	Gunter	McCollar	Savelkoul	Wieser
Carlson, D.	Hanson	McDonald	Scheid	Wynia
Carlson, L.	Haugerud	McEachern	Schulz	Zubay
Clark	Hokanson	Metzen	Searle	Speaker Sabo
Clawson	Jacobs	Moe	Searles	
Cohen	Jaros	Munger	Sherwood	

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 1079, A bill for an act relating to agriculture; seeds; changing the basis for listing restricted noxious weed seeds on labels; prohibiting certain acts; increasing fees; amending Minnesota Statutes 1976, Sections 21.48, Subdivision 3; 21.49, Subdivision 1; 21.53, Subdivision 3; and 21.54, Subdivision 2.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Braun moved that the House concur in the Senate amendments to H. F. No. 1079 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1079, A bill for an act relating to agriculture; seeds; changing the basis for listing restricted noxious weed seeds on labels; prohibiting certain acts; increasing fees; amending Minnesota Statutes 1976, Sections 21.48, Subdivision 3; 21.49, Subdivision 1; 21.53, Subdivision 3; and 21.54, Subdivision 2.

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 113 yeas and 2 nays as follows:

Those who voted in the affirmative were:

Abeln	Clark	Jaros	Munger	Sieben, M.
Adams	Clawson	Jensen	Murphy	Simoneau
Albrecht	Cohen	Johnson	Neisen	Skoglund
Anderson, B.	Corbid	Jude	Nelsen, M.	Smogard
Anderson, D.	Dean	Kaley	Nelson	Spanish
Anderson, G.	Den Ouden	Kelly, W.	Niehaus	Stanton
Anderson, I.	Eckstein	Kempe, A.	Norton	Stoa
Anderson, R.	Eken	Kempe, R.	Novak	Suss
Arlandson	Ellingson	King	Osthoff	Swanson
Battaglia	Enebo	Knickerbocker	Pehler	Tomlinson
Beauchamp	Erickson	Kostohryz	Peterson	Vanasek
Begich	Evans	Kroening	Petrafaso	Voss
Berg	Ewald	Laidig	Pleasant	Waldorf
Berglin	Faricy	Langseth	Reding	Welch
Berkelman	Forsythe	Lehto	Rice	Wenstrom
Birnstihl	Friedrich	Lemke	St. Onge	Wenzel
Brandl	Fugina	Mangan	Samuelson	White
Braun	George	Mann	Scheid	Wieser
Brinkman	Gunter	McCollar	Schulz	Wynia
Byrne	Hanson	McDonald	Searle	Zubay
Carlson, A.	Haugerud	McEachern	Searles	Speaker Sabo
Carlson, D.	Hokanson	Metzen	Sherwood	
Carlson, L.	Jacobs	Moe	Sieben, H.	

Those who voted in the negative were:

Kvam Savelkoul

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. 791, A bill for an act relating to state lands; authorizing the lease of certain state lands in Rice county to the city of Faribault for the purpose of establishing a nature interpretative center with emphasis on natural history.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Birnstihl moved that the House concur in the Senate amendments to H. F. No. 791 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 791, A bill for an act relating to state lands; authorizing the lease of certain state lands in Rice county to the city of Faribault for the purpose of establishing a nature interpretative center with emphasis on natural history.

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 123 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Cohen	Jacobs	Moe	Sieben, H.
Adams	Corbid	Jaros	Munger	Sieben, M.
Albrecht	Cumminskey	Jensen	Murphy	Simoneau
Anderson, B.	Dahl	Johnson	Neisen	Skoglund
Anderson, D.	Dean	Jude	Nelsen, B.	Smogard
Anderson, G.	Den Ouden	Kaley	Nelsen, M.	Spanish
Anderson, I.	Eckstein	Kalis	Nelson	Stanton
Anderson, R.	Eken	Kelly, W.	Niehaus	Stoa
Arlandson	Ellingson	Kempe, A.	Norton	Suss
Battaglia	Enebo	Kempe, R.	Novak	Swanson
Beauchamp	Erickson	King	Osthoff	Tomlinson
Begich	Esau	Knickerbocker	Pehler	Vanasek
Berg	Evans	Kostohryz	Peterson	Voss
Berglin	Ewald	Kroening	Petrafeso	Waldorf
Berkelman	Faricy	Kvam	Pleasant	Welch
Birnstihl	Fjoslien	Laidig	Reding	Wenstrom
Brandl	Forsythe	Langseth	Rice	Wenzel
Braun	Friedrich	Lehto	St. Onge	White
Brinkman	Fugina	Lemke	Samuelson	Wieser
Byrne	George	Mangan	Savelkoul	Wigley
Carlson, A.	Gunter	Mann	Scheid	Wynia
Carlson, D.	Hanson	McCollar	Schulz	Zubay
Carlson, L.	Haugerud	McDonald	Searle	Speaker Sabo
Clark	Heinitz	McEachern	Searles	
Clawson	Hokanson	Metzen	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. 1161, A bill for an act relating to education; correcting and eliminating certain erroneous and obsolete references

and text relating to state universities and community colleges; amending Minnesota Statutes 1976, Sections 136.60, Subdivision 1, and by adding a subdivision; 136.603; 136.62, Subdivisions 1, 2 and 4; 136.621, Subdivision 1; repealing Minnesota Statutes 1976, Sections 136.016; 136.60, Subdivision 2; 136.601; 136.602; 136.62, Subdivision 3; 136.621, Subdivisions 2 and 3; and 136.66.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Wenstrom moved that the House concur in the Senate amendments to H. F. No. 1161 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1161, A bill for an act relating to education; correcting and eliminating certain erroneous and obsolete references and text relating to state universities and community colleges; amending Minnesota Statutes 1976, Sections 136.60, Subdivision 1, and by adding a subdivision; 136.602; 136.603; 136.62, Subdivisions 1, 2, and 4; 136.621, Subdivision 1; repealing Minnesota Statutes 1976, Sections 136.016; 136.60, Subdivision 2; 136.601; 136.62, Subdivision 3; 136.621, Subdivisions 2 and 3; and 136.66.

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 120 yeas and 5 nays as follows:

Those who voted in the affirmative were:

Abeln	Clawson	Heinitz	McDonald	Searle
Adams	Cohen	Hokanson	McEachern	Searles
Albrecht	Corbid	Jacobs	Metzen	Sherwood
Anderson, B.	Cummiskey	Jaros	Moe	Sieben, H.
Anderson, D.	Dahl	Jensen	Munger	Sieben, M.
Anderson, G.	Dean	Johnson	Murphy	Simoneau
Anderson, I.	Den Ouden	Jude	Neisen	Skoglund
Anderson, R.	Eckstein	Kaley	Nelsen, B.	Smogard
Arlandson	Eken	Kalis	Nelsen, M.	Spanish
Battaglia	Ellingson	Kelly, R.	Nelson	Stanton
Beauchamp	Enebo	Kelly, W.	Niehaus	Stoa
Begich	Ericksen	Kempe, A.	Norton	Suss
Berg	Esau	Kempe, R.	Novak	Swanson
Berglin	Evans	King	Osthoff	Tomlinson
Berkelman	Ewald	Knickerbocker	Peterson	Vanasek
Birnstihl	Faricy	Kostohryz	Petrafero	Voss
Braun	Fjoslien	Kvam	Pleasant	Waldorf
Brinkman	Forsythe	Laidig	Prahl	Welch
Byrne	Friedrich	Langseth	Reding	Wenstrom
Carlson, A.	Fugina	Lehto	Rice	Wenzel
Carlson, D.	George	Lemke	Rose	White
Carlson, L.	Gunter	Mangan	Samuelson	Wieser
Casserly	Hanson	Mann	Savelkoul	Zubay
Clark	Haugerud	McCollar	Scheid	Speaker Sabo

Those who voted in the negative were:

Brandl Kroening Pehler St. Onge Wynia

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. 1102, A bill for an act relating to state agencies; purchasing and furnishing goods and services; amending Minnesota Statutes 1976, Chapter 16, by adding a section; Sections 15.047, Subdivision 1; 16.02, Subdivisions 2, 13, 16, 19, and by adding a subdivision; 16.07, Subdivision 8, and by adding a subdivision; 16.72, Subdivision 2; 16.75, Subdivision 7; 16.80, Subdivision 1; 238.04, Subdivision 2; and 327.51, Subdivisions 1 and 3, and by adding a subdivision.

PATRICK E. FLAHAVEN, Secretary of the Senate

Reding moved that the House refuse to concur in the Senate amendments to H. F. No. 1102, 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. 875, A bill for an act relating to the state housing finance agency; setting the amount of bonds and notes that may be outstanding; clarifying eligibility; providing for fund administration and repayment requirements; appropriating money; amending Minnesota Statutes 1976, Sections 462A.03, Subdivisions 7 and 13; 462A.05, Subdivisions 5 and 15; 462A.07, Subdivision 12, and by adding subdivisions; 462A.21, Subdivisions 4a and 4b, and by adding a subdivision; and 462A.22, Subdivision 1.

PATRICK E. FLAHAVEN, Secretary of the Senate

Kroening moved that the House refuse to concur in the Senate amendments to H. F. No. 875, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two Houses. The motion prevailed.

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

S. F. No. 32.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said Senate File is herewith transmitted to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONFERENCE COMMITTEE REPORT ON S. F. NO. 32

A bill for an act relating to shade tree disease control; authorizing grants for municipal shade tree removal and reforestation programs; authorizing a shade tree disease control research program; appropriating money; amending Minnesota Statutes 1976, Sections 18.023, Subdivisions 1, 1a, 2, 3a, 4, 7, 8 and 11, and adding a subdivision; 116.07, Subdivision 4; and 275.50, by adding a subdivision; repealing Minnesota Statutes 1976, Section 18.023, Subdivision 6.

May 11, 1977

The Honorable Edward J. Gearty
President of the Senate
The Honorable Martin O. Sabo
Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 32 report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments and that S. F. No. 32, be amended, as follows:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1976, Section 18.023, Subdivision 1, is amended to read:

18.023 [SHADE TREE DISEASE CONTROL.] Subdivision 1. [DEFINITIONS.] As used in subdivisions 1 to 12 the

terms defined in this subdivision shall have the meanings given them.

(a) "Metropolitan area" means the area comprising the counties of Hennepin, Ramsey, Anoka, Dakota, Washington, Scott and Carver.

(b) "Commissioner" means the commissioner of agriculture.

(c) "Municipality" means any *home rule charter or statutory* city or any town exercising municipal powers pursuant to section 368.01, or any general or special law, located in the metropolitan area; or any special park district as organized under chapter 398(,) ; or any special purpose park (DISTRICT) *and recreation board* organized under the city charter of a city of the first class located in the metropolitan area(,) ; or any county in the metropolitan area for the purposes of county owned property or any portion of a county located outside the geographic boundaries of a city or town exercising municipal powers; and any municipality or county located outside the metropolitan area (WHICH MAKES REQUEST TO AND HAS CONSENT OF THE COMMISSIONER TO COME WITHIN THE PROVISIONS OF THIS SECTION) *with an approved disease control program.*

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

(e) "Wood utilization or disposal system" means (A SYSTEM) *facilities, equipment or systems* used for the removal and disposal of diseased shade trees which includes the collection, transportation, processing or storage of wood and which aids in the recovery of materials or energy from wood.

((F) "SUBSIDY PROGRAM" MEANS A MUNICIPAL PROGRAM OF FINANCIAL ASSISTANCE TO PRIVATE PROPERTY OWNERS FOR THE REMOVAL OF DISEASED ELM AND OR OAK SHADE TREES.)

((G) (f) "Approved disease control program" means the municipal plan as approved by the commissioner to control shade tree disease.

((H) (g) "Disease control area" means an area approved by the commissioner within which a municipality will conduct (A SHADE TREE) *an approved disease control program.*

(h) "Sanitation" means the *identification, inspection, disruption of a common root system, girdling, trimming, removal and disposal of dead or diseased wood of elm or oak shade trees, including subsidies for trees removed pursuant to subdivision 4, on public or private property within a disease control area.*

(i) "Reforestation" means the replacement of shade trees removed from public property as part of an approved disease control program. For purposes of this clause, "public property" shall include private property within five feet of the boulevard or street terrace in any city which has enacted an ordinance on or before January 1, 1977, that prohibits or requires a permit for the planting of trees in the public right of way.

Sec. 2. Minnesota Statutes 1976, Section 18.023, Subdivision 1a, is amended to read:

Subd. 1a. [METROPOLITAN SHADE TREE DISEASE CONTROL PROGRAM; PURPOSE.] The legislature finds that an epidemic of Dutch elm disease and oak wilt disease is occurring in Minnesota which threatens the natural environment. Immediate action is therefore necessary to provide funds to assist local units of government in the implementation of shade tree disease control programs by *conducting sanitation and reforestation programs*, expanding diseased wood destruction programs, increasing public awareness of shade tree disease, accelerating training of tree inspectors and research for disease prevention and subsidizing private property owners for the removal of diseased elm and oak trees.

Sec. 3. Minnesota Statutes 1976, Section 18.023, Subdivision 2, is amended to read:

Subd. 2. [COMMISSIONER TO ADOPT RULES.] The commissioner shall adopt and (FROM TIME TO TIME) may amend (,) rules (AND REGULATIONS) relating to shade tree disease control in (THE METROPOLITAN AREA IN ACCORDANCE WITH SECTIONS 15.0411 TO 15.0422) *any municipality, as defined in subdivision 1.* (SUCH) The rules (AND REGULATIONS) shall prescribe control measures to be used to prevent the spread of shade tree diseases and shall include the following: (a) A definition of shade tree, (b) qualifications for tree inspectors, (c) methods of identifying diseased shade trees, (d) procedures for giving reasonable notice of inspection of private real property, (e) measures for the (TREATMENT AND) removal of any shade tree which may contribute to the spread of shade tree disease, and *for reforestation of disease control areas,* (f) *approved methods of treatment of shade trees,* (g) *criteria for priority designation areas in an approved disease control program,* and (h) (SUCH) *any other matters (AS SHALL BE) determined (TO BE) necessary by the commissioner to prevent the spread of shade tree disease and enforce the provisions of this section. (IN ACCORDANCE WITH THE RULES AND REGULATIONS ADOPTED BY THE COMMISSIONER, AND) After reasonable notice of inspection (HAVING BEEN GIVEN TO THE) an owner of the real property (, DISEASED SHADE TREES SHALL BE REMOVED OR TREATED BY THE OWNER OF THE REAL PROPERTY) on which (SUCH) a diseased shade (TREES ARE) tree is lo-*

cated shall remove or treat the tree within (A) the period of time (AS MAY BE) and in the manner established by the commissioner. (IN THE CASE 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). *Diseased shade trees which are not removed or treated in compliance with the commissioner's rules shall be declared a public nuisance and removed or treated by approved methods by the municipality which may assess the total expense, which shall be limited to the lowest contract rates available, provided said rates include wage levels which meet Minnesota minimum wage standards, or any part thereof to the property and the expense shall become a lien on the property. A municipality may assess not more than 50 percent of the expense of treating with an approved method or removing diseased shade trees located on street terraces or boulevards to the abutting properties and the assessment shall become a lien on the property.*

Sec. 4. Minnesota Statutes 1976, Section 18.023, Subdivision 3a, is amended to read:

Subd. 3a. [GRANTS TO MUNICIPALITIES.] (a) The commissioner may, in the name of the state and within the limit of appropriations provided, make grants-in-aid to a municipality with an approved (SHADE TREE) disease control program for the partial funding of municipal (SUBSIDY PROGRAMS FOR THE REMOVAL OF DISEASED SHADE TREES BY OWNERS OF RESIDENTIAL PROPERTY PURSUANT TO SUBDIVISION 4) *sanitation and reforestation programs*. The commissioner may make grants-in-aid to any (CITY OF MORE THAN 80,000 POPULATION OR ANY SPECIAL PURPOSE PARK DISTRICT ORGANIZED UNDER THE CHARTER OF A CITY OF THE FIRST CLASS OR ANY NON-PROFIT CORPORATION SERVING A CITY OF THE FIRST CLASS OR ANY COUNTY HAVING A DISEASE CONTROL PROGRAM APPROVED BY THE COMMISSIONER) *home rule charter or statutory city of more than 40,000 population in the metropolitan area as defined in subdivision 1 or a combination of such cities of 40,000 combined population under a joint powers agreement pursuant to section 471.59, or a home rule charter or statutory city of more than 20,000 population outside the metropolitan area or a combination of such cities of 20,000 combined population under a joint powers agreement pursuant to section 471.59 any special purpose park and recreation board organized under a charter of a city of the first class or any non-profit corpora-*

tion serving a city of the first class or any county having an approved disease control program for the acquisition or implementation of a wood utilization or disposal (FACILITIES OR EQUIPMENT OR THE IMPLEMENTATION OF WOOD UTILIZATION OR DISPOSAL SYSTEMS) system.

(b) The commissioner shall promulgate rules for the administration of grants authorized by this subdivision. The rules shall establish and contain as a minimum:

- (1) Procedures for grant applications;
- (2) Conditions and procedures for the administration of grants;
- (3) Criteria of eligibility for grants including, but not limited to, those specified in this subdivision; and
- (4) Such other matters as the commissioner may find necessary to the proper administration of the grant program.

(c) Grants-in-aid payments for wood utilization and disposal (FACILITIES, EQUIPMENT AND) systems (AND GRANTS FOR PUBLIC SUBSIDY PROGRAMS) made by the commissioner pursuant to this subdivision shall not exceed 50 percent of the total cost of the (FACILITY EQUIPMENT OR) system (OR MUNICIPAL SUBSIDY PROGRAM, OR BOTH). *Grants to any municipality for sanitation shall not exceed 45 percent of sanitation costs approved by the commissioner including any amount of sanitation costs paid by special assessments, ad valorem taxes, federal grants or other funds. A municipality shall not specially assess a property owner any amount greater than the amount of the tree's sanitation cost minus the amount of the tree's sanitation cost reimbursed by the commissioner. Grants to municipalities for reforestation shall not exceed the lesser of 50 percent of the cost or \$40 multiplied by the number of trees planted pursuant to the reforestation program and shall be limited for any municipality in any year to grants for not more than the number of trees removed on public property in the sanitation program in the previous year, except during the first year of any approved disease control program; provided that a reforestation grant to any county may include up to 90 percent of the cost of the first 50 trees planted on public property in a town not described in subdivision 1 and of less than 1,000 population upon the town's application to the county. Reforestation grants to towns as described in subdivision 1 of less than 1,000 population with an approved disease control program may include up to 90 percent of the first 50 trees planted on public property. For the purpose of this subdivision, "cost" shall not include the value of a gift or dedication of trees required by a municipal ordinance but shall include documented "in kind" services or voluntary work for municipalities with a population of less than 1,000 according to the 1970 census.*

(d) *Based upon estimates submitted by the municipality to the commissioner, which shall state the estimated costs of sanitation and reforestation in the succeeding quarter under an approved program, the commissioner shall direct quarterly advance payments to be made by the state to the municipality commencing April 1, 1977. The commissioner shall direct adjustment of any overestimate in a succeeding quarter. A municipality may elect to receive the proceeds of its sanitation and reforestation grants on a periodic cost reimbursement basis.*

((D)) (e) A (MUNICIPALITY) home rule charter or statutory city, or county outside the metropolitan area or any municipality, as defined in subdivision 1, (WHICH HAS RECEIVED THE CONSENT OF THE COMMISSIONER TO COME WITHIN THE PROVISIONS OF LAWS 1975, CHAPTER 253 MAY RECEIVE GRANTS AUTHORIZED BY THIS SUBDIVISION, AND) may submit an application for a grant authorized by this subdivision concurrently with its request for (INCLUSION) approval of a disease control program.

Sec. 5. Minnesota Statutes 1976, Section 18.023, Subdivision 4, is amended to read:

Subd. 4. [SUBSIDIES TO PRIVATE PROPERTY OWNERS.] **((A)) A municipality may provide subsidies to non-profit organizations, owners of private residential property (OWNERS) of five acres or less and to nonprofit cemeteries, however organized, for the approved treatment or removal of diseased shade trees (PROVIDED, HOWEVER, THAT THE COST TO THE MUNICIPALITY FOR PROVIDING SUCH SUBSIDIES SHALL BE WITHIN THE LIMITATIONS SET FORTH IN SECTIONS 275.50 TO 275.56).**

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

Sec. 6. Minnesota Statutes 1976, Section 18.023, Subdivision 7, is amended to read:

Subd. 7. [FINANCING.] **(a) A municipality may collect the amount assessed against the property under subdivision 2 as a special assessment and may issue obligations as provided in section 429.101, subdivision 1, provided that a municipality (AS) at 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) *sanitation or approved* 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. Section 429.091 shall apply to such obligations with the following modifications:

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

(2) No election shall be required.

Obligations issued under the provisions of this clause shall not be considered bonded indebtedness for the purposes of section 273.13, subdivisions 6 and 7. The certificates shall not be included in the net debt of the issuing municipality.

Sec. 7. Minnesota Statutes 1976, Section 18.023, Subdivision 8, is amended to read:

Subd. 8. [DEPOSIT OF PROCEEDS IN SEPARATE FUND.] The proceeds of any tax levied, assessments and interest collected, or any *bonds or* certificates of indebtedness issued under (SUBDIVISIONS 6 AND) *subdivision 7 and section 11 of this act, and any grants received under subdivision 3a,* shall be deposited in the municipal treasury in a separate fund and expended only for the purposes authorized by this section.

Sec. 8. Minnesota Statutes 1976, Section 18.023, is amended by adding a subdivision to read:

Subd. 10a. The commissioner may establish experimental programs for sanitation or treatment of shade tree diseases. The commissioner may make grants to municipalities, or enter into contracts with municipal, state or federal agencies in connection with experimental shade tree programs including research to assist municipalities in establishing priority designation areas in an approved disease control program.

Sec. 9. Minnesota Statutes 1976, Section 18.023, Subdivision 11, is amended to read:

Subd. 11. [REPORT TO THE LEGISLATURE.] On or before January 31 of each (SUCCEEDING) year, the commissioner shall report to the legislature on the preceding year's (PLANS AND) *approved disease control programs (WHICH HAVE BEEN IMPLEMENTED FOR SHADE TREE DISEASES IN THE METROPOLITAN AREA) and any experimental programs conducted pursuant to subdivision 10a.*

Sec. 10. Minnesota Statutes 1976, Section 116.07, Subdivision 4, is amended to read:

Subd. 4. [REGULATIONS AND STANDARDS.] Pursuant and subject to the provisions of chapter 15, and the provisions hereof, the pollution control agency may adopt, amend and rescind regulations and standards having the force of law relating to any purpose within the provisions of Laws 1969, Chapter 1046, for the prevention, abatement, or control of air pollution. Any such regulation or standard may be of general application throughout the state, or may be limited as to times, places, circumstances, or conditions in order to make due allowance for variations therein. Without limitation, regulations or standards may relate to sources or emissions of air contamination or air pollution, to the quality or composition of such emissions, or to the quality of or composition of the ambient air or outdoor atmosphere or to any other matter relevant to the prevention, abatement, or control of air pollution.

Pursuant and subject to the provisions of chapter 15, and the provisions hereof, the pollution control agency may adopt, amend, and rescind regulations and standards having the force of law relating to any purpose within the provisions of Laws 1969, Chapter 1046, for the collection, transportation, storage, and disposal of solid waste and the prevention, abatement, or control of water, air, and land pollution which may be related thereto, and the deposit in or on land of any other material that may tend to cause pollution. Any such regulation or standard may be of general application throughout the state or may be limited as to times, places, circumstances, or conditions in order to make due allowance for variations therein. Without limitation, regulations or standards may relate to collection, transportation, disposal, equipment, location, procedures, methods, systems or techniques or to any other matter relevant to the prevention, abatement or control of water, air, and land pollution which may be advised through the control of collection, transportation, and disposal of solid waste, and the deposit in or on land of any other material that may tend to cause pollution.

Pursuant and subject to the provisions of chapter 15, and the provisions hereof, the pollution control agency may adopt, amend and rescind regulations and standards having the force of law relating to any purpose within the provisions of Laws 1971, Chapter 727, for the prevention, abatement, or control of noise pollution. Any such regulation or standard may be of general application throughout the state, or may be limited as to times, places, circumstances or conditions in order to make due allowances for variations therein. Without limitation, regulations or standards may relate to sources or emissions of noise or noise pollution, to the quality or composition of noises in the natural environment, or to any other matter relevant to the prevention, abatement, or control of noise pollution.

As to any matters subject to this chapter, local units of government may set emission regulations with respect to stationary sources which are more stringent than those set by the pollution control agency.

Pursuant to chapter 15, the pollution control agency may adopt, amend, and rescind regulations and standards having the force of law relating to any purpose within the provisions of this chapter for the identification, labeling, classification, storage, collection, treatment, and disposal of hazardous waste and location of hazardous waste disposal facilities. A regulation or standard may be of general application throughout the state or may be limited as to time, places, circumstances, or conditions. The public service commission, in cooperation with the pollution control agency, shall set standards for the transportation of hazardous waste in accordance with chapter 221.

The pollution control agency shall give highest priority in the consideration of permits to authorize disposal of diseased shade trees by open burning at designated sites to evidence concerning economic costs of transportation and disposal of diseased shade trees by alternative methods.

Sec. 11. Minnesota Statutes 1976, Section 275.50, is amended by adding a subdivision to read:

Subd. 6. The cost to a governmental unit of implementing section 18.023, including sanitation and reforestation, as defined in section 18.023, subdivision 1, is a "special levy" and is not subject to tax levy limitations including those contained in sections 275.50 to 275.56 and in Laws 1969, Chapter 593, as amended by Laws 1974, Chapter 108, commencing with the levy made in 1976, payable in 1977, and terminating with the levy made in 1977, payable in 1978. 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. 12. *The commissioner of agriculture shall adopt emergency rules pursuant to section 15.0412, subdivision 5, concerning grants to municipalities for reforestation and sanitation which shall be effective until either September 1, 1977, or the effective date of the amended permanent rules to be promulgated pursuant to section 3 of this act, whichever occurs first.*

Sec. 13. *The commissioner may employ and prescribe the duties of three permanent employees in the unclassified service as may be necessary to administer the provisions of section 18.023, subject to appropriation, until June 30, 1978. Thereafter, the three positions shall be in the classified service.*

Sec. 14. [APPROPRIATIONS.] *Subdivision 1. There is appropriated from the general fund to the commissioner of agriculture the following amounts for the following purposes, for the period from January 1, 1977 to December 31, 1978. The sum of \$13,762,500 shall be available for expenditure from January 1, 1977 to December 31, 1977 and \$13,762,500 shall be available for expenditure from January 1, 1978 to December 31, 1978:*

(a) <i>For grants for sanitation programs pursuant to Minnesota Statutes, Section 18.023, Subdivision 3a,</i>	\$21,650,000
(b) <i>For grants for reforestation programs pursuant to Minnesota Statutes, Section 18.023, Subdivision 3a,</i>	\$ 4,400,000
(c) <i>For grants-in-aid for wood utilization and disposal systems pursuant to Minnesota Statutes, Section 18.023, Subdivision 3a,</i>	\$ 550,000
(d) <i>For public information</i>	\$ 225,000
(e) <i>For experimental programs pursuant to Minnesota Statutes, Section 18.023, Subdivision 10a,</i>	\$ 400,000
(f) <i>For administration</i>	\$ 300,000

The commissioner shall not make grants for sanitation and reforestation for wood utilization and disposal systems in excess of 67 percent of the amounts specified in clauses (a) to (c) to the municipalities located within the metropolitan area, as defined in section 18.023, subdivision 1.

Subd. 2. There is appropriated from the general fund to the university of Minnesota the following amounts for the following purposes, for the period from January 1, 1977, to December 31, 1978:

(a) <i>For research by the agricultural experimental station, pursuant to Minnesota Statutes, Section 18.023, Subdivision 10,</i>	\$ 100,000
(b) <i>For continuing education and training by the agricultural extension service, pursuant to Minnesota Statutes, Section 18.023, Subdivision 10,</i>	\$ 250,000

Subd. 3. The sum of \$625,000 is appropriated from the general fund to the commissioner of natural resources for the expenses of sanitation of diseased shade trees on lands which the commissioner administers within 1,000 feet of any municipality with an approved disease control program and within camp sites, picnic areas, waysides and parking areas.

This appropriation is in lieu of all other appropriations to the commissioner of natural resources for the same purposes for the period from January 1, 1977 to December 31, 1978.

Subd. 4. The appropriations in this section shall not cancel but shall remain available until expended.

Sec. 15. [REPEALER.] *Minnesota Statutes 1976, Section 18.023, Subdivision 6, is repealed.*

Sec. 16. [EFFECTIVE DATE.] *This act is effective January 1, 1977."*

We request adoption of this report and repassage of the bill.

Senate Conferees: HUBERT H. HUMPHREY, III, GERALD WILLET, STEVE KEEFE, EMILY ANNE STAPLES and ROBERT DUNN.

House Conferees: THOMAS BERG, ANN WYNIA, RICHARD WELCH, HENRY KALIS and DONALD FRIEDRICH.

Berg moved that the report of the Conference Committee on S. F. No. 32 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 32, A bill for an act relating to shade tree disease control; authorizing grants for municipal shade tree removal and reforestation programs; authorizing a shade tree disease control research program; appropriating money; amending Minnesota Statutes 1976, Sections 18.023, Subdivisions 1, 1a, 2, 3a, 4, 7, 8 and 11, and adding a subdivision; 116.07, Subdivision 4; and 275.50, by adding a subdivision; repealing Minnesota Statutes 1976, Section 18.023, Subdivision 6.

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 89 yeas and 36 nays as follows:

Those who voted in the affirmative were:

Abeln	Cassarly	Friedrich	Kelly, R.	McDonald
Adams	Clark	Fugina	Kelly, W.	McEachern
Albrecht	Clawson	George	Kempe, A.	Metzen
Arlandson	Cohen	Hanson	Kempe, R.	Moe
Beauchamp	Cummiskey	Haugerud	King	Munger
Berg	Dahl	Heinitz	Knickerbocker	Murphy
Berglin	Dean	Hokanson	Kostohryz	Neisen
Berkelman	Ellingson	Jacobs	Kroening	Nelson
Birnstihl	Enebo	Jaros	Kvam	Norton
Brandl	Evans	Jensen	Laidig	Novak
Byrne	Ewald	Kahn	Lehto	Pehler
Carlson, A.	Faricy	Kaley	Mangan	Peterson
Carlson, L.	Forsythe	Kalis	Mann	Petrafeso

Pleasant	Searles	Skoglund	Tomlinson	Williamson
Reding	Sherwood	Spanish	Waldorf	Wynia
Rose	Sieben, H.	Stanton	Welch	Zubay
Savelkoul	Sieben, M.	Stoa	Wenstrom	Speaker Sabo
Scheid	Simoneau	Swanson	Wenzel	

Those who voted in the negative were :

Anderson, B.	Carlson, D.	Gunter	Niehaus	Vanasek
Anderson, D.	Corbid	Johnson	Prahl	Voss
Anderson, G.	Den Ouden	Jude	St. Onge	Wieser
Anderson, I.	Eckstein	Langseth	Samuelson	Wigley
Anderson, R.	Eken	Lemke	Schulz	
Battaglia	Erickson	McCollar	Searle	
Begich	Esau	Nelsen, B.	Smogard	
Brinkman	Fjoslien	Nelsen, M.	Suss	

The bill was repassed, as amended by Conference, and its title agreed to.

Mr. Speaker :

I hereby announce the passage by the Senate of the following Senate File, herewith transmitted :

S. F. No. 655.

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. 446.

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. 690.

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. 73, 210 and 1019.

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. 124.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 655, A bill for an act relating to appropriations; providing funding for the continued operation of detached worker programs for assistance to young people.

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

S. F. No. 446, A bill for an act relating to public welfare; increasing supplemental aid; appropriating money; amending Minnesota Statutes 1976, Section 256D.37, Subdivision 2, and by adding subdivisions.

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

S. F. No. 690, A bill for an act appropriating money for educational television facilities in northern Minnesota.

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

S. F. No. 73, A bill for an act relating to weather modification; prohibiting the use of cloud seeding apparatus located on the ground; prescribing a penalty.

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

S. F. No. 210, A bill for an act relating to taxation; altering procedure for obtaining refunds of tax on gasoline or special fuels not used in motor vehicles or for aviation purposes; appropriating money; amending Minnesota Statutes 1976, Sections 290.06, by adding a subdivision; and 296.18, Subdivisions 1, 1a, 2, and 3.

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

S. F. No. 1019, A bill for an act relating to the city of Moorhead; authorizing taxes in excess of levy limitations for support of the arts.

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

S. F. No. 124, A bill for an act relating to women; establishing pilot programs to provide emergency shelter and support services to battered women; providing funds to establish community education programs about battered women; providing for data collection; waiving certain general assistance eligibility requirements for battered women; appropriating money; amending Minnesota Statutes 1976, Section 256D.05, by adding a subdivision.

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

MOTION FOR RECONSIDERATION

Suss moved that the vote whereby the House passed S. F. No. 1338, as amended on Thursday, May 12, 1977, be now reconsidered. The motion prevailed.

Suss moved that the action whereby the House gave S. F. No. 1338 a third reading, as amended on Thursday, May 12, 1977, be now reconsidered. The motion prevailed.

S. F. No. 1338, as amended, was reported to the House.

Suss moved that the vote whereby the House adopted the Savelkoul amendment to S. F. No. 1338 on Thursday, May 12, 1977, be now reconsidered. The motion prevailed.

Savelkoul withdrew the amendment.

S. F. No. 1338, A bill for an act relating to automobile insurance; clarifying certain ambiguous provisions in the Minnesota no-fault automobile insurance act; amending Minnesota Statutes 1976, Sections 65B.44, Subdivision 3; 65B.49, Subdivisions 4 and 6; 65B.51, Subdivision 1; and 65B.53, Subdivision 1.

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

The question was taken on the repassage 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	Anderson, G.	Beauchamp	Birnstihl	Carlson, A.
Adams	Anderson, I.	Begich	Brandl	Carlson, D.
Albrecht	Anderson, R.	Berg	Braun	Carlson, L.
Anderson, B.	Arlandson	Berglin	Brinkman	Casserty
Anderson, D.	Battaglia	Berkelman	Byrne	Clark

Cohen	George	Kroening	Osthoff	Smogard
Corbid	Gunter	Kvam	Pehler	Spanish
Cummiskey	Hanson	Laidig	Peterson	Stanton
Dahl	Haugerud	Langseth	Pleasant	Stoa
Dean	Heinitz	Lehto	Prahl	Suss
Den Ouden	Hokanson	Lemke	Reding	Swanson
Eckstein	Jacobs	Mann	Rice	Tomlinson
Eken	Jaros	McCollar	Rose	Vanasek
Ellingson	Jensen	McDonald	St. Onge	Voss
Enebo	Johnson	McEachern	Samuelson	Waldorf
Erickson	Jude	Metzen	Savelkoul	Welch
Esau	Kaley	Munger	Scheid	Wenstrom
Evans	Kalis	Murphy	Schulz	Wenzel
Ewald	Kelly, R.	Neisen	Searle	White
Faricy	Kelly, W.	Nelsen, B.	Searles	Wieser
Fjoslien	Kempe, A.	Nelsen, M.	Sherwood	Wigley
Forsythe	Kempe, R.	Nelson	Sieben, H.	Williamson
Friedrich	King	Niehaus	Sieben, M.	Wynia
Fudro	Knickerbocker	Norton	Simoneau	Zubay
Fugina	Kostohryz	Novak	Skoglund	Speaker Sabo

The bill was repassed and its title agreed to.

CONSIDERATION UNDER RULE 1.10

Pursuant to rule 1.10, Norton requested immediate consideration of H. F. Nos. 522, 83, 180 and 331, S. F. Nos. 625 and 1362 and H. F. No. 1300.

H. F. No. 522 was reported to the House.

Savelkoul moved to amend H. F. No. 522, as follows:

Page 16, after line 18 insert a new section as follows:

"Sec. 20. [HEATING FUEL INVENTORY STUDY.] In order to avoid potential heating fuel shortages, the Minnesota energy agency is hereby directed to conduct a study of the heating fuel storage capacities of this state. The energy agency shall report its findings and, if need be, its recommendations to the legislature on or before November 15, 1977. The findings outlined in the report shall include but shall not be limited to:

(a) The cumulative capacities of larger secondary and tertiary heating fuel storage facilities in the industrial, institutional, commercial, and residential sectors of the state.

(b) At what levels these capacities are normally filled.

(c) Whether or not these capacities are adequate anticipating severe climatic conditions.

Employing the aforementioned findings, the energy agency's recommendations in the report are to include but shall not be limited to:

(a) *If the cumulative volume of the heating fuel storage facilities is found to be adequate, what measures the state can take to ensure that they be filled prior to the start of the heating season.*

(b) *If the cumulative volume of the heating fuel storage facilities are found to be inadequate, what measures the state can take to initiate construction and/or utilization of additional storage facilities."*

Renumber the remaining sections accordingly.

Page 17, after line 5 insert a new subdivision as follows:

"Subd. 4. The sum of \$18,800 is appropriated from the general fund to the director of the energy agency for the purposes of section 20 during the biennium beginning July 1, 1977."

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 116 yeas and 4 nays as follows:

Those who voted in the affirmative were:

Abeln	Corbid	Jensen	Murphy	Sieben, H.
Adams	Dahl	Jude	Neisen	Sieben, M.
Albrecht	Dean	Kahn	Nelsen, B.	Simoneau
Anderson, B.	Den Ouden	Kaley	Nelsen, M.	Skoglund
Anderson, D.	Eckstein	Kalis	Nelson	Smogard
Anderson, I.	Eken	Kelly, R.	Niehaus	Stanton
Anderson, R.	Enebo	Kelly, W.	Norton	Stoa
Arlandson	Erickson	Kempe, A.	Novak	Suss
Battaglia	Esau	Kempe, R.	Osthoff	Swanson
Beauchamp	Evans	King	Peterson	Tomlinson
Begich	Ewald	Knickerbocker	Petrafeso	Vanasek
Berg	Faricy	Kostohryz	Pleasant	Waldorf
Berglin	Fjoslien	Kvam	Prahl	Welch
Berkelman	Forsythe	Laidig	Reding	Wenstrom
Birnstihl	Friedrich	Langseth	Rice	Wenzel
Brandl	Fudro	Lehto	Rose	White
Byrne	Fugina	Lemke	St. Onge	Wigley
Carlson, A.	George	Mann	Samuelson	Williamson
Carlson, D.	Gunter	McCollar	Savelkoul	Wymia
Carlson, L.	Hanson	McDonald	Scheid	Speaker Sabo
Casserly	Heinitz	McEachern	Schulz	
Clark	Hokanson	Metzen	Searle	
Clawson	Jacobs	Moe	Searles	
Cohen	Jaros	Munger	Sherwood	

Those who voted in the negative were:

Anderson, G. Braun Voss Wieser

The motion prevailed and the amendment was adopted.

Fjoslien moved to amend H. F. No. 522, as follows:

Page 3, line 10 after "*buildings*" insert "*Nor to private recreational buildings used less than 180 days per year as a structure incident to the pursuit of recreational activities*".

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 48 yeas and 70 nays as follows:

Those who voted in the affirmative were:

Albrecht	Dean	Gunter	McDonald	Searles
Anderson, D.	Den Ouden	Heinitz	Nelsen, B.	Sherwood
Anderson, R.	Eckstein	Jude	Nelsen, M.	Smogard
Battaglia	Erickson	Kaley	Niehaus	Waldorf
Begich	Esau	Knickerbocker	Peterson	Wenstrom
Berkelman	Evans	Kvam	Pleasant	Wieser
Brinkman	Ewald	Laidig	Rose	Wigley
Carlson, A.	Fjoslien	Langseth	Samuelson	Zubay
Carlson, D.	Forsythe	Mangan	Savelkoul	
Corbid	Friedrich	McCollar	Searle	

Those who voted in the negative were:

Abeln	Clawson	Jensen	Murphy	Simoneau
Adams	Cohen	Johnson	Neisen	Skoglund
Anderson, G.	Cummiskey	Kahn	Nelson	Spanish
Anderson, I.	Dahl	Kelly, R.	Norton	Stanton
Arlandson	Eken	Kelly, W.	Novak	Stoa
Beauchamp	Ellingson	Kempe, A.	Osthoff	Suss
Berg	Enebo	Kempe, R.	Petrafeso	Swanson
Berglin	Faricy	King	Prahl	Tomlinson
Birnstihl	Fudro	Kostohryz	Reding	Welch
Braun	George	Lehto	Rice	Wenzel
Byrne	Hanson	Mann	St. Onge	White
Carlson, L.	Hokanson	McEachern	Schulz	Williamson
Cassery	Jacobs	Metzen	Sieben, H.	Wynia
Clark	Jaros	Munger	Sieben, M.	Speaker Sabo

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

Corbid was excused between the hours of 3:00 p.m. and 4:20 p.m.

Begich, Fjoslien and Nelsen, B., moved to amend H. F. No. 522, as follows:

Page 2, delete lines 23 to 32.

Delete all of pages 3 and 4.

Page 5, delete lines 1 to 6.

Renumber the remaining sections.

Further, amend the title in line 1 by deleting "extending the application of", deleting all of line 2, in line 3 by deleting "counties;" and in line 13 by deleting "16.851; 16.86, Subdivision 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 49 yeas and 69 nays as follows:

Those who voted in the affirmative were:

Albrecht	Erickson	Kalis	Nelsen, M.	Smogard
Anderson, D.	Esau	Kelly, W.	Niehaus	Stanton
Anderson, G.	Evans	Kvam	Peterson	Suss
Anderson, R.	Fjoslien	Langseth	Prahl	Wenstrom
Begich	Friedrich	Lemke	Rose	Wenzel
Birnstihl	Gunter	Mann	St. Onge	White
Brinkman	Heinitz	McCollar	Savelkoul	Wieser
Carlson, D.	Johnson	McDonald	Schulz	Wigley
Den Ouden	Jude	Metzen	Searles	Zubay
Eckstein	Kaley	Nelsen, B.	Sherwood	

Those who voted in the negative were:

Abeln	Carlson, L.	Hokanson	McEachern	Sieben, H.
Adams	Casserly	Jacobs	Moe	Sieben, M.
Anderson, B.	Clark	Jaros	Munger	Simoneau
Anderson, I.	Clawson	Kahn	Murphy	Skogiund
Arlandson	Cummiskey	Kelly, R.	Neisen	Stoa
Battaglia	Dahl	Kempe, A.	Nelson	Swanson
Beauchamp	Enebo	Kempe, R.	Norton	Tomlinson
Berg	Ewald	King	Novak	Vanasek
Berglin	Farcy	Knickerbocker	Osthoff	Voss
Berkelman	Forsythe	Kostohryz	Pehler	Waldorf
Brandl	Fudro	Kroening	Petrafeso	Welch
Braun	Fugina	Laidig	Pleasant	Wynia
Byrne	George	Lehto	Reding	Speaker Sabo
Carlson, A.	Hanson	Mangan	Scheid	

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

H. F. No. 522, A bill for an act relating to energy; extending the application of the state building code to all cities and counties; clarifying state agency rulemaking regarding the building code subject matter; extending and clarifying the expiration of the Minnesota energy agency; requiring promulgation of certain energy conservation standards; revising certain requirements; requiring certain efficiencies for air conditioners; prohibiting certain open flame pilot lights; appropriating money; amending Minnesota Statutes 1976, Sections 16.84; 16.851; 16.86, Subdivision 4; 16.861, Subdivision 4; 116H.02, Subdivision 5; 116H.07, Subdivision 1, and by adding a subdivision; 116H.12, Subdivisions 5 and 10, and by adding subdivisions; 116H.121; 116H.124; 116H.126; 116H.13, Subdivision 4; 126.111; and Chapter 116H,

by adding sections; repealing Laws 1974, Chapter 307, Section 19.

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 97 yeas and 27 nays as follows:

Those who voted in the affirmative were:

Abeln	Clawson	Kahn	Norton	Skoglund
Adams	Cohen	Kelly, R.	Novak	Smogard
Anderson, B.	Cummiskey	Kelly, W.	Pehler	Stanton
Anderson, G.	Dahl	Kempe, A.	Petrafeso	Stoa
Anderson, I.	Dean	Kempe, R.	Pleasant	Suss
Arlandson	Ellingson	King	Prahl	Swanson
Battaglia	Enebo	Knickerbocker	Reding	Tomlinson
Beauchamp	Ewald	Kostohryz	Rice	Vanasek
Begich	Faricy	Kroening	Rose	Voss
Berg	Forsythe	Laidig	St. Onge	Waldorf
Berglin	Fudro	Lehto	Samuelson	Welch
Berkelman	Fugina	Mangan	Savelkoul	Wenstrom
Birnstihl	George	McCollar	Scheid	White
Brandl	Gunter	McEachern	Schulz	Williamson
Braun	Hanson	Metzen	Searle	Wynia
Byrne	Heinitz	Moe	Searles	Zubay
Carlson, A.	Hokanson	Munger	Sherwood	Speaker Sabo
Carlson, L.	Jacobs	Murphy	Sieben, H.	
Cassery	Jaros	Neisen	Sieben, M.	
Clark	Jude	Nelson	Simoneau	

Those who voted in the negative were:

Albrecht	Eckstein	Jensen	Mann	Wenzel
Anderson, D.	Erickson	Johnson	McDonald	Wieser
Anderson, R.	Esau	Kaley	Nelsen, B.	Wigley
Brinkman	Evans	Kalis	Nelsen, M.	
Carlson, D.	Fjoslien	Kvam	Niehaus	
Den Ouden	Friedrich	Langseth	Peterson	

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

H. F. No. 83, A bill for an act relating to crime victims reparations; eliminating the minimum claim amount necessary for reparations; raising the amount of reparations paid to claimants suffering economic loss; amending Minnesota Statutes 1976, Sections 299B.02; 299B.03, Subdivision 2; 299B.04; 299B.05, by adding a subdivision; 299B.06, Subdivisions 1 and 2; and 299B.07, 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 121 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Cummiskey	Johnson	Munger	Sieben, M.
Adams	Dahl	Jude	Murphy	Simoneau
Albrecht	Dean	Kahn	Neisen	Skoglund
Anderson, B.	Den Ouden	Kaley	Nelsen, B.	Smogard
Anderson, D.	Eckstein	Kalis	Nelsen, M.	Spanish
Anderson, G.	Eken	Kelly, R.	Nelson	Stanton
Anderson, I.	Ellingson	Kelly, W.	Niehaus	Stoa
Anderson, R.	Enebo	Kempe, A.	Norton	Suss
Arlandson	Erickson	Kempe, R.	Novak	Swanson
Battaglia	Esau	King	Osthoff	Tomlinson
Begich	Evans	Knickerbocker	Pehler	Vanasek
Berg	Ewald	Kostohryz	Peterson	Voss
Berglin	Faricy	Kroening	Petrafaso	Waldorf
Berkelman	Fjoslien	Kvam	Prahl	Welch
Birnstihl	Forsythe	Laidig	Reding	Wenzel
Brandl	Fudro	Langseth	Rice	White
Braun	Fugina	Lehto	Rose	Wieser
Byrne	George	Lemke	St. Onge	Wigley
Carlson, A.	Gunter	Mangan	Savelkoul	Williamson
Carlson, D.	Hanson	Mann	Scheid	Wynia
Carlson, L.	Heinitz	McCollar	Schulz	Speaker Sabo
Casserly	Hokanson	McDonald	Searle	
Clark	Jacobs	McEachern	Searles	
Clawson	Jaros	Metzen	Sherwood	
Cohen	Jensen	Moe	Sieben, H.	

The bill was passed and its title agreed to.

H. F. No. 180, A bill for an act relating to health; appropriating money to fund a program of graduate training in family practice for physicans.

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	Byrne	Ewald	Kaley	McDonald
Adams	Carlson, A.	Faricy	Kalis	McEachern
Albrecht	Carlson, D.	Fjoslien	Kelly, R.	Metzen
Anderson, B.	Carlson, L.	Forsythe	Kelly, W.	Moe
Anderson, D.	Casserly	Fudro	Kempe, A.	Munger
Anderson, G.	Clark	Fugina	Kempe, R.	Murphy
Anderson, I.	Clawson	George	King	Neisen
Anderson, R.	Cohen	Gunter	Knickerbocker	Nelsen, B.
Arlandson	Dahl	Hanson	Kostohryz	Nelsen, M.
Battaglia	Dean	Haugerud	Kroening	Nelson
Beauchamp	Den Ouden	Heinitz	Kvam	Niehaus
Begich	Eckstein	Hokanson	Laidig	Norton
Berg	Eken	Jacobs	Langseth	Novak
Berglin	Ellingson	Jaros	Lehto	Pehler
Berkelman	Enebo	Jensen	Lemke	Peterson
Birnstihl	Erickson	Johnson	Mangan	Petrafaso
Brandl	Esau	Jude	Mann	Pleasant
Braun	Evans	Kahn	McCollar	Prahl

Reding	Searle	Smogard	Vanasek	Wieser
Rice	Searles	Spanish	Voss	Wigley
Rose	Sherwood	Stanton	Waldorf	Williamson
St. Onge	Sieben, H.	Stoa	Welch	Wynia
Savelkoul	Sieben, M.	Suss	Wenstrom	Zubay
Scheid	Simoneau	Swanson	Wenzel	Speaker Sabo
Schulz	Skoglund	Tomlinson	White	

The bill was passed and its title agreed to.

H. F. No. 331, A bill for an act relating to motor vehicles; requiring information as to all owners in applications for registration or certificate of title; appropriating money; amending Minnesota Statutes 1976, Sections 168.10, Subdivision 1; 168A.04, Subdivision 1; and 168A.05, 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 125 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

S. F. No. 625, A bill for an act relating to employment services; authorizing the summer employment of young persons for state and local service; appropriating money.

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 1 nay as follows:

Those who voted in the affirmative were:

Abeln	Cummiskey	Jensen	Munger	Sieben, H.
Adams	Dahl	Johnson	Murphy	Sieben, M.
Anderson, D.	Dean	Jude	Neisen	Simoneau
Anderson, G.	Den Ouden	Kahn	Nelsen, B.	Skoglund
Anderson, I.	Eckstein	Kaley	Nelson	Smogard
Anderson, R.	Ellingson	Kalis	Niehaus	Spanish
Arlandson	Enebo	Kelly, R.	Norton	Stanton
Battaglia	Erickson	Kelly, W.	Novak	Stoa
Begich	Esau	Kempe, R.	Osthoff	Suss
Berg	Evans	King	Pehler	Swanson
Berglin	Ewald	Knickerbocker	Peterson	Tomlinson
Berkelman	Faricy	Kostohryz	Petraseso	Vanasek
Birnstihl	Friedrich	Kroening	Pleasant	Voss
Brandl	Fudro	Laidig	Prahl	Waldorf
Braun	Fugina	Langseth	Reding	Wenstrom
Byrne	George	Lehto	Rice	Wenzel
Carlson, A.	Gunter	Lemke	Rose	White
Carlson, D.	Hansen	Mangan	St. Onge	Wieser
Carlson, L.	Haugerud	McCollar	Savelkoul	Williamson
Casserly	Heinitz	McDonald	Schulz	Wynia
Clark	Hokanson	McEachern	Searle	Zubay
Clawson	Jacobs	Metzen	Searles	Speaker Sabo
Cohen	Jaros	Moe	Sherwood	

Those who voted in the negative were:

Wigley

The bill was passed and its title agreed to.

S. F. No. 1362, A bill for an act relating to game and fish; exempting certain disabled residents from the requirements of obtaining a fishing license; amending Minnesota Statutes 1976, Section 98.47, by adding a subdivision.

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	Arlandson	Byrne	Cummiskey	Erickson
Adams	Battaglia	Carlson, A.	Dahl	Esau
Albrecht	Begich	Carlson, D.	Dean	Evans
Anderson, B.	Berg	Carlson, L.	Den Ouden	Ewald
Anderson, D.	Berglin	Casserly	Eckstein	Faricy
Anderson, G.	Berkelman	Clark	Eken	Fjoslien
Anderson, I.	Birnstihl	Clawson	Ellingson	Forsythe
Anderson, R.	Brandl	Cohen	Enebo	Friedrich

Fudro	Kempe, R.	Murphy	St. Onge	Vanasek
Fugina	King	Neisen	Savelkoul	Voss
George	Knickerbocker	Nelsen, B.	Schulz	Waldorf
Gunter	Kostohryz	Nelsen, M.	Searle	Welch
Hanson	Kroening	Nelson	Searles	Wenstrom
Heinitz	Kvam	Niehaus	Sherwood	Wenzel
Hokanson	Laidig	Norton	Sieben, H.	White
Jacobs	Langseth	Novak	Sieben, M.	Wieser
Jaros	Lehto	Osthoff	Simoneau	Wigley
Jensen	Lemke	Pehler	Skoglund	Williamson
Johnson	Mangan	Peterson	Smogard	Wynia
Jude	McCollar	Petrafeso	Spanish	Zubay
Kahn	McDonald	Pleasant	Stanton	Speaker Sabo
Kaley	McEachern	Prahl	Stoa	
Kalis	Metzen	Reding	Suss	
Kelly, R.	Moe	Rice	Swanson	
Kelly, W.	Munger	Rose	Tomlinson	

The bill was passed and its title agreed to.

H. F. No. 1300 was reported to the House.

Casserly moved to amend H. F. No. 1300, as follows:

Page 5, line 16, delete "7" and insert "8".

Page 8, line 17, delete "\$7,300,000" and insert "\$6,300,000".

Page 11, line 32, after "PARK" insert ", SPECIAL USE FACILITY,".

The motion prevailed and the amendment was adopted.

Wieser and Casserly moved to amend H. F. No. 1300, as follows:

Page 3, line 9, delete everything after the period.

Page 3, delete lines 10 to 16 and insert:

"If any parcel acquired for the Memorial Hardwood forest after the effective date of this act contains more than 10 contiguous acres of tillable land adjacent to other tillable land or to a public road, the commissioner of natural resources shall declare that tillable land as surplus land to the commissioner of administration. The commissioner of administration shall offer the land for sale in the manner provided by law not less than six months after acquisition by the state and once thereafter in each of the next two years. Tillable land is land classified as class 1, 2, or 3 as defined by the United States soil conservation service. Notwithstanding any law to the contrary neither the state nor any of its subdivisions shall be required to construct or maintain any street, highway or other road to provide access to any parcel of land sold pursuant to this subdivision."

The motion prevailed and the amendment was adopted.

Knickerbocker moved to amend H. F. No. 1300, as follows:

Page 13, after line 31, insert a new section to read as follows:

"Sec. 9. There is appropriated from the Minnesota state building fund to the Department of Natural Resources \$500,000 for development and rehabilitation of a state park Outdoor Handicapped Accessibility Program."

Renumber the remaining sections.

Page 14, line 1, delete "and" and insert after 8 " , and 9".

Page 14, line 13, delete "and" and insert after 8 " , and 9".

Page 14, line 16, delete "\$61,500,000" and insert "\$62,000,000".

A roll call was requested and properly seconded.

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

The question was taken on the adoption of the amendment and the roll was called. There were 62 yeas and 55 nays as follows:

Those who voted in the affirmative were:

Abeln	Cummiskey	Kaley	Nelsen, B.	Spanish
Albrecht	Dean	Kalis	Niehaus	Swanson
Anderson, B.	Den Ouden	Kempe, R.	Novak	Waldorf
Anderson, R.	Erickson	Knickerbocker	Osthoff	Welch
Battaglia	Esau	Kostohryz	Pehler	Wenstrom
Begich	Evans	Kvam	Peterson	Wenzel
Berkelman	Ewald	Laidig	Pleasant	White
Byrne	Fjoslien	Lehto	Prahl	Wigley
Carlson, A.	Forsythe	Mangan	Rose	Williamson
Carlson, D.	Friedrich	McDonald	Savelkoul	Zubay
Carlson, L.	Heinitz	McEachern	Scheid	
Clawson	Hokanson	Metzen	Sieben, H.	
Cohen	Jude	Neisen	Simoneau	

Those who voted in the negative were:

Adams	Clark	Jaros	Mann	Sieben, M.
Anderson, D.	Corbid	Jensen	McCollar	Skoglund
Anderson, G.	Dahl	Johnson	Moe	Smogard
Anderson, I.	Eckstein	Kahn	Munger	Stanton
Arlandson	Eken	Kelly, R.	Murphy	Stoa
Beauchamp	Ellingson	Kelly, W.	Nelsen, M.	Suss
Berg	Faricy	Kempe, A.	Nelson	Tomlinson
Berglin	Fudro	King	Norton	Vanasek
Birnstihl	Fugina	Kroening	Petraleso	Voss
Braun	Gunter	Langseth	Schulz	Wieser
Casserly	Haugerud	Lemke	Sherwood	Speaker Sabo

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

Savelkoul moved to amend H. F. No. 1300, as follows:

Page 12, line 28, strike Subdivision 6 of Section 8 from the bill.

Renumber the following subdivision.

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:

Adams	Esau	Kaley	Niehaus	Spanish
Albrecht	Evans	Kalis	Osthoff	Suss
Beauchamp	Ewald	Knickerbocker	Peterson	Welch
Carlson, D.	Fjoslien	Kvam	Pleasant	Wenzel
Corbid	Forsythe	Langseth	Rose	Wieser
Den Ouden	Friedrich	McDonald	Savelkoul	Wigley
Erickson	Heinitz	Nelsen, B.	Schulz	Zubay

Those who voted in the negative were:

Abeln	Clark	Johnson	Moe	Skoglund
Anderson, D.	Clawson	Jude	Munger	Smogard
Anderson, I.	Cohen	Kahn	Murphy	Stanton
Anderson, R.	Cummiskey	Kelly, R.	Neisen	Stoa
Arlandson	Dahl	Kelly, W.	Nelsen, M.	Swanson
Battaglia	Ellingson	Kempe, A.	Nelson	Tomlinson
Begich	Enebo	Kempe, R.	Norton	Vanasek
Berg	Faricy	King	Novak	Voss
Berglin	Fudro	Kostohryz	Pehler	Waldorf
Berkelman	Fugina	Kroening	Petrafeso	Wenstrom
Birnstihl	George	Laidig	Reding	White
Brandl	Gunter	Lemke	Rice	Williamson
Braun	Hanson	Mangan	Scheid	Wynia
Byrne	Hokanson	Mann	Sherwood	Speaker Sabo
Carlson, A.	Jacobs	McCollar	Sieben, H.	
Carlson, L.	Jaros	McEachern	Sieben, M.	
Cassery	Jensen	Metzen	Simoneau	

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

H. F. No. 1300, A bill for an act relating to outdoor recreation; appropriating money for acquisition and betterment of parks, trails, wildlife lands, outdoor athletic courts, and for other purposes; authorizing sale of bonds; amending Minnesota Statutes 1976, Sections 85.016; 97.49, Subdivision 3; 473.121, Subdivision 14; 473.302; 473.303, by adding a subdivision; 473.315, Subdivision 1; Chapter 4, by adding a section; and Chapter 85, by adding a section.

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 96 yeas and 32 nays as follows:

Those who voted in the affirmative were:

Abeln	Cummiskey	Jensen	Neisen	Skoglund
Adams	Dahl	Johnson	Nelsen, M.	Smogard
Anderson, B.	Dean	Jude	Nelson	Stanton
Anderson, G.	Den Ouden	Kahn	Norton	Stoa
Arlandson	Eken	Kelly, R.	Novak	Suss
Beauchamp	Ellingson	Kelly, W.	Osthoff	Swanson
Berg	Enebo	Kempe, R.	Pehler	Tomlinson
Berglin	Ewald	King	Petrafeso	Vanasek
Berkelman	Faricy	Knickerbocker	Pleasant	Voss
Birnstihl	Fjoslien	Kostohryz	Reding	Waldorf
Brandl	Forsythe	Kroening	Rice	Welch
Braun	Fudro	Laidig	St. Onge	Wenstrom
Brinkman	George	Langseth	Samuelson	White
Byrne	Gunter	Lehto	Save!koul	Williamson
Carlson, A.	Hanson	Mangan	Scheid	Wynia
Carlson, L.	Haugerud	McEachern	Searle	Speaker Sabo
Casserly	Heimitz	Metzen	Sherwood	
Clark	Hokanson	Moe	Sieben, H.	
Clawson	Jacobs	Munger	Sieben, M.	
Cohen	Jaros	Murphy	Simoneau	

Those who voted in the negative were:

Albrecht	Corbid	Kaley	McDonald	Wenzel
Anderson, D.	Eckstein	Kalis	Nelsen, B.	Wieser
Anderson, I.	Erickson	Kempe, A.	Niehaus	Wigley
Anderson, R.	Esau	Kvam	Peterson	Zubay
Battaglia	Evans	Lemke	Prahl	
Begich	Friedrich	Mann	Schulz	
Carlson, D.	Fugina	McCollar	Spanish	

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

Pursuant to rule 1.10, Kelly, W., requested immediate consideration of S. F. No. 102 and H. F. No. 769.

S. F. No. 102, A bill for an act relating to taxation; removing levy limitations on certain towns having population of less than 3,500; allowing electors of exempt towns to determine mill rates; amending Minnesota Statutes 1976, Sections 275.09, Subdivision 3; 275.10, Subdivision 1; 275.31; and 275.59.

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	Anderson, R.	Birnstihl	Clark	Den Ouden
Adams	Arlandson	Brandl	Clawson	Eckstein
Albrecht	Battaglia	Braun	Cohen	Eken
Anderson, B.	Beauchamp	Byrne	Corbid	Ellingson
Anderson, D.	Begich	Carlson, A.	Cummiskey	Erickson
Anderson, G.	Berglin	Carlson, L.	Dahl	Esau
Anderson, I.	Berkelman	Casserly	Dean	Evans

Ewald	Jude	Mangan	Petrafeso	Suss
Faricy	Kahn	Mann	Pleasant	Swanson
Fjoslien	Kaley	McCollar	Prahl	Tomlinson
Forsythe	Kalis	McDonald	Reding	Vanasek
Friedrich	Kelly, R.	McEachern	Rice	Voss
Fudro	Kelly, W.	Metzen	St. Onge	Waldorf
Fugina	Kempe, A.	Munger	Savelkoul	Welch
George	Kempe, R.	Murphy	Scheid	Wenstrom
Gunter	King	Neisen	Schulz	Wenzel
Hanson	Knickerbocker	Nelsen, B.	Searle	White
Haugerud	Kostohyz	Nelsen, M.	Sherwood	Wieser
Heinitz	Kroening	Nelson	Simoneau	Wigley
Hokanson	Kvam	Niehaus	Skoglund	Williamson
Jacobs	Laidig	Norton	Smogard	Wynia
Jaros	Langseth	Novak	Spanish	Zubay
Jensen	Lehto	Osthoff	Stanton	Speaker Sabo
Johnson	Lemke	Peterson	Stoa	

The bill was passed and its title agreed to.

H. F. No. 769, A bill for an act relating to cities; exempting transit systems owned by the cities of Mankato and North Mankato from gasoline and special fuels tax.

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	Corbid	Jensen	Munger	Simoneau
Adams	Cummiskey	Johnson	Murphy	Skoglund
Anderson, B.	Dahl	Jude	Neisen	Smogard
Anderson, D.	Dean	Kahn	Nelsen, B.	Spanish
Anderson, G.	Den Ouden	Kaley	Nelsen, M.	Stanton
Anderson, I.	Eckstein	Kalis	Nelson	Stoa
Anderson, R.	Eken	Kelly, R.	Niehaus	Suas
Arlandson	Ellingson	Kelly, W.	Norton	Swanson
Battaglia	Erickson	Kempe, R.	Novak	Tomlinson
Beauchamp	Esau	King	Osthoff	Vanasek
Begich	Evans	Knickerbocker	Pehler	Voss
Berg	Ewald	Kostohryz	Peterson	Waldorf
Berglin	Faricy	Kroening	Petrafeso	Welch
Berkelman	Fjoslien	Kvam	Pleasant	Wenstrom
Birnsthil	Forsythe	Laidig	Prahl	Wenzel
Brandl	Friedrich	Langseth	Reding	White
Braun	Fudro	Lehto	Rice	Wieser
Byrne	Fugina	Lemke	Rose	Wigley
Carlson, A.	George	Mangan	St. Onge	Williamson
Carlson, D.	Gunter	Mann	Savelkoul	Wynia
Carlson, L.	Hanson	McCollar	Scheid	Zubay
Cassery	Heinitz	McDonald	Searle	Speaker Sabo
Clark	Hokanson	McEachern	Sherwood	
Clawson	Jacobs	Metzen	Sieben, H.	
Cohen	Jaros	Moe	Sieben, M.	

Those who voted in the negative were:

Schulz

The bill was passed and its title agreed to.

ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to the Conference Committee on H. F. No. 875:

Kroening, Hanson, and Friedrich.

The Speaker announced the appointment of the following members of the House to the Conference Committee on H. F. No. 1102:

Reding, Beauchamp, and Zubay.

SPECIAL ORDERS

S. F. No. 1070 was reported to the House.

Arlandson moved to amend S. F. No. 1070, as follows:

Delete everything after the enacting clause and insert:

“Section 1. [DEFINITIONS.] Subdivision 1. As used in this act and unless otherwise required by the context, the terms defined in this section have the meanings given them.

Subd. 2. “Agreement” means one or more of the following:

(a) A commercial relationship between a licensed beer wholesaler and a licensed brewer of a definite or indefinite duration, which is not required to be evidenced in writing;

(b) A relationship whereby the beer wholesaler is granted the right to offer and sell a brand or brands of beer offered by a brewer;

(c) A relationship whereby the beer wholesaler, as an independent business, constitutes a component of a brewer’s distribution system;

(d) A relationship whereby the beer wholesaler’s business is substantially associated with a brewer’s brand or brands, designating the brewer;

(e) A relationship whereby the beer wholesaler’s business is substantially reliant on a brewer for the continued supply of beer;

(f) A written or oral arrangement for a definite or indefinite period whereby a brewer grants to a beer wholesaler a license to use a brand, trade name, trademark, or service mark, and in which there is a community of interest in the marketing of goods or services at wholesale or retail.

Subd. 3. "Beer wholesaler" shall mean any licensed person importing or causing to be imported into this state or purchasing or causing to be purchased within this state, any beer for sale or resale to retailers or wholesalers licensed under Minnesota Statutes, Chapter 340, without regard to whether the business of the person is conducted under the terms of an agreement with a licensed brewer.

Subd. 4. "Brewer" means every licensed brewer of beer located within or without the state of Minnesota, who enters into an "agreement" with any beer wholesaler licensed to do business in the state of Minnesota.

Subd. 5. "Person" means a natural person, corporation, partnership, trust, agency, or other entity as well as the individual officers, directors or other persons in active control of the activities of each such entity. Person also includes heirs, assigns, personal representatives and guardians.

Subd. 6. "Territory" or "sales territory" means the area of primary sales responsibility designated by any agreement between any beer wholesaler and brewer for the brand or brands of any brewer.

Sec. 2. [NO INDUCEMENT OR COERCION.] No brewer shall:

(1) Induce or coerce, or attempt to induce or coerce, any beer wholesaler to accept delivery of any alcoholic beverage or any other commodity which shall not have been ordered by the beer wholesaler.

(2) Induce or coerce, or attempt to induce or coerce, any beer wholesaler to do any illegal act or thing by threatening to amend, cancel, terminate, or refuse to renew any agreement existing between a brewer and a beer wholesaler.

(3) Require a wholesaler to assent to any condition, stipulation or provision limiting the wholesaler in his right to sell the product of any other brewer anywhere in the state of Minnesota, provided that the acquisition of the product of another brewer does not materially impair the quality of service or quantity of sales of the existing brand or brands of the brewer seeking to impose the condition, stipulation or provision.

Sec. 3. [NO DUAL DISTRIBUTORSHIP.] No brewer who designates a sales territory for which any wholesaler shall be primarily responsible shall enter into any agreement with any other beer wholesaler for the purpose of establishing an additional agreement for its brand or brands of beer in the same territory served by a beer wholesaler with that particular brand.

Sec. 4. [CANCELLATION.] Notwithstanding the terms, provisions or conditions of any agreement, no brewer shall amend, cancel, terminate or refuse to continue to renew any agreement, or cause a wholesaler to resign from an agreement, unless good cause exists for amendment, termination, cancellation, nonrenewal, noncontinuation or causing a resignation. "Good cause" shall not include the sale or purchase of a brewer. "Good cause" shall include, but not be limited to, the following:

(1) Revocation of the wholesaler's license to do business in the state.

(2) Bankruptcy or insolvency of the wholesaler.

(3) Assignment for the benefit of creditors or similar disposition of the assets of the wholesaler.

(4) Failure by the wholesaler to substantially comply, without reasonable excuse or justification, with any reasonable and material requirement imposed upon him by the brewer.

Sec. 5. [NOTICE OF INTENT TO TERMINATE.] Except as provided in this section, a brewer shall provide a wholesaler at least 90 days prior written notice of any intent to amend, terminate, cancel or not renew any agreement. The notice shall state all the reasons for the intended amendment, termination, cancellation or nonrenewal. The wholesaler shall have 90 days in which to rectify any claimed deficiency. If the deficiency shall be rectified within 90 days of notice, then the proposed amendment, termination, cancellation or nonrenewal shall be null and void and without legal effect. The notice provisions of this section shall not apply if the reason for the amendment, termination, cancellation, or nonrenewal is:

(1) The bankruptcy or insolvency of the wholesaler.

(2) An assignment for the benefit of creditors or similar disposition of the assets of the business.

(3) Revocation of the wholesaler's license.

(4) Conviction or a plea of guilty or no contest to a charge of violating a law relating to the business that materially affects the wholesaler's ability to remain in business.

Sec. 6. [ASSIGNMENT, TRANSFER OR SALE OR BUSINESS.] No brewer shall unreasonably withhold consent to any assignment, transfer or sale of the wholesaler's business whenever the wholesaler to be substituted meets the material and reasonable qualifications and standards required of its wholesalers.

Sec. 7. [REASONABLE COMPENSATION.] Subdivision 1. Any brewer which amends, cancels, terminates, or refuses to continue or renew any beer agreement, or causes a wholesaler to resign, unless for good cause shown as defined in section 4, from an agreement or unreasonably withholds consent to any assignment, transfer or sale of a wholesaler's business, shall pay the wholesaler reasonable compensation for the value of the wholesaler's business with relationship to the terminated brand or brands. The value of the wholesaler's business shall include, but not be limited to, its good will, if any.

Subd. 2. In the event that the brewer and the beer wholesaler are unable to mutually agree on the reasonable compensation to be paid for the value of the wholesaler's business, as defined herein, the matter shall be submitted to a neutral arbitrator to be selected by the parties, or if they cannot agree, by the Chief Judge of the District Court. All of the costs of the arbitration shall be paid one-half by the wholesaler and one-half by the brewer. The award of the neutral arbitrator shall be final and binding on the parties.

Sec. 8. [JUDICIAL REMEDIES.] If a brewer engages in conduct prohibited under this act, a wholesaler may maintain a suit against the brewer. The court may grant equitable relief as is necessary to remedy the effects of conduct which it finds to exist and which is prohibited under this act, including, but not limited to, declaratory judgment and injunctive relief. The court may, if it finds that the brewer has acted in bad faith in invoking the amendment, termination, cancellation or nonrenewal provisions of this act, or has unreasonably withheld its consent to any assignment, transfer or sale of the wholesaler's agreement, award punitive damages, as well as actual damages, costs and attorneys fees.

Sec. 9. [PRICE OF PRODUCT.] No brewer, whether by means of a term or condition of an agreement or otherwise, shall fix or maintain the price at which the wholesaler shall sell any alcoholic beverage.

Sec. 10. [RETALIATORY ACTION PROHIBITED.] A brewer shall not take retaliatory action against a wholesaler who files or manifests an intention to file a complaint of alleged violation of state or federal law or regulation by the brewer with the appropriate state or federal regulatory authority. Retaliatory action shall include, but shall not be limited to, refusal without good cause to continue the agreement, or a material reduction

in the quality of service or quantity of products available to the wholesaler under the agreement.

Sec. 11. [MANAGEMENT.] No brewer shall require or prohibit any change in management or personnel of any wholesaler unless the current or potential management or personnel fails to meet reasonable qualifications and standards required by the brewer.

Sec. 12. [NO DISCRIMINATION.] No brewer shall discriminate among its wholesalers in any business dealings including, but not limited to, the price of beer sold to the wholesaler, unless the classification among its wholesalers is based upon reasonable grounds.

Sec. 13. [NO WAIVER.] No brewer shall require any wholesaler to waive compliance with any provision of this act. Nothing in this act shall be construed to limit or prohibit good faith settlements of disputes voluntarily entered into between the parties.

Sec. 14. [SALE OF BREWER.] Except for good cause, which shall include, but not be limited to (1) revocation of the wholesaler's license to do business in the state, (2) bankruptcy or insolvency of the wholesaler, (3) assignment for the benefit of creditors or similar disposition of the assets of the wholesaler, (4) failure by the wholesaler to substantially comply, without reasonable excuse or justification, with any reasonable and material requirement imposed upon him by the brewery, the purchaser of a "brewer" as defined in this act shall become obligated to all of the terms and conditions of the agreement in effect on the date of purchase. "Purchase", as defined for the purposes of this act, shall include, but is not limited to, the sale of stock, sale of assets, merger, lease, transfer or consolidation.

Sec. 15. [COVERAGE.] The provisions of this act shall cover agreements in existence on the effective date of this act, as well as agreements entered into after the effective date of this act.

Sec. 16. [RIGHT OF FREE ASSOCIATION.] No brewer or wholesaler shall restrict or inhibit, directly or indirectly, the right of free association among brewers or wholesalers for any lawful purpose.

Sec. 17. [RELATION TO PRIOR LAW.] This act supplements and does not supersede any prior law. If it is found to be inconsistent with prior law, the prior law shall govern.

Sec. 18. [EFFECTIVE DATE.] This act is effective the day following final enactment."

Further, strike the title and insert the following:

"A bill for an act relating to the beer industry; establishing certain requirements for the relationship between brewers and beer wholesalers."

The motion prevailed and the amendment was adopted.

S. F. No. 1070, A bill for an act relating to franchises; concerning franchise fees; amending Minnesota Statutes 1976, Sections 80C.01, Subdivisions 4 and 9; 80C.08, Subdivision 1; and 80C.09, Subdivision 1.

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 0 nays as follows:

Those who voted in the affirmative were:

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

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

S. F. No. 1293, A bill for an act relating to the Minnesota humane society; restructuring its board; making miscellaneous operational changes; repealing obsolete language; amending Minnesota Statutes 1976, Sections 343.01; 343.06 and 343.08; repealing Minnesota Statutes 1976, Sections 343.02; 343.03; 343.04; 343.05; 343.07 and 343.09.

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 15 nays as follows:

Those who voted in the affirmative were:

Abeln	Corbid	Jaros	Metzen	Sieben, H.
Adams	Cummiskey	Jensen	Moe	Sieben, M.
Anderson, B.	Dahl	Johnson	Munger	Simoneau
Anderson, I.	Den Ouden	Jude	Murphy	Skoglund
Arlandson	Eckstein	Kahn	Neisen	Smogard
Battaglia	Eken	Kalis	Nelson	Spanish
Beauchamp	Ellingson	Kelly, R.	Norton	Stanton
Begich	Enebo	Kelly, W.	Novak	Stoa
Berg	Erickson	Kempe, R.	Osthoff	Suss
Berglin	Evans	King	Pehler	Swanson
Berkelman	Ewald	Knickerbocker	Peterson	Tomlinson
Birnstihl	Faricy	Kostohryz	Petrafeso	Vanasek
Brandl	Forsythe	Kroening	Prahl	Voss
Braun	Friedrich	Laidig	Reding	Waldorf
Byrne	Fudro	Langseth	Rice	Welch
Carlson, D.	Fugina	Lehto	Rose	Wenzel
Carlson, L.	George	Lemke	St. Onge	White
Casserly	Gunter	Mangan	Scheid	Williamson
Clark	Hanson	Mann	Schulz	Wynia
Clawson	Hokanson	McCollar	Searle	Zubay
Cohen	Jacobs	McEachern	Sherwood	Speaker Sabo

Those who voted in the negative were:

Albrecht	Anderson, R.	Heinitz	McDonald	Savelkoul
Anderson, D.	Carlson, A.	Kaley	Nelsen, B.	Wieser
Anderson, G.	Fjoslien	Kvam	Niehaus	Wigley

The bill was passed and its title agreed to.

S. F. No. 1023, A bill for an act relating to public indebtedness; regulating the sale of securities by municipalities subject to reverse repurchase agreements; providing penalties for misconduct of municipal officers in the execution of agreements; amending Minnesota Statutes 1976, Section 475.51, by adding a subdivision; and Chapter 475, by adding a section.

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	Battaglia	Byrne	Cummiskey	Esau
Adams	Beauchamp	Carlson, A.	Dahl	Evans
Albrecht	Begich	Carlson, D.	Dean	Ewald
Anderson, B.	Berg	Carlson, L.	Den Ouden	Faricy
Anderson, D.	Berglin	Casserly	Eckstein	Fjoslien
Anderson, G.	Berkelman	Clark	Eken	Forsythe
Anderson, I.	Birnstihl	Clawson	Ellingson	Friedrich
Anderson, R.	Brandl	Cohen	Enebo	Fudro
Arlandson	Braun	Corbid	Erickson	Fugina

George	Kempe, R.	Moe	Rice	Suss
Gunter	King	Munger	Rose	Swanson
Hanson	Knickerbocker	Murphy	St. Onge	Tomlinson
Haugerud	Kostohryz	Neisen	Savelkoul	Vanasek
Heinitz	Kroening	Nelsen, B.	Scheid	Waldorf
Hokanson	Kvam	Nelson	Schulz	Welch
Jacobs	Laidig	Niehaus	Searle	Wenstrom
Jaros	Langseth	Norton	Sherwood	Wenzel
Jensen	Lehto	Novak	Sieben, H.	White
Johnson	Lemke	Osthoff	Sieben, M.	Wieser
Jude	Mangan	Pehler	Simoneau	Wigley
Kahn	Mann	Peterson	Skoglund	Williamson
Kaley	McCollar	Petrafeso	Smogard	Wynia
Kalis	McDonald	Pleasant	Spanish	Zubay
Kelly, R.	McEachern	Prahl	Stanton	Speaker Sabo
Kelly, W.	Metzen	Reding	Stoa	

The bill was passed and its title agreed to.

S. F. No. 270, A bill for an act relating to motor vehicles; increasing gross weight limitations on interstate highways and routes designated by the commissioner of transportation; increasing truck registration taxes on heaviest trucks; establishing procedures for route designation and undesignation; requiring weight enforcement reports by county sheriffs; providing penalties; amending Minnesota Statutes 1976, Sections 168.013, Subdivisions 1c, 1e and 12; 169.79; 169.83, Subdivisions 1 and 2; 169.85; 169.86, by adding a subdivision; and Chapter 169, by adding sections.

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 31 nays as follows:

Those who voted in the affirmative were:

Adams	Corbid	Jensen	Metzen	Skoglund
Albrecht	Cummiskey	Johnson	Murphy	Smogard
Anderson, B.	Dahl	Kaley	Neisen	Spanish
Anderson, I.	Den Ouden	Kalis	Nelsen, B.	Stanton
Anderson, R.	Eckstein	Kelly, W.	Nelsen, M.	Suss
Arlandson	Eken	Kempe, A.	Nelson	Swanson
Beauchamp	Ellingson	Kempe, R.	Niehaus	Vanasek
Begich	Erickson	King	Novak	Welch
Berg	Esau	Knickerbocker	Peterson	Wenstrom
Berglin	Evans	Kostohryz	Petrafeso	Wenzel
Berkelman	Ewald	Kroening	Prahl	White
Birnstihl	Fjoslien	Laidig	Reding	Wieser
Braun	Forsythe	Langseth	Rice	Wigley
Byrne	Friedrich	Lemke	Savelkoul	Williamson
Carlson, D.	George	Mangan	Scheid	Zubay
Carlson, L.	Gunter	Mann	Sherwood	
Casserly	Haugerud	McCollar	Sieben, H.	
Clark	Heinitz	McDonald	Sieben, M.	
Cohen	Hokanson	McEachern	Simoneau	

Those who voted in the negative were:

Abeln	Dean	Jude	Norton	Voss
Anderson, D.	Faricy	Kahn	Osthoff	Wynia
Anderson, G.	Fudro	Kelly, R.	Pehler	Speaker Sabo
Battaglia	Fugina	Kvam	Pleasant	
Brandl	Hanson	Lehto	Samuelson	
Carlson, A.	Jacobs	Moe	Stoa	
Clawson	Jaros	Munger	Tomlinson	

The bill was passed and its title agreed to.

S. F. No. 558 was reported to the House.

Nelson moved to amend S. F. No. 558, the unofficial engrossment, as follows:

Page 1, line 15, after "owl" insert "*from April 1 to October 15 inclusively,*".

Page 1, line 15, after "trap" insert "*as prescribed by the commissioner,*".

The motion prevailed and the amendment was adopted.

S. F. No. 558, A bill for an act relating to game and fish; authorizing the trapping of the great horned owl in certain instances; amending Minnesota Statutes 1976, Section 100.29, Subdivision 32.

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 81 yeas and 29 nays as follows:

Those who voted in the affirmative were:

Adams	Den Ouden	Kempe, A.	Nelsen, B.	Stanton
Albrecht	Eckstein	Kempe, R.	Nelsen, M.	Suss
Anderson, I.	Erickson	King	Niehaus	Swanson
Anderson, R.	Esau	Knickerbocker	Norton	Tomlinson
Arlandson	Evans	Kostohryz	Novak	Vanasek
Battaglia	Fjoslien	Kvam	Pehler	Voss
Beauchamp	Friedrich	Laidig	Peterson	Wenzel
Begich	Fudro	Langseth	Pleasant	White
Berkelman	Fugina	Lemke	Prahl	Wieser
Birnstihl	George	Mangan	Reding	Wigley
Brandl	Gunter	Mann	St. Onge	Williamson
Braun	Hokanson	McCollar	Savelkoul	Zubay
Carlson, D.	Jacobs	McDonald	Schulz	Speaker Sabo
Carlson, L.	Jensen	McEachern	Sieben, H.	
Clawson	Johnson	Metzen	Sieben, M.	
Cummiskey	Kaley	Murphy	Smogard	
Dahl	Kelly, W.	Neisen	Spanish	

Those who voted in the negative were:

Abeln	Carlson, A.	Heinitz	Lehto	Simoneau
Anderson, B.	Clark	Jaros	Munger	Skoglund
Anderson, D.	Corbid	Jude	Osthoff	Stoa
Anderson, G.	Dean	Kahn	Rose	Wenstrom
Berglin	Ellingson	Kelly, R.	Scheid	Wynia
Byrne	Ewald	Kroening	Sherwood	

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

H. F. No. 1416, A bill for an act relating to the legislature; requiring that bodies wholly or principally composed of legislators submit budgets and complement requests to the legislative coordinating commission; 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 111 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Abeln	Corbid	Kaley	Nelsen, M.	Smogard
Adams	Cummiskey	Kelly, R.	Nelson	Spanish
Albrecht	Dean	Kelly, W.	Niehaus	Stoa
Anderson, B.	Den Ouden	Kempe, R.	Norton	Suss
Anderson, D.	Eckstein	King	Novak	Swanson
Anderson, G.	Ellingson	Knickerbocker	Osthoff	Tomlinson
Anderson, I.	Erickson	Kostohryz	Pehler	Vanasek
Anderson, R.	Esau	Kroening	Peterson	Voss
Arlandson	Evans	Kvam	Pleasant	Waldorf
Beauchamp	Ewald	Laidig	Prahl	Welch
Berglin	Fjoslien	Langseth	Reding	Wenstrom
Berkelman	Friedrich	Lehto	Rice	Wenzel
Birnstihl	Fudro	Lemke	Rose	White
Brandl	Fugina	Mangan	St. Onge	Wieser
Braun	George	Mann	Savelkoul	Wigley
Byrne	Gunter	McCollar	Scheid	Williamson
Carlson, A.	Heinitz	McDonald	Schulz	Wynia
Carlson, D.	Hokanson	McEachern	Searle	Zubay
Carlson, L.	Jacobs	Metzen	Sherwood	Speaker Sabo
Casserly	Jaros	Munger	Sieben, H.	
Clark	Jensen	Murphy	Sieben, M.	
Clawson	Jude	Neisen	Simoneau	
Cohen	Kahn	Nelsen, B.	Skoglund	

Those who voted in the negative were:

Battaglia

The bill was passed and its title agreed to.

H. F. No. 287 was reported to the House.

McDonald, Jude and Carlson, A., offered an amendment to H. F. No. 287.

POINT OF ORDER

George raised a point of order pursuant to rule 3.9 that the McDonald amendment was out of order. The Speaker ruled the point of order well taken and the amendment out of order.

H. F. No. 287, A bill for an act relating to obscenity; prohibiting the showing of obscene motion pictures at drive-in theatres; providing for a hearing in the courts to determine if a motion picture is obscene; prescribing penalties.

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

The bill was passed and its title agreed to.

ADJOURNMENT

Anderson, I., moved that when the House adjourns today it adjourn until 1:00 p.m., Monday, May 16, 1977. The motion prevailed.

Anderson, I., moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 1:00 p.m., Monday, May 16, 1977.

EDWARD A. BURDICK, Chief Clerk, House of Representatives