

## FIFTY-SIXTH DAY

St. Paul, Minnesota, Wednesday, May 9, 1973.

The Senate met at 9:00 o'clock a.m. and was called to order by the President.

## CALL OF THE SENATE

Mr. Hansen, Baldy imposed a call of the Senate.

The following Senators answered to their names:

Arnold	Dunn	Kirchner	Ogdahl	Spear
Ashbach	Fitzsimons	Kleinbaum	Olhft	Stokowski
Berg	Gearty	Kowalczyk	Olson, A. G.	Tennessen
Bernhagen	Hansen, Baldy	Larson	Olson, H. D.	Thorup
Brown	Hansen, Mel	Lewis	Olson, J. L.	Ueland
Chmielewski	Hanson, R.	Lord	O'Neill	Willet
Coleman	Hughes	McCutcheon	Perpich, A. J.	
Conzemius	Humphrey	Moe	Perpich, G.	
Davies	Jensen	North	Purfeerst	
Doty	Keefe, S.	Novak	Renneke	

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

Prayer by the Chaplain.

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

Anderson	Doty	Kirchner	Novak	Schrom
Arnold	Dunn	Kleinbaum	Ogdahl	Solon
Ashbach	Fitzsimons	Knutson	Olhft	Spear
Bang	Frederick	Kowalczyk	Olson, A. G.	Stassen
Berg	Gearty	Krieger	Olson, H. D.	Stokowski
Bernhagen	Hansen, Baldy	Larson	Olson, J. L.	Tennessen
Blatz	Hansen, Mel	Laufenburger	O'Neill	Thorup
Borden	Hanson, R.	Lewis	Patton	Ueland
Brown	Hughes	Lord	Perpich, A. J.	Wegener
Chenoweth	Humphrey	McCutcheon	Perpich, G.	Willet
Chmielewski	Jensen	Milton	Pillsbury	
Coleman	Josefson	Moe	Purfeerst	
Conzemius	Keefe, J.	Nelson	Renneke	
Davies	Keefe, S.	North	Schaaf	

Quorum present.

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

## MEMBERS EXCUSED

Mr. Sillers was excused from the Session of today.

**INTRODUCTION OF BILLS**

Messrs. Keefe, S.; Solon and Novak introduced—

S. F. No. 2464: A bill for an act relating to education; authorizing the establishment of programs to enhance school-community interaction in high transiency areas; appropriating money.

Which was read the first time and referred to the Committee on Education.

Messrs. Keefe, S.; Kirchner and Perpich, G. introduced—

S. F. No. 2465: A bill for an act relating to child welfare; foster care and day care facilities; providing penalties for certain violations; amending Minnesota Statutes 1971, Section 257.123, Subdivision 1.

Which was read the first time and referred to the Committee on Health, Welfare and Corrections.

Messrs. North, Ashbach and Hughes introduced—

S. F. No. 2466: A bill for an act relating to Ramsey county; authorizing the board of county commissioners to create a revolving tort liability fund.

Which was read the first time and referred to the Committee on Metropolitan and Urban Affairs.

Messrs. Humphrey, O'Neill and Tennesen introduced—

S. F. No. 2467: A bill for an act relating to real estate; actions to quiet title, to determine adverse claims or for partition; curative act.

Which was read the first time and referred to the Committee on Judiciary.

Mr. Stassen introduced—

S. F. No. 2468: A bill for an act appropriating money to pay for the destruction of property of patients from a fire at the Hastings State hospital.

Which was read the first time and referred to the Committee on Finance.

Messrs. Krieger, Laufenburger and Ogdahl introduced—

S. F. No. 2469: A bill for an act relating to water pollution control; authorizing municipalities to let individual contracts for the joint design and construction of sewage treatment facilities; appropriating money.

Which was read the first time and referred to the Committee on Natural Resources and Agriculture.

Mr. Spear introduced—

S. F. No. 2470: A bill for an act relating to intoxicating liquors; sales forbidden in certain places; amending Minnesota Statutes 1971, Section 340.14, Subdivision 3.

Which was read the first time and referred to the Committee on Labor and Commerce.

Mr. O'Neill introduced—

S. F. No. 2471: A bill for an act relating to real property; mechanics liens; removing the acreage limitations; amending Minnesota Statutes 1971, Section 514.03.

Which was read the first time and referred to the Committee on Judiciary.

Mr. Novak for the Committee on Finance introduced—

S. F. No. 2472: A bill for an act relating to public buildings and public lands of the state of Minnesota; authorizing the acquisition and betterment of public land and buildings and other public improvements of a capital nature; the acquisition by gift, purchase, or condemnation of certain real property therefor; the equipping and replacement of equipment of certain said buildings; appropriating and reappropriating moneys therefor, including necessary expenses from the Minnesota state building fund; authorizing the issuance of the sale of bonds under the provisions of the constitution, article IX, section 6, to finance said fund appropriating moneys in connection therewith.

Which was read the first time and, under the rules of the Senate, laid over one day.

Mr. Novak for the Committee on Finance introduced—

S. F. No. 2473: A bill for an act relating to the organization and operation of state government; Providing for public buildings of the state of Minnesota; authorizing the alteration, repair, rehabilitation of said building, the equipping and the replacement of equipment of certain said buildings; appropriating money therefor.

Which was read the first time and, under the rules of the Senate, laid over one day.

#### REPORTS OF COMMITTEES

Mr. Coleman moved that the Committee Reports at the Desk be now adopted. Which motion prevailed.

Mr. Novak from the Committee on Finance, to which was referred

H. F. No. 1134: A bill for an act relating to the organization and

operation of state government; the powers and duties of the commissioner of iron range resources and rehabilitation; creation, powers and duties of advisory commission; appropriation of funds; amending Minnesota Statutes 1971, Sections 298.22 and 298.221.

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

Page 4, after line 4, add a new section 3 to read as follows:

*"Sec. 3. This act is effective the day following final enactment."*

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Novak from the Committee on Finance, to which was referred

S. F. No. 2115: A bill for an act relating to the establishment of a power plant site and transmission line route selection authority in the environmental quality council; appropriating money.

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

Page 6, line 25, after "utilities," strike the rest of the line

Page 6, strike line 26

Page 6, line 27, strike "and type of facility." and insert in lieu thereof "a utility must apply to the council in a form and manner prescribed by the council for designation of a specific site or corridor for a specific size and type of facility. No large electric power generating plant or high voltage transmission line shall be constructed except on a site or route designated by the council pursuant to this act."

Page 16, after line 8, add a new section 18 to read as follows:

*"Sec. 18. [ENFORCEMENT, PENALTIES.] Subdivision 1. Any person who violates this act or any rule or regulation promulgated hereunder, or knowingly submits false information in any report required by this act shall be guilty of a misdemeanor for the first offense and a gross misdemeanor for the second and each subsequent offense. Each day of violation shall constitute a separate offense.*

*Subd. 2. The provisions of this act or any rules or regulations promulgated hereunder may be enforced by injunction, action to compel performance or other appropriate action in the district court of the county wherein the violation takes place. The attorney general shall bring any action under this subdivision upon the request of the council.*

*Subd. 3. When the court finds that any person has violated this act, any rule or regulation hereunder, knowingly submitted false information in any report required by this act or has violated any court order issued under this chapter, the court may impose a civil penalty of not more than \$10,000 for each violation. These penalties shall be paid to the general fund in the state treasury."*

Page 16, line 24, after "transmission" insert "line"

Page 16, line 26, after "Accounts." strike "However, the fee"

Page 16, line 27, strike "shall not be less than \$5,000 for each application."

Page 17, line 10, after "transmission" insert "line"

Page 17, line 11, after "\$1,000,000)" and before the period insert "except that the minimum application fee shall not be less than \$5,000"

Page 17, line 18, after "applicant." add the following sentence: "This annual appropriation shall not exceed the fees to be paid during such period."

Renumber the sections accordingly

Further amend the title as follows:

Page 1, line 5, before the period, insert "; providing penalties"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Novak from the Committee on Finance, to which was referred

H. F. No. 611: A bill for an act relating to public safety; division of highway patrol; providing salary adjustments for members of the highway patrol assigned to air patrol duty; amending Minnesota Statutes 1971, Section 299D.03, Subdivision 3.

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

Page 1, line 4, strike "40 percent of his salary" and insert in lieu thereof "\$250"

Page 1, line 6, strike "shall" and insert in lieu thereof "may"

Page 1, line 6, strike "\$100" and reinstate the stricken "\$50"

Page 1, line 8, strike "The following schedule is a guide for such salary increases."

Page 1, strike lines 9 through 14

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Novak from the Committee on Finance, to which was referred

S. F. No. 1326: A bill for an act relating to education; authorizing and directing the higher education coordinating commission to establish and supervise a student loan program; appropriating money; amending Minnesota Statutes 1971, Sections 136A.14; 136A.15, Subdivisions 5 and 7; 136A.16, Subdivisions 3 and 8; and 136A.17, Subdivisions 1, 3, 4 and 10.

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

Page 7, line 8, strike "*fifth*" and insert in lieu thereof "*tenth*"

Page 7, line 16, after "*bonds*" insert "*in an aggregate amount not to exceed \$30,000,000*"

Page 16, strike line 5 after the headnote

Page 16, strike lines 6 and 7

Page 16, line 8, strike "*this appropriation*" and insert in lieu thereof "*the appropriation made for the purpose of this act*"

Page 16, line 11, strike "*this*" and insert in lieu thereof "*the*"

Page 16, line 20, strike "*this*" and insert in lieu thereof "*the*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Chenoweth from the Committee on Metropolitan and Urban Affairs, to which was referred

S. F. No. 2272: A bill for an act authorizing the county of Anoka to establish subordinate service areas in order to provide and finance governmental services.

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

Page 1, line 8, strike "*AREAS*" and insert "*DISTRICTS*"

Line 12, strike "*area*" and insert "*district*"

Line 13, strike "*area*" and insert "*district*"

Line 16, strike "*area*" and insert "*district*"

Line 17, strike "*AREAS*" and insert "*DISTRICTS*"

Line 21, strike "*areas*" and insert "*districts*"

Line 26, strike "*area*" and insert "*district*"

Line 30, strike "*area*" and insert "*district*"

Page 2, line 2, strike "*area*" and insert "*district*"

Line 3, strike "*area*" and insert "*district*"

Line 8, strike "*area*" and insert "*district*"

Line 11, strike "*area*" and insert "*district*"

Line 17, strike "*area*" and insert "*district*"

Line 22, strike "*area*" and insert "*district*"

Line 23, strike "*area*" and insert "*district*"

Line 24, strike "*area's*" and insert "*district's*"

Line 28, strike "*area*" and insert "*district*"

Page 3, line 3, strike "*area*" and insert "*district*"

Line 4, strike "area" and insert "district"

Line 8, strike "area" and insert "district"

Line 13, strike "area" and insert "district"

Line 17, strike "area" and insert "district"

Line 21, strike "area" and insert "district"

Line 23, strike "area" and insert "district"

Line 25, strike "area" and insert "district"

Page 4, line 1, after "service" strike "area" and insert "district"  
after "the" strike "area" and insert "district"

Line 6, strike "AREA" and insert "DISTRICT"

Line 8, strike "area" and insert "district"

Line 9, strike "area" and insert "district"

Line 12, strike "area" and insert "district"

Line 14, strike "area" and insert "district"

Line 17, strike "area" and insert "district"

Line 19, strike "area" and insert "district"

Line 21, strike "area" and insert "district"

Line 22, strike "area" and insert "district"

Line 26, strike "area" and insert "district"

Line 27, strike "area" and insert "district"

Page 5, line 4, strike "area" and insert "district"

Line 6, strike "area" and insert "district"

Line 7, strike "area" and insert "district"

Line 9, strike "area" and insert "district"

Line 13, strike "area" and insert "district"

Amend the title in line 3 strike "areas" and insert "districts"

And when so amended the bill do pass. Amendments adopted.  
Report adopted.

Pursuant to Joint Rule 20, the bill was re-referred to the Committee on Rules and Administration.

Mr. Hansen, Baldy from the Committee on Labor and Commerce, to which was re-referred

H. F. No. 294: A bill for an act relating to labor; prescribing penalties for employers who fail to pay certain benefits and wage supplements required by law or agreement.

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

Page 1, line 3, after "who" strike "fails, neglects or"

Page 1, line 7, after the period insert "The institution of bankruptcy proceedings according to law shall be a defense to any criminal action under this section."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Hansen, Baldy from the Committee on Labor and Commerce, to which was re-referred

H. F. No. 534: A bill for an act relating to workmen's compensation; compensation for permanent partial disability; amending Minnesota Statutes 1971, Section 176.101, Subdivision 3.

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

Page 4, line 2, strike "*during*" and insert "*for that proportion of*"

Page 4, line 2, before the semicolon insert "*which is represented by the percentage of such permanent partial disability as is determined from competent testimony adduced at a hearing before a compensation judge, a commissioner, or the commission*"

Page 4, line 4, after "*for*" insert "*that proportion of*"

Page 4, line 4, before the semicolon insert "*which is represented by the percentage of such permanent partial disability as is determined from competent testimony adduced at a hearing before a compensation judge, a commissioner, or the commission*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Hansen, Baldy from the Committee on Labor and Commerce, to which was re-referred

H. F. No. 1558: A bill for an act relating to commerce; clarifying rule making power of the consumer services section, department of commerce; amending Minnesota Statutes 1971, Section 45.16, Subdivision 2.

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

Page 1, line 14, after "*Adopt*" insert "*, pursuant to the administrative procedures act,*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Novak from the Committee on Finance, to which was re-referred



S. F. No. 1840: A bill for an act relating to bicycles; providing for a statewide bicycle registration system; providing penalties for violation thereof; appropriating money annually.

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

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

“Section 1. [STATEMENT OF PURPOSE.] The growth in popularity of the bicycle as a mode of transportation and as a recreational vehicle has led to an increase in the number of bicycle thefts. To more effectively deal with the problems associated with theft and to aid in the recovery of stolen bicycles, a statewide bicycle registration system is hereby created.

Sec. 2. [DEFINITIONS.] Subdivision 1. For purposes of sections 1 to 19 the terms defined in this section shall have the meanings given them.

Subd. 2. “Bicycle” means every device propelled by human power upon which a person may ride, having two tandem wheels either of which is over 14 inches in diameter, and including any device generally recognized as a bicycle though equipped with two front or rear wheels.

Subd. 3. “Bicycle dealer” means a person, firm, partnership, or corporation which is engaged, wholly or partly, in the business of selling bicycles, or buying or taking in trade bicycles for the purpose of resale, selling, or offering for sale, or otherwise dealing in bicycles, whether or not the bicycles are owned by the person or entity. The term also includes agents or employees of the person or entity.

Subd. 4. “Department” means the department of public safety.

Subd. 5. “License plate” means a tag, plate, seal or other device which can be permanently attached to a bicycle and is issued by the department upon registration of the bicycle.

Sec. 3. Every person purchasing a bicycle from a bicycle dealer on or after July 1, 1974 shall register the bicycle with the department by giving the name and address of the owner, the signature of the owner, the name and address of the person from whom purchased, the date of purchase, the date of registration, the make, serial number, model number, and any additional information as the department may require. The department shall provide a suitable registration form to each registrant. No bicycle purchased from a bicycle dealer on or after July 1, 1974 shall be released by the dealer unless the bicycle has a serial number and the bicycle's registration has been obtained or applied for. A violation of this section is a petty misdemeanor.

Sec. 4. [REGISTRATION FEE.] The registration fee for bicycles having a wheel diameter of 26 inches or more shall be \$3. The registration fee for all other bicycles shall be \$2. These fees shall be paid at the time of registration. The registration shall be without limitation as to time but shall not be transferable from

person to person or from bicycle to bicycle. All fees so collected shall be deposited in the general fund.

Sec. 5. [REPORT OF TRANSFERS.] Subdivision 1. Every person other than a bicycle dealer, who sells or transfers ownership of any bicycle registered pursuant to this act shall report the sale or transfer to the department, indicating the name and address of the person to whom the bicycle was sold or transferred. The report shall be made within seven days of the sale or transfer. Within seven days of the purchase or transfer, the new owner of the bicycle, if other than a bicycle dealer, shall obtain a new registration from the department and pay the applicable fee.

Subd. 2. Every bicycle dealer shall report to the department, in a manner determined by the department, every bicycle purchased, sold or traded by the dealer on or after July 1, 1974, giving the name and address of the person from whom purchased or to whom sold, a description of the bicycle by name or make, the serial number thereof, the registration number, if any, and any additional information required by the department. The report shall be made within seven days of the purchase, sale, or trade. A violation of this subdivision is a petty misdemeanor.

Sec. 6. [NOTIFICATION OF ADDRESS CHANGE.] Whenever the owner of a bicycle registered pursuant to this act moves or changes address, he shall notify the department in writing of the new address within seven days.

Sec. 7. [LICENSE PLATES.] The department shall provide to the registrant a suitable registration card having the registration number stamped thereon and indicating the date of registration, the make, serial number, and model number of the bicycle, the owner's name and address, and any additional information as the department may require. Information concerning each registration shall be retained by the department. The department shall issue a license plate which shall be permanently attached to the bicycle covered by the registration. Upon a satisfactory showing that the license plate or registration card has been lost or destroyed the department shall issue a replacement license plate or registration card upon payment of a fee of \$1. All fees so collected shall be deposited to the general fund.

Sec. 8. [MUTILATION.] No person shall willfully remove, destroy, mutilate or otherwise alter the serial number of any bicycle. No person shall willfully remove, destroy, mutilate, or otherwise alter any license plate during the time in which the license plate is operative. A violation of this section is a misdemeanor.

Sec. 9. [THEFT.] Subdivision 1. The local law enforcement agency shall report the theft of all bicycles registered pursuant to this act to the department within five days. Reports of the stolen bicycles shall be entered in the national crime information center of the department. When the stolen bicycle has been recovered by a local law enforcement agency, the agency shall report the recovery to the department within five days of the recovery.

Subd. 2. The department of public safety shall maintain a record of

all bicycles registered pursuant to this act in the state in an automated system. The records shall be available to all authorized law enforcement agencies through the Minnesota crime information center.

Sec. 10. [TAMPERING WITH A BICYCLE.] No person, other than the owner or the owner's authorized agent shall tamper with any bicycle which has been locked or placed in a rack or otherwise secured. A violation of this section is a misdemeanor.

Sec. 11. [APPOINTMENT OF DEPUTY REGISTRARS.] The department shall appoint deputy registrars as required to fulfill provisions of this act. The deputies shall act as agents of the department and may accept registrations as provided in this act. Agents may charge an additional 50 cents per registration granted for their services.

Sec. 12. [EXCEPTIONS.] Bicycles sold in Minnesota and normally subject to registration which will not be operated within the state are exempt from registration. Bicycles operated in Minnesota for a period of not more than 30 consecutive days and owned by nonresidents are exempt from registration. Registration provisions of this act do not apply to bicycle manufacturers or bicycle dealers transporting bicycles in the normal course of business.

Sec. 13. [ADMINISTRATION OF ACT.] Subdivision 1. The department shall adopt rules and regulations for the implementation and administration of this act no later than July 1, 1974. The department shall begin to accept registrations and implement this act on July 1, 1974.

Sec. 14. [PENALTIES.] A person charged with a petty misdemeanor shall not be entitled to a jury trial but shall be tried by a judge without a jury. If convicted, he shall be punished by a fine of not more than \$25.

Sec. 15. [APPROPRIATION.] There is appropriated to the department of public safety from the general fund \$250,000 for the biennium ending June 30, 1975, for carrying out the purposes of this act.

Sec. 16. [APPROPRIATION.] There is appropriated to the commissioner of natural resources the sum of \$50,000 from the general fund for the development of a plan to be submitted to the legislature by January 15, 1974, for the acquisition, obtaining of easements, design, construction and maintenance of bicycle laws or multipurpose trail systems. The plan shall include a proposal for a system of state aid to localities. This appropriation is for the biennium ending June 30, 1975."

Strike the title and insert in lieu thereof:

"A bill for an act relating to bicycles; providing for a statewide bicycle registration system; providing penalties for violation thereof; fixing and limiting the amount of fees to be collected in certain cases; appropriating money annually."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Hansen, Baldy from the Committee on Labor and Commerce, to which was re-referred

H. F. No. 1825: A bill for an act relating to insurance; the merger and consolidation of insurance companies; permitting the issuance of securities of a corporation which is not a merging or consolidating corporation or the payment of cash; amending Minnesota Statutes 1971, Section 60A.16, Subdivision 2.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Hansen, Baldy from the Committee on Labor and Commerce, to which was re-referred

H. F. No. 1617: A bill for an act relating to insurance; cancellation of automobile insurance policies; setting requirements for cancellation of collision and comprehensive coverages; amending Minnesota Statutes 1971, Sections 65B.14, 65B.17, and 65B.18.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Hansen, Baldy from the Committee on Labor and Commerce, to which was re-referred

H. F. No. 1288: A bill for an act relating to motor vehicles; manufacturers and dealers; the sale of mobile homes; exempting certain persons from licensing requirements; amending Minnesota Statutes 1971, Section 168.27.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Hansen, Baldy from the Committee on Labor and Commerce, to which was re-referred

H. F. No. 1309: A bill for an act relating to financial institutions; regulating the investments of savings banks and insurance companies; amending Minnesota Statutes 1971, Sections 50.14, Subdivision 15, and by adding subdivisions; 60A.11, Subdivisions 2 and 5; and 61A.28, Subdivision 2.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Hansen, Baldy from the Committee on Labor and Commerce, to which was re-referred

H. F. No. 1940: A bill for an act relating to insurance; automobile insurance plan governing committee; revising the membership of said committee; amending Minnesota Statutes 1971, Section 65B.03.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Coleman from the Committee on Rules and Administration, to which were referred H. F. Nos. 827, 830, 1065, 1635, 1896, 2072, 890, 2145, 1104, 1807 and 677 for comparison to companion Senate Files, reports the following House Files were found to have

no companion Senate Files on Senate Calendars and are recommended to be re-referred to their respective Committees as follows:

H. F. No. 830 to the Committee on Finance.

H. F. No. 827 to the Committee on Governmental Operations.

H. F. Nos. 1065 and 1635 to the Committee on Judiciary.

H. F. No. 1896 to the Committee on Labor and Commerce.

The following House Files were found identical and recommends the House Files be given their Second Reading and substituted for their companion Senate Files as follows:

<b>GENERAL ORDERS</b>		<b>CALENDAR OF ORDINARY MATTERS</b>		<b>CALENDAR</b>	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
2072	2041				
890	798				

And that the above Senate Files be indefinitely postponed.

The following House Files were found not identical with their companion Senate Files as follows:

<b>GENERAL ORDERS</b>		<b>CALENDAR OF ORDINARY MATTERS</b>		<b>CALENDAR</b>	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
2145	2225				
1104	1357				
1807	1729				
677	1002				

Pursuant to Rule 49 the Committee recommends that H. F. No. 2145 be amended as follows:

Page 7, line 13, reinstate the stricken "all" and delete the words "*only those*"

And when so amended, H. F. No. 2145 will be identical to S.F. No. 2225 and further recommends that H. F. No. 2145 be given its second reading and substituted for S. F. No. 2225 and S. F. No. 2225 be indefinitely postponed. Amendments adopted.

Pursuant to Rule 49 the Committee recommends that H. F. No. 1104 be amended as follows:

Page 1, line 13, after "Park" delete the comma

Page 1, line 14, after "may" insert "provide that the respective city councils shall constitute the housing and redevelopment authority of the respective cities or may"

Page 1, line 21, strike "of the cities" and insert in lieu "city"

Page 1, line 28, strike "of the cities" and insert in lieu "city"

And when so amended, H. F. No. 1104 will be identical to S. F. No. 1357 and further recommends that H. F. No. 1104 be given its second reading and substituted for S. F. No. 1357 and S. F. No. 1357 be indefinitely postponed. Amendments adopted.

Pursuant to Rule 49 the Committee recommends that H. F. No. 1807 be amended as follows:

In the title, page 1, line 3, after "milk" insert "and milk"

And when so amended, H. F. No. 1807 will be identical to S. F. No. 1729 and further recommends that H. F. No. 1807 be given its second reading and substituted for S. F. No. 1729 and S. F. No. 1729 be indefinitely postponed. Amendments adopted.

Pursuant to Rule 49 the Committee recommends that H. F. No. 677 be amended as follows:

Page 1, line 18, strike "*all terrain-vehicle*" and insert in lieu thereof "*all-terrain vehicle*"

Page 1, line 21, strike "*Minnesota Statutes,*"

Page 1, line 23, delete the hyphen between the word "*seven*" and the word "*county*"

Page 2, line 25, after "*mutilate*" insert a comma

And when so amended, H. F. No. 677 will be identical to S. F. No. 1002 and further recommends that H. F. No. 677 be given its second reading and substituted for S. F. No. 1002 and S. F. No. 1002 be indefinitely postponed. Amendments adopted.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Report adopted.

## SECOND READING OF SENATE BILLS

S. F. Nos. 2115, 1326 and 1840 were read the second time.

## SECOND READING OF HOUSE BILLS

H. F. Nos. 1134, 611, 294, 534, 1558, 1825, 1617, 1288, 1309, 1940, 2145, 1104, 677, 1807, 890 and 2072 were read the second time.

## MOTIONS AND RESOLUTIONS

Mr. Lord moved that his name be stricken as chief author and the name of Mr. Willet be added as chief author to S. F. No. 288. Which motion prevailed.

Mr. Coleman moved that the following letter from the Attorney General be printed in the Journal. Which motion prevailed.

May 8, 1973

The Honorable Nicholas D. Coleman  
Chairman, Senate Committee on Rules  
and Administration

The Honorable Martin O. Sabo  
Chairman, Joint Coordinating Committee

State Capitol  
Saint Paul, Minnesota 55155

Gentlemen:

In your letters relating to the regular and special sessions of the Minnesota Legislature, you ask substantially the following questions.

#### QUESTION NO. 1

During which adjournments of a regular session of the legislature are bills subject to a pocket veto?

#### OPINION

The 1972 "flexible session" amendment to article IV, section 1 of the constitution authorizes the legislature to meet in regular session in both years of a biennium. Article IV, section 11 subjects bills to a pocket veto after the "adjournment" of a legislative "session." (Hereinafter, the adjournment of a regular session from the first year of a biennium to the second year is referred to as the "interim adjournment," and short adjournments during a regular session, such as from one day to the next, during weekends and at Easter, are referred to as "temporary adjournments." Unless otherwise stated, all references to sections of the constitution are to those sections which are part of article IV thereof.)

It is my opinion that the 1972 constitutional amendment provides for a single regular session in each bienium. It is also my opinion that the word "session" as used in the pocket veto provisions of section 11 refers to this biennial session, and that the word "adjournment" as used in section 11 refers to the final adjournment or adjournment *sine die*, of the biennial session. Thus, the pocket veto provisions of section 11 are applicable only following the final adjournment of the biennial session, and not following an interim or temporary adjournment.

Section 11 provides in part as follows:

"Every bill which shall have passed the Senate and the House of Representatives . . . shall, before it becomes a law, be presented to the governor of the state. If he approves, he shall sign and deposit it in the office of secretary of state. . . . But if not, he shall return it, with his objections, to the house in which it shall have originated; . . . and the house shall proceed to reconsider the bill. . . . If any bill shall not be returned by the governor within three days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, *unless the legislature, by adjournment within that time, prevents its return.* Bills may be presented to the governor

during the three days following the day of the final adjournment of the legislature and the legislature may prescribe the method of performing the acts necessary to present bills to the governor after adjournment. The governor may approve, sign and file in the office of the secretary of state, within 14 days after the adjournment of the legislature, any act passed during the last three days of the session, and the same shall become a law. *If any bill passed during the last three days of the session is not signed and filed within 14 days after the adjournment, it shall not become a law.*"

(Emphasis added.)

Both of the provisions of section 11 emphasized above provide for the pocket veto of bills. The second provision expressly pertains to bills passed during the last three days of a session and the first provision by implication pertains to bills passed prior to the last three days. See *Burns v. Sewell*, 48 Minn. 425, 51 N.W. 224 (1892) and Op. Atty. Gen. 280, April 17, 1939 (passage of bill for purposes of this provision not complete until bill delivered to Governor).

Thus, if a bill is passed during the last three days of a biennial session and is not signed and filed by the Governor by the end of the 14 day period after adjournment, the bill fails to become law by reason of a pocket veto pursuant to the second provision emphasized above. If a bill is passed prior to the last three days of a biennial session and has not been signed or returned by the Governor by the end of the three day period after presentment, and if the legislature has prevented such a bill's return by adjournment within three days of presentment, then the bill fails by reason of a pocket veto pursuant to the first provision emphasized above.

#### a. *The Single Regular Session in Each Biennium*

Section 1 was amended in the following manner by the voters at the November, 1972 general election:

"The legislature shall meet at the seat of government in regular session in each ~~odd numbered~~ year *biennium* at the ~~time~~ times prescribed by law for ~~a term~~ not exceeding a total of 120 legislative days; and no new bill shall be introduced in either branch, except on the written request of the Governor, during the last 30 days of such sessions. The legislature shall not meet in regular session, nor in any adjournment thereof, after the first Monday following the third Saturday in May of any year. After meeting at a time prescribed by law, the legislature may adjourn to another time. 'Legislative day' shall be defined by law."

(Additions are indicated by *underline*, deletions by ~~strikeout~~.)

Prior to the 1972 amendment, this provision stated that the legislature shall meet "in regular session in each odd numbered year . . . for a term not exceeding 120 legislative days." As amended, this section provides that the legislature shall meet "in regular session in each *biennium* . . . for not exceeding a total of 120 legislative days." The phrase "regular session" was continued in its



singular sense. The word "biennium" means "a period of two years"<sup>1</sup> and a period of two years is a single unit of time. The amendment retained the provision limiting the number of legislative days in each regular session of the legislature to 120.

The language of this amendment indicates that it was intended to provide for a single regular session in each two year period. If the amendment had been intended to provide for one regular session in each year or to provide that each year in which the legislature meets shall constitute a separate regular session, it seems clear that it would have so provided. When the language of the constitution is clear and unambiguous, it is the best evidence of what the provision was intended to mean and must be given its ordinary meaning. *State ex rel. Gardner v. Holm*, 241 Minn. 125, 62 N.W.2d 52 (1954).

Furthermore, it appears that the legislature has been meeting in what may be termed biennial sessions ever since 1877. Prior to 1877, the constitution provided that the legislature shall meet at such times as shall be prescribed by law. During that period the legislature met in each year. In 1877, section 1 was amended to provide that the legislature "shall meet biennially." In 1887, the Attorney General issued a statement explaining the effect of a proposed amendment. It read in part:

"The constitution at present provides for biennial sessions, and the effect of this last amendment will be to continue biennial sessions, but instead of such sessions being limited to sixty days, as they are now, they would be limited to ninety days, and no bill could be introduced during the last twenty days except as provided for in such amendment."

See *Knapp v. O'Brien*, 288 Minn. 103, 111, 179 N.W.2d 88, 93 (1970).

The legislature itself has also referred to its sessions as "biennial sessions." Minn. Stat. § 648.11, which was enacted in 1945 and provides for the publication of Minnesota laws, states that "after the end of the biennial session of the Legislature in 1945," the revisor of statutes shall prepare printer's copy for "Minnesota Statutes 1945." Section 648.31, also enacted in 1945, provides that "after the end of the biennial session of the Legislature in 1947 and each biennial session thereafter," the revisor shall prepare printer's copy of the laws.

A consideration of the foregoing compels the conclusion that the 1972 amendment was intended to provide for a single regular session in each biennium.

b. *The Meaning of "Adjournment" and "Session" in Section 11*

Prior to 1968, section 11 provided for a three day rather than a 14 day period during which the Governor could sign bills following adjournment of the legislature. It stated:

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<sup>1</sup>Webster's Third New International Dictionary (1964) at 213.

"If any bill shall not be returned by the governor within three days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the legislature, by adjournment within that time, prevents its return; in which case it shall not be a law. The governor may approve, sign and file in the office of the secretary of state, within three days after the adjournment of the legislature, any act passed during the last three days of the session, and the same shall become a law."

The Minnesota Supreme Court held that this section provided that "[a]n adjournment which 'prevents its return' and works a 'pocket veto' of a bill is a final or sine die adjournment of the legislative session." (Emphasis added.) *State ex rel. Putnam v. Holm*, 172 Minn. 162, 168, 215 N.W. 200, 203 (1927). The court added:

"The prevailing rule is that a temporary adjournment of the legislature, or of the house in which a bill originated, does not prevent the return of the bill. . . . The constitution contemplated temporary legislative adjournments. In art. 4, § 6, it expressly provides that neither house shall adjourn for more than three days without the consent of the other.

"There is no substantial reason for a bill's being returned to the house while in actual session. It is in existence until the final adjournment regardless of whether it is in session or not. The presiding officer, secretary (or clerk), and members of either house are its authorized representatives. There is no reason why a return cannot be made to any one of them. It is the official duty of the one to whom the bill is returned promptly to report to the house when in session."

172 Minn. at 169, 215 N.W. at 203.

Therefore, the long-established rule has been that the pocket veto provision of section 11 refers to the final adjournment of a biennial session, and that a bill is subject to a pocket veto following only such adjournment. The 1968 constitutional amendment neither expressly nor impliedly alters this rule. A reading of the provision as amended in 1968 indicates that its purpose was to provide the legislature with a period of three days after final adjournment to present bills to the Governor and to provide the Governor with a period of 14 days after final adjournment to approve bills passed during the last three days of the session. The statement of the purpose and effect of the 1968 amendment prepared by the Attorney General pursuant to Minn. Stat. § 3.21 states in part:

"The purpose and effect of this amendment is:

1. To give the legislature more time to prepare and the governor more time to study and sign the large number of bills passed during the last three days of the legislative session by:

- (a) Allowing the legislature three days after adjournment within which to present bills to the Governor.
- (b) Giving the governor 14 days after adjournment of the legislature to approve bills passed during the last three days of the legislative session.

2. To provide that a bill passed during the last three days of the legislature which is not signed and filed by the governor within 14 days after the adjournment shall not become a law. At present a bill does not become a law if the governor does not sign and file it within three days after adjournment."

The 1972 constitutional amendment authorizes each legislature to meet in regular session in the second year of the biennium as well as the first. Therefore, each legislature which meets in regular session in both years of the biennium will adjourn for the relatively lengthy period between the spring of the first year and presumably January of the second year. This adjournment is not, however, a final adjournment of the session but is an adjournment during the session just as is an adjournment at Easter time. Nothing in the 1972 constitutional amendment expressly or impliedly indicates that it was intended to provide for a pocket veto either during a temporary adjournment or during an interim adjournment.

Based upon the foregoing, it is my opinion that the word "session" as used in the quoted provision of section 11 means the biennial session,<sup>2</sup> and that the word "adjournment" as used therein means the final adjournment of the biennial session. Therefore, bills are not subject to pocket veto following a temporary or interim adjournment.

#### QUESTION NO. 2

Is the constitutional provision which gives the Governor 14 days to approve bills passed near the end of a session applicable in the first year of a biennium as well as in the second year?

#### OPINION

Section 11 provides:

"The governor may approve, sign and file in the office of the secretary of state, within 14 days after the adjournment of the legislature, any act passed during the last three days of the session, and the same shall become a law. If any bill passed during the last three days of the session is not signed and filed within 14 days after the adjournment, it shall not become a law."

As noted in the answer to question number 1, this provision refers to the final adjournment of a biennial session. See also Op. Atty. Gen. 280-j, May 26, 1969 (purpose of this portion of section 11 is to facilitate processing the larger number of bills passed just prior to "actual adjournment *sine die*." ) It is therefore not applicable to an adjournment in the first year.

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<sup>2</sup>The conclusion with respect to the meaning of the word "session" in the quoted portions of sections 1 and 11 should not be interpreted as an expression of an opinion on the meaning of that word as it is used in section 8, which provides that the members of each house shall be privileged from arrest in certain circumstances "during the session of their respective houses."

**QUESTION NO. 3**

What is the last day in 1973 and 1974 on which the legislature may be in session?

**OPINION**

Section 1 as amended in 1972 provides in part:

"The legislature shall meet at the seat of government in regular session in each biennium at the times prescribed by law for not exceeding a total of 120 legislative days. The legislature shall not meet in regular session, nor in any adjournment thereof, after the first Monday following the third Saturday in May of any year. After meeting at a time prescribed by law, the legislature may adjourn to another time. 'Legislative day' shall be defined by law."

There are, therefore, two limitations that apply. First, as to the whole biennium, the legislature may not meet in regular session after the 120th "legislative day" as that term is defined by the legislature. See Minn. Laws 1973, ch. 1 § 2. Second, the legislature may not meet in regular session in either year of the biennium after the first Monday following the third Saturday in May. Therefore, the legislature may not meet in regular session in 1973 after Monday, May 21, it may not meet in regular session in 1974 after Monday, May 20, and in any event it may not meet in regular session after the 120th legislative day of the biennial session.

**QUESTION NO. 4**

What is the last day in 1973 and 1974 on which new bills may be introduced in either house?

**OPINION**

Prior to the adoption of the constitutional amendment in 1972, section 1 provided that new bills could not be introduced in either house during the last 30 days of a regular session except upon request of the Governor. The 1972 amendment removed this prohibition. Therefore, the constitution no longer prohibits the introduction of bills on certain days of the regular session. Neither does any statute establish such a prohibition. It is therefore my opinion that new bills may be introduced on any day on which the legislature is in session unless prohibited by legislative rule.

**QUESTION NO. 5**

What is the last day in 1973 and 1974 on which bills may be passed by either house?

**OPINION**

Article IV, section 22 provides in part:

"No bill shall be passed by either house of the legislature upon the day prescribed for the adjournment of the two houses."

It is my opinion that the word "adjournment" as used in section 22 means final adjournment (or adjournment *sine die*) of the

biennial session and that May 20, 1974 and the 120th legislative day of the 1973-74 regular session (whether or not that day is May 20, 1974) are days prescribed for such adjournment of the two houses. It is also my opinion that a date for final adjournment set in advance by resolution or act of the legislature (whether or not that day is the 120th legislative day or May 20, 1974) is a day prescribed for such adjournment of the two houses. Section 22 therefore prohibits the passage of bills by either house of the legislature on any of these days. I will treat the foregoing prescribed days separately.

a. *The 120th Legislative Day*

The 120th legislative day has consistently been held to be a "day prescribed for the adjournment of the two houses." See, e.g., *Knapp v. O'Brien*, 288 Minn. 103, 179 N.W.2d 88 (1970); Ops. Atty. Gen. 280-J, March 24, 1905, Feb. 16, 1933, Jan. 16, 1969. In *Knapp v. O'Brien*, the court stated that the legislature must adjourn on the 120th calendar day, exclusive of Sundays, and that a bill passed on the last day is void under section 22. Although the 1972 constitutional amendment authorizes the legislature to define the term "legislative day," the constitution as amended retains the provision restricting each session to 120 such days. Since the legislature must adjourn its regular session no later than the 120th legislative day in this session just as it was required to do before the 1972 amendment, it is my opinion that the 120th legislative day is a day prescribed for the adjournment of the two houses and that no bill may be passed on that day.

b. *Date for Adjournment Set by Resolution or Act*

It has been consistently ruled that a date for *final adjournment* established in advance by resolution or other act constitutes "a day prescribed for the adjournment of the two houses" and that no bill may be passed on such a day. Ops. Atty. Gen. 280-b, May 21, 1963; 280-o, April 24, 1951; 280-b, March 10, 1944; and 280-o, Oct. 28, 1916. Op. Atty. Gen. 280-b, May 21, 1963, stated:

"If the legislature does not fix a time of adjournment by previous resolution or act, then it may pass legislation *on the same day that the legislature adjourns sine die* except it may not do so if it adjourns on the 120th day."

(Emphasis added.) Op. Atty. Gen. 280-o, Oct. 28, 1916, stated:

"[Section 22] relates to the prohibition of the passage of acts either the ninetieth day of a legislative session or *the day* which has been fixed by some previous resolution or act as *the time of adjournment*."

(Emphasis added.)

Other opinions of this office have dealt with the calculation of the date of the 120th legislative day and with the application of section 22 to the result as calculated. See, e.g., Ops. Atty. Gen. 280-J, Feb. 26, 1971, Feb. 25, 1941, and March 17, 1909. None of these opinions has indicated that section 22 is applicable to an adjournment other than a final adjournment.

At issue in *Knapp v. O'Brien*, 288 Minn. 103, 179 N.W.2d 88 (1970) was the validity of a statute passed on the 120th calendar day of the session (exclusive of Sundays). The opinion headnote, written by the court pursuant to Minn. Stat. § 480.06, states in part:

"Inasmuch as the Legislature *must adjourn on the 120th calendar day*, exclusive of Sundays, after convening, any bill passed *on the day of adjournment* is void under art. 4, § 22, which provides '[n]o bill shall be passed by either house of the Legislature upon the date prescribed for the adjournment of the two houses.'"

(Emphasis added.) Although the Court was not faced with the issue presented here, its language indicates that it considered section 22 to be applicable only to final adjournments.

Therefore, I find no indication, whether in a court decision or opinion of the Attorney General or in practical construction, that section 22 was intended to apply to adjournments during a session.

*c. The Established Monday in May*

Section 1 as amended provides that the legislature shall not meet in regular session after the first Monday following the third Saturday in May of any year. Section 22 provides that bills may not be passed on the day prescribed for the adjournment of the two houses. The word "prescribed" has not been given a limited, specific meaning<sup>3</sup> and in my opinion the above stated portion of section 1 "prescribes" dates beyond which the legislature may not meet. The word "adjournment" as used in section 22, however, means final adjournment. See part b. *supra*.

It is therefore my opinion that the first Monday following the third Saturday in May of the first year is not a day "prescribed" for the "adjournment" of the two houses, but that said Monday in the second year is such a day. Thus, the last day on which bills may be passed in regular session in 1973 is Monday, May 21, (or such earlier day as is specified in part a. or b. *supra*), and the last day on which bills may be passed in regular session in 1974 is Saturday, May 18<sup>4</sup> (or such earlier day as is specified in part a. or b. *supra*).

**QUESTION NO. 6**

Does the constitution prescribe a deadline for the presentation of bills to the Governor following the end of the 1973 portion of the regular Session or following the end of the biennial session in 1974?

<sup>3</sup>See part b. *supra* and accompanying text (day of adjournment may be "prescribed" by resolution or act of the legislature). In addition, "prescribe" is defined as "to lay down authoritatively as a guide, direction, or rule of action; . . . to dictate; appoint; direct." State ex rel. Smiley v. Holm, 184 Minn. 228, 235, 238 N.W. 494, 498 (1931). See also Webster's Third New International Dictionary (1964) at 1792.

<sup>4</sup>Sunday is not a legislative day. *Knapp v. O'Brien*, 288 Minn. 103, 179 N.W.2d 88 (1970). Ops. Atty. Gen. 280-J, Feb. 26, 1971, Jan. 25, 1961, and Feb. 19, 1957.

**OPINION**

Section 11 provides in part:

"Every bill which shall have passed the Senate and the House of Representatives, in conformity to the rules of each house and the joint rules of the two houses, shall, before it becomes a law, be presented to the governor of the state. . . . Bills may be presented to the governor during the three days following the day of the final adjournment of the legislature and the legislature may prescribe the method of performing the acts necessary to present bills to the governor after adjournment."

The phrase "final adjournment" as used in the above-quoted portion of section 11 means the final, or *sine die*, adjournment of the biennial session. See part b. of the discussion answering question no. 1, *supra*. Therefore, the three day presentment provision refers to the final adjournment of the biennial session, but not to an interim adjournment and the constitution does not prescribe a deadline for presentation of bills to the Governor upon adjournment at the end of the first year of the biennial session.

**QUESTION NO. 7**

Does the day on which a bill is presented to the Governor count as one of the three days during which the Governor may sign or veto bills?

**OPINION**

Section 11 establishes the general rule that the Governor shall have three days in which to sign or veto a bill "after it shall have been presented to him." In *State ex rel. Putnam v. Holm*, 172 Minn. 162, 215 N.W. 200 (1927), the Supreme Court held that the day on which a bill is presented to the Governor is excluded in computing the running of the three day period. I therefore answer your seventh question in the negative.

**QUESTION NO. 8**

Which is the proper motion to make at the adjournment of the 1973 portion of this regular session; a motion to adjourn to 1974 or a motion to adjourn to a day certain in 1974?

**OPINION**

The present legislature is meeting in the 1973-74 regular session. Since an adjournment from 1973 to 1974 is not a final adjournment of the session, it is my opinion that this adjournment should be handled as are other adjournments during the session. An adjournment until a day certain in 1974 would therefore be the proper motion to make upon adjourning in 1973.

**QUESTION NO. 9**

Does a bill not passed by both houses before adjournment of the legislature in the first year of a biennium carry over so that it may be acted upon during the second year?

**OPINION**

Each regular session of the legislature may now be held in both years of a biennium and an adjournment from the first year of a regular session to the second year does not constitute a final adjournment of the session. See *supra*. No constitutional or statutory provision prohibits the carry-over of a bill from the first year of a session to the second year. Therefore, such bills may be carried over if this procedure is not inconsistent with legislative rules.

**QUESTION NO. 10**

Does the Governor have the power to call the legislature into special session during the interim period between the last day on which the legislature meets in regular session in the first year of a biennium and the first day on which it meets in regular session in the second year of a biennium?

**OPINION**

Article IV, section 1 provides that a special session of the legislature may be called as otherwise provided by the Constitution. Article V, section 4 provides that the Governor "may on extraordinary occasions convene both houses of the legislature." These provisions do not restrict the power to call a special session to certain periods during a year or biennium. In addition, article IV, section 1 only provides that the legislature "shall not meet in regular session, nor in any adjournment thereof, after the first Monday following the third Saturday in May of any year." (Emphasis added.)<sup>5</sup>

Nothing in these or other provisions of the constitution expressly or impliedly prohibits the calling of a special session during the interim period described in the question. Furthermore, a basic purpose of our constitution is to provide for an orderly and effective method for the people and their elected representatives to govern themselves. To interpret the constitution as prohibiting the calling of a special session during this interim could severely undermine the processes of government.

Based upon the foregoing, it is my opinion that the Governor has the power to call the legislature into special session during the interim between the first and second year segments of a regular session. I therefore answer your tenth question in the affirmative.

Very truly yours,

**WARREN SPANNAUS**  
Attorney General

**CURTIS D. FORSLUND**  
Chief Deputy  
Attorney General

<sup>5</sup>I also note that Minn. Laws 1973, ch. 1 § 1, provides in part that the legislature shall assemble at the seat of government at such times as it may be called by the Governor to meet in special session.



**SPECIAL ORDER**

Pursuant to Rule 10, Mr. Novak moved that H. F. No. 400, No. 13 on the General Orders Calendar be designated as a special order to be heard immediately. Which motion prevailed.

H. F. No. 400: A bill for an act relating to corrections; regulating the use of the revolving fund at the state prison; amending Minnesota Statutes 1971, Section 243.43.

Was read the third time and placed on its final passage.

The question being taken on the passage of the bill,

And the roll being called, there were yeas 56 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Fitzsimons	Kleinbaum	Ogdahl	Spear
Arnold	Frederick	Knutson	Olhoft	Stassen
Ashbach	Gearity	Kowalczyk	Olson, A. G.	Stokowski
Bang	Hansen, Baldy	Krieger	Olson, H. D.	Tennessen
Berg	Hansen, Mel	Larson	Olson, J. L.	Thorup
Bernhagen	Hanson, R.	Lewis	O'Neill	Ueland
Brown	Hughes	Lord	Patton	Wegener
Chmielewski	Humphrey	McCutcheon	Perpich, A. J.	Willet
Conzemius	Jensen	Milton	Perpich, G.	
Davies	Josefson	Moe	Pillsbury	
Doty	Keefe, S.	North	Purfeerst	
Dunn	Kirchner	Novak	Renneke	

So the bill passed and its title was agreed to.

**SPECIAL ORDER**

Pursuant to Rule 10, Mr. Novak moved that H. F. No. 794, No. 14 on the General Orders Calendar be designated as a special order to be heard immediately. Which motion prevailed.

H. F. No. 794: A bill for an act relating to corrections; regulating the compensation paid to inmates of state correctional institutions; amending Minnesota Statutes 1971, Section 243.23.

Was read the third time and placed on its final passage.

The question being taken on the passage of the bill,

And the roll being called, there were yeas 58 and nays 1, as follows:

Those who voted in the affirmative were:

Anderson	Doty	Kirchner	Novak	Renneke
Arnold	Dunn	Kleinbaum	Ogdahl	Schrom
Ashbach	Fitzsimons	Knutson	Olhoft	Spear
Bang	Frederick	Kowalczyk	Olson, A. G.	Stassen
Berg	Gearity	Krieger	Olson, H. D.	Stokowski
Bernhagen	Hansen, Mel	Larson	Olson, J. L.	Tennessen
Borden	Hanson, R.	Lewis	O'Neill	Thorup
Brown	Hughes	Lord	Patton	Ueland
Chenoweth	Humphrey	McCutcheon	Perpich, A. J.	Wegener
Chmielewski	Jensen	Milton	Perpich, G.	Willet
Conzemius	Josefson	Moe	Pillsbury	
Davies	Keefe, S.	North	Purfeerst	

Mr. Hansen, Baldy voted in the negative.

So the bill passed and its title was agreed to.

### SPECIAL ORDER

Pursuant to Rule 10, Mr. Novak moved that S. F. No. 190, No. 12 on the General Orders Calendar be designated as a special order to be heard immediately. Which motion prevailed.

S. F. No. 190: A bill for an act relating to public health; prescribing registration fees for x-ray and radium sources of ionizing radiation; requiring periodic safety inspections of such sources; amending Minnesota Statutes 1971, Chapter 144, by adding a section.

Mr. Anderson moved to amend S. F. No. 190, as follows:

Page 1, line 24, after "to" strike "15" and insert "125"

Page 1, line 27, strike "\$275" and insert "\$1500"

Which motion prevailed. So the amendment was adopted.

S. F. No. 190 was read the third time, as amended, and placed on its final passage.

The question being taken on the passage of the bill, as amended,

And the roll being called, there were yeas 48 and nays 10, as follows:

Those who voted in the affirmative were:

Anderson	Doty	Kowalczyk	Ogdahl	Spear
Arnold	Fitzsimons	Krieger	Olhoft	Stassen
Bang	Gearty	Larson	Olson, A. G.	Stokowski
Bernhagen	Hansen, Mel	Lewis	Olson, H. D.	Tennessen
Borden	Hughes	Lord	O'Neill	Thorup
Brown	Humphrey	McCutcheon	Perpich, A. J.	Ueland
Chenoweth	Jensen	Milton	Perpich, G.	Wegener
Chmielewski	Kirchner	Moe	Pillsbury	Willet
Conzemius	Kleinbaum	North	Purfeerst	
Davies	Knutson	Novak	Solon	

Those who voted in the negative were:

Berg	Frederick	Hanson, R.	Olson, J. L.	Renneke
Dunn	Hansen, Baldy	Josefson	Patton	Schrom

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

### SPECIAL ORDER

Pursuant to Rule 10, Mr. Novak moved that H. F. No. 474, No. 87 on the General Orders Calendar be designated as a special order to be heard immediately. Which motion prevailed.

H. F. No. 474: A bill for an act to establish a foster grandparents program; amending Minnesota Statutes 1971, Section 256.976, Subdivisions 1 and 3.

Was read the third time and placed on its final passage.

The question being taken on the passage of the bill,

And the roll being called, there were yeas 56 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Fitzsimons	Kleinbaum	Ogdahl	Spear
Arnold	Frederick	Knutson	Olhoft	Stassen
Bang	Geartry	Kowalczyk	Olson, A. G.	Stokowski
Berg	Hansen, Baldy	Krieger	Olson, J. L.	Tennessen
Bernhagen	Hansen, Mel	Larson	O'Neill	Thorup
Borden	Hanson, R.	Lewis	Patton	Ueland
Brown	Hughes	Lord	Perpich, G.	Wegener
Chenoweth	Humphrey	McCutcheon	Pillsbury	Willet
Chmielewski	Jensen	Milton	Purfeerst	
Conzemius	Josefson	Moe	Renneke	
Doty	Keefe, S.	North	Schrom	
Dunn	Kirchner	Novak	Solon	

So the bill passed and its title was agreed to.

#### SPECIAL ORDER

Pursuant to Rule 10, Mr. Novak moved that S. F. No. 1582, No. 119 on the General Orders Calendar be designated as a special order to be heard immediately. Which motion prevailed.

S. F. No. 1582: A bill for an act relating to agriculture, beef industry promotion board; appropriating money.

Was read the third time and placed on its final passage.

The question being taken on the passage of the bill,

And the roll being called, there were yeas 51 and nays 4, as follows:

Those who voted in the affirmative were:

Anderson	Fitzsimons	Keefe, S.	Moe	Spear
Arnold	Frederick	Kirchner	North	Stassen
Bang	Geartry	Kleinbaum	Novak	Stokowski
Berg	Hansen, Baldy	Knutson	Ogdahl	Thorup
Bernhagen	Hansen, Mel	Kowalczyk	Olhoft	Ueland
Brown	Hanson, R.	Krieger	Olson, J. L.	Wegener
Chenoweth	Hughes	Larson	O'Neill	Willet
Chmielewski	Humphrey	Lewis	Perpich, G.	
Conzemius	Jensen	Lord	Purfeerst	
Doty	Josefson	McCutcheon	Renneke	
Dunn	Keefe, J.	Milton	Solon	

Messrs. Olson, A. G.; Olson, H. D.; Pillsbury and Tennessen voted in the negative.

So the bill passed and its title was agreed to.

#### SPECIAL ORDER

Pursuant to Rule 10, Mr. Novak moved that H. F. No. 1767, No. 120 on the General Orders Calendar be designated as a special order to be heard immediately. Which motion prevailed.

H. F. No. 1767: A bill for an act relating to natural resources; establishing the volunteers in parks program and specifying the powers and duties of the commissioner of natural resources in relation thereto; appropriating money; amending Minnesota Statutes 1971, Chapter 85, by adding a section; and Section 176.011, Subdivision 9.

Was read the third time and placed on its final passage.

The question being taken on the passage of the bill,

And the roll being called, there were yeas 56 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Fitzsimons	Kirchner	Olhoft	Spear
Arnold	Frederick	Kleinbaum	Olson, A. G.	Stassen
Bang	Gearty	Knutson	Olson, H. D.	Stokowski
Berg	Hansen, Baldy	Kowalczyk	Olson, J. L.	Tennessen
Bernhagen	Hansen, Mel	Larson	O'Neill	Thorup
Borden	Hanson, R.	Lewis	Perpich, G.	Ueland
Brown	Hughes	Lord	Pillsbury	Wegener
Chenoweth	Humphrey	McCutcheon	Purfeerst	Willet
Chmielewski	Jensen	Milton	Renneke	
Conzemius	Josefson	Moe	Schaaf	
Doty	Keefe, J.	North	Schrom	
Dunn	Keefe, S.	Novak	Solon	

So the bill passed and its title was agreed to.

#### SPECIAL ORDER

Pursuant to Rule 10, Mr. Novak moved that H. F. No. 1031, No. 121 on the General Orders Calendar be designated as a special order to be heard immediately. Which motion prevailed.

H. F. No. 1031: A bill for an act relating to education; vocational rehabilitation work activity centers; amending Minnesota Statutes 1971, Sections 121.71; 121.711; 121.712; 121.713; and 121.714.

Was read the third time and placed on its final passage.

The question being taken on the passage of the bill,

And the roll being called, there were yeas 59 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Dunn	Keefe, S.	North	Schaaf
Arnold	Fitzsimons	Kirchner	Novak	Schrom
Bang	Frederick	Kleinbaum	Ogdahl	Solon
Berg	Gearty	Knutson	Olhoft	Spear
Bernhagen	Hansen, Baldy	Kowalczyk	Olson, A. G.	Stassen
Borden	Hansen, Mel	Krieger	Olson, H. D.	Stokowski
Brown	Hanson, R.	Larson	Olson, J. L.	Tennessen
Chenoweth	Hughes	Lewis	O'Neill	Thorup
Chmielewski	Humphrey	Lord	Perpich, G.	Ueland
Conzemius	Jensen	McCutcheon	Pillsbury	Wegener
Davies	Josefson	Milton	Purfeerst	Willet
Doty	Keefe, J.	Moe	Renneke	

So the bill passed and its title was agreed to.

**SPECIAL ORDER**

Pursuant to Rule 10, Mr. Novak moved that H. F. No. 793, No. 139 on the General Orders Calendar be designated as a special order to be heard immediately. Which motion prevailed.

H. F. No. 793: A bill for an act relating to corrections; voluntary uncompensated services to the department of corrections; amending Minnesota Statutes 1971, Section 241.01, Subdivision 6.

Was read the third time and placed on its final passage.

The question being taken on the passage of the bill,

And the roll being called, there were yeas 40 and nays 18, as follows:

Those who voted in the affirmative were:

Anderson	Fitzsimons	Keefe, S.	Novak	Solon
Arnold	Gearty	Kirchner	Olhoft	Spear
Borden	Hansen, Mel	Kleinbaum	Olson, A. G.	Stassen
Chenoweth	Hanson, R.	Larson	Olson, H. D.	Stokowski
Chmielewski	Hughes	Lewis	O'Neill	Tennessen
Conzemius	Humphrey	Lord	Perpich, G.	Thorup
Davies	Jensen	Moe	Purfeerst	Ueland
Doty	Keefe, J.	North	Schaaf	Wegner

Those who voted in the negative were:

Bang	Dunn	Knutson	Ogdahl	Schrom
Berg	Frederick	Kowalczyk	Olson, J. L.	Willet
Bernhagen	Hansen, Baldy	Krieger	Pillsbury	
Brown	Josefson	McCutcheon	Renneke	

So the bill passed and its title was agreed to.

**SPECIAL ORDER**

Pursuant to Rule 10, Mr. Novak moved that S. F. No. 1037, No. 197 on the General Orders Calendar be designated as a special order to be heard immediately. Which motion prevailed.

S. F. No. 1037: A bill for an act relating to water resources; revising certain provisions concerning dams, reservoirs, control structures, and waterway obstructions; providing for the orderly maintenance, repair or reconstruction of dams serving the public interest; prescribing powers and duties of the commissioner of natural resources; authorizing the commissioner to make grants to local governmental units; amending Minnesota Statutes 1971, Sections 105.37, by adding a subdivision; 105.38; 105.42; 105.52; and Chapter 105, by adding a section.

Was read the third time and placed on its final passage.

The question being taken on the passage of the bill,

And the roll being called, there were yeas 57 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Fitzsimons	Kleinbaum	Ogdahl	Solon
Arnold	Frederick	Knutson	Olhoff	Spear
Bang	Gearly	Kowalczyk	Olson, A. G.	Stassen
Berg	Hansen, Baldy	Krieger	Olson, H. D.	Stokowski
Bernhagen	Hanson, R.	Larson	Olson, J. L.	Tennessen
Borden	Hughes	Lewis	O'Neill	Thorup
Brown	Humphrey	Lord	Patton	Ueland
Chenoweth	Jensen	McCutcheon	Perpich, G.	Wegener
Chmielewski	Josefson	Milton	Pillsbury	Willet
Conzemius	Keefe, J.	Moe	Renneke	
Doty	Keefe, S.	North	Schaaf	
Dunn	Kirchner	Novak	Schrom	

So the bill passed and its title was agreed to.

Mr. Conzemius moved that the rules of the Senate be so far suspended as to make H. F. No. 873 a Special Order to be heard immediately. Which motion prevailed.

### SPECIAL ORDER

H. F. No. 873: A bill for an act relating to subdivided lands; the regulation of the disposition of lots, parcels, units or interests in lands within real estate subdivisions; to require registration; to protect the purchaser from unfair and deceptive trade practices; to provide for the filing of bonds and performance assurances; to regulate advertising, promotion and sales contracts; to provide for the payment of fees; and to provide penalties; repealing Minnesota Statutes 1971, Sections 83.01 to 83.19.

Mr. Thorup moved that the amendment made to H. F. No. 873 by the Committee on Rules and Administration in the report adopted May 8, 1973 pursuant to Rule 49 be stricken. Which motion prevailed. So the amendment was stricken.

Mr. Stassen moved to amend H. F. No. 873, the printed bill, as follows:

Page 8, line 6, before the period insert “, or within the seven county metropolitan area”

The question being taken on adoption of the amendment,

And the roll being called, there were yeas 20 and nays 34, as follows:

Those who voted in the affirmative were:

Ashbach	Frederick	Jensen	Krieger	Pillsbury
Bernhagen	Hansen, Baldy	Josefson	Larson	Renneke
Borden	Hansen, Mel	Keefe, J.	O'Neill	Stassen
Brown	Hanson, R.	Kirchner	Patton	Ueland

Those who voted in the negative were:

Anderson	Gearly	McCutcheon	Olson, A. G.	Spear
Arnold	Humphrey	Milton	Olson, H. D.	Stokowski
Chmielewski	Keefe, S.	Moe	Perpich, A. J.	Tennessen
Coleman	Kleinbaum	North	Perpich, G.	Thorup
Conzemius	Knutson	Novak	Purfeerst	Wegener
Davies	Lewis	Ogdahl	Schaaf	Willet
Doty	Lord	Olhoff	Solon	

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

Mr. Keefe, J., moved to amend H. F. No. 873, the printed bill, as follows:

Page 8, line 6, after the period, strike the remainder of the line

Page 8, strike lines 7 through 9

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

Mr. Ogdahl moved to amend H. F. No. 873, the printed bill, as follows:

Page 5, line 8, after "distribution." and before "The" insert the following new language:

"Such advertising shall be considered as approved by the commissioner if no action has been taken after 30 days from the date received by the commissioner."

Which motion prevailed. So the amendment was adopted.

Mr. Jensen moved to amend H. F. No. 873, the printed bill, as follows:

Page 8, line 6, after the word "second" insert "or third"

The question being taken on adoption of the amendment,

And the roll being called, there were yeas 21 and nays 34, as follows:

Those who voted in the affirmative were:

Ashbach	Brown	Jensen	Nelson	Ueland
Berg	Dunn	Josefson	Olson, J. L.	
Bernhagen	Fitzsimons	Keefe, J.	Patton	
Blatz	Hansen, Baldy	Knutson	Renneke	
Borden	Hanson, R.	Kowalczyk	Stassen	

Those who voted in the negative were:

Anderson	Gearty	Lord	Olhoft	Purfeerst
Arnold	Hughes	McCutcheon	Olson, A. G.	Spear
Chmielewski	Humphrey	Milton	Olson, H. D.	Tennessen
Coleman	Keefe, S.	Moe	O'Neill	Thorup
Conzemius	Kirchner	North	Perpich, A. J.	Wegener
Davies	Laufenburger	Novak	Perpich, G.	Willet
Doty	Lewis	Ogdahl	Pillsbury	

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

Mr. Olson, H. D. moved to amend H. F. No. 873, the printed bill, as follows:

Page 8, strike lines 3 through 9

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

Mr. Stassen moved to amend H. F. No. 873, the printed bill, as follows:

Page 8, Line 6, after "class," insert "or within two miles of the city limits of a city of the third or fourth class."

## CALL OF THE SENATE

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

Anderson	Davies	Keefe, S.	Novak	Schrom
Arnold	Doty	Kirchner	Ogdahl	Solon
Ashbach	Dunn	Kleinbaum	Olhoff	Spear
Bang	Fitzsimons	Knutson	Olson, A. G.	Stassen
Berg	Gearty	Kowalczyk	Olson, H. D.	Stokowski
Bernhagen	Hansen, Baldy	Larson	Olson, J. L.	Tennessee
Blatz	Hansen, Mel	Laufenburger	O'Neill	Ueland
Borden	Hanson, R.	Lewis	Patton	Wegener
Brown	Hughes	Lord	Perpich, A. J.	Willet
Chenoweth	Humphrey	McCutcheon	Perpich, G.	
Chmielewski	Jensen	Moe	Pillsbury	
Coleman	Josefson	Nelson	Purfeerst	
Conzemius	Keefe, J.	North	Renneke	

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

The question being taken on the adoption of the amendment,

Mr. Thorup moved that those not voting be excused from voting. Which motion prevailed.

And the roll being called, there were yeas 39 and nays 24, as follows:

Those who voted in the affirmative were:

Anderson	Chmielewski	Jensen	Larson	Purfeerst
Ashbach	Dunn	Josefson	Lord	Renneke
Bang	Fitzsimons	Keefe, J.	Moe	Schrom
Berg	Frederick	Keefe, S.	Nelson	Stassen
Bernhagen	Gearty	Kirchner	Ogdahl	Tennessee
Blatz	Hansen, Baldy	Knutson	Olson, J. L.	Ueland
Borden	Hansen, Mel	Kowalczyk	Patton	Willet
Brown	Hanson, R.	Krieger	Pillsbury	

Those who voted in the negative were:

Arnold	Doty	Lewis	Olson, A. G.	Solon
Chenoweth	Hughes	McCutcheon	Olson, H. D.	Stokowski
Coleman	Humphrey	North	O'Neill	Thorup
Conzemius	Kleinbaum	Novak	Perpich, A. J.	Wegener
Davies	Laufenburger	Olhoff	Perpich, G.	

Which motion prevailed. So the amendment was adopted.

H. F. No. 873 was read the third time, as amended, and placed on its final passage.

The question being taken on the passage of the bill, as amended,

And the roll being called, there were yeas 58 and nays 5, as follows:

Those who voted in the affirmative were:

Anderson	Davies	Keefe, S.	North	Purfeerst
Arnold	Doty	Kirchner	Novak	Renneke
Ashbach	Fitzsimons	Kleinbaum	Ogdahl	Solon
Bang	Frederick	Knutson	Olhoff	Spear
Berg	Gearty	Kowalczyk	Olson, A. G.	Stassen
Bernhagen	Hansen, Mel	Larson	Olson, H. D.	Stokowski
Blatz	Hanson, R.	Laufenburger	Olson, J. L.	Thorup
Borden	Hughes	Lewis	O'Neill	Ueland
Brown	Humphrey	Lord	Patton	Wegener
Chenoweth	Jensen	McCutcheon	Perpich, A. J.	Willet
Coleman	Josefson	Moe	Perpich, G.	
Conzemius	Keefe, J.	Nelson	Pillsbury	



Those who voted in the negative were:

Chmielewski    Dunn                    Hansen, Baldy                    Krieger                    Schrom

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

### SUSPENSION OF RULES

Mr. Coleman moved that the rules of the Senate be so far suspended that S. F. No. 96, No. 73 on the General Orders calendar be designated as a special order to be heard immediately. Which motion prevailed.

### CALL OF THE SENATE

Mr. Coleman imposed a call of the Senate on S. F. No. 96.

The following Senators answered to their names:

Anderson	Davies	Keefe, J.	North	Schaaf
Arnold	Doty	Keefe, S.	Novak	Schrom
Ashbach	Dunn	Kirchner	Ogdahl	Solon
Bang	Fitzsimons	Kleinbaum	Olhoff	Spear
Berg	Frederick	Knutson	Olson, A. G.	Stassen
Bernhagen	Gearty	Kowalczyk	Olson, H. D.	Stokowski
Blatz	Hansen, Baldy	Larson	O'Neill	Tennezen
Borden	Hansen, Mel	Laufenburger	Patton	Thorup
Brown	Hanson, R.	Lewis	Perpich, A. J.	Ueland
Chenoweth	Hughes	Lord	Perpich, G.	Wegener
Chmielewski	Humphrey	Milton	Pillsbury	Willet
Coleman	Jensen	Moe	Purfeerst	
Conzemius	Josefson	Nelson	Renneke	

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

### SPECIAL ORDER

S. F. No. 96: A bill for an act relating to motor vehicle insurance; providing for basic reparation insurance benefits, regardless of fault, in cases of accident; limiting the recovery of general damages in bodily injury tort claims; requiring no-fault reparation insurance; providing for the administration of a no-fault reparation system and providing penalties; providing for mandatory arbitration of certain claims; providing for the partial abrogation of tort liability; repealing Minnesota Statutes 1971, Sections 65B.01 to 65B.27; 168.054; 168.833; 170.21; 170.22; 170.23; 170.231; 170.25 to 170.58; and 171.12, Subdivision 4.

Mr. Hansen, Baldy moved that S. F. No. 96 be re-referred to the Committee on Labor and Commerce.

The question being taken on adoption of the motion,

And the roll being called, there were yeas 23 and nays 43, as follows:

Those who voted in the affirmative were:

Ashbach	Frederick	Josefson	Laufenburger	O'Neill
Bang	Gearty	Keefe, J.	Lewis	Patton
Berg	Hansen, Mel	Kirchner	Lord	Renneke
Bernhagen	Hanson, R.	Kleinbaum	Olson, H. D.	
Fitzsimons	Jensen	Krieger	Olson, J. L.	

Those who voted in the negative were:

Anderson	Davies	Larson	Olson, A. G.	Stassen
Arnold	Doty	McCutcheon	Perpich, A. J.	Stokowski
Blatz	Dunn	Milton	Perpich, G.	Tennessen
Borden	Hansen, Baldy	Moe	Pillsbury	Thorup
Brown	Hughes	Nelson	Purfeerst	Ueland
Chenoweth	Humphrey	North	Schaaf	Wegener
Chmielewski	Keefe, S.	Novak	Schrom	Willet
Coleman	Knutson	Ogdahl	Solon	
Conzernius	Kowalczyk	Olhoft	Spear	

Which motion did not prevail.

#### MOTIONS AND RESOLUTIONS—CONTINUED

Pursuant to Rule 21, Mr. Novak moved that the following members be excused for a Conference Committee on S. F. No. 2166 and S. F. No. 2167:

Messrs. Arnold; Willet; Ogdahl; Hansen, M. and Doty. Which motion prevailed.

#### RECESS

Mr. Coleman moved that the Senate do now recess until 7:00 o'clock p.m. Which motion prevailed.

The hour of 7:00 o'clock p.m. having arrived, the President called the Senate to order.

#### MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Coleman introduced—

Senate Resolution No. 28: A senate resolution authorizing Mr. John St. Marie and an attendant to attend the President's Conference on Employment of the Handicapped and to pay the expenses thereof.

WHEREAS, John St. Marie, a member of the Senate Research staff, was invited to attend a meeting of the President's Committee on Employment of the Handicapped held in Washington, D. C. on May 3 and 4, 1973, and

WHEREAS, it has been the policy of the Senate to have members of the office of the Senate Research attend conferences and training programs relative to their responsibilities to the Senate, and

WHEREAS, John St. Marie and an attendant selected by him were authorized to attend such conference, now, therefore,

BE IT RESOLVED, by the Senate of the state of Minnesota, that the Secretary of the Senate is hereby authorized and directed to pay from Senate funds all ordinary and necessary expenses, in the amount paid to state employees, incurred by John St. Marie and his attendant in making such trip to Washington, D. C.

Mr. Coleman moved the adoption of the foregoing resolution.

The question being taken on adoption of the resolution,

And the roll being called, there were yeas 55 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Davies	Jensen	Lewis	Perpich, A. J.
Arnold	Doty	Josefson	McCutcheon	Perpich, G.
Ashbach	Dunn	Keefe, J.	Milton	Purfeerst
Bang	Fitzsimons	Keefe, S.	Novak	Renneke
Berg	Frederick	Kirchner	Ogdahl	Schaaf
Bernhagen	Gearty	Kleinbaum	Olhoft	Solon
Blatz	Hansen, Baldy	Knutson	Olson, A. G.	Stassen
Borden	Hansen, Mel	Kowalczyk	Olson, H. D.	Stokowski
Brown	Hanson, R.	Krieger	Olson, J. L.	Thorup
Coleman	Hughes	Larson	O'Neill	Ueland
Conzemius	Humphrey	Laufenburger	Patton	Willet

Which motion prevailed. So the resolution was adopted.

#### SPECIAL ORDER—CONTINUED

The question recurred on S. F. No. 96.

Mr. Olson, A. G. moved to amend S. F. No. 96, as follows:

Page 1, strike lines 31 and 32 and insert in lieu thereof the following:

“a maximum payment of \$46,000 for loss arising out of injury to a person and a maximum payment of \$10,000 for loss arising out of the death of a person.”

The question being taken on the adoption of the amendment,

Mr. Olson, A. G. moved that those not voting be excused from voting. Which motion prevailed.

And the roll being called, there were yeas 36 and nays 28, as follows:

Those who voted in the affirmative were:

Anderson	Keefe, J.	Milton	Perpich, A. J.	Tennessee
Arnold	Keefe, S.	Moe	Perpich, G.	Thorup
Ashbach	Knutson	North	Purfeerst	Wegener
Chenoweth	Kowalczyk	Novak	Schaaf	Willet
Chmielewski	Larson	Ogdahl	Schrom	
Coleman	Laufenburger	Olhoft	Solon	
Conzemius	Lewis	Olson, A. G.	Spear	
Hughes	McCutcheon	Olson, H. D.	Stokowski	

Those who voted in the negative were:

Bang	Doty	Hansen, Mel	Krieger	Pillsbury
Berg	Dunn	Hanson, R.	Lord	Renneke
Bernhagen	Fitzsimons	Humphrey	Nelson	Stassen
Blatz	Frederick	Josefson	Olson, J. L.	Ueland
Borden	Gearty	Kirchner	O'Neill	
Brown	Hansen, Baldy	Kleinbaum	Patton	

Which motion prevailed. So the amendment was adopted.

Mr. Hansen, Baldy moved to amend S. F. No. 96, as follows:

Pages 10 and 11, strike Sec. 6 and insert in lieu thereof the following:

“Sec. 6. [SUBROGATION AND ARBITRATION BETWEEN OBLIGORS.] Subdivision 1. Except as otherwise provided in this section where a reparation obligor has paid benefits provided under this act to an injured person, the obligor paying such benefits is, to

the extent of such payments, subrogated to any right of action for damages by the injured person against the alleged wrongdoer. However, where such wrongdoer is covered by a policy of liability insurance or other plan of security underwritten by another reparation obligor, the right of the subrogated obligor shall be exercisable only as provided in subdivision 2.

Subd. 2. Every company licensed to write insurance in this state is deemed to have agreed, as a condition of doing business in the state or maintaining its license after the effective date of this act, that (a) where its insured is or would be held legally liable for damages or injuries sustained by any person to whom basic or added reparation benefits have been paid by another obligor or person, it will reimburse such other obligor or person to the extent of such benefits, but not in excess of the amount of damages so recoverable for the types of loss covered by such benefits, or in excess of the limits of its liability under its contract of insurance, or other plan of reparation security; (b) where its insured is or would be held legally liable for property damage or destruction sustained by any claimant to whom payment has been made by another person, it will reimburse such other person to the extent of such payment, but not in excess of the amount of damages so recoverable for the types of loss covered by such reparation security or insurance or in excess of the limits of its liability under its contract of insurance or plan of reparation security; and (c) that the issue of liability for such reimbursement and the amount thereof must be decided by mandatory, good faith, and binding inter-obligor arbitration procedures approved by the commissioner of insurance. Such procedures shall utilize determinations of the comparative negligence of those insureds represented by a reparation obligor at the arbitration proceeding.

Subd. 3. Any evidence or decision in the arbitration proceedings is privileged and is not admissible in any action at law or in equity by any party.

Subd. 4. If any reparation obligor in such an arbitration proceeding also has provided coverage to the same policyholder for collision or upset arising out of the same occurrence, such obligor shall also submit the issue of recovery of any payments thereunder to the same mandatory and binding arbitration proceedings as herein provided.

Subd. 5. Arbitration proceedings need not await final payment of benefits, and the award, if any, shall include provision for reimbursement of subsequent benefits, but no question of fact decided by a prior award shall be reconsidered in any such subsequent arbitration hearing."

Pages 48 to 54, strike Sections 38 and 39 and renumber subsequent sections accordingly.

Page 56, line 6, after "to" and before "may" strike "45" and insert "43"

The question being taken on adoption of the amendment,

And the roll being called, there were yeas 29 and nays 37, as follows:

Those who voted in the affirmative were:

Bang	Fitzsimons	Jensen	Laufenburger	Purfeerst
Berg	Frederick	Josefson	Nelson	Renneke
Bernhagen	Gearty	Keefe, J.	Olson, H. D.	Stassen
Borden	Hansen, Baldy	Kirchner	Olson, J. L.	Thorup
Doty	Hansen, Mel	Kleinbaum	O'Neill	Ueland
Dunn	Hanson, R.	Krieger	Patton	

Those who voted in the negative were:

Anderson	Conzemius	Lewis	Olhoft	Spear
Arnold	Davies	Lord	Olson, A. G.	Stokowski
Ashbach	Hughes	McCutcheon	Perpich, A. J.	Tennessen
Blatz	Humphrey	Milton	Perpich, G.	Wegener
Brown	Keefe, S.	Moe	Pillsbury	Willet
Chenoweth	Knutson	North	Schaaf	
Chmielewski	Kowalczyk	Novak	Schrom	
Coleman	Larson	Ogdahl	Solon	

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

Mr. Hansen, Baldy, moved to amend S. F. No. 96, as follows:

Page 9, strike line 28

Page 10, strike lines 1 through 6 and insert in lieu thereof the following: "(7) Damages for noneconomic detriment if the injured person (a) dies; (b) sustains permanent disfigurement or permanent loss of a bodily function; or (c) sustains an injury resulting in disability which, for not less than ninety (90) days, renders him incapable of performing his principal activity and a substantial portion of his other daily activities."

Mr. Lord moved to amend the amendment offered by Mr. Hansen, Baldy, as follows:

In clause (b) strike "loss of a bodily function" and insert "injury"

Which motion prevailed. So the amendment was adopted.

The question recurring on the Hansen, Baldy amendment as amended,

Mr. O'Neill moved that those not voting be excused from voting. Which motion prevailed.

And the roll being called, there were yeas 43 and nays 19, as follows:

Those who voted in the affirmative were:

Anderson	Dunn	Jensen	Moe	Purfeerst
Ashbach	Fitzsimons	Josefson	North	Renneke
Bang	Frederick	Keefe, J.	Ogdahl	Schrom
Berg	Gearty	Kirchner	Olhoft	Solon
Bernhagen	Hansen, Baldy	Kleinbaum	Olson, A. G.	Stassen
Blatz	Hansen, Mel	Krieger	Olson, H. D.	Thorup
Borden	Hanson, R.	Laufenburger	Olson, J. L.	Wegener
Coleman	Hughes	Lewis	O'Neill	
Doty	Humphrey	Lord	Patton	

Those who voted in the negative were:

Brown	Knutson	Milton	Pillsbury	Tennessen
Chmielewski	Kowalczyk	Nelson	Schaaf	Ueland
Davies	Larson	Novak	Spear	Willet
Keefe, S.	McCutcheon	Perpich, G.	Stokowski	

Which motion prevailed. So the Hansen, Baldy amendment, as amended, was adopted.

Mr. O'Neill moved to amend S. F. No. 96, as follows:

Amend the Olson, A. G., amendment adopted May 9, 1973, as follows:

Strike "\$46,000" and insert in lieu thereof "\$10,000"

After "to a person" insert a period and strike the remaining language.

The question being taken on adoption of the amendment,

Mr. Olson, A. G., moved that those not voting be excused from voting. Which motion prevailed.

And the roll being called, there were yeas 30 and nays 34, as follows:

Those who voted in the affirmative were:

Ashbach	Dunn	Hanson, R.	Kleinbaum	O'Neill
Bang	Fitzsimons	Humphrey	Krieger	Renneke
Berg	Frederick	Jensen	Laufenburger	Solon
Bernhagen	Gearty	Josefson	Lord	Stassen
Blatz	Hansen, Baldy	Keefe, J.	Nelson	Thorup
Borden	Hansen, Mel	Kirchner	Olson, J. L.	Ueland

Those who voted in the negative were:

Anderson	Doty	McCutcheon	Olson, A. G.	Schrom
Arnold	Hughes	Milton	Olson, H. D.	Spear
Chenoweth	Keefe, S.	Moe	Perpich, A. J.	Stokowski
Chmielewski	Knutson	North	Perpich, G.	Tennessen
Coleman	Kowalczyk	Novak	Pillsbury	Wegener
Conzemius	Larson	Ogdahl	Purfeerst	Willet
Davies	Lewis	Olhoff	Schaaf	

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

Mr. Frederick moved to amend S. F. No. 96, as follows:

Page 10, line 3, after "90" and before "days", insert "consecutive"

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

Mr. Laufenburger moved to amend S. F. No. 96, as follows:

Page 53, line 16, strike "20" and insert "50"

Page 53, line 27, strike "20" and insert "50"

The question being taken on adoption of the amendment,

And the roll being called, there were yeas 52 and nays 6, as follows:

Those who voted in the affirmative were:

Anderson	Chmielewski	Hansen, Baldy	Kirchner	Lewis
Arnold	Davies	Hansen, Mel	Kleinbaum	Lord
Ashbach	Doty	Hanson, R.	Knutson	Milton
Bang	Dunn	Hughes	Kowalczyk	Nelson
Bernhagen	Fitzsimons	Humphrey	Krieger	North
Blatz	Frederick	Josefson	Larson	Olhoff
Borden	Gearty	Keefe, S.	Laufenburger	Olson, A. G.

Olson, H. D.	Perpich, A. J.	Schaaf	Stokowski	Willet
Olson, J. I.	Perpich, G.	Solon	Thorup	
O'Neill	Pillsbury	Spear	Ueland	
Patton	Renneke	Stassen	Wegener	

Those who voted in the negative were:

Berg	Conzemius	McCutcheon	Novak	Tennessen
Coleman				

Which motion prevailed. So the amendment was adopted.

S. F. No. 96 was read the third time, as amended, and placed on its final passage.

The question taken on the passage of the bill, as amended,

And the roll being called, there were yeas 52 and nays 11, as follows:

Those who voted in the affirmative were:

Anderson	Dunn	Larson	Olson, A. G.	Spear
Arnold	Fitzsimons	Lewis	Olson, J. L.	Stassen
Ashbach	Hanson, R.	Lord	O'Neill	Stokowski
Bang	Hughes	McCutcheon	Perpich, A. J.	Tennessen
Bernhagen	Humphrey	Milton	Perpich, G.	Thorup
Blatz	Keefe, J.	Moe	Pillsbury	Ueland
Chenoweth	Keefe, S.	Nelson	Purfeerst	Wegener
Chmielewski	Kirchner	North	Renneke	Willet
Coleman	Kleinbaum	Novak	Schaaf	
Conzemius	Knutson	Ogdahl	Schrom	
Davies	Kowalczyk	Olhoft	Solon	

Those who voted in the negative were:

Berg	Frederick	Hansen, Baldy	Josefson	Olson, H. D.
Borden	Gearty	Hansen, Mel	Laufenburger	Patton
Doty				

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

#### MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Coleman moved that the Senate do now adjourn until 10:00 o'clock a.m., Thursday, May 10, 1973. Which motion prevailed.

Patrick E. Flahaven, Secretary of the Senate.