

FIFTY-FIRST DAY

St. Paul, Minnesota, Tuesday, May 10, 1977

The Senate met at 1:00 o'clock p.m. and was called to order by the President.

CALL OF THE SENATE

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

| | | | | |
|-------------|-----------|------------|-------------|-----------|
| Anderson | Gearty | Lessard | Peterson | Stokowski |
| Ashbach | Gunderson | Luther | Pillsbury | Strand |
| Benedict | Hanson | McCutcheon | Schaaf | Stumpf |
| Bernhagen | Hughes | Menning | Schmitz | Tennessen |
| Borden | Humphrey | Merriam | Schrom | Vega |
| Chmielewski | Johnson | Moe | Setzepfandt | Wegener |
| Coleman | Keefe, S. | Nelson | Sieloff | Willett |
| Davies | Kirchner | Ogdahl | Sikorski | |
| Dunn | Kleinbaum | Penny | Spear | |
| Engler | Knoll | Perpich | Staples | |

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

Prayer was offered by the Chaplain, Rev. Craig Hanson.

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

| | | | | |
|-------------|-----------|--------------|-------------|------------|
| Anderson | Frederick | Knutson | Olhoft | Sikorski |
| Ashbach | Gearty | Laufenburger | Olson | Sillers |
| Bang | Gunderson | Lessard | Penny | Solon |
| Benedict | Hanson | Lewis | Perpich | Spear |
| Bernhagen | Hughes | Luther | Peterson | Staples |
| Borden | Humphrey | McCutcheon | Pillsbury | Stokowski |
| Brataas | Jensen | Menning | Purfeerst | Strand |
| Chmielewski | Johnson | Merriam | Renneke | Stumpf |
| Coleman | Keefe, J. | Milton | Schaaf | Tennessen |
| Davies | Keefe, S. | Moe | Schmitz | Ulland, J. |
| Dieterich | Kirchner | Nelson | Schrom | Vega |
| Dunn | Kleinbaum | Nichols | Setzepfandt | Wegener |
| Engler | Knoll | Ogdahl | Sieloff | Willett |

The President declared a quorum present.

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

MEMBERS EXCUSED

Messrs. Chenoweth and Ueland, A. were excused from the Ses-

sion of today. Mr. Lewis was excused from the Session of today from 1:00 o'clock p.m. until 4:00 o'clock p.m. Mr. Hanson was excused from the Session of today from 4:00 o'clock p.m. until 5:00 o'clock p.m.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

May 6, 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:

| S. F. No. | H. F. No. | Session Laws Chapter No. | Date Approved 1977 | Date Filed 1977 |
|--------------|--------------|-----------------------------|-----------------------|--------------------|
| 362 | | 67 | May 6 | May 6 |
| 530 | | 68 | May 6 | May 6 |
| 640 | | 69 | May 6 | May 6 |
| 684 | | 70 | May 6 | May 6 |
| 716 | | 71 | May 6 | May 6 |
| 813 | | 72 | May 6 | May 6 |

Sincerely,
Joan Anderson Growe,
Secretary of State

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time and referred to the committees indicated.

Messrs. Sieloff; Ulland, J.; Ueland, A. and Renneke introduced—

S. F. No. 1514: A bill for an act relating to retirement; granting increases in annuities to certain deferred annuitants.

Referred to the Committee on Governmental Operations.

Mr. Keefe, S. introduced—

S. F. No. 1515: A bill for an act relating to drivers licenses; providing for inclusion of blood type and allergies on licenses; amending Minnesota Statutes 1976, Sections 171.06, Subdivision 3; and 171.07, Subdivision 1.

Referred to the Committee on General Legislation and Veterans Affairs.

Mr. Dieterich introduced—

S. F. No. 1516: A bill for an act relating to education; higher education coordinating board; providing for non-citizen students to be eligible for scholarships and grants-in-aids; amending Minnesota Statutes 1976, Section 136A.121, Subdivisions 1 and 2.

Referred to the Committee on Education.

Messrs. Dieterich; Milton; Keefe, J.; Kirchner and Lewis introduced—

S. F. No. 1517: A bill for an act relating to emergency health services; providing for the licensing and regulation of paramedics and paramedic programs; establishing a board of paramedic licensing; prescribing its powers and duties; providing penalties; appropriating money.

Referred to the Committee on Health, Welfare and Corrections.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate Files, herewith returned: S. F. Nos. 465, 914, 1103, 1164, 737, 967, 969, 970, 972, 973, 1014, 1138, 831, 903, 930, 1140, 78, 188, 827 and 498.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 9, 1977

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S. F. No. 166: A bill for an act relating to real estate; landlord and tenant; venue of actions brought to recover rent deposits; amending Minnesota Statutes 1976, Sections 487.30, by adding a subdivision; 488.04, by adding a subdivision; 488A.01, by adding a subdivision; 488A.12, Subdivision 3; 488A.18, Subdivision 4; 488A.29, Subdivision 3; and 504.20, by adding a subdivision.

Senate File No. 166 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 9, 1977

CONCURRENCE AND REPASSAGE

Mr. Davies moved that the Senate concur in the amendments by the House to S. F. No. 166 and that the bill be placed on its repassage as amended. The motion prevailed.

S. F. No. 166 was read the third time, as amended by the House, and placed on its repassage.

The question was taken on the repassage of the bill, as amended.

The roll was called, and there were yeas 52 and nays 0, as follows:

Those who voted in the affirmative were:

| | | | | |
|-------------|--------------|------------|-------------|------------|
| Anderson | Engler | Lessard | Penny | Staples |
| Ashbach | Gearty | Luther | Peterson | Stokowski |
| Bang | Gunderson | McCutcheon | Pillsbury | Stumpf |
| Benedict | Hughes | Menning | Schaaf | Tennessen |
| Bernhagen | Humphrey | Merriam | Schmitz | Ulland, J. |
| Borden | Johnson | Milton | Setzepfandt | Vega |
| Chmielewaki | Keefe, J. | Moe | Sieloff | Wegener |
| Coleman | Kirchner | Nelson | Sikorski | Willet |
| Davies | Kleinbaum | Ogdahl | Sillers | |
| Dieterich | Knoll | Olhoft | Solon | |
| Dunn | Laufenburger | Olson | Spear | |

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

MESSAGES FROM THE HOUSE—CONTINUED

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S. F. No. 1369: A bill for an act relating to the cities of St. Paul, Minneapolis, and Duluth; firemen's survivor benefits; amending Laws 1955, Chapter 375, Section 25, as amended; Laws 1965, Chapter 519, Section 1, as amended; and Laws 1975, Chapter 127, Section 2, as amended.

Senate File No. 1369 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives
Returned May 9, 1977

CONCURRENCE AND REPASSAGE

Mr. Stokowski for Mr. Chenoweth moved that the Senate concur in the amendments by the House to S. F. No. 1369 and that the bill be placed on its repassage as amended. The motion prevailed.

S. F. No. 1369: A bill for an act relating to the cities of St. Paul, Minneapolis, and Duluth; firefighter's survivor benefits; amending Laws 1955, Chapter 375, Section 25, as amended; Laws 1965, Chapter 519, Section 1, as amended; and Laws 1975, Chapter 127, Section 2, as amended.

Was read the third time, as amended by the House, and placed on its repassage.

The question was taken on the repassage of the bill, as amended.

The roll was called, and there were yeas 52 and nays 0, as follows:

Those who voted in the affirmative were:

| | | | | |
|-------------|--------------|------------|-------------|------------|
| Ashbach | Gearly | Lessard | Penny | Spear |
| Bang | Gunderson | Luther | Peterson | Staples |
| Benedict | Hanson | McCutcheon | Pillsbury | Stokowski |
| Bernhagen | Hughes | Menning | Renneke | Stumpf |
| Borden | Humphrey | Merriam | Schaaf | Ulland, J. |
| Chmielewski | Johnson | Milton | Schmitz | Vega |
| Coleman | Keefe, S. | Nelson | Setzepfandt | Wegener |
| Davies | Kirchner | Nichols | Sieloff | Willet |
| Dieterich | Kleinbaum | Ogdahl | Sikorski | |
| Dunn | Knoll | Olhoft | Sillers | |
| Engler | Laufenburger | Olson | Solon | |

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

MESSAGES FROM THE HOUSE—CONTINUED

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S. F. No. 69: A bill for an act relating to adoption; increasing the exceptions in execution of consents to adoptions; requiring consents to be in writing, before witnesses; amending Minnesota Statutes 1976, Section 259.24, Subdivision 5.

Senate File No. 69 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives
Returned May 9, 1977

CONCURRENCE AND REPASSAGE

Mr. Sieloff moved that the Senate concur in the amendments by the House to S. F. No. 69 and that the bill be placed on its repassage as amended. The motion prevailed.

S. F. No. 69 was read the third time, as amended by the House, and placed on its repassage.

The question was taken on the repassage of the bill, as amended.

The roll was called, and there were yeas 57 and nays 0, as follows:

Those who voted in the affirmative were:

| | | | | |
|-------------|-----------|--------------|-------------|------------|
| Anderson | Gearly | Laufenburger | Penny | Spear |
| Ashbach | Gunderson | Lessard | Perpich | Staples |
| Bang | Hanson | Luther | Peterson | Stokowski |
| Benedict | Hughes | McCutcheon | Pillsbury | Strand |
| Bernhagen | Humphrey | Menning | Renneke | Stumpf |
| Borden | Jensen | Merriam | Schaaf | Ulland, J. |
| Chmielewski | Johnson | Milton | Schmitz | Vega |
| Coleman | Keefe, J. | Nelson | Setzepfandt | Wegener |
| Davies | Keefe, S. | Nichols | Sieloff | Willet |
| Dieterich | Kirchner | Ogdahl | Sikorski | |
| Dunn | Kleinbaum | Olhoft | Sillers | |
| Engler | Knoll | Olson | Solon | |

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

MESSAGES FROM THE HOUSE—CONTINUED

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S. F. No. 1017: A bill for an act relating to the town of Bass Brook; authorizing the town board to exercise the powers described in Minnesota Statutes, Section 368.01 and Chapters 412, 429, 474 and 475.

Senate File No. 1017 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 9, 1977

CONCURRENCE AND REPASSAGE

Mr. Lessard moved that the Senate concur in the amendments by the House to S. F. No. 1017 and that the bill be placed on its repassage as amended. The motion prevailed.

S. F. No. 1017: A bill for an act relating to the town of Bass Brook; authorizing the town board to exercise the powers described in Minnesota Statutes, Chapter 474.

Was read the third time, as amended by the House, and placed on its repassage.

The question was taken on the repassage of the bill, as amended.

The roll was called, and there were yeas 60 and nays 0, as follows:

Those who voted in the affirmative were:

| | | | | |
|-------------|-----------|--------------|-------------|------------|
| Anderson | Gearty | Knutson | Olhoft | Sillers |
| Ashbach | Gunderson | Laufenburger | Olson | Solon |
| Bang | Hanson | Lessard | Penny | Spear |
| Benedict | Hughes | Luther | Perpich | Staples |
| Bernhagen | Humphrey | McCutcheon | Peterson | Stokowski |
| Borden | Jensen | Menning | Pillsbury | Strand |
| Chmielewski | Johnson | Merriam | Renneke | Stumpf |
| Coleman | Keefe, J. | Milton | Schaaf | Tennessee |
| Davies | Keefe, S. | Moe | Schmitz | Ulland, J. |
| Dieterich | Kirchner | Nelson | Setzepfandt | Vega |
| Dunn | Kleinbaum | Nichols | Sieloff | Wegener |
| Engler | Knoll | Ogdahl | Sikorski | Willet |

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

MESSAGES FROM THE HOUSE—CONTINUED

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S. F. No. 742: A bill for an act relating to the White Bear Lake conservation district; increasing membership on its governing board; providing for selection of board officers; amending Laws 1971, Chapter 355, Sections 2, Subdivision 2; and 8, Subdivision 1.

Senate File No. 742 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives
Returned May 9, 1977

Mr. Milton moved that the Senate do not concur in the amendments by the House to S. F. No. 742 and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S. F. No. 1234: A bill for an act relating to education; authorizing the state board of education to create additional advisory task forces; amending Minnesota Statutes 1976, Section 15.014, by adding subdivisions.

Senate File No. 1234 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives
Returned May 9, 1977

CONCURRENCE AND REPASSAGE

Mr. Schaaf moved that the Senate concur in the amendments by the House to S. F. No. 1234 and that the bill be placed on its repassage as amended. The motion prevailed.

S. F. No. 1234 was read the third time, as amended by the House, and placed on its repassage.

The question was taken on the repassage of the bill, as amended.

The roll was called, and there were yeas 58 and nays 0, as follows:

Those who voted in the affirmative were:

| | | | | |
|-------------|-----------|--------------|-------------|------------|
| Anderson | Gunderson | Laufenburger | Olson | Solon |
| Ashbach | Hanson | Lessard | Penny | Spear |
| Bang | Hughes | Luther | Perpich | Stokowski |
| Benedict | Humphrey | McCutcheon | Peterson | Strand |
| Bernhagen | Jensen | Menning | Pillsbury | Stumpf |
| Borden | Johnson | Merriam | Renneke | Tennessen |
| Chmielewski | Keefe, J. | Milton | Schaaf | Ulland, J. |
| Davies | Keefe, S. | Moe | Schmitz | Vega |
| Dieterich | Kirchner | Nelson | Setzepfandt | Wegener |
| Dunn | Kleinbaum | Nichols | Sieloff | Willet |
| Engler | Knoll | Ogdahl | Sikorski | |
| Gearty | Knutson | Olhoft | Sillers | |

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

MESSAGES FROM THE HOUSE—CONTINUED

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S F. No. 125: A bill for an act relating to commerce; prohibiting discriminatory trade practices; providing a penalty; amending Minnesota Statutes 1976, Section 325.8018, Subdivision 2; and Chapter 325, by adding a section.

Senate File No. 125 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives
Returned May 9, 1977

CONCURRENCE AND REPASSAGE

Mr. Keefe S. moved that the Senate concur in the amendments by the House to S. F. No. 125 and that the bill be placed on its repassage as amended. The motion prevailed.

S. F. No. 125 was read the third time, as amended by the House, and placed on its repassage.

The question was taken on the repassage of the bill, as amended.

The roll was called, and there were yeas 55 and nays 1, as follows:

Those who voted in the affirmative were:

| | | | | |
|-------------|--------------|------------|-------------|------------|
| Anderson | Gunderson | Lessard | Penny | Solon |
| Ashbach | Hanson | Luther | Perpich | Spear |
| Bang | Hughes | McCutcheon | Peterson | Staples |
| Benedict | Humphrey | Menning | Renneke | Stokowski |
| Bernhagen | Johnson | Merriam | Schaaf | Strand |
| Borden | Keefe, J. | Moe | Schmitz | Stumpf |
| Chmielewski | Keefe, S. | Nelson | Schrom | Tennessen |
| Dieterich | Kirchner | Nichols | Setzepfandt | Ulland, J. |
| Dunn | Kleinbaum | Ogdahl | Sieloff | Vega |
| Engler | Knoll | Olhoft | Sikorski | Wegener |
| Gearty | Laufenburger | Olson | Sillers | Willet |

Mr. Jensen voted in the negative.

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

MESSAGES FROM THE HOUSE—CONTINUED

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S. F. No. 875: A bill for an act relating to the county of Hennepin; changing duties of personnel board; providing for referral

of additional eligible names to fill vacancies; amending Laws 1965, Chapter 855, Section 4, Subdivision 2.

Senate File No. 875 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives
Returned May 9, 1977

Mrs. Staples moved that the Senate concur in the amendments by the House to S. F. No. 875 and that the bill be placed on its repassage as amended.

Mr. Wegener moved that the Senate do not concur in the amendments by the House to S. F. No. 875 and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House.

The question was taken on the adoption of the Wegener motion.

The roll was called and there were yeas 33 and nays 27, as follows:

Those who voted in the affirmative were:

| | | | | |
|-------------|-----------|---------|-------------|------------|
| Anderson | Engler | Lessard | Peterson | Sillers |
| Ashbach | Hanson | Menning | Purfeerst | Stokowski |
| Bang | Jensen | Nichols | Renneke | Strand |
| Bernhagen | Keefe, S. | Ogdahl | Schmitz | Ulland, J. |
| Chmielewski | Kirchner | Olhoft | Schrom | Wegener |
| Davies | Kleinbaum | Olson | Setzepfandt | |
| Dunn | Knutson | Penny | Sieloff | |

Those who voted in the negative were:

| | | | | |
|-----------|--------------|------------|-----------|-----------|
| Benedict | Hughes | Luther | Pillsbury | Tennessen |
| Borden | Humphrey | McCutcheon | Schaaf | Vega |
| Coleman | Johnson | Merriam | Sikorski | Willet |
| Dieterich | Keefe, J. | Moe | Spear | |
| Gearty | Knoll | Nelson | Staples | |
| Gunderson | Laufenburger | Perpich | Stumpf | |

The motion prevailed.

MESSAGES FROM THE HOUSE—CONTINUED

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S. F. No. 932: A bill for an act relating to motor vehicles; registration and taxation; increasing fees for filing applications; amending Minnesota Statutes 1976, Section 168.33, Subdivisions 2 and 7.

Senate File No. 932 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives
Returned May 9, 1977

Mr. Menning moved that the Senate do not concur in the amendments by the House to S. F. No. 932 and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S. F. No. 109: A bill for an act relating to the organization of state government; providing that heads of certain departments and other governmental units of the state shall be appointed by and shall serve at the pleasure of the appointing authority; providing for the succession of commissioners; limiting the ability of former commissioners and former deputy commissioners to appear before their former agencies; defining position and duties of deputy department heads; standardizing the format and procedures relating to executive orders and reorganization orders; prescribing uses for executive orders; limiting the scope of reorganization orders; abolishing the board of health and transferring its powers to the commissioner of health; creating a health advisory council; eliminating obsolete language; amending Minnesota Statutes 1976, Sections 15.051, Subdivisions 1 and 3; 15.06; 16.01; 16.125; 16A.01, Subdivisions 2 and 3; 17.01; 43.001, Subdivisions 2 and 3; 45.02; 45.15; 84.01, Subdivision 2; 116.03, Subdivision 1; 116H.03, Subdivisions 2 and 3; 121.09; 121.16, Subdivision 1; 129A.02, Subdivision 2; 174.02, Subdivision 1; 175.001, Subdivision 1; 179.02; 196.02, Subdivision 1; 216A.06, Subdivision 1; 241.01, Subdivisions 1 and 2; 245.03; 268.12, Subdivision 1; 270.02, Subdivision 2; 298.22, Subdivision 1; 299A.01, Subdivisions 1 and 2; 362.09, Subdivision 1; 363.04, Subdivision 1; 462A.04, Subdivision 8; and Chapter 144, by adding a section; repealing Minnesota Statutes 1976, Sections 16.13; 121.07; 121.08; 121.10; 121.16, Subdivision 2; 144.01; 144.02; 144.03; 144.04; 175.001, Subdivision 4; and 216A.06, Subdivision 2.

Senate File No. 109 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives
Returned May 9, 1977

Mr. Schaaf moved that the Senate do not concur in the amendments by the House to S. F. No. 109 and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the

following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S. F. No. 335: A bill for an act relating to elections; providing for judges of election to serve under certain conditions; amending Minnesota Statutes 1976, Sections 207.02; and 204A.17, Subdivision 1.

Senate File No. 335 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives
Returned May 9, 1977

CONCURRENCE AND REPASSAGE

Mr. Bang moved that the Senate concur in the amendments by the House to S. F. No. 335 and that the bill be placed on its repassage as amended. The motion prevailed.

S. F. No. 335 was read the third time, as amended by the House, and placed on its repassage.

The question was taken on the repassage of the bill, as amended.

The roll was called, and there were yeas 60 and nays 0, as follows:

Those who voted in the affirmative were:

| | | | | |
|-------------|-----------|--------------|-------------|------------|
| Anderson | Engler | Knutson | Penny | Sillers |
| Ashbach | Gearty | Laufenburger | Perpich | Solon |
| Bang | Gunderson | Lessard | Peterson | Spear |
| Benedict | Hanson | Luther | Pillsbury | Staples |
| Bernhagen | Hughes | Menning | Purfeerst | Stokowski |
| Borden | Humphrey | Merriam | Renneke | Strand |
| Brataas | Jensen | Moe | Schaaf | Stumpt |
| Chmielewski | Johnson | Nelson | Schmitz | Tennessee |
| Coleman | Keefe, J. | Nichols | Schrom | Ulland, J. |
| Davies | Kirchner | Ogdahl | Setzepfandt | Vega |
| Dieterich | Kleinbaum | Olhoft | Sieloff | Wegener |
| Dunn | Knoll | Olson | Sikorski | Willet |

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

MESSAGES FROM THE HOUSE—CONTINUED

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S. F. No. 213: A bill for an act relating to the city of Minneapolis; relating to elections; allowing regulation of campaign financing solely by local ordinance which contains at least the requirements of Minnesota Statutes, Chapter 10A; providing for referral of violations to the county attorney; providing penalties.

Senate File No. 213 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives
Returned May 9, 1977

CONCURRENCE AND REPASSAGE

Mr. Spear moved that the Senate concur in the amendments by the House to S. F. No. 213 and that the bill be placed on its repassage as amended. The motion prevailed.

S. F. No. 213 was read the third time, as amended by the House, and placed on its repassage.

The question was taken on the repassage of the bill, as amended.

The roll was called, and there were yeas 60 and nays 0, as follows:

Those who voted in the affirmative were:

| | | | | |
|-------------|-----------|--------------|-------------|------------|
| Anderson | Gunderson | Laufenburger | Penny | Sillers |
| Ashbach | Hanson | Lessard | Perpich | Solon |
| Bang | Hughes | Luther | Peterson | Spear |
| Benedict | Humphrey | McCutcheon | Pillsbury | Staples |
| Bernhagen | Jensen | Menning | Purfeerst | Stokowski |
| Borden | Johnson | Merriam | Renneke | Strand |
| Brataas | Keefe, J. | Moe | Schaaf | Stumpf |
| Chmielewski | Keefe, S. | Nelson | Schmitz | Tennessen |
| Dieterich | Kirchner | Nichols | Schrom | Ulland, J. |
| Dunn | Kleinbaum | Ogdahl | Setzepfandt | Vega |
| Engler | Knoll | Olhoft | Sieloff | Wegener |
| Gearty | Knutson | Olson | Sikorski | Willet |

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

MESSAGES FROM THE HOUSE—CONTINUED

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S. F. No. 49: A bill for an act relating to business or agricultural loans; rate of interest therein; amending Minnesota Statutes 1976, Section 334.011, Subdivisions 1 and 4.

Senate File No. 49 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 9, 1977

Mr. Laufenburger moved that the Senate do not concur in the amendments by the House to S. F. No. 49 and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S. F. No. 1290: A bill for an act relating to juveniles; prescribing venue for neglect cases; amending Minnesota Statutes 1976, Section 260.121, Subdivision 1.

Senate File No. 1290 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives
Returned May 9, 1977

Mrs. Staples moved that the Senate do not concur in the amendments by the House to S. F. No. 1290 and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S. F. No. 319: A bill for an act relating to crimes; regulating public dances; amending Minnesota Statutes 1976, Sections 624.42, and 624.46.

Senate File No. 319 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives
Returned May 9, 1977

CONCURRENCE AND REPASSAGE

Mr. Wegener moved that the Senate concur in the amendments by the House to S. F. No. 319 and that the bill be placed on its repassage as amended. The motion prevailed.

S. F. No. 319 was read the third time, as amended by the House, and placed on its repassage.

The question was taken on the repassage of the bill, as amended.

The roll was called, and there were yeas 59 and nays 1, as follows:

Those who voted in the affirmative were:

| | | | | |
|-------------|-----------|--------------|-------------|------------|
| Anderson | Gearty | Knutson | Olson | Sillers |
| Ashbach | Gunderson | Laufenburger | Penny | Solon |
| Bang | Hanson | Lessard | Perpich | Spear |
| Benedict | Hughes | Luther | Peterson | Staples |
| Bernhagen | Humphrey | McCutcheon | Pillsbury | Stokowski |
| Brataas | Jensen | Menning | Purfeerst | Strand |
| Chmielewski | Johnson | Merriam | Schaaf | Stumpf |
| Coleman | Keefe, J. | Moe | Schmitz | Ulland, J. |
| Davies | Keefe, S. | Nelson | Schrom | Vega |
| Dieterich | Kirchner | Nichols | Setzepfandt | Wegener |
| Dunn | Kleinbaum | Ogdahl | Sieloff | Willet |
| Engler | Knoll | Olhoft | Sikorski | |

Mr. Renneke voted in the negative.

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

MESSAGES FROM THE HOUSE—CONTINUED

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S. F. No. 51: A bill for an act relating to elections; election officers; procedures for counting ballots; recounts in legislative races on request; prohibiting certain public meetings and school events on election days; duties of the secretary of state; and preparation and reception of absentee ballots; amending Minnesota Statutes 1976, Sections 204A.17, Subdivision 5; 204A.39, Subdivision 2; 204A.41; 204.51, Subdivisions 2 and 3; 204A.53, Subdivisions 2 and 3; 204A.54, Subdivision 1; 206.026, Subdivision 5; 206.03; 206.075; 206.19, Subdivision 1; 206.23; 207.11; 207.19, Subdivision 1; and Chapter 204A, by adding a section.

Senate File No. 51 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 9, 1977

CONCURRENCE AND REPASSAGE

Mr. Menning moved that the Senate concur in the amendments by the House to S. F. No. 51 and that the bill be placed on its repassage as amended. The motion prevailed.

S. F. No. 51: A bill for an act relating to elections; election officers; procedures for counting ballots; recounts in legislative races on request; prohibiting certain public meetings and school events on election days; duties of the secretary of state; and preparation and reception of absentee ballots; amending Minnesota Statutes 1976, Sections 204A.17, Subdivision 5; 204A.39, Subdivision 2; 204A.41; 206.026, Subdivision 5; 206.03; 206.075; 206.19, Subdivision 1; 206.23; 207.11; 207.19, Subdivision 1; and Chapter 204A, by adding a section.

Was read the third time, as amended by the House, and placed on its repassage.

The question was taken on the repassage of the bill, as amended.

The roll was called, and there were yeas 56 and nays 1, as follows:

Those who voted in the affirmative were:

| | | | | |
|-----------|-------------|-----------|-----------|--------------|
| Ashbach | Chmielewski | Frederick | Jensen | Kleinbaum |
| Bang | Coleman | Gearty | Johnson | Knoll |
| Benedict | Dieterich | Gunderson | Keefe, J. | Knutson |
| Bernhagen | Dunn | Hanson | Keefe, S. | Laufenburger |
| Brataas | Engler | Humphrey | Kirchner | Lessard |

| | | | | |
|------------|-----------|-------------|------------|---------|
| Luther | Olhoff | Renneke | Sillers | Vega |
| McCutcheon | Olson | Schaaf | Solon | Wegener |
| Menning | Penny | Schmitz | Spear | Willet |
| Merriam | Perpich | Schrom | Staples | |
| Moe | Peterson | Setzepfandt | Stokowski | |
| Nelson | Pillsbury | Sieloff | Stumpf | |
| Ogdahl | Purfeerst | Sikorski | Ulland, J. | |

Mr. Davies voted in the negative.

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

MESSAGES FROM THE HOUSE—CONTINUED

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S. F. No. 826: A bill for an act relating to seaway port authorities; personnel; contracts; authorizing port authorities to employ a certified public accountant to audit the books of the authority and authorizing the state auditor to accept such audits in lieu of his audit; amending Minnesota Statutes 1976, Section 458.18.

Senate File No. 826 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 9, 1977

Mr. Ulland, J. moved that the Senate do not concur in the amendments by the House to S. F. No. 826 and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S. F. No. 583: A bill for an act relating to insurance companies; prescribing penalties for violation of certain filing requirements; amending Minnesota Statutes 1976, Chapter 72A, by adding a section; repealing Minnesota Statutes 1976, Section 72A.06.

Senate File No. 583 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 9, 1977

Mr. Solon moved that S. F. No. 583 be laid on the table. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H. F. Nos. 1193, 1405, 544, 772, 1215, 1498, 8, 914, 992, 1582, 530, 756 and 1004.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 9, 1977

FIRST READING OF HOUSE BILLS

The following bills were read the first time and referred to the committees indicated.

H. F. No. 1193: A bill for an act relating to the city of Bloomington in Hennepin county, the city of South St. Paul in Dakota county and the city of Mankato in Blue Earth county; housing and redevelopment authority; providing that the housing and redevelopment authority may make loans and grants for home improvement, rental assistance, and financial assistance; amending Laws 1971, Chapter 616, Sections 1 and 2.

Referred to the Committee on Rules and Administration for comparison to S. F. No. 1037 now on General Orders.

H. F. No. 1405: A bill for an act relating to state employees; providing for investment options for deferred compensation; amending Minnesota Statutes 1976, Section 352.96, Subdivisions 2, 3 and 4.

Referred to the Committee on Rules and Administration for Comparison to S. F. No. 1249 now on General Orders.

H. F. No. 544: A bill for an act relating to highways; removing the construction moratorium on a certain interstate route, and extending it through the city of St. Paul; removing a certain route from the trunk highway system; amending Minnesota Statutes 1976, Sections 161.117; 161.12; and 161.123.

Referred to the Committee on Rules and Administration for Comparison to S. F. No. 543 now on General Orders.

H. F. No. 772: A bill for an act relating to state contracts; regulating bid and performance bonds for small businesses and minority small businesses; appropriating money; amending Minnesota Statutes 1976, Chapter 574, by adding a section.

Referred to the Committee on Finance.

H. F. No. 1215: A bill for an act relating to environmental protection; prohibiting transportation of radioactive wastes into Minnesota for purposes of storage or disposal; providing exceptions; prescribing penalties.

Referred to the Committee on Rules and Administration for Comparison to S. F. No. 1133 now on General Orders.

H. F. No. 1498: A bill for an act relating to public welfare; mandating the working of certain general assistance recipients; allowing the use of general assistance funds for the work equity program; empowering the commissioner of public welfare to contract for recipient services and grant distribution; amending Minnesota Statutes 1976, Sections 256D.02, by adding subdivisions; 256D.04; 256D.06, by adding a subdivision; and 256D.11, Subdivisions 1 and 4, and by adding subdivisions.

Referred to the Committee on Rules and Administration for Comparison to S. F. No. 1465 now on General Orders.

H. F. No. 8: A bill for an act relating to trade regulations; providing for unit pricing of certain packaged commodities; providing for exemptions; providing a penalty.

Referred to the Committee on Rules and Administration for comparison to S. F. No. 116 now on General Orders.

H. F. No. 914: A bill for an act relating to human services; providing certain services to juveniles; clarifying the authority of the juvenile court; amending Minnesota Statutes 1976, Sections 260.311, Subdivisions 1, 3 and 5; and 402.02, Subdivision 2.

Referred to the Committee on Rules and Administration for comparison to S. F. No. 1112 now on General Orders.

H. F. No. 992: A bill for an act relating to taxation; altering requirements for income adjusted homestead credit; amending Minnesota Statutes 1976, Sections 290.066, Subdivision 1; 290A.03, Subdivisions 6, 7, 8, 11, 12 and 13; 290A.05; 290A.08; 290A.10; 290A.14; 290A.18; 290A.19; and Laws 1976, Chapter 334, Section 21; repealing Minnesota Statutes 1976, Sections 290.0601; 290.0602; 290.0603; 290.0604; 290.0605; 290.0606; 290.0608; 290.0609; 290.061; 290.0611; 290.0612; 290.0614; 290.0615; 290.0616; 290.0618; 290.066, Subdivisions 2 and 3; 290.981; 290.982; 290.983; 290.984; 290.985; 290.986; 290.987; 290.988; 290.989; 290.99; 290.991; 290.992; and 290A.21.

Referred to the Committee on Taxes and Tax Laws.

H. F. No. 1582: A bill for an act relating to public safety; clarifying the duties of the commissioner of public safety in regard to the state criminal justice datacommunications network; amending Minnesota Statutes 1976, Sections 299C.46; 299C.48; and Chapter 299C, by adding a section; repealing Minnesota Statutes 1976, Section 299C.45.

Referred to the Committee on Finance.

H. F. No. 530: A bill for an act relating to commerce; regulating the use of credit life and credit health and accident insurance; eliminating level term credit life insurance; eliminating "pyramiding" of credit life insurance; permitting joint life credit insurance policies; permitting certain classes of credit accident and health

insurance; amending Minnesota Statutes 1976, Sections 53.051; 56.15, Subdivision 2; 61A.12, by adding a subdivision; 62B.04, Subdivision 1; and 62B.05.

Referred to the Committee on Rules and Administration for comparison to S. F. No. 330 now on General Orders.

H. F. No. 756: A bill for an act relating to public lands; authorizing sale of certain state owned and tax forfeited lands for use in a taconite tailings disposal facility.

Referred to the Committee on Rules and Administration for comparison to S. F. No. 681 now on General Orders.

H. F. No. 1004: A bill for an act relating to worker's compensation; limiting expenses and profit includable in workers' compensation insurance premiums; permitting the commissioner of insurance to employ an actuary; including legislators in coverage; requiring owners to elect non-coverage; excluding certain family corporations and certain nonprofit associations from coverage; increasing benefit levels; vesting certain benefits; excluding certain employment; regulating attorney's fees; providing for depending surviving spouses; providing for supplemental benefits; altering notice requirements; providing for the distribution of physician's reports; providing for adjustments to benefit payments; creating a workers' compensation study commission; appropriating money; amending Minnesota Statutes 1976, Sections 79.07; 79.30; 176.011, Subdivisions 9 and 11a; 176.012; 176.021, Subdivision 3; 176.041, Subdivision 1; 176.051; 176.081, Subdivisions 1, 2, 3, 4, and 6; 176.101; 176.111, Subdivisions 6, 11 and 21; 176.132, Subdivisions 1, 2, and 3; 176.141; 176.155, Subdivision 1; 176.221, by adding a subdivision; 176.511, Subdivision 3; 176.645; and Chapter 79 by adding a section; repealing Minnesota Statutes 1976, Sections 176.111, Subdivision 13; and 176.185, Subdivision 8.

Referred to the Committee on Finance.

REPORTS OF COMMITTEES

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

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

S. F. No. 1027: A bill for an act relating to the organization and operation of state government; education; changing the name and membership of the higher education coordinating board; prescribing additional duties for the board; restricting the staff of the board; appropriating money; amending Minnesota Statutes 1976, Sections 136A.01; 136A.02, Subdivisions 1, 1a, and 2; 136A.03; 136A.04; 136A.05; and 136A.07.

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

Page 1, strike section 1

Page 1, line 21, strike the new language and reinsert the stricken language

Page 1, line 22, strike the new language

Page 2, line 11, before "*board*" insert "*higher education co-ordinating*"

Page 2, line 11, strike "*of governors for post-secondary*"

Page 2, line 12, strike "*and higher education*"

Page 3, line 15, reinsert "an"

Page 3, line 16, reinsert "executive"

Page 3, line 16, reinsert "director"

Page 3, line 16, strike "*a chancellor*"

Page 3, line 18, strike "*chancellor*" and insert "*executive director*"

Page 3, line 21, strike "*chancellor*" and insert "*executive director*"

Page 3, line 23, reinsert "executive"

Page 3, line 24, reinsert "director" and strike "*chancellor*"

Page 3, line 29, strike "*chancellor*" and insert "*executive director*"

Page 4, line 5, strike "*chancellor and deputy chancellor*" and insert "*executive director and assistant director*"

Page 4, line 20, reinsert the stricken language

Page 4, line 21, strike the new language

Page 5, line 9, strike "area" and insert "*post-secondary*"

Page 5, line 10, strike "institutes" and insert "*schools*"

Page 7, line 4, strike "review" and insert "*reviews*"

Page 7, line 9, before "*community*" insert "*the*"

Page 7, line 10, before "*state*" insert "*the*"

Page 7, line 10, strike "*area vocational technical institutes*" and insert "*the post-secondary vocational-technical schools*"

Page 7, line 11, strike "*their*" and insert "*the*"

Page 7, line 11, after "*of*" insert "*their*"

Page 7, line 14, before "*community*" insert "*the*"

Page 7, line 14, before "*state*" insert "*the*"

Page 7, line 14, strike "area" and insert "*the post-secondary vocational-technical schools*"

Page 7, line 15, strike "*vocational technical institutes*"

Page 7, line 18, strike "(a)" and insert "(1)"

Page 7, line 20, strike "(b)" and insert "(2)"

Page 7, line 21, strike "(c)" and insert "(3)"

Page 7, line 24, strike "(d)" and insert "(4)"

Page 7, line 25, strike "*vocational/technical*" and insert "*vocational-technical*"

Page 8, line 3, reinsert the stricken language and strike the new language

Page 8, line 4, strike the new language

Page 8, line 8, reinsert the stricken language

Page 8, line 9, reinsert the stricken language and strike the new language

Page 8, line 10, strike the new language

Page 8, line 22, before "*board*" insert "*higher education coordinating*"

Page 8, line 22, strike "*of governor for post-secondary and*"

Page 8, line 23, strike "*higher education*"

Page 8, line 30, strike "*and*" and insert a semicolon

Page 8, strike lines 31 and 32

Page 9, line 1, strike "*encourage*" and insert "*effectuate where desirable*"

Page 9, strike lines 7 and 8

Page 9, line 9, strike "*affected institutions.*"

Page 9, line 10, strike "*preliminary*"

Page 9, line 10, strike "*quarterly*"

Page 9, line 10, strike "*a joint meeting of*"

Page 9, line 14, strike "*of governors for*"

Page 9, line 15, strike "*post-secondary and higher education*"

Page 9, strike section 10

Page 9, line 29, strike "*improve*" and insert "*increase the*"

Page 9, line 29, after "*board*" insert "*in order*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, strike "*name and*"

Page 1, line 8, strike "*136A.01;*"

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

Mr. Tennesen from the Committee on Commerce, to which was referred

H. F. No. 257: A bill for an act relating to banks, trust companies and savings banks; rule making authority; fees for special investigations; accounts maintained by banking division employees; fees; banks minimum organizational capital, surplus and undivided profits; providing for certified deposit of capital funds in a custodial bank; providing for banks annual audit systems, approval and reports; state banks minimum capital requirements, establishing investigatory fee for application to acquire trust authority; trust company minimum capital requirements; relating to boards of directors of financial institutions; clarification of certain language; amending Minnesota Statutes 1976, Sections 46.01; 46.04; 46.05; 46.09; 46.131, Subdivision 2, and by adding a subdivision; 48.02; 48.10; 48.36; 48.37; 48.44; 48.67; 48.69; 300.025 and 300.20.

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

Mr. Davies from the Committee on Judiciary, to which was referred

H. F. No. 954: A bill for an act relating to juries; enacting the uniform juror selection and service act; providing for the selection and service of grand and petit jurors; providing penalties; repealing Minnesota Statutes 1976, Sections 3.081; 192.24; 357.26; 488A.07; 546.09; 593.03; 593.04; 593.05; 593.06; 593.07; 593.09; 593.10; 593.11; 593.12; 593.13; 593.14; 593.20; 628.42; 628.43; 628.44; 628.45; 628.46; 628.47; 628.49; 628.50; 628.51; 628.52; 628.53; 631.33; and Laws 1959, Chapter 219; and Extra Session Laws 1959, Chapter 19, Section 2.

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

Mr. Davies from the Committee on Judiciary, to which was referred

H. F. No. 676: A bill for an act relating to intoxicating liquor; civil liability for illegal sale, barter or gift thereof; amending Minnesota Statutes 1976, Sections 340.95 and 340.951.

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

Mr. Davies from the Committee on Judiciary, to which was referred

S. F. No. 1460: A bill for an act relating to employment services; authorizing the release of information to certain state agencies; amending Minnesota Statutes 1976, Section 268.12, Subdivision 12.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

Mr. Davies from the Committee on Judiciary, to which was referred

H. F. No. 1113: A bill for an act relating to welfare; clarifying the powers of guardianship by the commissioner; amending Minnesota Statutes 1976, Sections 252A.02, Subdivision 2; 252A.03, Subdivision 3; 252A.04, Subdivision 3; 252A.07, Subdivision 1; and 252A.18; repealing Minnesota Statutes 1976, Section 252.03.

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

Page 1, strike lines 11 to 19

Page 1, line 23, restore the stricken language

Page 2, line 1, after "and" insert "*if the comprehensive evaluation concludes*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, strike "252A.02,"

Page 1, line 5, strike "Subdivision 2;"

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

Mr. Davies from the Committee on Judiciary, to which was referred

H. F. No. 314: A bill for an act relating to Olmsted county; authorizing electronic recording of trial proceedings; providing for costs and payment.

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

Page 2, after line 5 insert

"Subd. 3. [REPORT.] By November 15, 1978, the Olmsted county board shall cause to be made a report to the legislature on the use of electronic recording devices authorized pursuant to this act. The report shall include data necessary for a full evaluation and comparison of the use of electronic recording devices and the use of stenographic recording devices to record and transcribe court proceedings."

Page 2, line 8, strike "supreme court" and insert "judges of the third judicial district"

Amend the title as follows:

Page 1, line 4, after "payment" and before the period insert "; requiring a report to the legislature"

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

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

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.

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

Page 1, line 9, strike "committee" and insert "commission"

Page 1, line 13, after "communities" insert "to be available until June 30, 1979"

Pages 1 and 2, strike all of subdivision 3

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

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

S. F. No. 1137: A bill for an act relating to chiropractic; further defining the practice of chiropractic; amending Minnesota Statutes 1976, Section 148.01, Subdivision 3.

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

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

S. F. No. 418: 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.

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

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

S. F. No. 597: A bill for an act relating to game and fish; requiring a migratory waterfowl stamp; providing for the disposition of proceeds; appropriating funds; amending Minnesota Statutes 1976, Chapter 97, by adding sections; Sections 98.46, Subdivision 2a; and 98.50, Subdivision 5.

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

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

S. F. No. 889: A bill for an act appropriating money for public radio purposes; providing grants for public radio stations serving

Minnesota; providing for supervision of grant expenditures.

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

Mr. Davies from the Committee on Judiciary, to which was referred

H. F. No. 316: A bill for an act relating to wrongful death; authorizing the commencement of an action within three years from the date of death; amending Minnesota Statutes 1976, Section 573.02, Subdivision 1.

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

Page 1, line 15, after the period insert "*Except for an action to recover damages for a death caused by the alleged professional negligence of a physician, surgeon, dentist, hospital, or sanatorium, or an employee of a physician, surgeon, dentist, hospital or sanatorium,*"

Page 1, line 18, after the period insert "*An action to recover damages for a death caused by the alleged professional negligence of a physician, surgeon, dentist, hospital or sanatorium, or an employee of a physician, surgeon, dentist, hospital or sanatorium must be commenced within three years after the act or omission.*"

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

Mr. Davies from the Committee on Judiciary, to which was referred

H. F. No. 1015: A bill for an act relating to human rights; clarifying the scope of sex discrimination; providing for an appeal by the commissioner; providing for a civil action without filing with the department; amending Minnesota Statutes 1976, Sections 363.01, by adding a subdivision; 363.02, Subdivision 1; 363.05, Subdivision 1; 363.072, Subdivision 1.

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

Page 1, line 13, place quotation marks around "*Sex*"

Page 1, line 15, strike everything after the period

Page 1, strike lines 16 to 20

Page 2, after line 20, insert

"(iii) to limit receipt of benefits payable under a fringe benefit plan for disabilities to that period of time which a licensed physician reasonably determines a person is unable to work, or"

Page 2, line 21, strike "*(iii)*" and insert "*(iv)*"

Page 2, after line 24, insert

"Sec. 3. Minnesota Statutes 1976, Section 363.03, Subdivision 1, is amended to read:

363.03 [UNFAIR DISCRIMINATORY PRACTICES.] Subdivision 1. **[EMPLOYMENT.]** Except when based on a bona fide occupational qualification, it is an unfair employment practice:

(1) For a labor organization, because of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance or disability,

(a) to deny full and equal membership rights to a person seeking membership or to a member;

(b) to expel a member from membership;

(c) to discriminate against a person seeking membership or a member with respect to his hire, apprenticeship, tenure, compensation, terms, upgrading, conditions, facilities, or privileges of employment; or

(d) to fail to classify properly, or refer for employment or otherwise to discriminate against a person or member.

(2) For an employer, because of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance or disability,

(a) to refuse to hire or to maintain a system of employment which unreasonably excludes a person seeking employment; or

(b) to discharge an employee; or

(c) to discriminate against a person with respect to his hire, tenure, compensation, terms, upgrading, conditions, facilities, or privileges of employment; or

(3) For an employment agency, because of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance or disability,

(a) to refuse or fail to accept, register, classify properly, or refer for employment or otherwise to discriminate against a person; or

(b) to comply with a request from a employer for referral of applicants for employment if the request indicates directly or indirectly that the employer fails to comply with the provisions of this chapter; or

(4) For an employer, employment agency, or labor organization, before a person is employed by an employer or admitted to membership in a labor organization, to

(a) require the person to furnish information that pertains to race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance or disability, unless, for the purpose of national security, information pertaining to national origin is required by the United States, this state or a political subdivision or agency of the United States or this state, or for the purpose of compliance with the public contracts act or any rule,

regulation or laws of the United States or of this state requiring information pertaining to race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance or disability is required by the United States or a political subdivision or agency of the United States; or

(b) cause to be printed or published a notice or advertisement that relates to employment or membership and discloses a preference, limitation, specification, or discrimination based on race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance or disability.

(5) For an employer, an employment agency or a labor organization, with respect to all employment related purposes, including receipt of benefits under fringe benefit programs, not to treat women affected by pregnancy, childbirth, or disabilities related to pregnancy or childbirth, the same as other persons who are not so affected but who are similar in their ability or inability to work."

Page 3, line 9, after the comma insert "to"

Page 3, line 10, after "and" insert "to"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, strike "providing for a civil action without"

Page 1, line 5, strike "filing with the department;"

Page 1, line 7, after "1;" insert "363.03, Subdivision 1;"

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

Mr. Davies from the Committee on Judiciary, to which was referred

H. F. No. 462: A bill for an act relating to public health; requiring the provision of health record information to certain persons; requiring the transfer of health records under certain conditions; amending Minnesota Statutes 1976, Chapter 144, by adding a section.

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

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1976, Chapter 144, is amended by adding a section to read:

[144.335] [ACCESS TO HEALTH RECORDS.] *Subdivision 1. [DEFINITIONS.] For the purposes of this section, the following terms have the meanings given them.*

(a) "Patient" means a natural person who has received health care services from a provider for treatment of a medical, psy-

chiatric or mental condition, or a person he designates in writing as his representative. Except for minors who have received health care services pursuant to sections 144.341 to 144.347, in the case of a minor, "patient" includes a parent or guardian, or a person acting as a parent or guardian in the absence of a parent or guardian.

(b) "Provider" means (1) any person who furnishes health care services and is licensed to furnish the services pursuant to chapters 147, 148, 150A, 151 or 153; and (2) a health care facility licensed pursuant to chapters 144 or 144A.

Subd. 2. [PATIENT ACCESS.] Except as otherwise provided by law, upon request a provider shall supply to a patient complete and current information possessed by that provider concerning any diagnosis, treatment and prognosis of the patient in terms and language the patient can reasonably be expected to understand.

Upon a patient's written request for information, a provider at the expense of the patient shall furnish to the patient: (a) copies of the patient's health record, including but not limited to laboratory reports, x-rays, prescriptions, and other technical information used in assessing the patient's health condition; (b) the pertinent portion of the record relating to a specific condition; or (c) a summary of the record.

If a provider, as defined in subdivision 1, clause (b) (1), reasonably determines that the information is detrimental to the physical or mental health of the patient, or is likely to cause the patient to harm himself or another, he may withhold the information from the patient. The information may be supplied to an appropriate third party or to another provider, as defined in subdivision 1, clause (b) (1). The provider or third party may release the information to the patient.

Subd. 3. [PROVIDER TRANSFERS AND LOANS.] A patient's health record, including but not limited to, laboratory reports, x-rays, prescriptions, and other technical information used in assessing the patient's condition, or the pertinent portion of the record relating to a specific condition, or a summary of the record, shall be furnished to another provider upon the written request of the patient. The written request shall specify the name of the provider to whom the health record is to be furnished. The provider who furnishes the health record or summary may retain a copy of the materials furnished. The patient shall be responsible for the reasonable costs of furnishing the information.

Sec. 2. [EFFECTIVE DATE.] This act is effective the day following final enactment. "

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

Mr. Tennessen from the Committee on Commerce, to which was referred

H. F. No. 41: A bill for an act relating to public safety; requir-

ing fire detection devices in certain residential housing; directing the commissioner of administration to amend the state building code; amending Minnesota Statutes 1976, Section 16.85, Subdivision 1; and Chapter 299F, by adding a section.

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

Page 3, line 3, strike "said"

Page 3, line 4, after "include" insert "buildings containing three or more"

Page 3, line 4, after "flats" strike "and" and insert "or"

Page 3, line 6, strike "1978" and insert "1980"

Page 3, lines 7 and 8, strike the quotation marks

Page 3, line 8, strike "as defined in this section," and insert "and"

Page 3, line 14, before the period insert ", or a single unit used by one or more persons for sleeping and sanitation pursuant to a work practice or labor agreement"

Page 3, line 15, after "building" insert "or portion thereof"

Page 3, line 20, strike "by"

Page 3, line 21, strike "no more than five guests" and insert "or are intended to be used for sleeping purposes by guests and"

Page 3, line 22, strike everything after the period

Page 3, strike line 23

Page 4, line 21, after the comma insert "the owner is responsible for maintenance of the smoke detectors."

Page 4, strike lines 22 to 32

Page 5, strike lines 1 to 7

Page 5, line 12, strike "Nothing in" and "shall"

Page 5, line 12, strike "prohibit" and insert "prohibits"

Page 5, line 13, strike "more stringent"

Page 5, line 14, strike "than" and insert "different from"

Page 5, line 16, before the period insert ", except for subdivision 2 which is effective August 1, 1977"

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

Mr. Tennessen from the Committee on Commerce, to which was referred

H. F. No. 297: A bill for an act relating to group health care plans; requiring written notice to employees before certain em-

ployee health care plans may be terminated; amending Minnesota Statutes 1976, Section 62E.16.

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

Page 1, line 16, after "restrictions" insert "*if the individual insured leaves the group,*"

Page 1, line 17, after "group" insert a comma

Page 1, line 17, strike "for" and insert "upon"

Page 1, line 20, strike "leaving the group"

Page 2, line 2, after "group" insert "*and upon payment of premiums from the date of termination or cancellation*"

Page 2, line 3, strike "person" and insert "employee"

Page 2, line 8, after the period insert:

"Every employer having a policy of group accident and health insurance, group subscriber or contract of coverage by a health maintenance organization shall, upon request, provide the insurer or health maintenance organization a list of the names and addresses of covered employees."

Amend the title as follows:

Page 1, line 2, strike "requiring" and insert "providing right to convert to individual coverage upon termination of"

Page 1, line 3, strike "written notice to employees before"

Page 1, line 4, strike "may be terminated"

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

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

S. F. No. 1015: A bill for an act relating to the environment; establishing a program of state assistance for the removal of dilapidated buildings; increasing surcharges on certain building permits; requiring certain units of government to establish dilapidated building removal accounts; appropriating money; amending Minnesota Statutes 1976, Section 16.866.

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

Page 2, line 5, delete everything after "(a)" and insert "*Is blighted or deteriorated*"

Page 2, line 6, delete everything before the comma

Page 2, line 19, delete "all"

Page 2, line 20, delete "codes" and insert "*code requirements for new construction of similar buildings*"

Page 2, line 26, delete "or" and insert a semicolon

Page 2, line 27, before "redevelopment" insert "(5)" Any building included in a"

Renumber the remaining clause

Page 2, line 30, before the second "expense" insert "reasonable"

Page 2, line 31, before "removal" insert "the inventory or"

Page 3, line 1, after "other" insert "reasonable"

Page 3, line 13, after the period insert "'Owner" does not include any housing and redevelopment authority."

Page 4, line 1, delete everything after "removal"

Page 4, line 2, delete everything before the period

Page 4, line 16, delete "July" and insert "January"

Page 4, delete lines 31 and 32

Page 5, delete lines 1 to 16 and insert:

"Subd. 2. Upon removal of a dilapidated building, the unit of government causing the removal shall have a lien on the property for the full amount of the expenses of removal. The lien shall attach at the time the first visible signs of removal occur and shall be preferred over every subsequent encumbrance except a lien for taxes or a mortgage securing an advance of funds used to improve the property. The unit of government shall within 60 days of completion of the removal file with the county recorder a lien notice identifying the owner, the affected property, and the amount of the claim. Failure to file the notice within 60 days shall invalidate the lien. No fee shall be required for the filing. The lien shall be enforceable if the property is sold or transferred by gift to a private party within ten years of completion of the dilapidated building's removal. If the sale or transfer occurs within five years of the building's removal, the full amount of the expenses of removal shall be recovered. In each succeeding year the amount which may be recovered shall be reduced by 20 percent of the original sum. If the owner constructs a new building on the property within five years of completion of removal, the lien shall thereupon expire. The lien may be enforced by the unit of government against any subsequent purchaser or grantee in the manner provided by Minnesota Statutes, Sections 514.10 to 514.15. Any funds recovered pursuant to this section in excess of non-reimbursed expenses of removal and expenses incurred to enforce the lien shall be remitted by the unit of government to the agency for deposit to the credit of the general fund."

Page 5, after line 27 insert

"Subd. 5. The owner of each dilapidated building shall in a space provided on the surrender form list all wells known to exist on the property and all wells whose abandonment is contemplated

as part of the removal. The agency shall notify the state board of health if any well is abandoned as a result of a removal."

Page 5, line 31, delete everything after "removal"

Page 5, line 32, delete everything before the period

Page 7, after line 6, insert

"This section expires January 1, 1983, and any funds remaining unencumbered and unexpended as of that date in any account maintained pursuant to this section shall be remitted to the commissioner for deposit to the credit of the general fund."

Page 7, line 15, after the period insert

"Subd. 1a. During the period commencing July 1, 1977, and ending June 30, 1982,"

Page 8, line 12, after the period insert *"During the period commencing July 1, 1977, and ending June 30, 1982,"*

Page 8, after line 26, insert:

"Subd. 3. Commencing July 1, 1982, the surcharge shall be computed as follows:

Where the fee for the permit issued is fixed in amount the surcharge shall be equivalent to ½ mill (.0005) of such fee or 50 cents, whichever amount is greater. For all other permits, the surcharge shall be equivalent to ½ mill (.0005) of the valuation of the structure, addition or alteration. Provided, however, that where the valuation of the structure, addition, or alteration is equal to or greater than \$1,000,000 but less than \$10,000,000, the surcharge shall be \$1,000, where said valuation is equal to or greater than \$10,000,000 but less than \$20,000,000 the surcharge shall be \$1,500 and where said valuation is equal to or greater than \$20,000,000 the surcharge shall be \$2,000.

Sec. 9. [174.21] [COMMISSIONER OF TRANSPORTATION; AUTHORITY TO REMOVE DILAPIDATED BUILDINGS.]
Subdivision 1. The commissioner of transportation may raze and remove any dilapidated building as defined in section 2 from areas adjacent to the trunk and interstate highway system if all of the following conditions have been met:

(a) The dilapidated building is visible from the travelled way of a trunk or interstate highway;

(b) All owners as defined in section 2 have agreed in writing to the razing and removal of the dilapidated building; and

(c) The dilapidated building is not located within the incorporated limits of a city or home rule charter city having a population of more than 10,000 inhabitants.

Subd. 2. Upon removal of a dilapidated building by the commissioner, the state shall have a lien on the property for the full amount of the expenses of removal. The lien shall attach at the time the first visible signs of removal occur and shall be preferred

over every subsequent encumbrance except a lien for taxes or a mortgage securing an advance of funds used to improve the property. The commissioner shall within 60 days of completion of the removal file with the county recorder of the county wherein the property is located a lien notice identifying the owner, the affected property, and the amount of the claim. Failure to file the notice within 60 days shall invalidate the lien. No fee shall be required for the filing. The lien shall be enforceable if the property is sold or transferred by gift to a private party within ten years of completion of the dilapidated building's removal. If the sale or transfer occurs within five years of the building's removal, the full amount of the expenses of removal shall be recovered. In each succeeding year the amount which may be recovered shall be reduced by 20 percent of the original sum. If the owner constructs a new building on the property within five years of completion of removal, the lien shall thereupon expire. The lien may be enforced by the commissioner against any subsequent purchaser or grantee in the manner provided by Minnesota Statutes, Sections 514.10 to 514.15. Any funds recovered pursuant to this subdivision shall, after deduction of the costs of enforcing the lien, be deposited to the credit of the fund from which the original removal expense moneys were appropriated."

Page 8, line 32, after the period, insert "The approved complement of the agency is increased by two persons."

Page 9, line 1, before "This" insert "Section 7 is effective July 1, 1977. The remaining provisions of"

Page 9, line 1, delete "is" and insert "are"

Page 9, line 2, delete "its"

Renumber the remaining sections accordingly

Further, amend the title as follows:

Page 1, line 7, after "accounts;" insert "authorizing the commissioner of transportation to remove certain dilapidated buildings;"

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

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

S. F. No. 665: A bill for an act relating to pollution; requiring the director of the Minnesota environmental education board to be appointed by the governor; prohibiting littering; prescribing the powers and duties of the commissioner of transportation in regard thereto; requiring litter bags in certain vehicles and watercraft and litter receptacles in public places; prescribing a litter license fee on certain manufacturers, wholesalers, distributors, and retailers; prescribing penalties; appropriating money; amending Minnesota Statutes 1976, Sections 116E.03, Subdivisions 7, 7a and 8; and 174.02, Subdivision 2; and Chapter 174, by adding sections; repealing Minnesota Statutes 1976, Sections 85.20, Subdivision 6; 169.42; and 609.68.

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

Page 4, line 1, after "quarts" insert "*intended for the temporary storage of litter*"

Page 4, line 7, strike "*boat, ship, vessel,*" and insert "*watercraft required to be licensed pursuant to section 361.03, subdivision 3*"

Page 4, strike lines 8 and 9

Page 5, line 15, after "*litter*" insert "*in any public place or*"

Page 5, line 17, strike "*and*" and insert "*or*"

Page 5, line 23, strike "*and*" and insert "*or*"

Page 6, line 19, after "*that*" insert "*quantity and composition*"

Page 6, line 20, strike "*approved*" and insert "*a*"

Page 6, line 20, strike "*bags*" and insert "*bag*"

Page 7, line 28, after "*may*" insert "*stay imposition or execution of sentence and may, as a condition of probation,*"

Page 8, line 23, before "*The*" insert "*Subdivision 1.*"

Page 8, line 25, strike "*1978*" and insert "*1977*"

Page 9, line 10, strike "*following*"

Page 9, line 11, strike the colon and insert "*listed in subdivision 2.*"

Page 9, after line 11, insert:

"Subd. 2. Only the following products including packages, wrappings and containers shall constitute litter for the purposes of section 18."

Page 10, line 1, after "*17*" insert "*, subdivision 2.*"

Page 10, line 2, strike "*\$25 per*" and insert "*.017 percent of*"

Page 10, line 3, strike "*\$150,000*"

Page 10, line 3, after "*sales*" insert "*in excess of \$150,000*"

Page 10, line 7, strike "*31*" and insert "*25*"

Page 10, line 8, after "*annually*" insert "*and administered*"

Page 10, line 11, strike "*tax*" and insert "*fee*"

Page 10, line 15, after the colon insert "*70*"

Page 10, line 16, after the comma insert "*29*"

Page 10, line 17, after "*and*" insert "*one*"

Page 10, strike lines 19 to 23 and insert:

"Sec. 19. [COMMISSIONER OF REVENUE; RULES.] The commissioner of revenue may by rules adopted pursuant to chapter

15 further define and limit the categories listed in section 17, subdivision 2. In promulgating any rules, the commissioner shall be guided by the following standards:

(1) *It is the purpose of sections 5 to 19 to accomplish effective control of litter within this state;*

(2) *It is the purpose of sections 5 to 19 to impose the litter license fee on those businesses and industries manufacturing, wholesaling, distributing, or retailing products and the packages, wrapping, or containers thereof that contribute to the litter problem within this state."*

Page 10, line 30, after "pickup" insert "in 1979" and after the dollar sign insert "1,200,000"

Page 11, line 2, after "recovery" insert "369,000"

Page 11, line 5, after "act" insert "600,000"

Page 11, after line 5, insert "*The approved complement of the department of transportation is increased by one person.*"

Page 11, line 12, after "projects" insert "416,000"

Page 11, line 13, after "program" insert "*193,321. \$51,385 for fiscal 1978 and \$90,519 for fiscal 1979 is not available for expenditure and four complement positions are not approved, until after a final court determination that the program is legal. None of these amounts shall be expended nor shall the positions be filled except with the approval of the governor after consultation with the legislative advisory commission.*

(c) *For automobile recycling* 300,000"

Page 11, line 15, after the dollar sign insert "15,000"

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

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

S. F. No. 1201: A bill for an act relating to water resources; creating a water planning board; prescribing its duties; regulating the appropriation and use of water; establishing emergency restrictions on the use of state waters for irrigation and other purposes; establishing procedures for the processing of irrigation permits; requiring municipal water supply authorities to conserve water during shortages; appropriating money; amending Minnesota Statutes 1976, Sections 105.41, Subdivisions 1, 1a and by adding a subdivision; 105.415; 105.44, Subdivisions 1, 2, 3, 4, 5, 6, 8, and 10; 105.462; 105.482, Subdivisions 3 and 5; 156A.07, Subdivision 4; and Chapter 105, by adding a section.

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

Page 2, line 8, strike "*The chairperson*"

Page 2, strike line 9

Page 2, line 10, strike *"to section 15.0575."*

Page 11, line 25, strike *"projects"* and insert *"project's"*

Page 11, line 28, strike *"assessments"* and insert *"assessment"*

Page 16, line 16, strike *"in each 40 acre tract"* and insert *"for the purpose of locating the site of the proposed production well"*

Page 16, line 17, strike *"proposed for irrigation"*

Page 17, line 12, after *"influence"* insert *"which were reported pursuant to section 156A.07"*

Page 17, line 12, after *"with"* insert *"readily"*

Page 18, line 2, after *"available"* insert a comma

Page 19, line 26, after *"rules"* insert *"pursuant to section 15.0412, subdivision 5"*

Page 20, line 4, strike *"16"* and insert *"18"*

Page 20, line 4, strike *"19"* and insert *"21"*

Page 20, line 25, strike *"\$270,000"* and insert *"\$135,000"*

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

Mr. Coleman from the Committee on Rules and Administration, to which were referred

H. F. Nos. 1610 and 733 for comparison to companion Senate Files, reports the following House Files were found not identical with their companion Senate Files as follows:

| GENERAL ORDERS | | CONSENT CALENDAR | | CALENDAR | |
|----------------|-----------|------------------|-----------|-----------|-----------|
| H. F. No. | S. F. No. | H. F. No. | S. F. No. | H. F. No. | S. F. No. |
| 1610 | 1490 | | | | |
| 733 | 738 | | | | |

Pursuant to Rule 49 the Committee on Rules and Administration recommends that H. F. No. 1610 be amended as follows:

Page 2, line 7, delete *"4,871"* and insert *"4,868"*

Page 2, line 8, delete *"4,837"* and insert *"4,834"*

Page 2, line 23, delete *" , and"* and insert a period

Page 2, delete lines 24 to 27

Page 2, line 30, delete *"3,250,111 3,294,003"* and insert *"2,957,989 2,958,650"*

Delete page 2, line 43 to page 3, line 11 and insert

| | | |
|---|------------|------------|
| "Subd. 4. Highway Development Support | | |
| | 42,562,058 | 42,114,384 |
| Subd. 5. Research and Standards | | |
| | 961,695 | 962,441 |
| Subd. 6. Highway Maintenance | | |
| (a) Maintenance Operations | | |
| | 64,815,293 | 66,148,967 |
| Preventive maintenance of the trunk highway system shall be continued at a level at least equal to that currently provided. | | |
| (b) Equipment | | |
| | 7,287,343 | 5,612,120" |
| Page 3, line 14, delete "312,703 317,392" and insert "283,584 283,671" | | |
| Page 3, delete lines 38 to 40 and insert | | |
| (a) Administrative Support | | |
| | 5,788,433 | 5,807,485 |
| (b) Program Management | | |
| | 582,387 | 582,882 |
| (c) Legal Services | | |
| | 505,285 | 505,514" |
| Page 4, delete lines 1 to 11 | | |
| Renumber subdivisions in sequence | | |
| Delete page 4, lines 32 to 37 and insert | | |
| (a) Construction Grants | | |
| | 7,074,923 | 6,074,923 |
| (b) Maintenance Grants | | |
| | 1,001,407 | 1,001,407" |
| Page 4, line 45, delete "402,265 405,609" and insert "365,026 363,286" | | |
| Page 5, line 8, after "(5)" insert ", except that, in the case of any airport project undertaken by the city of Bemidji or the city of Brainerd for which federal money is used to pay 90 percent of the costs of the project, the city shall not be required to pay more than five percent of the cost of the project and these appropriations may be expended to pay the remaining five percent of the cost." | | |
| Page 5, delete lines 48 to 51 and insert | | |
| (a) Safety Education | | |
| | 50,931 | 50,931 |
| (b) Aviation Regulation | | |
| | 208,808 | 210,105 |
| Subd. 3. Administrative Support | | |
| | 228,972 | 231,943" |
| Page 6, delete lines 7 to 31 and renumber the subdivisions in order | | |
| Page 7, delete lines 1 to 5 and insert | | |
| "Subdivision 1. Transit Improvement | | |
| (a) Planning and Programming | | |
| | 206,434 | 206,434 |

| | | |
|--|------------|------------|
| (b) Public Transit Assistance Grants and Expenses | 14,210,000 | 18,360,000 |
|--|------------|------------|

The appropriation in (b) is from the general fund.

The state planning agency shall review the past, present, and future feasibility studies and work programs prepared for the St. Paul downtown people mover demonstration project in order to determine whether all reasonable and prudent alternatives relating to the project have been adequately considered and whether all relevant and material questions relating to the project have been asked. Where the agency finds that an alternative has not been adequately considered or a question has not been asked, it shall direct the project management board to consider the alternative or to ask the question and to provide the agency with the necessary additional information. The sums of \$39,328 in fiscal 1978 and \$39,414 in fiscal 1979 are appropriated from the general fund to the state planning agency for supervision of the St. Paul downtown people mover demonstration project. The approved complement of the state planning agency is increased by two unclassified persons.

Subd. 2. Rail Service Improvement

| | | |
|------------------------------------|---------|----------|
| (a) Planning and Programming | 191,000 | 191,000" |
|------------------------------------|---------|----------|

Page 7, line 12, delete the second "650,000" and insert "-0."

Delete page 7, line 13 to page 8, line 33, and insert

"The appropriation in (c) is from the general fund.

No money shall be transferred into or added to this appropriation, whether from a contingent account or otherwise.

No money shall be expended for the Arrowhead Amtrak rail passenger service after June 30, 1978."

Page 8, line 37, delete "appropriation in (c) above" and insert "this appropriation"

Page 9, delete lines 6 to 11 and insert

| | | |
|---|--------|--------|
| "Subdivision 1. Common Carrier Rate Regulation | 70,624 | 70,849 |
|---|--------|--------|

| | | |
|--|---------|---------|
| Subd. 2. Common Carrier Route and Schedule Approval | 397,511 | 369,495 |
| Subd. 3. Rail Crossing and Safety Standards | 41,856 | 42,006" |

Page 9, delete lines 25 to 39 and insert

"except to the appropriation for highway maintenance in section 3, subdivision 5, and then only with the approval of the governor after consultation with the legislative advisory commission. No transfer shall be made from the appropriation for debt service in section 3, subdivision 9, to any other appropriation. Transfers shall be reported forthwith to the committee on finance of the senate and the committee on appropriations of the house of representatives. The commissioner of transportation shall keep records and report to the legislature on January 1, 1979 the relationship between the appropriations made by this act and the purposes for which the money is expended and encumbered."

Page 9, line 50, delete the comma and insert "or"

Page 10, lines 1 and 2, delete "or to accelerate highway development"

Page 10, line 7, delete "\$1,056,984" and insert "\$853,737"

Page 10, line 8, delete "\$943,168" and "\$856,265"

Page 10, delete lines 16 to 21

Page 10, line 22, delete "\$959,190" and insert "\$907,425"

Page 10, line 23, delete "\$951,912" and insert "\$879,784"

Page 10, delete lines 31 to 35 and insert

"Sec. 10. [COMPUTER SYSTEM DEVELOPMENT.] *In all cases where an appropriation made in this act includes money for computer system development, development shall not proceed until the project has been reviewed using the PRIDE system. When the PRIDE phase I review has been completed, the project shall be presented to the commissioner of administration for his approval or rejection. Before making his decision, the commissioner shall consult with the appropriate subcommittee or division of the committee on finance of the senate and the committee on appropriations of the house of representatives and receive their recommendations on the project. A recommendation is advisory only. Failure or refusal to make a recommendation promptly is deemed a negative recommendation. If the project is rejected, the commissioner shall notify the commissioner of finance, who shall promptly cancel the unencumbered balance of the appropriation allotted for development of the project. If an appropriation in this act for either year for computer systems development is insufficient, the appropriation for the other year is available for it.*"

Delete page 13, line 21 to page 14, line 3

Page 14, delete lines 5 and 6 and insert "161.50; and 219.401, are repealed."

Renumber the sections in sequence

Further, amend the title, as follows:

Line 6, delete "161.125, Subdivision 1;"

Line 8, delete "161.125, Subdivision 2;"

Delete line 9 and insert "161.50; and 219.401."

And when so amended, H. F. No. 1610 will be identical to S. F. No. 1490 and further recommends that H. F. No. 1610 be given its second reading and substituted for S. F. No. 1490 and that the Senate File be indefinitely postponed.

Pursuant to Rule 49 the Committee on Rules and Administration recommends that H. F. No. 733 be amended as follows:

Page 1, line 22, before "and" delete the comma

Page 2, line 10, before "and" delete the comma

Page 2, line 32, after "1979" delete the comma

Page 3, line 5, delete "(a)" and insert "1."

Page 3, line 6, delete "(b)" and insert "2."

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

Page 3, line 8, delete "[EFFECTIVE DATE.]"

Further, amend the title

Line 13, delete "design,"

And when so amended, H. F. No. 733 will be identical to S. F. No. 738 and further recommends that H. F. No. 733 be given its second reading and substituted for S. F. No. 738 and that the Senate File be indefinitely postponed.

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. Amendments adopted. Report adopted.

Mr. Coleman from the Committee on Rules and Administration to which was referred

H. F. No. 1184 for comparison to companion Senate File, reports the following House File was found identical and recommends the House File be given its Second Reading and substituted for its companion Senate File as follows:

| GENERAL ORDERS | | CONSENT CALENDAR | | CALENDAR | |
|----------------|-----------|------------------|-----------|-----------|-----------|
| H. F. No. | S. F. No. | H. F. No. | S. F. No. | H. F. No. | S. F. No. |
| 1184 | 1262 | | | | |

and that the above Senate File be indefinitely postponed.

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.

Mr. Coleman from the Committee on Rules and Administration, to which was referred

H. F. No. 856 for comparison to companion Senate File, reports the following House File was found not identical with its companion Senate File as follows:

| GENERAL ORDERS | | CONSENT CALENDAR | | CALENDAR | |
|----------------|-----------|------------------|-----------|-----------|-----------|
| H. F. No. | S. F. No. | H. F. No. | S. F. No. | H. F. No. | S. F. No. |
| 856 | 1335 | | | | |

Pursuant to Rule 49 the Committee on Rules and Administration recommends that H. F. No. 856 be amended as follows:

Page 1, line 14, after "*with*" insert "*dependent*"

Page 1, line 14, delete "*under age 21*" and insert "*as defined in Minnesota Statutes 1976, Section 256.12*"

And when so amended, H. F. No. 856 will be identical to S. F. No. 1335 and further recommends that H. F. No. 856 be given its second reading and substituted for S. F. No. 1335 and that the Senate File be indefinitely postponed.

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. Amendments adopted. Report adopted.

Mr. Coleman from the Subcommittee on Bill Scheduling, to which were referred

S. F. Nos. 120, 1422, 783, 867, 446, 458, 1337, 1087, and H. F. Nos. 259, 1054, 1094, 829, and 972, makes the following report:

That S. F. Nos. 120, 1422, 783, 867, 446, 458, 1337, 1087, and H. F. Nos. 259, 1054, 1094, 829, and 972 be placed on the General Orders Calendar in the order indicated.

That there were no other bills before the subcommittee on which floor action was requested.

Report adopted.

SECOND READING OF SENATE BILLS

S. F. No. 1460 was read the second time.

S. F. Nos. 1027, 655, 1137, 418, 597, 889, 1015, 665 and 1201 were read the second time and referred to the Subcommittee on Bill Scheduling of the Committee on Rules and Administration.

SECOND READING OF HOUSE BILLS

H. F. Nos. 1610, 733, 1184 and 856 were read the second time.

H. F. Nos. 257, 954, 676, 1113, 314, 316, 1015, 462, 41 and 297 were read the second time and referred to the Subcommittee on Bill Scheduling of the Committee on Rules and Administration.

MOTIONS AND RESOLUTIONS

Mr. Wegener moved that H. F. No. 1386 be withdrawn from the

Committee on Agriculture and Natural Resources and re-referred to the Committee on Rules and Administration for comparison with S. F. No. 1406 now on General Orders. The motion prevailed.

Mr. Lewis moved that the name of Mrs. Staples be added as co-author to S. F. No. 680. The motion prevailed.

Mr. Perpich moved that the name of Mr. Lessard be added as co-author to S. F. No. 1284. The motion prevailed.

Mr. Solon moved that the name of Mr. Ulland, J. be added as co-author to S. F. No. 1395. The motion prevailed.

Mr. Willet moved that the report from the Committee on Agriculture and Natural Resources, reported May 5, 1977, pertaining to appointments, be taken from the table. The motion prevailed.

Mr. Willet moved that the foregoing report be now adopted. The motion prevailed.

CONFIRMATION

Mr. Willet moved that in accordance with the report from the Committee on Agriculture and Natural Resources, reported May 5, 1977, the Senate, having given its advice, do now consent to and confirm the appointment of:

STATE SOIL AND WATER CONSERVATION BOARD

Thomas R. Schulz, Route 1, Box 140, Sebeka, Wadena County, effective March 22, 1977, for an indeterminate term.

The motion prevailed. So the appointment was confirmed.

MOTIONS AND RESOLUTIONS—CONTINUED

Pursuant to Rule 21, Mr. Moe moved that the following members be excused for a Conference Committee on H. F. No. 1510:

Messrs. Moe, Ogdahl, Tennessen, Stumpf, and Keefe, J. The motion prevailed.

Mr. Tennessen moved that the report from the Committee on Commerce, reported May 9, 1977, pertaining to appointments, be taken from the table. The motion prevailed.

Mr. Tennessen moved that the foregoing report be now adopted. The motion prevailed.

CONFIRMATION

Mr. Tennessen moved that in accordance with the report from the Committee on Commerce, reported May 9, 1977, the Senate, having given its advice, do now consent to and confirm the appointments of:

CABLE COMMUNICATIONS BOARD

Gertrude Ulrich, 7601 Aldrich Avenue South, Richfield, Henne-

pin County, effective June 30, 1976, for a term expiring January 1, 1980.

Ms. Mary S. Burich, 541 Juergens Road, Hutchinson, McLeod County, effective December 16, 1976, for a term expiring January 1, 1980.

The motion prevailed. So the appointments were confirmed.

MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Tennesen moved that the report from the Committee on Commerce, reported May 9, 1977, pertaining to appointments, be taken from the table. The motion prevailed.

Mr. Tennesen moved that the foregoing report be now adopted. The motion prevailed.

CONFIRMATION

Mr. Tennesen moved that in accordance with the report from the Committee on Commerce, reported May 9, 1977, the Senate, having given its advice, do now consent to and confirm the appointment of:

DEPARTMENT OF COMMERCE

COMMISSIONER OF INSURANCE

Berton W. Heaton, 838-22nd Ave. North, South St. Paul, Dakota County, effective January 1, 1977, for a term expiring the first Monday in January, 1983.

The motion prevailed. So the appointment was confirmed.

SUSPENSION OF RULES

Remaining on the Order of Business of Motions and Resolutions, Mr. Coleman moved to take up the Senate Calendar and Consent Calendar and waive the lie-over requirements. The motion prevailed.

THIRD READING OF HOUSE BILLS

H. F. No. 787: A bill for an act relating to savings banks; allowing savings banks to establish negotiable order of withdrawal accounts; imposing reserve requirements; amending Minnesota Statutes 1976, Chapter 50, by adding a section.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 56 and nays 0, as follows:

Those who voted in the affirmative were:

| | | | | |
|-------------|-----------|--------------|-------------|------------|
| Anderson | Frederick | Laufenburger | Perpich | Spear |
| Ashbach | Gearty | Lessard | Peterson | Staples |
| Bang | Gunderson | Luther | Pillsbury | Stokowski |
| Benedict | Hanson | McCutcheon | Purfeerst | Strand |
| Bernhagen | Hughes | Menning | Renneke | Ulland, J. |
| Borden | Humphrey | Merriam | Schaaf | Vega |
| Brataas | Jensen | Milton | Schmitz | Wegener |
| Chmielewski | Johnson | Nelson | Setzepfandt | Willet |
| Coleman | Keefe, S. | Nichols | Sieloff | |
| Davies | Kirchner | Olhoft | Sikorski | |
| Dieterich | Kleinbaum | Olson | Sillers | |
| Engler | Knutson | Penny | Solon | |

So the bill passed and its title was agreed to.

H. F. No. 1364: A bill for an act relating to the attorney general; changing appointments; removing restrictions on assignment of deputy and assistant attorneys general; amending Minnesota Statutes 1976, Sections 8.02 and 268.12, Subdivision 5; repealing Minnesota Statutes 1976, Sections 8.023; 8.024; 8.026, and 84.025, Subdivision 6.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 56 and nays 0, as follows:

Those who voted in the affirmative were:

| | | | | |
|-------------|-----------|--------------|-------------|------------|
| Anderson | Engler | Knutson | Peterson | Spear |
| Ashbach | Frederick | Laufenburger | Pillsbury | Staples |
| Bang | Gearty | Lessard | Purfeerst | Stokowski |
| Benedict | Gunderson | Luther | Renneke | Strand |
| Bernhagen | Hanson | McCutcheon | Schaaf | Ulland, J. |
| Borden | Hughes | Menning | Schmitz | Vega |
| Brataas | Humphrey | Merriam | Schrom | Wegener |
| Chmielewski | Jensen | Nelson | Setzepfandt | Willet |
| Coleman | Johnson | Nichols | Sieloff | |
| Davies | Keefe, S. | Olhoft | Sikorski | |
| Dieterich | Kirchner | Penny | Sillers | |
| Dunn | Kleinbaum | Perpich | Solon | |

So the bill passed and its title was agreed to.

H. F. No. 970: A bill for an act relating to natural resources; amending certain laws concerning minnows; amending Minnesota Statutes 1976, Sections 97.40, Subdivision 27; 97.45, Subdivision 15; 97.55, Subdivision 13; 98.46, Subdivisions 5 and 17; and 101.42, Subdivision 5.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 29 and nays 29, as follows:

Those who voted in the affirmative were:

| | | | | |
|-------------|-----------|--------------|-----------|------------|
| Anderson | Dunn | Laufenburger | Penny | Schmitz |
| Borden | Engler | Lessard | Perpich | Sikorski |
| Chmielewski | Frederick | McCutcheon | Peterson | Stokowski |
| Coleman | Gearty | Merriam | Pillsbury | Ulland, J. |
| Davies | Hanson | Nelson | Renneke | Vega |
| Dieterich | Hughes | Nichols | Schaaf | |

Those who voted in the negative were:

| | | | | |
|-----------|-----------|---------|-------------|---------|
| Ashbach | Humphrey | Knoll | Olson | Solon |
| Bang | Jensen | Knutson | Purfeerst | Spear |
| Benedict | Johnson | Luther | Schrom | Staples |
| Bernhagen | Keefe, S. | Menning | Setzepfandt | Strand |
| Brataas | Kirchner | Milton | Sieloff | Wegener |
| Gunderson | Kleinbaum | Olhoff | Sillers | |

So the bill failed to pass.

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.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 55 and nays 0, as follows:

Those who voted in the affirmative were:

| | | | | |
|-------------|-----------|--------------|-------------|------------|
| Anderson | Engler | Knoll | Olson | Sikorski |
| Ashbach | Frederick | Knutson | Penny | Sillers |
| Bang | Gearty | Laufenburger | Perpich | Solon |
| Benedict | Gunderson | Lessard | Peterson | Spear |
| Bernhagen | Hanson | Luther | Purfeerst | Staples |
| Borden | Humphrey | McCutcheon | Renneke | Stokowski |
| Brataas | Jensen | Menning | Schaaf | Strand |
| Chmielewski | Johnson | Merriam | Schmitz | Ulland, J. |
| Davies | Keefe, S. | Nelson | Schrom | Vega |
| Dieterich | Kirchner | Nichols | Setzepfandt | Wegener |
| Dunn | Kleinbaum | Olhoff | Sieloff | Willet |

So the bill passed and its title was agreed to.

H. F. No. 384: A bill for an act relating to interim claims against the state; appropriating moneys for the payment thereof.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 55 and nays 0, as follows:

Those who voted in the affirmative were:

| | | | | |
|----------|-------------|-----------|-----------|-----------|
| Anderson | Bernhagen | Davies | Frederick | Humphrey |
| Ashbach | Borden | Dieterich | Gearty | Johnson |
| Bang | Brataas | Dunn | Gunderson | Keefe, S. |
| Benedict | Chmielewski | Engler | Hanson | Kirchner |

| | | | | |
|--------------|---------|-----------|-------------|------------|
| Kleinbaum | Menning | Perpich | Schrom | Staples |
| Knoll | Merriam | Peterson | Setzepfandt | Stokowski |
| Knutson | Nelson | Pillsbury | Sieloff | Strand |
| Laufenburger | Nichols | Purfeerst | Sikorski | Ulland, J. |
| Lessard | Olhoft | Renneke | Sillers | Vega |
| Luther | Olson | Schaaf | Solon | Wegener |
| McCutcheon | Penny | Schmitz | Spear | Willet |

So the bill passed and its title was agreed to.

H. F. No. 541: A bill for an act relating to labor; prohibiting the deduction of certain losses from wages without authorization by the employee; providing a cause of action for wrongful deduction.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 55 and nays 2, as follows:

Those who voted in the affirmative were:

| | | | | |
|-------------|-----------|--------------|-------------|------------|
| Anderson | Frederick | Knoll | Penny | Sikorski |
| Bang | Gearly | Laufenburger | Perpich | Sillers |
| Benedict | Gunderson | Lessard | Peterson | Solon |
| Bernhagen | Hanson | Luther | Pillsbury | Spear |
| Borden | Hughes | McCutcheon | Purfeerst | Staples |
| Brataas | Humphrey | Menning | Renneke | Stokowski |
| Chmielewski | Jensen | Merriam | Schaaf | Strand |
| Davies | Johnson | Nelson | Schmitz | Ulland, J. |
| Dieterich | Keefe, S. | Nichols | Schrom | Vega |
| Dunn | Kirchner | Olhoft | Setzepfandt | Wegener |
| Engler | Kleinbaum | Olson | Sieloff | Willet |

Messrs. Ashbach and Knutson voted in the negative.

So the bill passed and its title was agreed to.

CONSENT CALENDAR

H. F. No. 1194: A bill for act relating to the city of Marshall; authorizing the issuance of general obligation airport bonds.

With the unanimous consent of the Senate, Mr. Nichols moved to amend H. F. No. 1194, as amended pursuant to Rule 49, adopted by the Senate May 9, 1977, as follows:

(The text of the amended House File is identical to S. F. No. 1085.)

Page 2, line 7, after "United States" insert "and the state of Minnesota"

The motion prevailed. So the amendment was adopted.

H. F. No. 1194 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 55 and nays 0, as follows:

Those who voted in the affirmative were:

| | | | | |
|-------------|-----------|--------------|-------------|------------|
| Anderson | Frederick | Knoll | Penny | Sikorski |
| Ashbach | Gearty | Knutson | Perpich | Sillers |
| Bang | Gunderson | Laufenburger | Peterson | Solon |
| Benedict | Hanson | Lessard | Pillsbury | Spear |
| Bernhagen | Hughes | Luther | Purfeerst | Staples |
| Brataas | Humphrey | McCutcheon | Renneke | Stokowski |
| Chmielewski | Jensen | Menning | Schaaf | Strand |
| Davies | Johnson | Merriam | Schmitz | Ulland, J. |
| Dieterich | Keefe, S. | Nelson | Schrom | Vega |
| Dunn | Kirchner | Nichols | Setzepfandt | Wegener |
| Engler | Kleinbaum | Olhoff | Sieloff | Willet |

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

H. F. No. 1471: A bill for an act relating to aeronautics; requiring boards of adjustment to grant or deny applications for zoning variances within six months; authorizing the commissioner of transportation to develop an air transportation system; amending Minnesota Statutes 1976, Section 360.015, Subdivision 14; 360.017, Subdivision 1; and 360.067, Subdivision 2.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 49 and nays 5, as follows:

Those who voted in the affirmative were:

| | | | | |
|-------------|-----------|--------------|-------------|------------|
| Ashbach | Engler | Knoll | Olson | Solon |
| Bang | Frederick | Laufenburger | Penny | Spear |
| Benedict | Gearty | Lessard | Perpich | Staples |
| Bernhagen | Gunderson | Luther | Peterson | Stokowski |
| Brataas | Hanson | McCutcheon | Pillsbury | Strand |
| Chmielewski | Hughes | Menning | Purfeerst | Ulland, J. |
| Coleman | Jensen | Merriam | Renneke | Vega |
| Davies | Johnson | Nelson | Schaaf | Wegener |
| Dieterich | Keefe, S. | Nichols | Schmitz | Willet |
| Dunn | Kleinbaum | Olhoff | Setzepfandt | |

Those who voted in the negative were:

| | | | | |
|----------|--------|---------|----------|---------|
| Kirchner | Schrom | Sieloff | Sikorski | Sillers |
|----------|--------|---------|----------|---------|

So the bill passed and its title was agreed to.

H. F. No. 903: A bill for an act relating to public transportation; making state commuter vans available for use by blind vending operators working on state property; amending Minnesota Statutes 1976, Section 16.756.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 53 and nays 0, as follows:

Those who voted in the affirmative were:

| | | | | |
|-------------|-----------|--------------|-------------|------------|
| Anderson | Engler | Knoll | Olson | Sillers |
| Ashbach | Frederick | Knutson | Penny | Spear |
| Bang | Gearly | Laufenburger | Perpich | Staples |
| Benedict | Gunderson | Lessard | Pillsbury | Stokowski |
| Bernhagen | Hanson | Luther | Purfeerst | Strand |
| Brataas | Hughes | McCutcheon | Renneke | Ulland, J. |
| Chmielewski | Jensen | Menning | Schmitz | Vega |
| Coleman | Johnson | Merriam | Schrom | Wegener |
| Davies | Keefe, S. | Nelson | Setzepfandt | Willet |
| Dieterich | Kirchner | Nichols | Sieloff | |
| Dunn | Kleinbaum | Olhoft | Sikorski | |

So the bill passed and its title was agreed to.

H. F. No. 817: A bill for an act relating to highway traffic regulations; weight limitations; providing that weight increases for haulers of raw and unfinished forest products shall be statewide during certain periods; amending Minnesota Statutes 1976, Section 169.83, Subdivision 1.

Pursuant to Rule No. 9, there being three objectors, H. F. No. 817 was stricken from the Consent Calendar and referred to the Subcommittee on Bill Scheduling of the Committee on Rules and Administration.

SPECIAL ORDER

Pursuant to Rule 10, Mr. Coleman, Chairman of the Subcommittee on Bill Scheduling, designated S. F. No. 65 a Special Order to be heard immediately.

S. F. No. 65: A bill for an act relating to crimes and corrections; sentencing and post conviction disposition of criminal offenders; transferring the powers and duties of the Minnesota corrections board to the commissioner of corrections; abolishing the Minnesota corrections board; providing for determinate sentencing; providing for a mutual agreement program; appropriating money; amending Minnesota Statutes 1976, Sections 152.15, Subdivisions 1, 2 and 3; 299F.811; 299F.815, Subdivision 1; 401.13; 609.03; 609.10; 609.135, Subdivisions 1 and 2; 609.145, Subdivision 1; 609.165, Subdivision 2; 609.17, Subdivision 4; 609.175, Subdivision 2; 609.18; 609.185; 609.19; 609.195; 609.20; 609.205; 609.21; 609.215; 609.225; 609.235; 609.24; 609.245; 609.25, Subdivision 2; 609.255; 609.26; 609.27, Subdivision 2; 609.31; 609.32; 609.342; 609.343; 609.344; 609.345; 609.355, Subdivision 2; 609.365; 609.375, Subdivision 2; 609.39; 609.395; 609.405, Subdivision 2; 609.42, Subdivision 1; 609.425; 609.445; 609.455; 609.465; 609.466; 609.48, Subdivisions 1 and 4; 609.485, Subdivision 4; 609.495, Subdivision 1; 609.498, Subdivision 1; 609.52, Subdivisions 2 and 3; 609.521; 609.525, Subdivision 1; 609.53, Subdivisions 1 and 3; 609.54; 609.55, Subdivision 2; 609.551, Subdivision 1; 609.561; 609.562; 609.563, Subdivision 1; 609.576; 609.58, Subdivision 2; 609.59; 609.595, Subdivision 1; 609.60; 609.611; 609.615; 609.62, Subdivision 2; 609.625; 609.63; 609.635; 609.64; 609.645; 609.65; 609.67, Subdivision 2; 609.71; 609.713; 609.785; 609.82; 609.825, Subdivision 2; 609.83; and Chapter 609,

by adding a section; repealing Minnesota Statutes 1976, Sections 152.15, Subdivisions 4 and 5; 241.045; 242.24; 243.06; 243.14; 243.18; 246.43; 609.11; 609.155; 609.16; 609.293, Subdivisions 2, 3, and 4; and 609.346.

Mr. McCutcheon moved to amend S. F. No. 65 as follows:

Page 6, lines 15 and 21, strike "*of corrections*"

Page 8, line 20, after the period insert:

"If an inmate violates a disciplinary offense rule promulgated pursuant to subdivision 2, good time earned prior to the violation may be taken away or the inmate may be required to serve an appropriate portion of his sentence after the violation without earning good time."

Page 8, line 24, strike "*denial*" and insert "*the loss*"

Page 8, line 25, strike "*denied*" and insert "*lost*"

Page 8, line 27, strike "*denial*" and insert "*loss*"

Page 8, line 27, strike "*30 days*" and insert "*one year*"

Page 8, line 27, strike "*In no case shall*"

Page 8, line 28, strike "*good time earned be taken away.*"

Page 8, lines 28 and 30, strike "*denial*" and insert "*loss*"

Page 11, lines 1, 6, 8, and 17, strike "*100*" and insert "*101*"

Page 14, line 7, strike "*40*" and insert "*50*"

Page 14, line 7, after "*increased*" insert "*by up to 14 years*"

Page 14, line 8, strike "*six*" and insert "*seven*"

Page 14, line 9, strike "*20*" and insert "*40*"

Page 14, line 9, after "*increased*" insert "*by up to 12 years*"

Page 14, line 10, strike "*three*" and insert "*six*"

Page 14, lines 11 and 13, after "*increased*" insert "*by up to four years*"

Page 14, line 15, after "*increased*" insert "*by up to three years*"

Page 14, line 16, strike "*one year*" and insert "*18 months*"

Page 14, lines 18 and 19, after "*increased*" insert "*by up to two years*"

Page 14, line 21, strike "*or fewer*"

Page 14, line 22, after "*increased*" insert "*by up to one year*"

Page 14, line 22, strike the period and insert a semicolon

Page 14, after line 22 insert:

"(9) A statutory sentence of three years may be increased by up to one year or decreased by up to six months;

(10) A statutory sentence of two years may be increased or decreased by up to six months;

(11) A statutory sentence of a year and a day may be increased by up to six months."

Page 15, line 1, strike "a" and insert "an increased or decreased"

Page 15, line 2, strike "which has been increased or decreased pursuant to"

Page 15, line 3, strike "subdivision 1"

Page 16, line 7, strike "the failure" and insert "any of the following:"

Page 16, after line 7 insert

"(a) the failure to commit the defendant to the custody of the commissioner of corrections;

(b) the failure to increase a statutory sentence pursuant to subdivision 1; or

(c) the failure"

Page 16, line 15, after the second "to" insert "commit the defendant to the custody of the commissioner of corrections, the failure to impose an increased sentence or the failure to"

Page 16, line 18, strike "to impose an extended term"

Page 23, line 26, strike "40" and insert "50"

Page 24, line 13, strike "20" and insert "40"

The motion prevailed. So the amendment was adopted.

Mr. Knutson moved to amend S. F. No. 65 as follows:

Page 18, line 8, strike "second or subsequent"

Page 18, line 11, strike ". Each conviction must arise from a"

Page 18, line 12, strike "separate course of conduct"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 21 and nays 28, as follows:

Those who voted in the affirmative were:

| | | | | |
|-----------|-------------|-----------|-------------|--------|
| Ashbach | Chmielewski | Knutson | Schrom | Willet |
| Bang | Dunn | Lessard | Setzepfandt | |
| Benedict | Engler | Peterson | Sieloff | |
| Bernhagen | Frederick | Pillsbury | Sillers | |
| Brataas | Kirchner | Renneke | Strand | |

Those who voted in the negative were:

| | | | | |
|-----------|-----------|--------------|-----------|------------|
| Borden | Hanson | Laufenburger | Nelson | Spear |
| Coleman | Hughes | Lewis | Olhoft | Staples |
| Davies | Humphrey | Luther | Olson | Stokowski |
| Dieterich | Johnson | McCutcheon | Purfeerst | Ulland, J. |
| Gearty | Keefe, S. | Menning | Schaaf | |
| Gunderson | Knoll | Milton | Schmitz | |

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

Pursuant to Rule 21, Mr. Humphrey moved that the following members be excused for a Conference Committee on S. F. No. 32:

Messrs. Humphrey; Keefe, S.; Willet; Dunn and Mrs. Staples. The motion prevailed.

Mr. Knutson moved to amend S. F. No. 65 as follows:

Page 14, line 11, strike "16" and insert "25"

Page 14, line 13, strike "12" and insert "22"

Page 14, line 15, strike "ten" and insert "20"

Page 14, line 17, strike "eight" and insert "12"

Page 14, line 19, strike "six" and insert "ten"

Page 14, line 21, strike "four" and insert "eight"

Page 24, line 27, strike "16" and insert "25"

Page 25, line 2, strike "ten" and insert "20"

Page 25, line 16, strike "six" and insert "ten"

Page 27, line 16, strike "four" and insert "six"

Page 27, line 21, strike "two" and insert "four"

Page 28, line 18, strike "eight" and insert "ten"

Page 32, line 7, strike "eight" and insert "12"

Page 33, line 19, strike "six" and insert "ten"

Page 34, line 32, strike "four" and insert "eight"

Page 35, line 28, strike "two" and insert "six"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 18 and nays 32, as follows:

Those who voted in the affirmative were:

| | | | | |
|-----------|-------------|--------------|-----------|---------|
| Ashbach | Brataas | Kirchner | Menning | Schrom |
| Bang | Chmielewski | Knutson | Peterson | Sieloff |
| Benedict | Dunn | Laufenburger | Pillsbury | |
| Bernhagen | Engler | Lessard | Renneke | |

Those who voted in the negative were:

| | | | | |
|-----------|------------|---------|-------------|------------|
| Borden | Hughes | Milton | Purfeerst | Stokowski |
| Coleman | Humphrey | Nelson | Schaaf | Strand |
| Davies | Johnson | Nichols | Schmitz | Ulland, J. |
| Dieterich | Knoll | Olhoff | Setzepfandt | Vega |
| Gearty | Lewis | Olson | Sikorski | |
| Gunderson | Luther | Penny | Spear | |
| Hanson | McCutcheon | Perpich | Staples | |

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

Mr. Chmielewski moved to amend S. F. No. 65 as follows:

Page 23, line 26, strike "to a term of 40 years" and insert "as provided in section 98"

Page 65, after line 1, insert:

"Sec. 98. Minnesota Statutes 1976, Chapter 609, is amended by adding a section to read:

[609.106] [DEATH SENTENCE; PROCEEDINGS.] *Subdivision 1. Upon conviction or entry of a plea of guilty of a violation of section 26, the court shall conduct a separate sentencing proceeding to determine whether the defendant should be sentenced to death. The proceeding shall be conducted by the trial judge before the trial jury as soon as practicable. If the trial jury has been waived or if the defendant pleaded guilty, the sentencing proceeding shall be conducted before a jury impaneled for that purpose, unless waived by the defendant. In the proceeding, evidence may be presented as to any matter that the court deems relevant to sentence, and shall include matters relating to any of the aggravating or mitigating circumstances enumerated in subdivisions 6 and 7. The evidence which the court deems to have probative value may be received, regardless of its admissibility under the exclusionary rules of evidence, provided that the defendant is accorded a fair opportunity to rebut any hearsay statements. This section shall not be construed to authorize the introduction of any evidence secured in violation of the Constitution of the United States or of the state of Minnesota. The state and the defendant or his counsel shall be permitted to present argument for or against sentence of death.*

Subd. 2. After hearing all the evidence, the jury shall deliberate and render an advisory sentence to the court based upon the following matters:

(a) Whether sufficient aggravating circumstances exist as enumerated in subdivision 6, and

(b) Whether sufficient mitigating circumstances exist as enumerated in subdivision 7, which outweigh aggravating circumstances found to exist, and

(c) Based on these considerations whether the defendant should be sentenced to death.

Subd. 3. Notwithstanding the recommendation of a majority of the jury, the court after weighing the aggravating and mitigating circumstances shall enter a sentence of life imprisonment or death, but if the court imposes a sentence of death, it shall set forth in writing its findings upon which the sentence of death is based as to the facts:

(a) That sufficient aggravating circumstances exist as enumerated in subdivision 6, and

(b) That there are insufficient mitigating circumstances, as enumerated in subdivision 7, to outweigh the aggravating circumstances.

In each case in which the court imposes the death sentence, the determination of the court shall be supported by specific written findings of fact based upon the circumstances in subdivisions 6 and 7 and based upon the records of the trial and the sentencing proceedings.

Subd. 4. If the court does not make the findings requiring the death sentence, the court shall impose sentence of life imprisonment.

Subd. 5. The judgment of conviction and sentence of death shall be subject to automatic review by the supreme court of Minnesota within 60 days after certification by the sentencing court of the entire record unless the time is extended for an additional period, not to exceed 30 days, by the supreme court for good cause shown. The review by the supreme court shall have priority over all other cases, and shall be heard in accordance with rules promulgated by the supreme court.

Subd. 6. [AGGRAVATING CIRCUMSTANCES.] Aggravating circumstances shall be limited to the following:

(a) The murder was committed by a person under sentence of imprisonment;

(b) The defendant was previously convicted of another felony involving the use or threat of violence to the person; or

(c) The defendant knowingly created a great risk of death to many persons.

Subd. 7. [MITIGATING CIRCUMSTANCES.] Mitigating circumstances shall be the following:

(a) The defendant has no significant history of prior criminal activity;

(b) The murder was committed while the defendant was under the influence of extreme mental or emotional disturbance;

(c) The defendant acted under extreme duress or under the substantial domination of another person;

(d) The capacity of the defendant to appreciate the criminality of his conduct or to conform his conduct to the requirements of law was substantially impaired;

(e) The age of the defendant at the time of the crime.

Sec. 4. Minnesota Statutes 1976, Chapter 609, is amended by adding a section to read:

[609.107] [EXECUTION.] Subdivision 1. [WARRANT OF EXECUTION.] The governor or the supreme court may issue a warrant to the warden directing him to execute the sentence at a time designated in the warrant.

Subd. 2. [STAY.] The execution of a death sentence may be stayed only by the governor or by the supreme court incident to an appeal.

Subd. 3. [PROCEEDINGS WHEN PERSON UNDER SENTENCE OF DEATH APPEARS TO BE INSANE.] (a) *When the governor is informed that a person under sentence of death may be insane, he shall stay execution of the sentence and appoint a commission of three psychiatrists to examine the convicted person. The governor shall notify the psychiatrists in writing that they are to examine the convicted person to determine whether he understands the nature and effect of the death penalty and why it is to be imposed upon him. The examination of the convicted person shall take place with all three psychiatrists present. Counsel for the convicted person and a representative of the attorney general may be present at the examination. If the convicted person does not have counsel, the court that imposed the sentence shall appoint counsel to represent him.*

(b) *After receiving the report of the commission, if the governor decides that the convicted person has the mental capacity to understand the nature of the death penalty and the reasons why it was imposed upon him, he shall issue a warrant to the warden directing him to execute the sentence at a time designated in the warrant.*

(c) *If the governor decides that the convicted person does not have the mental capacity to understand the nature of the death penalty and why it was imposed on him, he shall have him committed to the Minnesota security hospital or to a state hospital for the insane.*

(d) *When a person under sentence of death has been committed to the Minnesota security hospital or to a state hospital for the insane, he shall be kept there until the proper official of the hospital determines that he has been restored to sanity. The hospital official shall notify the governor of his determination and the governor shall appoint another commission to proceed as provided in clause (a).*

(e) *The governor shall allow reasonable fees to psychiatrists appointed under the provisions of this section which shall be paid by the state.*

Subd. 4. [PROCEEDINGS WHEN PERSON UNDER SENTENCE OF DEATH APPEARS TO BE PREGNANT.] (a) *When the governor is informed that a person under sentence of death may be pregnant, he shall stay execution of the sentence and appoint a qualified physician to examine the convicted person and determine if she is pregnant.*

(b) *After receiving the report of the physician, if the governor determines that the convicted person is not pregnant, he shall issue a warrant to the warden directing him to execute the sentence at a time designated in the warrant.*

(c) *If the governor determines that a convicted person whose execution has been stayed because of pregnancy is no longer pregnant, he shall issue a warrant to the warden directing him to execute the sentence at a time designated in the warrant.*

(d) *The governor shall allow a reasonable fee to the physician*

appointed under the provisions of this section which shall be paid by the state.

Subd. 5. [EXECUTION OF DEATH SENTENCE.] *A death sentence shall be executed by electrocution. The warden of the state prison shall designate the executioner. The warrant authorizing the execution shall be read to the convicted person immediately before execution.*

Subd. 6. [REGULATION OF EXECUTION.] *(a) The warden of the state prison or a deputy designated by him shall be present at the execution. The warden shall set the day for execution within the week designated by the governor in the warrant.*

(b) Twelve citizens selected by the warden shall witness the execution. A qualified physician shall be present and announce when death has been inflicted. Counsel for the convicted person and ministers of the gospel requested by the convicted person may be present. Representatives of news media may be present under regulations approved by the commissioner of corrections. All other persons except prison officers and guards shall be excluded during the execution.

(c) The body of the executed person shall be prepared for burial and, if requested, delivered at the prison gates to relatives of the deceased. If a coffin has not been provided by relatives, the body shall be delivered in a plain coffin. If the body is not claimed by relatives, it shall be given to physicians who have requested it for dissection or be disposed of in the same manner as are bodies of prisoners dying in the state prison.

Subd. 7. [TRANSFER TO STATE PRISON FOR SAFEKEEPING BEFORE DEATH WARRANT ISSUED.] *The sheriff shall deliver a person sentenced to death to the state prison to await the death warrant. A district judge of the district in which a death sentence was imposed may order the convicted person transferred to the state prison before the issuance of a warrant of execution if he determines that the transfer is necessary for the safekeeping of the prisoner.*

Subd. 8. [RETURN OF WARRANT OF EXECUTION ISSUED BY GOVERNOR.] *After the death sentence has been executed, the warden of the state prison shall return to the governor the warrant and a signed statement of the execution. The warden shall file an attested copy of the warrant and statement with the clerk of the court that imposed the sentence.*

Subd. 9. [RETURN OF WARRANT OF EXECUTION ISSUED BY SUPREME COURT.] *After the sentence has been executed pursuant to a warrant issued by the supreme court, the warden of the state prison shall return to the supreme court the warrant and a signed statement of the execution. The warden shall file an attested copy of the warrant and statement with the clerk of the court that imposed the sentence. The warden shall send to the governor an attested copy of the warrant and statement.*

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, after the semicolon insert "permitting the imposition of the death sentence;"

Page 1, line 35, strike "a section" and insert "sections"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 6 and nays 47, as follows:

Those who voted in the affirmative were:

| | | | | |
|-------------|---------|-------|---------|--------|
| Chmielewski | Menning | Olson | Renneke | Schrom |
| Knutson | | | | |

Those who voted in the negative were:

| | | | | |
|-----------|-----------|--------------|-------------|------------|
| Anderson | Dunn | Laufenburger | Penny | Solon |
| Ashbach | Engler | Lessard | Perpich | Spear |
| Bang | Gearty | Lewis | Peterson | Staples |
| Benedict | Gunderson | Luther | Pillsbury | Stokowski |
| Bernhagen | Hanson | McCutcheon | Purfeerst | Strand |
| Borden | Hughes | Merriam | Schaaf | Ulland, J. |
| Brataas | Humphrey | Milton | Schmitz | Vega |
| Coleman | Johnson | Nelson | Setzepfandt | |
| Davies | Kirchner | Nichols | Sieloff | |
| Dieterich | Knoll | Olhoft | Sikorski | |

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

Mr. Olson moved to amend S. F. No. 65 as follows:

Page 28, after line 26, insert:

"(2) If the victim is killed, as provided in section 98; or"

Page 28, line 27, strike "(2)" and insert "(3)"

Page 65, after line 1, insert:

"Sec. 98. Minnesota Statutes 1976, Chapter 609, is amended by adding a section to read:

[609.106] [DEATH SENTENCE; PROCEEDINGS.] *Subdivision 1. Upon conviction or entry of a plea of guilty of a violation of section 609.25, subdivision 2, clause (2), the court shall conduct a separate sentencing proceeding to determine whether the defendant should be sentenced to death. The proceeding shall be conducted by the trial judge before the trial jury as soon as practicable. If the trial jury has been waived or if the defendant pleaded guilty, the sentencing proceeding shall be conducted before a jury impaneled for that purpose, unless waived by the defendant. In the proceeding, evidence may be presented as to any matter that the court deems relevant to sentence, and shall include matters relating to any of the aggravating or mitigating circumstances enumerated in subdivisions 6 and 7. The evidence which the court deems to have probative value may be received, regardless of its admissibility under the exclusionary rules of evidence, provided that the defendant is accorded a fair opportunity to rebut any hearsay statements. This section shall not be construed to authorize*

the introduction of any evidence secured in violation of the Constitution of the United States or of the state of Minnesota. The state and the defendant or his counsel shall be permitted to present argument for or against sentence of death.

Subd. 2. After hearing all the evidence, the jury shall deliberate and render an advisory sentence to the court based upon the following matters:

(a) Whether sufficient aggravating circumstances exist as enumerated in subdivision 6, and

(b) Whether sufficient mitigating circumstances exist as enumerated in subdivision 7, which outweigh aggravating circumstances found to exist, and

(c) Based on these considerations whether the defendant should be sentenced to death.

Subd. 3. Notwithstanding the recommendation of a majority of the jury, the court after weighing the aggravating and mitigating circumstances shall enter a sentence of life imprisonment or death, but if the court imposes a sentence of death, it shall set forth in writing its findings upon which the sentence of death is based as to the facts:

(a) That sufficient aggravating circumstances exist as enumerated in subdivision 6, and

(b) That there are insufficient mitigating circumstances, as enumerated in subdivision 7, to outweigh the aggravating circumstances. In each case in which the court imposes the death sentence, the determination of the court shall be supported by specific written findings of fact based upon the circumstances in subdivisions 6 and 7 and based upon the records of the trial and the sentencing proceedings.

Subd. 4. If the court does not make the findings requiring the death sentence, the court shall impose sentence of life imprisonment.

Subd. 5. The judgment of conviction and sentence of death shall be subject to automatic review by the supreme court of Minnesota within 60 days after certification by the sentencing court of the entire record unless the time is extended for an additional period, not to exceed 30 days, by the supreme court for good cause shown. The review by the supreme court shall have priority over all other cases, and shall be heard in accordance with rules promulgated by the supreme court.

Subd. 6. [AGGRAVATING CIRCUMSTANCES.] Aggravating circumstances shall be limited to the following:

(a) The murder was committed by a person under sentence of imprisonment;

(b) The defendant was previously convicted of another felony involving the use or threat of violence to the person; or

(c) *The defendant knowingly created a great risk of death to many persons.*

Subd. 7. [MITIGATING CIRCUMSTANCES.] *Mitigating circumstances shall be the following:*

(a) *The defendant has no significant history of prior criminal activity;*

(b) *The murder was committed while the defendant was under the influence of extreme mental or emotional disturbance;*

(c) *The defendant acted under extreme duress or under the substantial domination of another person;*

(d) *The capacity of the defendant to appreciate the criminality of his conduct or to conform his conduct to the requirements of law was substantially impaired;*

(e) *The age of the defendant at the time of the crime.*

Sec. 4. Minnesota Statutes 1976, Chapter 609, is amended by adding a section to read:

[609.107] [EXECUTION.] *Subdivision 1. [WARRANT OF EXECUTION.] The governor or the supreme court may issue a warrant to the warden directing him to execute the sentence at a time designated in the warrant.*

Subd. 2. [STAY.] *The execution of a death sentence may be stayed only by the governor or by the supreme court incident to an appeal.*

Subd. 3. [PROCEEDINGS WHEN PERSON UNDER SENTENCE OF DEATH APPEARS TO BE INSANE.] (a) *When the governor is informed that a person under sentence of death may be insane, he shall stay execution of the sentence and appoint a commission of three psychiatrists to examine the convicted person. The governor shall notify the psychiatrists in writing that they are to examine the convicted person to determine whether he understands the nature and effect of the death penalty and why it is to be imposed upon him. The examination of the convicted person shall take place with all three psychiatrists present. Counsel for the convicted person and a representative of the attorney general may be present at the examination. If the convicted person does not have counsel, the court that imposed the sentence shall appoint counsel to represent him.*

(b) *After receiving the report of the commission, if the governor decides that the convicted person has the mental capacity to understand the nature of the death penalty and the reasons why it was imposed upon him, he shall issue a warrant to the warden directing him to execute the sentence at a time designated in the warrant.*

(c) *If the governor decides that the convicted person does not have the mental capacity to understand the nature of the death penalty and why it was imposed on him, he shall have him committed to the Minnesota security hospital or to a state hospital for the insane.*

(d) *When a person under sentence of death has been committed to the Minnesota security hospital or to a state hospital for the insane, he shall be kept there until the proper official of the hospital determines that he has been restored to sanity. The hospital official shall notify the governor of his determination and the governor shall appoint another commission to proceed as provided in clause (a).*

(e) *The governor shall allow reasonable fees to psychiatrists appointed under the provisions of this section which shall be paid by the state.*

Subd. 4. [PROCEEDINGS WHEN PERSON UNDER SENTENCE OF DEATH APPEARS TO BE PREGNANT.] (a) *When the governor is informed that a person under sentence of death may be pregnant, he shall stay execution of the sentence and appoint a qualified physician to examine the convicted person and determine if she is pregnant.*

(b) *After receiving the report of the physician, if the governor determines that the convicted person is not pregnant, he shall issue a warrant to the warden directing him to execute the sentence at a time designated in the warrant.*

(c) *If the governor determines that a convicted person whose execution has been stayed because of pregnancy is no longer pregnant, he shall issue a warrant to the warden directing him to execute the sentence at a time designated in the warrant.*

(d) *The governor shall allow a reasonable fee to the physician appointed under the provisions of this section which shall be paid by the state.*

Subd. 5. [EXECUTION OF DEATH SENTENCE.] *A death sentence shall be executed by electrocution. The warden of the state prison shall designate the executioner. The warrant authorizing the execution shall be read to the convicted person immediately before execution.*

Subd. 6. [REGULATION OF EXECUTION.] (a) *The warden of the state prison or a deputy designated by him shall be present at the execution. The warden shall set the day for execution within the week designated by the governor in the warrant.*

(b) *Twelve citizens selected by the warden shall witness the execution. A qualified physician shall be present and announce when death has been inflicted. Counsel for the convicted person and ministers of the gospel requested by the convicted person may be present. Representatives of news media may be present under regulations approved by the commissioner of corrections. All other persons except prison officers and guards shall be excluded during the execution.*

(c) *The body of the executed person shall be prepared for burial and, if requested, delivered at the prison gates to relatives of the deceased. If a coffin has not been provided by relatives, the body shall be delivered in a plain coffin. If the body is not claimed by relatives, it shall be given to physicians who have*

requested it for dissection or be disposed of in the same manner as are bodies of prisoners dying in the state prison.

Subd. 7. [TRANSFER TO STATE PRISON FOR SAFE-KEEPING BEFORE DEATH WARRANT ISSUED.] The sheriff shall deliver a person sentenced to death to the state prison to await the death warrant. A district judge of the district in which a death sentence was imposed may order the convicted person transferred to the state prison before the issuance of a warrant of execution if he determines that the transfer is necessary for the safekeeping of the prisoner.

Subd. 8. [RETURN OF WARRANT OF EXECUTION ISSUED BY GOVERNOR.] After the death sentence has been executed, the warden of the state prison shall return to the governor the warrant and a signed statement of the execution. The warden shall file an attested copy of the warrant and statement with the clerk of the court that imposed the sentence.

Subd. 9. [RETURN OF WARRANT OF EXECUTION ISSUED BY SUPREME COURT.] After the sentence has been executed pursuant to a warrant issued by the supreme court, the warden of the state prison shall return to the supreme court the warrant and a signed statement of the execution. The warden shall file an attested copy of the warrant and statement with the clerk of the court that imposed the sentence. The warden shall send to the governor an attested copy of the warrant and statement."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, after the semicolon insert "permitting the imposition of the death sentence;"

Page 1, line 35, strike "a section" and insert "sections"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 14 and nays 35, as follows:

Those who voted in the affirmative were:

| | | | | |
|-------------|--------------|---------|-----------|---------|
| Bernhagen | Frederick | Lessard | Pillsbury | Schrom |
| Chmielewski | Jensen | Menning | Purfeerst | Wegener |
| Engler | Laufenburger | Olson | Renneke | |

Those who voted in the negative were:

| | | | | |
|-----------|-----------|------------|-------------|------------|
| Benedict | Gearty | Knoll | Nichols | Sikorski |
| Borden | Gunderson | Knutson | Olhoff | Spear |
| Brataas | Hanson | Lewis | Penny | Staples |
| Coleman | Hughes | Luther | Peterson | Stokowski |
| Davies | Humphrey | McCutcheon | Schmitz | Strand |
| Dieterich | Johnson | Merriam | Setzepfandt | Ulland, J. |
| Dunn | Kirchner | Nelson | Sieloff | Vega |

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

S. F. No. 65 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 58 and nays 5, as follows:

Those who voted in the affirmative were:

| | | | | |
|-------------|-----------|--------------|-------------|------------|
| Anderson | Engler | Knutson | Ogdahl | Spear |
| Ashbach | Frederick | Laufenburger | Olhoff | Staples |
| Bang | Gearty | Lessard | Penny | Stokowski |
| Benedict | Gunderson | Lewis | Perpich | Strand |
| Bernhagen | Hanson | Luther | Peterson | Stumpf |
| Borden | Hughes | McCutcheon | Pillsbury | Tennessee |
| Brataas | Humphrey | Menning | Purfeerst | Ulland, J. |
| Chmielewski | Johnson | Merriam | Schrom | Vega |
| Coleman | Keefe, J. | Milton | Setzepfandt | Wegener |
| Davies | Keefe, S. | Moe | Sieloff | Willet |
| Dieterich | Kirchner | Nelson | Sikorski | |
| Dunn | Knoll | Nichols | Solon | |

Those who voted in the negative were:

| | | | | |
|--------|-----------|-------|---------|---------|
| Jensen | Kleinbaum | Olson | Renneke | Schmitz |
|--------|-----------|-------|---------|---------|

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

SPECIAL ORDER

Pursuant to Rule 10, Mr. Coleman, Chairman of the Subcommittee on Bill Scheduling, designated H. F. No. 800 a Special Order to be heard immediately.

H. F. No. 800: A bill for an act relating to crimes; regulating the transfer of pistols; requiring a waiting period for pistol transfers; requiring police checks of pistol transferees; prohibiting transfers of pistols to certain persons; providing for transferee permits; prescribing penalties; providing for statewide validity of permits to carry; amending Minnesota Statutes 1976, Sections 609.11, Subdivision 1, and by adding a subdivision; 609.135, Subdivision 1; 624.712, Subdivisions 2 and 4, and by adding a subdivision; 624.714, Subdivision 9, and by adding a subdivision; and Chapter 624, by adding sections; repealing Minnesota Statutes 1976, Section 609.11, Subdivision 2.

CALL OF THE SENATE

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

| | | | | |
|-------------|-----------|--------------|-------------|------------|
| Anderson | Frederick | Laufenburger | Peterson | Spear |
| Ashbach | Gearty | Lessard | Pillsbury | Staples |
| Bernhagen | Gunderson | Lewis | Purfeerst | Strand |
| Borden | Hughes | Luther | Renneke | Stumpf |
| Chmielewski | Humphrey | McCutcheon | Schaaf | Ulland, J. |
| Coleman | Jensen | Menning | Schmitz | Vega |
| Davies | Johnson | Nelson | Setzepfandt | Wegener |
| Dieterich | Keefe, S. | Olhoff | Sikorski | Willet |
| Engler | Kleinbaum | Penny | Solon | |

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

Mr. Schrom moved that H. F. No. 800 on Special Orders be stricken and re-referred to the Committee on Judiciary.

The question was taken on the adoption of the motion.

The roll was called, and there were yeas 26 and nays 28, as follows:

Those who voted in the affirmative were:

| | | | | |
|-------------|-----------|--------------|-----------|-------------|
| Anderson | Engler | Knutson | Olson | Setzepfandt |
| Ashbach | Frederick | Laufenburger | Penny | Sieloff |
| Bang | Hanson | Lessard | Pillsbury | |
| Bernhagen | Jensen | Menning | Renneke | |
| Chmielewski | Kirchner | Nelson | Schmitz | |
| Dunn | Kleinbaum | Nichols | Schrom | |

Those who voted in the negative were:

| | | | | |
|-----------|-----------|------------|-----------|------------|
| Benedict | Gearty | Knoll | Perpich | Stokowski |
| Borden | Gunderson | Lewis | Purfeerst | Strand |
| Brataas | Hughes | Luther | Sikorski | Ulland, J. |
| Coleman | Humphrey | McCutcheon | Sillers | Vega |
| Davies | Johnson | Milton | Spear | |
| Dieterich | Keefe, S. | Olhoff | Staples | |

The motion did not prevail.

Mr. Knutson moved to amend H. F. No. 800, as amended pursuant to Rule 49, adopted by the Senate April 26, 1977, as follows:

(The text of the amended House File is identical to S. F. No. 781.)

Page 7, after line 11, insert:

"Sec. 4. Minnesota Statutes 1976, Section 624.714, Subdivision 5, is amended to read:

Subd. 5. [GRANTING OF PERMITS.] No permit to carry shall be granted to a person unless the applicant:

(a) Is not a person prohibited by section 624.713 from possessing a pistol; and

(b) Provides a firearms safety certificate recognized by the department of natural resources, evidence of successful completion of a test of ability to use a firearm supervised by the chief of police or sheriff or other satisfactory proof of ability to use a pistol safely; and

(c) Has an occupation or personal safety hazard requiring a permit to carry."

Amend the title as follows:

Line 9, after the semicolon insert "624.714, Subdivision 5;"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 14 and nays 29, as follows:

Those who voted in the affirmative were:

| | | | | |
|-----------|-------------|---------|-----------|---------|
| Bang | Chmielewski | Jensen | Olson | Schmitz |
| Bernhagen | Engler | Knutson | Pillsbury | Schrom |
| Brataas | Frederick | Lessard | Renneke | |

Those who voted in the negative were:

| | | | | |
|-----------|--------------|------------|-----------|------------|
| Benedict | Hughes | Luther | Penny | Spear |
| Borden | Humphrey | McCutcheon | Perpich | Staples |
| Davies | Johnson | Merriam | Purfeerst | Stokowski |
| Dieterich | Keefe, S. | Milton | Sikorski | Strand |
| Gearty | Laufenburger | Nelson | Sillers | Ulland, J. |
| Gunderson | Lewis | Olhoft | Solon | |

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

Mr. Chmielewski moved to amend H. F. No. 800, as amended pursuant to Rule 49, adopted by the Senate April 26, 1977, as follows:

(The text of the amended House File is identical to S. F. No. 781.)

Page 2, after line 9, insert:

"Sec. 3. Minnesota Statutes 1976, Section 624.714, is amended by adding a subdivision to read:

Subd. 14. Every municipality or county shall be reimbursed by the state the sum of \$25 for each permit it issues under this section."

Page 5, line 7, after the period insert "*Every municipality or county shall be reimbursed by the state the sum of \$25 for each transfer report it processes under this section."*

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 6, after "persons;" insert "providing for payment to local units of government for issuing permits and processing transfer reports;"

Page 1, line 9, after the semicolon insert "624.714, by adding a subdivision;"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 23 and nays 32, as follows:

Those who voted in the affirmative were:

| | | | | |
|-----------|-------------|---------|-------------|---------|
| Anderson | Brataas | Jensen | Pillsbury | Sieloff |
| Ashbach | Chmielewski | Knutson | Renneke | Sillers |
| Bang | Dunn | Lessard | Schmitz | Wegener |
| Benedict | Engler | Menning | Schrom | |
| Bernhagen | Frederick | Olson | Setzepfandt | |

Those who voted in the negative were:

| | | | | |
|-----------|--------------|------------|-----------|------------|
| Borden | Hughes | Luther | Perpich | Staples |
| Coleman | Humphrey | McCutcheon | Peterson | Stokowski |
| Davies | Johnson | Merriam | Purfeerst | Strand |
| Dieterich | Keefe, S. | Nelson | Schaaf | Ulland, J. |
| Gearty | Knoll | Nichols | Sikorski | |
| Gunderson | Laufenburger | Olhoft | Solon | |
| Hanson | Lewis | Penny | Spear | |

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

Mr. Chmielewski then moved to amend H. F. No. 800, as amended pursuant to Rule 49, adopted by the Senate April 26, 1977, as follows:

(The text of the amended House File is identical to S. F. No. 781.)

Page 2, after line 9, insert:

"Sec. 3. Minnesota Statutes 1976, Section 624.714, is amended by adding a subdivision to read:

Subd. 14. Every municipality or county shall be reimbursed by the state the sum of \$15 for each permit it issues under this section."

Page 5, line 7, after the period insert "*Every municipality or county shall be reimbursed by the state the sum of \$15 for each transfer report it processes under this section.*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 6, after "persons;" insert "providing for payment to local units of government for issuing permits and processing transfer reports;"

Page 1, line 9, after the semicolon insert "624.714, by adding a subdivision;"

The question was taken on the adoption of the amendment.

Mr. McCutcheon moved that those not voting be excused from voting. The motion prevailed.

The roll was called, and there were yeas 29 and nays 29, as follows:

Those who voted in the affirmative were:

| | | | | |
|-----------|-------------|-----------|-------------|------------|
| Anderson | Chmielewski | Kleinbaum | Pillsbury | Sieloff |
| Ashbach | Dunn | Knutson | Purfeerst | Sillers |
| Bang | Engler | Lessard | Renneke | Ulland, J. |
| Benedict | Frederick | Menning | Schmitz | Vega |
| Bernhagen | Gunderson | Olson | Schrom | Wegener |
| Brataas | Jensen | Peterson | Setzepfandt | |

Those who voted in the negative were:

| | | | | |
|-----------|--------------|------------|----------|-----------|
| Borden | Hughes | Lewis | Nichols | Solon |
| Coleman | Humphrey | Luther | Olhoft | Spear |
| Davies | Johnson | McCutcheon | Penny | Staples |
| Dieterich | Keefe, S. | Merriam | Perpich | Stokowski |
| Gearty | Knoll | Milton | Schaaf | Strand |
| Hanson | Laufenburger | Nelson | Sikorski | |

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

Mr. Menning moved to amend H. F. No. 800, as amended pursuant to Rule 49, adopted by the Senate April 26, 1977, as follows:

(The text of the amended House File is identical to S. F. No. 781.)

Page 2, after line 9, insert:

"Sec. 3. Minnesota Statutes 1976, Section 624.714, is amended by adding a subdivision to read:

Subd. 14. Every municipality or county shall be reimbursed by the state the sum of \$5 for each permit it issues under this section."

Page 5, line 7, after the period insert "*Every municipality or county shall be reimbursed by the state the sum of \$5 for each transfer report it processes under this section."*

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 6, after "persons;" insert "providing for payment to local units of government for issuing permits and processing transfer reports;"

Page 1, line 9, after the semicolon insert "624.714, by adding a subdivision;"

The question was taken on the adoption of the amendment.

Mr. McCutcheon moved that those not voting be excused from voting. The motion prevailed.

The roll was called, and there were yeas 23 and nays 38, as follows:

Those who voted in the affirmative were:

| | | | | |
|-----------|-------------|---------|-----------|-------------|
| Anderson | Brataas | Jensen | Peterson | Setzepfandt |
| Ashbach | Chmielewski | Knutson | Pillsbury | Ulland, J. |
| Bang | Dunn | Menning | Renneke | Wegener |
| Benedict | Engler | Moe | Schmitz | |
| Bernhagen | Frederick | Olson | Schrom | |

Those who voted in the negative were:

| | | | | |
|-----------|--------------|------------|-----------|-----------|
| Borden | Humphrey | Luther | Penny | Spear |
| Coleman | Johnson | McCutcheon | Perpich | Staples |
| Davies | Keefe, J. | Merriam | Purfeerst | Stokowski |
| Dieterich | Keefe, S. | Milton | Schaaf | Strand |
| Gearty | Knoll | Nelson | Sieloff | Stumpf |
| Gunderson | Laufenburger | Nichols | Sikorski | Tennessen |
| Hanson | Lessard | Ogdahl | Sillers | |
| Hughes | Lewis | Olhoft | Solon | |

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

Mr. Olhoft moved to amend H. F. No. 800, as amended pursuant to Rule 49, adopted by the Senate April 26, 1977, as follows:

(The text of the amended House File is identical to S. F. No. 781.)

Page 2, after line 9, insert:

"Sec. 3. Minnesota Statutes 1976, Section 624.714, Subdivision 9, is amended to read:

Subd. 9. [CARRYING PISTOLS ABOUT ONE'S PREMISES

OR FOR PURPOSES OF REPAIR, TARGET PRACTICE.] A permit to carry is not required of a person:

(a) To keep or carry about his place of business, dwelling house, premises or on land possessed by him a pistol;

(b) To carry a pistol from a place of purchase to his dwelling house or place of business, or from his dwelling house or place of business to or from a place where repairing is done, to have the pistol repaired;

(c) To carry a pistol between his dwelling house and his place of business;

(d) To carry a pistol in the woods or fields or upon the waters of this state for the purpose of hunting other than protected wild animals or of target shooting in a safe area; or

(e) To transport a pistol in a motor vehicle, snowmobile or boat if the pistol is unloaded, contained in a closed and fastened case, gunbox, or securely tied package. If a motor vehicle, snowmobile or boat does not have an enclosed area, a pistol may be carried in the driver or passenger area as long as the pistol is unloaded and contained in a closed and fastened case, gunbox, or securely tied package. A utility compartment or glove compartment shall be deemed to be within the area occupied by the driver and passengers."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, after the semicolon insert "clarifying the requirements for carrying a pistol in public;"

Page 1, line 9, after the semicolon insert "624.714, Subdivision 9;"

The motion prevailed. So the amendment was adopted.

Mr. Knutson moved to amend H. F. No. 800, as amended pursuant to Rule 49, adopted by the Senate April 26, 1977, as follows:

(The text of the amended House File is identical to S. F. No. 781.)

Page 6, line 28, strike "gross"

Page 7, after line 7, insert:

"(e) A person who makes a false statement in order to become a transferee when he is a convicted felon disqualified from possessing a pistol under Minnesota Statutes 1976, Section 624.713, Subdivision 1, Clause (b), shall be guilty of a felony. Prosecution shall be required in all cases."

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 21 and nays 32, as follows:

Those who voted in the affirmative were:

| | | | | |
|-----------|-------------|-----------|-----------|------------|
| Ashbach | Chmielewski | Keefe, J. | Pillsbury | Ulland, J. |
| Bang | Dunn | Knutson | Renneke | |
| Benedict | Engler | Menning | Schmitz | |
| Bernhagen | Frederick | Olson | Schrom | |
| Brataas | Jensen | Peterson | Sillers | |

Those who voted in the negative were:

| | | | | |
|-----------|-----------|------------|-------------|-----------|
| Coleman | Humphrey | McCutcheon | Penny | Staples |
| Davies | Johnson | Merriam | Perpich | Strand |
| Dieterich | Keefe, S. | Milton | Purfeerst | Stumpf |
| Gearty | Knoll | Nelson | Setzepfandt | Tennessee |
| Gunderson | Lessard | Nichols | Sieloff | |
| Hanson | Lewis | Ogdahl | Sikorski | |
| Hughes | Luther | Olhoff | Spear | |

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

Mr. McCutcheon moved to amend H. F. No. 800, as amended pursuant to Rule 49, adopted by the Senate April 26, 1977, as follows:

(The text of the amended House File is identical to S. F. No. 781.)

Page 3, line 19, strike "14" and insert "seven"

Page 3, line 23, strike "14" and insert "seven"

Page 3, line 31, strike "14" and insert "seven"

Page 4, line 8, strike "14" and insert "seven"

Page 4, line 13, strike "14" and insert "seven"

The motion prevailed. So the amendment was adopted.

H. F. No. 800 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 27 and nays 38, as follows:

Those who voted in the affirmative were:

| | | | | |
|-----------|-----------|-----------|-----------|------------|
| Brataas | Humphrey | Milton | Sieloff | Stumpf |
| Coleman | Keefe, S. | Ogdahl | Sikorski | Tennessee |
| Davies | Knoll | Olhoff | Sillers | Ulland, J. |
| Dieterich | Lewis | Perpich | Spear | |
| Gearty | Luther | Purfeerst | Staples | |
| Hughes | Merriam | Schaaf | Stokowski | |

Those who voted in the negative were:

| | | | | |
|-------------|-----------|--------------|-----------|-------------|
| Anderson | Engler | Kleinbaum | Nichols | Setzepfandt |
| Ashbach | Frederick | Knutson | Olson | Solon |
| Bang | Gunderson | Laufenburger | Penny | Strand |
| Benedict | Hanson | Lessard | Peterson | Vega |
| Bernhagen | Jensen | McCutcheon | Pillsbury | Wegener |
| Borden | Johnson | Menning | Renneke | Willet |
| Chmielewski | Keefe, J. | Moe | Schmitz | |
| Dunn | Kirchner | Nelson | Schrom | |

So the bill, as amended, failed to pass.

SPECIAL ORDER

Pursuant to Rule 10, Mr. Coleman, Chairman of the Subcommittee on Bill Scheduling, designated S. F. No. 1078 a Special Order to be heard immediately.

S. F. No. 1078: A bill for an act relating to transportation; restructuring state and local financing of the operations of the Twin Cities metropolitan transit commission; requiring performance funding; changing the taxing authority of the commission; authorizing the sale of bonds for particular purposes; limiting operating deficits on all regular routes; providing for initiation of and reimbursement for certain new routes; requiring reduced transit tax levy in municipalities with no subsidized transit service; establishing reduced fare service for the elderly and handicapped and reimbursing the commission for such service; extending the statewide supplemental transit aid program; establishing a statewide paratransit demonstration grant program; requiring annual permits for overlength articulated buses; granting powers to and imposing duties on the commissioner of transportation; appropriating money; amending Minnesota Statutes 1976, Sections 169.81, by adding a subdivision; 473.121, Subdivision 19, and by adding a subdivision; 473.402; 473.421; 473.423, Subdivision 1; 473.446, Subdivision 1; Chapters 174, by adding a section; and 473, by adding sections; repealing Minnesota Statutes 1976, Section 473.446, Subdivisions 4 and 5.

Mr. Schaaf moved to amend S. F. No. 1078 as follows:

Page 2, line 19, after "473.402" insert "[LEGISLATIVE DETERMINATION, POLICY, PURPOSE AND OBJECTIVES.] Subdivision 1. [POLICY AND PURPOSE.]" and reinstate the stricken language

Page 2, line 20, after the stricken word "live" insert "*there is a transportation problem*" and reinstate the balance of the line

Page 2, line 21, reinstate the language through the period

Page 3, line 8, after the stricken period insert "*Most of the passenger transportation is currently provided by private automobiles, a major portion of which are occupied by only one person. The traffic load on the public highways, which constitute the main routes of travel to, from, and through the area, is causing congestion, increasing the number of accidents and associated deaths and injuries, polluting the air, intensifying the wear and tear on the highways, increasing the number, size, and cost of new highways, consuming scarce energy resources, contributing to urban sprawl, and requiring great costs of operation.*"

Page 3, line 8, reinstate "These effects will progressively"

Page 3, line 9, reinstate the stricken language through the word "area" and after the stricken word "increases" insert "*and the number of visitors to the area increase*"

Page 3, line 9, reinstate ", imposing"

Page 3, line 10, reinstate all the stricken language except "the"

Page 3, line 11, reinstate all the stricken language except "of"

Page 3, line 12, reinstate ", and causing" and reinstate the language on line 13 and on line 14 through the period

Page 3, line 19, reinstate the language after the period, and reinstate lines 20 and 21

Page 3, line 22, reinstate the language through the comma

Page 3, line 26, after the stricken word "aforesaid" insert *"through the amelioration or elimination of the aforesaid conditions"*

Page 3, line 26 reinstate ", there is" and after "is" insert "an" and reinstate the balance of the line

Page 3, reinstate the stricken language on lines 27 through 29

Page 3, line 29, after the reinstated "for the" insert *"promotion and operation of all forms of transit, for the"*

Page 3, reinstate line 30

Page 3, line 31, reinstate the stricken language through the word "provided" and reinstate the period

Page 3, line 32, before "[OBJECTIVES.]" insert "Subd. 2."

Page 16, line 9, strike "annually"

Page 16, line 9, after "legislature" insert *"by January 1 of each year"*

Page 16, line 29, strike *"the same date that rules"* and insert *"July 1, 1978."*

Page 16, strike line 30

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

Mr. Schaaf then moved to amend S. F. No. 1078 as follows:

Page 16, after line 30, insert:

"Sec. 13. [SAINT PAUL DOWNTOWN PEOPLE MOVER.]
Subdivision 1. [FEASIBILITY STUDY; CONDITIONS OF EXPENDITURE BY THE COMMISSION.] The Twin Cities metropolitan transit commission shall expend no public money for any expenses related to the Saint Paul downtown people mover project except as provided in this subdivision. The commission may spend up to \$150,000 for a preliminary engineering study of the project under a joint powers agreement with the city of Saint Paul, provided that the commission and the city shall first amend the joint powers agreement under which the study is to be undertaken to

(a) remove the chief administrator of the commission and the chairman of the transit development committee from the steering committee charged with directing the study, include as members of that committee the commissioner of the department of transportation and the chairman of the transportation advisory board of the metropolitan council and permit one state senator appointed by the majority leader of the senate and one state representative appoint-

ed by the speaker of the house to serve as nonvoting members of the committee;

(b) require that all third party contracts for consultants be approved by a majority of the steering committee with no veto power by the city of Saint Paul;

(c) require that the preliminary engineering study include a feasibility study consisting of (1) an analysis of the prudent and feasible alternatives to a fixed guideway transportation system that will achieve the development and other goals of the people mover project, (2) a study of the potential people mover ridership, (3) a review of the economic development assumptions used in predicting the economic benefits of the project, and (4) formulation of a specific plan setting forth the sources and method of payment of operating deficits and capital cost overruns of the project;

(d) provide for access to information for the state planning agency at every stage of the study; and

(e) require submission of the completed study to the state planning agency for review pursuant to subdivision 2.

Subd. 2. [EVALUATION BY THE STATE PLANNING AGENCY.] *The state planning agency shall independently evaluate the preliminary engineering study upon its completion. The agency shall submit a report of its findings to the legislature and to the steering committee created under the joint powers agreement no later than 30 days following the submission to the agency of the completed study. The report shall include the agency's findings with respect to the reasonableness, accuracy and reliability of the assumptions and conclusions of the study. The agency shall give particular attention to the matters required to be included in the feasibility study. The agency shall contract with an independent private consultant to carry out the duties imposed by this section."*

Page 16, line 32, strike "this section" and insert "subdivisions 2 to 9"

Page 18, strike lines 7 to 10

Page 19, after line 15, insert:

"Subd. 10. The sum of \$75,000 is appropriated to the state planning agency from the general fund for the biennium ending June 30, 1979, to carry out the purposes of section 13, subdivision 2."

Page 19, line 18, strike "and" and insert a comma

Page 19, line 18, after "12" insert "and 13"

Renumber the sections in sequence

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 27 and nays 22, as follows:

Those who voted in the affirmative were:

| | | | | |
|-------------|------------|---------|-------------|-----------|
| Benedict | Johnson | Moe | Peterson | Stokowski |
| Borden | Knoll | Nichols | Purfeerst | Strand |
| Chmielewski | Lessard | Ogdahl | Schaaf | Vega |
| Coleman | Luther | Olson | Schmitz | |
| Davies | McCutcheon | Penny | Setzepfandt | |
| Gearty | Menning | Perpich | Spear | |

Those who voted in the negative were:

| | | | | |
|-----------|-----------|---------|-----------|------------|
| Ashbach | Engler | Knutson | Pillsbury | Tennessen |
| Bang | Frederick | Lewis | Renneke | Ulland, J. |
| Bernhagen | Gunderson | Milton | Sieloff | |
| Brataas | Jensen | Nelson | Sillers | |
| Dieterich | Kirchner | Olhoff | Stumpf | |

The motion prevailed. So the amendment was adopted.

Mr. Olson moved to amend S. F. No. 1078 as follows:

Page 18, line 1, after the period, insert "*The information required on any application pursuant to this subdivision for grants to recipients outside the metropolitan area shall be limited to the minimum amount required for the commissioner of transportation to determine that the project is a proper expenditure of money appropriated by this subdivision.*"

The motion prevailed. So the amendment was adopted.

S. F. No. 1078 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 48 and nays 12, as follows:

Those who voted in the affirmative were:

| | | | | |
|-----------|--------------|------------|-------------|------------|
| Anderson | Humphrey | Luther | Perpich | Spear |
| Bang | Johnson | McCutcheon | Peterson | Staples |
| Benedict | Keefe, J. | Menning | Pillsbury | Stokowski |
| Borden | Kirchner | Merriam | Purfeerst | Strand |
| Coleman | Kleinbaum | Moe | Renneke | Stumpf |
| Davies | Knoll | Nelson | Schaaf | Tennessen |
| Dieterich | Knutson | Nichols | Schmitz | Ulland, J. |
| Gearty | Laufenburger | Ogdahl | Setzepfandt | Vega |
| Gunderson | Lessard | Olson | Sillers | |
| Hughes | Lewis | Penny | Solon | |

Those who voted in the negative were:

| | | | | |
|-----------|-------------|-----------|--------|---------|
| Ashbach | Chmielewski | Frederick | Milton | Sieloff |
| Bernhagen | Dunn | Jensen | Olhoff | Willet |
| Brataas | Engler | | | |

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

MOTIONS AND RESOLUTIONS—CONTINUED

S. F. No. 1034 and the Conference Committee Report thereon were reported to the Senate.

CONFERENCE COMMITTEE REPORT ON S. F. NO. 1034

A bill for an act relating to transportation; appropriating money for the operation of Amtrak rail service between the Twin Cities and Duluth.

May 4, 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. 1034, 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. 1034 be amended as follows:

Page 1, line 7, after "SERVICE.]" insert "Subdivision 1."

Page 1, insert a period at the end of line 15

Page 1, delete lines 16 to 19 and insert

"Subd. 2. Notwithstanding the provisions of Minnesota Statutes, Section 16A.28, or any other law to the contrary, the money appropriated by subdivision 1 shall not cancel, but shall be available for the purposes specified until expended.

Subd. 3. The sum of \$15,000 is hereby appropriated to the state planning agency to study the potential and importance of state railroad rights-of-way as possible corridors for power transmission, pipelines and other public uses. The study shall be completed in time for consideration by the 1978 legislature."

Further, amend the title as follows:

Page 1, line 4, after "Duluth" insert ";; appropriating money for a study of railroad rights-of-way"

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

Senate Conferees: (Signed) Sam G. Solon, A. O. H. Setzepfandt and Robert G. Dunn

House Conferees: (Signed) Willard M. Munger, Neil S. Haugerud and Douglas W. Carlson

Mr. Solon moved that the foregoing recommendations and Conference Committee Report on S. F. No. 1034 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

S. F. No. 1034: A bill for an act relating to transportation; appropriating money for the operation of Amtrak rail service between the Twin Cities and Duluth.

Was read the third time, as amended by the Conference Committee, and placed on its repassage.

The question was taken on the repassage of the bill, as amended by the Conference Committee.

The roll was called, and there were yeas 42 and nays 12, as follows:

Those who voted in the affirmative were:

| | | | | |
|-------------|-----------|--------------|-------------|------------|
| Anderson | Dunn | Kleinbaum | Nichols | Spear |
| Ashbach | Engler | Laufenburger | Ogdahl | Staples |
| Bang | Gearty | Lessard | Olson | Stokowski |
| Benedict | Gunderson | Luther | Perpich | Ulland, J. |
| Bernhagen | Hughes | McCutcheon | Schaaf | Vega |
| Chmielewski | Humphrey | Menning | Schmitz | Willet |
| Coleman | Johnson | Milton | Schrom | |
| Davies | Keefe, J. | Moe | Setzepfandt | |
| Dieterich | Kirchner | Nelson | Solon | |

Those who voted in the negative were:

| | | | | |
|-----------|----------|-----------|---------|---------|
| Brataas | Olhoff | Pillsbury | Renneke | Sillers |
| Frederick | Penny | Purfeerst | Sieloff | Strand |
| Merriam | Peterson | | | |

So the bill, as amended by the Conference Committee, was repassed and its title was agreed to.

SPECIAL ORDER

Pursuant to Rule 10, Mr. Coleman, Chairman of the Subcommittee on Bill Scheduling, designated S. F. No. 625, a Special Order to be heard immediately.

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.

Mr. Solon moved to amend S. F. No. 625 as follows:

Page 2, lines 7, 9 and 18, strike "this act" and insert "sections 1 to 6"

Page 2, line 22, strike "department of employment services" and insert "commissioner"

Page 2, line 30, strike "department of employment"

Page 2, line 31, strike "services" and insert "commissioner"

Page 3, line 14, strike "this act" and insert "sections 1 to 6"

The motion prevailed. So the amendment was adopted.

Mr. Solon then moved to amend S. F. No. 625 as follows:

Page 3, line 18, strike "\$9,000,000" and insert "\$6,000,000"

Page 3, line 22, strike "\$5,000,000" and insert "\$2,000,000"

The motion prevailed. So the amendment was adopted.

Mr. Pillsbury moved to amend S. F. No. 625 as follows:

Page 1, line 20, strike "federal" and insert "Minnesota"

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

S. F. No. 625 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 53 and nays 0, as follows:

Those who voted in the affirmative were:

| | | | | |
|-------------|-----------|--------------|-------------|------------|
| Anderson | Dunn | Knoll | Olhoft | Spear |
| Ashbach | Engler | Knutson | Penny | Staples |
| Bang | Frederick | Laufenburger | Peterson | Stokowski |
| Benedict | Gearty | Lessard | Purfeerst | Strand |
| Bernhagen | Gunderson | Luther | Renneke | Stumpf |
| Borden | Hughes | Menning | Schaaf | Tennessen |
| Brataas | Humphrey | Milton | Schmitz | Ulland, J. |
| Chmielewski | Johnson | Moe | Setzepfandt | Vega |
| Coleman | Keefe, J. | Nelson | Sieloff | Willet |
| Davies | Kirchner | Nichols | Sillers | |
| Dieterich | Kleinbaum | Ogdahl | Solon | |

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

RECESS

Mr. Coleman moved that the Senate do now recess subject to the call of the President. The motion prevailed.

After a brief recess, the President called the Senate to order.

APPOINTMENTS

Mr. Coleman, from the Subcommittee on Committees, recommends that the following named Senators be and they hereby are appointed as a Conference Committee on:

S. F. No. 826, pursuant to the request of the Senate:

Messrs. Ulland, J.; Solon and Chmielewski.

S. F. No. 875, pursuant to the request of the Senate:

Mrs. Staples, Messrs. Wegener and Humphrey.

S. F. No. 109, pursuant to the request of the Senate:

Messrs. Schaaf, Borden and Merriam.

S. F. No. 932, pursuant to the request of the Senate:

Messrs. Menning, Kleinbaum and Olson.

S. F. No. 49, pursuant to the request of the Senate:

Messrs. Laufenburger, Frederick, and Purfeerst.

H. F. No. 320, pursuant to the request of the House:

Messrs. Milton; Keefe, S. and Mrs. Brataas.

S. F. No. 742, pursuant to the request of the Senate:

Messrs. Milton, Hughes and Pillsbury.

S. F. No. 1290, pursuant to the request of the Senate:

Mrs. Staples, Messrs. Spear and Keefe, J.

Mr. Coleman moved that the foregoing appointments be approved. The motion prevailed.

MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Solon moved that S. F. No. 583 be taken from the table. The motion prevailed.

S. F. No. 583: A bill for an act relating to insurance companies; prescribing penalties for violation of certain filing requirements; amending Minnesota Statutes 1976, Chapter 72A, by adding a section; repealing Minnesota Statutes 1976, Section 72A.06.

Mr. Solon moved that the Senate do not concur in the amendments by the House to S. F. No. 583 and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

Mr. Coleman moved that the Senate do now adjourn until 1:00 o'clock p.m., Wednesday, May 11, 1977. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate