

## FIFTY-THIRD DAY

St. Paul, Minnesota, Thursday, May 12, 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:

Bang	Gearty	Lessard	Pillsbury	Spear
Bernhagen	Gunderson	McCutcheon	Purfeerst	Staples
Borden	Hanson	Menning	Renneke	Stokowski
Brataas	Hughes	Merriam	Schaaf	Strand
Coleman	Humphrey	Nichols	Schmitz	Tennessee
Davies	Johnson	Olhoft	Schrom	Ulland, J.
Dieterich	Keefe, S.	Olson	Setzepfandt	Vega
Engler	Knoll	Penny	Sieloff	Wegener
Frederick	Laufenburger	Peterson	Sillers	Willet

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

Prayer was offered by the Chaplain, Senator Marion Menning.

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

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

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 Keefe, J. were excused from the Session of today. Mr. Benedict was excused from the Session of today

until 2:00 o'clock p.m. Mr. Tennesen was excused from the Session of today from 1:50 o'clock p.m. until 4:00 o'clock p.m. Mr. Perpich was excused from the Session of today from 4:00 o'clock p.m. until 7:00 o'clock p.m.

Pursuant to Rule 21, Mr. Moe moved that the following members be excused for a Conference Committee on S. F. No. 1416:

Messrs. Kirchner, Lewis, Milton, Perpich and Moe. The motion prevailed.

#### EXECUTIVE AND OFFICIAL COMMUNICATIONS

May 11, 1977

The Honorable Edward J. Gearty  
President of the Senate

Dear Sir:

I have the honor to inform you that I have received, approved, signed and deposited in the Office of the Secretary of State, S. F. Nos. 617, 713, 836, and 1415.

Sincerely,  
Rudy Perpich, Governor

May 12, 1977

The Honorable Edward J. Gearty  
President of the Senate

Dear Sir:

I have the honor to inform you that I have received, approved, signed and deposited in the Office of the Secretary of State, S. F. Nos. 1208 and 1034.

Sincerely,  
Rudy Perpich, Governor

#### INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Mr. Nelson introduced—

S. F. No. 1523: A bill for an act relating to public safety; requiring drivers training for all newly licensed drivers; amending Minnesota Statutes 1976, Section 171.04.

Referred to the Committee on General Legislation and Veterans Affairs.

Messrs. Knoll, Coleman, Mrs. Brataas, Messrs. Peterson and Lewis introduced—

S. F. No. 1524: A bill for an act relating to children; maltreatment; providing for referral of persons allegedly abusing or neglecting children to chemical dependency programs; appropriating money; amending Minnesota Statutes 1976, Section 626.556, Subdivision 10.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Knoll, Coleman, Mrs. Brataas, Messrs. Peterson and Lewis introduced—

S. F. No. 1525: A bill for an act relating to children; maltreatment; providing for referral of persons allegedly abusing or neglecting children to chemical dependency programs; providing for transfer of custody in certain cases; appropriating money; amending Minnesota Statutes 1976, Section 626.556, Subdivision 10.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Peterson, Nichols, Vega, Setzepfandt and Lessard introduced—

S. F. No. 1526: A bill for an act proposing an amendment to the Minnesota Constitution, Article IV, Section 6; limiting legislative service from the same territory to ten years.

Referred to the Committee on Rules and Administration.

#### 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. 218, 628, 722, 1196, 23, 254, 587, 719, 720, 442, 466, 774, 1298, 143, 296, 581, 964, 1051, 147, 388, 557 and 1127.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 11, 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. 380: A bill for an act relating to courts; lapse of causes of action arising outside the state; amending Minnesota Statutes 1976, Section 541.14.

Senate File No. 380 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 11, 1977

### CONCURRENCE AND REPASSAGE

Mr. Davies moved that the Senate concur in the amendments by the House to S. F. No. 380 and that the bill be placed on its repassage as amended. The motion prevailed.

S. F. No. 380: A bill for an act relating to courts; lapse of causes of action arising outside the state; repealing Minnesota Statutes 1976, Section 541.14.

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 47 and nays 0, as follows:

Those who voted in the affirmative were:

Bang	Hanson	Menning	Renneke	Stokowski
Bernhagen	Hughes	Merriam	Schaaf	Strand
Brataas	Humphrey	Nelson	Schmitz	Stumpf
Davies	Johnson	Nichols	Schrom	Tennessen
Dieterich	Keefe, S.	Olhoft	Setzepfandt	Ulland, J.
Dunn	Knoll	Olson	Sieloff	Vega
Engler	Laufenburger	Penny	Sikorski	Willet
Frederick	Lessard	Peterson	Sillers	
Gearty	Luther	Pillsbury	Spear	
Gunderson	McCutcheon	Purfeerst	Staples	

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. 556: A bill for an act relating to the city of Minneapolis and Hennepin county municipal building commission; providing for tenure and benefits to certain employees; amending Laws 1903, Chapter 247, Section 2, as amended.

Senate File No. 556 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 11, 1977

**CONCURRENCE AND REPASSAGE**

Mr. Stokowski moved that the Senate concur in the amendments by the House to S. F. No. 556 and that the bill be placed on its repassage as amended. The motion prevailed.

S. F. No. 556 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 49 and nays 0, as follows:

Those who voted in the affirmative were:

Bang	Gearity	Luther	Pillsbury	Spear
Bernhagen	Gunderson	McCutcheon	Purfeerst	Staples
Brataas	Hughes	Menning	Renneke	Stokowski
Chmielewski	Humphrey	Merriam	Schaaf	Strand
Coleman	Johnson	Nelson	Schmitz	Stumpf
Davies	Keefe, S.	Nichols	Schrom	Tennessee
Dieterich	Kleinbaum	Olhoff	Setzepfandt	Ulland, J.
Dunn	Knoll	Olson	Sieloff	Vega
Engler	Laufenburger	Penny	Sikorski	Willet
Frederick	Lessard	Peterson	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. 191: A bill for an act relating to adoption; authorizing release of birth information to adopted persons; requiring waiting period for objections from parents; amending Minnesota Statutes 1976, Sections 144.151, by adding subdivisions; 144.175, Subdivision 2; 260.241, by adding a subdivision; and Chapter 144, by adding a section.

Senate File No. 191 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 11, 1977

**CONCURRENCE AND REPASSAGE**

Mr. Spear moved that the Senate concur in the amendments by the House to S. F. No. 191 and that the bill be placed on its repassage as amended. The motion prevailed.

S. F. No. 191 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 47 and nays 6, as follows:

Those who voted in the affirmative were:

Bang	Hanson	Luther	Renneke	Strand
Bernhagen	Hughes	McCutcheon	Schaaf	Stumpf
Coleman	Humphrey	Menning	Schmitz	Tennessen
Davies	Johnson	Nelson	Setzepfandt	Ulland, J.
Dieterich	Keefe, S.	Nichols	Sieloff	Vega
Dunn	Kleinbaum	Olhoft	Sikorski	Wegener
Engler	Knoll	Olson	Solon	Willet
Frederick	Knutson	Penny	Spear	
Gearty	Laufenburger	Peterson	Staples	
Gunderson	Lessard	Purfeerst	Stokowski	

Those who voted in the negative were:

Ashbach	Merriam	Pillsbury	Schrom	Sillers
Brataas				

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. 767: A bill for an act relating to mortgages; authorizing appointment of a receiver upon foreclosure and upon a showing that a mortgagor has breached certain covenants in the mortgage; amending Minnesota Statutes 1976, Sections 559.17; and 576.01.

Senate File No. 767 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 11, 1977

#### CONCURRENCE AND REPASSAGE

Mr. Spear moved that the Senate concur in the amendments by the House to S. F. No. 767 and that the bill be placed on its repassage as amended. The motion prevailed.

S. F. No. 767 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	Gunderson	Luther	Pillsbury	Stokowski
Bang	Hanson	McCutcheon	Purfeerst	Strand
Brataas	Hughes	Menning	Renneke	Stumpf
Chmielewski	Humphrey	Merriam	Schmitz	Tennessen
Coleman	Johnson	Nelson	Setzepfandt	Ulland, J.
Davies	Keefe, S.	Nichols	Sieloff	Vega
Dieterich	Kleinbaum	Ogdahl	Sikorski	Wegener
Dunn	Knoll	Olhoff	Sillers	Willet
Engler	Knutson	Olson	Solon	
Frederick	Laufenburger	Penny	Spear	
Gerty	Lessard	Peterson	Staples	

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. 649: A bill for an act relating to taxation; permitting certain appeals of assessments to the commissioner of revenue; providing for appointment of local assessors or termination of their offices; refining terms of senior citizens property tax freeze; eliminating assessors' bonds; eliminating certification of local treasurers' bonds; providing for appeal of property classification; defining certain powers of boards of equalization; clarifying redemption period for tax-forfeited lands; amending Minnesota Statutes 1976, Sections 270.11, Subdivision 7; 270.50; 273.011, Subdivision 4; 273.012, Subdivision 2; 273.04; 273.05, Subdivisions 1 and 2; 273.06; 273.061, Subdivision 3; 274.01, Subdivision 1; 274.13, Subdivision 1; 276.12; and 281.17; and Chapter 270, by adding a section.

Senate File No. 649 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 11, 1977

Mr. Chmielewski moved that the Senate do not concur in the amendments by the House to S. F. No. 649 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. 683: A bill for an act relating to the establishment of parks, playgrounds and scenic areas by the county of Anoka; amending Laws 1961, Chapter 209, Sections 1 and 2.

Senate File No. 683 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 11, 1977

### CONCURRENCE AND REPASSAGE

Mr. Merriam moved that the Senate concur in the amendments by the House to S. F. No. 683 and that the bill be placed on its repassage as amended. The motion prevailed.

S. F. No. 683 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 42 and nays 10, as follows:

Those who voted in the affirmative were:

Bang	Jensen	Merriam	Renneke	Strand
Coleman	Johnson	Nelson	Schaaf	Stumpf
Davies	Keefe, S.	Nichols	Schmitz	Tennessen
Dieterich	Kirchner	Olhoff	Sikorski	Ulland, J.
Dunn	Laufenburger	Olson	Sillers	Vega
Gearty	Lessard	Penny	Solon	Willet
Hanson	Luther	Peterson	Spear	
Hughes	McCutcheon	Pillsbury	Staples	
Humphrey	Menning	Purfeerst	Stokowski	

Those who voted in the negative were:

Ashbach	Brataas	Frederick	Knutson	Setzepfandt
Bernhagen	Chmielewski	Gunderson	Schrom	Sieloff

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. 860: A bill for an act relating to courts; county court districts; judges; prescribing the areas where the county court judges of St. Louis county shall reside, serve in, and be elected



from; amending Minnesota Statutes 1976, Section 487.01, Subdivision 5.

Senate File No. 860 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives  
Returned May 11, 1977

#### CONCURRENCE AND REPASSAGE

Mr. Ulland, J. moved that the Senate concur in the amendments by the House to S. F. No. 860 and that the bill be placed on its repassage as amended. The motion prevailed.

S. F. No. 860: A bill for an act relating to courts; county court districts; judges; prescribing the places of residence, election, service and the numbers of certain county judges; amending Minnesota Statutes 1976, Section 487.01, Subdivision 5.

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 0, as follows:

Those who voted in the affirmative were:

Ashbach	Gearty	Laufenburger	Penny	Sillers
Bang	Gunderson	Lessard	Peterson	Solon
Bernhagen	Hanson	Luther	Pillsbury	Spear
Brataas	Hughes	McCutcheon	Purfeerst	Staples
Chmielewski	Humphrey	Menning	Renneke	Stokowski
Coleman	Jensen	Merriam	Schaaf	Strand
Davies	Johnson	Nelson	Schmitz	Stumpf
Dieterich	Keefe, S.	Nichols	Schrom	Ueland, A.
Dunn	Kirchner	Ogdahl	Setzepfandt	Ulland, J.
Engler	Kleinbaum	Olhoff	Sieloff	Vega
Frederick	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. 586: A bill for an act relating to insurance; legal expense insurance; authorizing the use of closed panel insurance plans; amending Minnesota Statutes 1976, Section 60A.08, Subdivision 10.

Senate File No. 586 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives  
Returned May 11, 1977

**CONCURRENCE AND REPASSAGE**

Mr. Dieterich moved that the Senate concur in the amendments by the House to S. F. No. 586 and that the bill be placed on its repassage as amended. The motion prevailed.

S. F. No. 586: A bill for an act relating to insurance; legal expense insurance; authorizing the use of closed panel insurance plan; setting requirements for the admission of foreign companies; amending Minnesota Statutes 1976, Sections 60A.08, Subdivision 10; and 60A.19, Subdivision 1.

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	Gunderson	Luther	Purfeerst	Stokowski
Bang	Hanson	McCutcheon	Schaaf	Strand
Bernhagen	Hughes	Menning	Schmitz	Stumpf
Brataas	Jensen	Merriam	Schrom	Tennessen
Chmielewski	Johnson	Nelson	Setzepfandt	Ueland, A.
Davies	Keefe, S.	Nichols	Sieloff	Ulland, J.
Dieterich	Kleinbaum	Olhoff	Sikorski	Vega
Dunn	Knoll	Olson	Sillers	Willet
Engler	Knutson	Penny	Solon	
Frederick	Laufenburger	Peterson	Spear	
Gearty	Lessard	Pillsbury	Staples	

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. 1291: A bill for an act relating to venue for cases involving maltreatment of minors; amending Minnesota Statutes 1976, Chapter 627, by adding a section.

Senate File No. 1291 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives  
Returned May 11, 1977

**CONCURRENCE AND REPASSAGE**

Mrs. Staples moved that the Senate concur in the amendments by the House to S. F. No. 1291 and the bill be placed on its repassage as amended. The motion prevailed.

S. F. No. 1291: A bill for an act relating to children; establishing additional venue for cases involving maltreatment of minors; providing for the reporting of maltreatment of minors, amending Minnesota Statutes 1976, Section 626.556, Subdivisions 2 and 11; and Chapter 627, 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 51 and nays 3, as follows:

Those who voted in the affirmative were:

Ashbach	Gunderson	Luther	Purfeerst	Stokowski
Bang	Hanson	Menning	Renneke	Strand
Bernhagen	Hughes	Merriam	Schaaf	Stumpf
Chmielewski	Humphrey	Nelson	Schmitz	Ueland, A.
Coleman	Jensen	Nichols	Setzepfandt	Ulland, J.
Davies	Johnson	Olhoff	Sieloff	Vega
Dieterich	Kirchner	Olson	Sikorski	Willet
Dunn	Kleinbaum	Penny	Sillers	
Engler	Laufenburger	Perpich	Solon	
Frederick	Lessard	Peterson	Spear	
Gearty	Lewis	Pillsbury	Staples	

Messrs. Knutson, McCutcheon and Schrom 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. 971: A bill for an act relating to probate; registrars; specifying certain powers of registrars; amending Minnesota Statutes 1976, Section 524.1-307.

Senate File No. 971 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 11, 1977

Mr. Davies moved that the Senate do not concur in the amendments by the House to S. F. No. 971 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. 1349: A bill for an act relating to the organization and operation of state government; regulating organization and procedures of various state departments and agencies; providing for the source of per diem and expense payments; providing for appointment and compensation of the employees suggestion board; removing the minimum teachers' license fee; permitting the board of teaching to adopt rules; regulating state arts board grants and publicity; providing the status of part time executive secretaries; permitting joint rule making proceedings; changing the name and composition of the state board of human rights; making miscellaneous inconsequential clarifications and corrections; amending Minnesota Statutes 1976, Sections 15.01; 15.059, Subdivision 6; 16.71, Subdivisions 1 and 1a; 121.02, Subdivision 1; 125.08; 125.-185, by adding a subdivision; 139.10, Subdivision 1, and by adding subdivisions; 144A.19, Subdivision 2; 144A.21, Subdivision 1; 144A.251; 214.04, Subdivision 3, and by adding a subdivision; 214.06, Subdivision 1; 238.04, Subdivision 2; 363.04, Subdivisions 4, 4a and 5; Chapter 15, by adding a section; and Laws 1976, Chapter 222, Section 207, Subdivision 2; repealing Minnesota Statutes 1976, Sections 144A.21, Subdivisions 3 and 4; 144A.25; and 214.05.

Senate File No. 1349 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 11, 1977

Mr. Schaaf moved that the Senate do not concur in the amendments by the House to S. F. No. 1349 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. 896: A bill for an act relating to the establishment of a power plant site and transmission line route selection authority in the environmental quality board; eliminating the corridor designation process; clarifying certain procedures; authorizing certain options concerning the amount of land to be condemned and annual payments for owners of land condemned for routes or sites; requiring the board and the office of hearing examiners to adopt emergency and permanent rules; authorizing the board to revoke or suspend permits; specifying amounts for route application fees; providing for a property tax credit for land crossed

by high voltage transmission lines; providing penalties; amending Minnesota Statutes 1976, Sections 116C.52, Subdivisions 3 and 7, and by adding subdivisions; 116C.53; 116C.54; 116C.55, Subdivisions 2 and 3; 116C.57; 116C.58; 116C.59, Subdivision 1, and by adding subdivisions; 116C.61, Subdivisions 2 and 3; 116C.62; 116C.63; 116C.64; 116C.65; 116C.66; 116C.67; 116C.68; 116C.69; 273.42; 276.04; and Chapters 116C, by adding a section; and 273, by adding a section; repealing Minnesota Statutes 1976, Sections 116C.55, Subdivision 1; and 116C.56.

Senate File No. 896 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives  
Returned May 11, 1977

Mr. Merriam moved that the Senate do not concur in the amendments by the House to S. F. No. 896 and that a Conference Committee of 5 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. 381: A bill for an act relating to game and fish; changing the commissioner's duties in the removal of beaver; authorizing seasons for taking bobcat, fisher, fox, and wild turkey; requiring the commissioner to issue sportsman's licenses; extending the season and eliminating the annual limit for taking beaver; changing the hours for taking trout; extending the surcharge on small game licenses; amending Minnesota Statutes 1976, Sections 97.56; 98.46, Subdivisions 2, 2a, and 14; 100.26, Subdivision 1; 100.27, Subdivisions 1, 3, 4, 5 and 7; 100.28, Subdivision 1; 101.42, Subdivision 8; and Laws 1961, Chapter 66, Section 1, as amended; repealing Minnesota Statutes 1976, Section 348.071.

Senate File No. 381 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives  
Returned May 11, 1977

Mr. Peterson moved that the Senate do not concur in the amendments by the House to S. F. No. 381 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. 825: A bill for an act relating to eminent domain; court appointed commissioners; disqualifying certain attorneys from acting as a commissioner; amending Minnesota Statutes 1976, Section 117.075.

Senate File No. 825 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives  
Returned May 11, 1977

Mr. Keefe, S. moved that S. F. No. 825 be laid on the table. 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. 96: A bill for an act relating to insurance; providing that individual persons may cancel certain policies of insurance within ten days after receipt; setting out notice requirements.

Senate File No. 96 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives  
Returned May 11, 1977

#### CONCURRENCE AND REPASSAGE

Mr. Luther moved that the Senate concur in the amendments by the House to S. F. No. 96 and that the bill be placed on its repassage as amended. The motion prevailed.

S. F. No. 96 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 50 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Hanson	Luther	Peterson	Sillers
Bang	Hughes	McCutcheon	Pillsbury	Spear
Bernhagen	Humphrey	Menning	Purfeerst	Staples
Coleman	Johnson	Merriam	Renneke	Stokowski
Davies	Keefe, S.	Moe	Schaaf	Strand
Dieterich	Kleinbaum	Nichols	Schmitz	Stumpf
Dunn	Knoll	Olhoft	Schrom	Ueland, A.
Engler	Knutson	Olson	Setzepfandt	Ulland, J.
Gearty	Laufenburger	Penny	Sieloff	Vega
Gunderson	Lessard	Perpich	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 that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of three members of the House, on the amendments adopted by the House to the following Senate File:

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.

There has been appointed as such committee on the part of the House:

Suss; Anderson, G. and Nelsen, B.

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

Edward A. Burdick, Chief Clerk, House of Representatives  
Returned May 11, 1977

Mr. President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of three members of the House, on the amendments adopted by the House to the following Senate File:

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.

There has been appointed as such committee on the part of the House:

Petrafeso, Johnson and Sieben, H.

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

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 11, 1977

Mr. President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of three members of the House, on the amendments adopted by the House to the following Senate File:

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.

There has been appointed as such committee on the part of the House:

McCollar, Jude and Searles.

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

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 11, 1977

Mr. President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of three members of the House, on the amendments adopted by the House to the following Senate File:

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.

There has been appointed as such committee on the part of the House:

Berkelman, Jaros and Lehto.

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

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 11, 1977

Mr. President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of three members of the House, on the amendments adopted by the House to the following Senate File:



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.

There has been appointed as such committee on the part of the House:

Carlson, A.; Brandl and Clark.

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

Edward A. Burdick, Chief Clerk, House of Representatives  
Returned May 11, 1977

Mr. President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of three members of the House, on the amendments adopted by the House to the following Senate File:

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.

There has been appointed as such committee on the part of the House:

Osthoff, Stanton and Kalis.

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

Edward A. Burdick, Chief Clerk, House of Representatives  
Returned May 11, 1977

Mr. President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of three members of the House, on the amendments adopted by the House to the following Senate File:

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.

There has been appointed as such committee on the part of the House:

Nelson, Hokanson and Forsythe.

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

Edward A. Burdick, Chief Clerk, House of Representatives  
Returned May 11, 1977

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 176.

H. F. No. 176: A bill for an act relating to drivers licenses; providing that nonqualification certificates may be issued to applicants who are 14 years of age or older; amending Minnesota Statutes 1976, Section 171.07, Subdivision 3.

And the House respectfully requests that a Conference Committee of three members be appointed thereon:

Simoneau, Berkelman and Zubay have been appointed as such committee on the part of the House.

House File No. 176 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives  
Transmitted May 11, 1977

Mr. Stokowski moved that the Senate accede to the request of the House for a Conference Committee on H. F. No. 176, 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 appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 293.

H. F. No. 293: A bill for an act relating to waters; authorizing conveyance of the Blackduck Lake outlet dam and empowering the town of Hines in Beltrami county to acquire, maintain and operate it.

And the House respectfully requests that a Conference Committee of three members be appointed thereon:

Anderson, I.; St. Onge and Savelkoul have been appointed as such committee on the part of the House.

House File No. 293 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives  
Transmitted May 11, 1977

Mr. Lessard moved that the Senate accede to the request of the House for a Conference Committee on H. F. No. 293, 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 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 House Files, herewith transmitted: H. F. Nos. 1052, 1276 and 559.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 11, 1977

#### FIRST READING OF HOUSE BILLS

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

H. F. No. 1052: A bill for an act relating to human services; providing grants to plan and organize human services programs; requiring notification of affected state agencies; requiring certain membership on advisory councils; promulgating rules; providing for auditing of funds; giving additional powers to the state planning officer; appropriating money; amending Minnesota Statutes 1976, Sections 402.01, by adding a subdivision; 402.02, Subdivisions 1 and 2; 402.03; 402.04, Subdivision 1; 402.05; and 402.06; repealing Minnesota Statutes 1976, Sections 402.08 and 402.09.

Referred to the Committee on Finance.

H. F. No. 1276: A bill for an act relating to public welfare; providing for pilot dental health programs; providing an appropriation; amending Laws 1976, Chapter 305, Section 9; repealing Laws 1976, Chapter 305, Section 10.

Referred to the Committee on Finance.

H. F. No. 559: A bill for an act relating to education; higher education coordinating board; student financial aid; changing certain requirements for scholarships, aids and grants to students; increasing the bonding and loan making authority of the board; transferring the program of nursing student grants to the board; appropriating money; amending Minnesota Statutes 1976, Sections 136A.121; 136A.144; 136A.16, Subdivisions 3, 4, 6 and 7; 136A.17, Subdivisions 3, 4, 5, 6, 7 and 8; 136A.171; 136A.233; and Chapter 136A, by adding a section.

Referred to the Committee on Rules and Administration.

#### REPORTS OF COMMITTEES

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

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

H. F. No. 1457 for comparison to companion Senate File, reports the following House File was found identical and recom-

mends 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.
1457	1336				

and that the above Senate Files 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. 206 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.
206	458				

Pursuant to Rule 49 the Committee on Rules and Administration recommends that H. F. No. 206 be amended as follows:

Page 1, line 14, delete the new language and restore the stricken language

Page 1, lines 15 and 16, delete the new language

Page 1, line 17, delete "*from all sources*"

Page 1, delete lines 18 to 22

Page 2, delete lines 1 to 15

Further, amend the title in line 5, by deleting ", and by adding subdivisions"

And when so amended H. F. No. 206 will be identical to S. F. No. 458 and further recommends that H. F. No. 206 be given its second reading and substituted for S. F. No. 458 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. 1098 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.
1098	943				

Pursuant to Rule 49 the Committee on Rules and Administration recommends that H. F. No. 1098 be amended as follows:

Page 2, line 10, after "of" insert "*an authorized farm corporation, as defined in section 500.24, subdivision 1, clause (d), or*"

Page 4, line 11, after "parent" insert a comma

Page 4, lines 13 and 15, after "corporation" insert a comma

Page 7, lines 18 and 19, delete "*against the employer*"

And when so amended, H. F. No. 1098 will be identical to S. F. No. 943 and further recommends that H. F. No. 1098 be given its second reading and substituted for S. F. No. 943 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. Chenoweth from the Committee on Governmental Operations, to which was referred

S. F. No. 599: A bill for an act relating to the operation of state government; establishing an office of volunteer services within the office of the governor; coordinating volunteer programs throughout the state; appropriating money.

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

Page 1, line 12, after the period insert "The office shall be under the supervision and administration of an executive director to be appointed by the governor and hereinafter referred to as "director". The director shall be regarded as an employee of the governor."

Page 1, lines 17 and 19, strike "office" and insert "director"

Page 1, line 22, strike "It" and insert "The director"

Page 1, line 22, after "establishing" insert "volunteer"

Page 2, lines 1, 5, 8, 10 and 18, strike "office" and insert "director"

Page 2, line 5, after "accept" insert "and disburse"

Page 2, line 13, strike the first "to" and insert "of not more than 15 members to advise and"

Page 2, line 13, strike "the office" and insert "him and the director"

Page 2, line 14, after the period insert "Notwithstanding this numerical limitation, members currently serving on an advisory group

to the governor's office of volunteer services shall complete their prescribed terms of office; thereafter, appointments of successors shall be made so as to be consistent with the numerical limitation contained in this section."

Page 2, line 14, strike "The" and insert "Membership terms, compensation, removal and filling of vacancies of"

Page 2, lines 14 and 15, strike "not receive a per diem, but may receive expenses" and insert "be"

Page 2, line 16, after "15.059" insert " ; provided, that members shall not be eligible for a per diem"

Page 2, after line 16, insert:

"Sec. 2. The office and position of executive director created pursuant to this act shall be deemed to supersede and replace the "governor's office of volunteer services" created pursuant to executive order of the governor."

Page 2, line 19, after "\$289,000" insert "for the biennium beginning July 1, 1977,"

Renumber sections in sequence

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Chenoweth from the Committee on Governmental Operations, to which was referred

H. F. No. 1187: A bill for an act relating to retirement; membership of Hennepin soil and water conservation district employees in the public employees retirement association; amending Minnesota Statutes 1976, Chapter 353, 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 the following:

"Section 1. Minnesota Statutes 1976, Section 353.01, Subdivision 6, is amended to read:

Subd. 6. [GOVERNMENTAL SUBDIVISION.] "Governmental subdivision" means a county, city, town, school district within this state, or a department or unit of state government, the League of Minnesota Municipalities, or any public body whose revenues are derived from taxation, fees, assessments or from other sources, but does not mean any municipal housing and redevelopment authority organized under the provisions of sections 462.415 to 462.711; or any port authority organized pursuant to chapter 458; or any soil and water conservation district organized pursuant to chapter 40 unless the governing body of the district files a resolution with the executive director pursuant to section 2 of this act ; or any hospital district organized or reorganized prior to July 1, 1975 pursuant to legislation enacted by the 1959 Legislature.

Sec. 2. Minnesota Statutes 1976, Chapter 353, is amended by adding a section to read:

[353.014] [MEMBERSHIP OF EMPLOYEES OF SOIL AND WATER CONSERVATION DISTRICTS.] *Any soil and water conservation district organized pursuant to chapter 40 may, upon adopting and filing a resolution with the executive director, provide pension coverage for the employees of the district under this chapter. The resolution shall be in the form and shall contain whatever information the board of trustees shall specify. The resolution, once filed with the executive director, shall be irrevocable. From and after the effective date of the resolution, the soil and water conservation district shall be a governmental subdivision within the meaning of section 353.01, subdivision 6, and all employees shall become coordinated members of the public employees retirement association, unless specifically excluded under section 353.01, subdivision 2b.*

Sec. 3. [EFFECTIVE DATE.] *This act is effective the day following final enactment.*

Further, strike the title and insert the following:

*"A bill for an act relating to retirement; providing for the inclusion of certain soil and water conservation district employees as members of the public employees retirement association upon election by the district; amending Minnesota Statutes 1976, Section 353.01, Subdivision 6; and Chapter 353, by adding a section."*

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. 160: A bill for an act relating to the tax court; establishing the tax court as a full time court; creating a small claims division; providing penalties; appropriating money; amending Minnesota Statutes 1976, Sections 15A.083, Subdivision 4; 124.212, Subdivision 11; 271.01, Subdivisions 1 and 4a, and by adding a subdivision; 271.02; 271.04; 271.06, Subdivisions 1, 2, 3, 4, 6, and by adding a subdivision; 271.07; 271.08; 271.09, Subdivisions 1, 2, and 3; 271.10, Subdivision 2; 271.12; 271.13; 271.15; 271.17; 271.18; 271.20; and 490.121, Subdivision 2; and Chapter 271, by adding sections; repealing Minnesota Statutes 1976, Sections 271.001; 271.01, Subdivisions 2, and 2a; 271.11; 271.14; and 271.16.

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

Page 2, line 13, delete "*continue to*"

Page 2, line 13, after the period insert "*The initial three terms to be filled pursuant to this act will expire on the first Monday in January in the following years: 1979, 1981, and 1983.*"

Pages 25 and 26, delete all of section 30 and insert

"Sec. 30. [APPROPRIATION.] *Subdivision 1. The sums set*

*forth in this section are appropriated from the general fund to the agencies indicated for increased costs of general operations and management resulting from this act, to be available for the fiscal year ending June 30 in the years indicated.*

	1978	1979
Subd. 2. Tax Court	\$174,000	\$307,000

*The approved complement of the tax court is increased by eight persons.*

Subd. 3. Commissioner of Revenue	55,300	57,800
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*The approved complement of the department of revenue is increased by three persons."*

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

## SECOND READING OF SENATE BILLS

S. F. No. 160 was 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. No. 1187 was read the second time and referred to the Subcommittee on Bill Scheduling of the Committee on Rules and Administration.

H. F. Nos. 1457, 206 and 1098 were read the second time.

## MOTIONS AND RESOLUTIONS

Mr. Sieloff introduced—

Senate Resolution No. 21: A Senate resolution providing for the costs of coffee and tea in the retiring room.

Referred to the Committee on Rules and Administration.

Mr. Kleinbaum moved that the name of Mr. Sikorski be added as co-author to S. F. No. 897. The motion prevailed.

S. F. No. 32 and the Conference Committee Report thereon were reported to the Senate.

## CONFERENCE COMMITTEE REPORT ON S. F. NO. 32

A bill for an act relating to shade tree disease control; authorizing grants for municipal shade tree removal and reforestation programs; authorizing a shade tree disease control research program; appropriating money; amending Minnesota Statutes 1976,



Sections 18.023, Subdivisions 1, 1a, 2, 3a, 4, 7, 8 and 11, and adding a subdivision; 116.07, Subdivision 4; and 275.50, by adding a subdivision; repealing Minnesota Statutes 1976, Section 18.023, Subdivision 6.

May 11, 1977

The Honorable Edward J. Gearty  
President of the Senate

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

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

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

Strike everything after the enacting clause and insert:

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

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

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

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

(c) "Municipality" means any *home rule charter or statutory* city or any town exercising municipal powers pursuant to section 368.01, or any general or special law, located in the metropolitan area ; or any special park district as organized under chapter 398 ; ; or any special purpose park ~~district and recreation board~~ organized under the city charter of a city of the first class located in the metropolitan area ; ; or any county in the metropolitan area for the purposes of county owned property or any portion of a county located outside the geographic boundaries of a city or town exercising municipal powers ; and any municipality or county located outside the metropolitan area ~~which makes request to and has consent of the commissioner to come within the provisions of this section with an approved disease control program.~~

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

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

(f) "Subsidy program" means a *municipal program of financial assistance to private property owners for the removal of diseased elm and or oak shade trees.*

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

~~(h)~~ (g) "Disease control area" means an area approved by the commissioner within which a municipality will conduct a shade tree ~~an approved~~ disease control program.

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

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

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

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

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

Subd. 2. [COMMISSIONER TO ADOPT RULES.] The commissioner shall adopt and ~~from time to time~~ may amend, rules and regulations relating to shade tree disease control in the ~~metropolitan area in accordance with sections 15.0411 to 15.0422~~ any municipality, as defined in subdivision 1. ~~Such~~ The rules and regulations shall prescribe control measures to be used to prevent the spread of shade tree diseases and shall include the following: (a) A definition of shade tree, (b) qualifications for tree inspectors, (c) methods of identifying diseased shade trees, (d) procedures for giving reasonable notice of inspection of private real property, (e) measures for the ~~treatment~~ and removal of any shade tree which may contribute to the spread of shade tree disease, and ~~for reforestation of disease control areas~~, (f) ~~approved methods of treatment of shade trees~~, (g) ~~criteria for priority designation areas in an approved disease control program~~, and (h) ~~such~~ any other matters as shall be determined ~~to~~ be necessary by the commis-

sioner to prevent the spread of shade tree disease and enforce the provisions of this section. In accordance with the rules and regulations adopted by the commissioner, and After reasonable notice of inspection having been given to the an owner of the real property ; diseased shade trees shall be removed or treated by the owner of the real property on which such a diseased shade trees are tree is located shall remove or treat the tree within a the period of time as may be and in the manner established by the commissioner. In the case of the expense of removing or treating diseased shade trees located on street terraces or boulevards, not more than 50 percent of such expense may be assessed to the abutting properties by the municipality which expense shall become a lien on the property. Trees which are not removed or treated shall be declared a public nuisance and removed by the municipality which may assess the total expense or any part thereof to the property which expense shall become a lien on the property. Diseased shade trees which are not removed or treated in compliance with the commissioner's rules shall be declared a public nuisance and removed or treated by approved methods by the municipality which may assess the total expense, which shall be limited to the lowest contract rates available, provided said rates include wage levels which meet Minnesota minimum wage standards, or any part thereof to the property and the expense shall become a lien on the property. A municipality may assess not more than 50 percent of the expense of treating with an approved method or removing diseased shade trees located on street terraces or boulevards to the abutting properties and the assessment shall become a lien on the property.

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

Subd. 3a. [GRANTS TO MUNICIPALITIES.] (a) The commissioner may, in the name of the state and within the limit of appropriations provided, make grants-in-aid to a municipality with an approved shade tree disease control program for the partial funding of municipal subsidy programs for the removal of diseased shade trees by owners of residential property pursuant to subdivision 4 sanitation and reforestation programs . The commissioner may make grants-in-aid to any city of more than 80,000 population or any special purpose park district organized under the charter of a city of the first class or any non-profit corporation serving a city of the first class or any county having a disease control program approved by the commissioner home rule charter or statutory city of more than 40,000 population in the metropolitan area as defined in subdivision 1 or a combination of such cities of 40,000 combined population under a joint powers agreement pursuant to section 471.59, or a home rule charter or statutory city of more than 20,000 population outside the metropolitan area or a combination of such cities of 20,000 combined population under a joint powers agreement pursuant to section 471.59 any special purpose park and recreation board organized under a charter of a city of the first class or any non-profit corporation serving a city of the first class or any county having an approved disease control program for the acquisition or implementation of a wood utili-

zation or disposal facilities or equipment or the implementation of wood utilization or disposal systems system .

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

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

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

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

~~(d)~~ (e) A municipality home rule charter or statutory city, or county outside the metropolitan area or any municipality, as defined in subdivision 1, which has received the consent of the commissioner to come within the provisions of Laws 1975, Chapter 253 may receive grants authorized by this subdivision, and may submit an application for a grant authorized by this subdivision concurrently with its request for inclusion approval of a disease control program.

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

Subd. 4. [SUBSIDIES TO PRIVATE PROPERTY OWNERS.]

~~(a)~~ A municipality may provide subsidies to nonprofit organizations, owners of private residential property owners of five acres or less and to nonprofit cemeteries, however organized, for the approved treatment or removal of diseased shade trees provided, however, that the cost to the municipality for providing such subsidies shall be within the limitations set forth in sections 275.50 to 275.56.

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

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

Subd. 7. [FINANCING.] (a) A municipality may collect the amount assessed against the property under subdivision 2 as a special assessment and may issue obligations as provided in section 429.101, subdivision 1, provided that a municipality as at its option make any assessment levied payable with interest in installments not to exceed five years from the date of the assessment.

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

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

(2) No election shall be required.

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

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

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

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

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

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

Subd. 11. [REPORT TO THE LEGISLATURE.] On or before January 31 of each succeeding year, the commissioner shall report to the legislature on the preceding year's plans and approved disease control programs which have been implemented for shade tree diseases in the metropolitan area and any experimental programs conducted pursuant to subdivision 10a.

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

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

Pursuant and subject to the provisions of chapter 15, and the provisions hereof, the pollution control agency may adopt, amend, and rescind regulations and standards having the force of law relating to any purpose within the provisions of Laws 1969, Chapter 1046, for the collection, transportation, storage, and disposal of solid waste and the prevention, abatement, or control of water, air, and land pollution which may be related thereto, and the deposit in or on land of any other material that may tend to cause pollution. Any such regulation or standard may be of general appli-

cation throughout the state or may be limited as to times, places, circumstances, or conditions in order to make due allowance for variations therein. Without limitation, regulations or standards may relate to collection, transportation, disposal, equipment, location, procedures, methods, systems or techniques or to any other matter relevant to the prevention, abatement or control of water, air, and land pollution which may be advised through the control of collection, transportation, and disposal of solid waste, and the deposit in or on land of any other material that may tend to cause pollution.

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

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

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

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

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

*Subd. 6. The cost to a governmental unit of implementing section 18.023, including sanitation and reforestation, as defined in section 18.023, subdivision 1, is a "special levy" and is not subject to tax levy limitations including those contained in sections 275.50 to 275.56 and in Laws 1969, Chapter 593, as amended by Laws*

1974, Chapter 108, commencing with the levy made in 1976, payable in 1977, and terminating with the levy made in 1977, payable in 1978. A governmental subdivision may make a supplementary levy in 1977, payable in 1978, for all costs of implementing section 18.023 incurred in calendar year 1977 for which a levy was not made in 1976, payable in 1977. For the purpose of calculating the tax levy limit base under section 275.51, for levy year 1977, taxes payable in 1978, there shall be subtracted from the levy limit base of any governmental subdivision an amount equal to 112 percent of the amount levied under section 18.023 in levy year 1974, taxes payable in 1975, and included in the levy limit base of the governmental subdivision as a result of Laws 1975, Chapter 437.

Sec. 12. The commissioner of agriculture shall adopt emergency rules pursuant to section 15.0412, subdivision 5, concerning grants to municipalities for reforestation and sanitation which shall be effective until either September 1, 1977, or the effective date of the amended permanent rules to be promulgated pursuant to section 3 of this act, whichever occurs first.

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

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

(a) For grants for sanitation programs pursuant to Minnesota Statutes, Section 18.023, Subdivision 3a, \$21,650,000

(b) For grants for reforestation programs pursuant to Minnesota Statutes, Section 18.023, Subdivision 3a, \$ 4,400,000

(c) For grants-in-aid for wood utilization and disposal systems pursuant to Minnesota Statutes, Section 18.023, Subdivision 3a, \$ 550,000

(d) For public information \$ 225,000

(e) For experimental programs pursuant to Minnesota Statutes, Section 18.023, Subdivision 10a, \$ 400,000

(f) For administration \$ 300,000

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

Subd. 2. There is appropriated from the general fund to the university of Minnesota the following amounts for the following



purposes, for the period from January 1, 1977, to December 31, 1978:

(a) For research by the agricultural experimental station, pursuant to Minnesota Statutes, Section 18-023, Subdivision 10, \$ 100,000

(b) For continuing education and training by the agricultural extension service, pursuant to Minnesota Statutes, Section 18.023, Subdivision 10, \$ 250,000

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

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

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

Sec. 15. [REPEALER.] Minnesota Statutes 1976, Section 18-023, Subdivision 6, is repealed.

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

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

Senate Conferees: (Signed) Hubert H. Humphrey, III; Gerald L. Willet; Steve Keefe; Emily Anne Staples; Robert G. Dunn

House Conferees: (Signed) Thomas Berg, Ann Wynia, Richard Welch, Henry J. Kalis, Donald Friedrich

Mr. Humphrey moved that the foregoing recommendations and Conference Committee Report on S. F. No. 32 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.

#### CALL OF THE SENATE

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

Bang	Hanson	Lewis	Penny	Staples
Bernhagen	Hughes	Luther	Perpich	Stokowski
Borden	Humphrey	McCutcheon	Peterson	Strand
Brataas	Jensen	Menning	Pillsbury	Stumpf
Davies	Johnson	Merriam	Renneke	Ulland, J.
Dieterich	Keefe, S.	Moe	Schmitz	Vega
Dunn	Kirchner	Nelson	Schrom	Willet
Engler	Kleinbaum	Nichols	Sieloff	
Frederick	Knoll	Ogdahl	Sikorski	
Gearty	Knutson	Olhoft	Sillers	
Gunderson	Lessard	Olson	Spear	

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

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

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 53 and nays 7, as follows:

Those who voted in the affirmative were:

Anderson	Frederick	Laufenburger	Penny	Solon
Bang	Gearty	Lessard	Perpich	Spear
Bernhagen	Hanson	Lewis	Pillsbury	Staples
Borden	Hughes	Luther	Purfeerst	Stokowski
Brataas	Humphrey	McCutcheon	Renneke	Strand
Chmielewski	Jensen	Menning	Schaaf	Stumpf
Coleman	Johnson	Milton	Schmitz	Ulland, J.
Davies	Keefe, S.	Moe	Setzepfandt	Vega
Dieterich	Kirchner	Nelson	Sieloff	Willet
Dunn	Kleinbaum	Ogdahl	Sikorski	
Engler	Knoll	Olhoft	Sillers	

Those who voted in the negative were:

Ashbach	Knutson	Olson	Peterson	Schrom
Gunderson	Nichols			

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

### **SUSPENSION OF RULES**

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

### **THIRD READING OF SENATE BILLS**

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

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:

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

So the bill passed and its title was agreed to.

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

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 52 and nays 4, as follows:

Those who voted in the affirmative were:

Anderson	Engler	Knoll	Olhoft	Solon
Ashbach	Frederick	Knutson	Olson	Spear
Bang	Gearty	Laufenburger	Penny	Staples
Bernhagen	Gunderson	Lessard	Perpich	Strand
Borden	Hanson	Lewis	Peterson	Stumpf
Brataas	Hughes	Luther	Pillsbury	Ulland, J.
Chmielewski	Jensen	McCutcheon	Purfeerst	Vega
Coleman	Johnson	Menning	Renneke	Willet
Davies	Keefe, S.	Milton	Schmitz	
Dieterich	Kirchner	Nelson	Sieloff	
Dunn	Kleinbaum	Nichols	Sillers	

Messrs. Schaaf, Schrom, Setzepfandt and Sikorski voted in the negative.

So the bill passed and its title was agreed to.

S. F. No. 73: A bill for an act relating to weather modification; prohibiting ground-based cloud seeding apparatus; prescribing a penalty.

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 54 and nays 1, as follows:

Those who voted in the affirmative were:

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

Mr. Schrom voted in the negative.

So the bill passed and its title was agreed to.

### THIRD READING OF HOUSE BILLS

H. F. No. 40: A bill for an act relating to real estate brokers and salespersons; authorizing the commissioner to increase license terms; establishing a prelicense educational requirement and a continuing educational requirement; requiring an annual report on the real estate education, research and recovery fund; and requiring regular meetings of the real estate advisory council; amending Minnesota Statutes 1976, Sections 82.22, Subdivision 6, and by adding a subdivision; 82.30; and 82.34, by adding a subdivision.

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 46 and nays 12, as follows:

Those who voted in the affirmative were:

Ashbach	Engler	Kleinbaum	Nichols	Spear
Bang	Frederick	Knoll	Penny	Staples
Benedict	Gearty	Knutson	Peterson	Stokowski
Bernhagen	Hanson	Laufenburger	Pillsbury	Stumpf
Borden	Hughes	Lessard	Purfeerst	Ulland, J.
Brataas	Humphrey	Lewis	Schaaf	Vega
Coleman	Jensen	Luther	Schmitz	
Davies	Johnson	McCutcheon	Sieloff	
Dieterich	Keefe, S.	Moe	Sikorski	
Dunn	Kirchner	Nelson	Solon	

Those who voted in the negative were:

Chmielewski	Merriam	Perpich	Schrom	Strand
Gunderson	Olhoft	Renneke	Setzepfandt	Willet
Menning	Olson			

So the bill passed and its title was agreed to.

H. F. No. 808: A bill for an act relating to local improvement; contracts; requiring percentage payments thereunder, and requiring payment of interest on money due and not paid in accordance with the contract; amending Minnesota Statutes 1976, Section 429.041, 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 35 and nays 23, as follows:

Those who voted in the affirmative were:

Ashbach	Frederick	Knoll	Peterson	Setzepfandt
Bang	Gearty	Laufenburger	Pillsbury	Sieloff
Bernhagen	Gunderson	Lessard	Purfeerst	Solon
Brataas	Hanson	Lewis	Renneke	Stokowski
Chmielewski	Keefe, S.	Menning	Schaaf	Ueland, A.
Dunn	Kirchner	Moe	Schmitz	Ulland, J.
Engler	Kleinbaum	Nichols	Schrom	Vega

Those who voted in the negative were:

Benedict	Humphrey	McCutcheon	Penny	Strand
Borden	Jensen	Merriam	Perpich	Stumpf
Davies	Johnson	Nelson	Sikorski	Willet
Dieterich	Knutson	Olhoft	Spear	
Hughes	Luther	Olson	Staples	

So the bill passed and its title was agreed to.

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

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 58 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

H. F. No. 848: A bill for an act relating to the city of Minneapolis; miscellaneous amendments; establishment of a coordinated program; amending Minnesota Statutes 1976, Sections 422A.01, by adding subdivisions; 422A.06, Subdivision 6; 422A.08, Sub-

divisions 2 and 5; 422A.09, Subdivision 3; 422A.16, by adding a subdivision; 422A.18, Subdivision 2; 422A.23, Subdivision 7, and by adding a subdivision; Chapter 355, by adding sections; and Chapter 422A, by adding sections.

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 57 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

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

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 58 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

H. F. No. 635: A bill for an act relating to insurance; increasing solicitors license fees; authorizing issuance of cease and desist orders and injunctions; prescribing and clarifying penalties; amending Minnesota Statutes 1976, Sections 60A.17, Subdivision 4, and by adding subdivisions; and 72A.07.

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 2, as follows:

Those who voted in the affirmative were:

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

Messrs. Jensen and Schrom voted in the negative.

So the bill passed and its title was agreed to.

H. F. No. 922: A bill for an act relating to labor; authorizing certain payroll deductions; amending Minnesota Statutes 1976, Section 181.06.

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 51 and nays 4, as follows:

Those who voted in the affirmative were:

Ashbach	Gearty	Laufenburger	Penny	Stokowski
Bang	Gunderson	Lessard	Perpich	Strand
Bernhagen	Hanson	Lewis	Purfeerst	Stumpf
Brataas	Hughes	Luther	Renneke	Ueland, A.
Chmielewski	Humphrey	McCutcheon	Schaaf	Ulland, J.
Coleman	Jensen	Menning	Schmitz	Vega
Davies	Johnson	Moe	Setzepfandt	Willet
Dieterich	Keefe, S.	Nelson	Sieloff	
Dunn	Kirchner	Nichols	Solon	
Engler	Kleinbaum	Olhoft	Spear	
Frederick	Knoll	Olson	Staples	

Messrs. Merriam, Peterson, Schrom and Sikorski voted in the negative.

So the bill passed and its title was agreed to.

H. F. No. 1102: A bill for an act relating to state agencies; procedures used in purchasing and furnishing goods and services; amending Minnesota Statutes 1976, Sections 16.02, Subdivisions 2, 13, 19, and by adding a subdivision; 16.72, Subdivision 2; 16.75, Subdivision 7 and 327.51, Subdivisions 1 and 3, and by adding a subdivision.

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 47 and nays 8, as follows:

Those who voted in the affirmative were:

Bang	Hanson	Lewis	Perpich	Stokowski
Benedict	Hughes	Luther	Peterson	Strand
Bernhagen	Humphrey	McCutcheon	Purfeerst	Stumpf
Chmielewski	Johnson	Menning	Schaaf	Ueland, A.
Coleman	Keefe, S.	Merriam	Schmitz	Ulland, J.
Davies	Kirchner	Moe	Setzepfandt	Vega
Dieterich	Kleinbaum	Nelson	Sieloff	Willet
Engler	Knoll	Nichols	Sikorski	
Gearty	Laufenburger	Olhoff	Spear	
Gunderson	Lessard	Penny	Staples	

Those who voted in the negative were:

Ashbach	Frederick	Olson	Renneke	Schrom
Dunn	Jensen	Pillsbury		

So the bill passed and its title was agreed to.

H. F. No. 916: A bill for an act relating to welfare; child support; authorizing additional procedures in collection of support payments; updating uniform reciprocal enforcement of support act; amending Minnesota Statutes 1976, Sections 256.87, Subdivision 1; 256.872; 256.873; 257.253; 257.254; 257.257; 257.259; 257.261, Subdivision 1; 257.29; 393.07, Subdivision 9; 393.11; 487.19, Subdivision 1; 518.41; 518.42, Subdivisions 2, 5, 7, 8, 9, and by adding subdivisions; 518.45, Subdivisions 2, 4 and 5; 518.46, Subdivisions 2, 3 and 4; 518.48; 518.49; 518.551; and Chapter 518, 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:

Ashbach	Gearty	Lessard	Perpich	Staples
Bang	Gunderson	Lewis	Peterson	Stokowski
Benedict	Hanson	Luther	Pillsbury	Strand
Bernhagen	Humphrey	McCutcheon	Purfeerst	Stumpf
Brataas	Jensen	Menning	Renneke	Ueland, A.
Chmielewski	Johnson	Merriam	Schaaf	Ulland, J.
Coleman	Keefe, S.	Moe	Schmitz	Vega
Davies	Kirchner	Nelson	Schrom	Willet
Dieterich	Kleinbaum	Nichols	Setzepfandt	
Dunn	Knoll	Olhoff	Sieloff	
Engler	Knutson	Olson	Sikorski	
Frederick	Laufenburger	Penny	Spear	

So the bill passed and its title was agreed to.

H. F. No. 1079: A bill for an act relating to agriculture; seeds; changing the basis for listing restricted noxious weed seeds on labels; prohibiting certain acts; increasing fees; amending Minne-



sota Statutes 1976, Sections 21.48, Subdivision 3; 21.49, Subdivision 1; 21.53, Subdivision 3; and 21.54, 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 58 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

Remaining on the Order of Business of Motions and Resolutions, Mr. Coleman moved to revert to the Order of Business of Messages from the House. 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. 922: A bill for an act relating to parking privileges for the physically handicapped; prohibiting nonhandicapped persons from parking in spaces designated for the handicapped; providing penalties.

Senate File No. 922 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives  
Returned May 11, 1977

#### CONCURRENCE AND REPASSAGE

Mr. Benedict moved that the Senate concur in the amendments by the House to S. F. No. 922 and that the bill be placed on its repassage as amended. The motion prevailed.

S. F. No. 922: A bill for an act relating to parking privileges for the physically handicapped; prohibiting nonhandicapped persons from parking in spaces designated for the handicapped; providing penalties; amending Minnesota Statutes 1976, Section 168.02, Subdivision 1.

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	Gearty	Laufenburger	Peterson	Staples
Bang	Gunderson	Lessard	Pillsbury	Stokowski
Benedict	Hanson	Lewis	Purfeerst	Strand
Bernhagen	Hughes	Luther	Renneke	Stumpf
Brataas	Humphrey	McCutcheon	Schaaf	Ueland, A.
Chmielewski	Jensen	Menning	Schmitz	Ulland, J.
Coleman	Johnson	Moe	Schrom	Vega
Davies	Keefe, S.	Nelson	Setzepfandt	Willet
Dieterich	Kirchner	Nichols	Sieloff	
Dunn	Kleinbaum	Olhoff	Sikorski	
Engler	Knoll	Olson	Solon	
Frederick	Knutson	Penny	Spear	

Mr. Merriam voted in the negative.

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

Remaining on the Order of Business of Motions and Resolutions, Mr. Coleman moved to take up the Consent Calendar. The motion prevailed.

#### CONSENT CALENDAR

H. F. No. 1474: 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.

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 57 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Coleman, Chairman of the Subcommittee on Bill Scheduling, designated the following bills a Special Orders Calendar for immediate consideration:

S. F. Nos. 446, 124, 655, 690 and H. F. Nos. 875, 1180, 451 and 405.

### SPECIAL ORDER

H. F. No. 875: A bill for an act relating to housing; providing an exception to the interest limitation for borrowing by housing and redevelopment authorities; making certain changes in the laws relating to the operation of the housing finance agency; making cooperatives eligible for housing finance agency programs; establishing certain loan and assistance programs; increasing the bonding limitations of the agency; providing for a demonstration project for energy conserving construction; appropriating money; amending Minnesota Statutes 1976, Sections 462.555; 462A.03, Subdivision 13; 462A.05, Subdivisions 3, 5, 14, 15, and by adding subdivisions; 462A.07, Subdivision 12, and by adding subdivisions; 462A.09; 462A.21, Subdivisions 4a, 4b, and by adding subdivisions; and 462A.22, Subdivisions 1 and 9, and by adding a subdivision; repealing Minnesota Statutes 1976, Section 462A.26.

Mr. Moe moved to amend H. F. No. 875, as amended pursuant to Rule 49, adopted by the Senate May 11, 1977, as follows:

(The text of the amended House File is identical to S. F. No. 867.)

Page 2, line 15, strike "*the*" and insert "*that*"

Page 2, line 20, strike "*shall be*" and insert "*is*"

Page 2, line 21, before "*mortgage*" insert "*first*"

Page 2, line 24, strike "*funds*" and insert "*money*"

Page 3, line 23, strike "*the*"

Page 7, line 4, strike "*funds*" and insert "*money*"

Page 7, line 16, delete "*16*" and insert "*17*"

Page 9, after line 13, insert:

"Sec. 13. Minnesota Statutes 1976, Section 462A.20, Subdivision 2, is amended to read:

Subd. 2. There shall be paid into the housing development fund:

(a) Any moneys appropriated and made available by the state for the purposes of the fund;

(b) Any moneys which the agency receives in repayment of advances made from the fund;

(c) Any other moneys which may be made available to the authority for the purpose of the fund from any other source or sources;

(d) All fees and charges collected by the agency, *except that fees and charges and other income, including transfers from other funds, intended to cover administrative costs of the agency shall be deposited in the general fund*;

(e) All interest or other income not required by the provisions of a resolution or indenture securing notes or bonds to be paid into another special fund."

Page 9, line 20, strike "*funds*" and insert "*money*"

Page 9, line 21, after "*agency*" insert "*to the extent provided in this section*"

Page 9, lines 22 and 23, strike "*to the extent provided in this section*"

Page 10, line 16, strike "*shall be*" and insert "*is*"

Page 10, line 17, strike "*shall be*" and insert "*is*"

Page 11, line 9, strike "*as*"

Page 11, line 13, strike "*subsidies*" and insert "*assistance payments*"

Page 11, line 16, strike "*subsidy for payments*" and insert "*assistance for payment*"

Page 11, line 19, strike "*subsidy*" and insert "*assistance payments*"

Page 11, line 25, strike "*7*" and insert "*8*"

Page 11, line 26, strike "*committee*" and insert "*commission*"

Page 11, line 27, strike "*may*" and insert "*shall*"

Page 11, lines 27 and 28, strike "*specific appropriations from*" and insert "*money appropriated directly by*"

Page 11, line 28, after "*legislature*" insert "*specifically for this purpose*"

Page 11, line 31, after "*the*" insert "*repeal of section 462A.26 and the*"

Page 11, line 31, strike "*23*"

Page 11, line 32, strike "*or Minnesota Statutes, Section*"

Page 11, line 32, strike "*laws*" and insert "*law*"

Page 12, line 3, strike "*shall be*" and insert "*are*"

Page 12, line 4, strike "*shall*"

Page 12, line 5, strike "*; provided that*" and insert a period

Page 12, line 6, strike "*shall be*" and insert "*are*"

Page 12, strike the language in line 23 after "*1a.*" and insert "*For \$200,000,000 of*"

Page 12, line 24, strike "*additional*"

Page 12, line 25, strike "*which*" and insert "*of the proceeds that*"

Page 12, line 26, after "housing" insert ", not less than 20 percent"

Page 13, lines 3 and 4, strike "funds for" and insert "money under"

Page 13, line 7, strike "funds" and insert "money"

Page 13, after line 8, insert:

"Sec. 22. [REPEALER.] *Minnesota Statutes 1976, Sections 462A.21, Subdivision 4; and 462A.26, are repealed.*

Sec. 23 [APPROPRIATION.] *The sums set forth in this section are appropriated from the general fund to the Minnesota housing finance agency for the costs of general administration of agency programs, to be available for expenditure for the fiscal year ending June 30 in the years indicated.*

Approved Complement

1978-77

1979-81

1978  
\$2,260,500

1979  
\$2,312,500"

Page 13, line 25, strike "15" and insert "16"

Page 13, line 27, strike "16" and insert "17"

Page 14, strike section 23

Page 14, line 23, strike "shall be" and insert "is"

Renumber the sections in sequence

Amend the title as follows:

Line 16, after "462A.09;" insert "462A.20, Subdivision 2;"

Line 20, strike "Section" and insert "Sections 462A.21, Subdivision 4; and"

The motion prevailed. So the amendment was adopted.

Mr. Knoll moved to amend H. F. No. 875, as amended pursuant to Rule 49, adopted by the Senate May 11, 1977, as follows:

(The text of the amended House File is identical to S. F. No. 867.)

Page 13, line 19, strike "\$25,000,000" and insert "\$20,000,000"

Page 13, line 23, strike "\$10,000,000" and insert "\$15,000,000"

The motion prevailed. So the amendment was adopted.

H. F. No. 875 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 45 and nays 6, as follows:

Those who voted in the affirmative were:

Anderson	Hughes	Luther	Olson	Spear
Bang	Humphrey	McCutcheon	Penny	Staples
Benedict	Johnson	Menning	Peterson	Stokowski
Chmielewski	Keefe, S.	Milton	Schaaf	Strand
Dieterich	Kirchner	Moe	Schrom	Stumpf
Engler	Knoll	Nelson	Setzepfandt	Ueland, A.
Gearty	Laufenburger	Nichols	Sieloff	Ulland, J.
Gunderson	Lessard	Ogdahl	Sikorski	Vega
Hanson	Lewis	Olhoft	Sillers	Willet

Those who voted in the negative were:

Ashbach	Brataas	Davies	Knutson	Pillsbury
Bernhagen				

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

### SPECIAL ORDER

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

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 52 and nays 1, as follows:

Those who voted in the affirmative were:

Anderson	Frederick	Laufenburger	Penny	Staples
Ashbach	Gearty	Lessard	Pillsbury	Stokowski
Bang	Gunderson	Lewis	Renneke	Strand
Benedict	Hanson	Luther	Schaaf	Stumpf
Bernhagen	Hughes	McCutcheon	Schrom	Ueland, A.
Brataas	Humphrey	Menning	Setzepfandt	Ulland, J.
Chmielewski	Johnson	Moe	Sieloff	Vega
Coleman	Keefe, S.	Nelson	Sikorski	Willet
Davies	Kirchner	Nichols	Sillers	
Dieterich	Knoll	Olhoft	Solon	
Engler	Knutson	Olson	Spear	

Mr. Peterson voted in the negative.

So the bill passed and its title was agreed to.

### SPECIAL ORDER

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

Mr. Lewis moved to amend S. F. No. 124 as follows:

Page 4, line 22, strike "Eight" and insert "Five"

Page 4, line 25, strike "*three*" and insert "*four*"

The motion prevailed. So the amendment was adopted.

Mr. Pillsbury moved to amend S. F. No. 124 as follows:

Page 1, line 16, strike "*woman*" and insert "*person*"

Page 1, line 17, strike "*her*" and insert "*the*" and strike "*male*"

Page 1, line 18, strike "*male*" and insert "*person*"

Page 1, line 18, strike "*she*" and insert "*that person*"

Page 1, line 21, strike "*women*" and insert "*persons*"

Page 1, line 22, strike "*women*" and insert "*persons*"

Page 2, lines 7, 18, and 22, strike "*women*" and insert "*persons*"

Page 3, lines 4 and 12, strike "*women*" and insert "*persons*"

Page 4, lines 2 and 24, strike "*women*" and insert "*persons*"

Page 5, lines 18, 20 and 29, strike "*women*" and insert "*persons*"

Page 5, line 18, strike "*male*" and strike "*males*" and insert "*persons*"

Page 6, line 9, strike "*women*" and insert "*persons*"

Page 6, line 10, strike "*male*" and strike "*males*" and insert "*persons*"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 15 and nays 37, as follows:

Those who voted in the affirmative were:

Bernhagen	Knutson	Olson	Renneke	Sieloff
Chmielewski	Lessard	Perpich	Schmitz	Stumpf
Davies	Olhoft	Pillsbury	Schrom	Wegener

Those who voted in the negative were:

Bang	Gunderson	Knoll	Nichols	Stokowski
Benedict	Hanson	Laufenburger	Penny	Strand
Brataas	Hughes	Lewis	Peterson	Ueland, A.
Coleman	Humphrey	Luther	Purfeerst	Ulland, J.
Dieterich	Johnson	McCutcheon	Setzepfandt	Vega
Engler	Keefe, S.	Milton	Sikorski	
Frederick	Kirchner	Moe	Spear	
Garty	Kleinbaum	Nelson	Staples	

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

S. F. No. 124 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 2, as follows:

Those who voted in the affirmative were:

Anderson	Frederick	Knutson	Olson	Spear
Ashbach	Gearty	Laufenburger	Penny	Staples
Bang	Gunderson	Lessard	Peterson	Stokowski
Benedict	Hanson	Lewis	Pillsbury	Strand
Bernhagen	Hughes	Luther	Purfeerst	Stumpf
Brataas	Humphrey	McCutcheon	Renneke	Ueland, A.
Coleman	Johnson	Milton	Schaaf	Ulland, J.
Davies	Keefe, S.	Moe	Schmitz	Vega
Dieterich	Kirchner	Nelson	Setzepfandt	Wegener
Dunn	Kleinbaum	Nichols	Sieloff	
Engler	Knoll	Olhoff	Sikorski	

Messrs. Chmielewski and Schrom voted in the negative.

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

### SPECIAL ORDER

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.

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 54 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Engler	Knutson	Olhoff	Sikorski
Ashbach	Frederick	Laufenburger	Penny	Spear
Bang	Gearty	Lessard	Peterson	Staples
Benedict	Gunderson	Lewis	Pillsbury	Stokowski
Bernhagen	Hanson	Luther	Purfeerst	Strand
Brataas	Hughes	McCutcheon	Renneke	Stumpf
Chmielewski	Humphrey	Menning	Schaaf	Ueland, A.
Coleman	Johnson	Milton	Schmitz	Ulland, J.
Davies	Keefe, S.	Moe	Schrom	Vega
Dieterich	Kirchner	Nelson	Setzepfandt	Wegener
Dunn	Knoll	Nichols	Sieloff	

So the bill passed and its title was agreed to.

Pursuant to Rule 21, Mr. Moe moved that the following members be excused for a Conference Committee on S. F. No. 1416:

Messrs. Kirchner, Lewis, Milton, Perpich and Moe. The motion prevailed.

### SPECIAL ORDER

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

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 50 and nays 0, as follows:



Those who voted in the affirmative were:

Anderson	Engler	Knoll	Peterson	Spear
Ashbach	Frederick	Knutson	Pillsbury	Staples
Bang	Gearty	Laufenburger	Purfeerst	Stokowski
Benedict	Gunderson	Lessard	Renneke	Strand
Bernhagen	Hanson	Luther	Schaaf	Stumpf
Brataas	Hughes	Menning	Schmitz	Ueland, A.
Chmielewski	Johnson	Nelson	Schrom	Ulland, J.
Coleman	Keefe, S.	Nichols	Setzepfandt	Vega
Davies	Kirchner	Olhoft	Sieloff	Wegener
Dieterich	Kleinbaum	Penny	Sikorski	Willet

So the bill passed and its title was agreed to.

### SPECIAL ORDER

H. F. No. 405: A bill for an act relating to gambling; authorizing the operation of certain gambling devices by licensed organizations; providing a penalty; amending Minnesota Statutes 1976, Sections 325.54, Subdivision 1; 340.14, Subdivision 2; 609.75; 609.76; Chapters 349, by adding a section; and 609, by adding a section.

Mr. Nelson moved to amend H. F. No. 405, as amended pursuant to Rule 49, adopted by the Senate, May 5, 1977, as follows:

(The text of the amended House File is identical to S. F. No. 399.)

Page 2, line 31, strike "1a" and insert "2"

Page 3, line 3, before "For" insert "Subd. 3."

Page 3, line 8, before "For" insert "Subd. 4."

Page 3, line 11, before "Nothing" insert "Subd. 5."

Page 3, line 12, after "use" insert ", possession"

Page 3, line 18, strike "2" and insert "6"

Page 3, line 20, strike the semicolon and insert a comma

Page 3, line 21, after "fees" strike "and" and insert a comma

Page 3, line 23, strike "3" and insert "7"

Page 4, line 6, strike "4" and insert "8"

Page 4, line 12, strike "5" and insert "9"

Page 4, line 17, strike "6" and insert "10"

Page 5, line 2, strike "7" and insert "11"

Page 5, line 9, strike "8" and insert "12"

Page 5, line 15, after the comma insert "purpose,"

Page 6, line 7, strike "9" and insert "13"

Page 6, line 11, strike "such" and insert "the"

Page 6, lines 14 and 16, strike "such"

Page 6, line 18, strike "10" and insert "14"

Page 6, line 27, strike "11" and insert "15"

Page 7, line 21, before the period insert "*pursuant to section 3*"

Page 7, line 29, after "*government*" insert "*and conducted*"

The motion prevailed. So the amendment was adopted.

H. F. No. 405 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 38 and nays 7, as follows:

Those who voted in the affirmative were:

Anderson	Gearty	Luther	Schmitz	Stokowski
Bang	Hanson	McCutcheon	Schrom	Stumpf
Benedict	Hughes	Nelson	Setzepfandt	Ulland, J.
Brataas	Humphrey	Nichols	Sieloff	Vega
Coleman	Johnson	Olson	Sikorski	Wegener
Dieterich	Keefe, S.	Penny	Sillers	Willet
Engler	Kleinbaum	Peterson	Spear	
Frederick	Knoll	Purfeerst	Staples	

Those who voted in the negative were:

Bernhagen	Dunn	Olhoft	Pillsbury	Strand
Chmielewski	Gunderson			

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

### SUSPENSION OF RULES

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

### GENERAL ORDERS

The Senate resolved itself into a Committee of the Whole, with Mr. Gearty in the chair.

After some time spent therein, the committee arose, and Mr. Gearty reported that the committee had considered the following:

S. F. Nos. 978, 1174, 522, 1087, H. F. Nos. 1107, 90, 952, 1184, 129, 256, 1518, 1386, 261, 296, 947, 1275, 1017, 313, 16, 1421, 675, 259, 829, 41 and 856, which the committee recommends to pass.

H. F. No. 914 which the committee recommends to pass, subject to the following motion:

Mr. Schmitz moved that the amendment made to H. F. No. 914 by the Committee on Rules and Administration in the report adopted May 11, 1977, pursuant to Rule 49, be stricken. The motion prevailed. So the amendment was stricken.

H. F. No. 1226, which the committee recommends to pass with the following amendments offered by Messrs. Knoll and Kirchner:

Mr. Knoll, for Mr. Kirchner, moved to amend H. F. No. 1226, 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. 1131.)

Page 9, after line 21, insert:

"Sec. 11. Minnesota Statutes 1976, Section 473.621, Subdivision 5, is amended to read:

Subd. 5. The investment of the cities of Minneapolis and St. Paul in the metropolitan airports system, from the date of the original enactment of this section to January 1, 1973, includes the land comprising airports owned by them and taken over pursuant to subdivision 2, and taxes levied on property within the cities in the years 1944 to 1969, the proceeds of which, together with revenues of the system and federal funds, were expended for the operation, administration, maintenance, improvement, and extension of the system and the service of debt incurred for such improvement and extension, including improvement of the city lands. The aggregate amount of such taxes was \$19,816,873, of which \$7,294,022 would have been assessed and extended against property outside the cities if the entire metropolitan area, which will be taxable by the corporation in 1974 and subsequent years under section 473.661, had been within its taxing jurisdiction when those levies were made. If it should become necessary for the corporation to levy any such taxes for any purpose other than the payment of bonds and interest, they shall be extended and assessed exclusively against taxable property outside the cities until the total amount so assessed and extended equals \$7,294,022 ; with interest from April 1, 1974, at the rate of six percent per annum on the unpaid balance . In the event that the airport land owned by either city should no longer be used for airport purposes, the corporation's control thereof shall cease, and title to the land and all improvements shall be and remain in the city, but the city shall become liable to the corporation for the repayment, without interest, of an amount of the taxes so paid which is proportionate to its own share of the cities' original investment, being 60 percent for Minneapolis and 40 percent for St. Paul. In the event that any other land or improvements owned or controlled by the corporation should ever cease to be used for airport purposes, all income therefrom and all proceeds received upon disposal thereof shall continue to be used for purposes of the metropolitan airport system, subject to federal laws and regulations governing such disposal; or if the operation of the system should ever be terminated, all such income and proceeds shall be distributed to the seven counties in the metropolitan area, in amounts proportionate to the assessed valuation of taxable property in each county at the time of such distribution.

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 9, after "2" strike "and 4" and insert " , 4 and 5"

Mr. Knoll then moved to amend H. F. No. 1226, 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. 1131.)

Page 2, line 13, after the period, insert "*The mayors and members of the city councils of Minneapolis and St. Paul shall not be eligible for per diem compensation.*"

H. F. No. 1193, which the committee recommends to pass with the following amendment offered by Mr. Anderson:

Amend H. F. No. 1193, as amended pursuant to Rule 49, adopted by the Senate May 11, 1977, as follows:

(The text of the amended House File is identical to S. F. No. 1037.)

Page 2, line 15, strike "*subdivisions 2, 3 and 4*" and insert "*subdivision 2*"

Page 2, strike lines 25 to 32

Page 3, strike lines 1 to 7

Further, amend the title as follows:

Page 1, lines 7 to 8, strike " , rental assistance, and financial assistance"

H. F. No. 79, which the committee recommends to pass with the following amendment offered by Mr. Menning:

Page 2, line 22, after "2" insert " , or lands or interests in lands acquired for use in connection with mining and mineral processing operations provided, however, that pending the development of agricultural land for mining purposes such land may not be used for farming except under lease to a family farm, a family farm corporation or an authorized farm corporation"

H. F. No. 56, which the committee recommends to pass with the following amendment offered by Mr. Sikorski:

Page 1, after line 21, insert:

"Sec. 2. Minnesota Statutes 1976, Section 257.022, is amended by adding a subdivision to read:

*Subd. 2a. [WHEN CHILD HAS RESIDED WITH GRAND-PARENTS.] If an unmarried minor has resided with his grandparents or great-grandparents for a period of 12 months or more, and is subsequently removed from the home by his parents, the grandparents or great-grandparents may petition the district or county court for an order granting them reasonable visitation rights to the child during his minority. The court shall grant the*

*petition if it finds that visitation rights would be in the best interests of the child and would not interfere with the parent and child relationship."*

Renumber the remaining section

Amend the title as follows:

Page 1, line 5, before the period insert ", and by adding a subdivision"

H. F. No. 1498 which the committee recommends to pass, subject to the following motion:

Mr. Vega moved that the amendment to H. F. No. 1498 by the Committee on Rules and Administration in the report adopted May 11, 1977, pursuant to Rule 49, be stricken. The motion prevailed. So the amendment was stricken.

H. F. No. 672, which the committee recommends to pass with the following amendment offered by Mr. Davies:

Page 5, line 11, after the period insert "*This coverage may be offered in combination with the coverage under clause (e).*"

H. F. No. 398 which the committee recommends to pass, subject to the following motions:

Mr. Luther moved to amend the amendment placed on H. F. No. 398 by the Committee on Agriculture and Natural Resources, adopted by the Senate May 5, 1977, as follows:

In the amendment to page 2, after line 8, the second line of Subd. 5, strike "enactment or adoption" and insert "effective date"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 12 and nays 35, as follows:

Those who voted in the affirmative were:

Benedict	Johnson	Nelson	Sikorski	Ulland, J.
Coleman	Keefe, S.	Schaaf	Spear	Vega
Dieterich	Luther			

Those who voted in the negative were:

Ashbach	Gunderson	Laufenburger	Pillsbury	Sillers
Brataas	Hanson	Lessard	Purfeerst	Solon
Davies	Humphrey	Menning	Renneke	Staples
Dunn	Jensen	Ogdahl	Schmitz	Stokowski
Engler	Kleinbaum	Olhoft	Schrom	Strand
Frederick	Knoll	Olson	Setzepfandt	Stumpf
Gearty	Knutson	Peterson	Sieloff	Willet

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

Mr. Frederick moved to amend H. F. No. 398 as follows:

Page 1, strike subdivision 1

Page 1, line 15, strike "4" and insert "3"

Renumber the subdivisions in sequence

The motion prevailed. So the amendment was adopted.

H. F. No. 343, which the committee recommends to pass with the following amendment offered by Mr. Olhoff:

Amend H. F. No. 343, as amended pursuant to Rule 49, adopted by the Senate May 5, 1977, as follows:

(The text of the amended House File is identical to S. F. No. 1354.)

At the end of the bill insert:

"Sec. 2. [EFFECTIVE DATE.] *This act is effective July 1, 1977.*"

H. F. No. 1405 which the committee recommends to pass, subject to the following motions:

Mr. Ogdahl moved that the amendment made to H. F. No. 1405 by the Committee on Rules and Administration in the report adopted May 11, 1977, pursuant to Rule 49, be stricken. The motion prevailed. So the amendment was stricken.

H. F. No. 1305, which the committee recommends to pass with the following amendment offered by Mr. Schaaf:

Pages 3 and 4, strike sections 11 and 12

Renumber the sections in sequence

Amend the title as follows:

Line 10, strike "38.02, Subdivision 2; 38.13;"

H. F. No. 544 which the committee recommends to pass, subject to the following motions:

Mr. McCutcheon moved to amend H. F. No. 544 as follows:

Page 1, line 22, after the semicolon, insert "and"

Page 1, line 23, strike everything after "(2)"

Page 2, strike lines 1 to 5

Page 2, lines 6 to 13, restore the stricken language except "(3)" on line 6

Pages 2 and 3, strike Section 2 in its entirety

Page 4, lines 6 to 8, restore the stricken language

Page 4, lines 26 to 30, restore the stricken language

Page 4, line 31, restore the stricken language and strike the new language

Page 5, after line 23, insert

*"The completion of an environmental impact statement and all other required planning elements for construction of Route No. 382 shall be at least the third priority of the commissioner with respect to planning for major highway construction in the metropolitan area after the trunk routes designated as interstate 35E and interstate 494 in Dakota county. The commissioner shall complete the environmental impact study and all other required planning elements for construction of Route No. 382 with all reasonable speed, and in any event no later than July 1, 1979."*

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, strike "removing the construction"

Page 1, line 3, strike "moratorium on" and insert "establishing priority for planning for the construction of"

Page 1, line 3, strike ", and" and insert a semicolon

Page 1, strike line 4

Page 1, line 7, strike " ; 161.12 ;"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 43 and nays 6, as follows:

Those who voted in the affirmative were:

Ashbach	Hanson	Luther	Schaaf	Stokowski
Bang	Jensen	McCutcheon	Schmitz	Strand
Bernhagen	Johnson	Menning	Setzepfandt	Stumpf
Borden	Keefe, S.	Moe	Sieloff	Ueland, A.
Coleman	Kleinbaum	Nelson	Sikorski	Ulland, J.
Engler	Knoll	Olhoff	Sillers	Wegener
Frederick	Laufenburger	Penny	Solon	Willet
Gearty	Lessard	Perpich	Spear	
Gunderson	Lewis	Peterson	Staples	

Those who voted in the negative were:

Benedict	Humphrey	Knutson	Purfeerat	Vega
Brataas				

The motion prevailed. So the amendment was adopted.

Mr. Bernhagen moved to amend H. F. No. 544 as follows:

Page 4, line 8, strike "nor for proposed"

Page 4, line 9, strike "I-394 between I-494 and the Hawthorne interchange,"

Page 4, strike lines 20 through 25

Page 4, line 31, strike "(3)" and insert "(2)"

Further, amend the title as follows:

Page 1, line 3, strike "a"

Page 1, line 3, strike "route" and insert "routes"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 14 and nays 33, as follows:

Those who voted in the affirmative were:

Ashbach	Brataas	Jensen	Olhoft	Sillers
Bang	Engler	Knutson	Purfeerst	Ueland, A.
Bernhagen	Frederick	Laufenburger	Schmitz	

Those who voted in the negative were:

Benedict	Johnson	McCutcheon	Schaaf	Strand
Coleman	Keefe, S.	Menning	Sieloff	Stumpf
Dieterich	Kleinbaum	Moe	Sikorski	Ulland, J.
Gearty	Knoll	Nelson	Solon	Vega
Gunderson	Lessard	Penny	Spear	Willet
Hanson	Lewis	Perpich	Staples	
Humphrey	Luther	Peterson	Stokowski	

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

### RECONSIDERATION

Having voted on the prevailing side, Mr. Ashbach moved that the vote whereby the McCutcheon amendment to H. F. No. 544 was adopted on May 12, 1977, be now reconsidered.

The question was taken on the adoption of the motion.

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

Those who voted in the affirmative were:

Ashbach	Brataas	Jensen	Sieloff	Ulland, J.
Bang	Engler	Knutson	Sillers	Vega
Bernhagen	Frederick	Ogdahl	Ueland, A.	

Those who voted in the negative were:

Benedict	Humphrey	Luther	Peterson	Spear
Borden	Johnson	McCutcheon	Schaaf	Staples
Coleman	Keefe, S.	Menning	Schmitz	Stokowski
Dieterich	Kleinbaum	Moe	Schrom	Strand
Gearty	Knoll	Olhoft	Setzepfandt	Stumpf
Gunderson	Lessard	Penny	Sikorski	Wegener
Hanson	Lewis	Perpich	Solon	Willet

The motion did not prevail.

The question was taken on the recommendation to pass H. F. No. 544.

The roll was called, and there were 46 yeas and nays 5, as follows:



Those who voted in the affirmative were:

Bang	Jensen	Menning	Schrom	Stumpf
Benedict	Johnson	Moe	Setzepfandt	Ueland, A.
Borden	Keefe, S.	Ogdahl	Sieloff	Ulland, J.
Coleman	Kleinbaum	Olhoff	Sikorski	Vega
Dieterich	Knoll	Penny	Sillers	Wegener
Engler	Laufenburger	Perpich	Solon	Willet
Gearty	Lessard	Peterson	Spear	
Gunderson	Lewis	Purfeerst	Staples	
Hanson	Luther	Schaaf	Stokowski	
Humphrey	McCutcheon	Schmitz	Strand	

Those who voted in the negative were:

Ashbach	Bernhagen	Brataas	Frederick	Knutson
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The motion prevailed. So H. F. No. 544 was recommended to pass.

On motion of Mr. Coleman, the report of the Committee of the Whole, as kept by the Secretary, was adopted.

### 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.

Remaining on the Order of Business of Motions and Resolutions, Mr. Coleman moved to revert to Reports of Committees, Second Reading of Senate Bills and Second Reading of House Bills.

### REPORTS OF COMMITTEES

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

Mr. McCutcheon from the Committee on Taxes and Tax Laws, to which was re-referred

S. F. No. 669: A bill for an act relating to energy; extending the application of the state building code to all cities and counties, clarifying state agency rulemaking regarding building code subject matter; further defining large energy facility; imposing duties on the director of the energy agency; requiring promulgation of certain energy conservation standards; revising certain requirements; exempting certain solar energy systems from sales and property taxation; providing a 20 percent credit against income tax for the cost of home insulation; providing a ten percent credit against income tax for the cost of certain solar energy systems; appropriating funds; amending Minnesota Statutes 1976, Sections 16.84; 16.851; 16.86, Subdivision 4; 116H.02, Subdivision 5; 116H.07, Subdivision 1; 116H.12, Subdivision 5, and by adding subdivisions; 116H.121; 116H.126; 116H.13, Subdivision 4; 126.111; 272.02, Subdivision 1; 287.241, by adding a subdivision; 290.06, Subdivision 9, and by adding a subdivision; 297A.25, Subdivision 1; and Chapter 116H, by adding a section; repealing Minnesota Statutes 1976, Sections 116H.12, Subdivision 10; 325.811; and 325.812.

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, Section 16.84, is amended to read:

16.84 [DEFINITIONS, STATE BUILDING CODE.] Subdivision 1. For the purposes of Laws 1971, Chapter 561 sections 16.83 to 16.867, the terms defined in this section have the meanings given them.

Subd. 2. "Commissioner" means the commissioner of administration.

Subd. 2a. "City" means a home rule charter or statutory city.

Subd. 3. "Municipality" means any city, county, town acting through its town board or other instrumentality of state government otherwise authorized by law to enact a building code which, as of May 27, 1971, has such a building code or which subsequently enacts a building code or town meeting the requirements of Minnesota Statutes, Section 368.01, Subdivision 1, or the University of Minnesota.

Subd. 4. "Code" means the state building code or any amendment thereof promulgated by the commissioner in accordance with the terms of Laws 1971, Chapter 561 sections 16.83 to 16.867.

Subd. 5. "Committee" means the state building code standards committee established pursuant to Laws 1971, Chapter 561 sections 16.83 to 16.867.

Subd. 6. "Agricultural building" means a structure on agricultural land as defined in section 273.13, subdivision 6, designed, constructed and used to house farm implements or agricultural produce or products used by the owner, lessee and sublessee of the building and members of their immediate families, their employees, and persons engaged in the pickup or delivery of agricultural produce or products.

Sec. 2. Minnesota Statutes 1976, Section 16.851, is amended to read:

16.851 [STATE BUILDING CODE; APPLICATION.] Subdivision 1. Effective July 1, 1972, The state building code shall apply state-wide and supersede and take the place of the building code of any municipality. Specifically, the code shall apply to any municipality which as of the effective date of this act has a building code and shall further apply to any municipality which chooses to adopt a building code thereafter. Said building code shall not apply to farm dwellings and buildings, except with respect to other state inspections required or other rulemaking authorized by Minnesota Statutes 1971, Section 104.05 as of the effective date of this act. The state building code shall not apply to agricultural buildings except with respect to state inspections required or rulemaking authorized by sections 104.05

and 326.244. Effective July 1, 1977, or as soon thereafter as possible, but in no event not later than July 1, 1978, all municipalities shall adopt and enforce the state building code with respect to new construction within their respective jurisdictions. If a city is enforcing the state building code on the effective date of this act, or determines by ordinance thereafter to undertake enforcement, it shall be charged with enforcement of the code within the city. A city may by ordinance extend the enforcement of the code to contiguous unincorporated territory not more than two miles distant from its corporate limits in any direction; provided that where two or more non-contiguous cities which have elected to enforce the code have boundaries less than four miles apart, each is authorized to enforce the code on its side of a line equidistant between them. Once enforcement authority is extended extraterritorially by ordinance, the authority may continue to be exercised in the designated territory even though another city less than four miles distant later elects to enforce the code. Any city may thereafter enforce the code in the designated area to the same extent as if such property were situated within its corporate limits. A city which, on the effective date of this act, has not adopted the code may not commence enforcement of the code within or outside of its jurisdiction until it has provided written notice to the commissioner, the county auditor, and the town clerk of each town in which it intends to enforce the code. A public hearing on the proposed enforcement must be held not less than 30 days after the notice has been provided. Enforcement of the code by the city will commence on the first day of January in the year following the notice and hearing. Municipalities may provide for the issuance of permits, inspection and enforcement within their jurisdictions by such means as may be convenient, and lawful, including by means of contracts with other municipalities pursuant to section 471.59, and with qualified individuals. In areas outside of the enforcement authority of a city, the fee charged for the issuance of permits and inspections for single family dwellings may not exceed the greater of \$100 or .005 times the value of the structure, addition or alteration. The other municipalities or qualified individuals may be reimbursed by retention or remission of some or all of the building permit fee collected or by other means. In areas of the state where inspection and enforcement is unavailable from qualified employees of municipalities, it shall be the responsibility of the commissioner to train and designate individuals available to carry out inspection and enforcement on a fee basis.

Subd. 2. If the commissioner determines that a municipality with enforcement responsibility is not properly administering and enforcing the state building code as provided in section 16.867, the commissioner may cause administration and enforcement in the involved municipality to be undertaken by the state building inspector. The commissioner shall notify the affected municipality in writing immediately upon making the determination, and the municipality may challenge the determination as a contested case before the commissioner pursuant to the administrative procedure act. The commissioner shall quarterly bill each affected municipi-

*pality for the administration and enforcement services rendered. Any costs to the state arising from the state administration and enforcement shall be borne by the subject municipality. The commissioner of administration shall annually certify to the commissioner of revenue any unpaid costs incurred by the state building inspector because of the failure of a municipality to administer and enforce the code. The commissioner of revenue is authorized to annually deduct any certified unpaid costs that are at least one year delinquent from state aid funds given to the municipality.*

Sec. 3. Minnesota Statutes 1976, Section 16.86, Subdivision 4, is amended to read:

Subd. 4. The commissioner, notwithstanding any law to the contrary, shall hold all state hearings and make all determinations regarding any subject matter dealt with in the code including those in which another department or agency proposes to adopt or amend its rules and regulations which are incorporated by reference into the code or whenever the commissioner proposes to incorporate such regulations into the state building code. *In no event shall a state agency or department subsequently authorized to adopt rules and regulations involving state building code subject matter proceed to adopt the rules and regulations without prior consultation with the commissioner.*

Sec. 4. [TEMPORARY PROVISION.] *No later than January 1, 1978, the commissioner of administration shall submit to the legislature a report containing his findings and recommendations on the method by which municipalities can best implement and finance enforcement of the state building code. In preparing the report the commissioner shall consult with representatives of municipalities and persons involved in the building industry. The report of the commissioner shall also recommend a method for financing operations of the building code division. If the commissioner determines that statutory amendments are necessary, he shall submit amendments in bill form to the legislature as part of the report required by this section.*

Sec. 5. Minnesota Statutes 1976, Section 116H.02, Subdivision 5, is amended to read:

Subd. 5. "Large energy facility" means :

(a) Any electric power generating plant or combination of plants at a single site with a combined capacity of 50,000 kilowatts or more, or any facility of 5,000 kilowatts or more which requires oil, natural gas, or natural gas liquids as a fuel and for which an installation permit has not been issued by the pollution control agency pursuant to Minn. Reg. APC 3(a) prior to July 1, 1977;

(b) Any high voltage transmission line with a capacity of 200 kilovolts or more and having with more than 100 50 miles of its length in Minnesota ; ; or, any high voltage transmission line with a capacity of 300 kilovolts with more than 25 miles of its length in Minnesota;

(c) Any facility on a single site designed for or capable of

storing more than one million gallons of crude petroleum or petroleum fuels or oil or *their derivatives thereof*, *unless the facility would be at an existing petroleum storage site and would constitute an increase of less than 20 percent in the storage capacity at that site*;

(d) Any pipeline greater than six inches in diameter and having more than 50 miles of its length in Minnesota used for the transportation of coal, crude petroleum or petroleum fuels or oil or *their derivatives thereof*;

(e) Any pipeline for transporting natural or synthetic gas at pressures in excess of 200 pounds per square inch and having with more than 50 miles of its length in Minnesota ;

(f) Any facility designed for or capable of storing on a single site more than 100,000 gallons of liquified natural gas or synthetic gas ;

(g) Any underground gas storage facility requiring a permit pursuant to section 84.57 ;

(h) Any facility designed or capable of serving as a depot for coal transported into this state for use within the state or transshipment from the state and ;

(i) Any petroleum refinery ;

(j) Any nuclear fuel processing or nuclear waste storage or disposal facility; and

(k) Any facility intended to convert coal any material into any other combustible fuel and having the capacity to process in excess of 25 tons of the material per hour.

Sec. 6. Minnesota Statutes 1976, Section 116H.07, Subdivision 1, is amended to read:

116H.07 [DUTIES.] Subdivision 1. It shall be the duty of The director to shall :

(a) Manage the agency as the central repository within the state government for the collection of data on energy;

(b) Prepare and adopt an emergency allocation plan specifying actions to be taken in the event of an impending serious shortage of energy, or a threat to public health, safety, or welfare;

(c) Undertake a continuing assessment of trends in the consumption of all forms of energy and analyze the social, economic, and environmental consequences of these trends;

(d) Carry out energy conservation measures as specified by the legislature and recommend to the governor and the legislature additional energy policies and conservation measures as required to meet the objectives of sections 116H.01 to 116H.15;

(e) Collect and analyze data relating to present and future demands and resources for all sources of energy, and specify energy needs for the state and various service areas as a basis for planning large energy facilities;

(f) Require certificate of need for construction of large energy facilities;

(g) Evaluate policies governing the establishment of rates and prices for energy as related to energy conservation, and other goals and policies of sections 116H.01 to 116H.15, and make recommendations for changes in energy pricing policies and rate schedules;

(h) Study the impact and relationship of the state energy policies to international, national, and regional energy policies;

(i) Design a state program for the conservation of energy; this program shall include but not be limited to, general commercial, industrial, and residential areas; such program shall also provide for the evaluation of energy systems as they relate to lighting, heating, refrigeration, air conditioning, building design and operation, and appliance manufacturing and operation;

(j) Inform and educate the public about the sources and uses of energy and the ways in which persons can conserve energy;

(k) Dispense funds made available for the purpose of research studies and projects of professional and civic orientation, which are related to either energy conservation or the development of alternative energy technologies which conserve nonrenewable energy resources while creating minimum environmental impact;

(l) Charge other governmental departments and agencies involved in energy related activities with specific information gathering goals and require that those goals be met.

Sec. 7. *The director, in cooperation with the director of the state planning agency, the executive director of the pollution control agency, and the commissioners of natural resources and transportation, shall carry out a coal impact study and provide the legislature with an interim report and recommendations by January 1, 1978, and a final report by September 1, 1978.*

*The study shall specify in five and ten year forecasts, the demand for coal in Minnesota by user type and location, estimate environmental impacts, examine transportation and handling system needs, discuss the potential for the use of coal gasification, and address the significant economic and institutional questions involved in bringing about a major shift in energy use from other fuels to coal.*

Sec. 8. Minnesota Statutes 1976, Section 116H.12, Subdivision 5, is amended to read:

Subd. 5. ~~The director ; in conjunction with the commissioner of administration, shall conduct studies of the state's and make recommendations concerning the purchase and use by the state and its political subdivisions of supplies, automobiles motor vehicles and equipment having a significant impact on energy use in order to determine the potential for energy conservation. The director may promulgate regulation to insure that energy use and conservation will be considered in state purchasing and, where appropriate, to require certain minimum energy efficiency stan-~~

dards in purchased products and equipment. No state purchasing of equipment or material use shall occur that is not in conformity with these regulations.

Sec. 9. Minnesota Statutes 1976, Section 116H.12, is amended by adding a subdivision to read:

*Subd. 11. Beginning January 1, 1978, no new room air conditioner shall be sold, installed or transported for resale into Minnesota unless it has an energy efficiency ratio of 7.0 or higher for units of 6,000 British thermal units or greater; or 6.0 energy efficiency ratio for units of less than 6,000 British thermal units. This subdivision shall not apply to air conditioners in Minnesota on January 1, 1978. No person may transport non-complying units into this state in excess of what he can reasonably anticipate selling prior to January 1, 1978.*

Sec 10. Minnesota Statutes 1976, Section 116H.12, is amended by adding a subdivision to read:

*Subd. 12. Beginning January 1, 1979, no new residential forced air type central furnace, cooking or clothes dryer equipment designed to burn natural gas, which also uses electrical energy, shall be sold or installed in Minnesota without a means, other than a continuously burning pilot, for automatic ignition.*

Sec. 11. Minnesota Statutes 1976, Section 116H.121, is amended to read:

**116H.121 [ENERGY CONSERVATION STANDARDS IN CERTAIN PUBLIC BUILDINGS.]** *Subdivision 1. Before February 1, 1977, the commissioner of administration in consultation with the director, shall amend the rules concerning heat loss, illumination, and climate control standards promulgated pursuant to Minnesota Statutes, 1975 Supplement, section 116H.12, subdivision 4, to include standards for all existing buildings heated by oil, coal, gas, or electric units which are owned by the state, the university of Minnesota, any city, any county, or any school district. Compliance with standards adopted pursuant to this section shall not be mandatory for buildings owned by any city, county or school district, except as otherwise provided by this section.*

*Subd. 2. Effective January 1, 1978, the illumination standards for new buildings promulgated pursuant to subdivision 1, shall be mandatory for all public buildings where economically feasible. For the purposes of this subdivision, "public building" means any building which is open to the public during normal business hours and which exceeds 5,000 square feet in gross floor area. The director shall specify the formula for determining economic feasibility and shall take appropriate measures prior to January 1, 1978 to inform building owners and managers of the requirements of this subdivision and to assist them in complying with it.*

*Subd. 3. No enclosed structure or portion of an enclosed structure constructed after January 1, 1978 and used primarily as a commercial parking facility for automobiles shall be heated. In-*

*cidental heating resulting from building exhaust air passing through a parking facility shall not be prohibited, provided that substantially all useful heat has previously been removed from the air.*

Sec. 12. Minnesota Statutes 1976, Section 116H.126, is amended to read:

116H.126 [PUBLIC SCHOOL SURVEYS.] Before January 1, 1980, each school district shall complete a survey of all existing public school buildings which it owns or operates and which are heated by oil, gas, coal, or electric units in order to determine the estimated remaining useful life of each building, together with the present degree and estimated cost of compliance with the energy conservation standards promulgated pursuant to section 116H.121. Buildings heated by oil or interruptable gas shall be surveyed first. The results of the energy conservation survey shall be recorded on a form furnished by the director. A school district may contract with any municipal building official appointed pursuant to section 16.861 or with the state building inspector to perform the energy conservation survey. Each school district shall estimate, based upon a formula specified by the director, the annual savings in fuel procurement costs for existing heating and cooling systems, which savings would be realized for each public school building within the district if it were improved to comply with the energy conservation standards.

Each school district shall file the energy conservation survey and estimated fuel procurement data for each *at least half the* public school building *buildings* within the district with the director before December 31, 1978, for his review and comment.

Sec. 13. Minnesota Statutes 1976, Section 116H.13, Subdivision 4, is amended to read:

Subd. 4. After promulgation of the criteria for assessment of need, any ~~utility, coal supplier or petroleum supplier~~ *person proposing to construct a large energy facility* shall apply for a certificate of need ~~to construct a new large energy~~ *prior to construction of the facility*. The application shall be on forms and in a manner established by the director. In reviewing each application the director shall hold at least one public hearing pursuant to chapter 15.

Sec. 14. Minnesota Statutes 1976, Section 126.111, is amended to read:

126.111 [ENVIRONMENTAL CONSERVATION EDUCATION.] *Subdivision 1.* The state department of education with the cooperation of the department of natural resources shall prepare an interdisciplinary program of instruction for elementary and secondary schools in the field of environmental conservation education. The program shall provide integrated approaches to environmental management consistent with socio-ecological principles, the production of appropriate curriculum materials and implementation in the public schools in the state.

*Subd. 2. The commissioner of education in consultation with*



*the director of the energy agency shall prepare an interdisciplinary program in the field of energy sources, uses, conservation, and management. The first phase shall be an assessment of available curriculum materials, the amount and type of energy curriculum already being taught, and what needs to be developed to provide an integrated approach to energy education consistent with socio-economic and ecological principles. Subsequent phases shall include development of curriculum guidelines and materials and a plan for their implementation as funds become available.*

Sec. 15. Minnesota Statutes 1976, Section 272.02, Subdivision 1, is amended to read:

272.02 [EXEMPT PROPERTY.] Subdivision 1. Except as provided in other subdivisions of this section or in section 272.025, all property described in this section to the extent herein limited shall be exempt from taxation:

- (1) All public burying grounds;
- (2) All public schoolhouses;
- (3) All public hospitals;
- (4) All academies, colleges, and universities, and all seminaries of learning;
- (5) All churches, church property, and houses of worship;
- (6) Institutions of purely public charity;
- (7) All public property exclusively used for any public purpose;
- (8) All natural cheese held in storage for aging by the original Minnesota manufacturer;
- (9) (a) Class 2 property of every household of the value of \$100, maintained in the principal place of residence of the owner thereof. The county auditor shall deduct such exemption from the total valuation of such property as equalized by the revenue commissioner assessed to such household, and extend the levy of taxes upon the remainder only. The term "household" as used in this section is defined to be a domestic establishment maintained either (1) by two or more persons living together within the same house or place of abode, subsisting in common and constituting a domestic or family relationship, or (2) by one person.  
(b) During the period of his active service and for six months after his discharge therefrom, no member of the armed forces of the United States shall lose status of a householder under paragraph (a) which he had immediately prior to becoming a member of the armed forces.

In case there is an assessment against more than one member of a household the \$100 exemption shall be divided among the members assessed in the proportion that the assessed value of the Class 2 property of each bears to the total assessed value of the Class 2 property of all the members assessed. The class 2 property of each household claimed to be exempt shall be limited to property

in one taxing district, except in those cases where a single domestic establishment is maintained in two or more adjoining districts.

Bonds and certificates of indebtedness hereafter issued by the state of Minnesota, or by any county or city of the state, or any town, or any common or independent school district of the state, or any governmental board of the state, or any county or city thereof, shall hereafter be exempt from taxation; provided, that nothing herein contained shall be construed as exempting such bonds from the payment of a tax thereon, as provided for by section 291.01, when any of such bonds constitute, in whole or in part, any inheritance or bequest, taken or received by any person or corporation.

(10) Farm machinery manufactured prior to 1930, which is used only for display purposes as a collectors item;

(11) The taxpayer shall be exempted with respect to, all agricultural products, inventories, stocks of merchandise of all sorts, all materials, parts and supplies, furniture and equipment, manufacturers material, manufactured articles including the inventories of manufacturers, wholesalers, retailers and contractors; and the furnishings of a room or apartment in a hotel, rooming house, tourist court, motel or trailer camp, tools and machinery which by law are considered as personal property, and the property described in section 272.03, subdivision 1 (c), except personal property which is part of an electric generating, transmission, or distribution system or a pipeline system transporting or distributing water, gas, or petroleum products or mains and pipes used in the distribution of steam or hot or chilled water for heating or cooling buildings and structures.

(12) Containers of a kind customarily in the possession of the consumer during the consumption of commodities, the sale of which are subject to tax under the provisions of the excise tax imposed by Extra Session Laws 1967, Chapter 32;

(13) All livestock, poultry, all horses, mules and other animals used exclusively for agricultural purposes;

(14) All agricultural tools, implements and machinery used by the owners in any agricultural pursuit.

(15) Real and personal property used primarily for the abatement and control of air, water, or land pollution to the extent that it is so used.

Any taxpayer requesting exemption of all or a portion of any equipment or device, or part thereof, operated primarily for the control or abatement of air or water pollution shall file an application with the commissioner of revenue. Any such equipment or device shall meet the standards, regulations rules or criteria prescribed by the Minnesota Pollution Control Agency, and must be installed or operated in accordance with a permit or order issued by that agency. The Minnesota Pollution Control Agency shall upon request of the commissioner furnish information or advice to the commissioner. If the commissioner determines that property

qualifies for exemption, he shall issue an order exempting such property from taxation. Any such equipment or device shall continue to be exempt from taxation as long as the permit issued by the Minnesota Pollution Control Agency remains in effect.

*(16) The part of the value of real and personal property equipped with an energy supply or use system which includes a solar energy system as defined in section 116H.02, subdivision 11, that exceeds the value of the property if it were equipped with a conventional energy supply or use system, if the property is not used to provide energy for sale.*

Sec. 16. Minnesota Statutes 1976, Section 290.06, Subdivision 9, is amended to read:

Subd. 9. (a) A credit of five percent of the net cost of equipment included in section 290.09, subdivision 7, paragraph (A), *clause (a)*, that is installed and operated within Minnesota exclusively to prevent pollution of air, water, or land in accordance with engineering principles approved by the Minnesota pollution control agency, and a credit of ten percent of the net cost of a solar collector subsystem, may be deducted from the tax due under this chapter in the first year in which the property is constructed or installed, or for which a depreciation deduction is allowed for the equipment. For the purpose of this subdivision "solar collector subsystem" shall mean the assembly for absorbing solar radiation, converting it into thermal energy, and transferring the thermal energy to a heat transfer medium. The credit allowed by this subdivision shall not exceed so much \$75,000 of the tax liability for tax for the that taxable year as does not exceed \$50,000. In the case of a solar collector subsystem, the credit shall apply only if the property meets or exceeds the standards promulgated pursuant to section 116H.127.

(b) If the amount of the credit determined under *clause (a)* for any taxable year for which a depreciation deduction is allowed exceeds the limitation provided by *clause (a)* for such the taxable year ~~hereinafter in~~, which for the purposes of this subdivision referred to shall be known as the "unused credit year", such, the excess shall be,

~~(1) a credit carryback to each if the three taxable years preceding the unused credit year, and~~

~~(2) a credit carryover to each of the seven four taxable years following the unused credit year.~~

The entire amount of the unused credit for an unused credit year shall be carried to the earliest of the ten four taxable years to which ~~the~~, by reason of *clauses (1) and (2)* ~~such~~, the credit may be carried and then to each of the other nine three taxable years; provided, however, the maximum credit allowable in any one taxable year under this subdivision ~~the~~, including the credit allowable under *clause (a)* and the carryback or carryforward allowable under this paragraph ~~the~~, shall in no event exceed \$50,000 \$75,000.

(c) This subdivision shall apply to solar collector subsystems constructed or installed after December 31, 1976, and to other property acquired in taxable years beginning on or after January 1, 1969. The credits provided by this subdivision for the construction or installation of a solar collector subsystem shall expire for taxable years commencing after December 31, 1980.

Sec. 17. By December 31, 1977, the director of the energy agency, after consulting with the appropriate standing committees of the legislature, shall develop a comprehensive legislative proposal dealing with the legal, institutional, and financial issues surrounding solar energy use in Minnesota, including the creation and protection of sun rights, the modification of building codes, and the provision of reliable backup heating systems.

Sec. 18. The director of the energy agency in consultation with the director of the housing finance agency shall develop pamphlets and radio and television messages on the energy conservation and housing programs available in Minnesota. The pamphlets shall include information on available tax credits for residential energy conservation measures, residential retrofitting loan and grant programs, and data on the economics of energy conservation measures.

Sec. 19. [APPROPRIATIONS.] Subdivision 1. The sum of \$50,000 is appropriated from the general fund to the commissioner of administration for the purposes of sections 1 to 4 and 13 during the biennium beginning July 1, 1977.

Subd. 2. The following sums are appropriated from the general fund for the purposes of section 7 during the fiscal year beginning July 1, 1977:

Minnesota Energy Agency	\$159,433
State Planning Agency	28,034
Pollution Control Agency	36,050
Department of Natural Resources	29,742
Department of Transportation	16,741

Subd. 3. The sum of \$25,000 is appropriated from the general fund to the department of education for the purposes of section 14 during the biennium beginning July 1, 1977.

Subd. 4. The sum of \$25,000 is appropriated from the general fund to the director of the energy agency for the purpose of section 17 during the fiscal year beginning July 1, 1977. Notwithstanding Minnesota Statutes, Section 16A.28, or other law relating to the lapse of an appropriation, the appropriation made by this section shall continue until fully expended.

Subd. 5. The sum of \$225,000 is appropriated from the general fund to the director of the energy agency to be used for the purpose of section 18 during the biennium beginning July 1, 1977.

Sec. 20. Minnesota Statutes 1976, Sections 116H.12, Subdivision 10; 325.811; and 325.812 are repealed.

*Sec. 21. This act is effective the day following its final enactment; except that section 2, subdivision 2, is effective July 1, 1978."*

Further, amend the title as follows:

Line 10, delete "sales"

Line 11, delete "and" and "providing a 20 percent"

Delete line 12

Line 13, delete "insulation;"

Line 21, delete "267.241, by adding a subdivision;"

Line 21, before "290.06," insert "and"

Line 22, delete ", and by adding a subdivision"

Delete line 23

Line 24, delete "adding a section;"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

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

H. F. Nos. 1201, 1283 and 1310 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		SPECIAL ORDER	
H. F. No.	S. F. No.	H. F. No.	S. F. No.	H. F. No.	S. F. No.
1283	1426			1310	1422
1201	1435				

Pursuant to Rule 49 the Committee on Rules and Administration recommends that H. F. No. 1201 be amended as follows:

Page 2, line 12, delete "a policy owner's"

Page 2, delete lines 13 to 19 and insert "policies or contracts issued prior to July 1, 1980 under which there is no unilateral right of the insurer to cancel, nonrenew, amend or change in any way, unless the policy or contract is amended or changed by mutual agreement of the parties. Sections 1 to 13 shall not apply to a new policy or contract written in language other than English."

Page 2, line 21, delete "this act" and insert "sections 1 to 13"

Page 2, line 28, delete "10" and insert "9"

Page 2, line 29, before "means" insert "or "policy" "

Page 2, line 30, delete "this act" and insert "sections 1 to 13"

Page 2, line 32, after "person" insert "or persons"

Page 3, line 2, delete the first "such" and insert "specified"

Page 3, line 2, delete the second "such" and insert "the"

Page 3, line 20, delete "11" and insert "10"

Page 3, line 21, delete "or second page" and insert "or first page of text"

Page 3, line 26, delete "7" and insert "6"

Page 4, lines 6 and 7, delete "they are found including, as applicable, but not limited to," and insert "may include"

Page 4, line 28, delete "such" and insert "the"

Page 5, lines 5 and 6, delete "7 to 9 of this act" and insert "6 to 8"

Page 5, lines 8 and 9, delete "section 6, subdivision 5 or"

Page 5, line 29, delete "section 6, subdivision 5 or"

Delete page 5, line 32 to page 6, line 4 and insert "shall by emergency rule establish a list of type face styles which he will approve as acceptable not later than January 1, 1978."

Page 6, lines 19 and 20, delete "section 6, subdivision 5 or"

Page 6, line 23, after "first" insert "or an insert"

Page 6, line 29, delete "including as applicable, but not limited to" and insert "which may include"

Page 8, lines 13 and 14, delete "clauses (1) and (2)" and insert "(i) and (ii)"

Page 8, line 32, delete "12" and insert "11"

Page 9, line 1, delete "such" and insert "the"

Page 9, line 2, delete "7 to 10" and insert "6 to 9" and delete "such" and insert "the"

Page 9, line 5, delete "such" and insert "the"

Page 9, line 12, delete "7 to 9" and insert "6 to 8"

Page 9, line 22, delete "7" and insert "6"

Page 9, line 24, delete "8" and insert "7"

Page 9, line 26, delete "9" and insert "8"

Page 9, line 29, delete "11" and insert "10"

Page 9, line 30, delete "automobile" and insert "private passenger vehicle"

Page 11, line 11, delete "such" and insert "the"

Page 11, line 17, delete "this act" and insert "sections 1 to 13"

Page 11, line 19, delete "such" and insert "those"

Renumber the sections in sequence

And when so amended, H. F. No. 1201 will be identical to S. F. No. 1435 and further recommends that H. F. No. 1201 be given its second reading and substituted for S. F. No. 1435 and that the Senate File be indefinitely postponed.

Pursuant to Rule 49 the Committee on Rules and Administration recommends that H. F. No. 1283 be amended as follows:

Page 2, line 7, delete "herein" and after "authorized" insert "by this chapter"

Page 2, line 8, delete "such"

Page 2, line 9, delete "as he" and insert "which the commissioner"

Page 2, line 10, delete "Such"

Page 2, line 14, delete "of"

Page 2, delete line 15 and insert "shall state this in communicating approval."

And when so amended, H. F. No. 1283 will be identical to S. F. No. 1426 and further recommends that H. F. No. 1283 be given its second reading and substituted for S. F. No. 1426 and that the Senate File be indefinitely postponed.

Pursuant to Rule 49 the Committee on Rules and Administration recommends that H. F. No. 1310 be amended as follows:

Page 10, line 16, after "body" insert a comma

Page 22, line 27, after "school" insert "(1) which operates on a nonprofit basis," and delete "(1)" and insert "(2)"

Page 22, line 28, delete "(2)" and insert "(3)"

Page 22, line 31, delete "(3)" and insert "(4)"

Page 36, delete lines 31 and 32

Page 37, delete lines 1 to 32

Page 38, delete lines 1 to 28

Page 39, line 9, after "or" insert "all the employees of" and delete "or" and insert "and the"

Page 40, line 32, delete "or" and insert "except"

Page 42, after line 16, insert:

"Sec. 17. Minnesota Statutes 1976, Section 268.09, Subdivision 1, is amended to read:

268.09 [UNEMPLOYMENT COMPENSATION; DISQUALIFIED FROM BENEFITS.] Subdivision 1. [DISQUALIFYING CONDITIONS.] An individual shall be disqualified for benefits:

(1) [VOLUNTARY LEAVING OR DISCHARGE FOR MISCONDUCT.] If such individual voluntarily and without good cause attributable to the employer discontinued his employment with such employer or was discharged for misconduct, not amounting to gross misconduct, connected with his work or for misconduct which interferes with and adversely affects his employment, if so found by the commissioner, for not less than five nor more than eight weeks of unemployment in addition to and following the waiting period, or was discharged for gross misconduct connected with his work or gross misconduct which interferes with and adversely affects his employment, if so found by the commissioner, for 12 weeks of unemployment in addition to and following the waiting period, which disqualification shall not be removed by subsequent employment, and provided further that the commissioner is empowered to impose a total disqualification for the benefit year and to cancel part or all of the wage credits from the last employer from whom he was discharged for gross misconduct connected with his work, and the maximum benefit amount payable to such individual shall be reduced as follows:

(a) by an amount equal to the weekly benefit amount times the number of weeks for which such individual was disqualified, when the separation occurs because of a voluntary separation as described in this clause or as a result of discharge for misconduct;

(b) by an amount equal to 12 times his weekly benefit amount, when the separation occurs as a result of a discharge for gross misconduct.

For the purpose of this clause "gross misconduct" shall be defined as misconduct involving assault and battery, or an immoral act, or the malicious destruction of property or the theft of money or property of a value of \$50, or more.

This provision shall not apply to any individual who left his employment to accept work offering substantially better conditions of work or substantially higher wages or both, or whose separation from such employment was due to serious illness of such individual.

(2) [SEPARATION TO ASSUME FAMILY OBLIGATIONS.] If such individual voluntarily leaves employment because of pregnancy without availing herself of maternity leave rights provided by law, provided that such disqualification shall be removed by subsequent employment in insured work for a period of not less than six weeks.

(3) [LIMITED OR NO CHARGE OF BENEFITS.] Benefits paid subsequent to an individual's separation under any of the foregoing clauses or because of his failure, without good cause, to accept an offer of suitable re-employment, shall not be used as a factor in determining the future contribution rate of the employer from whose employment such individual separated or whose offer of re-employment he refused; provided that this clause shall not apply to an individual involuntarily separated from employment because of pregnancy.



(4) [FAILURE TO APPLY FOR OR ACCEPT SUITABLE WORK.] If the commissioner finds that he has failed, without good cause, either to apply for available, suitable work when so directed by the employment office, or the commissioner or to accept suitable work when offered him, or to return to his customary self-employment (if any) when so directed by the commissioner, or to actively seek employment. Such disqualification shall continue for the week in which such refusal or failure occurred and for a period of seven weeks of unemployment immediately following such refusal or failure.

(a) In determining whether or not any work is suitable for an individual, the commissioner shall consider the degree of risk involved to his health, safety, and morals, his physical fitness and prior training, his experience, his length of unemployment and prospects of securing local work in his customary occupation, and the distance of the available work from his residence.

(b) Notwithstanding any other provisions of sections 268.03 to 268.24, no work shall be deemed suitable, and benefits shall not be denied thereunder to any otherwise eligible individual for refusing to accept new work under any of the following conditions:

(1) if the position offered is vacant due directly to a strike, lockout, or other labor dispute;

(2) if the wages, hours, or other conditions of the work offered are substantially less favorable to the individual than those prevailing for similar work in the locality;

(3) if as a condition of being employed the individual would be required to join a union or to resign from or refrain from joining any bona fide labor organization;

(4) if after December 31, 1971, such individual is in training with the approval of the commissioner.

(5) [LABOR DISPUTE.] If such individual has left or partially or totally lost his employment with an employer because of a strike or other labor dispute. Such disqualification shall prevail for each week during which such strike or other labor dispute is in progress at the establishment in which he is or was employed, except that such disqualification shall be for one week following commencement of the strike or other labor dispute for any employee who is not participating in or directly interested in the labor dispute which caused such individual to leave or partially or totally lose such employment. Failure or refusal of an individual to accept and perform available and customary work in the establishment constitutes participation. For the purpose of this section the term "labor dispute" shall have the same definition as provided in the Minnesota labor relations act. Nothing in this subdivision shall be deemed to deny benefits to any employee:

(a) who becomes unemployed because of a strike or lockout caused by an employer's willful failure to observe the terms of the safety and health section of a union contract or failure to

comply with an official citation for a violation of federal and state laws involving occupational safety and health; provided, however, that benefits paid in accordance with this provision shall not be charged to the employer's experience rating account if, following official appeal proceedings, it is held that there was no willful failure on the part of the employer.

(b) who becomes unemployed because of a lockout,

(c) who is dismissed during the period of negotiation in any labor dispute and prior to the commencement of a strike, or

(d) unless he is unemployed because of a jurisdictional dispute between two or more unions.

Provided, however, that voluntary separation during the time that such strike or other labor dispute is in progress at such establishment shall not be deemed to terminate such individual's participation in or direct interest in such strike or other labor dispute for purposes of this subdivision.

Benefits paid to an employee who has left or partially or totally lost his employment because of a strike or other labor dispute *at his primary place of employment* shall not be charged to his employer's account unless the employer was a party to the particular strike or labor dispute.

Notwithstanding any other provision of this section, an individual whose last separation from employment with an employer occurred prior to the commencement of the strike or other labor dispute and was permanent or for an indefinite period, shall not be denied benefits or waiting week credit solely by reason of his failure to apply for or to accept recall to work or reemployment with the employer during any week in which the strike or other labor dispute is in progress at the establishment in which he was employed.

(6) [REFUSAL OF SUITABLE REEMPLOYMENT.] If such individual has failed without good cause to accept suitable reemployment offered by a base period employer. Such disqualification shall prevail for the week in which the failure occurred and for a period of seven weeks of unemployment following such failure, provided such disqualification shall not apply if such individual is in training with the approval of the commissioner."

Pages 42, 43 and 44, delete Sec. 19

Page 46, line 27, delete the comma

Page 46, line 28, delete "16," and insert "18"

Page 46, line 29, delete "17, 20"

Page 46, line 29, delete "21" and insert "19"

Page 47, line 3, delete "18" and insert "16,"

Page 47, line 3, delete "22" and insert "20"

Page 47, line 4, delete "19 shall be" and insert "17 is"

Renumber the sections

Further amend the title as follows:

Delete line 10

Line 11, delete "of social security benefits;"

Line 17, delete "Subdivisions 3, 4, and" and insert "Subdivision"

Line 18, delete "3, as amended" and insert "1"

And when so amended, H. F. No. 1310 will be identical to S. F. No. 1422 and further recommends that H. F. No. 1310 be given its second reading and substituted for S. F. No. 1422 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. McCutcheon from the Committee on Taxes and Tax Laws, to which was referred

S. F. No. 1050: A bill for an act relating to taxation; clarifying definitions of "sale," "retail sale," "gross receipts," and "retailer"; specifying tax on food, meals, drinks, and lodging; restricting exemptions for sales of petroleum products and road building materials and for sales by charitable organizations, auctioneers, or brokers; requiring vendors to repay amounts refunded to purchasers; imposing liens and penalties; amending Minnesota Statutes 1976, Sections 297A.01, Subdivisions 3, 4, 9 and 10; 297A.14; 297A.25, Subdivision 1; 297A.35, Subdivision 1, and by adding a subdivision; 297A.39, Subdivision 3; 297A.40, Subdivision 2; repealing Minnesota Statutes 1976, Section 297A.25, Subdivision 4.

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

Pages 1 to 3, strike section 1

Page 10, line 20, after "by," insert "*a public hospital or*"

Page 10, strike lines 29 through 32

Page 11, strike lines 1 through 4

Page 11, line 5, strike "(iii)" and insert "(ii)"

Page 11, line 11, after "*in*" strike "*clauses*" and insert "*clause*" and after "*(i)*" strike "*and (ii) above;*"

Page 11, strike lines 12 through 16 except the semicolon

Page 12, after line 26, insert

"(x) *The gross receipts from the sale of admissions to square dance club dances.*"

Page 15, after line 5, insert:

"Sec. 11. Minnesota Statutes 1976, Section 297A.40, is amended by adding a subdivision to read:

*Subd. 3. The lien created under this section shall become effective with respect to personal property from and after the date of filing by the commissioner of a notice of such lien describing the property to which the lien attaches in the office of the county recorder of the county in which the property is located and with the secretary of state."*

Renumber the sections in sequence

Further amend the title:

Page 1, line 5, strike "of" and insert "to"

Page 1, strike line 6

Page 1, line 7, strike "for sales by"

Page 1, line 7, after "organizations," insert "and sales by"

Page 1, line 8, after "auctioneers" strike the comma

Page 1, line 11, after "Subdivisions" strike "3,"

Page 1, line 14, after "Subdivision 2" insert ", and by adding a subdivision"

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

Mr. McCutcheon from the Committee on Taxes and Tax Laws, to which was re-referred

H. F. No. 585: A bill for an act relating to taxation; altering definitions of "income" for senior citizen's property tax freeze purposes; "taxes", "alimony" and "investment company" for income tax purposes; allowing commissioner of revenue to disregard small amounts due or penalties and to require withholding of delinquent taxes by employees; providing for tax lien on personal property; amending Minnesota Statutes 1976, Sections 273.012, Subdivision 3; 290.06, Subdivision 2c; 290.09, Subdivisions 4 and 14; 290.21, Subdivision 3; 290.36; 290.54; 290.92, by adding a subdivision; 290.934, Subdivision 5; and 290A.06.

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

Page 10, after line 15, insert:

*"The lien created under this section shall become effective with respect to personal property from and after the date of filing by the commissioner of a notice of such lien describing the property to which the lien attaches in the office of the county recorder of the county in which the property is located and with the secretary of state."*

Page 10, line 29, after the period insert *"The commissioner can proceed under this subdivision only if the tax is uncontested or if the time for appeal of the tax has expired."*

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

Mr. Chenoweth from the Committee on Governmental Operations, to which was referred

H. F. No. 411: A bill for an act relating to the city of Columbia Heights police department relief association; membership therein; benefits and contributions; membership of certain police personnel in the public employees' police and fire fund.

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

Page 33, after line 15, insert:

"Sec. 38. Laws 1975, Chapter 424, Section 9, is amended to read:

**Sec. 9. [COLUMBIA HEIGHTS, CITY OF; RETIREMENT BENEFITS FOR FIREFIGHTERS.]** As used in sections 6, 7, and 8, a "unit" shall be one-eightieth of the monthly salary of a first grade fireman firefighter as established from time to time. *In the event that there is no longer a paid first grade firefighter on the payroll of the city of Columbia Heights, then and in that event a "unit" shall be one-eightieth of the monthly salary of a first grade firefighter or a firefighter of an equivalent grade to a first grade firefighter, performing similar duties as performed by a first grade firefighter of the city of Columbia Heights, in a city located within the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott and Washington having approximately the same population as the city of Columbia Heights and having a paid firefighter's department. The board of trustees of the paid division, or the trustee as provided in section 58 of this act, and the city council of the city of Columbia Heights shall jointly determine which city shall qualify for purposes of determining the monthly salary upon which a "unit" is based. In the event no city maintains a paid firefighter's department, or if the determination of which city qualifies is unable to be agreed upon by the parties, then and in that event a unit shall be one-eightieth of the monthly salary of a top patrolman of the police department of the city of Columbia Heights, said monthly salary adjusted by an amount equal to the percentage difference in monthly salaries between a top patrolman's monthly salary and a first grade firefighter's monthly salary, as of the date that a paid firefighter was last enrolled on the payroll of the city of Columbia Heights. Provided that in all events the adjustment of the "unit" caused by a change in the salary of a first grade firefighter or his equivalent, as provided in this section, shall be made at the end of every calendar year. In computing retirement or disability benefits of a member pursuant to section 6 or 7, a member shall be entitled to service credit for service as a volunteer fireman firefighter on the basis of one year service credit for each three years service as a volunteer, with proportionate credit for lesser periods of service.*

*For purposes of this section the term "monthly salary of a first grade firefighter" shall mean the salary of a non-ranked firefighter on the payroll of the city of Columbia Heights paid for work performed during one "work week", as defined in Article III, 3.12 of the labor agreement between the city of Columbia Heights and*

*the International Association of Firefighters Local No. 1216 in effect on the effective date of this act multiplied by a factor of 4.3. Such monthly salary shall exclude all overtime and call-out pay, hospitalization and insurance pay, education incentive and inspector allotment pay and payment for uniforms. A ranked firefighter includes: captain, chief and assistant chief of the Columbia Heights fire department.*

**Sec. 39. [COLUMBIA HEIGHTS, CITY OF; FIREFIGHTERS SERVICE PENSIONS.]** *The Columbia Heights fire department relief association is separated into two divisions. One division shall be for the benefit of paid firefighters, first employed by the city of Columbia Heights, on or prior to December 31, 1974. This division shall be known as the "Columbia Heights fire department relief association, paid division" hereinafter referred to as "paid division". "Paid firefighter" means a person regularly entered onto the payroll of the fire department of the city as a paid full time regular firefighter serving on active duty. The other division shall be known as the "Columbia Heights fire department relief association, volunteer division" hereinafter referred to as the "volunteer division", which division shall include all volunteer firefighters, hereinafter called "volunteers", of the city. Volunteers shall be persons who are not regularly entered on the full time payroll of the fire department of the city, but who regularly comply with such rules as may be prescribed by the public safety director or fire chief of the city upon delegation by the city council to such public safety director or fire chief of the right to prescribe rules for service by volunteers with the fire department of the city, and who by reason of their status as such volunteers are engaged in the hazards of fire fighting.*

**Sec. 40.** *Sections 38 to 60 shall not affect any pensions or other benefits which have been allowed or which are being paid by the Columbia Heights fire department relief association under or in accordance with any prior law in effect on the date these sections become effective. Payment of pensions and benefits shall be continued by the association, subject only to the provisions of sections 38 to 60. When every member of the volunteer division is deceased, the funds of such division shall become a trust fund managed for the benefit of the beneficiaries of such fund. In the event the city council shall abolish the volunteer branch of its fire department, any surplus remaining in the account of the special fund of the volunteer division after discharging all obligations to all members and other beneficiaries of the volunteer division shall be paid into the general treasury of the city of Columbia Heights. In the event the paid division is terminated by attrition or any other reason, any surplus remaining in the account of the special fund of the paid division after discharging all obligations shall be paid into the general treasury of the city. Upon the effective date of sections 38 to 60, the funds of the Columbia Heights fire department relief association may be allocated by three-fifths vote of the city council to the respective accounts of the special funds of each division of the relief association.*

Sec. 41. *The governing body of the Columbia Heights fire department relief association volunteer division shall consist of a board of trustees composed of the members of the Columbia Heights city council. The city manager, clerk-treasurer, chief of the fire department and the public safety director of the city shall be ex-officio members of the board of trustees. The ex-officio members shall not vote, nor shall they regulate the management or affairs of the division except as provided herein. The board of trustees of the volunteer division shall have the exclusive control and management of all affairs, property, and funds of the volunteer division from whatever source received for the benefit of the volunteer division special fund and shall have authority to carry out the objects and purposes of the volunteer division as set forth in sections 38 to 60.*

*The city clerk-treasurer and city finance director may, in the discretion of the board of trustees, be appointed the sole investment agent of the volunteer division special fund or may be appointed agent or agents jointly with other individuals or corporations.*

*The board of trustees of the volunteer division shall investigate and act upon all applications for disability and service pensions and all other claims for relief by or on behalf of members of the division or their beneficiaries. The board of trustees of the volunteer division shall select a competent physician who shall advise the board in its investigations. The physician shall not have a vote on the board.*

Sec. 42. *The mayor of the city of Columbia Heights shall be designated the president of the volunteer division's board of trustees and shall preside at all meetings of the board, provided, that in the mayor's absence the members of the city council who are present shall elect one council member as temporary presiding officer. The mayor shall have general supervision over the volunteer division and its affairs.*

*The city treasurer or finance director shall from time to time collect from the city of Columbia Heights and from the county of Anoka all funds derived from taxes levied by the city for the benefit of the special fund of the division and the interest from the investment thereof. He shall also collect from the state of Minnesota all funds and interest thereon derived from levies imposed and collected by the state for the benefit of the volunteer division on fire insurance premiums collected within the corporate limits of the city. He shall further receive and collect all funds derived from private sources specifically for the benefit of the volunteer division special fund. Such funds shall be transmitted to the division's board of trustees for investment.*

Sec. 43. *The volunteer division may adopt bylaws not in conflict with this act. The board of examiners shall be the representative of the volunteer division membership at any meeting with the volunteer division board of trustees. Members of the board of examiners shall act as advisors to the board of trustees but shall not have a vote in any matters coming before the board.*

Sec. 44. *Special meetings between the board of examiners and the board of trustees of the volunteer division shall be held in the Columbia Heights city council chambers and may be called at any time by the board of examiners upon the written request of any member of the board of examiners, upon written request of at least 30 percent of the members of such division or upon written request of the president of the board of trustees. A request shall be delivered to the Columbia Heights city manager and shall include the agenda for the meeting and the time and date of the meeting. It shall be the duty of the city manager to give all active and retired members of the volunteer division, members of the board of trustees and ex-officio members of the board of trustees 48 hours written notice of the special meeting. The notice shall include the agenda for the meeting and the time and date of the meeting. No business shall be transacted at any special meeting except business stated in the notice. Notices mailed by U. S. mail to the last known address of each active and retired volunteer division member and to each member of the volunteer division board of trustees including ex-officio members shall be sufficient to satisfy the requirements of this section provided the notices are posted no later than the fifth day prior to the meeting, not including Sunday or holidays.*

*A special meeting between the board of trustees and the board of examiners of the volunteer division shall be called no later than 15 days subsequent to the date the city manager receives written request for such meeting including the agenda for the meeting and the time and date of the meeting.*

*A special meeting of the volunteer division membership shall be called no later than 15 days subsequent to the date the city manager receives a written request for such meeting, including the agenda for such meeting and setting the time, date and place for such meeting, signed by at least 20 percent of the membership of such division. Meetings of the volunteer division membership shall be held at the place designated in the written request for the meeting but in any case shall be held either at the Columbia Heights fire department or at the city council chambers.*

Sec. 45. *The account in the special fund for the benefit of members of the Columbia Heights fire department relief association who are volunteers shall be continued and shall be designated the Columbia Heights fire department relief association volunteer division special fund and the special fund for the benefit of the members of the Columbia Heights fire department relief association who are paid firemen shall continue and shall be designated the Columbia Heights fire department relief association paid division special fund. The funds received by either division of the Columbia Heights fire department relief association from dues, fines, initiation fees, and entertainments shall be kept in a fund called the general fund and may be disbursed upon a majority vote of all members of the association for any purposes authorized by the articles of incorporation and bylaws of both divisions of the association. All moneys received by the association which are derived from payroll deductions from paid division members' salaries*



shall be paid into the account of the paid division special fund for the benefit of the paid firemen only. Funds received from all other sources may be allocated between the paid division special fund and the volunteer division special fund in such proportions as shall be designated from time to time by three-fifths vote of the Columbia Heights city council. State aid funds for fire relief associations received by the city pursuant to Minnesota Statutes, Chapter 69, and taxes collected may be transferred to the Columbia Heights fire department relief association in accordance with the provisions of chapter 69 or retained in whole or in part by the city as a portion of the required employer's pension contribution for firefighters who are members of the public employees' police and fire fund.

Sec. 46. The volunteer division, the city of Columbia Heights, and the officers of each, are authorized to do all things required by sections 38 to 60 and the Volunteer Firemen's Relief Association Guidelines Act of 1971, as a condition for the use of public funds or the levy of taxes for the support of the volunteer division.

Sec. 47. The minimum obligation of the city of Columbia Heights to the Columbia Heights fire department relief association shall be determined by the applicable provisions of Minnesota Statutes, Chapter 69, except that the normal cost of the paid division special fund shall be computed as a percentage of the salary paid only to members of the paid division.

Sec. 48. Commencing in the year 1980, in addition to the minimum obligation required by Minnesota Statutes, Chapter 69, the city of Columbia Heights shall provide additional financing to the Columbia Heights fire department relief association sufficient to amortize by the year 2010 the fund deficits as determined in accordance with the applicable provisions of Minnesota Statutes, Chapter 69. For the purpose of providing the financial requirements of sections 38 to 60, the city may levy taxes for the payment thereof without limitation as to rate or amount, notwithstanding any city charter limitation or any law to the contrary. The levy of such taxes shall not cause the amount of other tax levies of the city to be reduced in any amount. The city shall provide in its annual budget for the financial requirements of sections 38 to 60.

Sec. 49. Except as provided by sections 38 to 40 by specific enactment of the legislature or by charter amendment to the charter of the city of Columbia Heights, no relief association shall be established in the city to provide benefits for firefighters. No person who is a member of the Columbia Heights fire department relief association paid division shall be a member of the public employees retirement association. Provided, however, a volunteer firefighter who is a full time employee of some other department or agency of the city of Columbia Heights, the state of Minnesota, or of some other political subdivision of the state, may be a member of the public employees retirement association.

Sec. 50. Subdivision 1. Notwithstanding any provision of the law to the contrary, the bylaws of the Columbia Heights fire department relief association volunteer division may provide that

*the service pension payable to a retired volunteer firefighter, age 50 years or more with 20 years of service, shall be in the amount of not more than \$150 per month, hereinafter referred to as the "base service pension", plus an additional \$3 per month for each year of service in excess of 20 years to a maximum of \$180 per month. The base service pension as of the effective date of sections 38 to 60 shall be in the amount of \$150 per month.*

*Subd. 2. Notwithstanding any provision of law to the contrary, the bylaws of the Columbia Heights fire department relief association volunteer division may provide, upon consent, approval and ratification by written resolution of the Columbia Heights city council by a four-fifths vote for (1) early retirement benefits after ten years service in good standing, (2) surviving spouse and/or minor child or children benefits and/or (3) disability benefits for volunteers provided that any such benefits do not exceed 50 percent of \$180 per month per member or per such member's spouse and children.*

*Subd. 3. Notwithstanding any provision of the law to the contrary, the bylaws of the Columbia Heights fire department relief association volunteer division may provide that the estate of each volunteer shall be given a payment of \$1,000 for funeral benefits upon the death of the volunteer regardless of date or cause of death. No payment shall be made pursuant to this subdivision unless the volunteer is a member in good standing of the volunteer division or has retired as a member in good standing of the division.*

*Subd. 4. The city of Columbia heights shall not reduce benefits provided in this act to volunteers unless a majority of the active and retired volunteers who are eligible to receive such benefits request such reduction in writing to the Columbia Heights city council.*

*Sec. 51. The Columbia Heights city council may provide for an increase in benefits paid to members of the paid division or to members of the volunteer division without further special or general legislation by the state, provided the action by the city council complies with the provisions of sections 38 to 60. The city council may increase or decrease the benefits paid to members of the paid division only by increasing or decreasing the monthly salary of a first grade firefighter pursuant to the provisions of Laws 1975, Chapter 424, Section 9. Nothing in sections 38 to 60 shall be construed to give authorization to the city council to increase or decrease benefits of members of the paid division by increasing or decreasing the number or value of "units" as defined in Laws 1975, Chapter 424, for periods of service in the fire department, nor shall the city council be authorized to change the definition of a "unit" or "units".*

*The city council shall not provide for any increase in the benefits paid to the members of the volunteer division unless the city council shall first have obtained and given consideration to an actuarial survey, which survey shall use the actuarial assumptions provided in Minnesota Statutes, Chapter 69. The city council shall make written findings stating that based upon such actuarial*

survey, such increase in benefits to members of the volunteer division and such increase in funding of the volunteer division special fund, if necessary, shall not create a deficit in the volunteer division special fund, the amortization of which, together with the amortization of any existing deficit in the volunteer division special fund, exceeds 20 years from the date such increase in benefits is authorized.

It shall be unlawful for the city of Columbia Heights to contribute any public funds, or to levy taxes for any such increase in benefits paid to members of the paid division or to members of the volunteer division, as the case may be, unless the city council has first complied with the provisions of sections 50 and 51.

Sec. 52. Minnesota Statutes, Section 69.021 shall specifically apply to the city of Columbia Heights and to the Columbia Heights fire department relief association.

Sec. 53. The Columbia Heights city clerk, when the state aid and tax collected is received by him, shall within five days transmit the payments to the city treasurer or city finance director who shall within 25 days of receipt by him pay over such amount to the board of trustees of each division of the Columbia Heights fire department relief association as such amount of state aid and tax is apportioned to each such division from time to time by three-fifths vote of the Columbia Heights city council.

Sec. 54. For the purpose of computation of service requirements in connection with payment of any pensions or other benefits provided by sections 38 to 60, service of volunteers who were members of the Columbia Heights fire department relief association prior to the date sections 38 to 60 become effective and service of all paid firefighters shall be taken into account on the same basis as though sections 38 to 60 were in existence during all the time such service was rendered.

Sec. 55. Sections 38 to 60 shall become effective upon approval by the Columbia Heights city council and upon compliance with the provisions of Minnesota Statutes, Section 645.021.

Sec. 56. Notwithstanding any other law to the contrary, the governing body of the paid division shall be composed of a board of trustees. The board of trustees shall consist of six active paid firefighters, except as otherwise provided herein. The officers of the board of trustees shall be a president, one or more vice presidents, a secretary, a treasurer, assistant secretary, and assistant treasurer. Each officer shall be elected by the members of the paid division including retired, disabled, whether permanently or temporarily, and active members. Nothing contained herein shall prevent a temporarily disabled active member from being elected or continuing as an officer of the board of trustees. In the event there are not six active members, or temporarily disabled active members, to fill the required six offices, the number of required offices shall be reduced to the number of active or temporarily disabled active members available.

Provided in no event shall said board of trustees consist of less

than two officers, and said officers shall be a president and a secretary-treasurer.

*In the event there are not enough active or temporarily disabled active members to act as a board of trustees, the paid division shall be governed as provided in section 58.*

*Sec. 57. The affairs of the paid division shall be managed by the board of trustees in the manner prescribed by law and the board of trustees of the paid division shall have exclusive control and management of all funds allocated to it under applicable law and received by its treasurer, including the funds derived under the provisions of Minnesota Statutes, Sections 424.30 and 424.31, funds derived from the state of Minnesota, and all moneys or property donated, given, granted, or devised for the benefit of the paid division special fund; and such funds when received shall be kept in a separate account in the special fund account of the paid division and never disbursed for any purposes except the following:*

*(1) For the relief of sick, injured, and disabled members of the paid division;*

*(2) For the payment of pensions to disabled firefighters and the surviving spouses and orphans of firefighters who are members of the paid division;*

*(3) For the payment of pensions to retired firefighters of the paid division;*

*(4) For the payment of the fees, dues, and assessments in the Minnesota state fire department association, so as to entitle the members of the paid division to membership in and benefits of such state association;*

*(5) For the payment of funeral benefits, if so provided in the division's bylaws, and subject to the following requirements and limitations:*

*(a) The decedent must have died while serving as an active duty member of the paid division,*

*(b) The decedent must have completed a period or periods of service equal to 20 years or more,*

*(c) The decedent must have died without a surviving spouse or minor child entitled to benefits from the Columbia Heights fire department relief association;*

*In no event shall the funeral benefit exceed the lesser of:*

*(i) The actual unreimbursed expenses incurred by the estate or representative, or*

*(ii) \$2,000.*

*(6) For the payment of necessary expenses of administering such fund.*

*In the event that there are not enough paid members avail-*

able to act as a board of trustees, funds shall be paid to a trustee, as provided in section 58, for the benefit of the beneficiaries of such funds and for purposes consistent with clauses (1) through (6).

The relief association may invest its funds in such income paying properties and securities as the city council shall from time to time authorize. Benefits shall in all cases be within the limits authorized by state law and in accordance with the articles of incorporation and bylaws of the association.

Sec. 58. In the event the paid division board of trustees ceases to exist as provided in section 56, the existing funds of the division, and all funds the division would have been entitled to, had it continued to exist, shall be paid to a federally insured banking institution chartered by the state of Minnesota or by the United States as trustee for the beneficiaries and shall be managed for the benefit of the beneficiaries of such funds as provided in Laws 1965, Chapter 605, Sections 20, 21, 22, 23, 24, 25 and 26, as amended by Laws 1975, Chapter 424, Sections 6, 7, 8 and 9, and sections 38 to 60. When the trustee determines that there are no longer any persons entitled to benefits, the trustee shall pay all remaining funds to the general fund of the city of Columbia Heights, and the trust shall terminate.

Notwithstanding the provisions of any other law to the contrary, the trustee of the paid division shall have all the powers and duties that the board of trustees of the paid division would have had if said board would have continued to manage and administer the affairs of the paid division.

Sec. 59. The board of trustees of the paid division of the Columbia Heights fire department relief association, or the trustee acting in its place as provided in section 58, shall have full and permanent charge of and the responsibility for the proper management and control of its special fund.

Sec. 60. [REPEALER.] Laws 1965, Chapter 605, Section 6; and Laws 1975, Chapter 424, Section 3, are repealed.

Renumber the remaining section.

Underline all new language in the bill.

Further, amend the title as follows:

Page 1, line 2, after "Heights" insert "providing for"

Page 1, line 6, after "fund" insert "; providing for administration and benefits of the Columbia Heights firemen's relief association; amending Laws 1975, Chapter 424, Section 9; repealing Laws 1965, Chapter 605, Section 6; and Laws 1975, Chapter 424, Section 3"

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

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

S. F. Nos. 266, 801, 418, 1238, 1214, 1027, 759, 793, 1394, 1015, 811, 1236, 809, 448, 472, 126, 979, 1134, 899 and

H. F. Nos. 902, 456, 611, 1259, 1223, 460, 106, 315, 45, 536, 993, 1155, 157, 1113 and 462 makes the following report:

That S. F. Nos. 266, 801, 418, 1238, 1214, 1027, 759, 793, 1394, 1015, 811, 1236, 809, 448, 472, 126, 979, 899 and H. F. Nos. 902, 611, 1259, 1223, 460, 106, 315, 45, 536, 993, 1155, 157, 1113 and 462 be placed on the General Orders Calendar.

That S. F. No. 1134 and H. F. No. 456 are being retained in the subcommittee.

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. 1050 was 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. 1201, 1283 and 1310 were read the second time.

H. F. Nos. 585 and 411 were read the second time and referred to the Subcommittee on Bill Scheduling of the Committee on Rules and Administration.

#### **MOTIONS AND RESOLUTIONS—CONTINUED**

Mr. Hughes moved that H. F. No. 613 be withdrawn from the Committee on Governmental Operations and re-referred to the Committee on Finance. The motion prevailed.

Mr. Menning moved that the Senate Conferees on S. F. No. 932 be discharged and that a new conference committee of three members be appointed by the Subcommittee on Committees on the part of the Senate to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. Coleman moved that the Senate do now adjourn until 2:15 o'clock p.m., Friday, May 13, 1977. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate