

FIFTY-SEVENTH DAY

St. Paul, Minnesota, Wednesday, May 18, 1977

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

CALL OF THE SENATE

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

Anderson	Frederick	Laufenburger	Penny	Spear
Benedict	Gearty	Luther	Perpich	Staples
Borden	Gunderson	McCutcheon	Peterson	Stokowski
Brataas	Hanson	Menning	Pillsbury	Strand
Chenoweth	Keefe, S.	Milton	Purfeerst	Stumpf
Chmielewski	Kirchner	Nelson	Schmitz	Tennessee
Coleman	Kleinbaum	Nichols	Setzepfandt	Vega
Dieterich	Knoll	Ogdahl	Sikorski	Wegener
Dunn	Knutson	Olhoft	Solon	Willet

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

Prayer was offered by the Chaplain, Monsignor Terrence J. Murphy.

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

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

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

Mr. Laufenburger was excused from the Session of today at 4:00 o'clock p.m.

Pursuant to Rule 21, Mr. Olson moved that the following members be excused for a Conference Committee on S. F. No. 977:

Messrs. Olson, Chmielewski and Ulland, A. The motion prevailed.

Pursuant to Rule 21, Mr. Humphrey moved that the following members be excused for a Conference Committee on S. F. No. 1467:

Messrs. Humphrey, Borden, Willet, Solon and Dunn. The motion prevailed.

Pursuant to Rule 21, Mr. Milton moved that the following members be excused for a Conference Committee on H. F. No. 320:

Messrs. Milton; Keefe, S. and Mrs. Brataas. The motion prevailed.

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Messrs. Setzepfandt, Menning, Gunderson, Schmitz and Nelson introduced—

S. F. No. 1537: A bill for an act proposing an amendment to the Minnesota Constitution, Article IV, Section 4; providing staggered four year terms for state senators.

Referred to the Committee on Rules and Administration.

Messrs. Nelson, Hanson and Setzepfandt introduced—

S. F. No. 1538: A bill for an act relating to the office of county attorney; providing that the county attorney shall prosecute persons apprehended or arrested by the Minnesota highway patrol outside cities of the first class; amending Minnesota Statutes 1976, Chapter 388, by adding a section.

Referred to the Committee on Judiciary.

Mr. Chmielewski introduced—

S. F. No. 1539: A bill for an act relating to the city of Kerick, authorizing continued operation of an open dumping ground.

Referred to the Committee on Local Government.

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. 288, 506, 928 and 1175:

Edward A. Burdick, Chief Clerk, House of Representatives
Returned May 17, 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. 1029: A bill for an act relating to counties; authorizing inclusion of cities in sewer and water districts; allowing certain special assessments; providing a flexible accounting system for multi-county projects; amending Minnesota Statutes 1976, Sections 116A.01, Subdivisions 1, 1a, 2 and 4, and by adding a subdivision; 116A.02, by adding a subdivision; 116A.09; 116A.11, Subdivision 4; 116A.12, by adding a subdivision; 116A.16; 116A.17, Subdivision 2; 116A.20, Subdivisions 2 and 6; and 116A.24, Subdivisions 1, 2 and 3.

Senate File No. 1029 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives
Returned May 17, 1977

Mr. Coleman moved that S. F. No. 1029 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. 709: A bill for an act relating to the Hennepin county municipal court; clarifying fee exclusions for governmental units; amending Minnesota Statutes 1976, Section 488A.03, Subdivision 11a.

Senate File No. 709 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives
Returned May 17, 1977

Mr. Tennesen moved that S. F. No. 709 be laid on the table. The motion prevailed.

Mr. President:

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

following House Files, herewith transmitted: H. F. Nos. 723, 1630 and 1631.

Edward A. Burdick, Chief Clerk, House of Representatives
Transmitted May 17, 1977

FIRST READING OF HOUSE BILLS

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

H. F. No. 723: A bill for an act relating to economic development; providing grants to community development corporations; setting out criteria for making such grants; appropriating funds; amending Minnesota Statutes 1976, Chapter 362, by adding a section.

Referred to the Committee on Rules and Administration for comparison to S. F. No. 675, now on General Orders.

H. F. No. 1630: A bill for an act relating to claims against the state; appropriating money for the payment thereof; establishing procedures for consideration of certain claims.

Referred to the Committee on Rules and Administration for comparison to S. F. No. 1521, now on General Orders.

H. F. No. 1631: A bill for an act relating to public improvements; providing for prison and education facilities; regulating the location of certain education facilities; barrier free buildings; authorizing state building bonds; appropriating money.

Referred to the Committee on Rules and Administration for comparison to S. F. No. 1530, now in the Subcommittee on Bill Scheduling.

MOTIONS AND RESOLUTIONS

Mr. Strand moved that the names of Messrs. Sikorski, Penny and Gunderson be added as co-authors to S. F. No. 1238. The motion prevailed.

Mr. Stumpf moved that the name of Mr. Sikorski be added as co-author to S. F. No. 1531. The motion prevailed.

Mrs. Staples moved that H. F. No. 167 be withdrawn from the Committee on Finance and re-referred to the Committee on Rules and Administration for comparison with S. F. No. 1486 now on General Orders. The motion prevailed.

Mr. Wegener moved that H. F. No. 1060 be withdrawn from the Committee on Finance and re-referred to the Committee on Rules and Administration for comparison with S. F. No. 227 now on General Orders. The motion prevailed.

Mr. McCutcheon moved that H. F. No. 800 be taken from the table. The motion prevailed.

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

CALL OF THE SENATE

Mr. McCutcheon imposed a call of the Senate for the proceedings on H. F. No. 800. The following Senators answered to their names:

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

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

Mr. Johnson moved to amend the Olhoft amendment to H. F. No. 800, adopted by the Senate May 10, 1977, as follows:

Section 3, subdivision 9, clause (d), second and third lines, strike "other than protected wild animals"

The motion prevailed. So the amendment to the amendment was adopted.

H. F. No. 800 was then progressed.

Pursuant to Rule 21, Mr. Lewis moved that the following members be excused for a Conference Committee on S. F. No. 1460:

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

SPECIAL ORDER

Pursuant to Rule 10, Mr. Coleman, Chairman of the Subcommittee on Bill Scheduling, designated H. F. No. 522 a Special Order to be heard immediately.

H. F. No. 522: A bill for an act relating to energy; extending

the application of the state building code to all cities and counties; clarifying state agency rulemaking regarding 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; requiring research on fuel supplements; exempting certain solar energy systems from property taxation; 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; and 290.06, Subdivision 9; repealing Minnesota Statutes 1976, Sections 116H.12, Subdivision 10; 325.811; and 325.812.

Mr. Jensen moved to amend H. F. No. 522, as amended pursuant to Rule 49, adopted by the Senate May 17, 1977, as follows:

(The text of the amended House File is identical to S. F. No. 669.)

Page 5, after line 29, insert:

"Sec. 4. Minnesota Statutes 1976, Section 16.866, Subdivision 1, is amended to read:

16.866 [SURCHARGE.] Subdivision 1. [COMPUTATION.] For the purpose of defraying the costs of administering the provisions of Laws 1971, Chapter 561 sections 16.83 to 16.867, there is hereby imposed a surcharge on all permits issued by municipalities in connection with the construction of or addition or alteration to, buildings and equipment or appurtenances, on and after July 1, 1971, as follows:

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

The commissioner shall, before January 1 of each even-numbered year, estimate the surcharge income to the state over the biennium beginning the preceding July 1. If the estimated surcharge income exceeds 120 percent of the anticipated expenditures of the building code division which are not reimbursed by non-state agencies, the commissioner shall proportionately reduce the surcharge rates so that the estimated income will be 120 percent or less of the applicable anticipated expenditures. Notice of surcharge rate adjustments pursuant to this subdivision shall be distributed to muni-

cipalities in the state and shall be published in January of each even-numbered year in the state register. A surcharge rate adjustment shall be effective only for that biennium."

Page 20, line 4, strike "4 and 13" and insert "5 and 14"

Page 20, line 6, strike "7" and insert "8"

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

Page 20, line 18, strike "17" and insert "18"

Page 20, line 22, strike "18" and insert "19"

Page 20, line 26, strike "19" and insert "20"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 5, after the semicolon insert "limiting building code surcharge;"

Page 1, line 16, after "4," insert "16.866, Subdivision 1;"

The motion prevailed. So the amendment was adopted.

Mr. Nelson moved to amend H. F. No. 522, as amended pursuant to Rule 49, adopted by the Senate May 17, 1977, as follows:

(The text of the amended House File is identical to S. F. No. 669.)

Page 18, after line 24, insert:

"Sec. 17. Minnesota Statutes 1976, Section 290.06, is amended by adding a subdivision to read:

Subd. 12. [INSULATION CREDIT.] A credit of 20 percent of the net cost of adding insulation to the attic and ceiling of an existing residential building may be deducted from the tax due under this chapter. The director of the energy agency in consultation with the director of the state building codes division shall provide guidelines for eligible types of insulation. The credit provided for in this subdivision shall not exceed \$80 in any one year and shall terminate on December 31, 1979.

If the allowable amount of the claim authorized as a tax credit in subdivision 12 exceeds the state income taxes otherwise due on the claimant's income in any year or if there are no state income taxes due on the claimant's income in any year, the amount of the claim not used as an offset against income taxes, subject to audit by the department of revenue, shall be paid to the claimant in the same manner as a refund for overpayment of a tax. Interest shall be allowed as provided in section 290.92, subdivision 13."

Page 20, line 18, strike "17" and insert "18"

Page 20, line 22, strike "18" and insert "19"

Page 20, line 26, strike "19" and insert "20"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 14, after "systems;" insert "creating a tax credit for insulation costs;"

Page 1, line 20, after "9" insert ", and by adding a subdivision"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 22 and nays 31, as follows:

Those who voted in the affirmative were:

Ashbach	Chmielewski	Kirchner	Pillsbury	Ueland, A.
Bang	Engler	Knutson	Renneke	Ulland, J.
Benedict	Humphrey	Luther	Schaaf	
Bernhagen	Jensen	Nelson	Sieloff	
Chenoweth	Keefe, J.	Penny	Sillers	

Those who voted in the negative were:

Anderson	Keefe, S.	Moe	Setzepfandt	Vega
Coleman	Kleinbaum	Nichols	Solon	Wegener
Davies	Knoll	Olhoft	Spear	Willet
Dieterich	Lessard	Perpich	Stokowski	
Gearty	McCutcheon	Peterson	Strand	
Gunderson	Menning	Purfeerst	Stumpf	
Hughes	Merriam	Schmitz	Tennessee	

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

Pursuant to Rule 21, Mr. Kleinbaum moved that the following members be excused for a Conference Committee on H. F. No. 451:

Messrs. Kleinbaum, Solon, Borden, Bang and Davies. The motion prevailed.

Mr. Luther moved to amend H. F. No. 522, as amended pursuant to Rule 49, adopted by the Senate May 17, 1977, as follows:

(The text of the amended House File is identical to S. F. No. 669.)

Page 10, after line 6, insert:

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

Subd. 1a. Beginning July 1, 1978, no person shall operate outdoor display lighting which is not used primarily for security purposes between the hours of 1:00 a.m. and 4:00 p.m. except as provided in subdivision 1b. For purposes of this section, "outdoor display lighting" shall not include advertising signs which identify a commercial establishment which is open for business at that hour.

Subd. 1b. The director shall adopt rules pursuant to chapter 15 by January 1, 1978, defining outdoor display lighting and specifying any permissible hours of operation, standards for quantity, and energy efficiency for outdoor display lighting. The rules shall not be effective until July 1, 1978. The director may also promulgate rules permitting variances where compliance would cause significant hardship."

Renumber the sections in sequence

The question was taken on the adoption of the amendment.

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

Those who voted in the affirmative were:

Anderson	Luther	Nichols	Spear	Vega
Benedict	McCutcheon	Olhoft	Staples	Wegener
Chenoweth	Menning	Perpich	Strand	Willet
Dieterich	Merriam	Sikorski	Stumpf	
Johnson	Nelson	Sillers	Ulland, J.	

Those who voted in the negative were:

Ashbach	Gearty	Knoll	Pillsbury	Solon
Bernhagen	Gunderson	Knutson	Purfeerst	Stokowski
Chmielewski	Hughes	Laufenburger	Schaaf	Tennessen
Coleman	Humphrey	Lessard	Schmitz	Ueland, A.
Davies	Jensen	Lewis	Schrom	
Engler	Keefe, J.	Olson	Setzepfandt	
Frederick	Kleinbaum	Penny	Sieloff	

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

H. F. No. 522 was then progressed.

Pursuant to Rule 21, Mr. Peterson moved that the following members be excused for a Conference Committee on S. F. No. 381:

Messrs. Peterson, Nichols and Bernhagen. The motion prevailed.

The question recurred on H. F. No. 800.

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

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

Page 2, after line 9, insert a new section to read:

"Sec. 3. Minnesota Statutes 1976, Chapter 624, is amended by adding a section to read:

[624.7130] [TRANSFEREE PERMIT.] *Subdivision 1. Any person may apply for a pistol transferee permit by providing the following information in writing to the chief of police of an organized full time police department of the municipality in which he resides or to the county sheriff if there is no such local chief of police:*

(a) *The name, residence, telephone number and driver's license number or non-qualification certificate number, if any, of the proposed transferee;*

(b) *The sex, date of birth, height, weight and color of eyes of the proposed transferee; and*

(c) *A statement by the proposed transferee that he is not prohibited by section 624.713 from possessing a pistol.*

The statement shall be signed by the person applying for a permit. At the time of application, the local police authority shall provide the applicant with a dated receipt for the application.

Subd. 2. [INVESTIGATION.] *The chief of police or sheriff shall check criminal histories, records and warrant information relating to the applicant through the Minnesota crime information system.*

Subd. 3. [FORMS.] *Chiefs of police and sheriffs shall make transferee permit application forms available throughout the community. There shall be no charge for forms, reports, investigations, notifications, waivers or any other act performed or materials provided by a government employee or agency in connection with application for or issuance of a transferee permit.*

Subd. 4. [GROUNDS FOR DISQUALIFICATION.] *A determination by the chief of police or sheriff that the applicant is prohibited by section 624.713 from possessing a pistol shall be the only basis for refusal to grant a transferee permit.*

Subd. 5. [GRANTING OF PERMITS.] *The chief of police or sheriff shall issue a transferee permit or deny the application within seven days of application for the permit. The chief of police or sheriff shall provide an applicant with written notification of a denial and the specific reason for the denial. The permits and their renewal shall be granted free of charge.*

Subd. 6. [PERMITS VALID STATEWIDE; RENEWAL.] *Transferee permits issued pursuant to this section are valid statewide and shall expire after one year. A transferee permit may be renewed in the same manner and subject to the same provisions by which the original permit was obtained. Permits issued pursuant to this section are not transferable. A person who transfers a permit in violation of this subdivision is guilty of a misdemeanor.*

Subd. 7. [PERMIT VOIDED.] *The transferee permit shall be void at the time that the holder becomes prohibited from possessing a pistol under section 624.713, in which event the holder shall return the permit within five days to the issuing authority. Failure of the holder to return the permit within the five days is a misdemeanor unless the court finds that the circumstances or the physical or mental condition of the permit holder prevented the holder from complying with the return requirement.*

Subd. 8. [HEARING UPON DENIAL.] *Any person aggrieved by denial of a transferee permit may appeal the denial to the county court or county municipal court having jurisdiction over the county or municipality in which the denial occurred.*

Subd. 9. [PERMIT TO CARRY.] *A valid permit to carry issued pursuant to section 624.714 constitutes a transferee permit for the purposes of this section and section 5.*

Subd. 10. [TRANSFER REPORT NOT REQUIRED.] *A person who transfers a pistol to a person exhibiting a valid transferee permit issued pursuant to this section or a valid permit to carry issued pursuant to section 624.714 is not required to file a transfer report pursuant to section 5, subdivision 1.*

Subd. 11. [PENALTY.] *A person who makes a false statement in order to obtain a transferee permit knowing or having reason to know the statement is false is guilty of a gross misdemeanor.*

Subd. 12. [LOCAL REGULATION.] This section shall be construed to supersede municipal or county regulation of the issuance of transferee permits."

Page 2, line 13, after "section" insert "and section 4"

Page 2, line 20, after "number" insert "or nonqualification certificate number, if any,"

Page 2, line 21, after "weight" strike the comma and insert "and"

Page 2, line 22, after "eyes" strike "and hair and other distinguishing characteristics, if"

Page 2, line 23, strike "any,"

Page 2, strike lines 27 to 31 and insert "(d) The address of the place of business of the transferor."

Page 3, line 17, strike "12" and insert "13"

Page 4, after line 6, insert:

"Subd. 6. [TRANSFEREE PERMIT.] If a chief of police or sheriff determines that a transferee is not a person prohibited by section 624.713 from possessing a pistol, the transferee may, within 30 days after the determination, apply to that chief of police or sheriff for a transferee permit, and the permit shall be issued."

Page 4, line 10, before "If" insert "(1)"

Page 4, line 10, strike "transferor" and insert "proposed transferee presents a valid transferee permit issued under section 3 or a valid permit to carry issued under section 624.714, the transferor need not file a transfer report."

(2) *If the transferor*

Page 4, line 21, after "section" insert "or section 3"

Renumber the remaining subdivisions in sequence

Renumber the remaining section

Page 6, line 14, strike "The matter shall be heard de novo"

Page 6, line 15, strike "without a jury"

Page 6, line 30, strike "12" and insert "13"

Page 7, line 4, strike "12" and insert "13"

Amend the title as follows:

Page 1, line 9, strike "a section" and insert "sections"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 35 and nays 11, as follows:

Those who voted in the affirmative were:

Bang	Johnson	Milton	Pillsbury	Spear
Chenoweth	Keefe, J.	Moe	Purfeerst	Staples
Coleman	Keefe, S.	Nelson	Schaaf	Stokowski
Gearty	Knoll	Ogdahl	Setzepfandt	Stumpf
Gunderson	Lewis	Olhoft	Sieloff	Tennessee
Hughes	McCutcheon	Olson	Sikorski	Ulland, J.
Humphrey	Merriam	Perpich	Sillers	Willet

Those who voted in the negative were:

Ashbach	Engler	Knutson	Schmitz	Strand
Benedict	Jensen	Menning	Schrom	Vega
Chmielewski				

The motion prevailed. So the amendment was adopted.

H. F. No. 800 was read the third time, as amended, and placed on its final passage.

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

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

The roll was called, and there were yeas 34 and nays 31, as follows:

Those who voted in the affirmative were:

Bang	Gearty	Lewis	Perpich	Spear
Borden	Gunderson	Luther	Pillsbury	Staples
Brataas	Hughes	McCutcheon	Purfeerst	Stokowski
Chenoweth	Humphrey	Merriam	Schaaf	Stumpf
Coleman	Keefe, J.	Milton	Sieloff	Tennessee
Davies	Keefe, S.	Ogdahl	Sikorski	Ulland, J.
Dieterich	Knoll	Olhoft	Sillers	

Those who voted in the negative were:

Anderson	Frederick	Lessard	Peterson	Vega
Ashbach	Jensen	Menning	Renneke	Wegener
Benedict	Johnson	Moe	Schmitz	Willet
Bernhagen	Kirchner	Nelson	Schrom	
Chmielewski	Kleinbaum	Nichols	Setzepfandt	
Dunn	Knutson	Olson	Strand	
Engler	Laufenburger	Penny	Ulland, A.	

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

Pursuant to Rule 21, Mr. Merriam moved that the following members be excused for a Conference Committee on S. F. No. 896:

Messrs. Merriam, Dunn, Olhoft, Luther and Anderson. The motion prevailed.

Pursuant to Rule 21, Mr. Kleinbaum moved that the following members be excused for a Conference Committee on H. F. No. 451:

Messrs. Bang, Borden, Solon, Kleinbaum and Davies. The motion prevailed.

The question recurred on H. F. No. 522.

Mr. Bernhagen moved to amend H. F. No. 522, as amended

pursuant to Rule 49, adopted by the Senate, May 17, 1977, as follows:

(The text of the amended House File is identical to S. F. No. 669.)

Page 18, after line 24 insert:

"Sec. 17. Minnesota Statutes 1976, Section 290.06, is amended by adding a subdivision to read:

Subd. 12. [MOTOR VEHICLE ENERGY CONSERVATION CREDIT.] A credit in the following amounts to the first purchaser of a passenger automobile or station wagon as defined in section 168.011, subdivisions 7 and 23, manufactured after July 31, 1978, purchased or acquired either in or outside the state of Minnesota, which is required to be registered under the laws of this state:

<i>Gas mileage</i>	<i>Amount of credit</i>
<i>over 18 and under 20</i>	<i>\$50</i>
<i>over 20 and under 22</i>	<i>\$75</i>
<i>over 22</i>	<i>\$100</i>

The gas mileage of a vehicle for purposes of this subdivision shall be based on the mileage estimate for combined city and highway driving found in the new car label required by the federal environmental protection agency or its successor organization."

Renumber the remaining sections.

Page 20, line 18 delete "17" and insert "18"

Page 20, line 22 delete "18" and insert "19"

Page 20, line 26 delete "19" and insert "20"

Further amend the title as follows:

Page 1, line 14 after the first semicolon insert "providing income tax credit to first purchasers of certain automobiles;"

Page 1, line 20 after "9" insert ", and by adding a subdivision"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 15 and nays 32, as follows:

Those who voted in the affirmative were:

Ashbach	Chmielewski	Jensen	Renneke	Sillers
Bang	Engler	Knutson	Schaaf	Ueland, A.
Bernhagen	Frederick	Pillsbury	Sieloff	Willet

Those who voted in the negative were:

Anderson	Hughes	Menning	Setzepfandt	Tennessen
Benedict	Humphrey	Milton	Sikorski	Ulland, J.
Coleman	Johnson	Moe	Solon	Vega
Davies	Knoll	Nelson	Spear	Wegener
Gearty	Laufenburger	Ogdahl	Staples	
Gunderson	Lessard	Perpich	Stokowski	
Hanson	McCutcheon	Schmitz	Strand	

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

Mr. Humphrey moved to amend H. F. No. 522, as amended pursuant to Rule 49, adopted by the Senate May 17, 1977, as follows:

(The text of the amended House File is identical to S. F. No. 669.)

Page 18, after line 24, insert:

"Sec. 17. Minnesota Statutes 1976, Section 297B.01, Subdivision 1, is amended to read:

297B.01 [DEFINITIONS.] Subdivision 1. The following words, terms and phrases when used in *Laws 1974, Chapter 853, this chapter* shall have the meaning ascribed to them in this section except where the context clearly indicates a different meaning.

Sec. 18. Minnesota Statutes 1976, Section 297B.01, Subdivision 8, is amended to read:

Subd. 8. "Purchase price" means the total consideration valued in money for a sale, whether paid in money or otherwise, provided however, that when a motor vehicle is taken in trade as a credit or as part payment on a motor vehicle taxable under *Laws 1974, Chapter 853, this chapter* the credit or trade-in value allowed by the person selling the motor vehicle shall be deducted from the total selling price to establish the purchase price of the vehicle being sold and the trade-in allowance allowed by the seller shall constitute the purchase price of the motor vehicle accepted as a trade-in. The purchase price in those instances where the motor vehicle is acquired by gift or by any other transfer for a nominal or no monetary consideration shall also include the average value of similar motor vehicles, established by standards and guides as determined by the motor vehicle registrar. The purchase price in those instances where a motor vehicle is manufactured by a person who registers it under the laws of this state shall mean the manufactured cost of such motor vehicle and manufactured cost shall mean the amount expended for materials, labor and other properly allocable costs of manufacture, except that in the absence of actual expenditures for the manufacture of a part or all of the motor vehicle, manufactured costs shall mean the reasonable value of the completed motor vehicle. The term "purchase price" shall not include the transfer of a motor vehicle by way of gift between a husband and wife or parent and child, nor shall it include the transfer of a motor vehicle by a guardian to his ward when there is no monetary consideration and the title to such vehicle was registered in the name of the guardian, as guardian, only because the ward was a minor.

Sec. 19. Minnesota Statutes 1976, Section 297B.06, is amended to read:

297B.06 [REGISTRATION NOT TO BE ISSUED UNLESS TAX PAID.] No registration plates or certificate shall be issued by the motor vehicle registrar for the ownership or operation of any motor vehicle to any applicant for registration other than

for those vehicles which have been previously registered and the applicant for registration is the same person in whose name the registration had previously been issued or other than for those vehicles exempt from the tax under other sections of Laws 1971, Chapter 853, unless the ~~tax~~ taxes imposed by section 297B.02 and section 12 shall be paid by the applicant to the motor vehicle registrar.

Sec. 20. Minnesota Statutes 1976, Section 297B.07, is amended to read:

297B.07 [PRESUMPTION.] For the purpose of the proper administration of ~~Laws 1971, Chapter 853~~ *this chapter* and to prevent evasion of the tax, the following presumptions shall apply:

(1) Evidence that a motor vehicle was sold for delivery in this state shall be prima facie evidence that it was sold for use in this state.

(2) When an application for registration plates for a motor vehicle is received by the motor vehicle registrar within 30 days of the date it was purchased or acquired by the purchaser, it shall be presumed, until the contrary is shown by the purchaser, that it was purchased or acquired for use in this state. This presumption shall apply whether or not such vehicle was previously titled or registered in another state.

Sec. 21. Minnesota Statutes 1976, Section 297B.08, is amended to read:

297B.08 [CREDIT FOR EXCISE TAX PAID IN OTHER STATES; RECIPROCITY.] If any motor vehicle has been or is subject to a tax by any other state in respect to its sale or use, in an amount less than the tax imposed by ~~Laws 1971, Chapter 853 section 297B.02~~, the provisions of ~~Laws 1971, Chapter 853 sections 297B.01 to 297B.13~~, shall apply, but at a rate measured by the difference only between the rate fixed in ~~Laws 1971, Chapter 853 section 297B.02~~, and the rate by which the previous tax paid in the other state upon the sale or use was computed. If the rate of tax imposed in such other state is the same or more than the rate of tax imposed by ~~Laws 1971, Chapter 853 section 297B.02~~, then no tax shall be due on such motor vehicle. The provisions of this section shall apply only if such other state allows a credit with respect to the excise tax imposed by ~~Laws 1971, Chapter 853 section 297B.02~~, which is substantially similar in effect to the credit allowed by this section.

Sec. 22. Minnesota Statutes 1976, Section 297B.09, is amended to read:

297B.09 [ALLOCATION OF REVENUE.] All moneys collected and received under ~~Laws 1971, Chapter 853~~ *this chapter* shall be allocated monthly by the motor vehicle registrar to the state commissioner of revenue and by him shall be paid to the state treasurer and shall be deposited as provided in section 297A.44.

Sec. 23. Minnesota Statutes 1976, Section 297B.10, is amended to read:

297B.10 [PENALTIES.] (1) Any person who shall complete or submit a false or fraudulent motor vehicle purchaser's certificate with intent to defeat or evade the ~~tax~~ taxes imposed under Laws 1971, Chapter 853, *this chapter* shall be guilty of a misdemeanor and for each such offense shall be fined not to exceed \$500 or shall be imprisoned in the county jail not to exceed one year, or shall be subject to both such fine and imprisonment, in the discretion of the court.

(2) Any person who shall violate any of the provisions of Laws 1971, Chapter 853 *this chapter* shall, unless the violation be of the type referred to in clause (1), be guilty of a misdemeanor and shall be punished by a fine of not less than \$50 nor more than \$100 or by imprisonment in the county jail for not less than 30 days, or both such fine and imprisonment.

Sec. 24. Minnesota Statutes 1976, Section 297B.11, is amended to read:

297B.11 [MOTOR VEHICLE REGISTRAR TO ACT AS AGENT OF COMMISSIONER OF REVENUE IN ADMINISTRATION OF MOTOR VEHICLE EXCISE TAX.] The state commissioner of revenue is charged with the administration of Laws 1971, Chapter 853 *this chapter*. The commissioner may prescribe all rules and regulations not inconsistent with the provisions of Laws 1971, Chapter 853 *this chapter*, necessary and advisable for the proper and efficient administration of Laws 1971, Chapter 853 *this chapter*. The collection of ~~this the~~ motor vehicle excise ~~tax~~ taxes imposed by *this chapter* shall be carried out by the motor vehicle registrar who shall act as the agent of the commissioner and who shall be subject to all rules and regulations not inconsistent with the provisions of Laws 1971, Chapter 853, *this chapter* that may be prescribed by the commissioner. The provisions of Laws 1971, Chapter 853 *this chapter*, shall not be construed as preventing the collection of motor vehicle excise taxes by the commissioner of revenue in the course of any audit carried on by the commissioner of revenue.

Sec. 25. Minnesota Statutes 1976, Section 297B.12, is amended to read:

297B.12 [CONFIDENTIAL NATURE OF INFORMATION.] It shall be unlawful for the motor vehicle registrar, deputy registrars or any other public official or employee to divulge or otherwise make known in any manner any particulars disclosed in any purchaser's certificate or any information concerning affairs of any person making such certificate acquired from his records, officers or employees except in connection with the proceeding involving taxes due under Laws 1971, Chapter 853 *this chapter*. Nothing herein contained should be construed to prohibit the publishing of statistics so classified as not to disclose the identity of particular purchasers' certificates and the contents thereof. Any person violating the provisions of this section shall be guilty of a gross misdemeanor.

Sec. 26. Minnesota Statutes 1976, Chapter 297B, is amended by adding a section to read:

[297B.20] [TITLE.] *Sections 11 and 12 may be cited as the "energy conservation transportation excise tax act".*

Sec. 27. Minnesota Statutes 1976, Chapter 297B, is amended by adding a section to read:

[297B.21] [ADDITIONAL EXCISE TAX IMPOSED.] *Subdivision 1. There is hereby imposed an excise tax at the rates provided in subdivision 2 on the first purchaser of any passenger automobile or station wagon, as defined in Minnesota Statutes, Section 168.011, Subdivisions 7 and 23, manufactured after July 31, 1978, purchased or acquired either in or outside of the state of Minnesota, which is required to be registered under the laws of this state.*

Subd. 2. The tax imposed by subdivision 1 shall be based on the mileage estimate for combined city and highway driving found in the new car label required by the federal environmental protection agency or its successor organization.

Subd. 3. The tax imposed by subdivision 1 shall be determined in accordance with the following schedule:

Gas Mileage

<i>Under 12</i>	<i>\$200</i>
<i>Under 14</i>	<i>\$150</i>
<i>Under 16</i>	<i>\$100</i>
<i>Under 18</i>	<i>\$ 75</i>
<i>18 or higher</i>	<i>\$ 0</i>

Subd. 4. The tax imposed by subdivision 1 shall be in addition to the tax imposed by Minnesota Statutes, Section 297B.02.

Subd. 5. If a passenger car or station wagon subject to the tax imposed by this section has been or is subject to a similar excise tax based on fuel consumption in another state in respect of its sale or use, in an amount less than the tax imposed by this section, the provisions of this section shall apply, but the tax shall be in the amount of the difference between the amount of tax in the other state and the amount imposed by this section. If the amount of tax imposed by the other state is the same or more than the amount of tax imposed by this section, then no tax shall be due under this section. The provisions of this subdivision shall apply only if the other state allows a credit with respect to the excise tax imposed by this section which is substantially similar in effect to the credit allowed in this subdivision."

Page 20, line 18, strike "17" and insert "18"

Page 20, line 22, strike "18" and insert "19"

Page 20, line 26, strike "19" and insert "20"

Renumber the sections in sequence

Amend the title as follows:

Line 14, after "systems;" insert "creating an additional tax on certain motor vehicles based on fuel consumption; providing that such tax not be deductible from income tax;"

Line 20, after the semicolon, insert "297B.01, Subdivisions 1 and 8; 297B.06; 297B.07; 297B.08; 297B.09; 297B.10; 297B.11; 297B.12; Chapter 297B, by adding sections;"

Mr. Tennessen moved to amend the Humphrey amendment to H. F. No. 522, adopted by the Senate May 18, 1977, as follows:

Section 27 of the Humphrey amendment, in Subdivision 3,
strike "*Under 12*" and insert "*Less than 12*"

strike "*Under 14*" and insert "*12 but less than 14*"

strike "*Under 16*" and insert "*14 but less than 16*"

strike "*Under 18*" and insert "*16 but less than 18*"

The motion prevailed. So the amendment to the Humphrey amendment was adopted.

Pursuant to Rule 21, Mr. McCutcheon moved that the following members be excused for a Conference Committee on H. F. No. 1475:

Messrs. McCutcheon, Johnson, Hanson, Stokowski and Peterson. The motion prevailed.

The question was taken on the adoption of the Humphrey amendment as amended.

The roll was called, and there were yeas 27 and nays 34, as follows:

Those who voted in the affirmative were:

Ashbach	Frederick	Kirchner	Perpich	Stokowski
Benedict	Gunderson	Knoll	Peterson	Stumpf
Borden	Hughes	Luther	Schaaf	Vega
Coleman	Humphrey	McCutcheon	Sikorski	
Davies	Johnson	Milton	Spear	
Dieterich	Keefe, S.	Nelson	Staples	

Those who voted in the negative were:

Anderson	Hanson	Moe	Purfeerst	Strand
Bang	Kleinbaum	Nichols	Renneke	Tennessen
Bernhagen	Knutson	Ogdahl	Schrom	Ueland, A.
Brataas	Laufenburger	Olhoft	Setzerfandt	Ulland, J.
Chmielewski	Lessard	Olson	Sieloff	Wegener
Engler	Lewis	Penny	Sillers	Willet
Gearty	Menning	Pillsbury	Solon	

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

Mr. Olson moved to amend H. F. No. 522, as amended pursuant to Rule 49, adopted by the Senate May 17, 1977, as follows:

(The text of the amended House File is identical to S. F. No. 669.)

Page 18, line 18, after "to" and before "solar" insert "*equipment installed within Minnesota after December 31, 1976, exclusively to prevent pollution of air, water, or land, and to*"

Page 18, line 22, strike "*for the construction or installation of a solar*"

Page 18, line 23, strike "*collector subsystem*"

The motion prevailed. So the amendment was adopted.

Mr. Ashbach moved to amend H. F. No. 522, as amended pursuant to Rule 49, adopted by the Senate May 17, 1977, as follows:

(The text of the amended House File is identical to S. F. No. 669.)

Page 18, after line 24 insert:

"Sec. 17. Minnesota Statutes 1976, Section 297B.03, is amended to read:

297B.03 [EXEMPTIONS.] There is specifically exempted from the provisions of this chapter and from computation of the amount of tax imposed by it the following:

(1) Purchase or use of any motor vehicle by any person described in and subject to the conditions provided in section 297A.25, subdivision 1, clauses (j), (p) and (s).

(2) Purchase or use of any motor vehicle by any person who was a resident of another state at the time of the purchase and who subsequently becomes a resident of Minnesota, provided the purchase occurred more than 60 days prior to the date such person moved his residence to the state of Minnesota.

(3) Purchase or use of any motor vehicle by any person making a valid election to be taxed under the provisions of section 297A.211.

(4) Purchase or use of any motor vehicle previously registered in the state of Minnesota by any corporation or partnership when such transfer constitutes a transfer within the meaning of sections 351 or 721 of the Internal Revenue Code of 1954, as amended through December 31, 1974.

(5) *Purchase or use of a commuter van as defined in section 221.011, subdivision 22, clause (1).*"

Renumber the remaining sections.

Page 20, line 18 delete "17" and insert "18"

Page 20, line 22 delete "18" and insert "19"

Page 20, line 26 delete "19" and insert "20"

Further amend the title as follows:

Page 1, line 14 after the first semicolon insert "*exempting certain vehicles from motor vehicle excise tax;*"

Page 1, line 19 delete "and"

Page 1, line 20, after the semicolon insert "and 297B.03;"

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

Mr. Knutson moved to amend H. F. No. 522, as amended pursuant to Rule 49, adopted by the Senate May 17, 1977, as follows:

(The text of the amended House File is identical to S. F. No. 669.)

Page 10, line 20, strike "a subdivision" and insert "subdivisions"

Page 10, after line 26, insert:

"Subd. 12a. Gas burning lamps used for security purposes, when they are located 100 feet or more from street lamps, may be used as long as the existing lamps last, but shall not be replaced by gas burning lamps."

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

Mr. Olson moved to amend H. F. No. 522, as amended pursuant to Rule 49, adopted by the Senate, May 17, 1977, as follows:

(The text of the amended House File is identical to S. F. No. 669.)

Page 10, line 22, strike ", cooking"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 27 and nays 23, as follows:

Those who voted in the affirmative were:

Ashbach	Gunderson	Menning	Purfeerst	Ueland, A.
Bang	Jensen	Nichols	Schmitz	Wegener
Benedict	Kirchner	Olson	Schrom	Willet
Brataas	Knutson	Penny	Setzepfandt	
Chmielewski	Lessard	Perpich	Sieloff	
Frederick	Lewis	Pillsbury	Staples	

Those who voted in the negative were:

Anderson	Gearty	Milton	Sillers	Tennessen
Bernhagen	Hughes	Moe	Spear	Ulland, J.
Coleman	Keefe, J.	Nelson	Stokowski	Vega
Davies	Keefe, S.	Ogdahl	Strand	
Dieterich	Knoll	Sikorski	Stumpf	

The motion prevailed. So the amendment was adopted.

Mr. Nichols moved to amend H. F. No. 522, as amended pursuant to Rule 49, adopted by the Senate, May 17, 1977, as follows:

(The text of the amended House File is identical to S. F. No. 669.)

Pages 1 to 6, strike sections 1 to 4

Page 20, line 3, strike "sections" and insert "section"

Page 20, line 4, strike "1 to 4 and 13" and insert "9"

Page 20, line 6, strike "7" and insert "3"

Page 20, line 15, strike "14" and insert "10"

Page 20, line 18, strike "17" and insert "13"

Page 20, line 22, strike "18" and insert "14"

Page 20, line 26, strike "19" and insert "15"

Page 20, line 31, strike "; except that section 2, subdivision 2, is"

Page 20, strike line 32 except for the period

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, strike "extending the application of"

Page 1, strike line 3

Page 1, line 4, strike "counties;"

Page 1, line 15, strike "16.84; 16.851; 16.86,"

Page 1, line 16, strike "Subdivision 4;"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 26 and nays 39, as follows:

Those who voted in the affirmative were:

Ashbach	Hanson	Moe	Renneke	Wegener
Chmielewski	Jensen	Nichols	Schmitz	Willet
Dunn	Knutson	Olhoft	Schrom	
Engler	Lessard	Olson	Setzepfandt	
Frederick	Lewis	Penny	Strand	
Gunderson	Menning	Peterson	Ueland, A.	

Those who voted in the negative were:

Anderson	Dieterich	Kleinbaum	Perpich	Spear
Bang	Gearty	Knoll	Pillsbury	Staples
Benedict	Hughes	Luther	Purfeerst	Stokowski
Bernhagen	Humphrey	McCutcheon	Schaaf	Stumpf
Borden	Johnson	Merriam	Sieloff	Tennessen
Brataas	Keefe, J.	Milton	Sikorski	Ulland, J.
Coleman	Keefe, S.	Nelson	Sillers	Vega
Davies	Kirchner	Ogdahl	Solon	

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

H. F. No. 522 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 52 and nays 10, as follows:

Those who voted in the affirmative were:

Anderson	Engler	Kleinbaum	Perpich	Stokowski
Ashbach	Frederick	Knoll	Pillsbury	Strand
Bang	Gearty	Luther	Purfeerst	Stumpf
Benedict	Gunderson	McCutcheon	Schaaf	Tennessen
Bernhagen	Hanson	Menning	Schmitz	Ueland, A.
Borden	Hughes	Merriam	Sieloff	Ulland, J.
Brataas	Humphrey	Milton	Sikorski	Vega
Coleman	Johnson	Nelson	Sillers	Willet
Davies	Keefe, J.	Ogdahl	Solon	
Dieterich	Keefe, S.	Olhoff	Spear	
Dunn	Kirchner	Penny	Staples	

Those who voted in the negative were:

Chmielewski	Knutson	Nichols	Renneke	Setzepfandt
Jensen	Lessard	Peterson	Schrom	Wegener

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

Without objection, the Senate reverted to the Order of Business of Messages From the House, First Reading of House Bills, Reports of Committees and Second Reading of House Bills.

MESSAGES FROM THE HOUSE

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. 743: A bill for an act relating to health; establishing a health program for pre-school children; providing for payments to school districts; appropriating money.

Senate File No. 743 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 18, 1977

Mr. Milton moved that the Senate do not concur in the amendments by the House to S. F. No. 743 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. 1337: A bill for an act relating to state employees; providing for wage and fringe benefits for certain state employees;

ratifying collective bargaining agreements; providing emergency rule making authority; increasing salary ranges; appropriating money; amending Minnesota Statutes 1976, Chapter 43, by adding a section; Sections 43.09, Subdivision 3; 43.12, Subdivisions 2, 3, 5, 6, 7, 8, 10, 11, 14, 16, 17, and 18, and by adding a subdivision; 43.121, Subdivision 3; 43.122, Subdivision 3, and by adding a subdivision; 43.126, Subdivision 1; 43.323, by adding a subdivision; 43.42; 43.44, Subdivision 1; 43.46; and 43.50, Subdivision 1; repealing Minnesota Statutes 1976, Sections 43.09, Subdivision 7; and 43.12, Subdivisions 4 and 9.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 18, 1977

Mr. Nelson moved that the Senate do not concur in the amendments by the House to S. F. No. 1337 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 that the House refuses to concur in the Senate amendments to House File No. 415:

H. F. No. 415: A bill for an act relating to collection and dissemination of data; clarifying information practices; defining terms; prescribing remedies; prescribing penalties; appropriating money; amending Minnesota Statutes 1976, Sections 15.1642; 15.165; Chapters 15, by adding sections; and 138, by adding a section; repealing Minnesota Statutes 1976, Sections 15.162; 15.163; 15.1641; 15.166; 15.167; 15.1671; 15.169; 15.17; 15.171; 15.172; 15.173; 15.174; 138.161; 138.162; 138.163; 138.17; 138.18; 138.19; 138.20; 138.21; and 138.22.

And the House respectfully requests that a Conference Committee of five members be appointed thereon.

Hokanson, Beauchamp, Berglin, Sieben, H., and Dean have been appointed as such committee on the part of the House.

House File No. 415 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 18, 1977

Mr. Tennesen moved that the Senate accede to the request of the House for a Conference Committee on H. F. No. 415, 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 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. 980:

H. F. No. 980: A bill for an act relating to public health; regulations for the preservation of public health; authorizing the state board of health to regulate the establishment, operation and maintenance of certain non-hospital clinical laboratories; amending Minnesota Statutes 1976, Section 144.12, Subdivision 1.

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

Scheidt, Carlson, L. and Heinitz have been appointed as such committee on the part of the House.

House File No. 980 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 18, 1977

Mr. Vega moved that the Senate accede to the request of the House for a Conference Committee on H. F. No. 980, 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. 848:

H. F. No. 848: A bill for an act relating to retirement; Minneapolis municipal employees retirement fund; miscellaneous amendments; establishment of a coordinated program; amending Minnesota Statutes 1976, Sections 422A.01, by adding subdivisions; 422A.06, Subdivision 6; 422A.08, Subdivisions 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; and Chapters 355, by adding sections; and 422A, by adding sections.

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

Patton, Moe and Reding have been appointed as such committee on the part of the House.

House File No. 848 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 18, 1977

Mr. Stokowski moved that the Senate accede to the request of the House for a Conference Committee on H. F. No. 848, 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 File, herewith transmitted:

H. F. No. 1252

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 18, 1977

FIRST READING OF HOUSE BILLS

The following bill was read the first time and referred to the committee indicated.

H. F. No. 1252: A bill for an act relating to the Minnesota state water pollution control fund; clarifying eligibility for 15 percent matching grants financed by the fund; eliminating certain matching grants; authorizing the issuance of Minnesota state water pollution control bonds; appropriating money; amending Minnesota Statutes 1976, Sections 116.16, Subdivision 6; and 116.18, Subdivisions 1 and 4.

Referred to the Committee on Rules and Administration for comparison to S. F. No. 1444 now on Special Orders.

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 were referred

H. F. Nos. 1052, 938 and 1300 for comparison to companion Senate Files, reports the following House Files were found not identical with their companion Senate Files as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H. F. No.	S. F. No.	H. F. No.	S. F. No.	H. F. No.	S. F. No.
1052	1058				
938	958				
1300	1360				

Pursuant to Rule 49 the Committee on Rules and Administration recommends that H. F. No 1052 be amended as follows:

Page 3, line 6, delete the second "and"

Page 5, line 23, delete "personnel" and insert "personal"

Page 6, line 15, delete the comma after "grants"

Page 9, delete line 9 and insert "section 402.01;"

Page 9, line 16, delete the comma after "24"

And when so amended, H. F. No. 1052 will be identical to S. F. No. 1058 and further recommends that H. F. No. 1052 be given its second reading and substituted for S. F. No. 1058 and that the Senate File be indefinitely postponed.

Pursuant to Rule 49 the Committee on Rules and Administration recommends that H. F. No. 938 be amended as follows:

Page 1, line 22, strike everything after the period

Page 1, strike line 23

Page 2, strike line 1

Page 2, line 31 to page 3, line 7, delete the new language and restore the stricken language and delete the headnotes on page 2, lines 31 and 32 and page 3, line 4

Page 3, line 8, delete "4" and insert "3"

Page 3, line 23, delete everything after the period

Page 3, delete lines 24 to 29 and insert "No county turnback funds shall be disbursed until a plan is approved by the department of transportation."

Page 4, delete lines 5 and 6 and insert "Section 2 is effective upon its approval by the city council of the city of Saint Paul and upon compliance with Minnesota Statutes, Section 645.021."

Further amend the title in line 2 after "county" by inserting "and the city of Saint Paul"

And when so amended, H. F. No. 938 will be identical to S. F. No. 958 and further recommends that H. F. No. 938 be given its second reading and substituted for S. F. No. 958 and that the Senate File be indefinitely postponed.

Pursuant to Rule 49 the Committee on Rules and Administration recommends that H. F. No. 1300 be amended as follows:

Delete page 1, line 13 to page 15, line 4 and insert

"Section 1. [4.35] [TRAIL PLANNING.] *The state planning agency, in cooperation with the commissioner of natural resources, metropolitan council, and commissioner of transportation, shall review and coordinate plans for trails acquisition and development and trail development grants pursuant to sections 2 of this act, 85.015, 85.016, 5 of this act, 473.147, and 473.301 to 473.341.*

Sec. 2. [4.36] [GRANTS-IN-AID FOR RECREATIONAL BETTERMENT.] *Subdivision 1. [DEFINITIONS.] For purposes of this section, the following terms have the meanings set forth, except as otherwise expressly provided or indicated by the context.*

(a) "Athletic courts" means special surface areas and supporting equipment or structures such as nets, hoops, and walls

which can be used for active games that have definite boundaries and are played on a marked surface, limited to basketball, volleyball, handball and tennis.

(b) "Metropolitan council" and "metropolitan area" have the meanings given them in section 473.121.

(c) "Units of government" means any county, city and home rule charter city, town, school district, public post-secondary educational institution, special park district, or any elected park and recreation board having control over parks, parkways, playgrounds, and trees in a city of the first class.

Subd. 2. [GRANTS FOR PARKS AND TRAILS.] *The state planning agency shall administer a program to provide grants to units of government located within standard metropolitan statistical areas, as designated by the United States office of management and budget, but outside of the metropolitan area defined in section 473.121. The grants shall be for acquisition and betterment by units of government of public land and improvements needed for parks, trails, conservatories, zoos and other special use facilities having recreational significance for the entire population of the particular standard metropolitan statistical area. Appropriations made for this purpose shall be expended with the approval of the governor after consultation with the legislative advisory commission. The legislative commission on Minnesota resources shall make recommendations to the legislative advisory commission regarding the expenditures. The local contribution required shall be identical to that required by the legislative commission on Minnesota resources for grants-in-aid for recreation open space of regional significance. The program shall be administered so as to ensure the maximum possible use of available federal money.*

Subd. 3. [GRANTS FOR TRAILS IN LOCAL PARKS.] *The state planning agency shall administer a program to provide grants to units of government for the betterment of public land and improvements needed for recreational trails in parks owned and operated by units of government. A grant shall not exceed 40 percent of the costs of the betterment of the trail. To be eligible for a grant, a unit of government must provide at least ten percent of the costs of the betterment of the trail.*

Subd. 4. [GRANTS FOR LOCAL OUTDOOR ATHLETIC COURTS.] *The state planning agency shall administer a program to provide grants to units of government for the betterment of public land and improvements needed for local athletic courts. A grant shall not exceed 50 percent of the costs of the betterment of the athletic court. To be eligible for a grant, a unit of government must provide at least 50 percent of the costs of the betterment of the athletic court. In making grants the agency shall consider, among other factors, evidence of cooperation between units of government, local need and available financial resources, and court locations that encourage maximum use, patronage, and availability.*

Subd. 5. [POWERS; RULES.] *The director of the state plan-*

ning agency shall have all powers necessary and convenient in order to establish programs for recreational betterment grants-in-aid for parks, trails, and athletic courts pursuant to this section including, but not limited to, the authority to adopt rules and regulations for the programs, pursuant to chapter 15, and emergency rules and regulations to commence immediately the programs, pursuant to section 15.0412.

Sec. 3. Minnesota Statutes 1976, Section 85.016, is amended to read:

85.016 [BICYCLE TRAIL PROGRAM.] The commissioner of natural resources shall develop establish a program for an inter-connecting statewide system the development of bicycle trails utilizing both the state trails authorized by section 85.015, other state parks and recreation land, and state forests and existing and proposed local bicycle trails. "Bicycle trails", as used in this section, includes bicycle lanes and bicycle ways as those terms are used in sections 160.263 and 160.264. The program shall be coordinated with the local park trail grant program established by the state planning agency pursuant to section 2 of this act, with the bicycle trail program established by the commissioner of transportation pursuant to section 5 of this act, and with existing and proposed local bicycle trails. In the metropolitan area as defined in section 473.121, the program shall be developed in accordance with plans and priorities established by the metropolitan council. In addition The commissioner shall provide technical assistance to local units of government in planning and developing bicycle trail systems trails in local parks. The state bicycle trail program shall, as a minimum, describe the location, design, construction, maintenance and land acquisition needs of each component trail and shall give due consideration to the model standards for the establishment of recreational vehicle lanes promulgated by the commissioner of transportation pursuant to section 160.262. The program shall include a proposal for a system of state aid to localities. The proposal for a system of state aid to localities shall include a provision that the amount of aid apportioned to a locality will depend, in part, upon the numbers of bicycles registered in the locality. The program shall be developed after consultation with the state trail council and regional and local units of government and bicyclists organizations.

Sec. 4. Minnesota Statutes 1976, Chapter 85, is amended by adding a section to read:

[85.017] [TRAIL REGISTRY.] The commissioner of natural resources shall compile and maintain a current registry of cross-country skiing, hiking, horseback riding and snowmobiling trails in the state and shall publish and distribute the information in the manner prescribed in section 86A.11. The metropolitan council, the state planning agency, the Minnesota historical society, and local units of government shall cooperate with and assist the commissioner in preparing the registry.

Sec. 5. [160.265] [BICYCLE TRAIL PROGRAM.] Subdivision 1. [STATE BICYCLE TRAILS.] The commissioner of transport-

ation shall establish a program for the development of bicycle trails primarily on existing road rights of way. "Bicycle trails", as used in this section, includes bicycle lanes and bicycle ways as those terms are used in sections 160.263 and 160.264. The program shall include a system of bicycle trails to be established, developed, maintained, and operated by the commissioner of transportation and a system of state grants for the development of local bicycle trails primarily on existing road rights of way. The program shall be coordinated with the local park trail grant program established by the state planning agency pursuant to section 2 of this act, with the bicycle trail program established by the commissioner of natural resources pursuant to section 85.016, with the development of the statewide transportation plan pursuant to section 174.03, and with existing and proposed local bicycle trails. In the metropolitan area as defined in section 473.121, the program shall be developed in accordance with plans and priorities established by the metropolitan council. The program shall be developed after consultation with the state trail council, local units of government, and bicyclist organizations. The program shall be administered in accordance with the provisions of sections 160.262 to 160.264 and standards promulgated pursuant thereto. The commissioner shall compile and maintain a current registry of bicycle trails in the state and shall publish and distribute the information contained in the registry in a form and manner suitable to assist persons wishing to use the trails. The metropolitan council, the commissioner of natural resources, the state planning agency, the Minnesota historical society, and local units of government shall cooperate with and assist the commissioner of transportation in preparing the registry. The commissioner shall have all powers necessary and convenient to establish the program pursuant to this section including but not limited to the authority to adopt rules pursuant to chapter 15.

Subd. 2. [LOCAL BICYCLE TRAIL GRANTS.] The commissioner shall provide technical assistance to local units of government in planning and developing bicycle trails. The commissioner shall make grants to units of government as defined in section 2, subdivision 1, for the betterment of public land and improvements needed for local bicycle trails. In making grants the commissioner shall consider, among other factors, the number of registered bicycles in the localities. A grant shall not exceed 75 percent of the costs of the betterment of the bicycle trail. To be eligible for a grant, a unit of government must provide at least 25 percent of the costs of the betterment of the trail. The commissioner may adopt emergency rules pursuant to section 15.0412 to commence the grant program immediately."

Page 16, delete lines 15 to 23 and insert

"Sec. 10. [BOND SALE.] To provide the money appropriated in the following sections of this act, the commissioner of finance, upon request of the governor, shall sell and issue bonds of the state in the amount of \$62,500,000 in the manner and upon the terms prescribed by sections 16A.63 to 16A.67 and by the Minnesota Constitution, Article XI, Sections 4 to 7.

Sec. 11. [APPROPRIATIONS.] *The sums set forth in the following sections of this act are appropriated from the Minnesota state building fund to the agencies indicated for the acquisition and betterment of public outdoor recreation lands and capital improvements as more specifically described in the following sections of this act.*

Sec. 12. [PARK, TRAIL, AND ATHLETIC COURT GRANTS.] *Subdivision 1. The sums set forth in this section are appropriated to the state planning agency for the purposes indicated.*

[TOTAL APPROPRIATED\$5,100,000]

Subd. 2. *Park and trail grants, pursuant to section 2, subdivision 2* \$2,500,000

\$1,750,000 of this appropriation shall be used for grants for acquisition of parks and trails. \$750,000 of this appropriation shall be used for grants for betterment of parks, trails, conservatories, zoos and other special use facilities.

Subd. 3. *Grants for trails within local parks, pursuant to section 2, subdivision 3* 1,300,000

\$650,000 of this appropriation shall be used for grants to units of government in the metropolitan area in accordance with priorities established by the metropolitan council and the agency. \$650,000 of this appropriation shall be used for grants to units of government outside the metropolitan area.

Subd. 4. *Local athletic court grants, pursuant to section 2, subdivision 4* 1,300,000

\$650,000 of this appropriation shall be used for grants to units of government in the metropolitan area in accordance with priorities established by the metropolitan council and the agency. \$650,000 of this appropriation shall be used for grants to units of government outside the metropolitan area.

Subd. 5. *Of the sums appropriated by this section, not more than five percent may be expended by the director for staff and independent professional services needed for the grant programs. The approved complement of the state planning agency is increased by three persons.*

Sec. 13. [NATURAL RESOURCES ACQUISITION AND BETTERMENT.] *Subdivision 1. The sums set forth in this section are appropriated to the commissioner of natural resources, except as otherwise indicated, for the purposes indicated in this section. All acquisition shall be in accordance with the policies established in sections 86A.01 to 86A.09. Lands acquired for a unit of the outdoor recreation system shall be suited to accomplish the purposes for which the unit is established and suited to be managed in accordance with the management principles ap-*

plicable to the unit. Lands shall be acquired by the commissioner of administration for the commissioner of natural resources where provided by law.

[TOTAL APPROPRIATED:\$25,300,000]

Subd. 2. For acquisition of state parks and recreation areas, as listed and described in sections 85.012 and 85.013 \$7,783,000

First priority for acquisitions shall be given to land within existing statutory boundaries where the property is needed for immediate development in order to accomplish the purposes for which the unit is authorized, or where the anticipated use of the property is incompatible with the purposes for which the unit is authorized, or where the market value of comparable property in vicinity of the property to be acquired has risen more than ten percent in each of the previous two years.

Subd. 3. For acquisition of state trails, as listed and described in section 85.015, and pursuant to section 84.029, subdivision 2 1,805,000

For betterment of the trails 2,000,000

No further expenditure of money for the development of the Luce Line Trail shall be made until the commissioner of natural resources has prepared a comprehensive fiscal management plan covering all costs associated with development of the trail, submitted the plan to the house environment and natural resources committee, the house appropriations committee and the senate finance committee for the purpose of consultation, and received their recommendations thereon. The recommendations are advisory only.

Subd. 4. For betterment of public land and improvements needed for trails for skiing, hiking, and bicycling within state parks and recreation areas as listed and described in sections 85.012 and 85.013 and state forests, as listed and described in section 89.021 1,105,000

Subd. 5. For acquisition of state forests, as listed and described in section 89.021 2,760,000

Priority shall first be given to acquiring the remaining lands in the Sand Dunes and Memorial Hardwood state forests and then to lands particularly suited for use as state forest campgrounds or day use areas and to lands within state forests that possess outstanding natural or scenic values, forest growth, lake or river shoreland, or rare and distinctive species of flora and fauna native to the area, that should be preserved for the benefit of the public. None of the money appropriated by this subdivision shall be obligated or expended for the acquisition, development or maintenance of state forests

without prior express approval of the legislative commission on Minnesota's resources.

Subd. 6. For acquisition of fishing management lands, comprising lands and riparian rights and other interests therein needed for management of waters for primary wildlife use and benefit and for access to fishing waters pursuant to section 97.48, subdivisions 8, 11 and 15 \$1,008,000

Subd. 7. For acquisition of state wildlife management areas, acquired pursuant to section 97.48, subdivision 13 or section 97.481 1,500,000

For betterment of these areas 1,500,000

Acquisition shall be limited to wildlife lands and waters that are of high priority because they are critical to the functioning of a unit already in public ownership, or are threatened with development that is incompatible with preservation of the area for wildlife management, or are situated in an area where the market value of comparable property has risen more than ten percent in each of the previous two years, and that can be acquired from a willing seller.

Subd. 8. For acquisition of wild, scenic and recreational rivers, designated pursuant to sections 104.25 to 104.40, and canoe and boating routes, portages, and camp sites, as listed and described in section 85.32 1,706,000

Subd. 9. For acquisition of scientific and natural areas designated pursuant to section 84.033 338,000

Subd. 10. For costs of staff and independent professional services necessary to the acquisition and betterment of these lands and improvements 3,795,000

The approved complement of the department of natural resources is increased by ... persons.

Sec. 14. [BICYCLE TRAIL GRANTS.] Subdivision 1. The sums set forth in this section are appropriated to the commissioner of transportation for the purposes indicated.

[TOTAL APPROPRIATED \$4,800,000]

Subd. 2. For betterment of public land and improvements needed for state bicycle trails primarily on existing road rights of way pursuant to section 5, subdivision 1, of this act 2,700,000

Subd. 3. Local bicycle trail grants, pursuant to section 5, subdivision 2, of this act 2,100,000

\$700,000 of this appropriation shall be used for grants to units of government in the metropolitan area, in accordance with the priorities established by the metropolitan council. \$1,400,000 of this appropriation shall

be used for grants to units of government outside the metropolitan area.

Subd. 4. [GRANT PROGRAM ADMINISTRATION.] Of the amounts appropriated by subdivision 2, not more than 15 percent, and of the amounts appropriated by subdivision 3, not more than five percent, may be expended by the commissioner for staff and independent professional services needed for the grant program. The approved complement of the department of transportation is increased by . . . persons.

Sec. 15. [METROPOLITAN PARKS AND TRAILS.] Subdivision 1. The sums set forth in this section are appropriated to the director of the state planning agency for payment to the metropolitan council established under section 473.123. The money shall be paid to the metropolitan council upon receipt by the agency of a resolution of the council requesting payment.

[TOTAL APPROPRIATED \$27,300,000]

Subd. 2. Parks and trails \$24,000,000

This appropriation shall be used to pay the cost of the acquisition and betterment by the metropolitan council and local government units of regional recreation open space in accordance with the council's policy plan, as provided in sections 473.301 to 473.341. The money is available for payment of relocation costs and tax equivalents required in sections 473.315 and 473.341. Of the amount appropriated by this subdivision, the metropolitan council may expend no more than \$200,000 for staff and independent professional services necessary for the acquisition and betterment of this open space and for the performance of duties of the metropolitan council under this section and sections 1, 12, and 14.

Subd. 3. Trails in parks 2,200,000

This appropriation shall be used to pay the cost of betterment by the metropolitan council and local government units of public land and improvements needed for trails situated within regional parks and park reserves in accordance with the council's policy plan, as provided in sections 473.301 to 473.341. None of the money may be used for acquisition of land, for relocation payments under section 473.315, or for tax equivalents under section 473.341.

Subd. 4. Trail corridors 1,100,000

This appropriation shall be used to pay the cost of acquisition and betterment by the metropolitan council and local government units of public land and improvements needed for regional trails and trail corridors situated outside of regional parks and park reserves, in accordance with the council's policy plan, as provided in sections 473.301 to 473.341. The money is

available for payment of relocation costs and tax equivalents required in section 473.315 and 473.341."

Renumber sections in sequence

Further, amend the title as follows

Delete lines 6 to 10 and insert

"amending Minnesota Statutes 1976, Sections 85.016; 473.121, Subdivision 14; 473.302; 473.303, by adding a subdivision; 473.315, Subdivision 1; and Chapter 85, by adding a section."

And when so amended, H. F. No. 1300 will be identical to S. F. No. 1360 and further recommends that H. F. No. 1300 be given its second reading and substituted for S. F. No. 1360 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.

SECOND READING OF HOUSE BILLS

H. F. Nos. 1052, 938 and 1300 were read the second time.

MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Luther moved that the name of Mr. Willet be added as co-author to S. F. No. 1. The motion prevailed.

Mr. Knoll moved that H. F. No. 772 be withdrawn from the Committee on Finance and re-referred to the Committee on Rules and Administration. The motion prevailed.

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.

MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Tennesen moved that S. F. No. 709 be taken from the table. The motion prevailed.

S. F. No. 709: A bill for an act relating to the Hennepin county municipal court; clarifying fee exclusions for governmental units; amending Minnesota Statutes 1976, Section 488A.03, Subdivision 11a.

CONCURRENCE AND REPASSAGE

Mr. Tennesen moved that the Senate concur in the amendments by the House to S. F. No. 709 and that the bill be placed on its repassage as amended. The motion prevailed.

S. F. No. 709: A bill for an act relating to the Hennepin county

municipal court fees; amending Minnesota Statutes 1976, Section 488A.03, by adding a subdivision.

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 43 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Dunn	Lessard	Pillsbury	Stumpf
Ashbach	Engler	Lewis	Renneke	Tennessee
Benedict	Frederick	Luther	Schaaf	Ueland, A.
Bernhagen	Gearty	Menning	Schmitz	Ulland, J.
Borden	Jensen	Merriam	Schrom	Vega
Chmielewski	Keefe, S.	Nelson	Setzepfandt	Wegener
Coleman	Kirchner	Olhoff	Sieloff	Willet
Davies	Kleinbaum	Penny	Sillers	
Dieterich	Knutson	Perpich	Spear	

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

CALL OF THE SENATE

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

Anderson	Engler	Lewis	Renneke	Stumpf
Ashbach	Frederick	Luther	Schaaf	Tennessee
Benedict	Gearty	Menning	Schmitz	Ueland, A.
Bernhagen	Jensen	Merriam	Schrom	Ulland, J.
Chmielewski	Keefe, S.	Moe	Setzepfandt	Vega
Coleman	Kirchner	Nelson	Sieloff	Wegener
Davies	Kleinbaum	Olhoff	Sikorski	Willet
Dieterich	Knutson	Penny	Sillers	
Dunn	Lessard	Pillsbury	Spear	

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

RECONSIDERATION

Mr. Anderson moved that the vote whereby S. F. No. 1 failed to pass the Senate on May 16, 1977, be now reconsidered.

The question was taken on the adoption of the motion.

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

The roll was called, and there were yeas 30 and nays 21, as follows:

Those who voted in the affirmative were:

Anderson	Dieterich	Merriam	Perpich	Sillers
Benedict	Dunn	Moe	Pillsbury	Spear
Bernhagen	Gunderson	Nelson	Schaaf	Strand
Borden	Keefe, S.	Nichols	Setzepfandt	Tennessee
Coleman	Lewis	Olhoff	Sieloff	Ulland, J.
Davies	Luther	Penny	Sikorski	Willet

Those who voted in the negative were:

Ashbach	Frederick	Lessard	Schmitz	Wegener
Bang	Gearty	Menning	Schrom	
Brataas	Jensen	Ogdahl	Stumpf	
Chmielewski	Kirchner	Purfeerst	Ueland, A.	
Engler	Knutson	Renneke	Vega	

The motion prevailed.

Mr. Luther moved that S. F. No. 1 be laid on the table. The motion prevailed.

Without objection, the Senate reverted to the Order of Business of Reports of Committees.

REPORTS OF COMMITTEES

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

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

S. F. Nos. 464, 1199, 707, 336, 1071, 1530, 263, 80, 883, 691, 455, 185, 615, 100 and 703, makes the following report:

That S. F. Nos. 464, 1199, 707, 336, 1071, 1530, 263, 80, 883, 691, 455, 185, 615, 100 and 703 be placed on the General Orders Calendar in the order indicated.

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

APPOINTMENTS

Mr. Coleman, from the Subcommittee on Committees, recommends that the following named Senators be and they hereby are appointed as a Conference Committee on:

H. F. No. 415, pursuant to the request of the House:

Messrs. Tennessen; Nelson; Keefe, J.; Merriam, and Davies.

H. F. No. 848, pursuant to the request of the House:

Messrs. Stokowski, Renneke, and Strand.

S. F. No. 1337, pursuant to the request of the Senate:

Messrs. Nelson, Moe, Penny, Coleman, and Ogdahl.

H. F. No. 980, pursuant to the request of the House:

Messrs. Vega, Perpich, and Mrs. Brataas.

S. F. No. 743, pursuant to the request of the Senate:

Messrs. Milton, Sikorski, and Keefe, J.

S. F. No. 649, pursuant to the request of the Senate:

Messrs. Chmielewski, Hanson, and Ueland, A.

Mr. Coleman moved that the foregoing appointments be approved. The motion prevailed.

MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Hughes moved that H. F. No. 613 be withdrawn from the Committee on Finance and re-referred to the Committee on Rules and Administration for comparison with S. F. No. 599. The motion prevailed.

Mr. Coleman moved that the Senate do now adjourn until 9:00 o'clock a.m., Thursday, May 19, 1977. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate