

## EIGHTY-FOURTH DAY

St. Paul, Minnesota, Monday, March 6, 1978

The Senate met at 10:00 o'clock a.m. and was called to order by the President.

Prayer was offered by the Chaplain, Dr. Joseph Simonson.

## CALL OF THE SENATE

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

Anderson	Engler	Knoll	Olson	Stokowski
Ashbach	Gearty	Laufenburger	Penny	Ueland, A.
Bang	Hughes	Lewis	Perpich	Ulland, J.
Benedict	Johnson	Luther	Peterson	Wegener
Borden	Keefe, S.	Menning	Purfeerst	Willet
Brataas	Kirchner	Nelson	Schmitz	
Chmielewski	Kleinbaum	Nichols	Setzepfandt	
Coleman	Knaak	Olhoff	Staples	

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

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

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

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. Pillsbury was excused from the Session of today. Mr. Chenoweth was excused from the Session of today at 11:00 o'clock a.m.

## REPORTS OF COMMITTEES

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

Mr. Wegener from the Committee on Local Government, to which was referred

S. F. No. 2265: A bill for an act relating to cities; establishing requirements for financial statements, reports and audits; providing a time limit for submissions of certain reports to the state auditor; providing for enforcement of reporting requirements; amending Minnesota Statutes 1976, Chapter 471, by adding sections; repealing Minnesota Statutes 1976, Sections 412.281 and 412.291.

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

Page 2, line 3, strike "2,000" and insert "2,500"

Page 2, line 3, before "In" insert "Subdivision 1."

Page 2, line 4, strike "2,000" and insert "2,500"

Page 2, line 5, after "clerk" insert "or chief financial officer"

Page 2, line 7, strike "within 90 days"

Page 2, line 15, strike "within 90 days"

Page 2, line 18, strike "within 90 days"

Page 2, line 22, before the period insert ", except that the state auditor may upon request of a city and a showing of inability to conform, extend the deadline"

Page 2, line 22, after the period insert "The state auditor may accept this report in lieu of the report required in clause (b) above."

Page 2, after line 22, insert:

"Subd. 2. The state auditor shall continue to audit cities of the first class pursuant to section 6.49."

Page 2, line 26, strike "2,000" and insert "2,500"

Page 2, line 27, strike "2,000" and insert "2,500"

Page 2, line 28, after "clerk" insert "or chief financial officer"

Page 3, line 2, after "whom" strike "and for what purposes"

Page 4, after line 17, insert:

"Sec. 6. [APPROPRIATION.] There is appropriated to the state planning agency the sum of \$50,000 from the general fund for the period ending June 30, 1979 for the purpose of making grants to cities for converting from a cash basis to a modified accrual basis of financial reporting and for training city clerks or chief financial officers in the methods of a modified accrual basis of financial reporting."

Page 4, line 20, strike "*the day*"

Page 4, line 21, strike "*following final enactment*" and insert "*January 1, 1979*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 6, after the semicolon insert "*appropriating money;*"

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

Mr. Hughes from the Committee on Education, to which was referred

S. F. No. 1702: A bill for an act relating to education; school district pairing; permitting experimental pairing for Independent School District No. 328 (Sioux Valley) and Independent School District No. 516 (Round Lake); amending Minnesota Statutes, 1977 Supplement, Section 122.85, Subdivision 1.

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

Page 1, line 18, after "12" insert "*or portions of those grades*"

Page 1, line 19, after "grades" insert "*or portions of grades*"

Page 1, line 23, after "650," insert "*No. 654 and No. 655,*"

Page 2, line 3, strike "*is*" and insert "*, insofar as it affects named pairs of independent school districts, shall be*"

Page 2, line 3, after "*effective*" insert "*as to each pair*"

Page 2, line 4, after the period insert "*Otherwise this act shall be effective the day following final enactment.*"

Amend the title as follows:

Page 1, line 3, after "for" insert "*certain*"

Page 1, line 4, strike "District No. 328 (Sioux Valley) and" and insert "Districts;"

Page 1, strike line 5

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

Mr. Hughes from the Committee on Education, to which was referred

S. F. No. 2134: A bill for an act relating to education; career education; establishing a planning and grant program for career education; appropriating money.

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

Page 1, line 19, strike "shall" and insert "may"

Page 1, line 20, strike "or" and insert "and"

Page 2, line 16, strike "shall" and insert "may"

Page 2, line 23, strike "The school staff member assigned to be"

Page 2, strike lines 24 to 27 and insert "The department may add additional personnel, above its existing complement, to implement this program in compliance with Public Law 95-207, the career education incentive act; provided, however, that the department shall not hire more than three professional employees and one clerical employee for this purpose."

Page 2, strike line 32

Page 3, strike lines 1 to 24

Amend the title as follows:

Page 1, line 4, strike "; appropriating money"

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

Mr. Hughes from the Committee on Education, to which was referred

S. F. No. 1544: A bill for an act relating to education; requiring licensed chief school business officers in school districts of a certain size; appropriating money; amending Minnesota Statutes 1976, Section 121.11, Subdivision 13.

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

Page 1, line 11, strike "OFFICERS" and insert "OFFICIALS"

Page 2, line 5, after "FOR" insert "CHIEF SCHOOL"

Page 2, line 7, after "(1)" strike the comma and insert "and"

Page 2, line 7, strike "and (3)"

Page 2, line 8, strike "next" and insert "second"

Page 2, line 9, after "officer" insert a comma

Page 2, line 11, after "officer" insert a comma

Page 3, line 2, strike "act" and insert "section"

Page 3, after line 3, insert

"Sec. 3. [121.885] [LICENSURE FOR DISTRICT-WIDE COMMUNITY EDUCATION DIRECTORS.] Subdivision 1. The state board of education shall have exclusive authority to establish standards for and issue licenses to district-wide community education directors, and to charge fees for the issuance and administration of the licenses.

Subd. 2. A person who is employed as a district-wide community

*education director in the 1977-78 school year shall have two years from the effective date of the licensure rules to meet the requirements of those rules. A person who is hired as a community education director for the 1978-1979 school year or thereafter shall have one year from the date of employment or one year from the effective date of the licensure rules, whichever is later, to meet the requirements of those rules.*

*Subd. 3. The state board shall promulgate licensure rules necessary for the implementation of this section."*

Renumber the sections accordingly

Further, amend the title as follows:

Page 1, line 2, after the semicolon insert "providing for licensure of school business officials, chief school business officers and district-wide community education directors;"

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

Mr. Willet from the Committee on Agriculture and Natural Resources, to which was referred

S. F. No. 1948: A bill for an act relating to agriculture; requiring the labeling of fryers as to state of origin; providing right for civil action for violations; amending Minnesota Statutes 1976, Chapter 29, by adding sections.

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

Page 1, line 11, strike "8" and insert "7"

Page 1, line 15, strike "as a fryer, broiler or fryer-roaster,"

Page 1, strike line 16 and insert "which is subject to be inspected by the United States department of agriculture."

Page 2, line 24, strike "or half"

Page 2, line 27, strike "smaller than"

Page 2, line 27, after "size" insert ", or smaller"

Page 2, line 28, after "labeled" insert "by bulk pack" and strike "on the"

Page 2, line 29, strike "outside of the pack"

Page 2, line 32, strike "In a meat display case where fryer parts are"

Page 3, strike lines 1 to 11 and insert "No person shall remove any label required by subdivisions 1 or 2 from any fryer or its parts prior to retail sale."

Page 3, line 17, after "consumption" insert "within the state"

Page 3, line 24, strike "or pretend"

Page 3, line 25, strike the colon

Page 3, line 26, strike "(a)" and strike "by any person, or" and after "in" insert "Minnesota if" and strike "any state, other"

Page 3, line 27, strike "than by the person and in the state where"

Page 3, line 28, after "fact" insert "not so" and after "raised" strike "or" and insert a period

Page 3, strike lines 29 and 30

Page 4, line 2, strike "8" and insert "7"

Page 4, line 10, strike "8" and insert "7"

Page 4, line 12, strike "8" and insert "7"

Page 4, strike Section 7

Page 4, line 22, strike "8" and insert "7"

Page 4, line 25, strike "8" and insert "7"

Amend the title as follows:

Page 1, line 3, strike "providing right for"

Page 1, line 4, strike "civil action for violations;"

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

Mr. Willet from the Committee on Agriculture and Natural Resources, to which was referred

S. F. No. 2156: A bill for an act relating to natural resources; concerning water resources; revising certain provisions concerning dams, reservoirs, control structures, and waterway obstructions; prescribing certain fees to finance safety examinations relating to such projects; appropriating money; amending Minnesota Statutes 1976, Sections 105.42, Subdivision 2; 105.482, Subdivision 2; 105.52; 105.53; and Minnesota Statutes, 1977 Supplement, Section 105.44, Subdivision 10.

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

Page 2, line 7, strike "(a)"

Page 2, line 28, strike "If a permit application is accompanied by a fee"

Page 2, strike lines 29 to 31

Page 3, strike lines 14 to 32

Page 4, strike lines 1 to 28

Page 4, line 29, strike "(d)" and "under"

Page 4, line 30, strike "clause (a) of" and insert "pursuant to" and strike "subdivision, all of the money paid under"

Page 4, line 31, strike "*clauses (b) and (c) of this subdivision,*" and insert "*section*"

Page 5, line 7, insert a comma after "*county*"

Page 5, line 8, strike "*or city, or other local government entity,*" and insert "*municipality, watershed district, soil and water conservation district,*"

Page 6, line 19, strike "\$150,000" and insert "\$200,000"

Page 6, line 20, strike "*, reservoirs, control structures,*"

Page 6, line 21, strike "*and waterway obstructions*"

Page 6, line 25, strike "*July*"

Page 6, line 26, strike "*1, 1978*" and insert "*the day following final enactment*"

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

Mr. Perpich from the Committee on Health, Welfare and Corrections, to which was referred

S. F. No. 2184: A bill for an act relating to children; establishing grants-in-aid for the operation of outreach worker programs; appropriating money.

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

Page 1, line 7, strike "*OUTREACH WORKER*" and insert "*YOUTH INTERVENTION*"

Page 1, line 8, strike "*Grants-in-aid may be made*" and insert "*The crime control planning board may make grants*"

Page 1, line 8, after "*to*" insert "*nonprofit*"

Page 1, lines 9 and 22, strike "*outreach worker*" and insert "*youth intervention*"

Page 1, strike lines 11 to 17 and insert

"*“Youth intervention program” means a nonresidential community based program providing advocacy, education, counseling, and referral services to youth and their families experiencing personal, familial, school, legal or chemical problems with the goal of resolving the present problems and preventing the occurrence of such problems in the future.*"

Page 1, line 19, strike "*community*" and insert "*the crime control planning board*"

Page 1, strike line 20 except the period

Page 2, line 1, strike "*three*" and insert "*two*"

Page 2, line 3, strike "*commissioner of public welfare*" and insert "*crime control planning board*"

Page 2, line 7, after the period insert "*No grant to any agency shall exceed \$25,000.*"

Page 2, line 8, before "is" insert "250,000"

Page 2, lines 10 to 11, strike "grants-in-aid to outreach worker" and insert "grants to youth intervention"

Amend the title as follows:

Page 1, line 2, strike "children" and insert "youth"

Page 1, line 2, strike "grants-in-aid" and insert "grants"

Page 1, line 3, strike "outreach worker" and insert "youth intervention"

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

Mr. Laufenburger from the Committee on Employment, to which was referred

H. F. No. 1834: A bill for an act relating to labor; increasing fees for boiler inspection and engineers' licenses; amending Minnesota Statutes 1976, Sections 183.545, Subdivisions 1, 2, 3, and 4; and 183.57, Subdivision 2.

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

Mr. Laufenburger from the Committee on Employment, to which was referred

S. F. No. 2372: A bill for an act relating to labor and employment; employee wage deductions; amending Minnesota Statutes, 1977 Supplement, Section 181.79, Subdivision 1.

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

Page 2, line 15, after "(c)" strike the new language and insert *"in cases where an employee, prior to making a purchase from the employer, voluntarily authorizes in writing that the cost of the purchase shall be"*

Page 2, line 16, strike "costs of which are"

Page 2, line 17, after "termination" insert "of employment"

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

Mr. Laufenburger from the Committee on Employment, to which was referred

S. F. No. 2348: A bill for an act relating to the metropolitan transit area; providing for small business set-aside contracts; requiring reports; amending Minnesota Statutes 1976, Chapter 473, by adding sections.

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

Page 2, line 8, before "percent" insert "ten"



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

Mr. Perpich from the Committee on Health, Welfare and Corrections, to which was referred

S. F. No. 2124: A bill for an act relating to public welfare; adjusting eligibility requirements for medical assistance benefits; authorizing the commissioner of public welfare to seek a waiver from federal regulations; amending Minnesota Statutes 1976, Sections 256.935, Subdivision 2; 256B.07; and Minnesota Statutes, 1977 Supplement, Section 256B.06, Subdivision 1.

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

Page 3, line 1, strike "*not used as a home*"

Page 3, strike line 2

Page 3, line 3, strike "*or*"

Page 3, line 3, after "*making*" insert "*a*"

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

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

S. F. No. 2041: A bill for an act relating to the city of South St. Paul; authorizing an on-sale liquor license for Wakota arena.

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

Page 1, line 12, strike "issue an "on-sale" liquor license for" and insert "authorize the dispensing, by sale or otherwise, of intoxicating liquor at"

Page 1, line 13, after the period insert "The ordinance may permit a person, firm or corporation permitted to use space on the premises for the purpose of conducting any convention, banquet, conference, meeting or social affair to engage any licensee having a regularly issued on-sale license for a location within the city to dispense intoxicating liquor to members or guests attending the convention, banquet, conference, meeting or social affair."

Page 1, line 13, strike "the" and insert "a"

Page 1, line 15, strike "Such" and insert "The"

Page 1, line 21, strike "or organization" and insert ", firm or corporation"

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

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

S. F. No. 2003: A bill for an act relating to unclaimed property; providing for reporting of certain unclaimed intangible prop-

erty; amending Minnesota Statutes 1976, Sections 345.38, by adding a subdivision; 345.54; and 345.55, by adding a subdivision.

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

Page 2, line 17, strike "*therefore*" and insert "*therefor*"

Page 2, line 17, before the comma insert "*made after the effective date of this act*"

Page 2, line 20, strike "*such*" and insert "*the*"

Page 2, after line 20, insert:

"Sec. 4. Laws 1977, Chapter 137, Section 14, is amended to read:

Sec. 14. This act is effective on July 1, 1977, *such that reports due on or before November 1, or in the case of life insurance corporations, reports due on or before May 1, pursuant to section 345.41, shall reflect property presumed abandoned by reason of expiration of the time periods provided for the particular type of property as of the previous June 30, or in the case of life insurance corporations, as of the previous December 31, as those periods are amended by Laws 1977, Chapter 137, sections 3, 4, 5, and 6.*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, after the semicolon insert "*clarifying the reporting requirements;*"

Page 1, line 6, strike "*and*" and before the period insert "*; and Laws 1977, Chapter 137, Section 14*"

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

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

S. F. No. 1529: A bill for an act relating to intoxicating liquors; removing prohibition against sale of liquor on election days; amending Minnesota Statutes 1976, Sections 340.034, Subdivision 1; and 340.14, Subdivision 1.

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

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

S. F. No. 1427: A bill for an act relating to crimes; lowering the age for juvenile court jurisdiction; mandatory minimum terms for certain felonies; redefining certain felonies; changing the length of terms of imprisonment for certain felonies; amending the value involved in certain felony property offenses; authorization for arrest without warrant for gross misdemeanors although not committed in a peace officers' presence; prescribing penalties;

amending Minnesota Statutes 1976, Sections 260.015, Subdivision 2; 260.111, Subdivision 1; 260.193, Subdivision 5; 260.215, Subdivision 1; 609.11; 609.135, by adding a subdivision; 609.168; 609.185; 609.195; 609.225, by adding subdivisions; 609.25, Subdivision 2; 609.27, Subdivision 2; 609.275; 609.32, Subdivision 1; 609.343; 609.344; 609.345; 609.49; 609.52, Subdivision 3; 609.53; 609.551, Subdivision 1; 609.562; 609.563; 609.595, Subdivision 1; 609.625, Subdivision 1, and by adding subdivisions; 629.34; 629.35; and Chapter 609, by adding a section; repealing Minnesota Statutes 1976, Sections 609.15, Subdivision 2; and 609.63.

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 609.135, is amended by adding a subdivision to read:

*Subd. 4. Terms of probation as authorized by subdivision 1 may include the condition that the defendant serve a period of confinement in a county jail, county regional jail, county workfarm or county workhouse. The court may allow the defendant the work release privileges of section 631.425 during the period of confinement.*

Sec. 2. Minnesota Statutes 1976, Section 609.25, Subdivision 2, is amended to read:

Subd. 2. [SENTENCE.] Whoever violates subdivision 1 may be sentenced as follows:

(1) If the victim is released in a safe place without great bodily harm, to imprisonment for not more than 20 12 years or to payment of a fine of not more than \$20,000 \$12,000 , or both; or

(2) *If the victim is released in a safe place but the victim suffers bodily harm during the course of the kidnapping, to imprisonment for not more than 20 years or to payment of a fine of not more than \$20,000, or both; or*

~~(2)~~ (3) *Otherwise If the victim is not released in a safe place or if the victim suffers great bodily harm during the course of the kidnapping, to imprisonment for not more than 40 years or to payment of a fine of not more than \$40,000, or both.*

Sec. 3. Minnesota Statutes 1976, Section 609.53, Subdivision 1, is amended to read:

609.53 [RECEIVING STOLEN GOODS.] Subdivision 1. Any person who receives, possesses, transfers, buys or conceals any stolen property or property obtained by robbery, knowing the same to be stolen or obtained by robbery , may be sentenced as follows:

(1) *If the value of the property received, bought or concealed is \$100 or more, to imprisonment for not more than ten years or to payment of a fine of not more than \$10,000, or both;*

~~(2) If the value of the property received, bought or concealed is less than \$100, to punishment as a misdemeanor shall be sentenced, upon conviction, in accordance with the provisions of section 609.52, subdivision 3, clauses (1), (2) and (5).~~

Sec. 4. Minnesota Statutes 1976, Section 609.53, Subdivision 3, is amended to read:

Subd. 3. Any person convicted of a second or subsequent violation under subdivision 2 ~~within a period of one year may 1 shall be sentenced as provided in subdivision 1, clause (1) to imprisonment for not more than ten years or to payment of a fine of not more than \$10,000, or both.~~

Sec. 5. Minnesota Statutes 1976, Section 609.562, is amended to read:

609.562 [ARSON IN THE SECOND DEGREE.] Whoever unlawfully by means of fire or explosives, intentionally destroys or damages any building not covered by section 609.561, *or any other real or personal property valued at more than \$2,500*, whether the property of himself or another, may be sentenced to imprisonment for not more than ten years or to a fine of not more than \$10,000 or both.

Sec. 6. Minnesota Statutes, 1977 Supplement, Section 609.563, Subdivision 1, is amended to read:

609.563 [ARSON IN THE THIRD DEGREE.] Subdivision 1. Whoever unlawfully by means of fire or explosives, intentionally destroys or damages any *real or personal property belonging to another* may be sentenced to imprisonment for not more than five years or to a fine of \$5,000 or both, if:

(a) The property intended by the accused to be damaged or destroyed had a value of \$300 ~~or more than \$300, but less than \$2,500~~; or

(b) Property of the value of \$300 or more was unintentionally damaged or destroyed but such damage or destruction could reasonably have been foreseen; or

(c) The property specified in clauses (a) and (b) in the aggregate had a value of \$300 or more.

Sec. 7. Minnesota Statutes 1976, Section 609.563, Subdivision 2, is amended to read:

Subd. 2. In all other cases whoever intentionally by means of fire or explosives sets fire to or burns or causes to be burned any *real or personal property of value belonging to another* may be sentenced to imprisonment for not more than 90 days or to payment of a fine of not more than \$300.

Sec. 8. Minnesota Statutes, 1977 Supplement, Section 609.595, Subdivision 1, is amended to read:

609.595 [DAMAGE TO PROPERTY.] Subdivision 1. [AGGRAVATED CRIMINAL DAMAGE TO PROPERTY.] Whoever intentionally causes damage to physical property of another without

the latter's consent may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$5,000, or both, if:

(1) The damage to the property caused a reasonably foreseeable risk of bodily harm; or

(2) The property damaged belongs to a public utility or a common carrier and the damage impairs the service to the public rendered by them; or

(3) The damage reduces the value of the property by more than \$300 measured by the cost of repair or replacement, whichever is less.

*In any prosecution under clause (3), the value of any property damaged by the defendant in violation of that clause within any six month period may be aggregated and the defendant charged accordingly in applying the provisions of this subdivision; provided that when two or more offenses are committed by the same person in two or more counties, the accused may be prosecuted in any county in which one of the offenses was committed for all of the offenses aggregated under this paragraph.*

Sec. 9. [REPEALER.] *Minnesota Statutes 1976, Section 609.53, Subdivision 2, is repealed.*

Sec. 10. [EFFECTIVE DATE.] *Sections 1 to 8 apply to all persons convicted of any crime specified by those sections committed on or after August 1, 1978 and do not apply to persons convicted of any crime committed before August 1, 1978.*"

Amend the title as follows:

Line 2, strike everything after the semicolon, and strike lines 3 to 24 and insert "clarifying terms of probation; redefining kidnapping, receiving stolen goods, and arson; amending Minnesota Statutes 1976, Sections 609.135, by adding a subdivision; 609.25, Subdivision 2; 609.53, Subdivisions 1 and 3; 609.562; 609.563, Subdivision 2; and Minnesota Statutes, 1977 Supplement, Sections 609.563, Subdivision 1; and 609.595, Subdivision 1; repealing Minnesota Statutes 1976, Section 609.53, Subdivision 2."

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

Mr. Laufenburger from the Committee on Employment, to which was re-referred

S. F. No. 1450: A bill for an act relating to tourism; establishing a department of tourism; providing for its powers and duties; transferring certain functions from the department of economic development; appropriating money; amending Minnesota Statutes 1976, Sections 301A.01, Subdivision 1; 301A.05; 301A.07, Subdivision 1; 362.09, Subdivision 2; 362.10; 362.12, Subdivision 1a; 362.125; 362.13; and 362.23.

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

Strike everything after the enacting clause and insert:

*"Section 1. [POLICY.] The purpose of this act is to create a highly visible structure within the department of economic development having as its sole function the servicing of small businesses. The legislature intends by this act to begin a comprehensive analysis of methods to coordinate and expand activities of state agencies relating to the promotion and development of commercial and industrial activities in the state.*

Sec. 2. Minnesota Statutes 1976, Chapter 362, is amended by adding a section to read:

*[362.421] [SMALL BUSINESS ASSISTANCE.] The commissioner of economic development shall establish within the department an operating unit having as its sole function the provision of assistance to small businesses in the state. This unit shall be accorded equal status with the other major operating units within the department.*

Sec. 3. [ADVISORY TASK FORCE.] *There is created a small business advisory task force to advise the commissioner on the implementation of section 2. The task force shall consist of three members of the senate appointed by the subcommittee on committees, three members of the house appointed by the speaker, and five members appointed by the governor. The gubernatorial appointees shall be governed by section 15.059 and shall be representative of geographical regions and types of small businesses located in the state. The primary duty of the task force shall be to advise the commissioner and the legislature on structuring and allocating resources to the operating unit established in section 2. In addition, the task force shall recommend to the commissioner an appropriate definition of "small business" to be used by the department. The task force shall submit its final report to the legislature and the commissioner no later than December 1, 1978, and the commissioner shall establish the operating unit no later than July 1, 1979. Notwithstanding the foregoing, the commissioner is encouraged to establish the unit as soon as possible after the effective date of this act on a temporary basis pending receipt of the final task force report. The legislative coordinating commission shall provide the task force with necessary staff and administrative support services.*

Sec. 4. Minnesota Statutes, 1977 Supplement, Section 362.41, Subdivision 5, is amended to read:

Subd. 5. *The director of the state planning agency commissioner of economic development shall administer this section and shall enforce the rules related to the community development corporations promulgated by the department of economic development commissioner. The director commissioner may amend, suspend, repeal or otherwise modify these rules as provided for in chapter 15.*

Sec. 5. [TRANSFERS; REVISOR'S INSTRUCTIONS.] *The commissioner of administration shall transfer by reorganization order personnel, funds, and materials necessary to implement section 4. The revisor of statutes shall in the next and subsequent*

*editions of Minnesota Statutes change the references to "director" in section 362.41 to read "commissioner".*

**Sec. 6. [RECOMMENDED STATUTORY CHANGES.]** *No later than February 1, 1979, the commissioner of economic development shall recommend to the governor and the legislature statutory changes designed to provide for a coordinated and comprehensive delivery of assistance to commercial and industrial enterprises in the state. The commissioner shall examine and catalogue those existing services provided by state agencies, and shall recommend a delivery structure. The heads of affected agencies shall assist the commissioner in the preparation of these recommendations.*

**Sec. 7. Minnesota Statutes, 1977 Supplement, Section 15A.081, Subdivision 1, is amended to read:**

**15A.081 [SALARIES AND SALARY RANGES FOR CERTAIN EMPLOYEES.]** Subdivision 1. The following salaries or salary ranges are provided for the below listed employees in the executive branch of government:

	Base Salary or Range	
Administration, department of commissioner	\$41,000	
Agriculture, department of commissioner	36,000	
Attorney general, office of deputy attorney general	23,000 — 42,000	
Commerce, department of commissioner of banks	32,000	
commissioner of insurance	32,000	
commissioner of securities	32,000	
executive secretary, commerce commission	27,000	
Community college system chancellor	41,000	
Corrections, department of commissioner	36,000	
ombudsman	32,000	
Crime prevention and control, governor's commission on executive director	32,000	
Economic development, department of commissioner	32,000	36,000
Economic security, department of commissioner	41,000	
Education, department of commissioner	41,000	
Energy agency director	36,000	

	Base Salary or Range
Finance, department of commissioner	45,000
Health, department of commissioner	41,000
Hearing examiners office chief hearing examiner	36,000
Higher education coordinating board executive director	36,000
Housing finance agency executive director	36,000
Human rights, department of commissioner	29,000
Indian affairs board executive director	25,000
Investment, board of executive secretary	41,000
Iron range resources and rehabilitation board commissioner	29,000
Labor and industry, department of commissioner	36,000
judge of the workers compensation	36,000
court of appeals	36,000
director, mediation services	29,000
Natural resources, department of commissioner	41,000
Personnel, department of commissioner	41,000
Planning agency director	41,000
Pollution control agency director	36,000
Public safety, department of commissioner	36,000
Public service, department of commissioner, public service commission director	32,000 32,000
Public welfare, department of commissioner	41,000
Revenue, department of commissioner	41,000
State university system chancellor	41,000



	Base Salary or Range
Transportation, department of commissioner	41,000
Veterans affairs, department of commissioner	29,000

Sec. 8. [EFFECTIVE DATE.] *Sections 1 to 6 are effective the day after final enactment. Section 7 is effective July 1, 1979. Sections 3 and 6 shall expire July 1, 1979.*

Amend the title by striking it in its entirety and inserting:

"A bill for an act relating to economic development; creating an operating unit within the department of economic development relating to small businesses; creating an advisory task force; requiring reports and recommendations; transferring the administration of laws relating to community development corporations; increasing the salary of the commissioner; amending Minnesota Statutes, 1977 Supplement, Sections 15A.081, Subdivision 1; 362.41, Subdivision 5; and Minnesota Statutes 1976, Chapter 362, by adding a section."

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

Mr. Willet from the Committee on Agriculture and Natural Resources, to which was referred

S. F. No. 1273: A bill for an act relating to environmental conservation; directing the commissioner of administration to study and implement certain practices; promoting use of recycled and recyclable materials and supplies by state government; amending Minnesota Statutes 1976, Section 16.28.

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 16.28, is amended to read:

16.28 [PURCHASES.] *Subdivision 1.* The commissioner of administration, subject to the approval of the governor, may make rules, regulations, and orders regulating and governing the manner and method of purchasing, delivering, and handling of, and the contracting for supplies, equipment, and other property for the various officials, departments, and agencies of the any state government and institutions under their control agency as defined in section 16.011. Such The rules, regulations, and orders shall be uniform, so far as practicable, shall be of general or limited application, and shall include provisions for the following:

(1) The advertisement for and the receipt of bids for supplies and other property and the stimulation of competition with regard thereto;

(2) The purchase of supplies and other property without adver-

tisement or the receipt of bids, where the amount involved will not exceed \$500, when in the judgment of the commissioner it is expedient;

(3) The purchase of supplies and other property without competition in cases of emergency requiring immediate action;

(4) The purchase of certain supplies, equipment, and other property by long or short term contracts, or by purchases of contracts made at certain seasons of the year, or by blanket contracts or orders covering the requirements of one or more departments, offices, and commissions;

(5) The time for submitting estimates for various supplies, equipment, and other property;

(6) Regulation to secure the prompt delivery of commissary or other necessary supplies;

(7) Standardization of forms for estimates, orders, and contracts;

(8) Standardization of specifications for purchasing supplies, equipment, and other property;

(9) Standardization of quality, grades, and brands to eliminate unnecessary number of commodities or of grades or brands of the same commodity;

(10) The purchase of supplies and other property locally upon permission, specific or otherwise, of the commissioner;

(11) The use and disposal of the products of state institutions;

(12) The disposal of obsolete, excess, and unsuitable supplies, salvage, waste materials, and other property, and the by transfer of same to other departments, offices, and commissions state agencies, by recycling or by any other method consistent with standards adopted by the pollution control agency pursuant to section 116.07, subdivision 2, if recycling or transfer are not practicable;

(13) The storage of surplus supplies, equipment, and other property not needed for immediate use;

(14) The testing of commodities or supplies or samples thereof;

(15) Hearings on complaints in respect to the quality, grade, or brand of commodities or supplies;

(16) The waiver of rules in special cases.

The commissioner shall have immediate supervision of all purchases and contracts made, and shall carry out and enforce such rules, regulations, and orders relative thereto as he may adopt.

*Subd. 2. The directors of the Minnesota energy agency and the Minnesota pollution control agency shall, in consultation with the department of administration, investigate disposal and purchasing practices to conserve natural resources which appear to be appropriate for implementation by state agencies such as requiring all*

state agencies to utilize, where practicable, recycled, reusable and substitute products, including but not limited to recycled paper, recycled motor oil and recapped motor vehicle tires. By no later than January 1, 1979, the directors of the Minnesota energy agency and the Minnesota pollution control agency shall recommend specific disposal and purchasing practices to the commissioner of administration. By no later than June 30, 1979, the commissioner of administration shall establish procedures or, by order require all state agencies, to utilize specific practicable disposal and purchasing practices designed to conserve natural resources."

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. 2143: A bill for an act relating to family planning services; providing for special grants for family planning services; appropriating money; amending Minnesota Statutes 1976, Section 145.922, by adding a subdivision; and Chapter 145, by adding a section.

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

Page 1, line 17, strike "*emergency and*"

Page 2, strike lines 25 through 29 and insert "*planning is private data on individuals within the meaning of section 15.162, subdivision 5a.*"

Page 2, line 31, after "*health*" insert "*for the biennium ending June 30, 1979*"

Page 2, line 32, strike "*section 1*" and insert "*this act*"

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. 1594: A bill for an act relating to education; pupils; requiring a school breakfast program in each district.

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

Page 1, after line 11, insert:

"Subd. 3. The commissioner of education shall grant an exemption to any school that can demonstrate that the reasonable costs incurred by the implementation of the school breakfast program would be greater than the income that the program would generate."

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. 2105: A bill for an act relating to interim claims against the state; appropriating money for the payment thereof.

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

Page 1, line 6, after "Section 1." insert "[GENERAL FUND CLAIMS.]"

Page 3, delete lines 2 to 4

Page 3, delete lines 9 to 11

Page 3, delete lines 16 to 21

Page 3, after line 21, insert:

"Subd. 12. Hilder Saltness, 110 North Nine Street, Olivia, Minnesota 56277, for a finger broken by a fellow patient who assaulted him at Willmar state hospital, since the break was treated by hospital staff but did not mend properly . . . . \$2,500.00

Sec. 2. [GAME AND FISH FUND CLAIMS.] Subdivision 1. The sum set forth in this section is appropriated from the game and fish fund to the person named in full and final payment of a claim against the state.

Subd. 2. Mark J. Nosan, 1002 N.W. Third Avenue, Chisholm, Minnesota 55719, for unsold fishing licenses for the year 1975 returned by him after the deadline for returning for a full refund had passed . . . . \$600.00

Sec. 3. [TRUNK HIGHWAY FUND CLAIMS.] Subdivision 1. The sum set forth in this section shall be paid by the commissioner of transportation out of money available to him for highway development to the person named in full and final payment of a claim against the state.

Subd. 2. Milan Stojevich, 8419 Grand Avenue, Duluth, Minnesota 55808, as a refund of the unused portion of a deposit paid by him to cover the costs of processing a release of access to his property, since the deposit was inadvertently credited to an account from which refunds may not be paid . . . . \$250.00"

Renumber the subdivisions

Page 3, line 22, delete "Sec. 2." and insert "Sec. 4. [VETERANS BONUS CLAIMS.]"

Page 5, delete lines 5 to 8

Page 5, delete lines 13 and 14

Page 7, delete lines 11 and 12

Page 7, delete lines 21 and 22

Page 8, delete lines 15 and 16

Page 8, delete lines 19 and 20

Page 9, delete lines 5 and 6

Page 9, delete lines 25 and 26

Page 10, delete lines 29 to 32

Page 11, delete lines 27 and 28

Page 12, delete lines 9 and 10

Page 12, delete lines 13 and 14

Page 12, delete lines 21 and 22

Page 12, delete lines 25 and 26

Page 13, delete lines 19 to 22

Page 13, delete lines 31 and 32

Page 14, delete lines 1 and 2

Page 14, delete lines 7 and 8

Page 14, delete lines 11 to 18

Page 14, delete lines 21 and 22

Page 14, delete lines 25 and 26

Page 14, delete lines 29 and 30

Page 15, delete lines 7 and 8

Page 15, delete lines 13 to 16

Page 15, delete lines 21 to 24

Page 15, delete lines 29 and 30

Page 16, delete lines 1 to 4

Page 16, delete lines 9 to 18

Page 16, delete lines 21 to 24

Page 16, delete lines 31 and 32

Page 17, delete lines 9 and 10

Page 17, delete lines 13 and 14

Page 17, delete lines 25 to 28

Page 17, delete lines 31 and 32

Page 18, delete lines 3 and 4

Page 18, delete lines 7 and 8

Page 18, after line 22, insert:

"Sec. 5. Laws 1975, Chapter 158, Section 4, is amended to read:

Sec. 4. Subdivision 1. The state of Minnesota hereby waives immunity and consents to commencement of a suit in the case set forth in this section. Any suit shall be commenced within six

months from the date of final enactment. The state and the department of public welfare may be named as defendants in any suit commenced under this section and shall be served by the service of a summons and complaint upon the attorney general. The sums necessary to pay any resulting judgment are hereby appropriated from the fund designated. In no case shall the judgment exceed the monetary ceiling set forth in this section; provided further that the parties ~~are shall not authorized to settle this case prior to trial but without the approval of the court before which the case is pending. In the event the case is tried, the parties~~ are directed to litigate fully the following issues: Was the state of Minnesota negligent in allowing a patient to escape from the Anoka state hospital? If so, was ~~this the~~ negligence the proximate cause of the fire at the Rum River Lumber Company? If so, what are the monetary damages for loss of income and property loss? ~~The state and the department are further instructed to take all applicable appeals available to them.~~ This waiver of immunity is not an admission of liability on the part of the state or its departments. Further, the ceilings set forth below should not be construed in any way as a determination by the legislature as to the amount of loss suffered by the claimant. In any such action, the state or its departments may interpose any legal or equitable defense except the defenses of sovereign immunity and the statute of limitations.

Subd. 2. Rum River Lumber Company, Anoka, Minnesota, for loss of income and property damage not covered by insurance resulting from a fire allegedly set by an escapee from the Anoka state hospital. Any judgment rendered in this matter shall not exceed \$25,000 \$15,835 for loss of income and \$16,000 \$131,808 for property damage. Any such judgment shall be satisfied from any moneys in the state treasury not otherwise appropriated.

Sec. 6. [EFFECTIVE DATE.] This act is effective the day following final enactment."

Amend the title as follows:

Line 2, delete "interim"

Line 3, before the period insert "; altering conditions for waiver of immunity from suit by the Rum River Lumber Company; amending Laws 1975, Chapter 158, Section 4"

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

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

S. F. No. 2183: A bill for an act relating to the administration of justice; providing for compensation of assistant public defenders; amending Minnesota Statutes 1976, Section 611.24.

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

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

S. F. No. 1804: A bill for an act relating to courts; concerning the expungement of judicial commitment proceedings.

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

Page 1, line 7, strike "EXPUNGEMENT" and insert "SEALING"

Page 1, line 9, strike the first "district" and insert "probate"

Page 1, line 9, strike the second "district" and insert "county"

Page 1, line 10, strike "expungement" and insert "sealing"

Page 1, line 12, strike "shall" and insert "may"

Page 1, line 12, strike "expunge those" and insert "seal the commitment"

Page 1, line 12, strike "whose" and insert "if it finds that access to the records"

Page 1, line 13, strike "continued existence"

Page 1, line 18, after "or" insert "to other persons only"

Page 1, line 18, after "court" insert a period

Page 1, strike lines 19 to 20

Amend the title as follows:

Page 1, line 2, strike "concerning" and insert "authorizing"

Page 1, line 2, strike "expungement" and insert "sealing"

Page 1, line 2, after "of" insert "records of"

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

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

S. F. No. 2361: A bill for an act relating to peace officers; setting forth criteria for the use of deadly force by peace officers; amending Minnesota Statutes 1976, Sections 609.065; 629.33; and Chapter 609, by adding a section.

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

Page 2, line 31, after "no" insert "unreasonable"

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

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

S. F. No. 1871: A bill for an act relating to landlords and tenants; requiring extended eviction notices for long term residential

tenants; limiting an owner's right to increase rent after giving a tenant notice to quit; amending Minnesota Statutes 1976, Section 504.06.

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

Page 2, line 3, strike "*shall*"

Page 2, lines 4 and 7, strike "*shall have*" and insert "*has*"

Page 2, line 9, strike "*shall have the meaning*" and insert "*means any building which is used in whole or in part as a dwelling, and contains at least four separate dwelling units.*"

Page 2, strike lines 10 and 11

Page 2, line 19, after "*is*" insert "*more than*"

Page 2, line 20, strike "*to ten years*"

Page 2, line 21, strike the semicolon and insert a period

Page 2, strike lines 22 to 24

Page 2, line 25, after "*tenant*" insert "*the*"

Page 2, line 25, strike "*to quit his*" and insert "*required in subdivision 2*"

Page 2, line 26, strike "*tenancy in a residential dwelling*"

Page 2, line 28, strike "*. The provisions of this*" and insert "*, unless the rent increase is applicable to all other tenants in the residential dwelling.*"

Page 2, strike lines 29 to 32

Page 3, strike lines 1 to 8

Renumber the subdivisions in sequence

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

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

S. F. No. 2274: A bill for an act relating to departments of state; concerning confidential data on individuals; regarding emergency classification of data; amending Minnesota Statutes 1976, Sections 15.162, Subdivision 2a; and 15.1642, Subdivision 3.

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

Page 1, line 9, strike "1976" and insert ", 1977 Supplement"

Page 2, line 4, delete "June 30, 1977 1978" and insert "July 31, 1978 1979"

Page 2, strike section 2 and insert



"Sec. 2. Minnesota Statutes, 1977 Supplement, Section 15.1642, Subdivision 5, is amended to read:

Subd. 5. [EXPIRATION OF EMERGENCY CLASSIFICATION.] All emergency classifications granted under this section and still in effect shall expire on July 31, 1978 1979. No emergency classifications shall be granted after July 31, 1978 1979."

Page 2, after line 18, insert:

"Sec. 3. Minnesota Statutes 1976, Chapter 144, is amended by adding a section to read:

[144.1751] [DISCLOSURE OF INFORMATION FROM VITAL RECORDS.] *Subdivision 1. Except as otherwise provided for in this section and section 144.176, information contained in vital records is public information. Physical access to vital records shall be subject to the supervision and regulation of state and local registrars and their employees pursuant to rules promulgated by the commissioner in order to protect vital records from loss, mutilation or destruction and to prevent improper disclosure of records which are confidential or private data on individuals, as defined in section 15.162, subdivisions 2a and 5a.*

*Subd. 2. Disclosure of information pertaining to births out of wedlock or information from which it can be ascertained shall be made only to the guardian of the person, the person to whom the record pertains when the person is 18 years of age or older, or upon order of a court of competent jurisdiction. The birth and death records of the commissioner of health shall be open to inspection by the commissioner of public welfare and it shall not be necessary for him to obtain an order of the court in order to inspect records or to secure certified copies thereof.*

*Subd. 3. No person shall prepare or issue any certificate which purports to be an original, certified copy, or copy of a vital record except as authorized in sections 144.151 to 144.205 or the rules of the commissioner.*

*Subd. 4. The state registrar may permit persons performing medical research access to the information restricted in subdivision 2 if those persons agree in writing not to disclose confidential or private data on individuals, as defined in section 15.162, subdivisions 2a and 5a.*

*Subd. 5. When a resident of another state is born or dies in this state, the state registrar shall send a report of the birth or death to the state of residence.*

Sec. 4. [REPEALER.] *Minnesota Statutes, 1976, Section 144.175, Subdivisions 1, 4, and 5; and Minnesota Statutes, 1977 Supplement, Section 144.175, Subdivision 2, are repealed."*

Page 2, line 19, strike "its"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, after the semicolon insert "guarding access to vital statistics records;"

Page 1, line 5, strike "1976" and insert ", 1977 Supplement"

Page 1, line 6, strike "and"

Page 1, line 6, strike "3" and insert "5"

Page 1, line 6, before the period insert "; and Minnesota Statutes 1976, Chapter 144, by adding a section; repealing Minnesota Statutes 1976, Section 144.175, Subdivisions 1, 4 and 5; and Minnesota Statutes, 1977 Supplement, Section 144.175, Subdivision 2"

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

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

S. F. No. 1861: A bill for an act relating to credit life and accident and health insurance; requiring notice of right to cancel and receive refund upon prepayment of indebtedness; amending Minnesota Statutes, 1977 Supplement, Section 62B.05.

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

Page 2, line 17, after "creditor" insert "*then holding the evidence of indebtedness*"

Page 2, line 20, strike "*procured*" and insert "*procured*"

Page 2, line 22, strike "*and in a manner calculated to inform*"

Page 2, strike line 23

Page 2, line 24, strike "*refund*"

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

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

H. F. No. 2243: A bill for an act relating to the city of Rochester; issuance of licenses for the sale of intoxicating liquor at Mayo civic auditorium.

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

Page 1, line 8, strike everything after the brackets

Page 1, strike lines 9 to 18 and insert "Notwithstanding the provisions of any statute, ordinance or charter to the contrary, the governing body of the city of Rochester may by ordinance authorize the dispensing, by sale or otherwise, of intoxicating liquor at the premises known and used as the Mayo Civic Auditorium. The ordinance may permit persons or organizations per-

mitted to use space on the premises for the purpose of conducting any convention, banquet, conference, meeting or social affair to engage any licensee having a regularly issued on-sale license for a location within the city to dispense intoxicating liquor to members or guests attending the convention, banquet, conference, meeting or social affair."

Page 1, line 19, strike everything before "The"

Page 1, line 20, strike "a" and insert "the"

Amend the title as follows:

Page 1, line 2, after the semicolon insert "authorizing"

Page 1, line 3, strike "licenses" and insert "a license"

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

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

S. F. No. 1836: A bill for an act relating to savings associations; authorizing savings associations to establish negotiable order of withdrawal accounts; amending Minnesota Statutes 1976, Chapter 51A, by adding a section.

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

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1976, Chapter 51A, is amended by adding a section to read:

[51A.345] [NEGOTIABLE ORDER OF WITHDRAWAL ACCOUNT.] *An insured association may establish negotiable order of withdrawal accounts on which it may or may not pay interest or dividends. Withdrawals from the accounts are subject to the right of the association to require the account holder to give notice of an intended withdrawal not less than 30 days before the withdrawal is made, though in practice the notice is not regularly required and the account holder is allowed to make withdrawals by negotiable instruments for the purpose of making payments to third persons or otherwise.*

*An insured savings association shall maintain a reserve sufficient to satisfy reserve requirements of section 51A.36 or requirements of the Federal Home Loan Bank, whichever is applicable, of its noninterest bearing negotiable order of withdrawal accounts, which shall be in cash, cash items in process of collection, and not more than 30 percent in direct obligations at the Federal Home Loan Bank which mature within one year from the date the obligations are first considered as a part of the association's reserve. If on any one day a savings association shall fail to meet the reserve requirements of this section then that association shall pay a fine of \$50 per day to the commissioner of banks on his making a request for payment. Whenever the commissioner of banks shall determine*

*that the maintenance of sound banking practices or the prevention of injurious credit expansion or contraction makes action advisable, he may by directive change the requirements as to reserves against noninterest or interest bearing negotiable order of withdrawal accounts in savings associations. The reserve requirements established in any such directive shall not be more than those required of member associations of the Federal Home Loan Bank on the date that the directive is issued by the commissioner."*

Further, amend the title as follows:

Page 1, line 4, after "accounts;" add "imposing reserve requirements;"

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

Mr. Anderson from the Committee on Energy and Housing, to which was referred

S. F. No. 1706: A bill for an act relating to energy; changing the powers of the Minnesota energy agency; providing for the confidentiality of proprietary data furnished to the energy agency; mandating certain residential energy efficiency standards; establishing insulation product and application standards; prescribing penalties; appropriating money; amending Minnesota Statutes 1976, Section 116H.08; Chapter 116H, by adding a section; and Minnesota Statutes, 1977 Supplement, Section 116H.129, Subdivision 1, and by adding subdivisions.

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 116H.08, is amended to read:

116H.08 [POWERS.] The director may:

(a) Adopt rules ~~and regulations~~, pursuant to chapter 15 necessary to carry out the purposes of sections 116H.01 to 116H.15;

(b) Make all contracts pursuant to sections 116H.01 to 116H.15 and do all things necessary to cooperate with the United States government, and to qualify for, accept and disburse any private grant intended for the administration of sections 116H.01 to 116H.15. Notwithstanding any other law the agency is designated the state agency to apply for, receive and accept federal or other funds made available to the state for the purposes of sections 116H.01 to 116H.15.

(c) Contract for professional services if such work or services cannot be satisfactorily performed by employees of the agency or by any other state agency;

(d) Enter into interstate compacts to jointly carry out such research and planning with other states or the federal government where appropriate;

(e) Distribute informational material at no cost to the public upon reasonable request.

Sec. 2. Minnesota Statutes 1976, Chapter 116H, is amended by adding a section to read:

[116H.101] [CONFIDENTIALITY OF DATA.] *Subdivision 1. For purposes of this section, "protected information" means trade secrets consisting of any process, formula, pattern, decision or compilation of information which is used directly or indirectly in the business of the transmitting party, which gives such party an advantage or the opportunity to obtain an advantage over competitors who do not know or use it, and other information which is privileged such that disclosure of the information is likely to impair the agency's ability to obtain necessary information in the future or to cause substantial harm to the competitive position of the transmitter.*

*Subd. 2. Information may be transmitted to the energy agency which is certified in affidavit form by the transmitter thereof to be protected information. If the director determines that the information so transmitted and certified is protected information, it is not public and shall be used by the agency solely to discharge its statutory obligation, unless otherwise specifically authorized by the transmitter of the information.*

*Subd. 3. Protected information which is data on individuals, as defined in section 15.162, subdivision 3, is private, and shall be handled by the agency pursuant to the provisions of sections 15.162 to 15.167.*

*Subd. 4. If information is transmitted to the energy agency that is certified in affidavit form by the transmitter thereof to be protected information which the director believes does not qualify as protected information, the director shall first notify the transmitter to allow the transmitter an opportunity to demonstrate in more detail why such information is protected information. If the director continues to believe the information does not qualify as protected information, he may institute an action in an appropriate court for a declaratory judgement as to whether the information is subject to protection under this section.*

*Subd. 5. Protected information may be used by the agency in compiling or publishing analyses or summaries relating to the general condition of the state's energy resources, so long as the transmitter of the information or the individual subject of the data cannot be identified from such analyses or summaries and that all such analyses or summaries shall be available for public inspection in the office of the agency during normal business hours.*

*Subd. 6. The energy agency shall be liable to a person who suffers substantial damage as a result of the violation of any provision of this section which relates to protected information which is not data on individuals. The person may bring an action against the agency to recover the damages sustained plus costs and reasonable attorney's fees. In the case of a willful violation by*

a public employee which is shown in such an action to have caused substantial harm to a person, the employee shall, in addition, be liable for exemplary damages of not more than \$1,000 for each violation. A willful violation by a public employee shall constitute just cause for appropriate disciplinary action, including suspension without pay or dismissal.

Subd. 7. A violation of any provision of this section which relates to protected information which is data on individuals shall be subject to the provisions of sections 15.166 and 15.167.

**Sec. 3. [RESIDENTIAL ENERGY DISCLOSURE REPORT.]**  
Subdivision 1. [DEFINITIONS.] For the purposes of this section, the following terms shall have the meaning given them.

Subd. 2. "Residence" means any dwelling for habitation either seasonally, meaning all or a portion of the months of December through March or permanently by one or more persons. A residence may be owned or rented and may be part of a multidwelling or multipurpose building, but shall not include buildings such as hotels, hospitals, motels, dormitories, sanitariums, nursing homes, schools and other buildings used for educational purposes, or correctional institutions. A mobile home as defined in section 168.011, subdivision 8, shall be a residence for purposes of this section.

Subd. 3. "Time of sale" means the time when a written purchase agreement is executed by the buyer, or, in the absence of a purchase agreement, prior to the execution of any document providing for the conveyance of a residence.

Subd. 4. "Energy disclosure report" means the written and signed evaluation by a person certified pursuant to subdivision 6 of this section made on an approved form, representing to the actual buyer of the residence evaluated that the evaluator has used reasonable care and diligence, and has found no instance of noncompliance with the items contained on the approved form as of the date thereon except as specifically designated.

Subd. 5. [RULES.] The commissioner of administration, in consultation with the director of the energy agency and the appropriate standing committees of the legislature shall promulgate rules providing for residential energy disclosure requirements and shall approve forms for the purposes of this section. Nothing in the forms shall indicate or be deemed to indicate that the residence meets all state building code specifications.

Subd. 6. By July 1, 1979, the commissioner of administration shall certify evaluators in each county of the state who are qualified to determine the compliance of a residence with applicable energy disclosure requirements. The commissioner of administration shall, by rule pursuant to chapter 15, establish standards for the certification and performance of evaluators and set a fee for the certification of evaluators which is sufficient to cover the ongoing costs of the program once it is established. The commissioner shall encourage the certification of existing groups of trained municipal personnel and individuals from public service organizations. Effective July 1, 1979 each certified evaluator shall, on

*request of the owner, inspect any residence and report the degree to which it complies with applicable energy disclosure requirements. The inspections shall be made within 30 days of the request.*

*Subd. 7. Effective October 1, 1979, no owner or agent shall sell by conveyance or contract for conveyance a residence without providing to the buyer, prior to the time of sale, either a copy of an energy disclosure report for the residence or an affidavit stating that the residence was constructed after January 1, 1976. If the residence has been evaluated subsequent to the effective date of this section no new evaluation shall be required for five years after the date of the evaluation, if a copy of the last evaluation has been delivered to the prospective buyer.*

*Subd. 8. The provisions of this section shall not apply to the sale or conveyance of any residence to a public body or by a sheriff, constable, marshal or other public or court officer in the performance of his official duties as such, or to trustees in bankruptcy or any other person or persons acting under the direction or authority of any court, state or federal, in selling a residence, except as to a public sale ordered by a probate court in which case this section shall apply.*

*Subd. 4. Minnesota Statutes, 1977 Supplement, Section 116H.129, Subdivision 1, is amended to read:*

*116H.129 [ENERGY CONSERVATION IN RESIDENTIAL BUILDINGS.] Subdivision 1. Before January 1, 1978, The commissioner of administration, in consultation with the director and the appropriate standing committees of the legislature, shall promulgate adopt and may amend from time to time minimum energy efficiency standards for existing residential buildings residences which are renter occupied. The standards shall be economically feasible in that the resultant savings in energy procurement costs, based on current and projected average residential energy costs in Minnesota as certified by the director in the state register, will exceed the cost of the energy conserving requirements amortized over a period of five years the five year period subsequent to the incurring of such cost. The costs computed under this section shall include reasonable inflation and interest factors.*

*By February 15, 1978, the director shall make recommendations to the legislature on methods to obtain compliance with the standards set forth in this subdivision.*

*Sec. 5. Minnesota Statutes, 1977 Supplement, Section 116H.129, is amended by adding subdivisions to read:*

*Subd. 3. For purposes of subdivisions 3 to 7, "applicable energy efficiency standards" means those standards established under subdivision 1 which are not shown to be economically infeasible for the building in question.*

*Subd. 4. Effective July 1, 1983, all residences which are renter occupied during all or a portion of the months of November through April and not owned by a federal, state or local unit of*

government shall be in compliance with all applicable energy efficiency standards.

Subd. 5. The provisions of section 5 of this act shall not apply to residences constructed after January 1, 1976.

Subd. 6. The energy agency shall conduct inspections on a random basis for compliance with the provisions of subdivision 4 of this section.

Sec. 6. [HOME INSULATION; CONSUMER PROTECTION; DEFINITIONS.] Subdivision 1. For the purposes of sections 6 to 11, the following terms shall have the meanings here given them.

Subd. 2. "Advertisement" means any written or verbal statement, illustration or depiction which appears in the mass media, in brochures, leaflets, or circulars, outdoor advertising, retail displays, or on vehicles, which is designed to cause the sale of or interest in the purchase of insulation.

Subd. 3. "Energy agency" means the Minnesota energy agency as provided in chapter 116H.

Subd. 4. "Industry members" means producers and suppliers of materials from which insulation is made who promote the sale or distribution of insulation; manufacturers of insulation; jobbers, wholesalers and retailers of insulation; contractors and applicators who sell and install residential insulation; and those engaged in the marketing of insulation who are, or who purport to act as, agents of manufacturers or suppliers of insulation.

Subd. 5. "Insulation" means any material or assembly of materials used primarily to provide resistance to heat flow in building structures, including but not limited to mineral fibrous, mineral cellular, organic fibrous, organic cellular or reflective materials, whether in loose fill, flexible, semi-rigid or rigid form.

Subd. 6. "Laboratory qualified to test thermal insulation" means an approved laboratory classified by the energy agency in consultation with industry members as passing an appropriate examination of ability to perform tests and continuing inspection or follow-up service according to specifications for manufacture and installation, also referred to as "testing laboratory".

Subd. 7. "Presenting a clear and present danger" means known to cause physical damage to structure or health hazards to occupants through continuing direct contact or release of hazardous substances as defined in section 24.33.

Subd. 8. "R value" means the measure of resistance to heat flow through a material or the reciprocal of the heat flow through a material expressed in British thermal units per hour per square foot per degree Fahrenheit at seventy-five degrees Fahrenheit mean temperature.

Subd. 9. "Specifications for manufacture and installation" means those specifications in section 7.

Sec. 7. [SPECIFICATIONS FOR THE MANUFACTURE,



**LABELING, AND INSTALLATION OF INSULATION.]** Subdivision 1. Within nine months of the effective date of this act, the energy agency shall promulgate rules pursuant to chapter 15 regarding quality, information, and product safety specifications for the manufacture, labeling, installation, and thermographing of insulation. The specifications and any amendments to them shall conform as far as is practical to federal standards or other standards generally accepted and in use throughout the United States. Such standards, with modifications as may be deemed necessary, may be adopted by reference. The specifications as promulgated and any amendments shall be based on the application of scientific principles, approved tests, and professional judgment. Upon the effective date of this act, the energy agency may issue temporary rules pursuant to section 15.0412, subdivision 5, for the purposes of this section.

Subd. 2. In addition to the specifications promulgated pursuant to subdivision 1 of this section, no insulation presenting a clear and present danger by the nature of its composition at the time of installation shall be used or offered for sale in Minnesota.

Subd. 3. The manufacturer's written instructions describing the proper methods of application of the insulation and required or recommended safety measures shall be provided to each intermediate and ultimate consumer of all insulation sold for use in Minnesota within ten days of when the insulation is sold.

**Sec. 8. [TESTING OF INSULATION.]** Subdivision 1. The director of the energy agency shall promulgate rules concerning qualifications of testing laboratories and the nature of continuing inspection and follow-up services for this section.

Subd. 2. Effective December 1, 1979, all insulation used or offered for sale in Minnesota shall be subject to a continuing inspection and follow-up service by an approved laboratory qualified to test thermal insulation.

Subd. 3. Upon the adoption of specifications under section 6, subdivision 1, all insulation used or offered for sale in Minnesota shall be tested in accordance with testing procedures required under those specifications by a laboratory qualified to test thermal insulation.

Subd. 4. The director of the energy agency shall purchase from time to time unopened insulation packages which shall be sent to an approved testing laboratory to test for compliance with the specifications established under section 6, subdivision 1.

**Sec. 9. [UNFAIR AND DECEPTIVE ADVERTISING PRACTICES.]** Subdivision 1. It shall be considered an unfair and deceptive practice to violate any of the provisions of this section.

Subd. 2. No advertisement for insulation to be used or offered for sale in Minnesota shall state that a percentage of fuel costs or a certain dollar amount of fuel costs will be saved unless the statement is accompanied by the following or substantially similar disclaimer in letters the same size as the claim of savings: "Stated

savings are estimates only. Actual savings may vary depending on type of home, weather conditions, occupant lifestyle, energy prices and other factors."

**Subd. 3.** No advertisement for insulation to be used or offered for sale in Minnesota shall contain any claim which is false or misleading, or for which there exists no reasonable substantiation at the time the claim is made. Prohibited claims include, but are not limited to, the following: does not burn, noncombustible, self-extinguishing, nonpoisonous, non-irritating, vermin-proof, rodent-proof, resists mildewing, will not shrink, will not crack, permanent, no deterioration, complete coverage, fills all voids, never needs replacing, will not settle. This prohibition shall not apply if the claim is substantiated by tests identified in the specifications established under section 7, subdivision 1, or by appropriate testing procedures of the American Society for Testing and Materials where no test required under section 7, subdivision 1, applies. Such tests shall be made by a laboratory qualified to test thermal insulation. When tests are not designed to duplicate actual conditions, substantiated claims must so state.

**Subd. 4.** No representation about the thermal resistance value of insulation shall be made unless the R value is given and has been determined by the tests required in the specification established under section 7, subdivision 1, or by appropriate testing procedures of the American Society for Testing and Materials where no test required under section 7, subdivision 1, applies. Such tests shall be made by an approved laboratory qualified to test thermal insulation.

**Sec. 10. [MARKING, LABELING, AND CONSUMER INFORMATION.]** Subdivision 1. The outside of all containers and wrappings of insulation used or offered for sale in Minnesota shall have the following information printed legibly thereon in bold type not less than  $\frac{1}{8}$  inch high:

(a) Type (pneumatic or blown, pouring, batt, roll, blanket, board, cellular, or reflective);

(b) R value (to the nearest tenth) per inch at the recommended installation density;

(c) Required thickness in inches to obtain four or more commonly used R values and the corresponding coverage areas in square feet of the insulation in the container or wrapping;

(d) Expiration date and expected shelf life of all resins, catalysts, and foaming agents for all foam insulations, whether in powder, diluted or partially diluted state, on canister, drum, container, or package. For purposes of this section, "foam insulation" means products having an organic base or composed of vinyl or plastic material or both, which are manufactured or installed using a process involving a foaming agent, a resin, a catalyst and an air compressor, including but not limited to urea-formaldehyde, other urea-based foams, urethane foam, polyurethane foam, polystyrene foam, and isocyanurate foam.

(e) Name and address of the manufacturer of the insulation.

(f) A notation of those current specifications of the United States General Services Administration, the United States Department of Energy, the United States Department of Housing and Urban Development, the United States Consumer Product Safety Commission, the Federal Trade Commission and the energy agency with which the insulation complies;

(g) The net weight of the contents of the bag, package, or container.

Subd. 2. Where insulation is used or offered for sale without the manufacturer's container, the information required in subdivision 1 shall be provided in a separate printed statement to the intermediate and ultimate consumers.

Sec. 11. [ENFORCEMENT; PENALTIES.] Subdivision 1. Violation of section 7, subdivision 2, or section 8, subdivision 2 or 3, shall constitute a misdemeanor, provided that the sole liability for such violation on insulation sold under the manufacturer's brand or trademark shall be the manufacturer's, and that an industry member who is not a manufacturer shall be liable under this subdivision only if he has actual knowledge or knowledge fairly implied on the basis of the objective circumstances that the insulation presents a clear and present danger or has not been subject to the required testing procedures.

Subd. 2. Violation of section 9 or 10 shall constitute a misdemeanor.

Subd. 3. The provisions of section 9 may be enforced by the attorney general pursuant to section 325.907. The attorney general may recover costs and disbursements, including costs of investigation and reasonable attorney's fees. In addition to the remedies otherwise provided by law, any person injured by a violation of sections 7, 9, or 10 may bring a civil action and recover damages together with costs of investigation and reasonable attorney's fees, and receive other equitable relief as determined by the court. The court may as appropriate enter a consent judgment or decree without the finding of illegality.

Subd. 4. Remedies taken under this section shall not exclude other civil or criminal actions under Minnesota Statutes.

Sec. 12. [116H.21] [COMMUNITY ENERGY CONSERVATION COUNCILS.] Subdivision 1. The governing body of each home rule charter or statutory city may establish a community energy conservation council to review the energy needs and energy use practices of individuals, businesses and governmental entities situated within the city, and to develop, promote and coordinate energy conservation plans and voluntary energy conservation measures designed to achieve significant reductions in energy consumption and more efficient uses of energy. Cities may jointly exercise the powers granted in this section pursuant to the provisions of section 471.59.

Subd. 2. Each council shall be composed of not less than five nor more than 15 members appointed by the governing body of the city to serve at its pleasure and without compensation. The

*membership of a council shall be broadly representative of the community involved and shall include business people, government officials, homeowners and renters residing in the city.*

*Subd. 3. Each council shall consult and cooperate with the Minnesota energy agency to the maximum extent practicable. In an energy emergency, each council shall perform such functions and duties as may be assigned to it pursuant to rules promulgated by the energy agency.*

*Subd. 4. A community energy conservation council shall serve only in an advisory capacity to the governing body of the city, except insofar as it may be performing duties lawfully delegated to it by the energy agency, in which case it shall exercise the authority lawfully conferred on it.*

*Subd. 5. Each city establishing a community energy conservation council shall provide adequate office space, equipment and supplies, clerical support and other assistance as may be necessary for the council to perform its responsibilities.*

**Sec. 13. Minnesota Statutes 1976, Section 394.25, Subdivision 2, is amended to read:**

**Subd. 2. Zoning ordinances establishing districts within which the use of land or the use of water or the surface of water pursuant to section 378.32 for agriculture, forestry, recreation, residence, industry, trade, soil conservation, water supply conservation, surface water drainage and removal, conservation of shorelands, as defined in section 105.485, and additional uses of land and of the surface of water pursuant to section 378.32, may be by official controls encouraged, regulated, or prohibited and for such purpose the board may divide the county into districts of such number, shape, and area as may be deemed best suited to carry out the comprehensive plan. Official controls may also be applied to wetlands preservation, open space, parks, sewage disposal, protection of ground water, protection of flood plains as defined in section 104.02, protection of wild, scenic or recreational rivers as defined in section 104.33, protection of slope, soils, unconsolidated materials or bedrock from potentially damaging development, preservation of forests, woodlands and essential wildlife habitat, reclamation of non-metallic mining lands; protection and encouragement of access to direct sunlight for solar energy systems as defined in section 116H.02, subdivision 11; and the preservation of agricultural lands.**

**Sec. 14. Minnesota Statutes 1976, Section 394.27, Subdivision 7, is amended to read:**

**Subd. 7. The board of adjustment shall have the exclusive power to order the issuance of variances from the terms of any official control including restrictions placed on nonconformities. Variances shall only be permitted when they are in harmony with the general purposes and intent of the official control in cases when there are practical difficulties or particular hardship in the way of carrying out the strict letter of any official control.**

and when the terms of the variance are consistent with the comprehensive plan. "Hardship" as used in connection with the granting of a variance means the property in question cannot be put to a reasonable use if used under the conditions allowed by the official controls; the plight of the landowner is due to circumstances unique to his property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone shall not constitute a hardship if a reasonable use for the property exists under the terms of the ordinance. No variance may be granted that would allow any use that is prohibited in the zoning district in which the subject property is located. The board of adjustment may impose conditions in the granting of variances to insure compliance and to protect adjacent properties and the public interest. *The board of adjustment may consider the inability to use solar energy systems a "hardship" in the granting of variances.*

Sec. 15. Minnesota Statutes 1976, Section 462.12, is amended to read:

**462.12 [RESTRICTED RESIDENCE DISTRICTS.]** Any city of the first class may, through its council, upon petition of 50 percent of the owners of the real estate in the district sought to be affected, by resolution, designate and establish by proceedings hereunder restricted residence districts and in and by such resolution and proceedings prohibit the erection, alteration, or repair of any building or structure for any one or more of the purposes hereinafter named, and thereafter no building or other structure shall be erected, altered or repaired for any of the purposes prohibited by such resolution and proceedings, which may prohibit the following: hotels, restaurants, eating houses, mercantile business, stores, factories, warehouses, printing establishments, tailor shops, coal yards, ice houses, blacksmith shops, repair shops, paint shops, bakeries, dyeing, cleaning and laundering establishments, billboards and other advertising devices, public garages, public stables, apartment houses, tenement houses, flat buildings, any other building or structure for purposes similar to the foregoing. Public garages and public stables shall include those, and only those, operated for gain.

Nothing herein contained shall be construed to exclude the construction of a building which will utilize a solar energy system, nor the retrofitting of any existing building to utilize a solar energy system, so long as the building is not employed for a prohibited purpose, nor double residences or duplex houses, so-called schools, churches, or signs advertising for rent or sale the property only on which they are placed, and nothing herein contained shall be construed so as to prohibit the council of any such city of the first class from permitting the remodeling or reconstruction of the interior of any structure in any such restricted residence district which possesses a gross ground area delineated by its foundation walls of at least 1,000 square feet, so that the same shall contain separate accommodations for several, not in excess of four, families; provided that the substantial alteration of the

exterior of any such structure shall not be authorized in any such case; and provided further, that such city council shall expressly find in each such case that such remodeling or alteration shall be consistent with the public health and safety.

No building or structure erected after the creation of such district shall be used for any purpose for which its erection shall be prohibited hereunder.

The term "council" in sections 462.12 to 462.17 means the chief governing body of the city by whatever name called.

Any district or any portion thereof created under the provisions of sections 462.12 to 462.17 may be vacated and the restrictions thereon removed by the council upon petition of 50 percent of the owners of the real estate in the original district. A portion of a restricted residence district may be vacated and relieved of the restrictions imposed thereon pursuant to sections 462.12 to 462.17 by the council upon petition of the owners of the portion of the district sought to be relieved if such portion or lot sought to be relieved does not in any part lie between other portions of such restricted district, or if the portion sought to be relieved abuts along a public street or alley along one border of such district and extends along said public street or alley the entire distance between cross streets, or if the portion or lot sought to be relieved is contiguous to, along one or both sides, or across a public street along its entire front from a parcel of land which shall be duly zoned under a valid municipal zoning ordinance for commercial, multiple dwelling or industrial purposes. The vacation of such district or portion thereof and the removal of the restrictions therefrom shall be accomplished in the same manner herein provided for the creation of any such district, and in the vacation of any such district or any portion thereof and the removal of such restrictions each and all of the provisions of sections 462.12 to 462.17 as to allowance of damages and benefits to property affected and as to the appointment of commissioners to appraise such damages and benefits and the duties of such commissioners, of the city clerk, and of each and all of the other officers upon whom duties are herein imposed shall be complied with, and when such proceedings for the vacation of any such district or portion thereof shall have been completed, the property included within such district or portion thereof so vacated shall be deemed relieved of each and all of the restrictions imposed in the proceeding creating such district. In the allowance of damages and benefits to property affected by any proposed vacation, no evidence shall be received, or consideration given to the existence of any other restriction or any restrictive or zoning ordinance, law, or regulation.

Sec. 16. Minnesota Statutes 1976. Section 462.357, Subdivision 1, is amended to read:

462.357 [PROCEDURE FOR PLAN EFFECTUATION, ZONING.] Subdivision 1. [AUTHORITY FOR ZONING.] For the purpose of promoting the public health, safety, morals and general welfare, a municipality may by ordinance regulate the

location, height, bulk, number of stories, size of buildings and other structures, the percentage of lot which may be occupied, the size of yards and other open spaces, the density and distribution of population, the uses of buildings and structures for trade, industry, residence, recreation, public activities, or other purposes, and the uses of land for trade, industry, residence, recreation, agriculture, forestry, soil conservation, water supply conservation, conservation of shorelands, as defined in section 105.485, *access to direct sunlight for solar energy systems as defined in section 116H.02*, flood control or other purposes, and may establish standards and procedures regulating such uses. The regulations may divide the municipality into districts or zones of suitable numbers, shape and area. The regulations shall be uniform for each class or kind of buildings, structures or land and for each class or kind of use throughout such district, but the regulations in one district may differ from those in other districts. The ordinance embodying these regulations shall be known as the zoning ordinance and shall consist of text and maps. A city may by ordinance extend the application of its zoning regulations to unincorporated territory located within two miles of its limits in any direction, but not in a county or town which has adopted zoning regulations; provided that where two or more noncontiguous municipalities have boundaries less than four miles apart, each is authorized to control the zoning of land on its side of a line equidistant between the two noncontiguous municipalities unless a town or county in the affected area has adopted zoning regulations. Any city may thereafter enforce such regulations in the area to the same extent as if such property were situated within its corporate limits, until the county or town board adopts a comprehensive zoning regulation which includes the area.

Sec. 17. Minnesota Statutes 1976, Section 462.357, Subdivision 6, is amended to read:

Subd. 6. [APPEALS AND ADJUSTMENTS.] Appeals to the board of appeals and adjustments may be taken by any affected person upon compliance with any reasonable conditions imposed by the zoning ordinance. The board of appeals and adjustments has the following powers with respect to the zoning ordinance:

(1) To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by an administrative officer in the enforcement of the zoning ordinance.

(2) To hear requests for variances from the literal provisions of the ordinance in instances where their strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration, and to grant such variances only when it is demonstrated that such actions will be in keeping with the spirit and intent of the ordinance. *Undue hardship includes, but is not limited to, inadequate access to direct sunlight for solar energy systems.* The board of appeals and adjustments or the governing body as the case may be, may not permit as a variance any use that is not permitted under the

ordinance for property in the zone where the affected person's land is located. The board or governing body as the case may be, may permit as a variance the temporary use of a one family dwelling as a two family dwelling. The board or governing body as the case may be may impose conditions in the granting of variances to insure compliance and to protect adjacent properties.

Sec. 18. Minnesota Statutes 1976, Section 462.358, Subdivision 2, is amended to read:

Subd. 2. [TERMS OF REGULATIONS.] Subdivision regulations shall require that a proposed subdivision plat shall be in conformity with the official map if such exist. In establishing requirements for the location and width of streets, the municipality shall take into consideration anticipated traffic needs and the prospective character of the development and make any reasonable requirements therefor. As a condition to the approval of any subdivision plat of lands to which the regulations apply, subdivision regulations may prescribe requirements concerning the extent and manner in which streets shall be graded and improved, and electric and gas distribution lines or piping, water, sewer, or other facilities shall be installed. The regulations may provide, or authorize the governing body or other platting authority to provide, that, in lieu of the completion of such work before the final approval of the plat, the governing body or platting authority may accept or require a contract secured by a cash deposit, certified check, or a bond in an amount and with surety and conditions satisfactory to it, to assure the municipality that such improvements and utilities will be actually constructed and installed according to the specifications approved by the governing body or platting authority as expressed in the contract; and the municipality may enforce such contracts by appropriate legal and equitable remedies. The subdivision regulations may require that in appropriate plots of subdivisions to be developed for residential, commercial, industrial or other uses, or as a planned development which includes residential, commercial and industrial uses, or any combination thereof, that a reasonable portion of each proposed subdivision be dedicated to the public for public use as parks, playgrounds, public open space, or storm water holding areas or ponds, or that the subdivider contribute an equivalent amount in cash based on the fair market value of the undeveloped land, as defined by the regulations, provided that cash payments received under such regulations shall be placed in a special fund by the municipality and used only for the acquisition of land for parks, playgrounds, public open space and storm water holding areas or ponds, development of existing park and playground sites, public open space and storm water holding areas or ponds, and debt retirement in connection with land previously acquired for such public purposes. The subdivision regulations, in setting forth the reasonable portion of each proposed subdivision to be dedicated to the public for public use as provided above, may take into consideration the open space, park, recreational or common areas and facilities which the subdivider has provided for the exclusive use of the residents of the subdivision.



A municipality may, through subdivision regulations, prohibit or restrict development for purposes of soil and water conservation. Such soil and water conservation regulations may call for site development plans with provisions for the control of drainage, erosion, and siltation.

*A municipality may, for purposes of protecting and assuring access to direct sunlight for solar energy systems, prohibit, restrict or control development through subdivision regulations. The regulations may call for subdivision development plans containing restrictive covenants, height restrictions, side yard and setback requirements, or other permissible forms of land use controls.*

Sec. 19. Minnesota Statutes 1976, Section 462.358, Subdivision 6, is amended to read:

Subd. 6. [VARIANCES.] Subdivision regulations may provide for a procedure for varying the regulations as they apply to specific properties where an unusual hardship on the land exists, but variances may be granted only upon the specific grounds set forth in the regulations. *Unusual hardship includes, but is not limited to, inadequate access to direct sunlight for solar energy systems.*

Sec. 20. Minnesota Statutes 1976, Section 462.39, Subdivision 3, is amended to read:

Subd. 3. [PLANNING.] The commission shall prepare and adopt, after appropriate study and such public hearings as may be necessary, a comprehensive development plan for the region. The plan shall consist of a compilation of policy statements, goals, standards, programs, and maps prescribing guides for an orderly and economic development, public and private, of the region. The comprehensive development plan shall recognize and encompass physical, social, or economic needs of the region, and those future developments which will have an impact on the entire region including but not limited to such matters as land use, parks and open space land needs, *access to direct sunlight for solar energy systems*, the necessity for and location of airports, highways, transit facilities, public hospitals, libraries, schools, public and private, housing, and other public buildings. In preparing the development plan the commission shall use to the maximum extent feasible the resources studies and data available from other planning agencies within the region, including counties, municipalities, special districts, and subregional planning agencies, and it shall utilize the resources of the state planning agency to the same purpose. No development plan or portion thereof for the region shall be adopted by the commission until it has been submitted to the state planning agency for review and comment and a period of 60 days has elapsed after such submission. When a development plan has been adopted, the commission shall distribute it to all local government units within the region.

Sec. 21. Minnesota Statutes 1976, Section 473.05, Subdivision 1, is amended to read:

473.05 [PLANS.] Subdivision 1. The commission shall make

plans for the physical, social, and economic development of its metropolitan area with the general purpose of guiding and accomplishing a coordinated and harmonious development of the area and of public facilities, improvements, and utilities which do not begin and terminate within the boundaries of any single governmental unit or which do not relate exclusively to the development of any single governmental unit. Such plans may include, among other things, suggestions as to highways and other transportation facilities, parks and recreational facilities, *methods for protection and assuring access to direct sunlight for solar energy systems*, drainage and water supply facilities, public buildings, utilities and services, as well as suggested standards for the subdivision of land and for control over the construction, height, bulk, location and use of buildings and premises. The commission may adopt by resolution of a majority of its full membership any such plan or portion of any plan as its official recommendation for the development of the area.

Sec. 22. Minnesota Statutes 1976, Section 473.859, Subdivision 2, is amended to read:

Subd. 2. [LAND USE PLAN.] A land use plan shall designate the existing and proposed location, intensity and extent of use of land and water for agricultural, residential, commercial, industrial and other public and private purposes, or any combination of such purposes. A land use plan shall contain a protection element, as appropriate, for historic sites and the matters listed in section 473.204, *and an element for protection and development of access to direct sunlight for solar energy systems*. A land use plan shall also include a housing element containing standards, plans and programs for providing adequate housing opportunities to meet existing and projected local and regional housing needs, including but not limited to the use of official controls and land use planning to promote the availability of land for the development of low and moderate income housing.

Sec. 23. Minnesota Statutes 1976, Section 561.01, is amended to read:

561.01 [NUISANCE; ACTION.] *Subdivision 1.* Anything which is injurious to health, or indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, is a nuisance. An action may be brought by any person whose property is injuriously affected or whose personal enjoyment is lessened by the nuisance, and by the judgment the nuisance may be enjoined or abated, as well as damages recovered.

*Subd. 2.* An action may be brought by any person whose access to sunlight for purposes of solar energy use is substantially and injuriously affected by the construction or maintenance of a structure or the planting or growth of a tree or shrub. Notwithstanding any law to the contrary, the legislature declares that the use of solar energy systems is a reasonable use of land, and it shall be no defense to a cause of action arising under this subdivision that the use of sunlight for solar energy constitutes an

abnormally sensitive use of land. In all other respects, the common law of nuisance as established in Minnesota shall control.

Sec. 24. Subdivision 1. "Solar easement" means a right, whether or not stated in the form of a restriction, easement, covenant, or condition, in any deed, will, or other instrument executed by or on behalf of any owner of land or solar skyspace for the purpose of ensuring adequate exposure of a solar energy system as defined in section 116H.02, Subdivision 11, to solar energy.

Subd. 2. Any property owner may grant a solar easement in the same manner and with the same effect as a conveyance of an interest in real property. The easements shall be created in writing and shall be filed, duly recorded, and indexed in the office of the recorder of the county in which the easement is granted. No duly recorded solar easement shall be unenforceable on account of lack of privity of estate or privity of contract; such easements shall run with the land or lands benefited and burdened and shall constitute a perpetual easement, except that a solar easement may terminate upon the conditions stated therein or pursuant to the provisions of section 500.20.

Subd. 3. Any deed, will, or other instrument that creates a solar easement shall include, but the contents are not limited to:

(a) a description of the real property subject to the solar easement and a description of the real property benefiting from the solar easement;

(b) a description of the vertical and horizontal angles, expressed in degrees and measured from the site of the solar energy system, at which the solar easement extends over the real property subject to the solar easement, or any other description which defines the three dimensional space, or the place and times of day in which an obstruction to direct sunlight is prohibited or limited;

(c) any terms or conditions under which the solar easement is granted or may be terminated;

(d) any provisions for compensation of the owner of the real property benefiting from the solar easement in the event of interference with the enjoyment of the solar easement, or compensation of the owner of the real property subject to the solar easement for maintaining the solar easement;

(e) any other provisions necessary or desirable to execute the instrument.

Subd. 4. A solar easement may be enforced by injunction or proceedings in equity or other civil action and shall entitle representatives of the holder to enter burdened land in a reasonable manner and at reasonable times to assure compliance.

Subd. 5. Any depreciation caused by any solar easement which is imposed upon designated property, but not any appreciation caused by any solar easement which benefits designated property, shall be included in the valuation of the property for property tax purposes.

Sec. 25. [GASOHOL RESEARCH.] *The legislative commission on Minnesota resources shall monitor federal activities related to research, development, and demonstration of the feasibility of producing alcohol fuel from agricultural products or wastes for blending with gasoline and shall provide appropriate support for the development of a proposal in this area by a Minnesota agency or group.*

Sec. 26. *Notwithstanding the provisions of section 16.851, the date by which the state building code must be enforced within all municipalities in the state is July 1, 1979.*

Sec. 27. Subdivision 1. *The agricultural experiment station at the university of Minnesota in consultation with the Minnesota energy agency shall carry out research and allocate funds to develop a methodology for biomass utilization to optimize economic, energy and environmental impact in the use of grain and residues for food, fuel and fertilizer. The research shall address the impact of residue removal on soils, optimal use of residue materials, and the preservation of the quality of Minnesota's soils. The agricultural experiment station shall provide a report of the results to the legislature in January, 1980, including recommendations for implementation. The report shall include charts and data and shall be provided to serve as a decision-making tool for farmers and landowners for both cropping and residue removal. The energy agency shall seek additional federal funding in order to develop a statewide field study of biomass removal and land management techniques and to determine the long-term effects of various biomass utilization options.*

Subd. 2. *The energy agency shall issue a request for proposal for the construction and operation of a small scale (approximately 20 to 50 gallons per day) pilot plant for the production of ethanol. The plant shall operate and produce ethanol from more than one resource, though not necessarily simultaneously. One of the resources must be agricultural, forest, or wetland residue such as but not limited to corn stalks, straw, cattails or timber slash. The pilot plant should be portable if possible. The plant shall operate for at least one and one-half years through at least one growing season and a report shall be provided to the Minnesota energy agency in October, 1979. A 25 percent match shall be required in the selected proposal. The department of biochemistry at the university of Minnesota shall provide instrumentation and monitor the processes. The department of mechanical engineering shall test the fuel in internal combustion engines and provide horsepower, fuel consumption and related data. Each organization shall provide a written report to the Minnesota energy agency which shall in turn assemble all information for the report to the legislature in January, 1980.*

Sec. 28. [APPROPRIATIONS.] Subdivision 1. *For the year ending June 30, 1979, the sum of \$18,000 is appropriated from the general fund to the department of administration for the purposes of section 4.*

Subd. 2. *The sum of \$80,000 of the funds appropriated pursuant*

to Laws 1976, Chapter 254, Section 16, Clause (e), shall be used for the purpose of studying and reporting to the legislature by January 15, 1979, on existing loan programs for the rehabilitation of low and moderate income rental housing for energy conservation purposes. In particular, the study shall focus on the financial impact of rehabilitation and energy conservation programs on tenants. The director shall also include in the report to the legislature his recommendations for additional legislation for energy conservation programs for low and moderate income rental housing, and for methods of protecting tenants from unreasonable costs as a result of such programs.

Subd. 3. The sum of \$ . . . . . is appropriated from the general fund to the director of the energy agency for the purposes of section 12.

Subd. 4. For the purposes provided in section 26, the following sums are appropriated from the general fund:

\$10,000 to the director of the energy agency to administer and monitor the ethanol study and pilot project.

\$50,000 to the director of the energy agency for construction and operation of a pilot plant for the production of ethanol.

In addition, \$75,000 is appropriated from the general fund to the regents of the university of Minnesota to be expended in the following manner:

\$50,000 to the agricultural experiment station at the university of Minnesota, St. Paul, to administer and carry out research as provided in section 26.

\$18,000 to the department of biochemistry to instrument and monitor the pilot plant.

\$2,000 to the department of mechanical engineering for product testing for the pilot plant.

\$5,000 to the agricultural extension service at the university of Minnesota for publications for farmers and the general population on the research and pilot plant results.

The funds appropriated by this subdivision shall be available until expended.

Sec. 29. [EFFECTIVE DATE.] This act shall be effective the day after enactment, except that section 3, subdivision 7, shall be effective on October 1, 1979; section 5, subdivision 4, on July 1, 1983; Section 8, subdivision 2, on December 1, 1979."

Further, amend the title by striking it and inserting:

"A bill for an act relating to energy; changing the powers of the director of the Minnesota energy agency; providing for the confidentiality of proprietary data furnished to the energy agency; requiring a residential energy disclosure report at time of sale; creating a pilot project and research program on ethanol production from biomass; mandating certain energy efficiency standards for rental units; establishing insulation product and application

standards; providing for community energy conservation councils; providing for solar energy zoning and planning ordinances; requiring the metropolitan council to consider access to sunlight in its land use plans; permitting nuisance actions for certain obstructions to sunlight; providing requirements for solar easements; requiring monitoring of gasohol research; establishing a deadline for enforcing the state building code in municipalities; prescribing penalties; appropriating money; amending Minnesota Statutes 1976, Section 116H.08; 394.25, Subdivision 2; 394.27, Subdivision 7; 462.12; 462.357, Subdivisions 1 and 6; 462.358, Subdivisions 2 and 6; 462.39, Subdivision 3; 473.05, Subdivision 1; 473.859, Subdivision 2; 561.01; and Chapter 116H, by adding a section; Minnesota Statutes, 1977 Supplement, Section 116H.129, Subdivision 1, and by adding subdivisions.

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. 1808, 2020, 1833, 1873 for comparison with companion Senate Files, reports the following House Files were found identical and recommends the House Files be given their second reading and substituted for their companion Senate Files as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H. F. No.	S. F. No.	H. F. No.	S. F. No.	H. F. No.	S. F. No.
1808	1748				
2020	1915				
1833	1641				
1873	1660				

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 were referred

H. F. Nos. 1918, 2283 and 2221 for comparison with 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.
1918	1581	2283	2045		
2221	2155				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H. F. No. 1918 be amended as follows:

Strike everything after the enacting clause and insert

"Section 1. Minnesota Statutes, 1977 Supplement, Section 290.08, Subdivision 6, is amended to read:

Subd. 6. [PUBLIC OR PRIVATE PENSIONS OR RETIREMENT BENEFITS.] Notwithstanding the provisions of any other law to the contrary amounts, including interest, ~~not in excess of \$7,200~~ received by any person (i) from the United States, the Federal Reserve Bank or from the state of Minnesota or any of its political or governmental subdivisions or from any other state or its political or governmental subdivisions, or a Minnesota volunteer fireman's relief association, ~~either as a refund of contributions to, or by way of payment as a pension, public employee retirement benefit, or any combination thereof ; provided that the amount of exclusion provided for in this subdivision shall be reduced by , or~~ (ii) as a retirement benefit made from a plan qualifying under section 401, 404, 405, 408 or 409 of the Internal Revenue Code of 1954, as amended through December 31, 1977. This exclusion shall not exceed \$7,200 less social security and railroad retirement benefits plus any earned income as defined in section 37(c)(8)(b) of the Internal Revenue Code of 1954, as amended through December 31, 1976, which is received during the taxable year.

Sec. 2. [EFFECTIVE DATE.] *This act is effective for taxable years beginning after December 31, 1977.*"

Further, strike the title and insert:

"A bill for an act relating to taxation; clarifying the exclusion from gross income allowed for public pensions; amending Minnesota Statutes, 1977 Supplement, Section 290.08, Subdivision 6."

And when so amended H. F. No. 1918 will be identical to S. F. No. 1581, and further recommends that H. F. No. 1918 be given its second reading and substituted for S. F. No. 1581, 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.

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H. F. No. 2221 be amended as follows:

Page 14, after line 6, insert:

"Sec. 59. *Minnesota Statutes, 1977 Supplement, Section 488.04, Subdivision 3a, is repealed.*

Sec. 60. In the next and subsequent editions of Minnesota Statutes, the revisor of statutes shall substitute "certified mail" for "registered mail" wherever the latter term appears, except when the purpose is to insure articles of monetary value."

Page 9 of the memorandum of explanation, after line 17, add:

"Sec. 59. *Explanation.* [COURTS; RENT DEPOSIT JURISDICTION.] All of Minnesota Statutes, Chapter 488, governing municipal courts was repealed by Laws 1977, Chapter 432. The earlier Laws 1977, Chapter 129, added this jurisdictional provision. The subject is now covered in the county and county municipal court laws.

Sec. 60. *Explanation.* [CERTIFIED AND REGISTERED MAIL.] Certified mail serves all the purposes of registered mail except insurance and it is simpler and cheaper."

Amend the title as follows:

Page 1, line 28, after "33.13;" insert "and 488.04, Subdivision 3a;"

Page 1, line 33, delete the semicolon after "7" and insert a period

And when so amended H. F. No. 2221 will be identical to S. F. No. 2155, and further recommends that H. F. No. 2221 be given its second reading and substituted for S. F. No. 2155, 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.

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H. F. No. 2283 be amended as follows:

Page 4, after line 29, insert:

"Sec. 2. [EFFECTIVE DATE.] *This act is effective retroactive to July 6, 1977.*"

And when so amended H. F. No. 2283 will be identical to S. F. No. 2045, and further recommends that H. F. No. 2283 be given its second reading and substituted for S. F. No. 2045, 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 SENATE BILLS

S. F. Nos. 1702 and 2183 were read the second time.

S. F. Nos. 1948, 2372, 2348, 2041, 2003, 1529, 1427, 1450, 1273, 2143, 1594, 2105, 1804, 2361, 1871, 2274, 1836 and 1861 were read the second time and referred to the Subcommittee on Bill Scheduling of the Committee on Rules and Administration.

### SECOND READING OF HOUSE BILLS

H. F. Nos. 1834, 1808, 2020, 1833, 1873, 1918, 2221 and 2283 were read the second time.

H. F. No. 2243 was read the second time and referred to the Subcommittee on Bill Scheduling of the Committee on Rules and Administration.

### MOTIONS AND RESOLUTIONS

Mr. Anderson moved that the report from the Committee on Energy and Housing, reported March 2, 1978, pertaining to appointments, be taken from the table. The motion prevailed.



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

#### CONFIRMATION

Mr. Anderson moved that in accordance with the report from the Committee on Energy and Housing, reported March 2, 1978, the Senate, having given its advice, do now consent to and confirm the appointment of:

#### MINNESOTA HOUSING FINANCE AGENCY

Mark Kaplan, 2824 Oakland Avenue, Minneapolis, Hennepin County, effective January 1, 1978, for a term expiring the first Monday in January, 1982.

The motion prevailed. So the appointment was confirmed.

#### MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Perpich moved that the report from the Committee on Health, Welfare and Corrections, reported March 4, 1978, pertaining to appointments, be taken from the table. The motion prevailed.

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

#### CONFIRMATION

Mr. Perpich moved that in accordance with the report from the Committee on Health, Welfare and Corrections, reported March 4, 1978, the Senate, having given its advice, do now consent to and confirm the appointments of:

#### CRIME CONTROL PLANNING BOARD

##### CHAIRPERSON

Jacqueline O'Donoghue Reiss, 1783 Humboldt Avenue South, Minneapolis, Hennepin County, effective August 1, 1977, for a term expiring the first Monday in January, 1979.

##### CRIME CONTROL PLANNING BOARD

Cheryl Morrison, 2506 12th Avenue South, Minneapolis, Hennepin County, effective July 29, 1977, for a term expiring January 1, 1979.

Gerald Benjamin, 235 State Street, Jackson, Jackson County, effective January 1, 1978, for a term expiring the first Monday in January, 1982.

Jimmy H. Evans, 215 Oak Grove Street, Minneapolis, Hennepin County, effective January 1, 1978, for a term expiring the first Monday in January, 1982.

Frederick D. McDougall, Sr., 1014 21st Street, Bemidji, Bel-

trami County, has been appointed by me, effective January 1, 1978, for a term expiring the first Monday in January, 1982.

The motion prevailed. So the appointments were confirmed.

#### MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Purfeerst moved that S. F. No. 1758 be taken from the table. The motion prevailed.

S. F. No. 1758: A bill for an act relating to the department of transportation; permitting the commissioner of transportation to designate primary and alternate routes for the Great River Road; deleting the statutory route; removing duty of the commissioner to maintain the road; amending Minnesota Statutes 1976, Sections 161.142 and 161.148, Subdivisions 1, 2 and 3; repealing Minnesota Statutes 1976, Section 161.148, Subdivision 4.

#### CONCURRENCE AND REPASSAGE

Mr. Purfeerst moved that the Senate concur in the amendments by the House to S. F. No. 1758 and that the bill be placed on its repassage as amended. The motion prevailed.

S. F. No. 1758 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 3, as follows:

Those who voted in the affirmative were:

Ashbach	Frederick	Knoll	Olhoft	Sikorski
Bang	Gearty	Knutson	Penny	Sillers
Benedict	Gunderson	Laufenburger	Perpich	Spear
Bernhagen	Hughes	Lewis	Peterson	Staples
Brataas	Jensen	Luther	Purfeerst	Stokowski
Chmielewski	Johnson	McCutcheon	Renneke	Strand
Coleman	Keefe, J.	Menning	Schmitz	Tennessen
Davies	Keefe, S.	Merriam	Schrom	Ueland, A.
Dunn	Kleinbaum	Nelson	Setzepfandt	Ulland, J.
Engler	Knaak	Nichols	Sieloff	Vega

Messrs. Lessard, Moe and Willet voted in the negative.

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

#### SPECIAL ORDER

Pursuant to Rule 10, Mr. Coleman, Chairman of the Subcommittee on Bill Scheduling, designated S. F. No. 2342 a Special Order to be heard immediately.

S. F. No. 2342: A bill for an act relating to Olmsted county; authorizing the board of county commissioners to finance an addition to and to renovate the Olmsted county hospital.

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 59 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill 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 Senate Calendar and waive the lie over requirement. The motion prevailed.

### THIRD READING OF SENATE BILLS

S. F. No. 1622: A bill for an act relating to game and fish; requiring a trout stamp; providing for disposition of the proceeds; appropriating funds; amending Minnesota Statutes 1976, Section 98.46, by adding a subdivision; Minnesota Statutes, 1977 Supplement, sections 97.432; 98.46, Subdivision 2a; and 98.50, Subdivision 5.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 37 and nays 22, as follows:

Those who voted in the affirmative were:

Anderson	Hanson	Luther	Renneke	Strand
Benedict	Hughes	Merriam	Schaaf	Tennessen
Borden	Keefe, S.	Nelson	Schrom	Ulland, J.
Coleman	Kirchner	Nichols	Setzepfandt	Vega
Davies	Knaak	Olson	Sieloff	Willet
Dunn	Knoll	Perpich	Spear	
Gearty	Laufenburger	Peterson	Staples	
Gunderson	Lewis	Purfeerst	Stokowski	

Those who voted in the negative were:

Ashbach	Engler	Kleinbaum	Olhoft	Ueland, A.
Bang	Frederick	Lessard	Penny	Wegener
Bernhagen	Jensen	Menning	Schmitz	
Brataas	Johnson	Moe	Sikorski	
Chmielewski	Keefe, J.	Ogdahl	Sillers	

So the bill passed and its title was agreed to.

S. F. No. 1206: A bill for an act relating to aircraft; clarifying compulsory insurance requirements; requiring maintenance of liability coverage only during periods of contemplated aircraft use or operation; amending Minnesota Statutes 1976, Section 360.59, Subdivision 10.

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 60 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S. F. No. 1720: A bill for an act relating to game and fish; revising certain provisions regarding placement of blinds and decoys; amending Minnesota Statutes 1976, Section 100.29, Subdivision 18.

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 45 and nays 16, as follows:

Those who voted in the affirmative were:

Ashbach	Gunderson	Laufenburger	Penny	Solon
Bang	Hanson	Lewis	Perpich	Spear
Benedict	Hughes	McCutcheon	Renneke	Staples
Borden	Jensen	Menning	Schaaf	Stokowski
Brataas	Keefe, J.	Moe	Schmitz	Strand
Coleman	Kirchner	Nelson	Setzepfandt	Tennessen
Engler	Kleinbaum	Nichols	Sieloff	Vega
Frederick	Knaak	Olhoff	Sikorski	Wegener
Gearty	Knoll	Olson	Sillers	Willet

Those who voted in the negative were:

Anderson	Dunn	Knutson	Merriam	Purfeerst
Bernhagen	Johnson	Lessard	Ogdahl	Ueland, A.
Chenoweth	Keefe, S.	Luther	Peterson	Ulland, J.
Chmielewski				

So the bill passed and its title was agreed to.

S. F. No. 1630: A bill for an act relating to elections; providing certain safeguards against improper voter registration and cast-

ing of absentee ballots; revising forms and procedures for administering absentee ballot laws; prescribing certain powers and duties of and granting temporary rulemaking power to the secretary of state; eliminating civil service appointment of election judges in first class cities; prescribing penalties; amending Minnesota Statutes 1976, Sections 201.121; 201.15; 201.27; 204A.14, Subdivision 2; 207.04; 207.06; 207.08; 207.09; 207.30, Subdivisions 2, 3, 4, 5 and 6; Chapters 201, by adding a section; and 207, by adding a section; Minnesota Statutes, 1977 Supplement, Sections 201.061, Subdivision 3; 201.071, Subdivision 4; 204A.13, Subdivisions 2 and 6; 204A.17, Subdivision 1; 204A.175; 207.02; 207.03; 207.05, Subdivision 1; 207.10; 207.11; and 207.31; repealing Minnesota Statutes 1976, Sections 204A.17, Subdivision 2; 207.101; 207.12; 207.13; and 207.30, Subdivision 1.

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 62 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S. F. No. 318: A bill for an act relating to criminal procedure; permitting peace officers to make arrests upon probable cause in cases of domestic assault; requiring detention and review of bail for persons charged with domestic assault; permitting the judge to stay execution and imposition of sentence conditioned upon the defendant seeking appropriate counseling; amending Minnesota Statutes 1976, Section 609.135, by adding a subdivision; and Chapter 629, by adding sections.

With the unanimous consent of the Senate, Mr. McCutcheon moved to amend S. F. No. 318 as follows:

Page 3, line 20, strike "or" and insert "and"

The motion prevailed. So the amendment was adopted.

S. F. No. 318 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 61 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

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

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 38 and nays 25, as follows:

Those who voted in the affirmative were:

Anderson	Gearty	Knutson	Olhoff	Stokowski
Benedict	Gunderson	Laufenburger	Peterson	Strand
Bernhagen	Hanson	Luther	Purfeerst	Stumpf
Borden	Jensen	McCutcheon	Renneke	Vega
Chenoweth	Johnson	Merriam	Schaaf	Wegener
Chmielewski	Keefe, S.	Moe	Sikorski	Willet
Coleman	Kirchner	Nelson	Sillers	
Engler	Kleinbaum	Nichols	Solon	

Those who voted in the negative were:

Ashbach	Dunn	Lewis	Perpich	Spear
Bang	Frederick	Menning	Schmitz	Staples
Brataas	Hughes	Ogdahl	Schrom	Tennessen
Davies	Keefe, J.	Olson	Setzepfandt	Ueland, A.
Dieterich	Knaak	Penny	Sieloff	Ulland, J.

So the bill passed and its title was agreed to.

S. F. No. 1752: A bill for an act relating to nursing homes; authorizing sharing of administrators between certain hospitals and nursing homes; amending Minnesota Statutes 1976, Section 144A.04, Subdivision 5.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S. F. No. 1664: A bill for an act relating to state waters; establishing certain priorities for use of water in processing agricultural products; amending Minnesota Statutes, 1977 Supplement, Section 105.41, Subdivision 1a.

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 63 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S. F. No. 1891: A bill for an act relating to taxation; property tax; exempting certain cities containing utility plants from per capita levy limitations; amending Minnesota Statutes 1976, Section 275.11, 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 63 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S. F. No. 1704: A bill for an act relating to the city of Minneapolis and the housing and redevelopment authority in and for the city of Minneapolis; establishing a program setting aside a portion of services and materials for small businesses.

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 63 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S. F. No. 1495: A bill for an act relating to municipal obligations; revising provisions relating to advance refunding; amending Minnesota Statutes 1976, Section 475.67.

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 61 and nays 3, as follows:

Those who voted in the affirmative were:

Anderson	Brataas	Engler	Jensen	Knaak
Ashbach	Chenoweth	Frederick	Johnson	Knoll
Bang	Chmielewski	Gearty	Keefe, J.	Knutson
Benedict	Coleman	Gunderson	Keefe, S.	Laufenburger
Bernhagen	Dieterich	Hanson	Kirchner	Lewis
Borden	Dunn	Hughes	Kleinbaum	Luther



McCutcheon	Olson	Schmitz	Spear	Vega
Menning	Penny	Schrom	Staples	Wegener
Moe	Perpich	Setzepfandt	Stokowski	Willet
Nelson	Peterson	Sieloff	Strand	
Nichols	Purfeerst	Sikorski	Stumpf	
Ogdahl	Renneke	Sillers	Ueland, A.	
Olhoft	Schaaf	Solon	Ulland, J.	

Messrs. Davies, Merriam and Tennesen voted in the negative.

So the bill passed and its title was agreed to.

S. F. No. 1830: A bill for an act relating to corporations; modifying certain filing fees for domestic corporations; providing a uniform fee for filing instruments with the secretary of state; amending Minnesota Statutes 1976, Sections 300.49, Subdivision 1; and 301.071, 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 63 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S. F. No. 1943: A bill for an act relating to forests; regulating the maintenance of fires therein; amending Minnesota Statutes 1976, Sections 88.01, by adding a subdivision; 88.10; 88.16; 88.17; 88.22; 88.73; 88.75, Subdivision 1; 88.76; 88.77; and 88.78.

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 65 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Coleman	Hughes	Knoll	Nelson
Ashbach	Davies	Humphrey	Knutson	Nichols
Bang	Dieterich	Jensen	Laufenburger	Ogdahl
Benedict	Dunn	Johnson	Lewis	Olhoft
Bernhagen	Engler	Keefe, J.	Luther	Olson
Borden	Frederick	Keefe, S.	McCutcheon	Penny
Brataas	Gearty	Kirchner	Menning	Perpich
Chenoweth	Gunderson	Kleinbaum	Merriam	Peterson
Chmielewski	Hanson	Knaak	Moe	Purfeerst

Renneke	Setzepfandt	Solon	Strand	Ulland, J.
Schaaf	Sieloff	Spear	Stumpf	Vega
Schmitz	Sikorski	Staples	Tennessee	Wegener
Schrom	Sillers	Stokowski	Ueland, A.	Willet

So the bill passed and its title was agreed to.

S. F. No. 1690: A bill for an act relating to the Minneapolis-Saint Paul metropolitan airports commission; providing a maximum amount and funding terms for commission debt; amending Minnesota Statutes 1976, Section 473.667, Subdivisions 2 and 4, 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 63 and nays 1, as follows:

Those who voted in the affirmative were:

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

Mr. Davies voted in the negative.

So the bill passed and its title was agreed to.

### THIRD READING OF HOUSE BILLS

H. F. No. 1323: A bill for an act relating to education; higher education coordinating board; making certain public post-secondary educational institutions located in another state or country subject to registration; providing certain restrictions on the use of records provided in connection with registration; granting approval for the use of certain names by certain schools; providing exemption from registration by certain schools; amending Minnesota Statutes 1976, Sections 136A.31; 136A.62, Subdivision 3; 136A.63; 136A.64 and 136A.65; and Chapter 136A, 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 62 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

H. F. No. 1103: A bill for an act relating to the operation of state government; centralizing the management and review of all state contracts in the office of the commissioner of administration; distinguishing consultant, professional and technical contracts; amending Minnesota Statutes 1976, Section 15.061; and Chapter 16, by adding a section; repealing Minnesota Statutes 1976, Sections 16.10; and 161.35.

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 61 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

H. F. No. 1857: A bill for an act relating to veterans; requiring all counties to appoint a veterans service officer; amending Minnesota Statutes 1976, Section 197.60, Subdivision 1.

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 3, as follows:

Those who voted in the affirmative were:

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

Mrs. Brataas, Mr. Lewis and Mrs. Staples voted in the negative.

So the bill passed and its title was agreed to.

H. F. No. 1728: A bill for an act relating to employments licensed by the state; architects, engineers and landscape architects; requiring knowledge of barrier free design to acquire license; amending Minnesota Statutes 1976, Section 326.10, 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 62 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

#### MOTIONS AND RESOLUTIONS—CONTINUED

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

#### CONSENT CALENDAR

S. F. No. 1951: A bill for an act relating to marriage; providing that the clerk of court may solemnize marriages; amending Minnesota Statutes 1976, Section 517.04.

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 4, as follows:

Those who voted in the affirmative were:

Anderson	Hanson	Laufenburger	Penny	Staples
Ashbach	Hughes	Lewis	Perpich	Stokowski
Bang	Humphrey	Luther	Peterson	Strand
Benedict	Johnson	McCutcheon	Renneke	Stumpf
Bernhagen	Keefe, J.	Menning	Schaaf	Tennessen
Brataas	Keefe, S.	Merriam	Setzepfandt	Ueland, A.
Coleman	Kirchner	Nelson	Sieloff	Ulland, J.
Davies	Kleinbaum	Nichols	Sikorski	Vega
Dunn	Knaak	Ogdahl	Sillers	Wegener
Engler	Knoll	Olhoft	Solon	Willet
Frederick	Knutson	Olson	Spear	

Messrs. Chmielewski, Dieterich, Gearty and Purfeerst voted in the negative.

So the bill passed and its title was agreed to.

H. F. No. 1936: A bill for an act relating to Independent School District No. 272 (Eden Prairie) and Independent School District No. 273 (Edina); providing for the transfer of territory from Independent School District No. 272 to Independent School District No. 273.

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 62 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

H. F. No. 2312: A bill for an act relating to Independent School District No. 272 (Eden Prairie) and Independent School District No. 271 (Bloomington); providing for the transfer of territory from Independent School District No. 272 to Independent School District No. 271.

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 63 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

### MOTIONS AND RESOLUTIONS—CONTINUED

Remaining on the Order of Business of Motions and Resolutions, Mr. Coleman moved to take up the General Orders Calendar. 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. No. 1 which the committee reports progress, subject to the following motions:

Mr. Luther moved to amend S. F. No. 1, as follows:

Strike everything after the enacting clause and insert:

"Section 1. [116.451] [DEFINITIONS.] Subdivision 1. For purposes of sections 1 to 5, the terms defined in this section have the meanings given them.

Subd. 2. "Beverage container" means an individual, hermetically sealed glass, metal or plastic bottle, can, jar or carton used for the purpose of containing beer, ale, or other malt drink containing one half of one percent or more of alcohol by volume; or mineral waters, soda waters or any other carbonated soft drink in liquid form and intended for human consumption.

Subd. 3. "Bottler" means a person bottling, canning or otherwise filling a beverage container for sale to a distributor or dealer in this state.

Subd. 4. "Dealer" means a person who sells a filled beverage container at retail in this state.

Subd. 5. "Distributor" means a person, including but not limited

to a bottler, who sells filled beverage containers to a dealer in this state.

Subd. 6. "Local redemption center" means a commercial establishment, including a dealer, licensed by a county board pursuant to section 2 where any person may return empty beverage containers having a refund value displayed thereon pursuant to section 5.

Subd. 7. "Nonrefillable beverage container" means a beverage container which is not suitable for refilling because of its construction or the raw materials used in its production or because of any information stated on the beverage container.

Subd. 8. "Refillable beverage container" means a beverage container, other than a nonrefillable beverage container.

Sec. 2. [116.452] [COUNTY COMPREHENSIVE SOLID WASTE PLAN.] Before March 1, 1979, each county located within the metropolitan area, as defined in section 473.121, subdivision 2, shall complete a solid and hazardous waste policy plan required in section 473.803, and each county located outside the metropolitan area shall complete and adopt a comprehensive solid waste management plan which identifies the source, supply, collection, transportation, storage, disposal treatment and recycling of solid waste as defined in section 116.06, subdivision 10. Each county plan shall identify all existing facilities which perform these activities and specifically state the need, capacity and location of new facilities, including local redemption centers to be licensed pursuant to section 3.

Sec. 3. [116.453] [LOCAL REDEMPTION CENTERS.] Subdivision 1. [APPLICATION FOR APPROVAL.] Any person may file with the county board an application for a license to operate a local redemption center. The application shall state the name and address of the person responsible for the establishment and operation of the center, the kinds, sizes and brand names of beverage containers which the center intends to accept and the names and addresses of dealers proposed to be served and their distances from the local redemption center. The application shall also specify all other types of solid waste the proposed center intends to accept.

Subd. 2. [APPROVAL.] The county board may approve an application for a license to operate a local redemption center if it finds that the proposed center will provide a convenient and necessary service for the return of empty beverage containers and is consistent with the county's comprehensive solid waste management plan.

If the county board approves a license to operate a local redemption center, it may exempt any dealer that is not a local redemption center from the requirement of accepting and paying the refund value of empty nonrefillable beverage containers of the kind, size and brand sold by the dealer, and the county board may prohibit any dealer who has received prior notice and who is not a local redemption center from accepting and paying a refund for empty nonrefillable beverage containers.

The county board shall mail notice to any dealer it so exempts or prohibits. The license to operate a local redemption center shall state the dealers to be served and the kinds, sizes and brand names of empty beverage containers which the center shall accept. The license shall also state the specific other types of solid waste which the center must accept and any other conditions deemed appropriate by the county board.

If the county board grants a license to operate a local redemption center to any dealer, it shall approve the license application of any other dealer submitted subsequently pursuant to subdivision 1 if the proposed center will provide a convenient and necessary service for the return of empty containers and is consistent with the county's comprehensive solid waste management plan.

Subd. 3. [POSTED LISTS.] A local recycling center shall prominently display on its premises a list of the dealers served, the kinds, sizes and brand names of empty beverage containers which it must accept, and the other specific types of solid waste which it must accept. A dealer prohibited by the county board pursuant to subdivision 2 from accepting and paying a refund for empty nonrefillable beverage containers shall prominently display on its premises the name and location of all local redemption centers licensed to serve the area.

Subd. 4. [WITHDRAWAL OF APPROVAL.] The county board may review at any time any license to operate a local redemption center. After written notice to the person responsible for the establishment and operation of the local redemption center and to the dealers served by the center, the county board may, after hearing, revoke the license of a local redemption center if it finds there has not been compliance with the license or if the local redemption center no longer provides a convenient and necessary service to the public.

Sec. 4. [116.454] [REFUNDS.] Subdivision 1. [REFUND VALUE.] After September 1, 1979, a filled beverage container sold or offered for retail sale in this state shall have a refund value of not less than five cents. The price to purchase a filled nonrefillable beverage container at retail in this state after September 1, 1979, shall include two cents per filled nonrefillable beverage container purchased plus the refund value displayed thereon pursuant to section 5.

Subd. 2. [REFUND PAYMENT REQUIRED.] Except as provided in subdivision 3, after September 1, 1979:

(a) A dealer shall accept an empty, unbroken and reasonably clean refillable beverage container of the kind, size and brand sold by the dealer, and shall pay to the person returning the beverage container at least the refund value displayed thereon pursuant to section 5.

(b) A dealer whom the county board did not specifically exempt from doing so pursuant to subdivision 2 shall accept an empty non-refillable beverage container of the kind, size and brand sold by the dealer, and shall pay to the person returning the beverage container



at least the refund value displayed thereon pursuant to section 5. A dealer whom the county board did specifically exempt, but did not specifically prohibit, from doing so pursuant to subdivision 2 may accept an empty nonrefillable beverage container of the kind, size and brand sold by the dealer and may pay to the person returning the beverage container at least the refund value displayed thereon pursuant to section 5.

(c) A local redemption center shall accept an empty nonrefillable beverage container of the kind, size and brand specified in its license and shall pay to the person returning the nonrefillable beverage container at least the refund value displayed thereon pursuant to section 5. A center may accept a previously used empty refillable beverage container and shall pay at least the refund value displayed thereon pursuant to section 5.

(d) A distributor or bottler or a designee of a distributor or bottler shall accept from a dealer or local redemption center an empty refillable beverage container of the kind, size and brand sold by the distributor or bottler, and shall pay the dealer or local redemption center the refund value displayed thereon pursuant to section 5. A distributor or his designee shall pick up any empty refillable beverage container of the kind, size and brand sold by the distributor from a dealer at least once per week, unless the distributor and the dealer mutually agree to the contrary in writing.

Subd. 3. [EXCEPTIONS.] A dealer or a local redemption center may refuse to accept an empty beverage container that does not visibly display a refund value as required by section 5. A distributor, bottler or designee may refuse to accept from a dealer or local redemption center an empty refillable beverage container that does not visibly display a refund value as required by section 5.

Subd. 4. After September 1, 1979, before the last day of each month, each dealer in the state shall complete a report on a form supplied by the commissioner of revenue specifying the total amount of refund values collected for the sale of nonrefillable beverage containers during the reporting period and forward the report and the total amount of the refund values collected plus two cents per nonrefillable beverage container sold to the auditor of the county where the dealer's establishment is located.

Subd. 5. The county auditor shall pay each local redemption center and each dealer not prohibited from accepting nonrefillable beverage containers pursuant to subdivision 2 at least an amount equal to two cents plus the refund value specified thereon for each empty nonrefillable beverage container returned at the center or dealer. Based upon estimates of the number of returned empty nonrefillable beverage containers submitted by each local redemption center and each such dealer located in the county, the county auditor shall direct monthly advance payments to be made from the funds collected pursuant to subdivision 4 to each local redemption center and each such dealer commencing September 1, 1979. The county auditor shall direct adjustment of any overestimate in a succeeding month based upon the monthly report submitted by each local redemption center and each such dealer of the num-

ber of empty nonrefillable beverage containers returned to that center or dealer.

Subd. 6. After September 1, 1979, each county auditor shall file an annual report prior to March 1 to the commissioner of revenue on a form supplied by him specifying the total amount of money collected by the county pursuant to subdivision 4 and the reimbursable amount determined by multiplying the number of empty nonrefillable beverage containers returned at each local redemption center and each dealer in the county during the previous calendar year by seven cents. Any county which collected an amount pursuant to subdivision 4 greater than the reimbursable amount determined pursuant to this subdivision during the previous calendar year shall forward the surplus to the commissioner of revenue who shall distribute the surpluses among those counties which have a reimbursable amount determined pursuant to this subdivision greater than they collected pursuant to subdivision 4, on a basis proportional to that deficit.

After the commissioner has made this distribution, if in each county the amount collected pursuant to subdivision 4 plus the amount of distribution from the commissioner pursuant to this subdivision equals the reimbursable amount determined pursuant to this subdivision, then the commissioner shall distribute any remaining surplus among all counties on a basis proportional to their respective reimbursable amount.

Sec. 5. [116.455] [CONTAINER DESIGN.] After September 1, 1979, a beverage container sold or offered for sale in this state by a bottler, dealer or distributor shall clearly indicate by embossing, by a stamp, by a label or other permanent method of display, the name of this state and the refund value of the container.

Sec. 6. [116.456] [PENALTY.] A violation of section 4 or 5 is a misdemeanor. Each day of violation is a separate offense."

Amend the title by striking it in its entirety and inserting:

"A bill for an act relating to solid waste pollution; requiring each county to adopt a comprehensive solid waste management plan; authorizing counties to license redemption centers; requiring minimum refund value on beverage containers after a certain date; providing penalties."

The motion prevailed. So the amendment was adopted.

Mr. Borden moved to amend S. F. No. 1 as follows:

Strike everything after the enacting clause and insert:

"Section 1. [BEVERAGE CONTAINERS; LICENSING.] *Subdivision 1. As used in this section, the following terms have the meanings specified:*

(a) "Retailer" has the meaning given that term in section 297A.01, subdivision 10.

(b) "Beer" means and includes intoxicating and non-intoxicating malt liquor, as defined in chapter 340.

(c) "Non-refillable container" means an individual hermetically sealed, glass, metal or plastic bottle, can or jar which is neither capable of being refilled at least five times for retail sale or is not refilled at least five times for retail sale during the ordinary course of business.

(d) "Refillable container" means any container other than a non-refillable container.

Subd. 2. No retailer shall sell or offer for sale and consumption upon the premises of the retailer any beer or carbonated soft drink dispensed from non-refillable containers unless he obtains a license to do so. Licenses shall be obtained from the department of revenue upon payment of an annual fee of \$150, which fee shall be due and payable by August 1 of each year for the fiscal year beginning July 1. License fees shall be deposited in the general fund.

Subd. 3. No retailer shall sell or offer for sale beer or carbonated soft drinks for off-premises consumption in non-refillable containers unless the retailer also sells or offers for sale beer or carbonated soft drinks in refillable containers. Compliance with this subdivision may be established by the sale or offering for sale of refillable containers of beer or carbonated soft drinks of at least one brand and size in quantities sufficient to meet ordinary consumer demand.

Subd. 4. No retailer shall sell or offer for sale beer or carbonated soft drinks in non-refillable containers in less than case lots unless the retailer also sells or offers for sale beer or carbonated soft drinks in refillable containers in less than case lots.

Subd. 5. A retailer who sells or offers for sale beer or carbonated soft drinks for off-premises consumption, either in individual containers or in groups of containers as a packaged unit, shall display prominently on his premises the refund value of the empty beverage container, if any, and the retail price, excluding the refund value, of the filled beverage container.

Subd. 6. No person shall sell or offer for sale beer or carbonated soft drinks in non-refillable containers on any property owned by the state of Minnesota or the university of Minnesota.

Subd. 7. Subdivisions 3 to 5 of this section shall not apply to retail sales of beer or carbonated soft drinks made through vending machines.

Subd. 8. Any person who violates any provision of this section is guilty of a misdemeanor.

Sec. 2. [REGIONAL RECYCLING CENTERS; ESTABLISHMENT.] Subdivision 1. Prior to July 1, 1979, the Minnesota pollution control agency shall establish a regional solid waste recycling center in each development region pursuant to the Regional Development Act of 1969.

Subd. 2. The agency may contract with any person for the operation of a regional solid waste recycling center. The location for a regional center shall be selected by the agency upon recom-

mentation of the appropriate regional development commission, after consideration of factors of geography, population, transportation, availability of technical knowledge and equipment, and other relevant factors as determined by the agency.

**Sec. 3. [REGIONAL RECYCLING PROGRAM.]** Subdivision 1. Each regional recycling center shall purchase metal and glass containers, paper, and other materials determined by the pollution control agency to be suitable for recycling, except an abandoned motor vehicle, as defined by section 168B.02, or a household appliance. The price paid for materials to be recycled shall be set by the agency at an amount sufficient to stimulate recycling of such materials within the state, and shall be revised periodically to reflect market conditions. In addition, the agency may pay all or a portion of the cost of transporting materials to the center and the center's cost of processing, as defined by section 30 of this act.

Subd. 2. The regional recycling center, with the assistance of and after consultation with the agency, shall contract for the sale and disposition of recycled materials through commercial channels at the most favorable price obtainable. The agency shall pay transportation expenses to the point of delivery.

Subd. 3. Any funds received by the agency from a regional recycling center pursuant to a contract authorized by section 2 of this act shall be deposited in the general fund of the state treasury. The agency shall promulgate rules pursuant to chapter 15 necessary for the establishment and operation of regional recycling centers.

**Sec. 4. [DEFINITIONS.]** Subdivision 1. For the purposes of sections 4 to 15, the terms defined in this section have the meanings given, unless the context clearly indicates otherwise.

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

Subd. 3. "Department" means the department of transportation.

Subd. 4. "Litter" means any waste material including, but not limited to, glass, bottles, nails, tacks, wire, cans, garbage, swill, paper, animal carcasses, offal, trash, or rubbish.

Subd. 5. "Litter bag" means a bag or container with a capacity of at least one quart, but not more than eight quarts, intended for the temporary storage of litter.

Subd. 6. "Motorboat" has the meaning specified in section 361.02, subdivision 8.

Subd. 7. "Peace officer" has the meaning specified in section 626.84.

Subd. 8. "Person" means any individual, corporation, partnership, or association.

Subd. 9. "Public place" means any area that is used or held out for use by the public, whether owned or operated by public or private interests.

Subd. 10. "Vehicle" means a motor vehicle licensed as required by section 169.79, excluding motorcycles and snowmobiles.

Sec. 5. [LITTERING PROHIBITED.] Subdivision 1. No person shall throw, place, dump, discard, or otherwise deposit, nor cause to be thrown, placed, dumped, discarded, or otherwise deposited, any litter in any public place or on any public street, highway, land, water or the ice thereon, except with the permission of or in the manner prescribed by the governing body having jurisdiction over the public place.

Subd. 2. No person shall throw, place, dump, discard, or otherwise deposit, nor cause to be thrown, placed, dumped, discarded or otherwise deposited, any litter upon any privately owned land or the water or ice thereon, except with the permission of and in a lawful manner prescribed by the owner thereof.

Subd. 3. Any person removing a wrecked or damaged vehicle from a highway shall remove any glass or other injurious substance dropped upon the highway right-of-way from the vehicle.

Subd. 4. No person shall drop or hurl any destructive or injurious material or object at or upon any motor vehicle or the occupants thereof within any highway right-of-way.

Sec. 6. [LITTER BAGS REQUIRED.] No person shall operate a vehicle or a motorboat unless it contains a litter bag.

Sec. 7. [LITTER RECEPTACLES IN PUBLIC PLACES.] Every person owning or operating any public place in which litter receptacles are required by rule of the commissioner shall obtain and place receptacles at his own expense on the premises in accordance with rules adopted by the commissioner. The owner or operator may limit the litter placed in litter receptacles to that quantity and composition which is normally contained in a litter bag.

Sec. 8. [LITTER BAGS; DESIGN AND DISTRIBUTION.] The department shall develop a state anti-litter symbol at a cost of less than \$1,000. The department shall make available litter bags and other promotional material bearing the state anti-litter symbol. The department shall provide these litter bags to the public at no charge at rest areas, field offices, or other appropriate locations. Litter bags may be distributed by the department of public safety to the owners of vehicles at the time of license issuance. The department of natural resources may make litter bags available to motorboat owners at the licensing locations and other appropriate locations.

Sec. 9. [PENALTIES.] Subdivision 1. Any person who violates the provisions of section 5 is guilty of a misdemeanor. Upon conviction of any person for a violation of section 5, subdivision 1 or 2, the court may stay the imposition or execution of sentence and may, as a condition of probation, order the violator to work under the supervision of an employee of the department of transportation or department of natural resources for not more than eight hours in a litter removal or landscape beautification project.

Subd. 2. Any person who fails to provide litter receptacles as required by section 7 is guilty of a petty misdemeanor.

Subd. 3. Any person who violates section 6 may be fined not more than \$10.

Sec. 10. [ENFORCEMENT.] All peace officers shall enforce the provisions of sections 4 to 9, and may issue citations to and arrest persons violating any provision of sections 4 to 9. Any person may file a complaint in regard to a violation or any provision of sections 4 to 9 with the appropriate law enforcement agency. A peace officer may serve and execute all warrants, citations, and other processes issued by courts in the enforcement of sections 4 to 9. Mailing by certified mail of a warrant, citation, or other process to the last known place of residence of the person charged shall be deemed personal service.

Sec. 11. [FINES; DISPOSITION.] Any political subdivision which collects a fine or bail forfeiture for a violation of any provision of sections 4 to 9 shall forward one-half of any amount collected to the state treasurer for deposit in the general fund.

Sec. 12. [RULES.] The commissioner shall promulgate rules required to carry out the provisions of sections 4 to 15, including, but not limited to, standards for the distribution and location of litter receptacles in public places as required by section 7.

Sec. 13. [LITTER CONTROL PROGRAMS; PUBLIC EDUCATION; FUNDING.] The commissioner shall coordinate programs involving public and private agencies for the purposes of research, development, and public education concerning litter and solid waste. The commissioner shall actively encourage the cooperation and support of labor, industry, and persons in organizations interested in litter and solid waste, and shall inform the public of the purpose and contents of sections 4 to 15 and the penalties for violations thereof. The commissioner shall contract with the Minnesota environmental education board to carry out the public education provisions assigned to him hereunder. The commissioner shall be the agent of the state for receipt of public or private funds made available for purposes consistent with sections 4 to 15.

Sec. 14. [AUTHORITY TO MAKE GRANTS.] The commissioner may make grants available in furtherance of the purposes of sections 4 to 15 to persons or organizations he deems appropriate and qualified.

Sec. 15. [LITTER COLLECTION ANALYSIS.] By November 30 of each year, the department shall conduct an analysis of collections of litter which are discarded in violation of anti-litter laws. The analysis shall include litter collected throughout the state, including standard metropolitan statistical areas, rural areas, and recreational areas. Where possible, the department shall make use of local litter and trash collection services through arrangements with local governmental agencies to facilitate the analysis. Contracts with civic and youth organizations may also be utilized where deemed practicable. By November 30, 1979, and annually thereafter, the department shall report to the governor and the

legislature on the amount of litter collected pursuant to this section and shall include in its report an analysis by item, weight, volume and, where practicable, the biodegradable characteristics of the various types of products, packages, wrappings, and containers which compose significant amounts of the litter collected.

**Sec. 16. [LITTER LICENSE FEE; AMOUNT; COLLECTION; APPROPRIATION.] Subdivision 1. [DEFINITIONS.]** For the purposes of this section, the terms defined in this subdivision have the meanings given, unless the context clearly indicates otherwise.

(a) "Importer" means any person who initially imports into this state for subsequent sale, use, or consumption products manufactured outside this state.

(b) "Manufacturer" means any person in Minnesota who performs or provides the last act, function, or process in the manufacture, formulation, fabrication, or conversion of any product for sale, use, or consumption in this state.

**Subd. 2.** There is hereby levied and imposed upon every person in the state engaged in business as a manufacturer or importer of products listed in subdivision 3 or 4 whose gross sales of such products exceed \$100,000 in any calendar year an annual litter fee on annual gross sales in excess of \$100,000 of such products within the state of Minnesota. In computing gross sales for purposes of the litter fee, all sales exempted from the general sales and use tax by section 297A.25, subdivision 1, clause (d), shall be disregarded. The annual litter fee shall be .025 percent of annual gross sales of products listed in subdivision 3 and .05 percent of annual gross sales of products listed in subdivision 4. A manufacturer or importer whose gross sales include products listed in subdivision 3 or 4 may designate which sales are to be included in the first \$100,000 of gross sales which are exempt from the litter fee. The fee shall be due and payable annually on or before July 25 of each year based upon sales during the preceding calendar year, except that the litter fee for 1978 shall be due and payable on January 1, 1979, based upon sales during the 1977 calendar year. The fee shall be administered and collected by the department of revenue in the same manner as the sales and use tax imposed by chapter 297A. Receipts from the litter fee shall be deposited in the general fund.

**Subd. 3.** The .025 percent litter fee imposed by this section shall be levied upon sales in the following product categories:

- (a) Cigarettes and tobacco products;
- (b) Take-out and fast foods;
- (c) Candy, chewing gum, and other confections;
- (d) Snack foods, including nuts and chips;
- (e) Paper and other fiber containers;
- (f) Auto and truck tires and mufflers;
- (g) Toiletries, non-drugstore sundry items;
- (h) Pet food; and

*(i) Flexible packaging used to package or wrap consumer goods.*

*Subd. 4. The .05 percent fee imposed by this section shall be levied upon sales in the following product categories:*

*(a) Soft drinks and carbonated beverages;*

*(b) Still fruit drinks and other noncarbonated beverages, mixes, and powders, excepting natural fruit in either concentrated or single strength state;*

*(c) Alcoholic beverages;*

*(d) Newspapers and magazines;*

*(e) Glass containers;*

*(f) Metal containers of less than 55 gallons capacity;*

*(g) Plastic containers; and*

*(h) Container crowns and closures.*

*Subd. 5. In no event shall the litter fee imposed by subdivision 3 exceed \$4,000 for any person and in no event shall the litter fee imposed by subdivisions 3 and 4 exceed \$8,000 for any person.*

*Subd. 6. The commissioner of revenue shall adopt rules pursuant to chapter 15 to administer and collect the litter fee imposed by this section and the license fee required by section 1, subdivision 2, of this act.*

*Sec. 17. Minnesota Statutes 1976, Section 116E.03, Subdivision 7, is amended to read:*

*Subd. 7. [EMPLOYMENT OF STAFF.] The state board and the regional councils may employ such the administrative and clerical staff as may be necessary to carry out the functions of the state board and regional councils as described in sections 116E.01 to 116E.04 ; including, but not limited to, an executive director to represent and manage the affairs of the state board, and/or regional councils, as the case may be . All employees except the executive director, who were hired after July 1, 1976, shall be in the classified service of the state. In addition, the state board and regional councils may employ and fix the compensation of such any experts and consultants as may be necessary to carry out their functions under sections 116E.01 to 116E.04.*

*Sec. 18. Minnesota Statutes 1976, Section 116E.03, Subdivision 7a, is amended to read:*

*Subd. 7a. [EXECUTIVE DIRECTOR.] The executive director of the state board shall be experienced in the administration of environment-related programs. All employees serving the board shall be in the classified civil service of the state. This subdivision shall not apply to board employees serving on July 1, 1976. He shall be appointed by the governor, with the consent of the senate, for a four-year term, which shall coincide with the term of the governor, and shall serve until his successor is duly appointed and*



*qualifies. The governor may remove the director at any time at his pleasure. A vacancy in the office of executive director shall be filled by the governor, with the consent of the senate, for the unexpired term.*

Sec. 19. Minnesota Statutes 1976, Section 116E.03, Subdivision 8, is amended to read:

Subd. 8. [CONTRACTS.] The chief administrative officer executive director of the state board may contract with persons, firms, corporations, organizations, units of government or institutions of higher learning for doing any of the work of his office, and none of the provisions of chapter 16, relating to bids, shall apply to such contracts. The regional councils may contract with the regional development commissions designated by the governor pursuant to Minnesota Statutes 1971, section 462.385, to accomplish the purposes of sections 116E.01 to 116E.04. All personnel employed and all contracts entered into pursuant to this subdivision shall be subject to the approval of the state board. Agreements to exercise delegated powers shall be by written order filed with the secretary of state.

Sec. 20. Minnesota Statutes 1976, Section 116F.02, Subdivision 5, is amended to read:

Subd. 5. "Region" means any county, group of counties, group of municipalities, any special district, or any designated agency thereof has the meaning specified in section 462.384, subdivision 5.

Sec. 21. Minnesota Statutes 1976, Section 116F.02, is amended by adding a subdivision to read:

Subd. 8. "Subregion" means any county, group of counties, group of municipalities, any special district except a region, or any designated agency thereof.

Sec. 22. Minnesota Statutes 1976, Section 116F.03, is amended to read:

116F.03 [STATE AID TO REGIONS, MUNICIPALITIES, INSTITUTIONS.] The agency may, in the name of the state and within the limit of appropriations provided herein, make or contract to make grants-in-aid to any region, subregion, municipality, or institution for:

(1) The development of feasibility studies for resource recovery systems or facilities;

(2) The construction of a resource recovery facility or implementation of a resource recovery system; and

(3) The development of programs to encourage solid materials conservation and the reduction of environmental impact from solid waste, including but not limited to, public education and encouragement of market demand for reusable or recyclable materials; and

(4) The preparation of any regional solid waste comprehensive plan required by section 32 of this act.

Sec. 23. Minnesota Statutes 1976, Section 116F.04, Subdivision 1, is amended to read:

116F.04 [RULES.] Subdivision 1. The agency shall promulgate rules for the administration of grants authorized in section 116F.03. The rules shall establish and contain as a minimum:

(a) Procedures for grant applications by regions, *subregions*, municipalities, or institutions;

(b) Conditions and procedures for the administration of such grants;

(c) Criteria of eligibility for grants including, but not limited to, those specified in subdivision 2; and

(d) Such other matters as the agency may find necessary to the proper administration of the grant program.

Sec. 24. Minnesota Statutes 1976, Section 116F.05, Subdivision 2, is amended to read:

Subd. 2. [POWERS OF GRANTEES.] A region, *subregion*, municipality, or institution may apply to and contract with the agency for state aid, but may expend aid moneys received from the agency pursuant to 116F.01 to 116F.08 only for purposes which are consistent with sections 116F.01 to 116F.06.

Sec. 25. Minnesota Statutes 1976, Section 116F.06, Subdivision 3, is amended to read:

Subd. 3. The agency shall adopt and may amend or rescind ~~guidelines~~ *rules* identifying the types of new or revised containers and packaging that are subject to its review after notice and hearing as provided in section 15.0412, subdivision 4. Any person may submit to the agency a sample of a package or container for agency review. The agency shall review the sample, and may require the person to furnish such additional samples and information as may be necessary for it to determine the environmental or solid waste disposal problems that the container or packaging would cause. Except as may be necessary in connection with any public hearing, the agency shall keep the samples and information confidential if the person submitting them certifies that disclosure of said samples and information would affect the competitive position of the person. If the agency fails to issue an order prohibiting sale of a package or container within 120 days after the sample was submitted, the agency shall not prohibit it thereafter. The agency may, however, for good cause, order the 120 day period to be extended for an additional period not to exceed 30 days.

Sec. 26. Minnesota Statutes 1976, Section 174.02, Subdivision 2, is amended to read:

Subd. 2. [UNCLASSIFIED POSITIONS.] The commissioner may establish four positions in the unclassified service at the deputy and assistant commissioner, assistant to commissioner or personal secretary levels. No more than two of these positions shall be at the deputy commissioner level. *The commssioner shall*

*delegate his responsibilities and duties specified in sections 4 to 15 to one of the persons in the unclassified service.*

Sec. 27. Minnesota Statutes 1976, Section 462.384, is amended by adding a subdivision to read:

*Subd. 8. "Solid waste" means garbage, refuse, and other discarded solid materials, including solid waste materials and waste sludges resulting from industrial, commercial, and agricultural operations and from community activities, but does not include hazardous waste, animal waste used as a fertilizer, earthen fill, boulders, broken rock, solids or dissolved material in domestic sewage, or other significant pollutants in water resources, such as silt, dissolved or suspended solids in industrial waste water effluents, dissolved materials in irrigation return flows, or other common water pollutants. Nothing in this subdivision shall be construed to exclude hazardous waste from the definition of solid waste for the purposes of chapter 116 or 116F.*

Sec. 28. Minnesota Statutes 1976, Section 462.384, is amended by adding a subdivision to read:

*Subd. 9. "Waste facility" means all property, real or personal, including negative and positive easements and water and air rights, which is or may be needed or useful for the processing of solid waste, except property for the collection of the waste and facilities used primarily for the manufacture of scrap metal or paper. "Waste facility" includes but is not limited to transfer stations, disposal sites and facilities, and resource recovery sites and facilities.*

Sec. 29. Minnesota Statutes 1976, Section 462.384, is amended by adding a subdivision to read:

*Subd. 10. "Collection" when referring to solid waste means the aggregation of solid waste from the place at which it is generated and includes all activities up to the time the waste is delivered to a waste facility.*

Sec. 30. Minnesota Statutes 1976, Section 462.384, is amended by adding a subdivision to read:

*Subd. 11. "Processing" when referring to solid waste means the treatment of solid waste after collection, and includes all activities after the time the waste is delivered to a waste facility. Processing includes but is not limited to disposal, storage, containment, separation, exchange, resource recovery, physical or chemical modification, and transfer from one waste facility to another.*

Sec. 31. Minnesota Statutes 1976, Section 462.384, is amended by adding a subdivision to read:

*Subd. 12. "Resource recovery" means the reclamation for sale or reuse of materials, substances, energy, or other products contained within or derived from solid waste.*

Sec. 32. Minnesota Statutes 1976, Section 462.39, is amended by adding a subdivision to read:

**Subd. 5. [SOLID WASTE COMPREHENSIVE PLAN.]** By July 1, 1979, each commission shall prepare and by resolution adopt, after appropriate study and public hearings as may be necessary, a solid waste comprehensive plan for the region. The plan shall substantially conform to the policy statements, goals, standards, programs, and maps in the comprehensive development plan for the region.

The plan shall describe solid waste activities, functions, and facilities; the existing system of solid waste generation, collection, and processing within the region; existing and proposed county and municipal ordinances and license and permit requirements relating to waste facilities and solid waste generation, collection, and processing; existing or proposed municipal, county, or private waste facilities and collection services within the region, together with schedules of existing rates and charges to users and statements as to the extent to which such facilities and services will or may be used to implement the plan; and any solid waste facility which a county within the region owns or plans to acquire, construct, or improve, together with statements as to the planned method, estimated cost, and time of acquisition, proposed procedures for operation and maintenance of each facility; an estimate of the annual cost of operation and maintenance of each facility; an estimate of the annual gross revenues which will be received from the operation of each facility; and a proposal for the use of each facility after it is no longer needed or usable as a waste facility. The plan shall, to the extent practicable, encourage ownership and operation of solid waste facilities by private industry. For waste facilities owned or operated by public agencies or supported primarily by public funds or obligations, the master plan shall contain policies to ensure financial self-sufficiency based upon competitive rates and charges.

In preparing the solid waste plan, the commission shall use to the maximum extent feasible the resources, studies, and data available from other planning agencies within the region, including counties, municipalities, special districts, and subregional planning agencies, and it shall utilize the resources of the state planning agency to the same purpose. No solid waste plan or portion thereof for the region shall be adopted by the commission until it has been submitted to the pollution control agency for review and comment and a period of 60 days has elapsed after the submission. When a solid waste plan has been adopted, the commission shall distribute it to all local government units within the region.

Sec. 33. Minnesota Statutes 1976, Section 462.39, is amended by adding a subdivision to read:

**Subd. 6. [DISCLOSURE.]** For the purposes of chapters 116 and 116F and section 32 of this act, each owner or operator of a collection service or waste facility annually shall make the following information available to the agency and the appropriate commission: a schedule of rates and charges in effect or proposed for a collection service or the processing of waste delivered to a waste facility and a description, in aggregate amounts indicating the general character of the solid waste collection and processing system, of the types

and the quantity by types of waste generated, collected, or processed. The commission and agency shall act in accordance with the provisions of section 116.075, subdivision 2, with respect to information for which confidentiality is claimed.

Sec. 34. [APPROPRIATION.] Subdivision 1. There is appropriated from the general fund to the commissioner of transportation the following amounts for the purposes stated for the fiscal year commencing July 1, 1978:

(a) For contracting with the Minnesota environmental education board for public education pursuant to section 13:

\$350,000;

(b) For other expenses involved in implementation and administration of litter control pursuant to this act:

\$700,000.

Subd. 2. There is appropriated from the general fund to the Minnesota pollution control agency the following amounts for the stated purposes for the fiscal year commencing July 1, 1978:

(a) For the establishment and operation of regional recycling centers pursuant to sections 2 and 3:

\$800,000;

(b) For grants for preparation of regional solid waste comprehensive plans pursuant to section 22:

\$300,000.

Subd. 3. There is appropriated from the general fund to the commissioner of revenue the sum of \$15,000 for the administration and collection of the litter license fee imposed by section 16 and the license fee required by section 1, subdivision 2.

Sec. 35. [REPEALER.] Minnesota Statutes 1976, Sections 85.20, Subdivision 6; 169.42; and 609.68 are repealed.

Sec. 36. [EFFECTIVE DATE.] This act is effective July 1, 1978."

Amend the title by striking it in its entirety and inserting:

"A bill for an act relating to solid waste pollution; requiring licensing of retailers selling certain beverages and prohibiting certain retail practices; requiring the establishment of regional recycling centers and programs; prohibiting littering; requiring litter bags and receptacles in vehicles and public places; imposing a litter license fee upon certain manufacturers and importers; changing procedures for the appointment of the director of the environmental education board; requiring regional solid waste plans; providing penalties; appropriating funds; amending Minnesota Statutes 1976, Sections 116E.03, Subdivisions 7, 7a, and 8; 116F.02, Subdivision 5, and by adding a subdivision; 116F.03; 116F.04, Subdivision 1; 116F.05, Subdivision 2; 116F.06, Subdivision 3; 174.02, Subdivision 2; 462.384, by adding subdivisions; and 462.39, by adding subdivisions; repealing Minnesota Statutes 1976, Sections 85.20, Subdivision 6; 169.42; and 609.68."

Mr. Purfeerst moved that S. F. No. 1 be re-referred to the Committee on Agriculture and Natural Resources.

The question was taken on the adoption of the motion.

The roll was called, and there were yeas 7 and nays 50, as follows:

Those who voted in the affirmative were:

Engler Jensen	Purfeerst Solon	Stokowski	Ueland, A.	Wegener
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Those who voted in the negative were:

Anderson	Dunn	Kirchner	Merriam	Sikorski
Bang	Frederick	Kleinbaum	Moe	Sillers
Benedict	Gearty	Knaak	Nelson	Spear
Bernhagen	Gunderson	Knoll	Olhoft	Staples
Borden	Hanson	Knutson	Penny	Strand
Chenoweth	Hughes	Laufenburger	Perpich	Stumpf
Chmielewski	Humphrey	Lessard	Renneke	Tennessee
Coleman	Johnson	Luther	Schaaf	Ulland, J.
Davies	Keefe, J.	McCutcheon	Setzepfandt	Vega
Dieterich	Keefe, S.	Menning	Sieloff	Willet

The motion did not prevail.

Mr. Ulland, J. moved to amend the Borden amendment to S. F. No. 1 as follows:

Page 1, strike line 4 of the Borden amendment and insert "Page 8, after section 6 of the Luther amendment, insert"

Page 19, after line 20, insert "Renummer the sections in sequence and correct the internal cross references"

Further, amend the title as follows:

Page 19, line 25, after the semicolon, insert "requiring each county to adopt a comprehensive solid waste management plan; authorizing counties to license redemption centers; requiring minimum refund values on beverage containers after a certain date;"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 21 and nays 39, as follows:

Those who voted in the affirmative were:

Bang	Keefe, J.	Merriam	Setzepfandt	Willet
Benedict	Keefe, S.	Olhoft	Sikorski	
Coleman	Knoll	Penny	Spear	
Davies	Luther	Perpich	Strand	
Dieterich	Menning	Peterson	Ulland, J.	

Those who voted in the negative were:

Anderson	Frederick	Kleinbaum	Ogdahl	Solon
Ashbach	Gearty	Knaak	Olson	Stokowski
Bernhagen	Gunderson	Knutson	Purfeerst	Stumpf
Borden	Hanson	Laufenburger	Renneke	Tennessee
Chenoweth	Hughes	Lessard	Schmitz	Ulland, A.
Chmielewski	Humphrey	McCutcheon	Schrom	Vega
Dunn	Johnson	Moe	Sieloff	Wegener
Engler	Kirchner	Nelson	Sillers	

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

The question recurred on the Borden amendment.

Mr. Olson moved to amend the Borden amendment to S. F. No. 1, as follows:

Page 11 of the Borden amendment, after line 2, insert:

"Sec. 17. [LITTER CONTROL; STATE AID TO COUNTIES.] *On or before July 15 of each year the commissioner of revenue shall distribute to each county government in the state an amount equal to 50 cents per capita for each person residing in that county according to the latest federal or state census. The funds distributed pursuant to this subdivision shall be used for litter clean-up or control programs involving young people, volunteers and nonprofit organizations in the county, to the maximum extent practicable. The commissioner of revenue shall make the calculations required by this subdivision and the amount certified by the commissioner of revenue to be necessary for such distribution is hereby annually appropriated from the general fund to the commissioner of revenue for that purpose.*"

Page 18, line 29, strike "section 13" and insert "sections 13 and 17"

Renumber the sections in sequence and correct internal references

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 28 and nays 33, as follows:

Those who voted in the affirmative were:

Bernhagen	Jensen	Nelson	Renneke	Solon
Chmielewski	Keefe, S.	Olson	Schmitz	Ueland, A.
Dieterich	Kleinbaum	Penny	Schrom	Wegener
Engler	Luther	Perpich	Setzepfandt	Willet
Frederick	Menning	Peterson	Sikorski	
Gunderson	Merriam	Purfeerst	Sillers	

Those who voted in the negative were:

Ashbach	Dunn	Knoll	Ogdahl	Strand
Bang	Gearty	Knutson	Olhoff	Stumpf
Benedict	Hanson	Laufenburger	Schaaf	Tennessen
Borden	Humphrey	Lessard	Sieloff	Ulland, J.
Chenoweth	Johnson	Lewis	Spear	Vega
Coleman	Kirchner	McCutcheon	Staples	
Davies	Knaak	Moe	Stokowski	

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

Mr. Dunn moved to amend the Borden amendment to S. F. No. 1 as follows:

Page 3, line 31, strike "30" and insert "32"

Page 11, after line 2, insert

"Sec. 17. [STUDY.] *The commissioner of agriculture shall in-*

*investigate the environmental and economic impact of the prohibitions contained in Minnesota Statutes, 1977 Supplement, Sections 116F.21 and 116F.22, and shall report his findings to the agriculture and natural resources committee of the senate and the agriculture committee of the house on or before January 15, 1979."*

Page 13, line 15, strike "32" and insert "34"

Page 14, after line 27, insert

"Sec. 27. Minnesota Statutes, 1977 Supplement, Section 116F.22, Subdivision 1, is amended to read:

116F.22 [PROHIBITIONS; PENALTY.] Subdivision 1. *After June 30, 1980, no person shall sell at retail or offer for sale at retail in this state any milk or fluid milk product as defined in section 32.391, other than sour cream, cottage cheese and yogurt, in a nonreturnable, nonrefillable rigid or semi-rigid container at least 50 percent of which is plastic."*

Page 18, line 11, strike "32" and insert "34"

Page 19, line 10, strike "22" and insert "23"

Page 19, line 18, after "609.68" insert "*and Laws 1977, Chapter 455, Section 96,*"

Page 19, line 19, before "*This*" insert "*Section 17 of this act is effective the day following final enactment. Sections 1 to 16 and 18 to 38 of*"

Page 19, line 19, strike "*is*" and insert "*are*"

Renumber the sections in sequence

Further, amend the title as follows:

Page 19, line 29, after "programs;" insert "*delaying imposition of certain restrictions on dairy products packaging; requiring a study of the environmental and economic consequences of packaging restrictions;*"

Page 20, line 4, before "repealing" insert "*Minnesota Statutes, 1977 Supplement, Section 116F.22, Subdivision 1;*"

Page 20, line 5, after "609.68" insert "*;; and Laws 1977, Chapter 455, Section 96*"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 32 and nays 31, as follows:

Those who voted in the affirmative were:

Anderson	Frederick	Knutson	Peterson	Sillers
Ashbach	Gunderson	Lessard	Purfeerst	Strand
Bang	Hanson	Nichols	Renneke	Ueland, A.
Bernhagen	Jensen	Ogdahl	Schmitz	Wegener
Chmielewski	Keefe, J.	Olhoff	Schrom	
Dunn	Kirchner	Olson	Setzepfandt	
Engler	Knaak	Perpich	Sieloff	



Those who voted in the negative were:

Benedict	Humphrey	Luther	Schaaf	Ulland, J.
Borden	Johnson	McCutcheon	Solon	Vega
Chenoweth	Keefe, S.	Menning	Spear	Willet
Coleman	Kleinbaum	Merriam	Staples	
Davies	Knoll	Moe	Stokowski	
Dieterich	Laufenburger	Nelson	Tennessen	
Gearty	Lewis	Penny	Stumpf	

The motion prevailed. So the amendment was adopted.

The question recurred on the Borden amendment, as amended.

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

The roll was called, and there were yeas 34 and nays 30, as follows:

Those who voted in the affirmative were:

Ashbach	Frederick	Kleinbaum	Nelson	Solon
Bang	Gearty	Knaak	Ogdahl	Stokowski
Bernhagen	Gunderson	Knutson	Purfeerst	Stumpf
Borden	Humphrey	Laufenburger	Renneke	Ueland, A.
Chenoweth	Jensen	Lessard	Schaaf	Vega
Chmielewski	Johnson	McCutcheon	Schmitz	Wegener
Engler	Kirchner	Moe	Sillers	

Those who voted in the negative were:

Anderson	Hanson	Menning	Perpich	Spear
Benedict	Keefe, J.	Merriam	Peterson	Staples
Coleman	Keefe, S.	Nichols	Schrom	Strand
Davies	Knoll	Olhoff	Setzepfandt	Tennessen
Dieterich	Lewis	Olson	Sieloff	Ulland, J.
Dunn	Luther	Penny	Sikorski	Willet

The motion prevailed. So the Borden amendment, as amended, was adopted.

Mr. Luther moved to amend S. F. No. 1 as follows:

Strike everything after the enacting clause and insert:

*"Section 1. [BEVERAGE CONTAINERS.] Subdivision 1. As used in this section, the following terms have the meanings specified:*

*(a) "Retailer" has the meaning given that term in section 297A.01, subdivision 10.*

*(b) "Beer" means and includes intoxicating and non-intoxicating malt liquor, as defined in chapter 340.*

*(c) "Non-refillable container" means an individual, hermetically sealed, glass, metal or plastic bottle, can or jar which is neither capable of being refilled at least five times for retail sale nor is refilled at least five times for retail sale during the ordinary course of business.*

*(d) "Refillable container" means any container other than a non-refillable container.*

*Subd. 2. No retailer shall sell or offer for sale and consumption upon the premises of the retailer any beer or carbonated soft drink dispensed from non-refillable containers.*

*Subd. 3. A retailer who sells or offers for sale beer or carbonated soft drinks for off-premises consumption shall devote an amount of shelf space and display area of each size and brand of beverage in refillable containers at least equal to the amount of shelf space and display area of each size and brand of beverage in non-refillable containers.*

*Subd. 4. A retailer who sells or offers for sale beer or carbonated soft drinks for off-premises consumption either in individual containers or in groups of containers as a packaged unit, shall display prominently on his premises the refund value of the empty beverage container, if any, and the retail price, excluding the refund value, of the filled beverage container.*

*Subd. 5. No person shall sell or offer for sale beer or carbonated soft drinks in non-refillable containers on any property owned or leased by the university of Minnesota, any community college, any state university, any public post-secondary vocational-technical school, any school district, any town, any statutory city, any home rule charter city, any county, or the state of Minnesota, including its departments, agencies, and other political subdivisions.*

*Subd. 6. No person, firm, or corporation shall sell at retail or offer for retail sale within this state any carbonated soft drinks contained or packaged in a rigid or semi-rigid container at least 50 percent of which is in whole or in part plastic.*

*Subd. 7. Any person who violates any provision of this section is guilty of a misdemeanor. Each sale or offering in violation of this section shall be deemed a separate offense.*

**Sec. 2. Section 1 of this act is effective July 1, 1978."**

Amend the title by striking it in its entirety and inserting:

**"A bill for an act relating to solid waste pollution; prohibiting certain retail practices; providing penalties."**

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 25 and nays 36, as follows:

Those who voted in the affirmative were:

Anderson	Dunn	Merriam	Penny	Staples
Benedict	Humphrey	Moe	Perpich	Strand
Chenoweth	Knoll	Nelson	Schaaf	Stumpf
Coleman	Lewis	Olhoff	Sikorski	Ulland, J.
Dieterich	Luther	Olson	Spear	Willet

Those who voted in the negative were:

Ashbach	Engler	Hughes	Knaak	Menning
Bang	Frederick	Jensen	Knutson	Nichols
Bernhagen	Gearty	Johnson	Laufenburger	Ogdahl
Borden	Gunderson	Kirchner	Lessard	Peterson
Davies	Hanson	Kleinbaum	McCutcheon	Purfearst

Renneke  
Schmitz  
Schrom

Setzepfandt  
Sieloff

Sillers  
Solon

Tennessee  
Ueland, A.

Vega  
Wegener

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

Mr. Penny moved to amend the Borden amendment to S. F. No. 1, adopted by the Senate March 6, 1978, as follows:

Strike sections 2 to 35

Amend the title by striking it in its entirety and inserting:

"A bill for an act relating to solid waste pollution; prohibiting certain retail practices; providing penalties."

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 31 and nays 32, as follows:

Those who voted in the affirmative were:

Anderson	Frederick	Olhoft	Setzepfandt	Ulland, J.
Benedict	Hughes	Olson	Sieloff	Wegener
Bernhagen	Lewis	Penny	Sikorski	Willet
Chmielewski	Luther	Perpich	Spear	
Coleman	Menning	Purfeerst	Staples	
Davies	Merriam	Renneke	Strand	
Dieterich	Nichols	Schrom	Tennessee	

Those who voted in the negative were:

Ashbach	Gunderson	Knaak	Nelson	Stokowski
Bang	Hanson	Knoll	Ogdahl	Stumpf
Borden	Humphrey	Knutson	Peterson	Ueland, A.
Chenoweth	Jensen	Laufenburger	Schaaf	Vega
Dunn	Johnson	Lessard	Schmitz	
Engler	Kirchner	McCutcheon	Sillers	
Gearty	Kleinbaum	Moe	Solon	

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

S. F. No. 1 was then progressed.

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.

## APPOINTMENTS

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

S. F. No. 804: Messrs. Davies, Bernhagen, and Gearty.

H. F. No. 85: Messrs. Luther, Schaaf, and Keefe, J.

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

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

Mr. Wegener moved that S. F. No. 2311 be withdrawn from the Committee on Local Government and re-referred to the Committee on Judiciary. The motion prevailed.

Mr. Ulland, J. moved that his name be stricken as co-author to S. F. No. 1720. The motion prevailed.

Mrs. Staples moved that the name of Mr. Tennessen be added as chief author and her name be changed to co-author to S. F. No. 2373. The motion prevailed.

#### **MEMBERS EXCUSED**

Mr. Keefe, J. was excused from the Session of today at 2:30 o'clock p.m.

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

Mr. Coleman moved that the Senate do now adjourn until 11:45 o'clock a.m., Tuesday, March 7, 1978. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate