

### FOURTEENTH DAY

St. Paul, Minnesota, Monday, February 12, 1973.

The Senate met at 11:30 o'clock a.m. and was called to order by the President.

Prayer by the Chaplain.

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

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

Quorum present.

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

### MEMBERS EXCUSED

Messrs. Hansen, Baldy; Fitzsimons and Purfeerst were excused from the Session of today beginning at 12:30 p.m.

### INTRODUCTION OF BILLS

Messrs. Olhoft, O'Neill and Novak introduced—

S. F. No. 479: A resolution memorializing the Congress of the United States to propose a constitutional amendment affirming and protecting the value of human life.

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

Messrs. Bernhagen; Willet and Hanson, R. introduced—

S. F. No. 480: A resolution memorializing the Congress of the United States to propose a constitutional amendment affirming and protecting the value of human life.

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

Messrs. Hughes, Fitzsimons and Purfeerst introduced—

S. F. No. 481: A bill for an act relating to highway traffic regulations; accidents; reporting of accidents; driver's license suspension under certain circumstance by reason of accident; amending Minnesota Statutes 1971, Sections 169.09, Subdivisions 3, 7, 8, and 13; and 170.25, Subdivision 1; repealing Minnesota Statutes 1971, Section 170.33, Subdivision 5.

Which was read the first time and referred to the Committee on Transportation and General Legislation.

Messrs. Hughes, Schaaf and Dunn introduced—

S. F. No. 482: A bill for an act relating to appropriations; providing an annual appropriation for the council on quality education; amending Extra Session Laws 1971, Chapter 31, Article XV, Section 5.

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

Messrs. Hughes, Chmielewski and Stassen introduced—

S. F. No. 483: A bill for an act relating to taxation; exemptions from the sales tax; amending Minnesota Statutes 1971, Section 297A.25, Subdivision 1.

Which was read the first time and referred to the Committee on Taxes and Tax Laws.

Messrs. Knutson, Bernhagen and Schaaf introduced—

S. F. No. 484: A bill for an act relating to the organization and operation of the state government; creating a department of human resources instead of departments of welfare, corrections, health, manpower services, and the vocational rehabilitation division of the department of education; appropriating money.

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

Messrs. Schaaf, Humphrey and Borden introduced—

S. F. No. 485: A bill for an act relating to elections; regulating the location of polling places; requiring that they be accessible to persons in wheelchairs; amending Minnesota Statutes 1971, Section 203.08.

Which was read the first time and referred to the Committee on Transportation and General Legislation.

Messrs. Knutson, Kowalczyk and Keefe, J. introduced—

S. F. No. 486: A bill for an act relating to the state, civil service; permitting state employees in the classified service to hold local office if there is no conflict with regular employment, and to take certain leaves of absence; amending Minnesota Statutes 1971, Section 43.28.

Which was read the first time and referred to the Committee on Transportation and General Legislation.

Mr. Laufenburger questioned the reference thereon, and under Rule 35, the bill was referred to the Committee on Rules and Administration.

Messrs. Schrom, McCutcheon and Thorup introduced—

S. F. No. 487: A resolution memorializing the Congress of the United States to propose a constitutional amendment affirming and protecting the value of human life.

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

Messrs. Doty, Willet and Kirchner introduced—

S. F. No. 488: A bill for an act relating to wild animals; authorizing the confiscation of wild rice, other aquatic vegetation, and wild rice harvesting equipment, in the event of violation of certain laws; amending Minnesota Statutes 1971, Section 97.50, Subdivision 5.

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

Messrs. Hughes; Olson, A. G. and Bang introduced—

S. F. No. 489: A bill for an act relating to highway traffic regulations; pedestrians rights in absence of signals; amending Minnesota Statutes 1971, Section 169.21, Subdivision 2.

Which was read the first time and referred to the Committee on Transportation and General Legislation.

Messrs. Ashbach, Schrom and Sillers introduced—

S. F. No. 490: A bill for an act relating to a gross earnings tax on certain utility companies; providing for the payment of said taxes into an electric utility revenue fund; providing penalties for failure to file reports or make payments; providing exemptions from taxation; providing for distribution of said taxes and appropriating money annually therefor.

Which was read the first time and referred to the Committee on Taxes and Tax Laws.

Mr. Wegner introduced—

S. F. No. 491: A bill for an act relating to the claim of Mary Ann Dukowitz; arising from negligence of Brainerd state hospital; appropriating money for the payment thereof.

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

Messrs. Larson; Hansen, Baldy and Laufenburger introduced—

S. F. No. 492: A bill for an act relating to taxation; rates of tax upon intoxicating liquors; amending Minnesota Statutes 1971, Section 340.47, Subdivision 1.

Which was read the first time and referred to the Committee on Taxes and Tax Laws.

Messrs. Novak; Hansen, Baldy and Coleman introduced—

S. F. No. 493: A bill for an act relating to taxation; providing for a fixed rate of homestead tax for certain property owners of age 65 years and older.

Which was read the first time and referred to the Committee on Taxes and Tax Laws.

Messrs. Ashbach and Kowalczyk introduced—

S. F. No. 494: A bill for an act relating to taxation; providing property tax relief for the elderly; amending Minnesota Statutes 1971, Sections 290.0601, Subdivision 6; 290.0603; 290.0607; and 290.0608.

Which was read the first time and referred to the Committee on Taxes and Tax Laws.

Messrs. Chenoweth, Ogdahl and Stokowski introduced—

S. F. No. 495: A bill for an act relating to teachers retirement association; payments after death of a member; amending Minnesota Statutes 1971, Section 354.46, Subdivision 1.

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

Mr. Perpich, G. introduced—

S. F. No. 496: A bill for an act relating to the city of Gilbert; placing new police officers of the city of Gilbert under the public employees retirement association.

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

Messrs. Borden, Hughes and Purfeerst introduced—

S. F. No. 497: A bill for an act relating to education; transportation aid; amending Minnesota Statutes 1971, Section 124.22, Subdivision 6, and by adding a subdivision; repealing Minnesota Statutes 1971, Section 124.32, Subdivision 3.

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

Messrs. Thorup, Schrom and Gearty introduced—

S. F. No. 498: A bill for an act relating to crimes; defining criminal abortion; providing a penalty; amending Minnesota Statutes 1971, Chapter 609, by adding a section; repealing Minnesota Statutes 1971, Sections 617.18 and 617.19.

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

Mr. Conzemius questioned the reference thereon, and under Rule 35, the bill was referred to the Committee on Rules and Administration.

Messrs. Bernhagen, Olson and Renneke introduced—

S. F. No. 499: A bill for an act relating to corporations, agriculture; defining "family farming corporations" and imposing certain reporting requirements on those corporations and others; amending Minnesota Statutes 1971, Section 500.23.

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

Messrs. Ueland, Josefson and Sillers introduced—

S. F. No. 500: A bill for an act relating to provisions of Minnesota Statutes; changing various legal provisions relating to age from 21 years of age to 18 years of age; granting 18, 19 and 20 year olds broad powers, duties, rights and obligations; redefining the terms minor, adult, minority, majority and legal or full age; revising certain penalties accordingly; amending Minnesota Statutes 1971, Sections 64A.24, Subdivision 3; 82.03, Subdivision 2; 97.83, Subdivision 1; 136.11, Subdivision 1; 144.175, Subdivision 2; 144.51; 144.52; 144.60, Subdivision 1; 144.953, Subdivision 1; 146.06, Subdivision 1; 146.09; 147.16; 147.26, Subdivision 2; 148.37; 148.57, Subdivision 1; 148.70; 148.81, Subdivision 1; 149.03, Subdivision 1; 151.10; 153.04; 156.02, Subdivision 1; 171.07; Subdivision 1; 171.27; 177.02, Subdivision 6; 181.41; 183.51, Subdivisions 4, 5, 6, 7, 8, 9, 10 and 11; 184.26, Subdivision 3; 200.02, Subdivision 25; 201.14; 208.22; 242.12; 242.13; 242.15; 242.26; 242.265; 242.28; 242.43; 246.43, Subdivisions 1 and 2; 256B.06; 256B.14; 257.01; 257.05, Subdivision 1; 259.21, Subdivision 2; 260.015, Subdivision 9; 268.04, Subdivision 12; 290.23, Subdivision 11; 290.25, Subdivision 4; 292.04; 326.19, Subdivisions 1

and 2; 330.01, Subdivision 1; 332.36, Subdivision 1; 340.02, Subdivision 8; 340.119, Subdivision 2; 340.13, Subdivision 12; 340.14, Subdivision 2; 340.403, Subdivision 3; 353.01, Subdivision 15; 359.01; 500.13, Subdivision 2; 517.02; 517.08, Subdivision 1; 518.54, Subdivision 2; 525.092, Subdivision 2; 525.80; 527.01, Subdivisions 2 and 14; 527.04, Subdivision 4; 527.07, Subdivision 4; 541.15; 609.295 and 645.45.

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

Messrs. Schaaf, Blatz and Olson, A. G. introduced—

S. F. No. 501: A bill for an act relating to mobile homes; the taxation thereof; prohibiting the issuance of special permits to move oversize mobile homes on the highways in certain cases without certification by the county assessor that all taxes have been paid; amending Minnesota Statutes 1971, Sections 168.012, Subdivision 9; 168A.02, by adding a subdivision; and 169.86, Subdivision. 1.

Which was read the first time and referred to the Committee on Taxes and Tax Laws.

Messrs. Laufenburger, Nelson and Milton introduced—

S. F. No. 502: A bill for an act relating to insurance; accident and health insurance policies, and health service plans; requiring health insurance coverage for newborn infants immediately from the moment of birth; amending Minnesota Statutes 1971, Chapter 62A, by adding a section; Sections 62A.10, Subdivision 2; and 62C.14, by adding a subdivision.

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

Messrs. Kleinbaum; Hanson, R. and Thorup introduced—

S. F. No. 503: A bill for an act relating to negotiable instruments; acts regulating issuance of a worthless check; providing for penalties and prosecutions thereof; amending Minnesota Statutes 1971, Section 609.535, Subdivision 2.

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

Messrs. Dunn, North and Ashbach introduced—

S. F. No. 504: A bill for an act relating to the environment; declaring a state environmental policy; establishing an environmental council and an environmental quality commission; appropriating money; amending Minnesota Statutes 1971, Sections 4.12, Subdivision 2; 40.02; 104.01, Subdivision 3; 115.03, Subdivision 1; 116.07, Subdivision 2.

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

Messrs. Dunn, Kowalczyk and Hanson, R. introduced—

S. F. No. 505: A bill for an act relating to taxation; providing for a separate classification for purposes of taxation for undeveloped littoral or riparian real estate; amending Minnesota Statutes 1971, Section 273.13, by adding a subdivision.

Which was read the first time and referred to the Committee on Taxes and Tax Laws.

Mr. Moe introduced—

S. F. No. 506: A bill for an act relating to agriculture; collective bargaining; providing for mandatory bargaining between producers or associations and handlers; providing criteria.

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

Messrs. Moe, Hughes and Conzemius introduced—

S. F. No. 507: A bill for an act relating to water pollution; pollution control agency; providing financial assistance to municipalities for the construction of waste disposal systems; amending Minnesota Statutes 1971, Sections 116.16, Subdivisions 2, 3, 4, 6, 7 and 9; 116.17, Subdivision 5; 116.18, Subdivision 1; repealing Minnesota Statutes 1971, Sections 116.15; 116.18, Subdivisions 2 and 3, and cancelling an appropriation.

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

Messrs. Moe, Humphrey and Conzemius introduced—

S. F. No. 508: A bill for an act relating to state parks, recreation reserves, and waysides; providing special motor vehicle permits for persons over 65 years of age; amending Minnesota Statutes 1971, Section 85.05, Subdivision 2.

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

Messrs. Olson, A. G. and Perpich, A. J. introduced—

S. F. No. 509: A bill for an act relating to taxation; excise tax on gasoline; certain unrefunded taxes; providing for the distribution and use of unrefunded taxes used for snowmobile purposes; appropriating money; amending Minnesota Statutes 1971, Sections 296.16, Subdivision 1; and 296.421, by adding subdivisions.

Which was read the first time and referred to the Committee on Taxes and Tax Laws.

Messrs. Olson, A. G.; Perpich, A. J. and Laufenburger introduced—

S. F. No. 510: A bill for an act establishing an energy policy study commission; appropriating money.

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

Mr. Olson, A. G. introduced—

S. F. No. 511: A bill for an act relating to the state junior college board; appropriating money for a special assessment.

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

Mr. Olson, A. G. introduced—

S. F. No. 512: A bill for an act relating to the Willmar state junior college; appropriating money to the city of Willmar for costs incurred on behalf of the college.

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

Messrs. Perpich, A. J.; Olson, A. G. and Conzemius introduced—

S. F. No. 513: A bill for an act relating to a tax study commission; amending Extra Session Laws 1971, Chapter 31, Article 13, Section 1.

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

Messrs. Coleman, Bang and Borden introduced—

S. F. No. 514: A bill for an act relating to intoxicating liquor; authorizing certain sales by restaurants; amending Minnesota Statutes 1971, Section 340.11, Subdivision 5.

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

Messrs. Perpich, A. J.; Laufenburger and Borden introduced—

S. F. No. 515: A bill for an act relating to taxes on and measured by net income; underpayment; negligence or intentional disregard of rules and regulations; providing a penalty; amending Minnesota Statutes 1971, Section 290.53, Subdivision 3, and by adding a subdivision.

Which was read the first time and referred to the Committee on Taxes and Tax Laws.



Messrs. Tennesen, North and Borden introduced—

S. F. No. 516: A bill for an act relating to the sales and use tax; exemptions; educational or charitable purchases; amending Minnesota Statutes 1971, Section 297A.25, Subdivision 1.

Which was read the first time and referred to the Committee on Taxes and Tax Laws.

Messrs. Milton and North introduced—

S. F. No. 517: A bill for an act relating to liquor; regulating commerce in liquor; amending Minnesota Statutes 1971, Sections 340.11, Subdivision 2; and 340.12.

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

#### MESSAGE FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted:

H. F. Nos. 54, 65, 97, 113, 121, 148, 158, 197, 198 and 246.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted February 8, 1973.

#### FIRST READING OF HOUSE BILLS

H. F. No. 54: A bill for an act relating to drivers' licenses; prescribing fees; amending Minnesota Statutes 1971, Section 171.06, Subdivision 2.

H. F. No. 65: A bill for an act relating to state employees; regulating their political activities including candidacy and service in elected office; amending Minnesota Statutes 1971, Section 43.28.

H. F. No. 97: A bill for an act relating to retirement; computation of various retirement annuities; amending Minnesota Statutes 1971, Section 11.25, Subdivisions 12 and 13.

H. F. No. 113: A bill for an act legalizing foreclosure sales heretofore made and the records of mortgage foreclosure proceedings; limiting the time within which actions may be brought or defenses interposed; questioning the validity of foreclosure proceedings.

H. F. No. 121: A bill for an act relating to real property; prescribing requirements for the execution of instruments affecting real property; amending Minnesota Statutes 1971, Sections 505.03, Subdivision 1; 507.23; 507.24; 508.06; and 508.40; and repealing Minnesota Statutes 1971, Section 507.22.

H. F. No. 148: A bill for an act relating to highway traffic regulations; requiring school buses to be a uniform color; amending Minnesota Statutes 1971, Section 169.44, Subdivision 7.

H. F. No. 158: A bill for an act relating to courts; allowing the use of video tape equipment to record depositions; making video taped depositions admissible in court.

H. F. No. 197: A bill for an act relating to highway traffic regulations; trailer and towing equipment; flags to be displayed; amending Minnesota Statutes 1971, Section 169.82.

H. F. No. 198: A bill for an act relating to the department of administration; authorizing the commissioner to rent private property for a period up to five years for certain purposes; amending Minnesota Statutes 1971, Section 16.02, Subdivision 10.

H. F. No. 246: A resolution memorializing the President and Congress of the United States to continue the programs for subsidized housing, model cities and rehabilitation, as presently authorized by federal law.

Which were read the first time and referred to the Committee on Rules and Administration.

#### REPORTS OF COMMITTEES

Mr. Coleman moved that the Committee Reports at the Desk be now adopted, with the exception of reports pertaining to appointments. Which motion prevailed.

Mr. Olson, A. G. from the Committee on Local Government, to which was referred

S. F. No. 337, A bill for an act relating to Blue Earth county, authorizing county to enter into rental purchase agreements or

conditional sales agreements for acquisition of road equipment subject to limitations.

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

Mr. Olson, A. G. from the Committee on Local Government, to which was referred

S. F. No. 338: A bill for an act relating to Blue Earth county; authorizing use of county funds for county extension committee.

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

Mr. Perpich, A. J. from the Committee on Taxes and Tax Laws, to which was referred

S. F. No. 19: A bill for an act relating to taxes on and measured by net income; defining claimant for rent credit; amending Minnesota Statutes 1971, Section 290.982.

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

Page 1, line 13, strike "a" and insert "*one or more*"

Page 1, line 13, strike "unit" and insert "*units*"

Page 1, line 14, strike "a"

Page 1, line 14, strike "unit" and insert "*units*"

Page 1, after line 23, add a section to read:

*"Sec. 2. This act is effective for taxable years beginning after December 31, 1972."*

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

Mr. Perpich, A. J. from the Committee on Taxes and Tax Laws, to which was referred the following appointment:

#### TAX COURT

Duane Peterson, 418 Hiawatha Boulevard, Winona, Winona County, appointed effective January 21, 1972 for a term expiring March 1, 1977.

Reports the same back with the recommendation that the appointment be confirmed.

Mr. Krieger moved that the foregoing report be laid on the table. Which motion prevailed.

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

S. F. No. 182: A bill for an act relating to the attorney general;

providing for additional assistant attorneys general for the departments of public welfare and corrections; amending Minnesota Statutes 1971, Section 8.024.

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

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

“Section 1. Minnesota Statutes 1971, Section 8.024, is amended to read:

8.024. [DEPUTY, DEPARTMENT OF PUBLIC WELFARE.] *Subdivision 1.* The attorney general shall appoint a *deputy attorney general* and an assistant attorney general, in addition to the number now authorized by law, who shall be assigned to the department of public welfare. ~~He~~ *They* shall receive the same salary as other *deputy and* assistant attorneys general, and the compensation and all other expenses and disbursements of such *deputy and* assistant ~~attorney~~ *attorneys* general shall be paid from the moneys appropriated to and for the use of the department of public welfare.

*Subd. 2.* [ASSISTANT ATTORNEY GENERAL, DEPARTMENT OF CORRECTIONS.] *The attorney general shall also appoint an assistant attorney general in addition to the number now prescribed by law who shall be assigned to the department of corrections. He shall receive the same salary as other assistant attorneys general, and his compensation, expenses and other disbursements shall be paid from moneys appropriated to and for the use of the department of corrections.*

*Sec. 2. This act shall be effective upon final enactment.”*

Further amend the title as follows: Strike lines 3, 4, 5, and 6 and insert in lieu thereof: “requiring the appointment of a deputy attorney general for the department of public welfare and the appointment of an assistant attorney general for the department of corrections; amending Minnesota Statutes 1971, Section 8.024.”

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

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

S. F. No. 259: A bill for an act relating to the department of administration; authorizing the commissioner to rent private property for a period up to five years for certain purposes; amending Minnesota Statutes 1971, Section 16.02, Subdivision 10.

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

Line 18, strike “cancelation” and insert “*cancellation*”

Line 24, strike “cancelation” and insert “*cancellation*”

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

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

S. F. No. 118: A bill for an act relating to sales; providing for cancellation and regulation of home solicitation sales; providing a penalty for violations.

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

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

“Section 1. [DEFINITIONS.] Subdivision 1. As used in sections 1 to 6, the terms defined in this section have the meanings given them.

Subd. 2. “Home solicitation sale” means a sale of goods or services, other than insurance, purchased primarily for personal, family or household purposes, and not for agricultural purposes, with a purchase price of more than \$25, in which the seller or a person acting for him personally solicits the sale, when the buyer’s agreement or offer to purchase is made at a place other than the place of business of the seller, and, except as otherwise provided in this subdivision, including those in response to or following an invitation of the buyer. It does not include:

(a) a sale made pursuant to prior negotiations in the course of a visit by the buyer to a retail business establishment having a fixed permanent location where the goods are exhibited or the services are offered for sale on a continuing basis; or

(b) a sale in which the buyer has initiated the contact and the goods or services are needed to meet a bona fide immediate personal emergency of the buyer and the buyer furnishes the seller with a separate dated and signed statement not furnished by the seller describing the situation requiring immediate remedy and expressly acknowledging and waiving the right to cancel the sale. This exclusion shall only apply where (i) the seller in good faith makes a substantial beginning of performance of the contract before the buyer gives notice of cancellation, and, (ii) in the case of goods, the goods cannot be returned to the seller in substantially as good condition as when received by the buyer; or

(c) a sale in which the buyer has initiated the contact and specifically requested the seller to visit his home for the purpose of repairing or performing maintenance upon the buyer’s property. If in the course of such a visit, the seller sells the buyer the right to receive additional services or goods other than replacement parts necessarily used in performing the maintenance or in making the repairs, the sale of those additional goods or services would not fall within this exclusion; or

(d) a sale in which the buyer has initiated the contact either by oral, telephone, or written request (other than on a form provided

by the seller), and requested the seller to visit his home for the purpose of negotiating the purchase of a specific good or service. This exclusion shall only apply where the buyer furnishes the seller with a separate dated and signed statement in the buyer's handwriting expressly acknowledging and waiving his right to cancel the sale. It shall not apply to any sale for a purchase price greater than, or for goods or services different from, the specific good or service.

Subd. 3. "Sale" includes a lease or rental.

Subd. 4. "Seller" includes a lessor or anyone offering goods for rent, or an assignee of the seller.

Subd. 5. "Buyer" includes a lessee or anyone who gives a consideration for the privilege of using goods or services.

Subd. 6. "Business day" means any day other than a Saturday, Sunday, or holiday as defined in Minnesota Statutes, Section 645.44.

Sec. 2. [BUYER'S RIGHT TO CANCEL.] Subdivision 1. In addition to any other rights the buyer may have, the buyer has the right to cancel a home solicitation sale until midnight of the third business day after the day on which the buyer signs an agreement or offer to purchase. Cancellation is evidenced by the buyer giving written notice of cancellation to the seller at the address stated in the agreement or offer to purchase. Notice of cancellation, if given by mail, is effective upon deposit in a mailbox, properly addressed to the seller and postage prepaid. Notice of cancellation need not take a particular form and is sufficient if it indicates, by any form of written expression, the intention of the buyer not to be bound by the home solicitation sale.

Sec. 3. [WRITING REQUIRED: NOTICE OF RIGHT TO CANCEL: NOTICE OF CANCELLATION.] Subdivision 1. In a home solicitation sale, at the time the sale is arranged, the seller shall:

(a) inform the buyer orally of his right to cancel;

(b) furnish the buyer with a fully completed receipt or copy of a contract pertaining to the sale which shows the date of the transaction, contains the name and address of the seller, and in immediate proximity to the space reserved in the contract for the signature of the buyer or on the front page of the receipt if a contract is not used and in bold face type of a minimum size of ten points, a statement in substantially the following form:

"You, the buyer, may cancel this purchase at any time prior to midnight of the third business day after the date of this purchase. See attached notice of cancellation form for an explanation of this right."; and

(c) furnish each buyer a fully completed form in duplicate, captioned, "NOTICE OF CANCELLATION," which shall be attached to the contract or receipt and easily detachable, and which shall contain in bold face type of a minimum size of ten points the following information and statements:

“NOTICE OF CANCELLATION

[enter type of goods or services purchased]
(goods or services)

[enter date of transaction]
(date)

If you do not want the goods or services described above, you may cancel your purchase by mailing or delivering a signed and dated copy of this cancellation notice or any other written notice, or send a telegram to [Name of seller], at [Address of Seller's Place of Business] not later than midnight of [Date]. If you cancel, any payments made by you under the contract or sale, any property traded in, and any instrument executed by you will be returned within ten business days following receipt by the seller of your cancellation notice, and any security interest arising out of the transaction will be cancelled.

If you cancel, you must make available to the seller at your residence, in substantially as good condition as when received, any goods delivered to you under this contract or sale; or you may, if you wish, comply with the written instructions of the seller regarding the return shipment of the goods at the seller's expense and risk.

If the seller does not pick up the goods within 20 days of the date of your notice of cancellation, you may retain or dispose of them without any further obligation.

I HEREBY CANCEL THIS TRANSACTION.

.....
(Date)

.....”
(Buyer's signature)

Subd. 2. Until the seller has complied with this section the buyer may cancel the home solicitation sale by notifying the seller in any manner and by any means of his intention to cancel.

Sec. 4. [RETURN OF PAYMENTS OF GOODS.] Subdivision 1. Within ten days after a home solicitation sale has been cancelled or an offer to purchase revoked, the seller must tender to the buyer any payments made by the buyer and any note or other evidence of indebtedness. If the down payment includes goods traded in, the goods must also be tendered by the seller in as good condition as when received by the seller. If the seller fails to tender said goods, the buyer may, if he so elects, recover from the seller an amount equal to the trade-in allowance stated in the agreement.

Subd. 2. Until the seller has complied with the obligations imposed by this section, the buyer may retain possession of the goods delivered to him by the seller.

Subd. 3. Except as provided in subdivision 2, within a reasonable time after a home solicitation sale has been cancelled or an offer

to purchase has been revoked, the buyer upon demand must tender to the seller any goods delivered by the seller pursuant to the sale. The buyer is not obligated to tender at any place other than his residence.

Subd. 4. If the seller fails to demand possession of goods within a reasonable time after cancellation or revocation, not to exceed 20 days, the goods become the property of the buyer without obligation to pay for them.

Subd. 5. The buyer has the duty to take reasonable care of the goods in his possession before cancellation or revocation and during the time provided in subdivision 4 for the seller to demand possession, during which time the goods are otherwise at the seller's risk.

Subd. 6. If the seller has performed any services pursuant to a home solicitation sale prior to its cancellation, the seller is entitled to no compensation.

Sec. 5. [PENALTIES FOR VIOLATION.] Any person who is found to have violated sections 1 to 4 shall be subject to the penalties provided in Minnesota Statutes, Section 325.907.

Sec. 6. [DAMAGES.] Any person injured by a violation of sections 1 to 4 may recover damages, together with costs and disbursements, including reasonable attorneys fees, and receive other equitable relief as determined by the court."

Further amend the title by striking it in its entirety and inserting in lieu thereof

"A bill for an act relating to commerce; home solicitation sales; permitting buyers and lessees of personal property or services to cancel agreements under certain circumstances; and prescribing penalties."

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

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

S. F. No. 331: A bill for an act relating to the Minnesota Historical Society; custody and preservation of records; classification of the state archivist; administration of federal records legislation; amending Minnesota Statutes 1971, Sections 138.03, Subdivision 1; 138.17, Subdivisions 1 and 6; and Chapter 138, by adding a section.

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

Page 2, line 23, strike "*disks*" and insert "*discs*"

Page 4, line 2, after "*archives.*" strike the balance of the line

Page 4, strike lines 3 through 15



Page 5, line 6, strike "*federal records legislation*" and insert "*national historic records act*"

Further amend the title,

Lines 5 and 6, strike "*federal records legislation*" and insert "*national historic records act*"

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

## SECOND READING OF SENATE BILLS

S. F. Nos. 337, 338, 19, 259, 118 and 331 were read the second time.

## MOTIONS AND RESOLUTIONS

Mr. Coleman introduced—

Senate Resolution No. 17: A senate resolution authorizing living expense, interim long distance telephone calls and mileage reimbursement during the 68th legislature.

BE IT RESOLVED, by the Senate of the State of Minnesota, that the Secretary of the Senate is hereby authorized and directed to prepare and issue warrants in payment of living expenses and mileage to each member of the Senate from the Senate Legislative Expense Fund for each calendar day of the sessions of the 68th Legislature.

RESOLVED FURTHER, that per diem living expenses in the sum of \$33 per diem shall be paid to such members who have moved from their usual place of lodging during a substantial part of the sessions of the 68th Legislature.

PROVIDED FURTHER, that the per diem living expenses of members of the Senate who have not so changed their place of lodging for a substantial part of said sessions of the 68th Legislature shall be the sum of \$25 per day.

PROVIDED FURTHER, that those members of the Senate who are eligible to be paid the per diem of \$33 shall in addition be reimbursed for actual travel to and from their homes at the rate of 10 cents per mile during sessions of the 68th Legislature.

PROVIDED ALSO, that those members who receive the \$33 per diem will also be reimbursed not to exceed \$30 per month for long distance telephone calls during the interim between sessions of the 68th Legislature, and the Secretary of the Senate is authorized to make payment therefor upon appropriate verification of the expenses incurred.

PROVIDED ALSO, that each member of the Senate shall certify in writing to the Secretary of the Senate, prior to the issuance of the first of the warrants for each of the sessions of the 68th Legislature for such living expenses whether or not he has moved from his usual place of lodging, and each member shall also certify in writing for his actual travel for which he seeks reimbursement.

Mr. Coleman moved that the foregoing resolution be laid on the table. Which motion prevailed.

Mr. Novak moved that the Report from the Committee on Rules and Administration on Permanent Rules be taken from the table. Which motion prevailed.

Mr. Novak moved to amend the proposed Permanent Rules of the Senate as they appear in the Journal of the Senate for the 13th day, as follows:

Page 240, Rule 56:

Line 1, after "committee" and before "to" insert "or subcommittee"

Line 3, after "any" strike "standing"

Line 4, after "committee" and before the comma insert "or subcommittee"

Line 5, after "committee" insert "or subcommittee"

Mr. Novak moved the adoption of the amendment. Which motion prevailed. So the amendment was adopted.

Mr. Novak moved to amend the proposed Permanent Rules of the Senate as they appear in the Journal of the Senate for the 13th day, as follows:

Page 247, Rule 77:

Line 2, strike the period after the word "Chamber" and reinsert the stricken language "during the Memorial Service."

Mr. Novak moved the adoption of the amendment. Which motion prevailed. So the amendment was adopted.

Mr. Patton moved to amend the report of the Committee on Rules and Administration with respect to Rule 43 as follows:

In line 7 of the Rule as it appears on page 237 of the Journal for the 13th day, strike "three" and insert in lieu thereof "one".

The question being taken on the adoption of the amendment,

And the roll being called, there were yeas 27 and nays 37, as follows:

Those who voted in the affirmative were:

Ashbach	Dunn	Kirchner	Nelson	Sillers
Bang	Hansen, Mel	Knutson	Ogdahl	Stassen
Berg	Hanson, R.	Kowalczyk	Olson, J. L.	Ueland
Bernhagen	Jensen	Krieger	Patton	
Blatz	Josefson	Larson	Pillsbury	
Brown	Keefe, J.	McCutcheon	Renneke	

Those who voted in the negative were:

Anderson	Chmielewski	Doty	Humphrey	Lewis
Arnold	Coleman	Frederick	Keefe, S.	Lord
Borden	Conzemius	Gearty	Kleinbaum	Milton
Chenoweth	Davies	Hughes	Laufenburger	Moe

North	Olson, H. D.	Schaaf	Stokowski	Willet
Novak	O'Neill	Schrom	Tennessee	
Olhoft	Perpich, A. J.	Solon	Thorup	
Olson, A. G.	Perpich, G.	Spear	Wegener	

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

Mr. Humphrey moved to amend the permanent rules of the Senate as they appear in the Journal for the 13th day, page 233, as follows:

Rule 31, 7th line, after the word "adjourn" and before the period, add "or recess"

Mr. Humphrey moved the adoption of the amendment. Which motion prevailed. So the amendment was adopted.

Mr. Jensen moved to amend the Report of the Committee on Rules and Administration with respect to Rule 53 as follows: Strike the language of the Rule in its entirety and insert in lieu thereof the following;

#### "APPOINTMENT OF COMMITTEES

*Rule 53. The majority group shall assign the number of positions to which the minority group is entitled on each committee. The minority group shall be notified of such positions at least thirty days prior to the commencement of the session. The minority group shall then prepare a list of proposed committee assignments for said minority group and transmit the same to the majority group at least fifteen days prior to the commencement of the session. Majority and minority committee assignments shall be subject to the uniform criteria governing committee assignments, applicable to both the majority and the minority, which uniform criteria shall be promulgated by the majority group and transmitted to the minority group together with the notification of committee positions available to the minority. Such minority assignments shall be followed by the Senate in the resolution establishing representation on all Senate committees. Committee membership on committees shall be proportional to the number in each group in the Senate, provided, however, that the majority group shall be entitled to a majority of at least three on any committee of fifteen members or less, four on any committee of between sixteen and twenty members and five on any committee of twenty-one members and over.*

*Nothing contained in the foregoing paragraph shall require a change in the membership of the committees heretofore appointed for the period from January 1, 1971 to January 1, 1973.*

*After the organization of the Senate, all committees of the Senate and members of commissions to be appointed by the Senate authorized by rule, statute, resolution or otherwise, shall be appointed by a Committee on Committees, unless otherwise provided, subject to confirmation by the Senate. In the appointment of members of conference committees between the two houses, the Committee on Committees of the Senate shall appoint those who are in*

*accord with the position of the Senate, and whenever practical, give preference to authors of bills in dispute and to members of standing committees in which the bills were considered."*

Mr. Davies moved to amend the amendment of Mr. Jensen to the permanent rules of the Senate, page 239 of the Journal, as follows:

Rule 53, line 19, after "members" strike "and" and insert a comma.

In line 20 before the period insert "*, and on the committee on Rules and Administration the proportion of minority members shall be the same proportion as prevailed on that committee during the 1971 session*"

The question being taken on the adoption of the amendment,

And the roll being called, there were yeas 35 and nays 28, as follows:

Those who voted in the affirmative were:

Anderson	Davies	Laufenburger	Olhoft	Solon
Arnold	Doty	Lewis	Olson, A. G.	Spear
Borden	Gearty	Lord	Olson, H. D.	Stokowski
Chenoweth	Hughes	Milton	Perpich, A. J.	Tennessee
Chmielewski	Humphrey	Moe	Perpich, G.	Thorup
Coleman	Keefe, S.	North	Schaaf	Wegener
Conzemius	Kleinbaum	Novak	Schrom	Willet

Those who voted in the negative were:

Ashbach	Dunn	Keefe, J.	Nelson	Renneke
Bang	Frederick	Kirchner	Ogdahl	Sillers
Berg	Hansen, Mel	Knutson	Olson, J. L.	Stassen
Bernhagen	Hanson, R.	Kowalczyk	O'Neill	Ueland
Blatz	Jensen	Larson	Patton	
Brown	Josefson	McCutcheon	Pillsbury	

Which motion prevailed. So the amendment was adopted.

Mr. Jensen moved that his amendment as amended be laid on the table. Which motion prevailed.

Mr. Nelson moved to amend the permanent rules of the Senate as they appear in the Journal for the 13th day, pages 240 and 241, as follows:

Rule 56, Second paragraph, first line, strike "three" and insert "*any*"

Second paragraph, first line, strike "members" and insert "*member*"

Second paragraph, second line, strike "standing"

Second line, after "committee" insert "*or subcommittee*"

Page 241, first line on the page, strike everything after the period

Page 241, strike the second line on the page

Mr. Ashbach asked that the question be divided, as follows:

First portion: Amend the permanent rules of the Senate as follows:

Rule 56, Second paragraph, first line, strike "three" and insert "any"

Second paragraph, first line, strike "members" and insert "member"

Page 241, first line on the page, strike everything after the period

Page 241, strike the second line on the page

Second portion: Amend the permanent rules of the Senate as follows:

Rule 56, second paragraph, second line, strike "standing"

Second line, after "committee" insert "or subcommittee"

The Chair ruled that the question could be divided.

The question being taken on the first portion of the Nelson amendment.

And the roll being called, there were yeas 27 and nays 37, as follows:

Those who voted in the affirmative were:

Bang	Frederick	Kirchner	Ogdahl	Sillers
Berg	Jensen	Kleinbaum	Olson, J. L.	Stassen
Bernhagen	Josefson	Knutson	O'Neill	Ueland
Blatz	Keefe, J.	Kowalczyk	Patton	
Brown	Hansen, Mel	Krieger	Pillsbury	
Dunn	Hanson, R.	Nelson	Renneke	

Those who voted in the negative were:

Anderson	Davies	Lewis	Olson, A. G.	Stokowski
Arnold	Doty	Lord	Olson, H. D.	Tennessee
Ashbach	Gearty	McCutcheon	Perpich, A. J.	Thorup
Borden	Hughes	Milton	Perpich, G.	Wegener
Chenoweth	Humphrey	Moe	Schaaf	Willet
Chmielewski	Keefe, S.	North	Schrom	
Coleman	Larson	Novak	Solon	
Conzemius	Laufenburger	Olhoft	Spear	

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

The question being taken on the second portion of the Nelson amendment,

And the roll being called, there were yeas 31 and nays 33, as follows:

Those who voted in the affirmative were:

Ashbach	Frederick	Knutson	Ogdahl	Spear
Bang	Hansen, Mel	Kowalczyk	Olson, J. L.	Stassen
Berg	Hanson, R.	Krieger	O'Neill	Ueland
Bernhagen	Jensen	Larson	Patton	
Blatz	Josefson	McCutcheon	Pillsbury	
Brown	Keefe, J.	Nelson	Renneke	
Dunn	Kirchner	North	Sillers	

Those who voted in the negative were:

Anderson	Davies	Laufenburger	Olson, A. G.	Stokowski
Arnold	Doty	Lewis	Olson, H. D.	Tennessee
Borden	Gearty	Lord	Perpich, A. J.	Thorup
Chenoweth	Hughes	Milton	Perpich, G.	Wegener
Chmielewski	Humphrey	Moe	Schaaf	Willet
Coleman	Keefe, S.	Novak	Schram	
Conzernius	Kleinbaum	Olhoft	Solon	

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

Mr. Jensen moved to amend the permanent rules of the Senate, page 239 of the Journal, as follows:

Rule 53, line 1, strike "shall each be represented" and insert in lieu thereof "*shall have proportionate membership*"

Mr. Davies moved to amend the amendment of Mr. Jensen as follows:

In line 2 of Rule 53, as printed in the Journal on page 239, after "Senate" and before the period insert:

*“, except on the committee on Rules and Administration the proportion of minority members shall be the same proportion as prevailed on that committee during the 1971 session”*

The question being taken on the adoption of the amendment,

And the roll being called, there were yeas 34 and nays 28, as follows:

Those who voted in the affirmative were:

Anderson	Doty	Lewis	Olson, A. G.	Spear
Arnold	Gearty	Lord	Olson, H. D.	Stokowski
Borden	Hughes	Milton	Perpich, A. J.	Tennessee
Chenoweth	Humphrey	Moe	Perpich, G.	Thorup
Coleman	Keefe, S.	North	Schaaf	Wegener
Conzernius	Kleinbaum	Novak	Schram	Willet
Davies	Laufenburger	Olhoft	Solon	

Those who voted in the negative were:

Ashbach	Dunn	Keefe, J.	Nelson	Renneke
Bang	Frederick	Kirchner	Ogdahl	Sillers
Berg	Hansen, Mel	Knutson	Olson, J. L.	Stassen
Bernhagen	Hanson, R.	Kowalczyk	O'Neill	Ueland
Blatz	Jensen	Krieger	Patton	
Brown	Josefson	Larson	Pillsbury	

Which motion prevailed. So the amendment was adopted.

Mr. Jensen moved that his amendment be laid on the table.

The question being taken on the motion,

And the roll being called, there were yeas 22 and nays 38, as follows:

Those who voted in the affirmative were:

Bang	Blatz	Jensen	Kowalczyk	Nelson
Berg	Hansen, Mel	Josefson	Krieger	Ogdahl
Bernhagen	Hanson, R.	Knutson	Larson	Olson, J. L.

O'Neill Patton	Pillsbury Renneke	Sillers	Stassen	Ueland
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Those who voted in the negative were:

Anderson	Davies	Kleinbaum	Olhoft	Spear
Arnold	Doty	Laufenburger	Olson, A. G.	Stokowski
Ashbach	Dunn	Lewis	Olson, H. D.	Tennessee
Borden	Gearty	Lord	Perpich, A. J.	Thorup
Chenoweth	Hughes	Milton	Perpich, G.	Wegener
Chmielewski	Humphrey	Moe	Schaaf	Willet
Coleman	Keefe, S.	North	Schrom	
Conzemius	Kirchner	Novak	Solon	

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

Mr. Jensen asked that his amendment as amended be divided.

The Chair ruled that the amendment could not be divided because it had already been amended.

Mr. Jensen appealed the decision of the Chair.

Mr. Coleman moved that the appeal be laid on the table.

Mr. Jensen withdrew his appeal of the decision of the Chair.

Mr. Coleman withdrew his motion to table the appeal.

#### CALL OF THE SENATE

Mr. Coleman moved a call of the Senate for the balance of the discussion on Permanent Rules and for the Calendar.

The following Senators answered to their names:

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

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

Mr. Brown moved that he be excused from voting on the Jensen amendment as amended. Which motion did not prevail.

Mr. Tennessee, pursuant to Rule 22, called for absentees.

Mr. Jensen moved that those not voting be excused from voting. Which motion did not prevail.

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

The question recurred on the Jensen amendment as amended,

And the roll being called, there were yeas 4 and nays 45, as follows:

Those who voted in the affirmative were:

Arnold            Bernhagen        Hansen, Mel    McCutcheon

Those who voted in the negative were:

Anderson	Doty	Krieger	Olhoff	Schrom
Ashbach	Dunn	Laufenburger	Olson, A. G.	Sillers
Blatz	Gerty	Lewis	Olson, H. D.	Solon
Borden	Hanson, R.	Lord	Olson, J. L.	Spear
Chenoweth	Hughes	Milton	O'Neill	Stokowski
Chmielewski	Humphrey	Moe	Perpich, A. J.	Tennessee
Coleman	Keefe, S.	North	Perpich, G.	Thorup
Conzemius	Kleinbaum	Novak	Pillsbury	Wegener
Davies	Knutson	Ogdahl	Schaaf	Willet

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

Mr. O'Neill moved to amend Rule 53, third paragraph, as it appears on page 239 of the Senate Journal, by adding the following sentence:

"The Committee on Rules and Administration shall be composed of thirteen members of the majority, one of whom shall be designated chairman, and 8 members of the minority."

Further, Mr. O'Neill moved to amend Rule 54 found on page 240 of the Journal as follows:

Strike "Rules and Administration - 18" and insert in lieu thereof "Rules and Administration - 21"

The question being taken on the adoption of the amendment,

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

Those who voted in the affirmative were:

Ashbach	Dunn	Keefe, J.	McCutcheon	Patton
Bang	Frederick	Kirchner	Nelson	Pillsbury
Berg	Hansen, Mel	Knutson	North	Renneke
Bernhagen	Hanson, R.	Kowalczyk	Ogdahl	Sillers
Blatz	Jensen	Krieger	Olson, J. L.	Stassen
Brown	Josefson	Larson	O'Neill	Ueland

Those who voted in the negative were:

Anderson	Davies	Laufenburger	Olson, A. G.	Spear
Arnold	Doty	Lewis	Olson, H. D.	Stokowski
Borden	Gerty	Lord	Perpich, A. J.	Tennessee
Chenoweth	Hughes	Milton	Perpich, G.	Thorup
Chmielewski	Humphrey	Moe	Schaaf	Wegener
Coleman	Keefe, S.	Novak	Schrom	Willet
Conzemius	Kleinbaum	Olhoff	Solon	

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

Mr. Blatz moved to amend the permanent rules of the Senate as they appear in the Journal for the 13th day, page 241, as follows:



Rule 56, first line after the word "report" and before the word "and" add the words "or be reported separately by the Committee."

The question being taken on the adoption of the amendment,

And the roll being called, there were yeas 29 and nays 35, as follows:

Those who voted in the affirmative were:

Ashbach	Dunn	Keefe, J.	McCutcheon	Pillsbury
Bang	Frederick	Kirchner	Nelson	Renneke
Berg	Hansen, Mel	Knutson	Ogdahl	Sillers
Bernhagen	Hanson, R.	Kowalczyk	Olson, J. L.	Stassen
Blatz	Jensen	Krieger	O'Neill	Ueland
Brown	Josefson	Larson	Patton	

Those who voted in the negative were:

Anderson	Davies	Laufenburger	Olhoft	Solon
Arnold	Doty	Lewis	Olson, A. G.	Spear
Borden	Gearty	Lord	Olson, H. D.	Stokowski
Chenoweth	Hughes	Milton	Perpich, A. J.	Tennessee
Chmielewski	Humphrey	Moe	Perpich, G.	Thorup
Coleman	Keefe, S.	North	Schaaf	Wegener
Conzemius	Kleinbaum	Novak	Schrom	Willet

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

Mr. Hansen, Mel, moved to amend the permanent rules of the Senate as they appear on page 239 of the Journal for the 13th day, as follows:

Rule 53, at the end of the Rule, before the period, add:

*"and to the author of any significant amendment adopted by the Senate over the objection of the author of the bill or without his support"*

The question being taken on the adoption of the amendment,

And the roll being called, there were yeas 27 and nays 37, as follows:

Those who voted in the affirmative were:

Ashbach	Dunn	Keefe, J.	Nelson	Sillers
Bang	Frederick	Kirchner	Ogdahl	Stassen
Berg	Hansen, Mel	Knutson	O'Neill	Ueland
Bernhagen	Hanson, R.	Kowalczyk	Patton	
Blatz	Jensen	Krieger	Pillsbury	
Brown	Josefson	Larson	Renneke	

Those who voted in the negative were:

Anderson	Doty	Lord	Olson, H. D.	Stokowski
Arnold	Gearty	McCutcheon	Olson, J. L.	Tennessee
Borden	Hughes	Milton	Perpich, A. J.	Thorup
Chenoweth	Humphrey	Moe	Perpich, G.	Wegener
Chmielewski	Keefe, S.	North	Schaaf	Willet
Coleman	Kleinbaum	Novak	Schrom	
Conzemius	Laufenburger	Olhoft	Solon	
Davies	Lewis	Olson, A. G.	Spear	

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

Mr. Keefe, J. moved to amend the permanent rules of the Senate, page 230 of the Journal for the 13th day, as follows:

Rule 11, strike the first paragraph and insert in lieu thereof the following:

*“Upon receiving bills, resolutions, reports of committees, and other proceedings of the Senate, the Secretary of the Senate shall stamp the date and time thereon. The Secretary shall then make a list of all bills, resolutions, reports of committees, and other proceedings of the Senate, which are referred to the Committee of the Whole, and which are not made the order of the day, and to number the same in the order received, which lists shall be called the “General Orders of the Day” and they shall be taken up in the order in which they are numbered unless otherwise ordered by a majority of the committee.”*

The question being taken on the adoption of the amendment,

And the roll being called, there were yeas 27 and nays 37, as follows:

Those who voted in the affirmative were:

Ashbach	Hansen, Mel	Knutson	Ogdahl	Sillers
Bang	Hanson, R.	Kowalczyk	Olson, J. L.	Stassen
Bernhagen	Jensen	Krieger	O'Neill	Ueland
Blatz	Josefson	Larson	Patton	
Brown	Keefe, J.	McCutcheon	Pillsbury	
Frederick	Kirchner	Nelson	Renneke	

Those who voted in the negative were:

Anderson	Davies	Laufenburger	Olson, A. G.	Stokowski
Arnold	Doty	Lewis	Olson, H. D.	Tennessee
Berg	Dunn	Lord	Perpich, A. J.	Thorup
Borden	Gearty	Milton	Perpich, G.	Wegener
Chenoweth	Hughes	Moe	Schaaf	Willet
Chmielewski	Humphrey	North	Schrom	
Coleman	Keefe, S.	Novak	Solon	
Conzemius	Kleinbaum	Olhoft	Spear	

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

Mr. Krieger moved to amend the permanent rules of the Senate, Rule 78, the last paragraph thereof, as found on page 248 of the Journal, as follows:

After the period following the word “chairman” in the first sentence, insert:

*“The membership thereof shall be composed of four members of the majority and four members of the minority.”*

The question being taken on the adoption of the amendment.

And the roll being called, there were yeas 28 and nays 35, as follows:

Those who voted in the affirmative were:

Ashbach	Dunn	Keefe, J.	McCutcheon	Renneke
Bang	Frederick	Kirchner	Nelson	Sillers
Berg	Hansen, Mel	Knutson	Ogdahl	Stassen
Bernhagen	Hanson, R.	Kowalczyk	Olson, J. L.	Ueland
Blatz	Jensen	Krieger	O'Neill	
Brown	Josefson	Larson	Patton	

Those who voted in the negative were:

Anderson	Davies	Laufenburger	Olhoft	Solon
Arnold	Doty	Lewis	Olson, A. G.	Spear
Borden	Gearty	Lord	Olson, H. D.	Stokowski
Chenoweth	Hughes	Milton	Perpich, A. J.	Tennessee
Chmielewski	Humphrey	Moe	Perpich, G.	Thorup
Coleman	Keefe, S.	North	Schaaf	Wegener
Conzemius	Kleinbaum	Novak	Schrom	Willet

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

Mr. Hansen, Mel moved to amend the report of the Committee on Rules and Administration Subcommittee on Permanent Rules of the Senate, page 248 of the Journal for the 13th day, as follows:

Rule 78, paragraph 2, line 2, after "members" insert, "selected from the majority and the minority on a proportionate basis,"

Mr. Hansen, Mel moved the adoption of the amendment. Which motion prevailed. So the amendment was adopted.

Mr. Brown moved to amend the Permanent Rules of the Senate as follows:

Rule 3, as printed in the Journal of the 13th day, page 227, line 8, strike the period and insert in lieu thereof the following:

*“, and no other motion shall be in order until the appeal is decided.”*

Mr. Brown moved the adoption of the amendment. Which motion did not prevail.

Mr. Brown moved to amend the permanent rules of the Senate as they appear in the Journal for the 13th day, page 239, as follows:

Rule 53, at the end of the first paragraph, add the following sentence:

*“Beginning in the 1975 legislative session, on the first legislative day of the odd-numbered year, each committee shall have an organizational meeting at which the members shall elect a chairman.”*

The question being taken on the adoption of the amendment,

And the roll being called, there were yeas 16 and nays 45, as follows:

Those who voted in the affirmative were:

Berg	Dunn	Hanson, R.	Keefe, J.	O'Neill
Bernhagen	Frederick	Jensen	McCutcheon	Patton
Blatz	Hansen, Mel	Josefson	Nelson	Sillers
Brown				

Those who voted in the negative were:

Anderson	Doty	Krieger	Ogdahl	Schrom
Arnold	Gearty	Larson	Olhoff	Solon
Ashbach	Hughes	Laufenburger	Olson, A. G.	Spear
Borden	Humphrey	Lewis	Olson, H. D.	Stassen
Chenoweth	Keefe, S.	Lord	Olson, J. L.	Stokowski
Chmielewski	Kirchner	Milton	Perpich, A. J.	Tennessee
Coleman	Kleinbaum	Moe	Perpich, G.	Thorup
Conzemius	Knutson	North	Renneke	Wegener
Davies	Kowalczyk	Novak	Schaaf	Willet

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

#### MEMBERS EXCUSED

Mr. Pillsbury was excused for the balance of today.

#### MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Krieger moved to amend the report of the Committee on Rules and Administration with respect to Rule 57 as follows:

On page 241 of the Senate Journal strike the language of the first paragraph of rule 57 and insert in lieu thereof the following:

“No member of the Senate shall participate in any legislative meeting that is not open to the public.”

Mr. Coleman arose on a point of order that Mr. Krieger's amendment was out of order.

The Chair ruled that Mr. Krieger's amendment was out of order.

Mr. Schaaf moved to amend the permanent rules of the Senate, Rule 77 as it appears on page 247 of the Journal, as follows:

Rule 77, second and third lines, strike the words “during the Memorial Service” which had been stricken and then reinstated, and insert in lieu thereof a period.

Mr. Schaaf moved the adoption of the amendment. Which motion prevailed.

Mr. Novak moved that the Permanent Rules as amended be now adopted.

The question being taken on the motion,

And the roll being called, there were yeas 50 and nays 13, as follows:

Those who voted in the affirmative were:

Anderson	Davies	Kleinbaum	Novak	Schrom
Arnold	Doty	Knutson	Ogdahl	Sillers
Berg	Dunn	Larson	Olhoff	Solon
Bernhagen	Gearty	Laufenburger	Olson, A. G.	Spear
Borden	Hansen, Mel	Lewis	Olson, H. D.	Stassen
Brown	Hanson, R.	Lord	Olson, J. L.	Stokowski
Chenoweth	Hughes	McCutcheon	O'Neill	Tennessee
Chmielewski	Humphrey	Milton	Perpich, A. J.	Thorup
Coleman	Keefe, J.	Moe	Perpich, G.	Wegener
Conzemius	Keefe, S.	North	Schaaf	Willet

Those who voted in the negative were:

Ashbach	Frederick	Kirchner	Nelson	Ueland
Bang	Jensen	Kowalczyk	Patton	
Blatz	Josefson	Krieger	Renneke	

Which motion prevailed. So the Permanent Rules were adopted.

Mr. Krieger introduced—

Senate Resolution No. 18: A senate resolution expressing the sense of the senate with respect to conference committee meetings.

Mr. Borden, pursuant to Rule 62, requested that the foregoing resolution be referred to the Committee on Rules and Administration.

So Senate Resolution No. 18 was referred to the Committee on Rules and Administration.

#### MEMBERS EXCUSED

Mr. Davies was excused from the Session of today at 6:15 p.m.

#### MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Perpich, A. J. moved that the name of Mr. Arnold be added as co-author to S. F. No. 238. Which motion prevailed.

#### THIRD READING OF HOUSE BILLS

H. F. No. 2: A bill for an act relating to elections; providing for the election of members of the state legislature with party designation; appropriating money; amending Minnesota Statutes 1971, Sections 202.03, Subdivision 1; 203.28, Subdivisions 1 and 3 and by adding a subdivision; 203.29; 203.35, Subdivisions 7 and 9; and 206.07, Subdivisions 1 and 2.

H. F. No. 2 was read the third time and placed on its final passage.

The question being taken on the passage of the bill,

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

Those who voted in the affirmative were:

Anderson	Doty	Knutson	Ogdahl	Solon
Arnold	Dunn	Krieger	Olhoff	Spear
Bang	Gearty	Laufenburger	Olson, A. G.	Stassen
Bernhagen	Hanson, R.	Lewis	Olson, H. D.	Stokowski
Borden	Hughes	Lord	O'Neill	Tennessee
Brown	Humphrey	McCutcheon	Patton	Thorup
Chenoweth	Jensen	Milton	Perpich, A. J.	Wegener
Chmielewski	Keefe, J.	Moe	Perpich, G.	Willett
Coleman	Keefe, S.	Nelson	Schaaf	
Conzemiuss	Kirchner	North	Schrom	
Davies	Kleinbaum	Novak	Sillers	

Those who voted in the negative were:

Ashbach	Frederick	Josefson	Larson	Renneke
Berg	Hansen, Mel	Kowalczyk	Olson, J. L.	Ueland
Blatz				

So the bill passed and its title was agreed to.

#### Protest And Dissent

Pursuant to the provisions of Article 4, Section 16, of the Minnesota Constitution, the undersigned request that the following dissent and protest be entered in the journal of the Senate.

The undersigned members of the Senate, for the following reason, dissent and protest the action of the Senate of making significant and highly controversial substantive changes in Minnesota's election laws with a bill known as "the party designation bill", H. F. No. 2.

Article 4, Section 27, of the Minnesota Constitution states, "No law shall embrace more than one subject, which shall be expressed in its title." The bill in question we feel actually consists of three separate and different subjects which are as follows: one relates to the rotation of candidates names on the ballot; another relates to the placement of names on the ballot; and another relates to identifying the members by party, or party designation.

The title of H. F. No. 2 places many members in the position of either voting against their commitments to constituents or against their conscience by voting for an unconstitutional measure.

The bill before the Legislature ought to be called a bill relating to placement on the ballot, rotation of names on the ballot, and party designation. Previous party designation bills covered only party designation.

Historically, each legislative candidate has been rotated on the ballot so that the favorite lead position is shared an equal number of times by each candidate. Under the party designation bill offered this will no longer be the case. This totally new proposal means that any statewide-majority-party legislative candidate will have the advantage of always being first on the ballot. It is a known fact of politics that many persons vote for the first name appearing on the ballot. Failure to alternate majority, minority, or any other party candidate in the lead position will make a one-party system easier to achieve. If there is to be a built-in advantage from ballot placement, it should go to the minority if we want to encourage a strong two-party system.

The candidate without party backing has additional handicaps. We believe the people of the state are entitled to fairness and openness in government. We also believe that every citizen should have the equal opportunity and equal protection under the law while running for office. We do not like to be party to a measure

which gives any political party in the state of Minnesota advantage over any other political party.

A separate change made under the guise of party designation has placed legislators below the national candidates on the ballot rather than below the state constitutional officers. It is generally recognized that only a tiny fraction of the issues in state government follow national party lines. Legislative candidates should follow the governor and the constitutional officers where the issues are essentially the same as in legislative races. We feel that this bill, which is being rushed through in haste, will only add to the confusion which many people feel when voting.

The unfair placement of names on the ballot will make many local races subject to national issues over which the candidate will be powerless to change even though he is successful in the election.

The Legislature and our major parties in Minnesota have a national record for honesty and personal dedication. The Minnesota Legislature has been nationally recognized as one of the most productive and progressive legislatures in the nation. In many areas of public concern it has led other states and at times the national government in innovative, progressive legislation.

The laws and the constitution of the state of Minnesota have been enacted with the intent to protect all the citizens of the state of Minnesota and this bill in our opinion deviates from this purpose.

The undersigned recognize that the people of the State of Minnesota are distrustful of government and political parties and that passage of this measure would add fuel to the fires of public cynicism and distrust. We wish to make these unfair and undemocratic actions and our dissent to them a matter of public record to be called to the attention of the people of Minnesota. For these reasons this dissent is entered upon the pages of the Senate Journal.

(Signed) Messrs. Hansen, Mel; O'Neill; Frederick; Fitzsimons; Renneke; Larson; Olson, J. L.; McCutcheon; Keefe, J.; Ueland; Blatz; Bang; Kowalczyk; Dunn; Krieger; Kirchner; Patton; Ashbach; Ogdahl; Pillsbury; Hanson, R.; Bernhagen; Stassen; Josefson; Sillers; Knutson; Nelson; Berg and Brown.

#### GENERAL ORDERS

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

After some time spent therein, the committee arose and the President having resumed the chair, Mr. Blatz reported that the committee had considered

S. F. Nos. 116, 34 also H. F. No. 201 which the committee recommends to pass.

Mr. Coleman moved to amend S. F. No. 34, the typewritten amended bill, as follows:

Page 1, line 18, in the final sentence of the amended bill, after "following categories:" strike "casket; burial vault;"

Page 1, line 21, further amend in the final sentence of the amended bill after "other professional services;" and before "and" by inserting "wholesale and retail price of the casket and burial vault;"

The question being taken on the adoption of the amendment,

And the roll being called, there were yeas 20 and nays 39, as follows:

Those who voted in the affirmative were:

Arnold	Doty	Keefe, S.	Moe	Perpich, A. J.
Borden	Gearty	Krieger	Ogdahl	Schaaf
Chenoweth	Hughes	Lord	Olhoft	Spear
Coleman	Humphrey	McCutcheon	Olson, H. D.	Tennessee

Those who voted in the negative were:

Anderson	Dunn	Knutson	Olson, A. G.	Solon
Ashbach	Frederick	Kowalczyk	Olson, J. L.	Stassen
Bang	Hansen, Mel	Laufenburger	O'Neill	Stokowski
Bernhagen	Hanson, R.	Lewis	Patton	Thorup
Blatz	Jensen	Milton	Perpich, G.	Ueland
Brown	Josefson	Nelson	Renneke	Wegener
Chmielewski	Keefe, J.	North	Schrom	Willet
Conzemius	Kirchner	Novak	Sillers	

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

S. F. No. 80 which the committee recommends to pass with the following amendment, offered by Mr. Ogdahl:

Page 10, line 6, delete "(g)" and insert in lieu thereof "(e)"

And then, on motion of Mr. Blatz, the report of the Committee of the Whole, as kept by the Secretary, was adopted.

#### MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Coleman moved that the Senate do now adjourn until 12:00 noon Thursday, February 15, 1973. Which motion prevailed.

Patrick E. Flahaven, Secretary of the Senate.