

### FIFTY-FIRST DAY

St. Paul, Minnesota, Monday, May 12, 1975

The Senate met at 11:00 o'clock a.m. and was called to order by the President.

### CALL OF THE SENATE

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

Arnold	Dunn	Kirchner	Ogdahl	Schmitz
Bernhagen	Fitzsimons	Kleinbaum	Olson, A. G.	Schrom
Blatz	Gearty	Kowalczyk	Olson, J. L.	Spear
Borden	Hansen, Baldy	Larson	Patton	Stokowski
Chenoweth	Hanson, R.	Laufenburger	Perpich, A. J.	Stumpf
Coleman	Hughes	Lewis	Perpich, G.	Tennessen
Conzemius	Humphrey	Merriam	Pillsbury	Ueland
Davies	Josefson	Milton	Purfeerst	Wegener
Doty	Keefe, S.	North	Schaaf	Willet

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

Prayer was offered by the Chaplain, Rev. Ronald C. Peterson.

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

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

The President declared a quorum present.

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

### INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Mr. Arnold introduced—

S. F. No. 1742: A bill for an act relating to insurance; providing for more competition in compensation insurance rate setting; abolishing minimum rates for compensation insurance; amending Minnesota Statutes 1974, Sections 79.07 and 79.21.

Referred to the Committee on Labor and Commerce.

Mr. Arnold introduced—

S. F. No. 1743: A bill for an act relating to insurance; providing for competition in workmen's compensation insurance rate setting; abolishing minimum rates for workmen's compensation insurance; abolishing the rate making functions of the workmen's compensation rating bureau; renaming the bureau and clarifying its functions; directing the commissioner of insurance to make certain information available to the public; amending Minnesota Statutes 1974, Sections 79.07; 79.08; 79.11; 79.17; 79.21; 79.22; 79.24; 79.25; 79.28; 79.29; 79.30; and 79.31.

Referred to the Committee on Labor and Commerce.

Mr. Borden introduced—

S. F. No. 1744: A bill for an act relating to financial institutions; establishing procedures for issuance of cease and desist orders and removal of officers in the event of violation of law or sound financial practices; providing penalties.

Referred to the Committee on Labor and Commerce.

Mr. Borden introduced—

S. F. No. 1745: A bill for an act relating to industrial loan and thrift companies; requiring approval of name by commissioner of banks; regulating renewals of loans and refunds of interest or discounts; amending Minnesota Statutes 1974, Sections 53.03, by adding a subdivision; 53.04; and 53.07.

Referred to the Committee on Labor and Commerce.

#### MESSAGES FROM THE HOUSE

Mr. President:

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

S. F. No. 1142: A bill for an act relating to state parks; prohibit-

ing littering; providing a penalty; amending Minnesota Statutes 1974, Section 85.20, by adding a subdivision.

Senate File No. 1142 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives  
Returned May 9, 1975

### CONCURRENCE AND REPASSAGE

Mr. Arnold moved that the Senate concur in the amendments by the House to S. F. No. 1142 and that the bill be placed on its repassage as amended. The motion prevailed.

S. F. No. 1142 was read the third time, as amended by the House, and placed on its repassage.

The question being taken on the repassage of the bill, as amended,

And the roll being called, there were yeas 54 and nays 0, as follows:

Those who voted in the affirmative were:

Arnold	Dunn	Kleinbaum	Olthoff	Schrom
Ashbach	Fitzsimons	Kowalczyk	Olson, A. G.	Sillers
Bang	Gearty	Larson	Olson, H. D.	Solon
Berg	Hansen, Baldy	Laufenburger	Olson, J. L.	Spear
Bernhagen	Hansen, Mel	Lewis	O'Neill	Stokowski
Blatz	Hanson, R.	McCutcheon	Patton	Stumpf
Chmielewski	Hughes	Merriam	Perpich, A. J.	Tennessee
Coleman	Humphrey	Milton	Pillsbury	Ueland
Conzemius	Josefson	Moe	Purfeerst	Wegener
Davies	Keefe, S.	North	Schaaf	Willet
Doty	Kirchner	Ogdahl	Schmitz	

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

### REPORTS OF COMMITTEES

Mr. Coleman moved that the Committee Reports at the Desk be now adopted, with the exception of the reports on S. F. Nos. 596, 486, 1540 and 466 and reports pertaining to appointments. The motion prevailed.

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

S. F. No. 596: A bill for an act relating to teachers; appointing two vocational teachers to the teacher standards and certification commission; providing for an executive director of the teacher standards and certification commission; budget of teacher standards and certification commission; appropriating money; amending Minnesota Statutes 1974, Sections 125.183, Subdivisions 1 and 3; 125.184, Subdivision 2; and 125.185, Subdivisions 4 and 6; repealing Minnesota Statutes 1974, Section 125.185, Subdivision 8.

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 1974, Section 125.184, Subdivision 2, is amended to read:

Subd. 2. The commissioner of education shall ~~serve as secretary of the commission and, in his discretion, may assign such persons as may be required to perform clerical and appoint an executive secretary whose primary responsibility shall be to provide professional~~ assistance to the commission and coordinate clerical assistance as may be provided by the department of education.

Sec. 2. Minnesota Statutes 1974, Section 125.185, Subdivision 4, is amended to read:

Subd. 4. The commission shall develop and create criteria, rules, and regulations for the certification of public school teachers and interns, which shall be submitted to the state board of education for approval, and from time to time the commission shall revise or supplement the criteria for certification of public school teachers subject to approval by the state board. It shall be the duty of the commission to establish criteria for the approval of teacher education programs subject to approval by the board. Subject to criteria, rules, and regulations approved by the state board of education, the commission shall also grant certificates to interns and to candidates for original certificates and receive recommendations from local committees as established by the commission for the renewal of teaching certificates, to grant life certificates to those who qualify according to requirements established by the commission, and suspend or revoke certificates pursuant to section 125.09. With regard to vocational education teachers the commission shall adopt and maintain as its criteria the state plan for vocational education.

In the event the state board of education disapproves any proposal from the commission, it shall give written notice of such disapproval within ~~120~~ 60 days after the receipt of the proposal including its reasons. Any proposal disapproved by the state board may be resubmitted by the commission at any time after the expiration of ~~90~~ 45 days after the date of disapproval.

Sec. 3. *Minnesota Statutes 1974, Section 125.185, Subdivision 8, is repealed.*

Further, amend the title by striking it in its entirety and inserting:

"A bill for an act relating to teachers; providing for an executive secretary of the teacher standards and certification commission; amending Minnesota Statutes 1974, Sections 125.184, Subdivision 2; and 125.185, Subdivision 4; repealing Minnesota Statutes 1974, Section 125.185, Subdivision 8."

And when so amended the bill do pass. Pursuant to Joint Rule 20, the bill was re-referred to the Committee on Rules and Administration.

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

S. F. No. 486: A bill for an act relating to highway traffic regulations; requiring counties to establish presentence investigation and counseling alcohol safety programs and alcohol safety enforcement programs; requiring presentence investigation reports for certain driving offenses; amending Minnesota Statutes 1974, Section 169.121, by adding a subdivision; and Chapter 169, by adding sections.

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 1974, Chapter 169, is amended by adding a section to read:

[169.124] [ALCOHOL SAFETY PROGRAM; FINANCING.]  
*Subdivision 1. The county board of every county shall establish an alcohol safety program designed to provide presentence investigation and evaluation of persons convicted of one of the offenses enumerated in section 4, subdivision 1, of this act.*

*Subd. 2. The commissioner of public safety shall promulgate rules, setting forth uniform standards for alcohol safety programs which are necessary for the proper presentence investigation and assurance of the accuracy of preliminary screening devices. In the preparation of standards the commissioner shall consult with the alcohol and other drug abuse section in the department of public welfare and with local community mental health boards.*

*Subd. 3. The cost of presentence investigation outlined in section 1 shall be borne by the county. Upon application by the county to the commissioner of public safety, the commissioner shall reimburse the county 50 percent of the cost of each presentence investigation not to exceed \$25 in each case.*

*Subd. 4. The commissioner of public safety is hereby authorized to reimburse local units of government in an amount equal to 25 percent of the total cost of purchase of preliminary screening devices approved by him for the purpose of this section. This subdivision shall apply to those preliminary screening devices purchased under the provisions of the highway safety act of 1966.*

Sec. 2. Minnesota Statutes 1974, Section 169.121, Subdivision 6, is amended to read:

*Subd. 6. The court may stay imposition or execution of any sentence authorized by subdivision 3 or 4 upon a medical recommendation and on the condition that the convicted person submit to medical treatment in a suitable by a public or private institution or facility providing rehabilitation for chemical dependency licensed by the department of public welfare. A stay of imposition or execution shall be in the manner provided in section 609.135. The court shall report to the commissioner of public safety any stay of imposition or execution of sentence granted under the provisions of this section.*

Sec. 3. Minnesota Statutes 1974, Chapter 169, is amended by adding a section to read:

[169.125] [COUNTY COOPERATION.] *County boards may enter into an agreement to establish a regional presentence investigation alcohol safety program. Any agreement entered into pursuant to this section shall be governed by rules promulgated by the commissioner of public safety and section 471.59. County boards may contract with other counties and agencies for presentence investigation services.*

Sec. 4. Minnesota Statutes 1974, Chapter 169, is amended by adding a section to read:

[169.126] [PRESENTENCE INVESTIGATION.] *Subdivision 1. A presentence investigation shall be conducted and a report submitted to the court by the county agency administering the alcohol safety counseling program when:*

*(a) The defendant is convicted of an offense described in section 169.121; or*

*(b) The defendant is arrested for committing an offense described in section 169.121, is not convicted therefor, but is convicted of another offense arising out of the circumstances surrounding such arrest.*

*Subd. 2. The report shall contain an evaluation of the convicted defendant concerning his characteristics, circumstances, needs, prior traffic record, prior record of alcohol problems, and amenability to rehabilitation through the alcohol safety program. The report shall include a recommendation as to a treatment or rehabilitation program for the defendant.*

*Subd. 3. The report required by this section shall be prepared by a person knowledgeable in diagnosis of chemical dependency.*

*Subd. 4. The court before imposing sentence after conviction for one of the offenses described in subdivision 1 shall give due consideration to the agency's report.*

Sec. 5. [APPROPRIATIONS.] *There is hereby appropriated from the general fund to the commissioner of public safety such amounts as are necessary to administer the provisions of this act, not to exceed \$500,000."*

Amend the title as follows:

Page 1, line 7, after "offenses;" insert "appropriating money;"

Page 1, line 8, after "169.121," strike "by adding a subdivision" and insert "Subdivision 6"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Pursuant to Joint Rule 20, the bill was re-referred to the Committee on Rules and Administration.

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

S. F. No. 1540: A bill for an act relating to charitable trusts and trustees; authorizing the attorney general to establish and maintain a register of charitable trusts; to adopt and promulgate rules and regulations necessary to carry out the purposes of the act and to take appropriate actions to protect and enforce the proper administration of charitable trusts; authorizing investigations; providing for assessment of expenses and proceedings; authorizing fees; providing penalties.

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

Strike everything after the enacting clause and insert:

“Section 1. [CITATION.] Sections 1 to 12 shall be known and may be cited as the supervision of charitable trusts and trustees act.

Sec. 2. [CHARITABLE TRUSTS; SUPERVISION BY ATTORNEY GENERAL.] Sections 1 to 12 shall apply to all charitable trusts and all trustees holding property for charitable purposes. The attorney general shall have and exercise, in addition to all the common law and statutory rights, duties and powers of the attorney general in connection with the supervision, administration and enforcement of charitable trusts, the rights, duties and powers set forth in sections 1 to 12.

Sec. 3. [DEFINITIONS.] Subdivision 1. For the purposes of sections 1 to 12, the terms defined in this section have the meanings ascribed to them.

Subd. 2. “Charitable purpose” means any charitable, benevolent, philanthropic, religious, social service, educational, eleemosynary or other public use or purpose, either actual or purported.

Subd. 3. “Trustee” means a person or group of persons either in an individual or a joint capacity, or a director, officer or other agent of an association, foundation, trustee corporation, corporation or other legal entity who is vested with the control or responsibility of administering property held for any charitable purpose.

Subd. 4. “Charitable trust” means any fiduciary relationship with respect to property arising as a result of a manifestation of an intention to create it and subjecting the trustee by whom the property is held to fiduciary duties to deal with the property for charitable purposes.

Subd. 5. The definition of the terms “trustee” and “charitable trust” contained in this section are for the purposes of sections 1 to 12 and shall not be construed to modify or abridge any law or rule respecting the nature of any charitable trust or the nature and extent of the duties of any trustee except such duties as may be imposed by sections 1 to 12.

Sec. 4. [EXCLUSIONS.] The registration and reporting provisions of sections 5 and 6 shall not apply to

(a) A charitable trust administered by the United States, any

state, territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico or to any of their agencies or subdivisions.

(b) An educational institution which is under the general supervision of the state board of education, the state college board, the state board for community colleges, or the university of Minnesota or the north central association of colleges and secondary schools, or by any other national or regional accrediting association, and all charitable trusts organized and operated exclusively for educational purposes which are administered by any such institution.

(c) Religious associations organized pursuant to Minnesota Statutes, Chapters 315 and 317 and all charitable trusts organized and operated exclusively for religious purposes which are administered by any such religious association.

(d) Institutions and corporations organized and operated as hospitals or as medical centers engaged in medical care, education and research.

(e) An organization described in section 509(a) (3) of the Internal Revenue Code of 1954 which is operated, supervised or controlled by or in connection with one or more organizations described in clauses (b) through (d) of this section, a pooled income fund as defined in section 642 (c) (5) of the Internal Revenue Code of 1954 which is maintained by an organization described in clauses (b) through (d) of this section, and a charitable remainder annuity trust or unitrust, as defined in section 664 of the Internal Revenue Code of 1954, of which the trustee is an organization described in clauses (b) through (d) of this section.

(f) A trust in which the only charitable interest is a contingent interest for which no charitable deduction has been allowed for Minnesota income, inheritance or gift tax purposes and a trust not all of the unexpired interests in which are devoted to one or more charitable purposes and in which the only charitable interest is an annuity or an income interest with respect to which a charitable deduction is allowed the trust under applicable Minnesota income tax laws.

(g) An organization which does not have at least \$5,000 of gross assets at any time during a taxable year and which normally receives more than two-thirds of its support each year from the general public or from the United States, any state, territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico or any of their agencies or subdivisions.

Sec. 5. [REGISTER OF TRUSTS AND TRUSTEES.] Subdivision 1. The secretary of state shall establish and maintain a register of charitable trusts and trustees subject to the provisions of sections 1 to 12.

Subd. 2. Every charitable trust subject to the provisions of



sections 1 to 12 shall register and file with the secretary of state a copy of the instrument creating the charitable trust including any amendments thereto within three months after the charitable trust first receives possession or control of any property authorized or required to be applied, either at present or in the future, for charitable purposes. If a trustee holds any property at the time sections 1 to 12 take effect, which is authorized or required to be applied, either at present or in the future, for charitable purposes, the filing and registration shall be made within three months after the effective date of sections 1 to 12.

**Sec. 6. [FILING OF ANNUAL REPORTS.]** Subdivision 1. Every charitable trust subject to the provisions of sections 1 to 12 shall, in addition to filing copies of the instruments previously required, file with the secretary of state annual written reports setting forth information as described in section 6056(b) of the Internal Revenue Code of 1954. These reports shall be filed annually on or before the fifteenth day of the fifth month following the close of the charitable trust's taxable year as established for federal tax purposes. The time for filing may be extended by application to the secretary of state; but no such extension shall be for more than six months.

Subd. 2. The secretary of state may suspend the filing of reports as to a particular charitable trust for a reasonable, specifically designated time upon written application of the trustee filed with the secretary of state and after the attorney general has filed in the register of charitable trusts a written statement that the interests of the beneficiaries will not be prejudiced thereby and that annual reports are not required for proper supervision by his office.

**Sec. 7. [PUBLIC INSPECTION OF RECORDS.]** The register, copies of instruments, and the reports filed with the secretary of state shall be open to public inspection.

**Sec. 8. [INVESTIGATORY POWERS OF THE ATTORNEY GENERAL; CUSTODIANS TO FURNISH COPIES OF RECORDS.]** Subdivision 1. The attorney general may conduct investigations reasonably necessary for the administration of sections 1 to 12 and for the purpose of determining whether the property held for charitable purposes is properly administered. He may require any agent, trustee, fiduciary, beneficiary, institution, association, or corporation or other person, to answer written interrogatories reasonably related to the administration of a charitable trust, or to appear, at a reasonable time and place as the attorney general may designate, to give information under oath and to produce books, memoranda, papers, documents of title, and evidence of assets, liabilities, receipts or disbursements in the possession or control of the person ordered to appear.

Subd. 2. When the attorney general requires the attendance of any person, as provided in subdivision 1 of this section, he shall issue an order setting forth the time when and the place where attendance is required and shall cause the same to be delivered to or sent by

registered mail to the person at least 14 days before the date fixed for attendance. The order shall have the same force and effect as a subpoena and, upon application of the attorney general, obedience to the order may be enforced by any court having jurisdiction of charitable trusts in the county where the person receiving it resides or is found, in the same manner as though the notice were a subpoena. The court, after hearing, for cause, and upon application of any person aggrieved by the order, shall have the right to alter, amend, revise, suspend or postpone all or any part of its provisions.

Subd. 3. The custodians of the records of a court having jurisdiction of probate matters or of charitable trusts, and any custodian of records of any department, agency or political subdivision of this state shall furnish free of charge copies of papers, records and files of his office relating to the subject of sections 1 to 12 as the attorney general requires.

Subd. 4. Every officer, agency, board or commission of this state receiving applications for exemption from taxation of any charitable trust subject to sections 1 to 12 shall annually file with the secretary of state a list of all applications received during the year and shall notify the secretary of state of any suspension or revocation of a tax exempt status previously granted.

Sec. 9. [POWERS OF ATTORNEY GENERAL; BREACH OF TRUST; PROCEEDINGS TO SECURE COMPLIANCE.] Subdivision 1. The attorney general may institute appropriate proceedings to secure compliance with the provisions of sections 1 to 12 and to secure the proper administration of any charitable trust. The powers and duties of the attorney general provided herein are in addition to his existing powers and duties.

Subd. 2. The attorney general shall be notified of and has the right to participate as a party in all court proceedings:

(a) To terminate a charitable trust or to liquidate or distribute its assets, or

(b) To modify or depart from the objects or purposes of a charitable trust as are set forth in the instrument governing the trust, including any proceeding for the application of the doctrine of cy pres, or

(c) To construe the provisions of an instrument with respect to a charitable trust, or

(d) To review an accounting of a charitable trust submitted by a trustee, or

(e) Any other proceeding involving a charitable trust when the interests of the uncertain or indefinite charitable beneficiaries may be affected.

Subd. 3. A judgment or order rendered in proceedings without service of process and pleadings upon the attorney general, are voidable, unenforceable, and may be set aside at the option of the attorney general upon his motion seeking relief. With respect to those proceedings, no compromise, settlement agreement, contract or judgment

agreed to by any or all of the parties having or claiming to have an interest in any charitable trust is valid unless the attorney general was made a party to the proceedings and joined in the compromise, settlement agreement, contract or judgment, or unless the attorney general, in writing waives his right to participate. The attorney general is expressly authorized to enter into a compromise, settlement agreement, contract or judgment as in his opinion may be in the best interests of the people of the state and the uncertain or indefinite beneficiaries.

Subd. 4. Whenever a will provides for a bequest or devise to a charitable trust, the personal representative shall send to the attorney general a copy of the petition or application for probate together with a copy of the last will and testament, including any codicils which have been admitted to probate. Whenever objections are filed to any will or codicil containing any bequest or devise to a charitable trust, the person filing such objections, at least 14 days prior to the hearing thereon, shall send to the attorney general a copy of such objections, together with a copy of the petition or application for probate and a copy of the will, together with any codicils thereto which have been offered for probate. Any notice or documents required to be sent to the attorney general pursuant to this section shall be served by certified mail, return receipt requested. Upon receiving any such notice or documents the attorney general may become a party in the estate proceedings.

Subd. 5. The failure of a trustee to register as required by section 5, or to file annual reports as required by section 6, or to administer and manage property held for charitable purposes in accordance with law or consistent with his fiduciary obligations constitutes a breach of trust.

Subd. 6. The attorney general may institute a civil action in order to remedy and redress a breach of trust, as described in subdivision 5 of this section or as otherwise provided by law, committed by a trustee subject to the provisions of sections 1 to 12. Whenever it appears to the attorney general that a breach of trust has been committed, he is entitled to sue for and have:

(a) Injunctive relief in any court of competent jurisdiction against the breach of trust or threatened breach of trust;

(b) The removal of a trustee who has committed or is committing a breach of trust;

(c) The recovery of damages; and

(d) Any other appropriate remedies.

Sec. 10. [CONTRARY PROVISIONS OF INSTRUMENT INVALID.] Sections 1 to 12 apply regardless of any contrary provisions of any instrument.

Sec. 11. [COST OF INVESTIGATIONS AND PROCEEDINGS; REGISTRATION AND FILING FEES.] Subdivision 1.

The secretary of state shall collect a fee of \$10 upon the registration of a charitable trust as required by section 5.

Subd. 2. The secretary of state shall collect the following fees upon the filing of an annual report by a charitable trust as required by section 6:

(a) \$10, if the assets of the charitable trust are less than \$5,000;

(b) \$25, if the assets of the charitable trust are \$5,000 or more but less than \$100,000;

(c) \$50, if the assets of the charitable trust are \$100,000 or more but less than \$500,000;

(d) \$100, if the assets of the charitable trust are \$500,000 or more. For the purposes of this section, "assets" means the total fair market value of the charitable trust's assets at the end of that trust's taxable year as stated in the annual report required by section 6.

Subd. 3. In any proceeding brought by the attorney general, or in which the attorney general intervenes, pursuant to sections 1 to 12, the judgment or order may provide that the trustee shall pay the reasonable expenses necessarily incurred by the attorney general in the investigation and prosecution of such action, including attorneys' fees, if it shall also be determined in proceeding that the trustee has been guilty of an intentional or grossly negligent breach of trust as defined in subdivision 5 of section 10 or as otherwise provided by law.

Subd. 4. All moneys received by the attorney general and the secretary of state pursuant to this section shall be deposited in the state treasury and shall be credited to the general fund."

Amend the title as follows:

Page 1, line 3, strike "attorney general" and insert "secretary of state"

Page 1, line 4, strike "to adopt"

Page 1, strike line 5

Page 1, line 6, strike "carry out the purposes of the act"

Page 1, line 6, strike "and" and insert "; authorizing the attorney general"

Page 1, line 9, strike "providing for"

Page 1, strike line 10

Page 1, line 11, strike "; providing penalties"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Pursuant to Joint Rule 20, the bill was re-referred to the Committee on Rules and Administration.

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

S. F. No. 466: A bill for an act relating to corporations; requiring domestic corporations to file an annual report with the secretary of state; requiring the secretary of state to perform certain duties; authorizing the secretary of state to seek certain information by written interrogatories; establishing filing fees.

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 1974, Chapter 301, is amended by adding a section to read:

[301.511] [ANNUAL REPORTS.] *Subdivision 1. Every corporation shall file with the secretary of state, within the time prescribed in this section, an annual report setting forth:*

- (a) The name of the corporation;*
- (b) The address of its registered office in this state;*
- (c) The address of its principal office or business headquarters in this state; and*
- (d) The names and addresses of the corporation's current directors and officers, or if the corporation is in the hands of a receiver or trustee, the name and address of such receiver or trustee.*

*The annual report shall be made on forms prescribed and furnished by the secretary of state, and the information therein contained shall be given as of the date of the execution of the report. The report shall be signed and acknowledged by an officer of the corporation on its behalf or, if the corporation is in the hands of a trustee or receiver, by such trustee or receiver.*

*Subd. 2. The annual report of each corporation shall be due for filing during a month designated by the secretary of state. Each corporation, except inactive corporations, shall be notified of its designated filing month and furnished an annual report form by the secretary of state at least 30 days prior to the first day of its designated filing month. Such notification and furnishing of forms shall be complete upon mailing of same to a corporation at its registered office. Filing shall not be complete until the annual report is received by the secretary of state accompanied by all filing fees then due. No annual report shall be due prior to July 1, 1976 and no annual report shall be due after June 30, 1981.*

*Subd. 3. Each annual report filed with the secretary of state shall be accompanied by a filing fee in the amount prescribed in section 301.071. Each annual report re-filed with the secretary of state pursuant to subdivision 4 of this section shall be accompanied by, in addition to other fees due, a fee for re-filing as prescribed in section 301.071. Each annual report filed or re-filed after the date on which such report was due for filing or re-filing shall be accompanied by, in addition to other fees due, a late filing fee as prescribed in section 301.071. No annual report shall be deemed to conform to the requirements of this chapter*

unless accompanied by all fees prescribed by this section and section 301.071.

Subd. 4. If an annual report submitted to the secretary of state does not conform to the requirements of this chapter, it shall be returned by mail to the corporation at its registered office. If such a report is not made to conform to the requirements of this chapter and re-filed with the secretary of state within 30 days of such return of the report by the secretary of state to the corporation, it shall be deemed not to have been filed.

Subd. 5. The secretary of state shall maintain in his or her office the most recent annual report of each corporation and shall prepare an alphabetical index thereof, which reports and index shall be available for public inspection at regular business hours.

Subd. 6. If any corporation has failed, for three consecutive years or for three of the immediately preceding five years, to file the annual report required by this section, the secretary of state shall give written notice of such failure to the corporation by certified mail at its registered office. If, within 30 days after the mailing of such notice, the corporation has not filed an annual report for each year in which it had previously failed to file in accordance with this section, and paid all fees payable in connection therewith, such corporation shall be deemed to be inactive under this chapter. An inactive corporation shall not engage in the active conduct of a trade or business, but the shareholders of the corporation may hold their annual or special meetings for the election of directors and the corporation may take such action as shall be required to reinstate it to active status. An inactive corporation may hold, mortgage, lease, sell or convey its real estate and personal property associated therewith, and may make and file reports and file tax returns required by the laws of the United States and any state. An inactive corporation may be dissolved or terminated in any manner provided by law.

Subd. 7. An inactive corporation may be reinstated to active status by filing with the secretary of state all annual reports previously due but not filed and by payment of all fees prescribed by this section and section 301.071 in connection therewith.

Subd. 8. An inactive corporation shall lose its exclusive right to its corporate name. If the name of such inactive corporation has, since the date of its being rendered inactive, been adopted by another corporation pursuant to this chapter, or if a person, an unincorporated association, or a foreign corporation has signified its intent to procure incorporation in this state under such name in accordance with section 301.05, subdivision 3 or 4, and if such other domestic corporation, foreign corporation, person or unincorporated association does not release such name or consent to its use by said inactive corporation, then it shall be a condition to the reinstatement of such inactive corporation that it adopt a new corporate name which shall not be the same as, nor deceptively similar to, the name adopted by or proposed to be adopted by any such domestic corporation, foreign corporation, person or unincorporated association and which shall comply with the provisions of section 301.05.

Sec. 2. Minnesota Statutes 1974, Section 301.02, is amended by adding a subdivision to read:

*Subd. 2a. [INACTIVE CORPORATION.] "Inactive corporation" means a corporation which has failed to file annual reports required by this chapter and has been deemed inactive pursuant to section 1. subdivision 6.*

Sec. 3. Minnesota Statutes 1974, Section 301.05, Subdivision 2, is amended to read:

**Subd. 2. [USE OF SIMILAR NAME FORBIDDEN.]** The corporate name shall not be the same as, nor deceptively similar to, the name of any other domestic corporation, *except an inactive corporation as defined in section 301.02*, or of any foreign corporation authorized to do business in this state unless

(1) such domestic or foreign corporation is about to change its name, or to cease to do business, or is being wound up, or such foreign corporation is about to withdraw from doing business in this state, and

(2) the written consent of such other domestic or foreign corporation to the adoption of its name or a deceptively similar name has been given and is filed with the articles of incorporation.

Sec. 4. Minnesota Statutes 1974, Section 301.071, Subdivision 2, is amended to read:

**Subd. 2.** In addition to the fees prescribed in subdivision 1, fees shall be paid to the secretary of state according to the following schedule, at the time the service is performed:

(a) Filing articles of incorporation and issuing a certificate of incorporation, \$12.50;

(b) Filing articles of amendment superseding original articles of incorporation as provided in section 301.37, subdivision 2, \$12.50;

(c) Filing articles of amendment, including the reduction of stated capital pursuant to section 301.39, as provided in section 301.37, subdivision 4, \$6.50;

(d) Filing an agreement of consolidation, an agreement of merger, or a certificate of ownership, and issuing a certificate of incorporation or merger as provided in section 301.42 or 301.421, \$25;

(e) Filing a certificate of resolution instituting voluntary proceedings for dissolution and appointing a trustee as provided in section 301.47, \$4;

(f) Filing a certificate of trustee in voluntary proceedings for dissolution as provided in section 301.56, \$4;

(g) Filing an order of dissolution as provided in section 301.56, \$6.50;

(h) Filing a certificate of change of registered office as provided in section 301.33, \$6.50;

(i) Filing a certificate of resolution fixing equality of shares as provided in section 301.14, \$6.50;

(j) Filing a consent to use of name or a notice of intention to procure incorporation as provided in section 301.05, \$4;

(k) Filing a certificate of resolution electing to accept or reject the provisions of Laws 1933, Chapter 300 and laws amendatory thereto, \$12.50;

(l) ~~Filing any other instrument pursuant to provisions of chapter 301, \$6.50. Filing an annual report as provided in section 1, \$10.00; re-filing an annual report as provided in section 1, subdivision 4, \$10.00; late filing or re-filing of an annual report, \$10.00;~~

(m) Filing any other instrument pursuant to the provisions of Minnesota Statutes, chapter 301, \$6.50.

Sec. 5. *The sum of \$ . . . . . is appropriated to the secretary of state for the purpose of effectuating the provisions of this act.*

Sec. 6. *This act is effective upon final enactment."*

Amend the title as follows:

Page 1, line 5, strike "authorizing the" and insert "providing that corporations that fail to file reports are inactive; permitting corporations and others to utilize the names of inactive corporations"

Page 1, strike line 6

Page 1, line 7, strike "written interrogatories"

Page 1, line 7, after "fees" insert "; appropriating money; amending Minnesota Statutes 1974, Chapter 301 by adding a section; Sections 301.02, by adding a subdivision; 301.05, Subdivision 2; and 301.071, Subdivision 2"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Pursuant to Joint Rule 20, the bill was referred to the Committee on Rules and Administration.

Mr. Gearty from the Committee on Governmental Operations, to which was referred the following appointment as reported in the Journal for May 1, 1975:

#### MINNESOTA STATE ETHICS COMMISSION

Mrs. Elizabeth Ebbott

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

Mr. Gearty moved that the foregoing Committee Report be laid on the table. The motion prevailed.



Mr. Gearty from the Committee on Governmental Operations, to which were referred the following appointments as reported in the Journal for April 19, 1975:

**STATE BOARD OF HUMAN RIGHTS**

Cathy Clardy

**STATE PERSONNEL BOARD**

Edna Schwartz  
Mr. C. E. Sheehy, Jr.  
Cornell Moore  
Robert Bruce

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

Mr. Gearty moved that the foregoing Committee Report be laid on the table. The motion prevailed.

Mr. Coleman from the Committee on Rules and Administration to which were re-referred under Joint Rule 20, together with the Committee Reports thereon, S. F. Nos. 1303, 788, 677, 1097, 1475, 1508, 1711, 1695, 1161, 866, 727, and 1659

Reports the same back with the recommendation that the bills receive the action of the previous referring committees. Amendments adopted. Report adopted.

**SECOND READING OF SENATE BILLS**

S. F. Nos. 1303, 1475, 1508, 1711, 1695, 866 and 1659 were read the second time.

**MOTIONS AND RESOLUTIONS**

Mr. Milton moved that his name be stricken as chief author to S. F. No. 540 and that the name of Mr. Anderson be shown as chief author. The motion prevailed.

Mr. Arnold moved that the names of Messrs. Hanson, R. and Laufenburger be added as co-authors to S. F. Nos. 1742 and 1743. The motion prevailed.

**RECONSIDERATION**

Mr. Tennesen moved that the vote whereby H. F. No. 493 failed to pass the Senate on May 9, 1975, be now reconsidered. The motion prevailed.

**MOTIONS AND RESOLUTIONS—CONTINUED**

Mr. Doty moved that H. F. No. 493 be returned to General Orders. The motion prevailed.

Remaining on the Order of Business of Motions and Resolutions, Mr. Coleman moved that the Senate take up the Calendar of Ordinary Matters. The motion prevailed.

**CALENDAR OF ORDINARY MATTERS**

H. F. No. 588: A bill for an act relating to the city of Butterfield firemen's relief association; authorizing payment of certain disability benefits to certain members.

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 65 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

H. F. No. 432: A bill for an act relating to statutory cities; park boards; permitting park boards of three, five, seven or nine members; amending Minnesota Statutes 1974, Section 412.501.

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 64 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

H. F. No. 580: A bill for an act relating to retirement; firemen's relief benefits in the city of Owatonna; amending Laws 1971, Chapter 200, Section 1, as amended.

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 64 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

H. F. No. 46: A bill for an act relating to the firemen's relief association of the city of Tyler; computation of years of service for volunteer firemen.

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 64 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

H. F. No. 1499: A bill for an act relating to the firemen's relief association in the city of Columbia Heights; membership of certain fire personnel in the public employees police and fire fund; benefits and contributions; amending Laws 1965, Chapter 605, Sections 21, 22, and 25; repealing Laws 1965, Chapter 605, Section 12.

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 64 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

H. F. No. 1551: A bill for an act relating to the city of Minneapolis; policemen's pension fund uses; amending Laws 1949, Chapter 406, Section 7, as amended.

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 65 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

H. F. No. 1448: A bill for an act relating to retirement; survivor benefits payable by the firemen's relief association of the city of St. Paul; amending Laws 1955, Chapter 375, Section 25, as amended.

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 61 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

H. F. No. 1073: A bill for an act relating to retirement; restricting establishment of local pension plans; repealing Minnesota Statutes 1974, Section 69.79.

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 60 and nays 0, as follows:

Those who voted in the affirmative were:

Arnold	Davies	Keefe, S.	Ogdahl	Schmitz
Ashbach	Doty	Kirchner	Olhofs	Schrom
Bang	Dunn	Kleinbaum	Olson, A. G.	Sillers
Berg	Fitzsimons	Kowalczyk	Olson, H. D.	Solon
Bernhagen	Frederick	Larson	Olson, J. L.	Spear
Blatz	Hansen, Mel	Laufenburger	O'Neill	Stassen
Borden	Hanson, R.	Lewis	Patton	Stokowski
Brataas	Hughes	McCutcheon	Perpich, A. J.	Stumpf
Brown	Humphrey	Merriam	Perpich, G.	Tennessen
Chenoweth	Jensen	Milton	Pillsbury	Ueland
Chmielewski	Josefson	Nelson	Purfeerst	Wegener
Coleman	Keefe, J.	North	Renneke	Willet

So the bill passed and its title was agreed to.

H. F. No. 778: A bill for an act relating to retirement; survivor's benefits payable by the firemen's relief association of the city of Faribault; amending Laws 1947, Chapter 43, Section 23, as amended.

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 62 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Blatz	Chmielewski	Frederick	Hughes
Arnold	Borden	Davies	Gearty	Humphrey
Bang	Brataas	Doty	Hansen, Baldy	Jensen
Berg	Brown	Dunn	Hansen, Mel	Josefson
Bernhagen	Chenoweth	Fitzsimons	Hanson, R.	Keefe, J.

Keefe, S.	McCutcheon	Olson, H. D.	Renneke	Stumpf
Kirchner	Merriam	Olson, J. L.	Schmitz	Tennessee
Kleinbaum	Milton	O'Neill	Schrom	Ueland
Knutson	Moe	Patton	Sillers	Wegener
Kowalczyk	Nelson	Perpich, A. J.	Solon	Willet
Larson	North	Perpich, G.	Spear	
Laufenburger	Ogdahl	Pillsbury	Stassen	
Lewis	Olson, A. G.	Purfeerst	Stokowski	

So the bill passed and its title was agreed to.

H. F. No. 643: A bill for an act relating to the city of Brooklyn Park; firemen's relief association benefits.

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 60 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

H. F. No. 519: A bill for an act relating to the city of Edina; firemen's retirement, disability, and survivors benefits; amending Laws 1965, Chapter 592, Sections 1, Subdivision 1, as amended; and 3 and 4, as added.

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 62 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

H. F. No. 779: A bill for an act relating to retirement; including employees of the metropolitan inter-county council in membership in the public employees retirement association; amending Minnesota Statutes 1974, Chapter 353, by adding a section.

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 62 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

H. F. No. 197: A bill for an act relating to public welfare; hospitalization and commitment; providing review for the admission and retention of mental patients in federal hospitals; amending Minnesota Statutes 1974, Section 253A.16, Subdivisions 1, 2, 3, and 4.

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 63 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

H. F. No. 1500: A bill for an act relating to the city of Buhl; police retirement and survivor benefits.

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 64 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

H. F. No. 1596: A bill for an act relating to the city of Farmington; authorizing an increase in firemen's relief association lump sum service pensions.

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 64 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

H. F. No. 1501: A bill for an act relating to the city of Eveleth; firemen's pensions therein; amending Laws 1935, Chapter 208, as amended by adding a section.

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 66 and nays 0, as follows:



Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

H. F. No. 1311: A bill for an act relating to certain officers and employees of the state and their dependents; providing optional insurance coverage for certain officers and employees; amending Minnesota Statutes 1974, Section 43.491, Subdivision 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 65 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

H. F. No. 416: A bill for an act relating to the city of Robbinsdale; firemen's service pensions; amending Laws 1969, Chapter 1105, Sections 1, 2, and 3.

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 64 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Blatz	Conzemius	Gearty	Jensen
Arnold	Borden	Davies	Hansen, Baldy	Josefson
Ashbach	Brown	Doty	Hansen, Mel	Keefe, J.
Bang	Chenoweth	Dunn	Hanson, R.	Keefe, S.
Berg	Chmielewski	Fitzsimons	Hughes	Kirchner
Bernhagen	Coleman	Frederick	Humphrey	Kleinbaum

Knutson	Moe	Olson, J. L.	Renneke	Stokowski
Kowalczyk	Nelson	O'Neill	Schmitz	Stumpf
Laufenburger	North	Patton	Schrom	Tennessee
Lewis	Ogdahl	Perpich, A. J.	Sillers	Ueland
McCutcheon	Olhoff	Perpich, G.	Solon	Wegener
Merriam	Olson, A. G.	Pillsbury	Spear	Willet
Milton	Olson, H. D.	Purfeerst	Stassen	

So the bill passed and its title was agreed to.

H. F. No. 1133: A bill for an act relating to police pensions in the city of Duluth; amending Laws 1953, Chapter 91, Section 1, Subdivisions 7; and 8, as amended; Section 7; and Section 11, Subdivisions 1, as amended; and 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 64 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

H. F. No. 1127: A bill for an act relating to veterans; authorizing the apportionment of Vietnam veterans bonus payments between surviving parents and person in loco parentis in certain instances; amending Minnesota Statutes 1974, Section 197.971, Subdivision 4.

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 64 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

H. F. No. 789: A bill for an act relating to real estate; instruments of conveyance; recording requirements; providing that instruments of conveyance include name and address of grantee to whom tax statement should be sent; amending Minnesota Statutes 1974, Section 507.092, Subdivision 1.

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 65 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

#### MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Coleman, from the Committee on Rules and Administration, offered the following resolution:

BE IT RESOLVED, by the Senate, that the following named persons be and are hereby appointed to the position hereinafter stated and at the salary heretofore fixed.

Rev. Myron E. Nysether, Chaplain, effective May 6, 1975

Rev. Duane J. Lunemann, Chaplain, effective May 8, 1975

Mr. Coleman moved adoption of the foregoing resolution. The motion prevailed.

#### SPECIAL ORDER

Pursuant to Rule 10, Mr. Perpich, A. J., Chairman of the Committee on Taxes and Tax Laws designated H. F. No. 674, No. 6 on the General Orders Calendar, a Special Order to be heard immediately.

H. F. No. 674: A bill for an act relating to taxation; providing for additional powers to commissioner of revenue for collection of unpaid tax; creating lien on real and personal property for taxes due; providing for third party liability for withholding tax; changing rates of penalty and interest; providing that contractors shall give bond for certain unpaid taxes; amending Minnesota Statutes 1974, Chapters 270; 291; 292, by adding sections; Sec-

tion 270.07, Subdivisions 1 and 5; 270.075, Subdivision 2; 270.076, Subdivision 2; 273.41; 290.087, Subdivisions 4 and 5; 290.45, Subdivision 2; 290.53, Subdivisions 1 and 2; 290.92, Subdivision 15, and by adding a subdivision; 290.93, Subdivision 10; 290.934, Subdivision 1; 290.988, Subdivisions 2 and 3; 291.11, Subdivision 5; 291.15; 291.18; 291.35; 291.46; 292.12, Subdivision 1; 294.03, Subdivisions 1 and 2; 296.15, Subdivisions 1 and 2; 297.07, Subdivision 4; 297.35, Subdivision 5; 297A.35, Subdivision 1; 297A.39, Subdivision 7; 298.09, Subdivision 4; 574.26; 574.261, Subdivision 1; repealing Minnesota Statutes 1974, Section 292.11.

Mr. Perpich A. J. moved to amend H. F. No. 674, as amended pursuant to Rule 49, adopted by the Senate April 19, 1975, as follows:

Page 2, line 31, strike "*such*" and insert "*the*"

Page 4, line 22, strike "*9*" and insert "*7*"

Page 4, line 22, strike "*such*" and insert "*the*"

Pages 5 to 8, strike all of section 5

Page 8, line 21, strike "*said*" and insert "*that*"

Page 8, line 22, strike "*such*" and insert "*the*"

Page 8, line 23, strike "*such*" and insert "*the*"

Page 8, line 25, strike "*said*" and insert "*the*"

Page 8, line 26, strike "*such*" and insert "*the*"

Page 9, line 1, strike "*such*" and insert "*the*"

Page 9, line 2, strike "*said*" and insert "*the*"

Page 9, line 3, strike "*such*" and insert "*the*"

Page 9, line 12, strike "*such*" and insert "*the*"

Page 9, line 14, strike "*such*" and insert "*that*"

Page 10, line 13, strike "*such*" and insert "*the*"

Page 10, line 17, strike "*such*" and insert "*the*"

Page 10, line 19, strike "*such*" and insert "*that*"

Page 10, line 21, strike "*such*" and insert "*the*"

Page 10, line 23, strike "*such*" and insert "*the*"

Page 11, line 16, strike "*9*" and insert "*7*"

Page 11, line 31, strike "*9*" and insert "*7*"

Page 12, line 14, strike "*9*" and insert "*7*"

Page 12, line 26, strike "*9*" and insert "*7*"

Page 13, line 16, strike "*9*" and insert "*7*"

Page 13, line 20, strike "*9*" and insert "*7*"

Page 14, line 15, strike "9" and insert "7"

Page 14, line 26, strike "9" and insert "7"

Page 15, line 16, strike "9" and insert "7"

Page 16, line 7, strike "9" and insert "7"

Page 16, line 11, strike "9" and insert "7"

Page 19, line 13, strike "*such an*" and insert "*that*"

Page 19, line 15, strike "*such*" and insert "*the*"

Page 19, line 17, strike "*such*" and insert "*the*"

Page 19, line 18, strike "*such*" and insert "*the*"

Page 19, line 21, strike "*such*" and insert "*the*"

Page 19, line 22, strike "*such*" and insert "*the*"

Page 19, line 25, after "*by*" strike "*such*" and insert "*the*"

Page 19, line 25, after "*from*" strike "*such*" and insert "*the*"

Page 19, line 25, after "*wages,*" strike "*such*" and insert "*the*"

Page 19, line 28, strike "*such*" and insert "*the*"

Page 19, line 29, strike "*such*" and insert "*those*"

Page 19, line 32, strike "*such*" and insert "*that*"

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

Page 20, line 3, before "*fact*" strike "*such*" and insert "*that*"

Page 20, line 3, before "*individual's*" strike "*such*" and insert "*the*"

Page 20, line 10, strike "*such*" and insert "*that*"

Page 20, line 25, strike "9" and insert "7"

Page 23, line 13, strike "9" and insert "7"

Page 23, line 28, strike "9" and insert "7"

Page 24, line 11, strike "9" and insert "7"

Page 25, line 15, strike "*such*" and insert "*the*"

Page 25, line 19, strike "*such*" and insert "*the*"

Page 25, line 27, strike "*such*" and insert "*the*"

Page 26, line 2, strike "*such*" and insert "*the*"

Page 26, line 6, strike "*employer*" and insert "*employee*"

Page 26, line 7, strike "*such*" and insert "*an*"

Page 26, line 16, strike "9" and insert "7"

Page 26, line 17, strike "*such*" and insert "*the*"

Page 26, line 26, strike "9" and insert "7"

Page 26, line 27, strike "*such*" and insert "*the*"

Page 26, line 28, strike "*such*" and insert "*the*"

Page 27, line 3, strike "9" and insert "7"

Page 28, line 18, strike "9" and insert "7"

Page 28, line 18, strike "*such*" and insert "*the*"

Page 29, line 7, strike "*such*" and insert "*the*"

Page 29, line 11, strike "*such*" and insert "*the*"

Page 29, line 19, strike "*such*" and insert "*the*"

Page 29, line 26, strike "*such*" and insert "*the*"

Page 29, line 31, strike "*such*" and insert "*an*"

Page 30, line 8, strike "9" and insert "7"

Page 30, line 9, strike "*such*" and insert "*the*"

Page 30, line 18, strike "9" and insert "7"

Page 30, line 19, strike "*such*" and insert "*the*"

Page 30, line 20, strike "*such*" and insert "*the*"

Page 31, line 32, strike "9" and insert "7"

Page 32, line 18, strike "9" and insert "7"

Page 33, line 6, strike "9" and insert "7"

Page 33, line 14, strike "9" and insert "7"

Page 34, line 7, strike "9" and insert "7"

Page 34, line 17, strike "9" and insert "7"

Page 35, line 8, strike "9" and insert "7"

Page 36, line 28, strike "9" and insert "7"

Page 37, line 19, strike "9" and insert "7"

Page 39, line 19, strike "6, 7, 8" and insert "5, 6, 7"

Page 39, line 20, strike "17" and insert "16"

Page 39, line 21, strike "5, 41 and 42" and insert "40 and 41"

Page 39, line 23, strike "16" and insert "15"

Renumber the sections in sequence

The motion prevailed. So the amendment was adopted.

H. F. No. 674 was then progressed.

**MOTIONS AND RESOLUTIONS—CONTINUED**

Mr. Coleman moved that General Orders be made a Special Orders Calendar for immediate consideration. The motion prevailed.

**SPECIAL ORDER**

S. F. No. 1231: A bill for an act relating to intoxicating liquor; authorizing extension of Sunday sales hours; amending Minnesota Statutes 1974, Section 340.14, Subdivision 5.

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 37 and nays 23, as follows:

Those who voted in the affirmative were:

Anderson	Dunn	Laufenburger	Perpich, G.	Stassen
Arnold	Gearty	Lewis	Purfeerst	Stokowski
Blatz	Hansen, Baldy	McCutcheon	Schaaf	Tennessen
Brataas	Hanson, R.	Merriam	Schmitz	Wegener
Brown	Humphrey	Milton	Schrom	Willet
Chenoweth	Jensen	Nelson	Sillers	
Coleman	Keefe, J.	Ogdahl	Solon	
Conzemius	Kleinbaum	Perpich, A. J.	Spear	

Those who voted in the negative were:

Ashbach	Davies	Knutson	Olson, A. G.	Renneke
Bang	Doty	Kowalczyk	Olson, H. D.	Stumpf
Berg	Frederick	Moe	Olson, J. L.	Ueland
Bernhagen	Hansen, Mel	North	O'Neill	
Chmielewski	Josefson	Olhoft	Patton	

So the bill passed and its title was agreed to.

**SPECIAL ORDER**

S. F. No. 976: A bill for an act relating to Winona and Olmsted counties; authorizing issuance of an on-sale license for the sale of intoxicating liquor.

Mr. Laufenburger moved to amend S. F. No. 976 as follows:

Page 2, after line 4, insert:

"Sec. 5. [GOODHUE COUNTY; ON-SALE LIQUOR LICENSE.] Notwithstanding any provision of Minnesota Statutes, Chapter 340, or any other law to the contrary, the county board of Goodhue county may issue a license for the on-sale of intoxicating liquor to a country club located within Florence township in Goodhue county. The fee for such license shall be determined by the county board.

Sec. 6. Section 5 of this act is effective upon approval by the county board of Goodhue county and upon compliance with Minnesota Statutes, Section 645.021."

Amend the title as follows:

Page 1, line 2, after "Winona" insert ", Goodhue"

The motion prevailed. So the amendment was adopted.

S. F. No. 976: A bill for an act relating to Winona, Goodhue and Olmsted counties; authorizing issuance of an on-sale license for the sale of intoxicating liquor.

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

The question being taken on the passage of the bill, as amended,

And the roll being called, there were yeas 51 and nays 10, as follows:

Those who voted in the affirmative were:

Anderson	Conzemius	Kleinbaum	Ogdahl	Solon
Arnold	Fitzsimons	Kowalczyk	Olson, H. D.	Spear
Ashbach	Frederick	Larson	O'Neill	Stokowski
Bang	Gearty	Laufenburger	Perpich, A. J.	Tennessen
Berg	Hanson, R.	Lewis	Perpich, G.	Ueland
Bernhagen	Hughes	McCutcheon	Pillsbury	Wegener
Blatz	Humphrey	Merriam	Purfeerst	Willet
Brataas	Jensen	Milton	Schaaf	
Brown	Josefson	Moe	Schmitz	
Chenoweth	Keefe, J.	Nelson	Schrom	
Coleman	Kirchner	North	Sillers	

Those who voted in the negative were:

Chmielewski	Dunn	Knutson	Olson, J. L.	Renneke
Doty	Hansen, Mel	Olhoft	Patton	Stumpf

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

### SPECIAL ORDER

S. F. No. 159: A bill for an act relating to health professions; authorizing the board of medical examiners to reprimand, censure, place on probation, apply for cease and desist orders for a person adjudged unqualified to practice medicine; amending Minnesota Statutes 1974, Section 147.021, by adding a subdivision.

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 63 and nays 1, as follows:

Those who voted in the affirmative were:

Arnold	Brataas	Dunn	Humphrey	Knutson
Ashbach	Brown	Fitzsimons	Jensen	Kowalczyk
Bang	Chenoweth	Frederick	Josefson	Larson
Berg	Chmielewski	Gearty	Keefe, J.	Laufenburger
Bernhagen	Conzemius	Hansen, Baldy	Keefe, S.	Lewis
Blatz	Doty	Hanson, R.	Kirchner	McCutcheon
Borden	Davies	Hughes	Kleinbaum	Merriam



Milton	Olson, A. G.	Pillsbury	Sillers	Tennessen
Moe	Olson, J. L.	Purfeerst	Solon	Ueland
Nelson	O'Neill	Renneke	Spear	Wegener
North	Patton	Schaaf	Stassen	Willet
Ogdahl	Perpich, A. J.	Schmitz	Stokowski	
Olhoff	Perpich, G.	Schrom	Stumpf	

Mr. Olson, H. D. voted in the negative.

So the bill passed and its title was agreed to.

### SPECIAL ORDER

S. F. No. 1105: A bill for an act relating to crimes; specifying the acts constituting the offense of tampering with a witness; prescribing penalties; amending Minnesota Statutes 1974, Section 609.42, Subdivision 1.

Mr. McCutcheon moved to amend S. F. No. 1105 as follows:

Page 1, line 8, after "1." insert "[TAMPERING WITH A WITNESS IN THE FIRST DEGREE.]"

Page 1, line 11, strike "*or by means of a threatening letter or communication,*"

Page 1, line 14, after "*witness*" insert "*in the first degree*"

Page 1, line 17, after "2." insert "[TAMPERING WITH A WITNESS IN THE SECOND DEGREE.]"

Page 1, line 23, after "*witness*" insert "*in the second degree*"

The motion prevailed. So the amendment was adopted.

S. F. No. 1105 was read the third time, as amended, and placed on its final passage.

The question being taken on the passage of the bill, as amended,

And the roll being called, there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

### RECESS

Mr. Coleman moved that the Senate do now recess until 1:30 o'clock p.m. The motion prevailed.

The hour of 1:30 o'clock p.m. having arrived, the President called the Senate to order.

### CALL OF THE SENATE

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

Arnold	Doty	Jensen	Olthoff	Schmitz
Ashbach	Dunn	Keefe, S.	Olson, J. L.	Schrom
Bernhagen	Gearty	Kirchner	O'Neill	Spear
Borden	Hansen, Baldy	Kleinbaum	Patton	Stokowski
Chenoweth	Hansen, Mel	Laufenburger	Perpich, A. J.	Stumpf
Coleman	Hanson, R.	Lewis	Perpich, G.	Tennessen
Conzemius	Hughes	McCutcheon	Pillsbury	Willet
Davies	Humphrey	Ogdahl	Renneke	

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

### SUSPENSION OF RULES

Mr. Coleman moved that the rules of the Senate be so far suspended that H. F. No. 749, No. 8 on General Orders, be made a Special Order for immediate consideration. The motion prevailed.

### SPECIAL ORDER

H. F. No. 749: A bill for an act relating to controlled substances; providing medical and educational intervention, evaluation, and treatment of persons in possession of small amounts of marijuana; providing penalties for possession of small amounts of marijuana; and prohibiting municipalities from enacting ordinances imposing greater civil or criminal penalties than provided by state law for the possession, sale or distribution of small amounts of marijuana; amending Minnesota Statutes 1974, Section 152.15, Subdivision 2, and by adding a subdivision; and Chapter 152, by adding a section.

Mr. Tennessen moved that the amendment made to H. F. No. 749 by the Committee on Rules and Administration in the report adopted May 10, 1975, pursuant to Rule 49, be stricken. The motion prevailed. So the amendment was stricken.

Mr. Doty moved to amend H. F. No. 749 as follows:

Page 1, line 24, strike "*except small amounts of marijuana,*"

Page 2, line 9, reinstate the stricken language

Page 2, strike lines 12 to 30 and insert:

*"(5) A small amount of marijuana is guilty of a misdemeanor and, in addition, must participate in a drug education program sponsored by an area mental health board with a curriculum provided by the state alcohol and drug abuse authority."*

Page 3, strike lines 12 to 19

## CALL OF THE SENATE

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

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

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

Mr. Jensen moved to amend the Doty amendment to H. F. No. 749 as follows:

At the end of the Doty amendment add the following:

Page 4, after line 3, insert:

"Sec. 4. Minnesota Statutes 1974, Section 609.13, is amended by adding a subdivision to read:

*Subd. 3. Notwithstanding that a conviction is for a misdemeanor, the conviction is deemed to be for a petty misdemeanor if the sentence is within the limits provided by law for a petty misdemeanor which may include participation in an education program."*

Renumber the remaining section

Amend the title as follows:

Page 1, line 12, strike "Section" and insert "Sections"

Page 1, line 13, before the period insert "and 609.13, by adding a subdivision"

The question being taken on the adoption of the amendment to the Doty amendment,

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

Those who voted in the affirmative were:

Anderson	Doty	Humphrey	North	Perpich, G.
Ashbach	Dunn	Jensen	Olhoft	Renneke
Bang	Fitzsimons	Josefson	Olson, H. D.	Schmitz
Berg	Hansen, Baldy	Kowalczyk	Olson, J. L.	Solon
Bernhagen	Hansen, Mel	Larson	O'Neill	Stassen
Blatz	Hanson, R.	Moe	Patton	Stokowski
Brataas	Hughes	Nelson	Perpich, A. J.	

Those who voted in the negative were:

Borden	Frederick	Knutson	Olson, A. G.	Stumpf
Brown	Gearty	Laufenburger	Pillsbury	Tennessen
Chmielewski	Keefe, J.	Lewis	Purfeerst	Ueland
Coleman	Keefe, S.	McCutcheon	Schaaf	Willet
Conzemius	Kirchner	Merriam	Schrom	
Davies	Kleinbaum	Milton	Spear	

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

Mr. Olhoft moved that the vote on the Jensen amendment be reconsidered. The motion did not prevail.

The question recurred on the Doty amendment as amended.

The question being taken on the adoption of the amendment,

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

Those who voted in the affirmative were:

Anderson	Brataas	Hanson, R.	Olhoft	Schrom
Arnold	Brown	Hughes	Olson, H. D.	Sillers
Ashbach	Chmielewski	Jensen	Olson, J. L.	Solon
Bang	Doty	Josefson	O'Neill	Stassen
Berg	Dunn	Kowalczyk	Patton	Willet
Bernhagen	Fitzsimons	Larson	Perpich, A. J.	
Blatz	Hansen, Baldy	Moe	Renneke	
Borden	Hansen, Mel	North	Schmitz	

Those who voted in the negative were:

Chenoweth	Humphrey	Laufenburger	Perpich, G.	Tennessen
Coleman	Keefe, J.	Lewis	Pillsbury	Ueland
Conzemius	Keefe, S.	McCutcheon	Schaaf	Wegener
Davies	Kirchner	Merriam	Spear	
Frederick	Kleinbaum	Milton	Stokowski	
Gearty	Knutson	Nelson	Stumpf	

The motion prevailed. So the amendment was adopted.

Mr. Olson, J. L. moved to amend H. F. No. 749 as follows:

Page 3, strike Sec. 2.

Amend the title as follows:

Page 1, line 6, strike "and"

Page 1, strike lines 7 to 10

Page 1, line 11, strike "of marijuana;"

Page 1, lines 12 and 13, strike ", and by adding a subdivision"

The question being taken on the adoption of the amendment,

And the roll being called, there were yeas 25 and nays 33, as follows:

Those who voted in the affirmative were:

Ashbach	Chmielewski	Jensen	Olson, H. D.	Schrom
Bang	Doty	Josefson	Olson, J. L.	Solon
Berg	Fitzsimons	Knutson	Patton	Ueland
Bernhagen	Hansen, Baldy	Kowalczyk	Renneke	Wegener
Brown	Hanson, R.	Larson	Schmitz	Willet

Those who voted in the negative were:

Arnold	Frederick	Lewis	Olson, A. G.	Spear
Brataas	Gearty	Merriam	O'Neill	Stassen
Chenoweth	Humphrey	Milton	Perpich, A. J.	Stokowski
Coleman	Keefe, J.	Moe	Perpich, G.	Stumpf
Conzemius	Keefe, S.	Nelson	Pillsbury	Tennessen
Davies	Kirchner	North	Schaaf	
Dunn	Kleinbaum	Olhoft	Sillers	

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

H. F. No. 749 was read the third time, as amended, and placed on its final passage.

The question being taken on the passage of the bill, as amended,

And the roll being called, there were yeas 50 and nays 17, as follows:

Those who voted in the affirmative were:

Ashbach	Dunn	Keefe, J.	North	Schmitz
Bang	Fitzsimons	Keefe, S.	Ogdahl	Sillers
Bernhagen	Frederick	Kirchner	Olhoft	Solon
Blatz	Gearty	Kleinbaum	Olson, A. G.	Stassen
Brataas	Hansen, Mel	Knutson	Olson, H. D.	Stokowski
Chenoweth	Hanson, R.	Lewis	Olson, J. L.	Stumpf
Coleman	Hughes	McCutcheon	O'Neill	Tennessen
Conzemius	Humphrey	Merriam	Patton	Ueland
Davies	Jensen	Moe	Pillsbury	Wegener
Doty	Josefson	Nelson	Renneke	Willet

Those who voted in the negative were:

Anderson	Brown	Larson	Perpich, A. J.	Schaaf
Arnold	Chmielewski	Laufenburger	Perpich, G.	Schrom
Berg	Hansen, Baldy	Milton	Purfearst	Spear
Borden	Kowalczyk			

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

### SUSPENSION OF RULES

Mr. Coleman moved that the rules of the Senate be so far suspended that S. F. No. 1653, No. 14 on General Orders, be made a Special Order for immediate consideration. The motion prevailed.

### SPECIAL ORDER

S. F. No. 1653: A bill for an act relating to land planning in the metropolitan area; requiring local adoption of minimum plans and controls; providing for limited council review and acceptance

prior to the adoption of such plans and controls; providing for an advisory metropolitan land planning committee; providing for the enforcement of adopted local plans and controls; including certain expenses in the definition of special levy; providing for interim zoning; amending Minnesota Statutes 1974, Section 462.-355, by adding a subdivision; and Laws 1975, Chapter 13, Section 19, and by adding sections.

Mr. Chenoweth moved to amend S. F. No. 1653 as follows:

Page 2, line 4, after "17" insert "*of this act*"

Page 2, line 16, after "17" insert "*of this act*"

Page 4, line 1, strike "273.11" and insert "273.111"

Page 4, line 12, strike "*Laws 1975, Chapter 13,*"

Page 4, line 21, after "17" insert "*of this act*"

Page 4, line 24, after "17" insert "*of this act*"

Page 5, line 30, after "17" insert "*of this act*"

Page 6, line 1, after "9" insert "*of this act*"

Page 6, line 1, after "17" insert "*of this act*"

Page 6, line 14, after "17" insert "*of this act*"

Page 6, line 22, after "17" insert "*of this act*"

Page 6, line 30, after "*and*" insert "*may extend*"

Page 7, line 9, after "17" insert "*of this act*"

Page 7, line 20, strike "*Laws 1975, Chapter 13,*"

Page 8, line 25, after "2" insert "*of this act*"

Page 8, line 28, after "3" insert "*of this act*"

Page 10, line 7, after "17" insert "*of this act*"

Page 11, line 8, after "17" insert "*of this act*"

Page 11, line 9, after "17" insert "*of this act*"

Page 11, line 32, after "9" insert "*of this act*"

Page 12, line 24, after "17" insert "*of this act*"

Page 12, line 27, after "17" insert "*of this act*"

Page 13, line 29, after "17" insert "*of this act*"

Page 16, line 7, strike "*to*" and insert "*in*"

The motion prevailed. So the amendment was adopted.

#### CALL OF THE SENATE

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

Anderson	Conzemius	Kirchner	Olson, A. G.	Spear
Arnold	Davies	Knutson	Olson, J. L.	Stassen
Ashbach	Doty	Kowalczyk	O'Neill	Stokowski
Bang	Dunn	Larson	Patton	Stumpf
Berg	Gearty	Lewis	Perpich, A. J.	Tennessen
Bernhagen	Hansen, Baldy	Merriam	Pillsbury	Ueland
Blatz	Hansen, Mel	Milton	Renneke	Willet
Borden	Hanson, R.	Moe	Schaaf	
Brataas	Hughes	Nelson	Schmitz	
Chenoweth	Humphrey	Ogdahl	Schrom	
Coleman	Josefson	Olhoft	Sillers	

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

Mr. Conzemius moved that S. F. No. 1653 be re-referred to the Committee on Metropolitan and Urban Affairs.

The question being taken on the adoption of the motion,

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

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

Those who voted in the affirmative were:

Anderson	Brown	Jensen	Nelson	Schmitz
Arnold	Conzemius	Josefson	Olson, J. L.	Schrom
Ashbach	Dunn	Keefe, J.	O'Neill	Sillers
Bang	Fitzsimons	Kirchner	Patton	Stassen
Berg	Frederick	Knutson	Pillsbury	Ueland
Bernhagen	Hansen, Baldy	Kowalczyk	Purfeerst	
Blatz	Hanson, R.	Larson	Renneke	

Those who voted in the negative were:

Borden	Gearty	Lewis	Olson, A. G.	Stokowski
Brataas	Hansen, Mel	McCutcheon	Olson, H. D.	Stumpf
Chenoweth	Hughes	Merriam	Perpich, A. J.	Tennessen
Chmielewski	Humphrey	Milton	Perpich, G.	Wegener
Coleman	Keefe, S.	Moe	Schaaf	Willet
Davies	Kleinbaum	North	Solon	
Doty	Laufenburger	Ogdahl	Spear	

The motion did not prevail.

Mr. Chmielewski moved that the vote on Mr. Conzemius' motion to re-refer be reconsidered.

The question being taken on the adoption of the motion,

And the roll being called, there were yeas 34 and nays 31, as follows:

Those who voted in the affirmative were:

Arnold	Brown	Hansen, Mel	Kowalczyk	Renneke
Ashbach	Chmielewski	Hanson, R.	Larson	Schmitz
Bang	Conzemius	Jensen	Nelson	Schrom
Berg	Dunn	Josefson	Olson, J. L.	Sillers
Bernhagen	Fitzsimons	Keefe, J.	O'Neill	Stassen
Blatz	Frederick	Kirchner	Patton	Ueland
Brataas	Hansen, Baldy	Knutson	Pillsbury	

Those who voted in the negative were:

Borden	Humphrey	Moe	Perpich, G.	Tennessen
Chenoweth	Keefe, S.	North	Purfeerst	Wegener
Coleman	Kleinbaum	Ogdahl	Schaaf	Willet
Davies	Lewis	Olhott	Solon	
Doty	McCutcheon	Olson, A. G.	Spear	
Gearty	Merriam	Olson, H. D.	Stokowski	
Hughes	Milton	Perpich, A. J.	Stumpf	

The motion prevailed. So the vote was reconsidered. S. F. No. 1653 was then progressed.

### 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. Davies, from the Committee on Committees, recommended that the following named Senators be and they hereby are appointed as a Conference Committee on H. F. No. 1743, pursuant to the request of the House:

Messrs. Perpich, G.; Doty; Moe; Renneke and Olson, J. L.

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

Mr. Davies, from the Committee on Committees, recommended that the following named Senators be and they hereby are appointed as a Conference Committee on S. F. No. 66, pursuant to the request of the Senate:

Messrs. Perpich, G.; Moe and Patton.

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

Mr. Davies, from the Committee on Committees, recommended that the following named Senators be and they hereby are appointed as a Conference Committee on H. F. No. 1758, pursuant to the request of the House:

Messrs. Davies, Arnold, Tennessen, Ashbach and Hansen, Mel.

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

Mr. Davies, from the Committee on Committees, recommended that the following named Senators be and they hereby are appointed as a Conference Committee on H. F. No. 1759, pursuant to the request of the House:

Messrs. Willet, Chenoweth, Borden, Fitzsimons and Josefson.

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

### MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Coleman moved that the Senate do now adjourn until 9:00 o'clock a.m., Tuesday, May 13, 1975. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate