

# **NINETY-SIXTH DAY**

St. Paul, Minnesota, Tuesday, March 21, 1978

The Senate met at 11:15 o'clock a.m. and was called to order by the President.

Prayer was offered by the Chaplain, Rabbi Harold Schecter.

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

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

The President declared a quorum present.

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

## **MEMBERS EXCUSED**

Mr. Pillsbury was excused from the balance of the Session. Messrs. Hanson, Lessard, Knutson and Mrs. Knaak were excused from the Session of today at 3:30 o'clock p.m.

## **EXECUTIVE AND OFFICIAL COMMUNICATIONS**

March 17, 1978

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

The Honorable Edward J. Gearty  
President of the Senate

I have the honor to inform you that the following enrolled Act of the 1978 Session of the State Legislature has been received from the Office of the Governor and is deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

S. F. No.	H. F. No.	Session Laws Chapter No.	Date Approved 1978	Date Filed 1978
	1930	Res. 002	March 16	March 16

Sincerely,

Joan Anderson Growe,  
Secretary of State

March 17, 1978

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

The Honorable Edward J. Gearty  
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1978 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

S. F. No.	H. F. No.	Session Laws Chapter No.	Date Approved 1978	Date Filed 1978
	935	481	March 16	March 16
	1095	482	March 16	March 16
	1728	483	March 16	March 16
	1793	484	March 16	March 16
	1834	485	March 16	March 16
	1936	486	March 16	March 16
	2283	487	March 16	March 16
	2312	488	March 16	March 16
478		489	March 16	March 16
1607		490	March 16	March 16
1617		491	March 16	March 16
1699		492	March 16	March 16
1713		493	March 16	March 16
1754		494	March 16	March 16
1758		495	March 16	March 16
1951		496	March 16	March 16
1959		497	March 16	March 16
1096		498	March 16	March 16
1116		499	March 16	March 16
1194		500	March 16	March 16
1206		501	March 16	March 16
1431		502	March 16	March 16
1547		503	March 16	March 16
1603		504	March 16	March 16
1664		505	March 16	March 16
1955		506	March 16	March 16
	405	507	March 16	March 16

Sincerely,

Joan Anderson Growe,  
Secretary of State

Pursuant to Rule 21, Mrs. Staples moved that the following members be excused for a Conference Committee on H. F. No. 2098:

Mmes. Staples, Brataas and Mr. Chenoweth. The motion prevailed.

### **INTRODUCTION AND FIRST READING OF SENATE BILLS**

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

Messrs. Gunderson and Laufenburger introduced—

S. F. No. 2409: A bill for an act relating to insurance; authorizing formation of captive insurance companies; providing for their operation and regulation; providing penalties.

Referred to the Committee on Commerce.

### **MESSAGES FROM THE HOUSE**

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on Senate File No. 823 and repassed said bill in accordance with the report of the Committee, so adopted.

S. F. No. 823: A bill for an act relating to mechanics liens; increasing the period in which notice must be given to the owner of improved real estate; amending the definition of owner; enlarging the circumstances in which notice is not required to be given; providing penalties; amending Minnesota Statutes 1976, Section 514.011, Subdivisions 2, 3 and 4.

Senate File No. 823 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives  
Returned March 20, 1978

Mr. President:

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

S. F. No. 438: A bill for an act relating to bank charters; classifying data contained in financial statements of applicants; requiring payment of certain costs; requiring approval of managing officers; regulating issuance and expiration of certificates of authorization and charters; amending Minnesota Statutes 1976, Sections 45.04; and 45.07.

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

Anderson, G.; Swanson and Brinkman.

Senate File No. 438 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives  
Returned March 20, 1978

Mr. President:

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

S. F. No. 620: A bill for an act relating to sheriffs; salaries, fees and budgets; providing that the salary and budget of the sheriff shall be set by the county board in each county of the state; authorizing costs and reasonable attorney fees on appeal; amending Minnesota Statutes 1976, Sections 387.20, Subdivisions 1, 2 and 7; repealing Minnesota Statutes 1976, Section 387.20, Subdivision 8.

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

Clawson, Voss and Heinitz.

Senate File No. 620 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives  
Returned March 20, 1978

Mr. President:

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

S. F. No. 793: A bill for an act relating to public waters; specifying the procedure for creation of lake improvement districts; authorizing districts to undertake certain improvement projects and assess benefited property; altering the procedure for terminating districts; requiring districts to hold an annual meeting; clarifying local government authority over public waters; amending Minnesota Statutes 1976, Sections 105.484; 378.41, Subdivision 2; 378.42, Subdivisions 1, 2, and by adding a subdivision; 378.43, Subdivisions 1 and 3; 378.46; 378.47, Subdivisions 1 and 2; 378.51, Subdivisions 1 and 3; 378.52, Subdivision 1; 378.55; 378.56, Subdivisions 1 and 2; and 459.20; and Chapter 378, by adding a section; repealing Minnesota Statutes 1976, Sections 378.45; 378.53; and 378.54.

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

Waldorf, Kahn and Carlson, D.

Senate File No. 793 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives  
Returned March 20, 1978

Mr. President:

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

S. F. No. 1106: A bill for an act relating to solid waste disposal; authorizing counties to prohibit transportation of solid waste to other counties for disposal; authorizing counties to designate disposal sites for solid waste generated within their boundaries; amending Minnesota Statutes 1976, Section 400.04, by adding a subdivision.

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

Eckstein, Casserly and Pehler.

Senate File No. 1106 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 20, 1978

Mr. President:

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

S. F. No. 1120: A bill for an act relating to public waters; their classification and drainage; providing for venue of certain actions involving the commissioner of natural resources; amending Minnesota Statutes 1976, Chapter 105, by adding a section.

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

Eckstein, Johnson and Searle.

Senate File No. 1120 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 20, 1978

Mr. President:

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

S. F. No. 1548: A bill for an act relating to courts; changing fees collected by court clerks for certain actions and services; amending Minnesota Statutes 1976, Section 357.021, Subdivision 2; Chapter 525 by adding a section; and Minnesota Statutes, 1977 Supplement, Section 517.08, Subdivision 1.

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

Cummiskey, Casserly and Kvam.

Senate File No. 1548 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives  
Returned March 20, 1978

Mr. President:

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

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

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

Stoa; Nelsen, B. and Ellingson.

Senate File No. 1943 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives  
Returned March 20, 1978

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 830.

H. F. No. 830: A bill for an act relating to public utilities; regulation of cooperative electric associations; amending Minnesota Statutes 1976, Sections 216B.01; 216B.02, Subdivision 4; 216B.06; 216B.17, by adding a subdivision; 216B.36; 216B.38, Subdivision 5; 216B.45; 216B.47; 216B.62, by adding a subdivision; repealing Minnesota Statutes 1976, Sections 216B.48, Subdivision 7; 216B.49, Subdivision 6; 216B.50, Subdivision 2; and 216B.51, Subdivision 2.

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

Wenstrom, Smogard, Langseth, Kalis and Friedrich have been appointed as such committee on the part of the House.

House File No. 830 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives  
Transmitted March 20, 1978

Mr. Nichols moved that the Senate accede to the request of the House for a Conference Committee on H. F. No. 830, and that a Conference Committee of 5 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 1726.

H. F. No. 1726: A bill for an act relating to special assessments; clarifying availability of certain appeal procedures; eliminating use of alternative procedures; increasing the time for appealing certain special assessments; amending Minnesota Statutes 1976, Section 429.081; and Minnesota Statutes, 1977 Supplement, Section 278.01.

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

Kempe, A.; Rice and Tomlinson have been appointed as such committee on the part of the House.

House File No. 1726 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 20, 1978

Mr. Setzepfandt moved that the Senate accede to the request of the House for a Conference Committee on H. F. No. 1726, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 2372.

H. F. No. 2372: A bill for an act relating to public employee labor relations; including physical therapists and occupational therapists in the definition of "teacher"; amending Minnesota Statutes 1976, Section 179.63, Subdivision 13.

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

Mangan, Williamson and St. Onge have been appointed as such committee on the part of the House.

House File No. 2372 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 20, 1978

Mr. Gunderson moved that the Senate accede to the request of the House for a Conference Committee on H. F. No. 2372, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

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

S. F. No. 437: A bill for an act relating to assumed business names; permitting and regulating conduct of business under assumed business name; appropriating money; amending Minnesota Statutes 1976, Sections 301.09; 333.01; 333.04; and 333.06; and Chapter 333, by adding sections; repealing Minnesota Statutes 1976, Sections 333.03; and 333.05.

Senate File No. 437 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives  
Returned March 20, 1978

#### CONCURRENCE AND REPASSAGE

Mr. Tennesen moved that the Senate concur in the amendments by the House to S. F. No. 437 and that the bill be placed on its repassage as amended. The motion prevailed.

S. F. No. 437 was read the third time, as amended by the House, and placed on its repassage.

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

The roll was called, and there were yeas 57 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

#### MESSAGES FROM THE HOUSE—CONTINUED

Mr. President:

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



S. F. No. 1073: A bill for an act relating to corrections; establishing a facility for the care and treatment of inmates of correctional institutions who become mentally ill; providing for their commitment and detention for treatment; appropriating money.

Senate File No. 1073 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives  
Returned March 20, 1978

### CONCURRENCE AND REPASSAGE

Mr. Lewis moved that the Senate concur in the amendments by the House to S. F. No. 1073 and that the bill be placed on its repassage as amended. The motion prevailed.

S. F. No. 1073 was read the third time, as amended by the House, and placed on its repassage.

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

The roll was called, and there were yeas 54 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

### MESSAGES FROM THE HOUSE—CONTINUED

Mr. President:

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

S. F. No. 1689: A bill for an act relating to battered women; appropriating money; amending Minnesota Statutes, 1977 Supplement, Sections 241.62, Subdivisions 1 and 4 and by adding a subdivision; 241.63; 241.66, Subdivision 2, and by adding a subdivision.

Senate File No. 1689 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives  
Returned March 20, 1978

Mr. Lewis moved that the Senate do not concur in the amendments by the House to S. F. No. 1689 and that a Conference Committee of 5 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on House File No. 85 and repassed said bill in accordance with the report of the Committee, so adopted.

H. F. No. 85: A bill for an act relating to governmental agencies; providing for an open appointment process; requiring reports from appointing authorities and the commissioner of administration; providing for publication of agency vacancies.

House File No. 85 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives  
Transmitted March 20, 1978

#### CONFERENCE COMMITTEE REPORT ON H. F. NO. 85

A bill for an act relating to governmental agencies; providing for an open appointment process; requiring reports from appointing authorities and the commissioner of administration; providing for publication of agency vacancies.

March 14, 1978

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

The Honorable Edward J. Gearty  
President of the Senate

We, the undersigned conferees for H. F. No. 85 report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that H. F. No. 85, be amended as follows:

Strike everything after the enacting clause and insert:

"Section 1. [15.0595] [APPOINTMENTS TO MULTI-MEMBER AGENCIES.] Subdivision 1. [DEFINITIONS.] As used in this section, the following terms shall have the meanings given them.

(a) "Agency" means (1) a state board, commission, council, committee, authority, task force or other similar multi-member agency created by statute and having statewide jurisdiction; and (2) the metropolitan council, metropolitan transit commission, metropolitan airports commission, metropolitan parks and open space commission, metropolitan sports facilities commission, met-

ropolitan waste control commission, capitol area architectural and planning board, and any agency with a regional jurisdiction created in this state pursuant to an interstate compact.

(b) "Vacancy" or "vacant agency position" means (1) a vacancy in an existing agency, or (2) a new, unfilled agency position; provided that "agency" shall not mean (1) a vacant position on an agency composed exclusively of persons employed by a political subdivision or another agency, or (2) a vacancy to be filled by a person required to have a specific title or position.

(c) "Secretary" means the secretary of state.

Subd. 2. [COLLECTION OF DATA.] The chairman of an existing agency, or the appointing authority for the members of a newly created agency, shall provide the secretary, on forms prepared and distributed by the secretary, with the following data pertaining to that agency:

(a) The name of the agency, its mailing address, and telephone number;

(b) The legal authority for the creation of the agency and the name of the person appointing agency members;

(c) The powers and duties of the agency;

(d) The number of authorized members, together with any prescribed restrictions on eligibility such as employment experience or geographical representation;

(e) The dates of commencement and expiration of the membership terms and the expiration date of the agency, if any;

(f) The compensation of members, and appropriations or other funds available to the agency;

(g) The regular meeting schedule, if any, and approximate number of hours per month of meetings or other activities required of members;

(h) The roster of current members, including mailing addresses and telephone numbers; and

(i) A breakdown of the membership showing distribution by county and legislative district, and, only if the member has voluntarily supplied the information, the sex, political party preference or lack thereof, race and national origin of the members.

Subd. 3. [PUBLICATION OF AGENCY DATA.] The secretary of state shall provide for periodic updating of the required data and shall annually arrange for the publication in the state register of the compiled data from all agencies on or about November 15 of each year. Beginning in 1979, the compilation may be published together with the agency descriptions required by section 15.0412, subdivision 2. Copies of the compilation shall be delivered to the governor and the legislature. Copies of the compilation shall be made available by the secretary to any interested person at cost, and copies shall be available for viewing by interested persons and for sale. The chairman of an agency who does not submit data

required by this section or section 15.0412, subdivision 2, or who does not notify the secretary of a vacancy in his agency, shall not be eligible for a per diem or expenses in connection with agency service until December 1 of the following year.

Subd. 4. [NOTICE OF VACANCIES.] The chairman of an agency, in respect to vacancies in existing agencies, or the appointing authority, in respect to newly created agency positions, shall notify the secretary of a vacancy within 15 days after the occurrence of the vacancy. Every 15 days the secretary shall prepare a list of all vacancies in state agencies, together with a list of the vacancies scheduled to occur within the next 45 days as a result of the expiration of membership terms or the creation of new agency positions. This listing shall be published in the next available issue of the state register, and one copy of the listing shall be made available at the office of the secretary to any interested person. The secretary shall distribute by mail copies of the listings to requesting persons. The listing for all vacancies scheduled to occur in the month of January shall be published in the state register together with the compilation of agency data required to be published pursuant to subdivision 3.

Subd. 5. [NOMINATIONS FOR VACANCIES.] Any person may nominate himself to be appointed to an agency vacancy by completing an application on a form prepared and distributed by the secretary. Any person or group of persons may, on a similar application form, nominate another person to be appointed to a vacancy so long as the person so nominated consents in writing on the application form to the nomination. The application form shall specify the nominee's name, mailing address, telephone number, preferred agency position sought, a statement that the nominee satisfies any legally prescribed qualifications, and any other information the nominating person feels would be helpful to the appointing authority. The application form shall permit the nominating person at his discretion to indicate the nominee's sex, political party preference or lack thereof, race and national origin. If a person submits an application at the behest of or upon the suggestion of an appointing authority, the person shall so indicate on the application form. The secretary shall, upon 15 days after publication of a vacancy in the state register or upon 15 days prior to a scheduled vacancy, whichever date occurs first, submit copies of all applications received for a position to the appointing authority charged with filling the vacancy. If no applications have been received by the secretary for the vacant position by the date he is required to submit copies to the appointing authority, he shall so inform the appointing authority. Applications received by the secretary shall be deemed to have expired one year after receipt of the application or upon appointment and, if required, advice and consent by the senate to a vacancy, whichever occurs first. An application for a particular agency position shall be deemed to be an application for all vacancies in that agency occurring prior to the expiration of the application.

Subd. 6. [APPOINTMENTS.] In making an appointment to a vacant agency position, the appointing authority shall consider applications for positions in that agency supplied by the secretary.

No appointing authority may appoint someone to a vacant agency position until (1) ten days after receipt of the applications for positions in that agency from the secretary or (2) receipt of notice from the secretary that no applications have been received for vacant positions in that agency. The appointing authority shall issue a public announcement and inform the secretary of the name of the person the appointing authority intends to appoint to fill the agency vacancy at least five days before the date of appointment. If the appointing authority intends to appoint a person other than one for whom an application was submitted pursuant to this section, the appointing authority shall complete an application form on behalf of the appointee and submit it to the secretary. If the appointment requires the advice and consent of the senate, the secretary shall, prior to consideration by the senate of the appointment, supply the president of the senate with a copy of the application, together with a copy of any documents which the appointee is required by virtue of his appointment to submit to the ethical practices board. With respect to the ethical practices board, the secretary shall also submit a copy of the application and documents to the speaker of the house of representatives prior to consideration of the appointment by the house of representatives.

Subd. 7. [REPORT.] Together with the compilation required in subdivision 3, the secretary shall annually deliver to the governor and the legislature a report containing the following information:

- (a) Vacancies occurring in the preceding year;
- (b) The number of vacancies occurring as a result of scheduled ends of terms, unscheduled vacancies and the creation of new positions;
- (c) Breakdowns by county, legislative district and, if known, the sex, political party preference or lack thereof, race and national origin, for members whose agency membership terminated during the year and appointees to the vacant positions; and
- (d) The number of vacancies filled from applications submitted by (1) the appointing authorities for the positions filled, (2) nominating persons and self-nominees who submitted applications at the behest of or upon the suggestion of appointing authorities, and (3) all others.

Sec. 2. [TRANSFER.] If the commissioner of administration with the approval of the governor determines that the administration of the open appointment process provided for in this act more properly belongs in another agency of the state, he may, on or after July 1, 1981, transfer this function to that agency by reorganization order.

Sec. 3. [APPROPRIATION.] There is appropriated from the general fund to the secretary of state for the period ending June 30, 1979, the sum of \$5,000 for the administration of this act.

Sec. 4. [EFFECTIVE DATE.] This act is effective the day after final enactment in respect to all vacancies occurring after July 1, 1978."

Further, delete the title and insert:

"A bill for an act relating to governmental agencies; providing for an open appointment process; requiring reports from appointing authorities and the secretary of state; providing for publication of agency vacancies; appropriating money."

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

House Conferees: (Signed) Gene R. Wenstrom, Keith L. Langseth, Bob Anderson.

Senate Conferees: (Signed) William P. Luther, David D. Schaaf, John B. Keefe.

Mr. Luther moved that the foregoing recommendations and Conference Committee Report on H. F. No. 85 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

H. F. No. 85: A bill for an act relating to governmental agencies; providing for an open appointment process; requiring reports from appointing authorities and the secretary of state; providing for publication of agency vacancies; appropriating money.

Was read the third time, as amended by the Conference Committee, and placed on its repassage.

The question was taken on the repassage of the bill, as amended by the Conference Committee.

The roll was called, and there were yeas 56 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

#### MESSAGES FROM THE HOUSE—CONTINUED

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on House File No. 1323 and repassed said bill in accordance with the report of the Committee, so adopted.

H. F. No. 1323: A bill for an act relating to education; higher education coordinating board; private post-secondary institutions; exempting certain institutions from the requirement of registration with the board; amending Minnesota Statutes 1976, Sections 136A.61; 136A.62, Subdivision 3; and Chapter 136A, by adding sections.

House File No. 1323 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 20, 1978

#### CONFERENCE COMMITTEE REPORT ON H. F. NO. 1323

A bill for an act relating to education; higher education coordinating board; private post-secondary institutions; exempting certain institutions from the requirement of registration with the board; amending Minnesota Statutes 1976, Sections 136A.61; 136A.62, Subdivision 3; and Chapter 136A, by adding sections.

March 15, 1978

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

The Honorable Edward J. Gearty  
President of the Senate

We, the undersigned conferees for H. F. No. 1323, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and H. F. No. 1323 be amended as follows:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1976, Section 136A.61, is amended to read:

136A.61 [POLICY.] The legislature has found and hereby declares that the availability of legitimate courses and programs leading to academic degrees offered by responsible private institutions of post-secondary education and the existence of legitimate private colleges and universities are in the best interests of the people of this state. The legislature has found and declares that the state can provide assistance and protection for persons choosing private institutions and programs, by establishing policies and procedures to assure the authenticity and legitimacy of private post-secondary education institutions and programs. *The legislature has also found and declares that this same policy applies to any public post-secondary educational institution located in another state or country which offers or makes available to a Minnesota resident any course, program or educational activity which does not require the leaving of the state for its completion.*

Sec. 2. Minnesota Statutes 1976, Section 136A.62, Subdivision 3, is amended to read:

Subd. 3. [SCHOOL.] "School" means any individual, partner-

ship, company, firm, society, trust, association, corporation, or any combination thereof, which (a) is, owns, or operates a private, non-profit post-secondary education institution ; ; (b) provides a post-secondary instructional program or course leading to a degree whether or not for profit ; ~~or~~ ; (c) *is, owns, or operates a private, post-secondary education institution which uses the term "college", "academy", "institute" or "university" in its name ; or (d) operates for profit and provides programs or courses which are intended to allow an individual to fulfill in part or totally the requirements necessary to maintain a license to practice an occupation. "School" shall also mean any public post-secondary educational institution located in another state or country which offers or makes available to a Minnesota resident any course, program or educational activity which does not require the leaving of the state for its completion .*

Sec. 3. Minnesota Statutes 1976, Section 136A.63, is amended to read:

136A.63 [REGISTRATION.] All schools located within Minnesota and all schools located outside Minnesota which offer programs or courses within Minnesota shall register annually with the board. The board shall have the authority to require those schools located outside Minnesota which offer programs or courses within Minnesota to register annually.

Sec. 4. Minnesota Statutes 1976, Section 136A.64, is amended to read:

136A.64 [INFORMATION.] *Subdivision 1.* As a basis for registration, schools shall provide the board with such information as the board needs to determine the nature and activities of the school, including but not limited to, requirements for admission, enrollments, tuition charge, refund policies, curriculum, degrees granted, and faculty employed. The board shall have the authority to verify the accuracy of the information submitted to it by inspection or any other means it deems necessary.

*Subd. 2.* The board shall not disclose financial records provided to it by a school pursuant to this section except for the purpose of defending, at hearings pursuant to chapter 15, or other appeal proceedings, its decision to approve or not to approve the granting of degrees or the use of a name by the school. Section 15.17, subdivision 4, shall not apply to such records.

Sec. 5. Minnesota Statutes 1976, Section 136A.65, is amended to read:

136A.65 [APPROVAL OF DEGREES AND NAME.] *Subdivision 1.* No school subject to registration shall grant a degree unless such degree is approved by the board, nor shall any school subject to registration use the name "college", "academy", "institute" or "university" in its name without approval by the board.

*Subd. 2.* The board shall establish procedures for approval, including notice and an opportunity for a hearing pursuant to chap-



ter 15 if such approval is not granted. If a hearing is requested, no disapproval shall take effect until after such hearing.

*Subd. 3. A school subject to registration shall be granted approval to use the term "college", "academy", "institute" or "university" in its name whether or not it offers a program leading to a degree, if it was organized, operating and using such term in its name on or before August 1, 1975, and if it meets the other policies and standards for approval established by the board.*

Sec. 6. Minnesota Statutes 1976, Chapter 136A, is amended by adding a section to read:

*[136A.653] [EXEMPTIONS.] Subdivision 1. A school which does not grant a degree and which is subject to licensing by the state board of education pursuant to chapter 141, is exempt from the provisions of sections 136A.61 to 136A.71. The determination of the commissioner of education as to whether a particular school is subject to regulation under chapter 141 is final for the purposes of this exemption.*

*Subd. 2. Educational programs which are sponsored by a bona fide and nonprofit trade, labor, business, professional or fraternal organization, which programs are conducted solely for that organization's membership or for the members of the particular industries or professions served by that organization, and which are not available to the public on a fee basis, are exempted from the provisions of sections 136A.61 to 136A.71.*

*Subd. 3. Educational programs which are sponsored by a business firm for the training of its employees or the employees of other business firms with which it has contracted to provide educational services at no cost to the employees are exempted from the provisions of sections 136A.61 to 136A.71.*

*Subd. 4. Any school or program exempted from the provisions of sections 136A.61 to 136A.71 by the provisions of this section may voluntarily submit to the provisions of those sections.*

Sec. 7. Minnesota Statutes 1976, Chapter 136A, is amended by adding a section to read:

*[136A.657] [EXEMPTION; RELIGIOUS SCHOOLS.] Subdivision 1. Any school or any department or branch of a school (a) which is substantially owned, operated or supported by a bona fide church or religious organization; (b) whose programs are primarily designed for, aimed at and attended by persons who sincerely hold or seek to learn the particular religious faith or beliefs of that church or religious organization; and (c) whose programs are primarily intended to prepare its students to become ministers of, to enter into some other vocation closely related to, or to conduct their lives in consonance with, the particular faith of that church or religious organization, is exempt from the provisions of sections 136A.61 to 136A.71.*

*Subd. 2. This exemption shall not extend to any school or to any department or branch of a school which through advertisements or solicitations represents to any students or prospective*

*students that the school, its aims, goals, missions or purposes or its programs are different from those described in subdivision 1. This exemption shall not extend to any school which represents to any student or prospective student that the major purpose of its programs is to prepare the student for a vocation not closely related to that particular religious faith, or to provide the student with a general educational program recognized by other schools or the broader educational, business or social community as being substantially equivalent to the educational programs offered by schools or departments or branches of schools which are not exempt from sections 136A.61 to 136A.71, and rules adopted pursuant thereto.*

*Subd. 3. Nothing in sections 136A.61 to 136A.71, or the rules adopted pursuant thereto, shall be interpreted as permitting the board to determine the truth or falsity of any particular set of religious beliefs.*

*Sec. 8. This act is effective the day following its final enactment."*

Further, strike the title and insert:

*"A bill for an act relating to education; higher education coordinating board; making certain public post-secondary educational institutions located in another state or country subject to registration; providing certain restrictions on the use of records provided in connection with registration; granting approval for the use of certain names by certain schools; providing exemption from registration by certain schools; amending Minnesota Statutes 1976, Sections 136A.61; 136A.62, Subdivision 3; 136A.63; 136A.64 and 136A.65; and Chapter 136A, by adding sections."*

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

House Conferees: (Signed) Richard J. Cohen, David Cummiskey, John T. Rose

Senate Conferees: (Signed) Jerome M. Hughes, Jerald C. Anderson, Arnulf Ueland, Jr.

Mr. Hughes moved that the foregoing recommendations and Conference Committee Report on H. F. No. 1323 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

H. F. No. 1323: A bill for an act relating to education; higher education coordinating board; making certain public post-secondary educational institutions located in another state or country subject to registration; providing certain restrictions on the use of records provided in connection with registration; granting approval for the use of certain names by certain schools; providing exemption from registration by certain schools; amending Minnesota Statutes 1976, Sections 136A.61; 136A.62, Subdivision 3; 136A.63; 136A.64 and 136A.65; and Chapter 136A, by adding sections.

Was read the third time, as amended by the Conference Committee, and placed on its repassage.

The question was taken on the repassage of the bill, as amended by the Conference Committee.

The roll was called, and there were yeas 56 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

#### MESSAGES FROM THE HOUSE—CONTINUED

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on House File No. 2192 and repassed said bill in accordance with the report of the Committee, so adopted.

H. F. No. 2192: A bill for an act relating to transportation; establishing a rail user loan guarantee program; creating a rail user loan guarantee account; prescribing powers and duties of the commissioner of transportation; appropriating money; amending Minnesota Statutes 1976, Sections 362A.01, Subdivision 2; and 474.02, Subdivision 2.

House File No. 2192 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 20, 1978

#### CONFERENCE COMMITTEE REPORT ON H. F. No. 2192

A bill for an act relating to transportation; establishing a rail user loan guarantee program; creating a rail user loan guarantee account; prescribing powers and duties of the commissioner of transportation; appropriating money; amending Minnesota Statutes 1976, Sections 362A.01, Subdivision 2; and 474.02, Subdivision 2.

March 17, 1978

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

The Honorable Edward J. Gearty  
President of the Senate

We, the undersigned conferees for H. F. No. 2192, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that H. F. No. 2192, be amended as follows:

Strike everything after the enacting clause and insert:

**"Section 1. [222.55] [RAIL USER LOAN GUARANTEE PROGRAM; PURPOSE.]** *In order to aid rail users in obtaining credit for participation in contracts for rail line rehabilitation, there is established a rail user loan guarantee program to provide state money in guarantee of loans made according to the provisions of sections 1 to 8.*

**Sec. 2. [222.56] [DEFINITIONS.]** *Subdivision 1. For purposes of sections 1 to 8 the terms defined in this section have the meanings given.*

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

*Subd. 3. "Account" means the rail user loan guarantee account created by section 3.*

*Subd. 4. "Lender" means any state or federally chartered bank, or in the case of revenue bonds issued under chapter 362A or 474, the municipality, county or rural development financing authority.*

*Subd. 5. "Loan" means a loan or advance of credit to a rail user for participation in contracts for rail line rehabilitation.*

*Subd. 6. "Personal guarantee" means a personal or corporate obligation to pay the loan.*

*Subd. 7. "Rail user" has the meaning given that term in section 222.48, subdivision 6.*

**Sec. 3. [222.57] [RAIL USER LOAN GUARANTEE ACCOUNT.]** *There is created a rail user loan guarantee account in the special revenue fund in the state treasury, which shall be used by the commissioner for carrying out the provisions of sections 1 to 8 with respect to loans insured under section 4.*

**Sec. 4. [222.58] [INSURANCE OF LOANS.]** *Subdivision 1. [AUTHORIZATION.] The commissioner is authorized, upon application by the lender, to insure any eligible loan as provided in this section and, under such terms as the commissioner may prescribe by rule, to make commitments for insuring such loans prior to the date of their execution or disbursement.*

*Subd. 2. [ELIGIBILITY REQUIREMENTS.] A loan is eligible for insurance under this section under the following conditions:*

*(a) The loan shall be in an original principal amount, bear an interest rate, contain complete amortization provisions, and have a maturity satisfactory under such terms as the commissioner may prescribe by rule.*

*(b) The proceeds of the loan shall be used solely for participation in contracts for capital investment loans for rail line rehabilitation.*

*(c) The loan agreement shall contain such terms and provisions with respect to any other matters as the commissioner may, in his discretion, prescribe.*

*(d) The borrower provides a personal guarantee and collateral for the loan which is acceptable to the commissioner as sufficient security to protect the interests of the state.*

*Subd. 3. [PRESUMPTIVE VALIDITY.] Any contract of insurance executed by the commissioner under this section shall be conclusive evidence of the eligibility of the loan for insurance, and the validity of any such contract of insurance properly executed and in the hands of any approved lender shall not be contestable, except for fraud or misrepresentation on the part of the lender.*

*Subd. 4. [PROCEDURES UPON DEFAULT.] Except as provided in subdivision 5, the provisions of this subdivision shall apply upon default. Within 90 days of a default on a loan, the lender shall send notice to the borrower stating that the commissioner must be notified if the default continues for another 90 days, and the consequences of that default. The lender shall send a copy of the notice to the commissioner. The lender and the borrower may agree to take any steps reasonable to assure the fulfillment of the loan obligation.*

*After 180 days from the initial default, if the borrower has not made arrangements to meet his obligation, the lender shall file a claim with the commissioner, identifying the loan and the nature of the default. Upon the lender's assignment, transfer, and delivery to the commissioner, within 210 days of the initial default, all rights and interest arising under the loan and any other security interests securing the loan, the commissioner shall pay to the lender from the account an amount equal to the outstanding unpaid principal indebtedness at the time of default less ten percent, plus interest at six percent per annum from the date of default. The failure of the borrower to make any payment under or as provided by any loan insured under this section shall be considered a default under the loan.*

*Subd. 5. [PROCEDURES UPON DEFAULT; REVENUE BOND PROJECTS.] If the loan money is obtained by the lender through the issuance of revenue bonds under chapter 362A or 474 the provisions of this subdivision shall apply upon default. If the borrower fails to make any payment under or as provided by the loan agreement and remains in default for a period of 15 days, the*

trustee designated by the lender shall send a notice of the default to the commissioner and to the borrower. After 90 days from the initial default if the borrower remains in default under the loan agreement, the trustee shall file a claim with the commissioner, identifying the loan and the nature of the default. Within ten days of the assignment, transfer, and delivery to the commissioner of all the lender's rights and interests arising under the loan and any other security interests securing the loan, the commissioner shall pay to the trustee from the account an amount equal to the outstanding unpaid principal indebtedness at the time of the default less ten percent, plus interest at six percent per annum from the date of default.

Subd. 6. [REPORT TO LEGISLATURE.] On or before January 1 of each year the commissioner shall submit a report to the legislature, as provided in section 3.195, concerning the actions of the commissioner under this section.

Sec. 5. [222.59] [INVESTMENT OF FUNDS.] Money in the account not needed for the current operations of the commissioner related to insurance under section 4 may be deposited with the state board of investment. The board of investment may invest this money as provided for investment of moneys in the state treasury by section 11.10. All interest and profits accruing from investment of the account's money shall be credited to and be a part of the account, and any loss incurred in the principal of the investments of the account shall be borne by the account.

Sec. 6. [222.60] [MAXIMUM AMOUNT OF INSURANCE WHICH MAY BE ISSUED.] Subdivision 1. The commissioner shall not at any time issue insurance under section 4 aggregating in excess of an amount equal to the current balance contained in the account multiplied by ten.

Subd. 2. Any insurance properly issued under the provisions of subdivision 1 and otherwise in compliance with the requirements of sections 1 to 8 shall be valid if the current balance contained in the account subsequently falls below the amount specified in subdivision 1.

Sec. 7. [222.61] [TEMPORARY RULEMAKING AUTHORITY.] The commissioner may exercise temporary rulemaking authority as provided in section 15.0412, subdivision 5, to implement the provisions of sections 1 to 8. The commissioner shall solicit information and opinions from outside his department as provided in section 15.0412, subdivision 6, before adopting these rules. Notwithstanding the provisions of section 15.0412, subdivision 5, rules adopted pursuant to this section shall be effective until permanent rules are adopted pursuant to chapter 15 or until October 1, 1979, whichever occurs first.

Sec. 8. [222.62] [COOPERATION OF OTHER STATE AGENCIES.] Upon the request of the commissioner, the commissioner of economic development, the commissioner of banks, and the commissioner of securities shall provide technical assistance and shall otherwise cooperate in carrying out the provisions of sections 1 to 8.

Sec. 9. Minnesota Statutes 1976, Section 222.50 is amended by adding a subdivision to read:

*Subd. 6. The commissioner may approve grants from the rail service improvement account for payment of the local share of the cost of any rail line project under the rail service continuation program established by the Railroad Revitalization and Regulatory Reform Act of 1976, Public Law 94-210, Section 803, provided that the amount of any grant shall not exceed the amount of state tax revenue attributable to the project rail line during the last year of operation of the line preceding the year in which the grant is approved.*

Sec. 10. Minnesota Statutes 1976, Section 362A.01, Subdivision 2, is amended to read:

Subd. 2. The purposes of a rural development financing authority shall be:

(a) to acquire, construct, improve and equip projects comprising real and personal property within or outside the state, used or useful for processing products of agriculture, including but not limited to assembling, fabricating, manufacturing, mixing, storing, warehousing, distributing, selling or any one or more or all of these processes. For the purpose of sections 362A.01 to 362A.08 the term agriculture shall include forestry and timber production;

(b) to investigate, improve and develop methods of constructing, operating and financing such projects;

(c) to provide for the operation and maintenance of each project under an operating or lease agreement with a person, firm, or corporation considered qualified by experience and financial resources to assure that to the limit of its design and capacity it will make facilities for efficient and economical processing of agricultural products available throughout the term of the agreement to all producers contracting therefor;

(d) to promote agricultural, industrial and scientific research in cooperation with state institutions of higher learning and profit or nonprofit private corporations, associations or foundations;

(e) to assist in promoting new job opportunities through the development of natural resources and the agricultural industry by cooperating with private companies and with agencies of the federal and state governments and with agencies and political subdivisions of other states and of foreign nations to engage in the processing of agricultural products;

(f) to enter into contracts with or to employ financial, management, and production consultants, and scientific and economic specialists to develop and assist in promoting the purposes of the authority and to assist in operating, maintaining, constructing and financing authority projects; and

(g) to employ a financial management company to assist in organizing, initiating, developing and operating projects for the authority under such terms and conditions as may be agreed upon

between the authority and the company and to include any fee charged or to be charged by the company in the total capital costs of each project to be financed ; and

*(h) to provide financial or other assistance to rail users as defined in section 222.48, subdivision 6, for the purpose of making capital investment loans for rail line rehabilitation.*

Sec. 11. Minnesota Statutes 1976, Section 474.02, Subdivision 2, is amended to read:

Subd. 2. "Municipality" means any city and any town described in section 368.01 and any county where the project is located outside the boundaries of a city or a town described in section 368.01. In all cases in which a project involves telephonic communications conducted by or to be conducted by a telephone company, or financial or other assistance to rail users as defined in section 222.48, subdivision 6, for the purpose of making capital investment loans for rail line rehabilitation, "municipality" also means any county.

Sec. 12. [APPROPRIATIONS.] *Subdivision 1. The commissioner of transportation may transfer an amount not to exceed \$500,000 from the unencumbered balance in the rail service improvement account to the rail user loan guarantee account to be used solely for insurance of loans as provided in sections 1 to 8. Any amount so transferred is appropriated for the purposes of sections 1 to 8. None of the funds so appropriated shall cancel but shall be available until expended.*

*Subd. 2. The commissioner of transportation may establish one additional unclassified position for administration of the rail user loan guarantee program. An amount not to exceed \$25,000 is appropriated from the trunk highway fund to establish the position provided by this subdivision and an identical amount is appropriated from the rail service improvement account for transfer by the commissioner of finance to the trunk highway fund to reimburse the trunk highway fund for the amount appropriated for that position. The appropriations and the position provided by this subdivision are contingent upon approval of the governor after consultation with the legislative advisory commission pursuant to section 3.30, and if approved, are available until June 30, 1979.*

Sec. 13. [EFFECTIVE DATE.] *This act is effective the day following final enactment."*

Further, amend the title as follows:

Page 1, line 7, after "Sections" insert "222.50, by adding a subdivision;"

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

House Conferees: (Signed) Russell P. Stanton, Bruce W. Anderson, Gilbert D. Esau

Senate Conferees: (Signed) Timothy J. Penny, A. O. H. Setzepfandt, Steve Engler



Mr. Penny moved that the foregoing recommendations and Conference Committee Report on H. F. No. 2192 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

H. F. No. 2192: A bill for an act relating to transportation; establishing a rail user loan guarantee program; creating a rail user loan guarantee account; prescribing powers and duties of the commissioner of transportation; appropriating money; amending Minnesota Statutes 1976, Sections 222.50, by adding a subdivision; 326A.01, Subdivision 2; and 474.02, Subdivision 2.

Was read the third time, as amended by the Conference Committee, and placed on its repassage.

The question was taken on the repassage of the bill, as amended by the Conference Committee.

The roll was called, and there were yeas 55 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

#### MESSAGES FROM THE HOUSE—CONTINUED

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on House File No. 2196 and repassed said bill in accordance with the report of the Committee, so adopted.

H. F. No. 2196: A bill for an act relating to claims against the state; appropriating money for the payment thereof.

House File No. 2196 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 20, 1978

#### CONFERENCE COMMITTEE REPORT ON H. F. NO. 2196

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

March 16, 1978

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

The Honorable Edward J. Gearty  
President of the Senate

We, the undersigned conferees for H. F. No. 2196, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and H. F. No. 2196 be amended as follows:

Page 4, after line 11, insert:

"Subd. 14. Tina Erickson, 1812 East Seventh Street, Duluth, Minnesota, 55812, for loss of a leather coat stolen from the offices of house educational services on Friday, February 24, 1978, during a power failure.....\$110

Subd. 15. Bob Piper, 2955 Benjamin St., N.E., Minneapolis, Minnesota 55418, for loss of a leather coat stolen from the offices of house educational services on Friday, February 24, 1978, during a power failure.....\$110"

Page 4, after line 30, insert

"Subd. 3. Solheim Hardware Store, Moose Lake, Minnesota 55767, for materials used in state building and not paid for by defaulting state contractor.....\$78.93"

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

House Conferees: (Signed) Paul McCarron, John R. Arlandson, Ray W. Faricy, Michael Sieben, Douglas W. Carlson.

Senate Conferees: (Signed) Marion Menning, Jerald C. Anderson, William P. Luther, George S. Pillsbury, Gerald L. Willet.

Mr. Menning moved that the foregoing recommendations and Conference Committee Report on H. F. No. 2196 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

H. F. No. 2196: A bill for an act relating to claims against the state; appropriating money for the payment thereof.

Was read the third time, as amended by the Conference Committee, and placed on its repassage.

The question was taken on the repassage of the bill, as amended by the Conference Committee.

The roll was called, and there were yeas 55 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

### MESSAGES FROM THE HOUSE—CONTINUED

Mr. President:

I have the honor to announce the passage by the House of the following House File, herewith transmitted: H. F. No. 1951.

Edward A. Burdick, Chief Clerk, House of Representatives  
Transmitted March 20, 1978

### FIRST READING OF HOUSE BILLS

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

H. F. No. 1951: A bill for an act relating to public welfare; child care services; defining a sliding schedule fee payment plan for child care; appropriating money; amending Minnesota Statutes 1976, Section 245.84, Subdivision 2.

Referred to the Committee on Finance.

### REPORTS OF COMMITTEES

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

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

H. F. Nos. 1831, 1131 for comparison with companion Senate Files, reports the following House Files were found not identical with their companion Senate Files as follows:

#### GENERAL ORDERS

#### SPECIAL ORDERS

#### CALENDAR

H. F. No.	S. F. No.	H. F. No.	S. F. No.	H. F. No.	S. F. No.
1131	939	1831	1730		

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H. F. No. 1831 be amended as follows:

Page 2, line 16, delete "\$350,000" and insert "\$450,000" and delete "1979" and insert "1980"

Page 2, line 18, delete "\$40,000" and insert "\$90,000"

Page 2, delete lines 20 and 21

Further, amend the title as follows:

Page 1, line 4, delete the semicolon and insert "and"

Page 1, line 5, delete everything after Subdivision 3 and insert a period

Page 1, delete line 6

And when so amended H. F. No. 1831 will be identical to S. F. No. 1730, and further recommends that H. F. No. 1831 be given its second reading and substituted for S. F. No. 1730, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H. F. No. 1131 be amended as follows:

Page 1, line 15, delete "45.17" and insert "2 of this act"

Page 1, line 19, delete "[DEFINITIONS.]" and after "Subdivision 1." insert "[DEFINITIONS.]"

Page 2, line 6, delete "utility or electrical or telephone" and insert "or" and after "cooperative" insert "utility"

Page 2, line 23, delete everything after the period

Page 2, delete lines 24 to 31

Page 3, line 28, delete "shall" and insert "may"

Page 3, line 32, delete "and approving"

Page 4, line 2, delete "Minnesota Statutes, Section" and insert "section 2 of this act"

Page 4, line 3, delete "45.17"

Page 4, line 4, delete "Annual review and approval" and insert "Annually reviewing"

Page 4, line 7, delete "eleven" and insert "five"

Page 4, line 8, delete everything after "governor" and insert a period

Page 4, delete lines 9 to 12

Page 4, line 13, delete everything before "In"

Page 4, line 16, delete everything after "consumers" and insert a period

Page 4, delete lines 17 and 18

Page 4, line 20, delete "such" and insert "any"

Page 5, delete lines 1 to 11 and insert

"Sec. 3. [APPROPRIATION.] *The sum of \$300,000 is appropriated from the general fund to the fund of consumer services for the purpose of this act, to be available until June 30, 1979. The approved complement of the consumer services section is increased by seven persons.*"

Page 5, line 12, delete "is" and insert "shall be" and delete "the" and insert "upon"

Page 5, line 13, delete "day following"

And when so amended H. F. No. 1131 will be identical to S. F. No. 939, and further recommends that H. F. No. 1131 be given its second reading and substituted for S. F. No. 939, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

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

H. F. Nos. 2170, 1869, 2104, 2160 for comparison with companion Senate Files, reports the following House Files were found not identical with their companion Senate Files as follows:

GENERAL ORDERS		SPECIAL ORDERS		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
2104	1924	2170	1933		
		1869	2077		
		2160	1976		

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H. F. No. 2170 be amended as follows:

Page 1, line 8, after "establish" insert a comma

Page 2, line 16, delete "schools" and insert "school"

Page 2, line 29, delete "program" and insert "program's"

And when so amended H. F. No. 2170 will be identical to S. F. No. 1933, and further recommends that H. F. No. 2170 be given its second reading and substituted for S. F. No. 1933, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H. F. No. 1869 be amended as follows:

Page 2, line 2, delete *"available"* and insert *"appropriated"*

Page 2, delete lines 5 to 32

Delete page 3

Page 4, delete lines 1 to 11

Page 8, delete lines 10 to 20

Page 8, line 24, after the period insert *"Section 1 shall be effective until July 1, 1980."*

Renumber the sections accordingly

Further, amend the title

Page 1, line 6, delete *"increasing the"*

Page 1, delete line 7

Page 1, line 8, delete *"children's camps;"*

Page 1, delete line 10

Page 1, delete *"of health;"* and insert *"appropriating money;"*

Page 1, line 12, delete everything after *"Sections"* and before *"145.031,"*

And when so amended H. F. No. 1869 will be identical to S. F. No. 2077, and further recommends that H. F. No. 1869 be given its second reading and substituted for S. F. No. 2077, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H. F. No. 2104 be amended as follows:

Page 2, line 18, after *"However"* insert a comma

Page 3, line 29, after *"Statutes"* insert *"1976"*

Page 4, line 14, after *"investigation"* insert a comma

Page 6, line 28, delete *"at the rate of \$35 per day plus"* and insert *"for"*

Page 16, line 31, delete *"more"* and insert *"less"*

Page 17, line 9, after *"effective"* insert *"on"*

And when so amended H. F. No. 2104 will be identical to S. F. No. 1924, and further recommends that H. F. No. 2104 be given its second reading and substituted for S. F. No. 1924, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted

by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H. F. No. 2160 be amended as follows:

Delete page 1, line 24 to page 5, line 28

Delete page 8, line 7 to page 14, line 3 and insert

*"Sec. 5. [EFFECTIVE DATE.] This act is effective the day following final enactment."*

Renumber sections in sequence

Further, delete the title and insert

*"A bill for an act relating to retirement; teachers retirement association; prospective discontinuation of the variable annuity program; amending Minnesota Statutes 1976, Sections 354.44, Subdivision 7; 354.62, Subdivisions 1 and 2; and Chapter 354, by adding a section."*

And when so amended H. F. No. 2160 will be identical to S. F. No. 1976, and further recommends that H. F. No. 2160 be given its second reading and substituted for S. F. No. 1976, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

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

S. F. No. 2397: A bill for an act relating to taxation; income tax; providing a credit for certain members of the national guard; amending Minnesota Statutes 1976, Section 290.06, by adding a subdivision.

Reports the same back with the recommendation that the bill be made a Special Order for consideration at a time specified by the Chairman of the Subcommittee on Bill Scheduling, as recommended by the Subcommittee on Bill Scheduling. Report adopted.

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

House Concurrent Resolution No. 12: A House Concurrent Resolution opposing the closing of the Duluth Air Force Base by the United States Department of Defense.

Reports the same back with the recommendation that the resolution be adopted. Report adopted. Mr. Coleman moved that the foregoing resolution be laid on the table. The motion prevailed.

Mr. Coleman, from the Committee on Rules and Administration, recommends that the following bills contained on the General Orders Calendar for Tuesday, March 21, 1978 be made Special

Orders for consideration at a time designated by the Chairman of the Subcommittee on Bill Scheduling, as recommended by the Subcommittee on Bill Scheduling:

S. F. No. 2237, H. F. No. 2104, H. F. No. 1131, H. F. No. 2236, S. F. No. 1645 and H. F. No. 2348. Report adopted.

#### APPOINTMENTS

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

H. F. No. 1227: Mr. Borden, Mrs. Knaak, and Mr. Spear.

H. F. No. 2223: Messrs. Luther, Kirchner, and Benedict.

H. F. No. 1819: Messrs. Strand, Engler, and Nichols.

H. F. No. 2466: Messrs. Tennessen, Merriam, and Keefe, J.

H. F. No. 2225: Messrs. Tennessen, Dieterich, and Sillers.

H. F. No. 830: Messrs. Nichols, Ashbach, Peterson, Johnson, and Dieterich.

Mr. Nichols requested that the appointments to the Conference Committee on H. F. No. 830 be divided out.

Mr. Coleman moved that the foregoing appointments with the exception of H. F. No. 830 be approved. The motion prevailed.

Mr. Coleman moved that the appointments to the Conference Committee on H. F. No. 830 be laid on the table. The motion prevailed.

#### SECOND READING OF HOUSE BILLS

H. F. Nos. 1831, 1131, 2170, 1869, 2104 and 2160 were read the second time.

#### MOTIONS AND RESOLUTIONS

Mr. Sikorski moved that his name be stricken as co-author to S. F. No. 1484. The motion prevailed.

Mr. Chmielewski moved that S. F. No. 2332 be withdrawn from the Committee on Agriculture and Natural Resources and returned to its author. The motion prevailed.

Mr. Humphrey moved that H. F. No. 2017 be withdrawn from the Committee on Commerce and re-referred to the Committee on Rules and Administration for comparison with S. F. No. 2033 now on Special Orders. The motion prevailed.

Mr. Solon moved that House Concurrent Resolution No. 12 be taken from the table. The motion prevailed.



House Concurrent Resolution No. 12: A house concurrent resolution opposing the closing of the Duluth Air Force Base by the United State Department of Defense.

WHEREAS, the State of Minnesota already receives far less than its fair share of national military expenditures; and

WHEREAS, the Duluth Air Force Base represents approximately one third of the total existing military payroll expenditures in the State of Minnesota; and

WHEREAS, the Duluth Air Force Base is the only major Air Force installation in the state, representing 75 percent of the total Air Force payroll expenditures in the state; and

WHEREAS, the United States Department of Defense recently indicated that the closing of the Duluth Air Force Base will be announced within the present year; and

WHEREAS, this closing will have an economic impact of thirty-two million dollars upon all of northeastern Minnesota and further reduce the state's share of national military expenditures; now, therefore,

BE IT RESOLVED, by the House of Representatives of the State of Minnesota, the Senate concurring therein, to oppose the closing of the Duluth Air Force Base by the United States Department of Defense; and

BE IT FURTHER RESOLVED, that the Secretary of State be directed to forward copies of this resolution to the President of the United States, the Secretary of the Department of Defense, and the speaker of the house shall appoint a member of the house and the senate subcommittee on committees shall appoint a member of the senate to deliver the resolution to the offices of each Senator and Representative in the United States Congress from the State of Minnesota.

Mr. Solon moved the adoption of the foregoing resolution. The motion prevailed. So the resolution was adopted.

S. F. No. 1891 and the Conference Committee Report thereon were reported to the Senate.

#### CONFERENCE COMMITTEE REPORT ON S. F. NO. 1891

A bill for an act relating to taxation; property tax; exempting certain cities containing utility plants from per capita levy limitations; amending Minnesota Statutes 1976, Section 275.11, by adding a subdivision.

March 20, 1978

The Honorable Edward J. Gearty  
President of the Senate

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

We, the undersigned conferees for S. F. No. 1891, report

that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments and that S. F. No. 1891, be amended as follows:

Page 5, line 13, delete "200" and insert "500"

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

Senate Conferees: (Signed) Robert G. Dunn, Eugene E. Stokowski, David D. Schaaf

House Conferees: (Signed) Bob McEachern, William N. Kelly, Ray O. Pleasant

Mr. Dunn moved that the foregoing recommendations and Conference Committee Report on S. F. No. 1891 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

S. F. No. 1891: A bill for an act relating to taxation; property tax; exempting certain cities containing utility plants from per capita levy limitations; amending Minnesota Statutes 1976, Section 275.11, by adding a subdivision.

Was read the third time, as amended by the Conference Committee, and placed on its repassage.

The question was taken on the repassage of the bill, as amended by the Conference Committee.

The roll was called, and there were yeas 51 and nays 2, as follows:

Those who voted in the affirmative were:

Anderson	Frederick	Knaak	Penny	Stumpf
Bang	Gearty	Knoll	Peterson	Tennessen
Benedict	Gunderson	Laufenburger	Schaaf	Ueland, A.
Bernhagen	Hanson	Lessard	Schmitz	Ulland, J.
Brataas	Hughes	Lewis	Schrom	Vega
Chenoweth	Jensen	Luther	Setzepfandt	Wegener
Chmielewski	Johnson	Menning	Sieloff	Willet
Coleman	Keefe, J.	Merriam	Sillers	
Dieterich	Keefe, S.	Moe	Spear	
Dunn	Kirchner	Ogdahl	Stokowski	
Engler	Kleinbaum	Olhoff	Strand	

Messrs. Knutson and Renneke voted in the negative.

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

#### MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Stokowski moved that S. F. No. 744 be taken from the table. The motion prevailed.

**CONCURRENCE AND REPASSAGE**

Mr. Stokowski moved that the Senate concur in the amendments by the House to S. F. No. 744 and that the bill be placed on its repassage as amended.

Mr. Dieterich moved that the Senate do not concur in the amendments by the House to S. F. No. 744 and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

**MOTIONS AND RESOLUTIONS—CONTINUED**

Mr. Merriam moved that S. F. No. 1468 be taken from the table. The motion prevailed.

**CALL OF THE SENATE**

Mr. Merriam imposed a call of the Senate for the proceedings on S. F. No. 1468. The following Senators answered to their names:

Anderson	Hanson	Lessard	Perpich	Staples
Ashbach	Jensen	Luther	Purfeerst	Stokowski
Bang	Johnson	McCutcheon	Renneke	Strand
Benedict	Keefe, J.	Menning	Schaaf	Stumpf
Chmielewski	Keefe, S.	Merriam	Schmitz	Tennessen
Coleman	Kirchner	Moe	Setzepfandt	Ueland, A.
Dieterich	Kleinbaum	Nelson	Sieloff	Ulland, J.
Dunn	Knaak	Ogdahl	Sikorski	Vega
Engler	Knoll	Olhoff	Sillers	Willet
Gearty	Knutson	Penny	Spear	

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

**CONCURRENCE AND REPASSAGE**

Mr. Merriam moved that the Senate concur in the amendments by the House to S. F. No. 1468 and that the bill be placed on its repassage as amended. The motion prevailed.

S. F. No. 1468 was read the third time, as amended by the House, and placed on its repassage.

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

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

Those who voted in the affirmative were:

Benedict	Humphrey	Merriam	Peterson	Strand
Chenoweth	Johnson	Moe	Schaaf	Stumpf
Chmielewski	Keefe, S.	Nelson	Sieloff	Tennessen
Coleman	Kleinbaum	Ogdahl	Sikorski	Ulland, J.
Dieterich	Knoll	Olhoff	Solon	Vega
Gearty	Luther	Olson	Spear	
Gunderson	McCutcheon	Penny	Staples	
Hughes	Menning	Perpich	Stokowski	

Those who voted in the negative were:

Ashbach	Engler	Knaak	Renneke	Wegener
Bang	Frederick	Knutson	Schmitz	Willet
Bernhagen	Hanson	Laufenburger	Setzepfandt	
Brataas	Keefe, J.	Lessard	Sillers	
Dunn	Kirchner	Purfeerst	Ueland, A.	

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

### MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Coleman moved that the appointments to the Conference Committee on H. F. No. 830 be taken from the table. The motion prevailed.

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

Pursuant to Rule 21, Mr. Moe moved that the following members be excused for a Conference Committee on H. F. No. 2527:

Messrs. Moe; Keefe, J.; Keefe, S.; Willet and Purfeerst. The motion prevailed.

Mr. Schaaf moved that S. F. No. 757 be taken from the table. The motion prevailed.

Mr. Schaaf moved that S. F. No. 757 be laid on the table. The motion prevailed.

Remaining on the Order of Business of Motions and Resolutions, Mr. Keefe, S., moved to take up the Special Orders Calendar. The motion prevailed.

### SPECIAL ORDER

H. F. No. 551: A bill for an act relating to taxation; providing for transfer of jointly held property to heirs of decedent joint tenant; clarifying marital exemption provisions; providing for deduction for certain taxes on estates of nonresidents; clarifying time for filing and extension; providing for abatement of penalties in cases of reasonable cause for delay; correcting references to probate code provisions; requiring filing of affidavits and copies of documents; amending Minnesota Statutes 1976, Sections 291.01, Subdivision 4; 291.051, Subdivision 1; 291.08; 291.09, by adding a subdivision; 291.11, Subdivision 1; 291.131, Subdivision 2; 291.20, Subdivision 3; 291.40; 524.3-1003; 524.3-1201; and 524.3-1202.

Mr. Olhoft moved to amend the amendment placed on H. F. No. 551 by the Committee on Taxes and Tax Laws, adopted by the Senate March 13, 1978, as follows:

In the amendment to page 3, line 1, strike "does not exceed" and insert "exceeds"

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

H. F. No. 551 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 52 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Gearty	Knutson	Olson	Stokowski
Ashbach	Gunderson	Laufenburger	Penny	Strand
Bang	Hanson	Lessard	Schaaf	Stumpf
Benedict	Hughes	Lewis	Schmitz	Tennessen
Bernhagen	Humphrey	Luther	Schrom	Ueland, A.
Borden	Jensen	Menning	Setzepfandt	Ulland, J.
Brataas	Johnson	Merriam	Sieloff	Vega
Chenoweth	Keefe, S.	Nelson	Sillers	Wegener
Chmielewski	Kleinbaum	Nichols	Solon	
Dieterich	Knaak	Ogdahl	Spear	
Engler	Knoll	Olhoft	Staples	

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

#### SPECIAL ORDER

H. F. No. 600: A bill for an act relating to elections; providing for uniform reporting dates for and disclosure of campaign contributions and expenditures of political committees and candidates; providing for statements of economic interest for candidates and persons elected to public office; defining certain terms; providing exemption from disclosure requirements for certain persons and political committees; providing restrictions on the use of government publications; prohibiting sample ballots which appear to be official ballots; giving the secretary of state and filing officers certain duties with respect to elections; permitting codes of ethics for counties, cities, and school districts; providing penalties; amending Minnesota Statutes 1976, Sections 210A.01, Subdivisions 1, 3, 5, 6, and 8, and by adding subdivisions; 210A.05, Subdivision 1; 210A.16; 210A.21; 210A.24; 210A.27, Subdivision 1; 210A.29; 210A.32; and 290.09, Subdivision 2; and Chapters 123, by adding a section; 210A, by adding sections; 375, by adding a section; and 471, by adding a section; repealing Minnesota Statutes 1976, Sections 123.015; 210.22; 210A.01, Subdivisions 4, 7, and 9; 210A.22; 210A.23; 210A.25; 210A.26; 210A.28; 210A.30; 210A.31; and 210A.33.

Mr. Keefe, S. moved to amend the Keefe, S. amendment to H. F. No. 600, adopted March 20, 1978, as follows:

Strike all amendments to page 6, lines 18 and 19, and strike the title amendment

Further, amend H. F. No. 600, the unofficial engrossment, as follows:

Page 6, line 18, after "to" insert "*an office of*"

Page 6, line 19, strike "office" and insert "*with a population of 50,000 or more. The population of a school district shall be determined by the chief administrative officer of the district based on the last federal census*"

Page 7, line 8, strike "any county, city or school district" and insert "the"

Page 7, line 8, after "ballot" insert "*of any county, city or school district with a population of 50,000 or more*"

Page 7, line 9, after the period, insert "*The population of a school district shall be determined by the chief administrative officer of the district based on the last federal census.*"

Page 20, line 30, after "SUPERSEDED" insert "; LOCAL OPTIONS"

Page 20, line 31, before "Sections" insert "Subdivision 1."

Page 21, strike line 2

Page 21, line 3, strike "an election" and insert "*or requiring disclosure of economic interests by candidates and elected officials*"

Page 21, line 3, before "Any" insert

"*Subd. 2. Any county, city or school district with a population of less than 50,000 may elect by ordinance, resolution or charter amendment, to be governed by the campaign finance disclosure requirements or the economic interest disclosure requirements of sections 10 to 26. That ordinance, resolution or charter amendment shall be adopted no later than 60 days before the opening of filings for any election to which the requirements will apply, and shall be effective until revoked or repealed. A county, city or school district that adopts such an ordinance, resolution or charter amendment shall forthwith file a copy of the ordinance, resolution or amendment with the ethical practices board. A county, city or school district with a population of less than 50,000 which does not elect to be governed by sections 10 to 26 shall not otherwise regulate the disclosure of campaign finance information or the disclosure of economic interests of candidates and elected officials.*

*Subd. 3."*

Page 21, line 7, strike everything after the period

Page 21, strike lines 8 to 10

Page 21, line 11, strike "elected officials." and insert "Subd. 4."

Page 21, line 11, strike "and any" and insert a comma

Page 21, line 12, strike "*with a population of 20,000 or more*" and insert "*to which sections 10 to 26 apply or which elects to be governed by the economic interest disclosure requirements of those sections*"

Amend the title as follows:

Page 1, line 3, after "for" insert "elections of"

Page 1, line 3, strike "county" and insert "counties"

Page 1, line 4, strike "city" and insert "cities"

Page 1, line 4, strike "district elections" and insert "districts with a population of 50,000 or more"

Page 1, line 6, strike "and certain" and insert a comma

Page 1, line 7, after "districts" insert "with a population of 100,000 or more"

Page 1, line 9, before "county" insert "certain"

Mr. Frederick moved to amend the Keefe, S. amendment to H. F. No. 600, as follows:

Page 1, line 10, strike "50,000" and insert "100,000"

Page 1, line 16, strike "50,000" and insert "100,000"

Page 2, line 11, strike "50,000" and insert "100,000"

Page 2, line 23, strike "50,000" and insert "100,000"

Amend the Keefe, S. title amendment as follows:

Page 3, line 10, strike "50,000" and insert "100,000"

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

The question was taken on the adoption of the Keefe, S. amendment, as amended.

The roll was called, and there were yeas 38 and nays 13, as follows:

Those who voted in the affirmative were:

Anderson	Dunn	Kirchner	Olhoff	Stokowski
Ashbach	Engler	Kleinbaum	Olson	Strand
Bang	Frederick	Knaak	Penny	Tennessen
Benedict	Gerty	Knoll	Schmitz	Ueland, A.
Bernhagen	Hanson	Lewis	Setzepfandt	Ulland, J.
Borden	Hughes	Menning	Sieloff	Wegener
Brataas	Humphrey	Nelson	Solon	
Dieterich	Jensen	Ogdahl	Staples	

Those who voted in the negative were:

Chenoweth	Keefe, S.	Lessard	Sillers	Vega
Gunderson	Knutson	Luther	Spear	
Johnson	Laufenburger	Schaaf	Stumpf	

The motion prevailed. So the amendment, as amended was adopted.

H. F. No. 600 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 51 and nays 6, as follows:

Those who voted in the affirmative were:

Anderson	Gearty	Knutson	Renneke	Strand
Bang	Gunderson	Lewis	Schaaf	Stumpf
Benedict	Hanson	Luther	Schmitz	Tennessen
Bernhagen	Hughes	Menning	Schrom	Ueland, A.
Borden	Humphrey	Merriam	Setzepfandt	Ulland, J.
Brataas	Jensen	Nelson	Sieloff	Vega
Chenoweth	Johnson	Ogdahl	Sikorski	Wegener
Chmielewski	Keefe, S.	Olhoft	Solon	
Dieterich	Kirchner	Olson	Spear	
Dunn	Kleinbaum	Penny	Staples	
Frederick	Knoll	Peterson	Stokowski	

Those who voted in the negative were:

Ashbach	Knaak	Laufenburger	Lessard	Sillers
Engler				

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

### SPECIAL ORDER

H. F. No. 1825: A bill for an act relating to examining and licensing boards; concerning public health; requiring information at the time of license application; allowing the collection of information at the time of license renewal; amending Minnesota Statutes 1976, Chapter 144, by adding sections.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 48 and nays 5, as follows:

Those who voted in the affirmative were:

Ashbach	Engler	Laufenburger	Renneke	Staples
Bang	Frederick	Lessard	Schaaf	Stokowski
Benedict	Gearty	Luther	Schmitz	Strand
Bernhagen	Gunderson	Menning	Schrom	Stumpf
Borden	Hughes	Nelson	Setzepfandt	Tennessen
Brataas	Humphrey	Ogdahl	Sieloff	Ulland, J.
Chenoweth	Jensen	Olhoft	Sikorski	Vega
Chmielewski	Johnson	Olson	Sillers	Wegener
Dieterich	Kirchner	Penny	Solon	
Dunn	Kleinbaum	Peterson	Spear	

Those who voted in the negative were:

Anderson	Knaak	Knutson	Lewis	Merriam
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So the bill passed and its title was agreed to.

Pursuant to Rule 21, Mr. Humphrey moved that the following members be excused for a Conference Committee on H. F. No. 2261:

Messrs. Humphrey, Anderson and Ogdahl. The motion prevailed.



**SPECIAL ORDER**

H. F. No. 2000: A bill for an act relating to rates of interest on money; permitting higher interest rates for loans secured by savings and time deposit accounts; amending Minnesota Statutes 1976, Chapter 334, by adding a section.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 50 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Frederick	Knoll	Ogdahl	Solon
Ashbach	Gearly	Knutson	Olhoft	Spear
Bang	Gunderson	Laufenburger	Olson	Staples
Benedict	Hanson	Lessard	Penny	Stokowski
Bernhagen	Hughes	Lewis	Renneke	Strand
Borden	Humphrey	Luther	Schaaf	Stumpf
Brataas	Johnson	Menning	Schrom	Tennessen
Chmielewski	Kirchner	Merriam	Setzepfandt	Ulland, J.
Dunn	Kleinbaum	Nelson	Sieloff	Vega
Engler	Knaak	Nichols	Sillers	Wegener

So the bill passed and its title was agreed to.

**SPECIAL ORDER**

H. F. No. 1931: A bill for an act relating to agriculture; corporate farming; providing new definitions; declaring the desirability of family farm stability; amending Minnesota Statutes 1976, Sections 268.04, Subdivision 31; 308.11; 500.24; and Minnesota Statutes, 1977 Supplement, Section 176.041, Subdivision 1.

Mr. Hanson moved to amend the amendment placed on H. F. No. 1931 by the Committee on Agricultural and Natural Resources, adopted by the Senate March 11, 1978, as follows:

Strike the committee amendment to page 7, line 4

Further amend H. F. No. 1931 as follows:

Page 7, line 2, strike "*which was exempted*"

Page 7, line 4, strike "*of Laws 1975, Chapter 324,*"

Page 7, line 9, after "*regulations*" insert "*, provided that nothing herein shall reduce any exemption contained under the provisions of Laws 1975, Chapter 324, Section 1, Subdivision 2*"

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

**CALL OF THE SENATE**

Mr. Hanson imposed a call of the Senate for the balance of the proceedings on H. F. No. 1931. The following Senators answered to their names:

Ashbach	Engler	Laufenburger	Penny	Spear
Bang	Gearty	Lessard	Peterson	Staples
Benedict	Gunderson	Lewis	Renneke	Stokowski
Bernhagen	Hanson	Luther	Schmitz	Strand
Borden	Hughes	McCutcheon	Schrom	Stumpf
Brataas	Humphrey	Menning	Setzepfandt	Tennessen
Chenoweth	Kirchner	Nelson	Sieloff	Ueland, A.
Chmielewski	Kleinbaum	Nichols	Sikorski	Ulland, J.
Dieterich	Knaak	Ogdahl	Sillers	Vega
Dunn	Knoll	Olson	Solon	Wegener

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

Pursuant to Rule 21, Mr. McCutcheon moved that the following members be excused for a Conference Committee on H. F. No. 2250:

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

Pursuant to Rule 21, Mr. Tennessen moved that the following members be excused for a Conference Committee on S. F. No. 438:

Messrs. Laufenburger, Frederick and Tennessen. The motion prevailed.

Pursuant to Rule 21, Mr. Kleinbaum moved that the following members be excused for a Conference Committee on S. F. No. 1722:

Messrs. Kleinbaum, Stumpf and Engler. The motion prevailed.

Pursuant to Rule 21, Mr. Humphrey moved that the following members be excused for a Conference Committee on H. F. No. 2261:

Messrs. Humphrey, Anderson and Ogdahl. The motion prevailed.

Mr. Renneke moved to amend H. F. No. 1931 as follows:

Page 2, line 28, strike "five" and insert "ten"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 14 and nays 31, as follows:

Those who voted in the affirmative were:

Bang	Engler	Knutson	Schrom	Ueland, A.
Bernhagen	Kirchner	Renneke	Sieloff	Ulland, J.
Brataas	Knaak	Schmitz	Sillers	

Those who voted in the negative were:

Benedict	Gunderson	Luther	Peterson	Tennessen
Borden	Hanson	Menning	Setzepfandt	Vega
Chenoweth	Hughes	Nelson	Sikorski	Wegener
Chmielewski	Humphrey	Nichols	Spear	
Dieterich	Knoll	Olhoff	Staples	
Dunn	Lessard	Olson	Strand	
Gearty	Lewis	Penny	Stumpf	

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

H. F. No. 1931 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 47 and nays 8, as follows:

Those who voted in the affirmative were:

Benedict	Frederick	Laufenburger	Peterson	Strand
Bernhagen	Gearty	Lessard	Purfeerst	Stumpf
Borden	Gunderson	Lewis	Renneke	Tennessen
Brataas	Hanson	Luther	Schmitz	Ulland, J.
Chenoweth	Hughes	Menning	Schrom	Vega
Chmielewski	Humphrey	Moe	Setzepfandt	Wegener
Coleman	Keefe, S.	Nelson	Sikorski	Willet
Dieterich	Kleinbaum	Nichols	Solon	
Dunn	Knoll	Olhoff	Spear	
Engler	Knutson	Penny	Staples	

Those who voted in the negative were:

Ashbach	Kirchner	Olson	Sillers	Ueland, A.
Bang	Knaak	Sieloff		

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

### SPECIAL ORDER

H. F. No. 2188: A bill for an act relating to drivers' licenses; providing for automatic reinstatement of nonresident driving privilege in certain circumstances; providing limited protection to a resident whose driving privilege in another state has been suspended or revoked; amending Minnesota Statutes 1976, Section 171.15; and Chapter 171, by adding a section.

Mr. Sillers moved to amend H. F. No. 2188, as amended pursuant to Rule 49, adopted by the Senate March 16, 1978, as follows:

(The text of the amended House File is identical to S. F. No. 2148.)

Page 2, strike section 2 and insert:

"Sec. 2. Minnesota Statutes 1976, Chapter 171, is amended by adding a section to read:

[171.181] [RESIDENT DRIVING PRIVILEGE.] *Subdivision 1. When the commissioner revokes or suspends the driver license of a Minnesota resident as a result of a foreign state conviction, he shall notify that foreign state when the driver license is reinstated or a new license issued.*

*For the purposes of this section, "foreign state" means a state as defined in Minnesota Statutes, Section 171.01, Subdivision 15, excluding the state of Minnesota.*

*Subd. 2. When the commissioner receives notice that a foreign state has reinstated or issued a driver license to a resident of that state after a suspension or revocation which was the result of a*

*conviction in Minnesota, the commissioner shall reinstate the driving privileges of the nonresident."*

The motion prevailed. So the amendment was adopted.

Mr. Chmielewski moved to amend H. F. No. 2188 as follows:

Page 1, after line 10, insert:

"Section 1. Minnesota Statutes 1976, Section 169.91, Subdivision 1, is amended to read:

169.91 [ARRESTS.] Subdivision 1. [PROCEDURE.] When any person is arrested for any violation of this chapter or any other law or ordinance relating to the operation or registration of vehicles punishable as a petty misdemeanor, misdemeanor, gross misdemeanor, or felony, the arrested person shall be taken into custody and immediately taken before a magistrate within the county in which the offense charged is alleged to have been committed and who has jurisdiction of such offenses and is nearest or most accessible with reference to the place where the arrest is made, in any of the following cases:

(1) When a person arrested demands an immediate appearance before a magistrate;

(2) When a person is arrested and charged with an offense under this chapter causing or contributing to an accident resulting in injury or death to any person;

(3) When the person is arrested upon a charge of negligent homicide;

(4) When the person is arrested upon a charge of driving or operating or being in actual physical control of any motor vehicle while under the influence of intoxicating liquor or drugs;

(5) When the person is arrested upon a charge of failure to stop in the event of an accident causing death, personal injuries, or damage to property;

(6) When there is reasonable cause for believing that the person arrested may leave the state, *except as provided in subdivision 4 of this section*;

(7) In any other event when the person arrested refused to give his written promise to appear in court, as hereinafter provided.

Sec. 2. Minnesota Statutes 1976, Section 169.91, Subdivision 3, is amended to read:

Subd. 3. [NOTICE TO APPEAR.] When a person is arrested for any violation of this chapter or any other law relating to motor vehicles, their registration or the operation thereof, or the use of the highways, the arresting officer shall prepare, *in quadruplicate*, a written notice to appear in court. This place must be before a magistrate within the county in which the offense charged is alleged to have been committed who has jurisdiction and is nearest or most accessible with reference to the place of arrest.

In order to secure release, if the arrested person is eligible for release, without being taken into custody and immediately taken before a magistrate, as provided in this section, and acts amendatory thereof, the arrested person must give his written promise so to appear in court by signing, in quadruplicate, the written notice prepared by the arresting officer. The officer shall retain the original of the notice and deliver the copy thereof marked "SUMMONS" to the person arrested. Thereupon, the officer shall release the person arrested from custody.

Sec. 3. Minnesota Statutes 1976, Section 169.91, is amended by adding a subdivision to read:

*Subd. 4. [RECIPROCAL AGREEMENTS.] The commissioner of public safety is hereby empowered to enter into and carry out reciprocal agreements with duly authorized representatives of other states, districts, territories and possessions of the United States and provinces of foreign countries having laws or compacts authorizing the release of residents of party jurisdictions upon personal recognizance following arrest for violation of a law or ordinance relating to the operation of a motor vehicle.*

*(a) When a reciprocal agreement is in effect, a law enforcement officer observing a violation of this chapter or any other traffic regulation by a resident of a party jurisdiction shall issue an appropriate citation and shall not, subject to the provisions of clause (b) of this subdivision, require the nonresident to post bond or collateral to secure appearance for trial but shall accept the nonresident's personal recognizance, except the nonresident has the right upon request to post bond or collateral in a manner provided by law and in that case the provisions of this subdivision do not apply.*

*(b) A nonresident shall not be entitled to be released on his personal recognizance if immediate appearance before a magistrate is required by subdivision 1 of this section or the offense is:*

*(1) One which, upon conviction, would result in the revocation of a person's drivers license under the laws of this state; or*

*(2) A violation of a highway weight limitation; or*

*(3) A violation of a law governing transportation of hazardous materials; or*

*(4) Driving a motor vehicle without a valid drivers license.*

Sec. 4. Minnesota Statutes 1976, Section 169.92, is amended to read:

*169.92 [FAILURE TO APPEAR.] Subdivision 1. Any person wilfully violating his written promise to appear in court, given as provided in sections 169.90 to 169.95, is guilty of a misdemeanor, provided he is found guilty of the charge upon which he was originally arrested. A written promise to appear in court may be complied with by an appearance by counsel.*

*Subd. 2. When a nonresident is released upon his written promise to appear and he has not appeared in court or complied with*

*other orders of the court regarding the appearance of proceedings, the court shall notify the commissioner of public safety of the non-appearance upon a form provided by the commissioner.*

*Subd. 3. Upon receipt of notice from the court that the non-resident did not appear in court following release from custody upon his written promise to appear, the commissioner of public safety shall forward a copy of the report to the driver licensing authority of the state, district, territory, possession or province of residence of the person.*

*Subd. 4. (a) Upon receiving a report from the driver licensing authority of a state, district, territory or possession of the United States or a province of a foreign country which has an agreement in effect with this state pursuant to section 169.91 that a resident of this state or a person licensed as a driver in this state did not appear in court following written promise to appear in the party jurisdiction, the commissioner of public safety shall notify the driver that his license will be suspended unless the commissioner receives notice within 30 days that the driver has appeared in the appropriate court of the other jurisdiction. If the commissioner does not receive notice of the appearance of the Minnesota resident in the appropriate court within 30 days of the date of the commissioner's notice to the driver, the commissioner may suspend the person's drivers license.*

*(b) The order of suspension shall indicate the reason for the order and shall notify the person that his license shall remain suspended until he has furnished evidence satisfactory to the commissioner that he has complied with any order entered by the court.*

*(c) Suspension shall be ordered under this subdivision only when the report from the other jurisdiction clearly identifies the person arrested; describes the violation, specifying the section of the traffic law, ordinance, rule or regulation violated; indicates the location and date of the offense; and describes the vehicle involved and its registration number.*

**Sec. 5. Minnesota Statutes 1976, Section 171.01, Subdivision 13, is amended to read:**

**Subd. 13. [CONVICTION.]** The term "conviction" means a final conviction either after trial or upon a plea of guilty; also a forfeiture of cash or collateral deposited to guarantee a defendant's appearance in court, which forfeiture has not been vacated, or a breach of a condition of release without bail, *including violation of a written promise to appear*, is equivalent to a conviction."

**Page 2, after line 21, insert:**

**"Sec. 7. Minnesota Statutes 1976, Section 171.18, is amended to read:**

**171.18 [SUSPENSION.]** The commissioner shall have authority to and may suspend the license of any driver without preliminary hearing upon a showing by department records or other sufficient evidence that the licensee:

(1) Has committed an offense for which mandatory revocation of license is required upon conviction; or

(2) Has been convicted by a court of competent jurisdiction for violation of a provision of the highway traffic regulation act or an ordinance regulating traffic and where it appears from department records that the violation for which he was convicted contributed in causing an accident resulting in the death or personal injury of another, or serious property damage; or

(3) Is an habitually reckless or negligent driver of a motor vehicle; or

(4) Is an habitual violator of the traffic laws; or

(5) Is incompetent to drive a motor vehicle as determined and adjudged in a judicial proceeding; or

(6) Has permitted an unlawful or fraudulent use of such license; or

(7) Has committed an offense in another state which, if committed in this state, would be grounds for suspension; or

(8) Has committed a violation of section 171.22, clause (4) ; or

(9) *Has failed to appear in court as provided in section 169.92, subdivision 4 .*

Provided, however, that any action taken by the commissioner under subparagraphs (2) and (5) shall conform to the recommendation of the court when made in connection with the prosecution of the licensee.

Upon suspending the license of any person, as hereinbefore in this section authorized, the department shall immediately notify the licensee, in writing, by depositing in the United States post office a notice addressed to the licensee at his last known address, with postage prepaid thereon, and the licensee's written request shall afford him an opportunity for a hearing within not to exceed 20 days after receipt of such request in the county wherein the licensee resides, unless the department and the licensee agree that such hearing may be held in some other county. Upon such hearing the commissioner, or his duly authorized agent, may administer oaths and issue subpoenas for the attendance of witnesses and the production of relevant books and papers, and may require a reexamination of the licensee. Upon such hearing the department shall either rescind its order of suspension or, good cause appearing therefor, may extend the suspension of such license or revoke such license. The department shall not suspend a license for a period of more than one year."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, strike "drivers' licenses;" and insert "transportation; authorizing release of certain traffic and motor vehicle law offenders upon written promise to appear in court, and specifying procedures upon nonappearance; providing for the suspension of

driving privileges for violation of the written promise to appear; authorizing the commissioner of public safety to enter into reciprocal agreements;"

Page 1, line 7, strike "Section" and insert "Sections 169.91, Subdivisions 1, 3, and by adding a subdivision; 169.92; 171.01, Subdivision 13;"

Page 1, line 8, after "171.15;" insert "171.18;"

The motion prevailed. So the amendment was adopted.

H. F. No. 2188 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 38 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Dieterich	Knoll	Penny	Spear
Bang	Frederick	Knutson	Renneke	Staples
Benedict	Gearty	Lessard	Schmitz	Strand
Bernhagen	Gunderson	Lewis	Schrom	Ueland, A.
Borden	Hughes	Luther	Setzepfandt	Ulland, J.
Chenoweth	Jensen	Menning	Sieloff	Vega
Chmielewski	Kirchner	Nelson	Sillers	
Coleman	Knaak	Olhoft	Solon	

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

### SPECIAL ORDER

H. F. No. 37: A bill for an act relating to commerce; requiring individually marked prices on certain retail merchandise; providing exceptions; providing penalties.

### CALL OF THE SENATE

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

Benedict	Frederick	Knutson	Olhoft	Spear
Bernhagen	Gearty	Lessard	Olson	Staples
Borden	Hughes	Luther	Renneke	Strand
Chenoweth	Jensen	Menning	Schrom	Ueland, A.
Dieterich	Knaak	Nelson	Setzepfandt	Vega

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

H. F. No. 37 was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

Mr. Ashbach moved that those not voting be excused from voting. The motion did not prevail.



The roll was called, and there were yeas 37 and nays 24, as follows:

Those who voted in the affirmative were:

Anderson	Gunderson	Lewis	Peterson	Stumpf
Benedict	Hanson	Luther	Setzepfandt	Tennessen
Borden	Hughes	McCutcheon	Sikorski	Ulland, J.
Chenoweth	Humphrey	Menning	Solon	Vega
Chmielewski	Johnson	Merriam	Spear	Willet
Coleman	Keefe, S.	Nelson	Staples	
Dieterich	Knoll	Nichols	Stokowski	
Gearty	Lessard	Ogdahl	Strand	

Those who voted in the negative were:

Ashbach	Engler	Kleinbaum	Olson	Schrom
Bang	Frederick	Knaak	Penny	Sillers
Bernhagen	Jensen	Knutson	Purfeerst	Ueland, A.
Brataas	Keefe, J.	Laufenburger	Renneke	Wegener
Dunn	Kirchner	Olhoft	Schmitz	

So the bill passed and its title was agreed to.

#### SPECIAL ORDER

H. F. No. 1734: A bill for an act relating to court referees; permitting the appointment of law clerks; providing for certain referees and judicial officers; prescribing and limiting their duties; amending Minnesota Statutes 1976, Sections 484.545, Subdivision 1; 503.13; and 508.20; and Minnesota Statutes, 1977 Supplement, Sections 484.70; and 487.08.

Mr. Tennessen moved to amend H. F. No. 1734, as amended pursuant to Rule 49, adopted by the Senate March 16, 1978, as follows:

(The text of the amended House File is identical to S. F. No. 2373.)

Page 1, line 20, after the period, insert: "*In addition, the Dakota county board of commissioners may authorize the district judges regularly assigned to hold court in the first judicial district to appoint three competent law clerks, whose salaries shall be paid by the county.*"

Page 1, strike line 24

Page 2, strike line 1

Page 2, line 2, strike "state is hereby abolished, *except that*"

Page 2, line 3, strike "2" and insert "30"

Page 2, line 9, after "3" insert ", and are not limited to assignment to family or juvenile court"

Page 2, line 10, strike "*Except for an initial hearing on the matter,*"

Page 2, line 11, strike "*family court*"

Page 2, line 11, after "*referee*" insert "*sitting in family court*"

Page 2, line 11, strike "any proceeding for civil"

Page 2, line 12, strike "contempt which is contested or"

Page 2, line 17, strike "juvenile court" and after "referee" insert "sitting in juvenile court"

Page 2, line 18, strike ", or a disposition in which an order for" and insert "on any petition,"

Page 2, line 19, strike "confinement may be made,"

Page 2, line 32, strike "person" and insert "persons"

Page 3, line 1, after "Rock" insert ", Brown, and Polk"

Page 3, line 10, after the period, insert "The person holding the office of judicial officer in LeSueur county on January 1, 1978, may continue to serve at the pleasure of the chief judge of the district under the terms and conditions of his appointment until May 31, 1983, or until a judge learned in the law assumes office in the LeSueur county court, whichever occurs sooner."

Page 3, line 14, after the period, insert "They shall be learned in the law, and shall hear and try matters as shall be assigned to them by the chief judge. Their salary shall be fixed by the chief judge, with the approval of the county board or boards of the counties in which they hold office, and paid by the county or counties."

Page 5, line 10, strike "certifies" and insert "determines"

Page 5, line 16, after "appointed" insert "by the chief judge of the district"

Page 5, line 17, strike "not to exceed one year" and insert "that shall terminate no later than July 31, 1981"

Page 5, after line 17, insert:

"Sec. 7. [JUVENILE COURT; HENNEPIN AND RAMSEY COUNTIES.] Subdivision 1. In Hennepin and Ramsey counties, the district court is the juvenile court.

Subd. 2. In each county, the chief judge of the district shall designate one or more judges to hear cases arising under sections 260.011 to 260.301.

Subd. 3. The chief judge shall not designate any judge to hear cases arising under sections 260.011 to 260.301 as his principal or exclusive assignment for more than three years out of any six year period.

Subd. 4. The incumbent "District Court Judge, Juvenile Court Division" in Hennepin county is a judge of district court subject to the administrative authority and assignment power of the chief judge of the district as provided in section 484.69, subdivision 3.

Sec. 8. [SUPREME COURT; LEGISLATIVE REPORT.] The supreme court, or an agency designated by it, shall study and review the following issues, and report its findings and recommenda-

tions to the legislature on or before October 1, 1980: whether the office of referee or judicial officer should be retained or abolished; whether, if it is recommended that referees and judicial officers be retained, their powers and duties should be modified; whether, in the event that some or all of the existing offices of referee and judicial officer are recommended for abolition, new judgeships should be created and in which districts; whether a consolidated family division should be created in the district or county municipal court of Hennepin and Ramsey counties, and what categories of cases should be assigned thereto; and any other issues the court deems relevant to the function of the office of referee and judicial officer in the state court system.

Sec. 9. [REPEALER.] *Minnesota Statutes 1976, Section 260.021, Subdivisions 1, 2, and 3, are repealed.*

Sec. 10. [EFFECTIVE DATE.] *This act is effective July 31, 1978."*

Amend the title as follows:

Line 5, after the semicolon, insert "providing for the rotation of the duties of juvenile court judge in Hennepin and Ramsey counties; requiring the supreme court to submit recommendations;"

Line 8, after "487.08" insert "; repealing Minnesota Statutes 1976, Section 260.021, Subdivisions 1, 2, and 3"

Mr. Wegener moved to amend the Tennesen amendment to H. F. No. 1734 as follows:

In the amendment to page 3, line 1, after "*Brown,*" insert "*Nicollet, Morrison,*"

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

The question recurred on the Tennesen amendment. The motion prevailed. So the amendment was adopted.

### CALL OF THE SENATE

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

Bang	Hughes	Merriam	Sieloff	Ulland, J.
Benedict	Jensen	Nelson	Solon	Vega
Bernhagen	Keefe, S.	Purfeerst	Spear	Wegener
Borden	Kleinbaum	Renneke	Staples	Willet
Chenoweth	Knoll	Schaaf	Strand	
Chmielewski	Lessard	Schmitz	Stumpf	
Dunn	Luther	Schrom	Tennesen	
Gearty	Menning	Setzepfandt	Ueland, A.	

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

Pursuant to Rule 21, Mr. Nichols moved that the following members be excused for a Conference Committee on H. F. No. 830:

Messrs. Nichols, Peterson, Dieterich, Ashbach and Johnson. The motion prevailed.

H. F. No. 1734 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 43 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Engler	Laufenburger	Renneke	Stumpf
Bang	Frederick	Lessard	Schaaf	Tennessen
Benedict	Gearty	Luther	Schmitz	Ueland, A.
Bernhagen	Gunderson	Menning	Setzepfandt	Ulland, J.
Borden	Hughes	Merriam	Sieloff	Vega
Chenoweth	Jensen	Nelson	Solon	Wegener
Chmielewski	Keefe, J.	Olhoft	Spear	Willet
Coleman	Keefe, S.	Penny	Staples	
Dunn	Knoll	Purfeerst	Strand	

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

Pursuant to Rule 21, Mr. Tennessen moved that the following members be excused for a Conference Committee on H. F. No. 1520:

Messrs. Tennessen, Laufenburger and Bang. The motion prevailed.

Mr. Jensen moved that the Journal of the Senate for the 95th day, March 20, 1978, be corrected by striking the following:

"Mr. Jensen moved that H. F. No. 1661 be laid on the table." and insert:

"Mr. Jensen stated: 'I am going to make a motion that we table this bill until 2:00'.

The President stated: 'Senator Jensen moves that H. F. No. 1661 be laid on the table'."

The question was taken on the adoption of the motion.

The roll was called, and there were yeas 10 and nays 25, as follows:

Those who voted in the affirmative were:

Ashbach	Dunn	Frederick	Keefe, J.	Ueland, A.
Bernhagen	Engler	Jensen	Renneke	Ulland, J.

Those who voted in the negative were:

Benedict	Gearty	Laufenburger	Schaaf	Stumpf
Borden	Gunderson	Luther	Schmitz	Tennessen
Chenoweth	Hughes	Menning	Setzepfandt	Vega
Chmielewski	Johnson	Olhoft	Spear	Wegener
Coleman	Keefe, S.	Penny	Staples	Willet

The motion did not prevail.

Mr. Schaaf moved that S. F. No. 757 be taken from the table. The motion prevailed.

**CONCURRENCE AND REPASSAGE**

Mr. Schaaf moved that the Senate concur in the amendments by the House to S. F. No. 757 and that the bill be placed on its repassage as amended. The motion prevailed.

S. F. No. 757: A bill for an act relating to transportation; repealing the "Sunday holiday law"; allowing commercial vehicles to operate within 35 miles of cities of the first class on Sundays and legal holidays; amending Minnesota Statutes 1976, Section 221.221; repealing Minnesota Statutes 1976, Sections 221.191, 221.201 and 221.211.

Was read the third time, as amended by the House, and placed on its repassage.

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

The roll was called, and there were yeas 37 and nays 7, as follows:

Those who voted in the affirmative were:

Ashbach	Frederick	McCutcheon	Schrom	Ueland, A.
Bang	Gearty	Nelson	Setzepfandt	Ulland, J.
Benedict	Gunderson	Nichols	Sillers	Vega
Bernhagen	Hughes	Olson	Solon	Wegener
Borden	Johnson	Penny	Staples	Willet
Coleman	Keefe, S.	Renneke	Stokowski	
Dunn	Laufenburger	Schaaf	Strand	
Engler	Luther	Schmitz	Tennessen	

Those who voted in the negative were:

Chenoweth	Menning	Sieloff	Spear	Stumpf
Dieterich	Olhoff			

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

**SPECIAL ORDER**

S. F. No. 2053: A bill for an act relating to banks; open-end loan account arrangements; authorizing alternative finance charge for use of bank credit cards; providing a penalty for usury; changing the charge for open-end credit sales; providing for computation of the average daily balance; amending Minnesota Statutes 1976, Sections 48.185, Subdivision 3; 334.16; and Chapter 48, by adding a section.

**CALL OF THE SENATE**

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

Ashbach	Dunn	Keefe, S.	Schrom	Tennessen
Bang	Engler	Luther	Setzepfandt	Ueland, A.
Benedict	Frederick	Menning	Sieloff	Vega
Bernhagen	Gearty	Nelson	Solon	Wegener
Borden	Gunderson	Nichols	Spear	Willet
Chenoweth	Hughes	Olhoff	Staples	
Chmielewski	Jensen	Olson	Stokowski	
Coleman	Johnson	Penny	Strand	
Dieterich	Keefe, J.	Schmitz	Stumpf	

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

S. F. No. 2053 was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 36 and nays 17, as follows:

Those who voted in the affirmative were:

Ashbach	Frederick	Knoll	Schmitz	Strand
Bang	Gearly	Laufenburger	Schrom	Tennessen
Bernhagen	Gunderson	Nelson	Setzepfandt	Ueland, A.
Borden	Hughes	Nichols	Sieloff	Wegener
Brataas	Jensen	Olson	Sillers	
Chmielewski	Keefe, J.	Penny	Solon	
Coleman	Kirchner	Renneke	Staples	
Engler	Kleinbaum	Schaaf	Stokowski	

Those who voted in the negative were:

Benedict	Johnson	Menning	Perpich	Ulland, J.
Chenoweth	Keefe, S.	Merriam	Spear	Vega
Dieterich	Luther	Olhoft	Stumpf	Willet
Dunn	McCutcheon			

So the bill passed and its title was agreed to.

### RECONSIDERATION

Mr. Wegener moved that the vote whereby H. F. No. 2292 failed to pass the Senate on March 20, 1978, be now reconsidered. The motion prevailed.

H. F. No. 2292: A bill for an act relating to cities; establishing requirements for financial statements, reports and audits; providing a time limit for submissions of certain reports to the state auditor; providing for enforcement of reporting requirements; appropriating money; amending Minnesota Statutes 1976, Chapter 471, by adding sections; repealing Minnesota Statutes 1976, Sections 412.281 and 412.291.

Mr. Wegener moved to amend the Dunn amendment to H. F. No. 2292, adopted by the Senate March 20, 1978, as follows:

In the amendment to page 2, line 9, after "*publish*" insert "*the report or*"

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

H. F. No. 2292 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 46 and nays 11, as follows:

Those who voted in the affirmative were:

Anderson	Frederick	Luther	Purfeerst	Stumpf
Ashbach	Gearty	McCutcheon	Schmitz	Tennessen
Bernhagen	Hughes	Menning	Setzepfandt	Ueland, A.
Borden	Humphrey	Moe	Sieloff	Ulland, J.
Brataas	Johnson	Nelson	Sikorski	Vega
Chenoweth	Keefe, S.	Ogdahl	Solon	Wegener
Coleman	Kirchner	Olhoff	Spear	
Dieterich	Kleinbaum	Olson	Staples	
Dunn	Knoll	Penny	Stokowski	
Engler	Lewis	Perpich	Strand	

Those who voted in the negative were:

Bang	Gunderson	Keefe, J.	Merriam	Schrom
Benedict	Jensen	Laufenburger	Renneke	Willett
Chmielewski				

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

### 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.

### MEMBERS EXCUSED

Mr. Sillers was excused from the Session of today at 4:30 o'clock p.m.

### APPOINTMENTS

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

H. F. No. 2372: Messrs. Gunderson, Nichols and Mrs. Knaak.

H. F. No. 1726: Messrs. Setzepfandt, Schmitz and Engler.

S. F. No. 1689: Messrs. Lewis, Borden, Knutson, McCutcheon and Mrs. Brataas.

H. F. No. 1943: Messrs. Keefe, S.; Spear and Bang.

H. F. No. 1950: Messrs. Strand, Gunderson and Mrs. Brataas.

S. F. No. 744: Messrs. Stokowski, Dieterich and Ueland, A.

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

### MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Coleman moved that the Senate do now adjourn until 10:30 o'clock a.m., Wednesday, March 22, 1978. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate