

ELEVENTH DAY

St. Paul, Minnesota, Monday, January 29, 1979

The Senate met at 2:00 o'clock p.m. and was called to order by the President.

CALL OF THE SENATE

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

Anderson	Frederick	Knutson	Purfeerst	Stumpf
Ashbach	Gunderson	Lewis	Renneke	Tennessean
Bang	Hanson	Luther	Rued	Ueland, A.
Benedict	Humphrey	McCutcheon	Schmitz	Ulland, J.
Bernhagen	Jensen	Menning	Schrom	Vega
Brataas	Johnson	Merriam	Setzepfandt	Wegener
Chenoweth	Keefe, S.	Moe	Sillers	Willet
Chmielewski	Kirchner	Ogdahl	Solon	
Coleman	Kleinbaum	Penny	Spear	
Dunn	Knaak	Peterson	Staples	
Engler	Knoll	Pillsbury	Strand	

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

Prayer was offered by the Chaplain, Rev. Robert Hazel.

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

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

Messrs. Gearty and Perpich were excused from the Session of today.

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Messrs. Davies; Keefe, S.; Laufenburger; Pillsbury and Mrs. Brataas introduced—

S. F. No. 287: A bill for an act relating to workers' compensation; changing certain requirements for exception to extra-territorial application; amending Minnesota Statutes 1978, Section 176.041, Subdivision 2.

Referred to the Committee on Employment.

Mr. Nichols introduced—

S. F. No. 288: A bill for an act relating to unemployment compensation; making certain employees of educational cooperative service units ineligible for benefits during certain periods; amending Minnesota Statutes 1978, Section 268.08, Subdivision 6.

Referred to the Committee on Employment.

Messrs. Hughes, Chmielewski, Frederick, Schrom and Dunn introduced—

S. F. No. 289: A bill for an act relating to education; exempting veterans from tuition payments at post-secondary vocational-technical schools under certain conditions; amending Minnesota Statutes 1978, Section 124.565, Subdivision 3.

Referred to the Committee on Veterans' Affairs.

Mr. Knutson introduced—

S. F. No. 290: A bill for an act relating to courts; establishing the Minnesota judicial selection board; specifying duties and procedures for the board; appropriating money.

Referred to the Committee on Judiciary.

Messrs. Gunderson, Benedict, Mmes. Brataas and Staples introduced—

S. F. No. 291: A bill for an act relating to local government; permitting self insurance of health benefits; authorizing joint self insurance; amending Minnesota Statutes 1978, Section 471.616, Subdivision 1; and Chapter 471, by adding a section.

Referred to the Committee on Commerce.

Mr. Lessard introduced—

S. F. No. 292: A bill for an act relating to retirement; granting

certain military service credit for teachers; amending Minnesota Statutes 1978, Section 354.53, Subdivisions 1 and 3.

Referred to the Committee on Governmental Operations.

Messrs. Ulland, J. and Solon introduced—

S. F. No. 293: A bill for an act relating to retirement; authorizing prior service credit for a certain member of the judge's retirement fund.

Referred to the Committee on Governmental Operations.

Mr. Perpich introduced—

S. F. No. 294: A bill for an act relating to the city of Virginia; extending an eligibility deadline for special funding for the improvement of a segment of a certain municipal state-aid street within the city.

Referred to the Committee on Local Government.

Mr. Merriam introduced—

S. F. No. 295: A bill for an act relating to retirement; eliminating the deduction of workers' compensation benefits from certain public employees disability retirement benefits; amending Minnesota Statutes 1978, Section 352B.10; repealing Minnesota Statutes 1978, Sections 352.113, Subdivision 5; 353.33, Subdivision 5; and 353.656, Subdivision 2.

Referred to the Committee on Governmental Operations.

Messrs. Chmielewski and Solon introduced—

S. F. No. 296: A bill for an act proposing an amendment to the Minnesota Constitution to add an article to provide for initiative and referendum.

Referred to the Committee on Judiciary.

Messrs. Chmielewski, Frederick, Schrom, Sieloff and Olson introduced—

S. F. No. 297: A bill for an act relating to taxation; sales; exempting certain sales of bingo cards by veterans groups; amending Minnesota Statutes 1978, Section 297A.25.

Referred to the Committee on Taxes and Tax Laws.

Mr. Lessard introduced—

S. F. No. 298: A bill for an act relating to the city of South

International Falls; authorizing the city to lease municipal buildings.

Referred to the Committee on Local Government.

Messrs. Schrom, Frederick, Sieloff, Chmielewski and Olson introduced—

S. F. No. 299: A bill for an act relating to taxation; sales; exempting sales to certain veterans groups; amending Minnesota Statutes 1978, Section 297A.25, Subdivision 1.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Nelson, Vega, Nichols and Ogdahl introduced—

S. F. No. 300: A bill for an act relating to retirement; increasing the minimum period of service required to qualify for legislators retirement; amending Minnesota Statutes 1978, Sections 3A.02, Subdivision 1; and 3A.10, Subdivision 2.

Referred to the Committee on Governmental Operations.

Mr. Nichols introduced—

S. F. No. 301: A bill for an act relating to public welfare; medical assistance; denying eligibility under some circumstances for persons transferring property prior to application for medical assistance; amending Minnesota Statutes 1978, Section 256B.17.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Nichols, Setzepfandt and Jensen introduced—

S. F. No. 302: A bill for an act relating to flood plain management; authorizing counties within the southern Minnesota river basin area II to levy an additional tax for flood control, improved water quality and erosion and sediment control; amending Minnesota Statutes 1978, Section 275.50, Subdivision 5.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Wegener, Purfeerst and Engler introduced—

S. F. No. 303: A bill for an act relating to crimes; littering; prohibiting the owner or operator of certain vehicles from permitting certain articles and materials being thrown, deposited, or dumped from vehicles; prescribing penalties; amending Minnesota Statutes 1978, Sections 169.42, by adding a subdivision; and 609.68.

Referred to the Committee on Judiciary.

Messrs. Ogdahl and Keefe, J. introduced—

S. F. No. 304: A bill for an act relating to retirement; judicial service credit for referees in juvenile court; amending Minnesota Statutes 1978, Section 490.121, Subdivision 4.

Referred to the Committee on Governmental Operations.

Messrs. Schmitz, Purfeerst, Wegener, Laufenburger and Kirchner introduced—

S. F. No. 305: A bill for an act relating to the department of public safety; financing the divisions of highway patrol and driver's license from the general fund; amending Minnesota Statutes 1978, Sections 299D.02, Subdivision 1; 299D.03, Subdivision 2; 299D.04; 299D.05, Subdivision 3; Chapter 171, by adding a section; and Chapter 299D, by adding a section.

Referred to the Committee on Transportation.

Messrs. Schmitz, Laufenburger, Wegener, Kirchner and Setzepfandt introduced—

S. F. No. 306: A bill for an act relating to taxation; providing that the proceeds of the motor vehicle excise tax shall be deposited in the highway user tax distribution fund for highway purposes; amending Minnesota Statutes 1978, Sections 168.27, Subdivision 16; 297B.035, Subdivision 2; and 297B.09.

Referred to the Committee on Transportation.

Messrs. Merriam, Humphrey, Gearty, Mrs. Staples, and Mr. Keefe, J. introduced—

S. F. No. 307: A bill for an act relating to health; permitting placement of pets with certain individuals in certain institutions; amending Minnesota Statutes 1978, Chapters 144A, by adding a section; and 343, by adding a section.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Vega, Strand, Hughes and Chenoweth introduced—

S. F. No. 308: A bill for an act relating to retirement; state payment of social security taxes and employer's retirement contribution for school district employees who are members of the public employees retirement association; appropriating money; amending Minnesota Statutes 1978, Sections 355.41, Subdivision 4; 355.46, Subdivision 3; 355.49; and Chapter 353, by adding a section.

Referred to the Committee on Governmental Operations.

Messrs. Vega, Dieterich, Luther, Mrs. Staples, and Mr. Solon introduced—

S. F. No. 309: A bill for an act relating to labor; requiring employers to provide rest periods to certain employees; amending Minnesota Statutes 1978, Chapter 181, by adding a section.

Referred to the Committee on Employment.

Messrs. Vega, Nelson, Strand, Johnson and Ogdahl introduced—

S. F. No. 310: A bill for an act relating to taxation; income; increasing the exclusion for certain pensions; amending Minnesota Statutes 1978, Section 290.01, Subdivision 20.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Keefe, J.; Keefe, S; Sieloff; Benedict and Ueland, A. introduced—

S. F. No. 311: A bill for an act relating to taxation; sales; exempting residential water and sewer; amending Minnesota Statutes 1978, Section 297A.01, Subdivision 3.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Setzpfandt, Engler, Hanson and Schmitz introduced—

S. F. No. 312: A bill for an act relating to highways; permitting towns to purchase certain gravel pits; amending Minnesota Statutes 1978, Section 160.11, Subdivision 1.

Referred to the Committee on Local Government.

Messrs. Setzpfandt, Hanson, Engler, Bernhagen and Schmitz introduced—

S. F. No. 313: A bill for an act relating to game and fish; clarifying the definition of "agricultural lands" for the purpose of restricting trespass thereon; amending Minnesota Statutes 1978, Section 100.273, Subdivision 1.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Setzpfandt, Strand, Nichols, Olson and Engler introduced—

S. F. No. 314: A bill for an act relating to education; authorizing school districts to make agreements providing for the discontinuance by a district of grades or portions of grades and the instruction in another of the districts of the pupils in the discontinued grades or portions of grades; providing for the calculation of pupil units, tuition payments, teacher employment, pupil transportation and transportation aids; amending Minnesota Statutes 1978, Sec-

tions 122.84 and 122.85, Subdivisions 1, 2, 3, 4 and 6; repealing Minnesota Statutes 1978, Section 122.85, Subdivision 7.

Referred to the Committee on Education.

Messrs. Merriam, Dieterich, Hughes, Anderson and Sillers introduced—

S. F. No. 315: A bill for an act relating to education; providing that the early retirement incentive be paid at the time and in the manner agreed upon by a teacher and the board of the employing school district; amending Minnesota Statutes 1978, Section 125.61, Subdivision 4.

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

Messrs. Kleinbaum and Purfeerst introduced—

S. F. No. 316: A bill for an act relating to the department of public safety; financing the divisions of highway patrol and driver's license from the general fund; amending Minnesota Statutes 1978, Sections 299D.02, Subdivision 1; 299D.03, Subdivision 2; 299D.04; 299D.05, Subdivision 3; Chapter 171, by adding a section; and Chapter 299D, by adding a section.

Referred to the Committee on Transportation.

Messrs. Schaaf, McCutcheon, Willet, Kleinbaum and Chenoweth introduced—

S. F. No. 317: A bill for an act relating to the administration of criminal justice; establishing a program for the undercover investigation of cross jurisdictional criminal activity through the purchase of narcotics, stolen property and information; providing for the restoration or disposal of stolen property; amending Minnesota Statutes 1978, Section 299C.07; and Chapter 299C, by adding a section.

Referred to the Committee on Judiciary.

Messrs. Schaaf, McCutcheon, Willet, Moe and Keefe, J. introduced—

S. F. No. 318: A bill for an act relating to appropriations; providing that no federal funds or state matching funds shall be made available for law enforcement and criminal justice purposes unless specifically appropriated by an act of the legislature; amending Minnesota Statutes 1978, Section 299A.03, Subdivisions 8 and 10.

Referred to the Committee on Finance.

Messrs. Schaaf, McCutcheon, Willet, Dunn and Sikorski introduced—

S. F. No. 319: A bill for an act relating to the operation of state government; establishing a council on the administration of criminal justice; providing for study and investigation of alternative proposals for the administration of criminal justice; appropriating money.

Referred to the Committee on Judiciary.

Messrs. Sikorski, Solon, Ashbach, Bang and Penny introduced—

S. F. No. 320: A bill for an act relating to banks and banking; authorizing state banks to lease personal property under certain conditions; amending Minnesota Statutes 1978, Section 48.152.

Referred to the Committee on Commerce.

Messrs. Merriam, Peterson, Sillers and Dieterich introduced—

S. F. No. 321: A bill for an act proposing an amendment to the Minnesota Constitution, Article X, adding a section; permitting state tax laws to adopt future federal tax law amendments by reference.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Keefe, J.; Gearty and Sieloff introduced—

S. F. No. 322: A bill for an act relating to elections; restoring the right to vote to certain persons under guardianship; amending Minnesota Statutes 1978, Section 201.15.

Referred to the Committee on Judiciary.

Messrs. Engler, Laufenburger, Purfeerst, Frederick and Anderson introduced—

S. F. No. 323: A bill for an act relating to Independent School District No. 256, Red Wing; appropriating money.

Referred to the Committee on Education.

Mr. Laufenburger introduced—

S. F. No. 324: A bill for an act relating to crimes; escape from custody; authorizing prosecution of persons who escape jail while serving time as a condition of probation and persons who fail to report to or return from employment while under work release programs; providing penalties; amending Minnesota Statutes 1978, Section 609.485, Subdivision 3, and by adding a subdivision.

Referred to the Committee on Judiciary.

Mr. Laufenburger introduced—

S. F. No. 325: A bill for an act relating to the department of public safety; financing the divisions of highway patrol and driver's license from the general fund; amending Minnesota Statutes 1978, Sections 299D.02, Subdivision 1; 299D.03, Subdivision 2; 299D.04; 299D.05, Subdivision 3; Chapter 171, by adding a section; and Chapter 299D, by adding a section.

Referred to the Committee on Transportation.

Messrs. Chenoweth, Willet, Schaaf, Humphrey and Solon introduced—

S. F. No. 326: A bill for an act relating to retirement; providing a retirement allowance for members of the legislature after eight years of service; amending Minnesota Statutes 1978, Section 3A.02, Subdivision 1.

Referred to the Committee on Governmental Operations.

Messrs. Chenoweth, McCutcheon and Coleman introduced—

S. F. No. 327: A bill for an act relating to the city of Saint Paul; authorizing the disposition of the Gillette state hospital property, building and grounds.

Referred to the Committee on Governmental Operations.

Messrs. Sieloff, Frederick and Sillers introduced—

S. F. No. 328: A bill for an act relating to taxation; inheritance and gift taxes; lowering certain penalties for failure to pay taxes on time; amending Minnesota Statutes 1978, Sections 291.131, Subdivisions 1 and 2; and 292.111, Subdivisions 1 and 2.

Referred to the Committee on Taxes and Tax Laws.

Mrs. Knaak, Messrs. Engler, Knutson and Rued introduced—

S. F. No. 329: A bill for an act relating to taxation; income; adopting 1978 federal amendments increasing the exclusion from gross income of gain from a sale of a residence for certain persons; amending Minnesota Statutes 1978, Section 290.01, Subdivision 20.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Lewis and Coleman introduced—

S. F. No. 330: A bill for an act relating to holidays; establishing January 15, Martin Luther King, Jr.'s birthday, as a holiday; amending Minnesota Statutes 1978, Section 645.44, Subdivision 5.

Referred to the Committee on General Legislation and Administrative Rules.

Messrs. Davies, Hanson, Merriam and Sillers introduced—

S. F. No. 331: A bill for an act relating to intoxicating liquor; persons to whom furnishing prohibited; amending Minnesota Statutes 1978, Section 340.14, Subdivision 1a.

Referred to the Committee on Judiciary.

Messrs. Setzepfandt, Purfeerst, Willet, Strand and Engler introduced—

S. F. No. 332: A bill for an act relating to pipelines; establishing a process for routing and issuing construction permits for certain pipelines; establishing standards for pipeline routing to protect the environment and minimize adverse impact to agricultural land; granting powers and imposing duties on the environmental quality board; prohibiting construction of certain pipelines, exercise of eminent domain power and acquisition of easements without a construction permit; allowing exemptions for certain pipelines; requiring public meetings and hearings; requiring state inspection of pipeline construction; requiring minimum depth of cover for certain pipelines; relieving liability for damage to certain pipelines; establishing a property tax credit for land crossed by certain pipelines; setting fees to cover routing and inspection costs; authorizing permanent and temporary rules; providing penalties; appropriating money; amending Minnesota Statutes 1978, Sections 117.49; 276.04; 299F.61; and Chapter 299F, by adding a section.

Referred to the Committee on Transportation.

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 for proper reference under Rule 35:

S. F. Nos. 223, 259 and 284 reports the same back with the recommendation that the bills be re-referred as follows:

S. F. Nos. 223 and 284 to the Committee on Employment.

S. F. No. 259 to the Committee on Health, Welfare and Corrections.

Report adopted.

Mr. Coleman from the Committee on Rules and Administration, makes the following report: That the Temporary Rules of the Senate appearing in the Journal for the first day be amended as follows:

Rule 62, in the "Researcher" classification under "Salary Per Day" after "2 @ \$36.09" insert "1 @ \$38.36"

Rule 62 in the "Secretary" classification under "Salary Per Day" delete the "5" before "@ \$34.99" and insert "4"; delete the "4" before "@ \$36.91" and insert "5"

Report adopted.

MOTIONS AND RESOLUTIONS

Mr. Humphrey moved that the name of Mr. Keefe, J. be added as co-author to S. F. No. 149. The motion prevailed.

Mr. Menning moved that S. F. No. 161 be withdrawn from the Committee on Judiciary and returned to its author. The motion prevailed.

Mr. Merriam moved that the names of Messrs. Purfeerst and Strand be added as co-authors to S. F. No. 242. The motion prevailed.

Mr. Schrom moved that the names of Messrs. Purfeerst, Chmielewski and Olhoff be added as co-authors to S. F. No. 246. The motion prevailed.

Mr. Sieloff moved that the names of Messrs. Merriam and Davies be added as co-authors to S. F. No. 252. The motion prevailed.

Mr. Anderson moved that the names of Messrs. Purfeerst, Solon, Sikorski and Penny be added as co-authors to S. F. No. 261. The motion prevailed.

Mr. Spear moved that the name of Mr. Merriam be added as co-author to S. F. No. 265. The motion prevailed.

Mr. Peterson moved that the name of Mr. Olhoff be added as co-author to S. F. No. 272. The motion prevailed.

Mr. Chmielewski moved that the name of Mr. Olhoff be added as co-author to S. F. No. 278. The motion prevailed.

Mr. Chmielewski moved that the names of Messrs. Olhoff, Peterson, Schrom and Nichols be added as co-authors to S. F. No. 279. The motion prevailed.

Mr. Coleman moved to amend Temporary Rule No. 62 in accordance with the Committee Report adopted today.

The question was taken on the adoption of the motion.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

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

The motion prevailed. So the rule was amended.

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

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

Cynthia Robinson, Page classification, effective January 15, 1979

Ann D. Higgins, Researcher classification, effective January 17, 1979

Rev. Wayne Like, Chaplain, effective January 8, 1979

Rev. Roger Carroll, Chaplain, effective January 22, 1979

Rev. Robert Hazel, Chaplain, effective January 29, 1979

Helen Wilkie, transferred from the Page classification to Committee Clerk, effective February 5, 1979

Margherita M. Glendenning, Clerk Typist classification, effective January 29, 1979

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

Mr. Davies moved that S. F. No. 63, No. 1 on the Calendar, be stricken and placed at the top of General Orders. The motion prevailed.

Mr. Coleman moved that the Senate do now adjourn until 10:00 o'clock a.m., Thursday, February 1, 1979. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate