

FOURTEENTH DAY

St. Paul, Minnesota, Wednesday, February 7, 1979

The Senate met at 11:45 o'clock a.m. and was called to order by the President.

CALL OF THE SENATE

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

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

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

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. Kirchner, Pillsbury and Ueland, A. 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.

Mr. Ashbach introduced—

S. F. No. 413: A bill for an act relating to taxation; property tax refund; providing for payment of refunds to personal representatives of certain decedents; amending Minnesota Statutes 1978, Section 290A.18.

Referred to the Committee on Taxes and Tax Laws.

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

S. F. No. 414: A bill for an act relating to crimes; establishing a program for undercover arson investigation; appropriating money.

Referred to the Committee on Judiciary.

Messrs. Keefe, S.; Sieloff; Lewis; Spear and Gearty introduced—

S. F. No. 415: A bill for an act relating to highways; providing for bus shelters and benches on streets and highways; authorizing road authorities to grant franchises; amending Minnesota Statutes 1978, Section 160.27, Subdivision 2.

Referred to the Committee on Transportation.

Mr. Solon introduced—

S. F. No. 416: A bill for an act validating and legalizing certain state assignment certificates.

Referred to the Committee on Judiciary.

Mr. Solon introduced—

S. F. No. 417: A bill for an act relating to obscenity; prohibiting the showing of obscene motion pictures at drive-in theatres; providing for a hearing in the courts to determine if a motion picture is obscene; prescribing penalties.

Referred to the Committee on Judiciary.

Mr. Solon introduced—

S. F. No. 418: A bill for an act relating to nursing homes; requiring notice of rate increases to residents who are not recipients of medical assistance; amending Minnesota Statutes 1978, Section 256B.47, by adding a subdivision.

Referred to the Committee on Health, Welfare and Corrections.

Mr. Solon introduced—

S. F. No. 419: A bill for an act relating to the county of St. Louis; providing rights to suspended classified service employees; amending Laws 1941, Chapter 423, Section 22.

Referred to the Committee on Governmental Operations.

Mr. Nichols introduced—

S. F. No. 420: A bill for an act relating to agriculture; changing the eligibility requirements for a family farm security loan; amending Minnesota Statutes 1978, Section 41.55.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Nichols introduced—

S. F. No. 421: A bill for an act relating to education; reducing the number of mills in the foundation aid formula; providing for four year averaging in the calculation of declining pupil units; amending Minnesota Statutes 1978, Sections 124.17, Subdivision 1; and 124.212, Subdivisions 6c and 7c.

Referred to the Committee on Education.

Messrs. Merriam and Johnson introduced—

S. F. No. 422: A bill for an act relating to public utilities; placing certain cooperative electric associations under the jurisdiction of the public service commission for rate making purposes; amending Minnesota Statutes 1978, Section 216B.16, by adding a subdivision.

Referred to the Committee on Commerce.

Messrs. Sikorski, Ashbach, Schaaf, Chenoweth and Ogdahl introduced—

S. F. No. 423: A bill for an act relating to public employees labor relations; providing for inclusion of registered nurses in appropriate units; amending Minnesota Statutes 1978, Sections 179.63, Subdivision 11; and 179.71, Subdivision 3.

Referred to the Committee on Governmental Operations.

Messrs. Kleinbaum, Bang and Laufenburger introduced—

S. F. No. 424: A bill for an act relating to financial institutions; authorizing use of collection boxes by state banks and certain other financial institutions; amending Minnesota Statutes 1978, Section 47.51; and Chapter 47, by adding Sections.

Referred to the Committee on Commerce.

Messrs. Kleinbaum, Stokowski and Ogdahl introduced—

S. F. No. 425: A bill for an act relating to the city of St. Cloud; policemen's relief association administration and benefits; amending Laws 1973, Chapter 432, Sections 2, by adding a subdivision; 4; 5, Subdivisions 1 and 2; and 6, Subdivision 1; repealing Laws 1973, Chapter 432, Sections 5, Subdivision 5; 6, Subdivision 2; and 9, Subdivision 2.

Referred to the Committee on Governmental Operations.

Messrs. Sikorski, Frederick, Chmielewski, McCutcheon and Sieloff introduced—

S. F. No. 426: A bill for an act relating to taxation; providing that the reduced property tax classification for homesteads of disabled veterans be continued for their surviving spouses; extending the 3cc classification to property of persons receiving disability benefits from political subdivisions; amending Minnesota Statutes 1978, Section 273.13, Subdivision 7.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Ashbach, Willet, Rued, Johnson and Perpich introduced—

S. F. No. 427: A bill for an act relating to warehouses; excepting certain marine dealers from requirements applied to warehousemen; amending Minnesota Statutes 1978, Section 231.01, Subdivision 5.

Referred to the Committee on Commerce.

Messrs. Vega, Nelson, Johnson, Nichols and Keefe, S. introduced—

S. F. No. 428: A bill for an act relating to labor; requiring certain employers to provide employees with annual chest x-rays and hearing tests.

Referred to the Committee on Employment.

Messrs. Vega, Johnson, Nelson, Dieterich and Nichols introduced—

S. F. No. 429: A bill for an act relating to labor; providing for issuance of injunctions against certain violations of laws relating to wages, hours and employment conditions; amending Minnesota Statutes 1978, Chapter 181, by adding a section.

Referred to the Committee on Employment.

Messrs. Moe, Chenoweth, Lewis, Ashbach and Coleman introduced—

S. F. No. 430: A bill for an act relating to federal money; providing for legislative review of requests to expend federal money

received by state agencies; amending Minnesota Statutes 1978, Section 3.30, Subdivision 2; and Chapter 3, by adding a section.

Referred to the Committee on Governmental Operations.

Messrs. Keefe, J.; Bernhagen; Johnson; Sikorski and Knutson introduced—

S. F. No. 431: A bill for an act relating to taxation; income; providing a one time exclusion of gain from the sale of a residence by an older taxpayer; providing for nonrecognition of gain from certain multiple sales of residences; eliminating gain from the sale of a principal residence as a tax preference item; amending Minnesota Statutes 1978, Sections 290.01, Subdivision 20, and 290.091.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Olhoff, Nelson, Solon, Sikorski and Kirchner introduced—

S. F. No. 432: A bill for an act relating to general assistance; eliminating the notarizing requirement for general assistance applications; amending Minnesota Statutes 1978, Section 256D.07.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Keefe, J.; Sikorski; Knoll and Knutson introduced—

S. F. No. 433: A bill for an act relating to grand juries; allowing witnesses to have counsel present during grand jury proceedings; authorizing grand juries to investigate and report on the conduct of public servants.

Referred to the Committee on Judiciary.

Messrs. Johnson, Perpich, Laufenburger, Willet and Lessard introduced—

S. F. No. 434: A bill for an act relating to game and fish; authorizing the elderly to take small game without a license; amending Minnesota Statutes 1978, Section 98.47, Subdivision 1; repealing Minnesota Statutes 1978, Section 98.45, Subdivision 8.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Penny, Hughes, Dunn, Moe and Ulland, J. introduced—

S. F. No. 435: A bill for an act relating to education; increasing the maximum awards for scholarships and grants-in-aid; changing the eligibility for certain financial assistance; increasing the bonding authority of the higher education coordinating board; requiring that data on certain applicants for student financial assistance be classified as private and providing an exception; increasing the eligibility for a tuition subsidy for a public post-secondary voca-

tional-technical school; appropriating money; amending Minnesota Statutes 1978, Sections 136A.121, Subdivisions 4, 5, 7 and 8; 136A.162; 136A.171; and 136A.236, Subdivision 2.

Referred to the Committee on Education.

Messrs. Benedict and Solon introduced—

S. F. No. 436: A bill for an act relating to financial institutions; permitting variable payment home mortgages; amending Minnesota Statutes 1978, Chapter 47, by adding a section.

Referred to the Committee on Commerce.

Messrs. Setzepfandt and Nelson introduced—

S. F. No. 437: A bill for an act relating to state property; authorizing the conveyance of certain state property in Kandiyohi County to the city of Willmar; appropriating money.

Referred to the Committee on Governmental Operations.

Messrs. Luther, Coleman, Benedict and Ashbach introduced—

S. F. No. 438: A bill for an act proposing an amendment to the Minnesota Constitution, Article V, Sections 3 and 4; providing for elections to fill vacancies in constitutional offices.

Referred to the Committee on Elections.

Messrs. Willet, Moe, Johnson and Nichols introduced—

S. F. No. 439: A bill for an act relating to natural resources; providing payments in lieu of taxes to counties and townships in which certain natural resources lands are located; appropriating money; amending Minnesota Statutes 1978, Section 275.51, Subdivision 3d.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Willet, McCutcheon, Schaaf and Johnson introduced—

S. F. No. 440: A bill for an act relating to constables; exempting certain constables from licensing requirements; amending Minnesota Statutes 1978, Section 367.41, Subdivision 2.

Referred to the Committee on General Legislation and Administrative Rules.

Mr. Menning introduced—

S. F. No. 441: A bill for an act relating to the state building code; making adopting of the code voluntary; amending Minnesota Statutes 1978, Sections 16.851; and 16.861, Subdivision 1.

Referred to the Committee on Energy and Housing.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communication was received and referred to the committee indicated.

January 19, 1979

The Honorable Edward J. Gearty
President of the Senate

Dear Sir:

The following appointment as Commissioner of the Department of Personnel is hereby respectfully submitted to the Senate for confirmation as required by law:

Barbara Sundquist, 579 Westwood Village II, Roseville, Ramsey County, has been appointed by me, effective January 17, 1979, for a term expiring the first Monday in January, 1983.

(Referred to the Committee on Governmental Operations.)

Sincerely,

Albert H. Quie, Governor

MOTIONS AND RESOLUTIONS

Mr. Nelson moved that the name of Mr. Solon be added as co-author to S. F. No. 379. The motion prevailed.

Mr. Nelson moved that the name of Mr. Solon be added as co-author to S. F. No. 385. The motion prevailed.

Mr. Vega moved that the name of Mr. Schaaf be added as co-author to S. F. No. 405. The motion prevailed.

SPECIAL ORDER

Pursuant to Rule 10, Mr. Coleman, Chairman of the Subcommittee on Bill Scheduling, designated S. F. No. 370 a Special Order to be heard immediately.

S. F. No. 370: A bill for an act relating to taxation; requiring payment of an income tax rebate; appropriating money.

Mr. Ashbach raised a point of order pursuant to Rule 35 that S. F. No. 370 should be re-referred to the Committee on Finance.

The President ruled that the point of order was not well taken.

Mr. Sieloff moved to amend S. F. No. 370 as follows:

Page 2, line 20, delete "amounts" and insert "amount"

Page 2, line 21, delete "to administer" and insert "the sum of \$522,000 for the cost of administration of"

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

Mr. Sieloff then moved to amend S. F. No. 370 as follows:

Page 1, line 6, after "1." insert "Minnesota Statutes 1978, Chapter 256D, is amended by adding a section to read:

[256D.42]"

Page 1, line 18, after "2." insert "Minnesota Statutes 1978, Chapter 256D, is amended by adding a section to read:

[256D.43]"

Page 2, line 18, after "3." insert "Minnesota Statutes 1978, Chapter 256D, is amended by adding a section to read:

[256D.44]"

Underline all new language in the bill

Amend the title as follows:

Page 1, line 3, after "money" insert "; amending Minnesota Statutes 1978, Chapter 256D, by adding sections"

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

S. F. No. 370 was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 45 and nays 19, as follows:

Those who voted in the affirmative were:

Anderson	Hanson	Lewis	Perpich	Spear
Benedict	Hughes	Luther	Peterson	Staples
Chenoweth	Humphrey	McCutcheon	Purfeerst	Stokowski
Chmielewski	Johnson	Menning	Schaaf	Strand
Coleman	Keefe, S.	Merriam	Schmitz	Stumpf
Davies	Kleinbaum	Moe	Schrom	Tennessee
Dieterich	Knoll	Nelson	Setzepfandt	Vega
Gearty	Laufenburger	Nichols	Sikorski	Wegener
Gunderson	Lessard	Olson	Solon	Willet

Those who voted in the negative were:

Ashbach	Dunn	Keefe, J.	Olhoff	Sieloff
Bang	Engler	Knaak	Penny	Sillers
Bernhagen	Frederick	Knutson	Renneke	Ulland, J.
Brataas	Jensen	Ogdahl	Rued	

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Dieterich moved that S. F. No. 157 be withdrawn from the Committee on Judiciary and re-referred to the Committee on Commerce. The motion prevailed.

Mr. Coleman moved that the Senate do now adjourn until 10:00 o'clock a.m., Thursday, February 8, 1979. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate