

## TWENTY-FIRST DAY

St. Paul, Minnesota, Thursday, March 1, 1979

The Senate met at 10:00 o'clock a.m. and was called to order by the President.

### CALL OF THE SENATE

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

Ashbach	Engler	Luther	Schmitz	Stumpf
Bang	Gearty	McCutcheon	Schrom	Tennessee
Benedict	Gunderson	Menning	Setzepfandt	Ueland, A.
Bernhagen	Hughes	Moe	Sieloff	Ulland, J.
Brataas	Jensen	Nelson	Sikorski	Vega
Chmielewski	Johnson	Nichols	Sillers	Willet
Coleman	Keefe, S.	Perpich	Spear	
Davies	Kirchner	Pillsbury	Staples	
Dieterich	Knaak	Rued	Stokowski	
Dunn	Lewis	Schaaf	Strand	

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

Prayer was offered by the Chaplain, Rev. Ellen Babinsky.

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

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

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. Chenoweth, Hanson, Merriam, Olhoft, Peterson and Purfeerst 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. Gunderson, Mrs. Staples, Messrs. Spear and Bang introduced—

S. F. No. 686: A bill for an act relating to insurance; regulating policies of automobile insurance providing comprehensive coverage; requiring full coverage of certain glass damage; amending Minnesota Statutes 1978, Chapter 65B, by adding a section.

Referred to the Committee on Commerce.

Messrs. Tennessen, Bang, Mrs. Brataas, Messrs. Laufenburger and Penny introduced—

S. F. No. 687: A bill for an act relating to banks and banking; regulating interest rates charged by state banks; amending Minnesota Statutes 1978, Chapter 48, by adding a section.

Referred to the Committee on Commerce.

Mr. Gunderson introduced—

S. F. No. 688: A bill for an act relating to the environment; requiring the state to file an environmental impact statement prior to developing certain trails; amending Minnesota Statutes 1978, Chapter 85, by adding a section.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Gunderson introduced—

S. F. No. 689: A bill for an act relating to state lands; providing for the sale of certain former railroad rights-of-way to private persons.

Referred to the Committee on Transportation.

Mr. Gunderson introduced—

S. F. No. 690: A bill for an act relating to retirement; authorizing the purchase of prior service by certain county commissioners.

Referred to the Committee on Governmental Operations.

Mr. Schaaf introduced—

S. F. No. 691: A bill for an act relating to reapportionment of the legislature and congressional districts; proposing an amendment to the Minnesota Constitution, Article IV, Section 2, repealing Article IV, Section 3, and adding a new article to provide

for congressional and legislative apportionments by a commission; limiting legislative power to change the number of legislators; implementing the proposed amendment by providing by law for the duties, powers and operation of the commission; and repealing Minnesota Statutes 1978, Sections 2.041 to 2.712 and 2.731 to 2.811.

Referred to the Committee on Elections.

Mr. Lessard introduced—

S. F. No. 692: A bill for an act relating to parks; requiring the state to reimburse counties for tax-forfeited land within park boundaries; amending Minnesota Statutes 1978, Section 85.012, Subdivision 1.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Sikorski introduced—

S. F. No. 693: A bill for an act relating to insurance; excepting certain policies from readability requirements; amending Minnesota Statutes 1978, Sections 72C.03; and 72C.09.

Referred to the Committee on Commerce.

Mr. Lessard introduced—

S. F. No. 694: A bill for an act relating to labor; occupational safety and health; making results of certain inspections, studies and tests available to affected workers; providing a penalty; amending Minnesota Statutes 1978, Chapter 182, by adding a section.

Referred to the Committee on Employment.

Messrs. Keefe, S.; Sikorski; Spear; Johnson and Luther introduced—

S. F. No. 695: A bill for an act relating to automobile insurance; providing for response to claims for injury to property within 15 days; amending Minnesota Statutes 1978, Chapter 65B, by adding a section.

Referred to the Committee on Commerce.

Messrs. Merriam, Anderson, Sikorski, Dunn and Bernhagen introduced—

S. F. No. 696: A bill for an act relating to courts; tenth judicial district; authorizing two additional judges; amending Minnesota Statutes 1978, Section 2.722, Subdivision 1.

Referred to the Committee on Judiciary.

Mrs. Brataas, Messrs. Merriam, Hughes, Ashbach and Moe introduced—

S. F. No. 697: A bill for an act relating to Independent School District No. 535, Rochester; providing that the funds previously authorized for certain purposes may be spent entirely for one of those purposes.

Referred to the Committee on Education.

Messrs. Renneke and Bernhagen introduced—

S. F. No. 698: A bill for an act relating to education; authorizing the experimental pairing of Independent School Districts No. 421 and No. 426; amending Minnesota Statutes 1978, Section 122.85, Subdivision 1.

Referred to the Committee on Education.

Mr. Knutson; Mrs. Brataas; Messrs. Keefe, J.; Rued and Chmielewski introduced—

S. F. No. 699: A bill for an act relating to taxation; income; exempting pensions; amending Minnesota Statutes 1978, Section 290.01, Subdivision 20.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Stokowski, Solon, Davies, Dieterich and Sieloff introduced—

S. F. No. 700: A bill for an act relating to taxation; providing for state reimbursement of cities for tax reduction granted to Title II and certain other property; amending Minnesota Statutes 1978, Sections 273.13, Subdivision 17b; 276.04; and Chapter 273, by adding a section.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Lewis, Spear and Pillsbury introduced—

S. F. No. 701: A bill for an act relating to health; requiring physicians to give certain advice to their pregnant patients who are 40 years old or older; amending Minnesota Statutes 1978, Chapter 145, by adding a section.

Referred to the Committee on Health, Welfare and Corrections.

Mr. Lewis introduced—

S. F. No. 702: A bill for an act relating to health; requiring counties to establish local nursing home pre-admission screening teams; prescribing duties of the teams and the commissioner of public welfare; appropriating money; amending Minnesota Statutes 1978, Chapter 256B, by adding a section.

Referred to the Committee on Health, Welfare and Corrections.

Mr. Merriam introduced—

S. F. No. 703: A bill for an act relating to taxation; clarifying the computation of the agricultural homestead credit; amending Minnesota Statutes 1978, Section 273.13, Subdivision 6.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Davies; Bang; Mrs. Brataas; Messrs. Keefe, S. and Solon introduced—

S. F. No. 704: A bill for an act relating to savings banks; allowing the commissioner of banks to grant powers of federal mutual savings banks to mutual savings banks organized under state law; exceptions; amending Minnesota Statutes 1978, Chapter 50, by adding a section.

Referred to the Committee on Commerce.

Messrs. McCutcheon, Lewis, Sikorski and Kirchner introduced—

S. F. No. 705: A bill for an act relating to criminal procedure; providing immunity from liability for peace officers who make good faith domestic assault arrests; amending Minnesota Statutes 1978, Section 629.341.

Referred to the Committee on Judiciary.

Mr. Schrom introduced—

S. F. No. 706: A bill for an act relating to township mutual fire insurance companies; authorizing indemnification of certain expenses incurred by officers, employees, agents and other individuals; amending Minnesota Statutes 1978, Section 67A.06.

Referred to the Committee on Judiciary.

Messrs. Laufenburger, Bernhagen, Purfeerst, Ashbach and Olson introduced—

S. F. No. 707: A bill for an act relating to the environment; changing procedures for the appointment of the director of the environmental education board; requiring litter bags and receptacles in certain places; prohibiting littering; directing the commissioner of transportation to support certain public education programs related to pollution; requiring a litter collection analysis; establishing penalties; appropriating money; amending Minnesota Statutes 1978, Sections 116E.03, Subdivisions 7, 7a and 8; 174.02, Subdivision 2; and Chapter 174, by adding sections; repealing Minnesota Statutes 1978, Sections 85.20, Subdivision 6; 169.42; and 609.68.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Frederick, Nelson, Engler and Laufenburger introduced—

S. F. No. 708: A bill for an act relating to natural resources; providing for regulation of the harvest and sale of ginseng; amending Minnesota Statutes 1978, Sections 84.028, Subdivision 1; 98.46, Subdivision 3; and Chapter 84, by adding a section.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Olson, Merriam, Dunn and Ulland, J. introduced—

S. F. No. 709: A bill for an act relating to game and fish; affording protection to the badger and opossum; authorizing a season thereon; amending Minnesota Statutes 1978, Sections 100.26, Subdivision 1; and 100.27, Subdivision 3.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Chmielewski introduced—

S. F. No. 710: A bill for an act relating to taxation; sales tax; excluding certain custom sawmill work; amending Minnesota Statutes 1978, Section 297A.01, Subdivision 3.

Referred to the Committee on Taxes and Tax Laws.

Mrs. Brataas, Messrs. Frederick, Rued, Laufenburger and Ashbach introduced—

S. F. No. 711: A bill for an act relating to taxation; income; exempting pension income of nonresidents; amending Minnesota Statutes 1978, Section 290.17, Subdivision 2.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Chmielewski, Lewis, Willet, Schrom and Keefe, S. introduced—

S. F. No. 712: A bill for an act relating to Indians; providing for use of the nomenclature "American Indians" in Minnesota Statutes; amending Minnesota Statutes 1978, Sections 145.922, Subdivision 2; 152.02, Subdivision 2; 254A.02, Subdivision 11; 254A.03; 254A.031; 254A.07, Subdivision 2; 462A.07, Subdivisions 13, 14, and 15; 462A.21, Subdivisions 4c and 4d; and 517.18, Subdivision 4.

Referred to the Committee on General Legislation and Administrative Rules.

Mr. McCutcheon introduced—

S. F. No. 713: A bill for an act relating to taxation; clarifying charitable exemption from sales tax; amending Minnesota Statutes 1978, Section 297A.25, Subdivision 1.

Referred to the Committee on Taxes and Tax Laws.

Mr. Sikorski introduced—

S. F. No. 714: A bill for an act relating to highway traffic regulations; authorizing physician's trained mobile intensive care paramedics to withdraw blood for the purpose of determining the presence of alcohol or controlled substances under the implied consent law; amending Minnesota Statutes 1978, Section 169.123, Subdivision 3.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Hanson, Ashbach, Setzepfandt, Moe and Willet introduced—

S. F. No. 715: A bill for an act relating to taxation; motor vehicle excise tax; providing a credit for taxes paid in certain lease transactions; amending Minnesota Statutes 1978, Section 297B.08.

Referred to the Committee on Taxes and Tax Laws.

Mr. Stokowski introduced—

S. F. No. 716: A bill for an act relating to crimes; regulating dance halls; removing the limitation on persons under the age of 16; amending Minnesota Statutes 1978, Section 624.49.

Referred to the Committee on General Legislation and Administrative Rules.

Messrs. Pillsbury; Keefe, S.; Ueland, A.; Gearty and Stokowski introduced—

S. F. No. 717: A bill for an act relating to taxation; income; increasing the political contribution credit; amending Minnesota Statutes 1978, Sections 290.06, Subdivision 11; and 290. 21, Subdivision 3.

Referred to the Committee on Elections.

Mr. Merriam introduced—

S. F. No. 718: A bill for an act relating to education; modifying the procedures for decisions involving identification, assessment and educational placement of handicapped children; amending Minnesota Statutes 1978, Section 120.17, Subdivision 3b.

Referred to the Committee on Education.

Messrs. Jensen, Anderson and Dunn introduced—

S. F. No. 719: A bill for an act relating to education; permitting a school district to sell certain buildings at auction; setting conditions for the sale.

Referred to the Committee on Education.

Mrs. Brataas, Mr. Kirchner, Mrs. Knaak, Mr. Lewis and Mrs. Staples introduced—

S. F. No. 720: A bill for an act relating to health; requiring prescription drug containers to be labeled with an expiration date for the drug; amending Minnesota Statutes 1978, Section 151.212, Subdivision 1.

Referred to the Committee on Health, Welfare and Corrections.

Mr. Luther introduced—

S. F. No. 721: A bill for an act relating to fiduciaries; providing for replacement of corporate trustees; establishing guidelines for compensation of personal representatives; changing procedure for removing personal representatives; amending Minnesota Statutes 1978, Sections 524.3-611; 524.3-719; and Chapter 501, by adding a section.

Referred to the Committee on Judiciary.

Mr. Benedict introduced—

S. F. No. 722: A bill for an act relating to elections; authorizing use of electronic voting systems for absentee voting; amending Minnesota Statutes 1978, Sections 206.07, by adding a subdivision; 207.08, by adding a subdivision; and 207.11, by adding a subdivision.

Referred to the Committee on Elections.

Mrs. Staples, Messrs. Lewis, Perpich and Kirchner introduced—

S. F. No. 723: A bill for an act relating to welfare; changing income disregard provisions for certain medical assistance recipients and certain supplemental aid recipients; amending Minnesota Statutes 1978, Sections 256B.06, Subdivision 1; and 256D.37, Subdivision 1.

Referred to the Committee on Health, Welfare and Corrections.

Mr. Nichols introduced—

S. F. No. 724: A bill for an act relating to taxation; property; changing the definition of class 3b homestead property; increasing the maximum homestead reduction; altering the amount of the state paid agricultural credit for certain property; amending



Minnesota Statutes 1978, Sections 273.13, Subdivisions 6, 6a, and 7; and 273.132.

Referred to the Committee on Taxes and Tax Laws.

Mr. Johnson introduced—

S. F. No. 725: A bill for an act relating to taxation; sales; exempting admissions to school activities; amending Minnesota Statutes 1978, Section 297A.25, Subdivision 1.

Referred to the Committee on Taxes and Tax Laws.

Mr. Johnson introduced—

S. F. No. 726: A bill for an act relating to the environment; requiring the environmental quality board and other state agencies which hold hearings concerning environmental impact studies to hold them in certain places; amending Minnesota Statutes 1978, Sections 116C.06, by adding a subdivision; and 116D.04, by adding a subdivision.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Johnson introduced—

S. F. No. 727: A bill for an act relating to highway traffic regulations; authorizing school buses and other authorized emergency vehicles equipped with studded tires to use the public highways between certain dates; amending Minnesota Statutes 1978, Section 169.72, Subdivision 1.

Referred to the Committee on Transportation.

Messrs. McCutcheon, Schaaf, Lewis, Moe and Knoll introduced—

S. F. No. 728: A bill for an act relating to crimes; controlling telephone communications with certain offenders; allowing police to prevent unauthorized communications; providing penalties.

Referred to the Committee on Judiciary.

Messrs. Sieloff, Davies and Sillers introduced—

S. F. No. 729: A bill for an act relating to marriage; setting out requirements and effect of antenuptial contracts.

Referred to the Committee on Judiciary.

Messrs. Merriam, Wegener, Setzepfandt, Dunn and Nichols introduced—

S. F. No. 730: A bill for an act relating to taxation; altering requirements for qualifying for valuation under Minnesota agri-

cultural property tax law; requiring reports to commissioner of revenue; amending Minnesota Statutes 1978, Section 273.111, Subdivisions 3, 6, 8, 9, and by adding a subdivision; repealing Minnesota Statutes 1978, Section 273.111, Subdivision 13.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. McCutcheon, Coleman, Johnson, Hanson and Merriam introduced—

S. F. No. 731: A bill for an act relating to taxation; increasing the income tax exclusion for pension income; extending the availability of the low income credit; providing for adjustment of income tax brackets, credits, and the maximum standard deduction according to the rate of increase in the consumer price index; increasing personal credits; increasing the maximum standard deduction; amending Minnesota Statutes 1978, Sections 290.01, Subdivision 20; 290.06, Subdivisions 2c, 3c and 3d, and by adding a subdivision; and 290.09, Subdivision 15.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Willet, Lessard, Schrom and Bernhagen introduced—

S. F. No. 732: A bill for an act relating to game and fish; modifying the definitions of rough fish and minnows; amending Minnesota Statutes 1978, Section 97.40, Subdivisions 11 and 12.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Willet, Strand and Setzepfandt introduced—

S. F. No. 733: A bill for an act relating to natural resources; providing that the soil and water conservation board shall remain an agency of the department of natural resources; amending Minnesota Statutes 1978, Section 40.03, Subdivision 1.

Referred to the Committee on Agriculture and Natural Resources.

#### EXECUTIVE AND OFFICIAL COMMUNICATIONS

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

February 21, 1979

The Honorable Edward J. Gearty  
President of the Senate

Dear Sir:

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

Joseph N. Alexander, 931 Kennard, St. Paul, Ramsey County, has been appointed by me, effective February 6, 1979, for a term expiring the first Monday in January, 1983.

(Referred to the Committee on Agriculture and Natural Resources.)

Sincerely,  
Albert H. Quie, Governor

#### MESSAGES FROM THE HOUSE

Mr. President:

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

S. F. No. 88: A bill for an act relating to cities; allowing installment purchases by certain cities; amending Minnesota Statutes 1978, Section 465.71.

Senate File No. 88 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives  
Returned February 26, 1979

#### CONCURRENCE AND REPASSAGE

Mr. Nelson moved that the Senate concur in the amendments by the House to S. F. No. 88 and that the bill be placed on its repassage as amended. The motion prevailed.

S. F. No. 88 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 55 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Gearty	Knoll	Ogdahl	Spear
Bang	Gunderson	Knutson	Perpich	Staples
Benedict	Hughes	Laufenburger	Pillsbury	Stokowski
Bernhagen	Humphrey	Lessard	Rued	Strand
Brataas	Jensen	Lewis	Schaaf	Stumpf
Chmielewski	Johnson	Luther	Schmitz	Tennessee
Coleman	Keefe, J.	McCutcheon	Setzepfandt	Ueland, A.
Davies	Keefe, S.	Menning	Sieloff	Ulland, J.
Dieterich	Kirchner	Moe	Sikorski	Vega
Dunn	Kleinbaum	Nelson	Sillers	Wegener
Engler	Knaak	Nichols	Solon	Willet

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 House Files, herewith transmitted: H. F. Nos. 48 and 325.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted February 26, 1979

**FIRST READING OF HOUSE BILLS**

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

H. F. No. 48: A bill for an act relating to the city of Austin; authorizing an on-sale liquor license for Riverside Arena.

Referred to the Committee on Rules and Administration for comparison with S. F. No. 87 now on the Calendar.

H. F. No. 325: A bill for an act relating to township mutual fire insurance companies; authorizing indemnification of certain expenses incurred by officers, employees, agents and other individuals; amending Minnesota Statutes 1978, Section 67A.06.

Referred to the Committee on Judiciary.

**REPORTS OF COMMITTEES**

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

Mr. Perpich from the Committee on Health, Welfare and Corrections, to which was referred the following appointment as reported in the Journal for February 12, 1979:

**DEPARTMENT OF HEALTH  
COMMISSIONER**

Dr. George Petterson

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

Mr. Coleman moved that the foregoing committee report be laid on the table. The motion prevailed.

Mr. Laufenburger from the Committee on Employment, to which was referred the following appointment as reported in the Journal for February 12, 1979:

**DEPARTMENT OF ECONOMIC DEVELOPMENT  
COMMISSIONER**

David L. Printy

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

Mr. Coleman moved that the foregoing committee report be laid on the table. The motion prevailed.

Mr. Gearty from the Committee on Elections, to which was referred the following appointment as reported in the Journal for January 8, 1979:

**STATE ETHICAL PRACTICES BOARD**

John W. Carey

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

Mr. Coleman moved that the foregoing committee report be laid on the table. The motion prevailed.

Mr. Chmielewski from the Committee on Veterans' Affairs, to which was referred the following appointment as reported in the Journal for February 1, 1979:

**DEPARTMENT OF VETERANS' AFFAIRS  
COMMISSIONER**

Donald M. Miller

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

Mr. Coleman moved that the foregoing committee report be laid on the table. The motion prevailed.

Mr. Willet from the Committee on Agriculture and Natural Resources, to which was referred the following appointment as reported in the Journal for February 1, 1979:

**DEPARTMENT OF AGRICULTURE  
COMMISSIONER**

Mark Seetin

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

Mr. Coleman moved that the foregoing committee report be laid on the table. The motion prevailed.

Mr. Laufenburger from the Committee on Employment, to which was referred

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.

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

Page 2, lines 2 and 24, after the comma insert "*or any other educational service agency as defined in section 3304 (a) (6) (A) (IV) of the federal unemployment tax act,*"

Page 2, line 15, after "schools," insert "*an educational cooperative service unit, other educational service agency,*"

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

Mr. Laufenburger from the Committee on Employment, to which was referred

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.

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

Mr. Purfeerst from the Committee on Transportation, to which was referred

S. F. No. 207: A bill for an act relating to transportation; authorizing the commissioner of transportation to enter into an agreement with the state of Iowa for the construction and improvement of a short segment of highway within the state of Iowa to connect a trunk highway with the highway system of that state; providing for the payment of the costs therefor.

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

Mr. Purfeerst from the Committee on Transportation, to which was referred

S. F. No. 263: A bill for an act relating to transportation; authorizing the commissioner to grant variances from county state-aid highway and municipal state-aid street rules and engineering standards subject to certain procedures; establishing variance committees and prescribing their duties; amending Minnesota Statutes 1978, Sections 162.02, by adding a subdivision; 162.07, Subdivision 2; 162.09, by adding a subdivision; 162.13, Subdivision 2; and Chapter 162, by adding sections.

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

Page 3, line 16, delete "*once a month*" and insert "*twice each year*"

Page 3, line 23, after the period, insert "A request shall be accompanied by an application fee in an amount fixed by the commissioner, up to but not to exceed \$500."

Page 4, line 1, after "shall" insert "meet to consider a request not later than 190 days after the request is received by the ex-officio secretary and shall"

Page 4, line 3, delete "90" and insert "ten"

Page 4, line 3, delete "of receipt of the request by"

Page 4, delete lines 4 and 5

Page 4, line 6, delete everything before the period and insert "after that meeting"

Page 4, after line 21, insert:

"Subd. 8. [COMPENSATION; DISPOSITION OF FEES.]  
The members of the variance committee shall be compensated for necessary expenses in the same amount as members of other committees authorized by this chapter. The compensation shall be paid from the fees received pursuant to subdivision 3. If the amount of fees received pursuant to subdivision 3 exceeds the amount needed to compensate committee members, the excess shall be returned pro rata to the political subdivisions from which they were received."

Page 6, line 15, delete "once a month" and insert "twice each year"

Page 6, line 21, after the period insert "A request shall be accompanied by an application fee in an amount fixed by the commissioner, up to but not to exceed \$500."

Page 6, line 32, after "shall" insert "meet to consider a request not later than 190 days after the request is received by the ex-officio secretary and shall"

Page 7, line 1, delete "90" and insert "ten"

Page 7, line 1, delete "of receipt of the request by"

Page 7, delete lines 2 and 3

Page 7, line 4, delete everything before the period and insert "after that meeting"

Page 7, after line 20, insert:

"Subd. 8. [COMPENSATION; DISPOSITION OF FEES.]  
The members of the variance committee shall be compensated for necessary expenses in the same amount as members of other committees authorized by this chapter. The compensation shall be paid from the fees received pursuant to subdivision 3. If the amount of fees received pursuant to subdivision 3 exceeds the amount needed to compensate committee members, the excess shall be returned pro rata to the political subdivisions from which they were received."

Amend the title as follows:

Page 1, line 7, after the semicolon, insert "imposing fees and providing compensation to committee members;"

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

Mr. Hughes from the Committee on Education, to which was referred

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

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Finance. Report adopted.

Mr. Chmielewski from the Committee on Veterans' Affairs, to which was referred

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.

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

Page 1, line 15, delete "*prior to*" and insert "*before*"

Page 1, line 18, delete "*his*"

Page 1, line 18, after "*induction*" insert "*or enlistment*"

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

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

S. F. No. 2: A resolution ratifying a proposed amendment to the Constitution of the United States of America relating to the District of Columbia.

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

Page 1, line 20, delete "*inopertive*" and insert "*inoperative*"

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

Mr. Hughes from the Committee on Education, to which was referred

S. F. No. 127: A bill for an act relating to education; requiring the commissioner of education to study and report on academic competency in certain public schools; appropriating money.

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



Delete everything after the enacting clause and insert:

"Section 1. Before June 30, 1980, the commissioner of education shall study and report to the committees on education of the senate and house of representatives on issues relating to academic competency of students in public elementary, middle and secondary schools. The report shall include:

(a) a collation of presently available data gathered pursuant to the statewide assessment program assessing the performance of students in the fourth, eighth and eleventh grades in reading, writing, mathematics, social studies, citizenship and science;

(b) an inventory of standards required both statewide and by school district for high school graduation;

(c) a collation of data assessing the performance of high school students on standardized college entrance tests;

(d) an analysis of presently available studies relating to the need for early identification of academic skills and academic competency of students in the primary grades;

(e) an academic analysis of the role of parents in the community in encouraging academic performance;

(f) a survey of educational planning for academic competency, educational performance standards and graduation requirements developed and previously delivered to the commissioner pursuant to sections 122.86 and 122.87;

(g) a collation of information gathered from persons knowledgeable about public education, assessment and testing and from interested citizens and groups; and

(h) an analysis of other presently available information necessary to inform the legislature on the issues relating to academic competency in public elementary, middle and secondary schools.

Sec. 2. [EFFECTIVE DATE.] This act is effective the day following final enactment."

Amend the title as follows:

Page 1, line 3, after "on" insert "issues relating to"

Page 1, line 4, delete the semicolon

Page 1, line 5, delete "appropriating money"

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

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

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.

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

Page 1, line 9, delete "is authorized to donate" and insert "shall convey by quitclaim deed, in such form as the attorney general approves, all rights, title and interest of the state in"

Page 1, line 10, after the period, insert "The commissioner of administration shall prepare and the attorney general shall approve the exact description of the property to be conveyed. In consideration of the conveyance, the city of Saint Paul shall agree to pay all legal costs associated with the conveyance, all outstanding assessments against the property, and all expenses incurred in razing or removing the buildings on the property."

Page 1, line 19, after "be effective" insert "the day following final enactment provided that the conveyance shall occur on or before July 1, 1979, and"

Page 1, line 22, after the period, insert "Failure of the governing body of the city of Saint Paul to act prior to July 2, 1979, shall allow the commissioner of administration to act pursuant to Laws 1978, Chapter 791, Section 20."

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

Mr. Perpich from the Committee on Health, Welfare and Corrections, to which was referred

S. F. No. 575: A bill for an act relating to welfare; establishing a program of subsidies to families caring in the home for certain mentally retarded, autistic and cerebral palsied minor dependents; appropriating money; amending Minnesota Statutes 1978, Chapter 245, by adding a section; repealing Minnesota Statutes 1978, Section 252.27, Subdivision 4.

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

Page 1, line 24, before "*minors*" insert "*families with*"

Page 2, line 5, delete "*child*" and insert "*minor*"

Page 2, line 8, after the period insert "*The plan shall specify needed services and expenses.*"

Page 2, lines 10 to 12, delete "*plan shall be periodically evaluated to determine the progress of the child*" and insert "*commissioner shall biannually review the plan to reassess service priorities, update specifications on services and expenses needed, and determine whether a grant determined under subdivision 4 should be modified*"

Page 2, lines 21 and 24, delete "*child*" and insert "*minor*"

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

Mr. Perpich from the Committee on Health, Welfare and Corrections, to which was referred

S. F. No. 510: A bill for an act relating to children; establishing a program in the department of public welfare to allow subsidized adoptions under certain circumstances; appropriating money; amending Minnesota Statutes 1978, Chapter 259, by adding a section; repealing Minnesota Statutes 1978, Section 393.07, Subdivision 1a.

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

Page 1, lines 19 and 20, delete *"shall be subject to modification based on changes in those needs"* and insert *"resources available to the adoptive parent or parents"*

Page 1, line 21, before *"When"* insert *"The placing agency shall certify a child as eligible for a subsidy according to rules promulgated by the commissioner."*

Page 2, line 1, delete *"family"* and insert *"parent or parents"*

Page 2, line 4, after the period, insert *"The agreement shall be subject to the commissioner's approval."*

Page 2, line 5, before *"Adoption"* insert *"The commissioner shall provide"*

Page 2, line 5, delete *"will be provided"*

Page 2, line 6, before *"parents"* insert *"parent or"*

Page 2, line 7, delete everything after *"may"*

Page 2, delete lines 8 to 10, and insert *"include payment for medical, dental, and surgical expenses, psychiatric and psychological expenses, maintenance costs, and other costs necessary for the child's care and well-being. The anticipated duration of the subsidy shall be specified in the agreement."*

Page 2, line 12, delete *"from time to time"*

Page 2, line 14, delete *"CERTIFICATION"* and insert *"AFFIDAVIT"*

Page 2, line 16, after *"shall"* insert *"annually"*

Page 2, line 16, delete *"annual sworn certification"* and insert *"affidavit stating whether"*

Page 2, line 17, delete *"that"* in both cases

Page 2, line 18, before the first *"the"* insert *"whether"*

Page 2, line 18, delete *"conditions that caused the child to be certified"* and insert *"need for subsidy"*

Page 2, line 19, delete *"continue"* and insert *"continues"*

Page 2, lines 19 and 20, delete *"certification shall be subject to review by the commissioner of public welfare"* and insert *"commissioner may verify the affidavit"*

Page 2, lines 22 and 23, delete "*conditions that caused the child to be certified continue*" and insert "*need for subsidy continues*"

Page 2, line 24, after "*adoptive*" insert "*parent or*"

Page 2, line 28, delete "*No*"

Page 2, line 29, delete "*unless*" and insert "*only if*"

Page 2, line 30, delete "*shall be*" and insert "*are*"

Page 2, line 32, delete "*locate a home for the child*" and insert "*place the child for adoption*"

Page 2, line 33, delete everything after "*unsuccessful*" and insert "*; or*"

Page 3, line 1, delete "*not be a condition if*" and insert "*(b)*"

Page 3, line 2, delete "*desired*" and insert "*desire*"

Page 3, line 2, delete "*has been*" and insert "*is*"

Page 3, line 8, after the semicolon, insert "*and*"

Page 3, line 9, delete "*adopted*"

Page 3, line 10, delete "*of public welfare*"

Page 3, line 11, delete "*; and*" and insert a period

Page 3, delete lines 12 to 14

Reletter the clauses in sequence

Page 3, line 24, delete "*Chapter 15*" and insert "*Section 256.-045*"

Page 3, lines 24 and 25, delete "*department of public welfare*" and insert "*commissioner*"

Page 3, line 27, delete "*uniform*"

Page 3, line 29, delete "*department of public welfare*" and insert "*commissioner*"

Page 4, line 3, after "*urban*" insert "*American*"

Page 4, line 4, after "*of*" insert "*American*"

Page 4, line 16, after "*promulgate*" insert "*temporary*"

Page 4, line 16, delete "*and regulations*"

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

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

S. F. No. 340: A bill for an act relating to ethics in government; defining administrative action; clarifying campaign report

filing dates; providing for the registration of political committees and political funds; amending Minnesota Statutes 1978, Sections 10A.01, Subdivision 2; 10A.14, Subdivision 1; and 10A.20, Subdivision 2.

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

Page 1, after line 20, insert:

“Sec. 2. Minnesota Statutes 1978, Section 10A.01, Subdivision 5, is amended to read:

Subd. 5. “Candidate” means an individual who seeks nomination or election to any statewide or legislative office for which reporting is not required under federal laws. The term candidate shall also include an individual who seeks nomination or election to supreme court and , district court , *county court*, *probate court*, or *county municipal court* judgeships of the state. An individual shall be deemed to seek nomination or election if he has taken the action necessary under the law of the state of Minnesota to qualify himself for nomination or election, has received contributions or made expenditures in excess of \$100, or has given his implicit or explicit consent for any other person to receive contributions or make expenditures in excess of \$100, for the purpose of bringing about his nomination or election. A candidate remains a candidate until his principal campaign committee is dissolved as provided in section 10A.24.”

Page 2, line 20, delete “or”

Page 2, delete line 21 and insert “. *The report due after a special election may be filed on January 31 following the special election if the special election is held not more than 60 days before that date.*”

Page 2, after line 28, insert:

“Sec. 5. Minnesota Statutes 1978, Section 210A.01, Subdivision 3, is amended to read:

Subd. 3. “Candidate” means any individual for whom it is contemplated or desired that votes may be cast at any primary or election, and who either tacitly or expressly consents to be so considered, except candidates for president and vice president of the United States. In sections 210A.22 to 210A.28, 210A.32 and 210A.33, “candidate” does not mean an individual for whom it is contemplated or desired that votes may be cast at any primary or election, and who either tacitly or expressly consents to be so considered for constitutional office, member of the legislature, justice of the supreme court, or district court , *county court*, *probate court*, or *county municipal court* judge.”

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 5, after the semicolon, insert “defining candidate to include candidates for certain judicial offices and excluding

those candidates from reporting under the Fair Campaign Practices Act;"

Page 1, line 7, delete "Subdivision 2" and insert "Subdivisions 2 and 5"

Page 1, line 7, delete "and"

Page 1, line 8, before the period insert "; and 210A.01, Subdivision 3"

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

Mr. Coleman from the Subcommittee on Bill Scheduling, to which were referred S. F. Nos. 203, 57, 345, 179, 233, 93, 427 makes the following report:

That the above Senate Files be placed on the General Orders Calendar in the order indicated.

That there were no other bills before the Subcommittee on which floor action was requested. Report adopted.

#### SECOND READING OF SENATE BILLS

S. F. Nos. 288, 287, 207, 2, 127, 327 and 340 were read the second time and referred to the Subcommittee on Bill Scheduling of the Committee on Rules and Administration.

#### MOTIONS AND RESOLUTIONS

Mr. Olhoft moved that the names of Messrs. Penny, Gunderson and Jensen be added as co-authors to S. F. No. 372. The motion prevailed.

Mr. Knutson moved that the name of Mrs. Knaak be added as co-author to S. F. No. 505. The motion prevailed.

Mr. Knutson moved that the name of Mr. McCutcheon be added as co-author to S. F. No. 516. The motion prevailed.

Mr. Chmielewski moved that the name of Mr. Lessard be added as co-author to S. F. No. 641. The motion prevailed.

Mr. Keefe, J. moved that the name of Mr. Johnson be added as co-author to S. F. No. 676. The motion prevailed.

Mr. Keefe, J. moved that the name of Mr. Johnson be added as co-author to S. F. No. 677. The motion prevailed.

Mr. Schrom moved that the name of Mr. Lessard be added as co-author to S. F. No. 684. The motion prevailed.

Mr. Laufenburger moved that the name of Mr. Lewis be added as co-author to S. F. No. 171. The motion prevailed.

Mr. Dieterich introduced—

Senate Resolution No. 17: A Senate resolution congratulating Hamline University on its 125th anniversary.

Mr. Dieterich moved that the foregoing resolution be laid on the table. The motion prevailed.

Mr. Davies moved that S. F. No. 52, No. 1 on the Calendar, be stricken and placed at the top of General Orders. The motion prevailed.

### CALENDAR

S. F. No. 219: A bill for an act relating to state government; abolishing achievement awards for commissioners and deputy constitutional officers; amending Minnesota Statutes 1978, Sections 15A.081, Subdivision 6; 43.062, Subdivision 3; and 43.067, Subdivision 4; repealing Minnesota Statutes 1978, Section 43.069.

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 60 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S. F. No. 231: A bill for an act relating to bonds; requiring claimant filing notice of action on a bond to pay postage costs; amending Minnesota Statutes 1978, Section 574.32.

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 59 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

## GENERAL ORDERS

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

After some time spent therein, the committee arose, and Mr. Gearty reported that the committee had considered the following:

S. F. Nos. 225, 54, 411 and 61 which the committee recommends to pass.

S. F. No. 52, which the committee recommends to pass with the following amendment offered by Mr. Davies:

Page 2, line 8, delete the period and insert a semicolon

Page 2, after line 8, insert:

*“(4) The transferee may within ten days after he takes possession of the goods pay the consideration into the district court in the county where the transferor had its principal place of business in this state and thereafter may discharge his duty under this section by giving notice by certified mail to all the persons to whom the duty runs that the consideration has been paid into that court and that they should file their claims there. On motion of any interested party, the court may order the distribution of the consideration to the persons entitled to it.”*

The motion prevailed. So the amendment was adopted.

S. F. No. 384, which the committee recommends to pass with the following amendments offered by Mr. Wegener:

Mr. Wegener moved to amend S. F. No. 384 as follows:

Page 2, line 13, before “cities” insert “home rule charter and statutory”

The motion prevailed. So the amendment was adopted.

Mr. Wegener then moved to amend S. F. No. 384 as follows:

Page 2, line 22, after “prevailing” and before “minimum” insert “Minnesota”

The motion prevailed. So the amendment was adopted.

On motion of Mr. Coleman, the report of the Committee of the Whole, as kept by the Secretary, was adopted.

## MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Coleman moved that the Senate do now adjourn until 11:00 o'clock a.m., Monday, March 5, 1979. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate