

**TWENTY-SECOND DAY**

St. Paul, Minnesota, Monday, March 5, 1979

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

**CALL OF THE SENATE**

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

Anderson	Hanson	Lessard	Rued	Strand
Bang	Hughes	Luther	Schaaf	Stumpf
Benedict	Humphrey	McCutcheon	Schmitz	Ueland, A.
Chenoweth	Jensen	Moe	Setzepfandt	Ulland, J.
Chmielewski	Johnson	Nelson	Sieloff	Vega
Coleman	Keefe, S.	Ogdahl	Sikorski	Wegener
Davies	Kirchner	Olhoft	Sillers	Willet
Dunn	Kleinbaum	Penny	Spear	
Engler	Knaak	Perpich	Staples	
Frederick	Laufenburger	Purfeerst	Stokowski	

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

Prayer was offered by the Chaplain, Rev. Sheila Henderson.

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

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

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. Bernhagen, Menning, Olson and Pillsbury 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. Merriam and Sieloff introduced—

S. F. No. 734: A bill for an act relating to taxation; excluding from gross income certain amounts earned prior to becoming Minnesota residents; amending Minnesota Statutes 1978, Section 290.01, Subdivision 20.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Olson, Bernhagen, Menning, Penny and Setzepfandt introduced—

S. F. No. 735: A bill for an act relating to education; establishing a minimum aid payment to certain school districts; expanding the definition of special state aid; appropriating money; amending Minnesota Statutes 1978, Section 124.65; and Chapter 124, by adding a section.

Referred to the Committee on Education.

Messrs. Merriam, Schrom, Sillers, Wegener and Jensen introduced—

S. F. No. 736: A bill for an act relating to taxation; providing for the distribution of proceeds of taxation of electric transmission and distribution lines; eliminating certain annual payments by utilities; amending Minnesota Statutes 1978, Section 273.42; repealing Minnesota Statutes 1978, Section 116C.635.

Referred to the Committee on Taxes and Tax Laws.

Mr. Lessard introduced—

S. F. No. 737: A bill for an act relating to game and fish; prohibiting removal or tampering with legally set traps; providing a penalty; amending Minnesota Statutes 1978, Section 100.29, by adding a subdivision.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Kleinbaum, Ashbach, Stumpf, Coleman and Ogdahl introduced—

S. F. No. 738: A bill for an act relating to museums; appropriating funds for the science museum of Minnesota.

Referred to the Committee on Finance.

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

S. F. No. 739: A bill for an act relating to motor vehicles; limiting the issuance of vehicle registration plates or tabs under certain circumstances; prohibiting the issuance of arrest warrants for violations of parking laws by certain courts; defining parking violations and participating jurisdictions; requiring notice to violators; appropriating money; amending Minnesota Statutes 1978, Sections 169.99, Subdivision 1, and by adding a subdivision; and 171.16, Subdivision 3, and by adding subdivisions.

Referred to the Committee on Judiciary.

Messrs. Humphrey, Merriam, Sillers and Dunn introduced—

S. F. No. 740: A bill for an act relating to taxation; exempting certain amounts paid for military service from income taxation; amending Minnesota Statutes 1978, Sections 290.01, Subdivision 20; and 290.06, Subdivision 12.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Strand, Ashbach, Nelson, Penny and Ogdahl introduced—

S. F. No. 741: A bill for an act relating to emergency services; authorizing the governor to declare a peacetime emergency under certain circumstances prior to federal declaration; clarifying the term "civil defense"; amending Minnesota Statutes 1978, Sections 12.03, Subdivision 4; and 12.31; repealing Minnesota Statutes 1978, Section 12.25, Subdivision 4.

Referred to the Committee on Governmental Operations.

Mr. Sillers introduced—

S. F. No. 742: A bill for an act relating to the city of Moorhead; firefighters' relief association benefits and contributions; amending Laws 1955, Chapter 75, Sections 10, Subdivision 3; 14, Subdivision 2; 14, Subdivisions 1, 2, 4, 5, 6, and by adding a subdivision; 16; and 19; as added, amended or renumbered.

Referred to the Committee on Governmental Operations.

Messrs. Olson, Sieloff, Schrom, Olhoft and Bernhagen introduced—

S. F. No. 743: A bill for an act relating to taxation; increasing the maximum income tax credit for pollution control equipment; exempting pollution control equipment and materials used to operate pollution control equipment from the sales tax; amending Minnesota Statutes 1978, Sections 290.06, Subdivisions 9 and 9a; and 297A.25, Subdivision 1.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Sikorski, Coleman and Ashbach introduced—

S. F. No. 744: A bill for an act relating to automobile insurance; regulating damage appraisals, adjustments and related repair practices; prohibiting certain acts by insurers, adjusters and appraisers; amending Minnesota Statutes 1978, Chapter 72B, by adding sections.

Referred to the Committee on Commerce.

Messrs. Chmielewski, Keefe, J.; Ogdahl; Schrom and Frederick introduced—

S. F. No. 745: A bill for an act relating to game and fish; authorizing a season on mourning doves; setting maximum daily and possession limits; amending Minnesota Statutes 1978, Sections 100.27, Subdivision 6; and 100.28, Subdivision 2.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Sillers introduced—

S. F. No. 746: A bill for an act relating to the city of Moorhead; contributions and benefits of the police relief association; amending Laws 1967, Chapter 775, Sections 2; 4; 5; 6; and 7; and adding a section; repealing Laws 1967, Chapter 775, Section 3.

Referred to the Committee on Governmental Operations.

Messrs. Sieloff, Sillers, Frederick and Chmielewski introduced—

S. F. No. 747: A bill for an act relating to taxation; providing an income tax credit to taxpayers with blind dependents; amending Minnesota Statutes 1978, Section 290.06, Subdivision 3c.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Sieloff, Frederick, Sillers and Chmielewski introduced—

S. F. No. 748: A bill for an act relating to taxation; income tax; changing the political contribution credit; amending Minnesota Statutes 1978, Section 290.06, Subdivision 11.

Referred to the Committee on Elections.

Messrs. Kleinbaum and Dunn introduced—

S. F. No. 749: A bill for an act relating to education; appropriating money for the Hallenbeck addition to St. Cloud State University.

Referred to the Committee on Education.

Messrs. Vega; Nelson; Keefe, J.; Perpich and Solon introduced—

S. F. No. 750: A bill for an act relating to public welfare; increasing personal needs allowance for residents of certain facilities; restricting the use of allowances by third parties; providing for a civil action and damages; providing a penalty; amending Minnesota Statutes 1978, Section 256B.35.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Solon, Anderson, Vega, Benedict and Perpich introduced—

S. F. No. 751: A bill for an act relating to commerce; providing attendant services at certain gasoline stations.

Referred to the Committee on Commerce.

Messrs. Spear and Keefe, S. introduced—

S. F. No. 752: A bill for an act relating to public health; regulating the use of psychosurgery; providing patient rights; providing board of health review; providing a penalty.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Spear; Keefe, S.; Stumpf and Johnson introduced—

S. F. No. 753: A bill for an act relating to labor; reducing the time at which overtime compensation must be paid; increasing overtime compensation; prohibiting mandatory overtime; providing penalties; amending Minnesota Statutes 1978, Section 177.25, Subdivisions 1 and 2; and Chapter 181, by adding a section.

Referred to the Committee on Employment.

Messrs. Humphrey and Sillers introduced—

S. F. No. 754: A bill for an act relating to education; allowing not more than ten days used by kindergarten teachers for parent-teacher conferences or teachers' workshops to count as part of the required minimum number of days school is in session; amending Minnesota Statutes 1978, Section 124.19, Subdivision 1.

Referred to the Committee on Education.

Messrs. Anderson, Merriam, Mrs. Knaak, Messrs. Schaaf and Stokowski introduced—

S. F. No. 755: A bill for an act relating to the county of Anoka; authorizing the county to enter into shared service agreements with the Anoka State Hospital for community mental health services.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Merriam; Keefe, S.; Sieloff; Gearty and Moe introduced—

S. F. No. 756: A bill for an act relating to taxation; providing income tax credit for contributions to candidates for local public offices; amending Minnesota Statutes 1978, Section 290.06, Subdivision 11.

Referred to the Committee on Elections.

Mrs. Staples, Messrs. Moe, Nelson, Gunderson and Bang introduced—

S. F. No. 757: A bill for an act relating to medical assistance; clarifying availability of benefits for treatment of chemical dependency in certain residential treatment programs; amending Minnesota Statutes 1978, Section 256B.02, Subdivisions 7 and 8.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Bernhagen, Chmielewski, Ogdahl, Kleinbaum and Keefe, J. introduced—

S. F. No. 758: A bill for an act relating to motor vehicles; providing for special license plates for former prisoners of war; prescribing penalties; amending Minnesota Statutes 1978, Chapter 168, by adding a section.

Referred to the Committee on General Legislation and Administrative Rules.

Messrs. Chmielewski; Lewis; Schrom; Keefe, S. and Olson introduced—

S. F. No. 759: A bill for an act relating to Indian affairs; expanding the term of office for at large intertribal board members from two years to four years; amending Minnesota Statutes 1978, Section 3.922, Subdivision 2.

Referred to the Committee on General Legislation and Administrative Rules.

Messrs. Knoll, Sieloff, Coleman, Ogdahl and Johnson introduced—

S. F. No. 760: A bill for an act relating to publicly assisted property development; setting a property tax classification; fixing the terms and other conditions of certain industrial development bonds; amending Minnesota Statutes 1978, Sections 273.13, by adding a subdivision; and 474.06.

Referred to the Committee on Energy and Housing.

Mr. Lessard introduced—

S. F. No. 761: 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. Setzepfandt and Lessard introduced—

S. F. No. 762: A bill for an act relating to the state auditor; reducing the number of county audits; amending Minnesota Statutes 1978, Section 6.48.

Referred to the Committee on Governmental Operations.

Mr. Lessard introduced—

S. F. No. 763: 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.

Messrs. Stokowski, Ogdahl and Strand introduced—

S. F. No. 764: A bill for an act relating to retirement; including employees of soil and water conservation districts in membership in the public employees retirement association; amending Minnesota Statutes 1978, Sections 353.01, Subdivision 6; and 353.022.

Referred to the Committee on Governmental Operations.

Messrs. Chmielewski, Laufenburger, Olson and Frederick introduced—

S. F. No. 765: A bill for an act relating to the state civil service; including veterans in the protected group for the purpose of the statewide affirmative action program; amending Minnesota Statutes 1978, Section 43.15, Subdivision 1.

Referred to the Committee on Veterans' Affairs. Mr. Lewis questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Messrs. Solon, Tennessen, Sikorski, Mrs. Brataas and Mr. Davies introduced—

S. F. No. 766: A bill for an act relating to banks; authorizing the closing of loans at detached facilities; amending Minnesota Statutes 1978, Section 47.53.

Referred to the Committee on Commerce.

Messrs. Solon, Tennessen, Sikorski, Mrs. Brataas and Mr. Davies introduced—

S. F. No. 767: A bill for an act relating to banks; authorizing detached facilities in towns where there are no banks; amending Minnesota Statutes 1978, Section 47.52.

Referred to the Committee on Commerce.

Messrs. Luther and Anderson introduced—

S. F. No. 768: A bill for an act relating to natural resources; eliminating the requirement of county board approval on the acquisition of wildlife lands by the commissioner of natural resources; amending Minnesota Statutes 1978, Section 97.481.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. McCutcheon; Lewis; Moe; Keefe, J. and Schaaf introduced—

S. F. No. 769: A bill for an act relating to security guards; providing for the certification and training of security guards; setting forth criteria for the use of deadly force by security guards; prescribing penalties; amending Minnesota Statutes 1978, Section 326.336, Subdivisions 1 and 2.

Referred to the Committee on Judiciary.

Messrs. Dunn, Wegener, Willet, Anderson and Rued introduced—

S. F. No. 770: A bill for an act relating to education; requiring notice to certain parties when a court or state agency places a child in a school district other than his district of residence; increasing participation in the placement decision; amending Minnesota Statutes 1978, Section 124.212, Subdivision 20, and by adding a subdivision.

Referred to the Committee on Education.

Messrs. Stokowski, Strand, Renneke and Ogdahl introduced—

S. F. No. 771: A bill for an act relating to retirement; actuarial reporting law; implementing a procedure to extend the period for the amortization of unfunded liabilities in the event of changes in actuarial assumptions or increases in annuities and benefits; amending Minnesota Statutes 1978, Sections 356.215, Subdivision 4; 356.22, Subdivision 2; 422A.08, Subdivision 2; and 422A.39, Subdivision 2.

Referred to the Committee on Governmental Operations.



**EXECUTIVE AND OFFICIAL COMMUNICATIONS**

The following communications were received and referred to the committee indicated.

February 5, 1979

The Honorable Edward J. Gearty  
President of the Senate

Dear Sir:

The following appointment as Director of the Minnesota Pollution Control Agency is hereby respectfully submitted to the Senate for confirmation as required by law:

Marcelle (Terry) Hoffman, 405 Portland Avenue, St. Paul, Ramsey County, has been appointed by me, effective February 5, 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

March 1, 1979

The Honorable Edward J. Gearty  
President of the Senate

Dear Sir:

The Subcommittee on Committees has made the following appointments to fill the vacancies on the Legislative Commission To Review Administrative Rules (MS 3.965) created by the resignation of Messrs. Coleman and Keefe, J.

Mr. Luther to replace Mr. Coleman

Mrs. Knaak to replace Mr. Keefe, J.

Respectfully,

Nicholas D. Coleman, Chairman,  
Subcommittee on Committees

**MESSAGES FROM THE HOUSE**

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, herewith returned: S. F. No. 92.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 1, 1979

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H. F. Nos. 13, 186 and 373.

Edward A. Burdick, Chief Clerk, House of Representatives  
Transmitted March 1, 1979

### FIRST READING OF HOUSE BILLS

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

H. F. No. 13: 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.

H. F. No. 186: A bill for an act relating to metropolitan government; providing for the debt of the metropolitan transit commission; amending Minnesota Statutes 1978, Section 473.446, Subdivision 1; and Chapter 473, by adding a section; repealing Minnesota Statutes 1978, Section 473.438, Subdivisions 5 and 6.

Referred to the Committee on Transportation.

H. F. No. 373: A bill for an act relating to agriculture; allowing food products grown, processed or manufactured in Minnesota to be so labeled; amending Minnesota Statutes 1978, Chapter 17, by adding a section.

Referred to the Committee on Agriculture and Natural Resources.

### REPORTS OF COMMITTEES

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

Mr. Wegener from the Committee on Local Government, to which was referred

S. F. No. 26: A bill for an act relating to the city of Moorhead; authorizing a housing finance program and providing for the issuance of general obligation and revenue bonds to finance the program.

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

Page 3, strike subdivision 3

Renumber the subdivisions in sequence

Page 3, line 33, after "public" insert "or private sale after proper public notice of private"

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

Mr. Wegener from the Committee on Local Government, to which was referred

S. F. No. 14: A bill for an act relating to political subdivisions; regarding public officers; permitting contracts between hospital district boards and board members; amending Minnesota Statutes 1978, Section 471.88, Subdivision 1.

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

Mr. Wegener from the Committee on Local Government, to which was referred

S. F. No. 280: A bill for an act relating to towns; permitting certain purchases for highway uses; amending Minnesota Statutes 1978, Section 160.11, Subdivision 1.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

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

S. F. No. 129: A bill for an act relating to reapportionment of the legislature and congressional districts; proposing an amendment to the Minnesota Constitution, Article IV, Sections 2 and 3 to provide for congressional and legislative apportionments by a commission; implementing the proposed amendment by providing by law for the duties, powers and operation of the commission; appropriating money; imposing a penalty; and repealing Minnesota Statutes 1978, Sections 2.041 to 2.712 and 2.731 to 2.811.

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

Delete everything after the enacting clause and insert:

“Section 1. Subdivision 1. An amendment to the Minnesota Constitution is proposed to the people as provided by subdivisions 2 and 3.

Subd. 2. If the amendment is adopted, article IV, sections 2, 3 and 4 will read as follows:

Sec. 2. [APPORTIONMENT OF MEMBERS.] The number of members who compose the senate and house of representatives shall be prescribed by law. ~~The representation in both houses shall be apportioned equally throughout the different sections of the state in proportion to the population thereof.~~ *A law changing the number of senators or representatives shall not be effective at any time other than the general election following the next reapportionment after a federal decennial census. No law changing the number of senators or representatives shall be adopted in a year ending in two or after March 1 of a year ending in one.*

**Sec. 3.** At its first session after each enumeration of the inhabitants of this state made by the authority of the United States, the legislature shall have the power to prescribe the bounds of congressional and legislative districts. Senators shall be chosen by single districts of convenient contiguous territory. No representative district shall be divided in the formation of a senate district. The senate districts shall be numbered in a regular series.

**Sec. 4 3. [TERMS OF OFFICE OF SENATORS AND REPRESENTATIVES; VACANCIES.]** Representatives shall be chosen for a term of two years, except to fill a vacancy. Senators shall be chosen for a term of four years, except to fill a vacancy and except there shall be an entire new election of all the senators at the first election of representatives after each new legislative apportionment provided for in this article. The governor shall call elections to fill vacancies in either house of the legislature.

**Subd. 3.** If the amendment is adopted, a new article will be added to the constitution which will read as follows:

#### ARTICLE XV REAPPORTIONMENT COMMISSION

**Section 1. [REAPPORTIONMENT COMMISSION.]** *There shall be a reapportionment commission which shall apportion the representation in the legislature and the state's representation in the United States House of Representatives into districts throughout the state subject to the apportionment standards of section 2 of this article. The commission shall consist of seven members who are eligible voters of the state. One member shall be appointed by the speaker of the house and one by the members of the house representing political parties other than the party represented by the speaker. One member shall be appointed by the president of the senate and one by the members of the senate representing political parties other than the party represented by the president. The political party represented by a legislator is the party by which the legislator was designated on the election ballot when the legislator was last elected. The remaining three members shall be appointed by unanimous agreement of the members appointed by the legislators. None of the three may be persons who hold or have held office as a representative or senator. The four members appointed by legislators shall be appointed not later than February 1 of each year ending in one. The remaining three members shall be appointed not later than February 15 of that year.*

**Sec. 2. [APPORTIONMENT PLAN; STANDARDS.]** *An apportionment plan shall consist of one district for each representative, senator and representative in congress. All districts of the same kind shall be as nearly equal in population as practicable. The districts shall be composed of compact and contiguous territory. To the extent practicable consistent with other standards, the boundaries of the districts shall follow county, city and town boundaries. No apportionment plan shall be drawn for the purpose of favoring any political party. The commission shall apportion*

according to the number of legislators or representatives in congress to be elected at the general election following the adoption of its apportionment plan. An apportionment plan shall be effective 30 days after it is filed with the secretary of state. The plan shall govern at the first general election after it is adopted.

Sec. 3. [ADOPTION OF PLAN.] *The commission shall adopt an apportionment plan by a vote of at least five members, shall file the plan with the secretary of state and order it into effect not later than August 1 of each year ending in one. The supreme court, on petition of the commission, shall extend the time for adoption of the plan if it finds that the federal census information necessary to adopt the plan was not provided to the commission in a sufficiently timely fashion.*

*The commission shall adopt an apportionment plan for congressional representation by a vote of at least five members when the number of the state's representatives in congress is changed by law. The plan shall be adopted in a timely manner consistent with the procedures provided by this article.*

Sec. 4. [JUDICIAL REVIEW; AMENDED PLAN.] *The supreme court shall have original jurisdiction of all matters concerning apportionment. An action to review an apportionment plan adopted by the reapportionment commission shall be brought not later than 30 days after the effective date of the plan. Within 45 days of the date that an action is brought to review a plan the court shall determine whether the plan complies with the requirements of this article, the United States Constitution and the laws of this state. If the court finds that the plan does not comply with those requirements it shall specify the reasons for its finding and remand the plan to the commission for amendment.*

*The commission shall amend the plan by a vote of at least five members, shall file the amended plan with the secretary of state and order it into effect within 30 days of any remand by the court. An amended plan is subject to judicial review in the same manner as the original plan. If the supreme court finds that the amended plan does not comply with constitutional and statutory requirements it shall not remand the amended plan to the commission but shall adopt its own plan subject to the standards of section 2 of this article. The court shall adopt its plan, file it with the secretary of state and order it into effect not later than 45 days after rejecting an amended plan.*

Sec. 5. [FAILURE TO ACT; APPORTIONMENT BY COURT.] *If the commission fails to adopt and file an apportionment plan or amended plan by the time provided in this article the supreme court shall adopt its own plan subject to the standards of section 2 of this article. Before adopting the plan the court shall allow 30 days for public comment and may hold hearings on the plan as it deems necessary. The court shall adopt its plan, file it with the secretary of state and order it into effect not later than 45 days after the date on which the commission was required to adopt its plan.*

Sec. 6. [SAVINGS CLAUSE.] *Nothing in this article shall*

*affect legislative or congressional districts in effect at the time this article is adopted.*

*Sec. 7. The legislature shall enact the laws necessary to implement this article.*

*Sec. 2. The amendment shall be submitted to the people at the 1980 general election. The question proposed shall be:*

*“Shall the Minnesota Constitution be amended to transfer from the legislature to a commission the power to establish legislative and congressional districts?”*

Yes.....

No .....

*Sec. 3. [2A.01] [REAPPORTIONMENT COMMISSION.] Subdivision 1. The reapportionment commission established under article XV of the constitution shall be governed by the provisions of this section.*

*Subd. 2. Not more than four members of the commission shall be residents of the metropolitan area as defined in section 473.121, subdivision 2.*

*Subd. 3. Before beginning to exercise their official duties the members of the commission shall take an oath in the form required for other state officers. The members shall elect one of their number as presiding officer of the commission. The commission, after notice and opportunity for public comment, may adopt and publish procedures necessary to carry out its duties. Chapter 15 does not apply to these procedures.*

*Subd. 4. The proceedings of the commission shall be open to the public. The commission shall give public notice of its proceedings and shall keep minutes and audio recordings of those proceedings. All materials submitted to or developed by the commission, together with the minutes and audio record of its proceedings shall be preserved and made available for public inspection. The commission may administer oaths to individuals appearing before it.*

*Subd. 5. The secretary of state is the executive secretary of the commission and shall make available the staff, professional and technical services and other assistance requested by the commission. The department of administration, attorney general and revisor of statutes shall make available the personnel, facilities and other assistance requested by the commission.*

*Subd. 6. An apportionment plan is effective 30 days after it is filed with the secretary of state. An apportionment plan adopted or amended by the commission shall include:*

*(a) A written description of each district drawn by the commission;*

*(b) A map of each district showing the name and location of each public road and each county, city and town boundary in the*

*district in a scale that allows precise location of the district boundaries;*

*(c) A map of the state showing all of the districts drawn by the commission;*

*(d) A statement of the deviation in population of each district from the average population of all districts of that kind;*

*(e) A justification of any population deviation described in clause (d) which exceeds one-half of one percent for a congressional district or one percent for legislative districts;*

*(f) An explanation of the standards used by the commission to draw the districts; and*

*(g) Any other information which the commission deems relevant to the plan.*

*Subd. 7. If the number of the state's representatives in congress is changed by law, a commission shall be established and shall apportion the new congressional representation within the time set forth by the supreme court pursuant to section 6, subdivision 2.*

*Subd. 8. Members of the commission who are not paid a salary by the state shall be compensated at the rate provided by section 15.059, subdivision 3, for members of advisory councils and committees. Members shall be compensated for their actual and necessary expenses incurred in carrying out their duties on the commission in the same manner and amount as other state employees.*

*Sec. 4. [2A.02] [SECRETARY OF STATE.] Promptly after the filing of an apportionment report the secretary of state shall prepare and transmit a copy of the report to each county auditor. The secretary shall also prepare and transmit a summary of the report to each newspaper of general circulation and each radio and television station in the state. The secretary shall prepare sufficient copies of the report and the summary for inspection and purchase by the public.*

*Sec. 5. [2A.03] [JUDICIAL REVIEW.] Subdivision 1. An action to review an apportionment plan adopted by the reapportionment commission shall be commenced by petition to the supreme court within 30 days of the effective date of the plan. The petition shall set forth the facts and the law on the basis of which petitioner believes the plan conflicts with the provisions of the United States Constitution or the constitution or laws of this state. A copy of the petition shall be served upon the commission and upon the attorney general.*

*Subd. 2. The court shall hold hearings upon the petition and shall render its opinion within 45 days of the date that the petition is filed. If an original, unamended plan of the reapportionment commission is found to conflict with constitutional and statutory requirements, the court shall immediately remand the plan to the commission for amendment.*

*Subd. 3. The attorney general shall represent the commission in any action to review an apportionment plan adopted by the commission.*

**Sec. 6. [2A.04] [SUPREME COURT.]** *Subdivision 1. Any reapportionment plan adopted by the supreme court shall follow the form prescribed for an apportionment plan of the reapportionment commission and shall be effective 30 days after it is filed with the secretary of state.*

*Subd. 2. When the number of the state's representatives in congress is changed by law the supreme court shall set a timetable for establishing a reapportionment commission and adopting an apportionment plan for congressional representation. The timetable shall be consistent with the time provided for adoption of an apportionment plan after the federal decennial census as far as practicable.*

**Sec. 7. [2A.05] [ACTION BY FEDERAL COURT.]** *Subdivision 1. The attorney general shall represent the state in any action in a federal court concerning a reapportionment plan adopted by the reapportionment commission or the supreme court.*

*Subd. 2. If a federal court remands an apportionment plan for further action by the state, the plan shall be returned to the supreme court which shall amend the plan or adopt a new plan as necessary to comply with the order of the federal court subject to the apportionment standards of the Minnesota Constitution.*

**Sec. 8. [REPEALER.]** *Minnesota Statutes 1978, Sections 2.041 to 2.712 are repealed on the effective date of this section. Minnesota Statutes 1978, Sections 2.731 to 2.811 are repealed on the date when the supreme court orders an apportionment plan for congressional representation into effect pursuant to article XV of the constitution.*

**Sec. 9.** *Sections 1 and 2 are effective the day after final enactment. The remaining sections of this act are effective upon adoption of the constitutional amendment provided in sections 1 and 2."*

Amend the title as follows:

Page 1, line 4, after "Sections 2" insert ", 3"

Page 1, line 5, strike "3" and insert "4"

Page 1, line 6, before the semicolon insert ", removing the requirement that all senators be elected at the first general election following an apportionment and limiting the power of the legislature to change the number of senators and representatives"

Page 1, line 9, delete "appropriating money; imposing a penalty;"

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

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



S. F. No. 568: A bill for an act relating to welfare; altering the conditions under which a day care facility will be considered a single family residential use of property for zoning purposes; amending Minnesota Statutes 1978, Section 245.812, Subdivision 3.

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

Page 1, line 13, delete "*licensed for*" and insert "*servicing*"

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. 654: A bill for an act relating to human services; providing state recognition and financial grants to volunteer programs for retired senior citizens; appropriating money.

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

Page 1, lines 17 and 18, delete "commissioner of public welfare" and insert "board on aging"

Page 2, line 3, delete "commissioner" and insert "board"

Page 2, line 4, delete "the board on aging and"

Page 2, after line 10, insert:

"Sec. 4. [RULES.] The board on aging shall, subject to chapter 15, promulgate temporary and permanent rules necessary to implement the provisions of sections 1 to 3 and may employ necessary assistance in performing its administrative duties. Rules adopted shall be consistent with applicable federal guidelines."

Page 2, line 11, delete "commissioner" and insert "board"

Page 2, line 12, delete "January" and insert "July"

Page 2, line 19, delete "commissioner" and insert "board"

Page 2, line 22, delete "commissioner of public welfare" and insert "board on aging"

Page 2, line 23, delete "\$400,000" and insert "\$417,076"

Re-number the sections in sequence

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

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

S. F. No. 338: A bill for an act relating to education; changing definition of textbook to include certain text substitutes; amending Minnesota Statutes 1978, Section 123.932, Subdivision 1b.

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

Page 1, line 17, after "substitute" insert "or text or text substitute"

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. 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.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1978, Section 256.98, is amended to read:

256.98 [WRONGFULLY OBTAINING ASSISTANCE; THEFT.] *Subdivision 1.* [VIOLATION; PENALTY.] A person who obtains, or attempts to obtain, or aids or abets any person to obtain by means of a wilfully false statement or representation, by intentional concealment of a material fact, or by impersonation or other fraudulent device, assistance to which he is not entitled or assistance greater than that to which he is entitled, or who knowingly aids or abets in buying or in any way disposing of the property of a recipient or applicant of assistance, or a person transferring property in violation of section 2, subdivision 1, without the consent of the local agency and with intent to defeat the purposes of sections 256.12, 256.72 to 256.872, or chapter 256B, is guilty of theft and shall be sentenced pursuant to section 609.52, subdivision 3, clauses (1), (2) and (5).

*Subd. 2.* [REPAYMENT OF ASSISTANCE.] The amount of the assistance incorrectly paid shall be the difference between the amount of assistance actually received *under the grant applied for* and the amount to which the recipient would have been entitled under *that grant according to state and federal law had the welfare agency been informed of all material facts.* The amount of any assistance determined to have been incorrectly paid shall be recoverable from the recipient or his estate by the county or the state as a debt due the county or the state or both in proportion to the contribution of each.

Any amounts recovered shall be paid to the appropriate units of government in the same manner as provided in section 256.863.

*Subd. 3.* [ACTION TO RECOVER ASSISTANCE.] To prosecute or to recover assistance wrongfully obtained under this section, the attorney general or the appropriate county attorney, acting independently or at the direction of the attorney general, may institute a criminal or civil action.

Sec. 2. Minnesota Statutes 1978, Chapter 256, is amended by adding a section to read:

**[256.99] [CERTAIN TRANSFERS OF PROPERTY PROHIBITED.]** *Subdivision 1. [VIOLATION; PRESUMPTION; EXCEPTION.] No person shall transfer real or personal property without fair consideration as defined in section 513.22 with intent to become or to make another eligible for assistance under sections 256.72 to 256.78 or chapter 256B by depriving himself of a resource which might otherwise have been used to meet current needs. There is a rebuttable presumption that any person who transfers real or personal property without fair consideration within one year immediately preceding the date of application for assistance made the transfer with intent to become or to make another eligible for such assistance by depriving himself of a resource which might otherwise have been used to meet current needs. This section shall not apply to transfers of property between spouses of up to one-half the value of jointly held property, or to the homestead.*

*Subd. 2. [ACTION TO RECOVER ASSISTANCE.] The amount of assistance received by any person making a transfer prohibited by subdivision 1 shall be recoverable by the county welfare board in a civil action to the extent the transfer made the person eligible for assistance, taking into consideration in determining eligibility and need the difference between the value of the property transferred and the consideration received therefor.*

*Subd. 3. [ACTIONS RELATED TO TITLE.] Where a transfer of property prohibited by subdivision 1 has been made, the county welfare board may, in a civil action as against any persons except a purchaser for fair consideration without knowledge of the intent described in subdivision 1 or one who has derived title, without knowledge of the intent described in subdivision 1, immediately or mediately from such a purchaser:*

*(a) set aside the conveyance or annul the obligation;*

*(b) obtain a lien against the property for the difference between the amount of assistance actually received and the amount which the person would have been entitled to receive had the prohibited transfer not been made, taking into consideration in determining eligibility and need the difference between the value of the property transferred and the consideration received therefor;*  
*or*

*(c) seek other disposition which the circumstances of the case may require.*

*Subd. 4. [WHO MAY BRING ACTION.] The attorney general or the appropriate county attorney, acting independently or at the direction of the attorney general, may bring an action under this section.*

*Subd. 5. [OTHER REMEDIES.] In addition to the remedies available under this section, the debt shall be recoverable from the recipient of his estate by the county or the state as a debt*

*due the county or the state in proportion to the contribution of each.*

*Subd. 6. [RECOVERED PAYMENTS.] Any amounts recovered shall be paid to the appropriate units of government in the same manner as provided in section 256.462.*

Sec. 3. Minnesota Statutes 1978, Section 256B.17, is amended to read:

256B.17 [TRANSFERS OF PROPERTY.] *Subdivision 1. [PRESUMPTION; INELIGIBILITY.] Any person who has transferred any real or personal property within three years one year immediately preceding the date of application for medical assistance hereunder or who transfers any such property while receiving medical assistance hereunder without receiving a reasonable fair consideration therefor as defined in section 513.22, shall be presumed to have done so in order to become or remain eligible for medical assistance hereunder or to have deprived himself or his spouse of a resource that might otherwise have been used to meet his or their current needs. Such The person shall have the burden of overcoming such this presumption to the satisfaction of the county agency.*

*Subd. 2. [EXCEPTION.] The presumption shall not apply to transfers of property between spouses of up to one-half the value of jointly held property, or to the homestead.*

Sec. 4. *This act is effective the day following its final enactment."*

Further, strike the title and insert:

"A bill for an act relating to public welfare; prohibiting certain transfers of property for less than fair consideration for the purpose of receiving assistance; establishing a cause of action for the county to recover certain property or obtain reimbursement for assistance paid out wrongfully; amending Minnesota Statutes 1978, Sections 256.98; and 256B.17; and Chapter 256, by adding a section."

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

Mr. Coleman from the Committee on Rules and Administration, to which was referred for proper reference under Rule 35:

S. F. No. 580 reports the same back with the recommendation that the bill be re-referred as follows:

S. F. No. 580 to the Committee on Governmental Operations. Report adopted.

Mr. Coleman from the Committee on Rules and Administration, to which was referred under Rule 35, together with the committee report thereon,

S. F. No. 27: A bill for an act relating to financial institutions; defining reverse mortgage loans; authorizing investments in reverse

mortgage loans by certain financial institutions and insurance companies; providing tax deductions for accrued interest on reverse mortgage loans; allowing lenders to include accrued earned interest on such loans in their yearly earned income under certain circumstances; amending Minnesota Statutes 1978, Section 290.09, Subdivision 3; and Chapters 47, by adding a section; and 290, by adding a section.

Reports the same back with the recommendation that the report from the Committee on Commerce shown in the Journal for February 26, 1979, "And when so amended the bill do pass" be adopted and the bill re-referred to the Committee on Taxes and Tax Laws. Amendments adopted. Report adopted.

Mr. Coleman from the Committee on Rules and Administration, to which was referred under Rule 35, together with the committee report thereon,

S. F. No. 50: A bill for an act relating to the Boundary Waters Canoe Area; providing for a temporary citizen's committee thereon.

Reports the same back with the recommendation that the report from the Committee on Agriculture and Natural Resources shown in the Journal for February 22, 1979, be amended to read: "And when so amended the bill do pass and be re-referred to the Committee on Governmental Operations." Amendments adopted. Report adopted.

Mr. Coleman from the Committee on Rules and Administration, to which was referred under Rule 35, together with the committee report thereon,

S. F. No. 410: A bill for an act relating to courts; board on judicial standards; providing for appointment of an executive secretary by the board; providing for appointment of board members by certain organizations; amending Minnesota Statutes 1978, Section 490.15, Subdivision 1.

Reports the same back with the recommendation that the report from the Committee on Judiciary shown in the Journal for February 22, 1979, "And when so amended the bill do pass" be adopted and the bill re-referred to the Committee on Governmental Operations. Amendments adopted. Report adopted.

Mr. Coleman from the Committee on Rules and Administration, to which was referred under Rule 35, together with the committee report thereon,

S. F. No. 405: A bill for an act relating to transportation; establishing a state policy of coordinating public and private programs providing transportation for elderly, handicapped and others with special transportation needs; establishing an interagency task force on coordination of special transportation programs; authorizing the commissioner of transportation to adopt and enforce operating standards for special transportation services; exempting services that meet standards from other license and permit requirements; directing the establishment of a demonstration project for coordinating special transportation service in the metropolitan

area; providing for state assistance for driver training and insurance and establishing accessibility requirements for paratransit projects; authorizing medical assistance reimbursement to qualified public and private nonprofit providers of special transportation service; requiring certain provisions in the medical assistance reimbursement rules of the department of public welfare; amending Minnesota Statutes 1978, Chapter 174, by adding sections; and Sections 256B.02, Subdivision 8; and 256B.04, Subdivision 12.

Reports the same back with the recommendation that the report from the Committee on Transportation shown in the Journal for February 19, 1979, "And when so amended the bill do pass" be adopted and the bill re-referred to the Committee on Governmental Operations. Amendments adopted. Report adopted.

Mr. Coleman from the Committee on Rules and Administration, to which was referred under Rule 35, together with the committee report thereon,

S. F. No. 265: A bill for an act relating to labor and employment; prohibiting mandatory retirement of public and private employees before the age of 70; amending Minnesota Statutes 1978, Sections 43.051, Subdivision 1; 125.12, Subdivision 5; 181.81; 181.811; 354.44, Subdivision 1a; 354.49, Subdivision 3; 354A.05; 354A.21; 423.076; 473.419; and Chapter 181, by adding a section.

Reports the same back with the recommendation that the report from the Committee on Employment shown in the Journal for February 15, 1979, "And when so amended the bill do pass" be adopted and the bill re-referred to the Committee on Governmental Operations. Amendments adopted. Report adopted.

Mr. Coleman from the Committee on Rules and Administration, to which was referred H. F. No. 48 for comparison with companion Senate File, reports the following House File was found not identical with its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H. F. No.	S. F. No.	H. F. No.	S. F. No.	H. F. No.	S. F. No.
				48	87

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H. F. No. 48 be amended as follows:

Page 1, line 6, after "1." insert "[AUSTIN, CITY OF; RIVERSIDE ARENA LIQUOR LICENSE.]

Page 1, line 12, delete "Such a" and insert "The"

Page 1, lines 15 and 16, delete "members and guests" and insert "persons"

And when so amended H. F. No. 48 will be identical to S. F. No. 87, and further recommends that H. F. No. 48 be given its second reading and substituted for S. F. No. 87, 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 Subcommittee on Bill Scheduling, to which were referred S. F. Nos. 228, 521, 287, 2, 327, 207, 288, 127 and 340 makes the following report:

That the above Senate Files with the exception of S. F. No. 207 be placed on the General Orders Calendar in the order indicated.

That S. F. No. 207 is being retained in the Subcommittee.

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

#### SECOND READING OF SENATE BILLS

S. F. No. 280 was read the second time.

S. F. Nos. 14, 568, 338 and 301 were read the second time and referred to the Subcommittee on Bill Scheduling of the Committee on Rules and Administration.

#### SECOND READING OF HOUSE BILLS

H. F. No. 48 was read the second time.

#### MOTIONS AND RESOLUTIONS

Messrs. Setzepfandt, Nichols, Strand, Renneke and Schmitz introduced—

Senate Concurrent Resolution No. 6: A Senate concurrent resolution relating to transportation; urging the appropriate federal agencies to provide assistance to the Chicago, Milwaukee, St. Paul and Pacific Railroad Company (The Milwaukee Road); affirming the consideration of affirmative action by the Minnesota legislature to provide economic and viable rail transportation service for the people of Minnesota.

Referred to the Committee on Transportation.

Mr. Nichols moved that the name of Mr. Nelson be added as co-author to S. F. No. 12. The motion prevailed.

Mr. Schaaf moved that the names of Messrs. Nelson and Vega be added as co-authors to S. F. No. 691. The motion prevailed.

Mr. Lessard moved that the name of Mr. Johnson be added as co-author to S. F. No. 694. The motion prevailed.

Mr. Lessard moved that S. F. No. 292 be withdrawn from the Committee on Governmental Operations and returned to its author. The motion prevailed.

#### CONFIRMATION

Mr. Willet moved that the report from the Committee on Agriculture and Natural Resources, reported March 1, 1979, pertain-

ing to appointments, be taken from the table. The motion prevailed.

Mr. Willet moved that the foregoing report be now adopted. The motion prevailed.

Mr. Willet moved that in accordance with the report from the Committee on Agriculture and Natural Resources, reported March 1, 1979, the Senate, having given its advice, do now consent to and confirm the appointment of:

**DEPARTMENT OF AGRICULTURE  
COMMISSIONER**

Mark Seetin, Rural Route 2, Winnebago, Faribault County, effective January 1, 1979, for a term expiring the first Monday in January, 1983.

The motion prevailed. So the appointment was confirmed.

**CONFIRMATION**

Mr. Perpich moved that the report from the Committee on Health, Welfare and Corrections, reported March 1, 1979, pertaining to appointments, be taken from the table. The motion prevailed.

Mr. Perpich moved that the foregoing report be now adopted. The motion prevailed.

Mr. Perpich moved that in accordance with the report from the Committee on Health, Welfare and Corrections, reported March 1, 1979, the Senate, having given its advice, do now consent to and confirm the appointment of:

**DEPARTMENT OF HEALTH  
COMMISSIONER**

Dr. George Pettersen, 1404 31st Street, N.W., Rochester, Olmsted County, effective January 22, 1979, for a term expiring the first Monday in January, 1983.

The motion prevailed. So the appointment was confirmed.

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

**CALENDAR**

S. F. No. 52: A bill for an act relating to the uniform commercial code; providing for the appropriation of the proceeds of bulk transfers; providing for the payment of creditors; amending Minnesota Statutes 1978, Sections 336.6-107; 336.6-108; and 336.6-109; and Chapter 336 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 59 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed its title was agreed to.

S. F. No. 225: A bill for an act relating to the city of Richfield; authorizing the issuance of bonds for a certain recreational facility; authorizing the pledge of certain revenues as security therefor.

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

So the bill passed and its title was agreed to.

S. F. No. 54: A bill for an act relating to profit and nonprofit corporations; simplifying certain requirements governing formation and management of nonprofit corporations; resolving certain inconsistencies between profit and nonprofit corporations; removing certain ambiguities and deficiencies; amending Minnesota Statutes 1978, Sections 301.30, Subdivision 1; 317.02, Subdivision 5; 317.07; 317.08, Subdivisions 1 and 3; 317.20, Subdivision 1; and 317.21, Subdivision 1.

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

So the bill passed and its title was agreed to.

S. F. No. 61: A bill for an act relating to elections; further prescribing conditions for automatic recounts in certain election contests; amending Minnesota Statutes 1978, Sections 204A.51, Subdivisions 2 and 3; and 204A.53, Subdivisions 2 and 3.

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

So the bill passed and its title was agreed to.

S. F. No. 411: A bill for an act relating to taxation; defining conveyances that must be presented to the auditor before recording; eliminating duty of county recorder to list judgments affecting real estate titles; eliminating payment to county recorder for making lists; amending Minnesota Statutes 1978, Sections 272.12; and 272.17; repealing Minnesota Statutes 1978, Section 272.18.

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	Chenoweth	Dieterich	Gearty	Humphrey
Bang	Chmielewski	Dunn	Gunderson	Jensen
Benedict	Coleman	Engler	Hanson	Johnson
Brataas	Davies	Frederick	Hughes	Keefe, J.

Keefe, S.	Luther	Perpich	Setzepfandt	Strand
Kirchner	McCutcheon	Peterson	Sieloff	Stumpf
Kleinbaum	Moe	Purfeerst	Sikorski	Ueland, A.
Knaak	Nelson	Renneke	Sillers	Ulland, J.
Knoll	Nichols	Rued	Solon	Vega
Laufenburger	Ogdahl	Schaaf	Spear	Wegener
Lessard	Olhoft	Schmitz	Staples	Willet
Lewis	Penny	Schrom	Stokowski	

So the bill passed and its title was agreed to.

S. F. No. 384: A bill for an act relating to elections; providing additional compensation for election judges who travel to pick up election supplies or deliver ballots; authorizing town boards to fix the compensation of town election judges; amending Minnesota Statutes 1978, Section 204A.23.

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

So the bill passed and its title was agreed to.

#### GENERAL ORDERS

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

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

S. F. Nos. 432, 203, 57, 233 and 93 which the committee recommends to pass.

S. F. No. 60, which the committee recommends to pass with the following amendments offered by Messrs. Davies and Sieloff:

Mr. Davies moved to amend S. F. No. 60 as follows:

Page 2, line 19, after "expended" insert "*determined by first in-first out accounting,*"

Page 2, line 19, delete "*the date*" and insert "*December 31 of the year*"

The motion prevailed. So the amendment was adopted.

Mr. Sieloff moved to amend S. F. No. 60 as follows:

Page 2, delete lines 22 to 27

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.

#### **RECONSIDERATION**

Mr. Willet moved that the vote whereby the appointment of Mr. Mark Seetin as Commissioner of Agriculture was confirmed on March 5, 1979 be now reconsidered. The motion prevailed.

Mr. Coleman moved that the question on the confirmation of Mr. Mark Seetin as Commissioner of Agriculture be laid on the table. The motion prevailed.

#### **MOTIONS AND RESOLUTIONS—CONTINUED**

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

Patrick E. Flahaven, Secretary of the Senate