

THIRTY-SECOND DAY

St. Paul, Minnesota, Thursday, April 5, 1979

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

CALL OF THE SENATE

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

Bang	Gunderson	Knoll	Peterson	Spear
Benedict	Hanson	Knutson	Pillsbury	Stokowski
Bernhagen	Hughes	Laufenburger	Purfeerst	Strand
Chenoweth	Humphrey	Lewis	Rued	Stumpf
Coleman	Jensen	Luther	Schaaf	Tennessee
Davies	Johnson	McCutcheon	Schmitz	Ueland, A.
Dieterich	Keefe, S.	Merriam	Schrom	Ulland, J.
Dunn	Kirchner	Moe	Setzpfandt	Vega
Engler	Kleinbaum	Olson	Sikorski	Willet
Frederick	Knaak	Penny	Sillers	

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

Prayer was offered by the Chaplain, Rev. Richard Nelson.

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

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

The President declared a quorum present.

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

MEMBERS EXCUSED

Mr. Ashbach, Mrs. Brataas, Messrs. Menning, Perpich and Sieloff were excused from the Session of today. Mr. Pillsbury

was excused from the Session of today at 11:15 o'clock a.m. Mr. Ogdahl was excused from the Session of today until 11:00 o'clock a.m. Mr. Penny was excused from the Session of today from 11:10 to 11:40 o'clock a.m.

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Mr. Stokowski introduced—

S. F. No. 1159: A bill for an act relating to retirement; providing for the membership of certain persons in the public employees police and fire fund.

Referred to the Committee on Governmental Operations.

Messrs. Penny, Gunderson, Schmitz and Kleinbaum introduced—

S. F. No. 1160: A bill for an act relating to veterans; creating a tuition exemption program for certain veterans.

Referred to the Committee on Veterans' Affairs.

Messrs. Bernhagen, Frederick, Rued and Ueland, A. introduced—

S. F. No. 1161: A bill for an act relating to taxation; extending and increasing pollution control equipment credits; amending Minnesota Statutes 1978, Section 290.06, Subdivisions 9 and 9a.

Referred to the Committee on Taxes and Tax Laws.

Mr. Solon introduced—

S. F. No. 1162: A bill for an act relating to statute of limitations; limiting time for certain product liability's actions; amending Minnesota Statutes 1978, Chapter 541, by adding a section.

Referred to the Committee on Judiciary.

Mr. Solon introduced—

S. F. No. 1163: A bill for an act relating to civil actions; shortening the statute of limitations for tort actions; amending Minnesota Statutes 1978, Sections 541.05 and 541.07.

Referred to the Committee on Judiciary.

Messrs. Tennessen and Spear introduced—

S. F. No. 1164: A bill for an act relating to financial institutions; creating a study commission to study services and regulation of financial institutions; appropriating money.

Referred to the Committee on Commerce.

Messrs. Tennessen, Schmitz, Gearty, Sieloff and Lessard introduced—

S. F. No. 1165: A bill for an act relating to courts; providing an executive director and staff for the Minnesota District Judges Association; appropriating money.

Referred to the Committee on Judiciary.

Messrs. Dieterich, Stumpf, Chenoweth and McCutcheon introduced—

S. F. No. 1166: A bill for an act relating to elections; providing for the election days of certain cities and school districts; amending Minnesota Statutes 1978, Sections 123.32, Subdivision 1; and 205.20, Subdivision 3.

Referred to the Committee on Elections.

Mr. Wegener introduced—

S. F. No. 1167: A bill for an act relating to state land; authorizing the conveyance by the state of certain lands in Mille Lacs County.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Johnson and Perpich introduced—

S. F. No. 1168: A bill for an act relating to taxation; property tax refund; providing a credit for certain taxpayers for the cost of energy utilities and heating fuel; appropriating money; amending Minnesota Statutes 1978, Sections 290A.03, by adding a subdivision; 290A.04, by adding a subdivision; 290A.09; 290A.16; 290A.19; 290A.22; and Chapter 290A, by adding sections.

Referred to the Committee on Energy and Housing.

Messrs. Olhoft, Strand, Moe, Wegener and Menning introduced—

S. F. No. 1169: A bill for an act relating to taxation; inheritance; establishing a presumption of contribution by a spouse in property held jointly with the decedent; amending Minnesota Statutes 1978, Section 291.01, Subdivision 4.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Davies and Merriam introduced—

S. F. No. 1170: A bill for an act relating to legal notice; requiring notice of various matters of public interest to be published in the state register; amending Minnesota Statutes 1978, Sections 15.051, Subdivision 1; 15.054; 16A.67, Subdivision 4; 18.361, Subdivision 1; 18.371; 25.40, Subdivision 2; 35.05; 43.13, Subdivision 2; 60A.08, Subdivision 7; 85A.03, Subdivision 4a; 92.14; 93.16; 123.33, by adding a subdivision; 144.13; 155.17; 167.50, Subdivision 2; 169.06, Subdivision 2; 182.655, Subdivision 2; 340.63, Subdivision 2; and 360.302, Subdivision 2.

Referred to the Committee on Judiciary.

Messrs. Lewis and Coleman introduced—

S. F. No. 1171: A bill for an act relating to public welfare; authorizing the commissioner of public welfare to make grants to certain types of facilities for the mentally handicapped; exempting such facilities from certain licensing requirements, building code requirements, and minimum wage requirements; appropriating money.

Referred to the Committee on Health, Welfare and Corrections.

Mr. Peterson introduced—

S. F. No. 1172: A bill for an act relating to Independent School District No. 22, Detroit Lakes; authorizing it to transfer certain funds from its post-secondary vocational general fund to its post-secondary vocational capital expenditure fund for certain purposes; providing for the duration of the authorization; appropriating money.

Referred to the Committee on Education.

Mr. Merriam introduced—

S. F. No. 1173: A bill for an act relating to education; modifying the uses of the capital expenditure levy proceeds; amending Minnesota Statutes 1978, Section 275.125, Subdivision 11a.

Referred to the Committee on Education.

Mr. Knutson introduced—

S. F. No. 1174: A bill for an act relating to intoxicating liquor; prohibiting municipal stores from extending credit; amending Minnesota Statutes 1978, Sections 340.353, Subdivision 1; and 340.355.

Referred to the Committee on Commerce.

Messrs. Pillsbury and Jensen introduced—

S. F. No. 1175: A bill for an act relating to elections; providing for elections to vacancies in the United States senate; amending

Minnesota Statutes 1978, Sections 202A.61; 202A.62, Subdivision 2; and 202A.65, Subdivision 3; repealing Minnesota Statutes 1978, Section 202A.721.

Referred to the Committee on Elections.

Messrs. Vega and McCutcheon introduced—

S. F. No. 1176: A bill for an act relating to taxation; allowing use of lump sum distribution tax computation upon receipt of severance pay in certain instances; amending Minnesota Statutes 1978, Section 290.032, by adding a subdivision.

Referred to the Committee on Taxes and Tax Laws.

Mr. Anderson introduced—

S. F. No. 1177: A bill for an act relating to state parks; specifying use of money for access road to St. Croix Wild River state park in Chisago County; amending Laws 1973, Chapter 567, Section 8.

Referred to the Committee on Transportation.

Mrs. Brataas; Messrs. Merriam; Davies; Keefe, J. and Stokowski introduced—

S. F. No. 1178: A bill for an act relating to taxation; property; allowing joint owners of property other than husband and wife to file separate property tax refund claims; amending Minnesota Statutes 1978, Sections 290A.03, Subdivisions 5, 8 and 13; 290A.05 and 290A.08.

Referred to the Committee on Taxes and Tax Laws.

Mrs. Brataas, Messrs. Frederick, Sieloff, Peterson and Dieterich introduced—

S. F. No. 1179: A bill for an act relating to taxation; income tax; clarifying apportionment of charitable contribution deduction for certain taxpayers; amending Minnesota Statutes 1978, Section 290.21, Subdivision 3.

Referred to the Committee on Taxes and Tax Laws.

Mr. Wegener introduced—

S. F. No. 1180: A bill for an act relating to Independent School District No. 786, Bertha-Hewitt; exempting it from certain requirements for obtaining one capital loan from the equalization aid review committee; setting a limit for that loan.

Referred to the Committee on Education.

Messrs. Hanson, Lessard, Perpich and Johnson introduced—

S. F. No. 1181: A bill for an act relating to taxation; income; providing a tax credit to a Minnesota resident for income taxes paid to a province of Canada; amending Minnesota Statutes 1978, Section 290.081.

Referred to the Committee on Taxes and Tax Laws.

Mr. Benedict introduced—

S. F. No. 1182: A bill for an act relating to banks; including safe deposit box rental as a function of a detached banking facility; altering certain definitions and time limits; amending Minnesota Statutes 1978, Sections 47.51; 47.53; and 47.54.

Referred to the Committee on Commerce.

Messrs. Solon, Laufenburger, Bang, Penny and Kleinbaum introduced—

S. F. No. 1183: A bill for an act relating to insurance; eliminating the right of an insurer to refuse to renew an automobile insurance policy under certain circumstances; amending Minnesota Statutes 1978, Section 65B.17.

Referred to the Committee on Commerce.

Mr. Schmitz introduced—

S. F. No. 1184: A bill for an act relating to the city of Shakopee; permitting the city to impose an amusements tax; providing for its administration.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Hanson, Nichols, Setzepfandt and Sillers introduced—

S. F. No. 1185: A bill for an act relating to taxation; eliminating the gift tax; repealing Minnesota Statutes 1978, Sections 292.01 to 292.15.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Olson, Penny, Mrs. Knaak, Messrs. Stumpf and Ueland, A. introduced—

S. F. No. 1186: A bill for an act relating to state government; providing for the distribution of state publications and documents; amending Minnesota Statutes 1978, Sections 3.195; 15.047, Subdivision 2; 15.051, Subdivision 4; 15.18; and 648.39, Subdivision 1.

Referred to the Committee on Governmental Operations.

Messrs. Tennesen, Coleman, Jensen, Ashbach and Laufenburg introduced—

S. F. No. 1187: A bill for an act relating to insurance; providing for continuation of waiver of premium benefits for the disabled, regardless of continuation of the master policy; amending Minnesota Statutes 1978, Section 61A.091.

Referred to the Committee on Commerce.

Messrs. Tennesen, Coleman, Jensen, Ashbach and Laufenburg introduced—

S. F. No. 1188: A bill for an act relating to insurance; providing that an employer group disability income policy provide coverage for pre-termination claims.

Referred to the Committee on Commerce.

Messrs. Chenoweth, Ashbach and Nelson introduced—

S. F. No. 1189: A bill for an act relating to labor; public employment labor relations; clarifying definition of essential employee; amending Minnesota Statutes 1978, Section 179.63, Subdivision 11.

Referred to the Committee on Governmental Operations.

Mr. Chmielewski introduced—

S. F. No. 1190: A bill for an act relating to the city of Cloquet; appropriating money to reimburse the city for costs incurred by the Cloquet fire department in responding to a trunk highway emergency fire call.

Referred to the Committee on Transportation.

Mr. Sikorski introduced—

S. F. No. 1191: A bill for an act relating to insurance; providing for changes in the operation and funding of the comprehensive health association; requiring identification of certain insurers; setting premium standards; amending Minnesota Statutes 1978, Sections 62E.02, Subdivision 10, and by adding a subdivision; 62E.04, Subdivision 4; 62E.08; 62E.10; 62E.11; 62E.13, Subdivision 2; 62E.14, Subdivision 1; and Chapter 62E, by adding a section.

Referred to the Committee on Commerce.

Mr. Ashbach introduced—

S. F. No. 1192: A bill for an act relating to financial reports; requiring the preparation of annual reports on state finances;

appropriating money; amending Minnesota Statutes 1978, Sections 16A.055; 16A.50; 16A.55, Subdivision 1; repealing Minnesota Statutes 1978, Section 16A.55, Subdivisions 2 to 9.

Referred to the Committee on Governmental Operations.

Messrs. Luther and Humphrey introduced—

S. F. No. 1193: A bill for an act relating to the city of Brooklyn Center; authorizing housing and rehabilitation loan and grant program.

Referred to the Committee on Energy and Housing.

Messrs. Schmitz, Purfeerst and Setzepfandt introduced—

S. F. No. 1194: A bill for an act relating to agriculture; providing for weight tickets in certain exchanges involving agricultural products; amending Minnesota Statutes 1978, Chapter 239, by adding a section.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Luther; Schaaf; Keefe, S.; Gearty and Benedict introduced—

S. F. No. 1195: A bill for an act proposing an amendment to the Minnesota Constitution, adding a section to Article VIII; providing for the recall of elective officers.

Referred to the Committee on Judiciary.

Messrs. Keefe, S.; Schaaf; Sikorski; Luther and Vega introduced—

S. F. No. 1196: A bill for an act relating to elections; requiring disclosure of campaign financing information for all county, city and school district elections; requiring disclosure of economic interests by candidates and elected officials of all counties and certain cities and school districts; requiring candidates to form a principal campaign committee; imposing duties on the ethical practices board, county auditors, municipal clerks and chief administrative officers of certain school districts; superseding other general or special laws, charter provisions and local ordinances; imposing late filing fees and criminal penalties; amending Minnesota Statutes 1978, Sections 210A.01, Subdivisions 1, 3, 8 and 9; 210A.05, Subdivision 1; 210A.16; 210A.37; 290.09, Subdivision 2; and Chapter 210A, by adding sections; repealing Minnesota Statutes 1978, Sections 210A.01, Subdivisions 5 and 6; 210A.22 to 210A.33; and Laws 1977, Chapter 131.

Referred to the Committee on Elections.

Messrs. Keefe, S.; Kleinbaum; Nichols; Willet and Vega introduced—

S. F. No. 1197: A bill for an act relating to workers' compensation; establishing a state compensation insurance agency; appropriating money.

Referred to the Committee on Employment.

Mr. Stokowski introduced—

S. F. No. 1198: A bill for an act relating to retirement; specifying authorized investments for all public retirement funds; clarifying certain limitations on investments; providing for uniform valuation and reporting of investment securities; specifying a procedure for the recognition of unrealized equity investment appreciation; providing a procedure for the calculation of a uniform rate of return on investments; requiring a report by the state board of investment in order to implement certain investment limitations; amending Minnesota Statutes 1978, Sections 11.16; 11.18, Subdivisions 2, 3, 3a, 4 and 5; 11.19; 11.25, Subdivisions 2, 4, 5, 6, 7, 8, and 16; 69.051, Subdivision 1; 69.77, Subdivision 2; 69.775; 352.061; 352B.05; 353.06; 354.07, Subdivisions 4 and 5; 354A.08; 356.20, Subdivisions 3 and 4, and by adding subdivisions; 422A.05, Subdivisions 1, 2, 3, and 4; 423.389; 423.60; and 490.123, Subdivision 3; and Chapter 356, by adding a section.

Referred to the Committee on Governmental Operations.

Messrs. Strand, Stokowski, Ogdahl and Renneke introduced—

S. F. No. 1199: A bill for an act relating to retirement; state employees; miscellaneous amendments to the state employees and unclassified employees retirement plans; amending Minnesota Statutes 1978, Sections 352.03, Subdivisions 1 and 6; 352.113, Subdivisions 1, 4 and 6; 352.115, Subdivisions 8 and 9; 352.12, Subdivision 2; 352.15, Subdivision 1; 352.23; 352D.02, Subdivision 1; 352D.04, Subdivision 2; and 352D.05, Subdivisions 3 and 4; repealing Minnesota Statutes 1978, Sections 352.115, Subdivision 13; 352B.29; 352D.03; and 352D.10.

Referred to the Committee on Governmental Operations.

Messrs. Strand, Stokowski, Peterson, Renneke and Ogdahl introduced—

S. F. No. 1200: A bill for an act relating to retirement; metropolitan transit commission-transit operating division employees; clarifying the amortization obligation of the metropolitan transit commission to the Minnesota state retirement system; calculating service credit for certain part time transit operating division employees; clarifying the provision of the minimum disability coverage; providing a retirement annuity to certain former transit operating division employees; providing service credit for certain mili-

tary service leaves of absence; amending Minnesota Statutes 1978, Sections 352.01, Subdivisions 11 and 16; 473.417; 473.418; and Laws 1978, Chapter 538, Section 21.

Referred to the Committee on Governmental Operations.

Messrs. Strand, Stokowski, Peterson, Renneke and Ogdahl introduced—

S. F. No. 1201: A bill for an act relating to retirement; clarifying various ambiguous and erroneous references and provisions affecting various retirement plans and funds; amending Minnesota Statutes 1978, Sections 3A.01, Subdivision 7; 69.031, Subdivision 6; 69.051, Subdivision 1; 69.691, Subdivision 1; 118.01; 275.50, Subdivision 5; 353.36, Subdivision 2; 354.05, Subdivision 25; 354.091; 354.092; 354.094; 354.44, Subdivisions 4, 6 and 7; 354.66; 356.20, Subdivision 2; 356.216; 356.24; 356.25; 356.32, Subdivision 1; 356.60; Subdivision 1; 422A.09, Subdivision 3; 422A.32, Subdivisions 1 and 2; 422A.35, Subdivisions 2 and 3; and 490.121, Subdivision 4; repealing Minnesota Statutes 1978, Section 354.55, Subdivision 6; Laws 1978, Chapter 538, Section 6.

Referred to the Committee on Governmental Operations.

Messrs. Luther, Willet, Peterson, Benedict and Sikorski introduced—

S. F. No. 1202: A bill for an act relating to public safety; regulating the transportation of certain radioactive materials; establishing civil penalties.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Luther, Willet, Peterson, Benedict and Sikorski introduced—

S. F. No. 1203: A bill for an act relating to large energy facilities; establishing certain conditions for the issuance of certificates of need; amending Minnesota Statutes 1978, Section 116H.13, by adding a subdivision.

Referred to the Committee on Energy and Housing.

Messrs. Luther, Peterson, Dieterich, Benedict and Sikorski introduced—

S. F. No. 1204: A bill for an act relating to nuclear energy; providing for the storage and disposal of certain radioactive wastes; requiring licensure of radioactive waste management facilities in Minnesota.

Referred to the Committee on Energy and Housing.

Messrs. Keefe, S.; Stokowski; Knoll; Spear and Gearty introduced—

S. F. No. 1205: A bill for an act relating to taxation; property tax; reducing property taxes on certain homesteads; increasing property tax refunds; amending Minnesota Statutes 1978, Sections 273.122; 273.13, Subdivision 7; 290A.03, Subdivision 11; and 290A.04, Subdivisions 2, 2a and 2b.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Keefe, S.; Nelson; McCutcheon and Spear introduced—

S. F. No. 1206: A bill for an act relating to nursing homes; providing a revised method for determination of nursing home rates under medical assistance; amending Minnesota Statutes 1978, Sections 256B.44; 256B.45; 256B.47, Subdivision 1, and by adding a subdivision; and 256B.48.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Luther; Ulland, J.; Benedict and Nelson introduced—

S. F. No. 1207: A bill for an act relating to education; authorizing the state board for community colleges to contract for certain insurance coverage for students; amending Minnesota Statutes 1978, Section 136.62, by adding a subdivision.

Referred to the Committee on Education.

Mr. Bernhagen introduced—

S. F. No. 1208: A bill for an act relating to taxation; property tax; providing for reassessment of substantially damaged property; amending Minnesota Statutes 1978, Sections 273.01; 274.01, Subdivision 1; and 274.13, Subdivision 1.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Laufenburger; Penny; Spear; Keefe, S. and Bang introduced—

S. F. No. 1209: A bill for an act relating to state credit unions; clarifying borrowing limitations; amending Minnesota Statutes 1978, Sections 52.09, Subdivision 2; and 52.15.

Referred to the Committee on Commerce.

Mr. Willet introduced—

S. F. No. 1210: A bill for an act relating to state lands; authorizing conveyance of certain parcels of land in Beltrami County.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Dieterich introduced—

S. F. No. 1211: A bill for an act relating to the city of St. Paul; fixing the rate of the franchise fee for utility supplies to residential dwellings.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Ulland, J.; Chmielewski and Solon introduced—

S. F. No. 1212: A bill for an act relating to aeronautics; providing personal notice of certain airport zoning hearings; amending Minnesota Statutes 1978, Section 360.065, Subdivision 1.

Referred to the Committee on Local Government.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

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

March 26, 1979

The Honorable Edward J. Gearty
President of the Senate

Dear Sir:

The following appointment to the Minnesota Higher Education Facilities Authority is hereby respectfully submitted to the Senate for confirmation as required by law:

Maxwell O. Ramsland, Jr., 2401 East First Street, Duluth, St. Louis County, has been appointed by me, effective March 26, 1979, for a term expiring the first Monday in January, 1983.

(Referred to the Committee on Education.)

March 30, 1979

The Honorable Edward J. Gearty
President of the Senate

Dear Sir:

The following appointment to the Minnesota Housing Finance Agency is hereby respectfully submitted to the Senate for confirmation as required by law:

Robert A. Worthington, 10326 Colorado Road, Bloomington, Hennepin County, has been appointed by me, effective March 30, 1979, for a term expiring the first Monday in January, 1983.

(Referred to the Committee on Energy and Housing.)

Sincerely,
Albert H. Quie, Governor

March 29, 1979

The Honorable Rod Searle
Speaker of the House of Representatives

The Honorable Edward J. Gearty
President of the Senate

I have the honor to inform you that the following enrolled Act of the 1979 Session of the State Legislature has been received from the Office of the Governor and is deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

S. F. No.	H. F. No.	Session Laws Chapter No.	Date Approved 1979	Date Filed 1979
	3	Res. 1	March 28	March 28

Sincerely,
Joan Anderson Growe
Secretary of State

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate Files, herewith returned:

S. F. Nos. 204 and 288.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 2, 1979

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. 20: A bill for an act relating to metropolitan government; fixing the revenues of the metropolitan sports facilities commission; repealing the commission liquor tax authority; amending Minnesota Statutes 1978, Section 473.581; repealing Minnesota Statutes 1978, Section 473.591.

Senate File No. 20 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 2, 1979

CALL OF THE SENATE

Mr. Chenoweth imposed a call of the Senate for the proceedings on S. F. No. 20. The following Senators answered to their names:

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

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

CONCURRENCE AND REPASSAGE

Mr. Chenoweth moved that the Senate concur in the amendments by the House to S. F. No. 20 and that the bill be placed on its repassage as amended.

Mr. Stokowski moved that S. F. No. 20 be laid on the table.

The question was taken on the adoption of the motion.

The roll was called, and there were yeas 20 and nays 41, as follows:

Those who voted in the affirmative were:

Anderson	Engler	Keefe, S.	Lewis	Rued
Bernhagen	Frederick	Kirchner	Merriam	Sillers
Chmielewski	Humphrey	Kleinbaum	Pillsbury	Stokowski
Dunn	Jensen	Knoll	Renneke	Ueland, A.

Those who voted in the negative were:

Bang	Hughes	Moe	Schmitz	Tennessee
Benedict	Johnson	Nelson	Schrom	Ulland, J.
Chenoweth	Keefe, J.	Nichols	Setzepfandt	Vega
Coleman	Knaak	Olhoft	Sikorski	Wegener
Davies	Knutson	Olson	Solon	Willet
Dieterich	Laufenburger	Penny	Spear	
Gearty	Lessard	Peterson	Staples	
Gunderson	Luther	Purfeerst	Strand	
Hanson	McCutcheon	Schaaf	Stumpf	

The motion did not prevail.

The question recurred on the motion of Mr. Chenoweth.

The question was taken on the adoption of the motion.

The roll was called, and there were yeas 38 and nays 22, as follows:

Those who voted in the affirmative were:

Anderson	Coleman	Engler	Hughes	Keefe, J.
Benedict	Davies	Gearty	Humphrey	Knaak
Chenoweth	Dieterich	Gunderson	Johnson	Luther

McCutcheon	Olson	Schmitz	Spear	Vega
Moe	Peterson	Schrom	Staples	Wegener
Nelson	Purfeerst	Setzepfandt	Stokowski	Willet
Nichols	Renneke	Sikorski	Stumpf	
Olhoft	Schaaf	Solon	Tennessee	

Those who voted in the negative were:

Bang	Hanson	Knoll	Merriam	Ueland, A.
Bernhagen	Jensen	Knutson	Ogdahl	Ulland, J.
Chmielewski	Keefe, S.	Laufenburger	Rued	
Dunn	Kirchner	Lessard	Sillers	
Frederick	Kleinbaum	Lewis	Strand	

The motion prevailed.

S. F. No. 20 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 36 and nays 25, as follows:

Those who voted in the affirmative were:

Benedict	Humphrey	Moe	Schrom	Tennessee
Chenoweth	Johnson	Nelson	Sikorski	Vega
Coleman	Keefe, J.	Olhoft	Solon	Wegener
Davies	Kleinbaum	Olson	Spear	Willet
Dieterich	Laufenburger	Penny	Staples	
Engler	Lewis	Purfeerst	Stokowski	
Gunderson	Luther	Renneke	Strand	
Hughes	McCutcheon	Schmitz	Stumpf	

Those who voted in the negative were:

Anderson	Frederick	Kirchner	Merriam	Schaaf
Bang	Gearty	Knaak	Nichols	Setzepfandt
Bernhagen	Hanson	Knoll	Ogdahl	Sillers
Chmielewski	Jensen	Knutson	Peterson	Ueland, A.
Dunn	Keefe, S.	Lessard	Rued	Ulland, J.

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

MESSAGES FROM THE HOUSE—CONTINUED

Mr. President:

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

S. F. No. 298: A bill for an act relating to the city of South International Falls; authorizing the city to lease municipal buildings.

Senate File No. 298 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 2, 1979

CONCURRENCE AND REPASSAGE

Mr. Lessard moved that the Senate concur in the amendments by the House to S. F. No. 298 and that the bill be placed on its repassage as amended. The motion prevailed.

S. F. No. 298 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 53 and nays 0, as follows:

Those who voted in the affirmative were:

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

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. 219, 486 and 810.

Edward A. Burdick, Chief Clerk, House of Representatives
Transmitted April 2, 1979

FIRST READING OF HOUSE BILLS

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

H. F. No. 219: A bill for an act relating to electricians; establishing an additional class of installers license; amending Minnesota Statutes 1978, Sections 326.01, Subdivision 6b; and 326.242, Subdivision 3.

Referred to the Committee on Commerce.

H. F. No. 486: A bill for an act relating to usury; removing the expiration date from the law authorizing flexible interest rates on home loans; amending Minnesota Statutes 1978, Section 47.20, Subdivisions 4, 6 and 9.

Referred to the Committee on Rules and Administration for comparison with S. F. No. 159 now on General Orders.

H. F. No. 810: A bill for an act relating to motor vehicles; providing for taxing and registering modified vehicles manufactured prior to 1949; regulating storage of modified vehicles and requiring certain equipment; providing for use of original plates on certain vehicles; amending Minnesota Statutes 1978, Section 168.10.

Referred to the Committee on General Legislation and Administrative Rules.

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

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.

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

Page 1, line 8, delete "SHARED"

Page 1, line 10, delete "for participation in shared service agreements"

Page 1, line 16, delete "Sections" and insert "Section"

Page 1, line 16, delete "and 246.57"

Page 1, line 19, delete "shared service agreements in"

Page 1, line 21, delete "bennial" and insert "biennial"

Page 1, line 22, delete "appropriations" and insert "appropriations"

Amend the title as follows:

Line 3, delete "shared service"

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. 480: A bill for an act relating to public health; authorizing the funding of a statewide poison information center; giving grant and program monitoring responsibilities to the commissioner of health; 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. Perpich from the Committee on Health, Welfare and Corrections, to which was referred

S. F. No. 800: A bill for an act relating to health; establishing a grant program in the department of public welfare for assisting mental health boards in providing services for the chronically

mentally ill; requiring the availability of five levels of treatment for the chronically mentally ill; establishing a community residential living program with services; appropriating money.

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

Page 2, line 3, delete "may" and insert "shall"

Page 2, line 3, delete "to assist" and insert "on a formula basis to"

Page 2, line 4, delete "in the care of" and insert "for program and support service costs for the"

Page 2, line 5, delete "persons" and insert "based on need of individuals and programming required for the various levels of treatment"

Page 2, line 5, delete "may" and insert "shall"

Page 2, line 5, delete "up to"

Page 2, line 8, after "provides" insert "some or all of"

Page 2, lines 11, 20, 25, and 29, delete the capital "T" on "Treatment" and insert a lower case "t"

Page 2, line 12, delete "centers" and insert "components"

Page 2, lines 12 and 13, delete "nursing homes" and insert "facilities licensed under section 144.50"

Page 2, line 14, before the semicolon insert "for persons who are mentally ill and also may require skilled nursing services"

Pages 2, line 15, delete "Treatment" and insert "treatment of six to twelve months duration with appropriate extensions"

Page 2, line 16, delete "which treatment offers" and insert "including"

Page 2, line 17, after "socialization" insert ", work adjustment skills training,"

Page 2, line 22, delete "and goes" and insert "including motivation to go"

Page 2, line 24, before the semicolon insert "based on individual need. Programming services shall be provided in nonresidential day programs apart from the group living environment"

Page 2, line 25, delete "Safe" and insert "safe"

Page 2, line 26, delete "House" and insert "house"

Page 2, line 27, delete "stressors" and insert "stresses"

Page 2, line 27, delete "and" and insert a comma

Page 2, line 28, before the semicolon insert ", personal care, diagnosis, monitoring of medications, development of treatment

plans, and appropriate referral, with length of stay in the facility limited to three to seven days”

Page 2, line 29, delete “private residential”

Page 2, delete lines 30 to 33 and insert “treatment services for patients and their families designed to help the chronically mentally ill remain in their own homes or foster homes, including services such as day programs, vocational guidance and training, training in daily living skills, socialization skills, and individual, group, and family therapy as needed;”

Page 3, before line 1, insert:

“(f) Day program services, meaning services available to the chronically mentally ill on a regular daily basis, including individual and group therapy, training in daily living skills, socialization skills, and vocational skills, and an outreach component for persons residing in residential facilities or their own homes or foster homes who are unmotivated, unresponsive, and do not attend day programs regularly or at all. “Outreach component” means remotivation therapy and socialization activities conducted by outreach staff within the places of residence to encourage individuals to participate in community programs and activities to the extent possible;”

Page 3, line 1, delete “Management Services” and insert “management services”

Page 3, line 6, delete everything after “Transportation” and insert “services to transport persons to”

Page 3, line 7, delete “whenever” and insert “when other”

Page 3, line 8, delete the period and insert “; and”

Page 3, after line 8, insert:

“(i) Other services or programs consistent with rules promulgated by the commissioner.”

Reletter the clauses in sequence

Page 3, line 10, before “board” insert “community mental health”

Page 3, line 12, delete “each” and insert “some”

Page 3, line 14, before the semicolon insert “as needed”

Page 3, line 18, delete “for the”

Page 3, delete line 19 and insert “to link available services into a meaningful program with access available for all services as needed, based on persons’ individual treatment plans; and”

Page 3, line 21, after “commissioner” insert a period

Page 3, line 21, delete “for” and insert “The plan is a criterion for evaluation of”

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

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

S. F. No. 186: A bill for an act relating to crimes; limiting a convicted person's right to commercially exploit the crime for which he was convicted; amending Minnesota Statutes 1978, Chapter 299B, by adding a section.

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, Chapter 299B, is amended by adding a section to read:

[299B.17] [LIMITING COMMERCIAL EXPLOITATION OF CRIMES; PAYMENT OF VICTIMS.] *Subdivision 1. A legal entity that contracts with an individual person or the representative or assignee of a person who has been charged with a crime, or not charged solely by reason of insanity, regarding (a) the reenactment of the crime, by way of a movie, book, newspaper or magazine article, radio or television presentation, or live or recorded entertainment of any kind, or (b) the expression of the person's thoughts, feelings, opinions or emotions about the crime, shall submit a copy of the contract and pay over to the crime victims reparations board a proportion of any moneys owed to that person or his representatives. If the crime occurred in this state, the proportion payable is one hundred percent. If the crime occurred in another jurisdiction having a law applicable to the case which is substantially similar to this section, the proportion payable is zero and this section does not apply. In all other cases, the proportion payable is that which fairly can be allocated to commerce in this state. The board shall deposit the moneys pursuant to subdivision 7 and assign the amount received in each case for the benefit of any victim of crimes committed by the person. The moneys shall be paid by the board to any victim or the legal representative of a victim if (1) the person is convicted of the crime or found not guilty by reason of insanity, and (2) the claimant, within five years of the date of payment to the board in the case, brings a civil action in a court of competent jurisdiction and recovers a money judgment for damages against the person or his representatives. Notwithstanding any provision of law for the timely bringing of an action, an action may be brought pursuant to this section within a five year period which begins to run on the date payment is made to the board in a case.*

Subd. 2. When the board receives a payment pursuant to this section, it shall attempt to notify any known victims of the crime and may publish a notice of that fact in a newspaper having general circulation in the county where the crime was committed. The expenses of notification shall be paid from the amount received for that case.

Subd. 3. When the board has made payments to or on behalf of a crime victim pursuant to sections 299B.01 to 299B.16, to the extent

of payment made, it is subrogated to any claim or judgment of the victim or his representative against the offender.

Subd. 4. Subject to the provisions of subdivision 5, upon disposition of charges favorable to the person accused of committing a crime, other than a finding of not guilty by reason of insanity, or upon a showing by that person that five years have elapsed from the date of payment to the board in the case, and further that no actions are pending against him pursuant to this section, the board shall immediately pay over to him any moneys in the account related to the case.

Subd. 5. When it is found that a person charged with a crime lacks the mental capacity to understand the proceedings against him or assist in his own defense, and money has been received by the board in the case, the board shall bring an interpleader action pursuant to the rules of civil procedure to determine disposition of the money.

Subd. 6. Notwithstanding any other provision of this section, the board shall make payments to a person accused of crime from the account of amounts received with reference to that person upon the order of a court of competent jurisdiction after a showing by that person that the moneys shall be used for the reasonable costs of defense to the criminal charge.

Subd. 7. All moneys received by the board pursuant to this section shall be deposited in the state treasury, credited to a special account, and are appropriated to the board for the purposes of this section. Money in the special account may be invested pursuant to section 11.10. When so invested, any interest or profit shall accrue to, and any loss be borne by, the special account. The board shall allocate money in the special account to each case pursuant to this section.

Subd. 8. Any action taken, whether by way of execution of a power of attorney, creation of corporate or trust entities or otherwise, to defeat the purpose of this section shall be null and void as against the public policy of this state.

Sec. 2. [EFFECTIVE DATE.] This act is effective as to any contract entered into after final enactment."

Amend the title as follows:

Page 1, line 2, delete "convicted person's" and insert "perpetrator's"

Page 1, line 3, delete "for which" and insert "; providing for the payment of crime victims"

Page 1, line 4, delete "he was convicted"

Page 1, line 4, after the semicolon insert "appropriating money;"

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

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

H. F. No. 610: A bill for an act relating to marriage; setting out requirements and effect of antenuptial contracts; repealing Minnesota Statutes 1978, Section 519.08.

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

Page 1, line 16, delete "marital and"

Page 2, line 18, after "property" insert "owned at the time of execution of the contract and"

Page 2, line 20, after "Subd. 4." insert "Any"

Page 2, line 20, delete "contracts" and insert "contract"

Page 2, line 20, delete "settlements" and insert "settlement"

Page 2, line 22, delete "such a" and insert "the"

Page 2, line 23, delete "or personal"

Page 2, line 25, delete "or personal"

Page 2, line 29, delete "such" and insert "the"

Page 2, line 30, delete "such" and insert "the"

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

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

S. F. No. 835: A bill for an act relating to courts; county or county municipal court jurisdiction of actions for unlawful removal or exclusion; providing for correction of an erroneous reference; amending Minnesota Statutes 1978, Sections 487.17; 488A.01, Subdivision 5; and 488A.18, Subdivision 6.

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

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

S. F. No. 866: A bill for an act relating to county recorders; requiring erroneous entries against real estate to be corrected without charge.

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 357.18, Subdivision 1, is amended to read:

357.18 [COUNTY RECORDER.] Subdivision 1. The fees to be charged by the county recorder shall be as follows:

(1) For indexing and recording any deed or other instrument \$1 for each page of an instrument, with a minimum fee of \$3;

(2) For certified copies of any records or papers, \$1 for each page of an instrument with a minimum fee of \$3, *except there shall be no fee charged for affidavits of non-identity*;

(3) For an abstract of title, 75 cents for every transfer, \$6 for certificate, and \$1 per page for each exhibit included within an abstract as a part of an abstract entry; provided that county boards may, by resolution duly adopted, establish lower fees for such services rendered by the county recorder in their respective counties;

(4) For a copy of an official plat filed pursuant to section 505.08, the fee shall be \$7.50 and an additional 50 cents shall be charged for the certification of each plat."

Amend the title as follows:

Page 1, line 4, before the period insert "; amending Minnesota Statutes 1978, Section 357.18, Subdivision 1"

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

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

S. F. No. 980: A bill for an act relating to courts; Hennepin and Ramsey county municipal courts; providing for removal of certain actions to district court; amending Minnesota Statutes 1978, Sections 488A.01, by adding a subdivision; and 488A.18, by adding a subdivision.

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. 846: A bill for an act relating to Ramsey County; providing the age for mandatory retirement of county employees; providing for civil service rules; removing a provision for health insurance; amending Laws 1974, Chapter 435, Sections 3.02, Subdivision 4, as amended; and 3.03; repealing Laws 1974, Chapter 435, Section 1.0214, Subdivision 2, as amended.

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

Page 2, line 22, reinstate the stricken language and delete "*six months*"

Page 5, delete lines 10 through 15, and insert:

“Sec. 3. [OFFICES ABOLISHED.] Subdivision 1. [SURVEYOR.] In Ramsey County, the office of county surveyor is abolished.

Subd. 2. [COUNTY SUPERINTENDENT OF SCHOOLS.] In Ramsey County, no county superintendent of schools may be elected; there shall be no office of this kind in Ramsey County.

Sec. 4. Laws 1974, Chapter 435, Section 3.02, Subdivision 6, as amended by Laws 1978, Chapter 745, Section 1, is amended to read:

Subd. 6. [CLASSIFICATION OF SERVICE.] (a) [DEFINITION OF COVERAGE.] The officers and employees of Ramsey County and of a county or joint county and city agency, board, commission or committee supported in whole or in part by taxation upon the taxable property of the county, or appointed by the judges of the district court or probate court for the county, or by a board or agency composed of representatives of the county and a city in the county and employees employed in hospitals, preventoria, county nursing homes, and the welfare department are divided into the unclassified and classified service.

(b) [UNCLASSIFIED SERVICE.] The unclassified service comprises:

(1) An officer elected by popular vote or a person appointed to fill a vacancy in such an office.

(2) The head or principal administrative officer of a separate department of county government or agency created by law, the director of the welfare department.

(3) A chief deputy or principal assistant for each elected public official and for the county engineer and veterans' service officer.

(4) Each doctor, intern, student nurse and intern dietician employed by the county or a county agency.

(5) Each member of the teaching staff, supervisor and principal in the employ of the county, actually engaged in teaching or the supervision of teaching.

(6) A member of a board or commission appointed by the county, or the county and the city, or acting in an advisory capacity.

(7) A weed inspector, election judge, election clerk or other employee employed by the county for a limited period of time.

(8) A special police officer or special deputy sheriff serving without pay.

(9) A judge, court administrator, court reporter, receiver, referee, examiner or assistant examiner of titles, public defender, arbiter, juror, clerk of probate court or a person appointed by the district or probate courts to make or conduct a special inquiry of a judicial and temporary character.

(10) The director of court services and three principal assistants or division supervisors.

(11) The employees of the municipal court of Ramsey County.

(12) The principal administrative officer of the detention and corrections department, his first assistant, the superintendent of each departmental facility and his first assistant or chief deputy.

(13) The chief executive officer of St. Paul-Ramsey Hospital and seven principal assistants.

(14) The executive secretary or the principal administrative officer of the county and seven principal assistants, appointed and terminated by the executive secretary or the principal administrative officer, except that until January 1, 1980 such appointments and terms shall be submitted to the Ramsey County government study commission. Such consideration shall be advisory only.

(15) *The Ramsey County attorney, his first assistant, six principal assistants and a personal secretary.*

(16) *The Ramsey County sheriff, his chief deputy, four principal assistants and a personal secretary.*

Sec. 5. [REPEALER.] *Laws 1969, Chapter 839, Section 1, as amended by Laws 1974, Chapter 322, Section 25; and Laws 1974, Chapter 435, Section 3.17, are repealed.*

Sec. 6. [EFFECTIVE DATES.] *Subdivision 1. Sections 1, 2, 3, and 5 are effective upon approval of the Board of Ramsey County Commissioners and upon compliance with Minnesota Statutes, Section 645.021. Section 4 is effective on the day following final enactment."*

Amend the title as follows:

Page 1, delete line 4

Page 1, line 5, delete everything before "amending" and insert "amending the Ramsey County code by amending the civil service section; providing for certain unclassified employees; abolishing the office of county surveyor and prohibiting election of county superintendent of schools in Ramsey County; repealing certain obsolete laws and provisions;"

Page 1, line 6, delete "Subdivision" and insert "Subdivisions"

Page 1, line 7, after "amended" insert ", and 6, as amended"

Page 1, line 7, delete everything after "repealing"

Page 1, delete line 8 and insert "Laws 1969, Chapter 839, Section 1, as amended; and Laws 1974, Chapter 435, Section 3.17."

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

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

S. F. No. 491: A bill for an act relating to cities; authorizing cities engaged in gas distribution to secure gas by individual or joint action; authorizing the creation of municipal gas agencies; defining their powers and responsibilities; authorizing the issuance of bonds.

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

Page 2, line 3, after the period, insert "It is not the purpose of this bill to authorize said municipal corporation to engage in the distribution of gas to the end users."

Page 4, line 8, before the period, insert "; and provided further, that the concurrence of the city council or other elected body charged with the general management of a city shall be required, prior to the adoption by the city of any resolution approving an agency agreement or any amendment thereto"

Page 6, line 21, after the comma, insert "other than the municipal gas agency,"

Page 12, line 31, delete "may" and insert "shall"

Page 19, line 29, delete "ary" and insert "any"

Page 20, line 27, after "[CITY POWERS.]" insert "Subdivision 1. A city may, by resolution of its governing body, elect to join a municipal agency, provided that it shall give written notice by mail to all its gas consumers 20 days prior to the meeting at which the resolution is to be considered, and one week's prior notice by publication in the official newspaper."

Renumber the subdivisions in sequence

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

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

S. F. No. 906: A bill for an act relating to transportation; authorizing an increase in the approved complement of the department for certain services; providing for reimbursement for the services; appropriating money.

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

Page 2, line 13, after the period, insert "The commissioner shall deposit all money reimbursed under this section in the trunk highway fund."

Page 2, line 15, after "for" insert "each year of"

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

Mr. Olson from the Committee on General Legislation and Administrative Rules, to which was referred

H. F. No. 395: A bill for an act relating to state historic sites; authorizing management contracts with counties, municipalities, or county or local historical societies.

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

Mr. Olson from the Committee on General Legislation and Administrative Rules, to which was referred

S. F. No. 847: A bill for an act relating to the humanities; providing support for the Minnesota humanities commission; 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. Olson from the Committee on General Legislation and Administrative Rules, to which was referred

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.

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

Mr. Olson from the Committee on General Legislation and Administrative Rules, to which was referred

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.

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

Page 2, line 10, after "members" insert "*elected in 1977*"

Page 2, line 10, strike "be"

Page 2, line 11, delete "*four*" and strike the balance of the line

Page 2, line 12, strike "qualified" and insert "*expire on April 20, 1981. At large elections shall be held no later than April 14, 1981, and no later than every fourth April 14 thereafter, and the term of office for at large members shall be four years commencing on the April 20 following each at large election and ending at 12:01 a.m., April 20 four years thereafter*"

Amend the title as follows:

Page 1, line 4, after the semicolon insert "providing for future at large elections; defining the term of office for at large members;"

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

Mr. Anderson from the Committee on Energy and Housing, to which was referred

S. F. No. 474: A bill for an act relating to taxation; income tax; providing a renewable energy credit; amending Minnesota Statutes 1978, Section 290.06, by adding a subdivision.

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 290.06, is amended by adding a subdivision to read:

Subd. 13. [RESIDENTIAL ENERGY CREDIT.] A credit of 20 percent of the first \$10,000 of renewable energy source expenditures, made by the taxpayer on a Minnesota building of six dwelling units or less in a taxable year, may be deducted from the tax due under this chapter for the taxable year.

A "renewable energy source expenditure" which qualifies shall include:

(a) *Expenditures which qualify for the federal renewable energy credit, pursuant to Section 44C of the Internal Revenue Code of 1954, as amended through December 31, 1978, and any regulations promulgated pursuant thereto;*

(b) *Expenditures for earth sheltered dwelling units. For purposes of this credit, an "earth sheltered dwelling unit" shall mean a structure which complies with applicable building standards and which is constructed so that:*

(1) *80 percent or more of the roof area is covered with a minimum depth of 12 inches of earth;*

(2) *50 percent or more of the wall area is covered with a minimum depth of 12 inches of earth; and*

(3) *Those portions of the structure not insulated with a minimum of seven feet of earth shall have additional insulation;*

(c) *Expenditures for biomass conversion equipment which produces ethanol, methane or methanol for use as a liquid fuel which is not offered for sale; and*

(d) *Expenditures for passive solar energy systems. For purposes of this credit, a "passive solar energy system" is defined to include systems which utilize elements of the building and its operable components to heat or cool a building with the sun's energy by means of conduction, convection, radiation, or evaporation. A passive system shall include:*

(1) *Collection aperture, including glazing installed in south facing walls and roofs; and*

(2) *Storage element, including thermal mass in the form of water, masonry, rock, concrete, or other mediums which is designed to store heat collected from solar radiation.*

A passive system may include:

(1) *Control and distribution element, including fans, louvers, and air ducts; and/or*

(2) *Retention element, including movable insulation used to minimize heat loss caused by nocturnal radiation through areas used for direct solar heat gain during daylight hours.*

Eligible passive expenditures shall be for equipment, materials or devices that are an integral part of the components listed above and essential to the functioning of a passive design which qualifies pursuant to rules promulgated by the commissioner of revenue in cooperation with the director of the energy agency. Expenditures for equipment, materials, or devices which are a part of the normal heating, cooling, or insulation system of a building are not eligible for the credit.

If a credit was allowed to a taxpayer under this subdivision for any prior taxable year with respect to a dwelling unit by reason of energy conservation expenditures or renewable energy source expenditures, the dollar amount of the credit allowable for each kind of expenditure for the current taxable year shall be reduced by the amount of expenditures of that kind taken into account in prior years.

The credit provided in this subdivision shall not be allowed in a taxable year if the amount of the credit would be less than \$10. The credit shall not exceed the amount of tax due under chapter 290.

If the credit allowable under this subdivision exceeds the amount of tax due in a taxable year, the excess credit may be carried forward to the succeeding taxable year and added to the credit allowable for that year. No amount may be carried forward to a taxable year beginning after December 31, 1984.

A shareholder in a family farm corporation and each partner in a partnership operating a family farm shall be eligible for the credit provided by this subdivision in the same manner and to the same extent allowed a joint owner of property under clause (a). "Family farm corporation" and "family farm" have the meanings given in section 500.24.

The credit provided in this subdivision is subject to the provisions of Section 44C, (c) (7), (d) (1) to (3), and (e), of the Internal Revenue Code of 1954, as amended through December 31, 1978, and any regulations promulgated pursuant thereto.

Sec. 2. [RULES.] *The commissioner of revenue in cooperation with the director of the energy agency shall promulgate rules establishing additional qualifications and definitions for the credits provided in clauses (a) to (d).*

Sec. 3. [EFFECTIVE DATE.] *This act is effective for expenditures made during the tax years beginning after December 31, 1978 and before January 1, 1983.*"

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

Mr. Willet from the Committee on Agriculture and Natural Resources, to which was referred

S. F. No. 544: A bill for an act relating to tax delinquent real estate; requiring notice to the commissioner of natural resources of forfeiture and sale of tax delinquent real estate; clarifying ownership of certain tax forfeited real estate; amending Minnesota Statutes 1978, Sections 281.23, Subdivision 8; 281.25; and 282.01, Subdivisions 1 and 3.

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

Page 7, line 18, delete "*located in a*"

Page 7, delete line 19

Page 7, line 20, delete "*located, and*"

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

Mr. Willet from the Committee on Agriculture and Natural Resources, to which was referred

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.

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

Page 1, line 11, after the comma, insert "*the owner or lessee of the land or an agent of the commissioner,*"

Page 1, line 14, delete "*gross*"

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

Mr. Willet from the Committee on Agriculture and Natural Resources, to which was referred

S. F. No. 681: A bill for an act relating to game and fish; contracts for removal of rough fish; repealing Minnesota Statutes 1978, Section 97.4861.

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 98.46, is amended by adding a subdivision to read:

Subd. 9a. Licenses to net commercial fish in inland waters shall be issued annually and shall be valid for commercial fishing during the period from the day after Labor Day to the day preceding the opening of the season for the taking of walleye. License fees shall be \$50, plus:

(a) Fifty cents for each hoop net pocket;

(b) \$10 for each 1,000 feet of seine. Provided that in the license application to the commissioner, each applicant shall list the number of feet of seine of each depth for which he wishes to be licensed; and

(c) \$5 for each helper's license.

Sec. 2. Minnesota Statutes 1978, Chapter 102, is amended by adding a section to read:

[102.285] [COMMERCIAL FISHING IN INLAND WATERS.] *Subdivision 1. The commissioner shall by order regulate the taking, possession, transportation and sale of commercial fish and the licensing of commercial fishermen in inland waters. For the purposes of sections 1 and 2 "inland waters" means all waters entirely located within the boundaries of the state and the border waters between Minnesota and North Dakota, South Dakota and Iowa, excluding those waters described in section 102.25. Licenses to net commercial fish in inland waters, except for helper's licenses, shall be issued only to Minnesota residents, provided that non-residents may be licensed to fish waters not previously assigned to residents. For purposes of sections 1 and 2, "commercial fish" are carp, buffalo fish, suckers, redhorse, sheepshead, dogfish, eel-pout, tullibees, garfish, goldeyes, bullheads, smelt and whitefish.*

Subd. 2. The commissioner shall delineate inland commercial fishing areas, taking into account the amount of water encompassed, the size and proximity of waters encompassed, the species to be removed and the type and quantity of fishing gear and equipment necessary to provide an adequate removal effort. The commissioner may change inland commercial fishing area boundaries by order prior to a new licensing period after complying with the publication requirements of section 97.53, subdivision 2.

Subd. 3. The commissioner shall assign licensed inland commercial fishermen to commercial fishing areas and each fisherman shall be obligated to fish his assigned area. The commissioner's assignment shall be valid as long as the assigned fisherman continues to purchase a license, continues to provide an adequate removal effort in a good and workmanlike manner and is not convicted of two or more violations of laws or rules governing inland commercial fishing operations during any one license period. In the fisherman assignment, the commissioner shall consider the proximity of the fisherman to the area, the type and quantity of fish gear and equipment possessed, knowledge of the affected waters, and general ability to perform the work well.

Subd. 4. Whenever an area is not assigned, or the fisherman licensed for that area is not fishing that area or is unable to fish that area, the commissioner shall have the authority to issue a special inland commercial fishing permit to any individual holding a valid inland commercial fishing license allowing the fisherman to fish that area and operate beyond the limits of his assigned area. The permit shall indicate the specific waters involved, the county, the species to be removed, the gear to be used and the time period of the total operation.

Subd. 5. A licensed inland commercial fisherman shall submit monthly reports on his licensed activities in each month to the commissioner, on forms provided by the commissioner, prior to the 15th of the following month. These reports shall be submitted regardless of whether or not any fishing activity took place unless the fisherman has a written release from this obligation signed by the commissioner.

Subd. 6. A license to take commercial fish shall become void upon the licensee's death, sale of the commercial fishing business, removal from the state, conviction of two or more violations of inland commercial fishing laws or rules within a license period or failure to apply for a new or renewal license prior to June 15 of any year. A commercial inland fishing license shall not be subject to the license revocation provisions of section 98.52. Commercial fishing rights and area assignments covered by a license which becomes void shall revert to the commissioner for reassignment.

Subd. 7. The commissioner shall consult with representatives of the inland commercial fishermen's trade association when disagreements arise in the areas of license issuance, problems with performance pursuant to the license, area assignments and the entry of new commercial fishermen into the inland commercial fishery.

Sec. 3. Minnesota Statutes 1978, Section 97.4861, is repealed."

Amend the title as follows:

Page 1, line 2, after the semicolon, insert "providing for the licensing and regulation of commercial fishing in inland waters;"

Page 1, line 3, after the semicolon insert "amending Minnesota Statutes 1978, Section 98.46, by adding a subdivision; and Chapter 102, by adding a section;"

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

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

H. F. No. 493: A bill for an act relating to the city of Bemidji; authorizing the issuance of bonds authorized at a special election.

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

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

S. F. No. 884: A bill for an act relating to the city of Marshall; permitting additional per capita revenue base for financing airport facilities.

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 360.71, is amended to read:

360.71 [REVENUE CERTIFICATES.] Such revenue certificates shall bear such date, mature at such times, bear such rates of interest not exceeding five percent per annum and be sold at such times and under such terms as the governing body or governing bodies as the case may be may deem to be for the best interests of the municipality. Such certificates shall not be sold for less than face value. The total face amount unpaid and outstanding shall not exceed at any time \$3 \$10 for each person residing in the municipality or \$3 \$10 for each person residing in the county in the case of joint ownership by a city and county all according to the last official census.”

Amend the title as follows:

Delete lines 2 through 4 and insert “relating to aeronautics; amending Minnesota Statutes 1978, Section 360.71.”

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

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

S. F. No. 839: A bill for an act relating to local government; providing for facilities of the jointly owned airport of the city of Brainerd and Crow Wing County; authorizing the issuance of bonds to finance the acquisition and betterment of airport facilities.

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 the following appointment as reported in the Journal for March 26, 1979:

METROPOLITAN TRANSIT COMMISSION

CHAIRMAN

John A. Yngve

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 January 25, 1979:

WATER PLANNING BOARD

CHAIRPERSON

Thomas Kalitowski

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. Coleman from the Subcommittee on Bill Scheduling, to which were referred S. F. Nos. 845, 766, 767, 687, 605, 363, 719, 346, 285, 709 and 660 and H. F. Nos. 186, 87, 360, 167 and 297 makes the following report:

That the above Senate Files and House 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. 186, 835, 866, 980, 846, 491, 712, 759, 544, 737, 681, 884 and 839 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. 493 was read the second time.

H. F. Nos. 610 and 395 were read the second time and referred to the Subcommittee on Bill Scheduling of the Committee on Rules and Administration.

MOTIONS AND RESOLUTIONS

Mr. Willet moved that S. F. No. 1136 be withdrawn from the Committee on Agriculture and Natural Resources and re-referred to the Committee on Judiciary. The motion prevailed.

Mr. Chmielewski moved that the name of Mr. Sikorski be added as co-author to S. F. No. 186. The motion prevailed.

Mr. Chmielewski moved that the name of Mr. Sikorski be added as co-author to S. F. No. 866. The motion prevailed.

Mr. Lessard moved that the name of Mr. Johnson be added as co-author to S. F. No. 1116. The motion prevailed.

Mr. Menning moved that the name of Mr. Olhoft be added as co-author to S. F. No. 1136. The motion prevailed.

Mr. Dieterich moved that the name of Mr. Johnson be added as co-author to S. F. No. 1153. The motion prevailed.

Mr. Dieterich moved that the name of Mr. Johnson be added as co-author to S. F. No. 1154. The motion prevailed.

Mr. Hughes moved that the names of Messrs. Olhoft and Sillers be added as co-authors to S. F. No. 1155. The motion prevailed.

Mr. Ueland, A. moved that the name of Mr. Setzepfandt be added as co-author to S. F. No. 668. The motion prevailed.

Without objection, the Senate reverted to the Order of Business of Introduction and First Reading of Senate Bills.

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Messrs. Tennesen; Merriam; Keefe, J.; Sikorski and McCutcheon introduced—

S. F. No. 1213: A bill for an act relating to collection and dissemination of data; classifying data; extending the period of time during which emergency classifications of data may be made; clarifying the duties of the responsible authority; providing remedies; amending Minnesota Statutes 1978, Sections 15.162, Subdivisions 1 and 2a, and by adding a subdivision; 15.163; and 15.1642, Subdivisions 3 and 5; 15.166; and Chapter 15, by adding sections; repealing Minnesota Statutes 1978, Sections 15.1641; 15.1642, Subdivision 4; and 15.169.

Referred to the Committee on Judiciary.

Mr. Purfeerst introduced—

S. F. No. 1214: A bill for an act relating to metropolitan government; fixing the location of metropolitan sports facilities; amending Minnesota Statutes 1978, Sections 473.556, Subdivision 3; and 473.571, Subdivision 1; repealing Minnesota Statutes 1978, Section 473.571, Subdivisions 2, 3, 4, 5 and 6.

Referred to the Committee on Governmental Operations.

MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Davies moved that S. F. No. 1212 be withdrawn from the Committee on Local Government and re-referred to the Committee on Rules and Administration. The motion prevailed.

Mr. Olhoft moved that S. F. No. 355 be withdrawn from the Committee on Taxes and Tax Laws and re-referred to the Committee on Judiciary. The motion prevailed.

SUSPENSION OF RULES

Mr. Willet moved that an urgency be declared within the meaning of Article IV, Section 19, of the Constitution of Minnesota, with respect to H. F. No. 493 and that the rules of the Senate be so far suspended as to give H. F. No. 493, now on the Consent Calendar, its third reading and place it on its final passage. The motion prevailed.

H. F. No. 493: A bill for an act relating to the city of Bemidji; authorizing the issuance of bonds authorized at a special election.

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 57 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS—CONTINUED

Messrs. McCutcheon and Chenoweth introduced—

Senate Resolution No. 22: A Senate resolution congratulating the Saint Paul Harding High School ice hockey team on participating in the Minnesota state championship ice hockey tournament.

Referred to the Committee on Rules and Administration.

Mr. Coleman moved that the Senate do now adjourn until 10:00 o'clock a.m., Monday, April 9, 1979. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate