

# FORTY-NINTH DAY

St. Paul, Minnesota, Tuesday, May 8, 1979

The Senate met at 9:30 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:

Bang	Frederick	Knaak	Peterson	Stokowski
Benedict	Gearty	Menning	Pillsbury	Strand
Brataas	Gunderson	Merriam	Rued	Stumpf
Chenoweth	Hanson	Moe	Schmitz	Ulland, J.
Chmielewski	Hughes	Nelson	Setzepfandt	Vega
Coleman	Johnson	Olhoff	Sieloff	Wegener
Davies	Keefe, S.	Olson	Sikorski	Willet
Dieterich	Kirchner	Penny	Sillers	
Dunn	Kleinbaum	Perpich	Spear	

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

Prayer was offered by the Chaplain, Rev. Edward Flahavan.

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

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

Messrs. Anderson, Humphrey and Schrom were excused from the Session of today. Mr. Stumpf was excused from the Session of

today from 11:30 o'clock a.m. to 1:00 o'clock p.m. Mr. Engler was excused from the Session of today from 9:30 o'clock a.m. to 12:00 o'clock noon. Mr. Gunderson was excused from the Session of today from 11:00 to 11:45 o'clock a.m. Mr. McCutcheon was excused from the Session of today from 12:30 to 1:15 o'clock p.m.

#### **INTRODUCTION AND FIRST READING OF SENATE BILLS**

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

Mrs. Knaak introduced—

S. F. No. 1547: A bill for an act relating to health; exempting out of state physicians from licensing regulations under certain conditions; amending Minnesota Statutes 1978, Section 147.09.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Menning, Luther and Pillsbury introduced—

S. F. No. 1548: A bill for an act relating to claims against the state; appropriating money for the payment thereof.

Referred to the Committee on Finance.

Messrs. Strand, Sieloff, Bernhagen, Gearty and Lessard introduced—

S. F. No. 1549: A bill for an act relating to real estate; increasing certain fees charged by the county recorder and registrar of titles; amending Minnesota Statutes 1978, Sections 357.18, Subdivision 1; and 508.82.

Referred to the Committee on Judiciary.

Messrs. Gearty and Davies introduced—

S. F. No. 1550: A bill for an act proposing an amendment to the Minnesota Constitution, Article V, Section 3; removing the requirement that notaries public be approved by the senate.

Referred to the Committee on Judiciary.

Messrs. Hanson, Moe, Nichols, Setzepfandt and Gunderson introduced—

S. F. No. 1551: A bill for an act relating to taxation; real property; providing a method for determining the value of agricultural land; amending Minnesota Statutes 1978, Section 273.11, Subdivision 1, and by adding a subdivision.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Luther, Moe, Johnson, Willet and Dunn introduced—

S. F. No. 1552: A bill for an act relating to the environment; regulating activities of drillers of exploratory borings; specifying the powers and duties of public officers and agencies; providing penalties; amending Minnesota Statutes 1978, Sections 156A.01; 156A.02, Subdivision 1, and by adding subdivisions; 156A.03, Subdivision 1; 156A.04; 156A.08; and Chapter 156A, by adding a section.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Davies, McCutcheon, Moe and Jensen introduced—

S. F. No. 1553: A bill for an act relating to legislative enactments; providing for the correction of miscellaneous oversights, inconsistencies, ambiguities, unintended results and technical errors of a noncontroversial nature; amending Laws 1979, Chapter 63, Section 1, Subdivision 2.

Referred to the Committee on Rules and Administration.

#### EXECUTIVE AND OFFICIAL COMMUNICATIONS

May 7, 1979

The Honorable Edward J. Gearty  
President of the Senate

Dear Sir:

I have the honor of informing you that I have received, approved, signed and deposited in the Office of the Secretary of State, S. F. Nos. 362, 538, 218, 737 and 1149.

Sincerely,

Albert H. Quie, Governor

#### MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, herewith returned: S. F. No. 935.

Edward A. Burdick, Chief Clerk, House of Representatives  
Returned May 7, 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. 345: A bill for an act relating to Hennepin County; providing that law library fees be set by the library trustees; amending Laws 1933, Chapter 291, Section 4, as amended.

Senate File No. 345 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives  
Returned May 7, 1979

### CONCURRENCE AND REPASSAGE

Mr. Tennesen moved that the Senate concur in the amendments by the House to S. F. No. 345 and that the bill be placed on its repassage as amended. The motion prevailed.

S. F. No. 345: A bill for an act relating to certain political subdivisions; regulating fees charged by law libraries; amending Laws 1933, Chapter 291, Section 4, as amended; and Laws 1967, Chapter 223, Section 1.

Was read the third time, as amended by the House, and placed on its repassage.

The question was taken on the repassage of the bill, as amended.

The roll was called, and there were yeas 55 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Gunderson	Luther	Peterson	Spear
Benedict	Hanson	Menning	Pillabury	Staples
Brataas	Hughes	Merriam	Purfeerst	Stokowski
Chenoweth	Jensen	Moe	Renneke	Strand
Chmielewski	Johnson	Nelson	Rued	Stumpf
Coleman	Keefe, S.	Nichols	SchAAF	Tennesen
Davies	Kirchner	Ogdahl	Schmitz	Ueland, A.
Dieterich	Kleinbaum	Olhoff	Setzepfandt	Ulland, J.
Dunn	Knaak	Olson	Sieloff	Vega
Frederick	Laufenburger	Penny	Sikoraki	Wegener
Gearty	Lessard	Perpich	Solon	Willet

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

### MESSAGES FROM THE HOUSE—CONTINUED

Mr. President:

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

S. F. No. 444: A bill for an act relating to fences; providing for the compensation of fence viewers; amending Minnesota Statutes 1978, Section 344.18.

Senate File No. 444 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Mr. Bernhagen moved that S. F. No. 444 be laid on the table. The motion prevailed.

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. 1510: A bill for an act relating to the organization and operation of state government; appropriating money for the general administrative and judicial expenses of state government with certain conditions; providing for the transfer of certain moneys in the state treasury; authorizing land acquisition in certain cases; fixing and limiting the amount of fees to be collected in certain cases; amending Minnesota Statutes 1978, Sections 4.12, by adding a subdivision; 4.26, Subdivision 1; 10.31; 16.02, by adding a subdivision; 16.97, Subdivision 1; 16A.126; 43.067, Subdivision 1; 85A.02, Subdivision 12; 116E.03, Subdivision 4; 179.04; 180.03, Subdivision 2; 197.16; 198.31; 299C.07; 361.12, by adding a subdivision; 362.20; 362.40, Subdivisions 9, 10 and 11; 546.27; Chapters 86, by adding a section; and 299C, by adding a section.

Senate File No. 1510 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Mr. Moe moved that S. F. No. 1510 be laid on the table. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H. F. Nos. 724, 1091, 1433, 1444 and 8.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 7, 1979

Mr. President:

I have the honor to announce the following change in the membership of the Conference Committee on House File No. 1518:

The name of Corbid has been deleted and the name of Hokanson has been added.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 7, 1979

#### FIRST READING OF HOUSE BILLS

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

H. F. No. 724: A bill for an act relating to housing; providing for an increase in the authorization for bonds and notes for the housing finance agency; establishing a grant program for the con-

struction of three or more bedroom apartment units; creating a grant program for accessible housing; increasing the spending and complement limits; making certain changes in the laws relating to the operation of the agency; appropriating money; amending Minnesota Statutes 1978, Sections 462A.05, Subdivision 15, and by adding subdivisions; 462A.07, Subdivision 15; 462A.21, Subdivision 6, and by adding subdivisions; and 462A.22, Subdivisions 1 and 1a.

Referred to the Committee on Finance.

H. F. No. 1091: A bill for an act relating to natural resources; providing a public policy directed to preservation of agricultural lands; establishing a temporary joint legislative committee on agricultural land preservation; requiring studies and reports by the state planning agency; providing for staffing of the joint legislative committee.

Referred to the Committee on Rules and Administration.

H. F. No. 1433: A bill for an act relating to certain political subdivisions; authorizing the issuance of revenue bonds for the acquisition and installation of equipment for hospital and medical purposes; authorizing the issuance of general obligation bonds for the construction of a municipal library and community center.

Referred to the Committee on Rules and Administration for comparison with S. F. No. 1400, now on Special Orders.

H. F. No. 1444: A bill for an act relating to the cities of McGregor and Heron Lake; authorizing the issuance of bonds for the acquisition and betterment of a municipal fire hall and community center; legalizing proceedings precedent to the issuance of certain general obligation bonds and excluding the bonds from the computation of net debt.

Referred to the Committee on Rules and Administration for comparison with S. F. No. 1393, now on Special Orders.

H. F. No. 8: A bill for an act relating to taxation; gasoline tax; reducing the tax on grain alcohol gasoline; creating the Minnesota agricultural products industrial utilization board; appropriating money; amending Minnesota Statutes 1978, Sections 296.01, by adding a subdivision; 296.02, by adding a subdivision; 296.18, Subdivision 8; and Chapter 24, by adding a section.

Referred to the Committee on Taxes and Tax Laws.

#### REPORTS OF COMMITTEES

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

Mr. McCutcheon from the Committee on Taxes and Tax Laws, to which was referred

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

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

Page 3, line 26, delete "assessed" and insert "levied"

Page 3, line 32, delete "on or before" and insert a period

Page 3, delete line 33

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

Mr. McCutcheon from the Committee on Taxes and Tax Laws, to which was referred

S. F. No. 42: A bill for an act relating to taxation; sales tax; reducing the tax rate on certain farm machinery; amending Minnesota Statutes 1978, Sections 297A.01, by adding a subdivision; 297A.02; 297A.14; and 297A.24.

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

Page 1, delete lines 10 to 16 and insert:

*"Subd. 15. "Farm machinery" means new or used machinery, equipment, implements, accessories and contrivances used directly and principally in the production for sale, but not including the processing, of livestock, dairy animals, dairy products, poultry and poultry products, fruits, vegetables, forage, grains and bees and apiary products. "Farm machinery" shall include machinery for the preparation, seeding or cultivation of soil for growing agricultural crops, harvesting and threshing of agricultural products, and certain machinery for dairy, livestock and poultry farms, together with barn cleaners, milking systems, grain dryers, automatic feeding systems and similar installations. Irrigation equipment sold for exclusively agricultural use, including pumps, pipe fittings, valves, sprinklers and other equipment necessary to the operation of an irrigation system when sold as part of an irrigation system, except irrigation equipment which is situated below ground and considered to be a part of the real property, shall be included in the definition of farm machinery. Repair or replacement parts for farm machinery shall be included in the definition of farm machinery.*

*Tools, shop equipment, grain bins, feed bunks, fencing material, communication equipment and other farm supplies shall not be considered to be farm machinery. "Farm machinery" does not*

*include motor vehicles required to be registered under chapter 297B, snowmobiles, snow blowers, lawn mowers, garden-type tractors or garden tillers and the repair and replacement parts for those vehicles and machines."*

Page 3, line 16, delete "July" and insert "December"

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

Mr. McCutcheon from the Committee on Taxes and Tax Laws, to which was referred

S. F. No. 216: A bill for an act relating to taxation; property tax; extending class 3cc to homesteads of persons receiving private disability pensions; amending Minnesota Statutes 1978, Section 273.13, Subdivision 7.

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

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

H. F. No. 1126: A bill for an act relating to state parks; authorizing the acquisition of certain lands for Afton State Park by eminent domain.

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

Page 1, after line 15, insert:

"Sec. 2. [LAKE BEMIDJI STATE PARK.] The following areas are added to the Lake Bemidji State Park: The Southwest Quarter of the Northeast Quarter of Section 14; the West Half of the Southeast Quarter except the West 20 Rods and except the South 200 feet thereof of Section 14; all in Township 147 North, Range 33 West."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, after "domain" insert "; expanding the boundaries of Lake Bemidji State Park"

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

H. F. No. 282: A bill for an act relating to game and fish; establishing a procedure for selection of applicants for licenses to take wild turkeys; providing a penalty; amending Minnesota Statutes 1978, Section 100.271.



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

Page 2, line 3, after the period insert:

*"Any landowner or tenant who is successful in the commissioner's separate selection shall permit turkey hunting on his land during the turkey season."*

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. 1119: A bill for an act relating to state lands; authorizing conveyance of certain land to Independent School District No. 281.

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

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

H. F. No. 508: A bill for an act relating to unemployment compensation; exempting family corporation shareholder's income from contribution rate; amending Minnesota Statutes 1978, Section 268.04, Subdivision 12.

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

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

H. F. No. 430: A bill for an act relating to elections; allowing employees of the state or its political subdivisions to serve as election judges; amending Minnesota Statutes 1978, Section 204A.18, Subdivision 3; repealing Minnesota Statutes 1978, Section 204A.17, Subdivision 5.

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

Page 1, line 13, strike "a" and insert "*an election*"

Page 1, lines 16 and 17, strike "; nor may any person be a judge"

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

Mr. Tennesen from the Committee on Commerce, to which was referred

H. F. No. 1093: A bill for an act relating to bingo; changing the filing requirements for organizations conducting bingo; amending Minnesota Statutes 1978, Section 349.21, Subdivision 3.

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

Mr. Tennessen from the Committee on Commerce, to which was referred

S. F. No. 1343: A bill for an act relating to the regulation of securities; exempting certain securities from certain registration and filing requirements; amending Minnesota Statutes 1978, Section 80A.15, Subdivision 1.

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

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

H. F. No. 870: A bill for an act relating to education; requiring that certain schools provide a prospective student with a school catalog before accepting the student; providing in certain cases for tuition refunds from private business, trade, and correspondence schools that do not use written contracts; providing for certain exemptions under the private business, trade and correspondence school act; amending Minnesota Statutes 1978, Sections 141.25, Subdivision 9; 141.271, Subdivision 3, and by adding a subdivision; and 141.35.

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

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

H. F. No. 1023: A bill for an act relating to Independent School District No. 911; providing for the sale of certain land.

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

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

H. F. No. 852: A bill for an act relating to schools; requiring school boards to allow official representatives of military forces reasonable access to certain school facilities for recruitment presentations; amending Minnesota Statutes 1978, Section 123.36, by adding a subdivision.

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

Page 1, line 12, delete "No board may deny reasonable access by" and insert "The board shall provide, on the same basis as that provided to other persons or groups which make pupils aware of occupational or educational options, reasonable access to official representatives of the military forces of the state or the United States."

Page 1, delete lines 13 to 23

Page 2, delete lines 1 to 12

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

Mr. Tennessen from the Committee on Commerce, to which was referred

S. F. No. 1484: A bill for an act relating to arson; fire loss information; authorizing certain agencies to request and receive from insurance companies information relating to fire losses; providing for immunity to insurance companies providing fire loss information; providing for confidentiality of released information; providing for testimony in matters under litigation; providing for penalties.

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

Page 2, line 9, after "a" insert "case involving a"

Page 2, line 9, after "fire" insert "loss"

Page 2, line 10, after " "Relevant" insert "information or evidence"

Page 2, line 23, delete "but" and insert "and" and delete "not"

Page 2, line 28, after "(c)" insert "A"

Page 2, line 28, after "insured" insert ", including"

Page 2, line 29, delete "and"

Page 2, line 29, after "partnership," insert "a"

Page 2, line 31, delete ". Also" and after the comma, insert "and a"

Page 2, line 32, after "officers" insert "or partners"

Page 3, line 13, delete "sections 1 to 6" and insert "this subdivision"

Page 3, line 16, delete "his own" and insert "official"

Page 3, lines 18 to 22, delete subdivision 4

Page 3, line 23, delete "Except when actual malice can be proved,"

Page 3, line 26, after the comma, insert "acting in good faith,"

Renumber the subdivisions in sequence

Page 4, line 5, delete "person or" and insert "insurance company or employee or officer thereof"

Page 4, line 6, delete "agency"

Page 4, line 6, delete "or knowingly"

Page 4, line 9, delete "person" and insert "insurance company or employee or officer thereof"

Page 4, line 9, delete "or knowingly"

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. 1427: A bill for an act relating to energy; encouraging municipalities to use diseased trees as firewood.

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

Page 1, line 7, delete "energy agency" and insert "department of agriculture"

Page 1, line 8, delete "department of agriculture" and insert "energy agency"

Page 1, line 9, delete "develop guidelines" and insert "adopt temporary rules promulgated pursuant to chapter 15"

Page 1, line 11, delete "Guidelines" and insert "Rules"

Page 1, line 13, delete "guidelines" and insert "rules"

Page 1, line 16, delete "operating" and insert "may operate"

Page 1, line 18, delete "shall, with due attention to guidelines developed" and insert "which shall include rules adopted"

Page 1, line 19, delete "institute" and insert "and may include"

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

Mr. Laufenburger from the Committee on Employment, to which was referred the following appointment as reported in the Journal for April 19, 1979:

#### **OCCUPATIONAL SAFETY AND HEALTH REVIEW BOARD**

Homer A. Childs

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

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

March 15, 1979:

Mr. Hughes from the Committee on Education, to which was referred the following appointment as reported in the Journal for

**STATE UNIVERSITY BOARD**

Randy Roger Thomas

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

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

Mr. Hughes from the Committee on Education, to which were referred the following appointments as reported in the Journal for April 9, 1979:

**STATE UNIVERSITY BOARD**

Paul O. Johnson

Geneva M. Peterson

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

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

Mr. Hughes from the Committee on Education, to which was referred the following appointment as reported in the Journal for March 29, 1979:

**DEPARTMENT OF EDUCATION  
COMMISSIONER**

Howard B. Casmey

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

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

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

**STATE BOARD OF EDUCATION**

Mary Birmingham

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

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

Mr. Hughes from the Committee on Education, to which was referred the following appointment as reported in the Journal for May 2, 1979:

**STATE BOARD OF EDUCATION**

Patricia Weber

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

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

**SECOND READING OF SENATE BILLS**

S. F. Nos. 426, 42, 216, 1119, 1343, 1484 and 1427 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. Nos. 1126, 282, 508, 430, 1093, 870, 1023 and 852 were read the second time and referred to the Subcommittee on Bill Scheduling of the Committee on Rules and Administration.

**MOTIONS AND RESOLUTIONS**

Mrs. Staples moved that H. F. No. 1144 be withdrawn from the Committee on Local Government and re-referred to the Committee on Rules and Administration for comparison with S. F. No. 1119 now in the Subcommittee on Bill Scheduling. The motion prevailed.

Mr. Dieterich moved that H. F. No. 1324 be withdrawn from the Committee on Commerce and re-referred to the Committee on Rules and Administration for comparison with S. F. No. 1484 now in the Subcommittee on Bill Scheduling. The motion prevailed.

Mr. Moe moved that the names of Mrs. Brataas, Messrs. Olson and Spear be added as co-authors to S. F. No. 651. The motion prevailed.

Mr. Sikorski moved that the name of Mr. Merriam be added as co-author to S. F. No. 744. The motion prevailed.

Mr. Davies moved that the name of Mr. Sikorski be added as co-author to S. F. No. 998. The motion prevailed.

Mrs. Brataas moved that the name of Mr. Frederick be added as co-author to S. F. No. 1038. The motion prevailed.

Mr. Purfeerst moved that the name of Mr. Sikorski be added as co-author to S. F. No. 1296. The motion prevailed.

Mr. Penny moved that the name of Mr. Strand be added as co-author to S. F. No. 851. The motion prevailed.

Mr. Coleman moved that S. F. No. 1539, on General Orders, be stricken and laid on the table. The motion prevailed.

Mr. Sieloff moved that S. F. No. 450 be taken from the table. The motion prevailed.

S. F. No. 450: A bill for an act relating to probate; clarifying the form for a self-proved will; amending Minnesota Statutes 1978, Section 524.2-504.

### CONCURRENCE AND REPASSAGE

Mr. Sieloff moved that the Senate concur in the amendments by the House to S. F. No. 450 and that the bill be placed on its repassage as amended.

### CALL OF THE SENATE

Mr. Tennesen imposed a call of the Senate for the balance of the proceedings on S. F. No. 450. The following Senators answered to their names:

Ashbach	Hughes	McCutcheon	Pillsbury	Stokowski
Bernhagen	Jensen	Menning	Purfeerst	Strand
Brataas	Johnson	Merriam	Rued	Stumpf
Chenoweth	Keefe, J.	Moe	Schaaf	Tennesen
Chmielewski	Keefe, S.	Nelson	Schmitz	Ueland, A.
Coleman	Kirchner	Nichols	Setzepfandt	Ulland, J.
Davies	Kleinbaum	Ogdahl	Sieloff	Vega
Dieterich	Knaak	Olhoft	Sikorski	Wegener
Dunn	Knoll	Olson	Sillers	Willet
Frederick	Knutson	Penny	Solon	
Gearty	Laufenburger	Perpich	Spear	
Hanson	Luther	Peterson	Staples	

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

The question was taken on the adoption of the motion of Mr. Sieloff.

Mr. Tennesen moved that those not voting be excused from voting. The motion prevailed.

The roll was called, and there were yeas 24 and nays 36, as follows:

Those who voted in the affirmative were:

Ashbach	Chmielewski	Keefe, J.	Ogdahl	Sillers
Bang	Dunn	Kirchner	Olson	Strand
Benedict	Frederick	Knaak	Pillsbury	Ueland, A.
Bernhagen	Gearty	Knutson	Renneke	Ulland, J.
Brataas	Jensen	Menning	Rued	

Those who voted in the negative were:

Chenoweth	Kleinbaum	Nichols	Setzepfandt	Tennesen
Coleman	Knoll	Olhoft	Sieloff	Vega
Davies	Laufenburger	Penny	Sikorski	Wegener
Dieterich	Luther	Perpich	Solon	Willet
Gunderson	McCutcheon	Peterson	Spear	
Hanson	Merriam	Purfeerst	Staples	
Hughes	Moe	Schaaf	Stokowski	
Johnson	Nelson	Schmitz	Stumpf	

The motion did not prevail.

Mr. Sieloff moved that S. F. No. 450 be laid on the table. The motion prevailed.

Mr. Bernhagen moved that S. F. No. 444 be taken from the table. The motion prevailed.

S. F. No. 444: A bill for an act relating to fences; providing for the compensation of fence viewers; amending Minnesota Statutes 1978, Section 344.18.

### CONCURRENCE AND REPASSAGE

Mr. Bernhagen moved that the Senate concur in the amendments by the House to S. F. No. 444 and that the bill be placed on its repassage as amended. The motion prevailed.

S. F. No. 444: A bill for an act relating to fences; providing for the compensation of fence viewers; amending Minnesota Statutes 1978, Section 344.18.

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 57 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Gunderson	McCutcheon	Pillsbury	Staples
Benedict	Hanson	Menning	Purfeerst	Strand
Bernhagen	Hughes	Merriam	Renneke	Stumpf
Brataas	Jensen	Moe	Rued	Tennessen
Chenoweth	Johnson	Nelson	Schaaf	Ueland, A.
Chmielewski	Keefe, J.	Nichols	Schmitz	Ulland, J.
Coleman	Kirchner	Ogdahl	Setzepfandt	Vega
Davies	Kleinbaum	Olhoff	Sieloff	Wegener
Dieterich	Knoll	Olson	Sikorski	Willet
Dunn	Knutson	Penny	Sillers	
Frederick	Lessard	Perpich	Solon	
Gearty	Luther	Peterson	Spear	

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

### MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Schaaf moved that S. F. No. 484 be taken from the table. The motion prevailed.

S. F. No. 484: A bill for an act relating to elections; requiring recounts in county, municipal and school district elections under certain circumstances; setting a time limit for appeal of a district court determination in a school district election contest; amending Minnesota Statutes 1978, Chapter 204A, by adding a section; Sections 123.32, Subdivision 25, and by adding a subdivision; 205.11, by adding a subdivision; and 205.14, by adding a subdivision.



## CONCURRENCE AND REPASSAGE

Mr. Schaaf moved that the Senate concur in the amendments by the House to S. F. No. 484 and that the bill be placed on its repassage as amended. The motion prevailed.

S. F. No. 484: A bill for an act relating to elections; requiring recounts in county, municipal and school district elections under certain circumstances; setting a time limit for appeal of a district court determination in a school district election contest; clarifying provisions concerning return of absentee ballots; regulating elections in the city of Duluth and Independent School District No. 709; amending Minnesota Statutes 1978, Chapter 204A, by adding a section; Sections 123.32, Subdivision 25, and by adding a subdivision; 205.11, by adding a subdivision; 205.14, by adding a subdivision; Section 207.08, Subdivision 2, and by adding a subdivision; and 207.11, by adding a subdivision; repealing Minnesota Statutes 1978, Section 207.10.

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 59 and nays 1, as follows:

Those who voted in the affirmative were:

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

Mr. Penny voted in the negative.

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

## MOTIONS AND RESOLUTIONS—CONTINUED

## CONFIRMATION

Mr. Hughes moved that the report from the Committee on Education, reported May 7, 1979, pertaining to appointments, be taken from the table. The motion prevailed.

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

Mr. Hughes moved that in accordance with the report from the Committee on Education, reported May 7, 1979, the Senate, having given its advice, do now consent to and confirm the appointments of:

**COUNCIL ON QUALITY EDUCATION**

Judy Lawrence Roy, Red Lake, Beltrami County, effective February 20, 1978, for a term expiring the first Monday in January, 1980.

Anna Barker, 8129 Hemingway, Cottage Grove, Washington County, effective March 20, 1978, for a term expiring the first Monday in January, 1981.

Loria Danage-Scott, 2021 Edgerton, Apt. 319, Maplewood, Ramsey County, effective August 22, 1978, for a term expiring the first Monday in January, 1982.

Lorraine Ziemer, 10211 Cedar Lake Road, Minnetonka, Hennepin County, effective April 23, 1979, for a term expiring the first Monday in January, 1983.

**MINNESOTA HIGHER EDUCATION FACILITIES AUTHORITY**

Frederick J. Bentz, 2778 Thomas Avenue South, Minneapolis, Hennepin County, effective April 9, 1979, for a term expiring the first Monday in January, 1983.

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

**STATE BOARD FOR COMMUNITY COLLEGES**

Paul D. Brinkman, 1111 Hamline Avenue North, St. Paul, Ramsey County, effective March 19, 1979, for a term expiring the first Monday in January, 1981.

Nadine H. Chase, Box 186, Bena, Cass County, effective March 6, 1979, for a term expiring the first Monday in January, 1982.

The motion prevailed. So the appointments were confirmed.

**CONFIRMATION**

Mr. Olson moved that the report from the Committee on General Legislation and Administrative Rules, reported May 7, 1979, pertaining to appointments, be taken from the table. The motion prevailed.

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

Mr. Olson moved that in accordance with the report from the Committee on General Legislation and Administrative Rules, reported May 7, 1979, the Senate, having given its advice, do now consent to and confirm the appointments of:

**STATE ZOOLOGICAL BOARD**

Richard M. Arndt, 669 Laura Court, Mendota Heights, Dakota County, effective April 16, 1979, for a term expiring January 3, 1983.

Patricia Davies, 3424 Edmund Blvd., Minneapolis, Hennepin County, effective April 16, 1979, for a term expiring January 3, 1983.

James L. Hetland, Jr., 5850 Irving Avenue South, Minneapolis, Hennepin County, effective April 16, 1979, for a term expiring January 3, 1983.

Dr. Paul E. Zollman, 200 1st Street SW, Rochester, Olmsted County, effective April 16, 1979, for a term expiring January 3, 1983.

The motion prevailed. So the appointments were confirmed.

#### **CONFIRMATION**

Mr. Willet moved that the report from the Committee on Agriculture and Natural Resources, reported May 7, 1979, pertaining 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 May 7, 1979, the Senate, having given its advice, do now consent to and confirm the appointments of:

#### **IRON RANGE RESOURCES AND REHABILITATION BOARD COMMISSIONER**

Patrick J. McGauley, 2808 5th Avenue West, Hibbing, St. Louis County, effective March 26, 1979, for a term expiring the first Monday in January, 1983.

#### **MINNESOTA WATER RESOURCES BOARD**

Dr. Benjamin Ramage Harriman, 1335 Pinehurst Avenue, St. Paul, Ramsey County, effective March 6, 1979, for a term expiring the first Monday in January, 1983.

James J. Wychor, 1945 South Shore Drive, Worthington, Nobles County, effective March 6, 1979, for a term expiring the first Monday in January, 1983.

#### **STATE SOIL AND WATER CONSERVATION BOARD**

Alison D. Fuhr, 6609 Brittany Road, Edina, Hennepin County, effective March 6, 1979, for a term expiring the first Monday in January, 1983.

The motion prevailed. So the appointments were confirmed.

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

Mr. Wegener moved that S. F. No. 1054 be withdrawn from the Committee on Judiciary and re-referred to the Committee on Local Government. The motion prevailed.

Pursuant to Rule 10, Mr. Coleman, Chairman of the Subcommittee on Bill Scheduling, designated the General Orders Calendar a Special Orders Calendar to be heard immediately.

### SPECIAL ORDER

S. F. No. 381: A bill for an act relating to the city of Ely; providing for the salaries of the mayor and council.

Mr. Johnson moved that S. F. No. 381, No. 1 on Special Orders, be stricken and re-referred to the Committee on Local Government. The motion prevailed.

### SPECIAL ORDER

S. F. No. 992: A bill for an act relating to intoxicating liquor; requiring proof of financial responsibility; amending Minnesota Statutes 1978, Sections 340.11, by adding a subdivision; 340.12; and 340.353, by adding a subdivision.

Mr. Schaaf moved that S. F. No. 992, No. 41 on Special Orders, be stricken and re-referred to the Committee on Judiciary.

The question was taken on the adoption of the motion.

The roll was called, and there were yeas 27 and nays 26, as follows:

Those who voted in the affirmative were:

Bernhagen	Johnson	Olson	Schmitz	Ulland, J.
Brataas	Kleinbaum	Peterson	Staples	Wegener
Chenoweth	Knutson	Purfeerst	Stokowski	Willet
Coleman	Lessard	Renneke	Strand	
Frederick	McCutcheon	Rued	Stumpf	
Jensen	Nelson	Schaaf	Ueland, A.	

Those who voted in the negative were:

Ashbach	Hanson	Luther	Perpich	Tennessen
Benedict	Keefe, J.	Menning	Pillsbury	Vega
Chmielewski	Keefe, S.	Merriam	Setzepfandt	
Dieterich	Kirchner	Moe	Sieloff	
Dunn	Knaak	Olhoft	Sikorski	
Gearty	Knoll	Penny	Spear	

The motion prevailed.

### SPECIAL ORDER

S. F. No. 791: A bill for an act relating to waters; requiring executive council designation of scenic rivers; authorizing legislative review of the designation of scenic rivers; permitting county administration of certain areas within the scenic rivers system; providing for informational meetings prior to adoption of management plans; assisting local governments in preparation and administration of required ordinances; restricting acquisition of lands by the state; protecting landowners rights; amending Minnesota Statutes 1978, Sections 104.31; 104.33, Subdivision 1; 104.34; 104.35, Subdivisions 1, 2 and 3; 104.36, by adding a subdivision;

104.37, Subdivision 1; and 104.40; repealing Minnesota Statutes 1978, Sections 104.35, Subdivision 4; and 104.39.

Mr. Dunn moved to amend S. F. No. 791, as follows:

Page 2, line 15, delete "*executive council*" and insert "*Minnesota environmental quality board*"

Page 5, line 16, delete "*executive*" and insert "*Minnesota environmental quality board*"

Page 5, line 17, delete "*council*"

Page 5, line 19, delete "*executive council*" and insert "*environmental quality board*"

Further, amend the title in line 2 by deleting "*executive council*" and inserting "*Minnesota environmental quality board*"

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

Mr. Merriam moved to amend S. F. No. 791 as follows:

Page 5, line 17, delete "*have*" and insert "*act within*"

Page 5, line 18, delete everything after the period

Page 5, delete line 19

Page 5, line 20, delete the new language

The motion prevailed. So the amendment was adopted.

### CALL OF THE SENATE

Mr. Chmielewski imposed a call of the Senate for the balance of the proceedings on S. F. No. 791. The following Senators answered to their names:

Bang	Hughes	Luther	Rued	Stokowski
Benedict	Jensen	McCutcheon	Schaaf	Strand
Bernhagen	Johnson	Merriam	Schmitz	Ueland, A.
Dieterich	Keefe, S.	Nelson	Setzepfandt	Ulland, J.
Dunn	Kirchner	Olson	Sieloff	Vega
Gearty	Knoll	Pillsbury	Sikorski	Willet
Gunderson	Knutson	Purfeerst	Solon	
Hanson	Lessard	Renneke	Staples	

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

Mr. Chmielewski moved to amend S. F. No. 791 as follows:

Page 2, line 15, delete "*executive council*" and insert "*legislature*"

Page 2, line 17, delete "*Provided*"

Page 2, line 18, delete "*that*"

Page 4, line 31, after the period, insert "*The commissioner shall obtain approval by resolution of the county board or boards of the county or counties containing a majority of the shoreline of a river or segment thereof proposed for inclusion in the wild and scenic*"

*rivers system prior to recommending designation thereof to the legislature. Notwithstanding the foregoing, no river or segment thereof lying entirely within one county shall be included without approval of the county board of that county. No management plan adopted nor designation of a river or segment thereof as a wild and scenic river shall be effective without the required approval."*

Page 5, lines 15 to 20, delete the new language and insert "A recommendation to the legislature for the inclusion of a river or segment thereof shall be accompanied by the proposed management plan, the hearing examiner's report thereon, and any written comments or testimony received pursuant to subdivision 2. No river or segment thereof shall be designated for inclusion in the wild and scenic rivers system except by act of the legislature."

Amend the title as follows:

Page 1, line 2, delete "executive council"

Page 1, delete line 3

Page 1, line 4, delete "review of the"

Mr. Sieloff requested division of the amendment as follows:

First portion:

Page 2, line 15, delete "executive council" and insert "legislature"

Page 5, lines 15 to 20, delete the new language and insert "A recommendation to the legislature for the inclusion of a river or segment thereof shall be accompanied by the proposed management plan, the hearing examiner's report thereon, and any written comment or testimony received pursuant to subdivision 2. No river or segment thereof shall be designated for inclusion in the wild and scenic rivers system except by act of the legislature."

Amend the title as follows:

Page 1, line 2, delete "executive council"

Page 1, delete line 3

Page 1, line 4, delete "review of the"

Second portion:

Page 2, line 17, delete "Provided"

Page 2, line 18, delete "that"

Page 4, line 31, after the period, insert "The commissioner shall obtain approval by resolution of the county board or boards of the county or counties containing a majority of the shoreline of a river or segment thereof proposed for inclusion in the wild and scenic rivers system prior to recommending designation thereof to the legislature. Notwithstanding the foregoing, no river or segment thereof lying entirely within one county shall be included without approval of the county board of that county. No manage-

*ment plan adopted nor designation of a river or segment thereof as a wild and scenic river shall be effective without the required approval."*

The question was taken on the adoption of the first portion of the Chmielewski amendment.

The roll was called, and there were yeas 28 and nays 29, as follows:

Those who voted in the affirmative were:

Ashbach	Engler	Menning	Pillsbury	Sillers
Bang	Frederick	Moe	Purfeerst	Solon
Bernhagen	Johnson	Ogdahl	Renneke	Strand
Brataas	Knaak	Olson	Rued	Ueland, A.
Chmielewski	Knutson	Penny	Schmitz	
Dunn	Lessard	Peterson	Sieloff	

Those who voted in the negative were:

Benedict	Gunderson	Laufenburger	Olthoff	Stokowski
Chenoweth	Hanson	Luther	Schaaf	Tennessee
Coleman	Keefe, S.	McCutcheon	Setzepfandt	Ulland, J.
Davies	Kirchner	Merriam	Sikorski	Vega
Dieterich	Kleinbaum	Nelson	Spear	Willet
Gearty	Knoll	Nichols	Staples	

The motion did not prevail. So the first portion of the Chmielewski amendment was not adopted.

The question was taken on the second portion of the Chmielewski amendment. The motion did not prevail. So the second portion of the Chmielewski amendment was not adopted.

Mr. Renneke moved to amend S. F. No. 791 as follows:

Delete everything after the enacting clause and insert:

"Section 1. The commissioner of natural resources shall designate no rivers for inclusion in the wild and scenic rivers system for a period of two years following the effective date of this act.

Sec. 2. The legislature finds that the wild and scenic rivers act is in need of revision. The agriculture and natural resources committee in the senate and the environmental and natural resources committee in the house of representatives, shall study the act and report to their respective houses prior to January 1, 1981. Their study shall consider, but not be limited to, the following issues:

(a) The procedures followed by the commissioner in the preparation of management plans for rivers proposed to be included within the wild and scenic rivers system;

(b) The encouragement of participation by counties and other local governments in the designation procedure;

(c) The title and goals of the program;

(d) The effect of designation of an area as a part of the wild and scenic rivers system on drainage and irrigation within the area;

(e) The proper authority to have the power to finally designate a river for inclusion within the system;

(f) The maintenance of existing uses of areas included within the system;

(g) The consideration of whether rivers already included within the system should remain in the system; and

(h) The construction and maintenance of new and existing boat landings, picnic grounds and swimming beaches in areas within the system;

(i) Estimated total costs involved in clause (c) above;

(j) Compensation to land owners regulated by the management plan, including the need to include in any management plan a requirement to estimate amounts of compensation involved, and a fair and equitable method of appraising compensation values involved;

(k) Determine how many persons are impacted by the existing and proposed program and an estimate of the number of persons who are presently utilizing the present system;

(1) Estimated costs to compensate local units of government or private persons for law enforcement, maintenance, and custodial services required.

Sec. 3. [EFFECTIVE DATE.] This act is effective the day after final enactment."

Amend the title as follows:

Page 1, delete lines 2 to 17 and insert "relating to the wild and scenic river system; providing for a two year moratorium upon the inclusion of rivers within the system; directing standing legislative committees to study certain issues relating to the system."

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

Mr. Setzepfandt moved to amend S. F. No. 791 as follows:

Page 2, line 15, delete "*executive council*" and insert "*agriculture and natural resources committee in the senate and the environment and natural resources committee in the house of representatives*"

Page 5, line 16, delete "*executive*" and insert "*agriculture and natural resources committee in the senate and environment and natural resources committee in the house of representatives. The committees, after considering the recommendation of the commissioner, may approve or disapprove the designation of the river or segment thereof as a wild, scenic, or recreational river. The river or segment thereof shall be included in the scenic river system only if both committees approve the designation.*"

Page 5, lines 17 to 20, delete all underscored language

Amend the title as follows:



Page 1, line 2, delete "executive council" and insert "legislative"

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

S. F. No. 791 was read the third time, as amended, and placed on its final passage.

The question was taken on the passage of the bill, as amended.

The roll was called, and there were yeas 49 and nays 11, as follows:

Those who voted in the affirmative were:

Ashbach	Gunderson	Luther	Perpich	Staples
Bang	Hanson	McCutcheon	Peterson	Stokowski
Benedict	Johnson	Menning	Pillsbury	Strand
Brataas	Keefe, S.	Moe	Purfeerst	Stumpf
Chmielewski	Kirchner	Nelson	Schaaf	Tennesen
Coleman	Kleinbaum	Nichols	Schmitz	Ueland, A.
Davies	Knoll	Ogdahl	Setzepfandt	Ulland, J.
Dieterich	Knutson	Olhoft	Sikorski	Vega
Frederick	Laufenburger	Olson	Solon	Willet
Gearty	Lessard	Penny	Spear	

Those who voted in the negative were:

Bernhagen	Keefe, J.	Merriam	Rued	Sillers
Dunn	Knaak	Renneke	Sieloff	Wegener
Engler				

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

### RECESS

Mr. Coleman moved that the Senate do now recess until 1:20 o'clock p.m. The motion prevailed.

The hour of 1:20 o'clock p.m. having arrived, the President called the Senate to order.

### MEMBERS EXCUSED

Mr. Keefe, J. was excused from the Session of today from 1:20 to 7:30 o'clock p.m. Mr. Chenoweth was excused from the Session of today from 12:45 to 2:00 o'clock p.m.

### CALL OF THE SENATE

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

Ashbach	Frederick	Knoll	Penny	Staples
Bernhagen	Gearty	Laufenburger	Perpich	Stumpf
Brataas	Gunderson	Lessard	Pillsbury	Ueland, A.
Chmielewski	Hughes	Luther	Rued	Ulland, J.
Coleman	Jensen	McCutcheon	Schmitz	Wegener
Davies	Keefe, S.	Menning	Sieloff	Willet
Dieterich	Kleinbaum	Merriam	Sillers	
Dunn	Knaak	Olhoft	Spear	

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

**SPECIAL ORDER**

S. F. No. 1158: A bill for an act relating to children; requiring that adoptive parents and the adoptive child shall be made parties to certain proceedings related to terminating adoptions; prohibiting a presumption that biological parents should be favored in such proceedings; amending Minnesota Statutes 1978, Sections 259.24, Subdivision 6; and 259.25, Subdivision 2.

Mrs. Brataas moved to amend S. F. No. 1158 as follows:

Page 2, after line 15, insert:

"Sec. 3. Minnesota Statutes 1978, Section 259.24, is amended by adding a subdivision to read:

*Subd. 8. [ADOPTIVE PARENTS DEFINED.] For the purposes of sections 259.24, subdivision 6, and 259.25, subdivision 2, the term "adoptive parents" shall mean parents who have received a child into their home with the intent to adopt the child."*

Amend the title as follows:

Page 1, line 8, after "6" insert ", and by adding a subdivision"

The motion prevailed. So the amendment was adopted.

S. F. No. 1158: A bill for an act relating to children; requiring that adoptive parents and the adoptive child shall be made parties to certain proceedings related to terminating adoptions; prohibiting a presumption that biological parents should be favored in such proceedings; amending Minnesota Statutes 1978, Sections 259.24, Subdivision 6, and by adding a subdivision; and 259.25, Subdivision 2.

Was read the third time, as amended, and placed on its final passage.

The question was taken on the passage of the bill, as amended.

The roll was called, and there were yeas 51 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Jensen	McCutcheon	Purfeerst	Strand
Benedict	Johnson	Menning	Renneke	Stumpf
Bernhagen	Keefe, S.	Merriam	Rued	Tennessen
Brataas	Kirchner	Moe	Schaaf	Ueland, A.
Davies	Kleinbaum	Nelson	Schmitz	Ulland, J.
Dieterich	Knaak	Ogdahl	Setzepfandt	Wegener
Dunn	Knoll	Olhoft	Sieloff	Willet
Frederick	Knutson	Penny	Sikorski	
Gearty	Laufenburger	Perpich	Spear	
Gunderson	Lessard	Peterson	Staples	
Hughes	Luther	Pillsbury	Stokowski	

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

**SPECIAL ORDER**

**S. F. No. 810:** A bill for an act relating to retirement; prohibiting membership in a volunteer firefighters' relief association by certain persons.

Mr. Davies moved to amend S. F. No. 810 as follows:

Page 3, after line 8, insert:

"Sec. 3. [LIMITATION ON NONFORFEITABLE ENTITLEMENT TO BENEFIT INCREASE.] No current annuitant, disablitant or survivor benefit recipient and no active or inactive member of any retirement fund to which this act applies shall acquire a nonforfeitable interest in, or entitlement to, any modification in the benefit plan of the fund contained in this act or be entitled to bring any action based on any modification in the benefit plan of the fund contained in this act until a period of two years commencing with the date on which the benefit plan modification becomes effective has expired."

Renumber the sections in sequence

The motion prevailed. So the amendment was adopted.

Mr. Merriam moved to amend S. F. No. 810 as follows:

Delete everything after the enacting clause and insert:

"Section 1. [RESTRICTION ON VOLUNTEER FIREFIGHTERS RELIEF ASSOCIATION MEMBERSHIP FOR CERTAIN PERSONS.] No person who is employed by a city in the position of fire chief or who is employed in a comparable executive or administrative position, if the city has no designated position of fire chief, and who is a member of the public employees retirement association, the public employees police and fire fund or a local salaried firefighters relief association to which Minnesota Statutes, Section 69.77 applies, shall be entitled while so employed after the effective date of this act to be a member of or to accrue any service credit in a volunteer firefighters relief association to which Minnesota Statutes, Sections 69.771 to 69.776 apply.

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

The motion prevailed. So the amendment was adopted.

S. F. No. 810 was read the third time, as amended, and placed on its final passage.

The question was taken on the passage of the bill, as amended.

The roll was called, and there were yeas 49 and nays 1, as follows:

Those who voted in the affirmative were:

Ashbach	Bernhagen	Davies	Frederick	Hanson
Bang	Brataas	Dieterich	Gearty	Hughes
Benedict	Chmielewski	Engler	Gunderson	Jensen

Johnson	Luther	Penny	Setzepfandt	Stumpf
Keefe, S.	Menning	Perpich	Sieloff	Tennessen
Kleinbaum	Merriam	Pillsbury	Sikorski	Ueland, A.
Knaak	Moe	Purfeerst	Spear	Ulland, J.
Knutson	Nelson	Renneke	Staples	Wegener
Laufenburger	Ogdahl	Rued	Stokowski	Willet
Lessard	Olhoff	Schaaf	Strand	

Mr. McCutcheon voted in the negative.

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

### SPECIAL ORDER

S. F. No. 351: A bill for an act relating to commerce; requiring identification and liability insurance on towing vehicles; prohibiting local licensing of towing companies unless they have contracted to perform services for the local governmental unit; providing a penalty; amending Minnesota Statutes 1978, Chapter 326, by adding a section.

Mrs. Staples moved to amend S. F. No. 351 as follows:

Page 2, after line 2, insert:

*"This subdivision does not apply to towing companies having a place of business in a city of the first class which regulates or licenses towing companies, with respect to towing vehicles operated solely within the boundaries of the city."*

Page 2, line 6, before "No" insert "Except as otherwise provided in this subdivision,"

Page 2, line 8, delete ", except" and insert a period

Page 2, delete lines 9 and 10, and insert "A city of the first class may enact an ordinance regulating or licensing towing companies having a place of business in the city with respect to towing vehicles operated within the boundaries of the city."

Amend the title as follows:

Page 1, delete line 5, and insert "except in cities of the first class"

Page 1, line 6, delete "for the local governmental unit"

The motion prevailed. So the amendment was adopted.

Mr. Luther moved to amend S. F. No. 351 as follows:

Page 1, line 16, after "the" insert "regular"

The motion prevailed. So the amendment was adopted.

S. F. No. 351: A bill for an act relating to commerce; requiring identification and liability insurance on towing vehicles; prohibiting local licensing of towing companies except in cities of the first class; providing a penalty; amending Minnesota Statutes 1978, Chapter 326, by adding a section.

Was read the third time, as amended, and placed on its final passage.

The question was taken on the passage of the bill, as amended.

The roll was called, and there were yeas 26 and nays 29, as follows:

Those who voted in the affirmative were:

Ashbach	Jensen	Nichols	Setzepfandt	Ueland, A.
Bang	Knaak	Ogdahl	Sikorski	Vega
Brataas	Luther	Perpich	Spear	
Davies	McCutcheon	Pillsbury	Stokowski	
Dieterich	Merriam	Schaaf	Stumpf	
Hughes	Nelson	Schmitz	Tennessen	

Those who voted in the negative were:

Bernhagen	Gunderson	Laufenburger	Penny	Staples
Chmielewski	Hanson	Lessard	Peterson	Strand
Dunn	Johnson	Menning	Purfeerst	Ulland, J.
Engler	Kirchner	Moe	Renneke	Wegener
Frederick	Kleinbaum	Olhoft	Rued	Willet
Gearty	Knutson	Olson	Sieloff	

So the bill, as amended, failed to pass.

#### SPECIAL ORDER

S. F. No. 1361: A bill for an act relating to courts; providing for appeals from probate court; amending Minnesota Statutes 1978, Section 525.712; repealing Minnesota Statutes 1978, Sections 525.713; and 525.72.

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 53 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Hanson	McCutcheon	Peterson	Staples
Bang	Hughes	Menning	Pillsbury	Stokowski
Brataas	Jensen	Merriam	Purfeerst	Strand
Chmielewski	Johnson	Moe	Renneke	Stumpf
Davies	Kirchner	Nelson	Rued	Tennessen
Dieterich	Kleinbaum	Nichols	Schaaf	Ueland, A.
Dunn	Knaak	Ogdahl	Schmitz	Vega
Engler	Knutson	Olhoft	Setzepfandt	Wegener
Frederick	Laufenburger	Olson	Sieloff	Willet
Gearty	Lessard	Penny	Sikorski	
Gunderson	Luther	Perpich	Spear	

So the bill passed and its title was agreed to.

#### SPECIAL ORDER

S. F. No. 783: A bill for an act relating to landlords and tenants; extending the time between service of the summons in unlawful detainer proceedings and the return day; providing for a stay of the writ of restitution in unlawful detainer proceedings; amending Minnesota Statutes 1978, Sections 566.05; 566.06; 566.09; and 566.11.

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 27 and nays 26, as follows:

Those who voted in the affirmative were:

Chenoweth	Hanson	Merriam	Perpich	Strand
Davies	Hughes	Moe	Schaaf	Stumpf
Dieterich	Johnson	Nichols	Sikorski	Vega
Dunn	Kirchner	Olhoff	Solon	
Gearty	Knoll	Olson	Staples	
Gunderson	Luther	Penny	Stokowski	

Those who voted in the negative were:

Ashbach	Jensen	Ogdahl	Schmitz	Ulland, J.
Bernhagen	Knaak	Peterson	Setzepfandt	Willet
Brataas	Knutson	Pillsbury	Sieloff	
Chmielewski	Lessard	Purfeerst	Sillers	
Engler	McCutcheon	Renneke	Spear	
Frederick	Menning	Rued	Ueland, A.	

So the bill failed to pass.

#### SPECIAL ORDER

S. F. No. 1128: A bill for an act relating to retirement; increasing employee contributions to local police and firefighters relief associations; providing for a study of police and firefighter relief associations; amending Minnesota Statutes 1978, Section 69.77, Subdivision 2.

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:

Ashbach	Gunderson	McCutcheon	Pillsbury	Staples
Bang	Hanson	Menning	Purfeerst	Stokowski
Bernhagen	Hughes	Merriam	Renneke	Strand
Brataas	Jensen	Moe	Rued	Stumpf
Chenoweth	Johnson	Nelson	Schaaf	Tennessen
Chmielewski	Kirchner	Nichols	Schmitz	Ueland, A.
Davies	Kleinbaum	Ogdahl	Setzepfandt	Ulland, J.
Dieterich	Knaak	Olhoff	Sieloff	Vega
Dunn	Knoll	Olson	Sikorski	Willet
Engler	Laufenburger	Penny	Sillers	
Frederick	Lessard	Perpich	Solon	
Gearty	Luther	Peterson	Spear	

So the bill passed and its title was agreed to.

#### SPECIAL ORDER

S. F. No. 1257: A bill for an act relating to public welfare; requiring certain recipients of state aid for medical care to authorize the commissioner of public welfare to have access to their medical records for certain purposes; authorizing the commissioner to

promulgate certain rules related to investigation of fraud perpetrated by health care vendors; authorizing certain sanctions against fraudulent vendors; authorizing the commissioner to institute an action to recover moneys wrongfully paid; amending Minnesota Statutes 1978, Sections 62E.53, by adding a subdivision; 62E.54, Subdivision 1; 256B.04, Subdivision 10, and by adding a subdivision; 256B.064, Subdivision 2, and by adding subdivisions; 256B.27, Subdivisions 3 and 4; 256D.03, Subdivision 3; and 256D.05, by adding a subdivision.

Mr. Olhoff moved to amend S. F. No. 1257 as follows:

Page 4, line 14, after "*suspend*" insert "*or reduce*"

The motion prevailed. So the amendment was adopted.

S. F. No. 1257 was read the third time, as amended, and placed on its final passage.

The question was taken on the passage of the bill, as amended.

The roll was called, and there were yeas 55 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

### SPECIAL ORDER

S. F. No. 1166: A bill for an act relating to elections; providing for the election days of first class cities and school districts principally situated in those cities; providing for extension or reduction of the terms of certain elected officials; amending Minnesota Statutes 1978, Sections 123.51; 410.21; and Chapter 205, 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 35 and nays 18, as follows:

Those who voted in the affirmative were:

Chenoweth	Gunderson	Kleinbaum	Merriam	Olson
Chmielewski	Hanson	Knoll	Moe	Penny
Davies	Hughes	Lessard	Nelson	Perpich
Dieterich	Johnson	Luther	Nichols	Peterson
Gearty	Keefe, S.	Menning	Olhoff	Purfeerst

Schaaf  
SikorskiSillers  
SpearStaples  
StokowskiStrand  
StumpfTennessee  
Vega

Those who voted in the negative were:

Ashbach  
Bang  
Bernhagen  
DunnEngler  
Frederick  
Jensen  
KirchnerKnaak  
Laufenburger  
Pillsbury  
RennekeRued  
Schmitz  
Setzepfandt  
SieloffUeland, A.  
Ulland, J.

So the bill passed and its title was agreed to.

### SPECIAL ORDER

S. F. No. 1026: A bill for an act relating to welfare; excluding certain payments made to members of Indian tribes from resources considered in determining eligibility for general assistance; amending Minnesota Statutes 1978, Section 256D.08, 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 49 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach  
Bernhagen  
Chenoweth  
Chmielewski  
Davies  
Dieterich  
Engler  
Frederick  
Gearty  
GundersonHughes  
Jensen  
Johnson  
Keefe, S.  
Kirchner  
Kleinbaum  
Knaak  
Knoll  
Laufenburger  
LessardLuther  
Menning  
Merriam  
Moe  
Nelson  
Nichols  
Olhoff  
Olson  
Penny  
PerpichPillsbury  
Purfeerst  
Renneke  
Rued  
Schaaf  
Schmitz  
Setzepfandt  
Sieloff  
Sikorski  
SillersSpear  
Staples  
Stokowski  
Strand  
Stumpf  
Ueland, A.  
Ulland, J.  
Vega  
Willet

So the bill passed and its title was agreed to.

### SPECIAL ORDER

S. F. No. 831: A bill for an act relating to the Hennepin county park reserve district; regulating tax levies; amending Laws 1967, Chapter 721, Section 2, as amended.

Mrs. Staples moved to amend S. F. No. 831 as follows:

Page 2, line 9, reinstate the stricken language after the period

Page 2, lines 10 to 22, reinstate the stricken language

The motion prevailed. So the amendment was adopted.

S. F. No. 831 was then progressed.

### SPECIAL ORDER

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.



Mr. Dunn moved to amend S. F. No. 765 as follows:

Page 2, line 5, delete the new language and insert "*veterans who entered military service of this country during the period July 1, 1964, to December 31, 1976, and separated under honorable conditions from any branch of the armed forces of the United States: (a) after having served on active duty for 181 consecutive days or (b) by reason of disability incurred while serving on active duty, and who are permanent residents of the state of Minnesota,*"

Page 2, line 6, delete the new language

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 36 and nays 12, as follows:

Those who voted in the affirmative were:

Bang	Hughes	Nelson	Setzepfandt	Ueland, A.
Brataas	Johnson	Nichols	Sikorski	Ulland, J.
Chenoweth	Knaak	Olhoft	Sillers	Vega
Coleman	Knoll	Perpich	Spear	Wegener
Davies	Luther	Pillsbury	Staples	
Dieterich	McCutcheon	Purfeerst	Strand	
Dunn	Menning	Schaaf	Stumpf	
Hanson	Merriam	Schmitz	Tennessee	

Those who voted in the negative were:

Bernhagen	Frederick	Kirchner	Penny	Rued
Chmielewski	Gunderson	Olson	Renneke	Sieloff
Engler	Jensen			

The motion prevailed. So the amendment was adopted.

Mr. Nichols moved to amend the Dunn amendment to S. F. No. 765, adopted by the Senate May 8, 1979, as follows:

Line 2 of the Dunn amendment, before "*veterans*" insert "*until 1989,*"

The motion prevailed. So the amendment to the Dunn amendment was adopted.

S. F. No. 765 was read the third time, as amended, and placed on its final passage.

The question was taken on the passage of the bill, as amended.

The roll was called, and there were yeas 50 and nays 5, as follows:

Those who voted in the affirmative were:

Ashbach	Frederick	Knoll	Peterson	Sillers
Bang	Gearty	Lessard	Pillsbury	Staples
Bernhagen	Gunderson	Luther	Purfeerst	Stokowski
Brataas	Hanson	McCutcheon	Renneke	Strand
Chenoweth	Hughes	Menning	Rued	Stumpf
Chmielewski	Jensen	Nelson	Schaaf	Ueland, A.
Coleman	Johnson	Olhoft	Schmitz	Ulland, J.
Davies	Kirchner	Olson	Setzepfandt	Vega
Dunn	Kleinbaum	Penny	Sieloff	Wegener
Engler	Knaak	Perpich	Sikorski	Willet

Those who voted in the negative were:

Dieterich      Merriam      Nichols      Spear      Tennesen

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

### RECESS

Mr. Coleman moved that the Senate do now recess until 7:30 o'clock p.m. The motion prevailed.

The hour of 7:30 o'clock p.m. having arrived, the President called the Senate to order.

### MEMBERS EXCUSED

Mr. Benedict was excused from the Session of today from 2:00 to 3:00 o'clock p.m. Mr. Knoll was excused from the Session of today from 1:45 to 2:30 o'clock p.m. Mr. Chenoweth was excused from the Session of today from 7:30 to 9:00 o'clock p.m. Mr. Knutson was excused from this evening's Session. Mr. Laufemburger was excused from this evening's Session until 8:30 o'clock p.m. Mr. Moe was excused from this evening's Session until 9:30 o'clock p.m. Mr. Stumpf was excused from this evening's Session at 9:00 o'clock p.m. Mr. Purfeerst was excused from this evening's Session at 9:27 o'clock p.m.

### CALL OF THE SENATE

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

Anderson	Dunn	Knaak	Penny	Solon
Ashbach	Engler	Knoll	Perpich	Spear
Benedict	Gearty	Luther	Purfeerst	Staples
Brataas	Gunderson	Menning	Rued	Vega
Chmielewski	Hughes	Merriam	Schaaf	Wegener
Coleman	Johnson	Nelson	Schmitz	Willet
Davies	Keefe, S.	Olhoft	Sieloff	
Dieterich	Kirchner	Olson	Sillers	

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

Without objection, the Senate reverted to the Order of Business of Reports of Committees.

### REPORTS OF COMMITTEES

Mr. Coleman from the Subcommittee on Bill Scheduling, to which were referred S. F. Nos. 1258, 1310, 315, 988, 697, 932, 1176 and H. F. Nos. 107, 370, 279, 677, 253, 624, 357, 499, 813, 1065, 749, 914, 198, 954, 1101, 607, 686 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.

Mr. Coleman moved the adoption of the foregoing committee report. The motion prevailed. Report adopted.

Pursuant to Rule 10, Mr. Coleman, Chairman of the Subcommittee on Bill Scheduling, designated the General Orders Calendar a Special Orders Calendar to be heard immediately and moved to waive the lie-over requirement. The motion prevailed.

### SPECIAL ORDER

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.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 45 and nays 1, as follows:

Those who voted in the affirmative were:

Ashbach	Gunderson	Menning	Peterson	Solon
Benedict	Hanson	Merriam	Purfeerst	Spear
Bernhagen	Hughes	Nelson	Rued	Staples
Chmielewski	Johnson	Nichols	Schaaf	Strand
Coleman	Keefe, J.	Ogdahl	Schmitz	Ueland, A.
Davies	Kirchner	Olhoff	Setzepfandt	Ulland, J.
Dunn	Knoll	Olson	Sieloff	Vega
Engler	Lessard	Penny	Sikorski	Wegener
Gearty	Luther	Perpich	Sillers	Willet

Mr. Dieterich voted in the negative.

So the bill passed and its title was agreed to.

### SPECIAL ORDER

S. F. No. 974: A bill for an act relating to the city of Duluth; changing the definition of conflict of interest for the city housing finance agency staff; providing for the issuance of revenue bonds; amending Laws 1977, Chapter 142, Section 3, Subdivision 1, and by adding a subdivision.

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 48 and nays 2, as follows:

Those who voted in the affirmative were:

Ashbach	Chmielewski	Dieterich	Gearty	Hughes
Benedict	Coleman	Dunn	Gunderson	Johnson
Bernhagen	Davies	Engler	Hanson	Keefe, J.

Keefe, S.	Nelson	Peterson	Sieloff	Strand
Kirchner	Nichols	Pillsbury	Sikorski	Ueland, A.
Knaak	Ogdahl	Purfeerst	Sillers	Ulland, J.
Lessard	Olhoft	Rued	Solon	Vega
Luther	Olson	Schaaf	Spear	Wegener
Menning	Penny	Schmitz	Staples	
Merriam	Perpich	Setzepfandt	Stokowski	

Messrs. Knoll and Willet voted in the negative.

So the bill passed and its title was agreed to.

#### SPECIAL ORDER

S. F. No. 182: A bill for an act relating to taxes; exempting from the sales and use tax sales to associations of the elderly; amending Minnesota Statutes 1978, Section 297A.25, Subdivision 1.

Mr. Sieloff moved to amend S. F. No. 182 as follows:

Page 7, line 3, after "*that*" insert "*in general*"

The motion prevailed. So the amendment was adopted.

S. F. No. 182 was read the third time, as amended, and placed on its final passage.

The question was taken on the passage of the bill, as amended.

The roll was called, and there were yeas 48 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Gearty	Luther	Pillsbury	Staples
Bang	Hanson	Menning	Purfeerst	Stokowski
Benedict	Hughes	Merriam	Renneke	Strand
Bernhagen	Johnson	Nelson	Rued	Ueland, A.
Chmielewski	Keefe, J.	Nichols	Schaaf	Ulland, J.
Coleman	Kirchner	Olhoft	Schmitz	Vega
Davies	Kleinbaum	Olson	Setzepfandt	Wegener
Dieterich	Knaak	Penny	Sieloff	Willet
Engler	Knoll	Perpich	Sikorski	
Frederick	Lessard	Peterson	Spear	

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

#### SPECIAL ORDER

S. F. No. 529: A bill for an act relating to the city of St. Cloud; authorizing the imposition of a tax on the gross receipts from the furnishing of certain lodging.

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 46 and nays 7, as follows:

Those who voted in the affirmative were:

Ashbach	Bernhagen	Davies	Frederick	Hanson
Bang	Chmielewski	Dieterich	Gearty	Hughes
Benedict	Coleman	Engler	Gunderson	Johnson

Keefe, J.	Nelson	Pillsbury	Sikorski	Ulland, J.
Kirchner	Nichols	Renneke	Sillers	Vega
Kleinbaum	Ogdahl	Rued	Solon	Wegener
Knaak	Olson	Schaaf	Staples	
Knoll	Penny	Schmitz	Stokowski	
Lessard	Perpich	Setzepfandt	Tennessen	
Menning	Peterson	Sieloff	Ueland, A.	

Those who voted in the negative were:

Dunn	Merriam	Spear	Strand	Willet
Luther	Olhoft			

So the bill passed and its title was agreed to.

### SPECIAL ORDER

S. F. No. 515: A bill for an act relating to taxation; sales; allowing carriers transporting certain goods in interstate commerce to make direct payment of taxes to the commissioner of revenue for certain purchases; amending Minnesota Statutes 1978, Section 297A.211, 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 52 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Gearty	Luther	Renneke	Stokowski
Bang	Gunderson	Menning	Rued	Strand
Benedict	Hanson	Merriam	Schaaf	Tennessen
Bernhagen	Hughes	Nelson	Schmitz	Ueland, A.
Chmielewski	Johnson	Nichols	Setzepfandt	Ulland, J.
Coleman	Keefe, J.	Olhoft	Sieloff	Vega
Davies	Kirchner	Olson	Sikorski	Wegener
Dieterich	Kleinbaum	Penny	Sillers	Willet
Dunn	Knaak	Perpich	Solon	
Engler	Knoll	Peterson	Spear	
Frederick	Lessard	Pillsbury	Staples	

So the bill passed and its title was agreed to.

### SPECIAL ORDER

S. F. No. 1114: A bill for an act relating to the town of White Bear in Ramsey County; permitting exercise of powers relating to sewers, drains and waterworks.

Mrs. Knaak moved to amend S. F. No. 1114 as follows:

Page 1, after line 11, insert:

“Sec. 2. This act is effective upon approval at the annual town meeting or at a special town meeting called for that purpose, and upon compliance with Minnesota Statutes, Section 645.021.”

The motion prevailed. So the amendment was adopted.

S. F. No. 1114 was read the third time, as amended, and placed on its final passage.

The question was taken on the passage of the bill, as amended.

The roll was called, and there were yeas 53 and nays 1, as follows:

Those who voted in the affirmative were:

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

Mr. Davies voted in the negative.

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

#### SPECIAL ORDER

S. F. No. 49: A bill for an act relating to taxation; authorizing the establishment of individual housing accounts; providing that contributions to an account which are used exclusively in connection with the purchase of a first principal residence are deductible; providing tax penalties; amending Minnesota Statutes 1978, Sections 48.159; 50.157; 51A.21, by adding a subdivision; 290.09, by adding a subdivision; 290.17, Subdivision 2; and Chapter 52, by adding a section.

Mr. Spear moved to amend S. F. No. 49 as follows:

Page 10, delete section 7

Renumber the sections in sequence

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

S. F. No. 49 was then progressed.

#### SPECIAL ORDER

S. F. No. 1009: A bill for an act relating to taxation; increasing the maximum income tax credit for pollution control equipment; providing an occupation tax credit; amending Minnesota Statutes 1978, Section 290.06, Subdivisions 9 and 9a; and Chapter 298, by adding a section.

Mr. Merriam moved to amend S. F. No. 1009 as follows:

Page 2, after line 26, insert:

*"The credit provided in this subdivision shall terminate on December 31, 1981, except that any amount of unused credit for equip-*

*ment purchased prior to that date that may be carried forward to a subsequent year may be taken as a credit in the subsequent year."*

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

S. F. No. 1009 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 53 and nays 3, as follows:

Those who voted in the affirmative were:

Anderson	Gearty	Laufenburger	Peterson	Spear
Ashbach	Gunderson	Lessard	Pillsbury	Staples
Benedict	Hanson	Luther	Renneke	Stokowski
Bernhagen	Hughes	McCutcheon	Rued	Strand
Brataas	Humphrey	Menning	Schaaf	Stumpf
Chenoweth	Jensen	Nelson	Schmitz	Ueland, A.
Chmielewski	Johnson	Nichols	Setzepfandt	Ulland, J.
Dieterich	Kirchner	Olhoff	Sieloff	Vega
Dunn	Kleinbaum	Olson	Sikorski	Willet
Engler	Knaak	Penny	Sillers	
Frederick	Knoll	Perpich	Solon	

Messrs. Davies, Merriam and Tennesen voted in the negative.

So the bill passed and its title was agreed to.

#### SPECIAL ORDER

S. F. No. 1193: A bill for an act relating to housing rehabilitation; expanding housing rehabilitation loan and grant programs; amending Minnesota Statutes 1978, Sections 462.445, Subdivision 9; and 462.581.

Mr. Pillsbury moved to amend S. F. No. 1193 as follows:

Page 1, after line 7, insert:

"Section 1. Minnesota Statutes 1978, Section 462.425, Subdivision 6, is amended to read:

Subd. 6. [APPOINTMENT; APPROVAL; TERM; VACANCY.] The commissioners constituting an authority shall be appointed by the mayor, with the approval of the governing body. Those initially appointed shall be appointed for terms of one, two, three, four, and five years, respectively. Thereafter all commissioners shall be appointed for five-year terms. Each vacancy in an unexpired term shall be filled in the same manner in which the original appointment was made. *Any member of the governing body of a municipality may be appointed and may serve as a commissioner of the authority in and for the municipality.* The council of any municipality which appoints members of the city council as commissioners may set the terms of office of the commissioner to coincide with his term of office as a council member."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, after the semicolon, insert "permitting members of the city council of a city to serve as commissioners of the housing and redevelopment authority in and for the city;"

Page 1, line 4, after "Sections" insert "462.425, Subdivision 6;"

The motion prevailed. So the amendment was adopted.

S. F. No. 1193 was then progressed.

#### **SPECIAL ORDER**

S. F. No. 160: A bill for an act relating to juveniles; concerning foster care; extending county cost of care payment provisions; appropriating money; amending Minnesota Statutes 1978, Sections 260.251, Subdivisions 1 and 1a; and 261.27.

Mr. Menning moved to amend S. F. No. 160 as follows:

Page 4, delete section 4

Amend the title as follows:

Page 1, line 4, delete "appropriating money;"

The motion prevailed. So the amendment was adopted.

S. F. No. 160: A bill for an act relating to juveniles; concerning foster care; extending county cost of care payment provisions; amending Minnesota Statutes 1978, Sections 260.251, Subdivisions 1 and 1a; and 261.27.

Was read the third time, as amended, and placed on its final passage.

The question was taken on the passage 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	Frederick	Laufenburger	Peterson	Staples
Ashbach	Gearty	Lessard	Pillsbury	Stokowski
Benedict	Gunderson	Luther	Renneke	Strand
Bernhagen	Hughes	McCutcheon	Rued	Stumpf
Brataas	Humphrey	Menning	Schaaf	Tennessen
Chenoweth	Jensen	Merriam	Setzepfandt	Ueland, A.
Chmielewski	Johnson	Nelson	Sieloff	Ulland, J.
Davies	Kirchner	Nichols	Sikorski	Vega
Dieterich	Kleinbaum	Olhoft	Sillers	Willet
Dunn	Knaak	Penny	Solon	
Engler	Knoll	Perpich	Spear	

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

The question recurred on S. F. No. 49.

#### **SPECIAL ORDER**

S. F. No. 49: A bill for an act relating to taxation; authorizing the establishment of individual housing accounts; providing that



contributions to an account which are used exclusively in connection with the purchase of a first principal residence are deductible; providing tax penalties; amending Minnesota Statutes 1978, Sections 48.159; 50.157; 51A.21, by adding a subdivision; 290.09, by adding a subdivision; 290.17, Subdivision 2; and Chapter 52, by adding a section.

Mr. Benedict moved to amend S. F. No. 49 as follows:

Page 4, line 1, delete "earlier" and insert "less"

The motion prevailed. So the amendment was adopted.

Mr. Stumpf moved that S. F. No. 49, No. 35 on Special Orders, be stricken and re-referred to the Committee on Energy and Housing.

The question was taken on the adoption of the motion.

The roll was called, and there were yeas 8 and nays 41, as follows:

Those who voted in the affirmative were:

Chenoweth	Keefe, S.	Peterson	Stumpf	Tennessen
Davies	Merriam	Pillsbury		

Those who voted in the negative were:

Ashbach	Gearty	Laufenburger	Schaaf	Strand
Benedict	Gunderson	Luther	Schmitz	Ueland, A.
Bernhagen	Hughes	Menning	Setzepfandt	Ulland, J.
Brataas	Humphrey	Nelson	Sieloff	Wegener
Chmielewski	Johnson	Nichols	Sikorski	Willet
Dieterich	Keefe, J.	Olhoff	Sillers	
Dunn	Kirchner	Penny	Spear	
Engler	Knaak	Renneke	Staples	
Frederick	Knoll	Rued	Stokowski	

The motion did not prevail.

S. F. No. 49 was read the third time, as amended, and placed on its final passage.

The question was taken on the passage of the bill, as amended.

The roll was called, and there were yeas 48 and nays 11, as follows:

Those who voted in the affirmative were:

Ashbach	Gearty	Laufenburger	Perpich	Staples
Bang	Gunderson	Lessard	Renneke	Stokowski
Benedict	Hughes	Luther	Rued	Strand
Bernhagen	Humphrey	Menning	Schaaf	Ueland, A.
Brataas	Johnson	Nelson	Schmitz	Ulland, J.
Chmielewski	Keefe, J.	Nichols	Setzepfandt	Vega
Dieterich	Kirchner	Ogdahl	Sieloff	Wegener
Dunn	Kleinbaum	Olhoff	Sikorski	Willet
Engler	Knaak	Olson	Solon	
Frederick	Knoll	Penny	Spear	

Those who voted in the negative were:

Chenoweth	Keefe, S.	Peterson	Sillers	Tennessen
Coleman	McCutcheon	Pillsbury	Stumpf	
Davies	Merriam			

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

**SPECIAL ORDER**

S. F. No. 1199: A bill for an act relating to retirement; state employees; miscellaneous amendments to the state employees, highway patrol officers and unclassified employees retirement plans; amending Minnesota Statutes 1978, Sections 43.051, Subdivision 4; 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; Laws 1975, Chapter 388, Section 1, as amended, and by adding a subdivision; repealing Minnesota Statutes 1978, Sections 352.115, Subdivision 13; 352B.29; 352D.03; and 352D.10.

Mr. Davies moved to amend S. F. No. 1199, as follows:

Page 17, after line 15, insert:

**"Sec. 19. [LIMITATION ON NONFORFEITABLE ENTITLEMENT TO BENEFIT INCREASE.]** *No current annuitant, disabilitant or survivor benefit recipient and no active or inactive member of any retirement fund to which this act applies shall acquire a nonforfeitable interest in, or entitlement to, any modification in the benefit plan of the fund contained in this act or be entitled to bring any action based on any modification in the benefit plan of the fund contained in this act until a period of two years commencing with the date on which the benefit plan modification becomes effective has expired."*

Renumber the sections in sequence

The motion prevailed. So the amendment was adopted.

Mr. Chenoweth moved to amend S. F. No. 1199 as follows:

Page 1, after line 17, insert:

**"Section 1. Minnesota Statutes 1978, Section 3A.02, Subdivision 1, is amended to read:**

**3A.02 [RETIREMENT ALLOWANCE.] Subdivision 1. [QUALIFICATIONS.] Any former legislator:**

(1) Who has served at least ~~six~~ eight full years, without regard to the application applying the provisions of section 3A.10, subdivision 2, or who has served during all or part of four regular sessions as such member of the legislature, which service need not be continuous, but must have been after January 1, 1965 except as hereinafter provided; and

(2) Who attains the normal retirement age; and

(3) Who has retired as a member of the legislature; and

(4) Who has made all contributions provided for in sections 3A.01 to 3A.10, or who has made payments in lieu of all contributions provided for in sections 3A.01 to 3A.10 as provided for in subdivision 2; shall be entitled upon written application to the director to receive a retirement allowance monthly in an amount

equal to five percent per year of service, not to exceed eight years of service, of that member's average monthly salary beginning with the first day of the month of receipt of such application and for the remainder of his life, provided he is not serving as a member of the legislature or as a constitutional officer or commissioner.

In addition to the amount provided above, the retired member who meets the qualifications of clauses (1), (2), (3) and (4) shall receive for every year of service over eight years a monthly allowance which equals two and one-half percent of the average monthly salary.

Notwithstanding clause (4), a member shall receive two and one-half percent of the average monthly salary for each year of service served after the beginning of the 1979 legislative session. Any member who has served during all or part of four regular sessions shall be deemed to have served eight years as a member of the legislature.

The retirement allowance shall cease with the last payment which had accrued to the retired legislator during his lifetime except that the surviving spouse, if any, shall be entitled to the retirement allowance for the calendar month in which the retired legislator died.

Effective for service rendered after the beginning of the 1981 legislative session, no member may accrue credit for more than 20 years service, nor shall member contributions thereafter be required for more than 20 years service.

For the purposes of this chapter the term salary shall not be deemed to include any additional payments provided by law for legislative leadership positions.

This subdivision is applicable to members of the legislature who terminate service after January 1, 1973, and to any widow or dependent child of any such member. Clauses (1) and (2) shall also be applicable to any former legislator who applies for a deferred annuity after June 5, 1975. Any former legislator who was in office on or after January 1, 1965, who had at least eight years of service but less than ten years of service as a member of the legislature, and who took a refund of his contributions, may upon application to the director repay to the director for credit to his account all refundments taken plus interest thereon at six percent per annum compounded annually. Upon repayment of the refundment, he shall then be entitled when otherwise qualified to a retirement allowance pursuant to subdivision 1, provided however that the retirement allowance shall be based on his salary at the time of his termination of service as a member of the legislature."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 5, after the semicolon, insert "providing a retirement allowance for members of the legislature after eight years of service;"

Page 1, line 6, after "Sections" insert "3A.02, Subdivision 1;"

The motion prevailed. So the amendment was adopted.

### CALL OF THE SENATE

Mr. Stokowski imposed a call of the Senate for the balance of the proceedings on S. F. No. 1199. The following Senators answered to their names:

Anderson	Engler	Knaak	Penny	Solon
Bang	Gearly	Knoll	Perpich	Spear
Benedict	Gunderson	Laufenburger	Peterson	Staples
Bernhagen	Hughes	Lessard	Pillsbury	Stokowski
Brataas	Humphrey	Luther	Renneke	Strand
Chenoweth	Jensen	Menning	Rued	Stumpf
Chmielewski	Johnson	Merriam	Schaaf	Ueland, A.
Coleman	Keefe, J.	Nelson	Schmitz	Ulland, J.
Davies	Keefe, S.	Nichols	Setzepfandt	Vega
Dieterich	Kirchner	Olhoff	Sieloff	Willet
Dunn	Kleinbaum	Olson	Sikorski	

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

Mr. Luther moved to amend S. F. No. 1199 as follows:

Page 17, delete Section 18 in its entirety

Renumber the sections in sequence

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

S. F. No. 1199 was then progressed.

### RECESS

Mr. Coleman moved that the Senate do now recess subject to the call of the President. The motion prevailed.

After a brief recess, the President called the Senate to order.

Without objection, the Senate reverted to the Order of Business of Reports of Committees.

### REPORTS OF COMMITTEES

Mr. Coleman from the Subcommittee on Bill Scheduling, to which were referred S. F. Nos. 439, 426, 42, 216, 1119, 1484 and H. F. Nos. 282, 1023, 1093, 430, 852, 870, 1126 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.

Mr. Coleman moved the adoption of the foregoing Committee report. The motion prevailed. Report adopted.

**MOTIONS AND RESOLUTIONS—CONTINUED**

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

Patrick E. Flahaven, Secretary of the Senate