

SEVENTIETH DAY

St. Paul, Minnesota, Thursday, February 21, 1980

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

CALL OF THE SENATE

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

Ashbach	Frederick	Menning	Rued	Tennessen
Barrette	Gearly	Merriam	Schaaf	Ueland, A.
Benedict	Hughes	Moe	Schmitz	Ulland, J.
Bernhagen	Jensen	Nelson	Setzepfandt	Wegener
Chmielewski	Johnson	Penny	Sikorski	Willet
Coleman	Kirchner	Perpich	Sillers	
Davies	Kleinbaum	Peterson	Staples	
Dunn	Laufenburger	Pillsbury	Stokowski	
Engler	Luther	Purfeerst	Stumpf	

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

Prayer was offered by the Chaplain, Rev. Howard A. Skulstad.

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

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

The President declared a quorum present.

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

MEMBERS EXCUSED

Messrs. Hanson, Sieloff and Vega were excused from the Session of today.

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Messrs. Peterson, Stern, Mrs. Staples and Mr. Stumpf introduced—

S. F. No. 2035: A bill for an act relating to taxation; authorizing the revenue department to set off tax refunds due a debtor against debts owed to the state or to county welfare boards; providing for notice and hearing procedures; establishing priorities for claims; providing for an exemption to data privacy requirements and imposing a penalty for misuse of data; authorizing the promulgation of rules; appropriating money.

Referred to the Committee on Taxes and Tax Laws.

Messrs. McCutcheon, Stumpf, Sikorski and Schaaf introduced—

S. F. No. 2036: A bill for an act relating to courts; providing that courts may acquire electronic data processing services through supreme court contracts; amending Minnesota Statutes 1978, Chapter 480, by adding a section.

Referred to the Committee on Judiciary.

Mr. Solon introduced—

S. F. No. 2037: A bill for an act relating to motor vehicles; eliminating restrictions on the issuance of personalized license plates bearing words or letters used for commercial advertising; amending Minnesota Statutes 1978, Section 168.12, Subdivision 2a.

Referred to the Committee on General Legislation and Administrative Rules.

Mr. Merriam introduced—

S. F. No. 2038: A bill for an act relating to taxation; changing settlement dates for property taxes; amending Minnesota Statutes 1978, Sections 276.09; 276.10; and 276.11.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Tennesen, Davies and Merriam introduced—

S. F. No. 2039: A bill for an act relating to privacy; providing for classification of certain welfare data; amending Minnesota Statutes, 1979 Supplement, Section 15.1691, Subdivision 3.

Referred to the Committee on Judiciary.

Mr. Sillers introduced—

S. F. No. 2040: A bill for an act relating to the city of Campbell; authorizing issuance of general obligation bonds to finance construction of a community hall.

Referred to the Committee on Local Government.

Messrs. Merriam, Rued, Lessard, Wegener and Hanson introduced—

S. F. No. 2041: A bill for an act relating to education; the maximum effort school aid law; changing the definition of "maximum effort debt service levy"; authorizing the sale of bonds for the maximum effort school loan fund; appropriating money; amending Minnesota Statutes 1978, Sections 124.38, Subdivision 7; 124.43, Subdivisions 1 and 2.

Referred to the Committee on Education.

Mr. Laufenburger introduced—

S. F. No. 2042: A bill for an act relating to the port authority of Winona; providing powers and conditions of debt; amending Laws 1967, Chapter 541, Section 1, as amended.

Referred to the Committee on Local Government.

Messrs. Nelson and McCutcheon introduced—

S. F. No. 2043: A bill for an act relating to public safety; authorizing the appointment of two assistant chief supervisors in the division of highway patrol; amending Minnesota Statutes 1978, Sections 299D.01, Subdivisions 2 and 3; 299D.03, Subdivision 1; and Minnesota Statutes, 1979 Supplement, Section 299D.03, Subdivision 2.

Referred to the Committee on Governmental Operations.

Messrs. Strand, Lessard and Setzepfandt introduced—

S. F. No. 2044: A bill for an act relating to eminent domain; limiting the authority to acquire certain property by condemnation; repealing certain obsolete provisions of law authorizing acquisition by condemnation; amending Minnesota Statutes 1978, Sections 84.033; 84.154, Subdivision 3; 84A.10; 84A.39; 84A.55, Subdivision 13; 85.015, Subdivisions 12 and 13; 88.09, Subdivision 2; 89.032, Subdivision 1; 105.39, Subdivision 4; and 463.03; repealing Minnesota Statutes 1978, Sections 38.05; 117.31; 123.40, Subdivision 6; 161.29; 222.42; 308.39; and 643.06.

Referred to the Committee on Judiciary.

Mr. Frederick introduced—

S. F. No. 2045: A bill for an act relating to state lands; providing for the conveyance of certain lands to the city of Owatonna.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Sikorski and Setzepfandt introduced—

S. F. No. 2046: A bill for an act relating to commerce; providing for the qualification of free distribution newspapers as legal newspapers; amending Minnesota Statutes 1978, Section 331.02, Subdivisions 1 and 8.

Referred to the Committee on Judiciary.

Messrs. Dieterich; Keefe, S.; Olhoft; Bang and Sieloff introduced—

S. F. No. 2047: A bill for an act relating to taxation; real property; clarifying the treatment of cooperatives and charitable corporations; amending Minnesota Statutes 1978, Section 273.133, Subdivision 1.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Pillsbury, Knutson, Ashbach and Anderson introduced—

S. F. No. 2048: A bill for an act relating to metropolitan government; changing the method for election of metropolitan council members; amending Minnesota Statutes 1978, Sections 473.121, by adding a subdivision; 473.123; and 473.141, Subdivisions 3 and 5.

Referred to the Committee on Governmental Operations.

Mr. Keefe, J.; Mrs. Staples; Messrs. Perpich and Knutson introduced—

S. F. No. 2049: A bill for an act relating to public health; providing for the establishment of programs for oral and dental health for nursing home residents; appropriating money.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Rued, Bernhagen, Frederick, Lessard and Humphrey introduced—

S. F. No. 2050: A bill for an act relating to taxation; establishing an income tax credit for certain taxpayers using wood to heat their residences; extending the residential energy credit to wood burning stoves and furnaces; amending Minnesota Statutes 1978,

Section 290.06, by adding a subdivision; and Minnesota Statutes, 1979 Supplement, Section 290.06, Subdivision 14.

Referred to the Committee on Energy and Housing.

Messrs. Hughes, Humphrey, Merriam, Stumpf and Rued introduced—

S. F. No. 2051: A bill for an act relating to education; establishing an experimental chemical dependency resource specialist program; imposing duties on the state board of education, the department of education, and school districts; appropriating money.

Referred to the Committee on Education.

Mr. Johnson introduced—

S. F. No. 2052: A bill for an act relating to elections; eliminating broadcast exception from prohibition of defamatory statements about candidates; amending Minnesota Statutes 1978, Section 210A.04, Subdivisions 1 and 2.

Referred to the Committee on Elections.

Mr. Johnson introduced—

S. F. No. 2053: A bill for an act relating to elections; requiring certain employers to attempt to let employees make up time taken off for certain public meetings; amending Minnesota Statutes 1978, Section 210A.09, Subdivision 2.

Referred to the Committee on Elections.

Messrs. Stern, Sieloff, Sikorski and Moe introduced—

S. F. No. 2054: A bill for an act relating to the environment; providing that the legislature be the sole approval authority for critical areas; designating the state planning agency as the approval authority for plans and regulations related to critical areas; permanently designating the Mississippi River Corridor Critical Area; amending Minnesota Statutes 1978, Sections 116G.06, Subdivision 2; 116G.07; 116G.08; 116G.09; 116G.10; 116G.12, Subdivision 4; and 116G.14; and Chapter 116G, by adding a section.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Laufenburger, Bang, Ashbach, Davies and Spear introduced—

S. F. No. 2055: A bill for an act relating to commerce; regulating water conditioning installers and contractors; providing a state

bonding and insurance procedure; amending Minnesota Statutes 1978, Chapter 326, by adding a section.

Referred to the Committee on Health, Welfare and Corrections.

Mr. Davies introduced—

S. F. No. 2056: A bill for an act relating to snowmobiles; providing compensation for the victims of snowmobile accidents; requiring owners of snowmobiles to provide security for payment of basic economic loss benefits; prescribing minimum benefits payable without regard to fault; requiring deduction of no-fault benefits from tort recoveries for snowmobile injuries; authorizing certain deductibles, exclusions and conditions; providing for arbitration of disputes; authorizing certain subrogation rights; establishing an assigned claims plan; requiring certain insurers to offer no-fault snowmobile insurance; prescribing penalties for failure to provide security; prescribing certain duties of the commissioners of insurance, natural resources and public safety; amending Minnesota Statutes 1978, Section 84.82, Subdivision 1.

Referred to the Committee on Judiciary.

Messrs. Davies and Tennesen introduced—

S. F. No. 2057: A bill for an act relating to health care; prohibiting health care providers from providing professional services unless there is in effect an insurance policy covering claims which may arise from the provision of the services.

Referred to the Committee on Commerce.

Mr. Davies introduced—

S. F. No. 2058: A bill for an act relating to public safety; prohibiting the sale of general admission tickets to certain public events.

Referred to the Committee on General Legislation and Administrative Rules.

Mr. Perpich introduced—

S. F. No. 2059: A bill for an act relating to the city of Hibbing; authorizing development and administration of a housing program within the city, including that part of the city which formerly comprised the town of Stuntz.

Referred to the Committee on Energy and Housing.

Messrs. Keefe, S.; Coleman and Sillers introduced—

S. F. No. 2060: A bill for an act relating to state government;

creating a state council on Black Minnesotans; appropriating money.

Referred to the Committee on Governmental Operations.

Messrs. Solon, Gunderson, Wegener, Renneke and Kleinbaum introduced—

S. F. No. 2061: A bill for an act relating to health; requiring health maintenance organizations to provide chiropractic care; amending Minnesota Statutes 1978, Section 62D.02, Subdivision 7.

Referred to the Committee on Commerce.

Mr. Laufenburger, Mrs. Brataas, Messrs. Kleinbaum, Bang and Solon introduced—

S. F. No. 2062: A bill for an act relating to financial institutions; establishing a maximum lawful rate of interest chargeable on loans made by credit unions; amending Minnesota Statutes 1978, Section 52.14.

Referred to the Committee on Commerce.

Mr. Lessard introduced—

S. F. No. 2063: A bill for an act relating to unemployment compensation; limiting disqualification from benefits of certain persons involved in labor disputes; amending Minnesota Statutes, 1979 Supplement, Section 268.09, Subdivision 3.

Referred to the Committee on Employment.

Messrs. Penny, Laufenburger, Jensen and Luther introduced—

S. F. No. 2064: A bill for an act relating to cooperatives; prohibiting stockholder signature lines on the face of ballots received by mail; amending Minnesota Statutes 1978, Section 308.07, Subdivision 10.

Referred to the Committee on Judiciary.

Messrs. Johnson and Solon introduced—

S. F. No. 2065: A bill for an act relating to energy; appropriating money for a wood fuel conversion consortium between Independent School Districts Nos. 692, 696, 708 and Vermillion Community College.

Referred to the Committee on Energy and Housing.

Messrs. Peterson, Schmitz, Schaaf, Ashbach and Moe introduced—

S. F. No. 2066: A bill for an act relating to retirement; contribu-

tions and benefits of judges and survivors under the uniform retirement and survivors' annuities law; amending Minnesota Statutes 1978, Sections 490.123, Subdivision 1; and 490.124, Subdivisions 1, 9 and 12.

Referred to the Committee on Governmental Operations.

Messrs. Penny, Wegener, Ashbach, Moe and Solon introduced—

S. F. No. 2067: A bill for an act relating to motor vehicles; increasing the maximum interest rate on certain loans under the Motor Vehicle Retail Installment Sales Act; amending Minnesota Statutes 1978, Section 168.72.

Referred to the Committee on Commerce.

Messrs. Pillsbury and Ueland, A. introduced—

S. F. No. 2068: A bill for an act relating to elections; requiring date of birth on voter registration cards; requiring election judges to initial voter registration cards submitted on election day; amending Minnesota Statutes 1978, Sections 201.061, by adding a subdivision; and 201.071, Subdivisions 1 and 3.

Referred to the Committee on Elections.

Mrs. Staples introduced—

S. F. No. 2069: A bill for an act relating to public welfare; authorizing the department of vocational rehabilitation to provide funds for power assisted wheelchairs to handicapped persons under certain circumstances; appropriating money; amending Minnesota Statutes 1978, Chapter 129A, by adding a section.

Referred to the Committee on Health, Welfare and Corrections.

Mr. Davies introduced—

S. F. No. 2070: A bill for an act relating to taxation; real property; limiting the wetlands exemption and credit to certain taxpayers; amending Minnesota Statutes, 1979 Supplement, Section 272.02, Subdivision 1.

Referred to the Committee on Taxes and Tax Laws.

Mr. Solon introduced—

S. F. No. 2071: A bill for an act relating to financial institutions; providing that certain agreements taken by a bank and subject to a certain percentage limitation will not constitute a liability against it; providing for a different percentage limitation in certain cases; amending Minnesota Statutes 1978, Section 48.24, Subdivision 3.

Referred to the Committee on Commerce.

Mr. Davies introduced—

S. F. No. 2072: A bill for an act relating to children; providing for commencement of certain paternity actions by alleged father; amending Minnesota Statutes 1978, Section 257.252.

Referred to the Committee on Judiciary.

Messrs. Barrette, Frederick, Rued and Engler introduced—

S. F. No. 2073: A bill for an act relating to taxation; increasing the percentage for indexing the taxable net income brackets; amending Minnesota Statutes, 1979 Supplement, Section 290.06, Subdivision 2d.

Referred to the Committee on Taxes and Tax Laws.

Mrs. Stokowski; Messrs. Keefe, S. and Gearty introduced—

S. F. No. 2074: A bill for an act relating to industrial development; permitting hearings by a committee of the governing body; providing for published notice; amending Minnesota Statutes, 1979 Supplement, Section 474.01, Subdivision 7b.

Referred to the Committee on Local Government.

Mr. Solon introduced—

S. F. No. 2075: A bill for an act relating to public employees; specifying deputy sheriffs as essential employees; amending Minnesota Statutes, 1979 Supplement, Section 179.63, Subdivision 11.

Referred to the Committee on Governmental Operations.

Messrs. Wegener, Renneke, Strand, Setzepfandt and Olson introduced—

S. F. No. 2076: A bill for an act relating to water; altering the membership of the soil and water conservation board; designating the board as the water resources coordinating body; assigning responsibilities; assigning staff; appropriating money; amending Minnesota Statutes 1978, Section 40.03, Subdivision 1, and Chapter 40, by adding a section.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Penny introduced—

S. F. No. 2077: A bill for an act relating to interest; regulating rates of interest on loans for business and agricultural transactions; removing certain deficiencies and ambiguities; amending Minnesota Statutes, 1979 Supplement, Section 334.011, Subdivision 1.

Referred to the Committee on Commerce.

Messrs. Sikorski, Johnson, Coleman, Ashbach and Benedict introduced—

S. F. No. 2078: A bill for an act relating to public utilities; requiring the public service commission to promulgate rules for energy conservation expenditures; restricting issuance of certificates of need for large energy facilities; amending Minnesota Statutes 1978, Chapters 116H, by adding a section; and 216B, by adding a section.

Referred to the Committee on Commerce.

Messrs. Sikorski, Solon, Kleinbaum, Ashbach and Bang introduced—

S. F. No. 2079: A bill for an act relating to public utilities; deregulating certain business activities of public utilities; amending Minnesota Statutes 1978, Chapter 216B, by adding a section.

Referred to the Committee on Commerce.

Mr. Schaaf introduced—

S. F. No. 2080: A bill for an act relating to transportation; providing grants for paratransit projects; amending Minnesota Statutes, 1979 Supplement, Section 174.25, Subdivision 1.

Referred to the Committee on Transportation.

Mr. Schaaf introduced—

S. F. No. 2081: A bill for an act relating to energy; promoting energy conservation by prohibiting smoking in public places; providing a penalty.

Referred to the Committee on Energy and Housing.

Mr. Schaaf introduced—

S. F. No. 2082: A bill for an act appropriating money to the department of transportation for certain transit purposes.

Referred to the Committee on Transportation.

Mr. Johnson introduced—

S. F. No. 2083: A bill for an act relating to intoxicating liquor; authorizing the issuance of Sunday sales licenses by county boards in unorganized territory without voter approval; amending Minnesota Statutes 1978, Section 340.14, Subdivision 5.

Referred to the Committee on Commerce.

Mr. Pillsbury introduced—

S. F. No. 2084: A bill for an act relating to meeting of public authorities; requiring notice of certain meetings; clarifying a penalty provision; amending Minnesota Statutes 1978, Section 471.705.

Referred to the Committee on Governmental Operations.

Messrs. Coleman, Schaaf, Nelson, Ashbach and Ogdahl introduced—

S. F. No. 2085: A bill for an act relating to public employees; creating a state department of employee relations; establishing appropriate units for state and university employees; providing for a right to strike; providing for interim contract approval by the legislative commission on employee relations; clarifying civil service laws; providing for health benefits; providing for a study of promotional systems; appropriating money; amending Minnesota Statutes 1978, Sections 43.001; 43.01, Subdivision 8; 43.111; 43.245; 43.321; 43.45; 43.46; 179.63, Subdivision 7; 179.6, Subdivisions 2, 3, 4, and 5, and by adding a subdivision; 179.67, Subdivision 4; 179.69, Subdivisions 1 and 3; 179.71, Subdivisions 3 and 5; 179.72, Subdivision 6; 179.74, Subdivisions 1, 2, and 3, and by adding a subdivision; and Chapters 43 and 179, by adding sections; and Minnesota Statutes, 1979 Supplement, Sections 3.855; 43.067, Subdivision 1; 43.19, Subdivision 1; 43.50, Subdivision 1; 43.51; 62D.22, Subdivision 7; 179.63, Subdivision 11; 179.65, Subdivision 6; and 179.74, Subdivisions 4 and 5; and Laws 1979, Chapter 332, Article I, Section 114; repealing Minnesota Statutes 1978, Sections 43.003; 43.50, Subdivision 3; 179.64, Subdivision 1; and 179.69, Subdivisions 4, 5, and 6; and Minnesota Statutes, 1979 Supplement, Sections 15A.081, Subdivision 5; and 179.64, Subdivision 7.

Referred to the Committee on Governmental Operations.

Messrs. Menning, Perpich, Hughes, Kirchner and Gunderson introduced—

S. F. No. 2086: A bill for an act relating to public welfare; establishing a grant program for brain injured young persons for participation in a program of neurological stimulation; appropriating money.

Referred to the Committee on Health, Welfare and Corrections.

Mrs. Knaak; Messrs. Ulland, J.; Sikorski; Kleinbaum and Frederick introduced—

S. F. No. 2087: A bill for an act relating to towns; removing a property tax levy limit on certain towns; repealing Minnesota Statutes 1978, Sections 275.31; 275.32; 275.33; 275.34 and 275.35.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Purfeerst, Humphrey and Kleinbaum introduced—

S. F. No. 2088: A bill for an act relating to transportation; providing for statewide park and ride facilities; amending Minnesota Statutes 1978, Chapter 174, by adding sections; appropriating money.

Referred to the Committee on Transportation.

Messrs. Knutson and Strand introduced—

S. F. No. 2089: A bill for an act relating to retirement; providing an exception to the 40 year maximum in computation of public pensions; amending Minnesota Statutes 1978, Section 356.60, Subdivision 3.

Referred to the Committee on Governmental Operations.

Messrs. Willet, Laufenburger and Purfeerst introduced—

S. F. No. 2090: A bill for an act relating to transportation; allowing the use of certain documents as relevant evidence of exceeding vehicle weight limits; requiring record keeping for shipments unloaded; imposing civil penalties; amending Minnesota Statutes 1978, Chapter 169, by adding sections.

Referred to the Committee on Transportation.

Messrs. Schaaf, McCutcheon, Sikorski and Knutson introduced—

S. F. No. 2091: A bill for an act relating to metropolitan government; providing for election of the members of the metropolitan council; amending Minnesota Statutes 1978, Sections 10A.20, Subdivisions 3 and 5; 10A.22, Subdivision 5; and 473.123, Subdivisions 3 and 5, and by adding subdivisions; and Minnesota Statutes, 1979 Supplement, Section 10A.01, Subdivision 5; repealing Minnesota Statutes 1978, Section 473.123, Subdivision 2.

Referred to the Committee on Governmental Operations.

Mr. Gunderson introduced—

S. F. No. 2092: A bill for an act relating to state parks; clarifying the law governing state acquisitions and landowners' rights; hunting and fishing within boundaries; amending Minnesota Statutes 1978, Sections 85.0115; and 99.25, Subdivision 1.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Sikorski; Keefe, J.; Coleman; Schaaf and McCutcheon introduced—

S. F. No. 2093: A bill for an act relating to juveniles; modifying dispositions available to juvenile court judges; increasing

civil liability of parents for intentional acts of their children; changing the definitions of "delinquent" and "dependent" children; modifying statutory provisions relating to records of convictions and adjudications of delinquency; making the rules of evidence applicable in juvenile proceedings; providing for open hearings for juveniles in certain cases; providing for the promulgation of statewide juvenile court rules; providing for a juvenile dispositional guidelines commission and the promulgation and application of guidelines; modifying the jurisdiction of the juvenile courts; modifying the provisions for reference of juveniles for adult prosecution; expanding the coverage of the provisions requiring preparation of a case plan for children placed in foster care; repealing the statute prohibiting underage smoking; appropriating money; amending Minnesota Statutes 1978, Sections 257.071, Subdivision 1; 260.011, Subdivision 2; 260.015, Subdivisions 5 and 6; 260.111, Subdivision 1; 260.115, Subdivision 1; 260.121, Subdivisions 1 and 3; 260.125; 260.155, Subdivision 1; 260.173, Subdivisions 2 and 3; 260.181, Subdivision 4; 260.185, Subdivisions 1 and 2, and by adding subdivisions; 260.191, Subdivision 1; 260.193; 260.211, Subdivision 1; 540.18, Subdivision 1; and Chapter 244, by adding a section; Chapter 260, by adding a section; and Chapter 480, by adding a section; repealing Minnesota Statutes 1978, Section 609.685.

Referred to the Committee on Judiciary.

Messrs. Peterson and Lessard introduced—

S. F. No. 2094: A bill for an act relating to game and fish; requiring licenses of persons providing guide services for bear hunters; specifying fees; amending Minnesota Statutes 1978, Section 98.46, Subdivisions 4 and 16.

Referred to the Committee on Agriculture and Natural Resources.

Mrs. Staples; Messrs. Humphrey; Keefe, J.; Keefe, S. and Pillsbury introduced—

S. F. No. 2095: A bill for an act relating to Hennepin County; providing for a county personnel system; providing various conditions of public employment; amending Laws 1965, Chapter 855, Sections 1, 2, 3, 4, as amended, 5, 6, as amended, 7, as amended, 8, 9, 10, 11, 12, 13, 14, 15, as amended, and 16; and Laws 1979, Chapter 198, Article I, Section 2; repealing Laws 1945, Chapter 607, as amended; Laws 1965, Chapter 855, Section 17; Laws 1967, Chapter 646, Sections 4, 5, 6, and 7, and Chapter 779; and Laws 1979, Chapter 198, Article III, Section 5.

Referred to the Committee on Local Government.

Messrs. Schaaf, Coleman, Johnson, Hanson and Gearty introduced—

S. F. No. 2096: A bill for an act proposing an amendment to

the Minnesota Constitution, Article VIII, by adding a section; providing for recall of elected state executive and judicial officers and state senators by the voters.

Referred to the Committee on Elections.

Messrs. Purfeerst, Laufenburger, Willet, Peterson and Perpich introduced—

S. F. No. 2097: A bill for an act creating an interim study commission on transportation financing; prescribing its powers and duties; appropriating money.

Referred to the Committee on Transportation.

Messrs. Barrette; Knutson; Ulland, J.; Strand and Sikorski introduced—

S. F. No. 2098: A bill for an act relating to crimes; delaying implementation of sentencing guidelines; amending Minnesota Statutes 1978, Sections 244.04, Subdivision 2; 244.08, Subdivision 1; 244.09, Subdivision 12, and by adding a subdivision; and Laws 1978, Chapter 723, Article I, Section 20, Subdivision 2.

Referred to the Committee on Judiciary.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

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

February 12, 1980

The Honorable Edward J. Gearty
President of the Senate

Dear Sir:

The following appointment to the State Ethical Practices Board is hereby respectfully submitted to the Senate for confirmation as required by law:

Elizabeth Ebbott, 409 Birchwood Avenue, White Bear Lake, Washington County, has been appointed by me, effective February 12, 1980, for a term expiring the first Monday in January, 1984.

(Referred to the Committee on Elections.)

Sincerely,
Albert H. Quie, Governor

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce that the House of Representatives invites the Senate to meet in Joint Convention at 3:00 p.m. on

Thursday, February 21, 1980, for the purpose of hearing an address by the Honorable Charles W. Duncan, Jr., United States Secretary of Energy.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted February 18, 1980

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. 410: A bill for an act relating to courts; board on judicial standards; providing for appointment of an executive secretary by the board; providing for appointment of board members by certain organizations; amending Minnesota Statutes 1978, Section 490.15, Subdivision 1.

Senate File No. 410 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned February 18, 1980

Mr. Davies moved that the Senate do not concur in the amendments by the House to S. F. No. 410 and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a Conference Committee to be appointed on the part of the House. 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. 1670: A bill for an act relating to energy; creating a state emergency residential heating grant program; broadening the scope of state weatherization programs; providing a credit for energy conservation expenditures; providing a passthrough of federal energy credits; reimbursing counties; appropriating money; amending Minnesota Statutes 1978, Section 462A.21, by adding a subdivision; and Minnesota Statutes, 1979 Supplement, Sections 268.37; 290.01, Subdivision 20; and 290.06, Subdivision 14.

Senate File No. 1670 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned February 18, 1980

Mr. Humphrey moved that the Senate do not concur in the amendments by the House to S. F. No. 1670 and that a Conference Committee of 5 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a Conference Committee to be appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following House File, herewith transmitted: H. F. No. 1307.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted February 18, 1980

Mr. President:

I have the honor to announce the passage by the House of the following House File, herewith transmitted: H. F. No. 1272.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted February 19, 1980

FIRST READING OF HOUSE BILLS

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

H. F. No. 1307: A bill for an act relating to cable communications; regulating the franchising and operating of cable communications systems; amending Minnesota Statutes 1978, Sections 238.02, Subdivisions 3, 6 and 8; 238.05, Subdivision 17; 238.09, Subdivisions 6 and 7; 238.11, Subdivision 2; and 238.12, Subdivisions 1 and 2.

Referred to the Committee on Commerce.

H. F. No. 1272: A bill for an act relating to aeronautics; excluding parachutes and parachuting from the jurisdiction of the department of transportation; amending Minnesota Statutes 1978, Section 360.013, Subdivisions 2, 3 and 11.

Referred to the Committee on Transportation.

REPORTS OF COMMITTEES

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

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

S. F. No. 1789: A bill for an act relating to taxation; estate tax;

making technical adjustments and clarifying certain provisions; amending Minnesota Statutes 1978, Sections 290.077, Subdivision 4; 291.07, Subdivision 3; 291.111, Subdivision 2; 291.15; 291.18; 291.32, Subdivision 1; 291.33, by adding a subdivision; 501.211, Subdivision 3, and by adding a subdivision; 524.3-505; 524.3-1003; 525.532, Subdivision 3; and Minnesota Statutes, 1979 Supplement, Sections 290.01, Subdivision 20; 290.14; 291.005, Subdivision 1; 291.01; 291.015; 291.03; 291.05; 291.051; 291.06; 291.07, Subdivision 1; 291.075; 291.09, Subdivisions 1a and 4a; 291.132; 291.215, Subdivision 1; 291.33, Subdivision 1; 524.3-105; and 524.3-1001; repealing Minnesota Statutes 1978, Sections 291.17; 291.20, Subdivision 4; and Minnesota Statutes, 1979 Supplement, Sections 291.111, Subdivision 1; and 291.19.

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

Page 27, line 22, after "tax" insert "*due and payable to the United States Treasury*"

Page 28, line 15, delete "*liability*" and insert "*due and payable to the United States Treasury*"

Page 29, line 12, delete "ALTERNATE" and insert "SPECIAL USE"

Page 29, line 21, after the comma, insert "*any increase in the credit for state death taxes shall be reported to the commissioner within 90 days after final determination of the increased credit. Upon notification the commissioner may assess an additional tax in accordance with section 291.03, subdivision 1, clause (2),*"

Page 29, line 22, after "tax" insert "*computed in accordance with section 291.03, subdivision 1, clause (1)*"

Page 31, after line 23, insert:

"Sec. 17. Minnesota Statutes, 1979 Supplement, Section 291.11, Subdivision 1, is amended to read:

291.11 [TIME EFFECTIVE.] Subdivision 1. [UPON DEATH; TIME OF ASSESSMENT.] (a) All taxes imposed by this chapter shall take effect at and upon the death of the person whose estate is subject to taxation and shall be due and payable at the expiration of nine months from such death, except as otherwise provided in this chapter. Provided, that any taxpayer who owes at least \$5,000 in taxes may choose to pay these taxes in five equal installments over a period of time not to exceed five years from the death of the person whose estate is subject to taxation or five years from the expiration of the extension granted by the commissioner pursuant to section 291.132, whichever is later. When a taxpayer elects to pay the tax in installments, he shall notify the commissioner in writing no later than nine months after the death of the person whose estate is subject to taxation. If the taxpayer fails to pay an installment on time, *unless it is shown that such failure is due to reasonable cause*, the election shall be revoked and the entire amount of unpaid tax *plus accrued interest* shall be

due and payable 90 days after the date on which the installment was payable.

(b) (A) False return—in the case of a false or fraudulent return with the intent to evade tax, any additional tax resulting therefrom may be assessed at any time.

(B) No return—in the case of failure to file a return, the tax may be assessed at any time.

(C) Omissions—in the case where there is omitted from the estate items subject to tax under this chapter the tax on such omitted items may be assessed at any time.

In determining the items omitted, there shall not be taken into account any item which has been disclosed in the return or in a statement attached to the return in a manner adequate to apprise the commissioner of the nature and amount of such item.

(c) Where, before the expiration of the time prescribed in this chapter for the determination or adjustment of the tax, the commissioner and the taxpayer shall consent in writing to the extension of time for such determination or adjustment the tax may be determined at any time prior to the expiration agreed upon and in the manner agreed upon. The period so agreed upon may be extended by subsequent agreements in writing made before the expiration of the period previously agreed upon."

Page 33, line 24, after the comma, insert "*unless it is shown that such failure is due to reasonable cause,*"

Page 34, after line 7, insert:

"Sec. 19. Minnesota Statutes, 1979 Supplement, Section 291.14, is amended to read:

291.14 [PERSONAL LIABILITY OF PERSONAL REPRESENTATIVE AND TRANSFEREE.] The personal representative and person to whom property which is subject to taxation under this chapter is transferred, *other than a bona fide purchaser, mortgagee, or lessee*, shall be personally liable for such tax, until its payment, to the extent of the value of the property. *The exemption from personal liability will extend to all subsequent transferees from bona fide purchasers, mortgagees, and lessees.*"

Page 35, line 28, delete "*shall*" and insert "*may*"

Page 43, after line 9, insert:

"Sec. 33. *Any lien created under Minnesota Statutes 1978, Section 291.14 or 292.09 shall expire and be unenforceable on December 31, 1983.*"

Page 43, line 11, after "291.17," insert "291.19, Subdivisions 1, 2 and 4,"

Page 43, line 13, after "291.19," insert "Subdivision 3."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 15, after "4a;" insert "291.11, Subdivision 1;" and after "291.132;" insert "291.14;"

Page 1, line 18, after "291.17;" insert "291.19, Subdivisions 1, 2 and 4;"

Page 1, line 20, after "291.19" insert ", Subdivision 3"

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. 1807: A bill for an act relating to taxation; income; property tax refund; deleting obsolete and unnecessary provisions and references; amending Minnesota Statutes 1978, Sections 290.03; 290.07, Subdivision 4; 290.071, Subdivision 1; 290.073; 290.077, Subdivision 4; 290.08, Subdivisions 3, 8 and 13; 290.09, Subdivisions 5, 13 and 25; 290.095, Subdivisions 3 and 8; 290.131, Subdivision 1; 290.18, Subdivision 1; 290.28, Subdivision 3; 290.311, Subdivisions 1 and 2; 290.32; 290.361, Subdivision 2; 290.38; 290.40; 290.49, Subdivision 1; 290.62; 290.65, Subdivisions 2, 7, 9, 13 and 16; 290.92, Subdivisions 2a, 5, 13 and 15; 290.93, Subdivisions 5 and 9; 290.931, Subdivision 1; 290.932, Subdivision 1; 290.936; 290.97; 290.972, Subdivisions 2 and 3; 290A.07, Subdivision 1; Minnesota Statutes, 1979 Supplement, Sections 290.01, Subdivision 20; and 290A.03, Subdivisions 3 and 13; repealing Minnesota Statutes 1978, Sections 290.06, Subdivisions 2b, 3a and 3b; 290.08, Subdivisions 4 and 5; 290.086; 290.087; 290.09, Subdivisions 11 and 20; 290.095, Subdivision 6; 290.31, Subdivision 28; 290.34, Subdivision 4; 290.361, Subdivision 4; 290.363; 290.45, Subdivision 2a; 290.49, Subdivision 9; 290.53, Subdivision 6; 290.65, Subdivisions 8, 14 and 15; 290.66; 290.68; 290.69; 290.93, Subdivision 12; 290.932, Subdivision 5; 290.95; 290.96; and 290.972, Subdivision 7.

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

Page 2, strike lines 13 to 21

Page 2, line 22, strike "31, 1970,"

Page 2, strike lines 29 to 33

Page 3, strike lines 1 to 5

Page 3, line 6, strike "(iv)" and insert "(i)"

Page 3, line 9, strike "(v)" and insert "(ii)"

Page 17, line 26, strike "(a) Proceeds of"

Page 17, strike lines 27 to 33

Strike pages 18, 19, and 20

Page 21, strike lines 1 to 28

Page 21, lines 27 and 28, delete the new language

Page 21, line 31, delete "*101(e)*" and insert "*The exclusion of certain death benefits shall be determined in accordance with the provisions of section 101*"

Page 34, line 23, after the stricken language insert "*of alimony,*"

Page 34, line 24, after "applies" insert a comma

Page 44, line 8, delete "ON OR AFTER DECEMBER 31, 1949" and insert "WHILE IN MILITARY SERVICE"

Page 44, line 9, strike "on or after December"

Page 44, line 10, strike "31, 1949,"

Page 63, line 8, after "*sections*" insert "*and the amendments made in section 1 of this act*"

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. 1734: A bill for an act relating to agriculture; renaming the livestock sanitary board; repealing obsolete language; regulating treatment of diseased animals; eliminating certain local boards; providing a penalty; amending Minnesota Statutes 1978, Sections 17A.04, Subdivision 6; 29.051; 29.061; 29.081; 35.01, Subdivisions 1 and 2; 35.02, Subdivision 1; 35.03; 35.05; 35.06; 35.063; 35.065; 35.08; 35.09; 35.10; 35.11; 35.12; 35.13; 35.15; 35.16; 35.245; 35.67; 35.68; 35.695; 35.70, Subdivisions 1, 3 and 4; 35.71, Subdivisions 3 and 7; 35.81; 35.82; 35.822; 35.830; 35.831; 346.26; 347.32; 347.33; 347.34; 347.35; 347.37; 347.38; and 347.39; repealing Minnesota Statutes 1978, Sections 35.01, Subdivisions 3, 4, 5, 6 and 7; 35.07; 35.131; 35.132; 35.133; 35.134; 35.135; 35.136; 35.137; 35.17; 35.18; 35.19; 35.20; 35.21; 35.22; 35.23; 35.24; 35.25; 35.26; 35.27; 35.28; 35.29; 35.30; 35.31; 35.32; 35.33; 35.34; 35.35; 35.40; 35.41; 35.42; 35.43; 35.44; 35.45; 35.46; 35.47; 35.48; 35.49; 35.50; 35.51; 35.55; 35.56; 35.57; 35.58; 35.60; 35.605; 35.70, Subdivisions 2, 5, 6 and 8; 35.73, Subdivision 2; and 35.821. Subdivision 2.

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

Page 3, line 4, strike "employing"

Page 3, line 5, strike "means and"

Page 3, line 10, after "1" insert "of"

Page 26, line 23, reinstate "railroad cars" and after "cars" insert a comma

Page 26, line 27, after "highways" insert "*and railroads*"

Page 38, line 5, strike "20" and insert "*a minimum of 30*"

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. 1582: A bill for an act relating to agriculture; establishing a system for collection of disease incidence, morbidity and mortality; appropriating money.

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

Page 1, line 17, delete "\$144,000" and insert "\$72,000"

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

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

S. F. No. 1842: A bill for an act relating to agriculture; clarifying definition of warehouseman; requiring denaturing and labeling of certain foods; adopting certain federal food regulations; changing certain procedures; amending Minnesota Statutes 1978, Sections 28A.15, Subdivision 4; 31.02; and 218.041, Subdivisions 3 and 4; and Minnesota Statutes, 1979 Supplement, Section 31.101, Subdivision 8; and 231.01, Subdivision 5.

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

Page 1, delete section 1

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, delete everything after the semicolon

Page 1, line 3, delete "warehouseman;"

Page 1, line 5, after "regulations" insert "; striking certain obsolete language"

Page 1, lines 6 and 7 delete "28A.15, Subdivision 4;"

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

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

S. F. No. 1725: A bill for an act relating to education; defining "nonsectarian nonpublic school" and modifying the definition of "neutral site" to include a nonsectarian nonpublic school for purposes of certain sections providing aid to nonpublic school chil-

dren; amending Minnesota Statutes 1978, Section 123.932, Subdivision 9, and by adding a subdivision.

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

S. F. No. 1653: A bill for an act relating to education; providing individualized instructional materials to nonpublic school pupils; increasing the amount which may be spent for certain materials provided to nonpublic school pupils; amending Minnesota Statutes 1978, Sections 123.932, by adding a subdivision; and 123.933.

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

Page 3, line 10, after "3." insert "(a)"

Page 3, line 13, delete the new language

Page 3, line 19, after the period, insert:

"(b) The cost computed in clause (a) shall be increased by an inflation adjustment equal to the percent of increase in the foundation aid per pupil unit, pursuant to section 124.212, from the second preceding school year to the current school year.

(c)"

Page 3, lines 24 and 25, delete "117 percent of"

Page 3, line 26, delete the new language and insert "adjusted for inflation pursuant to clause (b)"

Page 3, after line 29, insert:

"Sec. 3. Minnesota Statutes 1978, Chapter 123, is amended by adding a section to read:

[123.947] [RESTRICTIONS TO PREVENT IMPROPER USE OF INDIVIDUALIZED INSTRUCTIONAL MATERIALS.] *(a) The department of education shall assure that individualized instructional materials loaned to nonpublic school pupils are secular, neutral, nonideological and that they are incapable of diversion for religious use.*

(b) Individualized instructional materials shall not be used in religious courses, devotional exercises, religious training or any other religious activity.

(c) Individualized instructional materials shall be loaned only to individual pupils upon the request of a parent or guardian or the pupil on a form designated for this use by the department of education. The request forms shall provide for verification by the parent or guardian or pupil that the requested individualized instructional materials are for the use of the individual pupil in connection with a program of instruction in the pupil's elementary or secondary school.

(d) The department of education or the servicing school district or the intermediate service area shall take adequate measures to ensure an accurate and periodic inventory of all individualized instructional materials loaned to elementary and secondary school pupils attending nonpublic schools. The state board of education shall promulgate rules under the provision of chapter 15 to terminate the eligibility of any nonpublic school pupil if the department or the servicing school district or intermediate service area determines, after notice and opportunity for hearing, that the individualized instructional materials have been used in a manner contrary to the provisions of sections 1 to 3 or any rules promulgated by the state board of education.

(e) Nothing contained in sections 1 to 3 shall be construed to authorize the making of any payments to a nonpublic school or its faculty, staff or administrators for religious worship or instruction or for any other purpose."

Page 3, line 31, delete "or 2" and insert ", 2 or 3"

Page 4, line 3, delete "or 2" and insert ", 2 or 3"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 7, delete "and"

Page 1, line 7, before the period insert "; and Chapter 123, by adding a section"

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

Mr. Schaaf from the Committee on Governmental Operations, to which was re-referred

S. F. No. 993: A bill for an act relating to health; establishing a council on physical fitness and health; prescribing its duties; appropriating money.

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

Page 1, line 9, delete "is a" and insert ", poor health habits and poor nutrition are"

Page 1, line 9, delete "problem" and insert "problems"

Page 1, line 9, delete "has" and insert "have"

Page 1, line 19, after "fitness" insert ", health and nutrition"

Page 1, line 20, delete "AND" and insert a comma

Page 1, line 21, after "HEALTH" insert "AND NUTRITION"

Page 1, line 22, after "fitness" insert a comma

Page 2, line 1, delete "and"

Page 2, line 1, after "health" insert "and nutrition"

Page 2, lines 7, 14, 19, 24, and 29, after "fitness" insert ", health or nutrition"

Page 4, line 10, before the period, insert "and shall expire on July 1, 1987"

Amend the title as follows:

Page 1, line 3, delete "and" and insert a comma

Page 1, line 3, after "health" insert "and nutrition"

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

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

S. F. No. 1788: A bill for an act relating to education; modifying rule making procedures and the tuition exemption authority of the state university board; allowing a change in the placement service registration fee at state universities; eliminating a visitation and reporting duty of the state university board and a reporting duty of state university presidents; eliminating a provision governing state university rules which conflict with the provisions of certain collective bargaining contracts; amending Minnesota Statutes 1978, Sections 136.11, Subdivisions 1 and 8; and 136.14; repealing Minnesota Statutes 1978, Sections 136.148 and 136.15.

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

Page 3, reinstate the stricken language on lines 21 to 27

Page 3, line 27, delete "No"

Page 3, delete lines 28 to 31

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

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

S. F. No. 1054: A bill for an act relating to Morrison County; allowing free, nonsubscription publications to qualify as legal newspapers in Morrison County.

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

Delete everything after the enacting clause and insert:

"Section 1. [LEGAL NEWSPAPER; QUALIFICATIONS.] In order for a weekly to qualify as a medium of official and legal publication in Morrison County, a newspaper shall:

(1) Be printed in the English language in newspaper format and in column and sheet form equivalent in printed space to at least 900 square inches;

(2) If a weekly, be distributed at least once each week for 50

weeks each year, or if a daily, at least five days each week; but in any week in which a legal holiday is included, not more than four issues of a daily paper are necessary;

(3) Have 25 percent of its space, in at least 50 percent of its annual issues, devoted to news, and have 50 percent of its news devoted to news of local interest to the community which it purports to serve, and it may contain general news, comment, and miscellany, but not wholly duplicate any other publication, or be made up entirely of patents, plate matter, and advertisements.

(4) Be circulated in and near Little Falls and have at least 500 copies regularly distributed;

(5) Have its known office of issue established in Morrison County;

(6) File a copy of each issue immediately with the state historical society;

(7) Be made available at single or subscription prices or at no charge to any person, corporation, partnership or other unincorporated association requesting the newspaper and making the applicable payment;

(8) File with the secretary of state, prior to January 1 of each year, an affidavit signed by the publisher or managing officer and sworn to before a notary public stating that the newspaper is a legal newspaper. The form of the affidavit shall be prescribed by the secretary of state.

Sec. 2. This act takes effect when approved by a majority of the board of county commissioners of Morrison County and upon compliance with Minnesota Statutes 1978, Section 645.021."

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. 1573: A bill for an act relating to employment; prohibiting certain cities from establishing residency requirements as a condition of employment.

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

S. F. No. 1634: A bill for an act relating to elections; establishing a local government election day for election of county, city and school district officers, county and municipal judges and officers of all other political subdivisions except towns; requiring uniform and coordinated election precincts and polling places for municipalities and school districts; integrating municipal and school district election laws with laws applicable to other elections; providing state reimbursement for the costs of administration of the

election held on the local government election day; superseding certain inconsistent general and special laws and home rule charter provisions; amending Minnesota Statutes 1978, Sections 40.05, Subdivisions 1, 3 and 4; 40.06, Subdivision 1; 122.23, Subdivisions 12, 17 and 18; 122.25, Subdivision 2; 123.12, Subdivision 1; 123.32, Subdivisions 9, 13 and 23; 123.33, Subdivisions 1 and 4; 123.34, Subdivision 1; 123.351, Subdivisions 1 and 3; 123.51; 128.01; 200.02, Subdivisions 1, 24, and by adding subdivisions; 201.061, Subdivision 6; 201.071, Subdivisions 1 and 3, and by adding a subdivision; 202A.26, Subdivision 1; 202A.52; 202A.721, Subdivision 4; 203A.17; 203A.31, Subdivision 1; 203A.32; 204A.05, Subdivision 1; 204A.06, Subdivision 1b, and by adding a subdivision; 204A.09, Subdivision 1; 204A.11, Subdivision 3, and by adding a subdivision; 204A.29; 204A.40, Subdivision 2; 204A.45, Subdivision 1; 204A.47, Subdivision 2; 204A.49, by adding a subdivision; 204A.53, Subdivision 1; 205.01; 205.02; 205.13; 205.14, Subdivisions 1, 2 and 3, and by adding a subdivision; 205.16, Subdivisions 2 and 3; 206.09; 206.21, Subdivision 3; 207.04, Subdivision 1; 207.05, Subdivision 1; 207.085; 207.151; 209.02, Subdivisions 1 and 3; 365.51; 367.33, Subdivision 3, and by adding a subdivision; 375.025, Subdivision 4; 375.03; 375.101, Subdivision 2; 375A.02, Subdivision 1; 375A.09, Subdivision 4; 382.01; 389.011, Subdivision 2; 397.06; 397.07; 398.04; 410.21; 412.02, Subdivision 2; 412.021, Subdivision 2; 412.571, Subdivision 5; 447.32, Subdivisions 1 and 2; 487.03, Subdivisions 2 and 5; 488A.021, Subdivision 3; and 488A.19, Subdivision 3; Chapters 204A, by adding a section; 205, by adding sections; and 210A, by adding a section; Minnesota Statutes, 1979 Supplement, Section 204A.51, Subdivision 2; repealing Minnesota Statutes 1978, Sections 123.015; 123.11, Subdivisions 2, 3, 5 and 6; 123.32, Subdivisions 1, 2, 3, 4, 6, 7, 8, 11, 22, 24, 26 and 27; 201.33; 202A.721, Subdivision 5; 205.021; 205.03; 205.07; 205.11; 205.18; 205.19; 205.20; 206.18; 447.32, Subdivision 3; and Minnesota Statutes, 1979 Supplement, Sections 123.11, Subdivision 4; 123.32, Subdivisions 5 and 25; 205.11, Subdivision 4a; and 447.32, Subdivision 4.

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

Page 18, line 21, delete "1982" and insert "1981"

Page 19, line 18, delete "1982" and insert "1981"

Page 26, after line 14, insert:

"Sec. 16. Minnesota Statutes 1978, Section 204A.06, Subdivision 1, is amended to read:

204A.06 [ELECTION PRECINCTS.] Subdivision 1. [BOUNDARIES.] Each town, each statutory city that is separated from the town for election purposes, and each city ward, shall constitute at least one election precinct. The council of each municipality shall prescribe the boundaries of the precincts and the number of voters therein, and may rearrange the precincts from time to time, except that no changes in precinct boundaries may be made during the period beginning January 1 in any year

ending in seven and ending January 1 in any year ending in ~~two~~ *one*. If during the period beginning January 1 of a year ending in seven and ending January 1 of a year ending in ~~two~~ *one* a municipality annexes an unincorporated area located in the same county as the municipality and adjacent to the corporate boundary, the annexed area may be included in the precinct immediately adjacent to it. During the period beginning January 1 in a year ending in seven and ending January 1 in a year ending in ~~two~~ *one*, a municipality may establish new precincts lying entirely within any existing precinct for which the boundaries were established before that period; provided that: (a) the outer boundaries of the existing precinct are not altered and (b) the new precincts established within the existing precinct are assigned names that include the name of the existing precinct."

Page 27, after line 13, insert:

"Sec. 19. Minnesota Statutes 1978, Section 204A.06, Subdivision 4, is amended to read:

Subd. 4. [PRECINCT BOUNDARIES TO FOLLOW PHYSICAL FEATURES.] *After the general election in 1976 and before January 1, 1977, The governing body of each municipality shall set all boundaries between precincts so that each boundary follows visible, clearly recognizable physical features. Where it is not possible to set the boundary between any two adjacent precincts along any such physical feature, the boundary around the two precincts combined shall be drawn so as to comply with the provisions of this subdivision, and the map of the precincts required under the provisions of subdivision 2 shall clearly indicate which boundaries are not in compliance with this subdivision. For the purposes of this subdivision, "clearly recognizable physical feature" means a street, road, boulevard, parkway, river, stream, shoreline, drainage ditch, railway right-of-way, or any other line which is clearly visible from the ground. A street or other roadway which has been platted but not graded is not a clearly recognizable physical feature for the purposes of this subdivision.*

Renumber the sections in Article III in sequence

Page 79, after line 30, insert:

"Subd. 3. [EXCEPTION.] Notwithstanding the provisions of subdivision 2, successors to members of the board of Saint Paul Independent School District No. 625 who were elected to a four year term in 1980 shall be elected at the local government election day in 1983 and shall take office at the expiration of the term to which their predecessors were elected. The term of those successors shall expire on the first Monday in January of 1988."

Page 79, line 33, delete "subdivision 2" and insert "subdivisions 2 and 3"

Page 80, line 6, delete "3" and insert "4"

Renumber the subdivisions in sequence

Page 81, line 16, delete "18" and insert "21"

Amend the title as follows:

Page 1, line 28, delete "Subdivision 1b" and insert "Subdivisions 1, 1b and 4"

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

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

S. F. No. 1605: A bill for an act relating to elections; providing for a place on tax forms to indicate a desire not to allocate state money to finance election campaigns; amending Minnesota Statutes 1978, Section 10A.31, Subdivision 3.

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

Page 1, line 17, strike the period and insert "*or to indicate that*"

Page 1, line 17, delete the new language

Page 1, line 18, delete "*also provide a place for the individual to indicate*"

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. 1669: A bill for an act relating to public finance; authorizing the issuance of Minnesota state railroad assistance bonds; appropriating money; amending Minnesota Statutes 1978, Chapter 222, by adding a section.

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

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

S. F. No. 1631: A bill for an act relating to energy; stating legislative energy policy; establishing a joint legislative committee on energy; providing grants and assistance for community energy planning; modifying certain need certification procedures; allowing certain utility expenses; appropriating money; amending Minnesota Statutes 1978, Sections 116H.01; 216B.16, by adding a subdivision; Minnesota Statutes, 1979 Supplement, Section 116H.13, Subdivisions 3, 5, and 7.

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

Page 1, after line 13, insert:

"Section 1. Minnesota Statutes 1978, Section 45.17, is amended by adding a subdivision to read:

Subd. 7. The consumer services section shall be responsible for representing and furthering the interests of residential utility consumers through participation as an intervenor or interested party in federal proceedings relating to the regulation of: (a) wholesale rates for energy delivered through interstate facilities; (b) fuel used in generation of electricity or the manufacture of gas; or (c) telecommunications. The consumer services section shall further be authorized to maintain, intervene in or otherwise participate in any civil actions relating to such federal proceedings.

Sec. 2. Minnesota Statutes 1978, Section 45.17, is amended by adding a subdivision to read:

Subd. 8. The consumer services section shall be responsible for representing and furthering the interests of residential utility consumers through presentation of its position regarding need and participation in the public hearing process in proceedings for the assessment of need for large energy facilities conducted pursuant to Minnesota Statutes, Chapter 15 and Minnesota Statutes, Sections 116H.01 to 116H.15, and shall further be authorized to maintain, intervene in or otherwise participate in any civil actions relating to such proceedings."

Page 2, line 22, delete "encourage and support" and insert "review, analyze and encourage"

Page 2, line 23, after "eliminate" insert "the need for"

Page 3, line 16, after "growth" insert "and job creation"

Page 4, line 9, delete "plans that would" and insert "proposals that could"

Page 4, line 11, delete "community" and insert "citizen"

Page 4, after line 13, insert:

"The director shall not make grants of more than 45 percent of the amount appropriated for those purposes to cities and counties located within the seven county metropolitan area. No single grant to a city or county may exceed \$50,000."

Page 6, line 21, delete "On the motion of the director or any other"

Page 6, line 22, delete "person,"

Page 6, lines 31 to 33, delete the new language and insert "and those state agencies authorized to participate in matters before the Minnesota public service commission involving utility rates and adequacy of utility services,"

Page 7, delete section 7

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 7, after "expenses;" insert "expanding consumer representation in certain energy hearings;"

Page 1, line 8, after "Sections" insert "45.17, by adding subdivisions;"

Page 1, line 8, delete "216B.16, by"

Page 1, line 9, delete "adding a subdivision;"

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

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

S. F. No. 407: A bill for an act relating to regional development commissions; requiring a report on the commission's effectiveness; providing procedures for terminating commissions; amending Minnesota Statutes 1978, Section 462.393; and Chapter 462, by adding a section.

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

Page 2, line 13, delete "1980" and insert "1981"

Page 2, line 29, after the period, insert "*For purposes of this section the population of a county does not include the population of a municipality within the county.*"

Page 3, line 2, after the second "in" insert "each of"

Page 3, line 16, delete "commission" and insert "state planning officer"

Page 3, line 17, before the period, insert "*for each regional development commission*"

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. 1802: A bill for an act relating to foreign corporations; removing certain deficiencies and ambiguities; defining certain activities that do not constitute transacting business in the state; and removing limitations on engaging in the business of making real estate loans; amending Minnesota Statutes 1978, Sections 303.02, Subdivision 3; 303.03; 303.04; and 303.25.

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

Page 2, line 6, strike "shall have" and insert "has"

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

Page 3, line 8, after "*collecting*" insert "*its*"

Page 3, line 9, delete "*the same*" and insert "*them*"

Page 4, line 20, strike "*such*"

Page 4, lines 22 and 30, strike "*such*" and insert "*the*"

Page 4, line 27, delete "*such*" and insert "*the*"

Page 5, lines 1, 6, 19, 20 and 29, strike "*such*" and insert "*the*"

Page 5, lines 10, 16 and 23, strike "*such*"

Page 5, line 26, strike "*such*" and insert "*an*"

Page 6, lines 1 and 23, strike "*such*" and insert "*the*"

Page 6, lines 14 and 32, strike "*such*"

Page 6, line 33, delete "*such*"

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

Mr. Coleman from the Subcommittee on Bill Scheduling, to which were referred S. F. Nos. 523, 1625, 1619, 507, 1726, 1728 and 1709 makes the following report:

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

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

SECOND READING OF SENATE BILLS

S. F. Nos. 1789, 1807, 1734, 1842, 1725, 1653, 1788, 1054, 1573, 1605, 407 and 1802 were read the second time and referred to the Subcommittee on Bill Scheduling of the Committee on Rules and Administration.

MOTIONS AND RESOLUTIONS

Mr. Chmielewski moved that the name of Mr. Schrom be stricken as chief author and that his name be added as chief author to S. F. No. 684. The motion prevailed.

Mr. Merriam moved that the name of Mr. Schrom be stricken as chief author and his name be added as chief author to S. F. No. 870. The motion prevailed.

Mr. Luther moved that the name of Mr. Dieterich be added as co-author to S. F. No. 1207. The motion prevailed.

Mr. Wegener moved that the name of Mr. Schmitz be stricken as chief author and his name be added as chief author to S. F. No. 1322. The motion prevailed.

Mr. Chmielewski moved that the names of Messrs. Willet, Renneke, Wegener and Lessard be added as co-authors to S. F. No. 1602. The motion prevailed.

Mr. Benedict moved that the name of Mr. Luther be added as co-author to S. F. No. 1656. The motion prevailed.

Mr. Ulland, J. moved that the names of Mrs. Staples and Mr. Stumpf be added as co-authors to S. F. No. 1872. The motion prevailed.

Mr. Merriam moved that the name of Mr. Dunn be added as co-author to S. F. No. 1928. The motion prevailed.

Mr. Peterson moved that the name of Mr. Nichols be added as co-author to S. F. No. 1956. The motion prevailed.

Mr. Nichols moved that the name of Mr. Penny be added as co-author to S. F. No. 1970. The motion prevailed.

Mr. Schaaf moved that the name of Mr. Merriam be added as co-author to S. F. No. 1995. The motion prevailed.

Mr. Peterson moved that the name of Mr. Nichols be stricken and the names of Messrs. Penny and Olhoft be added as co-authors to S. F. No. 2021. The motion prevailed.

Mr. Coleman introduced—

Senate Concurrent Resolution No. 13: A Senate concurrent resolution relating to adjournment of the House of Representatives for more than three days.

BE IT RESOLVED by the Senate, the House of Representatives concurring:

(1) Upon its adjournment on February 21, 1980, the House of Representatives may set its next day of meeting for 2:00 p.m. on February 28, 1980.

(2) Pursuant to the Minnesota Constitution, Article IV, Section 12, the Senate consents to the adjournment of the House of Representatives as provided by paragraph (1).

Mr. Coleman moved the adoption of the foregoing resolution. The motion prevailed. So the resolution was adopted.

Mr. Schaaf moved that S. F. No. 1788 be withdrawn from the Subcommittee on Bill Scheduling and re-referred to the Committee on Education. The motion prevailed.

Mr. Strand moved that S. F. No. 2044 be withdrawn from the Committee on Judiciary and re-referred to the Committee on Agriculture and Natural Resources. The motion prevailed.

CALL OF THE SENATE

Mr. Ashbach imposed a call of the Senate for the proceedings on S. F. No. 129. The following Senators answered to their names:

Anderson	Gunderson	Lessard	Perpich	Spear
Barrette	Hughes	Luther	Peterson	Staples
Benedict	Humphrey	McCutcheon	Pillsbury	Stern
Brataas	Johnson	Menning	Renneke	Strand
Chmielewski	Kirchner	Merriam	Rued	Stumpf
Coleman	Kleinbaum	Moe	Schaaf	Ueland, A.
Dieterich	Knaak	Nelson	Schmitz	Ulland, J.
Dunn	Knoll	Nichols	Setzepfandt	Wegener
Engler	Knutson	Ogdahl	Sillers	Willet
Frederick	Laufenburger	Olhoft	Solon	

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

Mr. Pillsbury moved that the Senate conferees on S. F. No. 129 be instructed to accede to the House amendments placed on S. F. No. 129 with respect to Article IV, Sections 2 and 3 of the Constitution as they appear on page 2652 of the House Journal of May 18, 1979.

Mr. Coleman moved that the motion of Mr. Pillsbury be laid on the table.

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

The roll was called, and there were yeas 42 and nays 20, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Ashbach	Brataas	Jensen	Ogdahl	Rued
Bang	Dunn	Keefe, J.	Penny	Sillers
Barrette	Engler	Knaak	Pillsbury	Ueland, A.
Bernhagen	Frederick	Knutson	Renneke	Ulland, J.

The motion prevailed.

Mr. Jensen moved that the Conference Committee Report on S. F. No. 129 on which action was taken by the Senate on January 31, 1980, be printed in the Senate Journal.

The question was taken on the adoption of the motion.

The roll was called, and there were yeas 59 and nays 1, as follows:

Those who voted in the affirmative were:

Anderson	Benedict	Coleman	Frederick	Humphrey
Ashbach	Bernhagen	Davies	Gearty	Jensen
Bang	Brataas	Dunn	Gunderson	Johnson
Barrette	Chmielewski	Engler	Hughes	Keefe, J.

Kirchner	McCutcheon	Olson	Schaaf	Stokowski
Kleinbaum	Menning	Penny	Setzepfandt	Strand
Knaak	Merriam	Perpich	Sikorski	Stumpf
Knoll	Moe	Peterson	Sillers	Ueland, A.
Knutson	Nelson	Pillsbury	Solon	Ulland, J.
Laufenburger	Nichols	Purfeerst	Spear	Wegener
Lessard	Ogdahl	Renneke	Staples	Willet
Luther	Olhoff	Rued	Stern	

Mr. Dieterich voted in the negative.

The motion prevailed.

CONFERENCE COMMITTEE REPORT ON S. F. NO. 129

A bill for an act relating to reapportionment of the legislature and congressional districts; proposing an amendment to the Minnesota Constitution, Article IV, Sections 2, 3 and 4 to provide for establishment of the boundaries of congressional and legislative districts by a commission, removing the requirement that all senators be elected at the first general election following an apportionment and limiting the power of the legislature to change the number of senators and representatives; implementing the proposed amendment by providing by law for the duties, powers and operation of the commission; and repealing Minnesota Statutes 1978, Sections 2.041 to 2.712 and 2.731 to 2.811.

May 21, 1979

The Honorable Edward J. Gearty
President of the Senate

The Honorable Rod Searle
Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 129, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments and the bill be further amended as follows:

Delete everything after the enacting clause and insert:

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

Subd. 2. If the amendment is adopted, Article IV, Sections 2 and 3 will read as follows:

Sec. 2. [APPORTIONMENT OF MEMBERS.] The number of members who compose the senate and house of representatives shall be prescribed by law. The representation in both houses shall be apportioned equally throughout the different sections of the state in proportion to the population thereof. A law changing the number of senators or representatives shall be effective only on January 1 of the next year ending in the number one following

enactment of the law and shall govern only at general elections occurring after that date.

Sec. 3. *At this first session after each enumeration of the inhabitants of this state made by the authority of the United States, the legislature shall have the power to prescribe the bounds of congressional and legislative districts. Senators shall be chosen by single districts of convenient contiguous territory. No representative district shall be divided in the formation of a senate district. The senate districts shall be numbered in a regular series. The legislature shall not prescribe the boundaries for the districts of senators and representatives or for the districts of representatives in the congress of the United States.*

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

ARTICLE XV

REAPPORTIONMENT COMMISSION

Section 1. [REAPPORTIONMENT COMMISSION.] *In each year ending in the number one, or when required by court order, a reapportionment commission shall be established to draw the boundaries of legislative and congressional districts.*

The commission shall consist of nine members who are eligible voters of the state. One member shall be appointed by the speaker of the house and one by the members of the house representing political parties other than the party represented by the speaker. One member shall be appointed by the president of the senate and one by the members of the senate representing political parties other than the party represented by the president. Article IV, Section 5 shall not apply to the appointment of members of the reapportionment commission. The term "political party" as used in this section shall have the meaning provided by law.

The remaining five members shall be appointed by unanimous agreement of the legislative appointees and shall be impartial in the matter of apportionment. The qualifications of impartial members shall be as provided by law.

Members of the commission shall be appointed within the time provided by law but not later than March 15 when the commission is established in a year ending in the number one.

Sec. 2. [APPORTIONMENT STANDARDS.] *The commission shall draw the boundaries of legislative and congressional districts in accordance with the requirements of this section. There shall be one district for each representative, senator and representative in congress. No representative district shall be divided in the formation of a senate district.*

All districts of the same kind shall be as equal in population as practicable. Population shall be the controlling factor in drawing the district boundaries.

The districts shall be composed of compact and contiguous territory. To the extent consistent with other standards, the boundaries of the districts shall follow the boundaries of local governmental units. No apportionment plan shall be drawn for the purpose of favoring any political party or person. Legislative and congressional districts shall be drawn according to the number of legislators and representatives in congress to be elected at general elections following the adoption of the apportionment plan.

Sec. 3. [APPORTIONMENT PLAN.] *The commission by a vote of at least six of its members shall adopt an apportionment plan setting forth all of the new legislative and congressional districts within the time provided by law but not later than December 1 when the commission is established in a year ending in the number one.*

An apportionment plan shall be effective 30 days after it is adopted. The districts set forth in a plan shall govern elections of representatives in congress beginning with the first general election after the plan is adopted and shall govern elections of state representatives and senators when they are next elected for a regular term as provided by Article IV, Section 4.

Sec. 4. [JUDICIAL REVIEW; COURT DRAWN PLAN.] *The supreme court shall exercise original jurisdiction in any matter relating to apportionment in the manner provided by law. If the commission fails to adopt and file an apportionment plan within the time provided by law the supreme court shall adopt its own plan in accordance within the requirements of section 2 of this article.*

Sec. 5. *The legislature may enact the laws necessary to implement this article provided that reapportionment shall be governed by the law in effect on January 1 of the year in which a reapportionment commission is established.*

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

"Shall the Minnesota Constitution be amended to transfer from the legislature to a bipartisan commission the power to establish the boundaries of legislative and congressional districts?"

Yes.....

No....." 8F

Sec. 3. An amendment to the Minnesota Constitution is proposed to the people. If the amendment is adopted, Article IV, Section 4, will read as follows:

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

Sec. 4. The amendment shall be submitted to the people at the 1980 general election. The question proposed shall be:

"Shall the Minnesota Constitution be amended so that state senators will complete their regular terms before state senate elections are held under a new reapportionment plan?"

Yes.....

No....."

Sec. 5. [2A.01] [CITATION.] *Sections 5 to 16 may be cited as the "Reapportionment Implementation Act".*

Sec. 6. [2A.02] [APPOINTMENT.] *Subdivision 1. For the purpose of Article XV, Section 1 of the Minnesota Constitution "political party" means the political party or political principle by which a legislator was designated on the general election ballot when the legislator was last elected.*

Subd. 2. Not more than five members of the commission shall be residents of either the metropolitan area as defined in section 473.121, subdivision 2 or the area consisting of the remainder of the state.

Subd. 3. No individual shall be appointed or shall serve as an impartial member of the commission who:

(a) holds or has held within two years prior to appointment an elected or appointed office in the executive, judicial or legislative branch or in an independent agency of the federal or state government;

(b) is or has been within two years prior to appointment an officer of a political party, except a precinct officer, or an officer of a campaign committee of a candidate for state or federal office;

(c) is an employee of the legislature or congress;

(d) is a member of the immediate family of a legislator or representative in congress. "Member of the immediate family" means father, mother, son, daughter, brother, sister, spouse, ex-spouse or member of the same household; or,

(e) is or has been a lobbyist within two years prior to appointment. "Lobbyist" means an individual defined by Minnesota Statutes, Section 10A.01, Subdivision 11.

Subd. 4. No individual appointed as an impartial member of the commission shall, while a member of the commission, be a candidate for any elective state or federal office.

Subd. 5. Not later than January 15 of each year ending in the number one the secretary of state shall request the legislators who are authorized by the constitution to appoint members to serve on the commission to certify the names of their appointees. The representatives representing political parties other than the party represented by the speaker of the house and the senators representing political parties other than the party represented by the president of the senate shall convene during the ten days

following the request of the secretary of state, at a time and place directed by the secretary, to appoint members of the commission. The secretary of state shall preside at these conventions. The names of all legislative appointees shall be certified to the secretary of state not later than the following February 1. If a certification is not received within the required time, the secretary of state shall notify the chief justice of the supreme court that there is a vacancy on the commission. Within ten days after notification the supreme court shall fill the vacancy and certify the name of the appointee to the secretary of state.

Subd. 6. Not later than March 15 the commission members whose appointments have been certified pursuant to subdivision 5 shall appoint the impartial members and certify the names to the secretary of state. When a certificate is not received within the required time, the secretary of state shall notify the chief justice that there is a vacancy. Within ten days after the notification the supreme court shall appoint the necessary number of impartial members and certify their names to the secretary of state.

Subd. 7. Vacancies other than those resulting from a failure to appoint a member within the time provided by law shall be filled by the appointing authority that made the original appointment within five days after the vacancy occurs.

Sec. 7. [2A.03] [COMMENCEMENT OF DUTIES; MEETINGS.] Subdivision 1. The secretary of state shall select a time and place of the first meeting of the commission, which shall not be later than April 1 of the year ending in one, and shall notify the commission members of the time and place selected. Before beginning to exercise their official duties the members of the commission shall take an oath in the form required for other state officers. The secretary of state shall preside at the meeting until the election of a permanent presiding officer. The commission shall elect a presiding officer and other officers as it shall find necessary. The secretary of state is the secretary of the commission.

Subd. 2. The commission, after notice and opportunity for public comment, may adopt and publish procedures necessary to carry out its duties. Chapter 15 does not apply to these procedures.

Subd. 3. The commission shall meet upon the call of either the presiding officer or a majority of the members of the commission. The proceedings of the commission are open to the public. The commission shall give public notice of its proceedings and shall keep minutes and audio recordings of those proceedings. All materials submitted to or developed by the commission, together with the minutes and audio record of its proceedings shall be preserved and made available for public inspection and copying. The commission may administer oaths to individuals appearing before it.

Subd. 4. A majority of the members of the commission constitutes a quorum to conduct business. At any meeting of the commission at which a quorum is present, a majority of those present

may compel the attendance of absent members. The attendance of absent members may be compelled in the manner that either the senate or house of representatives provide for their members.

Sec. 8. [2A.04] [REMOVAL OF COMMISSION MEMBER.] *Any member of the commission may be removed from the commission by the supreme court. A petition for removal may be filed by any eligible voter. The member may be removed, after a hearing, upon a finding by the supreme court, by a preponderance of the evidence, that a member of the commission has been convicted of violating the law, or that a member is unqualified to serve under the provisions of section 6, subdivision 3 or 4, or that a member is physically or mentally incapable of serving, or is unwilling to serve. It is prima facie evidence that a member is unwilling to serve if he or she fails to attend three successive meetings of the commission or fails to attend a total of six meetings of the commission. Upon removal, the position shall be filled in the manner provided for filling vacancies.*

Sec. 9. [2A.05] [ADMINISTRATIVE SUPPORT.] *The presiding officer of the commission shall supervise the staff of the commission. The secretary of state, department of administration, attorney general and revisor of statutes shall make available the personnel, facilities, technical services and other assistance requested by the commission. The commission may employ or contract for the services of other staff personnel.*

Sec. 10. [2A.06] [APPORTIONMENT PLAN.] *Subdivision 1. An apportionment plan adopted by the commission shall include:*

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

(b) A map of each district showing the name and location of each public road and each local governmental unit boundary in the district in a scale that allows precise location of the district boundaries;

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

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

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

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

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

Subd. 2. *An apportionment plan shall be adopted not later than September 1 of the year in which the commission is established. The supreme court, upon petition by the commission, may extend the time for adoption of the plan to a date not later than December 1 of that year if the court finds that the population information*

needed by the commission to adopt the plan has not been made available in a timely manner. When an apportionment plan adopted by the commission is remanded by the court, the commission shall adopt an amended plan consistent with the finding of the court not later than 30 days after the original plan is remanded.

Subd. 3. An apportionment plan is adopted when approved by a vote of at least six members of the commission and filed with the secretary of state. An apportionment plan is effective 30 days after it is adopted.

Subd. 4. Any commission members in the minority may prepare a minority report which shall be published with the plan adopted by the commission.

Sec. 11. [2A.07] [COURT ORDER OR CHANGE IN CONGRESSIONAL REPRESENTATION.] *Subdivision 1. When a commission is not otherwise constituted and either the number of the state's representatives in congress is changed by federal law or a federal court order requires amendment of a plan, a commission shall be established and shall draw the congressional district boundaries or amend the plan.*

Subd. 2. The supreme court shall set a timetable for establishing a reapportionment commission and drawing the boundaries or amending the plan. The timetable shall be consistent with the time provided for adoption of an apportionment plan pursuant to section 10, subdivision 2, as far as practicable.

Sec. 12. [2A.08] [COMPENSATION.] *Members of the commission who are not paid a salary by the state shall be compensated at the rate provided by section 15.059, subdivision 3, for members of advisory councils and committees. Members shall be compensated for their actual and necessary expenses incurred in carrying out their duties on the commission in the same manner and amount as other state employees.*

Sec. 13. [2A.09] [DISSOLUTION.] *When a reapportionment plan of the commission is adopted and all known legal actions concerning the plan have been decided or when the commission fails to adopt a plan within the time required, the commission shall conclude its business and dissolve. The conclusion of business shall include preparation of the official record of the commission and a financial statement disclosing all expenditures made by the commission. The official record shall contain all information developed by the commission pursuant to carrying out its duties including records of public hearings, data collected, minutes and audio recordings of hearings and meetings, and other information of a similar nature. The official record shall be submitted to the secretary of state who shall provide for its preservation.*

Sec. 14. [2A.10] [PUBLICATION OF REPORT.] *Subdivision 1. Promptly after the filing of an apportionment plan the secretary of state shall:*

(a) Prepare and transmit a copy of the plan to each county auditor;

(b) Prepare and transmit a summary of the plan to each newspaper of general circulation and each radio and television station in the state; and

(c) Prepare sufficient copies of the plan and the summary for inspection, copying and purchase by the public.

Subd. 2. The summary shall contain:

(a) A map showing all the new districts in the state;

(b) Separate maps showing the districts in the principal area served by the newspaper, radio or television station;

(c) A statement of the population of each district;

(d) A statement of the percentage variation of each district from the average population of other districts of the same kind; and

(e) An indication of where a copy of the final report of the commission may be examined or purchased and its purchase price.

Sec. 15. [2A.11] [JUDICIAL REVIEW.] Subdivision 1. An action to review an apportionment plan adopted by the reapportionment commission shall be commenced by petition to the supreme court within 30 days of the effective date of the plan. The petition shall set forth the facts and the law on the basis of which petitioner believes the plan does not comply with the provisions of the United States Constitution, the Minnesota Constitution or other provisions of law. A copy of the petition shall be served upon the commission and upon the attorney general. The court shall hold hearings upon the petition and shall render its opinion within 60 days of the date that the petition is filed.

Subd. 2. If the court determines that an original, unamended plan of the reapportionment commission does not comply with constitutional or legal requirements, the court shall specify the reasons for its finding and immediately remand the plan to the commission for amendment.

Subd. 3. If a federal court determines that an original unamended plan of the reapportionment commission does not comply with constitutional or legal requirements, and the court permits the commission to redraw the boundaries with consideration to the court's findings and conclusions, the plan shall be remanded to the commission for amendment.

Subd. 4. If the commission fails to adopt an apportionment plan or an amended plan within the time provided by law, or an amended plan adopted by the commission is found invalid upon review by the supreme court or by any federal court, the supreme court shall adopt its own reapportionment plan in accordance with the requirements of Article XV, Section 2, of the Minnesota Constitution. The court shall hold at least one public hearing before adopting or amending a plan. An apportionment plan adopted or amend-

ed by the supreme court shall be in the form prescribed for a plan adopted by the commission. The court shall adopt the plan or amended plan and file it with the secretary of state not later than 60 days from the date on which the commission was required to adopt its plan or the date on which the plan was declared invalid. The plan is effective 30 days after it is adopted.

Sec. 16. [2A.12] [DUTIES OF ATTORNEY GENERAL.] *The attorney general shall represent the commission in any action in the supreme court and shall represent the state in any action in a federal court concerning an apportionment plan adopted pursuant to Article XV of the Minnesota Constitution and sections 5 to 15. The attorney general shall argue the validity of the boundaries of the legislative and congressional districts drawn by the commission. In any action in federal court, the attorney general shall request the court to expedite the proceedings.*

Sec. 17. [REPEALER.] *Minnesota Statutes 1978, Sections 2.041 to 2.712 are repealed on the effective date of this section. Minnesota Statutes 1978, Sections 2.731 to 2.811 are repealed on the date when an apportionment plan setting forth new congressional districts is effective pursuant to Article XV of the constitution.*

Sec. 18. [EFFECTIVE DATE.] *Sections 5 to 17 shall take effect on the date the constitutional amendment in section 1 is ratified as provided by the constitution.*

Sec. 19. [BALLOT QUESTIONS.] *Notwithstanding any law or rule to the contrary, the ballot question in section 2 shall immediately precede the ballot question in section 4 and both ballot questions shall precede any other ballot questions when the two questions are submitted to the people at the 1980 general election. This section is effective August 1, 1979."*

Delete the title and insert:

"A bill for an act relating to reapportionment of the legislature and congressional districts; proposing an amendment to the Minnesota Constitution, Article IV, Sections 2, 3 and 4 to provide for establishment of the boundaries of congressional and legislative districts by a commission, removing the requirement that all senators be elected at the first general election following an apportionment and limiting the power of the legislature to change the number of senators and representatives; implementing the proposed apportionment commission amendment by providing by law for the duties, powers and operation of the commission; imposing duties on certain state officials; and repealing Minnesota Statutes 1978, Sections 2.041 to 2.712 and 2.731 to 2.811."

We request adoption of this report and repassage of the bill.

Senate Conferees: (Signed) William P. Luther, George S. Pillsbury, Gerry Sikorski

House Conferees: (Signed) Michael R. Sieben, Todd H. Otis, Bill Peterson, Douglas R. Ewald

CALENDAR

S. F. No. 1646: A bill for an act relating to executions; providing that issuance of an execution may be made without docketing of the judgment in the county where the money or personal property is owed to the judgment debtor by a third party; amending Minnesota Statutes 1978, Section 550.07.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 60 and nays 1, as follows:

Those who voted in the affirmative were:

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

Mr. Knutson voted in the negative.

So the bill passed and its title was agreed to.

CONSENT CALENDAR

S. F. No. 1848: A bill for an act relating to veterans; creating an outreach program for Vietnam era disabled veterans in the department of economic security's employment service; amending Minnesota Statutes 1978, Section 268.14, by adding a subdivision.

With the unanimous consent of the Senate, Mr. Chmielewski moved to amend S. F. No. 1848 as follows:

Page 2, line 2, delete "*July 27, 1973*" and insert "*May 7, 1975*"

Page 2, line 12, before the period, insert "*, and shall expire on January 30, 1981*"

The motion prevailed. So the amendment was adopted.

S. F. No. 1848 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 63 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

S. F. No. 1645: A bill for an act relating to courts; providing for hearings on rules proposed by the supreme court; amending Minnesota Statutes 1978, Section 480.054.

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 62 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

GENERAL ORDERS

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

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

S. F. Nos. 1665, 1611 and 1729, which the committee recommends to pass.

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

MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Keefe, S. moved that the Senate do now adjourn until 10:00 o'clock a.m., Monday, February 25, 1980. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate