

SEVENTY-FIRST DAY

St. Paul, Minnesota, Monday, February 25, 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:

Anderson	Dieterich	Kirchner	Perpich	Sillers
Ashbach	Dunn	Kleinbaum	Peterson	Spear
Bang	Engler	Knaak	Pillsbury	Stokowski
Benedict	Gearty	Knoll	Purfeerst	Stumpf
Bernhagen	Hughes	Luther	Renneke	Ueland, A.
Brataas	Humphrey	McCutcheon	Rued	Ulland, J.
Chmielewski	Jensen	Merriam	Schaaf	Willet
Coleman	Keefe, J.	Nelson	Setzpfandt	
Davies	Keefe, S.	Olhoft	Sikorski	

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

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

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

Anderson	Engler	Knaak	Olhoft	Sikorski
Ashbach	Frederick	Knoll	Olson	Sillers
Bang	Gearty	Knutson	Perpich	Solon
Benedict	Gunderson	Laufenburger	Peterson	Spear
Bernhagen	Hughes	Lessard	Pillsbury	Stokowski
Brataas	Humphrey	Luther	Purfeerst	Stumpf
Chmielewski	Jensen	McCutcheon	Renneke	Tennessee
Coleman	Keefe, J.	Merriam	Rued	Ueland, A.
Davies	Keefe, S.	Nelson	Schaaf	Ulland, J.
Dieterich	Kirchner	Nichols	Setzpfandt	Willet
Dunn	Kleinbaum	Ogdahl	Sieloff	

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. Barrette, Hanson, Johnson, Menning, Moe, Penny, Schmitz, Mrs. Staples, Messrs. Stern, Strand, Vega and Wegener 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. Knoll, Anderson, Mrs. Staples and Mr. Ulland, J. introduced—

S. F. No. 2099: A bill for an act relating to housing; permitting an increase in certain grants made by the housing finance agency; authorizing limitations on the assumability of mortgages made or purchased by the agency; modifying the program for moderate rehabilitation of rental properties; amending Minnesota Statutes 1978, Section 462A.05, Subdivision 17; and Minnesota Statutes, 1979 Supplement, Sections 462A.05, Subdivision 15; and 462A.21, Subdivision 11.

Referred to the Committee on Energy and Housing.

Messrs. Knoll, Tennesen, Sikorski and Kirchner introduced—

S. F. No. 2100: A bill for an act relating to trade regulations; providing limits on formaldehyde concentrations emitted from building materials and insulation; prohibiting certain transactions; providing remedies; prescribing penalties; amending Minnesota Statutes 1978, Section 325.907, Subdivision 1.

Referred to the Committee on Commerce.

Messrs. Penny, Ashbach, Gearty, Dunn and Ogdahl introduced—

S. F. No. 2101: A bill for an act relating to state government; raising the limit on the balance allowed to remain in the state auditor's revolving fund; empowering the state auditor to establish a personnel recruitment, hiring, promotional, and salary plan in consultation with the commissioner of the department of personnel; amending Minnesota Statutes 1978, Section 6.58; and Chapter 6, by adding a section.

Referred to the Committee on Governmental Operations.

Messrs. Wegener, Chmielewski and Olson introduced—

S. F. No. 2102: A bill for an act relating to the city of Melrose; authorizing the issuance of general obligation bonds for a fire hall and community center.

Referred to the Committee on Local Government.

Mr. Gearty introduced—

S. F. No. 2103: A bill for an act relating to courts; providing for an additional probate judge for Hennepin county; amending Minnesota Statutes 1978, Section 525.04.

Referred to the Committee on Judiciary.

Messrs. Tennessen, Knoll, Merriam, Davies and Spear introduced—

S. F. No. 2104: A bill for an act relating to state lands; changing the interest rate on unpaid sale balances; amending Minnesota Statutes 1978, Section 92.06, Subdivision 1.

Referred to the Committee on Commerce.

Mr. Anderson introduced—

S. F. No. 2105: A bill for an act relating to courts; transfer of persons committed as dangerous to the public or found to have a psychopathic personality; providing for notice of hearing to the county attorney of the county of proposed transfer; amending Minnesota Statutes 1978, Section 253A.14, Subdivision 2.

Referred to the Committee on Judiciary.

Mr. Solon introduced—

S. F. No. 2106: A bill for an act relating to retirement; authorizing certain persons to purchase prior service credit.

Referred to the Committee on Governmental Operations.

Messrs. Dieterich, Humphrey and Anderson introduced—

S. F. No. 2107: A bill for an act relating to energy; requiring public utilities to make available residential energy audits; allowing for costs thereof; providing for standards and qualifications of personnel.

Referred to the Committee on Energy and Housing.

Mr. Merriam introduced—

S. F. No. 2108: A bill for an act relating to education; eliminating the requirement that a treasurer of an independent school district provide a corporate surety bond to the state; repealing Minnesota Statutes 1978, Section 123.34, Subdivision 6.

Referred to the Committee on Education.

Messrs. Schmitz, Purfeerst, Wegener, Laufenburger and Engler introduced—

S. F. No. 2109: A bill for an act relating to transportation; permitting establishment of toll bridges on county highways and county state aid highways; authorizing the issuance of revenue bonds to finance their cost; amending Minnesota Statutes 1978, Chapter 165, by adding a section.

Referred to the Committee on Transportation.

Messrs. Purfeerst; Stern; Keefe, S.; Engler and Kirchner introduced—

S. F. No. 2110: A bill for an act relating to metropolitan government; providing for the maximum amount of the borrowing authorization of the metropolitan airports commission; amending Minnesota Statutes 1978, Section 473.667, Subdivision 2.

Referred to the Committee on Transportation.

Messrs. Wegener, Olson, Chmielewski, Dunn and Rued introduced—

S. F. No. 2111: A bill for an act relating to counties; providing for the responsibilities and appointments of deputy county treasurers; amending Minnesota Statutes 1978, Section 385.02, Subdivision 1.

Referred to the Committee on Local Government.

Messrs. Wegener, Chmielewski, Olson, Dunn and Rued introduced—

S. F. No. 2112: A bill for an act relating to elections; fixing compensation for county canvassing boards and county and township election judges; amending Minnesota Statutes, 1979 Supplement, Section 204A.23.

Referred to the Committee on Elections.

Messrs. Merriam, Barrette, Gunderson and Strand introduced—

S. F. No. 2113: A bill for an act relating to education; modifying the employment status of certain substitute teachers; amending Minnesota Statutes 1978, Section 123.35, Subdivision 5.

Referred to the Committee on Education.

Messrs. Merriam, Strand, Rued, Barrette and Knutson introduced—

S. F. No. 2114: A bill for an act relating to the legislature; establishing a temporary joint legislative study commission and empowering it to examine the educational programs for primary patient care of the University of Minnesota Medical School; appropriating money.

Referred to the Committee on Education.

Messrs. Johnson, Chmielewski, Olhoft, Davies and Merriam introduced—

S. F. No. 2115: A bill for an act relating to tax increment financing; providing for approval of a majority of local taxing dis-

tricts prior to establishment or modification of a tax increment financing district; providing for approval of a majority of local taxing districts prior to deferred property taxation for private redevelopment; amending Minnesota Statutes, 1979 Supplement, Sections 273.74, Subdivisions 2 and 3; and 273.86, Subdivision 1.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Davies, Willet, Olson and Dunn introduced—

S. F. No. 2116: A bill for an act proposing an amendment to the Minnesota Constitution, Article X, Section 6; removing restrictions upon the power to tax the mining, production or beneficiation of copper, copper-nickel or nickel.

Referred to the Committee on Taxes and Tax Laws.

Mr. Spear introduced—

S. F. No. 2117: A bill for an act relating to commerce; exempting savings associations from licensing and bonding requirements of safe deposit companies; deleting the dollar limitation on examination fees; amending Minnesota Statutes 1978, Sections 55.06, Subdivision 1; and 55.095.

Referred to the Committee on Commerce.

Mr. Schmitz introduced—

S. F. No. 2118: A bill for an act relating to retirement; authorizing the purchase of prior service by certain members of the public employees retirement association.

Referred to the Committee on Governmental Operations.

Mr. Schmitz introduced—

S. F. No. 2119: A bill for an act relating to Carver County; applying the provisions of the municipal housing and redevelopment act to Carver county; providing for local approval of projects.

Referred to the Committee on Energy and Housing.

Mr. Schmitz introduced—

S. F. No. 2120: A bill for an act appropriating money for restoration projects and educational programs at Murphy's Landing in Scott County.

Referred to the Committee on General Legislation and Administrative Rules.

Messrs. Barrette, Sieloff and Dieterich introduced—

S. F. No. 2121: A bill for an act relating to courts; second judicial district; requiring fees to be taxed to the state in certain criminal prosecutions; requiring the state and city of St. Paul to pay civil fees; amending Minnesota Statutes 1978, Sections 488A.20, Subdivision 4; and 488A.23, Subdivision 6.

Referred to the Committee on Judiciary.

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

S. F. No. 2122: A bill for an act relating to elections; authorizing time off from work for election judges; amending Minnesota Statutes 1978, Section 204A.18, by adding a subdivision.

Referred to the Committee on Elections.

Messrs. McCutcheon, Knutson and Engler introduced—

S. F. No. 2123: A bill for an act relating to Dakota County; providing for the expenses of the county commissioners; amending Laws 1961, Chapter 249, Section 2, as amended.

Referred to the Committee on Local Government.

Messrs. Tennesen, Merriam, Knoll, Davies and Keefe, J. introduced—

S. F. No. 2124: A bill for an act relating to privacy; modifying the provisions for consent to disclosure of private data; amending Minnesota Statutes, 1979 Supplement, Section 15.163, Subdivision 4.

Referred to the Committee on Judiciary.

Messrs. Tennesen, Merriam, Knoll, Davies and Keefe, J. introduced—

S. F. No. 2125: 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. Pillsbury introduced—

S. F. No. 2126: A bill for an act relating to retirement; extending the option for purchase of prior service credit by certain legislative employees; amending Laws 1975, Chapter 388, Section 1, Subdivision 3, as added and amended.

Referred to the Committee on Governmental Operations.

Messrs. Johnson, Perpich and Lessard introduced—

S. F. No. 2127: A bill for an act relating to taxation; distribution of taconite taxes among school districts; amending Minnesota Statutes 1978, Section 298.28, Subdivision 1.

Referred to the Committee on Taxes and Tax Laws. Mr. Merriam questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Messrs. McCutcheon, Johnson and Perpich introduced—

S. F. No. 2128: A bill for an act relating to taxation; clarifying the apportionment of income from taconite producers to Minnesota; amending Minnesota Statutes 1978, Section 298.40, by adding a subdivision.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Johnson, Willet, Engler and Lessard introduced—

S. F. No. 2129: A bill for an act relating to natural resources; regulating the use of state funded trails; providing a penalty; amending Minnesota Statutes 1978, Section 84.90, Subdivision 4; and Chapter 85, by adding a section.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Humphrey, Rued, Anderson, Dunn and Stern introduced—

S. F. No. 2130: A bill for an act relating to industrial development; providing for various energy related projects; amending Minnesota Statutes 1978, Sections 474.01, Subdivision 4; and 474.02, by adding subdivisions; and Minnesota Statutes, 1979 Supplement, Section 474.03.

Referred to the Committee on Energy and Housing.

Messrs. Olson, Nelson, Wegener, Renneke and Penny introduced—

S. F. No. 2131: A bill for an act relating to local government; permitting local governmental bodies to set mileage allowances for officers and employees; amending Minnesota Statutes 1978, Section 471.665, Subdivision 3; and Minnesota Statutes, 1979 Supplement, Section 471.665, Subdivision 1.

Referred to the Committee on Local Government.

Messrs. Renneke, Laufenburger, Bang, Johnson and Purfeerst introduced—

S. F. No. 2132: A bill for an act relating to state government;

renaming the securities division of the department of commerce; amending Minnesota Statutes 1978, Section 45.01.

Referred to the Committee on Commerce.

Messrs. Tennessen, Johnson, Pillsbury, Luther and Ashbach introduced—

S. F. No. 2133: A bill for an act relating to state government; separating the department of public service from the public service commission; changing the name of the commission to the public utilities commission; removing obsolete language; clarifying powers and duties; transferring certain funds previously appropriated; amending Minnesota Statutes 1978, Sections 216.16; 216A.01; 216A.04; 216A.05, Subdivisions 2, 4 and 5; 216A.07; 216B.08; 216B.12, Subdivision 1; 216B.15; 216B.62, Subdivisions 2 and 3; repealing Minnesota Statutes 1978, Section 216B.62, Subdivision 1.

Referred to the Committee on Commerce.

Messrs. Willet, Moe, Purfeerst, Dunn and Humphrey introduced—

S. F. No. 2134: A bill for an act relating to natural resources; providing for analysis of hydroelectric generating capacity of publicly owned dams; clarifying provisions relating to the administration of and authorization for dam repair and reconstruction grants; authorizing the employment of a person to administer grants; amending Minnesota Statutes 1978, Section 105.482, Subdivisions 1 and 4; Minnesota Statutes, 1979 Supplement, Section 105.482, Subdivisions 3 and 5a; and Laws 1979, Chapter 300, Section 4, Subdivisions 1 and 5.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Keefe, J. and Ogdahl introduced—

S. F. No. 2135: A bill for an act relating to retirement; judicial service credit for referees in juvenile court; amending Minnesota Statutes 1978, Section 490.121, Subdivision 4.

Referred to the Committee on Governmental Operations.

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

S. F. No. 2136: A bill for an act relating to elections; changing certain procedures and the effect of absentee ballots; amending Minnesota Statutes 1978, Section 207.05, Subdivision 1.

Referred to the Committee on Elections.

Mr. Rued introduced—

S. F. No. 2137: A bill for an act relating to the Knife Lake Improvement District in Kanabec County; authorizing Kanabec County to finance the cost of a certain improvement within the district.

Referred to the Committee on Local Government.

Messrs. Schaaf, Schmitz and Coleman introduced—

S. F. No. 2138: A bill for an act relating to elections; providing for special elections to fill vacancies in statutory city offices; amending Minnesota Statutes 1978, Sections 205.10; 205.17, Subdivision 1; and 412.02, Subdivision 2, and by adding a subdivision.

Referred to the Committee on Elections.

Mr. Willet introduced—

S. F. No. 2139: A bill for an act relating to communications; providing funds for the purchase of studio and production equipment by Northern Minnesota Public Television; appropriating money.

Referred to the Committee on Education.

Mr. Olhoft introduced—

S. F. No. 2140: A bill for an act relating to the city of Fergus Falls; providing for cooperative use of city solid waste by the city and the state welfare department; appropriating money.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Hanson introduced—

S. F. No. 2141: A bill for an act relating to historic sites; designating the Canadian National Depot in Warroad as an historic site; requiring notice of the Minnesota historical society when the state or a political subdivision of the state acquires certain property; amending Minnesota Statutes 1978, Section 138.59.

Referred to the Committee on General Legislation and Administrative Rules.

Mr. Sikorski introduced—

S. F. No. 2142: A bill for an act relating to state finances; providing for the return of surplus money in the general fund to the taxpayers; making an appropriation.

Referred to the Committee on Taxes and Tax Laws.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

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

February 1, 1980

The Honorable Edward J. Gearty
President of the Senate

Dear Sir:

The following appointment to the State Soil and Water Conservation Board is hereby respectfully submitted to the Senate for confirmation as required by law:

Neil Saxton, Route 1, Box 224, Fairmont, Martin County, has been appointed by me, effective February 8, 1980, for a term expiring the first Monday in January, 1984.

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

Sincerely,
Albert H. Quie, Governor

February 21, 1980

The Honorable Edward J. Gearty
President of the Senate

Dear Sir:

I have the honor of informing you that I have received, approved, signed and deposited in the Office of the Secretary of State, S. F. No. 285.

Sincerely yours,
Albert H. Quie, Governor

February 21, 1980

The Honorable Fred C. Norton
Speaker of the House of Representatives

The Honorable Edward J. Gearty
President of the Senate

I have the honor to inform you that the following enrolled Act of the 1980 Session of the State Legislature has been received from the Office of the Governor and is deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

S. F. No.	H. F. No.	Session Laws Chapter No.	Date Approved 1980	Date Filed 1980
285		346	February 21	February 21

Sincerely,
Joan Anderson Growe,
Secretary of State

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate Files, herewith returned: S. F. Nos. 1042 and 1257.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned February 21, 1980

Mr. President:

I have the honor to announce the adoption by the House of the following Senate Concurrent Resolution, herewith returned:

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

Edward A. Burdick, Chief Clerk, House of Representatives

Returned February 21, 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. 768: A bill for an act relating to natural resources; requiring county board or land exchange board approval on the acquisition of wildlife lands by the commissioner of natural resources; amending Minnesota Statutes 1978, Section 97.481.

Senate File No. 768 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned February 21, 1980

Mr. Luther moved that the Senate do not concur in the amendments by the House to S. F. No. 768 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.

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. 550: A bill for an act relating to elections; regulating campaign financing; increasing certain expenditure limits; provid-

ing that a candidate's expenditure limit agreement is not binding unless agreements are signed by the candidate's opponents; amending Minnesota Statutes 1978, Sections 10A.25, Subdivision 2; and 10A.32, Subdivisions 3 and 3b.

Senate File No. 550 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives
Returned February 21, 1980

Mr. Keefe, S. moved that S. F. No. 550 be laid on the table. The motion prevailed.

Mr. President:

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

S. F. No. 1248: A bill for an act relating to guardianship; establishing criteria for the selection of guardians and conservators; amending Minnesota Statutes 1978, Section 525.544.

Senate File No. 1248 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives
Returned February 21, 1980

CONCURRENCE AND REPASSAGE

Mr. Spear moved that the Senate concur in the amendments by the House to S. F. No. 1248 and that the bill be placed on its repassage as amended. The motion prevailed.

S. F. No. 1248 was read the third time, as amended by the House, and placed on its repassage.

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

The roll was called, and there were yeas 52 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Engler	Knaak	Olson	Sillers
Ashbach	Frederick	Knoll	Perpich	Solon
Bang	Garty	Knutson	Peterson	Spear
Benedict	Gunderson	Laufenburger	Pillsbury	Stokowski
Bernhagen	Hughes	Lessard	Purfeerst	Stumpf
Brataas	Humphrey	Luther	Renneke	Ueland, A.
Chmielewski	Jensen	Merriam	Rued	Ulland, J.
Coleman	Keefe, J.	Nelson	Schaaf	Willet
Davies	Keefe, S.	Nichols	Setzepfandt	
Dieterich	Kirchner	Ogdahl	Sieloff	
Dunn	Kleinbaum	Olhoft	Sikorski	

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

MESSAGES FROM THE HOUSE—CONTINUED

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H. F. Nos. 994, 1020, 1145, 1453 and 1684.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted February 21, 1980

FIRST READING OF HOUSE BILLS

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

H. F. No. 994: A bill for an act relating to courts; providing court commissioners with the judicial powers of a judge of the county court or the county municipal court; authorizing counties the option of abolishing the office of court commissioner; amending Minnesota Statutes 1978, Section 489.02 and Chapter 489, by adding a section.

Referred to the Committee on Judiciary.

H. F. No. 1020: A bill for an act relating to crimes; providing for admission into evidence of certain certificates of analysis.

Referred to the Committee on Judiciary.

H. F. No. 1145: A bill for an act relating to banks and banking; providing for implementation of certain statutes relating to electronic fund transfers; authorizing the commissioner of banks to adopt temporary rules; amending Minnesota Statutes 1978, Section 47.71.

Referred to the Committee on Commerce.

H. F. No. 1453: A bill for an act relating to retirement; authorizing payment of severance pay to retiring employees; validating past payments; amending Minnesota Statutes 1978, Section 356.24; and Minnesota Statutes, 1979 Supplement, Section 465.72.

Referred to the Committee on Rules and Administration for comparison with S. F. No. 1289, now in the Subcommittee on Bill Scheduling.

H. F. No. 1684: A bill for an act relating to state lands; providing for the conveyance of certain land to the city of Virginia.

Referred to the Committee on Agriculture and Natural Resources.

REPORTS OF COMMITTEES

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

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

S. F. No. 1449: A bill for an act relating to St. Louis County; providing authority to negotiate public employees wages; amending Laws 1941, Chapter 423, Section 5, as amended.

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

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

S. F. No. 1674: A bill for an act relating to labor; exempting seamen from the fair labor standards act; amending Minnesota Statutes, 1979 Supplement, Section 177.23, Subdivision 7.

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

Page 3, line 8, before the period insert "*; the term "seaman" means a master of a vessel or any person subject to the authority, direction and control of the master including but not limited to pilots, sailors, engineers, radio operators, firemen, watchmen, pursers, surgeons, cooks and stewards, who is exempt from federal overtime standards under 29 U.S.C. Section 213(b) (6)*"

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

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

S. F. No. 1775: A bill for an act relating to workers' compensation; permitting the workers' compensation reinsurance association to incorporate; exempting the reinsurance association from taxation; providing for amendment to the reinsurance association plan of operation; making changes in rules, requirements and procedures affecting members of the reinsurance association; increasing temporary partial benefits; amending Minnesota Statutes 1978, Section 176.101, Subdivision 2; Minnesota Statutes, 1979 Supplement, Sections 79.34; 79.35; 79.36; 79.37; and 79.38; repealing Minnesota Statutes, 1979 Supplement, Sections 79.41 and 79.42.

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

Page 1, lines 25 and 26, delete "79.42" and insert "79.40"

Page 2, delete lines 22 to 33 and insert: "*100 percent of the amount of ultimate loss in excess of the member's retention limit which is sustained in each loss occurrence as a result of one or more claims arising out of any single compensable event that occurs under chapter 176 in excess of on or after October 1, 1979. In determining ultimate loss the reinsurance association shall aggregate the actual loss amount paid by a member for all claims*"

arising out of the single compensable event. In the case of occupational disease causing disablement on or after October 1, 1979, the disablement of each person shall be considered a single compensable event.

Retention limits shall be \$300,000 or \$100,000 at the option of the member, provided that \$300,000 and \$100,000 . Each limit shall be increased ; to"

Page 3, line 20, delete "a"

Page 3, line 21, delete "single loss occurrence" and insert "that event"

Page 3, line 28, delete "of"

Page 3, line 29, delete "occurrence" and insert "was incurred"

Page 3, line 31, strike the first "the" and insert "its"

Page 3, line 32, strike "itself"

Page 7, line 23, delete "shall" and insert "may"

Page 9, delete lines 16 and 17

Page 9, line 22, before the semicolon insert "*including but not limited to any third party action as subrogee to the rights of a member*"

Page 9, line 23, delete "intervention or"

Page 9, line 24, delete everything before "or" and insert "*third party action*"

Page 9, line 24, after "recovery" delete the comma

Page 10, lines 5 and 13, strike "79.42" and insert "79.40"

Page 10, line 33, before "The" insert "*Each member of the reinsurance association shall be bound by the plan of operation of the association.*"

Page 11, line 1, after "for" insert "*the economical, fair and non-discriminatory administration of the reinsurance association and for the prompt and efficient reimbursement of amounts due to members pursuant to section 79.34. In particular the plan shall provide for*"

Page 11, line 21, strike "provided in section 79.41"

Page 11, line 25, strike "79.42" and insert "79.40"

Page 13, delete section 6

Page 13, line 29, delete "Sections 1 to 5 are" and insert "*This act is*"

Page 13, line 30, delete "Section 6 is"

Page 13, delete line 31

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 9, delete everything before "amending"

Page 1, delete line 10

Page 1, line 11, delete "Subdivision 2;"

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

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

S. F. No. 1683: A bill for an act relating to state government; providing for certain historical memorials; providing an appropriation.

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

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

S. F. No. 1718: A bill for an act relating to historical interpretive centers; appropriating money.

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

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

S. F. No. 1812: A bill for an act relating to motor vehicles; authorizing the identification of certain tax exempt vehicles by use of removable plates or placards; amending Minnesota Statutes 1978, Section 168.012, Subdivision 1.

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

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

S. F. No. 1875: A bill for an act relating to commerce; providing for ownership rights in dies and molds under certain conditions.

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

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

S. F. No. 1843: A bill for an act relating to transportation; establishing a state rail bank for abandoned rail lines; amending

Minnesota Statutes 1978, Chapter 222, by adding a section; Minnesota Statutes, 1979 Supplement, Sections 174.03, Subdivision 4; 222.50, Subdivision 7; and 222.65.

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

Page 2, line 30, strike the period and insert a semicolon

Page 2, after line 30, insert:

“(d) To provide for aerial photography survey of proposed and abandoned railroad tracks for the purpose of recording and re-establishing by analytical triangulation the existing alignment of the in-place track.”

Page 3, line 16, delete “, lease, easement”

Page 3, line 26, after “right-of-way” insert “meets one or more of the following criteria”

Page 3, line 32, delete “of statewide”

Page 3, line 33, delete “significance”

Page 3, line 33, after “commodities” insert “and forest products”

Page 4, line 8, after “maintenance” insert “including control of weeds,”

Page 4, line 12, after the period, insert “The commissioner may also require that any existing railroad track that is included in the acquired right-of-way shall not be removed during the period the right-of-way is included in the state railbank.”

Page 4, after line 12, insert:

“Subd. 3. [PUBLIC AND AGENCY PARTICIPATION.] If the commissioner desires to acquire, dispose of or utilize any right-of-way which he is authorized to acquire or has acquired pursuant to authorization under subdivision 2, he shall publish a notice of the proposed action in the state register and in at least one newspaper of general circulation in the area where the right-of-way is located. If any person objects in writing to the proposed action within 30 days of publication of notice the commissioner shall proceed in the manner provided for a contested case. If no written objection is received the commissioner may take the proposed action only after holding a public meeting to seek public comment on the action. At least one hearing or meeting required under this subdivision shall be held in the area where the right-of-way is located.”

Page 4, line 14, delete “may dispose of” and insert “shall lease”

Page 4, line 16, after “2” insert “in accordance with a fee schedule to be developed by the commissioner in consultation with the advisory task force established in section 222.65”

Page 4, line 19, delete "or utilized under" and insert "according to"

Page 4, line 19, delete "3" and insert "4"

Page 4, line 27, delete "3" and insert "4"

Page 5, delete lines 13 to 21

Renumber the subdivisions in sequence

Page 6, line 4, after "development," insert "natural resources,"

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. 1887: A bill for an act relating to taxation; redefining "family farm corporation" for purposes of the agricultural property tax law; amending Minnesota Statutes 1978, Section 273.111, Subdivision 3.

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

Page 1, line 22, after "corporation" insert "as defined in section 500.24"

Page 2, line 3, strike the language after the period

Page 2, strike lines 4 and 5

Page 2, lines 8 to 15, delete the new language

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. 1719: A bill for an act relating to taxation; providing that payments mailed by or on settlement day but received later shall be treated as payments received by settlement day; modifying some provisions to take account of the new treatment of payments mailed by or on settlement day and received later; amending Minnesota Statutes 1978, Sections 276.09; 276.10; and 276.11.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1978, Section 276.09, is amended to read:

276.09 [SETTLEMENT BETWEEN AUDITOR AND TREASURER.] On the ~~last fifth~~ day of ~~February~~ ~~March~~, ~~May~~ ~~June~~, and ~~October~~ ~~November~~, of each year, the county treasurer shall make full settlement with the county auditor of ~~his~~ all re-

ceipts and collections collected by him for all purposes, from the date of the last settlement up to and including each day mentioned, and. The county auditor shall, within 30 days after each settlement, send an abstract of same to the state auditor in such the form as prescribed by the state auditor may prescribe. At each settlement the treasurer shall make complete returns of his collections the receipts on the current tax list, showing the amount collected on account of the several funds included in the list.

For purposes of this section, "receipts" shall include all tax payments received by the county treasurer on or before the settlement date.

Sec. 2. Minnesota Statutes 1978, Section 276.10, is amended to read:

276.10 [APPORTIONMENT AND DISTRIBUTION OF FUNDS.] On the last settlement day of February in March, May June, and October November, of each year, the county auditor and county treasurer shall make distribution of distribute all undistributed funds remaining in the treasury, apportioning the same them, as provided by law, and placing the same them to the credit of the state, town, city, or school district, special district and each county fund. Within 20 days after such the distribution is completed, the county auditor shall make a report thereof of it to the state auditor, in such the form as prescribed by the state auditor may prescribe. The county auditor shall issue his warrant for the payment of any moneys remaining in the county treasury to the credit of the state, town, city, or school district, or special districts on application of the persons entitled to receive the same them.

Sec. 3. Minnesota Statutes 1978, Section 276.11, is amended to read:

276.11 [WHEN TREASURER SHALL PAY FUNDS.] As soon as practical after each settlement in February March, May June, and October November the county treasurer shall pay over to the state treasurer or the treasurer of any town, city, or school district, or special district, on the warrant of the county auditor, all moneys received by him receipts arising from taxes levied and collected by and belonging to the state, or to such municipal corporation, or other body, and deliver up all orders and other evidences of indebtedness of such municipal corporation or other body, taking triplicate receipts therefor. He shall file one of the receipts with the county auditor, and shall return one by mail on the day of its reception to the clerk of the town, city, or school district, or special district to which such payment was made, who. The clerk shall preserve the same receipt in his office. Upon written request of the state, a municipal corporation or other public body, the county treasurer is authorized and directed to shall, to the extent practicable, make such partial payments of amounts collected periodically in advance of final settlements as may be practicable the next settlement and distribution. Accompanying each payment to the state treasurer or treasurer of

any town, city, or school district shall be a statement prepared by the county treasurer designating the years for which taxes included in the payment were collected and, for each year, the amount of such *the* taxes and any penalties thereon. The county treasurer shall upon written request of the state, a municipal corporation or other public body pay at least 70 percent of the estimated collection within 30 days after *the* settlement date. He shall pay the balance of the amounts collected to the state or to a municipal corporation or other body within 60 days after *the* settlement date, provided, however, that after 45 days interest shall accrue at a rate of eight percent per annum to the credit of and shall be paid to the state, municipal corporation or other body. Interest shall be payable upon appropriation from the general revenue fund of the county and, if not paid, may be recovered by the state, municipal corporation, or other body, in a civil action.

Sec. 4. [EFFECTIVE DATE.] *This act is effective the day following final enactment.*"

Amend the title as follows:

Page 1, line 2, delete "providing that payments"

Page 1, delete lines 3 to 7 and insert "changing settlement dates for property taxes; amending"

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. 1675: A bill for an act relating to taxation; clarifying the provisions of the wetland credit for property tax purposes; amending Minnesota Statutes, 1979 Supplement, Section 273.115, Subdivisions 2 and 6.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes, 1979 Supplement, Section 272.02, Subdivision 1, is amended to read:

272.02 [EXEMPT PROPERTY.] Subdivision 1. Except as provided in other subdivisions of this section or in section 272.025, all property described in this section to the extent herein limited shall be exempt from taxation:

- (1) All public burying grounds;
- (2) All public schoolhouses;
- (3) All public hospitals;
- (4) All academies, colleges, and universities, and all seminaries of learning;

- (5) All churches, church property, and houses of worship;
- (6) Institutions of purely public charities;
- (7) All public property exclusively used for any public purpose;
- (8) All natural cheese held in storage for aging by the original Minnesota manufacturer;

(9) (a) Class 2 property of every household of the value of \$100, maintained in the principal place of residence of the owner thereof. The county auditor shall deduct such exemption from the total valuation of such property as equalized by the revenue commissioner assessed to such household, and extend the levy of taxes upon the remainder only. The term "household" as used in this section is defined to be a domestic establishment maintained either (1) by two or more persons living together within the same house or place of abode, subsisting in common and constituting a domestic or family relationship, or (2) by one person.

(b) During the period of his active service and for six months after his discharge therefrom, no member of the armed forces of the United States shall lose status of a householder under paragraph (a) which he had immediately prior to becoming a member of the armed forces.

In case there is an assessment against more than one member of a household the \$100 exemption shall be divided among the members assessed in the proportion that the assessed value of the Class 2 property of each bears to the total assessed value of the Class 2 property of all the members assessed. The Class 2 property of each household claimed to be exempt shall be limited to property in one taxing district, except in those cases where a single domestic establishment is maintained in two or more adjoining districts.

Bonds and certificates of indebtedness hereafter issued by the state of Minnesota, or by any county or city of the state, or any town, or any common or independent school district of the state, or any governmental board of the state, or any county or city thereof, shall hereafter be exempt from taxation; provided, that nothing herein contained shall be construed as exempting such bonds from the payment of a tax thereon, as provided for by section 291.01, when any of such bonds constitute, in whole or in part, any inheritance or bequest, taken or received by any person or corporation.

(10) Farm machinery manufactured prior to 1930, which is used only for display purposes as a collectors item;

(11) The taxpayer shall be exempted with respect to, all agricultural products, inventories, stocks of merchandise of all sorts, all materials, parts and supplies, furniture and equipment, manufacturers material, manufactured articles including the inventories of manufacturers, wholesalers, retailers and contractors; and the furnishings of a room or apartment in a hotel, rooming house, tourist court, motel or trailer camp, tools and machinery which by law are considered as personal property, and the property de-

scribed in section 272.03, subdivision 1 (c), except personal property which is part of an electric generating, transmission, or distribution system or a pipeline system transporting or distributing water, gas, or petroleum products or mains and pipes used in the distribution of steam or hot or chilled water for heating or cooling buildings and structures. Railroad docks and wharves which are part of the operating property of a railroad company as defined in section 270.80 are not exempt.

(12) Containers of a kind customarily in the possession of the consumer during the consumption of commodities, the sale of which are subject to tax under the provisions of the excise tax imposed by Extra Session Laws 1967, Chapter 32;

(13) All livestock, poultry, all horses, mules and other animals used exclusively for agricultural purposes;

(14) All agricultural tools, implements and machinery used by the owners in any agricultural pursuit.

(15) Real and personal property used primarily for the abatement and control of air, water, or land pollution to the extent that it is so used.

Any taxpayer requesting exemption of all or a portion of any equipment or device, or part thereof, operated primarily for the control or abatement of air or water pollution shall file an application with the commissioner of revenue. Any such equipment or device shall meet standards, regulations or criteria prescribed by the Minnesota Pollution Control Agency, and must be installed or operated in accordance with a permit or order issued by that agency. The Minnesota Pollution Control Agency shall upon request of the commissioner furnish information or advice to the commissioner. If the commissioner determines that property qualifies for exemption, he shall issue an order exempting such property from taxation. Any such equipment or device shall continue to be exempt from taxation as long as the permit issued by the Minnesota Pollution Control Agency remains in effect.

(16) Wetlands. For purposes of this subdivision, "wetlands" means land which is mostly under water, produces little if any income, and has no use except for wildlife or water conservation purposes. "Wetlands" shall be land preserved in its natural condition, drainage of which would be lawful, feasible and practical and would provide land suitable for the production of livestock, dairy animals, poultry, fruit, vegetables, forage and grains, except wild rice. "Wetlands" shall include adjacent land which is not suitable for agricultural purposes due to the presence of the wetlands. Exemption of wetlands from taxation pursuant to this section shall not grant the public any additional or greater right of access to the wetlands or diminish any right of ownership to the wetlands.

(17) *Native prairie.* The commissioner of the department of natural resources shall determine lands in the state which are native prairie and shall notify the county assessor of each county

in which the lands are located. Upon receipt of an application for the exemption and credit provided in this clause and section 7 for lands for which the assessor has no determination from the commissioner of natural resources, the assessor shall refer the application to the commissioner of natural resources who shall determine within 30 days whether the land is native prairie and notify the county assessor of his decision. Exemption of native prairie pursuant to this clause shall not grant the public any additional or greater right of access to the native prairie or diminish any right of ownership to it.

Sec. 2. Minnesota Statutes, 1979 Supplement, Section 273.115, Subdivision 1, is amended to read:

273.115 [STATE PAID WETLANDS CREDIT.] Subdivision 1. The county auditor shall annually reduce the tax liability of each owner of wetlands exempt from property taxation pursuant to section 272.02, subdivision 1, clause (16), by an amount equal to three-fourths of one percent of the average level of estimated market value of an acre of tillable land in the township or city or unorganized territory in which the qualifying wetland is located, multiplied by the number of acres of wetlands he owns. Any excess of credit over tax liability shall not be paid to the property owner but shall be applied to the tax liability of the owner of the wetlands for any parcel he owns which is contiguous to the parcel containing the wetlands .

Sec. 3. Minnesota Statutes, 1979 Supplement, Section 273.115, Subdivision 2, is amended to read:

Subd. 2. The total amounts of credits allowed pursuant to subdivision 1 and the total amounts of revenue lost as a result of the exemption provided in section 272.02, subdivision 1, clause (16), shall be submitted by the county auditor to the commissioner of revenue as part of the abstracts of tax lists required to be filed with the commissioner under the provisions of section 275.29. The amount of revenue lost as a result of the exemption shall be computed each year by applying the current mill rates of the taxing jurisdictions in which the wetlands are located to the assessed valuation of the wetlands for purposes of taxes levied in 1979, payable in 1980. Provided that payment to the county for lost revenue shall not be less than the revenue which would have been received in taxes if the wetlands had an assessed value of \$20 \$5 per acre. The commissioner of revenue shall review such certifications to determine their accuracy. He may make such changes in the certification as he may deem necessary or return a certification to the county auditor for corrections.

Sec. 4. Minnesota Statutes, 1979 Supplement, Section 273.115, Subdivision 5, is amended to read:

Subd. 5. In order to receive the wetlands credit provided in this section, an owner of wetlands shall agree not to drain the wetlands during the year for which he receives the credit. *To initially qualify for the credit for taxes levied in 1980, payable in 1981, the agreement shall be made by June 30, 1980; to initially qualify for*

the credit for taxes levied subsequent to 1980, the agreement shall be made by a date to be set by the county board. After initial qualification, an owner of wetlands shall not be required to re-apply to receive the credit for subsequent years. The agreement shall remain in effect until the wetlands are drained. The credit shall not be available (a) for any year prior to which a timely agreement has been made or (b) for any year in which the owner drains the wetlands. The local assessor shall certify that each land owner receiving the credit has so agreed.

Sec. 5. Minnesota Statutes, 1979 Supplement, Section 273.115, Subdivision 6, is amended to read:

Subd. 6. *The amounts amount of the wetlands credit and the tax that would have been due but for the exemption in section 272.02, subdivision 1, clause (16) shall be reflected on the property tax statement of each eligible taxpayer.*

Sec. 6. Minnesota Statutes, 1979 Supplement, Section 273.115, is amended by adding a subdivision to read:

Subd. 7. *The total credits allowed by subdivision 1 shall be deducted from the gross property tax before determination of the homestead credit provided by section 273.13, subdivisions 6 and 7 and the taconite homestead credit provided by section 273.135.*

Sec. 7. Minnesota Statutes 1978, Chapter 273, is amended by adding a section to read:

[273.116] [STATE PAID NATIVE PRAIRIE CREDIT.] Subdivision 1. *The county auditor shall annually reduce the tax liability of each owner of native prairie exempt from property taxation pursuant to section 272.02, subdivision 1, clause (17), by an amount equal to one and one-half percent of the average level of estimated market value of an acre of tillable land in the township, city or unorganized territory in which the qualifying native prairie is located, multiplied by the number of acres of native prairie he owns. Any excess of credit over tax liability shall not be paid to the property owner but shall be applied to the tax liability of the owner of the native prairie for any parcel he owns which is contiguous to the parcel containing the native prairie.*

Subd. 2. *The total amounts of credits allowed pursuant to subdivision 1 and the total amounts of revenue lost as a result of the exemption provided in section 272.02, subdivision 1, clause (17), shall be submitted by the county auditor to the commissioner of revenue as part of the abstracts of tax lists required to be filed with the commissioner under the provisions of section 275.29. The amount of revenue lost as a result of the exemption shall be computed each year by applying the current mill rates of the taxing jurisdictions in which the native prairie is located to the assessed valuation of the native prairie for purposes of taxes levied in 1979, payable in 1980. Provided that payment to the county for lost revenue shall not be less than the revenue which would have been received in taxes if the native prairie had an assessed value of \$5 per acre. The commissioner of revenue shall review such certifi-*

cations to determine their accuracy. He may make any changes in the certification he may deem necessary or return a certification to the county auditor for corrections.

Subd. 3. Payment shall be made according to the procedure provided in section 273.13, subdivision 15a, for the purpose of replacing revenue lost as a result of the exemption provided in section 1, and the credit provided in this section.

Subd. 4. There is appropriated from the general fund in the state treasury to the commissioner of revenue the amount necessary to make the payments provided in subdivision 3.

Subd. 5. In order to receive the native prairie credit provided in this section, an owner of native prairie shall agree to preserve the prairie in its natural state during the year for which he receives the credit. To initially qualify for the credit for taxes levied in 1980, payable in 1981, the agreement shall be made by June 30, 1980; to initially qualify for the credit for taxes levied subsequent to 1980, the agreement shall be made by a date to be set by the county board. After initial qualification, an owner of native prairie shall not be required to reapply to receive the credit for subsequent years. The agreement shall remain in effect until the native prairie is mowed or substantially altered. The credit shall not be available (a) for any year prior to which a timely agreement has been made or (b) for any year in which the owner mows or otherwise substantially alters the character of the native prairie. The local assessor shall certify that each land owner receiving the credit has so agreed.

Subd. 6. The amount of the native prairie credit shall be reflected on the property tax statement of each eligible taxpayer.

Subd. 7. The total credits allowed by subdivision 1 shall be deducted from the gross property tax before determination of the homestead credit provided by section 273.13, subdivisions 6 and 7 and the taconite homestead credit provided by section 273.135.

Sec. 8. [EFFECTIVE DATE.] This act is effective for taxes levied in 1980 and subsequent years and payable in 1981 and subsequent years."

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "providing a property tax exemption and credit for native prairie; providing for payment to the county for revenue lost by the exemption and credit; appropriating money;"

Page 1, line 4, after "amending" insert "Minnesota Statutes 1978, Chapter 273, by adding a section; and"

Page 1, line 5, delete "Section" and insert "Sections 272.02, Subdivision 1;"

Page 1, line 5, after "Subdivisions" insert "1," and after "2" insert " , 5,"

Page 1, line 5, delete "and" and after "6" insert ", and by adding a subdivision"

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. 1457: A bill for an act relating to transportation; providing for a transportation board; providing for transfer of certain duties, powers and functions of the public service commission and the commissioner of transportation to the transportation regulation board; regulating railroads and other common carriers of persons or property for hire; providing penalties; appropriating funds; amending Minnesota Statutes 1978, Sections 15A.081, Subdivision 1; 174.02, Subdivision 4; 174.03, Subdivision 2; 174.10, Subdivisions 1, 3, 4; 218.011, Subdivision 7; 218.021; 218.025; 218.031, Subdivisions 1, 6, 8, 10; 218.041; 218.071; 219.03; 219.14; 219.23; 219.24; 219.25; 219.27; 219.28; 219.383; 219.39; 219.40; 219.41; 219.42; 219.43; 219.46, Subdivision 7; 219.47; 219.51; 219.52; 219.54; 219.55; 219.562, Subdivision 3; 219.65; 219.681; 219.70; 219.71; 219.741; 219.85; 219.86; 219.87; 221.011, Subdivisions 2b, 15, 22; 221.021; 221.031, Subdivision 1; 221.041; 221.051; 221.061; 221.071; 221.081; 221.101; 221.121; 221.131; 221.141, Subdivision 2; 221.151; 221.161; 221.171; 221.181; 221.221; 221.261; 221.271; 221.281; 221.291, Subdivision 1; 221.293; 221.295; 221.296, Subdivisions 2, 3, 4, 8; 221.55; 221.68; repealing Minnesota Statutes 1978, Section 219.742.

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

Page 4, line 30, delete "HEARING" and insert "HEARINGS.]"

Page 4, delete lines 31 to 33 and insert "*All hearings required to be conducted by the transportation regulation board shall be conducted pursuant to sections 15.041 to 15.052.*"

Page 5, delete lines 1 to 21

Page 27, after line 29, insert:

"(11) Direct the repair, reconstruction or replacement of any inadequate or unsafe trackage, structure or facility."

Page 46, line 2, strike "1," and insert "1c"

Page 46, line 3, strike "paragraph 4a"

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

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

S. F. No. 1658: A bill for an act relating to intoxicating liquor;

permitting holders of on-sale wine licenses to sell intoxicating malt beverages; amending Minnesota Statutes 1978, Section 340.11, Subdivision 20.

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

Page 1, lines 12 and 13, delete the new language

Page 2, line 14, delete the new language

Page 2, after line 17, insert:

"The holder of an on-sale license issued pursuant to this clause shall be authorized to sell intoxicating malt beverages if the requirement of obtaining a license to sell non-intoxicating malt beverages pursuant to clause (d) of this section is met.

(d) The holder of an on-sale wine license issued pursuant to this chapter who is also licensed to sell non-intoxicating malt liquor at on-sale pursuant to section 340.01 may make on-sales of intoxicating malt beverages without obtaining an additional license."

Amend the title as follows:

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

Page 1, line 3, before "licenses" insert "and on-sale non-intoxicating malt beverages"

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

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

S. F. No. 1741: A bill for an act relating to motor vehicles; exempting certain retail installment contracts from the Motor Vehicle Installment Sales Act; amending Minnesota Statutes 1978, Section 168.66, Subdivision 4.

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

Page 1, line 14, delete everything after the first "use"

Page 1, line 15, delete the new language

Page 2, line 2, after the period insert "*"Retail installment contract" does not include an agreement, entered into in this state, evidencing an installment sale of a motor vehicle purchased primarily for use in business. For purposes of this subdivision, "business" means a commercial or industrial enterprise which is carried on for the purpose of active or passive investment or profit.*"

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

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

S. F. No. 1630: A bill for an act relating to the City of Minneapolis; authorizing the establishment of a detached banking facility.

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

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

S. F. No. 1659: A bill for an act relating to intoxicating liquor; permitting municipalities to authorize the sale of intoxicating liquor at arenas and sports complexes in certain cases; amending Minnesota Statutes 1978, Section 340.11, by adding a subdivision.

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

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

S. F. No. 1661: A bill for an act relating to intoxicating liquor; removing limitations on the number of on-sale licenses which cities may issue; permitting counties and cities to set off-sale license fees; amending Minnesota Statutes 1978, Sections 340.11, Subdivisions 3a, 5a, 7a, 10a, 13, 14, and 20; 340.353, Subdivision 5; Minnesota Statutes, 1979 Supplement, Section 340.11, Subdivisions 11 and 11b; and repealing Minnesota Statutes 1978, Section 340.11, Subdivisions 8 and 18.

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

Page 5, line 32, before the period, insert "*subject to the following limitations: up to \$300 for a veterans organization with a membership of 200 or less; up to \$500 for a veterans organization with a membership of between 201 and 500; up to \$650 for a veterans organization with a membership of between 501 and 1,000; up to \$800 for a veterans organization with a membership of between 1,001 and 2,000; up to \$1,000 for a veterans organization with a membership between 2,000 and 4,000; up to \$2,000 for a veterans organization with a membership of between 4,001 and 6,000; and \$3,000 for a veterans organization with a membership of more than 6,000*"

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. 1289: A bill for an act relating to retirement; authorizing payment of severance pay to retiring employees; validating past payments; amending Minnesota Statutes 1978, Sections 356.24 and 465.72.

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

Page 2, delete section 2 and insert:

“Sec. 2. Minnesota Statutes, 1979 Supplement, Section 465.72, is amended to read:

465.72 [SEVERANCE PAY.] Except as may otherwise be provided in Laws 1959, Chapter 690, as amended, all counties, cities, townships and school districts are hereby authorized and empowered to pay severance pay to all of its employees and to establish, prescribe and promulgate provisions, rules and regulations for the payment of such severance pay upon leaving employment *on or* prior to the normal retirement date. Such severance pay shall be excluded from retirement deductions and from any calculations in retirement benefits, and shall be paid in a manner mutually agreeable to the employee and employer over a period not to exceed five years from *retirement or* termination of employment. In the event that a *retired or* terminated employee dies before all or a portion of the severance pay has been disbursed, that balance due shall be paid to a named beneficiary or, lacking same, to the deceased’s estate. In no event shall severance pay provided for an employee except a teacher as defined in section 179.63, subdivision 13, leaving employment exceed an amount equivalent to 100 days pay. Severance pay for a teacher as defined in section 179.63, subdivision 13, shall not exceed an amount equivalent to one year of pay.”

Amend the title as follows:

Page 1, delete line 5 and insert “Section 356.24; and Minnesota Statutes, 1979 Supplement, Section 465.72.”

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. 1707: A bill for an act relating to towns; requiring a majority of voters to permit town zoning; requiring notice of changes; amending Minnesota Statutes 1978, Sections 366.12 and 366.15.

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

Page 1, after line 7, insert:

“Section 1. Minnesota Statutes 1978, Section 366.11, is amended to read:

366.11 [BALLOTS.] There shall be printed on the ballots for the election the following:

“Shall the board of supervisors adopt **building and zoning and related regulations and restrictions?**

Yes.....

No.....”

The voters shall place a cross-mark in one of the above squares to express their choice. The ballot shall be cast and counted during the same hours and in the same manner as ballots for the election of town officers of the town and, except as herein expressly provided, such meeting and election shall be subject to all the laws of this state regulating town meetings and elections of town officers in the town."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, after "zoning;" insert "clarifying the ballot question;"

Page 1, line 5, after "Sections" insert "366.11;"

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. 1736: A bill for an act relating to highways; providing a penalty for certain unlawful uses of or actions on public highways; prohibiting the erection of a fence on the right of way of a town road; amending Minnesota Statutes 1978, Section 160.27, Subdivision 5.

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

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

S. F. No. 1438: A bill for an act relating to towns; providing for the date and notice of town meetings; amending Minnesota Statutes 1978, Section 365.51.

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

Page 2, after line 13, insert:

"Sec. 2. This act is effective the day following final enactment."

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

SECOND READING OF SENATE BILLS

S. F. No. 1438 was read the second time.

S. F. Nos. 1449, 1674, 1775, 1812, 1875, 1843, 1887, 1719, 1675, 1658, 1741, 1630, 1659, 1661, 1289, 1707 and 1736 were read the second time and referred to the Subcommittee on Bill Scheduling of the Committee on Rules and Administration.

MOTIONS AND RESOLUTIONS

Mr. Schaaf moved that the name of Mr. Nelson be added as co-author to S. F. No. 2081. The motion prevailed.

Mr. Purfeerst moved that the name of Mr. Stern be added as co-author to S. F. No. 2088. The motion prevailed.

Mr. Schaaf moved that the name of Mr. Nelson be added as co-author to S. F. No. 2091. The motion prevailed.

Mr. Penny moved that the name of Mr. Wegener be stricken and Mr. Stern be added as co-author to S. F. No. 2067. The motion prevailed.

Mr. Barrette moved that the name of Mrs. Knaak be added as co-author to S. F. No. 2073. The motion prevailed.

Mr. Solon moved that the name of Mr. Nelson be added as co-author to S. F. No. 2075. The motion prevailed.

Mr. Hughes moved that the name of Mr. Merriam be added as co-author to S. F. No. 1573. The motion prevailed.

Mr. Davies moved that the name of Mr. Nelson be added as co-author to S. F. No. 1699. The motion prevailed.

Mr. Chmielewski moved that the name of Mr. Sikorski be added as co-author to S. F. No. 1848. The motion prevailed.

Mr. Keefe, J. moved that the name of Mr. Setzepfandt be added as co-author to S. F. No. 1910. The motion prevailed.

Mr. Keefe, J. moved that the name of Mr. Setzepfandt be added as co-author to S. F. No. 1911. The motion prevailed.

Mr. Bang moved that S. F. No. 2055 be withdrawn from the Committee on Health, Welfare and Corrections and re-referred to the Committee on Commerce. The motion prevailed.

Mr. Setzepfandt moved that S. F. No. 1289 be withdrawn from the Subcommittee on Bill Scheduling and re-referred to the Committee on Governmental Operations. The motion prevailed.

CALENDAR

S. F. No. 1665: A bill for an act relating to public contracts; providing for progress payments; authorizing alternative means of securing full performance; amending Minnesota Statutes 1978, Sections 161.322; 162.04; 162.10; and 429.041, Subdivision 6.

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 47 and nays 6, as follows:

Those who voted in the affirmative were:

Anderson	Gearty	Knoll	Perpich	Spear
Ashbach	Gunderson	Knutson	Peterson	Stokowski
Bang	Hughes	Laufenburger	Pillsbury	Stumpf
Bernhagen	Humphrey	Lessard	Purfeerst	Tennessee
Brataas	Jensen	McCutcheon	Renneke	Ueland, A.
Chmielewski	Keefe, J.	Nelson	Rued	Ulland, J.
Coleman	Keefe, S.	Nichols	Schaaf	Willet
Dunn	Kirchner	Ogdahl	Sikorski	
Engler	Kleinbaum	Olhoft	Sillers	
Frederick	Knaak	Olson	Solon	

Those who voted in the negative were:

Davies	Luther	Merriam	Setzepfandt	Sieloff
Dieterich				

So the bill passed and its title was agreed to.

S. F. No. 1611: A bill for an act relating to local government; establishing the Moorhead-Clay County area redevelopment authority; terminating the existence of the Moorhead local redevelopment agency; granting certain powers to the city of Moorhead and the county of Clay.

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 54 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S. F. No. 1729: A bill for an act relating to crimes; eliminating the power of a sentencing court to stay the revocation of the driver's license of a person convicted of driving, operating or being in physical control of a motor vehicle while under the influence of alcohol or controlled substances or a combination thereof, or of driving after cancellation, suspension, or revocation of his driver's license; amending Minnesota Statutes 1978, Sections 169.121, Subdivision 5; and 609.135, Subdivision 1.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 51 and nays 3, as follows:

Those who voted in the affirmative were:

Anderson	Engler	Knaak	Olson	Solon
Ashbach	Frederick	Knoll	Perpich	Spear
Bang	Gearty	Laufenburger	Peterson	Stokowski
Benedict	Gunderson	Lessard	Pillsbury	Stumpf
Bernhagen	Hughes	Luther	Purfeerst	Tennessee
Brataas	Humphrey	McCutcheon	Renneke	Ulland, J.
Chmielewski	Jensen	Merriam	Rued	Willet
Coleman	Keefe, J.	Nelson	Schaaf	
Davies	Keefe, S.	Nichols	Setzepfandt	
Dieterich	Kirchner	Ogdahl	Sikorski	
Dunn	Kleinbaum	Olhoft	Sillers	

Messrs. Knutson, Sieloff and Ueland, A. voted in the negative.

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. No. 1652, which the committee recommends to pass.

S. F. No. 64, which the committee reports progress, after the following motion:

The question was taken on the adoption of the recommendation to pass S. F. No. 64.

The roll was called, and there were yeas 14 and nays 40, as follows:

Those who voted in the affirmative were:

Davies	Keefe, S.	Olhoft	Sieloff	Stumpf
Dieterich	Knoll	Perpich	Solon	Tennessee
Dunn	McCutcheon	Schaaf	Spear	

Those who voted in the negative were:

Anderson	Engler	Kirchner	Nelson	Rued
Ashbach	Frederick	Kleinbaum	Nichols	Setzepfandt
Bang	Gearty	Knaak	Ogdahl	Sikorski
Benedict	Gunderson	Knutson	Olson	Sillers
Bernhagen	Hughes	Laufenburger	Peterson	Stokowski
Brataas	Humphrey	Lessard	Pillsbury	Ulland, A.
Chmielewski	Jensen	Luther	Purfeerst	Ulland, J.
Coleman	Keefe, J.	Merriam	Renneke	Willet

The motion did not prevail. S. F. No. 64 was then progressed.

S. F. No. 1722, which the committee recommends to pass with the following amendment offered by Mr. Renneke:

Page 1, line 16, strike "or any intoxicating, spiritous or"

Page 1, line 17, strike "fermented liquor of any kind whatever,"

Page 1, line 20, strike the semicolon

Page 1, line 22, strike “; provided, that” and insert “. Any person who brings, sends, or in any manner causes to be introduced into any state correctional facility or within or upon the grounds belonging to or land controlled by the facility, any intoxicating or alcoholic liquor or malt beverage of any kind without the consent of the chief executive officer thereof, shall be guilty of a gross misdemeanor.”

The motion prevailed. So the amendment was adopted.

S. F. No. 1240, which the committee reports progress, subject to the following motions:

Mr. Willet moved to amend S. F. No. 1240 as follows:

Page 1, line 26, delete “department” and insert “commissioner”

Page 2, line 1, delete “legislature” and insert “condemnation is”

Page 2, line 1, delete “authorizes the”

Page 2, delete line 2 and insert “authorized by law.”

Page 2, line 5, delete “or change”

Page 2, line 13, delete “proposed”

Page 2, line 13, after “in the” insert “intended”

Page 2, line 16, delete “shall” and insert “will”

Page 2, line 23, delete “payment of” and insert “paying”

Page 2, line 26, delete “with” and insert “that contains”

Page 4, line 9, after “not” insert “both”

Page 4, line 10, delete “the same” and insert “a”

Page 6, line 23, strike “administration” and insert “natural resources”

The motion prevailed. So the amendment was adopted.

Mr. Willet then moved to amend S. F. No. 1240 as follows:

Page 6, line 23, reinstate “ten percent”

Page 6, line 24, reinstate “above”

The motion prevailed. So the amendment was adopted.

Mr. Merriam moved to amend S. F. No. 1240 as follows:

Page 5, after line 10, insert a section to read:

“Sec. 8. [VIOLATIONS.] *If the state acquires any land for natural resources purposes in violation of any of the provisions of sections 5 to 7, the landowner may maintain an action against the commissioner of natural resources for any damages suffered. However, no title to land purchased for natural resources purposes will be invalid as a result of such violations.*”

Page 9, line 25, delete “7” and insert “8”

Page 9, line 26, delete “8 to 14” and insert “9 to 15”

Renumber the sections in sequence

The motion prevailed. So the amendment was adopted.

S. F. No. 1240 was then progressed.

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

MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Setzepfandt moved that H. F. No. 1453 be withdrawn from the Subcommittee on Bill Scheduling and re-referred to the Committee on Governmental Operations. The motion prevailed.

SUSPENSION OF RULES

Mr. Coleman moved that the rules of the Senate be so far suspended as to allow recognition of the U.S.A. Olympic Hockey Team. The motion prevailed.

The Senate offered its congratulations.

Mr. Coleman moved that the Senate do now adjourn until 10:00 o'clock a.m., Thursday, February 28, 1980. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate