TWELFTH DAY

St. Paul, Minnesota, Thursday, February 5, 1981.

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

Prayer was offered by the Chaplain, Rev. M.E. Sandness.

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

Ashbach	Dicklich	Kronebusch	Penler	Solon
Bang	Dieterich	Langseth	Penny	Spear
Belanger	Engler	Lantry	Peterson, C.C.	Stern
Benson	Frederick	Lessard	Peterson, D.L.	Stokowski.
Berg	Frederickson	Lindgren	Peterson, R.W.	Stumpf
Berglin	Hanson	Luther	Petty	Taylor
Bernhagen	Hughes	Menning	Pillsbury	Tennessen
Bertram	Humphrey	Merriam	Ramstad	Ulland
Brataas	Johnson	Moe, D.M.	Renneke	Vega
Chmielewski	Keefe	Moe, R.D.	Rued	Waldorf -
Dahl	Knoll	Nelson	 Setzepfandt 	Wegener
Davies	Knutson	Nichols	Sieloff	Willet
Davis	Kroening	Olhoft	Sikorski	· -

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. Frank and Schmitz were excused from the Session of today.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

February 3, 1981

The Honorable Jack Davies President of the Senate

Dear Sir:

On February 2, 1981, the Subcommittee on Committees met and by appropriate action made the following appointments:

Pursuant to Minnesota Statutes 1980

Sec. 3.351, Legislative Commission on Energy

Messrs. Belanger; Bernhagen; Dahl; Humphrey; Menning; Olhoft; Peterson, D.L. and Peterson, R.W.

Sec. 3.85 Legislative Commission on Pensions and Retirement

Messrs. Frederickson; Moe, D.M., Peterson, C.C.; Renneke and Spear

Sec. 3.86 Tax Study Commission

Messrs. Berg; Dieterich; Hanson; Johnson; Olhoft; Peterson, C.C. and Sieloff

Sec. 3.9225 Council on Black Minnesotans

Ms. Berglin and Mr. Moe, D.M.

Sec. 3.965 Legislative Commission to Review Administrative Rules

Messrs. Kroening, Luther, Olhoft, Penny and Taylor

Sec. 86.07 Legislative Commission on Minnesota Resources

Messrs. Luther; Moe, R.D.; Merriam; Purfeerst; Knutson, Renneke and Willet

Sec. 115A.14 Legislative Commission on Waste Management

Messrs. Keefe, Luther, Merriam, Pehler and Sikorski

Sec. 121.81-121.84 Education Commission of the States

Mr. Hughes

Sec. 121.843-121.845 Midwestern Education Board

Mr. Hughes

Sec. 121.938 Advisory Task Force on Uniform Data Standards for Student Reporting

Mrs. Stokowski

Sec. 121.938 Advisory Task Force on Uniform Data Standards for Personnel and Payroll Reporting

Mr. Stumpf

Sec. 298.22 Iron Range Resources and Rehabilitation Board

Messrs. Dicklich, Johnson, Lessard, Rued and Solon

Laws 1976, Ch. 337, as amended by Laws 1978, Ch. 793, Sec. 82-84

Advisory Council on Economic Status of Women

Mr. Petty, Mmes. Kronebusch, Lantry, Stokowski and Ms. Berglin

Laws 1979, Ch. 315, Sec. 2-4 Joint Legislative Committee on Agricultural Land Preservation

Messrs. Berg, Bertram, Davis, Engler, Langseth, Schmitz, Setzepfandt and Wegener

Respectfully, Roger D. Moe, Chairman Subcommittee on Committees

February 3, 1981

The Honorable Jack Davies President of the Senate

Dear Sir

Pursuant to the provisions of Minnesota Statutes 1980, I have made the following appointment:

Sec. 3.303 Legislative Coordinating Commission

Messrs. Hanson and Stumpf

Respectfully, Roger D. Moe Senate Majority Leader

February 3, 1981

The Honorable Jack Davies President of the Senate

Dear Sir:

Pursuant to the provisions of Minnesota Statutes 1980, I have made the following appointment:

Sec. 3.303 Legislative Coordinating Commission

Mr. Frederick

Respectfully, Robert O. Ashbach Senate Minority Leader

February 3, 1981

The Honorable Jack Davies President of the Senate

Dear Sir:

Pursuant to the provisions of Minnesota Statutes 1980, I have made the following appointment:

Sec. 3.855 Legislative Commission on Employee Relations

Mr. Keefe

Respectfully, Robert O. Ashbach Senate Minority Leader

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted. The motion prevailed.

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

S. F. No. 97: A bill for an act relating to agriculture; changing Todd County from area one to area four for the purposes of potato promotion; amending Minnesota Statutes 1980, Section 30.464, Subdivision 1.

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

Page 2, after line 2, insert:

"Sec. 2. [APPLICATION OF LAW CONTINUED.]

No new referendum is required in area number one as newly constituted under section 1 of this act in order to continue the application of Minnesota Statutes, Sections 30.461 to 30.479 to that area."

Renumber the remaining section in sequence

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

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

S. F. No. 142: A bill for an act relating to towns; giving towns general powers to provide for town welfare by police, health and safety ordinances; amending Minnesota Statutes 1980, Section 365.10.

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

Mr. Moe, R.D. from the Subcommittee on Bill Scheduling, to which were referred S. F. Nos. 32, 85 and 102, 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. 97 and 142 were read the second time and referred to the Subcommittee on Bill Scheduling of the Committee on Rules and Administration.

MOTIONS AND RESOLUTIONS

Mr. Davies moved that the name of Mr. Lessard be added as co-author to S. F. No. 111. The motion prevailed.

Ms. Berglin moved that the names of Messrs. Johnson and Spear be added as co-authors to S. F. No. 176. The motion prevailed.

Mr. Chmielewski moved that the name of Mr. Ulland be added as co-author to S. F. No. 177. The motion prevailed.

Mr. Chmielewski moved that the names of Mr. Merriam and Ms. Berglin be added as co-authors to S. F. No. 178. The motion prevailed.

Mr. Chmielewski moved that the name of Mr. Ulland be added as co-author to S. F. No. 179. The motion prevailed

Mr. Frank moved that the name of Mr. Purfeerst be added as co-author to S. F. No. 183. The motion prevailed.

Mr. Nichols moved that the name of Mr. Lessard be added as co-author to S. F. No. 185. The motion prevailed.

CALENDAR

S. F. No. 16: A bill for an act relating to probate; changing certain time

limits and procedures for a personal representative to file an inventory and appraisement; amending Minnesota Statutes 1980, Section 524.3-706.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 60 and nays 0, as follows:

Those who voted in the affirmative were:

Dicklich Ashbach Kronebusch Pehler Solon Dieterich Bang. Langseth Penny Spear Belanger Engler Lantry Peterson, C.C. Stern Benson Frederick Lessard Peterson, D.L. Stokowski Berg Frederickson Lindgren Peterson, R.W. Stumpf Petty Berglin Hughes Luther Taylor Pillsbury Bernhagen Humphrey Menning Tennessen Bertram Johnson Merriam Ramstad Ulland Chmielewski Keefe Moe, D.M. Renneke Vega Dahl Knoll Moe, R.D. Rued Waldorf Davies Knutson Nelson Setzepfandt Wegener Davis Olhoft Kroening: Sieloff Willet

So the bill passed and its title was agreed to.

S. F. No. 7: A bill for an act relating to Traverse County; permitting the issuance of bonds by the county to provide funds for the construction, alteration, repair, and improvement of necessary buildings for county fair purposes, and to aid county agricultural societies to defray related financial obligations; providing for payment of the obligations.

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 61 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach Dieterich Lantry Peterson, D.L. Stokowski Bang Engler Lessard Peterson, R.W. Stumpf Belanger Frederick Lindgren Petty Taylor Benson Frederickson Luther Pillsbury Tennessen Berg Hughes Menning Ulland Ramstad Berglin Vega Humphrey Merriam Renneke Bernhagen Johnson Moe, D.M. Rued Waldorf Moe, R.D. Bertram Keefe Setzepfandt Wegener Chrmelewski Knoll Nelson Sieloff Willet Dahl Knutson Olhoft Sikorski **Davies** Kroening Pehler Solon **Davis** Kronebusch Реплу Spear Dicklich Langseth Peterson, C.C. Stern

So the bill passed and its title was agreed to:

S. F. No. 17: A bill for an act relating to witnesses; exempting parents and minors from testifying with respect to confidential communications made by the minor to parent; amending Minnesota Statutes 1980, Section 595.02.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 53 and nays 9, as follows:

Those who voted in the affirmative were:

Ashbach	Dicklich	Kroening	Pehler	Spear
Bang	Dieterich	Langseth	Penny	Stern
Belanger	Frederick	Lantry.	Peterson, C.C.	Stokowski
Benson	Frederickson	Lessard	Peterson, R.W.	Stumpf
Berg	Hanson	Luther	Petty	Taylor
Berglin	Hughes	Menning	Pillsbury	Tennessen
Bernhagen	Humphrey	Merriam	Ramstad	Vega
Chmielewski	Johnson	Moe D M.	Renneke	Wegener
Dahl		Moe, R.D.	Setzepfandt	Willet
Davies	Knoll	- Nelson	Sikorski	
Davis	Knutson	Olhoft	Solon	

Those who voted in the negative were:

Bertram Kronebusch Peterson, D.L. Sieloff Waldorf Engler Lindgren Rued Ulland

So the bill passed and its title was agreed to.

GENERAL ORDERS

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

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

- S. F. Nos. 23 and 8 which the committee recommends to pass.
- S. F. No. 92, which the committee recommends to pass with the following amendment offered by Mr. Merriam:
- Page 2, delete lines 1 and 2 and insert "means any property owned, leased or controlled by a school district or an organization operating a nonpublic school, as defined in section 123.932, subdivision 3, where an elementary, middle, secondary school, secondary vocational center or other school providing educational services in grade 1 through grade 12 is located, or used for educational purposes, or where extra-curricular or co-curricular activities are regularly provided."

The motion prevailed. So the amendment was adopted.

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

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Messrs. Pehler, Wegener and Belanger introduced-

S.F. No. 205: A bill for an act relating to economic development; regulating municipal industrial development projects; amending Minnesota Statutes 1980, Sections 474.01, Subdivisions 7a, 7b, 8, and by adding a subdivision; and 474.06.

Referred to the Committee on Local Government and Urban Affairs.

Messrs, Tennessen; Renneke; Hanson; Peterson, R.W. and Merriam introduced—

S.F. No. 206: A bill for an act relating to agriculture; requiring notice of real

estate improvement liens to be given to certain farmers; amending Minnesota Statutes 1980, Section 514.011, Subdivision 4.

Referred to the Committee on Judiciary.

Mr. Peterson, C.C. introduced—

S.F. No. 207: A bill for an act relating to retirement; making various changes in the laws governing the operation of the public employees retirement association; amending Minnesota Statutes 1980, Section 353.01, Subdivision 19; 353.03, Subdivisions 1, 2, and 5; 353.15; 353.27, Subdivision 4; 353.28, Subdivision 5; 353.29, Subdivision 8; 353.31, Subdivision 1; 353.32, Subdivision 9; 353.33, Subdivisions 4, 5, and 6; 353.46, Subdivision 1; 353.64, Subdivisions 1 and 6; 353.656, Subdivision 2; and 353.657, Subdivision 3; repealing Minnesota Statutes 1980, Sections 353.017, Subdivision 5; 353.272; and 353.37, Subdivision 1a.

Referred to the Committee on Public Employees and Pensions.

Mr. Nelson introduced -

S.F. No. 208: A bill for an act relating to air pollution; allowing cities and towns to adopt ordinances to permit and regulate open burning of leaves; amending Minnesota Statutes 1980, Section 116.07, by adding a subdivision.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Nelson, Keefe and Peterson, C.C. introduced—

S.F. No. 209: A bill for an act relating to gambling devices; clarifying definitions of gambling devices; authorizing certain payments for operation of gambling devices; changing prize limitations; amending Minnesota Statutes 1980, Section 349.26, Subdivisions 4, 5, 12, 13 and 15.

Referred to the Committee on General Legislation and Administrative Rules.

Messrs. Menning, Bertram, Chmielewski, Renneke and Peterson, D.L. introduced—

S.F. No. 210: A bill for an act relating to highway traffic regulations; increasing the driver license revocation period for second and subsequent convictions of driving under the influence of alcohol or controlled substances; amending Minnesota Statutes 1980, Section 169:121, Subdivision 4.

Referred to the Committee on Judiciary.

Mr. Nichols introduced —

S.F. No. 211: A bill for an act relating to workers' compensation; creating the Minnesota workers' compensation insurance corporation as a nonprofit public corporation; changing the procedure for the administration of compensation claims of state employees; appropriating money; amending Minnesota Statutes 1980, Section 176.591, Subdivisions 1 and 3; proposing new law coded as Minnesota Statutes, Chapter 176A; repealing Minnesota Statutes 1980, Sections 176.061, Subdivisions 8 and 9; 176.541, Subdivisions 2, 3, 4, 5, 6 and 8; 176.551; 176.561; 176.571; 176.603 and 176.611.

Referred to the Committee on Employment.

Messrs. Pehler, Nichols, Spear, Ms. Berglin and Mr. Benson introduced—

S.F. No. 212: A bill for an act relating to unemployment compensation; clarifying certain disqualifications from benefits; amending Minnesota Statutes 1980, Section 268.09, Subdivision 1.

Referred to the Committee on Employment.

Messrs. Sieloff, Merriam, Knoll and Ramstad introduced-

S.F. No. 213: A bill for an act relating to courts; authorizing the district court to adopt by rule guidelines for the awarding of maintenance, child support and disposition of property in dissolution, legal separation and maintenance proceedings; appropriating money; proposing new law coded in Minnesota Statutes, Chapter 518.

Referred to the Committee on Judiciary.

Messrs. Frank, Purfeerst, Menning, Bang and Setzepfandt introduced-

S.F. No. 214: A bill for an act relating to motor vehicles; providing for the transfer of title; requiring the transferor in certain cases to mail or deliver the certificate, application for a new certificate, assignment, and any tax due on the transfer to the department of public safety; amending Minnesota Statutes 1980, Section 168A.10, Subdivision 1; repealing Minnesota Statutes 1980, Section 168A.10, Subdivision 2.

Referred to the Committee on Transportation.

Messrs Wegener, Benson, Purfeerst, Schmitz and Frederickson introduced—

S.F. No. 215: A bill for an act relating to taxation; allowing urban towns to increase their tax levy limit base by eight percent per year; amending Minnesota Statutes 1980, Section 275.52, Subdivision 2.

Referred to the Committee on Local Government and Urban Affairs.

Messrs. Frank, Dahl, Spear, Stumpf and Mrs. Stokowski introduced—

S.F. No. 216: A bill for an act relating to elections; allowing a candidate to transport parents of the candidate or the candidate's spouse to or from the polls; amending Minnesota Statutes 1980, Section 210A.13, Subdivision 3.

Referred to the Committee on Elections and Reapportionment.

Messrs. Pillsbury, Ramstad and Keefe introduced-

S.F. No. 217: A bill for an act relating to retirement; authorizing teachers on extended leave of absence or their employers to make employer contributions when state funds are not available; amending Minnesota Statutes 1980, Sections 354.094, Subdivision 1; and 354A.091, Subdivision 1.

Referred to the Committee on Public Employees and Pensions.

Mr. Waldorf introduced-

S.F. No. 218: A bill for an act relating to landlords and tenants; changing the time limit for landlords to furnish tenants with certain information; amending

Minnesota Statutes 1980, Section 290A.19.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Pillsbury, Ramstad and Keefe introduced -

S.F. No. 219: A bill for an act relating to state historic sites; adding the Wayzata Depot to the registry of state historic sites; amending Minnesota Statutes 1980, Section 138.56, by adding a subdivision.

Referred to the Committee on General Legislation and Administrative Rules.

Messrs. Sikorski, Humphrey, Pehler, Keefe and Knoll introduced—

S.F. No. 220: A bill for an act relating to the operation of state government; providing for the expiration or periodic reevaluation of various regulatory programs; requiring program and fiscal review of regulatory programs; providing for performance audits by the legislative auditor; establishing a pilot program, appropriating money; proposing new law coded in Minnesota Statutes, Chapter 15.

Referred to the Committee on Governmental Operations.

Messrs. Penny, Olhoft and Luther introduced-

S.F. No. 221: A bill for an act relating to taxation; exempting from the sales and use tax meals sold to charitable, religious and educational organizations; amending Minnesota Statutes 1980, Section 297A.25, Subdivision 1.

Referred to the Committee on Taxes and Tax Laws.

Mr. Davies introduced—

S.F. No. 222: A bill for an act relating to state government; providing for the maintenance of spending priorities established by state law in cases of legal challenge; appropriating money; amending Minnesota Statutes 1980, Section 8.14.

Referred to the Committee on Finance.

Mr. Davies introduced—

S.F. No. 223: A bill for an act relating to insurance; providing for allocation of certain automobile insurance benefits; appropriating money; amending Minnesota Statutes 1980, Section 65B.49, Subdivision 3; proposing new law coded in Minnesota Statutes, Chapter 65B; repealing Minnesota Statutes 1980, Section 65B.53, Subdivisions 1 and 4.

Referred to the Committee on Commerce.

Messrs. Davies and Luther introduced—

S.F. No. 224: A bill for an act relating to insurance; prescribing no-fault security requirements for school buses; requiring coverage for drivers and other occupants; amending Minnesota Statutes 1980, Section 65B.47, Subdivision I.

Referred to the Committee on Commerce.

Messrs. Davies, Belanger, Chmielewski and Moe, D.M. introduced—

S.F. No. 225: A bill for an act relating to labor; regulating certain charges to persons earning the minimum wage; amending Minnesota Statutes 1980, Section 177.24, by adding a subdivision.

Referred to the Committee on Employment.

Messrs. Davies, Chmielewski, Belanger and Moe, D.M. introduced—

S.F. No. 226: A bill for an act relating to civil actions; limitation of actions; requiring that certain actions relating to recovery of wages and other claims be brought within six years; amending Minnesota Statutes 1980, Sections 541.05, Subdivision 1, and 541.07.

Referred to the Committee on Employment.

Messrs. Wegener, Stern, Belanger, Pehler and Mrs. Lantry introduced—

S.F. No. 227: A bill for an act relating to the organization and operation of government; requiring a study of the proper role and structure of metropolitan government agencies; requiring a review of the distribution of powers and duties between the metropolitan council, the metropolitan commissions, the legislature and political subdivisions within the metropolitan area; mandating a report; providing for certain services to be performed by the state planning agency; appropriating money.

Referred to the Committee on Local Government and Urban Affairs.

Mr. Sikorski introduced-

S.F. No. 228: A bill for an act relating to taxation; amending the definition of redevelopment district in the Minnesota tax increment financing act; amending Minnesota Statutes 1980, Section 273.73, Subdivision 10.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Stumpf and Moe, D.M. introduced—

S.F. No. 229: A bill for an act relating to the capitol area architectural and planning board; providing for disposition of tax-forfeited property within the capitol area; amending Minnesota Statutes 1980, Section 15.50, Subdivision 6

Referred to the Committee on Governmental Operations.

Messrs. Nelson and Sikorski introduced—

S.F. No. 230: A bill for an act relating to labor; regulating public employee labor relations; granting the public employee relations board jurisdiction over unfair labor practice; reconstituting the board; amending Minnesota Statutes 1980, Sections 179.64, Subdivision 5; 179.67, Subdivisions 3 and 13; 179.68, Subdivision 1; 179.72, Subdivisions 1, 2, 3, and 4; proposing new law coded in Minnesota Statutes, Chapter 179; repealing Minnesota Statutes 1980, Section 179.72, Subdivision 1a.

Referred to the Committee on Public Employees and Pensions.

Messrs. Luther, Merriam, Dahl and Ulland introduced—

S.F. No. 231: A bill for an act relating to environmental protection; imposing a moratorium on enforcement of the law banning plastic milk containers; repealing Laws 1977, Chapters 268, Section 3; and 455, Section 96.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Peterson, C.C.; Davies and Johnson introduced—

S.F. No. 232: A bill for an act relating to compensation of persons injured in recreational activities; allowing persons potentially liable for such injuries to provide recreational insurance covering their liabilities; prescribing benefits under such insurance; providing for recovery of benefits and other damages in such cases; placing certain limitations on recovery of damages and on actions for damages; providing for the handling of claims and the payment of benefits; providing for subrogation and indemnification rights; prescribing certain powers and duties of the commissioner of insurance; proposing new law coded as Minnesota Statutes, Chapter 65C.

Referred to the Committee on Judiciary.

Messrs. Solon and Ulland introduced-

S.F. No. 233: A bill for an act relating to retirement; extending the combined service annuity to members of the University of Minnesota faculty plan; amending Minnesota Statutes 1980, Section 356.30, Subdivision 3.

Referred to the Committee on Public Employees and Pensions.

Messrs. Merriam, Rued, Tennessen, Frank and Knutson introduced—

S.F. No. 234: A bill for an act relating to health; providing for the establishment of a joint legislative study commission to study the educational programs in patient care at the University of Minnesota Medical School; appropriating money.

Referred to the Committee on Education.

Mr. Sikorski introduced —

S.F. No. 235: A bill for an act relating to motor vehicle carriers; providing procedures for granting permits to courier service carriers in certain cases; amending Minnesota Statutes 1980, Section 221.121, Subdivision 4.

Referred to the Committee on Commerce.

Messrs. Dicklich and Johnson introduced-

S.F. No. 236: A bill for an act relating to highways; prohibiting certain actions affecting portions of St. Louis county state-aid highway No. 25 unless payment is first made to the county of St. Louis for certain costs of betterments and improvements, declaring certain instruments null and void as against public policy.

Referred to the Committee on Transportation.

Messrs. Johnson and Dicklich introduced-

S.F. No. 237: A bill for an act relating to state lands; authorizing the conveyance of certain lands in St. Louis County.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Johnson and Dicklich introduced—

S.F. No. 238: A bill for an act relating to pesticides; prescribing certain limitations on the aerial application of pesticides; imposing requirements for pesticide application in certain areas; proposing new law coded in Minnesota Statutes, Chapter 18A.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Johnson and Dicklich introduced-

S.F. No. 239: A bill for an act relating to taxation; income; providing a credit for certain motor vehicle fuel costs; proposing new law coded in Minnesota Statutes, Chapter 290.

Referred to the Committee on Taxes and Tax Laws.

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Moe, R.D. moved that the Senate do now adjourn until 11:00 a.m., Monday, February 9, 1981. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate