

FORTY-SIXTH DAY

St. Paul, Minnesota, Monday, May 4, 1981

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

Prayer was offered by the Chaplain, Rev. Arnold H. Heumann.

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

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

The President declared a quorum present.

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

MEMBERS EXCUSED

Mr. Moe, D. M. was excused from the Session of today from 10:00 a.m. until 12:00 noon.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

April 30, 1981

The Honorable Harry A. Sieben, Jr.
Speaker of the House of Representatives

The Honorable Jack Davies
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1981 Session of the State Legislature have been received from the Office of the Governor and are 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 1981	Date Filed 1981
	332	59	April 30	April 30
	435	60	April 30	April 30

Sincerely,

Joan Anderson Growe
Secretary of State

April 30, 1981

The Honorable Jack Davies
President of the Senate

Dear Sir:

I have the honor of informing you that I have received, approved, signed and deposited in the Office of the Secretary of State, S. F. Nos. 1044, 330, 196, 333, 463, 849, 462, 305, 339, 219 and 611.

Sincerely,

Albert H. Quie, Governor

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate Files, herewith returned: S. F. Nos. 168, 562 and 1259.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 1, 1981

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. 77: A bill for an act relating to foreign corporations; removing certain deficiencies and ambiguities; defining certain activities that do not constitute transacting business in the state; and removing limitations on engaging in the business of making real estate loans; amending Minnesota Statutes 1980, Sections 303.02, Subdivision 3; 303.03; 303.04; and 303.25.

Senate File No. 77 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 1, 1981

CONCURRENCE AND REPASSAGE

Mr. Davies moved that the Senate concur in the amendments by the House to S. F. No. 77 and that the bill be placed on its repassage as amended. The motion prevailed.

S. F. No. 77 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 58 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Dicklich	Kronebusch	Peterson, D.L.	Stern
Bang	Dieterich	Lantry	Peterson, R.W.	Stokowski
Belanger	Engler	Lessard	Petty	Stumpf
Benson	Frank	Lindgren	Pillsbury	Taylor
Berg	Frederick	Luther	Purfeerst	Tennessee
Berglin	Hanson	Menning	Ramstad	Ulland
Bertram	Hughes	Merriam	Rued	Vega
Brataas	Humphrey	Moe, R.D.	Schmitz	Waldorf
Chmielewski	Keefe	Nelson	Setzepfandt	Wegener
Dahl	Knoll	Olhoft	Sikorski	Willet
Davies	Knutson	Pehler	Solon	
Davis	Kroening	Peterson, C.C.	Spear	

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

MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

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

S. F. No. 18: A bill for an act relating to probate; eliminating requirement of notice to representatives of foreign countries in certain formal testacy proceedings; amending Minnesota Statutes 1980, Section 524.3-403.

Senate File No. 18 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 1, 1981

CONCURRENCE AND REPASSAGE

Mr. Davies moved that the Senate concur in the amendments by the House to S. F. No. 18 and that the bill be placed on its repassage as amended. The motion prevailed.

S. F. No. 18 was read the third time, as amended by the House, and placed on its repassage.

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

The roll was called, and there were yeas 61 and nays 2, as follows:

Those who voted in the affirmative were:

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

Messrs. Knoll and Pehler voted in the negative.

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 that the House refuses to concur in the Senate amendments to House File No. 98:

H. F. No. 98: A bill for an act relating to energy; amending certain provisions for home energy disclosure reports; amending Minnesota Statutes 1980, Section 116H.129, Subdivisions 1, 2, 5, 6, and 7.

And the House respectfully requests that a Conference Committee of three members be appointed thereon.

Greenfield; Nelson, K. and Heinitz have been appointed as such committee on the part of the House.

House File No. 98 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 1, 1981

Mr. Humphrey moved that the Senate accede to the request of the House for a Conference Committee on H. F. No. 98, 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 like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

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

S. F. No. 625: A bill for an act relating to landlords and tenants; permitting certain tenant remedies actions and certain actions in unlawful detainer to be done by nonattorneys; extending the time between service of the summons in unlawful detainer proceedings and the return day; providing for a stay of the writ of restitution in unlawful detainer proceedings in cases of hardship; changing obsolete terms in certain landlord and tenant statutes; amending Minnesota Statutes 1980, Sections 481.02, Subdivision 3; 566.05; 566.06; and 566.09.

Senate File No. 625 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 1, 1981

CONCURRENCE AND REPASSAGE

Mr. Hanson moved that the Senate concur in the amendments by the House to S. F. No. 625 and that the bill be placed on its repassage as amended. The

motion prevailed.

S. F. No. 625: A bill for an act relating to landlords and tenants; permitting certain tenant remedies actions and certain actions in unlawful detainer to be done by nonattorneys; permitting termination of a residential lease upon the death of the tenant; extending the time between service of the summons in unlawful detainer proceedings and the return day; providing for a stay of the writ of restitution in unlawful detainer proceedings in cases of hardship; changing obsolete terms in certain landlord and tenant statutes; amending Minnesota Statutes 1980, Sections 481.02, Subdivision 3; 566.05; 566.06; and 566.09; proposing new law coded in Minnesota Statutes, Chapter 504.

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 64 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Dicklich	Kroening	Penny	Solon
Bang	Dieterich	Kronebusch	Peterson, C.C.	Spear
Belanger	Engler	Langseth	Peterson, D.L.	Stern
Benson	Frank	Lantry	Peterson, R.W.	Stokowski
Berg	Frederick	Lessard	Petty	Stumpf
Berglin	Frederickson	Lindgren	Pillsbury	Taylor
Bernhagen	Hanson	Luther	Purfeerst	Tennessee
Bertram	Hughes	Menning	Ramstad	Ulland
Brataas	Humphrey	Merriam	Renneke	Vega
Chmielewski	Johnson	Moe, R.D.	Rued	Waldorf
Dahl	Keefe	Nelson	Schmitz	Wegener
Davies	Knoll	Olhoft	Setzepfandt	Willet
Davis	Knutson	Pehler	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. 253, 560, 583, 1125, 619, 636, 774, 715, 1044, 1065 and 1092.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 1, 1981

FIRST READING OF HOUSE BILLS

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

H. F. No. 253: A bill for an act relating to state lands and tax-forfeited land sales; changing the interest rate on unpaid sale balances; amending Minnesota Statutes 1980, Sections 92.06, Subdivision 1; 94.11; 282.01, Subdivision 4; 282.15; 282.222, Subdivision 4; 282.261; and 282.35, Subdivisions 2 and 3.

Referred to the Committee on Judiciary.

H. F. No. 560: A bill for an act relating to courts; costs and disbursements;

authorizing the awarding of attorney's fees in certain actions or proceedings; amending Minnesota Statutes 1980, Section 549.21.

Referred to the Committee on Judiciary.

H. F. No. 583: A bill for an act relating to public use of private land; clarifying and altering landowners' liability in the recreational use of their land; amending Minnesota Statutes 1980, Sections 87.021, Subdivisions 2, 3, 4 and 5; 87.0221; 87.023; 87.025; and 87.03; repealing Minnesota Statutes 1980, Section 87.022.

Referred to the Committee on Judiciary.

H. F. No. 1125: A bill for an act relating to economic development; providing for changes in the small business finance agency law to better provide assistance for small business; making technical changes; amending Minnesota Statutes 1980, Sections 362.50, Subdivisions 4, 5, 9 and 10; 362.52, Subdivisions 2 and 4; 362.53, Subdivisions 11, 12, 15 and 17; repealing Minnesota Statutes 1980, Section 362.50, Subdivisions 6 and 7.

Referred to the Committee on Finance.

H. F. No. 619: A bill for an act relating to intoxicating liquor; correcting the wording of the ballot question for a municipal liquor store referendum; amending Minnesota Statutes 1980, Section 340.353, Subdivision 2.

Referred to the Committee on Rules and Administration for comparison with S. F. No. 602, now on General Orders.

H. F. No. 636: A bill for an act relating to unemployment compensation; requiring holiday pay not to be deducted from benefits; amending Minnesota Statutes 1980, Section 268.07, Subdivision 2.

Referred to the Committee on Rules and Administration for comparison with S. F. No. 764, now on General Orders.

H. F. No. 774: A bill for an act relating to children; providing for confidentiality of records of reports of neglect, and abuse of children; allowing for sharing of records under certain circumstances; amending Minnesota Statutes 1980, Sections 254A.09; and 626.556, Subdivision 11.

Referred to the Committee on Rules and Administration for comparison with S. F. No. 1292, now on General Orders.

H. F. No. 715: A bill for an act relating to the state building code; authorizing certain municipalities under 7,500 to elect that the code not apply within their jurisdictions; proposing new law coded in Minnesota Statutes, Chapter 16.

Referred to the Committee on Energy and Housing.

H. F. No. 1044: A bill for an act relating to attachment; prescribing the grounds when a writ of attachment may be issued for purposes of securing property or acquiring quasi in rem jurisdiction over defendants; amending Minnesota Statutes 1980, Section 570.02.

Referred to the Committee on Rules and Administration for comparison with S. F. No. 613, now on General Orders.

H. F. No. 1065: A bill for an act relating to public utilities; extending an

option as to rate regulation by the public utilities commission to certain small telephone companies; amending Minnesota Statutes 1980, Sections 237.01; 237.075, Subdivision 9; and 237.081, Subdivision 1a.

Referred to the Committee on Rules and Administration for comparison with S. F. No. 1160, now on General Orders.

H. F. No. 1092: A bill for an act relating to charitable organizations; providing for registration and reporting requirements applicable to certain charitable organizations; amending Minnesota Statutes 1980, Sections 309.52, by adding subdivisions; 309.53, by adding subdivisions; 309.532, by adding a subdivision; and 309.534, by adding a subdivision.

Referred to the Committee on Judiciary.

REPORTS OF COMMITTEES

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

Mr. Willet from the Committee on Finance, to which was referred

S. F. No. 855: A bill for an act relating to claims against the state; appropriating money for the payment thereof.

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

Page 3, after line 7, insert:

"Mrs. Elphie Gilbert (Ben), Route #3, Box #77, Sebeka, Minnesota 56477.....\$600.00"

Page 3, after line 21, insert:

"Mrs. Laurie Horihan (Ben), % Robert Bergsrud, 134 Minnesota Street, Minnesota City, Minnesota 55959.....\$195.00"

Page 4, after line 5, insert:

"Alan K. Obst, 2630 - 9th Lane, #113, Anoka, Minnesota 55303.....\$300.00"

Page 4, after line 21, insert:

"Robert J. Stone, 2738 Dawn Drive, Great Falls, Montana 59404.....\$600.00"

Page 4, after line 33, insert:

"Sec. 2. [CLAIMS; APPROPRIATIONS; GENERAL FUND.]

Subdivision 1. The sums set forth in this section are appropriated from the general fund to the persons named in this section in full and final payment of claims against the state.

Subd. 2. Robert Lee Bock, Route 2, Box 226, Brainerd, Minnesota 56401, for medical expenses incurred due to injuries sustained while doing assigned social restitution. . . . \$14.50.

Subd. 3. Norbert J. Gestach, Rural Route #1, Chaska, Minnesota 55318, for damage done to his property by a Jeffrey Hess, a ward of the department of public welfare. . . \$250.00.

Subd. 4. Loretta Lidster, 344-16th Avenue North, Hopkins, Minnesota 55343, for medical expenses incurred due to injuries sustained by her son Kerry while he was doing assigned social restitution. \$103.00.

Subd. 5. Roger D. Lundgren, 1616 E. 58th Street, Minneapolis, Minnesota 55417, for medical expenses incurred due to injuries sustained by his son Richard while he was doing assigned social restitution. \$128.00.

Subd. 6. Geraldine Simmons, MCF-Shakopee, Box 7, Shakopee, Minnesota 55379, for loss of personal property when a fire occurred in the cottage in which it was stored. This property was in the custody and under the control of the state at the time of its damage or destruction. \$175.00.

Subd. 7. Howard Tate, No. 40816, Box 900, Jefferson City, Missouri 65102, for compensation for injury incurred in the R-shop while in MCF-Stillwater. \$2,513.00.

Subd. 8. Harold White, 819 Buffalo Street, St. Paul, Minnesota 55117, for compensation for injury incurred in the Cordage Industry while in MCF-Stillwater. \$1,325.00.

Subd. 9. Eileen Wills, MCF-Shakopee, Box 7, Shakopee, Minnesota 55379, for loss of personal property when a fire occurred in the cottage in which it was stored. This property was in the custody and under the control of the state at the time of its damage or destruction. \$280.00.

Sec. 3. [TRUNK HIGHWAY FUND CLAIMS.]

Subdivision 1. The sums set forth in this section are appropriated from the trunk highway fund to the commissioner of transportation for payment to the persons named in full and final payment of claims against the state.

Subd. 2. Church of St. Clotilde, Rural Route 3, Marshall, Minnesota 56258, for damages incurred when during construction of a by-pass around the Village of Green Valley an open drainage ditch was relocated and the tile line from the church was not re-connected, causing flooding in the basement from 1974 to 1979. \$4,519.00."

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

Mr. Willet from the Committee on Finance, to which was re-referred

S. F. No. 1040: A bill for an act relating to the environment; clarifying terms and duties in the waste management act; extending time limits for site selections and reports; clarifying and changing waste management powers of metropolitan counties; providing that certain appropriations shall remain available until expended; amending Minnesota Statutes 1980, Sections 115A.03, Subdivisions 15 and 29; 115A.05, Subdivision 3; 115A.06, Subdivision 4, and by adding a subdivision; 115A.08, Subdivisions 4, 5 and 6; 115A.09; 115A.11, Subdivision 1; 115A.19; 115A.20; 115A.21, Subdivisions 1 and 2; 115A.22, Subdivisions 3 and 4; 115A.23; 115A.24; 115A.26; 115A.28, Subdivision 2; 115A.33; 115A.34; 115A.37, Subdivision 2; 115A.54, Subdivision 3; 116.07, Subdivisions 2 and 4; 116.41, Subdivision 2; 400.161; 473.149, Subdivisions 2b, 2c and 2e, and by adding a subdivision; 473.153, Subdivi-

sions 1, 2 and 6; 473.801, by adding a subdivision; 473.803, Subdivision 1a; 473.811, Subdivisions 2, 3, 4, 5b, and 8, and by adding subdivisions; 473.831, Subdivision 1; 473.833, Subdivision 2; and 473.834, Subdivision 2; repealing Minnesota Statutes 1980, Section 473.834, Subdivisions 4 and 5.

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

Page 4, after line 14, insert:

“Sec. 5. Minnesota Statutes 1980, Section 115A.06, Subdivision 5, is amended to read:

Subd. 5. [RIGHT OF ACCESS.] Whenever the board or the chairperson acting on behalf of the board deems it necessary to the accomplishment of its purposes, the board or any member, employee, or agent thereof, when authorized by it or the chairperson, may enter upon any property, public or private, for the purpose of obtaining information or conducting surveys or investigations, provided that the entrance and activity is undertaken after reasonable notice and during normal business hours and provided that compensation is made for any damages to the property caused by the entrance and activity. *The board may pay a reasonable estimate of the damages it believes will be caused by the entrance and activity before entering any property.*”

Page 15, line 2, before “By” insert:

“*Subdivision 1. [CERTIFICATE.] Except as provided in subdivision 2,*”

Page 15, after line 35, insert:

“*Subd. 2. [CONDITION.] No certificate or certificates of need for disposal facilities for hazardous waste shall be issued by the board pursuant to subdivision 1 unless legislation is enacted to:*

(a) *Define the liability of owners and operators of disposal facilities and generators and other persons responsible for the disposal of hazardous waste;*

(b) *Provide the appropriate units of state or local government with the capability to clean up disposal sites or take other action to mitigate an imminent or substantial danger to public health or welfare or the environment from the disposal of hazardous waste; and*

(c) *Provide for the payment of the state's share of costs incurred pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, Public Law 96-510, as amended, as required by that act as a match to federal moneys.*”

Page 38, delete section 46

Re-number the sections in sequence

Amend the title as follows:

Page 1, line 9, delete “Subdivision 4,” and insert “Subdivisions 4 and 5,”

Page 1, lines 21 and 22, delete “473.833, Subdivision 2;”

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

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

re-referred

S. F. No. 150: A bill for an act relating to education; providing for aids to education, aids to libraries, tax levies and the distribution of tax revenues; granting certain duties and powers to school boards, school districts, the state board of education, and the state board for vocational education; requiring a property accounting system for AVTI's; providing for an arts in education program; providing for a low-power T.V. education project; modifying criteria for participation in teacher mobility and early retirement programs; providing for the transfer of proceedings from the sale or exchange of buildings to the capital expenditure fund under certain circumstances; appropriating money; amending Minnesota Statutes 1980, Sections 3.9279, Subdivisions 10 and 12; 116H.126, Subdivisions 2, 4 and 5; 120.0751, Subdivision 5; 120.17, Subdivisions 1a, 3b, 4, 5a, 6, 7 and by adding a subdivision; 120.78; 121.90; 121.902, by adding a subdivision; 121.904, by adding a subdivision; 121.906, Subdivisions 2 and 3; 121.912, Subdivision 1; 121.917, Subdivision 4; 121.931, Subdivision 6; 121.934, Subdivision 7; 121.935, Subdivisions 2 and 6; 121.936, Subdivisions 2, 3 and by adding a subdivision; 121.937, Subdivision 1; 121.938, Subdivision 2; 123.35, Subdivision 15; 123.36, Subdivision 13; 123.39, Subdivision 1 and by adding a subdivision; 123.705; 124.01, Subdivisions 2, 3, 4 and by adding a subdivision; 124.11, Subdivisions 1, 2a, 2b and by adding a subdivision; 124.14, Subdivision 2; 124.17, by adding a subdivision; 124.20; 124.212, Subdivisions 1, 7d, 8a, 9a and by adding subdivisions; 124.223; 124.225, Subdivisions 1, 1a, 2, 3, 4a, 5, 6, 7a, 8a, 8b, 9, 11 and by adding a subdivision; 124.247, Subdivision 3; 124.26, Subdivisions 1, 4 and by adding a subdivision; 124.271, Subdivisions 2, 4, 5 and by adding subdivisions; 124.32, Subdivisions 1, 6, 9 and by adding a subdivision; 124.39, Subdivision 5; 124.40, Subdivision 2; 124.41; 124.42, Subdivisions 1 and 2; 124.43, Subdivisions 1, 2, 3, 4 and 5; 124.474; 124.476; 124.561, Subdivisions 2a, 3a and by adding subdivisions; 124.5621, Subdivisions 5, 6 and 12; 124.5622, Subdivisions 3, 4 and 5; 124.5623, Subdivisions 4 and 5; 124.5624, Subdivisions 3, 4 and 6; 124.565, Subdivisions 3, 4, 6 and 7; 124.572, Subdivisions 3, 8 and by adding subdivisions; 124.573, Subdivisions 2, 3, 3a, 5 and by adding subdivisions; 124.574, Subdivisions 2, 4 and 8; 124.646, Subdivision 1; 125.60, Subdivisions 2a and 7; 125.611, Subdivisions 1, 3, 8 and 9; 126.262, Subdivision 8; 126.54, Subdivision 1; 134.35, Subdivision 1; 134.351, Subdivision 5 and by adding subdivisions; 134.36; 273.138, Subdivisions 1 and 6; 275.125, Subdivisions 2a, 6b, 6c, 7a, 8, 9, 11a and by adding subdivisions; 298.28, Subdivision 1; 354.094, Subdivision 1; 354A.091, Subdivision 1; 375.335, Subdivision 4 and by adding subdivisions; and Laws 1973, Chapter 683, Section 26, Subdivisions 13 and 17, as amended; proposing new law coded in Minnesota Statutes, Chapters 3; 121; 124; and 275; repealing Minnesota Statutes 1980, Sections 3.9279; Subdivision 13; 116H.126, Subdivisions 1 and 7; 120.06, Subdivision 2; 120.17, Subdivision 3c; 121.13; 121.49, Subdivision 2; 121.495, Subdivision 6; 123.40, Subdivision 5; 123.703, Subdivision 3; 123.937; 124.225, Subdivisions 4, 7 and 8; 124.247, Subdivision 5; 124.26, Subdivision 3; 124.271, Subdivision 1a; 124.561, Subdivision 4; 124.562, Subdivisions 3 and 4; 124.566; 124.571; 126.263; 273.138, Subdivision 3; 275.125, Subdivision 7b; and Laws 1980, Chapter 609, Article IV, Sections 19, 20 and 21.

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

follows:

Page 3, line 11, after “.021.” insert “*For 1982 payable 1983 levies and for foundation aid for the 1983-1984 school year, the basic maintenance mill rate shall be .021.*”

Page 8, line 18, after “in the” insert “*district are reduced pursuant to section 273.138, subdivision 6.*”

Page 11, line 30, delete “*every district having pupils enrolled*” and insert “*Independent School Districts No. 700, No. 704, and No. 709*”

Page 11, delete line 31

Page 11, line 32, delete “*capacity at the Duluth air base*”

Page 11, line 36, delete “*the district*” and insert “*Independent School Districts No. 700, No. 704, and No. 709*”

Page 18, line 2, after “*the*” insert “*replacement aid portion of*”

Page 105, after line 23, insert:

“*The programs shall also be for students in area vocational-technical institutes.*”

Page 137, delete section 28 and insert:

“*Sec. 28. Laws 1973, Chapter 683, Section 26, is amended by adding a subdivision to read:*

Subd. 2a. [SCHOOL ADMINISTRATION; TRANSFER OF AUTHORITY.] The care, management, and control of the experimental school in Independent School District No. 309 is transferred from the Indian education committee in subdivision 2, to the White Earth reservation business committee. The Indian education committee shall serve in an advisory capacity to the White Earth reservation business committee. For purposes of this section, “committee” means the White Earth reservation business committee. The White Earth reservation business committee is eligible to receive federal aid to Indians pursuant to section 124.64.

Sec. 29. Laws 1973, Chapter 683, Section 26, is amended by adding a subdivision to read:

Subd. 13a. Any pupil residing within the defined boundaries of the experimental school as set out in subdivision 1 shall be considered a resident pupil for purposes of section 120.”

Page 138, line 4, delete “*and*”

Page 138, line 4, after “5” delete the comma and insert “; *and Laws 1973, Chapter 683, Section 26, Subdivision 13*”

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 12, delete “*proceedings*” and insert “*proceeds*”

Page 2, line 12, before the semicolon, insert “*, and by adding subdivisions*”

Page 2, line 24, after the semicolon, insert “*Laws 1973, Chapter 683,*

Section 26, Subdivision 13;''

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

SECOND READING OF SENATE BILLS

S. F. Nos. 855 and 1040 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. Davis moved that the name of Mrs. Kronebusch be stricken as co-author to S. F. No. 1212. The motion prevailed.

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R.D. moved that the Senate take up the Calendar. The motion prevailed.

CALENDAR

S. F. No. 876: A bill for an act relating to state government; improving the state's personnel management and labor relations functions; proposing new law coded as Minnesota Statutes, Chapter 43A; proposing new law coded in Minnesota Statutes, Chapter 210A; repealing Minnesota Statutes 1980, Chapter 43.

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 64 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R.D. moved that the Senate take up the General Orders Calendar. The motion prevailed.

GENERAL ORDERS

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

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

H. F. Nos. 1218 and 357, which the committee recommends to pass.

S. F. No. 376, which the committee recommends to pass with the following amendment offered by Mr. Johnson:

Page 5, line 11, reinstate the stricken language

Page 5, lines 12 and 13, delete the new language

Page 5, line 29, reinstate the stricken language

Page 5, after line 33, insert:

"(2) If the business is a major oil company, the remainder shall be apportioned to Minnesota on the basis of the sum of the percentages set forth in clause (1)(d); the arithmetical average shall not be used by a major oil company;"

Page 5, line 34, strike "(2)" and insert "(3)"

Page 5, line 36, reinstate the stricken language and delete the new language

Page 6, line 1, delete the new language

Page 6, line 19, reinstate the stricken language

Page 6, line 33, delete "(a)"

Page 6, line 36, strike "(3)" and insert "(4)"

Amend the title as follows:

Page 1, line 6, delete "all"

Page 1, line 7, delete "businesses" and insert "major oil companies"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 34 and nays 28, as follows:

Those who voted in the affirmative were:

Ashbach	Brataas	Frank	Lindgren	Renneke
Bang	Chmielewski	Frederick	Moe, R. D.	Setzepfandt
Belanger	Davies	Johnson	Pehler	Sieloff
Benson	Davis	Keefe	Penny	Sikorski
Berglin	Dicklich	Knoll	Peterson, D.L.	Spear
Bernhagen	Dieterich	Knutson	Pillsbury	Ulland
Bertram	Engler	Lessard	Ramstad	

Those who voted in the negative were:

Berg	Kronebusch	Nelson	Schmitz	Tennessee
Dahl	Langseth	Olhoft	Solon	Vega
Frederickson	Lantry	Peterson, C.C.	Stern	Waldorf
Hanson	Luther	Peterson, R.W.	Stokowski	Wegener
Humphrey	Menning	Petty	Stumpf	
Kroening	Merriam	Rued	Taylor	

The motion prevailed. So the amendment was adopted.

The question was taken on the recommendation to pass S. F. No. 376.

The roll was called, and there were yeas 32 and nays 28, as follows:

Those who voted in the affirmative were:

Berglin	Dieterich	Langseth	Olhoff	Stumpf
Bertram	Frank	Lantry	Pehler	Vega
Chmielewski	Hanson	Lessard	Penny	Waldorf
Dahl	Humphrey	Luther	Sikorski	Willet
Davies	Johnson	Menning	Spear	
Davis	Knoll	Moe, R. D.	Stern	
Dicklich	Kroening	Nelson	Stokowski	

Those who voted in the negative were:

Ashbach	Brataas	Kronebusch	Petty	Setzepfandt
Bang	Engler	Lindgren	Pillsbury	Sieloff
Belanger	Frederick	Merriam	Ramstad	Taylor
Benson	Frederickson	Peterson, C.C.	Renneke	Ulland
Berg	Keefe	Peterson, D.L.	Rued	
Bernhagen	Knutson	Peterson, R.W.	Schmitz	

The motion prevailed. So S. F. No. 376 was recommended to pass.

H. F. No. 912, which the committee recommends to pass, after the following motions:

Mr. Frederick moved to amend H. F. No. 912, as amended pursuant to Rule 49, adopted by the Senate April 20, 1981, as follows:

(The text of the amended House File is identical to S. F. No. 919.)

Page 60, delete section 50

Page 61, line 14, delete everything after "52."

Page 61, line 15, delete everything before "Section"

Page 61, line 15, delete "51" and insert "50"

Page 61, line 19, delete "53" and insert "52"

Page 61, line 23, delete "55" and insert "54"

Renumber the sections in sequence

Renumber the sections in the memorandum of explanation, and correct any cross references

Amend the title as follows:

Page 2, line 32, delete "Chapters 528 and 556" and insert "Chapter 528"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 21 and nays 34, as follows:

Those who voted in the affirmative were:

Ashbach	Bernhagen	Keefe	Ramstad	Ulland
Bang	Brataas	Knutson	Renneke	
Belanger	Engler	Kronebusch	Rued	
Benson	Frederick	Peterson, D.L.	Sieloff	
Berg	Frederickson	Pillsbury	Taylor	

Those who voted in the negative were:

Bertram	Hughes	Menning	Purfeerst	Stokowski
Chmielewski	Johnson	Merriam	Schmitz	Stumpf
Dahl	Knoll	Moe, R. D.	Setzepfandt	Tennessee
Davis	Langseth	Nelson	Sikorski	Vega
Dieterich	Lantry	Pehler	Solon	Waldorf
Frank	Lessard	Peterson, R.W.	Spear	Willet
Hanson	Luther	Petty	Stern	

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

The question was taken on the recommendation to pass H. F. No. 912.

The roll was called, and there were yeas 41 and nays 21, as follows:

Those who voted in the affirmative were:

Berglin	Humphrey	Menning	Peterson, R. W.	Stumpf
Bertram	Johnson	Merriam	Petty	Tennessee
Chmielewski	Knoll	Moe, D. M.	Purfeerst	Vega
Dahl	Kroening	Moe, R. D.	Schmitz	Waldorf
Davies	Langseth	Nelson	Setzepfandt	Willet
Dicklich	Lantry	Pehler	Sikorski	
Dieterich	Lessard	Penny	Solon	
Frank	Lindgren	Peterson, C. C.	Spear	
Hanson	Luther	Peterson, D. L.	Stokowski	

Those who voted in the negative were:

Ashbach	Bernhagen	Frederickson	Ramstad	Ulland
Bang	Brataas	Keefe	Renneke	
Belanger	Davis	Knutson	Rued	
Benson	Engler	Kronebusch	Sieloff	
Berg	Frederick	Pillsbury	Taylor	

The motion prevailed. So H. F. No. 912 was recommended to pass.

S. F. No. 724, which the committee recommends to pass with the following amendments offered by Messrs. Peterson, C. C.; Merriam and Berg:

Mr. Peterson, C. C. moved to amend S. F. No. 724 as follows:

Page 8, line 19, delete "and"

Page 8, line 20, after "(b)" insert "Except as provided in clause (c)."

Page 8, line 25, before the period, insert "; and"

(c) A home rule charter or statutory city may adopt regulations concerning trapping on public lands within the city which differ from or are in addition to the model ordinance without prior approval by the commissioner. The regulations may not restrict or prohibit special trapping permits issued by the commissioner"

The motion prevailed. So the amendment was adopted.

Mr. Merriam moved to amend S. F. No. 724 as follows:

Pages 7 and 8, delete section 10

Page 8, line 30, delete ", 9 and 10" and insert "and 9"

Page 8, line 31, delete "11" and insert "10"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, delete "providing"

Page 1, delete lines 5 and 6

Page 1, line 7, delete "ordinance;"

Page 1, delete line 12

Page 1, line 13, delete "100;"

The motion prevailed. So the amendment was adopted.

Mr. Peterson, C.C. moved to amend S. F. No. 724 as follows:

Page 5, after line 13, insert:

“Sec. 8. Minnesota Statutes 1980, Section 100.27, Subdivision 6, is amended to read:

Subd. 6. All migratory game birds, ~~excepting Zenaidura macroura~~, may be taken and possessed whenever and so long as the taking or possession is not prohibited by federal laws or regulations, subject, however, to all requirements of chapters 97 to 102, provided that it shall be unlawful to take any migratory game birds at any time in violation of any federal law or regulation. ~~Zenaidura~~ Zenaidura macroura shall not be taken and possessed in ~~the state~~ Cook, Lake, St. Louis, Itasca or Koochiching Counties .

Sec. 9. Minnesota Statutes 1980, Section 100.28, Subdivision 2, is amended to read:

Subd. 2. Unless the numbers are reduced by order of the commissioner, no person shall take in any one day, or shall have in possession at any one time, a greater number of any species than prescribed by the following table:

Species	Daily	Possession
Zenaidura macroura	12	24
Quail	10	15
Partridge (ruffed grouse), prairie chicken (pinnated grouse), pheasant, white breasted grouse (sharp tailed grouse), Hungarian partridge or Chukar partridge	5	10

provided that not more than one hen pheasant shall be taken in any one day, nor more than two had in possession.”

Page 8, line 30, delete “and 10” and insert “10, 11 and 12”

Page 8, line 31, delete “11” and insert “13”

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, after the semicolon, insert “allowing the taking of mourning doves; providing for an advisory referendum on an open season for mourning doves;”

Page 1, line 11, after “1;” insert “100.27, Subdivision 6; 100.28, Subdivision 2;”

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 14 and nays 37, as follows:

Those who voted in the affirmative were:

Berg	Chmielewski	Menning	Peterson, R.W.	Taylor
Bernhagen	Frederickson	Olhoft	Pillsbury	Willet
Bertram	Lessard	Peterson, C.C.	Schmitz	

Those who voted in the negative were:

Ashbach	Brataas	Davis	Frank	Knoll
Belanger	Dahl	Dicklich	Frederick	Knutson
Berglin	Davies	Dieterich	Keefe	Kroening

Langseth	Nelson	Ramstad	Stern	Waldorf
Lantry	Pehler	Setzepfandt	Stokowski	Wegener
Luther	Penny	Sikorski	Stumpf	
Merriam	Peterson, D.L.	Solon	Tennessee	
Moe, D. M.	Petty	Spear	Vega	

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

Mr. Berg moved to amend S. F. No. 724 as follows:

Page 6, line 12, delete “, long and”

Page 6, line 13, delete “long rifle”

The motion prevailed. So the amendment was adopted.

S. F. No. 429, which the committee recommends to pass with the following amendment offered by Mr. Davies:

Page 3, line 23, delete “or she”

Page 8, lines 14, 18, 23, 26, 27, and line 35 in both instances, delete “or she”

Page 9, lines 4, 10, 15, and 19, delete “or she”

Page 9, line 19, after “that he” delete “or”

Page 9, line 20, delete “she”

Page 9, lines 25 and 31, delete “or she”

Page 10, lines 1, 8, 14, 19, 20, 25, and 33, delete “or she”

Page 11, line 1, delete “or”

Page 11, line 2, delete “she”

The motion prevailed. So the amendment was adopted.

S. F. No. 1135, which the committee reports progress, subject to the following motions:

Mr. Pehler moved to amend S.F. No. 1135 as follows:

Page 3, after line 6, insert:

“Sec. 5. [136A.071] [REPORT; MINNESOTA PRIVATE COLLEGE COUNCIL.]

The Minnesota private college council shall prepare a comprehensive report to be delivered to the legislature by January 1, 1982. The report shall be designed to identify emerging trends related to post-secondary education, and shall include, but is not limited to:

- (a) *A statement of the educational mission of the private college system; and*
- (b) *A four year plan which will include program plans, staffing, use of facilities, and cooperative efforts with other education agencies.*

Sec. 6. Minnesota Statutes 1980, Section 137.02, is amended by adding a subdivision to read:

Subd. 5. The University of Minnesota shall prepare a comprehensive report to be delivered to the legislature by January 1, 1982. The report shall be

designed to identify emerging trends related to post-secondary education, and shall include, but is not limited to:

(a) A statement of the educational mission of the system of the University of Minnesota; and

(b) A four year plan which will include program plans, staffing, use of facilities, and cooperative efforts with other education agencies."

Amend the title as follows:

Page 1, line 6, delete "and"

Page 1, line 7, before the period, insert "; and 137.02, by adding a subdivision; proposing new law coded in Minnesota Statutes, Chapter 136A"

Mr. Hughes requested division of the amendment as follows:

First portion:

Page 3, after line 6, insert:

"Sec. 5. [136A.071] [REPORT; MINNESOTA PRIVATE COLLEGE COUNCIL.]

The Minnesota private college council shall prepare a comprehensive report to be delivered to the legislature by January 1, 1982. The report shall be designed to identify emerging trends related to post-secondary education, and shall include, but is not limited to:

(a) A statement of the educational mission of the private college system; and

(b) A four year plan which will include program plans, staffing, use of facilities, and cooperative efforts with other education agencies."

Amend the title as follows:

Page 1, line 6, delete "and"

Page 1, line 7, before the period, insert "; proposing new law coded in Minnesota Statutes, Chapter 136A"

Second portion:

Page 3, after line 6, insert:

Sec. 6. Minnesota Statutes 1980, Section 137.02, is amended by adding a subdivision to read:

Subd. 5. The University of Minnesota shall prepare a comprehensive report to be delivered to the legislature by January 1, 1982. The report shall be designed to identify emerging trends related to post-secondary education, and shall include, but is not limited to:

(a) A statement of the educational mission of the system of the University of Minnesota; and

(b) A four year plan which will include program plans, staffing, use of facilities, and cooperative efforts with other education agencies."

Amend the title as follows:

Page 1, line 6, delete "and"

Page 1, line 7, before the period, insert “; and 137.02, by adding a subdivision”

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

The question was taken on the second portion of the Pehler amendment. The motion prevailed. So the second portion of the amendment was adopted.

S. F. No. 1135 was then progressed.

H.F. No. 1344, which the committee recommends to pass, subject to the following motion:

Mr. Hughes moved that the amendment made to H.F. No. 1344 by the Committee on Rules and Administration in the report adopted April 29, 1981, pursuant to Rule 49, be stricken. The motion prevailed. So the amendment was stricken.

S. F. No. 984, which the committee recommends to pass with the following amendment offered by Mr. Bernhagen:

Page 10, line 27, after the comma, insert “for annual sales under \$200,” and reinstate “\$25” and before “\$50” insert “; and for annual sales over \$200.”

The motion prevailed. So the amendment was adopted.

H. F. No. 979, which the committee recommends to pass with the following amendments offered by Messrs. Solon and Chmielewski:

Mr. Solon moved to amend the amendment placed on H. F. No. 979 by the committee on Health, Welfare, and Corrections, adopted by the Senate on April 23, 1981, as follows:

Delete the amendment to page 1, line 22

The motion prevailed. So the amendment was adopted.

Mr. Chmielewski moved to amend H. F. No. 979 as follows:

Page 2, after line 10, insert:

“Sec. 2. [CERTIFICATE OF NEED WAIVER.]

The Sandstone area hospital may fulfill a contract entered into before January 1, 1981, by the Pine County board of commissioners and the Sandstone area hospital without complying with the provisions of sections 145.832 to 145.845.”

Amend the title as follows:

Page 1, line 5, after the semicolon, insert “granting a hospital a specific waiver from certificate of need requirements;”

The motion prevailed. So the amendment was adopted.

S. F. No. 1212, which the committee recommends to pass with the following amendments offered by Mrs. Kronebusch and Mr. Davies:

Mrs. Kronebusch moved to amend S. F. No. 1212 as follows:

Page 2, line 26, after the period, insert “Non-operating expenses may not be

extracted on the reporting form prior to determination of net profits for reporting purposes only. Administrative expenses charged to the liquor store by the city must be actual operating expenses and not used for any other public purpose prior to the determination of net profits."

The motion prevailed. So the amendment was adopted.

Mr. Davies moved to amend S. F. No. 1212 as follows:

Page 2, line 23, delete "and/or" and insert "and"

The motion prevailed. So the amendment was adopted.

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

MOTIONS AND RESOLUTIONS - CONTINUED

Ms. Berglin moved that H. F. No. 157 be taken from the table. The motion prevailed.

Ms. Berglin moved that the Senate accede to the request of the House for a Conference Committee on H. F. No. 157, 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 like Conference Committee appointed on the part of the House. The motion prevailed.

Ms. Berglin moved that S. F. No. 432 be taken from the table. The motion prevailed.

S. F. No. 432: A bill for an act relating to taxation; providing dates for settlement of mortgage registry and deed tax receipts; providing for payment of excise tax on special fuel by bulk purchasers; clarifying responsibilities and authority of commissioner of revenue in administering and auditing mineral taxes; providing for filing requirements for royalty reports; amending Minnesota Statutes 1980, Sections 287.12; 287.29, Subdivision 1; 296.12, Subdivisions 3, 4, and 5, and by adding a subdivision; 298.09, by adding a subdivision; 298.15; 299.03; 299.05; and 299.12; and repealing Minnesota Statutes 1980, Section 287.29, Subdivision 2.

CONCURRENCE AND REPASSAGE

Ms. Berglin moved that the Senate concur in the amendments by the House to S. F. No. 432 and that the bill be placed on its repassage as amended. The motion prevailed.

S. F. No. 432 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 56 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Chmielewski	Frederick	Langseth	Nelson
Belanger	Dahl	Frederickson	Lantry	Pehler
Benson	Davies	Hanson	Lessard	Peterson, C. C.
Berg	Davis	Humphrey	Lindgren	Peterson, D. L.
Berglin	Dicklich	Knoll	Luther	Peterson, R. W.
Bernhagen	Dieterich	Knutson	Menning	Petty
Bertram	Engler	Kroening	Merriam	Pillsbury
Brataas	Frank	Kronebusch	Moe, R. D.	Ramstad

Renneke
Rued
Schmitz
Setzepfandt

Sikorski
Spear
Stern

Stokowski
Stumpf
Taylor

Tennessee
Ulland
Vega

Waldorf
Wegener
Willet

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

RECONSIDERATION

Mr. Davies moved that the vote whereby S. F. No. 64 failed to pass the Senate on May 1, 1981, be now reconsidered. The motion prevailed.

S. F. No. 64: A bill for an act relating to no-fault automobile insurance; increasing basic economic loss benefits; increasing the weekly maximums for certain first-party benefits; clarifying legislative intent concerning stacking of insurance policies; coordinating the priority of applicability of security for payment of certain benefits; increasing residual liability benefits; increasing certain uninsured benefits; establishing tort threshold limitations on uninsured motorist coverage; providing mandatory underinsured motorist coverage; amending Minnesota Statutes 1980, Sections 65B.44, Subdivisions 1, 3, 6, and 7; 65B.47, Subdivision 2, and by adding subdivisions; and 65B.49, Subdivisions 3 and 4, and by adding a subdivision.

Mr. Davies moved that S. F. No. 64 be laid on the table. The motion prevailed.

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Pehler introduced—

Senate Resolution No. 57: A Senate resolution extending support for the Minnesotans conducting the 1981 Pederson South Pole Expedition.

Referred to the Committee on Rules and Administration.

RECESS

Mr. Moe, R.D. moved that the Senate do now recess until 4:50 p.m. The motion prevailed.

The hour of 4:50 p.m. having arrived, the President called the Senate to order.

Mr. Moe, R.D. moved that the Senate do now recess until after the conclusion of the Joint Convention. The motion prevailed.

The Senate reconvened at the appointed time.

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Moe, R.D. moved that the Senate do now adjourn until 1:00 p.m., Tuesday, May 5, 1981. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate