

STATE OF MINNESOTA

SIXTY-NINTH SESSION - 1976

SEVENTIETH DAY

SAINT PAUL, MINNESOTA, MONDAY, FEBRUARY 16, 1976

The House convened at 12:30 p.m. and was called to order by the Speaker.

Prayer was offered by the Chaplain.

The roll was called and the following members were present:

Abeln	Doty	Kahn	Munger	Sherwood
Adams, L.	Eckstein	Kaley	Neisen	Sieben, H.
Adams, S.	Eken	Kalis	Nelsen	Sieben, M.
Albrecht	Enebo	Kelly, R.	Nelson	Sieloff
Anderson, G.	Erickson	Kelly, W.	Niehaus	Simoneau
Anderson, I.	Esau	Kempe, A.	Norton	Skoglund
Arlandson	Evans	Kempe, R.	Novak	Smith
Beauchamp	Ewald	Ketola	Osthoff	Smogard
Begich	Faricy	Knickerbocker	Parish	Spanish
Berg	Fjoslien	Knoll	Patton	Stanton
Berglin	Forsythe	Kostohryz	Pehler	Suss
Biersdorf	Friedrich	Kroening	Peterson	Swanson
Birnstihl	Fudro	Laidig	Petraseso	Tomlinson
Braun	Fugina	Langseth	Philbrook	Ulland
Brinkman	George	Lemke	Pleasant	Vanasek
Byrne	Graba	Lindstrom	Prahl	Vento
Carlson, A.	Hanson	Luther	Reding	Voss
Carlson, L.	Heinitz	Mangan	Rice	Wenstrom
Carlson, R.	Hokanson	Mann	Samuelson	Wenzel
Casserly	Jacobs	McCarron	Sarna	White
Clark	Jaros	McCauley	Savelkoul	Wieser
Corbid	Jensen	McCollar	Schreiber	Wigley
Dahl	Johnson, C.	McEachern	Schulz	Williamson
Dean	Johnson, D.	Menning	Schumacher	Zubay
DeGroat	Jopp	Metzen	Searle	Speaker Sabo
Dieterich	Jude	Moe	Setzepfandt	

A quorum was present.

Clawson, Haugerud, Kvam, St. Onge and Volk were excused.

The Chief Clerk proceeded to read the Journals of the preceding days. On the motion of Vanasek the further readings were dispensed with and the Journals were approved as corrected.

REPORTS OF CHIEF CLERK

Pursuant to Rules of the House, printed copies of H. F. Nos. 2216, 2005, 832, 903 and 920 and S. F. Nos. 840, 1439, 1501, 53, 687, 1736, 1805 and 1852 have been placed in the members' files.

PETITIONS AND COMMUNICATIONS

The following communication was received:

STATE OF MINNESOTA
OFFICE OF THE SECRETARY OF STATE
ST. PAUL 55155

February 12, 1976

The Honorable Martin O. Sabo
Speaker of the House of Representatives
The Honorable Alec G. Olson
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1976 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:

<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Date Approved 1976</i>	<i>Date Filed 1976</i>
22		8	February 11	February 11
	645	9	February 11	February 11

Sincerely,

JOAN ANDERSON GROWE
Secretary of State

REPORTS OF STANDING COMMITTEES

Johnson, D., from the Committee on Commerce and Economic Development to which was referred:

H. F. No. 1170, A bill for an act relating to health; licensing and regulation of plumbers and water conditioning contractors and installers; amending Minnesota Statutes 1974, Sections 326.38; 326.40; 326.58; 326.60, Subdivision 1; and 326.65; repealing Minnesota Statutes 1974, Section 326.45.

Reported the same back with the following amendments:

Page 1, lines 20, 21, 22, reinstate the stricken language.

Page 2, line 28, strike “, unless”.

Page 2, line 29, strike “otherwise forbidden to do so by a local ordinance”.

Page 3, after line 7, insert:

“Sec. 3. Any person now engaged in the occupation of a master plumber or journeyman plumber on the effective date of this act in any city or town which has not heretofore been subject to the provisions of sections 326.37 to 326.45, who shall furnish to the board within 120 days, satisfactory evidence that he was actually engaged in the business of a master plumber or journeyman plumber for a period of at least four years prior to the effective date of this act is entitled to receive a license as a master plumber or journeyman plumber, respectively, without examination, upon payment of the prescribed fees.”.

Renumber the sections accordingly.

Page 4, lines 7 and 8, strike “, unless otherwise forbidden to do so by a local ordinance”.

With the recommendation that when so amended the bill do pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 502, A bill for an act relating to game and fish; requiring a migratory waterfowl stamp; providing for disposition of proceeds of sale.

Reported the same back with the following amendments:

Page 1, line 15, after “barriers,” insert “acquisition for sites of development”.

Page 1, line 18, after “person” insert “required to possess a Minnesota small game license”.

Page 2, delete lines 22 to 32, and insert:

“Subd. 5. This act shall expire on March 1, 1982, unless renewed by the legislature.”.

With the recommendation that when so amended the bill do pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 1751, A bill for an act relating to game and fish; firearms permissible for taking wild animals; amending Minnesota Statutes 1974, Section 100.29, Subdivision 9.

Reported the same back with the recommendation that the bill do pass and be placed on the Consent Calendar.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 1814, A bill for an act relating to weights and measures; standard measurement of wood; providing standards for measurement of cords of aspen or spruce wood; amending Minnesota Statutes 1974, Section 239.33.

Reported the same back with the following amendments:

Page 1, line 20, after "*mean*" insert "*a solid wood content of*".

Page 1, line 20, after "*feet*" delete "*of*".

Page 1, line 21, delete "*wood when ranked in eight foot lengths*".

Page 1, line 22, after "*follows*" insert "*for freshly cut wood*".

Page 2, line 1, delete "*4,900 pounds;*" and insert "*4,800 pounds.*".

Page 2, delete line 2 and insert a new subdivision to read:

"Subd. 3. "*Summer cut wood*" shall mean wood freshly cut and measured during the months of May through October inclusive. "*Winter cut wood*" shall mean wood freshly cut and measured during the months of November through April inclusive."

With the recommendation that when so amended the bill do pass.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 1957, A bill for an act relating to natural resources; providing general condemnation power upon obtaining consent of landowners; amending Minnesota Statutes 1974, Section 84.027, by adding a subdivision.

Reported the same back with the following amendments:

Page 1, line 10, delete "*determines*".

Page 1, line 11, delete "*that it is necessary*" and insert "*is authorized*".

Page 1, line 14, delete "*Any owner or owners consenting*".

Page 1, delete lines 15 and 16.

With the recommendation that when so amended the bill do pass.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 1999, A bill for an act relating to game and fish; providing temporary permits for handicapped hunters; amending Minnesota Statutes, 1975 Supplement, Section 98.48, Subdivision 12.

Reported the same back with the recommendation that the bill do pass.

The report was adopted.

Brinkman from the Committee on Financial Institutions and Insurance to which was referred:

H. F. No. 1898, A bill for an act relating to insurance; providing for interest on unpaid benefits; amending Minnesota Statutes 1974, Section 61A.03.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert the following:

"Section 1. Minnesota Statutes 1974, Chapter 61A, is amended by adding a section to read:

(61A.011) [INTEREST ON UNPAID BENEFITS.] *Subdivision 1. Notwithstanding any other provision of law when any insurer admitted to transact life insurance in this state pays the proceeds of or payments under any policy of life insurance, individual or group, such insurer shall pay interest at a rate not less than the then current rate of interest on death proceeds left on deposit with the insurer, computed from not later than 60 days after the insured's death until the date of payment, on any such proceeds or payments payable to a beneficiary residing in this state.*

Subd. 2. Notwithstanding the provisions of subdivision 1, if an insurer admitted to transact life insurance in this state does not pay within 60 days after receipt of due proof of death of the insured, the proceeds or payments under any policy of life insurance, individual or group, such insurer shall pay interest at an annual rate not less than six percent, computed from the date of the insured's death until the date of payment, on any such proceeds or payments payable to a beneficiary residing in this state. Interest payments under this subdivision shall be in lieu of interest payments required under subdivision 1.

Subd. 3. In any case in which interest on the proceeds of, or payments under, any policy of life insurance becomes payable pursuant to this section, the insurer shall notify the named beneficiaries or beneficiary at the time of payment of such proceeds or payments at his last known address, that interest is being paid on the proceeds of, or payments under, such policy. Such notice shall specify the rate of interest and the amount paid.

Subd. 4. This section shall not require the payment of interest in any case in which the beneficiary elects in writing delivered to the insurer to receive the proceeds of, or payments under, the policy by any means other than a lump sum payment thereof, provided that the effective date of the policy settlement option shall not be later than 60 days after the date of the insured's death.

Subd. 5. This section shall apply only to deaths of insureds which occur on or after August 1, 1976."

Further amend the title as follows:

Line 4, delete "Section 61A.03" and insert "Chapter 61A, by adding a section".

With the recommendation that when so amended the bill do pass and be placed on the Consent Calendar.

The report was adopted.

Brinkman from the Committee on Financial Institutions and Insurance to which was referred:

S. F. No. 886, A bill for an act relating to commerce; providing for recovery of an amount equal to twice the amount of interest paid on an usurious contract held by financial institutions; amending Minnesota Statutes 1974, Chapter 334, by adding a section.

Reported the same back with the recommendation that the bill do pass.

The report was adopted.

Swanson from the Committee on Health and Welfare to which was referred:

H. F. No. 2039, A bill for an act relating to health care; clarifying and expanding the patients' bill of rights; requiring certain notices; providing penalties; amending Minnesota Statutes 1974, Sections 144.651 and 144.652.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert the following:

"Section 1. Minnesota Statutes 1974, Section 144.651, is amended to read:

144.651 [PATIENTS OF HEALTH CARE FACILITIES; BILL OF RIGHTS; PUBLIC POLICY.] It is the intent of the legislature and the purpose of (LAWS 1973, CHAPTER 688) *this section to promote the interests and well being of the patients and residents of health care facilities. No health care facility may require a patient or resident to waive these rights as a condition of admission to the facility. If the patient or resident (i) is determined by his or her attending physician to be medically incapable of understanding and exercising the rights protected under this section, (ii) lacks the ability to communicate due to physical or medical handicaps, or (iii) has had a guardian or conservator appointed, the rights and responsibilities set forth in this section shall devolve to the patient or resident's guardian or conservator, if one has been appointed, next of kin, sponsoring agency or representative payee. It is the intent of this section that every patient's civil and religious liberties, including the right to independent personal decisions and knowledge of available choices, shall not be infringed and that the facility shall encourage and assist in the fullest possible exercise of these rights.*

It is declared to be the public policy of this state that the interests of the patient or resident be protected by a declaration

of a patients' bill of rights which shall include but not be limited to the following:

(1) Every patient and resident shall have the right to considerate and respectful care;

(2) Every patient can reasonably expect to obtain from his physician or the resident physician of the facility complete and current information concerning his diagnosis, treatment and prognosis in terms and language the patient can reasonably be expected to understand. In such cases that it is not medically advisable to give such information to the patient the information may be made available to the appropriate person in his behalf;

(3) Every patient and resident shall have the right to know by name and specialty, if any, the physician responsible for coordination of his care;

(4) Every patient and resident shall have the right to every consideration of his privacy and individuality as it relates to his social, religious, and psychological well being;

(5) Every patient and resident shall have the right to respectfulness and privacy as it relates to his medical care program. Case discussion, consultation, examination, and treatment are confidential and should be conducted discreetly;

(6) Every patient and resident shall have the right to expect the facility to make a reasonable response to the requests of the patient or resident;

(7) Every patient and resident shall have the right to obtain information as to any relationship of the facility to other health care and related institutions insofar as his care is concerned (, AND);

(8) (THE) *Every* patient and resident *shall* have the right to expect reasonable continuity of care which shall include but not be limited to what appointment times and physicians are available;

(9) *Every patient or resident shall be fully informed, prior to or at the time of admission and during stay, of services available in the facility, and of related charges including any charges for services not covered under medicare or medicaid or not covered by the facility's basic per diem rate;*

(10) *Every patient or resident shall be afforded the opportunity to participate in the planning of his medical treatment and to refuse to participate in experimental research;*

(11) No patient or resident shall be arbitrarily transferred or discharged but may be transferred or discharged only for medical reasons, for his or other patients' or residents' welfare, or for nonpayment for stay unless prohibited by the welfare programs paying for the care of the patient or resident, as documented in the medical record. Reasonable advance notice of any transfer or discharge must be given to a patient or resident;

(12) Every patient or resident may manage his personal financial affairs, or shall be given at least a quarterly accounting of financial transactions on his behalf if he delegates this responsibility in accordance with the laws of Minnesota to the facility for any period of time;

(13) Every patient or resident shall be encouraged and assisted, throughout his period of stay, to understand and exercise his rights as a patient and as a citizen, and to this end may voice grievances and recommend changes in policies and services to facility staff and outside representatives of his choice, free from restraint, interference, coercion, discrimination or reprisal;

(14) Every patient or resident shall be free from mental and physical abuse, and free from chemical and physical restraints, except in emergencies, or as authorized in writing by a physician for a specified and limited period of time, and when necessary to protect the patient or resident from injury to himself or to others. A violation of this clause is a violation of section 609.231;

(15) Every patient or resident shall be assured confidential treatment of his personal and medical records, and may approve or refuse their release to any individual outside the facility, except as otherwise provided by law or a third party payment contract;

(16) No patient or resident shall be required to perform services for the facility that are not included for therapeutic purposes in his plan of care;

(17) Every patient or resident may associate and communicate privately with persons of his choice, and send and receive his personal mail unopened, unless medically contraindicated and documented by his physician in the medical record;

(18) Every patient or resident may meet with representatives and participate in activities of commercial, religious, and community groups at his discretion;

(19) Every patient or resident may retain and use his personal clothing and possessions as space permits, unless to do so would infringe upon rights of other patients or residents, and unless medically contraindicated and documented by his physician in the medical record;

(20) *Every patient or resident, if married, shall be assured privacy for visits by his or her spouse and if both spouses are patients or residents of the facility, they shall be permitted to share a room, unless medically contraindicated and documented by their physicians in the medical record; and*

(21) *Every patient or resident shall be fully informed, prior to or at the time of admission and during stay, of the rights and responsibilities set forth in this section and of all rules governing patient conduct and responsibilities.*

Sec. 2. Minnesota Statutes 1974, Section 144.652, is amended to read:

144.652 [NOTICE TO PATIENT; VIOLATIONS.] *Subdivision 1. The policy statement contained in section 144.651 shall be posted conspicuously in a public place in all facilities licensed under the provisions of sections 144.50 to 144.58. Copies of the policy statement shall be furnished the patient (AND) or resident and the patient or resident's guardian or conservator upon admittance to the facility. The notice shall include a brief statement describing how to file a complaint with the legislative audit commission concerning a violation of section 144.651 or any other state statute or rule.*

Subd. 2. A substantial violation of the rights of any patient or resident as defined in section 144.651, shall be grounds for issuance of a correction order pursuant to section 144.653. The issuance of a correction order shall not preclude private action by or on behalf of a patient or resident to enforce his rights.

Sec. 3. *This act is effective on the day following its final enactment."*

With the recommendation that when so amended the bill do pass.

The report was adopted.

Parish from the Committee on Judiciary to which was referred:

H. F. No. 790, A bill for an act relating to adoption; providing that courts may allow certain rights to natural grandparents of adopted children; amending Minnesota Statutes 1974, Section 259.29.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert in lieu thereof the following:

"Section 1. [RIGHTS OF VISITATION TO UNMARRIED MINORS.] Subdivision 1. [WHEN PARENT IS DECEASED.] If a parent of an unmarried minor child is deceased, the parents and grandparents of the deceased parent may be granted reasonable visitation rights to the unmarried minor child during his minority by the district or county court upon finding that visitation rights would be in the best interests of the child and would not interfere with the parent child relationship. The court shall consider the amount of personal contact between the parents or grandparents of the deceased parent and the child prior to the application.

Subd. 2. [WHEN PARENTS' MARRIAGE IS DISSOLVED.] In all proceedings for dissolution, subsequent to the commencement of the proceeding and continuing thereafter during the minority of the child, the court may, upon the request of the parent or grandparent of a noncustodial party, grant reasonable visitation rights to the unmarried minor child, after dissolution of marriage, during his minority if it finds that visitation rights would be in the best interests of the child and would not interfere with the parent child relationship. The court shall consider the amount of personal contact between the parents or grandparents of the party and the child prior to the application.

Subd. 3. [EXCEPTION FOR ADOPTED CHILDREN.] This section shall not apply if the child has been adopted by a person other than a stepparent or grandparent. Any visitation rights granted pursuant to this section prior to the adoption of the child shall be automatically terminated upon such adoption.

Subd. 4. [EXCEPTION FROM NOTICE.] Neither the notice provision contained in section 259.26 nor the service provision of section 518.11 shall apply to any person who may be entitled to visitation rights pursuant to this section."

Further delete the title in its entirety and insert the following:

"A bill for an act relating to public welfare; providing visitation rights to unmarried minor children for grandparents in certain cases."

With the recommendation that when so amended the bill do pass.

The report was adopted.

Berg from the Committee on Local and Urban Affairs to which was referred:

S. F. No. 375, A bill for an act relating to city and town government; excluding statutory cities from the application of certain city laws; modifying the application of other laws to con-

form to the present classification of cities; amending various statutes to reflect the conversion of villages and boroughs to statutory cities; repealing various obsolete provisions of municipal laws; amending Minnesota Statutes 1974, Sections 144.154; 145.01; 205.07, Subdivision 1; 205.10; 205.11; 205.13; 205.14, Subdivision 3; 205.15; 205.16; 205.17, Subdivisions 1 and 3; 205.20, Subdivisions 1 and 4; 329.09; 366.10; 410.05, Subdivision 1; 412.02, Subdivision 5; 412.022, Subdivision 1; 412.023, Subdivision 5; 412.131; 412.171; 412.191, Subdivision 1; 412.311; 412.571, Subdivisions 1, 4 and 5; 413.02, Subdivisions 1 and 2; 415.11, Subdivision 1; 427.09; 427.10; 427.11; 427.12; 429.111; 437.02; 440.11; 440.135, Subdivision 1; 446.04, Subdivision 1; 447.05; 451.06; 451.09; 452.01, Subdivision 1; 455.01; 455.05; 455.13; 455.23; 455.26; 455.27; 455.28; 455.29; 455.30; 455.32; 456.32; 457.13; 458.09, Subdivision 1; 458.20; 458.25; 458.46; 463.04; 465.26; 465.70; 465.71; 471.38, Subdivision 1; Chapters 205, by adding a section; 410, by adding a section; and repealing Minnesota Statutes 1974, Sections 118.05; 145.02; 197.64; 205.05; 205.06; 206.07, Subdivision 2; 205.08; 205.09; 205.091; 205.12; 274.013; 275.24; 275.36; 368.12; 368.50 to 368.84; 412.017; 412.022, Subdivisions 2 and 3; 412.191, Subdivision 5; 412.841; 415.031 to 415.07; 416.03; 416.04; 416.08 to 416.15; 418.13 to 418.15; 423.21; 426.09; 426.10; 426.15 to 426.18; 435.05; 435.41; 435.46; 436.02; 436.04; 437.01; 438.03; 438.04; 438.07; 440.12; 440.16 to 440.32; 440.39; 441.10 to 441.20; 441.265 to 441.46; 443.14 to 443.17; 443.20 to 443.25; 444.15; 446.03; 447.08; 447.09; 447.23; 448.04 to 448.16; 448.26 to 448.49; 449.04; 449.05; 449.07; 450.06 to 450.08; 452.01, Subdivision 2; 452.02 to 452.07; 452.18 to 452.20; 453.01 to 453.14; 454.01 to 454.045; 455.02 to 455.04; 455.06 to 455.11; 455.15 to 455.22; 456.01 to 456.15; 456.23; 457.02; 457.12; 458.26 to 458.31; 458.47 to 458.49; 459.08 to 459.13; 461.01; 461.07 to 461.11; 463.05; 465.06 to 465.08; 465.51; 465.52; 465.57; 465.59 to 465.63; 471.01 to 471.04; 471.05 to 471.14; 471.48; 645.44, Subdivision 3a; Chapter 460, as it appears in Minnesota Statutes 1945; Laws 1895, Chapter 239; Laws 1897, Chapter 85; Laws 1901, Chapter 379; Laws 1907, Chapter 22; Laws 1911, Chapter 53; Laws 1913, Chapters 7 and 47; Laws 1915, Chapters 125 and 230, Sections 2 and 3; Laws 1917, Chapter 190; Laws 1919, Chapter 424; Laws 1921, Chapter 30; Extra Session Laws 1935, Chapter 8; Laws 1937, Chapter 198; Laws 1941, Chapter 266; as amended; Laws 1947, Chapter 470 and Laws 1953, Chapter 697.

Reported the same back with the following amendments:

Page 13, after line 21, insert:

"Sec. 17. Minnesota Statutes 1974, Section 340.20, is amended to read:

340.20 [LOCAL OPTION ELECTIONS, PETITION.] The recorder or clerk of any statutory city or any home rule charter city of the fourth class shall, upon the petition of a number of

legal voters of the (STATUTORY) city (OF THE FOURTH CLASS) equal to 30 percent of the persons voting at the last election in such (STATUTORY) city (OF THE FOURTH CLASS) or 200 legal voters of the (STATUTORY) city (OF THE FOURTH CLASS) whichever is the lesser number, filed with him at least 15 days before the regular election thereof, give notice at the same time and in the same manner as the notice of such election that the question of granting license in such (STATUTORY) city (OR CITY OF THE FOURTH CLASS) for the sale of intoxicating liquor will be submitted for determination at such election. At such election, when so petitioned for, the question shall be voted upon by a separate ballot, the terms of which shall be either "for license" or "against license," which ballot shall be deposited in a separate ballot box to be provided in each voting precinct and the result of such voting shall be duly canvassed, certified and returned in the same manner and at the same time as the other facts and returns of the election."

Page 16, line 23, delete the period and insert "*, except that in a standard plan city which establishes a four year term for mayor, the first mayor to serve a four year term shall be elected at the first election when the clerk is not to be elected. In any case*".

Page 21, after line 10, insert:

"Sec. 31. Minnesota Statutes 1974, Section 414.09, Subdivision 3, is amended to read:

Subd. 3. [ELECTIONS OF MUNICIPAL OFFICERS.] An order approving an incorporation or consolidation pursuant to sections 414.02, 414.021, or 414.041 shall set a date for this election of new municipal officers not less than 45 days nor more than 60 days after the issuance of such order. The commission shall appoint an acting clerk for election purposes, at least three election judges who shall be residents of the new municipality, and shall designate polling places within the new municipality.

The acting clerk shall prepare the official election ballot. Affidavits of candidacy may be filed by any person eligible to hold municipal office not more than four weeks nor less than two weeks before the date designated by the commission for the election. At least one week before the first day to file such affidavits the acting clerk shall publish a notice in a newspaper qualified as a medium of official publication and of general circulation within the new municipality stating the first and last dates on which such affidavits may be filed, the location of the clerk's office, the clerk's office hours, and the amount of the filing fee.

The acting clerk shall publish a notice of election in a newspaper qualified as a medium of official publication and of general circulation within the new municipality for two successive weeks immediately prior to the date designated by the commission for

the election. The election notice shall state the purpose, date, and polling places for the election, and shall state the time the polls shall be open, which time shall be at least five hours.

If the new municipality is a statutory city, the election shall be conducted in conformity with the requirements of the laws for conducting a statutory city election in so far as applicable. If the new municipality is a *home rule charter* city, the election shall be conducted in conformity with the charter and the laws for conducting city elections in so far as applicable. Any person eligible to vote at a township or municipal election within the area of the new municipality, is eligible to vote at such election.

Any excess in the expense of conducting the election over receipts from filing fees shall be a charge against the new municipality; any excess of receipts shall be deposited in the treasury of the new municipality.”.

Page 28, line 11, after “city” strike “of”.

Page 28, line 11, delete “*the fourth class*”.

Page 41, after line 14, insert:

“Sec. 69. Minnesota Statutes 1974, Section 471.69, is amended to read:

471.69 [LIMITATION OF TAX LEVIES; STATEMENT.]

No school district, county, *statutory city*, or town shall contract any debt or issue any warrant or order in any calendar year in anticipation of the collection of taxes levied or to be levied for that year in excess of the average amount actually received in tax collections on the levy for the three previous calendar years plus ten percent thereof, and an average of other income excluding gifts received by the school district for the past three years. This section shall not apply to any school district, county, *statutory city*, or town, wherein the mineral valuation, as assessed, exceeds 25 percent of the assessed valuation of real property in such taxing district. This section shall not apply to any school district in a city of the first class which constitutes one single school district.

As soon as practicable after the beginning of each calendar year, the clerk or other recording officer of any municipality described in this section shall present to the governing body of his municipality a statement of tax collections and other income excluding gifts credited to each fund of his municipality during each of the three previous fiscal years and the yearly average thereof. The auditor of the county shall be required to furnish information as appears in the records in his office to the clerk upon request.”.

Page 41, line 16, after "118.05;" insert "129.13;".

Renumber sections in sequence.

Further amend the title:

Line 13, after "329.09;" insert "340.20;".

Line 18, before "415.11" insert "414.09, Subdivision 3;".

Line 26, after "Subdivision 1;" insert "471.69;".

Line 28, after "118.05;" insert "129.13;".

With the recommendation that when so amended the bill do pass.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 1751, 1814, 1957, 1999, 1898, 2039 and 790 were read for the second time.

SECOND READING OF SENATE BILLS

S. F. Nos. 886 and 375 were read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Beauchamp, Patton, Stanton, St. Onge and Adams, S., introduced:

H. F. No. 2290, A bill for an act relating to the state university system; requiring a recommendation from certain legislative committees concerning an increase in wages for unclassified employees of the state university system.

The bill was read for the first time and referred to the Committee on Appropriations.

Biersdorf introduced:

H. F. No. 2291, A bill for an act relating to Independent School District No. 761; school aids; providing a formula for increased aid for the district.

The bill was read for the first time and referred to the Committee on Education.

George, Laidig and Sieben, M., introduced:

H. F. No. 2292, A bill for an act relating to Independent School Districts No. 834, No. 832 and No. 833; instruction to pupils from other districts; authorizing the districts to enter into agreements for the furnishing of instruction to non-resident pupils.

The bill was read for the first time and referred to the Committee on Education.

Vento; Sieben, H.; Dieterich and Kostohryz introduced:

H. F. No. 2293, A bill for an act relating to sound pollution; authorizing the pollution control agency to establish rules, standards and permits for the control of sound emanating from ground vibration; appropriating money; amending Minnesota Statutes 1974, Section 116.07, Subdivision 4a.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Skoglund, Enebo and Petrafeso introduced:

H. F. No. 2294, A bill for an act relating to insurance; eliminating minimum benefit requirement from certain government purchased group insurance plans; changing when certain government insurance contracts be resubmitted to bidding; amending Minnesota Statutes 1974, Section 471.616, Subdivision 1.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

St. Onge; Sieben, H.; Carlson, L.; Johnson, D.; and Wigley introduced:

H. F. No. 2295, A bill for an act relating to optometric services; providing for inclusion of optometric services in benefits for expenses incurred for medical treatment or services; amending Minnesota Statutes 1974, Section 62A.15, Subdivision 1, and by adding a subdivision.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

George, Vento, Eken and Pehler introduced:

H. F. No. 2296, A bill for an act relating to credit unions; allowing credit unions to permit draft withdrawals by their members; amending Minnesota Statutes 1974, Section 52.04.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

St. Onge introduced:

H. F. No. 2297, A bill for an act authorizing the conveyance of lands and structures comprising Count Beltrami state monument to the town of Turtle Lake in Beltrami county; specifying the terms and conditions of such conveyance.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Enebo and Fudro introduced:

H. F. No. 2298, A bill for an act relating to eminent domain; time of title and possession; providing that certain payments deposited with the court shall not draw interest; amending Minnesota Statutes, 1975 Supplement, Section 117.042.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Dahl, Patton, Pehler, McEachern and Parish introduced:

H. F. No. 2299, A bill for an act relating to retirement; judges' survivors' benefits; option to continue.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Hokanson; Sieben, H.; Lemke; Kroening and Forsythe introduced:

H. F. No. 2300, A bill for an act relating to administrative procedure; requiring agency estimates of the cost of proposed rules to local public bodies; delaying the effective date of rules involving costs to local public bodies; amending Minnesota Statutes 1974, Section 15.0412, by adding subdivisions.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Parish; Anderson, I.; Beauchamp; Biersdorf and Patton introduced:

H. F. No. 2301, A bill for an act relating to retirement; election of trustees to the public employees retirement association board of trustees; amending Minnesota Statutes 1974, Section 353.03, Subdivision 1.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Menning, Lemke, Vanasek, Esau and Kalis introduced:

H. F. No. 2302, A bill for an act relating to retirement; imposing a tax upon certain insurance or health care premiums and establishing a service pension program for volunteer ambulance drivers and attendants.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Faricy, Enebo and Byrne introduced:

H. F. No. 2303, A bill for an act relating to unemployment compensation; prohibiting the denial of benefits to persons in training programs who were employed in a job involving recurring seasonal unemployment; amending Minnesota Statutes, 1975 Supplement, Section 268.08, Subdivision 1.

The bill was read for the first time and referred to the Committee on Governmental Operations.

McCollar, Neisen, Begich, Volk and Clawson introduced:

H. F. No. 2304, A bill for an act relating to health care; removing nursing homes and boarding care homes from the Minnesota certificate of need act; amending Minnesota Statutes 1974, Section 145.75; and Minnesota Statutes, 1975 Supplement, Sections 145.72, Subdivision 2; and 145.74.

The bill was read for the first time and referred to the Committee on Health and Welfare.

White introduced:

H. F. No. 2305, A bill for an act relating to anatomical gifts; eye enucleation; authorizing eye enucleation upon pronouncement of death by a physician; amending Minnesota Statutes, 1975 Supplement, Section 525.924, Subdivision 6.

The bill was read for the first time and referred to the Committee on Health and Welfare.

Carlson, L.; Swanson; Luther; Schumacher and McCauley introduced:

H. F. No. 2306, A bill for an act relating to the board of medical examiners; adding four public members; requiring sanctions after determination of board; providing procedures for reporting and investigating malpractice complaints; requiring malpractice information from physicians from other states; prescribing reports to the complaining parties; authorizing the attorney general to investigate; amending Minnesota Statutes 1974, Sections 144.651; 147.021, Subdivision 1; 147.031, Subdivision 1; and Chapter 147 by adding sections; amending Minnesota Statutes, 1975 Supplement, Sections 147.01; 147.021, Subdivision 2; and 147.03.

The bill was read for the first time and referred to the Committee on Health and Welfare.

Wenzel, Jude, Neisen, Biersdorf and Niehaus introduced:

H. F. No. 2307, A bill for an act relating to trusts; administration of express trusts by cities; amending Minnesota Statutes 1974, Section 501.11.

The bill was read for the first time and referred to the Committee on Judiciary.

St. Onge, Jensen, McEachern, Metzen and Knickerbocker introduced:

H. F. No. 2308, A bill for an act relating to public employment labor relations; reconciling negotiated contract provisions with existing law; designating the number of arbitrators; modifying the fees chargeable by arbitrators; amending Minnesota Statutes 1974, Sections 179.66, Subdivision 5; and 179.72, Subdivision 6.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Clark, Sarna, Skoglund, Nelson and Enebo introduced:

H. F. No. 2309, A bill for an act relating to courts; providing for the election of Hennepin county municipal judges at the uniform municipal election; amending Minnesota Statutes 1974, Section 488A.021, Subdivision 3.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Fugina; Kelly, W.; Mann; Zubay and Searle introduced:

H. F. No. 2310, A bill for an act relating to cities; authorizing cities engaged in electric power distribution to secure electric power by individual or joint action; authorizing the creation of municipal power agencies; defining their powers and responsibilities; authorizing the issuance of bonds.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Tomlinson; Casserly; Adams, S.; Sieben, M.; and White introduced:

H. F. No. 2311, A bill for an act relating to metropolitan revenue distribution; providing that the preceding year's contribution and distribution assessed values be used in the determination of current year taxable values and area-wide tax base and that the governmental units' preceding year's mill rate be used to determine the area-wide portion of the levy and the area-wide mill rate; amending Minnesota Statutes 1974, Sections 473F.06; and 473F.08, Subdivisions 2 and 3.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Reding; Anderson, I.; Begich; Schreiber and St. Onge introduced:

H. F. No. 2312, A bill for an act relating to counties; providing for the filling of vacancies in county offices; amending Minnesota Statutes 1974, Section 375.08.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Nelsen and Sherwood introduced:

H. F. No. 2313, A bill for an act relating to United Hospital District, Staples, Minnesota; authorizing the issuance of general obligation bonds of the district without the consent of the governing bodies of the municipalities included in the district; excluding the bonds from the net debt of the district; and excluding taxes levied for the payment of the bonds from certain levy limitations.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Heinitz, Kvam, Osthoff, Birnstihl and Pleasant introduced:

H. F. No. 2314, A bill for an act relating to special assessments for public improvements in cities and certain towns; removing the provision prohibiting the levying of special assessments against highway rights of way; amending Minnesota Statutes 1974, Section 435.19, Subdivision 1.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Jude introduced:

H. F. No. 2315, A bill for an act relating to the city of Maple Grove; authorizing the city of Maple Grove to refund certain temporary improvement bonds.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Knickerbocker, Casserly, Jacobs, Johnson, D., and Kvam introduced:

H. F. No. 2316, A bill for an act relating to taxation; extending property tax relief benefits to certain residents of nursing homes; amending Minnesota Statutes, 1975 Supplement, Sections 290A.03, Subdivisions 6, 8 and 12; and 290A.19.

The bill was read for the first time and referred to the Committee on Taxes.

Johnson, D.; Fugina; Begich; Prah! and Anderson, I., introduced:

H. F. No. 2317, A bill for an act relating to taxation; providing for payments from the taconite municipal aid account to certain cities and towns; amending Minnesota Statutes 1974, Section 298.282, Subdivision 2, and by adding subdivisions.

The bill was read for the first time and referred to the Committee on Taxes.

Savelkoul; Carlson, A.; Nelsen; Laidig and Biersdorf introduced:

H. F. No. 2318, A bill for an act relating to taxation; providing an inflation adjustment for the income tax rate schedule; amending Minnesota Statutes 1974, Section 290.06, by adding a subdivision; and Minnesota Statutes, 1975 Supplement, Section 290.06, Subdivision 2c.

The bill was read for the first time and referred to the Committee on Taxes.

Savelkoul and Knickerbocker introduced:

H. F. No. 2319, A bill for an act relating to taxation; altering the presumption of ownership on property jointly owned by husband and wife; amending Minnesota Statutes 1974, Section 291.01, Subdivision 4.

The bill was read for the first time and referred to the Committee on Taxes.

HOUSE ADVISORY BILLS

Pursuant to Rule 5.3, the following House Advisory Bills were introduced:

Setzepfandt introduced:

H. A. B. No. 59, A bill for an act relating to appropriations from the highway trust fund, requesting an investigation of highway construction costs.

The bill was referred to the Committee on Appropriations.

Skoglund introduced:

H. A. B. No. 60, A bill to provide local coordination of construction of public buildings.

The bill was referred to the Committee on Local and Urban Affairs.

PROGRESS REPORTS ON CONFERENCE COMMITTEES

Pursuant to Joint Rule 13, Kahn reported on the progress of S. F. No. 1206, now in Conference Committee.

There being no objection the Consent Calendar, Calendar and General Orders for today were continued until Tuesday, February 17, 1976.

MOTIONS AND RESOLUTIONS

Kelly, R., moved that the name of Vento be stricken and the name of Vanasek be added as an author on H. F. No. 1965. The motion prevailed.

Reding moved that the name of Sarna be stricken and the name of Enebo be added as second author on H. F. No. 2139. The motion prevailed.

Anderson, I., moved that the following bill be unofficially engrossed and printed for the House:

S. F. No. 375, to include committee amendments.

The motion prevailed.

Anderson, I., for the Committee on Rules and Legislative Administration, introduced:

House Concurrent Resolution No. 19, A house concurrent resolution providing that either house may adjourn from February 19 until February 25, 1976.

SUSPENSION OF RULES

Anderson, I., moved that the Rules be so far suspended that House Concurrent Resolution No. 19 be now considered and be placed upon its adoption. The motion prevailed.

HOUSE CONCURRENT RESOLUTION NO. 19

A house concurrent resolution providing that either house may adjourn from February 19 until February 25, 1976.

Be it Resolved, by the house of representatives, the senate concurring, that either house may adjourn on February 19, 1976 until a day not later than February 25, 1976.

Anderson, I., moved that House Concurrent Resolution No. 19 be now adopted. The motion prevailed and House Concurrent Resolution No. 19 was adopted.

ADJOURNMENT

Anderson, I., moved that the House adjourn. The motion prevailed and the Speaker declared the House adjourned until 2:00 p.m., Tuesday, February 17, 1976.

EDWARD A. BURDICK, Chief Clerk, House of Representatives