

## STATE OF MINNESOTA

## SEVENTIETH SESSION - 1977

## ELEVENTH DAY

SAINT PAUL, MINNESOTA, THURSDAY, FEBRUARY 3, 1977

The House of Representatives convened at 2:00 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	Corbid	Johnson	Munger	Searles
Adams	Cummiskey	Jude	Murphy	Setzepfandt
Albrecht	Dahl	Kahn	Neisen	Sherwood
Anderson, B.	Dean	Kaley	Neisen, B.	Sieben, M.
Anderson, D.	Eckstein	Kalis	Nelsen, M.	Simoneau
Anderson, I.	Eken	Kelly, R.	Nelson	Skoglund
Anderson, R.	Ellingson	Kelly, W.	Niehaus	Smogard
Arlandson	Enebo	Kempe, A.	Norton	Spanish
Battaglia	Erickson	Kempe, R.	Novak	Stanton
Beauchamp	Esau	King	Osthoff	Stoa
Begich	Evans	Knickerbocker	Patton	Suss
Berg	Ewald	Kostohryz	Peher	Swanson
Berglin	Faricy	Kroening	Peterson	Tomlinson
Berkelman	Fjoslien	Kvam	Petrafeso	Vanasek
Biersdorf	Forsythe	Laidig	Pleasant	Voss
Birnstihl	Friedrich	Langseth	Prahl	Waldorf
Brandl	Fugina	Lehto	Reding	Welch
Braun	George	Lemke	Rice	Wenstrom
Byrne	Gunter	Mangan	Rose	Wenzel
Carlson, A.	Hanson	Mann	St. Onge	White
Carlson, D.	Haugerud	McCarron	Samuelson	Wieser
Carlson, L.	Heinitz	McCollar	Sarna	Wigley
Cassery	Hokanson	McDonald	Savelkoul	Williamson
Clark	Jacobs	McEachern	Scheid	Wynia
Clawson	Jaros	Metzen	Schulz	Zubay
Cohen	Jensen	Moe	Searle	Speaker Sabo

A quorum was present.

Anderson, G.; Brinkman; Fudro and Sieben, H., were excused.

The Chief Clerk proceeded to read the Journal of the preceding day. McCollar moved that further reading of the Journal be dispensed with and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.

## REPORTS OF CHIEF CLERK

Pursuant to Rules of the House, printed copies of S.F. No. 48 have been placed in the members' files.

## PETITIONS AND COMMUNICATIONS

The following reports were received and filed in the Chief Clerk's Office: Department of Public Safety concerning Mandatory Registration of Bicycles, Annual Report on Small Business Procurement Act from the Department of Administration Division of Procurement, 1976 Annual Report of the Arrowhead Regional Development Commission, Report to the Minnesota and Wisconsin Legislatures submitted by the Interstate Port Authority Commission, Forty-Fifth Annual Report of the Teachers Retirement Association, Corrections '76 submitted by the Department of Corrections and 1974-1976 Biennial Report of the Iron Range Resources and Rehabilitation Board.

The following communication was received:

The complete file and all exhibits, including the findings, conclusions and orders, relating to the election contest of Ronald G. Evans, Contestant, vs. David R. Cummiskey, Contestee, of House District 29A, were received from Richard H. Fasnacht, Clerk of District Court, Blue Earth County, Mankato, Minnesota, pursuant to Court Order dated January 11, 1977.

INTRODUCTION AND FIRST READING  
OF HOUSE BILLS

The following House Files were introduced:

Pehler, Patton, Brinkman and Welch introduced:

H. F. No. 281, A bill for an act relating to St. Cloud state university; appropriating money for designing and planning an addition to Halenbeck Hall.

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

Arlandson, Metzen, Casserly, Smogard and Adams introduced:

H. F. No. 282, A bill for an act relating to franchises; amending Minnesota Statutes 1976, Sections 80C.01, Subdivision 4; 80C.08, Subdivision 1; and 80C.09, Subdivision 1.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Arlandson, Reding, White, Adams and Peterson introduced:

H. F. No. 283, A bill for an act relating to securities; disciplinary action against a licensee; clarifying the time for initiating a proceeding; amending Minnesota Statutes 1976, Section 80A.07, Subdivision 2.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Carlson, L.; Abeln; Adams; Scheid and Kroening introduced:

H. F. No. 284, A bill for an act relating to commerce; prohibiting door to door solicitors from representing themselves as survey or opinion takers; prescribing penalties; amending Minnesota Statutes 1976, Section 325.79, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Petrafeso, Berg, Cohen, Arlandson and Sabo introduced:

H. F. No. 285, A bill for an act relating to commerce; prohibiting discriminatory trade practices; providing a penalty; amending Minnesota Statutes 1976, Sections 325.8013; and 325.8018, Subdivision 2.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Byrne, Savelkoul, Novak, Tomlinson and Suss introduced:

H. F. No. 286, A bill for an act relating to controlled substances; prescribing penalties for the dissemination of substances purporting to be a prohibited controlled substance; amending Minnesota Statutes 1976, Chapter 152, by adding a section.

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

Sherwood; Kempe, A.; Johnson; Haugerud and Esau introduced:

H. F. No. 287, A bill for an act relating to obscenity; prohibiting the showing of obscene motion pictures at drive-in theaters; providing for a hearing in the courts to determine if a motion picture is obscene; prescribing penalties.

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

Sieben, M.; Novak; Battaglia; Jacobs and Kaley introduced:

H. F. No. 288, A bill for an act relating to crimes; specifying the acts constituting the crime of retail theft; amending Minnesota Statutes 1976, Chapter 609, by adding a section; repealing Minnesota Statutes 1976, Section 629.366.

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

Patton; Nelsen, M.; Pehler; Lemke and Birnstihl introduced:

H. F. No. 289, A bill for an act relating to peace officer training courses; eligibility; amending Minnesota Statutes 1976, Section 626.851, Subdivision 2.

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

Pehler, Beauchamp, Patton, Welch and Samuelson introduced:

H. F. No. 290, A bill for an act relating to highway traffic regulations; driving under the influence of drugs, controlled substances, or alcoholic beverages; reducing blood alcohol limits in regard to what constitutes the offense of driving under the influence; providing penalties; amending Minnesota Statutes 1976, Sections 169.121, Subdivisions 1 and 2; 169.123, Subdivision 2; and 169.127, Subdivisions 1 and 2.

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

Swanson, Petrafeso, St. Onge, Forsythe and McCarron introduced:

H. F. No. 291, A bill for an act relating to education; school districts; joint powers; authorizing joint boards to acquire certain property for data processing; amending Minnesota Statutes 1976, Section 123.73.

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

Laidig, Clawson, Clark, McDonald and Abeln introduced:

H. F. No. 292, A bill for an act relating to health; smoking by students; allowing certain students to smoke in designated smoking areas; amending Minnesota Statutes 1976, Section 609.685.

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

Anderson, I., introduced:

H. F. No. 293, A bill for an act relating to waters; authorizing conveyance of a dam easement and empowering the town of Hines in Beltrami county to maintain and operate a dam.

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

Sherwood, Skoglund, Kahn, Stanton and Lehto introduced:

H. F. No. 294, A bill for an act relating to water resources; modifying certain procedures for the adoption of local shoreland management ordinances; amending Minnesota Statutes 1976, Section 105.485, Subdivision 6.

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

Patton; Nelsen, M.; Lemke; Pehler and Stanton introduced:

H. F. No. 295, A bill for an act relating to game and fish; seasons for taking of certain fish; amending Minnesota Statutes 1976, Section 101.41, Subdivisions 2 and 4.

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

Cassery, Norton, Suss, Ewald and Brinkman introduced:

H. F. No. 296, A bill for an act relating to insurance; providing for the establishment and operation of a Minnesota life and health insurance guaranty association; providing protection for policyowners, insureds, beneficiaries, and others against the failure of an insurer doing business in Minnesota; amending Minnesota Statutes 1976, Sections 60B.17, by adding a subdivision; 60B.25; 60B.30, by adding a subdivision; and 60B.46, Subdivision 1.

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

Kaley; Carlson, L.; Zubay; Voss and Friedrich introduced:

H. F. No. 297, A bill for an act relating to group health care plans; requiring published or written notice to employees before certain employee health care plans may be terminated; amending Minnesota Statutes 1976, Sections 62C.02, Subdivision 1; and 62D.02, Subdivision 1; and Chapters 62A, 62C and 62D, by adding sections.

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

Simoneau, Neisen, Ewald, Abeln and Anderson, G., introduced:

H. F. No. 298, A bill for an act relating to credit union mergers; amending Minnesota Statutes 1976, Section 52.203.

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

Casserly; Ewald; Kempe, A.; Ellingson and Suss introduced:

H. F. No. 299, A bill for an act relating to banking; authorized investments and powers of savings banks; amending Minnesota Statutes 1976, Sections 50.14, Subdivision 5; 50.148; and 50.157.

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

Osthoff, Metzen, Murphy, Rose and Biersdorf introduced:

H. F. No. 300, A bill for an act relating to elections; removing a provision for special hours during which registration locations must be open; amending Minnesota Statutes 1976, Section 201.091, Subdivision 6.

The bill was read for the first time and referred to the Committee on General Legislation and Veterans Affairs.

Kostohryz, Waldorf, McDonald, McCarron and Jacobs introduced:

H. F. No. 301, A bill for an act relating to veterans; redefining the word "veteran" for certain purposes; amending Minnesota Statutes 1976, Section 197.447.

The bill was read for the first time and referred to the Committee on General Legislation and Veterans Affairs.

Cassery, Jaros, Corbid, Stanton and Berglin introduced:

H. F. No. 302, A bill for an act relating to actions at law; prohibiting civil suits for alienation of affections and breach of contract to marry; abolishing certain crimes; repealing Minnesota Statutes 1976, Sections 609.293, Subdivision 5; 609.34; and 609.36.

The bill was read for the first time and referred to the Committee on General Legislation and Veterans Affairs.

Carlson, D., and Kelly, R., introduced:

H. F. No. 303, A bill for an act proposing an amendment to the Minnesota Constitution, Article IV, Sections 2 and 3; setting the size of the legislature and providing for apportionments.

The bill was read for the first time and referred to the Committee on General Legislation and Veterans Affairs.

Nelson; Enebo; Carlson, A.; Sarna and Berglin introduced:

H. F. No. 304, A bill for an act relating to the city of Minneapolis; relating to elections; allowing regulation of campaign financing solely by local ordinance which contains at least the requirements of Minnesota Statutes, Chapter 10A; providing penalties.

The bill was read for the first time and referred to the Committee on General Legislation and Veterans Affairs.

Jude, Reding, Clawson, Neisen and Simoneau introduced:

H. F. No. 305, A bill for an act relating to the public service commission; regulating commissioners' conflicts of interest; amending Minnesota Statutes 1976, Section 216A.035.

The bill was read for the first time and referred to the Committee on General Legislation and Veterans Affairs.

Patton, Biersdorf and Beauchamp introduced:

H. F. No. 306, A bill for an act relating to retirement; miscellaneous amendments to the public employees retirement law; amending Minnesota Statutes 1976, Sections 353.01, Subdivisions 2a, 2b, 6, 15, and 20; 353.27, Subdivision 4; 353.29, Subdivisions 4 and 8; 353.31, Subdivision 8; 353.32, Subdivision 7; 353.33, Subdivisions 1, 9, and 11; 353.36, Subdivision 2; 353.37; 353.46, by adding a subdivision; and 353.651, Subdivision 3; repealing Minnesota Statutes 1976, Sections 353.016; 353.018; 353.019; 353.31, Subdivision 11; 353.36, Subdivision 2d; 353.46, Subdivision 3; and 353.64, Subdivision 5.

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

Patton, Moe, Beauchamp and Biersdorf introduced:

H. F. No. 307, A bill for an act relating to retirement; correcting outdated references in the teachers retirement law; amending Minnesota Statutes 1976, Sections 354.05, Subdivision 25; 354.41, Subdivision 3; 354.49, Subdivision 1; 354.53, Subdivision 1; 354.55, Subdivisions 6, 15, and 18; and 354.58.

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

Patton, Biersdorf, Moe and Beauchamp introduced:

H. F. No. 308, A bill for an act relating to retirement; Minnesota state retirement system; exclusion from pension coverage for certain labor service employees of the metropolitan waste control commission; amending Minnesota Statutes 1976, Sections 352.01, Subdivision 2B; 473.141, Subdivision 12; and 473.511, Subdivision 3.

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

Patton, Biersdorf, Beauchamp and Moe introduced:

H. F. No. 309, A bill for an act relating to retirement; extending the option for purchase of prior service credit by certain legislative employees; amending Laws 1975, Chapter 388, Section 1.

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



Mangan, Patton, Beauchamp, Fugina and Biersdorf introduced:

H. F. No. 310, A bill for an act relating to retirement; elections, computation and purchase of prior service credit in the teachers retirement fund; amending Minnesota Statutes 1976, Sections 354.146, by adding a subdivision; 354.44, Subdivision 6; and 354.51, by adding a subdivision.

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

Patton, Moe, Biersdorf, Pehler and Beauchamp introduced:

H. F. No. 311, A bill for an act relating to retirement; eliminating the deduction of workers' compensation benefits from disability retirement benefits; amending Minnesota Statutes 1976, Section 352B.10; repealing Minnesota Statutes 1976, Sections 352.113, Subdivision 5; 353.33, Subdivision 5; and 353.656, Subdivision 2.

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

Suss, Patton, Beauchamp, Arlandson and Vanasek introduced:

H. F. No. 312, A bill for an act relating to retirement; including employees of soil and water conservation districts in membership in the public employees retirement association; amending Minnesota Statutes 1976, Section 353.01, Subdivision 6; and Chapter 353, by adding a section.

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

Braun, Enebo, St. Onge, Adams and George introduced:

H. F. No. 313, A bill for an act relating to unemployment compensation; providing eligibility for benefits for certain retired workers; amending Minnesota Statutes 1976, Section 268.09, Subdivision 1.

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

Zubay, Voss, Petrafeso, Haugerud and Begich introduced:

H. F. No. 314, A bill for an act relating to trials; authorizing electronic transcription of trial proceedings; providing for costs and payment.

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

Kempe, R.; Jensen; Sieben, H.; and White introduced:

H. F. No. 315, A bill for an an act relating to state government; state zoological board; providing for an ex officio member of the board from the county board of Dakota county; amending Minnesota Statutes 1976, Section 85A.01, Subdivision 1.

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

Sieben, H.; Kempe, R.; Wenstrom; Carlson, L.; and Pleasant introduced:

H. F. No. 316, A bill for an act relating to wrongful death; authorizing the commencement of an action within three years from the date of death; amending Minnesota Statutes 1976, Section 573.02, Subdivision 1.

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

Sieben, H.; Zubay; Patton; Metzen and Battaglia introduced:

H. F. No. 317, A bill for an act relating to the operation of state government; providing for the expiration or periodic re-evaluation of various regulatory programs; requiring program and fiscal review of regulatory programs; providing for performance audits by the legislative auditor; establishing a pilot program; appropriating money.

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

Ewald, Patton, Adams, Casserly and Petrafeso introduced:

H. F. No. 318, A bill for an act relating to the operation of state government; establishing a system of periodic review of certain agencies; requiring economic impact information for proposed legislation and proposed administrative rules; providing for hearings; creating guidelines; establishing legislative review procedures for administrative rule-making; setting termination dates; amending Minnesota Statutes 1976, Chapter 3, by adding a section; and Sections 15.0412, by adding a subdivision; 15.0413, Subdivision 1, and by adding a subdivision.

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

Sieben, M.; Kaley and Jacobs introduced:

H. F. No. 319, A bill for an act relating to daytime activity centers; renaming them developmental achievement centers; making the necessary revisions in Minnesota Statutes; amending Minnesota Statutes 1976, Sections 123.39, Subdivision 13; 252.21; 252.22; 252.23; 252.24; 252.25; and 252.26.

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

Reding, Prah, Enebo, Lehto and Kroening introduced:

H. F. No. 320, A bill for an act relating to labor; providing for the elimination of the tip credit in computing minimum wage; amending Minnesota Statutes 1976, Sections 177.23, by adding a subdivision; 177.24; repealing Minnesota Statutes 1976, Section 177.28, Subdivision 4.

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

Wynia, Brandl, George, Laidig and Cohen introduced:

H. F. No. 321, A bill for an act relating to shade tree disease control; including reforestation in shade tree disease control programs; expanding program activities eligible for grants; permitting special levies to fund local government programs; appropriating money; amending Minnesota Statutes 1976, Sections 18.023, Subdivisions 1a and 3a; and 275.50, Subdivision 5.

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

Clawson, Dahl, Reding and Setzepfandt introduced:

H. F. No. 322, A bill for an act relating to public indebtedness; interest rates on obligations and special assessments; amending Minnesota Statutes 1976, Sections 429.061, Subdivision 2; and 475.55, Subdivision 1.

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

Sieben, H.; Metzen; Jensen and White introduced:

H. F. No. 323, A bill for an act relating to Dakota county; providing that the office of administrative assistant and any specialized position agreed to by the board and the sheriff shall be unclassified.

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

Clawson, Suss, Mangan, Schulz and Anderson, B., introduced:

H. F. No. 324, A bill for an act relating to sheriffs; fees and mileage allowance; amending Minnesota Statutes 1976, Section 357.09, Subdivisions 1, 2, and 4; repealing Minnesota Statutes 1976, Sections 357.09, Subdivision 5; and 357.10.

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

Setzepfandt, Schulz, Smogard, Gunter and Dahl introduced:

H. F. No. 325, A bill for an act relating to county planning and zoning; providing for enforcement of certain subdivision regulations by providing for approval of conveyancing instruments by a county planning and zoning officer prior to recording; amending Minnesota Statutes 1976, Section 394.37, Subdivision 1.

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

Braun, Corbid and Eken introduced:

H. F. No. 326, A bill for an act relating to Kittson county; providing for the imposition of a tax upon persons, copartnerships, companies, joint stock companies, corporations, and associations however organized engaged therein in the business of removing gravel from gravel pits or deposits of gravel, for enforcing and collecting the same and prescribing penalties for violations thereof.

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

Brinkman, Osthoff, Metzen and Sarna introduced:

H. F. No. 327, A bill for an act relating to taxation; permitting a deduction from the sales tax by certain sales tax permit holders to defray the costs of collecting and remitting the tax; amending Minnesota Statutes 1976, Section 297A.26, by adding a subdivision.

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

Patton, Pehler, Voss, Cummiskey and Birnstihl introduced:

H. F. No. 328, A bill for an act relating to taxation; providing a tax credit for persons paying residential heating charges; amending Minnesota Statutes 1976, Section 290.06, by adding a subdivision.

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

Patton; Nelsen, M.; Birnstihl; Lemke and Pehler introduced:

H. F. No. 329, A bill for an act relating to taxation; eliminating the employers excise tax; repealing Minnesota Statutes 1976, Sections 290.031; 290.921; and 290.922.

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

Knickerbocker introduced:

H. F. No. 330, A bill for an act relating to taxation; permitting filing of claim for income-adjusted homestead credit with income tax return; extending income tax return filing date; amending Minnesota Statutes 1976, Sections 290.42; 290A.06; and 290A.07, Subdivision 2.

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

Osthoff, Kahn, Wigley, Rice and Sarna introduced:

H. F. No. 331, A bill for an act relating to motor vehicles; application for registration or certificate of title; specifying information to be supplied; appropriating money; amending Minnesota Statutes 1976, Sections 168.10, Subdivision 1; 168A.04, Subdivision 1; and 168A.05, Subdivision 3.

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

Brinkman, Samuelson, Pehler, Osthoff and Anderson, I., introduced:

H. F. No. 332, A bill for an act relating to highway traffic regulations; prescribing penalties for certain offenses; eliminating the requirement that court records of convictions for petty misdemeanors be forwarded to the department of public safety; and prohibiting the drivers license division from maintaining records of petty misdemeanors; amending Minnesota Statutes 1976, Sections 169.141, Subdivision 2; 169.89, Subdivision 1; 169.95; and 171.12, Subdivision 2.

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

Kempe, R., introduced:

H. F. No. 333, A bill for an act relating to driver's licenses; examination; expiration; providing that a driver's license shall expire when the licensee attains the age of 70, and requiring periodic examinations for renewal thereafter; amending Minnesota Statutes 1976, Sections 171.13, Subdivisions 2, 3 and 4; 171.27; and Chapter 171, by adding a section.

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

Sarna, Fudro, Osthoff, Wigley and Lemke introduced:

H. F. No. 334, A bill for an act relating to highway traffic regulations; lengths of certain vehicles and combinations of vehicles; amending Minnesota Statutes 1976, Section 169.81, Subdivision 3.

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

#### HOUSE ADVISORIES

Pursuant to rule 5.3, the following House Advisory was introduced:

Samuelson introduced:

H. A. No. 9, A proposal to study the Minnesota liquor laws and how they affect small business.

The advisory was referred to the Committee on Commerce and Economic Development.

#### MOTIONS AND RESOLUTIONS

Kempe, R., moved that the name of Wenzel be added as an author on H. F. No. 25. The motion prevailed.

#### ADJOURNMENT

Anderson, I., moved that when the House adjourns today it adjourn until 2:00 p.m., Monday, February 7, 1977. The motion prevailed.

Anderson, I., moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:00 p.m., Monday, February 7, 1977.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

