STATE OF MINNESOTA

SEVENTIETH SESSION - 1977

FIFTEENTH DAY

SAINT PAUL, MINNESOTA, THURSDAY, FEBRUARY 17, 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:

A quorum was present.

Haugerud and Rice were excused.

The Chief Clerk proceeded to read the Journal of the preceding day. Johnson 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 H. F. Nos. 38, 283, 21, 6 and 51 have been placed in the members' files.

REPORTS OF STANDING COMMITTEES

Mann from the Committee on Agriculture to which was referred:

H. F. No. 235, A bill for an act relating to agriculture; soybean research and promotion council; powers of the commissioner of agriculture and the council; providing for an increase in fees and specifying the uses thereof; amending Minnesota Statutes 1976, Sections 21A.01; 21A.05; 21A.06; 21A.09; 21A.12; 21A.16, Subdivision 2; 21A.19, Subdivision 1; and Chapter 21A, by adding a section; repealing Minnesota Statutes 1976, Section 21A.18.

Reported the same back with the following amendments:

Page 3, line 12, after "prescribed" insert "in increments of not more than one half cent per bushel annually".

Page 3, lines 26 to 30, delete new language.

Page 4, line 22, after "fees" insert "not to exceed ten percent of the fees collected annually".

Page 6, line 17, delete "and".

Page 6, line 18, delete "consent".

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 16, A bill for an act relating to insurance; providing for interest on unpaid benefits; amending Minnesota Statutes 1976, Chapter 61A, by adding a section.

Reported the same back with the following amendments:

Page 1, line 16, delete "not later than 60 days after".

Page 2, line 20, delete "notify".

Page 2, delete lines 21 to 25 and insert "enclose with the payment a notice stating that interest is being paid and specifying the rate of interest and the amount paid.".

Page 2, line 27, after "which" insert ": (a)".

Page 2, line 27, after "beneficiary" insert "or policy owner".

Page 2, line 32, after "death" insert the following: "; or (b) the terms of the policy insure an indebtedness owed by the insured and the proceeds include post-death interest on the indebtedness.

Nothing in this subdivision shall be construed to preclude the payment of interest required under subdivision 1 or 2 on any proceeds remaining after extinguishment of the insured's indebtedness".

Page 3, after line 2, insert the following:

"Subd. 6. For the purposes of this section "to pay" means to issue a check for payment and "date of payment" means the date on which the insurer issues a check to transfer the amount in question to the beneficiaries or to deposit that amount:

(a) With the district court of this state in accordance with Rule 67, Minnesota Rules of Civil Procedure for the District Courts;

(b) With the courts of any foreign jurisdiction as authorized by the laws of that jurisdiction; or

(c) In a trust account in any bank or trust company operating under the laws of this state or in any foreign bank, provided that the insurer keeps records of the account and makes these records open to inspection by the commissioner of insurance.

Sec. 2. [SEVERABILITY.] The provisions of this act are severable, and if any of its provisions or the application of any of its provisions under any circumstance is held invalid, it shall not affect any other provision of this act or the application of any of its provisions under different circumstances.".

With the recommendation that when so amended the bill pass.

The report was adopted.

Fudro from the Committee on Transportation to which was referred:

H. F. No. 176, A bill for an act relating to drivers licenses; providing that nonqualification certificates may be issued to ap-

plicants who are 14 years of age or older; amending Minnesota Statutes 1976, Section 171.07, Subdivision 3.

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

The report was adopted.

Fudro from the Committee on Transportation to which was referred:

H. F. No. 380, A bill for an act relating to bicycles; registration; administration of the bicycle registration law; including unicycles within the definition of bicycle; clarifying provisions relating to bicycle registration; providing for the disposition of certain service fees charged in handling registrations; extending the time for the report of the commissioner of public safety to the legislature on recommendations for mandatory registration of bicycles; amending Minnesota Statutes 1976, Sections 168C.02, Subdivision 2; 168C.03; 168C.07; 168C.10; 168C.11, Subdivisions 1 and 2; 168C.12; 168C.13, Subdivision 1; and Laws 1976, Chapter 199, Section 14, Subdivision 2.

Reported the same back with the following amendments:

Page 3, line 9, after "officer" insert ", or authorized representative of a peace officer who has reason to believe the bicycle is stolen,".

Page 3, line 19, after "thereof," insert "or any municipality that sells bicycles at public auction".

With the recommendation that when so amended the bill pass.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 437, 235, 16, 176 and 380 were read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Cummiskey, Berglin, Wigley and Kahn introduced:

H. F. No. 476, A bill for an act relating to education; appropriating money to expand nursing education programs at Mankato state university.

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

Jude; Clawson; Anderson, G.; Haugerud and Anderson, I., introduced:

H. F. No. 477, A bill for an act relating to telephone companies; requiring revocation of territorial authority certificates for failure to provide adequate service; amending Minnesota Statutes 1976, Section 237.16, Subdivision 5.

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

Abeln, Adams, Fudro, Metzen, and Dean introduced:

H. F. No. 478, A bill for an act relating to intoxicating liquors; requiring licensed importers to offer wine to licensed wholesalers and manufacturers on an equal basis; amending Minnesota Statutes 1976, Section 340.114, Subdivisions 2 and 4.

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

Wynia, King, Casserly, Searles and Stanton introduced:

H. F. No. 479, A bill for an act relating to public safety; requiring certain hotels and residential buildings to install smoke detectors; bringing state building code into compliance; amending Minnesota Statutes 1976, Section 16.85, Subdivision 1; and Chapter 299F by adding a section.

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

Clawson; Sieben, M.; Haugerud; Pehler and Waldorf introduced:

H. F. No. 480, A bill for an act relating to drivers licenses; aggravated violations; providing a penalty for operating a motor vehicle before the driver's license or driver's privilege has been reinstated following the cancellation, suspension or revocation thereof for certain offenses; amending Minnesota Statutes 1976, Section 171.245.

The bill was read for the first time and referred to the Committee on Criminal Justice. Kempe, A., introduced:

H. F. No. 481, A bill for an act relating to crimes; providing for increased sentences for persons convicted of certain second or subsequent violations involving the crime of theft; authorizing peace officers and private persons to arrest upon reasonable cause for retail theft; providing penalties; amending Minnesota Statutes 1976, Sections 609.52, Subdivision 3; 629.34; and 629.37.

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

Mangan, Faricy, Begich, Welch and Knickerbocker introduced:

H. F. No. 482, A bill for an act relating to education; teachers; interpreters for the deaf; including interpreters for the deaf in licensing requirements for teachers and interns under the jurisdiction of the board of teaching; amending Minnesota Statutes 1976, Section 125.185, Subdivision 4.

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

Prahl, Mangan and Hokanson introduced:

H. F. No. 483, A bill for an act relating to education; requiring properly licensed personnel to be in charge of steam boilers in schools at certain times when the steam boilers are in operation.

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

Hanson; Kempe, R.; Faricy; Brandl and Searle introduced:

H. F. No. 484, A bill for an act relating to education; defining high potential children; increasing aids for certain enrichment programs; appropriating money.

The bill was read for the first time and referred to the Committee on Education. Skoglund, Sherwood, Reding, Biersdorf and Munger introduced:

H. F. No. 485, A bill for an act relating to game and fish; authorizing a season for taking bobcat; amending Minnesota Statutes 1976, Sections 100.26, Subdivision 1; and 100.27, Subdivisions 3 and 7.

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

Kahn, Stoa, Patton, Searle and Munger introduced:

H. F. No. 486, A bill for an act relating to outdoor recreation; providing ski touring trails and programs; appropriating money.

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

Ellingson, Nelson, Dean, Wynia and Gunter introduced:

H. F. No. 487, A bill for an act relating to commerce; prohibiting certain containers for carbonated beverages; providing a penalty.

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

Cummiskey introduced:

H. F. No. 488, A bill for an act relating to elections; registration of voters; removing exemption of certain counties from the permanent registration system; eliminating the requirement that voter registration places be open for certain specified periods of time; requiring reports of name changes and reports of guardianships, commitments, legal incompetents, and restorations to capacity; amending Minnesota Statutes 1976, Sections 201.021; 201.091, Subdivision 6; 201.14; and 201.15.

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

Jaros, St. Onge, Begich, Enebo and Jensen introduced:

H. F. No. 489, A bill for an act relating to legal newspapers; simplifying procedures for receiving reimbursement for publication of proposed constitutional amendments; amending Minnesota Statutes 1976, Section 3.22.

The bill was read for the first time and referred to the Committee on General Legislation and Veterans Affairs. McCarron, Hokanson, Kostohryz, McDonald and Jacobs introduced :

H. F. No. 490, A bill for an act relating to veterans; authorizing commissioner of veterans affairs to assist in proceedings for upgrading other than honorable discharges; amending Minnesota Statutes 1976, Section 196.05.

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

Kelly, W., and Corbid introduced:

H. F. No. 491, A bill for an act relating to retirement; police pensions in cities of the fourth class; amending Minnesota Statutes 1976, Sections 423.55 and 423.56.

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

Stoa introduced:

H. F. No. 492, A bill for an act relating to the city of Winona; placing the chief of police under the public employees police and fire fund.

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

Samuelson, Searle, Reding, Lemke and Biersdorf introduced:

H. F. No. 493, A bill for an act relating to retirement; disability benefits for highway patrolmen; amending Minnesota Statutes 1976, Section 352B.10.

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

Abeln, Swanson, Petrafeso, Wigley and Clawson introduced:

H. F. No. 494, A bill for an act relating to health; permitting certain nursing homes to require and accept certain payments from residents; amending Minnesota Statutes 1976, Section 256B.48, Subdivision 1.

The bill was read for the first time and referred to the Committee on Health and Welfare. Pehler, Hanson, Voss, Metzen and Brinkman introduced:

H. F. No. 495, A bill for an act relating to public welfare; increasing the equity limitation for medical assistance and supplemental aid; amending Minnesota Statutes 1976, Sections 256B.06, Subdivision 1; 256D.37, Subdivision 2.

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

Voss, Fugina, Knickerbocker, Neisen and Kroening introduced:

H. F. No. 496, A bill for an act proposing an amendment to the Minnesota Constitution, Article XIII, Section 3; allowing the status of the University of Minnesota to be provided by law.

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

Fudro, Sarna, Biersdorf, Friedrich and Nelsen, M., introduced:

H. F. No. 497, A bill for an act establishing an automatic fire sprinkler journeymen's examining board; prescribing powers and duties; providing penalties.

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

Faricy introduced :

H. F. No. 498, A bill for an act relating to insurance; subrogation of claims; requiring subrogated insurers to pay a proportionate share of certain attorney fees and costs; amending Minnesota Statutes 1976, Section 65B.53, Subdivision 5, and by adding a subdivision.

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

Nelsen, B.; Osthoff; Rice; Kempe, A.; and Evans introduced:

H. F. No. 499, A bill for an act relating to insurance; permitting employees to opt for lower benefits provided by certain group insurance contracts; amending Minnesota Statutes 1976, Section 471.616, Subdivision 1.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance. George, Adams, Dean, Beauchamp and Berkelman introduced:

H. F. No. 500, A bill for an act relating to financial institutions; regulating lenders of conventional mortgage loans; regulating mortgages and escrow accounts; requiring registration and reporting; regulating installment loans; abolishing a usury exception; providing a penalty; amending Minnesota Statutes 1976, Sections 47.20; 48.153; and 334.06.

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

Enebo introduced:

H. F. No. 501, A bill for an act relating to Hennepin county; providing for tenure and benefits to certain employees; amending Laws 1903, Chapter 247, Section 2, as amended.

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

Skoglund and Dean introduced :

H. F. No. 502, A bill for an act relating to county parks and parks and park districts; qualifications and compensation of commissioners; amending Minnesota Statutes 1976, Section 398.05.

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

Sieben, H., introduced:

H. F. No. 503, A bill for an act relating to the senate; providing for appointment of members of the senate to various commissions, committees, and other bodies; amending Minnesota Statutes 1976, Sections 1.22; 1.34, Subdivision 1; 3.85, Subdivision 3; 3.921, Subdivision 2; 3.922, Subdivision 1; 3.965, Subdivision 1; 84B.11, Subdivision 1; 86.07, Subdivision 1; 121.82, Subdivisions 1 and 2; 161.1419, Subdivision 2; 298.22, Subdivision 2; Extra Session Laws 1971, Chapter 31, Article XIII, Section 1, Subdivision 3, as amended; and Laws 1976, Chapter 337, Section 1, Subdivision 2.

The bill was read for the first time and referred to the Committee on Rules and Legislative Administration. Tomlinson, Norton, Abeln, Pleasant and King introduced:

H. F. No. 504, A bill for an act relating to taxation; changing the homestead base value for property tax purposes; amending Minnesota Statutes 1976, Section 273.122, Subdivision 1.

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

Reding; Sherwood; Nelsen, B.; Smogard and Wieser introduced:

H. F. No. 505, A bill for an act relating to taxation; providing a credit against income tax for the cost of insulating existing residences; 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.

Voss, Vanasek, Evans, Suss and McCollar introduced:

H. F. No. 506, A bill for an act relating to taxation; providing a change in the aviation gasoline and special fuel tax refund; amending Minnesota Statutes 1976, Section 296.18, Subdivision 4.

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

Pleasant; Carlson, A.; Clark; Lehto and Forsythe introduced:

H. F. No. 507, A bill for an act relating to taxation; specifically including female hygiene products in health care exemption from sales tax; amending Minnesota Statutes 1976, Section 297A.25, Subdivision 1.

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

Cummiskey; Carlson, L.; Wenstrom; Haugerud and Kahn introduced:

H. F. No. 508, A bill for an act relating to taxation; providing that gross receipts from the sale of secondary school yearbooks be exempt from sales tax; amending Minnesota Statutes 1976, Section 297A.25, Subdivision 1.

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

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Simoneau, Voss, Erickson, Neisen and Novak introduced:

H. F. No. 509, A bill for an act relating to energy conservation; exempting solar energy systems from property taxation; providing a ten percent credit against income tax for the cost of certain individual sewage treatment systems and solar energy systems; allowing carryback and carryforward of the feedlot pollution control equipment credit; exempting solar energy systems from sales taxation; amending Minnesota Statutes 1976, Sections 272.02, Subdivision 1; 290.06, Subdivisions 9 and 9a; and 297A.25, Subdivision 1.

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

Cummiskey introduced:

H. F. No. 510, A bill for an act relating to taxation; imposing a gross earnings tax on utilities which furnish heat; providing for the distribution of the proceeds; providing penalties.

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

Lemke, Fudro, Eckstein, Biersdorf and Birnstihl introduced:

H. F. No. 511, A bill for an act relating to the state transportation system; correcting conditions of a bond authorization; amending Laws 1976, Chapter 339, Section 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:

King, Kelly, W., and Adams introduced:

H. A. No. 12, A proposal for the study of economic relief for energy consumption.

The advisory was referred to the Committee on Taxes.

MESSAGES FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker:

I hereby announce the adoption by the Senate of the following Senate Concurrent Resolution, herewith transmitted:

Senate Concurrent Resolution No. 6, a senate concurrent resolution relating to adjournment.

PATRICK E. FLAHAVEN, Secretary of the Senate

SUSPENSION OF RULES

Anderson, I., moved that the Rules be so far suspended that Senate Concurrent Resolution No. 6 be now considered and be placed upon its adoption. The motion prevailed.

SENATE CONCURRENT RESOLUTION NO. 6

A Senate concurrent resolution relating to adjournment.

Be It Resolved, by the Senate, the House of Representatives concurring, that when either the Senate or the House of Representatives adjourns on February 17, 1977, it may adjourn to any date not later than February 22, 1977.

Anderson, I., moved that Senate Concurrent Resolution No. 6 be now adopted. The motion prevailed and the resolution was adopted.

CONSENT CALENDAR

H. F. No. 51, A bill for an act relating to elections; providing for election judges in certain precincts; amending Minnesota Statutes 1976, Section 204A.17, Subdivision 5.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 124 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Anderson, G.	Beauchamp	Biersdorf	Byrne
Adams	Anderson, I.	Begich	Birnstihl	Carlson, A.
Albrecht	Anderson, R.	Berg	Brandl	Carlson, D.
Anderson, B.	Arlandson	Berglin	Braun	Carlson, L.
Anderson, D.	Battaglia	Berkelman	Brinkman	Casserly

Clark Clawson Cohen Corbid Cummiskey Dahl Dean Eckstein Eken Ellingson Enebo Erickson Esau Evans Ewald Faricy Fjoslien Forsythe Friedrich Erdro	Fugina George Gunter Hanson Heinitz Hokanson Jacobs Jaros Johnson Jude Kahn Kaley Kelly, R. Kempe, A. Kempe, R. King Knickerbocker Kostohryz Kroening	Laidig Langseth Lehto Lemke Mangan Mann McCarron McCollar McDonald McEachern McCollar McDonald McEachern McEachern Metzen Munger	Osthoff Patton Pehler Peterson Petrafeso Pleasant Prahl Reding Rose St. Onge Samuelson Sarna Savelkoul Scheid Searle Searles Sherwood Sieben, H. Sieben, M.	Skoglund Smogard Stanton Stoa Suss Swanson Tomlinson Vanasek Voss Waldorf Welch Wenstrom Wenzel White Wiseser Wigley Williamson Wynia Speaker Sabo
Fudro	Kvam	Novak	Simoneau	•

The bill was passed and its title agreed to.

GENERAL ORDERS

Pursuant to rules of the House, the House resolved itself into the Committee of the Whole, with Sabo in the Chair, for the consideration of bills pending on General Orders of the Day. After some time spent therein the Committee arose.

REPORT OF COMMITTEE OF THE WHOLE

The Speaker resumed the Chair, whereupon the following proceedings of the Committee as kept by the Chief Clerk were reported to the House:

H. F. No. 283 which it recommended to pass.

H. F. No. 21 which it recommended progress.

H. F. No. 38 which it recommended progress until Thursday, February 24, 1977.

H. F. No. 187 upon which it recommended to pass with the following amendments:

Offered by Mangan:

Page 1, line 7, strike "Subdivisions 1 and 2 are" and insert "is".

Page 1, after line 9 insert a new section to read:

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

Offered by Petrafeso:

Strike everything after the enacting clause and insert the following:

"Section 1. Minnesota Statutes 1976, Section 128A.03, Subdivision 3, is amended to read:

Subd. 3. (THE COUNCILS SHALL EXPIRE AND) The terms, compensation and removal of members of the councils shall be as provided in section 15.059 however, the councils shall expire on December 31, 1977.

Sec. 2. Minnesota Statutes 1976, Section 128A.03 is effective the day following final enactment of this act, notwithstanding Laws 1976, Chapter 271, Section 99.

Sec. 3. This act shall be effective the day following final enactment.".

Further amend the title as follows:

Line 3, after "councils" insert "; amending Minnesota Statutes 1976, Section 128A.03, Subdivision 3".

On the motion of Anderson, I., the report of the Committee of the Whole was adopted.

MOTIONS AND RESOLUTIONS

Niehaus moved that H. F. No. 459 be recalled from the Committee on Governmental Operations and be re-referred to the Committee on Financial Institutions and Insurance. The motion prevailed.

Carlson, A., moved that the names of Beauchamp, Faricy, Kahn and Dean be added as authors on H. F. No. 89. The motion prevailed.

Cummiskey moved that the name of Wenzel be stricken as an author on H. F. No. 403. The motion prevailed.

Carlson, A., moved that the names of Swanson, Samuelson, and McDonald be added as authors on H. F. No. 244. The motion prevailed.

Faricy moved that H. F. No. 43 be returned to its author. The motion prevailed.

ADJOURN MENT

Anderson, I., moved that when the House adjourns today it adjourn until 9:00 a.m., Monday, February 21, 1977. The motion prevailed.

Anderson, I., moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 9:00 a.m., Monday, February 21, 1977.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

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