

STATE OF MINNESOTA

SEVENTY-FIRST SESSION - 1979

EIGHTEENTH DAY

SAINT PAUL, MINNESOTA, MONDAY, FEBRUARY 19, 1979

The House of Representatives convened at 12:00 noon and was called to order by the Speaker.

Prayer was offered by the Chaplain.

The roll was called and the following members were present:

Aasness	Drew	Johnson, D.	Nelsen, M.	Sherwood
Adams	Eken	Jude	Niehaus	Sieben, H.
Ainley	Elioff	Kahn	Norman	Sieben, M.
Albrecht	Ellingson	Kaley	Novak	Simoneau
Anderson, B.	Enebo	Kalis	Nysether	Stadum
Anderson, D.	Erickson	Kelly	Olsen	Stoa
Anderson, G.	Esau	Kempe	Onnen	Stowell
Anderson, I.	Evans	Knickerbocker	Osthoff	Sviggum
Anderson, R.	Ewald	Kroening	Otis	Swanson
Battaglia	Faricy	Kvam	Patton	Thiede
Begich	Fjoslien	Laidig	Pavlak	Tomlinson
Berglin	Forsythe	Lehto	Pehler	Valan
Berkelman	Friedrich	Levi	Peterson	Valento
Biersdorf	Fritz	Ludeman	Piepho	Vanasek
Blatz	Fudro	Luknic	Pleasant	Voss
Brinkman	Greenfield	Mann	Prahl	Waldorf
Carlson, D.	Halberg	McCarron	Redalen	Weaver
Carlson, L.	Haukoos	McDonald	Reding	Welch
Casserly	Heap	McEachern	Rees	Welker
Clark	Heinitz	Mehrkins	Reif	Wenzel
Clawson	Hoberg	Metzen	Rice	Wieser
Corbid	Hokanson	Minne	Rose	Wigley
Crandall	Jacobs	Moe	Rothenberg	Wynia
Dean	Jaros	Munger	Sarna	Zubay
Dempsey	Jennings	Murphy	Schreiber	Speaker Searle
Den Ouden	Johnson, C.	Nelsen, B.	Searles	

A quorum was present.

Byrne, Kostohryz, Long, Nelson and Norton were excused.

The Chief Clerk proceeded to read the Journal of the preceding day. Peterson 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. Nos. 92 and 204 have been placed in the members' files.

REPORTS OF STANDING COMMITTEES

Sarna from the Committee on Transportation to which was referred:

H. F. No. 87, A bill for an act relating to highways; providing for bus shelters and benches on streets and highways; authorizing road authorities to grant franchises; amending Minnesota Statutes 1978, Section 160.27, Subdivision 2.

Reported the same back with the following amendments:

Page 2, line 2, after "by" insert "public"

Page 2, line 7, after the period insert:

"This provision does not preclude the requirement for obtaining permits from the appropriate road authority having jurisdiction for construction within the limits of any trunk highway, county highway, or county state-aid highway."

Page 2, line 9, after "by" insert "public"

With the recommendation that when so amended the bill pass.

The report was adopted.

Faricy from the Committee on Judiciary to which was referred:

H. F. No. 102, A bill for an act relating to children; changing liability of parents for damage done by their minor children; amending Minnesota Statutes 1978, Section 540.18, Subdivision 1.

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

The report was adopted.

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

H. F. No. 116, A bill for an act relating to banks and banking; extending the period for activation of detached facilities after issuance of certificates of authorization; amending Minnesota Statutes 1978, Section 47.54, Subdivision 4.

Reported the same back with the following amendments:

Page 1, line 19, after the period insert *"If the commissioner's order is appealed, the commissioner may grant such reasonable*

extensions of time as he deems necessary, but the extensions may not exceed a total of 18 months from the date on which all appeals or rights of appeal from the commissioner's order have concluded or expired. At the expiration of the extensions, the order and certificate shall automatically expire."

Page 2, line 1, after "enactment" insert "and shall apply to any certificates pending on or after the effective date of this act"

With the recommendation that when so amended the bill pass.

The report was adopted.

Faricy from the Committee on Judiciary to which was referred:

H. F. No. 125, A bill for an act relating to bonds; requiring claimant filing notice of action on a bond to pay postage costs; amending Minnesota Statutes 1978, Section 574.32.

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

The report was adopted.

Faricy from the Committee on Judiciary to which was referred:

H. F. No. 142, A bill for an act relating to civil actions; providing for authority for attorney to bind his client and execute a satisfaction of judgment; amending Minnesota Statutes 1978, Sections 481.08 and 548.15.

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

The report was adopted.

Rice from the Committee on Labor-Management Relations to which was referred:

H. F. No. 157, A bill for an act relating to labor and employment; prohibiting mandatory retirement of public and private employees before the age of 70; amending Minnesota Statutes 1978, Sections 43.051, Subdivision 1; 125.12, Subdivision 5; 181.81; 181.811; 354.44, Subdivision 1a; 354.49, Subdivision 3; 354A.05; 354A.21; 423.076; 473.419; and Chapter 181, by adding a section.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1978, Section 43.051, Subdivision 1, is amended to read:

43.051 [AGE FOR RETIREMENT.] Subdivision 1. (EFFECTIVE JUNE 1, 1980,) An employee of the state of Minnesota in the classified service, and an employee in the unclassified service who is subject to the provisions of the Minnesota state retirement system must retire from (HIS) employment by the state upon reaching the age of 70 except as provided in (SECTION 354.44, SUBDIVISION 1A, OR) other law. Nothing in this subdivision shall apply to persons in the legislative branch or judicial branch.

Sec. 2. Minnesota Statutes 1978, Section 125.12, Subdivision 5, is amended to read:

Subd. 5. [RETIREMENT.] Notwithstanding the foregoing provisions, a board may provide by rule that its teachers shall be retired at age (65) 70.

Sec. 3. Minnesota Statutes 1978, Section 181.81, is amended to read:

181.81 [DISMISSAL FOR AGE; PROHIBITION; EXCEPTIONS; REMEDIES.] Subdivision 1. ((A) DESIGNATED RETIREMENT DATE, WHEN USED IN THIS SECTION, MEANS THE DATE, IF ANY, WHICH THE EMPLOYER, OR THE EMPLOYER AND EMPLOYEE OR HIS REPRESENTATIVE JOINTLY, DESIGNATE AS THE DATE ON WHICH ALL AFFECTED EMPLOYEES MUST CEASE SERVICE UNLESS THE EMPLOYEE EXERCISES THE OPTION GRANTED BY THIS SECTION TO CONTINUE SERVICE.)

((B)) (a) It is unlawful for any employer, public or private, excluding the United States government and any of its instrumentalities, to refuse to hire or employ, or to discharge, dismiss, reduce in grade or position, or demote any individual on the grounds that the individual has reached (A DESIGNATED RETIREMENT AGE) *an age of less than 70*, except in cases where federal statutes or rules or other state statutes, not including special laws compel or specifically authorize such action. Nothing in this section shall prohibit compulsory retirement of employees who have attained 70 years of age or more; provided further that nothing in this section shall prohibit compulsory retirement of (A PROFESSIONAL, EXECUTIVE, OR ADMINISTRATIVE EMPLOYEE, AS DEFINED IN RULES PROMULGATED PURSUANT TO CHAPTER 177,) *an employee who has attained at least 65 years of age and who for the two year period immediately before retirement is employed in an executive or a high policymaking position if that employee is entitled to an immediate non-forfeitable annual retirement benefit from a pension, profit sharing, savings or deferred compensation plan of an employer (PLUS ANY SOCIAL SECURITY BENEFIT), or any combination of these benefits which totals in the aggregate at least \$27,000. If the retirement benefit is in a form other*

than a straight life annuity, the equivalent annualized payment value of the benefit shall be actuarially determined according to rules promulgated by the commissioner of labor and industry. Pilots and flight crew members shall be not subject to the provisions of this section or section 363.02, subdivision 6, but shall be retired from this employment pursuant to standards contained in regulations promulgated by the federal aviation administration for airline pilots and flight officers and are subject to the bona fide occupational requirements for these employees as promulgated by the federal aviation administration.

((C)) (b) *Prior to June 1, 1982 every employer shall notify an employee in writing at least 90 days but no more than 120 days prior to the employee's (DESIGNATED RETIREMENT DATE, IF ANY,) 65th birthday of the option to continue employment beyond that date. The notice shall state in a conspicuous manner that the employee (MUST) shall respond to the notice within 30 days (OR THE RIGHT) of the employee's desire to continue employment beyond the (DESIGNATED RETIREMENT DATE MAY BE WAIVED) employee's 65th birthday. Every employer shall post in a conspicuous place a notice written or approved by the commissioner of labor and industry stating that the mandatory retirement age is age 70. (IF THE EMPLOYEE NOTIFIES THE EMPLOYER IN WRITING WITHIN 30 DAYS AFTER THE RECEIPT OF THE NOTICE BY THE EMPLOYEE OF THE EMPLOYEE'S DESIRE TO CONTINUE EMPLOYMENT BEYOND THE DESIGNATED RETIREMENT DATE THE EMPLOYER MUST ALLOW CONTINUED EMPLOYMENT CONSISTENT WITH THE REQUIREMENTS OF THIS SECTION.) Employment shall continue for as long as the employee desires or until the employer demonstrates that the employee no longer can meet the bona fide requirements, consistently applied, for the job or position or until the employee reaches the compulsory retirement age established by the employer. When an employer intends to terminate an employee earlier than age 70 on the ground that he no longer can meet the bona fide requirements for the job or position he shall give the employee 30 days notice of his intention.*

((D)) (c) (REGARDLESS OF WHETHER OR NOT A DESIGNATED RETIREMENT DATE AS DEFINED IN CLAUSE (A) EXISTS FOR AN EMPLOYEE,) If there exists a date on which the accrual of pension benefits or credits, or the contributions therefor by the employee or the employer, or the employee's employment related health and welfare benefits or insurance coverages are diminished or eliminated by virtue of the employee attaining a certain age, the employer shall notify the employee of the changes at least 90 but not more than 120 days prior to the effective date of the change. (IF A DESIGNATED RETIREMENT DATE EXISTS FOR AN EMPLOYEE AND THAT DATE IS THE SAME AS THE DATE ON WHICH PENSION CREDIT ACCRUAL OR HEALTH AND WELFARE BENEFITS OR CONTRIBU-

TIONS ARE MODIFIED THE NOTICE REQUIRED BY THIS CLAUSE SHALL BE GIVEN CONTEMPORANEOUSLY WITH THE NOTICE REQUIRED IN CLAUSE (C).) This section, in and of itself, shall not be construed to require any change in the employer contribution levels of any pension or retirement plan, or to require any employer to increase an employer's or employee's payments for the provision of insurance benefits contained in any employee benefit or insurance plan.

Subd. 2. (a) The commissioner of labor and industry shall advise any inquiring parties, employee or employer, of their rights and duties under this section *and to the extent practicable their rights and duties under any applicable provisions of law governing retirement or other benefits*. Further, the commissioner may attempt to conciliate any disputes between employees and employers over the application of or alleged violations of this section.

(b) Any party aggrieved by a violation of this section may bring suit for redress in the district court wherein the violation occurred or in the district court wherein the employer is located. If a violation is found the court in granting relief may enjoin further violations and may include in its award reinstatement or compensation for any period of unemployment resulting from the violation together with actual and reasonable attorneys fees, and other costs incurred by the plaintiff.

(c) When an action is commenced alleging a violation of this section the plaintiff may in the same action allege a violation of chapter 363, and seek relief under that chapter if all the procedural requirements of chapter 363 have been met. Alternatively, when a charge is filed or an action commenced alleging a violation of chapter 363, the plaintiff may in the same action allege a violation of this section and seek relief under this section. In either case, when determining whether or not a violation of chapter 363, has occurred the court shall incorporate the substantive requirements of this section into any duties and rights specified by chapter 363.

Sec. 4. Minnesota Statutes 1978, Section 181.811, is amended to read:

181.811 [MANDATORY RETIREMENT AGE.] Laws 1978, Chapter 649 is effective (AS OF JUNE 1, 1980) *the day following final enactment of this act*, subject to the following exceptions:

(1) (NO MANDATORY RETIREMENT PROGRAM OR POLICY ESTABLISHED BY A COLLECTIVE BARGAINING AGREEMENT BETWEEN A LABOR ORGANIZATION AND A PRIVATE EMPLOYER EXECUTED PRIOR TO THE EN-

ACTMENT DATE OF LAWS 1978, CHAPTER 649 WHICH MANDATES RETIREMENT PRIOR TO ATTAINING 70 YEARS OF AGE SHALL BE INVALIDATED) *In the case of employees covered by a collective bargaining agreement which was entered into between a labor organization and an employer and which was in effect on September 1, 1977, it shall take effect upon the termination of the agreement or on January 1, 1980, which ever comes first.*

(2) Nothing contained in Laws 1978, Chapter 649 or this act shall be construed as requiring the rehiring, reinstatement or payment of additional benefits to an employee who terminates service prior to (JUNE 1, 1980) *the effective date of this act, with an employer who employs 20 or more employees, or the rehiring, reinstatement or payment of additional benefits to an employee who terminates service prior to June 1, 1980, with an employer who employs less than 20 employees, pursuant to a mandatory retirement law or policy which mandates retirement prior to attaining 70 years of age, or any other employee who terminates service prior to the termination of a collectively bargained contract containing a mandatory retirement provision.*

(3) (NO COLLECTIVE BARGAINING AGREEMENT EXECUTED FOLLOWING THE ENACTMENT DATE OF LAWS 1978, CHAPTER 649 SHALL PROVIDE FOR MANDATORY RETIREMENT PRIOR TO ATTAINING 70 YEARS OF AGE FOR AN EMPLOYEE WHO TERMINATES SERVICE JUNE 1, 1980, OR SUBSEQUENT THERETO) *Laws 1978, Chapter 649, Section 3, is effective January 1, 1979. Any person who terminated service at age 65 or older for any reason whether or not the person was previously a member of and has received a refund of accumulated employee or member contributions from one or more of the covered retirement funds enumerated in section 256.32, subdivision 2 and who was required to terminate service pursuant to a mandatory retirement statute or a uniformly applied mandatory retirement policy established by the employer between January 1, 1979 and the effective date of this section shall be entitled to repay the refund of accumulated employee or member contributions to the respective retirement fund with compound interest at the rate of six percent from the date the refund was received to the date the refund is repaid. Upon repayment of a refund, the person shall be entitled if otherwise qualified to a proportionate annuity, with accrual to commence upon the first day of the month following the filing of a valid application for the annuity.*

(4) Employers who employ fewer than 20 employees shall not be subject to the provisions of Laws 1978, Chapter 649, until June 1, 1980.

(5) *In the case of an employee serving under a contract of unlimited tenure or a similar arrangement providing for unlimited tenure at a private institution which is an institution of*

higher education, as defined in section 1201(a) of the federal higher education act of 1965, Laws 1978, Chapter 649 is effective July 1, 1982.

Sec. 5. Minnesota Statutes 1978, Chapter 181, is amended by adding a section to read:

[181.812] [RULES.] *The commissioner may promulgate rules which are deemed necessary to carry out the provisions of section 181.81.*

Sec. 6. Minnesota Statutes 1978, Section 354.44, Subdivision 1a, is amended to read:

Subd. 1a. [MANDATORY RETIREMENT.] Notwithstanding the provisions of sections 43.30 or 197.45 to 197.48, a member shall terminate employment (ON AUGUST 31, 1976, OR) at the end of the academic year in which the member reaches the age of (65) 70 (, WHICHEVER IS LATER). For purposes of this subdivision, an academic year shall be deemed to end August 31. (A MEMBER WHO TERMINATES EMPLOYMENT AT ANY TIME DURING THE ACADEMIC YEAR AT THE END OF WHICH SUCH PERSON IS REQUIRED TO TERMINATE EMPLOYMENT PURSUANT TO THIS SUBDIVISION SHALL, FOR THE PURPOSE OF DETERMINING ELIGIBILITY FOR A PROPORTIONATE RETIREMENT ANNUITY, BE CONSIDERED TO HAVE BEEN REQUIRED TO TERMINATE EMPLOYMENT AT AGE 65 OR EARLIER PURSUANT TO THIS SUBDIVISION.) Nothing contained in this subdivision shall preclude an (EMPLOYER) *employing* unit covered by this chapter from employing a retired teacher as a substitute or part time teacher; provided, no teacher required to terminate employment by this subdivision shall resume membership in the retirement association by virtue of employment as a substitute or part time teacher; provided further that upon having earned \$3,000 in any academic year from employment as a substitute or part time teacher, any person over the age of (65) 70 years shall terminate employment for the remainder of that academic year.

Sec. 7. Minnesota Statutes 1978, Section 354.49, Subdivision 3, is amended to read:

Subd. 3. Any person who has attained the age of at least 65 with less than ten years of credited allowable service shall *be entitled to* receive a refund in an amount equal to his accumulated deductions plus interest *in lieu of a proportionate annuity pursuant to section 356.32* except those covered under the provisions of section 354.44, subdivisions 6 or 7 in which case the refund shall be an amount equal to his accumulated deductions credited to his account as of June 30, 1957 and after July 1, 1957 his accumulated deductions plus interest at the rate of three and one-half percent compounded annually.

Sec. 8. Minnesota Statutes 1978, Section 354A.05, is amended to read:

354A.05 [CONTRIBUTION BY TEACHERS; TAXATION.] The plan shall include a provision that only such teachers as make a contribution to the fund, as provided in the plan, shall be entitled to the benefits thereof, and may include a provision that a portion of the fund shall be raised by taxation upon the property of the city, it being understood that all teachers who are willing to comply with the terms and conditions of the articles of association and bylaws of the association shall be entitled to participate in the benefits of the fund.

(IN ANY CITY OF THE FIRST CLASS WHERE NO AUTOMATIC OR COMPULSORY RETIREMENT PLAN AFFECTING SUCH TEACHERS HAS BEEN ESTABLISHED, EVERY TEACHER COMING WITHIN THE PROVISIONS OF THIS ACT WHO SHALL HAVE ATTAINED THE AGE OF 68 AS OF JUNE 30 OF ANY YEAR, SHALL BE AUTOMATICALLY RETIRED AND SEVERED FROM THE SERVICE IN THE RESPECTIVE SCHOOL SYSTEM.)

In any city of the first class, the plan, subject to the approval of the city council of such city, may provide that any member applying for an annuity shall be entitled to an annuity on the single life plan, or its actuarial equivalent under any optional method of retirement provided in the articles of the association, from city deposits at least equal to \$2 per month for each year of teaching service in such city. Such annuity payments shall not commence until the member has reached the age of 55 years, and has completed 20 years of teaching service in such city, or until the member has reached the age of 62 years if he has not completed 20 years of teaching service in such city. Where the aggregate of the city deposit to the credit of such member will not provide the minimum annuity prescribed, the city deposit shall be increased in the year of retirement to the amount necessary to provide such minimum annuity. Except as herein provided, the provisions for city deposits in such plan in any city of the first class shall not be altered by the provisions of this paragraph. City deposits as used herein is hereby defined as that portion of the fund to be raised by taxation upon the property of the city.

Nothing contained in this section shall preclude a district from employing a retired teacher as a substitute teacher.

Sec. 9. Minnesota Statutes 1978, Section 354A.21, is amended to read:

354A.21 [MANDATORY RETIREMENT; PROPORTIONATE ANNUITY.] Notwithstanding the provisions of sections 197.45 to 197.48 or 354A.05, a teacher subject to the provisions of this chapter shall terminate employment (ON AU-

GUST 31, 1976, OR) at the end of the academic year in which (SUCH) the teacher reaches the age of (65) 70 (, WHICH-EVER IS LATER). For purposes of this section, an academic year shall be deemed to end August 31. A teacher who terminates employment at any time during the academic year at the end of which such person is required to terminate employment pursuant to this section and who has less than the minimum required number of years of service to otherwise qualify for a retirement annuity shall be entitled upon application to a proportionate retirement annuity based on service prior to termination. Nothing contained in this subdivision shall preclude a district from employing a retired teacher as a substitute teacher; provided, no teacher required to terminate employment by this section shall resume membership in the retirement association by virtue of employment as a substitute teacher; provided further that upon having earned \$3,000 in any academic year from employment as a substitute teacher, any person over the age of (65) 70 years shall terminate employment for the remainder of that academic year.

Sec. 10. Minnesota Statutes 1978, Section 356.32, Subdivision 1, is amended to read:

356.32 [PROPORTIONATE ANNUITY IN CERTAIN CASES.] Subdivision 1. [PROPORTIONATE RETIREMENT ANNUITY.] Notwithstanding any provision to the contrary of the laws governing any of the retirement funds referred to in subdivision 2, any person who is employed in a position covered by any such fund, who has credit for at least three years but less than ten years of allowable service in such fund or a combination of such funds, and who is required to terminate service pursuant to a mandatory retirement statute, or who terminates service at age 65 or older for any reason shall be entitled upon application to a proportionate retirement annuity from each such fund in which he has allowable service credit, based upon his allowable service credit at the time of (MANDATORY) retirement; provided, however, that nothing in this section shall prevent the actuarial reduction of an annuity for which application is made prior to normal retirement age.

Sec. 11. Minnesota Statutes 1978, Section 423.076, is amended to read:

423.076 [RETIREMENT; POLICE AND FIRE DEPARTMENTS.] A compulsory retirement age of not less than 65 years may be established for persons on the payroll of a police or fire department which does not come within the provisions of section 423.075 (OR 423.26) without being a violation of section 181.81 or section 363.02, subdivision 6.

Sec. 12. Minnesota Statutes 1978, Section 473.419, is amended to read:

473.419 [MANDATORY RETIREMENT AGE.] An employee of the transit operating division of the metropolitan transit commission and an employee on leave of absence from the transit operating division of the metropolitan transit commission who is employed by the labor organization which is the exclusive bargaining agent representing employees of the transit operating division shall terminate employment on the first day of the month next following the month in which the employee reaches the age of (65; PROVIDED, HOWEVER, THAT AN EMPLOYEE OF THE TRANSIT OPERATING DIVISION MAY BE EMPLOYED BEYOND THE AGE OF 65 AT THE OPTION OF THE METROPOLITAN TRANSIT COMMISSION, BUT SHALL NOT BE EMPLOYED BEYOND THE THE FIRST DAY OF THE MONTH NEXT FOLLOWING THE MONTH IN WHICH THE EMPLOYEE REACHES THE AGE OF) 70.

Sec. 13. [EFFECTIVE DATE.] *This act shall be effective the day following final enactment.*

Delete the title and insert:

"A bill for an act relating to labor and employment; prohibiting mandatory retirement of public and private employees before the age of 70; amending Minnesota Statutes 1978, Sections 43.051, Subdivision 1; 125.12, Subdivision 5; 181.81; 181.811; 354.44, Subdivision 1a; 354.49, Subdivision 3; 354A.05; 354A.21; 356.32, Subdivision 1; 423.076; 473.419; and Chapter 181, by adding a section."

With the recommendation that when so amended the bill pass.

The report was adopted.

Biersdorf from the Committee on Commerce, Economic Development and Housing to which was referred:

H. F. No. 259, A bill for an act relating to cooperative associations; providing for boards of directors; prescribing the minimum number of directors governing a cooperative apartment corporation; amending Minnesota Statutes 1978, Section 308.11.

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

The report was adopted.

Faricy from the Committee on Judiciary to which was referred:

H. F. No. 263, A bill for an act relating to juvenile court referees; authorizing referees to hear contested trials or motions

unless objection is made; amending Minnesota Statutes 1978, Section 484.70, Subdivision 3.

Reported the same back with the following amendments:

Page 1, line 10, after "A" insert "*full-time*"

Page 1, line 11, after "contested" delete "*delinquency*"

Page 1, line 11, after "trial" insert "*, hearing,*"

Page 1, line 14, delete "*delinquency*" and insert "*trial,*"

Page 1, line 15, after "*hearing*" insert a comma

Further amend the title as follows:

Page 1, line 3, after "trials" insert "*, hearings,*"

With the recommendation that when so amended the bill pass.

The report was adopted.

Faricy from the Committee on Judiciary to which was referred:

H. F. No. 303, A bill for an act validating and legalizing certain state assignment certificates.

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

The report was adopted.

Faricy from the Committee on Judiciary to which was referred:

S. F. No. 67, A bill for an act relating to statutes; providing for the effect of grammar and punctuation; amending Minnesota Statutes 1978, Section 645.18.

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

The report was adopted.

POINT OF ORDER

Knickerbocker raised a point of order that bills reported out of Standing Committees should not be referred to the Committee

on Rules and Legislative Administration inasmuch as the 1979 temporary rules of the House include the report of the Committee on Rules and Legislative Administration dated Monday, January 23, 1978, and found on page 4108 of the 1978 permanent Journal of the House. Sieben, H., raised a point of order on the Knickerbocker point of order pursuant to the section entitled "Floor Management" of the negotiated agreement. The Speaker deferred his decision until Thursday, February 22, 1979 pursuant to Section 244 of "Mason's Manual of Legislative Procedure."

House File Nos. 87, 102, 116, 125, 142, 157, 259, 263 and 303 and Senate File No. 67 were referred to the Committee on Rules and Legislative Administration.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Ellingson, Jude, Heinitz, Rice and Knickerbocker introduced:

H. F. No. 489, A bill for an act relating to the Hennepin county park reserve district; regulating tax levies and bond issues for the purposes of the district; amending Laws 1967, Chapter 721, Section 2, as amended.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources. Anderson, I., objected to the reference and the bill was referred to the Committee on Rules and Legislative Administration.

McEachern, Evans, Friedrich, Metzen and Stowell introduced:

H. F. No. 490, A bill for an act relating to alcoholic beverages; classification of malt liquors; amending Minnesota Statutes 1978, Sections 340.001, Subdivision 2; 340.02, Subdivisions 10, 12, and 13; 340.07, Subdivision 2; 340.401, Subdivision 2; and 340.47, Subdivision 2; repealing Minnesota Statutes 1978, Section 340.11, Subdivision 15.

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

Rose, Adams, Novak, Heap and Wigley introduced:

H. F. No. 491, A bill for an act relating to motor vehicles; exempting certain transfers of title from odometer disclosure requirement; amending Minnesota Statutes 1978, Section 168A.10, Subdivision 1.

The bill was read for the first time and referred to the Committee on Transportation. Anderson, I., objected to the reference and the bill was referred to the Committee on Rules and Legislative Administration.

Pehler, Patton, Biersdorf, Anderson, D., and Anderson, R., introduced:

H. F. No. 492, A bill for an act relating to aeronautics; clarifying the property tax status of municipal airport property leased to private persons or entities; amending Minnesota Statutes 1978, Section 360.035.

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

Ainley introduced:

H. F. No. 493, A bill for an act relating to the city of Bemidji; authorizing the issuance of bonds authorized at a special election.

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

Jennings, Piepho and Dempsey introduced:

H. F. No. 494, A bill for an act relating to snowmobiles; exempting certain racing snowmobiles from registration; amending Minnesota Statutes 1978, Section 84.82, Subdivision 6.

The bill was read for the first time and referred to the Committee on Transportation. Anderson, I., objected to the reference and the bill was referred to the Committee on Rules and Legislative Administration.

Reding and Redalen introduced:

H. F. No. 495, A bill for an act relating to retirement; authorizing the purchase of prior service by certain county commissioners.

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

Reding, Friedrich, Evans, Anderson, R., and Minne introduced:

H. F. No. 496, A bill for an act relating to cities; authorizing cities engaged in gas distribution to secure gas by individual or joint action; authorizing the creation of municipal gas 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. Anderson, I., objected to the reference and the bill was referred to the Committee on Rules and Legislative Administration.

Jude, Schreiber, Fudro, Patton and Esau introduced:

H. F. No. 497, A bill for an act relating to traffic regulation; requiring local units of government to regulate and control traffic in parking areas; requiring uniform traffic control devices; amending Minnesota Statutes 1978, Section 169.06, Subdivision 3.

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

Kelly and Osthoff introduced:

H. F. No. 498, A bill for an act relating to education; requiring school board hearings on a schoolhouse closing to be held at the schoolhouse; amending Minnesota Statutes 1978, Section 123.36, Subdivision 11.

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

Anderson, G., and Welker introduced:

H. F. No. 499, A bill for an act relating to Lac qui Parle and Big Stone Counties; changing the boundary lines between the counties; amending Laws 1937, Chapter 423, Section 1, as amended.

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

Friedrich, Adams, Brinkman, Searles and Ainley introduced:

H. F. No. 500, A bill for an act relating to interest rates; increasing permissible finance charges for open end credit sales; amending Minnesota Statutes 1978, Section 334.16, Subdivision 1.

The bill was read for the first time and referred to the Committee on Commerce, Economic Development and Housing. Anderson, I., objected to the reference and the bill was referred to the Committee on Rules and Legislative Administration.

Minne, Pavlak, Lehto, Crandall and Sherwood introduced:

H. F. No. 501, A bill for an act relating to the operation of motor vehicles; prescribing penalties for causing the death of another person when driving while intoxicated; amending Minnesota Statutes 1978, Section 169.121, Subdivision 3.

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

Redalen; Johnson C.; Mann; Albrecht and Stadum introduced:

H. F. No. 502, A bill for an act relating to taxation; increasing the state paid agricultural credit; amending Minnesota Statutes 1978, Section 273.132.

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

Battaglia, Faricy, Berkelman, Begich and Elioff introduced:

H. F. No. 503, A bill for an act relating to courts; sixth judicial district; providing that terms of court no longer shall be held in Ely; authorizing terms of court to be held at places other than Duluth, Hibbing or Virginia; amending Minnesota Statutes 1978, Sections 484.48; 484.50; and Chapter 484, by adding a section.

The bill was read for the first time and referred to the Committee on Judiciary. Anderson I., objected to the reference and the bill was referred to the Committee on Rules and Legislative Administration.

Nelsen, B.; Johnson, C.; Nelsen, M.; Albrecht and Pehler introduced:

H. F. No. 504, A bill for an act relating to land surveying; authorizing counties to contract for the preservation and remonumentation of the United States public land survey; appropriating money; amending Minnesota Statutes 1978, Sections 287.21, Subdivision 2; 287.25; 287.28; 287.29, Subdivision 1; 389.011, Subdivision 2; and Chapter 287, by adding a section.

The bill was read for the first time and referred to the Committee on Governmental Operations. Anderson, I., objected to the reference and the bill was referred to the Committee on Rules and Legislative Administration.

Elioff, Begich, Battaglia, Rose and Novak introduced:

H. F. No. 505, A bill for an act relating to warehouses; excepting certain marine dealers from requirements applied to warehousemen; amending Minnesota Statutes 1978, Section 231.01, Subdivision 5.

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

Redalen, Kalis, Wieser, McEachern and Ludeman introduced:

H. F. No. 506, A bill for an act relating to elections; providing an exception to the party list appointment requirements for election judges; allowing town officers to serve as election judges without being named on party lists; amending Minnesota Statutes 1978, Section 204A.17, Subdivision 5.

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

Jaros, Tomlinson, Stowell, Biersdorf and Patton introduced:

H. F. No. 507, A bill for an act relating to local government; requiring cities, counties, and school boards to publish certain wage and salary information; amending Minnesota Statutes 1978, Sections 123.71, by adding a subdivision; and 375.17.

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

Stowell, Jaros, Reding, Sviggum and Jennings introduced:

H. F. No. 508, A bill for an act relating to unemployment compensation; exempting family corporation shareholder's income from contribution rate; amending Minnesota Statutes 1978, Section 268.04 Subdivision 12.

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

McDonald, Clawson, Rees, Reding and Wenzel introduced:

H. F. No. 509, A bill for an act relating to state government; providing an appropriation for state training of assessors.

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

Tomlinson, Faricy, Otis, Luknic and Blatz introduced:

H. F. No. 510, A bill for an act relating to taxation; providing for annual adjustments of individual income tax brackets, individual and homemaker credits, low income amounts, and maximum standard deductions according to rate of change in the cost of living index; amending Minnesota Statutes 1978, Sections 290.06, Subdivisions 2c, 3c, 3d and 3e, and by adding a subdivision; and 290.09, Subdivision 15.

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

Sherwood, Nysether, Reding, Lehto and Ainley introduced:

H. F. No. 511, A bill for an act relating to game and fish; affording protection to the badger and opossum; authorizing a season thereon; amending Minnesota Statutes 1978, Sections 100.26, Subdivision 1; and 100.27, Subdivision 3.

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

Clawson, McDonald, Welch, Rees and Anderson, B., introduced:

H. F. No. 512, A bill for an act proposing an amendment to the Minnesota Constitution, adding a section to Article VIII; providing for the recall of elective officers.

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

Ellingson, Jude, Dean and Forsythe introduced:

H. F. No. 513, A bill for an act relating to courts; conforming civil fees collected by the Hennepin county municipal court with the district court; amending Minnesota Statutes 1978, Section 488A.03, Subdivision 11.

The bill was read for the first time and referred to the Committee on Judiciary. Anderson, I., objected to the reference and the bill was referred to the Committee on Rules and Legislative Administration.

Nelson introduced:

H. F. No. 514, A bill for an act relating to juvenile courts; disposition of delinquent children; requiring the court to order certain delinquents and their parents to submit to counseling programs and certain other delinquents to make restitution; amending Minnesota Statutes 1978, Section 260.185, Subdivision 1, and by adding a subdivision.

The bill was read for the first time and referred to the Committee on Judiciary. Anderson, I., objected to the reference and the bill was referred to the Committee on Rules and Legislative Administration.

Fjoslien, Fudro, Den Ouden, McEachern and Ludeman introduced:

H. F. No. 515, A bill for an act relating to motor vehicles; defining the gross weight of a wrecker for the purposes of registration and taxation; amending Minnesota Statutes 1978, Sections 168.011, Subdivision 16; and 168.013, Subdivision 3.

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

Simoneau, Enebo, Rice, Sarna and Begich introduced:

H. F. No. 516, A bill for an act relating to workers' compensation; changing amount of certain attorney's fees; requiring employer to pay certain travel expenses, attorney's fees and payments to social security; requiring annual free chest x-rays; changing time for notice of certain injuries; increasing certain penalties; requiring notice to collective bargaining representatives of employee reassignment; amending Minnesota Statutes 1978, Sections 176.081, Subdivision 7; 176.101, by adding a subdivision; 176.141; 176.221, Subdivision 3; 176.225, Subdivision 1; 176.511, Subdivisions 3 and 5; 182.653, Subdivision 2; and Chapter 176, by adding sections.

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

Pehler, Patton, Brinkman, Welch and Niehaus introduced:

H. F. No. 517, A bill for an act relating to education; appropriating money for the Hallenbeck addition to St. Cloud State University.

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

Faricy, Searle, Levi and Thiede introduced:

H. F. No. 518, A bill for an act relating to education; providing for pilot programs of education for certain gifted or academically talented students; requiring the council on quality education and the state board of education to perform certain functions related to the development of a comprehensive state program for education of certain gifted or academically talented students; appropriating money.

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

Simoneau, Schreiber, Reding, Dempsey and Wenzel introduced:

H. F. No. 519, A bill for an act relating to motor vehicles; limiting the authority of the registrar of motor vehicles to refuse to issue certificates of title in certain circumstances; amending Minnesota Statutes 1978, Sections 168A.23, by adding a subdivision; and 297B.06.

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

Patton, Simoneau, Dempsey, Reding and Schreiber introduced:

H. F. No. 520, A bill for an act relating to motor vehicles; authorizing the identification of certain tax exempt vehicles by use of removable plates or placards; amending Minnesota Statutes 1978, Section 168.012, Subdivision 1.

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

Clark; Byrne; Sieben, M.; Laidig and Forsythe introduced:

H. F. No. 521, A bill for an act relating to domestic abuse; authorizing judicial intervention to provide protection from domestic abuse; prescribing penalties.

The bill was read for the first time and referred to the Committee on Criminal Justice. Anderson, I., objected to the reference and the bill was referred to the Committee on Rules and Legislative Administration.

HOUSE ADVISORIES

The following House Advisory was introduced:

Osthoff and Carlson, L., introduced:

H. A. No. 6, A proposal for the General Legislation Committee to review policies of the Minnesota historical society.

The advisory was referred to the Committee on General Legislation and Veterans Affairs.

REPORT FROM THE COMMITTEE ON RULES AND
LEGISLATIVE ADMINISTRATION

Anderson, I., from the Committee on Rules and Legislative Administration to which was referred:

House Concurrent Resolution No. 1, A house concurrent resolution providing for a joint convention of the Senate and the House of Representatives to elect members of the Board of Regents of the University of Minnesota.

Reported the same back with the recommendation that the resolution be adopted.

The report was adopted.

HOUSE CONCURRENT RESOLUTION NO. 1

A house concurrent resolution providing for a joint convention of the Senate and the House of Representatives to elect members of the Board of Regents of the University of Minnesota.

Be it resolved, by the House of Representatives, the Senate concurring:

(1) The House of Representatives and the Senate shall meet in joint convention on Monday, March 12, 1979, at 6:00 p.m. in the chamber of the House of Representatives to elect members to the Board of Regents of the University of Minnesota.

(2) The Education Committee of the Senate and the Education Committee of the House of Representatives in a joint meeting are appointed to submit a slate of nominations and to report the slate at the meeting of the joint convention.

Sieben, H., moved that House Concurrent Resolution No. 1 be now adopted. The motion prevailed and House Concurrent Resolution No. 1 was adopted.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 39 and 236.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 130, 187 and 298.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 66, 68 and 138.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 88, 388 and 389.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 39, A bill for an act relating to taxation; authorizing the commissioner of revenue to publish lists of persons having unclaimed income tax refunds or property tax refund; amending Minnesota Statutes 1978, Section 290.61.

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

S. F. No. 236, A bill for an act relating to the state auditor; providing for the examination of municipal records pursuant to petition; requiring signatures of 20 percent of the number of voters in the last presidential election for a petition to examine municipal records; establishing certain other requirements for petitions for examination of towns and school districts; requiring that the city, town and school district as well as county auditor be notified when the petition is certified; amending Minnesota Statutes 1978, Section 6.54.

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

S. F. No. 130, A bill for an act relating to courts; criminal procedure; conforming certain statutory provisions to the rules of criminal procedure, and eliminating certain other statutory provisions which have been superseded by the rules; amending Minnesota Statutes 1978, Sections 169.89, Subdivision 2; 357.32; 484.30; 487.25, Subdivisions 1 and 2; 487.28; 487.29; 487.40, Subdivisions 1 and 2; 488A.08; 488A.10, Subdivisions 1 and 2; 488A.25; 488A.27, Subdivisions 1, 2, 3, 4, and 5; 542.16; 546.11; 546.12; 609.115, Subdivisions 1 and 4; 611.06; 627.01; 628.01; 628.02; 628.18; 628.54; 628.57; 628.68; 628.68; 629.47; 629.48; 629.49; 629.58; 629.61; 629.64; 630.18; 631.05; and Chapter 388, by adding a section; repealing Minnesota Statutes 1978, Sections 388.05; 487.25, Subdivisions 3, 4, 5, and 8; 488A.10, Subdivisions 3, 4, 5, and 9; 488A.27, Subdivision 9; 611.04; 611.08; 627.03 to 627.10; 627.13; 627.14; 628.03 to 628.08; 628.11; 628.14; 628.19; 628.29 to 628.33; 628.55; 628.58; 628.59; 628.64; 629.42; 629.43; 629.46; 629.50 to 629.52; 629.57; 630.01 to 630.11; 630.13 to 630.16; 630.19 to 630.30; 630.34; 631.01; 631.015; 631.03; 631.08; 631.10; 631.11; 631.16; 631.18; 631.19; 631.23 to 631.32; 631.34; 631.35; 631.37 to 631.39; 632.01 to 632.13.

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

S. F. No. 187, A bill for an act relating to employment agencies; providing an exemption for management consultant firms from employment agency regulation; amending Minnesota Statutes 1978, Section 184.22.

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

S. F. No. 298, A bill for an act relating to the city of South International Falls; authorizing the city to lease municipal buildings.

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

S. F. No. 66, A bill for an act relating to statutes; providing a general reference for statutes that change dollar amounts to conform to price changes; amending Minnesota Statutes 1978, Chapter 645, by adding a section.

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

S. F. No. 68, A bill for an act relating to statutes; defining terms; amending Minnesota Statutes 1978, Section 645.44.

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

S. F. No. 138, A bill for an act relating to civil actions; providing for authority for attorney to bind his client and execute a satisfaction of judgment; amending Minnesota Statutes 1978, Sections 481.08 and 548.15.

The bill was read for the first time and referred to the Committee on Rules and Legislative Administration.

S. F. No. 88, A bill for an act relating to cities; allowing installment purchases by certain cities; amending Minnesota Statutes 1978, Section 465.71.

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

S. F. No. 388, A bill for an act relating to towns; changing certain limits on payments for attorney's fees; amending Minnesota Statutes 1978, Section 368.121.

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

S. F. No. 389, A bill for an act relating to taxation; requiring county to reimburse township for certain errors made by county auditor.

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

GENERAL ORDERS

Sieben, H., moved that the bills on General Orders for today be continued until Thursday, February 22, 1979. The motion prevailed.

MOTIONS AND RESOLUTIONS

McEachern moved that the name of Kelly be added as an author on H. F. No. 488. The motion prevailed.

Jacobs moved that the name of Haukoos be added as an author on H. F. No. 483. The motion prevailed.

Wigley moved that the name of Redalen be added as an author on H. F. No. 81. The motion prevailed.

Faricy moved that the name of Pehler be added as an author on H. F. No. 518. The motion prevailed.

Zubay introduced:

House Concurrent Resolution No. 2, A house concurrent resolution urging the Food and Drug Administration and the National Cancer Institute to proceed with scientific testing of laetrile.

The resolution was referred to the Committee on Health and Welfare.

ADJOURNMENT

Sieben, H., moved that when the House adjourns today it adjourn until 2:00 p.m., Thursday, February 22, 1979. The motion prevailed.

Sieben, H., moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:00 p.m., Thursday, February 22, 1979.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

