

SEVENTH DAY

St. Paul, Minnesota, Thursday, January 23, 1975

The Senate met at 11:00 o'clock a.m. and was called to order by the President.

CALL OF THE SENATE

Mr. Coleman imposed a call of the Senate. The following Senators answered to their names:

Anderson	Fitzsimons	Knutson	Olson, H. D.	Spear
Arnold	Frederick	Larson	Olson, J. L.	Stokowski
Berg	Gearty	Lewis	O'Neill	Stumpf
Blatz	Hansen, Baldy	McCutcheon	Patton	Tennessee
Borden	Hanson, R.	Merriam	Perpich, A. J.	Ueland
Coleman	Hughes	Milton	Perpich, G.	Wegener
Conzemius	Josefson	Moe	Purfeerst	Willet
Davies	Keefe, S.	North	Schmitz	
Doty	Kirchner	Olhoft	Schrom	
Dunn	Kleinbaum	Olson, A. G.	Solon	

The Sergeant-at-Arms was instructed to bring in the absent members.

Prayer was offered by the Chaplain, Rev. Albert Byrne.

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

Anderson	Doty	Keefe, S.	Olhoft	Schrom
Arnold	Dunn	Kirchner	Olson, A. G.	Sillers
Ashbach	Fitzsimons	Kleinbaum	Olson, H. D.	Solon
Bang	Frederick	Knutson	Olson, J. L.	Spear
Berg	Gearty	Kowalczyk	O'Neill	Stassen
Blatz	Hansen, Baldy	Larson	Patton	Stokowski
Borden	Hansen, Mel	Lewis	Perpich, A. J.	Stumpf
Brown	Hanson, R.	McCutcheon	Perpich, G.	Tennessee
Chenoweth	Hughes	Merriam	Pillsbury	Ueland
Chmielewski	Humphrey	Milton	Purfeerst	Wegener
Coleman	Jensen	Moe	Renneke	Willet
Conzemius	Josefson	North	Schaaf	
Davies	Keefe, J.	Ogdahl	Schmitz	

The President declared a quorum present.

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

MEMBERS EXCUSED

Messrs. Bernhagen, Laufenburger and Nelson were excused from the Session of today.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The Honorable Martin O. Sabo
Speaker of the House of Representatives

The Honorable Alec G. Olson
President of the Senate

I have the honor to inform you that the following enrolled Act of the 1975 Session of the State Legislature has been received from the Office of the Governor and is deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

S. F. No.	H. F. No.	Session Laws Chapter No.	Date Approved 1975	Date Filed 1975
	3	1	January 21	January 21

Sincerely,
Joan Anderson Growe,
Secretary of State

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Messrs. Spear, Kirchner and Lewis introduced—

S. F. No. 90: A bill for an act relating to corrections; providing for private employment in the community of inmates of state correctional institutions; amending Minnesota Statutes 1974, Section 241.26, Subdivisions 1 and 7.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Milton, Ashbach and Borden introduced—

S. F. No. 91: A bill for an act relating to human rights; allowing separation of participants in amateur athletics according to sex under certain conditions; amending Minnesota Statutes 1974, Section 363.02, by adding a subdivision; repealing Laws 1974, Chapter 355, Section 68, Subdivision 4.

Referred to the Committee on Judiciary.

Messrs. North, Kowalczyk and Milton introduced—

S. F. No. 92: A bill for an act relating to public welfare; medical assistance for the needy; establishing a department lien on certain causes of action accruing to the needy; authorizing the assignment of insurance proceeds and the subrogation to the department of the rights of any recipient of medical assistance having private health care coverage; amending Minnesota Statutes 1974, Chapter 256B, by adding sections.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. North; Keefe, J. and Milton introduced—

S. F. No. 93: A bill for an act relating to juvenile court; providing for costs of foster care for delinquent children; amending Minnesota Statutes 1974, Section 260.251, Subdivision 1a.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. North, Stassen and Schmitz introduced—

S. F. No. 94: A bill for an act relating to psychologists; suspension or revocation of licenses; amending Minnesota Statutes 1974, Section 148.95, Subdivision 1.

Referred to the Committee on Governmental Operations. Mr. Hansen, Baldy questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Messrs. McCutcheon, Stassen and Kleinbaum introduced—

S. F. No. 95: A bill for an act relating to taxation; levying a service charge on certain types of property.

Referred to the Committee on Taxes and Tax Laws.

Messrs. McCutcheon, Stassen and Kleinbaum introduced—

S. F. No. 96: A bill for an act relating to state employees; providing for procedures in respect to removal, discharge, suspension without pay or reduction in pay or position; amending Minnesota Statutes 1974, Section 43.24, Subdivisions 2 and 3.

Referred to the Committee on Governmental Operations.

Messrs. Laufenburger, Chmielewski and Anderson introduced—

S. F. No. 97: A bill for an act relating to issuance of state licenses and permits; providing for automatic approval of state permits and licenses when the licensing or authorizing agency fails to reply to an applicant within a specified period of time.

Referred to the Committee on Governmental Operations.

Messrs. Laufenburger, Chmielewski and Purfeerst introduced—

S. F. No. 98: A bill for an act relating to taxation; providing that the proceeds of the motor vehicle excise tax be used for highway purposes; amending Minnesota Statutes 1974, Section 297B.09.

Referred to the Committee on Transportation and General Legislation.

Messrs. Olson, J. L.; Laufenburger and Josefson introduced—

S. F. No. 99: A bill for an act relating to motor vehicles; paralytic license plates; repealing Minnesota Statutes 1974, Section 168.021.

Referred to the Committee on Transportation and General Legislation.

Messrs. McCutcheon, Stassen and Kleinbaum introduced—

S. F. No. 100: A bill for an act relating to municipalities; providing for negotiation of contracts between municipalities and state departments and agencies for provision of fire and police protection services for state institutions, land and other property.

Referred to the Committee on Governmental Operations.

Messrs. North, Stassen and McCutcheon introduced—

S. F. No. 101: A bill for an act relating to labor; requiring certain employers to provide health care insurance for certain employees who are not residents of Minnesota; amending Minnesota Statutes 1974, Section 181.73, Subdivision 1.

Referred to the Committee on Labor and Commerce.

Messrs. North, Josefson and Purfeerst introduced—

S. F. No. 102: A bill for an act relating to aeronautics; technical services to municipalities; authorizing a reasonable charge by the department for such services; amending Minnesota Statutes 1974, Section 360.015, Subdivision 7.

Referred to the Committee on Transportation and General Legislation.

Messrs. Kirchner, Milton and McCutcheon introduced—

S. F. No. 103: A bill for an act relating to the Gillette hospital authority; authorizing use of certified public accountants to audit and examine the financial records of the authority; amending Minnesota Statutes 1974, Section 250.05, Subdivision 3.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Keefe, S.; Keefe, J. and Spear introduced—

S. F. No. 104: A bill for an act relating to pharmacists; permitting price advertising of prescription drugs; restricting the content of such advertisements and requiring certain disclosure of prices; amending Minnesota Statutes 1974, Section 151.06, Subdivision 2a.

Referred to the Committee on Health, Welfare and Corrections.

Mr. Hansen, Baldy questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Messrs. Sillers, Moe and Fitzsimons introduced—

S. F. No. 105: A bill for an act relating to education; pupil units; requiring that all pupils in seventh and eighth grades shall be counted as secondary pupils; amending Minnesota Statutes 1974, Section 124.17, Subdivision 1.

Referred to the Committee on Education.

Messrs. Spear, Stumpf and Keefe, S. introduced—

S. F. No. 106: A bill for an act relating to commerce; regulating rental location advisors; imposing duties; providing penalties.

Referred to the Committee on Labor and Commerce.

Messrs. North, Ueland and Schmitz introduced—

S. F. No. 107: A bill for an act relating to the executive council; empowering it to grant assistance in conjunction with federal disaster relief programs; amending Minnesota Statutes 1974, Section 9.061, Subdivision 1.

Referred to the Committee on Governmental Operations.

Mr. Schrom introduced—

S. F. No. 108: A bill for an act relating to retirement; exempting a certain employee of the department of agriculture from mandatory retirement for a limited time.

Referred to the Committee on Governmental Operations.

Messrs. Kleinbaum and McCutcheon introduced—

S. F. No. 109: A bill for an act proposing an amendment to the Minnesota Constitution, Article XIII, Section 5; removing possible constitutional limitations on pari-mutuel betting on speed contests.

Referred to the Committee on Judiciary. Mr. Hansen, Baldy questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Messrs. Spear, O'Neill and Hughes introduced—

S. F. No. 110: A bill for an act relating to education; estab-

lishing pilot bilingual and native American language and culture education programs; granting certain powers and duties to the state board of education; establishing a state bilingual and native American language and culture education advisory council; appropriating money; amending Minnesota Statutes 1974, Sections 120.095, by adding a subdivision; 120.10, Subdivision 2; repealing Minnesota Statutes 1974, Section 126.07.

Referred to the Committee on Education.

Messrs. Hughes, Ashbach and Kleinbaum introduced—

S. F. No. 111: A bill for an act relating to education; creating a senior citizens higher education program for certain resident senior citizens.

Referred to the Committee on Education.

Messrs. McCutcheon, Coleman and Sillers introduced—

S. F. No. 112: A bill for an act relating to veterans; exercise of preference in public appointments or promotions; amending Minnesota Statutes 1974, Section 43.30; and Chapter 197, by adding a section; repealing Minnesota Statutes 1974, Section 197.45.

Referred to the Committee on Governmental Operations.

Messrs. Olhoft, Kowalczyk and Gearty introduced—

S. F. No. 113: A bill for an act relating to obscenity; prohibiting the showing of obscene motion pictures at drive-in theatres; providing for a hearing in the courts to determine if a motion picture is obscene.

Referred to the Committee on Judiciary.

Messrs. Davies, Knutson and Olson, A. G. introduced—

S. F. No. 114: A bill for an act relating to no-fault automobile insurance; requiring that a plan of reparation security be maintained for certain motor vehicles only during the period of their contemplated operation or use; amending Minnesota Statutes 1974, Section 65B.48, Subdivision 1.

Referred to the Committee on Labor and Commerce.

Messrs. Doty, Ashbach and Conzemius introduced—

S. F. No. 115: A bill for an act relating to the Minnesota state arts council; creating a council; prescribing powers and duties; providing judicial review; repealing Minnesota Statutes 1974, Sections 139.01; 139.02; 139.03; 139.04; and 139.05.

Referred to the Committee on Governmental Operations.

Messrs. Frederick and Fitzsimons introduced—

S. F. No. 116: A bill for an act relating to transportation; imposing an increased excise tax on gasoline and special fuels for a period of six years; providing for the improvement of highways; establishing the Minnesota state transportation fund for the improvement of transportation; allocating the revenue from the excise tax on the purchase price of motor vehicles to the fund for a period of six years; and providing that the funding of the division of highway patrol be by legislative appropriation from the general fund.

Referred to the Committee on Transportation and General Legislation.

Messrs. Olson, J. L.; Olson, H. D. and Bernhagen introduced—

S. F. No. 117: A bill for an act relating to appropriations; appropriating money for distribution to school districts as a replacement for certain agricultural land tax differential payments.

Referred to the Committee on Education.

Messrs. Milton, Kirchner and Conzemius introduced—

S. F. No. 118: A bill for an act relating to pharmacy and drugs; authorizing pharmacists to dispense generically equivalent drugs in lieu of prescribed brand name legend drugs unless the prescribing practitioner instructs otherwise; providing penalties; amending Minnesota Statutes 1974, Sections 151.01, by adding subdivisions; 151.21; 151.37, Subdivision 2; 151.38; and Chapter 151, by adding a section.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Conzemius, Brown and Kleinbaum introduced—

S. F. No. 119: A bill for an act relating to retirement; mandatory retirement age for corrections employees; amending Minnesota Statutes 1974, Section 43.051, Subdivision 3.

Referred to the Committee on Governmental Operations.

Messrs. Laufenburger, Purfeerst and Chmielewski introduced—

S. F. No. 120: A bill for an act relating to the highway patrol; financing of patrol activities from the general fund; amending Minnesota Statutes 1974, Chapter 299D, by adding a section; Sections 299D.02, Subdivision 1; 299D.03, Subdivisions 2, 4, 5 and 6; 299D.04; and 299D.05, Subdivision 3.

Referred to the Committee on Transportation and General Legislation.

REPORTS OF COMMITTEES

Mr. Coleman moved that the Committee Reports at the Desk be now adopted. The motion prevailed.

Mr. Hansen, Baldy from the Committee on Labor and Commerce, to which was referred

S. F. No. 59: A bill for an act relating to public officers; interest in contracts with governmental units or authority; amending Minnesota Statutes 1974, Section 471.88, Subdivision 2.

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

Amend the title as follows:

Page 1, line 2, after "officers;" insert "prohibiting"

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

Mr. Hansen, Baldy from the Committee on Labor and Commerce, to which was referred

S. F. No. 55: A bill for an act relating to employment; employment of certain persons by the state and other governmental units; authorizing the state to insure its liability under workmen's compensation for certain persons employed by it; extended unemployment compensation benefits; amending Minnesota Statutes 1974, Sections 15.61; 176.541, by adding a subdivision; and 268.071, Subdivision 7.

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

Page 2, line 20, after "administration" strike the period and insert "*and after the governor has consulted the legislative advisory committee and such committee has made its recommendation thereon. Such recommendation shall be advisory only. Failure or refusal of the committee to make a recommendation promptly shall be deemed a negative recommendation.*"

Page 2, strike lines 29 through 32

Page 3, strike lines 1 through 10

Renumber sections in sequence

Amend the title as follows:

Page 1, line 2, after "employment;" insert "authorizing"

Page 1, line 6, strike "extended unemployment compensation"

Page 1, line 7, strike "benefits;"

Page 1, line 8, after "15.61;" insert "and"

Page 1, line 8, after "subdivision" strike the semicolon and insert a period

Page 1, line 9, strike "and 268.071, Subdivision 7."

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

Mr. Laufenburger from the Committee on Transportation and General Legislation, to which was referred

S. F. No. 64: A bill for an act providing additional bond issuing authority to provide compensation to those members of the armed forces who served during the Vietnam conflict; and appropriating the proceeds thereof.

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

Page 1, line 9, after "Statutes" insert "1974"

Page 1, line 13, after "Statutes" insert "1974"

Page 2, line 5, after "Statutes" insert "1974"

Page 2, line 14, after "Statutes" insert "1974"

Further, amend the title as follows:

Line 2, before "providing" insert "relating to veterans;"

Line 4, strike "and"

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

SECOND READING OF SENATE BILLS

S. F. Nos. 59 and 55 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. Keefe, S. moved that an urgency be declared within the meaning of Article IV, Section 19, of the Constitution of Minnesota, with respect to S. F. No. 55 and that the rules of the Senate be so far suspended as to give S. F. No. 55, now on General Orders, its third reading and place it on its final passage. The motion prevailed.

S. F. No. 55: A bill for an act relating to employment; authorizing employment of certain persons by the state and other governmental units; authorizing the state to insure its liability under workmen's compensation for certain persons employed by it; amending Minnesota Statutes 1974, Sections 15.61; and 176.541, by adding a subdivision.

Mr. Jensen moved to amend S. F. No. 55 as follows:

Page 1, line 15, reinstate the stricken word "town,"

The motion prevailed. So the amendment was adopted.

Mr. Conzemius moved to amend S. F. No. 55, as follows:

Page 2, strike lines 22 through 25 and insert "*and the legisla-*

tive advisory committee has approved the change in complement for a state department or agency."

Mr. Hughes moved to amend the Conzemius amendment to S. F. No. 55, as follows:

In the Conzemius amendment to page 2, after "agency" and before the period, insert ", exclusive of the first 15 percent"

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

The question recurred on the Conzemius amendment.

The question being taken on the adoption of the amendment,

And the roll being called, there were yeas 23 and nays 38, as follows:

Those who voted in the affirmative were:

Ashbach	Conzemius	Jensen	McCutcheon	Renneke
Bang	Dunn	Josefson	Ogdahl	Sillers
Berg	Frederick	Keefe, J.	Olson, J. L.	Ueland
Blatz	Hansen, Mel	Kirchner	O'Neill	
Brown	Hughes	Knutson	Patton	

Those who voted in the negative were:

Anderson	Fitzsimons	Merriam	Perpich, G.	Stassen
Arnold	Gearty	Milton	Pillsbury	Stokowski
Borden	Hansen, Baldy	Moe	Purfeerst	Stumpf
Chenoweth	Hanson, R.	North	Schaaf	Tennessee
Chmielewski	Humphrey	Olhoft	Schmitz	Wegener
Coleman	Keefe, S.	Olson, A. G.	Schrom	Willet
Davies	Kleinbaum	Olson, H. D.	Solon	
Doty	Lewis	Perpich, A. J.	Spear	

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

S. F. No. 55 was read the third time, as amended, and placed on its final passage.

The question being taken on the passage of the bill, as amended,

And the roll being called, there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Doty	Keefe, S.	Olson, A. G.	Sillers
Arnold	Dunn	Kirchner	Olson, H. D.	Solon
Ashbach	Fitzsimons	Kleinbaum	Olson, J. L.	Spear
Bang	Frederick	Knutson	O'Neill	Stassen
Berg	Gearty	Kowalczyk	Patton	Stokowski
Blatz	Hansen, Baldy	Lewis	Perpich, A. J.	Stumpf
Borden	Hansen, Mel	McCutcheon	Perpich, G.	Tennessee
Brown	Hanson, R.	Merriam	Pillsbury	Ueland
Chenoweth	Hughes	Milton	Purfeerst	Wegener
Chmielewski	Humphrey	Moe	Renneke	Willet
Coleman	Jensen	North	Schaaf	
Conzemius	Josefson	Ogdahl	Schmitz	
Davies	Keefe, J.	Olhoft	Schrom	

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

MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Coleman, from the Committee on Rules and Administration, offered the following resolution:

BE IT RESOLVED, by the Senate, that the following named persons be and are hereby appointed to the positions hereinafter stated and at the salaries heretofore fixed.

Kris Schmitt, Page, effective January 14, 1975.

Patrick F. Kelly, Committee Administrative Assistant, effective January 13, 1975.

Janice M. Flint, Committee Clerk I, effective January 13, 1975.

Kelvin Johnson substituted for Mark Winkler in the Committee Administrative Assistant classification, effective January 13, 1975.

Ellen LaValla, Stenographer I, effective January 20, 1975.

Monsignor Ambrose Hayden, Chaplain, effective January 8, 1975.

Rev. Albert Byrne, Chaplain, effective January 13, 1975.

Rev. Omar Hardin, Chaplain, effective February 3, 1975.

Mr. Coleman moved the adoption of the foregoing resolution. The motion prevailed. So the resolution was adopted.

Mr. Coleman introduced—

Senate Resolution No. 13: A senate resolution relating to the attendance of members and employees of standing committees or subcommittees at meetings and seminars; providing for payment of expenses thereby incurred.

BE IT RESOLVED, by the Senate of the State of Minnesota, that members of a standing committee or subcommittee of the Senate, and employees thereof, upon approval of the Committee on Rules and Administration, or the Chairman thereof, are authorized to attend meetings and seminars on subjects within the jurisdiction of the committee or subcommittee.

BE IT FURTHER RESOLVED, that expenses incurred in attending such meetings and seminars be paid out of the Senate Legislative Expense Fund, and that the Secretary of the Senate is hereby authorized and directed to issue warrants in payment of such expenses.

The question being taken on the adoption of the resolution,

And the roll being called, there were yeas 58 and nays 1, as follows:

Those who voted in the affirmative were:

Anderson	Bang	Borden	Chmielewski	Davies
Arnold	Berg	Brown	Coleman	Doty
Ashbach	Blatz	Chenoweth	Conzemius	Dunn

Fitzsimons	Kirchner	Ogdahl	Pillsbury	Stokowski
Gearty	Kleinbaum	Olhoff	Purfeerst	Stassen
Hansen, Baldy	Knutson	Olson, A. G.	Renneke	Stumpf
Hansen, Mel	Lewis	Olson, H. D.	Schaaf	Tennessee
Hanson, R.	McCutcheon	Olson, J. L.	Schmitz	Ueland
Hughes	Merriam	O'Neill	Schrom	Wegener
Humphrey	Milton	Patton	Sillers	Willet
Jensen	Moe	Perpich, A. J.	Solon	
Keefe, S.	North	Perpich, G.	Spear	

Mr. Josefson voted in the negative.

The motion prevailed. So the resolution was adopted.

Mr. Coleman introduced—

Senate Resolution No. 14: A senate resolution relating to the National Conference of State Legislatures; authorizing attendance by members and employees of the Senate and the expenditure of funds.

BE IT RESOLVED, by the Senate of the State of Minnesota, that the Senate Committee on Rules and Administration, or the Chairman thereof, is authorized to designate members of the Senate and employees thereof to attend meetings of the National Conference of State Legislatures and its committees.

BE IT FURTHER RESOLVED, that expenses incurred in attending such meetings be paid out of the Senate Legislative Expense Fund, and that the Secretary of the Senate is hereby authorized and directed to issue warrants in payment of such expense.

The question being taken on the adoption of the resolution,

And the roll being called, there were yeas 61 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Doty	Kirchner	Olson, H. D.	Solon
Arnold	Dunn	Kleinbaum	Olson, J. L.	Spear
Ashbach	Fitzsimons	Knutson	O'Neill	Stassen
Bang	Frederick	Kowalczyk	Patton	Stokowski
Berg	Gearty	Lewis	Perpich, A. J.	Stumpf
Blatz	Hansen, Baldy	McCutcheon	Perpich, G.	Tennessee
Borden	Hansen, Mel	Merriam	Pillsbury	Ueland
Brown	Hanson, R.	Milton	Purfeerst	Wegener
Chenoweth	Hughes	Moe	Renneke	Willet
Chmielewski	Humphrey	North	Schaaf	
Coleman	Jensen	Ogdahl	Schmitz	
Conzemius	Josefson	Olhoff	Schrom	
Davies	Keefe, S.	Olson, A. G.	Sillers	

The motion prevailed. So the resolution was adopted.

GENERAL ORDERS

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

After some time spent therein, the committee arose, and the President having resumed the chair, Mr. Anderson reported that the committee had considered the following:

S. F. No. 19, which the committee recommends to pass with the following amendment offered by Mr. North:

Page 121, line 10, strike "422" and insert "422A"

Page 148, line 15, strike "422" and insert "422A"

Page 211, after line 28, add a section to read:

"Sec. 148. This act shall become effective on the day following final enactment."

S. F. No. 28, which the committee recommends to pass.

And then, on motion of Mr. Anderson, the report of the Committee of the Whole, as kept by the Secretary, was adopted.

MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Coleman moved that the Senate do now adjourn until 5:30 o'clock p.m., Monday, January 27, 1975. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate