

SEVENTEENTH DAY

St. Paul, Minnesota, Tuesday, February 22, 1977

The Senate met at 10:00 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:

Ashbach	Frederick	Laufenburger	Peterson	Spear
Bang	Gearty	Luther	Pillsbury	Stokowski
Benedict	Gunderson	McCutcheon	Purfeerat	Strand
Borden	Hanson	Menning	Schaaf	Stumpf
Brataas	Hughes	Milton	Schmitz	Tennessee
Chmielewski	Jensen	Nelson	Schrom	Ueland, A.
Coleman	Johnson	Ogdahl	Setzepfandt	Ulland, J.
Dieterich	Keefe, S.	Olhoff	Sieloff	Vega
Dunn	Kleinbaum	Olson	Sikorski	Wegener
Engler	Knoll	Perpich	Sillers	Willet

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

Prayer was offered by the Chaplain, Rev. Jeannette Piccard.

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

Anderson	Gearty	Lessard	Perpich	Staples
Ashbach	Gunderson	Lewis	Peterson	Stokowski
Bang	Hanson	Luther	Pillsbury	Strand
Benedict	Hughes	McCutcheon	Purfeerat	Stumpf
Borden	Humphrey	Menning	Renneke	Tennessee
Brataas	Jensen	Merriam	Schaaf	Ueland, A.
Chenoweth	Johnson	Milton	Schmitz	Ulland, J.
Chmielewski	Keefe, J.	Moe	Schrom	Vega
Coleman	Keefe, S.	Nelson	Setzepfandt	Wegener
Davies	Kirchner	Nichols	Sieloff	Willet
Dieterich	Kleinbaum	Ogdahl	Sikorski	
Dunn	Knoll	Olhoff	Sillers	
Engler	Knutson	Olson	Solon	
Frederick	Laufenburger	Penny	Spear	

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

Mr. Bernhagen was excused from the Session of today.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

February 17, 1977

The Honorable Edward J. Gearty
President of the Senate

Dear Sir:

I respectfully request that the nomination of John A. Peterson, Thomas E. Halloran and Mrs. Gertrude Suel for appointment to the Metropolitan Airports Commission, submitted in Governor Anderson's letter dated December 14, 1976, be withdrawn and returned to my office, as I have been informed that they do not require Senate approval.

Sincerely,
Rudy Perpich, Governor

Referred to the Committee on Governmental Operations.

January 25, 1977

The Honorable Edward J. Gearty
President of the Senate

Dear Senator Gearty:

Pursuant to Minnesota Laws, 1974, Chapter 355, I have designated Senator Neil Dieterich an ex officio, nonvoting member of the Advisory Council on Fluctuating School Enrollments.

Respectfully submitted,
Jerome M. Hughes, Chairman
Senate Education Committee

February 7, 1977

The Honorable Edward J. Gearty
President of the Senate

Dear Sir:

On February 7, 1977, the Subcommittee on Committees met and by appropriate action made the following appointments:

Pursuant to Minnesota Statutes 1976

Sec. 298.22, Iron Range Resources and Rehabilitation Board

Messrs. Perpich, Johnson and Lessard

Sec. 161.1419 Mississippi River Parkway Commission

Messrs. Kleinbaum, Purfeerst and Bernhagen

Respectfully,
Nicholas D. Coleman, Chairman
Subcommittee on Committees

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Messrs. Perpich and Anderson introduced—

S. F. No. 404: A bill for an act relating to accident and health insurance; exempting certain dental care plans from the Minnesota comprehensive health insurance act of 1976; amending Minnesota Statutes 1976, Section 62E.02, Subdivision 11.

Referred to the Committee on Commerce.

Messrs. Laufenburger, Wegener, Purfeerst, Kirchner and Kleinbaum introduced—

S. F. No. 405: A bill for an act relating to the state transportation system; correcting conditions of a bond authorization; amending Laws 1976, Chapter 339, Section 3.

Referred to the Committee on Transportation.

Messrs. Solon, Vega, Olson and Davies introduced—

S. F. No. 406: A bill for an act relating to insurance; requiring refund of unearned premium on cancellation of certain automobile insurance policies; amending Minnesota Statutes 1976, Section 65B.14; and Chapter 65B, by adding sections.

Referred to the Committee on Commerce.

Mr. Ulland, J. introduced—

S. F. No. 407: A bill for an act relating to retirement; adjustment of annuities of certain retired members of the public employees retirement association.

Referred to the Committee on Governmental Operations.

Messrs. Davies, Hanson and Sieloff introduced—

S. F. No. 408: A bill for an act relating to state government agencies and officials; requiring rules, findings of facts, written opinions, and open precedents in certain circumstances; expanding judicial review of actions of agencies and officials.

Referred to the Committee on Governmental Operations.

Messrs. Anderson and Merriam introduced—

S. F. No. 409: A bill for an act relating to Independent School District No. 11; transferring title of certain land from the state to Independent School District No. 11.

Referred to the Committee on Education.

Messrs. Spear; Keefe, S.; Ogdahl; Merriam and Tennessen introduced—

S. F. No. 410: A bill for an act relating to labor; prohibiting the deduction of certain losses from wages without authorization by the employee; providing a cause of action for wrongful deduction.

Referred to the Committee on Employment.

Messrs. McCutcheon, Hanson, Purfeerst, Menning and Willet introduced—

S. F. No. 411: A bill for an act relating to peace officers; providing for training and licensing; renaming the peace officer training board and giving the board additional responsibilities; amending Minnesota Statutes 1976, Sections 626.841; 626.843, Subdivisions 1 and 2; 626.845; 626.846; 626.847; 626.848; 626.85, Subdivision 1; 626.851, Subdivision 2; 626.854; Chapter 626, by adding a section; repealing Minnesota Statutes 1976, Section 626.844.

Referred to the Committee on Governmental Operations.

Messrs. McCutcheon, Wegener, Gunderson, Moe and Willet introduced—

S. F. No. 412: 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. Nelson, Sikorski, Benedict, Humphrey and Mrs. Brataas introduced—

S. F. No. 413: 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.

Referred to the Committee on Energy and Housing.

Messrs. Luther, Penny, Mrs. Staples, Messrs. Peterson and Engler introduced—

S. F. No. 414: 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.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Luther, Chenoweth, Sikorski and Schaaf introduced—

S. F. No. 415: A bill for an act relating to consumer protection;

licensing collection agencies, collectors and managers; prescribing duties; authorizing investigations; defining terms; prescribing penalties; amending Minnesota Statutes 1976, Sections 332.31, Subdivision 3, and by adding subdivisions; 332.33, Subdivision 1, and by adding subdivisions; 332.34; 332.42, Subdivision 1; 332.43, Subdivision 1; 332.44; and Chapter 332, by adding sections; repealing Minnesota Statutes 1976, Sections 332.31, Subdivision 5; 332.33, Subdivisions 2, 3, 4, 5 and 6; 332.35; 332.37; 332.40; 332.42, Subdivision 2; 332.43, Subdivisions 2 and 3.

Referred to the Committee on Commerce.

Mr. Lessard introduced—

S. F. No. 416: A bill for an act relating to towns; authorizing the electors of certain towns to provide for certain services; amending Minnesota Statutes 1976, Section 365.20.

Referred to the Committee on Local Government.

Mr. Solon introduced—

S. F. No. 417: A bill for an act relating to highway traffic regulations; accidents; requiring certain information to be given; amending Minnesota Statutes 1976, Section 169.09, Subdivision 3.

Referred to the Committee on Judiciary.

Messrs. McCutcheon, Sikorski, Chenoweth and Gearty introduced—

S. F. No. 418: A bill for an act relating to motor vehicles; application for registration or certificate of title; specifying information to be supplied; appropriating money; amending Minnesota Statutes 1976, Sections 168.10, Subdivision 1; 168A.04, Subdivision 1; and 168A.05, Subdivision 3.

Referred to the Committee on General Legislation and Veterans Affairs.

Mr. Purfeerst, Mrs. Staples and Mr. Olson introduced—

S. F. No. 419: A bill for an act relating to taxation; exempting certain payments to deceased military personnel from the estate tax; amending Minnesota Statutes 1976, Section 291.05.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Penny, Nichols, Mrs. Brataas, Messrs. Merriam and Sillers introduced—

S. F. No. 420: A bill for an act relating to education; encouraging post-secondary institutions to grant comparable credit

for comparable work at another institution; directing the higher education coordinating board to perform certain duties.

Referred to the Committee on Education.

Mrs. Staples, Messrs. McCutcheon, Schaaf, Borden and Ogdahl introduced—

S. F. No. 421: A bill for an act relating to the state building code; providing for the adoption of minimum security standards for new and substantially remodeled housing.

Referred to the Committee on Energy and Housing.

Messrs. Purfeerst, Renneke, Penny, Schrom and Frederick introduced—

S. F. No. 422: 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.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Sikorski introduced—

S. F. No. 423: A bill for an act relating to juvenile traffic offenders; requiring prosecution of juvenile traffic offenders under laws controlling adult traffic offenders; amending Minnesota Statutes 1976, Sections 260.111, Subdivision 1; 260.121, Subdivision 3; 260.193, Subdivisions 1 and 4; repealing Minnesota Statutes 1976, Section 260.193, Subdivisions 3, 5, and 6.

Referred to the Committee on Judiciary.

Messrs. Sikorski, Kleinbaum, Vega and Schaaf introduced—

S. F. No. 424: A bill for an act relating to county government; requiring boards of seven members in certain counties; amending Minnesota Statutes 1976, Sections 375.01; and 375A.09, Subdivision 2.

Referred to the Committee on Local Government.

Messrs. Sikorski, Luther and Mrs. Staples introduced—

S. F. No. 425: A bill for an act proposing an amendment to the Minnesota Constitution, Article IV, Sections 2 and 3; providing for congressional and legislative apportionments by a commission.

Referred to the Committee on Rules and Administration.

Mr. Sikorski introduced—

S. F. No. 426: A bill for an act relating to motor vehicles; providing for limited licenses to attend chemical dependency programs; amending Minnesota Statutes 1976, Section 171.30, Subdivision 1.

Referred to the Committee on General Legislation and Veterans Affairs.

Messrs. Sikorski, McCutcheon and Tennessen introduced—

S. F. No. 427: A bill for an act relating to education; school districts; tort liability; removing school district immunity as to certain claims; amending Minnesota Statutes 1976, Section 466.03, Subdivision 6.

Referred to the Committee on Judiciary.

Mr. Olhoft, Mrs. Brataas, Messrs. Schrom, Menning and Wegener introduced—

S. F. No. 428: A bill for an act relating to cities; authorizing the League of Minnesota Cities to acquire and convey property; granting tax exempt status; amending Minnesota Statutes 1976, Section 465.58.

Referred to the Committee on Governmental Operations.

Messrs. Tennessen, Knoll, Davies and Sillers introduced—

S. F. No. 429: A bill for an act relating to crimes; restrictions on the justifiable taking of life upon making an arrest; amending Minnesota Statutes 1976, Section 609.065.

Referred to the Committee on Judiciary.

Messrs. Perpich, Olhoft, McCutcheon, Solon and Olson introduced—

S. F. No. 430: A bill for an act relating to peace officers; vocational-technical school training in compliance with training requirements; amending Minnesota Statutes 1976, Section 626.846, by adding a subdivision.

Referred to the Committee on Education.

Messrs. Merriam, Olson and Dunn introduced—

S. F. No. 431: 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.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Merriam, Tennessen, Nelson, McCutcheon and Keefe, J. introduced—

S. F. No. 432: A bill for an act relating to governmental operations; authorizing access of citizens to data; classifying data; defining terms; providing penalties; amending Minnesota Statutes 1976, Sections 15.17, Subdivisions 1, 2, 4 and by adding subdivisions; and 15.171.

Referred to the Committee on Judiciary.

Messrs. Tennessen, Merriam, Nelson, McCutcheon and Keefe, J. introduced—

S. F. No. 433: A bill for an act relating to public welfare; classifying data; defining terms; amending Minnesota Statutes 1976, Section 15.162, Subdivision 5.

Referred to the Committee on Judiciary.

Messrs. Tennessen, Merriam, Nelson, McCutcheon and Keefe, J. introduced—

S. F. No. 434: A bill for an act relating to health; classifying data; amending Minnesota Statutes 1976, Sections 144.065; and 145.05.

Referred to the Committee on Judiciary.

Messrs. Davies, Dieterich and Knutson introduced—

S. F. No. 435: A bill for an act relating to insurance; providing for the coordination of reparations benefits for automobile losses; amending Minnesota Statutes 1976, Section 65B.49, by adding a subdivision.

Referred to the Committee on Commerce.

Messrs. Davies, Spear, Chmielewski, Mrs. Brataas and Mr. Olhoft introduced—

S. F. No. 436: A bill for an act relating to insurance; requiring certain insurers and health service plan corporations to settle claims within a specified time; prescribing civil penalties; amending Minnesota Statutes 1976, Sections 61A.03; 62A.04, Subdivision 2; 62C.14, by adding a subdivision; 72A.12, by adding a subdivision; and Chapter 72A, by adding a section.

Referred to the Committee on Commerce.

Messrs. Tennessen, Luther, Jensen, Spear and Borden introduced—

S. F. No. 437: A bill for an act relating to assumed business names; amending Minnesota Statutes 1976, Sections 333.01;

333.04; and 333.06; and Chapter 333, by adding sections; repealing Minnesota Statutes 1976, Sections 333.02; 333.03; and 333.05.

Referred to the Committee on Commerce.

Mr. Tennesen, Mrs. Brataas, Messrs. Laufenburger, Nelson and Solon introduced—

S. F. No. 438: A bill for an act relating to bank charters, confidentiality of financial statements, hearing costs, managing officers, automatic expiration; amending Minnesota Statutes 1976, Sections 45.04; and 45.07.

Referred to the Committee on Commerce.

Messrs. Schmitz, Ashbach, Willet, Anderson and Lewis introduced—

S. F. No. 439: A bill for an act relating to metropolitan government; changing the appointment procedure for metropolitan council members; amending Minnesota Statutes 1976, Sections 473.121, by adding subdivisions; 473.123, Subdivisions 5, 6, and by adding subdivisions; repealing Minnesota Statutes 1976, Section 473.123, Subdivisions 2, 3 and 4.

Referred to the Committee on Governmental Operations.

Messrs. Stokowski, Johnson and Sillers introduced—

S. F. No. 440: A bill for an act relating to retirement; elections, computation and purchase of prior service credit in the teachers retirement fund; amending Minnesota Statutes 1976, Sections 354.146, by adding a subdivision; 354.44, Subdivision 6; and 354.51, by adding a subdivision.

Referred to the Committee on Governmental Operations.

Messrs. Stokowski, Ogdahl and Gearty introduced—

S. F. No. 441: A bill for an act relating to the city of Minneapolis; benefits and administration of the municipal employees retirement fund; amending Minnesota Statutes 1976, Sections 422A.02; 422A.03, Subdivision 1; 422A.06, Subdivision 6; 422A.08, Subdivision 5; 422A.16, Subdivision 10, and by adding a subdivision; 422A.18, Subdivision 2; and 422A.23, Subdivision 7, and by adding a subdivision.

Referred to the Committee on Governmental Operations.

Messrs. Setzepfandt, Merriam, Wegener, Renneke and Menning introduced—

S. F. No. 442: A bill for an act relating to county planning and zoning; providing for enforcement of certain subdivision regula-

tions by providing for approval of conveyancing instruments by a county planning and zoning officer prior to recording; amending Minnesota Statutes 1976, Section 394.37, Subdivision 1.

Referred to the Committee on Local Government.

Messrs. Bernhagen, Schmitz, Engler, Olhoft and Wegener introduced—

S. F. No. 443: A bill for an act relating to highways; providing for the removal of trees, shrubs and other obstructions within highway limits; amending Minnesota Statutes 1976, Sections 160.22, Subdivision 8; and 160.27, Subdivision 6; repealing Minnesota Statutes 1976, Section 160.22, Subdivision 7.

Referred to the Committee on Transportation.

Messrs. Chmielewski, Bernhagen, Menning, Olhoft and Schrom introduced—

S. F. No. 444: A bill for an act relating to arts; providing a rating system for plays performed in live theaters; amending Minnesota Statutes 1976, Section 139.10, by adding a subdivision.

Referred to the Committee on Judiciary.

Messrs. Hanson, McCutcheon, Borden, Schaaf and Sillers introduced—

S. F. No. 445: A bill for an act relating to crimes; specifying the acts constituting the crime of retail theft; amending Minnesota Statutes 1976, Chapter 609, by adding a section; repealing Minnesota Statutes 1976, Section 629.366.

Referred to the Committee on Judiciary.

Messrs. Keefe, S.; Solon; Spear; Vega and Tennessen introduced—

S. F. No. 446: A bill for an act relating to public welfare; increasing supplemental aid; appropriating money; amending Minnesota Statutes 1976, Section 256D.37, Subdivision 2, and by adding subdivisions.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Keefe, S.; Laufenburger and Davies introduced—

S. F. No. 447: A bill for an act relating to labor relations; changing negotiable terms of employment for certain public professional employees; amending Minnesota Statutes 1976, Section 179.63, Subdivision 18.

Referred to the Committee on Employment.

Messrs. Keefe, S.; McCutcheon; Mrs. Brataas; Messrs. Schmitz and Borden introduced—

S. F. No. 448: A bill for an act relating to public safety; telephone companies; providing for local emergency telephone service; appropriating money.

Referred to the Committee on Commerce.

Mr. Chmielewski introduced—

S. F. No. 449: A bill for an act relating to highway traffic regulations; requiring bumpers; amending Minnesota Statutes 1976, Section 169.73, Subdivision 2.

Referred to the Committee on Transportation.

Messrs. Borden, Bang, Spear, Nichols and Kleinbaum introduced—

S. F. No. 450: A bill for an act relating to banks and banking; authorizing certain branch banks; permitting consolidation of banks in regions; amending Minnesota Statutes 1976, Sections 48.34 and 49.34.

Referred to the Committee on Commerce.

Mr. Peterson, Mmes. Brataas, Staples, Messrs. Schrom and Knoll introduced—

S. F. No. 451: A bill for an act relating to the operation of state government; establishing a system of periodic review of certain agencies; providing a hearing; creating guidelines; setting termination dates.

Referred to the Committee on Governmental Operations.

Messrs. Chenoweth, McCutcheon, Coleman and Johnson introduced—

S. F. No. 452: A bill for an act relating to taxation; providing for state reimbursement of taxing districts for tax reduction granted to Title II and certain other property; amending Minnesota Statutes 1976, Sections 273.13, Subdivision 17b; 276.04; and Chapter 273, by adding a section.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Chenoweth, McCutcheon, Coleman, Stumpf and Sieloff introduced—

S. F. No. 453: A bill for an act relating to the city of St. Paul; providing for temporary use of a plan of assessment which will delay increases in assessed valuation in the city of St. Paul for certain buildings.

Referred to the Committee on Local Government. Mr. McCutcheon questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Messrs. Anderson, Wegener, Olson, Engler and Milton introduced—

S. F. No. 454: A bill for an act relating to agriculture; regulating the use of the name "Minnesota Farmstead Cheese."

Referred to the Committee on Agriculture and Natural Resources.

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

S. F. No. 455: A bill for an act relating to education; establishing 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 1976, Sections 120.095, by adding a subdivision; 120.10, Subdivision 2; repealing Minnesota Statutes 1976, Section 126.07.

Referred to the Committee on Education.

Messrs. Keefe, S.; Penny; Stokowski and Ueland, A. introduced—

S. F. No. 456: A bill for an act relating to elections; allowing municipalities to open polling places at 6:00 a.m.; amending Minnesota Statutes 1976, Section 204A.05, Subdivision 1.

Referred to the Committee on Elections.

Mr. Nelson introduced—

S. F. No. 457: A bill for an act relating to taxation; providing for payment in lieu of taxes for certain property used for housing for elderly or low or moderate income families; amending Minnesota Statutes 1976, Section 273.13, Subdivision 17; and Chapter 272, by adding a section.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Keefe, S.; Sikorski; Lewis; Renneke and Milton introduced—

S. F. No. 458: A bill for an act relating to welfare; increasing the personal allowance for persons in care facilities; amending Minnesota Statutes 1976, Section 256B.35, Subdivision 1.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Johnson, Willet and Milton introduced—

S. F. No. 459: A bill for an act relating to public welfare; establishing a formula for allocating state funds to counties for social service programs; prescribing county duties; providing for social service tax levies; prescribing duties of the commissioner of public welfare; appropriating money; amending Minnesota Statutes 1976, Sections 144.065; 145.55, Subdivision 1; 245.62; 245.68; 245.70; 252.22; 252.23; 252.26; 252.27, Subdivision 1; 253A.02, by adding a subdivision; 253A.07, Subdivisions 1 and 7; 253A.09, Subdivision 1; 253A.10, Subdivision 4; 253A.14, Subdivision 1; 253A.15, Subdivisions 6, 11, 12 and 13; 254A.05, Subdivision 1; 254A.07, Subdivisions 1 and 2; 254A.08, Subdivision 1; 256.12, Subdivision 9; 256.871, Subdivision 5; 256.95; 260.251, Subdivision 1a; 275.50, Subdivisions 5; 393.07, Subdivisions 2 and 3; 477A.01, Subdivision 2; 626.556, Subdivision 2; repealing Minnesota Statutes 1976, Sections 144.13; 145.01; 145.03; 145.05; 145.06; 145.07; 145.08, Subdivisions 2, 3 and 4; 145.12; 145.123; 145.125, Subdivisions 1 and 2; 145.47; 145.48; 145.49; 145.50; 145.51; 145.52; 145.53; 145.54; 145.921; 245.61; 245.63; 245.64; 245.66; 245.67; 245.69; 245.691; 245.72; 245.83; 245.84; 245.85; 245.86; 245.87; 252.21; 252.24; 252.25; 254A.02, Subdivision 12; 254A.07, Subdivision 3; 254A.08, Subdivision 3; 254A.14; 254A.15; 254A.16; 254A.17; 256.977; 393.01; 393.02; 393.03; 393.04; 393.06; 393.07, Subdivision 8; 393.08; 393.09; 393.11.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Milton, Gunderson, Mrs. Staples, Messrs. Vega and Nelson introduced—

S. F. No. 460: A bill for an act relating to public health; providing for ownership and control of medical records by their individual subjects; amending Minnesota Statutes 1976, Chapter 144, by adding a section.

Referred to the Committee on Judiciary.

Messrs. McCutcheon, Solon, Davies, Gearty and Ueland, A. introduced—

S. F. No. 461: A bill for an act relating to the administration of criminal justice; establishing a contingent fund to be used by law enforcement agencies for the purchase of narcotics and contraband; appropriating money.

Referred to the Committee on Health, Welfare and Corrections. Mr. McCutcheon questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Messrs. McCutcheon, Milton and Mrs. Staples introduced—

S. F. No. 462: A bill for an act relating to health; defining

“migrant laborers”; amending Minnesota Statutes 1976, Section 145.912, by adding a subdivision.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Olhoff, Moe, Menning, Nichols and Sillers introduced—

S. F. No. 463: A bill for an act relating to licensed occupations; providing for reciprocity in licensing for plumbers licensed in other states; amending Minnesota Statutes 1976, Chapter 326, by adding a section.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Keefe, S.; Coleman and Milton introduced—

S. F. No. 464: A bill for an act relating to public welfare; changing eligibility standards for medical assistance; appropriating money; amending Minnesota Statutes 1976, Section 256B.06, Subdivision 1.

Referred to the Committee on Health, Welfare and Corrections.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the adoption by the House of the following Senate Concurrent Resolution, herewith returned:

Senate Concurrent Resolution No. 6: A Senate concurrent resolution relating to adjournment.

Edward A. Burdick, Chief Clerk, House of Representatives
Returned February 17, 1977

Mr. President:

I have the honor to announce the passage by the House of the following House File, herewith transmitted: H. F. No. 51.

Edward A. Burdick, Chief Clerk, House of Representatives
Transmitted February 17, 1977

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H. F. Nos. 176, 187 and 283.

Edward A. Burdick, Chief Clerk, House of Representatives
Transmitted February 21, 1977

FIRST READING OF HOUSE BILLS

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

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.

Referred to the Committee on Elections.

H. F. No. 176: A bill for an act relating to drivers licenses; providing that nonqualification certificates may be issued to applicants who are 14 years of age or older; amending Minnesota Statutes 1976, Section 171.07, Subdivision 3.

Referred to the Committee on General Legislation and Veterans Affairs.

H. F. No. 187: A bill for an act relating to education; braille and deaf schools; providing for appointment of advisory councils; amending Minnesota Statutes 1976, Section 128A.03, Subdivision 3.

Referred to the Committee on Education.

H. F. No. 283: A bill for an act relating to securities; disciplinary action against a licensee; clarifying the time for initiating a proceeding; amending Minnesota Statutes 1976, Sections 80A.07, Subdivision 2, and 80A.21, Subdivision 1.

Referred to the Committee on Commerce.

REPORTS OF COMMITTEES

Mr. Coleman moved that the Committee Reports at the Desk be now adopted, with the exception of reports pertaining to appointments. The motion prevailed.

Mr. Tennessen from the Committee on Commerce, to which was referred

S. F. No. 200: A bill for an act relating to banking; authorized investments and powers of savings banks; amending Minnesota Statutes 1976, Sections 50.14, Subdivision 5; 50.148; and 50.157.

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

Page 1, line 11, strike "deed" and insert "deeds"

Page 1, line 17, after "clause" insert "(1)"

Page 2, line 14, strike "deed" and insert "deeds"

Page 2, line 15, strike "a" and insert "an original"

Page 2, line 19, strike the period and insert ", provided that construction loans made by a savings bank pursuant to this clause

(1) (c) shall not exceed in the aggregate 5 percent of the assets of the savings bank."

Page 3, line 11, strike "\$20,000" and insert "\$25,000"

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

Mr. Tennesen from the Committee on Commerce, to which was referred the following appointment as reported in the Journal for January 6, 1977:

PUBLIC SERVICE COMMISSION

Richard J. Parish

Reports the same back with the recommendation that the appointment be confirmed.

Mr. Coleman moved that the foregoing committee report be laid on the table. The motion prevailed.

Mr. Perpich from the Committee on Health, Welfare and Corrections to which was referred

S. F. No. 137: A bill for an act relating to health; appropriating money to fund a program of graduate training in family practice for physicians.

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

Page 1, line 10, strike "sums" and insert "sum of \$12,000 per student up to a maximum"

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

Mr. Laufenburger from the Committee on Employment, to which was referred

S. F. No. 232: A bill for an act relating to unemployment compensation; redefining "wages" for contribution purposes; changing contribution rates; providing for charging of benefits; increasing weekly benefits; redefining "credit week"; providing for disqualification for benefits; amending Minnesota Statutes 1976, Sections 268.04, Subdivisions 25 and 29; 268.06, Subdivisions 5 and 8; 268.07, Subdivision 2; and 268.09.

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

Page 1, after line 12 insert:

"Section 1. Minnesota Statutes 1976, Section 268.04, Subdivision 2, is amended to read:

Subd. 2. "Base period" means the period of fifty-two calendar

weeks immediately preceding the first day of an individual's benefit year. *Provided, however, that if a claimant received weekly worker's compensation for temporary total disability under the provisions of chapter 176 or under a similar law of the United States for more than seven weeks within the base period, as heretofore defined, his base period shall be lengthened by the number of such weeks, but not to exceed 52 weeks, for which he received such payments; provided further, that no extended base period shall include wage credits upon which benefits were established and paid with respect to a prior valid claim.*"

Page 4, line 15, delete "3" and insert "2"

Page 8, after line 11 insert:

"Sec. 7. Minnesota Statutes 1976, Section 268.08, Subdivision 1, is amended to read:

268.08 [PERSONS ELIGIBLE TO RECEIVE BENEFITS.] Subdivision 1. [ELIGIBILITY CONDITIONS.] An individual shall be eligible to receive benefits with respect to any week of unemployment only if the commissioner finds that:

(1) He has registered for work at and thereafter has continued to report to an employment office, or agent of such office, in accordance with such regulations as the commissioner may prescribe; except that the commissioner may by regulation waive or alter either or both of the requirements of this clause as to types of cases or situations with respect to which he finds that compliance with such requirements would be oppressive or would be inconsistent with the purposes of sections 268.03 to 268.24;

(2) He has made a claim for benefits in accordance with such regulations as the commissioner may prescribe; and

(3) He was able to work and was available for work, and was actively seeking work, provided that individual's weekly benefit amount shall be reduced one-fifth for each day such individual is unable to work or unavailable for work; provided further that benefits after December 31, 1971, shall not be denied by application of this clause to an individual who is in training with the approval of the commissioner;

An individual shall be deemed unavailable for work with respect to any week which occurs in a period when his principal occupation is that of a student in attendance at, or on vacation from an established school, college or university unless a majority of the credit weeks earned in his base period were for services performed during weeks in which he was attending school.

(4) He has been unemployed for a waiting period of one week during which he is otherwise eligible for benefits under sections 268.03 to 268.24, provided, however, payment for the waiting week shall be made to such individual after he has qualified for and been paid benefits for four weeks of unemployment in a benefit year which period of unemployment is terminated because of such individual's return to employment. No individual shall be required to serve a waiting period of more than one week within the one

year period subsequent to filing a valid claim and commencing with the week within which such valid claim was filed.”

Page 10, line 10 delete “*pregnancy or*”

Page 10, line 11 delete “*requested a leave of absence because of said*”

Page 10, line 12 delete “*circumstances or*” and “*other*”

Page 10, line 15 delete “*conditions*” and insert “*location*”

Page 15, after line 1 insert:

“*Subd. 7. This section shall apply to any separation from employment or refusal of a job referral or job offer occurring in this or any other state if such employment is insured under this law, a similar law of another state, the Railroad Unemployment Act or Title 5 of U.S.C. Chapter 85.*”

Sec. 9. Minnesota Statutes 1976, Section 268.18, Subdivision 3, is amended to read:

Subd. 3. [FALSE REPRESENTATIONS; CONCEALMENT OF FACTS.] Whoever makes a false statement or representation knowing it to be false or knowingly fails to disclose a material fact to obtain or increase any benefit or other payment under sections 268.03 to 268.24, or under the employment security law of any state or of the federal government or of a foreign government, either for himself or any other person, shall be guilty of a gross misdemeanor.

Any employing unit or any officer or agent of an employing unit or any other person who makes a false statement or representation knowing it to be false, or who knowingly fails to disclose a material fact, to prevent or reduce the payment of benefits to any individual entitled thereto, or to avoid becoming or remaining a subject employer or to avoid or reduce any contribution or other payment required from an employing unit under those sections or under the employment security law of any state or of the federal government, or who wilfully fails or refuses to make any such contributions or other payment or to furnish any reports at the time when required hereunder or to produce or permit the inspection or copying of records as required hereunder, shall be guilty of a gross misdemeanor.”

Page 15, delete lines 2 to 4 and insert:

“*Sec. 10. Sections 2 and 5 of this act are effective January 1, 1977. Sections 1, 3, 4, 6, 7, 8, and 9 are effective July 2, 1977.*”

Renumber the sections

Further amend the title as follows:

Page 1, line 2, after “*compensation;*” insert “*redefining “base period”;*”

Page 1, line 7, after “*benefits;*” insert “*providing a penalty;*”

Page 1, line 8, after “*Subdivisions*” insert “*2,*”

Page 1, line 9, strike the final "and" and insert "268.08, Subdivision 1;"

Page 1, line 10, after "268.09" insert "; and 268.18, Subdivision 3"

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

Mr. Hughes from the Committee on Education, to which was referred

S. F. No. 40: A bill for an act relating to education; quality education council; expanding duties and functions; amending Minnesota Statutes 1976, Sections 3.925; 3.926, Subdivision 2; and 3.927.

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

Page 3, strike lines 20 and 21

Page 3, line 30, after the period insert: "*The council may provide encouragement and assistance to school districts or combinations thereof by making them aware of and giving them information concerning possible and actual alternative programs or schools. It may also conduct training sessions and workshops for teachers, administrators, and the public, and provide consultative help in starting programs, reallocating resources, and solving problems of program implementation. However, the council shall not in any biennium expend more than 15 percent of its biennial appropriation for dissemination of information concerning these alternative programs or schools, the conduct of these training sessions and workshops, or the provision of this consultative help.*"

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

Mr. Davies from the Committee on Judiciary, to which was referred

S. F. No. 189: A bill for an act relating to crimes; raising the amount of pecuniary gain which must be received by a person incident to a violation of law before the violation is categorized as a felony; amending Minnesota Statutes 1976, Sections 609.27, Subdivision 2; 609.52, Subdivision 3; 609.53, Subdivision 1; 609.551, Subdivision 1; 609.563, Subdivision 1; 609.576, Subdivision 1; 609.595, Subdivision 1; and 609.615.

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

Page 6, after line 30, insert

"*Sec. 9. This act shall be effective August 1, 1977, and shall apply to all crimes committed on or after that date.*"

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

Mr. Davies from the Committee on Judiciary, to which was referred

S. F. No. 254: A bill for an act relating to trusts; county court jurisdiction over; amending Minnesota Statutes 1976, Sections 501.11; 501.12, Subdivision 3; 501.17; 501.211, Subdivision 4; 501.22, Subdivisions 2, 4, and 5; 501.23; 501.24; 501.25; 501.27; 501.33; 501.34; 501.35; 501.38; 501.42; 501.44; and Chapter 501, by adding a section.

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

Page 11, line 22, strike "*such*" and insert "*that*"

Page 11, line 23, strike "*such*" and insert "*the*"

Page 11, line 24, strike "*such*" and insert "*an express*"

Page 11, line 24, after "*trust*" insert "*by will or other written instrument*"

Page 11, line 26, strike "*such*" and insert "*that*"

Page 11, line 27, strike "*such*" and insert "*the unconfirmed*"

Page 11, line 29, after "*trust*" insert a comma

Page 11, line 29, strike "*such*" and insert "*the*"

Page 12, line 24, strike "; *provided that any*" and insert ". *The*"

Page 13, line 7, after "*upon*" insert "*the*"

Page 13, line 7, after "*hearing*" insert "*on the petition*"

Page 13, line 13, after "*trust*" insert a period

Page 13, line 14, strike "*provided that*"

Page 13, line 14, strike "*herein*" and insert "*in this section*"

Page 13, line 16, strike "*section*" and insert "*sections*"

Page 13, line 16, strike "*its*" and insert "*the*"

Page 13, line 17, after "*appointment*" insert "*of the trustee*"

Amend the title as follows:

Page 1, line 2, after the semicolon insert "*clarifying*"

Page 1, line 3, after "*over*" and before the semicolon insert "*trusts*"

Page 1, line 3, after the semicolon insert "*permitting a trustee or beneficiary of a trust to petition the court to release jurisdiction over certain trusts;*"

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

Mr. Davies from the Committee on Judiciary, to which was referred

S. F. No. 188: A bill for an act relating to crimes; correcting references in the laws relating to criminal sexual conduct; amending Minnesota Statutes 1976, Sections 246.43, Subdivision 1; 609.11, Subdivision 1; 609.195; 609.293, Subdivision 5; and 609.341, Subdivision 10; repealing Minnesota Statutes 1976, Section 609.293, Subdivisions 2, 3, and 4.

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

Page 3, after line 24 insert

"Sec. 5. Minnesota Statutes 1976, Section 609.32, Subdivision 1, is amended to read:

609.32 [PROSTITUTION.] Subdivision 1. [DEFINITIONS.] (1) "Prostitution" means engaging or offering or agreeing to engage for hire in sexual intercourse penetration, as defined in section 609.29 609.341, subdivision 12 or sodomy as defined in section 609.293, subdivision 1.

(2) A "place of prostitution" is a house or other place where prostitution is practiced or from which prostitution is promoted.

Sec. 6. Minnesota Statutes 1976, Section 609.32, Subdivision 3, is amended to read:

Subd. 3. [OTHER ACTS PROHIBITED.] Whoever intentionally does any of the following may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$5,000, or both:

- (1) Keeps a place of prostitution; or
- (2) Leases or otherwise permits premises owned by him or under his control to be used as a place of prostitution; or
- (3) Solicits or induces another over the age of 18 years to practice prostitution; or
- (4) Solicits another under the age of 18 years to have engage in sexual intercourse penetration or to commit sodomy with a prostitute or admits him to a place of prostitution; or
- (5) Engages as a prostitute in an act of sexual intercourse or sodomy prostitution with another under the age of 18 years; or
- (6) Transports a prostitute from one place of prostitution within the state to another such place within or without the state, or brings a prostitute into the state, for the purpose of prostitution.

Sec. 7. Minnesota Statutes 1976, Section 609.32, Subdivision 4, is amended to read:

Subd. 4. [FURTHER ACTS PROHIBITED.] Whoever intentionally does any of the following may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$1,000, or both:

- (1) Engages in prostitution; or

(2) Is supported in whole or in part by the earnings of a prostitute; or

(3) Solicits for a prostitute, directs, takes, or transports another to a prostitute or place of prostitution, or brings a prostitute to him, for the purpose of sexual intercourse or sodomy penetration with a prostitute; or

(4) Hires or offers or agrees to hire another person to engage in sexual intercourse or sodomy penetration."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 6, after the semicolon insert "609.32, Subdivisions 1, 3, and 4;"

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

SECOND READING OF SENATE BILLS

S. F. Nos. 200, 232, 40, 189, 254 and 188 were read the second time and referred to the Subcommittee on Bill Scheduling of the Committee on Rules and Administration.

MOTIONS AND RESOLUTIONS

Mr. Purfeerst moved that the report from the Committee on Transportation, reported February 17, 1977, pertaining to appointments, be taken from the table. The motion prevailed.

Mr. Purfeerst moved that the foregoing report be now adopted. The motion prevailed.

CONFIRMATION

Mr. Purfeerst moved that in accordance with the report from the Committee on Transportation, reported February 17, 1977, the Senate, having given its advice, do now consent to and confirm the appointment of:

STATE DEPARTMENT OF TRANSPORTATION COMMISSIONER

R. James Harrington, 2100 West 21st Street, Minneapolis, Hennepin County, effective August 1, 1976, for a term expiring January 1, 1979.

The motion prevailed. So the appointment was confirmed.

MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Schrom moved that the name of Mr. Willet be added as co-author to S. F. No. 247. The motion prevailed.

Mr. Keefe, S. moved that the name of Mr. Johnson be added as co-author to S. F. No. 351. The motion prevailed.

Mr. Merriam moved that the name of Mr. Dunn be added as co-author to S. F. No. 354. The motion prevailed.

Mr. Solon moved that the name of Mr. Olhofft be added as co-author to S. F. No. 356. The motion prevailed.

Mr. Luther moved that the name of Mr. Vega be added as co-author to S. F. No. 370. The motion prevailed.

Mr. Wegener moved that his name be stricken as co-author to S. F. No. 373. The motion prevailed.

Mr. Nelson moved that the name of Mr. Sikorski be added as co-author to S. F. No. 399. The motion prevailed.

Mr. Chenoweth moved that the report from the Committee on Governmental Operations, reported February 17, 1977, pertaining to appointments, be taken from the table. The motion prevailed.

Mr. Chenoweth moved that the foregoing report be now adopted. The motion prevailed.

CONFIRMATION

Mr. Chenoweth moved that in accordance with the report from the Committee on Governmental Operations, reported February 17, 1977, the Senate, having given its advice, do now consent to and confirm the appointment of:

METROPOLITAN COUNCIL

Joan Campbell, 947-17th Avenue Southeast, Minneapolis, Hennepin County, effective January 12, 1977, for a term expiring January 5, 1981.

The motion prevailed. So the appointment was confirmed.

THIRD READING OF SENATE BILLS

S. F. No. 43: A bill for an act relating to highway traffic regulations; parking privileges for the physically handicapped; amending Minnesota Statutes 1976, Section 169.345, Subdivisions 2 and 3.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Chenoweth	Dunn	Hanson	Keefe, J.
Bang	Chmielewski	Engler	Hughes	Kirchner
Benedict	Coleman	Frederick	Humphrey	Kleinbaum
Borden	Davies	Gearty	Jensen	Knoll
Brataas	Dieterich	Gunderson	Johnson	Knutson

Laufenburger	Moe	Peterson	Sikorski	Ueland, A.
Lessard	Nelson	Pillsbury	Sillers	Ulland, J.
Lewis	Nichols	Purfeerst	Solon	Vega
Luther	Ogdahl	Renneke	Spear	Wegener
McCutcheon	Olhoff	Schaaf	Stokowski	Willet
Menning	Olson	Schmitz	Strand	
Merriam	Penny	Setzepfandt	Stumpf	
Milton	Perpich	Sieloff	Tennessee	

So the bill passed and its title was agreed to.

S. F. No. 21: A bill for an act relating to health; authorizing the licensing of physicians from Canada without an examination; amending Minnesota Statutes 1976, Section 147.03.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Gearty	Lessard	Penny	Staples
Bang	Gunderson	Lewis	Perpich	Stokowski
Benedict	Hanson	Luther	Peterson	Strand
Borden	Hughes	McCutcheon	Pillsbury	Stumpf
Brataas	Humphrey	Menning	Purfeerst	Tennessee
Chenoweth	Jensen	Merriam	Renneke	Ueland, A.
Chmielewski	Johnson	Milton	Schmitz	Ulland, J.
Coleman	Keefe, J.	Moe	Setzepfandt	Vega
Davies	Kirchner	Nelson	Sieloff	Wegener
Dieterich	Kleinbaum	Nichols	Sikoraki	Willet
Dunn	Knoll	Ogdahl	Sillers	
Engler	Knutson	Olhoff	Solon	
Frederick	Laufenburger	Olson	Spear	

So the bill passed and its title was agreed to.

GENERAL ORDERS

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

After some time spent therein, the committee arose, and Mr. Gearty reported that the committee had considered the following:

S. F. No. 51, which the committee recommends to pass with the following amendment offered by Mr. Menning:

Page 2, line 5, strike "of" and insert "that"

Page 2, line 5, after "election" insert "is held within the boundaries of the school district, county or municipality, respectively"

Page 2, line 7, after "university" insert "or state community college"

Page 2, line 9, strike "of" and insert "that"

Page 2, line 9, after "election" insert "is held in any political subdivision in which the university or college is located"

Page 2, line 10, after "board" insert "or the state board for community colleges, as appropriate"

Page 2, line 10, strike everything after the period

Page 2, strike lines 11 to 13

Page 2, line 17, strike "of" and insert "that"

Page 2, line 17, after "election" insert "is held in any political subdivision in which the school is located"

Page 5, line 31, strike "five" and insert "ten"

Page 5, line 32, strike "receipt" and insert "mailing"

Page 6, line 1, strike everything after the period

Page 6, line 2, strike everything before "A"

Page 7, line 16, strike "five" and insert "ten"

Page 7, line 17, strike "receipt" and insert "mailing"

Page 7, line 18, strike everything after the period

Page 7, line 19, strike everything before "A"

Page 8, line 21, strike "five" and insert "ten"

Page 8, line 21, strike "receipt" and insert "mailing"

Page 8, line 23, strike everything after the period

Page 8, line 24, strike everything before "A"

Page 9, line 25, strike "five" and insert "ten"

Page 9, line 25, strike "receipt" and insert "mailing"

Page 9, strike line 27

Page 9, line 28 strike "agree."

On motion of Mr. Coleman, 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 10:00 o'clock a.m., Thursday, February 24, 1977. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate