

NINETEENTH DAY

St. Paul, Minnesota, Monday, February 28, 1977

The Senate met at 5:00 o'clock p.m. and was called to order by the President.

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

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

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

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. Kirchner, Nichols and Pillsbury were excused from the Session of today.

REPORTS FILED WITH THE SECRETARY OF THE SENATE

The following reports were received and filed by the Secretary of the Senate: Interstate Port Authority Commission, Final Report, 1976; Impact of Fluctuating School Enrollments on Minnesota's Educational System, Final Report, 1977; State Board of Investment, Prospectus Minnesota Supplemental Retirement Fund, 1976; Department of Personnel, Summary of Training and Development Activities for fiscal 1975-76; Minnesota Department of Natural Resources, Biennial Report, 1976-77; University of Minnesota, Program for Vocational Technical Education Facility, 1976; Commerce Department, Annual Report, 1976; Minnesota Higher Education Coordinating Board, Southwest Study, 1976; Commission on Minnesota's Future, 1977; Metropolitan Transit Commission, Bus Service Expansion Program, Progress Report,

1977; Minnesota Department of Health, Division of Health Manpower, Summary of Health-Related Regulatory Boards' Reports, 1976; Department of Public Welfare, Plan for Chemical Dependency Programs; Commissioner of Public Safety, Recommendations for Mandatory Bicycle Registration, 1977; Teachers Retirement Association, Forty-fifth Annual Report of the Board of Trustees, July 1, 1975 through June 30, 1976; Arrowhead Regional Development Commission, Annual Report, 1976; Iron Range Resources and Rehabilitation Board, Biennial Report, 1974-76; Minnesota State Ethical Practices Board, Annual Report, 1975-76; Department of Administration, Management Services Division, Licensing Boards and Host Departments, 1976; Department of Administration, Division of Procurement, Annual Report on Small Business Procurement Act; Department of Revenue, Biennial Report, Fiscal years 1975-76; Department of Corrections, Annual Report; Department of Corrections, Plan to Reduce and Relocate Inmates of Security Hospital and State Prison; Department of Finance, Quarterly Financial Report; State Board of Health, Development of Health Maintenance Organization; Pollution Control Agency, Continuing Operation of Recycling Program, 1974-77; University of Minnesota, Facilities Report for School of Nursing and College of Pharmacy, 1977.

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Messrs. Anderson, Wegener, Dunn, Strand and Willet introduced—

S. F. No. 501: A bill for an act relating to high voltage transmission lines; authorizing the landowner to elect to have a different amount of land condemned if his property is crossed by more than one line; amending Minnesota Statutes 1976, Section 116C.63.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Anderson, Wegener, Lessard, Strand and Dunn introduced—

S. F. No. 502: A bill for an act relating to eminent domain; authorizing payment in installments with interest; amending Minnesota Statutes 1976, Section 117.231.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. McCutcheon, Stumpf, Spear, Dieterich and Schaaf introduced—

S. F. No. 503: A bill for an act relating to taxation; requiring payment of sales tax on isolated sales of boats and snowmobiles;

amending Minnesota Statutes 1976, Sections 297A.25, Subdivision 1; 297B.01, Subdivision 5; and 361.03, Subdivision 8.

Referred to the Committee on Taxes and Tax Laws.

Mr. Kleinbaum introduced—

S. F. No. 504: A bill for an act relating to St. Cloud state university; appropriating money for designing and planning an addition to Halenbeck Hall.

Referred to the Committee on Education.

Messrs. Sillers and Kleinbaum introduced—

S. F. No. 505: A bill for an act relating to retirement; teachers retirement association; authorizing the purchase of out of state teaching service; amending Minnesota Statutes 1976, Section 354.09, by adding a subdivision.

Referred to the Committee on Governmental Operations.

Messrs. Setzepfandt, Frederick, Olson, Schrom and Hanson introduced—

S. F. No. 506: A bill for an act relating to taxation; extending the tax credit for feedlot pollution control equipment and providing for a carryback and carryover of the credit from one year to another; exempting feedlot pollution control equipment under certain conditions from the sales and use tax; amending Minnesota Statutes 1976, Sections 290.06, Subdivision 9a; and 297A.25, Subdivision 1.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Lewis, Chenoweth, Ogdahl and Knoll introduced—

S. F. No. 507: A bill for an act relating to public welfare; licensing and regulating social workers; establishing the board of social work examiners; appropriating money; amending Minnesota Statutes 1976, Section 214.01, Subdivision 2.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Merriam, Knoll and Keefe, J. introduced—

S. F. No. 508: A bill for an act relating to criminal convictions; providing for the setting aside of certain convictions and the protection of criminal records; amending Minnesota Statutes 1976, Section 609.166.

Referred to the Committee on Judiciary.

Messrs. Milton, Spear, Vega and Mrs. Staples introduced—

S. F. No. 509: A bill for an act relating to human rights; prohibiting discrimination on the basis of chemical dependency treatment; amending Minnesota Statutes 1976, Section 363.03.

Referred to the Committee on Judiciary.

Messrs. Humphrey, Knoll, Sikorski and Spear introduced—

S. F. No. 510: A bill for an act relating to human rights; prohibiting discrimination against students in housing; amending Minnesota Statutes 1976, Sections 363.03, Subdivision 2; and 363.12, Subdivision 1.

Referred to the Committee on Judiciary.

Messrs. Schrom, Chmielewski, Merriam, Sillers and Kleinbaum introduced—

S. F. No. 511: A bill for an act relating to education; school taxes; expanding the definition of the maximum effort debt service levy required of certain school districts; amending Minnesota Statutes 1976, Section 124.38, Subdivision 7.

Referred to the Committee on Education.

Messrs. Kleinbaum, Humphrey and Sillers introduced—

S. F. No. 512: A bill for an act relating to education; defining high potential children; increasing aids for certain enrichment programs; appropriating money.

Referred to the Committee on Education.

Messrs. Olhofft, Merriam, Dieterich, Peterson and Sillers introduced—

S. F. No. 513: A bill for an act relating to taxation; altering the definition of gross income for income tax purposes for individuals, trusts and estates; placing restrictions on certain deductions and allowing certain tax free distributions; extending time for certain sales or exchanges of residential property; making certain changes in treatment of small business corporations; amending Minnesota Statutes 1976, Sections 290.01, Subdivision 20; 290.09, Subdivisions 2 and 29; 290.13, Subdivision 9; 290.23, by adding a subdivision; 290.26, by adding a subdivision; 290.971, Subdivisions 1 and 3, and by adding subdivisions; 290.972, Subdivision 5; and 290A.03, Subdivision 3.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Lewis, Coleman, McCutcheon, Kirchner and Ogdahl introduced—

S. F. No. 514: A bill for an act relating to victims of crime;

directing the commissioner of corrections to establish victim crisis centers; appropriating money.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. McCutcheon, Ogdahl, Vega, Ashbach and Stokowski introduced—

S. F. No. 515: A bill for an act relating to commerce; requiring the licensing of builders; requiring bonds and insurance.

Referred to the Committee on Commerce.

Messrs. McCutcheon, Schaaf and Borden introduced—

S. F. No. 516: A bill for an act relating to search warrants; authorizing issuance upon oral request; amending Minnesota Statutes 1976, Chapter 626, by adding a section.

Referred to the Committee on Judiciary.

Messrs. Frederick, Kirchner, Kleinbaum, Purfeerst and Ashbach introduced—

S. F. No. 517: A bill for an act relating to appropriations; appropriating money to the historical society for the purpose of restoring the ruins of Wasioja Seminary in Dodge county.

Referred to the Committee on General Legislation and Veterans Affairs.

Messrs. Jensen, McCutcheon and Knutson introduced—

S. F. No. 518: A bill for an act relating to highway traffic regulations; violations; creating a rebuttable presumption that a motor vehicle involved in a violation was driven by the owner when the driver is not otherwise identified.

Referred to the Committee on Judiciary.

Messrs. Keefe, S.; Schaaf; Johnson and Nelson introduced—

S. F. No. 519: A bill for an act relating to elections; establishing voter registration in all counties; changing required voter registration information; providing for reports of changes; amending Minnesota Statutes 1976, Sections 201.021; 201.061, Subdivisions 3 and 6; 201.071; 201.091, Subdivision 6, and by adding a subdivision; 201.14; 201.15; and Chapter 201, by adding a section; repealing Minnesota Statutes 1976, Section 201.061, Subdivision 2.

Referred to the Committee on Elections.

Messrs. Setzepfandt, Strand, Menning and Bernhagen introduced—

S. F. No. 520: A bill for an act relating to natural resources;

requiring preparation of a comprehensive fiscal plan as a condition of further expenditures in development of the Luce Line Trail.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Bang, Setzepfandt, Frederick, Lewis and Schaaf introduced—

S. F. No. 521: A bill for an act relating to highway traffic regulations; providing that a person may lawfully stop or park his motor vehicle on highways and streets under specified conditions for the purpose of aiding distressed motorists; amending Minnesota Statutes 1976, Chapter 169, by adding a section.

Referred to the Committee on Transportation.

Messrs. Bang, Benedict, Olson, McCutcheon and Sillers introduced—

S. F. No. 522: A bill for an act relating to watersheds; providing for the issuance of county bonds to pay the cost of watershed district improvements; amending Minnesota Statutes 1976, Section 112.60, Subdivision 2.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Bang, McCutcheon, Mrs. Brataas, Mr. Ogdahl and Mrs. Staples introduced—

S. F. No. 523: A bill for an act relating to licensed occupations; providing for licensing and regulation of tax preparers by the commissioner of revenue; amending Minnesota Statutes 1976, Chapter 326, by adding a section.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Johnson, Lewis, McCutcheon, Vega and Stumpf introduced—

S. F. No. 524: A bill for an act relating to taxation; providing for delayed assessment of multifamily residential improvements and new construction; amending Minnesota Statutes 1976, Chapter 273, by adding a section.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Johnson, Willet, Setzepfandt and Bernhagen introduced—

S. F. No. 525: A bill for an act relating to highway traffic regulations; littering; providing for a reward for information resulting in the arrest and conviction of litterers; providing penalties; ap-

appropriating money; amending Minnesota Statutes 1976, Section 169.42, Subdivision 5, and by adding a subdivision.

Referred to the Committee on General Legislation and Veterans Affairs.

Messrs. Johnson, Setzepfandt and Bernhagen introduced—

S. F. No. 526: A bill for an act relating to game and fish; permitting the use of tip-ups; amending Minnesota Statutes 1976, Section 101.42, Subdivision 20.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Johnson introduced—

S. F. No. 527: A bill for an act relating to civil service; providing that promotion and place of service are separate considerations; amending Minnesota Statutes 1976, Section 43.19, by adding a subdivision.

Referred to the Committee on Governmental Operations.

Mr. Olhoft introduced—

S. F. No. 528: A bill for an act relating to public welfare; authorizing the release of data maintained by the department of employment services to the department of public welfare; amending Minnesota Statutes 1976, Chapter 256, by adding a section.

Referred to the Committee on Judiciary.

Messrs. Menning, Nichols, Renneke, Willet and Setzepfandt introduced—

S. F. No. 529: A bill for an act relating to waters; appropriation and use of waters; priorities; amending Minnesota Statutes 1976, Section 105.41, Subdivision 1a.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Olhoft, Strand, Willet, Dunn and Luther introduced—

S. F. No. 530: A bill for an act relating to used motor oil recycling; requiring certain collection facilities or the posting of certain informational lists; requiring registration of used motor oil haulers.

Referred to the Committee on General Legislation and Veterans Affairs.

Messrs. Schrom, Merriam, Kleinbaum, Dunn and Wegener introduced—

S. F. No. 531: A bill for an act relating to education; teachers; providing certain grounds for discharge of a continuing contract teacher; amending Minnesota Statutes 1976, Section 125.12, Subdivision 8.

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

Mr. Kleinbaum, Mrs. Brataas, Messrs. Vega, Lewis and Pillsbury introduced—

S. F. No. 532: A bill for an act relating to financial institutions; modifying the maximum interest rate that may be charged on certain loans; making the method of determination of such rates permanent; amending Minnesota Statutes 1976, Section 47.20, Subdivision 4.

Referred to the Committee on Commerce.

Messrs. Ogdahl, Purfeerst, Laufenburger and Anderson introduced—

S. F. No. 533: A bill for an act relating to the state building code; extending its application to all municipalities and new buildings; authorizing municipalities to adopt and enforce building maintenance codes; clarifying state agency rulemaking regarding building code subject matter; clarifying appeals to the commissioner; amending Minnesota Statutes 1976, Sections 16.84; 16.851; 16.86, Subdivision 4; and 16.863.

Referred to the Committee on Energy and Housing.

Messrs. Willet and Moe introduced—

S. F. No. 534: A bill for an act relating to motor vehicles; defining terms; clarifying certain motor vehicle dealer licensing requirements; preempting local licensing and bonding requirements; amending Minnesota Statutes 1976, Section 168.27, Subdivisions 1, 4, 8, 13, 16, 22, 24 and by adding a subdivision.

Referred to the Committee on Commerce.

Messrs. Hughes, Coleman, Anderson, Sillers and Lewis introduced—

S. F. No. 535: A bill for an act relating to education; early childhood and family education; establishing programs and providing state aid therefor; appropriating money; amending Minnesota Statutes 1976, Section 124.17, Subdivision 1, and by adding a subdivision; and Chapter 124, by adding sections.

Referred to the Committee on Education.

Messrs. Knutson and Vega introduced—

S. F. No. 536: A bill for an act relating to Independent School District No. 196 (Rosemount) and Independent School District No. 194 (Lakeville); providing for certain land to be detached from Independent School District No. 196 and annexed to Independent School District No. 194.

Referred to the Committee on Education.

Messrs. Knutson and Purfeerst introduced—

S. F. No. 537: A bill for an act relating to Independent School District No. 721 (New Prague) and Independent School District No. 194 (Lakeville); providing for certain land to be detached from Independent School District No. 721 and annexed to Independent School District No. 194.

Referred to the Committee on Education.

Messrs. McCutcheon, Sikorski and Hughes introduced—

S. F. No. 538: A bill for an act relating to taxation; increasing the size of land classified as a homestead; amending Minnesota Statutes 1976, Sections 290.0601, Subdivision 5; and 290A.03, Subdivision 6.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Stumpf; Dieterich; Keefe, S. and Solon introduced—

S. F. No. 539: A bill for an act relating to welfare; increasing the state share of welfare costs; appropriating money; amending Minnesota Statutes 1976, Sections 252.27, Subdivision 1; 256.82; 256.871, Subdivision 6; 256B.19, Subdivision 1; 256D.03, Subdivisions 2 and 3; 256D.22; 256D.36, Subdivision 1; 256D.37, Subdivision 1; 260.251, Subdivision 1a; 261.23; and 261.233.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Stumpf, Spear, Vega, Solon and Chenoweth introduced—

S. F. No. 540: A bill for an act relating to education; school districts; increasing aids and providing certain benefits for programs of education of the handicapped; providing funds for declining enrollments, adult education, transportation of additional pupils, mandated desegregation and certain employee contributions; appropriating money; amending Minnesota Statutes 1976, Sections 124.17, Subdivision 1; 124.223; and 124.32, Subdivisions 1, 1a and 1b.

Referred to the Committee on Education.

Messrs. Knutson, Gearty and Bang introduced—

S. F. No. 541: A bill for an act relating to the operation of state

government; authorizing value analysis of certain department of transportation construction projects; establishing procedures for implementing value analysis change proposals.

Referred to the Committee on Transportation.

Mrs. Staples; Messrs. Ueland, A.; Lewis; Benedict and Borden introduced—

S. F. No. 542: A bill for an act relating to education; appropriating money to expand nursing education programs at Mankato state university.

Referred to the Committee on Education.

Messrs. Vega, McCutcheon, Knutson and Engler introduced—

S. F. No. 543: A bill for an act relating to highways; removing the construction moratorium on a certain interstate route, and extending it through the city of St. Paul; removing a certain route from the trunk highway system; amending Minnesota Statutes 1976, Sections 161.117; 161.12; and 161.123.

Referred to the Committee on Transportation.

Messrs. Vega; Solon; Keefe, S. and Laufenburger introduced—

S. F. No. 544: A bill for an act relating to public employment labor relations; clarifying and revising the powers and duties of the director of the bureau of mediation services and the public employment relations board; authorizing the director to decertify exclusive representatives and to clarify or amend appropriate bargaining units; exempting the public employment relations board from the administrative procedure act; authorizing the public employment relations board to obtain administrative services and staff subject to appropriation, and to issue notices, subpoenas and orders; revising the criteria for determining appropriate units; authorizing the appeal of certain decisions by the public employment relations board to the supreme court; revising the compensation of arbitrators; eliminating the independent review of grievances; amending Minnesota Statutes 1976, Sections 15.0411, Subdivision 2; 179.61; 179.62; 179.63, Subdivisions 1, 6, 8, 9, 9a, 10, 11, 13, 14 and 17; 179.64, Subdivision 7; 179.65, Subdivisions 1, 2 and 6; 179.66, Subdivisions 5, 6 and 9; 179.67, Subdivisions 1, 4, 5, 6, 14, and by adding a subdivision; 179.68; 179.69, Subdivisions 1 and 2; 179.70, Subdivision 1; 179.71, Subdivisions 2, 3, 4 and 5; 179.72, Subdivisions 1, 3, 4, 6 and 7; 179.74, Subdivisions 2 and 4; repealing Minnesota Statutes 1976, Section 179.76.

Referred to the Committee on Employment.

Mr. Sieloff and Mrs. Brataas introduced—

S. F. No. 545: A bill for an act relating to taxation; providing an inflation adjustment for income subject to income tax; amend-

ing Minnesota Statutes 1976, Section 290.06, by adding a subdivision.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Nichols, McCutcheon, Johnson, Willet and Dunn introduced—

S. F. No. 546: A bill for an act relating to children; damage done by a child; altering amount of parental liability; amending Minnesota Statutes 1976, Section 540.18, Subdivision 1.

Referred to the Committee on Judiciary.

Mr. Keefe, S. introduced—

S. F. No. 547: A bill for an act relating to taxation; limiting the property tax payable on class 3d property; appropriating money; amending Minnesota Statutes 1976, Section 273.13, Subdivision 19.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Anderson; Merriam; Keefe, J.; Milton and Nelson introduced—

S. F. No. 548: A bill for an act relating to courts; authorizing periodic payment plans for damage awards in certain cases; defining terms.

Referred to the Committee on Judiciary.

Messrs. Lewis; Sikorski; Keefe, J.; Nelson and Knoll introduced—

S. F. No. 549: A bill for an act relating to civil actions; awarding costs and attorney fees in certain actions.

Referred to the Committee on Judiciary.

Messrs. Anderson, Merriam, Sieloff, Nelson and Mrs. Staples introduced—

S. F. No. 550: A bill for an act relating to civil actions; providing for the admission of evidence in certain negligence actions.

Referred to the Committee on Judiciary.

Messrs. Lewis, Setzepfandt, Knutson, Mrs. Staples and Mr. Sillers introduced—

S. F. No. 551: A bill for an act relating to civil actions; providing for the admissibility of evidence and competency of witnesses in certain negligence actions.

Referred to the Committee on Judiciary.

Mr. Anderson, Mrs. Staples, Messrs. Knutson, Milton and Lesard introduced—

S. F. No. 552: A bill for an act relating to medicine; standard of care in the medical and allied professions.

Referred to the Committee on Judiciary.

Messrs. Milton; Johnson; Spear; Keefe, S. and Mrs. Staples introduced—

S. F. No. 553: A bill for an act relating to the aging; appropriating money for the retired senior volunteer program.

Referred to the Committee on Health, Welfare and Corrections.

Mr. Olhoft introduced—

S. F. No. 554: A bill for an act relating to retirement; annuitants of the public employees retirement association holding public office; effect on annuity; amending Minnesota Statutes 1976, Section 353.37, Subdivision 1.

Referred to the Committee on Governmental Operations.

REPORTS OF COMMITTEES

Mr. Coleman moved that the Committee Reports at the Desk be now adopted, with the exception of S. F. No. 141. The motion prevailed.

Mr. McCutcheon from the Committee on Taxes and Tax Laws, to which was referred

S. F. No. 332: A bill for an act relating to taxation; exempting certain square dance admissions from sales taxation; amending Minnesota Statutes 1976, Section 297A.25, Subdivision 1.

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

Page 8, after line 17, insert:

“Sec. 2. [EFFECTIVE DATE.] *This act is effective the day following final enactment.*”

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

Mr. Purfeerst from the Committee on Transportation, to which was referred

S. F. No. 141: A bill for an act relating to highway traffic regulations; prohibiting the manufacture, sale or purchase of certain equipment, and the installation or use thereof in motor vehicles; providing for the seizure, confiscation and disposition thereof; prescribing penalties; amending Minnesota Statutes 1976, Chapter 169, by adding a section.

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

Strike everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1976, Chapter 169, is amended by adding a section to read:

[169.473] [RADAR DETECTION DEVICES.] *Subdivision 1. [DEFINITION.] For the purpose of this section the words “radar detection device” mean any device or equipment designed or manufactured for the purpose of detecting radar or other speed analyzing devices utilized in highway traffic law enforcement.*

Subd. 2. [OPERATING VEHICLE CONTAINING DEVICE; PENALTY.] Any person who operates a motor vehicle containing a radar detection device in the passenger compartment or other compartment accessible from the passenger compartment on any street or highway shall be guilty of a petty misdemeanor.

Subd. 3. [SALE OR DISTRIBUTION OF DEVICE.] Any person who distributes, sells, offers for sale or possesses with intent to offer for sale or distribution within this state, any radar detection device shall be guilty of a misdemeanor. Possession of three or more radar detection devices shall be deemed evidence of intent to sell or distribute in violation of this section.”

Amend the title as follows:

Page 1, strike lines 3 to 6 and insert “defining “radar detection device”; prohibiting operation of a motor vehicle with a radar detection device in the passenger compartment; prohibiting sale or distribution of radar detection devices;”

And when so amended the bill do pass. Mr. Bang questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Mr. McCutcheon from the Committee on Taxes and Tax Laws, to which was referred

S. F. No. 267: A bill for an act relating to taxation; defining “common carrier” for certain purposes in connection with the sales and use tax; amending Minnesota Statutes 1976, Section 297A.01, by adding a subdivision.

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

Strike everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1976, Section 297A.211, Subdivision 1, is amended to read:

297A.211 [COMMON CARRIERS AS RETAILERS.] *Subdivision 1. Every person, as defined in this chapter, who is engaged in the transportation of property as a common carrier in interstate*

commerce interstate for-hire transportation of tangible personal property by motor vehicle may at their option, under rules and regulations prescribed by the commissioner, register as retailers and pay the taxes imposed by this chapter in accordance with this section. Persons referred to herein are: (1) persons possessing a certificate or permit authorizing for-hire transportation of property from the Interstate Commerce Commission or the Minnesota Public Service Commission; or (2) persons transporting commodities defined as "exempt" in for-hire transportation in interstate commerce; or (3) persons who, pursuant to contracts with persons described in clauses (1) or (2) above, transport tangible personal property in interstate commerce. Persons qualifying under clauses (2) and (3) must maintain on a current basis the same type of mileage records that are required by persons specified in clause (1) by the Interstate Commerce Commission.

Sec. 2. [EFFECTIVE DATE.] *This act is effective the day following final enactment.*"

Further amend the title as follows:

Page 1, line 5, strike "297A.01, by adding a subdivision" and insert "297A.211, Subdivision 1"

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

Mr. McCutcheon from the Committee on Taxes and Tax Laws, to which was referred

S. F. No. 339: A bill for an act relating to taxation; repealing obsolete references to a tax on money and credits; repealing Minnesota Statutes 1976, Chapter 285.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

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

S. F. No. 290: A bill for an act relating to banks; amending the charter application appeals provisions; amending Minnesota Statutes 1976, Section 45.07.

Reports the same back with the recommendation that the bill do pass. Report adopted.

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

S. F. No. 183: A bill for an act relating to franchises; amending Minnesota Statutes 1976, Sections 80C.01, Subdivision 4; 80C.08, Subdivision 1; and 80C.09, Subdivision 1.

Reports the same back with the recommendation that the bill do pass. Report adopted.

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

S. F. No. 147: A bill for an act relating to commerce; limiting deficiency judgments in consumer transactions; restricting waiver of garnishment exemptions; amending Minnesota Statutes 1976, Section 550.37, Subdivision 4.

Reports the same back with the recommendation that the bill do pass. Report adopted.

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

S. F. No. 65: A bill for an act relating to crimes and corrections; sentencing and post conviction disposition of criminal offenders; transferring the powers and duties of the Minnesota corrections board to the commissioner of corrections; abolishing the Minnesota corrections board; providing for determinate sentencing; providing for a mutual agreement program; amending Minnesota Statutes 1976, Sections 152.15, Subdivisions 1, 2, 3 and 4; 299F.811; 299F.815, Subdivision 1; 401.13; 609.03; 609.10; 609.135, Subdivision 1; 609.145, Subdivision 1; 609.165, Subdivision 2; 609.17, Subdivision 4; 609.175, Subdivision 2; 609.18; 609.185; 609.19; 609.195; 609.20; 609.205; 609.21; 609.215; 609.225; 609.235; 609.24; 609.245; 609.25, Subdivision 2; 609.255; 609.26; 609.27, Subdivision 2; 609.31; 609.32; 609.342; 609.343; 609.344; 609.345; 609.355, Subdivision 2; 609.365; 609.375, Subdivision 2; 609.39; 609.395; 609.405, Subdivision 2; 609.42, Subdivision 1; 609.425; 609.445; 609.455; 609.465; 609.48, Subdivisions 1 and 4; 609.485, Subdivision 4; 609.495, Subdivision 1; 609.498, Subdivision 1; 609.52, Subdivisions 2 and 3; 609.521; 609.525, Subdivision 1; 609.53, Subdivisions 1 and 3; 609.54; 609.55, Subdivision 2; 609.551, Subdivision 1; 609.561; 609.562; 609.563, Subdivision 1; 609.576; 609.58, Subdivision 2; 609.59; 609.595, Subdivision 1; 609.60; 609.611; 609.615; 609.62, Subdivision 2; 609.625; 609.63; 609.635; 609.64; 609.645; 609.65; 609.67, Subdivision 2; 609.71; 609.713; 609.785; 609.82; 609.825, Subdivision 2; 609.83; and Chapter 609, by adding a section; repealing Minnesota Statutes 1976, Sections 152.15, Subdivision 5; 241.045; 242.24; 243.06; 243.14; 243.18; 246.43; 609.11; 609.13, Subdivision 1; 609.155; 609.16; 609.293, Subdivisions 2, 3, and 4; and 609.346.

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

Page 5, strike lines 10 to 29

Page 5, line 31, strike "5" and insert "4"

Page 5, line 31, strike "13" and insert "12"

Page 6, line 2, after "*institution*" and before the period insert "*or released from a state correctional institution pursuant to sections 9 or 10*"

Page 6, line 19, strike "*8 of this act*" and insert "7"

Page 6, line 21, strike "*9 of*" and insert "8."

Page 6, strike line 22

- Page 6, line 30, strike "10" and insert "9"
- Page 6, line 31, strike "11 of this act" and insert "10"
- Page 7, line 28, strike "10 of this" and insert "9."
- Page 7, strike line 29
- Page 8, line 1, strike "9 of this act" and insert "8"
- Page 9, line 1, strike "10 of this act" and insert "9"
- Page 9, line 3, strike "may be removed only" and insert "shall serve at the pleasure of the commissioner"
- Page 9, line 4, strike "for cause"
- Page 9, line 8, strike "10 of this act" and insert "9"
- Page 10, line 2, after "with" insert "reintegrational,"
- Page 10, line 7, strike "year" and insert "two years"
- Page 10, line 17, after the first "to" insert a comma
- Page 11, lines 11 and 27, strike "97" and insert "98"
- Page 11, lines 16 and 18, strike "1979" and insert "1978"
- Page 11, lines 21, 23, and 25, strike "authority" and insert "board"
- Page 11, line 30, strike "99" and insert "100"
- Page 12, lines 3, 5, and 14, strike "99" and insert "100"
- Page 12, lines 9 and 12, strike "1979" and insert "1978"
- Page 13, line 20, strike "three" and insert "two"
- Page 15, line 2, strike "of this act"
- Page 15, line 25, strike "10" and insert "9"
- Page 15, line 26, strike "11 of this act" and insert "10"
- Page 16, line 30, strike "superme" and insert "supreme"
- Page 17, line 29, strike the second "of"
- Page 17, line 30, strike "this act"
- Page 18, lines 1 and 12, strike the first "5" and insert "4"
- Page 18, lines 1 and 13, strike "of this act"
- Page 18, line 20, after "time" insert "before or after the effective date of this section"
- Page 18, line 23, strike "clause" and insert "clauses (b) and"
- Page 18, line 24, after "occurred" insert "at any time before or after the effective date of this section and occurred"
- Page 18, after line 25 insert
- "Sec. 19. [PROBATION; REVOCATION.] If the court places

on probation a defendant who has been convicted of a felony, the period of probation may not exceed one half of the sentence provided by statute for the offense of which the defendant has been convicted. If the probation is subsequently revoked, and sentence is imposed or executed, the statutory sentence for the felony of which the defendant has been convicted shall be reduced by twice the number of days the defendant was on probation prior to committing the act giving rise to the revocation of probation."

Page 18, line 30, after the period insert "Except for consecutive sentences imposed pursuant to section 609.10, subdivision 2, an extended term of imprisonment may not be imposed if the defendant is being sentenced for multiple offenses and consecutive sentences are imposed for the multiple offenses."

Page 19, line 28, strike the first "5" and insert "4"

Page 19, line 29, strike "of this act"

Page 20, line 2, after "occurred" insert "at any time before or after the effective date of this section and occurred"

Page 20, line 4, after "imposed" and before the comma, insert "under the provisions of clauses (3) (a) or (b)"

Page 20, after line 8, insert "If an extended term of imprisonment is imposed under the provisions of clause (3) (c), the court shall impose a sentence of up to two years for each prior felony conviction of the defendant, in addition to the statutory sentence for the felony for which the defendant is presently being sentenced."

Page 21, line 31, after the first "to" insert "one-half of the"

Page 21, line 31, after "or" insert "up"

Page 21, line 32, strike "payment of a fine of"

Page 21, line 32, strike "imprisonment"

Page 22, line 1, strike "or"

Page 22, line 5, strike the second "of"

Page 22, line 6, strike "this act"

Page 23, line 26, strike "rape or sodomy" and insert "criminal sexual conduct in the first or second degree"

Page 29, line 1, strike "intercourse" and insert "penetration"

Page 29, line 1, after "section" insert "609.341, subdivision 12."

Page 29, strike lines 2 and 3

Page 29, line 27, strike "have" and insert "engage in"

Page 29, line 28, strike "intercourse or to commit sodomy" and insert "penetration"

Page 29, line 30, strike "sexual" and insert "prostitution"

Page 29, line 31, strike "intercourse or sodomy"

Page 30, lines 15 and 17, strike "intercourse or sodomy" and insert "penetration"

Page 36, line 20, strike "or naval"

Page 36, line 22, strike the second "or"

Page 36, line 23, strike "naval"

Page 39, after line 18, insert

"Sec. 59. Minnesota Statutes 1976, Section 609.466 is amended to read:

609.466 [MEDICAL ASSISTANCE FRAUD.] Any person who, with the intent to defraud, presents a claim for reimbursement, a cost report or a rate application, relating to the payment of medical assistance funds pursuant to chapter 256B, to the state agency, which is false in whole or in part, is guilty of an attempt to commit theft of public funds and may *shall* be sentenced accordingly."

Page 40, line 29, strike "shall"

Page 40, lines 29 and 30, restore the stricken language

Page 51, line 22, after "is" insert "at least"

Page 63, line 9, strike "Subdivision" and insert "Subdivisions 4 and"

Page 63, line 9, after the first semicolon insert "241.045; 242.24;"

Page 63, line 10, strike "609.13, Subdivision 1;"

Page 63, strike lines 12 and 13

Page 63, line 14, strike "3" and insert "2"

Page 63, line 17, strike "97" and insert "98"

Page 63, line 19, strike "13" and insert "12"

Page 63, lines 20 and 22, strike "98" and insert "99"

Page 63, line 22, after "effective" insert "the"

Page 63, strike lines 23 and 24

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 10, after "2" strike the comma and insert "and"

Page 1, line 10, strike "and 4"

Page 1, line 22, after "609.465;" insert "609.466;"

Page 1, line 36, strike "Subdivision" and insert "Subdivisions 4 and"

Page 1, line 38, strike "609.13, Subdivision 1;"

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

SECOND READING OF SENATE BILLS

S. F. No. 339 was read the second time.

S. F. Nos. 332, 267, 290, 183 and 147 were read the second time and referred to the Subcommittee on Bill Scheduling of the Committee on Rules and Administration.

MOTIONS AND RESOLUTIONS

Mr. Schmitz moved that the name of Mr. Knutson be added as co-author to S. F. No. 81. The motion prevailed.

Mr. Keefe, S. moved that his name be added as co-author to S. F. No. 429. The motion prevailed.

Mr. Merriam moved that the name of Mr. Olhoft be added as co-author to S. F. No. 474. The motion prevailed.

Mr. Sillers moved that the name of Mr. Bang be added as co-author to S. F. No. 488. The motion prevailed.

Mr. Coleman moved that the Senate do now adjourn until 10:00 o'clock a.m., Thursday, March 3, 1977. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate