

TWENTIETH DAY

St. Paul, Minnesota, Thursday, March 3, 1977

The Senate met at 10:00 o'clock a.m. and was called to order by the President.

Prayer was offered by the Chaplain, Rabbi Bernard Raskas.

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

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

EXECUTIVE AND OFFICIAL COMMUNICATIONS

March 1, 1977

The Honorable Edward J. Gearty
President of the Senate

Dear Sir:

This is to inform you that Mr. Robert J. Meyer, 1009 Como Place, St. Paul, Ramsey County, has resigned from the Public Employment Relations Board.

I, therefore, respectfully request that the name of Mr. Meyer be removed from Senate consideration.

Sincerely,
Rudy Perpich, Governor

Referred to the Committee on Employment.

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Messrs. Knoll, Lewis, Vega and Gearty introduced—

S. F. No. 555: A bill for an act relating to commerce; providing for state procurement from small business; providing a bonding mechanism for small business; amending Minnesota Statutes 1976, Sections 16.082, by adding a subdivision; and 16.083, Subdivision 2.

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

Messrs. Stokowski; Keefe, S. and Gearty introduced—

S. F. No. 556: A bill for an act relating to Hennepin county; providing for tenure and benefits to certain employees; amending Laws 1903, Chapter 247, Section 2, as amended.

Referred to the Committee on Local Government.

Mr. Merriam introduced—

S. F. No. 557: A bill for an act relating to employees; participation in group life insurance and group health care plans; prohibiting certain mandatory participation requirements; providing remedies; amending Minnesota Statutes 1976, Section 62E.03, by adding a subdivision; and Chapter 61A, by adding a section.

Referred to the Committee on Employment.

Messrs. Sieloff, Bernhagen and Menning introduced—

S. F. No. 558: A bill for an act relating to game and fish; authorizing the trapping of the great horned owl in certain instances; amending Minnesota Statutes 1976, Section 100.29, Subdivision 32.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Purfeerst introduced—

S. F. No. 559: A bill for an act relating to state lands; authoriz-

ing the conveyance of certain state lands in Rice county to the city of Faribault for the purpose of establishing a nature interpretative center with emphasis on natural history.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Borden, Olhoft, Sikorski, Vega and Strand introduced—

S. F. No. 560: A bill for an act relating to education; requiring school districts to provide special instruction and services for all educable or trainable mentally retarded adults; amending Minnesota Statutes 1976, Section 120.17; and Chapter 120, by adding a section.

Referred to the Committee on Education.

Mr. Merriam introduced—

S. F. No. 561: A bill for an act relating to medical assistance for the needy; nursing homes; conditions for eligibility to receive medical assistance payments; amending Minnesota Statutes 1976, Section 256B.48, Subdivision 1.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Wegener, Renneke, Stokowski and Solon introduced—

S. F. No. 562: A bill for an act relating to the practice of chiropractic; prescribing academic requirements for licensure, grounds for disciplinary action, and penalties; amending Minnesota Statutes 1976, Sections 148.06, Subdivision 1; and 148.10, Subdivision 1, and by adding a subdivision.

Referred to the Committee on Health, Welfare and Corrections.

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

S. F. No. 563: A bill for an act relating to taxation; imposing a property tax on residential leasehold interests; amending Minnesota Statutes 1976, Sections 273.13, by adding a subdivision; 274.01, Subdivision 1; 278.01; 290A.03, Subdivisions 8 and 13; 290A.04, Subdivision 1; 290A.05; 290A.07, Subdivision 2; 290A.09; 290A.10; and 290A.19; and Chapter 276, by adding a section; repealing Minnesota Statutes 1976, Section 290A.03, Subdivisions 11 and 12.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Chenoweth, Luther, Spear, Stokowski and Keefe, J. introduced—

S. F. No. 564: A bill for an act relating to labor; prohibiting minors from keeping accounts and collecting bills without adult

supervision; amending Minnesota Statutes 1976, Chapter 181A, by adding a section.

Referred to the Committee on Employment.

Messrs. Schaaf; Keefe, J. and Lewis introduced—

S. F. No. 565: A bill for an act relating to the attorney general; creating an office of bond counsel; restricting the use of private bond counsels by state agencies and political subdivisions; prescribing duties; appropriating money.

Referred to the Committee on Governmental Operations.

Messrs. Laufenburger, Chmielewski, Wegener, Engler and Schmitz introduced—

S. F. No. 566: A bill for an act relating to natural resources; drainage; providing for transfer by county boards of certain surplus ditch funds to another governing body taking over the drainage system; amending Minnesota Statutes 1976, Section 106.471, Subdivision 6.

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

Mr. Willet introduced—

S. F. No. 567: A bill for an act relating to Beltrami county; tax forfeited lands; disposition of the net proceeds from the sale or rental of such lands or from the sale of any products therefrom; increasing the amount that may be expended for promotion of tourist, agricultural, and industrial developments; amending Laws 1967, Chapter 558, Section 1, Subdivision 5.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Wegener introduced—

S. F. No. 568: A bill for an act relating to highway traffic regulations; exempting trucks engaged in hauling hay from certain weight restrictions during a specified period of time.

Referred to the Committee on Transportation.

Mr. Moe introduced—

S. F. No. 569: A bill for an act relating to Norman county; validating certain funds transfers.

Referred to the Committee on Local Government.

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

S. F. No. 570: A bill for an act relating to insurance; providing for the establishment and operation of a Minnesota life and health insurance guaranty association; providing protection for policy-owners, insureds, beneficiaries, and others against the failure of an insurer doing business in Minnesota; amending Minnesota Statutes 1976, Sections 60B.17, by adding a subdivision; 60B.25; 60B.30, by adding a subdivision; and 60B.46, Subdivision 1.

Referred to the Committee on Commerce.

Messrs. Humphrey, Stokowski and Dieterich introduced—

S. F. No. 571: A bill for an act relating to education; extending school services for handicapped children; amending Minnesota Statutes 1976, Section 120.17, Subdivisions 1 and 2.

Referred to the Committee on Education.

Messrs. Borden, Merriam, Penny, Sikorski and Setzepfandt introduced—

S. F. No. 572: A bill for an act relating to credit unions; authority of state chartered credit unions; amending Minnesota Statutes 1976, Section 52.04.

Referred to the Committee on Commerce.

Messrs. Schaaf, Wegener, Olhoft, Davies and Peterson introduced—

S. F. No. 573: A bill for an act relating to taxation; imposing a gross earnings tax on certain utility companies in lieu of ad valorem taxes; establishing an electric utilities revenue account; prescribing penalties for failure to file reports or make payments; providing exemptions from taxation; providing for distribution of taxes; appropriating money.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Sieloff, Chmielewski and Engler introduced—

S. F. No. 574: A bill for an act relating to taxation; providing that amounts paid as social security taxes be excluded from gross income for purposes of income tax calculations; amending Minnesota Statutes 1976, Section 290.01, Subdivision 20.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Laufenburger, Sieloff and Davies introduced—

S. F. No. 575: A bill for an act relating to insurance; authorizing certain insurers to reinsure certain kinds of risks through

pooling arrangements or otherwise; amending Minnesota Statutes 1976, Section 60A.06, by adding a subdivision.

Referred to the Committee on Commerce.

Messrs. Sieloff, Bernhagen, Engler and Benedict introduced—

S. F. No. 576: A bill for an act relating to taxation; providing for a deduction from gross income for expenditures for solar energy devices according to a prescribed amortization period; amending Minnesota Statutes 1976, Section 290.09, by adding a subdivision.

Referred to the Committee on Energy and Housing.

Messrs. Sieloff, Benedict, Bang and Ogdahl introduced—

S. F. No. 577: A bill for an act relating to taxation; increasing the amount of rent considered to constitute property taxes for purposes of income-adjusted homestead credit; amending Minnesota Statutes 1976, Section 290A.03, Subdivision 11.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Sieloff, Benedict, Bang and Ogdahl introduced—

S. F. No. 578: A bill for an act relating to taxation; providing for optional rent credit amount in lieu of income-adjusted homestead credit; amending Minnesota Statutes 1976, Section 290A.04, Subdivision 1, and by adding a subdivision.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Sieloff, Ogdahl, Mrs. Brataas and Mr. Davies introduced—

S. F. No. 579: A bill for an act relating to taxation; providing that certain income tax credits for contributions may be carried forward; amending Minnesota Statutes 1976, Section 290.21, Subdivision 3.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Sieloff; Ulland, J. and Merriam introduced—

S. F. No. 580: A bill for an act relating to taxation; providing for continuation of property tax classification of homesteads of survivors of disabled persons; amending Minnesota Statutes 1976, Section 273.13, Subdivision 7.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Kleinbaum, Laufenburger and Knutson introduced—

S. F. No. 581: A bill for an act relating to insurance; regulat-

ing licensing procedures; amending Minnesota Statutes 1976, Section 60A.17, Subdivision 2.

Referred to the Committee on Commerce.

Messrs. Penny, Coleman, Sieloff, Lewis and Purfeerst introduced—

S. F. No. 582: A bill for an act relating to motor vehicle common carriers; reinstating operating authority of certain irregular route common carriers.

Referred to the Committee on Transportation.

Messrs. Solon, Vega, Olhoff, Nelson and Chmielewski introduced—

S. F. No. 583: A bill for an act relating to insurance companies; prescribing penalties for violation of certain filing requirements; amending Minnesota Statutes 1976, Chapter 72A, by adding a section; repealing Minnesota Statutes 1976, Section 72A.06.

Referred to the Committee on Commerce.

Messrs. Menning and Olson introduced—

S. F. No. 584: A bill for an act relating to the legislature; establishing an interim study commission on expanded Amtrak passenger train service; appropriating money.

Referred to the Committee on Rules and Administration.

Messrs. Menning, Bernhagen and Hanson introduced—

S. F. No. 585: A bill for an act relating to taxation; providing progressive rates of taxation of corporate income; amending Minnesota Statutes 1976, Section 290.06, Subdivision 1.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Dieterich, Merriam, Coleman and Johnson introduced—

S. F. No. 586: A bill for an act relating to insurance; legal expense insurance; authorizing the use of closed panel insurance plans; amending Minnesota Statutes 1976, Section 60A.08, Subdivision 10.

Referred to the Committee on Judiciary.

Messrs. Tennessen, Sikorski, Spear, Lessard and Keefe, J. introduced—

S. F. No. 587: A bill for an act relating to courts; criminal de-

pendants; providing authority to county courts to order examination of a defendant's mental capacity; amending Minnesota Statutes 1976, Section 253A.07, Subdivision 30.

Referred to the Committee on Judiciary.

Messrs. Tennesen; Spear; Keefe, S. and Coleman introduced—

S. F. No. 588: A bill for an act relating to homeowner's fire and liability insurance; prohibiting the practice known as red-lining; prescribing penalties; amending Minnesota Statutes 1976, Chapter 65A, by adding a section.

Referred to the Committee on Commerce.

Messrs. Johnson; Coleman; Keefe, S.; Ashbach and Gearty introduced—

S. F. No. 589: A bill for an act relating to the secretary of state; authorizing distribution of free legislative manuals; amending Minnesota Statutes 1976, Section 5.08, Subdivision 2.

Referred to the Committee on Governmental Operations.

Messrs. Johnson, Willet and Lessard introduced—

S. F. No. 590: A bill for an act relating to taxation; extending benefits of the qualified property tax credit to certain retired persons; amending Minnesota Statutes 1976, Section 273.011, Subdivisions 2 and 4.

Referred to the Committee on Taxes and Tax Laws.

Mr. Johnson introduced—

S. F. No. 591: A bill for an act relating to motor vehicles; regulating the business of buying, selling and dealing in motor vehicles; providing for a one day a week closing in lieu of the Sunday closing; providing penalties; amending Minnesota Statutes 1976, Section 168.275.

Referred to the Committee on Commerce.

Messrs. Johnson and Perpich introduced—

S. F. No. 592: A bill for an act relating to taxation; providing for an increase tax levy in certain school districts in which taconite is mined or concentrated; amending Minnesota Statutes 1976, Section 275.125, Subdivision 2a.

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

Messrs. Johnson and Perpich introduced—

S. F. No. 593: A bill for an act relating to taxation; providing an increase tax levy for certain school districts containing taconite lands and plants; amending Minnesota Statutes 1976, Section 275.125, Subdivision 9a.

Referred to the Committee on Education.

Mr. Sikorski, Mrs. Staples, Messrs. Vega and Keefe, S. introduced—

S. F. No. 594: A bill for an act relating to human rights; prohibiting employment and education discrimination based on age; amending Minnesota Statutes 1976, Sections 363.01, by adding a subdivision; 363.02, Subdivision 1, and by adding subdivisions; 363.03, Subdivisions 1 and 5, and by adding a subdivision; 363.05, Subdivision 1; 363.11; 363.115; and 363.12, Subdivision 1.

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

Messrs. Sikorski, Wegener, Kleinbaum, Setzepfandt and Strand introduced—

S. F. No. 595: A bill for an act relating to insurance; changing the filing date for annual statements of township mutual companies; changing limitations on property insurable by township mutual companies; changing limitations on investments by township mutual companies; amending Minnesota Statutes 1976, Sections 67A.11, Subdivision 3; 67A.14, Subdivisions 1 and 5; and 67A.23.

Referred to the Committee on Commerce.

Mr. Solon introduced—

S. F. No. 596: A bill for an act relating to telephone companies; prohibiting charges for directory assistance; amending Minnesota Statutes 1976, Chapter 237, by adding a section.

Referred to the Committee on Commerce.

Messrs. Merriam, Hanson, Dunn, Peterson and Purfeerst introduced—

S. F. No. 597: A bill for an act relating to game and fish; requiring a migratory waterfowl stamp; providing for the disposition of proceeds; appropriating funds; amending Minnesota Statutes 1976, Chapter 97, by adding sections; Sections 98.46, Subdivision 2a; and 98.50, Subdivision 5.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Schmitz, Lessard and Frederick introduced—

S. F. No. 598: A bill for an act relating to architects, engineers, surveyors and landscape architects; work performed by persons exempted from licensure requirements; amending Minnesota Statutes 1976, Section 326.03, Subdivision 2.

Referred to the Committee on Governmental Operations.

Mr. Hughes, Mrs. Staples, Messrs. Humphrey, Sikorski and Mrs. Brataas introduced—

S. F. No. 599: A bill for an act relating to the operation of state government; establishing an office of volunteer services within the office of the governor; coordinating volunteer programs throughout the state; appropriating money.

Referred to the Committee on Governmental Operations.

Messrs. Hughes; Stumpf; Keefe, S.; Moe and Sillers introduced—

S. F. No. 600: A bill for an act relating to education; trade schools; exempting certain courses in the arts from regulation by the commissioner of education; amending Minnesota Statutes 1976, Section 141.35.

Referred to the Committee on Education.

Messrs. Moe; Menning; Ueland, A.; Sillers and Hanson introduced—

S. F. No. 601: A bill for an act relating to education; school aids; declining enrollment; changing the computation of pupil units in certain districts; amending Minnesota Statutes 1976, Section 124.17, Subdivision 1.

Referred to the Committee on Education.

Messrs. Moe; Menning; Ueland, A.; Sillers and Hanson introduced—

S. F. No. 602: A bill for an act relating to education; school finance; creating a study commission; appropriating money.

Referred to the Committee on Education.

Messrs. Luther; Johnson; Keefe, J. and Sikorski introduced—

S. F. No. 603: A bill for an act relating to the public service commission; confining appeals from its decisions to the record; allowing the commission to appeal adverse decisions of the district court to the supreme court; amending Minnesota Statutes 1976, Section 216.25.

Referred to the Committee on Governmental Operations.

Messrs. Luther, Sikorski, Johnson and Keefe, J. introduced—

S. F. No. 604: A bill for an act relating to public utilities; allowing the public service commission to determine how rates should be spread among different classes of customers; amending Minnesota Statutes 1976, Chapters 216B and 237, by adding sections.

Referred to the Committee on Commerce.

Messrs. Sieloff, Frederick and Engler introduced—

S. F. No. 605: A bill for an act relating to taxation; changing inheritance tax exemptions for surviving spouse and children; amending Minnesota Statutes 1976, Section 291.05.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Wegener, Kleinbaum and Dunn introduced—

S. F. No. 606: A bill for an act relating to the military; financing of armory construction; amending Minnesota Statutes 1976, Sections 193.143; 193.145, Subdivision 2; and 193.146, Subdivision 1; repealing Minnesota Statutes 1976, Section 193.1431.

Referred to the Committee on General Legislation and Veterans Affairs.

Messrs. Wegener, Kleinbaum and Dunn introduced—

S. F. No. 607: A bill for an act relating to the military; abolishing the naval militia and deleting references thereto; correcting other terminology; amending Minnesota Statutes 1976, Sections 190.05, Subdivision 3; 190.06, Subdivision 2; 191.09; 192.26, Subdivision 1; 193.141, Subdivision 1; 193.142; 193.143; 193.1431; 193.145; and 193.36, Subdivision 1; repealing Minnesota Statutes 1976, Chapter 194.

Referred to the Committee on General Legislation and Veterans Affairs.

Messrs. Keefe, S.; Vega; Coleman; Purfeerst and Kirchner introduced—

S. F. No. 608: A bill for an act relating to labor relations; providing for the continuation of certain salary schedules pending the negotiation of new contracts for public employment; amending Minnesota Statutes 1976, Section 179.70, Subdivision 1.

Referred to the Committee on Employment.

Messrs. Vega; McCutcheon; Keefe, S. and Coleman introduced—

S. F. No. 609: A bill for an act relating to taxation; providing

for a credit against income taxes for taxpayers hiring previously unemployed workers; amending Minnesota Statutes 1976, Section 290.06, by adding a subdivision.

Referred to the Committee on Taxes and Tax Laws.

Mr. Vega and Mrs. Staples introduced—

S. F. No. 610: A bill for an act relating to public welfare; establishing a citizens advisory task force on the use of Hastings state hospital; appropriating money.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Vega, Luther, Tennessen, Dieterich and Stumpf introduced—

S. F. No. 611: A bill for an act relating to commerce; prohibiting additional unlawful trade practices; amending Minnesota Statutes 1976, Section 325.8015.

Referred to the Committee on Commerce.

Mr. Willet introduced—

S. F. No. 612: A bill for an act relating to the trunk highway system; adding a new route in substitution of an existing route.

Referred to the Committee on Transportation.

Messrs. Vega, Coleman, Davies and Sieloff introduced—

S. F. No. 613: A bill for an act relating to highway traffic regulation; authorizing the issuance of limited driver's licenses for drivers whose licenses have been suspended or revoked; amending Minnesota Statutes 1976, Section 171.30, Subdivision 1.

Referred to the Committee on Judiciary.

Messrs. Olhoft, Schaaf, Moe, Kirchner and Borden introduced—

S. F. No. 614: A bill for an act relating to state agencies; setting the mileage allowance for members of boards, councils and commissions; amending Minnesota Statutes 1976, Sections 15.0575, Subdivision 3; 15.059, Subdivision 3; and 214.09, Subdivision 3.

Referred to the Committee on Governmental Operations.

Messrs. Hughes, Willet and Knutson introduced—

S. F. No. 615: A bill for an act relating to education; higher education coordinating board; authorizing the board to contract for spaces for Minnesota residents in out of state schools of optometry;

authorizing the board to explore the feasibility of a regional school of optometry; appropriating money.

Referred to the Committee on Education.

Messrs. Keefe, S.; Spear; Solon; Kirchner and Borden introduced—

S. F. No. 616: A bill for an act relating to the disposition of unclaimed property; changing certain definitions; changing the length of time unclaimed property must be held before disposition; changing certain disposition procedures; amending Minnesota Statutes 1976, Sections 345.31, Subdivisions 3 and 6; 345.32; 345.33; 345.35; 345.37; 345.39; 345.41; 345.47; and Chapter 345, by adding sections; repealing Minnesota Statutes 1976, Section 55.14.

Referred to the Committee on Commerce.

Messrs. Spear, Dieterich and McCutcheon introduced—

S. F. No. 617: A bill for an act relating to the university of Minnesota; conferring university of Minnesota peace officers with limited powers of arrest; governing the operation and parking of vehicles upon property owned, leased or occupied by the regents of the university of Minnesota; amending Minnesota Statutes 1976, Section 137.12; 169.123, Subdivision 1; 169.965, Subdivision 1; 626.05, Subdivision 2; 626A.01, Subdivision 7; and Chapter 626, by adding a section.

Referred to the Committee on Judiciary.

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

S. F. No. 618: A bill for an act relating to public health; health related licensing boards; requiring reexamination for relicensing of persons licensed by health related licensing boards; amending Minnesota Statutes 1976, Section 214.12.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Lewis, Milton, Johnson, Kirchner and Perpich introduced—

S. F. No. 619: A bill for an act relating to the operation of state government; establishing a department of health and social services; transferring duties and powers; abolishing the departments of corrections and health; prescribing salaries; appropriating money; amending Minnesota Statutes 1976, Sections 3.755; 15.01; 15A.081, Subdivision 1; 15.46; 16A.72; 43.09, Subdivision 2a; 62D.02, Subdivision 3; 116C.03, Subdivision 2; 144.05; 144.053, Subdivisions 1, 3, and 4; 144.176, Subdivision 3; 144.422, Subdivisions 6, 9, and 10; 144.424, Subdivisions 10 and 11; 144.425; 144.53; 144.571; 144.696, Subdivision 2; 144A.01, Subdivision 2;

144A.05; 144A.10, Subdivisions 1, 3, and 8; 144A.19, Subdivision 1; 144A.52, Subdivisions 1, 2, and 3; 144A.53, Subdivisions 1 and 4; 144A.54, Subdivision 2; 144.652, Subdivision 1; 144.691, Subdivision 4; 144.692; 144.693; 145.411, Subdivision 3; 145.72, Subdivision 5; 145.74; 145.75; 145.76, Subdivision 1; 145.78; 145.892, Subdivision 10; 145.896; 146.14; 146.20; 214.04, Subdivision 1; 214.06, Subdivision 1; 214.07; 214.13; 214.14; 241.01, Subdivision 1; 241.045, Subdivisions 1 and 3a; 241.08, Subdivisions 1 and 2; 241.09, Subdivisions 1 and 2; 241.10; 241.13; 241.15; 241.251, Subdivision 5; 241.31, Subdivision 6; 241.41; 241.42, Subdivision 2; 242.02; 242.09; 242.14; 242.19, Subdivision 2; 242.21; 242.25; 242.29; 242.37; 242.385, Subdivision 1; 242.46, Subdivisions 1, 2, and 3; 245.03; 245.0311; 245.65, Subdivision 2; 245.75; 245.782, Subdivision 8; 246.01; 246.14; 246.15, Subdivision 1; 246.16, Subdivisions 1 and 2; 246.18; 246.28; 246.33, Subdivision 1; 246.43, Subdivisions 1, 2, 7, 8, 9, 10, and 12; 246.50, Subdivision 2; 246.59, Subdivisions 2, 3, and 4; 246.60; 251.043, Subdivision 1; 251.16; 252.31; 252A.02, Subdivision 3; 252A.04, Subdivision 4; 253.20; 253A.02, Subdivisions 12 and 22; 253A.14, Subdivision 1; 254A.02, Subdivision 13; 256.01, Subdivision 2; 256.12, Subdivision 19; 256.482, Subdivision 1; 256.736, Subdivisions 2, 3, 4, 5, and 7; 256.74, Subdivisions 1 and 2; 256.93, Subdivisions 1 and 2; 256.94; 256.96; 256.965; 256.971; 256.975, Subdivisions 1 and 2; 256B.51, Subdivisions 1 and 2; 257.42; 259.21, Subdivision 5; 259.261, Subdivisions 1 and 3; 376.29; 376.423; 376.50, Subdivision 3; 376.52; 376.62; 376.65; 376.66; 462A.03, Subdivision 7; 473.149, Subdivision 4; Laws 1976, Chapters 305, Section 2; and 327, Section 2; repealing Minnesota Statutes 1976, Sections 15.45, Subdivision 3; 15.47; 144.01; 144.02; 144.03; 144.04; 144.13; 241.01, Subdivisions 2 and 4; 242.03; 245.04; 245.05; 245.06; 245.07; 246.15, Subdivision 2; 246.32, Subdivision 4; 253.201; 256.01, Subdivisions 1, 5, 6, 7, 9, and 10; 256.02; 256.05; 256.06; 256.07; 256.08; 256.09; and 256.10.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Chmielewski, Anderson, Ashbach, Lewis and Sikorski introduced—

S. F. No. 620: A bill for an act relating to sheriffs; salaries, fees and budgets; providing that the salary and budget of the sheriff shall be set by the county board in each county of the state; authorizing costs and reasonable attorney fees on appeal; amending Minnesota Statutes 1976, Section 387.20, Subdivisions 2 and 7; repealing Minnesota Statutes 1976, Section 387.20, Subdivisions 1, 4, and 8.

Referred to the Committee on Local Government.

Mr. Perpich introduced—

S. F. No. 621: A bill for an act relating to education; state aids; providing aid to school districts on account of decreased assessed valuation.

Referred to the Committee on Education.

Messrs. Setzepfandt, Strand, Renneke and Olhoft introduced—

S. F. No. 622: A bill for an act relating to liquefied petroleum gas pipelines; minimum depth in certain areas; landowners liability; amending Minnesota Statutes 1976, Chapter 299F, by adding a section.

Referred to the Committee on Transportation.

Messrs. Nichols, Renneke, Setzepfandt and Strand introduced—

S. F. No. 623: A bill for an act relating to education; authorizing transportation aid for adjacent school districts engaged in a joint educational program; amending Minnesota Statutes 1976, Section 124.223.

Referred to the Committee on Education.

Messrs. Luther, Milton, Solon and Merriam introduced—

S. F. No. 624: A bill for an act relating to public health; requiring nurses to take throat cultures for the detection of infection; appropriating money; amending Minnesota Statutes 1976, Section 145.085, Subdivision 1.

Referred to the Committee on Health, Welfare and Corrections.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H. F. Nos. 16, 38, 235, 437, 511 and 114.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted February 28, 1977

FIRST READING OF HOUSE BILLS

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

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

Referred to the Committee on Commerce.

H. F. No. 38: A bill for an act relating to housing; providing statutory warranties on the sale of new housing; establishing a cause of action for breach of warranty; providing remedies; amending Minnesota Statutes 1976, Section 541.051, by adding a subdivision.

Referred to the Committee on Energy and Housing.

H. F. No. 235: A bill for an act relating to agriculture; soy-bean 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.

H. F. No. 437: 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.

H. F. No. 511: A bill for an act relating to the state transportation system; correcting conditions of a bond authorization; amending Laws 1976, Chapter 339, Section 3.

Referred to the Committee on Transportation.

H. F. No. 114: A bill for an act relating to intoxicating liquor; regulation and taxation of liquor sold in commemorative bottles; amending Minnesota Statutes 1976, Sections 340.11, Subdivision 15; 340.44; and 340.601.

Referred to the Committee on Commerce.

REPORTS OF COMMITTEES

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

Mr. Gearty from the Committee on Elections, to which were referred the following appointments as reported in the Journal for January 6, 1977:

ETHICAL PRACTICES BOARD

Mrs. Connie Burchett

Roger Noreen

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

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

Mr. Wegener from the Committee on Local Government, to which was referred

S. F. No. 99: A bill for an act relating to Wabasha county; authorizing the sale of Buena Vista sanitarium after rejection of bids.

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

Page 1, line 9, after the comma insert "the"

Page 1, line 9, after "county" insert "board of commissioners"

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

Mr. Wegener from the Committee on Local Government, to which was referred

S. F. No. 218: A bill for an act relating to municipalities; procedures required for the letting of certain contracts; amending Minnesota Statutes 1976, Section 471.345, Subdivisions 3, 4 and 5.

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

Page 2, after line 16, add:

"Sec. 4. This act is effective on the day following its final enactment."

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. 86: A bill for an act relating to real property; registration of title thereto; providing for changes in the persons who may register land and in the contents of the application for registration; permitting the registration of appurtenant easements over unregistered land and establishing procedures for such registration; changing the period during which the application shall constitute notice; changing the period for appeal from a final decree and establishing a period for appeal to the supreme court from an order of the district court made after the original registration of land; providing that money judgments may be filed on certificates of title only when the judgment debtor has a registered interest therein; prescribing fees of the registrar for the assurance fund; clarifying the limitation on recovery from the assurance fund; amending Minnesota Statutes 1976, Sections 508.03; 508.04; 508.06; 508.11; 508.23; 508.29; 508.63; 508.74; and 508.78.

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

Page 10, strike lines 27 to 32

Page 11, strike lines 1 to 5

Amend the title as follows:

Page 1, line 18, strike "clarifying the limitation on"

Page 1, line 19, strike "recovery from the assurance fund;"

Page 1, line 21, after "508.63;" insert "and"

Page 1, line 21, strike the last semicolon and insert a period

Page 1, strike line 22

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

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

S. F. No. 305: A bill for an act relating to intoxicating liquor; expiration date of municipal licenses; repealing Minnesota Statutes 1976, Section 340.11, Subdivision 16.

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

Line 8, strike "repealed" and insert "amended to read:

Subd. 16. [EXPIRATION DATE.] All intoxicating liquor licenses issued by a municipality *other than a city of the first class*, except manufacturers' and wholesalers' licenses, shall expire on the same date."

Amend the title as follows:

Line 3, strike "repealing" and insert "amending"

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. 271: A bill for an act relating to highway traffic regulations; motorcycle equipment for operators and passengers; amending Minnesota Statutes 1976, Section 169.974, Subdivision 4.

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 169.974, Subdivision 2, is amended to read:

Subd. 2. [LICENSE REQUIREMENTS.] No person shall operate a motorcycle on any street or highway unless he has a valid

standard driver's license with a two-wheeled vehicle endorsement as provided by law. No such two-wheeled vehicle endorsement shall be issued unless the person applying therefor has in possession a valid two-wheeled vehicle instruction permit as provided herein, has passed a written examination and road test administered by the department of public safety for such endorsement, and, in the case of applicants under 18 years of age, shall present a certificate or other evidence of having successfully completed an approved two-wheeled vehicle driver's safety course in this or another state, in accordance with such regulations as the commissioner of public safety shall promulgate. A two-wheeled vehicle instruction permit shall be issued to any person over 16 years of age, who is in possession of a valid driver's license, who is enrolled in an approved two-wheeled vehicle driver's safety course, and who has passed a written examination for such permit and has paid such fee as the commissioner of public safety shall prescribe. A two-wheeled vehicle instruction permit shall be effective for 45 days, and may be renewed under rules to be prescribed by the commissioner of public safety.

No person who is operating by virtue of a two-wheeled vehicle instruction permit shall:

- (a) Carry any passengers on the streets and highways of this state on the motorcycle which he is operating;
- (b) Drive the motorcycle at night time;
- (c) Drive the motorcycle on a freeway;
- (d) *Drive the motorcycle without wearing protective headgear of a type approved by the commissioner of public safety.*

Notwithstanding the provisions of this subdivision, the commissioner of public safety may, however, issue a special motorcycle permit, restricted or qualified in such manner as he shall deem proper, to any person demonstrating a need therefor and unable to qualify for a standard driver's license.

Sec. 2. Minnesota Statutes 1976, Section 169.974, Subdivision 4, is amended to read:

Subd. 4. [EQUIPMENT FOR OPERATORS AND PASSENGERS.] (a) When operating a motorcycle on the streets and highways of this state, the operator and or passenger, if any if *below the age of 18*, shall wear protective headgear that complies with standards established by the commissioner of public safety; and no person shall operate a motorcycle unless he is wearing an eye-protective device of a type approved by the commissioner, except when the motorcycle is equipped with a wind screen.

(b) The provisions of this subdivision shall not apply to persons during their participation in a parade for which parade a permit or other official authorization has been granted by a local governing body or other governmental authority or to persons riding within an enclosed cab.

Sec. 3. [EFFECTIVE DATE.] *This act is effective the day following final enactment."*

Further amend the title as follows:

Page 1, line 5, strike "Subdivision" and insert "Subdivisions 2 and"

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

Mr. Coleman from the Committee on Rules and Administration, to which was re-referred under Rule 35, together with the committee report thereon

S. F. No. 102: A bill for an act relating to the town of Thomson in Carlton county; authorizing a special tax levy for certain purposes.

Reports the same back with the recommendation that the report from the Committee on Local Government shown in the Journal for February 10, 1977 that "when so amended the bill do pass" be adopted. Amendment adopted. Report adopted.

Mr. Coleman from the Committee on Rules and Administration, makes the following report:

That Rule 57 of the temporary rules of the Senate appearing in the Journal for the first day, as amended by the Senate on February 15, 1977, be amended by striking "20" after "Taxes and Tax Laws" and inserting "21." Amendment adopted. Report adopted.

Mr. Wegener from the Committee on Local Government, to which was referred

S. F. No. 170: A bill for an act relating to political subdivisions; regulating certain interests in contracts by public officials; amending Minnesota Statutes 1976, Section 471.88, Subdivisions 2, 5, and 8.

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

Page 2, line 11, strike "\$3,000" and insert "\$5,000"

Page 2, line 16, strike "\$3,000" and insert "\$2,000"

Page 2, after line 18, insert:

"Sec. 4. *This act is effective the day following final enactment.*"

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

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

S. F. No. 291: A bill for an act relating to labor; prohibiting certain employer practices; amending Minnesota Statutes 1976, Chapter 181, by adding a section.

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

Page 1, strike lines 15 and 16 and insert "*the employee's job performance.*"

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

Mr. Olson from the Committee on General Legislation and Veterans Affairs, to which was referred

S. F. No. 223: A bill for an act relating to deaf persons; providing that deaf persons with guide dogs have the same rights and protection as blind persons with guide dogs; amending Minnesota Statutes 1976, Sections 256C.02; 256C.025, Subdivision 4; 256C.03; 290.09, Subdivision 10; and 327.095.

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

Page 2, line 21, strike "*or deaf*"

Page 2, line 23, after "dog" insert "*, or totally or partially deaf person with a guide dog identified with a burnt orange collar or leash,*"

Page 3, line 4, after "*clauses*" insert "*(4)*"

Page 3, line 29, after "harnessed" insert "*or leashed*"

Amend the title as follows:

Page 1, line 4, after the semicolon insert "*defining as a deductible medical expense the cost, feeding and maintenance expenses of guide dogs;*"

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

Mr. Willet from the Committee on Agriculture and Natural Resources, to which was referred

S. F. No. 32: A bill for an act relating to shade tree disease control; providing for municipal shade tree removal and reforestation programs; providing an appropriation; amending Minnesota Statutes 1976, Sections 18.023, Subdivisions 1, 1a, 2, 3a, 4, 7 and 11, and adding subdivisions; and 275.50, by adding a subdivision; repealing Minnesota Statutes 1976, Section 18.023, Subdivision 6.

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 18.023, Subdivision 1, is amended to read:

18.023 [SHADE TREE DISEASE CONTROL.] Subdivision 1. [DEFINITIONS.] As used in subdivisions 1 to 12 the terms defined in this subdivision shall have the meanings given them.

(a) "Metropolitan area" means the area comprising the counties of Hennepin, Ramsey, Anoka, Dakota, Washington, Scott and Carver.

(b) "Commissioner" means the commissioner of agriculture.

(c) "Municipality" means any city or any town exercising municipal powers pursuant to section 368.01, or any general or special law, located in the metropolitan area; or any special park district as organized under chapter 398; or any special purpose park district and recreation board organized under the city charter of a city of the first class located in the metropolitan area; or any county in the metropolitan area for the purposes of county owned property or any portion of a county located outside the geographic boundaries of a city or town exercising municipal powers; and any municipality or county located outside the metropolitan area which ~~makes request to and has consent of the commissioner to come within the provisions of this section~~ *with an approved disease control program.*

(d) "Shade tree disease" means Dutch elm disease or oak wilt disease.

(e) "Wood utilization or disposal system" means a *facilities, system equipment or systems* used for the removal and disposal of diseased shade trees which includes the collection, transportation, processing or storage of wood and which aids in the recovery of materials or energy from wood.

~~(f) "Subsidy program" means a municipal program of financial assistance to private property owners for the removal of diseased elm and or oak shade trees.~~

~~(g)~~ (f) "Approved disease control program" means the municipal plan as approved by the commissioner to control shade tree disease.

~~(h)~~ (g) "Disease control area" means an area approved by the commissioner within which a municipality will conduct a *an approved shade tree disease control program.*

(h) "Sanitation" *means the identification, inspection, disruption of a common root system, girdling, removal and disposal of dead or diseased wood of elm or oak shade trees, including subsidies for trees removed pursuant to subdivision 4, on public or private property within a disease control area.*

(i) "Reforestation" *means the replacement of shade trees removed from public property as part of an approved disease control program. For purposes of this clause, "public property" shall include private property within five feet of the boulevard or street terrace in any city which has enacted an ordinance that prohibits planting of trees in the public right of way.*

Sec. 2. Minnesota Statutes 1976, Section 18.023, Subdivision 1a, is amended to read:

Subd. 1a. [SHADE TREE DISEASE CONTROL PROGRAM; PURPOSE.] The legislature finds that an epidemic of Dutch elm disease and oak wilt disease is occurring in Minnesota which threatens the natural environment. Immediate action is therefore necessary to provide funds to assist local units of government

in the implementation of shade tree disease control programs by *conducting sanitation and reforestation programs*, expanding diseased wood destruction programs, increasing public awareness of shade tree disease, accelerating training of tree inspectors and research for disease prevention and subsidizing private property owners for the removal of diseased elm and oak trees.

Sec. 3. Minnesota Statutes 1976, Section 18.023, Subdivision 2, is amended to read:

Subd. 2. [COMMISSIONER TO ADOPT RULES.] The commissioner shall adopt and from time to time may amend, rules and regulations relating to shade tree disease control in the metropolitan area in accordance with sections 15.0411 to 15.0422 any municipality, as defined in subdivision 1. Such The rules and regulations shall prescribe control measures to be used to prevent the spread of shade tree diseases and shall include the following: (a) A definition of shade tree, (b) qualifications for tree inspectors, (c) methods of identifying diseased shade trees, (d) procedures for giving reasonable notice of inspection of private real property, (e) measures for the treatment and removal of any shade tree which may contribute to the spread of shade tree disease, and for reforestation of disease control areas, (f) approved methods of treatment of shade trees, and (g) such any other matters as shall be determined to be necessary by the commissioner to prevent the spread of shade tree disease and enforce the provisions of this section. In accordance with the rules and regulations adopted by the commissioner, and After reasonable notice of inspection, having been given to the an owner of the real property, diseased shade trees shall be removed or treated by the owner of the real property on which such a diseased shade trees are tree is located shall remove or treat the tree within a the period of time as may be and in the manner established by the commissioner. In the case A municipality may assess not more than 50 percent of the expense of treating with an approved method or removing or treating diseased shade trees located on street terraces or boulevards, not more than 50 percent of such expense may be assessed to the abutting properties by the municipality which expense and the assessment shall become a lien on the property. Diseased shade trees which are not removed or treated in compliance with the commissioner's rules shall be declared a public nuisance and removed or treated by approved methods by the municipality which may assess the total expense or any part thereof to the property which and the expense shall become a lien on the property.

Sec. 4. Minnesota Statutes 1976, Section 18.023, Subdivision 3a, is amended to read:

Subd. 3a. [GRANTS TO MUNICIPALITIES.] (a) The commissioner may, in the name of the state and within the limit of appropriations provided, make grants-in-aid to a municipality with an approved shade tree disease control program for the partial funding of municipal subsidy programs for the removal of diseased shade trees by owners of residential property pursuant to subdivision 4 sanitation and reforestation programs .

The commissioner may make grants-in-aid to any city of more than 80,000 population or any special purpose park district organized under the charter of a city of the first class municipality or any non-profit corporation serving a city of the first class or any county having a disease control program approved by the commissioner for the acquisition or implementation of a wood utilization or disposal facilities or equipment or the implementation of wood utilization or disposal systems system.

(b) The commissioner shall promulgate rules for the administration of grants authorized by this subdivision. The rules shall establish and contain as a minimum:

- (1) Procedures for grant applications;
- (2) Conditions and procedures for the administration of grants;
- (3) Criteria of eligibility for grants including, but not limited to, those specified in this subdivision; and
- (4) Such other matters as the commissioner may find necessary to the proper administration of the grant program.

(c) Grants-in-aid payments for wood utilization and disposal facilities, equipment and systems and grants for public subsidy programs made by the commissioner pursuant to this subdivision shall not exceed 50 percent of the total cost of the facility equipment or system or municipal subsidy program, or both. Grants to any municipality for sanitation shall not exceed 50 percent of sanitation costs approved by the commissioner. Grants to municipalities for reforestation shall not exceed the lesser of 50 percent of the cost or \$40 multiplied by the number of trees planted pursuant to the reforestation program and shall be limited for any municipality in any year to grants for not more than one half the number of trees removed in the sanitation program in the previous year; provided that reforestation grants to municipalities with a population of less than 5000 according to the 1970 census shall not be limited to one half the number of trees removed in the sanitation program the previous year and shall not exceed the lesser of 60 percent of the cost or \$40 multiplied by the number of trees planted pursuant to the reforestation program. For purposes of this subdivision, "cost" shall not include either any amount assessed as a special assessment or the value of a gift or dedication of trees required by a municipal ordinance.

(d) Based upon estimates submitted by the municipality to the commissioner, which shall state the estimated costs of sanitation and reforestation in the succeeding quarter under an approved program, the commissioner shall direct quarterly advance payments to be made by the state to the municipality commencing March 1, 1977. The commissioner shall direct adjustment of any overestimate in a succeeding quarter. A municipality may elect to receive the proceeds of its sanitation and reforestation grants on a periodic cost reimbursement basis.

(e) A municipality city, or county outside the metropolitan area or any municipality, as defined in subdivision 1, which

has received the consent of the commissioner to come within the provisions of Laws 1975, Chapter 253 may receive grants authorized by this subdivision, and may submit an application for a grant authorized by this subdivision concurrently with its request for inclusion approval of a disease control program.

Sec. 5. Minnesota Statutes 1976, Section 18.023, Subdivision 4, is amended to read:

Subd. 4. [SUBSIDIES TO PRIVATE PROPERTY OWNERS.]
(a) A municipality may provide subsidies to owners of private residential property owners and to cemeteries, however organized, for the approved treatment or removal of diseased shade trees provided; however, that the cost to the municipality for providing such subsidies shall be within the limitations set forth in sections 275.50 to 275.56.

(b) Notwithstanding any law to the contrary, an owner of property on which shade trees are located may contract with a municipality to provide protection against the cost of approved treatment or removal of diseased shade trees or shade trees that will contribute to the spread of shade tree diseases. Under such contracts, the municipality shall pay for the removal or approved treatment under such terms and conditions as may be determined by the governing body of the municipality.

Sec. 6. Minnesota Statutes 1976, Section 18.023, Subdivision 7, is amended to read:

Subd. 7. [FINANCING.] (a) A municipality may collect the amount assessed against the property under subdivision 2 as a special assessment and may issue obligations as provided in section 429.101, subdivision 1, provided that a municipality as its option make any assessment levied payable with interest in installments not to exceed five years from the date of the assessment.

(b) After a contract for the removal or treatment sanitation of trees on private property has been let, or the work commenced, the municipality may issue obligations to defray the expense of any such work financed by special assessments imposed upon private property. Section 429.091 shall apply to such obligations with the following modifications:

(1) Such obligations shall be payable not more than five years from the date of issuance; and

(2) No election shall be required.

Obligations issued under the provisions of this clause shall not be considered bonded indebtedness for the purposes of section 273.13, subdivisions 6 and 7. The certificates shall not be included in the net debt of the issuing municipality.

Sec. 7. Minnesota Statutes 1976, Section 18.023, Subdivision 8, is amended to read:

Subd. 8. [DEPOSIT OF PROCEEDS IN SEPARATE FUND.] The proceeds of any tax levied, assessments and interest collected,

or any bonds or certificates of indebtedness issued under subdivisions 6 and subdivision 7 and section 11 of this act, and any grants received under subdivision 3a, shall be deposited in the municipal treasury in a separate fund and expended only for the purposes authorized by this section.

Sec. 8. Minnesota Statutes 1976, Section 18.023, is amended by adding a subdivision to read:

Subd. 10a. The commissioner may establish experimental programs for sanitation or treatment of shade tree diseases. The commissioner may make grants to municipalities, or enter into contracts with municipal, state or federal agencies in connection with experimental shade tree programs.

Sec. 9. Minnesota Statutes 1976, Section 18.023, Subdivision 11, is amended to read:

Subd. 11. [REPORT TO THE LEGISLATURE.] On or before January 31 of each succeeding year, the commissioner shall report to the legislature on the preceding year's plans and approved disease control programs which have been implemented for shade tree diseases in the metropolitan area and any experimental programs conducted pursuant to subdivision 10a.

Sec. 10. Minnesota Statutes 1976, Section 116.07, Subdivision 4, is amended to read:

Subd. 4. [REGULATIONS AND STANDARDS.] Pursuant and subject to the provisions of chapter 15, and the provisions hereof, the pollution control agency may adopt, amend and rescind regulations and standards having the force of law relating to any purpose within the provisions of Laws 1969, Chapter 1046, for the prevention, abatement, or control of air pollution. Any such regulation or standard may be of general application throughout the state, or may be limited as to times, places, circumstances, or conditions in order to make due allowance for variations therein. Without limitation, regulations or standards may relate to sources or emissions of air contamination or air pollution, to the quality or composition of such emissions, or to the quality of or composition of the ambient air or outdoor atmosphere or to any other matter relevant to the prevention, abatement, or control of air pollution.

Pursuant and subject to the provisions of chapter 15, and the provisions hereof, the pollution control agency may adopt, amend, and rescind regulations and standards having the force of law relating to any purpose within the provisions of Laws 1969, Chapter 1046, for the collection, transportation, storage, and disposal of solid waste and the prevention, abatement, or control of water, air, and land pollution which may be related thereto, and the deposit in or on land of any other material that may tend to cause pollution. Any such regulation or standard may be of general application throughout the state or may be limited as to times, places, circumstances, or conditions in order to make due allowance for variations therein. Without limitation, regulations or standards may relate to collection, transportation, disposal,

equipment, location, procedures, methods, systems or techniques or to any other matter relevant to the prevention, abatement or control of water, air, and land pollution which may be advised through the control of collection, transportation, and disposal of solid waste, and the deposit in or on land of any other material that may tend to cause pollution.

Pursuant and subject to the provisions of chapter 15, and the provisions hereof, the pollution control agency may adopt, amend and rescind regulations and standards having the force of law relating to any purpose within the provisions of Laws 1971, Chapter 727, for the prevention, abatement, or control of noise pollution. Any such regulation or standard may be of general application throughout the state, or may be limited as to times, places, circumstances or conditions in order to make due allowances for variations therein. Without limitation, regulations or standards may relate to sources or emissions of noise or noise pollution, to the quality or composition of noises in the natural environment, or to any other matter relevant to the prevention, abatement, or control of noise pollution.

As to any matters subject to this chapter, local units of government may set emission regulations with respect to stationary sources which are more stringent than those set by the pollution control agency.

Pursuant to chapter 15, the pollution control agency may adopt, amend, and rescind regulations and standards having the force of law relating to any purpose within the provisions of this chapter for the identification, labeling, classification, storage, collection, treatment, and disposal of hazardous waste and location of hazardous waste disposal facilities. A regulation or standard may be of general application throughout the state or may be limited as to time, places, circumstances, or conditions. The public service commission, in cooperation with the pollution control agency, shall set standards for the transportation of hazardous waste in accordance with chapter 221.

The pollution control agency shall give highest priority in the consideration of permits to authorize disposal of diseased shade trees by open burning at designated site to evidence concerning economic costs of transportation and disposal of diseased shade trees by alternative methods.

Sec. 11. Minnesota Statutes 1976, Section 275.50, is amended by adding a subdivision to read:

Subd. 6. The cost to a governmental unit of implementing section 18.023, including sanitation and reforestation, as defined in section 18.023, subdivision 1, is a "special levy" and is not subject to tax levy limitations including those contained in sections 275.50 to 275.56 and in Laws 1969, Chapter 593, as amended by Laws 1974, Chapter 108, commencing with the levy made in 1976, payable in 1977. A governmental subdivision may make a supplementary levy in 1977, payable in 1978, for all costs of implementing section 18.023 incurred in calendar year 1977 for which a levy was not made in 1976, payable in 1977. For the

purpose of calculating the tax levy limit base under section 275.51, for levy year 1977, taxes payable 1978, there shall be subtracted from the levy limit base of any governmental subdivision an amount equal to 112 percent of the amount levied under section 18.023 in levy year 1975, taxes payable 1975, and included in the levy limit base of the governmental subdivision as a result of Laws 1975, Chapter 437.

Sec. 12. Notwithstanding any other law to the contrary, the procedures and rules set forth in the order of the commissioner of agriculture dated and filed with the secretary of state, by and given a document number by the secretary of state, shall be valid and enforceable rules of the commissioner of agriculture for purposes of Minnesota Statutes, Sections 15.0411 to 15.0422, without further act or deed of the commissioner, with respect to grants to municipalities for reforestation and sanitation during the period between the day following final enactment of this act and either September 1, 1977, or the effective date of the amended rules to be promulgated pursuant to section 3 of this act, whichever occurs first.

Sec. 13. [APPROPRIATIONS.] Subdivision 1. There is appropriated from the general fund to the commissioner of agriculture the following amounts for the following purposes, for the period from January 1, 1977 to June 30, 1978:

- (a) For grants for sanitation programs pursuant to Minnesota Statutes, Section 18.023, Subdivision 3a \$20,000,000
- (b) For grants for reforestation programs pursuant to Minnesota Statutes, Section 18.023, Subdivision 3a 4,000,000
- (c) For grants-in-aid for wood utilization and disposal systems pursuant to Minnesota Statutes, Section 18.023, Subdivision 3a 900,000
- (d) For public information 260,000
- (e) For experimental programs pursuant to Minnesota Statutes, Section 18.023, Subdivision 10a.. 337,100
- (f) For administration 321,023

The commissioner shall not make grants for sanitation and reforestation for wood utilization and disposal systems in excess of 67 percent of the amounts specified in clauses (a) through (c) to the municipalities located within the metropolitan area, as defined in section 18.023, subdivision 1.

Subd. 2. There is appropriated from the general fund to the university of Minnesota the following amounts for the following purposes, for the period from January 1, 1977 to June 30, 1978:

- (a) For research by the agricultural experimental station, pursuant to Minnesota Statutes, Section 18.023, Subdivision 10 221,000

(b) For continuing education and training by the agricultural extension service, pursuant to Minnesota Statutes, Section 18.023, Subdivision 10. 441,900

Subd. 3. The sum of \$1,213,000 is appropriated from the general fund to the commissioner of natural resources for the expenses of sanitation of diseased shade trees on lands which the commissioner administers within 1,000 feet of any municipality with an approved disease control program and within camp sites, picnic areas, waysides and parking areas.

This appropriation is in lieu of all other appropriations to the commissioner of natural resources for the same purposes for the period from January 1, 1977 to June 30, 1978.

Subd. 4. The appropriations in this section shall expire July 1, 1978, notwithstanding section 16A.28 or other law.

Sec. 14. [REPEALER.] Minnesota Statutes 1976, Section 18.023, Subdivision 6, is repealed.

Sec. 15. [EFFECTIVE DATE.] This act is effective January 1, 1977."

Amend the title as follows:

Line 2, strike "providing" and insert "authorizing grants"

Line 4, strike "providing an appropriation;" and insert "authorizing a shade tree disease control research program; appropriating money;"

Line 6, after "7" insert ", 8"

Line 7, strike "subdivisions" and insert "a subdivision"

Line 7, before "and" insert "116.07, Subdivision 4;"

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

Mr. Coleman from the Subcommittee on Bill Scheduling, to which were referred

S. F. Nos. 76, 40, 296, 70, 201, 166, 200, 254, 188, 183, 290 and H. F. No. 12, makes the following report:

That S. F. No. 40 be re-referred to the Committee on Finance.

That S. F. Nos. 76, 296, 70, 201, 166, 200, 254, 188, 183 and 290 be placed on the General Orders Calendar.

That H. F. No. 12 be placed on the General Orders Calendar.

That there were no other bills before the subcommittee on which floor action was requested.

Report adopted.

Mr. Coleman from the Committee on Rules and Administration, to which were referred for proper reference under Rule 35:

S. F. Nos. 316, 324, 326, 328, 343, 345, 348, 364, 375, 386, 453 and 461 reports the same back with the recommendation that the bills be re-referred as follows:

S. F. No. 316 to the Committee on Elections.

S. F. No. 324 to the Committee on General Legislation and Veterans affairs.

S. F. Nos. 326, 343, 345, 375 to the Committee on Governmental Operations.

S. F. No. 461 to the Committee on Judiciary.

S. F. Nos. 348, 364, 386 to the Committee on Local Government.

S. F. No. 328 to the Committee on Rules and Administration.

S. F. No. 453 to the Committee on Taxes and Tax Laws.

Report adopted.

SECOND READING OF SENATE BILLS

S. F. Nos. 99 and 223 were read the second time.

S. F. Nos. 218, 86, 305, 271, 170, 291 and 102 were read the second time and referred to the Subcommittee on Bill Scheduling of the Committee on Rules and Administration.

MOTIONS AND RESOLUTIONS

Mr. Borden, for the Committee on Rules and Administration, moved to amend Senate Resolution No. 6, as amended by the Senate on February 15, 1977, a Senate resolution relating to standing committees, shown in the Journal for the first day, as follows:

Taxes and Tax Laws (29) 21

Add: Sieloff

The motion prevailed. So the resolution was amended.

Mr. Menning moved that the name of Mr. Hanson be added as co-author to S. F. No. 79. The motion prevailed.

Mr. Schaaf moved that the names of Messrs. Luther, Humphrey and Olson be added as co-authors to S. F. No. 100. The motion prevailed.

Mr. McCutcheon moved that the name of Mr. Stumpf be added as co-author to S. F. No. 468. The motion prevailed.

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

Mr. Johnson moved that the name of Mr. Lessard be added as co-author to S. F. No. 526. The motion prevailed.

Mr. Olhoff moved that the name of Mr. Strand be added as co-author to S. F. No. 554. The motion prevailed.

Mr. Borden, for the Committee on Rules and Administration, moved to amend Senate Resolution No. 3 adopted Tuesday, January 4, 1977 establishing Senate employees' positions and salaries as shown in the Journal of the first day as follows:

In the "Researcher" classification under the heading "salary per day" strike the "2" before "\$45.90" and insert "1", and insert "1 @ \$34.25" following "2 @ \$30.14"

The question was taken on the adoption of the amendment to the resolution.

The roll was called, and there were yeas 51 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Frederick	Knutson	Peterson	Stokowski
Ashbach	Gearty	Lewis	Pillsbury	Strand
Bang	Gunderson	Luther	Renneke	Stumpf
Bernhagen	Hanson	McCutcheon	Schaaf	Ueland, A.
Borden	Hughes	Menning	Schmitz	Ulland, J.
Brataas	Humphrey	Milton	Sieloff	Vega
Chmielewski	Jensen	Nelson	Sikorski	Willet
Davies	Johnson	Nichols	Sillers	
Dieterich	Keefe, J.	Olhoft	Solon	
Dunn	Kirchner	Penny	Spear	
Engler	Knoll	Perpich	Staples	

The motion prevailed. So the resolution was amended.

Mr. Borden, for 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.

Dolores Stendahl, Stenographer I classification, effective February 24, 1977

Manuel Romero, Page classification, effective February 14, 1977

Gail Waldron, Researcher classification, effective February 28, 1977

George Meinz, transferred from Page classification to Clerk I classification

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

CONSENT CALENDAR

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.

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 55 and nays 0, as follows:

Those who voted in the affirmative were:

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

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. 10 which the committee recommends to pass.

Also S. F. Nos. 104 and 69, which the committee recommends to pass with the following amendments offered by Messrs. Johnson and Sieloff:

Mr. Johnson moved to amend S. F. No. 104 as follows:

Page 2, lines 2 and 3, strike "the day following final enactment" and insert "upon approval by the board of county commissioners of Cook county and upon compliance with Minnesota Statutes, Section 645.021"

Mr. Sieloff moved to amend S. F. No. 69 as follows:

Page 1, line 15, strike the comma

Page 2, line 6, after "*enactment*" and before the period insert "*and shall apply to all consents to an adoption executed on or after that date*"

On motion of Mr. Borden, the report of the Committee of the Whole, as kept by the Secretary, was adopted.

MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Borden moved that the Senate do now adjourn until 11:00 o'clock a. m., Monday, March 7, 1977. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate