

STATE OF MINNESOTA

SIXTY-EIGHTH SESSION - 1974

ONE HUNDRED-SIXTH DAY

SAINT PAUL, MINNESOTA, FRIDAY, MARCH 15, 1974

The House convened at 2:00 p.m. and was called to order by the Speaker.

Prayer was offered by the Chaplain.

The roll was called, and the following members were present:

Adams, J.	DeGroat	Johnson, J.	Menke	Salchert
Adams, S.	Dieterich	Johnson, R.	Miller, D.	Samuelson
Andersen, R.	Dirlam	Jude	Miller, M.	Sarna
Anderson, D.	Eckstein	Kahn	Moe	Savelkoul
Anderson, G.	Eken	Kelly	Mueller	Schreiber
Anderson, I.	Enebo	Kempe	Munger	Schulz
Becklin	Erdahl	Klaus	Myrah	Searle
Belisle	Erickson	Knickerbocker	Nelson	Sherwood
Bell	Esau	Knoll	Newcome	Sieben, H.
Bennett	Faricy	Kostohryz	Niehaus	Sieben, M.
Berg	Ferderer	Kvam	Ohnstad	Skaar
Berglin	Fjoslien	Laidig	Ojala	Smith
Biersdorf	Forsythe	Larson	Parish	Spanish
Braun	Fudro	LaVoy	Patton	Stanton
Brinkman	Fugina	Lemke	Pavlak, R.	Swanson
Carlson, A.	Graba	Lindstrom, E.	Pavlak, R. L.	Tomlinson
Carlson, B.	Graw	Lindstrom, J.	Pehler	Ulland
Carlson, D.	Growe	Lombardi	Peterson	Vanasek
Carlson, L.	Hagedorn	Long	Pieper	Vento
Casserly	Haugerud	Mann	Pleasant	Voss
Cleary	Heinitz	McArthur	Prahl	Weaver
Clifford	Hook	McCarron	Quirin	Wenzel
Connors	Jacobs	McCauley	Resner	Wigley
Culhane	Jaros	McEachern	Rice	Wohlwend
Cummiskey	Johnson, C.	McFarlin	Ryan	Wolcott
Dahl	Johnson, D.	McMillan	St. Onge	Mr. Speaker

A quorum was present.

Jopp, Norton, and Stangeland were excused. Hanson was excused until 3:00 p.m.

The Chief Clerk proceeded to read the Journal of the preceding day, when on the motion of Mr. Johnson, C., the further reading was dispensed with and the Journal was approved as corrected.

REPORTS OF CHIEF CLERK

Pursuant to Rules of the House, printed copies of H. F. Nos. 3239, 3267, 1951, 3347, and 3159 and S. F. Nos. 2003, 2110, 2161, 2315, 2386, 2580, 3434, 2669, 2670, 2748, 3194, 3407, 3422, 3210, 3477, 1769, 1879, 1963, 1999, 2731, 3181, 3198, 3257, 2964, and 498 have been placed in the members' files.

S. F. No. 1769 and H. F. No. 1842, which had been referred to the Chief Clerk for comparison, were examined and found to be identical, except that S. F. No. 1769, page 1, lines 27 through 30, and page 2, lines 1 and 2, reads as follows: "*association of chiropractic colleges or their successors (WHEREIN THE CURRICULUM INCLUDES INSTRUCTION IN THE FOLLOWING BRANCHES: ANATOMY, PHYSIOLOGY, SYMPTOMATOLOGY, PATHOLOGY, HYGIENE, DIETETICS, DIAGNOSES, URINALYSIS, CHIROPRACTIC ORTHOPEDY, INTELLECTUAL ADAPTION, AND THE SCIENCE AND ART OF CHIROPRACTIC). The board may recommend a two year*"; whereas, H. F. No. 1842, page 1, lines 27 through 30, and page 2, lines 1 and 2, read: "*association of chiropractic colleges or its successors, and wherein the curriculum includes instruction in the following branches: anatomy, physiology, symptomatology, pathology, hygiene, dietetics, diagnoses, urinalysis, chiropractic orthopedy, intellectual adaption, and the science and art of chiropractic. The board may recommend a two year*".

SUSPENSION OF RULES

Vento moved that the rules be so far suspended that S. F. No. 1769 be substituted for H. F. No. 1842 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 3422 and H. F. No. 3557, which had been referred to the Chief Clerk for comparison, were examined and found to be identical, except that S. F. No. 3422, page 1, lines 20 through 22, read as follows: "same in one or more series in accordance with Minnesota Statutes, Chapter 475, except that no election shall be required."; whereas, H. F. No. 3557, page 1, lines 20 through 25, read: "bonds in one or more series in accordance with Minnesota Statutes, Chapter 475, except that no election shall be required and such bonds shall not be included in computing the net debt of the county under any law, and the taxes required to be levied for payment of such bonds shall not be subject to any limitation of rate or amount."

SUSPENSION OF RULES

Tomlinson moved that the rules be so far suspended that S. F. No. 3422 be substituted for H. F. No. 3557 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 3247 and H. F. No. 1710, which had been referred to the Chief Clerk for comparison, were examined and found to be identical, except that S. F. No. 3247, after the enacting clause reads as follows:

"Section 1. [POLICY.] The legislature declares that it is the policy of the state of Minnesota to encourage and contribute to the rehabilitation of criminal offenders and to assist them in the resumption of the responsibilities of citizenship. The opportunity to secure employment or to pursue, practice, or engage in a meaningful and profitable trade, occupation, vocation, profession or business is essential to rehabilitation and the resumption of the responsibilities of citizenship.

Sec. 2. [DEFINITIONS.] Subdivision 1. For the purposes of this act, the terms defined in this section have the meanings given them.

Subd. 2. [OCCUPATION.] "Occupation" includes all occupations, trades, vocations, professions, businesses, or employment of any kind for which a license is required to be issued by the state of Minnesota, its agencies, or political subdivisions.

Subd. 3. [LICENSE.] "License" includes all licenses, permits, certificates, registrations, or other means required to engage in an occupation which are granted or issued by the state of Minnesota, its agents or political subdivisions before a person can pursue, practice, or engage in any occupation.

Subd. 4. [PUBLIC EMPLOYMENT.] "Public employment" includes all employment with the state of Minnesota, its agencies, or political subdivisions.

Subd. 5. [CONVICTION OF A CRIME OR CRIMES.] "Conviction of crime or crimes" shall be limited to convictions of felonies, gross misdemeanors, and misdemeanors for which a jail sentence may be imposed. No other criminal conviction shall be considered.

Subd. 6. [HIRING OR LICENSING AUTHORITY.] "Hiring or licensing authority" shall mean the person, board, commission, or department of the state of Minnesota, its agencies or political subdivisions, responsible by law for the hiring of persons for public employment or the licensing of persons for occupations.

Sec. 3. Subdivision 1. Notwithstanding any other provision of law to the contrary, no person shall be disqualified from public employment, nor shall a person be disqualified from pursuing, practicing, or engaging in any occupation for which a license is required solely or in part because of a prior conviction of a crime or crimes, unless the crime or crimes for which convicted directly

relate to the position of employment sought or the occupation for which the license is sought.

Subd. 2. In determining if a conviction directly relates to the position of public employment sought or the occupation for which the license is sought, the hiring or licensing authority shall consider:

(a) The nature and seriousness of the crime or crimes for which the individual was convicted;

(b) The relationship of the crime or crimes to the purposes of regulating the position of public employment sought or the occupation for which the license is sought;

(c) The relationship of the crime or crimes to the ability, capacity, and fitness required to perform the duties and discharge the responsibilities of the position of employment or occupation.

Subd. 3. A person who has been convicted of a crime or crimes which directly relate to the public employment sought or to the occupation for which a license is sought shall not be disqualified from the employment or occupation if the person can show competent evidence of sufficient rehabilitation and present fitness to perform the duties of the public employment sought or the occupation for which the license is sought. Sufficient evidence of rehabilitation may be established by the production of:

(a) A copy of the local, state, or federal release order; and

(b) Evidence showing that at least one year has elapsed since release from any local, state, or federal correctional institution without subsequent conviction of a crime; and evidence showing compliance with all terms and conditions of probation or parole; or

(c) A copy of the relevant department of corrections discharge order or other documents showing completion of probation or parole supervision.

In addition to the documentary evidence presented, the licensing or hiring authority shall consider any evidence presented by the applicant regarding:

(1) The nature and seriousness of the crime or crimes for which convicted;

(2) All circumstances relative to the crime or crimes, including mitigating circumstances or social conditions surrounding the commission of the crime or crimes;

(3) The age of the person at the time the crime or crimes were committed;

(4) The length of time elapsed since the crime or crimes were committed; and

(5) All other competent evidence of rehabilitation and present fitness presented, including, but not limited to, letters of reference by persons who have been in contact with the applicant since his or her release from any local, state, or federal correctional institution.

Sec. 4. The following criminal records shall not be used, distributed, or disseminated by the state of Minnesota, its agents or political subdivisions in connection with any application for public employment nor in connection with an application for license:

(1) Records of arrest not followed by a valid conviction.

(2) Convictions which have been, pursuant to law, annulled or expunged.

(3) Misdemeanor convictions for which no jail sentence can be imposed.

Sec. 5. If a hiring or licensing authority denies an individual a position of public employment or disqualifies the individual from pursuing, practicing, or engaging in any occupation for which a license is required, solely or in part because of the individual's prior conviction of a crime, the hiring or licensing authority shall notify the individual in writing of the following:

(1) The grounds and reasons for the denial or disqualification;

(2) The applicable complaint and grievance procedure as set forth in section 6;

(3) The earliest date the person may re-apply for a position of public employment or a license; and

(4) That all competent evidence of rehabilitation presented will be considered upon re-application.

Sec. 6. Any complaints or grievances concerning violations of this act shall be processed and adjudicated in accordance with the procedures set forth in Minnesota Statutes, Chapter 15, the administrative procedure act.

Sec. 7. The provisions of this act shall prevail over any other laws, rules, and regulations which purport to govern the grant-

ing, denial, renewal, suspension, or revocation of a license or the initiation, suspension, or termination of public employment on the grounds of conviction of a crime or crimes. In deciding to grant, deny, revoke, suspend, or renew a license, or to deny, suspend, or terminate public employment for a lack of good moral character or the like, the hiring or licensing authority may consider evidence of conviction of a crime or crimes but only in the same manner and to the same effect as provided for in this act. Nothing in this act shall be construed to otherwise affect relevant proceedings involving the granting, denial, renewal, suspension, or revocation of a license or the initiation, suspension, or termination of public employment.

Sec. 8. This chapter shall not apply to the practice of law; but nothing in this section shall be construed to preclude the supreme court, in its discretion, from adopting the policies set forth in this chapter.

Sec. 9. This chapter shall not apply to the practice of law enforcement; but nothing in this section shall be construed to preclude the Minnesota police and peace officers training board from recommending policies set forth in this chapter to the attorney general for adoption in his discretion.

Sec. 10. Violation of the rights established in this act shall constitute a violation of a person's civil rights.”;

whereas, H. F. No. 1710, after the enacting clause reads:

“Section 1. The legislature declares that it is the policy of the state of Minnesota to encourage and contribute to the rehabilitation of criminal offenders and to assist them in the resumption of the responsibilities of citizenship. The opportunity to secure employment or to pursue, practice, or engage in a meaningful and profitable trade, occupation, vocation, profession or business is essential to rehabilitation and the resumption of the responsibilities of citizenship.

Sec. 2. [DEFINITIONS.] Subdivision 1. [OCCUPATION.] For purposes of this act “occupation” includes all occupations, trades, vocations, professions, business, or employment of any kind for which a license is required to be issued by the state of Minnesota, its agencies, or political subdivisions.

Subd. 2. [LICENSES.] For purposes of this act “licenses” includes all licenses, permits, certificates, registrations or other means required to engage in an occupation which are granted or issued by the state of Minnesota, its agents or political subdivisions before a person can pursue, practice, or engage in any occupation.

Subd. 3. [PUBLIC EMPLOYMENT.] For purposes of this act "public employment" includes all employment with the state of Minnesota, its agencies or political subdivisions.

Subd. 4. [CONVICTION OF A CRIME OR CRIMES.] For purposes of this act "conviction of a crime or crimes" shall be limited to convictions of felonies, gross misdemeanors, and misdemeanors for which a jail sentence may be imposed. No other criminal conviction shall be considered.

Subd. 5. [HIRING OR LICENSING AUTHORITY.] For purposes of this act, "hiring or licensing authority" shall mean the person, board, commission, or department of the state of Minnesota, its agencies or political subdivisions, responsible by law for the hiring of persons for public employment or the licensing of persons for occupations.

Sec. 3. Subdivision 1. Notwithstanding any other provision of law to the contrary, no person shall be disqualified from public employment, nor shall a person be disqualified from pursuing, practicing, or engaging in any occupation for which a license is required solely or in part because of a prior conviction of a crime or crimes, unless the crime or crimes for which convicted directly relate to the position of employment sought or the occupation for which the license is sought.

Subd. 2. In determining if a conviction directly relates to the position of public employment sought or the occupation for which the license is sought, the hiring or licensing authority shall consider:

(a) The nature and seriousness of the crime or crimes for which the individual was convicted;

(b) The relationship of the crime or crimes to the purposes of regulating the position of public employment sought or the occupation for which the license is sought; and

(c) The relationship of the crime or crimes to the ability, capacity and fitness required to perform the duties and discharge the responsibilities of the position of employment or occupation.

Subd. 3. A person who has been convicted of a crime or crimes which directly relate to the public employment sought or to the occupation for which a license is sought shall not be disqualified from the employment or occupation if the person can show competent evidence of sufficient rehabilitation and present fitness to perform the duties of the public employment sought or the occupation for which the license is sought. Sufficient evidence of rehabilitation shall be established by the production of:

(a) a copy of the relevant department of corrections release order; and

(b) evidence showing that at least one year has elapsed since release from any local, state, or federal correctional institution without subsequent conviction of a crime; and evidence showing compliance with all terms and conditions of probation or parole; or

(c) a copy of the relevant department of corrections discharge order and other documents showing completion of probation or parole.

In addition to the documentary evidence presented, the licensing or hiring authority shall consider any competent evidence presented concerning

(1) The nature and seriousness of the crime or crimes for which convicted;

(2) all circumstances relative to the crime or crimes, including mitigating circumstances or social conditions surrounding the commission of the crime or crimes;

(3) the age of the person at the time the crime or crimes were committed;

(4) the length of time elapsed since the crime or crimes were committed; and

(5) all other competent evidence of rehabilitation and present fitness presented including but not limited to letters of reference by persons who have been in contact with the applicant since his or her release from any local, state or federal correctional institution.

Sec. 4. The following criminal records shall not be used, distributed or disseminated by the state of Minnesota, its agents or political subdivisions in connection with any application for public employment nor in connection with an application for a license:

(1) Records of arrest not followed by a valid conviction.

(2) Convictions which have been pursuant to law, annulled or expunged.

(3) Misdemeanor convictions for which no jail sentence can be imposed.

Sec. 5. If a hiring or licensing authority denies an individual a position of public employment or disqualifies the individual

from pursuing, practicing, or engaging in any occupation for which a license is required, solely or in part because of the individual's prior conviction of a crime, the hiring or licensing authority shall notify the individual in writing of the following:

(1) The grounds and reasons for the denial or disqualification;

(2) The applicable complaint and grievance procedure as set forth in section 6 of this act; and

(3) The earliest date the person may reapply for a position of public employment or a license.

(4) That all competent evidence of rehabilitation presented will be considered upon reapplication.

Sec. 6. Any complaints or grievances concerning violations of this chapter shall be processed and adjudicated in accordance with the procedures set forth in Minnesota Statutes, Chapter 15.

Sec. 7. The provisions of this act shall prevail over any other laws, rules, and regulations which purport to govern the granting, denial, renewal, suspension, or revocation of a license or the initiation, suspension, or termination of public employment on the grounds of conviction of a crime or crimes. In deciding to grant, deny, revoke, suspend or renew a license, or to deny, suspend or terminate public employment for a lack of good moral character or the like, the hiring or licensing authority must consider, within 60 days of such application, evidence of conviction of a crime or crimes but only in the same manner and to the same effect as provided for in this act. Nothing in this act shall be construed to otherwise affect relevant proceedings involving the granting, denial, renewal, suspension, or revocation of a license or the initiation, suspension, or termination of public employment.

Sec. 8. This act shall not apply to the practices of law; but nothing in this section shall be construed to preclude the supreme court, in its discretion, from adopting the policies set forth in this act.

Sec. 9. Violation of the rights, established in this act shall constitute a violation of a person's civil rights."

SUSPENSION OF RULES

Nelson moved that the rules be so far suspended that S. F. No. 3247 be substituted for H. F. No. 1710 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 3194 and H. F. No. 3168, which had been referred to the Chief Clerk for comparison, were examined and found to be identical, except that after the enacting clause S. F. No. 3194, reads as follows:

"Section 1. [17A.01] [CITATION.] Sections 1 to 15 may be cited as the Minnesota livestock market agency and dealer licensing act.

Sec. 2. [17A.02] [PURPOSE.] The purpose of this act is to establish jurisdiction and authority with the Minnesota commissioner of agriculture over livestock marketing practices for the benefit and protection of farmers, producers, and the public, requiring financial responsibility and fair trade practices in livestock dealing and marketing.

Sec. 3. [17A.03] [DEFINITIONS.] Subdivision 1. As used in sections 1 to 15, the terms defined in this section have the meanings given them.

Subd. 2. [DEPARTMENT.] "Department" means the Minnesota department of agriculture.

Subd. 3. [COMMISSIONER.] "Commissioner" means the commissioner of agriculture or his representative.

Subd. 4. [PERSON.] "Person" means an individual, partnership, corporation, association, or other form of business enterprise.

Subd. 5. [LIVESTOCK.] "Livestock" means cattle, sheep, swine, horses, mules, and goats.

Subd. 6. [LIVESTOCK MARKET AGENCY.] "Livestock market agency" means any person who sells livestock for the account of others, but does not include an occasional or special event or disposal sale.

Subd. 7. [LIVESTOCK DEALER.] "Livestock dealer" means any person who buys livestock for his own account for purposes of resale or slaughter, or for the account of others, except persons licensed under Minnesota Statutes, Section 28A.04 who are primarily engaged in the sale of meats at retail and persons operating as frozen food processing plants as defined in Minnesota Statutes, Section 31.185.

Subd. 8. [AGENT.] "Agent" means any individual who is engaged by a livestock dealer to act as his representative.

Subd. 9. [FEEDER PIG MARKET.] "Feeder pig market" means a trading place where producers sell feeder pigs directly to livestock dealers or other farmers.

Subd. 10. [PACKING PLANTS AND SLAUGHTERING HOUSES.] "Packing plants" and "slaughtering houses" means places of business where livestock purchased or acquired is slaughtered.

Subd. 11. [BUYING STATION.] "Buying station" means any stockyard or concentration point, other than a public stockyard, at which livestock is bought and sold or assembled for shipment to a packing plant or a public stockyard, or graded or weighed for the purpose of establishing a basis for sale or reshipment.

Subd. 12. [PUBLIC STOCKYARD.] "Public stockyard" means an assembly point operated as a public livestock market for livestock producers, feeders, market agencies and buyers; providing the services and facilities for loading and unloading, yarding and sale of all classes of livestock, for individuals or organizations granted the privilege of the market by the management of the public stockyards.

Sec. 4. [17A.04] [LICENSES.] Subdivision 1. [LICENSING PROVISIONS.] Licenses shall be issued to livestock market agencies and public stockyards annually and shall expire on December 31 each year, renewable annually thereafter; provided, that livestock market agency licenses shall be required and issued for a six-month period from July 1, 1974, through December 31, 1974, on a prorated fee basis. The license issued to a livestock market agency and public stockyard shall be conspicuously posted at the licensee's place of business. Licenses shall be required for livestock dealers and their agents for the period beginning July 1, 1974, and ending June 30 following and annually thereafter. The license issued to a livestock dealer or the agent of a livestock dealer shall be carried by the person so licensed. The livestock dealer shall be responsible for the acts of his agents. The license issued to a livestock market agency, public stockyard or a livestock dealer or agent of a livestock dealer is not transferable. The operation of livestock market agencies, livestock dealers, agents and packers at a public stockyard are exempt from sections 1 to 9, and 12 to 16.

Subd. 2. [APPLICATION.] Any person desiring to carry on the business of a livestock market agency or livestock dealer, or both, or a public stockyard shall make application to the commissioner on a form or forms provided by the commissioner.

Subd. 3. [FINANCIAL STATEMENT OR VOLUME REPORT.] Each new applicant for a license to operate as a livestock market agency or livestock dealer shall file with his application a current balance sheet and financial statement and shall with each subsequent annual renewal application file a report of his business volume for the preceding calendar or fiscal year on a form prescribed by the commissioner, which report shall be for the purpose of determining the amount and adequacy of

the applicant's bond. The commissioner may at any time require an applicant or licensee to submit a current balance sheet and financial statement if he deems it necessary for the protection of the public.

Subd. 4. [SURETY BONDS REQUIRED.] Each livestock market agency and livestock dealer applying for a license under this act shall file with the commissioner a valid and effective bond issued by a surety company licensed to do business in this state, or meeting the requirements of section 5, in the form and amount set forth in section 5. No bond shall be required of a public stockyard or any agent of a bonded livestock dealer. The commissioner may at any time raise or lower bond requirements if it appears that a modification of such bond requirements is justified and in his judgment will protect the public. The bonds of livestock market agencies and dealers whose residence or principal place of business is within the state of Minnesota shall name the commissioner as the trustee. Any license issued under this act shall automatically become void upon the termination of the surety bond covering the licensed operations.

Subd. 5. [LICENSE FEE.] The applicant shall submit to the commissioner the following applicable fee or fees: (1) \$100 for each livestock market agency and public stockyard license; (2) \$35 for each livestock dealer license; and (3) \$20 for each agent license.

Subd. 6. [REFUSAL TO LICENSE.] The commissioner shall refuse to issue a license if the applicant has not filed a surety bond in the form and amount required under sections 4 and 5; the commissioner may refuse to issue a license if the applicant (1) has not satisfactorily demonstrated by a current balance sheet and financial statement that his assets exceed his liabilities; (2) has been found by the department to have failed to pay, without reasonable cause, obligations incurred in connection with livestock transactions; or (3) has failed to comply with other statutes or rules and regulations enforced by the commissioner or the Minnesota livestock sanitary board.

Subd. 7. [REVOCATION OF LICENSE.] Whenever the commissioner finds that any livestock market agency or livestock dealer has violated the provisions of sections 4, 5, 7, or 8, the commissioner may, by order, pursuant to the provisions of Minnesota Statutes, Chapter 15, and this subdivision, revoke the license of the offender. Before any such license shall be revoked, the licensee shall be furnished with a statement of the complaints made against him, and a hearing shall be had before the commissioner upon at least ten days notice to the licensee to determine whether such license shall be revoked, which notice may be served either by registered mail addressed to the address of the licensee as shown in his application or in the manner provided by law for the service of a summons. At the time and place fixed for hearing, the commissioner or any official, employee or agent

of the department authorized by the commissioner, shall receive evidence, administer oaths, examine witnesses, hear the testimony and thereafter file an order either dismissing the proceedings or revoking the license.

Sec. 5. [17A.05] [AMOUNT OF BONDS.] Subdivision 1. [LIVESTOCK MARKET AGENCIES.] The amount of each livestock market agency bond filed with the commissioner shall be not less than \$10,000 or such larger amount as required, based on the commissioner's consideration of the principal's financial statement, the volume of business he reports, or any other factor the commissioner deems pertinent for the protection of the public. Each such bond shall be executed on a Packers and Stockyards Act form and shall contain the condition clause applicable when the principal sells on commission. A bond equivalent in the form of a trust fund agreement executed in accordance with the Packers and Stockyards Act, 1921, as amended, (7 U.S.C. 181 et seq.) shall be acceptable.

Subd. 2. [LIVESTOCK DEALERS.] The amount of each livestock dealer bond filed with the commissioner shall be not less than \$5,000 or such larger amount as required, based on the commissioner's consideration of the principal's financial statement, the volume of business he reports, or any other factor the commissioner deems pertinent for the protection of the public. Each such bond shall contain the condition clause applicable when the principal buys on commission or as a dealer. A livestock dealer's bond shall be executed on a form furnished by the commissioner or in accordance with the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.).

Sec. 6. [17A.06] [CLAIMS AGAINST BONDS.] Subdivision. 1. [FILING OF CLAIMS.] Any person claiming to be damaged by any breach of the conditions of a bond given by a licensee may enter complaint thereof to the commissioner, which complaint shall be a written statement of the facts constituting the complaint, accompanied by documentary proof of his claim against the licensee.

Subd. 2. [HEARING ON CLAIMS.] In case of default by the licensee, the commissioner shall have the power to require the licensee to appear before him at a hearing held for the purpose of determining all liability of the licensee under the terms of his bond, and after said hearing, based on the evidence adduced thereat, the commissioner shall make an order determining and fixing the liability of the principal and of the surety company because of the default of the licensee. If the bond is insufficient to cover the liability of all claimants, the commissioner shall prorate the proceeds of the bond among the claimants on a percentage basis. The order of the commissioner may be enforced by appropriate proceedings in the district court of Ramsey county, and any party aggrieved by the order of the commissioner may appeal to said district court in the manner provided for appeal from other proceedings before the commissioner.

Subd. 3. [LEGAL NOTICE.] Prior to a hearing before the commissioner, he shall notify by certified mail all known potential claimants and publish a notice setting forth the default of the licensee and requiring all claimants to file proof of claim with the commissioner within three months of the date such notice is published or be barred from participating in the proceeds of the bond. Such publication shall be made for three consecutive weeks in a newspaper published at the county seat of the county in which the licensee has his principal place of business. However, no such claim shall be allowed unless it is filed with the commissioner within one year of the date of the alleged breach. Notwithstanding the above provisions, if a livestock market agency or livestock dealer has on file a Packers and Stockyards Act bond and is registered with the Packers and Stockyards Administration, the terms of the bond or that federal agency's regulations will control in determining the time for filing and the admission of claims.

Sec. 7. [17A.07] [PROHIBITED CONDUCT.] It shall be unlawful for any person to (1) carry on the business of a livestock market agency or livestock dealer without a valid and effective license issued by the commissioner under the provisions of section 4; (2) carry on the business of a livestock market agency or livestock dealer without filing and maintaining a valid and effective surety bond in conformity with sections 4 and 5; (3) carry on the business of a livestock market agency or livestock dealer if he cannot pay his debts as they become due or ceases to pay his debts in the ordinary course of business as they become due; (4) engage in or use any unfair or deceptive practice or device in connection with marketing of livestock; (5) willfully make or cause to be made any false entry or statement of fact in any application, financial statement or report filed with the department under the provisions of sections 4, 5, and 8.

Sec. 8. [17A.08] [RECORD KEEPING.] Every person shall make and retain such accounts, records, and memoranda necessary to fully and correctly disclose all transactions involved in his business, including the true ownership of such business by stockholding or otherwise. Whenever the commissioner finds that the accounts, records, and memoranda of any such person do not fully and correctly disclose all transactions involved in his business, the commissioner may prescribe the manner or form and length of time for retention which such accounts, records, and memoranda shall be kept. The commissioner shall at all reasonable times have access to, for the purpose of examination, and the right to copy any documentary evidence of any person being investigated or proceeded against.

Sec. 9. [17A.09] [FEEDER PIGS MARKETS.] The commissioner may, by regulations promulgated in accordance with Minnesota Statutes, Section 15.0412, establish requirements for record making and retention, of livestock purchases and sales by operators of feeder pig markets, as he deems necessary and in his judgement will protect the public.

Sec. 10. [17A.10] [PACKING PLANTS AND STOCK-YARDS, WEIGHERS.] The commissioner shall appoint at public stockyards, packing plants, slaughtering houses, or buying stations where the average daily number of livestock slaughtered or handled is 500 head or more, and the commissioner may appoint at public stockyards, packing plants, slaughtering houses, and buying stations, on application from such public stockyard, packing plant, slaughtering house, or buying station, where the average daily number of livestock slaughtered or handled is 250 head or more, but less than 500 head, such weighers as may be necessary for weighing livestock, provided that no weighers shall be appointed at packing plants or slaughtering houses at which the only livestock slaughtered or handled has been previously purchased or acquired, and title or terms of ownership already established. The commissioner shall prescribe and follow such reasonable regulations as he deems necessary for determining such daily average. Such weighers shall weigh all livestock coming to these places for sale, and keep a record thereof. Upon request, the weighers shall furnish the interested parties a certificate setting forth the number of animals weighed and the actual weight of such animal or animals. Such certificate shall be prima facie evidence of the facts therein certified. The scales at all such places on which livestock is weighed shall be constructed and maintained in accordance with the requirements of the state division of weights and measures, and be tested up to the maximum draft that may be weighed thereon, at least once every 90 days, and be in compliance with all the statutory requirements and regulations adopted by the state division of weights and measures pertaining to livestock scales and weighing.

Sec. 11. [17A.11] [FEES FOR LIVESTOCK WEIGHING.] The commissioner shall prescribe the fee necessary to cover the cost of such weighing, to be assessed and collected from the seller in such manner as the commissioner may prescribe; provided, that the fee assessed be the same, and the manner of collection thereof be uniform at all markets at which the average daily number of head of livestock bought and sold is 250 or more; and provided, further, that if at any location where weighing is performed in accordance with this act and the total annual fees collected are insufficient to pay the cost of such weighing, the annual deficit shall be assessed and collected in such manner as the commissioner may prescribe. Additional moneys arising from the weighing of animals by the commissioner, which have been collected and retained by any person, shall be paid on demand to the commissioner. All moneys collected by the commissioner shall be deposited in the state treasury and credited to the livestock weighing fund, and shall be paid out only on the order of the commissioner and the state's warrant.

Sec. 12. [17A.12] [QUALIFICATIONS.] No weigher shall, during his term of service, be in any manner financially interested in the handling, shipping, purchase, or sale of livestock, nor in the employment of any person engaged therein.

Sec. 13. [17A.13] [GROSS MISDEMEANORS.] Any weigher who shall knowingly or carelessly weigh any livestock improperly, or give any false certificate of weight, or accept money or other consideration directly or indirectly for any neglect or improper performance of duty, or who shall be guilty of any neglect of duty, and any person who shall improperly influence or attempt to influence any such weigher in the performance of his duty by preventing his proper access to the scales used in the weighing of livestock, or otherwise, is guilty of a gross misdemeanor.

Sec. 14. [17A.14] [PENALTIES.] Any person, duly licensed or otherwise, who violates the provisions of sections 1 to 15, for which violation a penalty has not been specifically set out, is guilty of a misdemeanor. A second violation within a licensing period is a gross misdemeanor.

Sec. 15. [17A.15] [POWERS AND DUTIES OF THE COMMISSIONER.] The commissioner shall enforce the provisions of this act and shall promulgate, in the manner provided by law, such rules and regulations as he deems necessary or desirable, and may cooperate with any department of state or government, to carry out the provisions of sections 1 to 15. The commissioner or his duly-authorized agent shall have the power to issue subpoenas, administer oaths and affirmations, examine witnesses, receive evidence, and shall have the power to require by subpoena the attendance and testimony of witnesses and the production of all such documentary evidence relating to any matter under investigation or administrative proceeding.

Sec. 16. Minnesota Statutes 1971, Section 239.27, is amended to read:

239.27 [VIOLATIONS.] Any person who shall violate any of the provisions of (SECTIONS 239.13 TO 239.21, 239.26, AND 239.27, AND FOR WHICH VIOLATION NO PENALTY IS HEREINBEFORE SPECIFIED, SHALL BE) *section 239.20* is guilty of a gross misdemeanor (; AND UPON CONVICTION PUNISHED FOR EACH SUCH OFFENSE BY A FINE OF NOT LESS THAN \$100 NOR MORE THAN \$1,000 OR BY IMPRISONMENT IN THE COUNTY JAIL FOR NOT LESS THAN 30 DAYS NOR MORE THAN ONE YEAR OR BY BOTH SUCH FINE AND IMPRISONMENT.)

Sec. 17. [REPEALER.] Minnesota Statutes 1971, Sections 239.05, Subdivisions 2, 3, 4, 5, and 6; 239.13; 239.14; 239.15; 239.16; 239.17; 239.18, as amended by Laws 1973, Chapters 754, Section 10, and 766, Section 4; 239.19; 239.21; 239.225; and 239.26 are repealed.

Sec. 18. [EFFECTIVE DATE.] This act is effective the day following its final enactment.”;

whereas, after the enacting clause, H. F. No. 3168 reads as follows:

"Section 1. [17A.01] [CITATION.] Sections 1 to 15 may be cited as the Minnesota livestock market agency and dealer licensing act.

Sec. 2. [17A.02] [PURPOSE.] To establish jurisdiction and authority with the Minnesota commissioner of agriculture over livestock marketing practices for the benefit and protection of farmers, producers, and the public, requiring financial responsibility and fair trade practices in livestock dealing and marketing.

Sec. 3. [17A.03] [DEFINITIONS.] Subdivision 1. As used in sections 1 to 15, the terms defined in this section have the meanings given them.

Subd. 2. [DEPARTMENT.] "Department" means the Minnesota department of agriculture.

Subd. 3. [COMMISSIONER.] "Commissioner" means the commissioner of the Minnesota department of agriculture or his representative.

Subd. 4. [PERSON.] "Person" means an individual, partnership, corporation, association, or other form of business enterprise.

Subd. 5. [LIVESTOCK.] "Livestock" means cattle, sheep, swine, horses, mules, and goats.

Subd. 6. [LIVESTOCK MARKET AGENCY.] "Livestock market agency" means any person who sells livestock for the account of others, such as a federally-posted livestock auction market or livestock sale barn.

Subd. 7. [LIVESTOCK DEALER.] "Livestock dealer" means any person who buys livestock for his own account for purposes of resale or slaughter, or for the account of others, except persons licensed under Minnesota Statutes, Section 28A.04 who are primarily engaged in the sale of meats at retail and persons operating as frozen food processing plants as defined in Minnesota Statutes, Section 31.185.

Subd. 8. [AGENT.] "Agent" means any individual who is engaged by a livestock dealer to act as his representative.

Subd. 9. [FEEDER PIG MARKET.] "Feeder pig market" means a trading place where producers sell feeder pigs directly to livestock dealers or other farmers.

Subd. 10. [PACKING PLANTS AND SLAUGHTERING HOUSES.] "Packing plants" and "slaughtering houses" means places of business where livestock purchased or acquired is slaughtered.

Subd. 11. [BUYING STATION.] "Buying station" means any stockyard or concentration point, other than a public stockyard, at which livestock is bought and sold or assembled for shipment to a packing plant or a public stockyard, or graded or weighed for the purpose of establishing a basis for sale or re-shipment.

Subd. 12. [PUBLIC STOCKYARD.] "Public stockyard" means any stockyard commonly known or operated as a public market, such as a terminal market, auction market, or other competitive public market.

Sec. 4. [17A.04] [LICENSES.] Subdivision 1. [LICENSING PROVISIONS.] Licenses shall be issued to livestock market agencies on a calendar year basis and shall expire on December 31 each year, renewable January 1 and annually thereafter; provided, that livestock market agency licenses shall be required and issued for a six-month period from July 1, 1974, through December 31, 1974, on a prorated fee basis. The license issued to a livestock market agency shall be conspicuously posted at the licensee's place of business. Licenses shall be required for livestock dealers and their agents for the period beginning July 1, 1974, and ending June 30 following and annually thereafter. The license issued to a livestock dealer or the agent of a livestock dealer shall be carried by the person so licensed. The livestock dealer shall be responsible for the acts of his agents. The license issued to a livestock market agency, or a livestock dealer or agent of a livestock dealer is not transferable.

Subd. 2. [APPLICATION.] Any person desiring to carry on the business of a livestock market agency or livestock dealer, or both, shall make application to the department on a form or forms provided by the department.

Subd. 3. [FINANCIAL STATEMENT OR VOLUME REPORT.] Each new applicant shall file with his application a current balance sheet and financial statement and shall with each subsequent annual renewal application file a report of his business volume for the preceding calendar or fiscal year on a form prescribed by the department, which report shall be for the purpose of determining the amount and adequacy of the applicant's bond. The commissioner may at any time require an applicant or licensee to submit a current balance sheet and financial statement if he deems it necessary for the protection of the public.

Subd. 4. [SURETY BONDS REQUIRED.] Each livestock market agency and livestock dealer applying for a license under this act shall file with the department a valid and effective bond

issued by a responsible surety company in the form and amount set forth in section 5. No bond shall be required of any agent of a bonded livestock dealer. The commissioner may at any time raise or lower bond requirements if it appears that a modification of such bond requirements is justified and in his judgment will protect the public. The bonds of livestock market agencies and dealers whose residence or principal place of business is within the state of Minnesota shall name the department as the trustee. Any license issued under this act shall automatically become void upon the termination of the surety bond covering the licensed operations.

Subd. 5. [LICENSE FEE.] The applicant shall submit to the department the following applicable fee or fees: (1) \$100 for each livestock market agency license; (2) \$35 for each livestock dealer license; and (3) \$20 for each agent license.

Subd. 6. [REFUSAL TO LICENSE.] The commissioner shall refuse to issue a license if the applicant has not filed a surety bond in the form and amount required under sections 4 and 5; the commissioner may refuse to issue a license if the applicant (1) has not satisfactorily demonstrated by a current balance sheet and financial statement that his assets exceed his liabilities; (2) has been found by the department to have failed to pay, without reasonable cause, obligations incurred in connection with livestock transactions; or (3) has failed to comply with other statutes or rules and regulations enforced by the department of the Minnesota livestock sanitary board.

Subd. 7. [REVOCATION OF LICENSE.] Whenever the commissioner finds that any livestock market agency or livestock dealer has violated the provisions of sections 4, 5, 7, and 8, the commissioner may, by order, revoke the license of the offender. Before any such license shall be revoked, the licensee shall be furnished with a statement of the complaints made against him, and a hearing shall be had before the commissioner upon at least ten days notice to the licensee to determine whether such license shall be revoked, which notice may be served either by registered mail addressed to the address of the licensee as shown in his application or in the manner provided by law for the service of a summons. At the time and placed fixed for hearing, the commissioner or any official, employee or agent of the department authorized by the commissioner, shall receive evidence, administer oaths, examine witnesses, hear the testimony and thereafter file an order either dismissing the proceedings or revoking the license.

Sec. 5. [17A.05] [AMOUNT OF BONDS.] Subdivision 1. [LIVESTOCK MARKET AGENCIES.] The amount of each livestock market agency bond filed with the department shall be not less than \$10,000 or such larger amount as required, based on the commissioner's consideration of the principal's financial statement, the volume of business he reports, or any other factor the commissioner deems pertinent for the protection of the pub-

lic. Each such bond shall be executed on a Packers and Stockyards Act form and shall contain the condition clause applicable when the principal sells on commission. A bond equivalent in the form of a trust fund agreement executed in accordance with the Packers and Stockyards Act, 1921, as amended, (7 U.S.C. 181 et seq.) shall be acceptable.

Subd. 2. [LIVESTOCK DEALERS.] The amount of each livestock dealer bond filed with the department shall be not less than \$5,000 or such larger amount as required, based on the commissioner's consideration of the principal's financial statement, the volume of business he reports, or any other factor the commissioner deems pertinent for the protection of the public. Each such bond shall contain the condition clause applicable when the principal buys on commission or as a dealer. A livestock dealer's bond shall be executed on a form furnished by the department or in accordance with the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.).

Sec. 6. [17A.06] [CLAIMS AGAINST BONDS.] Subdivision 1. [FILING OF CLAIMS.] Any person claiming to be damaged by any breach of the conditions of a bond given by a licensee may enter complaint thereof to the department, which complaint shall be a written statement of the facts constituting the complaint, accompanied by documentary proof of his claim against the licensee.

Subd. 2. [HEARING ON CLAIMS.] In case of default by the licensee, the commissioner shall have the power to require the licensee to appear before him at a hearing held for the purpose of determining all liability of the licensee under the terms of his bond, and after said hearing, based on the evidence adduced thereat, the commissioner shall make an order determining and fixing the liability of the principal and of the surety company because of the default of the licensee. If the bond is insufficient to cover the liability of all claimants, the commissioner shall prorate the proceeds of the bond among the claimants on a percentage basis. The order of the commissioner may be enforced by appropriate proceedings in the district court of Ramsey county, and any party aggrieved by the order of the department may appeal to said district court in the manner provided for appeal from other proceedings before the department.

Subd. 3. [LEGAL NOTICE.] Prior to a hearing before the commissioner, he shall notify by certified mail all known potential claimants and publish a notice setting forth the default of the licensee and requiring all claimants to file proof of claim with the department within three months of the date such notice is published or be barred from participating in the proceeds of the bond. Such publication shall be made for three consecutive weeks in a newspaper published at the county seat of the county in which the licensee has his principal place of business. However, no such claim shall be allowed unless it is filed with the depart-

ment within one year of the date of the alleged breach. Notwithstanding the above provisions, if a livestock market agency or livestock dealer has on file a Packers and Stockyards Act bond and is registered with the Packers and Stockyards Administration, the terms of the bond or that federal agency's regulations will control in determining the time for filing and the admission of claims.

Sec. 7. [17A.07] [PROHIBITED CONDUCT.] It shall be unlawful for any person to (1) carry on the business of a livestock market agency or livestock dealer without a valid and effective license issued by the department under the provisions of section 4; (2) carry on the business of a livestock market agency or livestock dealer without filing and maintaining a valid and effective surety bond in conformity with sections 4 and 5; (3) carry on the business of a livestock market agency or livestock dealer if he cannot pay his debts as they become due or ceases to pay his debts in the ordinary course of business as they become due; (4) engage in or use any unfair or deceptive practice or device in connection with marketing of livestock; (5) willfully make or cause to be made any false entry or statement of fact in any application, financial statement or report filed with the department under the provisions of sections 4, 5, and 8.

Sec. 8. [17A.08] [RECORD KEEPING.] Every person shall make and retain such accounts, records, and memoranda necessary to fully and correctly disclose all transactions involved in his business, including the true ownership of such business by stockholding or otherwise. Whenever the commissioner finds that the accounts, records, and memoranda of any such person do not fully and correctly disclose all transactions involved in his business, the commissioner may prescribe the manner or form and length of time for retention which such accounts, records, and memoranda shall be kept. The commissioner shall at all reasonable times have access to, for the purpose of examination, and the right to copy any documentary evidence of any person being investigated or proceeded against.

Sec. 9. [17A.09] [FEEDER PIGS MARKETS.] The commissioner may, by regulations promulgated in accordance with Minnesota Statutes, Section 15.0412, establish requirements for record making and retention, of livestock purchases and sales by operators of feeder pig markets, as he deems necessary and in his judgment will protect the public.

Sec. 10. [17A.10] [PACKING PLANTS AND STOCKYARDS, WEIGHERS.] The department shall appoint at public stockyards, packing plants, slaughtering houses, or buying stations where the average daily number of livestock slaughtered or handled is 500 head or more, and the department may appoint at public stockyards, packing plants, slaughtering houses, and buying stations, on application from such public stockyard, packing plant, slaughtering house, or buying station, where the aver-

age daily number of livestock slaughtered or handled is 250 head or more, but less than 500 head, such weighers as may be necessary for weighing livestock, provided that no weighers shall be appointed at packing plants or slaughtering houses at which the only livestock slaughtered or handled has been previously purchased or acquired, and title or terms of ownership already established. The commissioner shall prescribe and follow such reasonable regulations as he deems necessary for determining such daily average. Such weighers shall weigh all livestock coming to these places for sale, and keep a record thereof. Upon request, the weighers shall furnish the interested parties a certificate setting forth the number of animals weighed and the actual weight of such animal or animals. Such certificate shall be prima facie evidence of the facts therein certified. The scales at all such places on which livestock is weighed shall be constructed and maintained in accordance with the requirements of the state division of weights and measures, and be tested up to the maximum draft that may be weighed thereon, at least once every 30 days, and be in compliance with all the statutory requirements and regulations adopted by the state division of weights and measures pertaining to livestock scales and weighing.

Sec. 11. [17A.11] [FEES FOR LIVESTOCK WEIGHING.] The department shall prescribe the fee necessary to cover the cost of such weighing, to be assessed and collected from the seller in such manner as the department may prescribe; provided, that the fee assessed be the same, and the manner of collection thereof be uniform at all markets at which the average daily number of head of livestock bought and sold is 250 or more; and provided, further, that if at any location where weighing is performed in accordance with this act and the total annual fees collected are insufficient to pay the cost of such weighing, the annual deficit shall be assessed and collected in such manner as the department may prescribe. Additional moneys arising from the weighing of animals by the department, which have been collected and retained by any person, shall be paid on demand to the department. All moneys collected by the department shall be deposited in the state treasury and credited to the livestock weighing fund, and shall be paid out only on the order of the department and the state's warrant.

Sec. 12. [17A.12] [QUALIFICATIONS.] No weigher shall, during his term of service, be in any manner interested in the handling, shipping, purchase, or sale of livestock, nor in the employment of any person engaged therein.

Sec. 13. [17A.13] [GROSS MISDEMEANORS.] Any weigher who shall knowingly or carelessly weigh any livestock improperly, or give any false certificate of weight, or accept money or other consideration directly or indirectly for any neglect or improper performance of duty, or who shall be guilty of any neglect of duty, and any person who shall improperly influence or attempt to influence any such weigher in the per-

formance of his duty by preventing his proper access to the scales used in the weighing of livestock, or otherwise, is guilty of a gross misdemeanor.

Sec. 14. [17A.14] [PENALTIES.] Any person, duly licensed or otherwise, who violates the provisions of sections 1 to 15, for which violation a penalty has not been specifically set out, is guilty of a misdemeanor. A second violation within a licensing period is a gross misdemeanor.

Sec. 15. [17A.15] [POWERS AND DUTIES OF THE COMMISSIONER.] The commissioner shall enforce the provisions of this act and shall promulgate, in the manner provided by law, such rules and regulations as he deems necessary or desirable, and may cooperate with any department of state or government, to carry out the provisions of sections 1 to 15. The commissioner or his duly-authorized agent shall have the power to issue subpoenas, administer oaths and affirmations, examine witnesses, receive evidence, and shall have the power to require by subpoena the attendance and testimony of witnesses and the production of all such documentary evidence relating to any matter under investigation or administrative proceeding.

Sec. 16. Minnesota Statutes 1971, Section 239.27, is amended to read:

239.27 [VIOLATIONS.] Any person who shall violate any of the provisions of (SECTIONS 239.13 TO 239.21, 239.26, AND 239.27, AND FOR WHICH VIOLATION NO PENALTY IS HEREINBEFORE SPECIFIED, SHALL BE) *section 239.20 is* guilty of a gross misdemeanor (; AND UPON CONVICTION PUNISHED FOR EACH SUCH OFFENSE BY A FINE OF NOT LESS THAN \$100 NOR MORE THAN \$1,000 OR BY IMPRISONMENT IN THE COUNTY JAIL FOR NOT LESS THAN 30 DAYS NOR MORE THAN ONE YEAR OR BY BOTH SUCH FINE AND IMPRISONMENT).

Sec. 17. [REPEALER.] Minnesota Statutes 1971, Sections 239.05, Subdivisions 2, 3, 4, 5, and 6; 239.13; 239.14; 239.15; 239.16; 239.17; 239.18, as amended by Laws 1973, Chapters 754, Section 10, and 766, Section 4; 239.19; 239.21; 239.225; and 239.26 are repealed.

Sec. 18. [EFFECTIVE DATE.] This act is effective the day following its final enactment."

SUSPENSION OF RULES

Eken moved that the rules be so far suspended that S. F. No. 3194 be substituted for H. F. No. 3168 and that the House File be indefinitely postponed. The motion prevailed.

PETITIONS AND COMMUNICATIONS

The following communication was received:

STATE OF MINNESOTA
OFFICE OF THE GOVERNOR
ST. PAUL 55155

March 14, 1974

The Honorable Martin O. Sabo
Speaker of the House

Sir:

I have the honor to inform you that I have received, approved, signed and deposited in the office of the Secretary of State the following House Files:

H. F. No. 601, An act relating to negotiable instruments; acts regulating issuance of a worthless check; regulating the proof of intent; providing for penalties and prosecutions thereof; amending Minnesota Statutes 1971, Section 609.535, Subdivisions 2 and 3.

H. F. No. 835, An act relating to divorce; abolishing the action and substituting proceedings for dissolution; amending Minnesota Statutes 1971, Sections 518.001; 518.01; 518.03; 518.06; 518.07; 518.09; 518.10; 518.11; 518.12; 518.13; 518.14; 518.15; 518.16; 518.17; 518.175, Subdivision 1; 518.25; 518.27; 518.54; 518.55; 518.551; 518.57; 518.58; 518.59; 518.62; 518.63; 518.64 and 518.66; repealing Minnesota Statutes 1971, Sections 518.08; 518.26 and 518.28.

H. F. No. 1962, An act relating to the park and recreation board of the city of Minneapolis; providing a tax levy limit for the tree preservation and reforestation fund; amending Laws 1969, Chapter 593, Section 3.

H. F. No. 2085, An act relating to child welfare; requiring consents for adoption to be executed before a child-placing agency; amending Minnesota Statutes 1971, Section 259.24, Subdivision 5.

H. F. No. 2638, An act relating to the city of International Falls; authorizing issuance of two additional on-sale licenses for the sale of intoxicating liquor.

H. F. No. 2655, An act relating to highway traffic regulations; special permits for oversize and overweight vehicles; statements required for issuance of such permits to move oversize mobile

homes; amending Minnesota Statutes, 1973 Supplement, Section 169.86, Subdivision 1.

H. F. No. 2703, An act relating to the White Bear Lake conservation district; imposing additional duties on the board of the district; providing for means of funding; establishing certain lake regulatory powers; amending Laws 1971, Chapter 355, Sections 3 and 4.

H. F. No. 2726, An act relating to the city of International Falls; firemen's lump sum service benefits; amending Laws 1967, Chapter 831, Section 1.

H. F. No. 2746, An act relating to public employees; submission of disputes to arbitration; amending Minnesota Statutes 1971, Section 179.69, Subdivision 5, as amended.

H. F. No. 2762, An act relating to courts; terms of district courts in certain counties; amending Minnesota Statutes 1971, Section 484.11, Subdivisions 5, 10, and 12.

H. F. No. 2827, An act relating to partition fences; partition fences running into water; repealing Minnesota Statutes 1971, Section 344.15.

H. F. No. 2890, An act relating to the city of Benson; authorizing the issuance of on-sale liquor licenses.

H. F. No. 2911, An act relating to state government; granting subpoena powers to the legislative auditor; prescribing penalties.

H. F. No. 2935, An act authorizing the city of Silver Bay in Lake County to reimburse members for lost earnings; amending Laws 1971, Chapter 602, Section 1.

H. F. No. 2985, An act relating to elections; information and instructions furnished county auditors by the secretary of state; amending Minnesota Statutes 1971, Section 203.16, Subdivision 2.

H. F. No. 3003, An act relating to motor vehicles; registration and taxation; monthly series system of registration; amending Minnesota Statutes, 1973 Supplement, Sections 168.017, Subdivisions 1, 2, 3, and 4; and 168.37, Subdivision 3; and Minnesota Statutes 1971, Section 168.09, by adding a subdivision.

H. F. No. 3038, An act relating to highway traffic regulations; weight limitations; weight increases authorized for haulers of raw and unfinished forest products in certain zones during cer-

tain periods of the year; amending Minnesota Statutes, 1973 Supplement, Section 169.83, Subdivision 1.

H. F. No. 3040, An act relating to the trunk highway system; adding a new route in substitution of an existing route.

H. F. No. 3047, An act relating to the city of Crystal; authorizing members of the city council to serve on the housing and redevelopment authority of the city.

H. F. No. 3052, An act relating to the interstate compact on juveniles; amending Minnesota Statutes 1971, Sections 260.53 and 260.55.

H. F. No. 3053, An act relating to the interstate compact for the supervision of parolees and probationers; amending Minnesota Statutes 1971, Section 243.16, Subdivision 1.

H. F. No. 3076, An act relating to labor; public employees; negotiation procedures; amending Minnesota Statutes, 1973 Supplement, Section 179.69, Subdivisions 3 and 5.

H. F. No. 3132, An act relating to retirement; service required for retirement of district court judges; amending Minnesota Statutes 1971, Sections 490.101, Subdivision 1; and 490.102, Subdivision 2.

H. F. No. 3245, An act authorizing the city of Duluth to issue general obligation bonds in excess of the net debt limitations imposed in Minnesota Statutes, Section 475.53 and without an election except where required by the city charter to provide the local funds needed to match state, private, or federal grant funds.

H. F. No. 3293, An act relating to the Seaway Port Authority of Duluth; authorizing issuance of \$1,500,000 of bonds by Seaway Port Authority of Duluth for the purpose of constructing a facility for handling cargo containers; providing for the pledge of the full faith, credit and resources of the city of Duluth for the payment of interest and principal on said bonds.

Sincerely,

WENDELL R. ANDERSON
Governor

REPORTS OF STANDING COMMITTEES

Mr. Eckstein from the Committee on Appropriations to which was referred:

H. F. No. 452, A bill for an act relating to crimes and criminals; indemnification of victims of violent crimes for medical expenses; appropriating money.

Reported the same back with the following amendments:

Strike everything after the enacting clause and substitute the following:

"Section 1. [TITLE.] This act shall be known as the Minnesota crime victims reparation act.

Sec. 2. [DEFINITIONS.] For the purposes of this act the following terms shall have the meanings given them;

(1) "Accomplice" means any person who would be held criminally liable for the crime of another pursuant to Minnesota Statutes, Section 609.05.

(2) "Committee" means the joint legislative claims committee of the legislature.

(3) "Claimant" means a person entitled to apply for reparations pursuant to this act.

(4) "Collateral source" means a source of benefits or advantages for economic loss otherwise reparable under this act which the victim or claimant has received, or which is readily available to him, from:

(a) the offender;

(b) the government of the United States or any agency thereof, a state or any of its political subdivisions, or an instrumentality of two or more states, unless the law providing for the benefits or advantages makes them excess or secondary to benefits under this act;

(c) social security, medicare, and medicaid;

(d) state required temporary non-occupational disability insurance;

(e) workmen's compensation;

(f) wage continuation programs of any employer;

(g) proceeds of a contract of insurance payable to the victim for economic loss which he sustained because of the crime;

(h) a contract providing prepaid hospital and other health care services, or benefits for disability; or

(i) any private source as a voluntary donation or gift.

The term does not include a life insurance contract.

(5) (a) "Crime" means conduct that

(i) occurs or is attempted in this state,

(ii) poses a substantial threat of personal injury or death, and

(iii) is included within the definition of "crime" in Minnesota Statutes 1971, Section 609.02, Subdivision 1, or would be included within that definition but for the fact that the person engaging in the conduct lacked capacity to commit the crime under the laws of this state.

(b) A crime occurs whether or not any person is prosecuted or convicted but the conviction of a person whose acts give rise to the claim is conclusive evidence that a crime was committed unless an application for rehearing, appeal, or petition for certiorari is pending or new trial or rehearing has been ordered.

(c) "Crime" does not include conduct arising out of the use of a motor vehicle, as defined in Minnesota Statutes, Section 169.01, Subdivision 2, an aircraft or watercraft unless

(i) the conduct was intended to cause personal injury or death, or

(ii) the use of the motor vehicle, aircraft or watercraft in the commission of a felony was a proximate cause of the victim's injury or death.

(6) "Dependent" means any person who was dependent upon a deceased victim for support at the time of the crime.

(7) "Economic loss" means actual economic detriment incurred as a direct result of injury or death.

(a) In the case of injury the term is limited to:

(i) reasonable expenses incurred for necessary medical, chiropractic, hospital, rehabilitative, and dental products, services, or accommodations, including ambulance services, drugs, appliances and prosthetic devices;

(ii) reasonable expenses incurred for psychological or psychiatric products, services or accommodations where the nature of the injury or the circumstances of the crime are such that the treatment is necessary to the rehabilitation of the victim;

(iii) loss of income the victim would have earned had he not been injured; and

(iv) reasonable expenses incurred for substitute child care or household services to replace those the victim would have performed had he not been injured.

(b) In the case of death the term is limited to:

(i) reasonable expenses incurred for funeral, burial or cremation;

(ii) reasonable expenses for medical, chiropractic, hospital, rehabilitative, psychological and psychiatric services, products or accommodations which were incurred prior to the victim's death and for which the victim's survivors or estate are liable;

(iii) loss of means of support, including contributions of money, products or goods, but excluding services which the victim would have supplied to his dependents if he had lived, and

(iv) reasonable expenses incurred for substitute child care and household services to replace those which the victim would have performed for the benefit of his dependents if he had lived.

(8) "Injury" means actual bodily harm including pregnancy and mental or nervous shock.

(9) "Victim" means a person who suffers personal injury or death as a direct result of (a) a crime; (b) the good faith effort of any person to prevent a crime; or (c) the good faith effort of any person to apprehend a person suspected of engaging in a crime.

Sec. 3. [ELIGIBILITY FOR REPARATIONS.] Subdivision 1. Except as provided in subdivision 2, the following persons shall be entitled to reparations upon a showing by a preponderance of the evidence that the requirements for reparations have been met:

(a) a victim who has incurred economic loss;

(b) a dependent who has incurred economic loss;

(c) the estate of a deceased victim if the heirs have incurred economic loss;

(d) any other person who has incurred economic loss by purchasing any of the products, services, and accommodations described in section 2, clauses (a) (i) and (a) (ii) for a victim;

(e) the guardian, guardian ad litem, conservator or authorized agent of any of these persons.

Subd. 2. No reparations shall be awarded to a claimant otherwise eligible if

(a) the crime was not reported to the police within five days of its occurrence or, if it could not reasonably have been reported within that period, within five days of the time when a report could reasonably have been made;

(b) the victim or claimant failed or refused to cooperate fully with the police and other law enforcement officials;

(c) the victim is the spouse of or a person living in the same household with the offender or his accomplice or the parent, child, brother or sister of the offender or his accomplice unless the committee determined that the interests of justice otherwise require in a particular case;

(d) the claimant was the offender or an accomplice of the offender or an award to the claimant would unjustly benefit the offender or an accomplice; or

(e) no claim was filed with the committee within one year of victim's injury or death.

(f) the claim is less than \$100.

Sec. 4. [AMOUNT OF REPARATIONS.] Reparations shall equal economic loss except that;

(1) reparations shall be reduced to the extent that economic loss is recouped from a collateral source;

(2) reparations shall be reduced to the extent, if any, that the committee deems reasonable because of the contributory misconduct of the claimant or of a victim through whom he claims, but no claim shall be awarded less than \$100; and

(3) reparations paid to all claimants suffering economic loss as the result of the injury or death of any one victim shall not exceed \$10,000.

Sec. 5. [FILING OF CLAIM; FORMS; TIME OF PRESENTING CLAIM.] Subdivision 1. [FILING OF CLAIM.] The joint legislative claims committee of the legislature is hereby authorized to promulgate rules and regulations to effectuate this act and to accept and determine claims filed or to appoint a referee to act in its stead. The victim of a violent crime, his family or agent, may file a claim with the claims committee of the legislature, or its appointed referee, provided that the crime was committed in Minnesota and the applicant was a resident of Minnesota.

Subd. 2. [FORMS.] The committee shall provide indemnification claim forms for filing under this act and shall specify the information to be included in such forms, which information shall include, but not be limited to, the nature of the injury and circumstances of the crime.

Subd. 3. [TIME OF PRESENT CLAIM.] The claim must be presented to the committee or its appointed referee within a period of one year after the date of injury or death and no claim presented thereafter shall be considered.

Sec. 6. [HEARING; NOTICE; REPORT OF ATTORNEY GENERAL; DETERMINATION OF CLAIM;] Subdivision 1. [HEARING; NOTICE; REPORT OF ATTORNEY GENERAL.] Upon presentation of any claim, the committee or its appointed referee shall fix a time and place for the hearing of the claim, and shall mail notices thereof to interested persons and to the attorney general. Prior to the hearing, the attorney general shall investigate the facts of each claim, and prepare a report thereof. Five days prior to the hearing, the attorney general shall make available copies of his report to the committee, and upon request, to the claimant. At the hearing, the committee or its appointed referee shall receive evidence from the attorney general and the claimant concerning:

(a) The nature of the crime committed and the circumstances involved;

(b) The extent and nature of the injury received by the applicant and evidence that the injury was a direct consequence of the crime committed;

(c) The expenses incurred;

(d) Any other evidence requested by the committee or the referee acting in its stead.

Subd. 2. [DETERMINATION OF CLAIM.] Based upon the evidence presented above, the claims committee of the legislature or its appointed referee, based upon a preponderance of the evidence, shall determine whether or not an award shall be made, and if so, the amount of the award.

Sec. 7. [REPARATIONS; HOW PAID.] Reparations may be awarded in a lump sum or in installments in the discretion of the committee. Reparations are exempt from execution or attachment except by persons who have supplied services, products or accommodations to the victim as a result of the injury or death which is the basis of the claim. The committee in its discretion may order that all or part of the reparations awarded be paid directly to these suppliers.

Sec. 8. [SUBROGATION.] The state shall be subrogated, to the extent of reparations awarded, to all the claimant's rights to recover benefits or advantages for economic loss from a source which is or, if readily available to the victim or claimant would be, a collateral source.

Sec. 9. [MEDICAL PRIVILEGE.] There is no privilege as to communication or records relevant to an issue of the physical, mental, or emotional condition of the claimant or victim in a proceeding under this act in which that condition is an issue. Nothing contained in this section shall be interpreted to abridge the attorney-client privilege.

Sec. 10. [ENFORCEMENT OF COMMITTEE'S ORDERS.] If a person refuses to comply with an order of the committee or asserts a privilege to withhold or suppress evidence relevant to a claim, the committee may make any just order including denial of the claim, but may not find the person in contempt. If necessary to carry out any of its powers and duties, the committee may request the attorney general to petition the district court for an appropriate order, but the court may not find a person in contempt for refusal to submit to a mental or physical examination.

Sec. 11. [DEPARTMENT OF CORRECTIONS; ADULT CORRECTIONS COMMISSION; YOUTH CONSERVATION COMMISSION.] The department of corrections, the adult correction commission, or the youth conservation commission may, as a means of assisting in the rehabilitation of persons committed to their care, establish programs and procedures whereby such persons may contribute toward restitution of those persons injured as a consequence of their criminal acts.

Sec. 12. [USE OF RECORD OF CLAIM; EVIDENCE.] Neither a record of the proceedings on a claim, a decision of the committee nor the fact that an award has been made or denied shall be admissible as evidence in any criminal or civil action against the alleged offender, including an action by the state on its subrogation claims.

Sec. 13. [LAW ENFORCEMENT AGENCIES; DUTY TO INFORM VICTIMS OF RIGHT TO FILE CLAIM.] All law enforcement agencies investigating crimes shall provide forms to each person who may be eligible to file a claim pursuant to this act and to inform them of their rights hereunder. All law enforcement agencies shall obtain from the committee and maintain a supply of all forms necessary for the preparation and presentation of claims.

Sec. 14. [FRAUDULENT CLAIMS.] Any person who knowingly makes a false claim under this act shall be guilty of a gross misdemeanor.

Sec. 15. [EFFECTIVE DATE.] This act shall apply to claims arising as a result of crimes committed or attempted after July 1, 1974.

Sec. 16. [APPROPRIATIONS.] The sum of \$150,000 is appropriated annually from the general fund in the state treasury to the joint house and senate legislative claims committee for the payment of claims and operating expenses under this act."

Further, amend the title in line 4 by deleting "medical"; line 4, after "expenses;" insert "providing a penalty for fraudulent claims;"

With the recommendation that when so amended the bill do pass.

The report was adopted.

Mr. Johnson, C., from the Committee on Education to which was referred:

S. F. No. 2128, A bill for an act relating to education; providing school bus transportation for pupils to nonpublic schools in adjacent districts; amending Minnesota Statutes 1971, Section 123.78, by adding a subdivision.

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

The report was adopted.

Mr. Johnson, C., from the Committee on Education to which was referred:

S. F. No. 2794, A bill for an act relating to the safety of school children; regulation of school bus transportation; amending Minnesota Statutes 1971, Sections 169.45; and 169.451, by adding a subdivision.

Reported the same back with the following amendments:

Page 1, line 8, strike "August 1, 1974" and insert "January 1, 1975".

Page 1, line 14, strike "1974" and insert "1975".

Page 2, line 3, strike "August 1, 1974" and insert "January 1, 1975".

With the recommendation that when so amended the bill do pass and be placed on the Consent Calendar.

The report was adopted.

Mr. Johnson, C., from the Committee on Education to which was referred:

S. F. No. 3331, A bill for an act relating to the termination of teachers due to discontinuance of position or lack of pupils in Independent School District No. 709, St. Louis county.

Reported the same back with the following amendments:

Page 1, after line 16, add a new section to read as follows:

"Sec. 2. This act is effective the day following its final enactment."

With the recommendation that when so amended the bill do pass and be placed on the Consent Calendar.

The report was adopted.

Mr. Johnson, C., from the Committee on Education to which was referred:

S. F. No. 3467, A bill for an act relating to independent school district No. 381; providing for a seventh school board member.

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

The report was adopted.

Mr. Quirin from the Committee on Governmental Operations to which was referred:

S. F. No. 1704, A bill for an act relating to education; providing for the appointment of six citizens to the board of directors of the Minnesota high school league; requiring open league meetings and financial reporting; amending Minnesota Statutes, 1973 Supplement, Section 129.121, by adding a subdivision.

Reported the same back with the recommendation that the bill be re-referred to the Committee on Education.

The report was adopted.

Mr. Quirin from the Committee on Governmental Operations to which was referred:

S. F. No. 2005, A bill for an act relating to the interchange of employees between the state and its political subdivisions and private industry; amending Minnesota Statutes 1971, Chapter 15, by adding a section.

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

The report was adopted.

Mr. Quirin from the Committee on Governmental Operations to which was referred:

S. F. No. 2161, A bill for an act relating to mobile homes; providing for licensing and bonding of manufacturers and dealers and requirements for installation of mobile homes; providing penalties; amending Minnesota Statutes 1971, Sections 327.31, Subdivision 3, and by adding subdivisions; 327.32, Subdivision 5, and by adding a subdivision; 327.33, Subdivision 2; 327.34, Subdivisions 1 and 3, and by adding a subdivision; 168.011, Subdivision 4; 168.27, Subdivision 1; amending Minnesota Statutes 1971, Chapter 327, by adding a section.

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

The report was adopted.

Mr. Quirin from the Committee on Governmental Operations to which was referred:

S. F. No. 2516, A bill for an act relating to official records; alternate methods of creation, maintenance and storage of information contained therein.

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

The report was adopted.

Mr. Quirin from the Committee on Governmental Operations to which was referred:

S. F. No. 2611, A bill for an act relating to state lands; directing conveyance and release of a certain reversionary interest and right of re-entry to previously conveyed lands in Carlton county.

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

The report was adopted.

Mr. Swanson from the Committee on Health and Welfare to which was referred:

H. F. No. 2801, A bill for an act relating to public places; smoking; regulating smoking at public places and in public meetings; providing a penalty.

Reported the same back with the following amendments:

Page 1, line 12, after "any" insert "publicly owned".

Page 1, line 13, after "public" insert a period and strike "or serving as a place of".

Page 1, strike lines 14 to 17.

Page 1, line 27, strike "proprietors of public places,".

Page 2, line 9, strike "proprietors of public".

Page 2, line 10, strike "places,".

Page 2, line 16, strike "Any proprietor who fails to".

Page 2, strike lines 17 to 20.

With the recommendation that when so amended the bill do pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Mr. Parish from the Committee on Judiciary to which was referred:

S. F. No. 1985, A bill for an act relating to courts; providing for tolling of statutes of limitation for reasons of disability; amending Minnesota Statutes 1971, Sections 508.79; and 541.15.

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

The report was adopted.

Mr. Parish from the Committee on Judiciary to which was referred:

S. F. No. 2515, A bill for an act relating to chattel mortgages; satisfactions; destruction of records.

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

The report was adopted.

Mr. Parish from the Committee on Judiciary to which was referred:

S. F. No. 2747, A bill for an act relating to children; requiring the court to consider the best interests of the child in any proceeding to establish custody; amending Minnesota Statutes 1971, Chapter 257, by adding a section; and Section 518.17.

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

The report was adopted.

Mr. Parish from the Committee on Judiciary to which was referred:

S. F. No. 2814, A bill for an act relating to courts; establishing a contingency fund for district court, fourth judicial district; appropriating money.

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

The report was adopted.

Mr. Parish from the Committee on Judiciary to which was referred:

S. F. No. 2865, A bill for an act relating to courts; providing for the salary of county court judges of St. Louis county; amending Minnesota Statutes, 1973 Supplement, Section 15A.083, Subdivision 2.

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

The report was adopted.

Mr. Parish from the Committee on Judiciary to which was referred:

S. F. No. 3036, A bill for an act relating to courts; providing for the active service of retired judges; amending Minnesota Statutes 1971, Sections 2.724, by adding a subdivision; 484.61; and 490.102, Subdivision 2.

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

The report was adopted.

Mr. Peterson from the Committee on Local Government to which was referred:

S. F. No. 2668, A bill for an act relating to tax forfeited land sales; place of conducting sales in St. Louis and Koochiching counties; amending Minnesota Statutes 1971, Sections 282.01, Subdivision 4; 282.02; 282.16, Subdivision 1; and 282.222, Subdivision 1.

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

The report was adopted.

Mr. Peterson from the Committee on Local Government to which was referred:

S. F. No. 2820, A bill for an act relating to McLeod county; authorizing one additional on-sale intoxicating liquor license.

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

The report was adopted.

Mr. Peterson from the Committee on Local Government to which was referred:

S. F. No. 2871, A bill for an act relating to Chisago county; authorizing the county board to use certain feasibility studies when establishing county water, sewer, or combined water and sewer systems.

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

The report was adopted.

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

H. F. No. 3415, A resolution memorializing the United States Congress to take actions in respect to reorganization of field offices of the United States Department of Agriculture.

Reported the same back with the following amendments:

Page 2, line 18, after the second "and" delete the word "to" and insert in lieu thereof the following: "the Speaker of the House shall appoint a member of the House and the Senate Committee on Committees shall appoint a member of the Senate to personally deliver the resolution to the Washington offices of".

With the recommendation that when so amended the bill do pass.

The report was adopted.

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

S. F. No. 3479, A resolution memorializing the President, the Congress and the State Department to refrain from negotiating or approving any treaty with Mexico which would, in effect, reestablish the bracero program.

Reported the same back with the following amendments :

Page 2, line 1, after the word "and", delete "to" and insert in lieu thereof, the following: "the Speaker of the House shall appoint a member of the House and the Senate Committee on Committees shall appoint a member of the Senate to personally deliver the resolution to the Washington offices of".

With the recommendation that when so amended the bill do pass.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 3712, 452, and 3415 were read for the second time.

SECOND READING OF SENATE BILLS

S. F. Nos. 1769, 3422, 3247, 3194, 2128, 2794, 3331, 3467, 2005, 2161, 2516, 2611, 1985, 2515, 2747, 2814, 2865, 3036, 2668, 2820, 2871, and 3479 were read for the second time.

INTRODUCTION OF BILLS

Erickson, by request, introduced :

H. F. No. 3713, A bill for an act relating to the claim of Gary Frakes; arising from legal fees incurred in order to retain status as a student at the college of veterinary medicine; appropriating money for the payment thereof.

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

LaVoy, Tomlinson, Ferderer, Cummiskey, and Pleasant introduced:

H. F. No. 3714, A bill for an act relating to municipalities; repealing various obsolete provisions of municipal laws; repealing Minnesota Statutes 1971, Sections 197.64, Subdivisions 1 and 2; 274.013; 275.24; 275.36; 368.12; 368.50 to 368.84; 412.841; 415.031 to 415.07; 416.03; 416.04; 416.07; 418.13 to 418.15; 423.21; 426.09; 426.10; 426.15 to 426.18; 435.05; 435.41; 436.02; 436.04; 437.01; 438.03; 438.04; 438.07; 440.12; 440.15 to 440.22; 440.25 to 440.32; 440.39; 441.15 to 441.20; 441.265 to 441.35; 441.37 to 441.46; 443.14 to 443.17; 444.15; 447.10 to 447.13; 447.23; 448.04 to 448.16; 448.26 to 448.49; 449.04; 449.05; 450.06 to 450.08; 451.06; 452.18 to 452.20; 453.01 to 453.14; 454.044; 454.045; 455.02 to 455.04; 455.06 to 455.11; 455.15 to 455.22; 456.01 to 456.15; 456.23; 456.31; 457.02; 458.26 to 458.31; 458.33 to 458.35; 458.48; 459.08 to 459.13; 461.01; 461.07 to 461.09; 465.27 to 465.48; 465.50 to 465.52; 465.59 to 465.63; 471.05 to 471.15; 471.47; and 471.48; Minnesota Statutes, 1973 Supplement, Sections 197.64, Subdivision 3; 205.041; 412.017; and 465.57; and Laws 1941, Chapter 266; Laws 1947, Chapter 470; Laws 1901, Chapter 379; Laws 1897, Chapter 85; Laws 1915, Chapter 125; Laws 1915, Chapter 230, Sections 2 and 3; Laws 1937, Chapter 198; Laws 1907, Chapter 22; Laws 1911, Chapter 53; Extra Session Laws 1935, Chapter 8; Laws 1917, Chapter 190; and Laws 1953, Chapter 697.

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

Erickson, Long, and Mann introduced:

H. F. No. 3715, A bill for an act relating to the city of Worthington; appropriating funds for special assessments levied by the city against Worthington community college for street improvements on streets abutting its property.

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

Quirin; McFarlin; Jude; Pavlak, R. L.; and Sieben, H., introduced:

H. F. No. 3716, A bill for an act relating to trade regulations; declaring a moratorium upon certain retail petroleum outlet acquisitions.

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

Pieper introduced:

H. F. No. 3717, A bill for an act relating to taxation; removing exceptions to the property valuation increase limitations; permitting certain refunds; appropriating money; amending Minnesota Statutes, 1973 Supplement, Section 273.11, Subdivisions 2 and 4.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

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

H. F. No. 2699, A bill for an act relating to the registration of title to real estate; charges on registration; amending Minnesota Statutes 1971, Section 508.74.

H. F. No. 2883, A bill for an act relating to taxation, attached machinery aid; amending Minnesota Statutes, 1973 Supplement, Sections 124.04; 273.138, Subdivision 6, and by adding a subdivision; and laws 1973, Chapter 650, Article XXIV, Section 6.

H. F. No. 3289, A bill for an act relating to courts; county court witness and mileage fees; amending Minnesota Statutes 1971, Section 487.34.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned:

H. F. No. 3328, A bill for an act relating to taxation; defining persons eligible for income tax credit to include certain blind, disabled and elderly persons; defining qualified home owner eligible for senior citizen property tax freeze; amending Minnesota Statutes, 1973 Supplement, Sections 290.0601, Subdivision 6 and 273.011, Subdivision 2.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

H. F. No. 1489, A bill for an act relating to education; providing for establishment and operation of cooperative centers by independent school districts.

The Senate has repassed said bill, in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 1409, A bill for an act relating to the policemen's relief association in the city of New Ulm, and membership in the public employees police and fire fund.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Eckstein moved that the House concur in the Senate amendments to H. F. No. 1409 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1409, A bill for an act relating to the policemen's relief association in the city of New Ulm, and membership in the public employees police and fire fund.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question being taken on the repassage of the bill and the roll being called, there were yeas 119, and nays 1, as follows:

Those who voted in the affirmative were:

Adams, J.	Belisle	Brinkman	Clifford	Dirlam
Adams, S.	Bell	Carlson, A.	Connors	Eckstein
Anderson, D.	Berg	Carlson, B.	Culhane	Enebo
Anderson, G.	Berglin	Carlson, D.	Cummiskey	Erdahl
Anderson, I.	Biersdorf	Carlson, L.	Dahl	Erickson
Becklin	Braun	Casserly	DeGroat	Esau

Faricy	Kelly	McCauley	Pavlak, R.	Sieben, H.
Fjoslien	Kempe	McEachern	Pavlak, R. L.	Sieben, M.
Forsythe	Klaus	McFarlin	Pehler	Skaar
Fudro	Knickerbocker	McMillan	Peterson	Smith
Fugina	Knoll	Menke	Pieper	Spanish
Graba	Kostohryz	Miller, D.	Prahl	Stanton
Grove	Kvam	Miller, M.	Quirin	Swanson
Hagedorn	Laidig	Moe	Resner	Tomlinson
Haugerud	Larson	Mueller	Rice	Ulland
Heinitz	LaVoy	Munger	Ryan	Vento
Hook	Lemke	Myrah	St. Onge	Voss
Jacobs	Lindstrom, E.	Nelson	Salchert	Weaver
Jaros	Lindstrom, J.	Newcome	Sarna	Wenzel
Johnson, C.	Lombardi	Niehaus	Savelkoul	Wigley
Johnson, D.	Long	Ohnstad	Schreiber	Wohlwend
Johnson, J.	Mann	Ojala	Schulz	Wolcott
Jude	McArthur	Parish	Searle	Mr. Speaker
Kahn	McCarron	Patton	Sherwood	

Those who voted in the negative were:

Graw

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 2588, A bill for an act relating to peace officers; defining peace officer to include reserve police officers and reserve deputy sheriffs; amending Laws 1973, Chapter 248, Section 1, Subdivision 2.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Pavlak, R. L., moved that the House concur in the Senate amendments to H. F. No. 2588 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 2588, A bill for an act relating to peace officers; defining peace officer to include reserve police officers and reserve deputy sheriffs; amending Minnesota Statutes, 1973 Supplement, Section 352E.01, Subdivision 2.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question being taken on the repassage of the bill and the roll being called, there were yeas 123, and nays 0, as follows:

Those who voted in the affirmative were:

Adams, J.	DeGroat	Jude	Miller, M.	Samuelson
Adams, S.	Dieterich	Kahn	Moe	Sarna
Andersen, R.	Dirlam	Kelly	Mueller	Savelkoul
Anderson, D.	Eckstein	Kempe	Munger	Schreiber
Anderson, G.	Enebo	Knickerbocker	Myrah	Schulz
Anderson, I.	Erdahl	Knoll	Nelson	Searle
Becklin	Erickson	Kostohryz	Newcome	Sherwood
Belisle	Esau	Kvam	Niehaus	Sieben, H.
Bell	Faricy	Laidig	Ohnstad	Sieben, M.
Bennett	Fjoslien	Larson	Ojala	Skaar
Berg	Forsythe	LaVoy	Parish	Smith
Berglin	Fudro	Lemke	Patton	Stanton
Biersdorf	Fugina	Lindstrom, E.	Pavlak, R.	Swanson
Braun	Graba	Lindstrom, J.	Pavlak, R. L.	Tomlinson
Brinkman	Graw	Lombardi	Pehler	Ulland
Carlson, A.	Grove	Long	Peterson	Vento
Carlson, B.	Hagedorn	Mann	Pieper	Voss
Carlson, D.	Haugerud	McArthur	Pleasant	Weaver
Carlson, L.	Heinitz	McCarron	Prahl	Wenzel
Casserly	Hook	McCauley	Quirin	Wigley
Clifford	Jacobs	McEachern	Resner	Wohlwend
Connors	Jaros	McFarlin	Rice	Wolcott
Culhane	Johnson, C.	McMillan	Ryan	Mr. Speaker
Cummiskey	Johnson, D.	Menke	St. Onge	
Dahl	Johnson, J.	Miller, D.	Salchert	

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 2990, A bill for an act relating to retirement; coverage for certain employees at the state reformatory for men; amending Minnesota Statutes, 1973 Supplement, Section 352.91.

PATRICK E. FLAHAVEN, Secretary of the Senate

Patton moved that the House refuse to concur in the Senate amendments to H. F. No. 2990, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two Houses. The motion prevailed.

Mr. Speaker:

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

S. F. Nos. 1934, 2924, 3244, 3433, and 3455.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

S. F. No. 3088.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 1934, A bill for an act relating to health; state payments to counties and cities for public health nursing services; appropriating money; amending Minnesota Statutes 1971, Sections 145.08, Subdivision 1; 145.123, Subdivision 1; and 145.125.

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

S. F. No. 2924, A bill for an act relating to municipalities; requiring the Minnesota municipal commission to deny a petition for annexation if an underlying reason for the petition is to allow a municipality to acquire open iron ore pits for revenue purposes; amending Minnesota Statutes 1971, Section 414.031, Subdivision 4.

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

S. F. No. 3244, A bill for an act creating a legislative commission to study the state banking laws for appropriate revision; appropriating money therefor.

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

S. F. No. 3433, A bill for an act relating to the board of pardons; the granting of a pardon extraordinary; authorizing application to a district court for an order setting aside the conviction and sealing the record; amending Minnesota Statutes 1971, Section 638.02, by adding subdivisions.

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

S. F. No. 3455, A bill for an act relating to taxation; exemption of certain taconite plant construction materials from the sales tax; amending Minnesota Statutes 1971, Section 297A.251.

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

S. F. No. 3088, A bill for an act relating to courts, Ramsey and Chisago counties; amending Minnesota Statutes, 1973 Supplement, Sections 488A.18, Subdivisions 10 and 13; 488A.20, Subdivisions 1, 2, 4, and 6; 488A.22, Subdivision 3; 488A.281; 488A.283; 488A.285, Subdivisions 1 and 2; 488A.286; 488A.30, Subdivisions 1, 2, and 4; Minnesota Statutes 1971, Sections 484.18, Subdivision 3; 488A.18, Subdivision 11; 488A.19, Subdivisions 6, 8, and 10; 488A.20, Subdivisions 3 and 7; 488A.21, Subdivision 1; 488A.23, Subdivision 1; 488A.26, Subdivisions 1, 3, 4, and 7; 488A.27, Subdivisions 3 and 7; 488A.30, Subdivision 3; 488A.31, Subdivisions 1 and 5; 488A.34, Subdivisions 2, 3, 4, 6, 9, and 12; repealing Minnesota Statutes 1971, Section 488A.23, Subdivisions 3 and 4.

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

PROGRESS REPORTS ON CONFERENCE COMMITTEES

Pursuant to Joint Rule 13, Graba reported on the progress of H. F. No. 2996, now in Conference Committee.

Pursuant to Joint Rule 13, Berg reported on the progress of H. F. No. 636, now in Conference Committee.

CONSENT CALENDAR

S. F. No. 2501 A bill for an act relating to game and fish; distribution of certain proceeds from hunting leases; amending Minnesota Statutes 1971, Section 97.49, Subdivision 3.

The bill was read for the third time and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 125, and nays 0, as follows:

Those who voted in the affirmative were:

Adams, J.	Carlson, B.	Erdahl	Jaros	Lemke
Adams, S.	Carlson, D.	Erickson	Johnson, C.	Lindstrom, E.
Andersen, R.	Carlson, L.	Esau	Johnson, D.	Lindstrom, J.
Anderson, D.	Casserly	Faricy	Johnson, J.	Lombardi
Anderson, G.	Cleary	Fjoslien	Jude	Long
Anderson, I.	Clifford	Forsythe	Kahn	Mann
Becklin	Connors	Fudro	Kelly	McArthur
Belisle	Culhane	Fugina	Kempe	McCarron
Bell	Cummiskey	Graba	Klaus	McCauley
Bennett	Dahl	Graw	Knickerbocker	McEachern
Berg	DeGroat	Growe	Knoll	McFarlin
Berglin	Dieterich	Hagedorn	Kostohryz	McMillan
Biersdorf	Dirlam	Haugerud	Kvam	Menke
Braun	Eckstein	Heinitz	Laidig	Miller, D.
Brinkman	Eken	Hook	Larson	Miller, M.
Carlson, A.	Enebo	Jacobs	LaVoy	Moe

Mueller	Pavlak, R.	St. Onge	Sieben, H.	Vanasek
Munger	Pavlak, R. L.	Salchert	Sieben, M.	Vento
Nelson	Pehler	Samuelson	Skaar	Voss
Newcome	Peterson	Sarna	Smith	Weaver
Niehaus	Pieper	Savelkoul	Spanish	Wenzel
Ohnstad	Quirin	Schreiber	Stanton	Wigley
Ojala	Resner	Schulz	Swanson	Wohlwend
Parish	Rice	Searle	Tomlinson	Wolcott
Patton	Ryan	Sherwood	Ulland	Mr. Speaker

The bill was passed and its title agreed to.

S. F. No. 3064, A bill for an act relating to game and fish; prohibiting the taking of smelt outside of a certain area.

The bill was read for the third time and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 125, and nays 0, as follows:

Those who voted in the affirmative were:

Adams, J.	Dahl	Johnson, D.	Menke	St. Onge
Adams, S.	DeGroat	Johnson, J.	Miller, D.	Salchert
Andersen, R.	Dietrich	Jude	Miller, M.	Samuelson
Anderson, D.	Dirlam	Kahn	Moe	Sarna
Anderson, G.	Eckstein	Kelly	Mueller	Savelkoul
Anderson, I.	Eken	Kempe	Munger	Schreiber
Becklin	Enebo	Klaus	Myrah	Schulz
Belisle	Erdahl	Knickerbocker	Nelson	Searle
Bell	Erickson	Knoll	Newcome	Sherwood
Bennett	Esau	Kostohryz	Niehaus	Sieben, H.
Berg	Faricy	Kvam	Ohnstad	Sieben, M.
Berglin	Fjoslien	Laidig	Ojala	Skaar
Biersdorf	Forsythe	Larson	Parish	Smith
Braun	Fudro	LaVoy	Patton	Stanton
Brinkman	Fugina	Lemke	Pavlak, R.	Swanson
Carlson, A.	Graba	Lindstrom, E.	Pavlak, R. L.	Tomlinson
Carlson, B.	Graw	Lindstrom, J.	Pehler	Ulland
Carlson, D.	Growe	Lombardi	Peterson	Vento
Carlson, L.	Hagedorn	Long	Pieper	Voss
Casserly	Haugerud	McArthur	Pleasant	Weaver
Cleary	Heinitz	McCarron	Prahl	Wenzel
Clifford	Hook	McCauley	Quirin	Wigley
Connors	Jacobs	McEachern	Resner	Wohlwend
Culhane	Jaros	McFarlin	Rice	Wolcott
Cummiskey	Johnson, C.	McMillan	Ryan	Mr. Speaker

The bill was passed and its title agreed to.

MOTION FOR RECONSIDERATION

Lindstrom, J., moved that the vote whereby H. F. No. 2644 was not passed on Special Orders on Wednesday, March 13, 1974, be now reconsidered. The motion prevailed.

Lindstrom, J., moved that the action whereby H. F. No. 2644 was given a third reading be now reconsidered. The motion prevailed.

H. F. No. 2644 was reported to the House.

Kahn moved to amend H. F. No. 2644, the printed bill, as amended, as follows:

Page 2, line 1, strike "If it shall appear to the court to be proper, it" and insert in lieu thereof "*Upon meeting the requirements of section 259.10, the court*".

Page 2, after line 11, strike the new Section 3 in its entirety.

Renumber the remaining section.

Further amend the title on page 1, line 3, by striking "; and 518.27; and Chapter 259, by adding sections".

The motion prevailed and the amendment was adopted.

H. F. No. 2644, A bill for an act relating to distinctions on the basis of sex; abolishing these distinctions in the law concerning changing of names; amending Minnesota Statutes 1971, Sections 259.10; 259.11; 517.08, Subdivision 3; and 518.27; and Chapter 259, by adding sections.

The bill was read for the third time, as amended, and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 84, and nays 40, as follows:

Those who voted in the affirmative were:

Adams, J.	Dieterich	Kahn	Munger	Sarna
Andersen, R.	Eckstein	Kelly	Nelson	Savelkoul
Anderson, I.	Enebo	Kempe	Newcome	Schreiber
Becklin	Faricy	Klaus	Ojala	Sherwood
Bell	Ferderer	Knickerbocker	Parish	Sieben, H.
Berg	Forsythe	Knoll	Patton	Sieben, M.
Berglin	Fudro	Kostohryz	Pavlak, R.	Stanton
Biersdorf	Fugina	Laidig	Pehler	Swanson
Carlson, A.	Growe	LaVoy	Pleasant	Tomlinson
Carlson, L.	Haugerud	Lemke	Prahl	Ulland
Casserty	Heinitz	McArthur	Quirin	Vento
Cleary	Hook	McCarron	Resner	Voss
Connors	Jaros	McCauley	Rice	Weaver
Culhane	Johnson, C.	McMillan	Ryan	Wohlwend
Cummiskey	Johnson, D.	Menke	St. Onge	Wolcott
Dahl	Johnson, J.	Miller, D.	Salchert	Mr. Speaker
DeGroat	Jude	Moe	Samuelson	

Those who voted in the negative were:

Anderson, D.	Braun	Clifford	Erickson	Hagedorn
Anderson, G.	Brinkman	Dirlam	Esau	Kvam
Belisle	Carlson, B.	Eken	Fjoslien	Larson
Bennett	Carlson, D.	Erdahl	Graw	Lindstrom, E.

Lombardi	McFarlin	Niehaus	Pieper	Smith
Long	Miller, M.	Ohnstad	Schulz	Spanish
Mann	Mueller	Pavlak, R. L.	Searle	Wenzel
McEachern	Myrah	Peterson	Skaar	Wigley

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

Anderson, I., moved that the House recess subject to the call of the Chair. The motion prevailed.

RECESS

RECONVENED

The House reconvened and was called to order by the Speaker.

ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to the Conference Committee on H. F. No. 2990:

Patton, Moe, and Larson.

SPECIAL ORDERS

S. F. No. 498 was reported to the House.

Parish moved to amend S. F. No. 498, as amended, as follows:

Strike the amendment of the Committee on Judiciary adopted Wednesday, March 13, 1974.

A roll call was requested and properly seconded.

CALL OF THE HOUSE

On the motion of McCauley and on the demand of 10 members, a call of the House was ordered. The following members answered to their names:

Adams, J.	Brinkman	Dirlam	Growe	Kempe
Adams, S.	Carlson, A.	Eckstein	Hagedorn	Klaus
Andersen, R.	Carlson, B.	Eken	Hanson	Knickerbocker
Anderson, D.	Carlson, D.	Enebo	Haugerud	Knoll
Anderson, G.	Carlson, L.	Erdahl	Heinitz	Kostohryz
Anderson, I.	Casserly	Erickson	Hook	Kvam
Becklin	Cleary	Esau	Jacobs	Laidig
Belisle	Clifford	Faricy	Jaros	Larson
Bell	Connors	Ferderer	Johnson, D.	LaVoy
Bennett	Culhane	Fjoslien	Johnson, J.	Lemke
Berg	Cummiskey	Forsythe	Johnson, R.	Lindstrom, E.
Berglin	Dahl	Fudro	Jude	Lindstrom, J.
Biersdorf	DeGroat	Fugina	Kahn	Lombardi
Braun	Dieterich	Graw	Kelly	Long

Mann	Munger	Pieper	Schreiber	Ulland
McArthur	Myrah	Pleasant	Schulz	Vanasek
McCarron	Nelson	Prahl	Searle	Vento
McCauley	Niehaus	Quirin	Sherwood	Voss
McEachern	Ohnstad	Resner	Sieben, H.	Weaver
McFarlin	Ojala	Rice	Sieben, M.	Wenzel
McMillan	Parish	Ryan	Skaar	Wigley
Menke	Patton	St. Onge	Smith	Wohlwend
Miller, D.	Pavlak, R.	Salchert	Spanish	Wolcott
Miller, M.	Pavlak, R. L.	Samuelson	Stanton	Mr. Speaker
Moe	Pehler	Sarna	Swanson	
Mueller	Peterson	Savelkoul	Tomlinson	

McCauley moved that further proceedings of the roll call be dispensed with and that the Sergeant at Arms be instructed to bring in the absentees. The motion prevailed and it was so ordered.

The question recurred on the Parish amendment and the roll being called, there were yeas 90, and nays 33, as follows:

Those who voted in the affirmative were:

Adams, J.	Eckstein	Klaus	Mueller	Salchert
Anderson, D.	Eken	Knickerbocker	Myrah	Samuelson
Anderson, G.	Erdahl	Knoll	Nelson	Sarna
Anderson, I.	Erickson	Kostohryz	Newcome	Savelkoul
Becklin	Esau	Kvam	Niehaus	Schreiber
Belisle	Faricy	Laidig	Ohnstad	Schulz
Bennett	Ferderer	Larson	Patton	Sherwood
Biersdorf	Fjoslien	Lemke	Pavlak, R.	Sieben, H.
Braun	Forsythe	Lindstrom, J.	Pavlak, R. L.	Skaar
Brinkman	Fudro	Lombardi	Pehler	Smith
Carlson, B.	Graba	Long	Peterson	Spanish
Carlson, D.	Hagedorn	Mann	Pieper	Stanton
Carlson, L.	Hanson	McArthur	Pleasant	Swanson
Connors	Jacobs	McCauley	Prahl	Vento
Culhane	Johnson, J.	McEachern	Quirin	Wenzel
Dahl	Johnson, R.	McFarlin	Rice	Wigley
DeGroat	Jude	Miller, D.	Ryan	Wohlwend
Dirlam	Kempe	Miller, M.	St. Onge	Wolcott

Those who voted in the negative were:

Adams, S.	Clifford	Hook	McMillan	Tomlinson
Andersen, R.	Dieterich	Jaros	Moe	Ulland
Bel	Enebo	Johnson, D.	Munger	Voss
Berg	Graw	Kahn	Ojala	Weaver
Berglin	Grove	Kelly	Parish	Mr. Speaker
Carlson, A.	Haugerud	LaVoy	Resner	
Cleary	Heinitz	Lindstrom, E.	Searle	

The motion prevailed and the amendment was adopted.

Klaus moved to amend S. F. No. 498, as amended, as follows:

Page 4, line 6, strike "potentially viable".

Page 4, line 9, strike "potentially viable".

Page 4, line 19, strike "potentially viable".

A roll call was requested and properly seconded.

The question was taken on the amendment and the roll being called, there were yeas 45, and nays 57, as follows:

Those who voted in the affirmative were:

Anderson, G.	Eckstein	Kempe	Myrah	Salchert
Becklin	Erdahl	Klaus	Nelson	Sarna
Belisle	Esau	Larson	Niehaus	Savelkoul
Bennett	Fjoslien	LaVoy	Ohnstad	Sherwood
Berglin	Fudro	Lombardi	Patton	Spanish
Carlson, D.	Graw	McFarlin	Pavlak, R. L.	Tomlinson
Carlson, L.	Hagedorn	McMillan	Pehler	Vento
Connors	Hook	Miller, M.	Pieper	Weaver
DeGroat	Jude	Moe	Pleasant	Wenzel

Those who voted in the negative were:

Andersen, R.	Faricy	Kostohryz	Munger	Sieben, M.
Anderson, D.	Forsythe	Kvam	Newcome	Smith
Anderson, I.	Growe	Laidig	Pavlak, R.	Swanson
Bell	Hanson	Lemke	Peterson	Ulland
Berg	Jacobs	Lindstrom, E.	Prahl	Voss
Brinkman	Johnson, D.	Lindstrom, J.	Quirin	Wigley
Carlson, A.	Johnson, J.	Mann	Resner	Wohlwend
Carlson, B.	Johnson, R.	McArthur	Ryan	Wolcott
Cleary	Kahn	McCarron	Samuelson	Mr. Speaker
Dieterich	Kelly	McCauley	Schreiber	
Dirlam	Knickerbocker	Miller, D.	Searle	
Eken	Knoll	Mueller	Sieben, H.	

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

Hagedorn and Haugerud were excused for the remainder of today's session.

LaVoy moved to amend S. F. No. 498, as amended, as follows:

Page 4, line 4, after the period, add "For the purposes of this section, a hospital or institution means any hospital or institution not owned or operated by the state or any political subdivision or agency thereof or any combination of the same acting jointly."

A roll call was requested and properly seconded.

The question was taken on the amendment and the roll being called, there were yeas 28, and nays 89, as follows:

Those who voted in the affirmative were:

Andersen, R.	Clifford	Jaros	Moe	Ulland
Bell	Culhane	Kahn	Munger	Voss
Berg	Dieterich	LaVoy	Nelson	Weaver
Berglin	Enebo	Lindstrom, E.	Ojala	Mr. Speaker
Carlson, A.	Growe	McCarron	Smith	
Cleary	Hook	McMillan	Tomlinson	

Those who voted in the negative were:

Adams, J.	Eken	Kempe	Miller, M.	Salchert
Anderson, D.	Erdahl	Klaus	Mueller	Samuelson
Anderson, G.	Erickson	Knickerbocker	Myrah	Sarna
Anderson, I.	Esau	Knoll	Newcome	Savelkoul
Becklin	Faricy	Kostohryz	Niehaus	Schreiber
Belisle	Ferderer	Kvam	Ohnstad	Schulz
Bennett	Fjoslien	Laidig	Patton	Searle
Biersdorf	Forsythe	Larson	Pavlak, R.	Siebert, H.
Braun	Fudro	Lemke	Pavlak, R. L.	Skaar
Brinkman	Fugina	Lindstrom, J.	Pehler	Spanish
Carlson, B.	Graw	Lombardi	Peterson	Stanton
Carlson, D.	Hanson	Long	Pieper	Swanson
Carlson, L.	Jacobs	Mann	Pleasant	Vento
Connors	Johnson, D.	McArthur	Prahl	Wenzel
Dahl	Johnson, J.	McCauley	Quirin	Wigley
DeGroat	Johnson, R.	McEachern	Rice	Wohlwend
Dirlam	Jude	McFarlin	Ryan	Wolcott
Eckstein	Kelly	Miller, D.	St. Onge	

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

Ojala moved to amend S. F. No. 498, as amended, as follows:

Page 4, strike all of lines 14 through 25.

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

LaVoy moved to amend S. F. No. 498, as amended, as follows:

Page 5, after line 3, add a new section to read:

"Sec. 8. No judicial decision negating the right of a public hospital to refuse to perform abortions shall in any way deny the protections provided in section 4 as they apply to private hospitals."

Renumber the remaining section.

A roll call was requested and properly seconded.

The question was taken on the amendment and the roll being called, there were yeas 15, and nays 94, as follows:

Those who voted in the affirmative were:

Andersen, R.	Culhane	Kahn	Moe	Ojala
Berg	Enebo	LaVoy	Munger	Tomlinson
Berglin	Graw	McMillan	Nelson	Mr. Speaker

Those who voted in the negative were:

Adams, J.	DeGroat	Kempe	Miller, D.	Sarna
Anderson, D.	Dirlam	Klaus	Miller, M.	Savelkoul
Anderson, G.	Eckstein	Knickerbocker	Mueller	Schreiber
Anderson, I.	Eken	Knoll	Myrah	Schulz
Becklin	Erdahl	Kostohryz	Newcome	Searle
Belisle	Erickson	Kvam	Niehaus	Sherwood
Bell	Faricy	Laidig	Ohnstad	Sieben, H.
Bennett	Ferderer	Larson	Patton	Sieben, M.
Biersdorf	Fjoslien	Lemke	Pavlak, R.	Skaar
Braun	Forsythe	Lindstrom, E.	Pavlak, R. L.	Spanish
Brinkman	Fudro	Lindstrom, J.	Pehler	Swanson
Carlson, A.	Fugina	Lombardi	Peterson	Ulland
Carlson, B.	Hanson	Long	Pieper	Vento
Carlson, D.	Jacobs	Mann	Pleasant	Voss
Carlson, L.	Johnson, D.	McArthur	Quirin	Wenzel
Cleary	Johnson, J.	McCarron	Rice	Wigley
Connors	Johnson, R.	McCauley	Ryan	Wohlwend
Cummiskey	Jude	McEachern	St. Onge	Wolcott
Dahl	Kelly	McFarlin	Salchert	

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

Wigley was excused for the remainder of today's session.

Moe moved to amend S. F. No. 498, as amended, as follows:

Page 3, line 20, strike "within 30 days of the abortion or from any".

Page 3, line 21, strike "cause potentially".

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

Kahn moved to amend S. F. No. 498, as amended, as follows:

Page 4, line 4, after "reason" and before the period insert ", unless such refusal results in the death of the woman".

A roll call was requested and properly seconded.

The question was taken on the amendment and the roll being called, there were yeas 26, and nays 80, as follows:

Those who voted in the affirmative were:

Bell	Dieterich	Kahn	Munger	Weaver
Berg	Enebo	Kelly	Nelson	Mr. Speaker
Berglin	Forsythe	Knickerbocker	Ojala	
Carlson, A.	Grove	McCarron	Tomlinson	
Carlson, L.	Hook	McMillan	Ulland	
Cleary	Johnson, D.	Moe	Voss	

Those who voted in the negative were:

Adams, J.	DeGroat	Klaus	Miller, M.	Salchert
Andersen, R.	Dirlam	Knoll	Mueller	Samuelson
Anderson, D.	Eckstein	Kostohryz	Newcome	Sarna
Anderson, G.	Erdahl	Kvam	Niehaus	Savelkoul
Anderson, I.	Erickson	Larson	Ohnstad	Schreiber
Becklin	Esau	LaVoy	Patton	Sherwood
Belisle	Faricy	Lemke	Pavlak, R.	Sieben, H.
Bennett	Ferderer	Lindstrom, J.	Pavlak, R. L.	Sieben, M.
Biersdorf	Fjoslien	Lombardi	Pehler	Skaar
Braun	Fudro	Long	Peterson	Smith
Brinkman	Fugina	Mann	Pieper	Spanish
Carlson, B.	Hanson	McArthur	Pleasant	Swanson
Carlson, D.	Jacobs	McCauley	Prahl	Vento
Connors	Johnson, J.	McEachern	Quirin	Wenzel
Culhane	Jude	McFarlin	Ryan	Wohlwend
Dahl	Kempe	Miller, D.	St. Onge	Wolcott

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

Ulland moved to amend S. F. No. 498, as amended, as follows:

Page 5, strike all of section 8.

A roll call was requested and properly seconded.

The question was taken on the amendment and the roll being called, there were yeas 20, and nays 92, as follows:

Those who voted in the affirmative were:

Bell	Cleary	Kahn	Munger	Tomlinson
Berg	Enebo	Knickerbocker	Nelson	Ulland
Berglin	Grove	McMillan	Ojala	Weaver
Carlson, A.	Hook	Moe	Pleasant	Mr. Speaker

Those who voted in the negative were:

Adams, J.	Carlson, B.	Esau	Johnson, R.	Lenke
Andersen, R.	Carlson, D.	Faricy	Jude	Lindstrom, E.
Anderson, D.	Carlson, L.	Ferderer	Kelly	Lindstrom, J.
Anderson, G.	Connors	Fjoslien	Kempe	Lombardi
Anderson, I.	Culhane	Forsythe	Klaus	Long
Becklin	Dahl	Fudro	Knoll	Mann
Belisle	DeGroat	Fugina	Kostohryz	McArthur
Bennett	Dirlam	Hanson	Kvam	McCarron
Biersdorf	Eken	Jacobs	Laidig	McCauley
Braun	Erdahl	Johnson, D.	Larson	McEachern
Brinkman	Erickson	Johnson, J.	LaVoy	McFarlin

Miller, D.	Pavlak, R. L.	Ryan	Sherwood	Vento
Miller, M.	Pehler	St. Onge	Sieben, H.	Voss
Mueller	Peterson	Salchert	Sieben, M.	Wenzel
Newcome	Pieper	Samuelson	Skaar	Wohlwend
Niehaus	Prahl	Sarna	Smith	Wolcott
Ohnstad	Quirin	Savelkoul	Spanish	
Patton	Resner	Schreiber	Stanton	
Pavlak, R.	Rice	Schulz	Swanson	

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

Ojala moved to amend S. F. No. 498, as amended, as follows:

Page 5, after line 1, add a new section to read as follows:

"Sec. 7. The provisions of this act shall not be severable."

Renumber the remaining sections.

A roll call was requested and properly seconded.

The question was taken on the amendment and the roll being called, there were yeas 6, and nays 100, as follows:

Those who voted in the affirmative were:

Bell	Kahn	McMillan	Ojala	Ulland
Carlson, A.				

Those who voted in the negative were:

Adams, J.	Dirlam	Kelly	McFarlin	Salchert
Andersen, R.	Eckstein	Kempe	Miller, D.	Samuelson
Anderson, D.	Eken	Klaus	Miller, M.	Sarna
Anderson, G.	Erdahl	Knickerbocker	Mueller	Savelkoul
Anderson, I.	Erickson	Knoll	Nelson	Schreiber
Becklin	Esau	Kostohryz	Newcome	Schulz
Belisle	Faricy	Kvam	Niehaus	Sherwood
Bennett	Ferderer	Laidig	Ohnstad	Sieben, H.
Berg	Fjoslien	Larson	Patton	Sieben, M.
Biersdorf	Forsythe	LaVoy	Pavlak, R.	Skaar
Braun	Fudro	Lemke	Pavlak, R. L.	Smith
Brinkman	Fugina	Lindstrom, E.	Pehler	Spanish
Carlson, B.	Graw	Lindstrom, J.	Peterson	Swanson
Carlson, D.	Hanson	Lombardi	Pieper	Tomlinson
Carlson, L.	Hook	Long	Prahl	Vento
Cleary	Jacobs	Mann	Quirin	Voss
Connors	Johnson, D.	McArthur	Resner	Weaver
Culhane	Johnson, J.	McCarron	Rice	Wenzel
Dahl	Johnson, R.	McCauley	Ryan	Wohlwend
DeGroat	Jude	McEachern	St. Onge	Wolcott

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

S. F. No. 498, A bill for an act providing for the regulation of abortions; providing penalties; providing for records to be kept; repealing Minnesota Statutes, Sections 617.18 and 617.19.

The bill was read for the third time, as amended, and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 111, and nays 15, as follows:

Those who voted in the affirmative were:

Adams, J.	Eckstein	Jude	Miller, M.	Savelkoul
Andersen, R.	Eken	Kelly	Mueller	Schreiber
Anderson, D.	Erdahl	Kempe	Munger	Schulz
Anderson, G.	Erickson	Klaus	Myrah	Searle
Anderson, I.	Esau	Knickerbocker	Nelson	Sherwood
Becklin	Faricy	Knoll	Newcome	Sieben, H.
Belisle	Ferderer	Kostohryz	Niehaus	Sieben, M.
Bennett	Fjoslien	Kvam	Ohnstad	Skaar
Biersdorf	Forsythe	Laidig	Patton	Smith
Braun	Fudro	Larson	Pavlak, R.	Spanish
Brinkman	Fugina	LaVoy	Pavlak, R. L.	Stanton
Carlson, A.	Graba	Lemke	Pehler	Swanson
Carlson, B.	Graw	Lindstrom, J.	Peterson	Vanasek
Carlson, D.	Growe	Lombardi	Pieper	Vento
Carlson, L.	Hanson	Long	Pleasant	Voss
Casserly	Heinitz	Mann	Prahl	Weaver
Cleary	Hook	McArthur	Quirin	Wenzel
Connors	Jacobs	McCarron	Rice	Wohlwend
Culhane	Jaros	McCauley	Ryan	Wolcott
Cummiskey	Johnson, C.	McEachern	St. Onge	
Dahl	Johnson, D.	McFarlin	Salchert	
DeGroat	Johnson, J.	Menke	Samuelson	
Dirlam	Johnson, R.	Miller, D.	Sarna	

Those who voted in the negative were:

Bell	Clifford	Kahn	Moe	Tomlinson
Berg	Dieterich	Lindstrom, E.	Ojala	Ulland
Berglin	Enebo	McMillan	Parish	Mr. Speaker

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

Anderson, I., moved that the remaining bills on Special Orders for today be continued on Special Orders for Monday, March 18, 1974, immediately following the Consent Calendar. The motion prevailed.

ADJOURNMENT

Mr. Anderson, I., moved that when the House adjourns today it adjourn until 1:30 p.m., Monday, March 18, 1974. The motion prevailed.

Mr. Anderson, I., moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 1:30 p.m., Monday, March 18, 1974.

EDWARD A. BURDICK, Chief Clerk, House of Representatives