

STATE OF MINNESOTA

SEVENTIETH SESSION - 1977

FIFTY-SEVENTH DAY

SAINT PAUL, MINNESOTA, WEDNESDAY, MAY 18, 1977

The House of Representatives convened at 1:00 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:

Abeln	Cohen	Jude	Neisen	Sieben, M.
Adams	Cummiskey	Kahn	Nelsen, B.	Simoneau
Albrecht	Dahl	Kaley	Nelsen, M.	Skoglund
Anderson, B.	Dean	Kalis	Nelson	Smogard
Anderson, D.	Den Ouden	Kelly, R.	Niehaus	Spanish
Anderson, G.	Eckstein	Kelly, W.	Norton	Stanton
Anderson, I.	Eken	Kempe, R.	Novak	Stoa
Anderson, R.	Ellingson	King	Osthoff	Suss
Arlandson	Enebo	Knickerbocker	Patton	Swanson
Battaglia	Erickson	Kostohryz	Pehler	Tomlinson
Beauchamp	Esau	Kroening	Peterson	Vanasek
Begich	Evans	Kvam	Petrafaso	Voss
Berg	Faricy	Laidig	Pleasant	Waldorf
Berglin	Fjoslien	Langseth	Prahl	Welch
Berkelman	Forsythe	Lehto	Reding	Wenstrom
Biersdorf	Friedrich	Lemke	Rice	Wenzel
Birnstihl	Fudro	Mangan	Rose	White
Brandl	Fugina	Mann	St. Onge	Wieser
Brinkman	Gunter	McCarron	Samuelson	Wigley
Byrne	Haugerud	McCollar	Sarna	Williamson
Carlson, A.	Heinitz	McDonald	Savelkoul	Wynia
Carlson, D.	Hokanson	McEachern	Scheid	Zubay
Carlson, L.	Jacobs	Metzen	Schulz	Speaker Sabo
Casserly	Jaros	Moe	Searle	
Clark	Jensen	Munger	Searles	
Clawson	Johnson	Murphy	Sherwood	

A quorum was present.

Braun and Kempe, A., were excused. George and Sieben, H., were excused until 1:45 p.m. Ewald and Hanson were excused until 2:15 p.m. Corbid was excused until 2:40 p.m.

The Chief Clerk proceeded to read the Journal of the preceding day. Vanasek moved that further reading of the Journal be dispensed with and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.

REPORTS OF CHIEF CLERK

Pursuant to Rules of the House, printed copies of H. F. Nos. 415, 1252, 1630, 68 and 757 and S. F. Nos. 1015, 160, 809, 1179, 1236, 90, 597, 266, 73, 1337 and 311 have been placed in the members' files.

REPORTS OF STANDING COMMITTEES

Norton from the Committee on Appropriations to which was referred:

H. F. No. 420, A bill for an act relating to education; Montessori schools; excluding Montessori schools from day care regulation; amending Minnesota Statutes 1976, Section 245.791.

Reported the same back with the following amendments:

Page 3, delete lines 12 to 21 and insert:

"Sec. 2. The commissioner of education shall charge a processing fee for the issuance or renewal of a license or a provisional license to a Montessori school. The fee shall be set by rule by the state board of education after consideration of the cost of promulgating rules and administering this act. All revenue generated shall be deposited with the state treasurer. The fee, as set by the board, shall be nonrefundable for applicants not qualifying for a license.

Sec. 3. There is appropriated to the department of education the following amounts for the purposes of this act:

Fiscal year 1978 \$33,612

Fiscal year 1979 \$29,512

This appropriation may be used to increase the existing complement of the department by no more than one professional position and one clerical position.

Sec. 4. This act is effective the day after final enactment except that section 1, clause (16), shall be effective on the final adoption of the licensure rules for Montessori schools by the state board of education."

Further, amend the title as follows:

Line 4, after the semicolon insert "appropriating money;"

With the recommendation that when so amended the bill pass.

The report was adopted.

Norton from the Committee on Appropriations to which was referred:

H. F. No. 447, A bill for an act relating to natural resources; directing the commissioner of natural resources to provide an alternative road access to General C. C. Andrews State Forest; appropriating money therefor.

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

The report was adopted.

Norton from the Committee on Appropriations to which was referred:

H. F. No. 898, A bill for an act relating to veterans affairs; providing for a study of the need for a veterans facility; appropriating money.

Reported the same back with the following amendments:

Page 1, delete lines 13, 14 and 15.

Further, amend the title as follows:

Line 3, delete the semicolon.

Line 4, delete "appropriating money".

With the recommendation that when so amended the bill pass.

The report was adopted.

Norton from the Committee on Appropriations to which was referred:

H. F. No. 1051, A bill for an act relating to public welfare; aid to families with dependent children, medical assistance, and supplemental aid; altering eligibility criteria; amending Minnesota Statutes 1976, Sections 256.73, Subdivision 2; 256B.06, Subdivision 1; 256B.14; and 256D.37, Subdivision 2.

Reported the same back with the following amendments:

Page 1, line 16, reinstate "(1) Real estate used as a home".

Page 1, line 16, after "(1)" insert "*Net equity in*".

Page 1, line 17, reinstate "which" and "exceeds".

Page 1, line 17, after the stricken "\$7,500" insert "\$30,000" and reinstate "provided that real".

Page 1, reinstate lines 18 to 21.

Renumber remaining clauses in sequence.

Page 3, line 28, reinstate the stricken "have equity in" and delete "own" and reinstate the stricken "in excess of".

Page 3, line 28, after "have" insert "net".

Page 3, line 28, after "property" insert "used as a home".

Page 3, line 28, after the stricken "\$15,000" insert "\$30,000".

Page 4, line 25, strike "income" and delete "in excess of 133 percent of the".

Page 4, delete lines 26 and 27.

Page 4, line 28, strike the first "and".

Page 4, line 28, after "needs" insert "*, determined pursuant to a schedule of contributions established by the commissioner of public welfare,*".

Page 4, line 29, strike "are" and insert "is".

Page 4, line 30, delete "shall" and insert "may".

Page 5, line 22, delete "the".

Page 5, line 23, delete "value of" and insert "net equity of \$30,000 in".

Page 6, after line 13, add new sections to read:

"Sec. 5. *Section 1 shall be effective July 1, 1978. The remaining sections shall be effective July 1, 1977.*

Sec. 6. [APPROPRIATION.] *There is appropriated from the general fund \$6,500,000 for the biennium ending June 30, 1979 for the purposes of this act.*"

Further, amend the title as follows:

Line 4, after "criteria;" insert "appropriating money;"

With the recommendation that when so amended the bill pass.

The report was adopted.

Norton from the Committee on Appropriations to which was referred:

S. F. No. 120, A bill for an act relating to education; establishing pilot transitional bilingual education programs; granting certain powers and duties to the state board of education; establishing a state bilingual education advisory task force; appropriating money; amending Minnesota Statutes 1976; Sections 120.095, by adding a subdivision; 120.10, Subdivision 2; and 126.07.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert:

"Section 1. [CITATION.] Sections 1 to 12 of this act may be cited as the bilingual education act.

Sec. 2. [DECLARATION OF POLICY.] Pursuant to the policy and law of the state to provide equal and meaningful educational opportunity to every individual, it is the purpose of sections 1 to 12 to provide for the establishment of not fewer than three pilot transitional bilingual educational programs.

Sec. 3. [APPLICABILITY.] The requirements of sections 1 to 12 shall apply only to districts which have bilingual educational programs funded pursuant to the provisions of sections 1 to 12.

Sec. 4. [DEFINITIONS.] Subdivision 1. For the purposes of sections 1 to 12 of this act, the words, phrases, and terms defined in this section shall have the meanings given to them.

Subd. 2. "Children of limited English speaking ability" means children whose primary language is other than English or who come from home environments where the primary language is other than English and by reason thereof, have difficulty reading, writing, speaking, and understanding ordinary classroom instruction and have difficulty in performing ordinary classroom work in the English language.

Subd. 3. "Primary language" is a language other than English which is the language normally used by the child or the language which is spoken in the child's home environment.

Subd. 4. "Advisory task force" means the state advisory task force on bilingual education programs.

Subd. 5. "Parent" or "parents" includes a child's legal guardian.

Sec. 5. [BILINGUAL EDUCATION PROGRAMS.] *Subdivision 1. [INSTRUCTION DESCRIBED.] Bilingual education programs are programs of instruction enrolling children of limited English speaking ability in elementary and secondary schools in which:*

(a) *There is instruction given in and study of both English and the primary language of the children of limited English speaking ability, in all courses or subjects of study, to the extent necessary to allow the children to progress effectively through the educational system and to attain the basic skills so that they will be able to perform ordinary classwork successfully in English;*

(b) *This instruction is given with sensitivity to and appreciation for the cultural heritage of the children of limited English speaking ability;*

(c) *There is instruction given in the history, culture and heritage of the children of limited English speaking ability and in the history and culture of the United States;*

(d) *Support components are developed for staff, including inservice training and technical assistance in methods of bilingual teaching. This inservice training may include but not be limited to: (i) Development of instructional and personal skills in reading, writing and speaking; (ii) Opportunities to develop general and bilingual teaching skills; (iii) Opportunities to develop the ability to identify, create, and apply instructional techniques that will enhance the cognitive and psychomotor development of children in bilingual education programs;*

(e) *Orientation to the purposes and values of the bilingual program may be provided to district staff. Bilingual programs may include: research projects, including experimentation with and evaluation of methods of relating to pupils of limited English speaking ability; provision of personal and vocational counseling to pupils of limited English speaking ability; and modification of curriculum, instructional methods, and administrative procedures to meet the needs of pupils of limited English speaking ability.*

Subd. 2. [ADDITIONAL PROGRAM REQUIREMENTS.] *Bilingual education programs shall be subject to the following additional requirements:*

(a) *To the extent practicable, children with different non-English primary languages should not be combined in the same bilingual education program class;*

(b) *If graded classes are used, children enrolled in the program shall be placed, to the extent practicable, in classes with*

others of approximately the same age and level of educational attainment. If individuals of significantly varying ages or levels of educational attainment are placed in the same class, the bilingual program shall insure that each child is provided with instruction which is appropriate for his or her level of educational attainment and educational needs;

(c) Instruction given in two languages in a bilingual program shall be appropriate to the linguistic abilities of the children enrolled and the program shall be designed to provide intensive instruction to meet the objectives described in sections 1 to 12 of this act, and shall be sufficient to meet the educational needs of children of limited English speaking ability;

(d) Nothing in sections 1 to 12 shall be construed to authorize isolation of children of limited English speaking ability for a substantial portion of the school day.

Subd. 3. [NOTICE OF ENROLLMENT; CONTENT; RIGHTS OF PARENTS.] *When a pilot program is established pursuant to sections 1 to 12 of this act, every school age child of limited English speaking ability whose primary language is the non-English language which is the medium of instruction in the pilot program and who resides in a school district participating in a pilot program and not enrolled in an existing private school system shall be eligible to enroll and to participate in any program in transitional bilingual education, established under this act for the classification to which he belongs by the school district, for a period of three years or until such time as he achieves a level of English language skills which will enable him to perform successfully in classes in which instruction is given only in English, whichever shall first occur. Consistent with the provisions of subdivision 2 nothing herein shall be construed to limit a school district's authority to enroll limited English speaking children, whose primary language is a non-English language other than the non-English language which is the medium of the instruction in the pilot program, in a program of bilingual education.*

No later than ten days after the enrollment of any child in a program in transitional bilingual education, the school district in which the child resides shall notify by mail the parents of the child. Such notice shall:

(a) Be in writing and be in English and in the primary language of the child's parents;

(b) Inform the parents that their child has been enrolled in a program in transitional bilingual education;

(c) Contain a simple, nontechnical description of the purposes, method and content of the program;

(d) *Inform the parents that they have the right to visit transitional bilingual education classes in which their child is enrolled;*

(e) *Inform the parents of the time and manner in which to request and receive a conference for the purpose of explaining the nature and purpose of the program; and*

(f) *Inform the parents of their right to withdraw their child from a program in transitional bilingual education and the time and manner in which to do so.*

Any parent whose child is enrolled in a program in transitional bilingual education shall have the absolute right, either at the time of the original notification of enrollment or at the close of any semester thereafter, to withdraw his child from the program by providing written notice of this intent to the principal of the school in which his child is enrolled or to the superintendent of the school district in which his child resides; provided that no withdrawal shall be allowed until the parent is informed in a conference with school district officials of the nature and purpose of the program. At that conference, parents must also be informed of the nature of the program into which the child will be placed. The conference shall be held in a manner and language understood by the parents. Nothing herein shall preclude a parent from reenrolling a child of limited English speaking ability in the bilingual educational program.

Subd. 4. [ENROLLMENT OF OTHER CHILDREN; SHARED TIME ENROLLMENT.] *To the extent it is economically feasible, a program of bilingual education may make provision for the voluntary enrollment of children whose primary language is English, in order that they may acquire an understanding of the cultural heritage of the children of limited English speaking ability for whom that particular program of bilingual education is designed. In determining eligibility to participate in a program, priority shall be given to the children whose primary language is other than English and this subdivision shall not operate or be construed to limit the obligation of school districts to enroll individuals of limited English speaking ability in a transitional bilingual program operated in accordance with subdivision 3 of this section. In no event shall the program be designed for the purpose of teaching a foreign language to English speaking children. Children of limited English speaking ability and English speaking children enrolled in an existing nonpublic system may be enrolled on a shared time basis in bilingual education programs.*

Subd. 5. [NEW STUDENTS.] *All districts providing a bilingual education program under sections 1 to 12 shall take all affirmative steps necessary to immediately identify children of limited English speaking ability whose primary language is the non-English language which is the medium of instruction in the*

pilot program and who enroll in the public schools after the implementation of the program and to assess and classify such children in accordance with the provisions of section 11 of this act. All such children who are identified as limited English speaking shall be eligible to be immediately enrolled in the bilingual education program, consistent with the provisions of subdivision 3 of this section.

Subd. 6. [ASSIGNMENT OF STUDENTS.] No school district shall in providing these programs assign students to schools in a way which will have the effect of promoting segregation of students by race, sex, color, or national origin.

Subd. 7. [NONVERBAL COURSES AND EXTRACURRICULAR ACTIVITIES.] In predominantly nonverbal subjects, such as art, music, and physical education, children of limited English speaking ability shall participate fully and on an equal basis with their contemporaries in the public school classes provided for these subjects. Every school district shall ensure to children enrolled in bilingual education programs an equal and meaningful opportunity to participate fully with other children in all extracurricular activities. This subdivision shall not be construed to prohibit instruction in nonverbal subjects or extracurricular activities which relate to the cultural heritage of the children of limited English speaking ability, or which are otherwise necessary to accomplish the objectives described in sections 1 to 12 of this act.

Sec. 6. [TEACHERS; LICENSES; EXEMPTIONS.] Subdivision 1. [BILINGUAL EDUCATION LICENSES.] The board of teaching, hereinafter the board, shall grant teaching licenses in bilingual education to persons who present satisfactory evidence that they:

(a) Possess competence and communicative skills in English and in another language;

(b) Possess a bachelor's degree or other academic degree approved by the board, or meet such requirements as to course of study and training as the board may prescribe.

Subd. 2. [PERSONS HOLDING GENERAL TEACHING LICENSES.] A person holding a general teaching license who presents the board with satisfactory evidence of competence and communicative skills in a language other than English may be licensed under this section.

Subd. 3. [EMPLOYMENT OF TEACHERS.] Teachers employed in a bilingual education program established pursuant to sections 1 to 12 of this act shall not be employed to replace any presently employed teacher who otherwise would not be replaced.

Subd. 4. [TEACHER PREPARATION PROGRAMS.] *For the purpose of licensing bilingual teachers, the board may approve programs at colleges or universities designed for their training subject to the approval of the state board of education.*

Subd. 5. [PERSONS ELIGIBLE FOR EMPLOYMENT EXEMPTIONS.] *Any person licensed under this section shall be eligible for employment by a school board as a teacher in a bilingual education program in which the language for which he is licensed is taught or used as a medium of instruction. A school board may prescribe only those additional qualifications for teachers licensed under this section as are approved by the board of teaching. Any school board upon request may be exempted from the licensure requirements of this section in the hiring of one or more bilingual education teachers for any school year in which compliance would, in the opinion of the commissioner of education, create a hardship in the district in the securing of the teachers. The commissioner shall notify the board of teaching of any exemptions granted pursuant to this subdivision.*

Subd. 6. [PERSONS SERVING UNDER EXEMPTIONS; LICENSURE; TENURE.] *A bilingual education teacher serving under an exemption as provided in subdivision 5 shall be granted a license as soon as that teacher achieves the qualifications for it. Not more than one year of service by a bilingual education teacher under an exemption shall be credited to the teacher for the purposes of Minnesota Statutes, Section 125.12, and not more than two years shall be credited to the teacher for the purpose of Minnesota Statutes, Section 125.17; and the one or two years shall be deemed to precede immediately and be consecutive with the year in which a teacher becomes licensed.*

Subd. 7. [AFFIRMATIVE EFFORTS IN HIRING.] *In hiring for all positions in bilingual education programs school districts shall give preference to and make affirmative efforts to seek, recruit, and employ persons who are (a) native speakers of the language which is the medium of instruction in the bilingual education program, and (b) who share the culture of the limited English speaking children who are enrolled in the program. The district shall provide procedures for the involvement of the parent advisory committees in designing the procedures for the recruitment, screening and selection of applicants, provided that nothing herein shall be construed to limit the school board's authority to hire and discharge personnel.*

Sec. 7. [TEACHERS AIDES; COMMUNITY COORDINATORS.] *In addition to employing bilingual teachers, each district providing bilingual education programs pursuant to sections 1 to 12 of this act may employ teachers' aides. Teachers' aides shall not be employed for the purpose of supplanting bilingual teachers.*

Sec. 8. [PARENT AND COMMUNITY PARTICIPATION.]

Subdivision 1. School boards shall provide for the maximum involvement of parents of children enrolled in bilingual education programs pursuant to sections 1 to 12 of this act. Accordingly, before implementing a program, the school district shall establish a parent advisory committee for that program. This committee shall afford parents the necessary information and opportunity to express their views concerning all aspects of the bilingual education program and the educational needs of the children of limited English speaking ability residing within the district's attendance boundaries. The district shall ensure that the program is planned, operated, and evaluated with the effective involvement of and in consultation with parents of children enrolled or eligible to be served by the program.

Subd. 2. The committees shall be composed solely of parents of children enrolled or eligible to be enrolled in bilingual programs; secondary students enrolled or eligible to be served; bilingual education teachers, aids, counselors, and other bilingual education program personnel; and representatives from community groups; provided, however, that a majority of each committee shall be parents of children enrolled or eligible to be enrolled in the corresponding program, and the number of parents of limited English speaking children and parents of children whose primary language is English shall reflect approximately the proportion of children of those groups enrolled in the program.

Subd. 3. School principals and other administrators or teachers within the district shall be encouraged to participate and cooperate with the parent advisory committee.

Subd. 4. All notices and other information sent to the parent advisory committees shall be in English and in the primary language of the parent members.

Subd. 5. Nothing in this section shall be construed as prohibiting the school board from establishing procedures whereby parents whose children are enrolled or eligible to be enrolled in the bilingual education program select, consistent with the provisions of this section, the members of the parent advisory committee. Nothing in this section shall be construed as prohibiting school boards from establishing a parent advisory committee prior to the submission of a proposal under section 11 for a bilingual education program.

Subd. 6. School districts which have already established a parent advisory committee pursuant to section 703(a)(4)(e) of Title VII of the Elementary and Secondary Education Act of 1965 may utilize that committee for the purpose of complying with the provisions of this section.

Sec. 9. [STATE BOARD OF EDUCATION DUTIES.]
Subdivision 1. [NEEDS ASSESSMENT.] *The state board of education shall conduct a statewide assessment of the need for bilingual education programs, which shall include information on:*

(a) *Numbers, ages, locations by school district, and primary language, race, national origin, and level of family income of children of limited English speaking ability;*

(b) *Concentration of children of limited English speaking ability in attendance areas within school districts by primary language, race, national origin, and level of family income;*

(c) *Placement rates of children of limited English speaking ability in classes for handicapped pupils, in comparison with schoolwide and districtwide placement rates;*

(d) *Achievement test scores, mobility rates and dropout rates of children of limited English speaking ability in comparison with average achievement test scores, mobility rates and dropout rates;*

(e) *Any other data deemed necessary to assessment of the need for bilingual education in the state. The procedures for gathering the information shall be designed to comply with provisions of state and federal law relating to privacy and student records.*

Any needs assessment previously conducted by a school district which is determined to be current and which meets the requirements of this subdivision may be used as the basis for a program proposal and funding under section 11 prior to the completion of the statewide assessment and may be used by the state board as a part of its statewide assessment.

Subd. 2. [RESOURCE EVALUATION.] *The state board shall study, review, and evaluate all available resources and programs which, in whole or in part, are or could be directed toward meeting the educational needs of children of limited English speaking ability, including information on:*

(a) *Numbers, location, qualifications, and primary language and national origin of teachers, aides, administrators, counselors, and potential post secondary education graduates from non-English speaking backgrounds who have an interest in working in bilingual programs;*

(b) *Programs within the state designed for the preparation of bilingual education teachers;*

(c) *The effectiveness of existing programs for children of limited English speaking ability within the state;*

(d) *Successful and innovative preservice and inservice programs for staffs of bilingual education programs; and*

(e) *Tests, criteria, identification instruments and procedures for identifying, testing, assessing and classifying children of limited English speaking ability.*

Subd. 3. [PROGRAM MODELS.] *The state board shall gather information about the theory and practice of bilingual education and design program models appropriate for meeting the need for bilingual education in conjunction with the basic educational program in the state.*

Subd. 4. [EVALUATION OF PROGRAMS.] *The state board shall provide for comprehensive evaluation of pilot programs funded under sections 1 to 12 of this act. The state board may also provide for the comprehensive evaluation of existing educational programs offered by nonpublic, community, or alternative schools, including assessment of pupil achievement, processes and results of establishing quality programs, and attitudes of people involved in and affected by programs, provided that the nonpublic, community, or alternative school consents to the evaluation of its existing program.*

Subd. 5. [COMMUNITY INVOLVEMENT.] *The state board shall provide for the maximum involvement of the state advisory task force on bilingual education, parents of children of limited English speaking ability, secondary students eligible to be served, bilingual education teachers, teachers' aides, representatives of community groups, and persons knowledgeable in the field of bilingual education, in the formulation of policy and procedures relating to the administration of sections 1 to 12 of this act.*

Subd. 6. [CONSULTATION.] *The state board may consult with and make recommendations to other public departments and agencies in connection with the administration of sections 1 to 12 of this act.*

Subd. 7. [TEACHER LICENSURE.] *The state board shall provide to the board of teaching a report on its research and experience in bilingual education insofar as such research may have a bearing on the establishment of teacher licensure requirements by the board of teaching. The board of teaching shall submit its proposals to the state board for approval pursuant to the procedures in Minnesota Statutes, Section 125.185, Subdivision 4.*

Subd. 8. [TECHNICAL ASSISTANCE.] *The state board of education shall provide technical assistance to school districts and post secondary institutions for preservice and inservice training for bilingual education teachers and teachers' aides, teaching methods, curriculum development, testing and testing*

mechanisms, and the development of materials for bilingual programs.

Subd. 9. [APPLICATION FOR FUNDS.] The state board may apply for grants or funds which are, or may become, available under federal programs for bilingual education, including funds for administration, demonstration projects, training, technical assistance, planning and evaluation.

Subd. 10. [REPORT.] The state board shall make a report to the legislature, the governor and the public on or before September 1, 1979. This report shall include the results of the needs assessment, including an evaluation of the pilot programs, the number of children served in programs for each language group; the cost of the program per pupil for each pilot program language group, and program type; the number of children in each school district, language group and program type who, as a result of the bilingual education program, improved their English language ability to such an extent that the program is no longer necessary for those children; and recommendations for legislation including any need for expansion and accompanying plans and cost estimates in the areas of bilingual education.

Subd. 11. [RULES AND REGULATIONS.] The state board, upon the receipt of recommendations by the advisory task force, may promulgate rules providing for standards and procedures appropriate for the implementation of and within the limitations of sections 1 to 12 of this act.

Sec. 10. [ADVISORY TASK FORCE ON BILINGUAL EDUCATION PROGRAMS.] *Subdivision 1. [ESTABLISHMENT.] The state board of education shall appoint an advisory task force on bilingual education programs. There shall be no more than ten members on the task force. Members shall include: representatives of community groups, parents of children eligible to be served by the programs, bilingual administrators and teachers, persons experienced in the training of teachers for bilingual education programs, persons involved in programs for children of limited English speaking ability in nonpublic, community, or alternative schools, and persons knowledgeable in the field of bilingual education. Members shall be appointed so as to be representative of significant segments of the population of persons of limited English speaking ability.*

Subd. 2. [DUTIES.] The advisory task force on bilingual education programs shall be charged with the following duties:

(a) To make recommendations to the state board concerning approval, modification, or disapproval of proposals for programs and the amounts of grants to approved programs; and

(b) To advise the state board in the administration of its duties under sections 1 to 12 of this act.

Subd. 3. The advisory task force shall expire and the terms, compensation, and removal of members shall be as provided for in Minnesota Statutes, Section 15.059, Subdivision 6.

Sec. 11. [PILOT PROGRAMS.] Subdivision 1. [GRANTS, PROCEDURES.] *For fiscal years 1978 and 1979, as part of the needs assessment effort, the state board of education shall make grants to no fewer than three transitional bilingual education programs. At least one pilot bilingual program shall be in a rural area. The board of a local district or a group of boards may submit a proposal for a grant for a transitional bilingual education program. The state board shall prescribe the form and manner of application for grants and no grant shall be made for proposals not complying with the requirements of sections 1 to 12 of this act. Every program proposal shall be submitted to the state board not less than six months before the planned commencement of the program; provided, however that this six month requirement shall not apply to school districts with an existing bilingual education program established and approved pursuant to section 701 et seq., of Title VII of the Elementary and Secondary Education Act of 1965. The state board shall submit all proposals to the state advisory task force on bilingual education programs for its recommendations concerning approval, modification, or disapproval and the amounts of grants to approved programs.*

Subd. 2. [PLANS.] Each school district submitting a proposal under subdivision 1 shall develop and submit with the proposal a plan which shall:

(a) Identify the measures to be used to meet the requirements of sections 1 to 12 of this act;

(b) Identify the activities, methods and programs to meet the identified educational needs of the children to be enrolled in the program;

(c) Describe how district goals and objectives as well as the objectives of sections 1 to 12 are to be achieved;

(d) Demonstrate that required and elective courses as structured do not have a discriminatory effect within the meaning of section 4, subdivision 6;

(e) Describe how each school program will be organized, staffed, coordinated, and monitored; and

(f) Project expenditures for programs under sections 1 to 12 of this act.

Subd. 3. [ADDITIONAL REQUIREMENTS.] Each school district receiving a grant under this section shall each year con-

duct a count of children of limited English speaking ability whose primary language is the non-English language which is the medium of instruction in the bilingual education program funded under this section in the public schools of the district; assess the English and primary language proficiencies of such children; test for achievement; identify the extent of other educational needs of the children to be enrolled in the bilingual education program; and classify the limited English speaking children by grade, level of educational attainment, age, achievement, and English and primary language proficiencies. This count may be part of the school census required pursuant to section 120.095. Nothing herein shall be construed to limit a school district's authority to so count, assess, test, identify and classify limited English speaking children, whose primary language is a non-English language other than the non-English language which is the medium of instruction in a program funded under this section.

Subd. 4. [NONDISCRIMINATION; TESTING.] In accordance with recognized professional standards, all testing and evaluation materials and procedures utilized for the identification, testing, assessment and classification of children of limited English speaking ability shall be selected and administered so as not to be racially or culturally discriminatory and shall be valid for the purpose of identifying, testing, assessing, and classifying children of limited English speaking ability.

Subd. 5. [RECORDS.] Participating school districts shall keep records and afford access to them as the commissioner finds necessary to ensure that bilingual education programs are implemented in conformity with sections 1 to 12 of this act. Each school district shall keep an accurate, detailed, and separate account of all money received and paid out by it for bilingual education programs funded under this section.

Subd. 6. [FUNDS FROM OTHER SOURCES.] A school district providing bilingual education programs shall be eligible to receive funds for these programs from other government agencies and from private sources when the funds are available.

Subd. 7. Nothing in sections 1 to 12 shall be construed as prohibiting a district from implementing a bilingual education program which is not in compliance with sections 1 to 12 of this act if the proposal and plan for that program is not funded pursuant to this section.

Sec. 12. [OTHER STATUTES.] Nothing in the provisions of sections 1 to 12 shall be construed to violate the provisions of Minnesota Statutes, Section 127.08 or Chapter 363. Programs and activities pursuant to sections 1 to 12 shall be deemed to be positive action programs to combat discrimination.

Sec. 13. Minnesota Statutes 1976, Section 120.095, is amended by adding a subdivision to read:

Subd. 6. The school census shall include an enumeration of children of limited English speaking ability residing within the district by primary language, race and national origin. In making this census the school board shall seek the assistance and cooperation of agencies, organizations or community groups, public or private, which might have information about students of limited English speaking ability residing in the school district. As used in this subdivision, the terms "children of limited English speaking ability" and "primary language" shall have the meanings ascribed to them in section 4 of this act.

Sec. 14. Minnesota Statutes 1976, Section 120.10, Subdivision 2, is amended to read:

Subd. 2. [SCHOOL.] A school, to satisfy the requirements of compulsory attendance, must be one in which all the common branches are taught in the English language, from textbooks written in the English language, and taught by teachers whose qualifications are essentially equivalent to the minimum standards for public school teachers of the same grades or subjects; *provided that in a program of instruction for children of limited English speaking ability, instruction and textbooks may be in the primary language of the children of limited English speaking ability enrolled therein. (A FOREIGN LANGUAGE MAY BE TAUGHT WHEN SUCH LANGUAGE IS AN ELECTIVE OR A PRESCRIBED SUBJECT OF THE CURRICULUM, BUT NOT TO EXCEED ONE HOUR IN EACH DAY) Any other language may be taught as provided in section 126.07. As used in this subdivision, the terms "children of limited English speaking ability" and "primary language" shall have the meanings ascribed to them in section 4 of this act.*

Sec. 15. Minnesota Statutes 1976, Section 126.07, is amended to read:

126.07 [INSTRUCTION, USE OF ENGLISH LANGUAGE.] The books used and the instruction given in public schools shall be in the English language, but any other language may be used by teachers in explaining to pupils who understand such language the meaning of English words; (AND) *provided that in the case of a program for children of limited English speaking ability, instructions and books may be in the primary language of the children of limited English speaking ability. As used in this section, the terms "children of limited English speaking ability" and "primary language" shall have the meanings ascribed to them in section 4 of this act.* In secondary and elementary schools other languages may be taught, when made a part of a regular or optional course of study. (INSTRUCTION MAY BE GIVEN IN SUCH LANGUAGES IN ELEMENTARY

GRADES, NOT TO EXCEED ONE HOUR IN EACH DAY, BY UNANIMOUS VOTE OF THE SCHOOL BOARD.)

Sec. 16. [APPROPRIATION.] *The sum of \$550,000 is appropriated from the general fund to the state board of education for the purposes of this act to be available until June 30, 1979. Of this amount, \$40,000 shall be available for the year ending June 30, 1978 for the employment of two professional employees and one clerical employee beyond the existing complement of the department of education; \$40,000 shall be available for the year ending June 30, 1979 for the employment of two professional employees and one clerical employee beyond the existing complement of the department; and, \$70,000 shall be available until June 30, 1979 for the payment of other necessary expenses and contracted services incurred in connection with the administration of this act. The sum of \$400,000 shall be available until June 30, 1979 to be expended for grants to pilot bilingual education programs pursuant to sections 1 to 12 of this act."*

With the recommendation that when so amended the bill pass.

The report was adopted.

Norton from the Committee on Appropriations to which was referred:

S. F. No. 899, A bill for an act relating to nursing homes; clarifying requirements for administration and inspections; changing provisions for reimbursement of expenses for interest on capital indebtedness; deleting certain provisions and adding new provisions on investment allowance; providing depreciation allowances; providing for reimbursable expenses; providing for a study on nursing assistant training; authorizing Chisago county to issue revenue bonds to finance the cost of facilities for the county nursing home; providing for the administration and rental of the facilities; amending Minnesota Statutes 1976, Sections 144.652, Subdivision 2; 144A.04, Subdivisions 3 and 5; 144A.05; 144A.10, Subdivisions 2 and 5; 144A.61, Subdivision 6; 256B.27, by adding a subdivision; 256B.43, by adding a subdivision; 256B.44, Subdivisions 2 and 3; 256B.45, Subdivisions 1 and 4; 256B.47, Subdivisions 1 and 2; 256B.48, Subdivision 1; Chapter 144A, by adding a section; and repealing Minnesota Statutes 1976, Section 256B.45, Subdivisions 2 and 3.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert the following:

"Section 1. Minnesota Statutes 1976, Section 144A.04, Subdivision 3, is amended to read:

Subd. 3. The facility must meet the minimum health, sanitation, safety and comfort standards prescribed by the rules of the board of health with respect to the construction, equipment, maintenance and operation of a nursing home. The board of health may temporarily waive compliance with one or more of the standards if it determines that:

(a) Temporary noncompliance with the standard will not create an imminent risk of harm to a nursing home resident; and

(b) A controlling person on behalf of all other controlling persons:

(1) Has entered into a contract to obtain the materials or labor necessary to meet the standard set by the board of health, but the supplier or other contractor has failed to perform the terms of the contract and the inability of the nursing home to meet the standard is due solely to that failure; or

(2) Is otherwise making a diligent good faith effort to meet the standard.

The board of health shall allow, by rule, a nursing home to provide fewer hours of nursing care to intermediate care residents of a nursing home than required by the present rules of the board if the board determines that the needs of the residents of the home will be adequately met by a lesser amount of nursing care.

Sec. 2. Minnesota Statutes 1976, Section 144A.05, is amended to read:

144A.05 [LICENSE RENEWAL.] Unless the license expires in accordance with section 144A.06 or is suspended or revoked in accordance with section 144A.11, a nursing home license shall remain effective for a period of one year from the date of its issuance. The board of health by rule shall establish forms and procedures for the processing of license renewals. The board of health shall approve a license renewal application if the facility continues to satisfy the requirements, standards and conditions prescribed by sections 144A.01 to 144A.17 and the rules promulgated thereunder. Except as provided in section 144A.08, a facility shall not be required to submit with each application for a license renewal additional copies of the architectural and engineering plans and specifications of the facility. Before approving a license renewal, the board of health shall determine that the facility's most recent balance sheet and its most recent statement of revenues and expenses, as audited by the state auditor, by a certified public accountant licensed by this state or by a public accountant as defined in section 412.222, have been received by the department of public welfare. (NEI-

THE STATEMENT MAY BE DATED MORE THAN THREE MONTHS PRIOR TO THE DATE OF EXPIRATION OF THE LICENSE.)

Sec. 3. Minnesota Statutes 1976, Section 144A.10, Subdivision 2, is amended to read:

Subd. 2. [INSPECTIONS.] The board of health shall annually inspect each nursing home to assure compliance with sections 144A.01 to 144A.17 and the rules promulgated thereunder. The annual inspection shall be a full inspection of the nursing home. If upon a reinspection provided for in subdivision 5 the representative of the board of health finds one or more uncorrected violations, a second inspection of the facility shall be conducted (DURING THE REMAINDER OF ITS LICENSE YEAR). The second inspection need not be a full inspection. No prior notice shall be given of an inspection conducted pursuant to this subdivision. Any employee of the board of health who willfully gives or causes to be given any advance notice of an inspection required or authorized by this subdivision shall be subject to suspension or dismissal in accordance with chapter 43. An inspection required by a federal rule or statute may be conducted in conjunction with or subsequent to any other inspection. Any inspection required by this subdivision (SHALL) *may* be in addition to or *in conjunction with* the reinspections required by subdivision 5. Nothing in this subdivision shall be construed to prohibit the board of health from making more than one unannounced inspection of any nursing home during its license year. The board of health shall coordinate its inspections of nursing homes with inspections by other state and local agencies.

Sec. 4. Minnesota Statutes 1976, Section 144A.10, Subdivision 5, is amended to read:

Subd. 5. [REINSPECTIONS.] A nursing home issued a correction order under this section shall be reinspected at the end of the period allowed for correction. *The reinspection may be made in conjunction with the next annual inspection or any other scheduled inspection.* If upon reinspection the representative of the board of health determines that the facility has not corrected a violation identified in the correction order, a notice of noncompliance with the correction order shall be mailed by certified mail to the nursing home. The notice shall specify the violations not corrected and the fines assessed in accordance with subdivision 6.

Sec. 5. Minnesota Statutes 1976, Section 144A.61, Subdivision 2, is amended to read:

Subd. 2. [NURSING ASSISTANTS.] For the purposes of sections 144A.61 and 144A.611 "nursing assistant" means a

nursing home employee, including a nurse's aide or an orderly, who is assigned by the director of nursing to provide or assist in the provision of direct patient care services under the supervision of a registered nurse. The (BOARD OF NURSING) *commissioner of education* may, by rule, establish categories of nursing assistants who are not required to comply with the educational requirements of sections 144A.61 and 144A.611.

Sec. 6. Minnesota Statutes 1976, Section 144A.61, Subdivision 3, is amended to read:

Subd. 3. [CURRICULA.] The commissioner of education shall develop curricula which may be used for nursing assistant training programs for employees of nursing homes. The curricula, as (APPROVED) *reviewed and evaluated* by the board of nursing, shall be utilized by all facilities, institutions, or programs offering nursing assistant training programs.

Sec. 7. Minnesota Statutes 1976, Section 144A.61, Subdivision 6, is amended to read:

Subd. 6. [TRAINING PROGRAM.] Each nursing assistant hired to work in a nursing home on or after July 1, (1977) 1978, shall have successfully completed an approved nursing assistant training program or shall be enrolled in the first available approved training program which is scheduled to commence within 60 days of the date of the assistant's employment. Approved training programs shall be offered at the location most reasonably accessible to the enrollees in each class.

Sec. 8. Minnesota Statutes 1976, Section 144A.611, Subdivision 1, is amended to read:

144A.611 [REIMBURSABLE EXPENSES PAYABLE TO NURSING ASSISTANTS.] Subdivision 1. [NURSING HOMES.] The actual costs of tuition and reasonable expenses for that approved program deemed by the (BOARD OF NURSING) *commissioner of education* to be minimally necessary to protect the health and welfare of nursing home residents, which are paid to nursing home assistants pursuant to subdivision 2, shall be a reimbursable expense for nursing homes under the provisions of chapter 256B and the rules promulgated thereunder.

Sec. 9. Minnesota Statutes 1976, Section 214.10, is amended by adding a subdivision to read:

Subd. 2a. A board shall initiate proceedings to suspend or revoke a license or shall refuse to renew a license of a person licensed by the board who is convicted in a court of competent jurisdiction of violating sections 609.23, 609.231, 609.465, 609.466, 609.52, or 626.555.

Sec. 10. Minnesota Statutes 1976, Section 256B.27, is amended by adding a subdivision to read:

Subd. 2a. The commissioner shall audit cost reports of each nursing home qualifying as a vendor of medical assistance at least once every three years.

Sec. 11. Minnesota Statutes 1976, Section 256B.43, is amended by adding subdivisions to read:

Subd. 5. Depreciation shall be allowed for all governmentally owned nursing homes regardless of the source of funds used to construct or expand the facility. The provisions of this subdivision shall apply to all cost reports submitted on or after November 1, 1972.

Subd. 6. The state agency shall by rule establish a separate depreciation allowance for land improvements, equipment and vehicles.

Sec. 12. Minnesota Statutes 1976, Section 256B.44, Subdivision 3, is amended to read:

Subd. 3. A proprietary nursing home which pays interest on capital indebtedness at an interest rate in excess of nine percent may be reimbursed for (ONE-HALF OF) its interest expenses in excess of the nine percent up to 12 percent if (1) the proceeds of the indebtedness are used for the purchase or operation of the nursing home and (2) the interest rate is not in excess of what a borrower would have had to pay in an arms-length transaction at the time the loan was made.

Sec. 13. Minnesota Statutes 1976, Section 256B.45, is amended to read:

256B.45 [INVESTMENT ALLOWANCE.] Subdivision 1. The state agency shall by rule establish an investment allowance for nursing homes. For the fiscal year beginning July 1, 1977, the allowance for proprietary homes shall be nine percent of the original value of the facility for depreciation purposes. For the fiscal year beginning July 1, 1977, the allowance for non-proprietary homes shall be two percent of the original value of the facility for depreciation purposes. Beginning in (1977) 1978 the state agency shall, no later than May 1 of each year, conduct a public hearing pursuant to the rule making provisions of chapter 15 to determine the percentages to be used in the following fiscal year. There shall be no other cost of capital or profit allowance for proprietary homes.

Subd. 2. (THE OWNER OF A NURSING HOME OR THE STATE AGENCY MAY REQUEST A NEW APPRAISAL OF THE FACILITY NOT MORE OFTEN THAN EVERY SEVEN

YEARS. IF A NEW APPRAISAL IS MADE, THE NEW APPRAISED VALUE LESS DEPRECIATION, COMPUTED ON THE BASIS OF THE VALUE ESTABLISHED PURSUANT TO THIS SUBDIVISION, SHALL BECOME THE NEW BASIS FOR THAT NURSING HOME'S INVESTMENT ALLOWANCE. THE APPRAISER SHALL BE SELECTED AND THE APPRAISAL UNDERTAKEN IN ACCORDANCE WITH THE PROVISIONS OF SECTION 256B.43, SUBDIVISION 3. THE BASIS FOR DEPRECIATION SHALL CONTINUE TO BE THE ORIGINAL VALUE OF THE FACILITY ESTABLISHED PURSUANT TO SECTION 256B.43) *For each year after the year in which the nursing home was originally purchased in which there is no transfer of ownership of a nursing home, the investment allowance shall be increased by one percent of the original investment allowance, but the increases shall be limited to a maximum of 25 percent of the original investment allowance.*

(SUBD. 3. THE SEVEN YEAR PERIOD USED FOR THE PURPOSES OF SUBDIVISION 2 SHALL COMMENCE WITH THE DATE OF PURCHASE. THE STATE AGENCY OR THE OWNER OF ANY NURSING HOME PURCHASED BEFORE JANUARY 1, 1977, MAY REQUEST AN APPRAISAL ON JULY 1, 1977 OR SEVEN YEARS AFTER THE DATE OF PURCHASE, WHICHEVER OCCURS LATER IN TIME.)

Subd. (4) 3. If a nursing home is operated on a lease basis, the state agency shall not recognize as an allowable cost any rental fee in excess of the total amount it would pay to the owner of the facility as interest, investment allowance and depreciation allowance. *A lease entered into before April 13, 1976 is not subject to this subdivision until the date of the next renewal.*

Sec. 14. Minnesota Statutes 1976, Section 256B.47, Subdivision 1, is amended to read:

256B.47 [RATE LIMITS.] Subdivision 1. The state agency shall by rule establish separate overall limitations on the costs for items which directly relate to the provision of patient care to residents of nursing homes and those which do not directly relate to the provision of care. The state agency may also by rule, establish limitations for specific cost categories *which do not directly relate to the provision of patient care. The state agency shall reimburse nursing homes for the costs of nursing care in excess of any state agency limits on hours of nursing care if the board of health issues a correction order pursuant to section 144A.10, subdivision 4, directing the nursing home to provide the additional nursing care.*

All costs determined otherwise allowable shall be subject to these limitations. (THE CATEGORICAL LIMITS ON PATIENT CARE RELATED ITEMS MAY BE HOURLY LIMITS BASED ON THE NEEDS OF THE RESIDENTS OF THE

NURSING HOME UP TO MAXIMUM LIMITS ESTABLISHED BY THE STATE AGENCY.)

Sec. 15. Minnesota Statutes 1976, Section 256B.47, Subdivision 2, is amended to read:

Subd. 2. The following costs shall not be recognized as allowable to the extent that these costs cannot be demonstrated by the nursing home to the state agency to be directly related to the provision of patient care: (1) political contributions; (2) salaries or expenses of a lobbyist, as defined in section 10A.01, subdivision 11, for lobbying activities; (3) advertising designed to encourage potential residents to select a particular nursing home; (4) assessments levied by the health department for uncorrected violations; (5) legal fees for unsuccessful challenges to decisions by state agencies; and (6) dues paid to a nursing home or hospital association. *The state agency shall promulgate rules establishing standards which shall distinguish between any patient-care related components and nonpatient-care related components of these costs, where applicable. For purposes of these rules, the state agency shall exercise emergency powers and establish emergency rules pursuant to section 15.0412, subdivision 5, before September 1, 1977.* The state agency shall by rule exclude the costs of any other items which it determines are not directly related to the provision of patient care.

Sec. 16. Minnesota Statutes 1976, Section 256B.48, Subdivision 1, is amended to read:

256B.48 [CONDITIONS FOR PARTICIPATION.] Subdivision 1. No nursing home shall be eligible to receive medical assistance payments unless it agrees in writing that it will refrain from:

(a) Charging nonmedical assistance residents rates for similar services which exceed by more than ten percent those rates which are approved by the state agency for medical assistance recipients; *For nursing homes charging nonmedical assistance residents rates less than ten percent more than those rates which are approved by the state agency for medical assistance recipients, the maximum differential in rates between nonmedical assistance residents and medical assistance recipients shall not exceed that differential which was in effect on April 13, 1976. If a nursing home has exceeded this differential since April 13, 1976, it shall return the amount collected in excess of the allowable differential stated by this subdivision to the nonmedical assistant resident, or that person's representative, by July 1, 1977.* Effective July 1, 1978, no nursing home shall be eligible for medical assistance if it charges nonmedical assistance recipients rates for similar services which exceed those which are approved by the state agency for medical assistance recipients; provided, however, that the nursing home may (1) charge nonmedical assistance resi-

dents a higher rate for a private room, and (2) charge for special services which are not included in the daily rate if medical assistance patients are charged separately at the same rate for the same services in addition to the daily rate paid by the state agency;

(b) Requiring an applicant for admission to the home, or the guardian or conservator of the applicant, as a condition of admission, to pay an admission fee in excess of \$100, loan any money to the nursing home, or promise to leave all or part of the applicant's estate to the home; and

(c) Requiring any resident of the nursing home to utilize a vendor of health care services who is a licensed physician or pharmacist chosen by the nursing home.

The prohibitions set forth in clause (b) shall not apply to a (NONPROPRIETARY) retirement home *with more than 325 beds including at least 150 licensed nursing home beds and which (CONTAINS AN IDENTIFIABLE UNIT OF FEWER THAN 20 PERCENT OF THE TOTAL NUMBER OF FACILITY BEDS TO PROVIDE NURSING CARE TO THE RESIDENTS OF THE HOME)*:

(1) *is owned and operated by an organization tax-exempt under section 290.05, subdivision 1, clause (i); and*

(2) *at the time of admission places all of the applicant's assets which are required to be assigned to the home in a trust account from which only expenses for the cost of care of the applicant may be deducted; and*

(3) *agrees in writing at the time of admission to the home to permit the applicant, or his guardian, or conservator, to examine the records relating to the individual's trust account upon request, and to receive an audited statement of the expenditures from his individual account upon request; and*

(4) *agrees in writing at the time of admission to the home to permit the applicant to withdraw from the home at any time and to receive, upon withdrawal, all of the unexpended funds remaining in his individual trust account; and*

(5) *was in compliance with provisions (1) to (4) as of June 30, 1976.*

Sec. 17. [REPEALER.] *Minnesota Statutes 1976, Section 144A.61, Subdivision 5, is hereby repealed."*

Further amend by striking the title in its entirety and inserting the following:

“A bill for an act relating to nursing homes; clarifying requirements for administration and inspections; changing certain provisions governing the training of nursing assistants; changing provisions for reimbursement of expenses for interest on capital indebtedness; deleting certain provisions and adding new provisions on investment allowance; requiring the state agency to establish certain standards; exempting certain homes from certain requirements; amending Minnesota Statutes 1976, Sections 144A.04, Subdivision 3; 144A.05; 144A.10, Subdivisions 2 and 5; 144A.61, Subdivisions 2, 3 and 6; 144A.611, Subdivision 1; 214.10, by adding a subdivision; 256B.27, by adding a subdivision; 256B.43, by adding subdivisions; 256B.44, Subdivision 3; 256B.45; 256B.47, Subdivisions 1 and 2; 256B.48, Subdivision 1; repealing Minnesota Statutes 1976, Section 144A.61, Subdivision 5.”

With the recommendation that when so amended the bill pass.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 420, 447, 898 and 1051 were read for the second time.

SECOND READING OF SENATE BILLS

S. F. Nos. 120 and 899 were read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Williamson, Arlandson, Metzen and Hanson introduced:

H. F. No. 1645, A bill for an act relating to commerce; requiring notice to individuals of the establishment or changes in their credit ratings by credit reporting agencies.

The bill was read for the first time and referred to the Committee on Commerce and Economic Development.

Esau, McDonald and Den Ouden introduced:

H. F. No. 1646, A bill for an act relating to retirement; exclusions from membership in the public employees retirement association; amending Minnesota Statutes 1976, Section 353.01, Subdivision 2b.

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

Berglin introduced:

H. F. No. 1647, A bill for an act relating to marriage and divorce; enacting the uniform marriage and divorce act; amending Minnesota Statutes 1976, Sections 127.27, Subdivision 6; 144.151, Subdivision 2; 197.971, Subdivision 4; 201.14; 256.875; 256D.02, Subdivision 10; 257.025; 259.24, Subdivision 1; 290.012, Subdivision 3; 290.06, Subdivisions 3a, 3b and 3c; 290.0601, Subdivision 2; 290.08, Subdivisions 3 and 4; 290.09, Subdivisions 14 and 26; 290.133, Subdivision 3; 290.16, Subdivision 12; 290.28, Subdivision 3; 297B.01, Subdivision 7; 332.23, Subdivision 4; 353.15; 393.07, Subdivision 1; 422A.23, Subdivision 3; 423.387; 423.58; 424.24; 484.64, Subdivision 2; 487.19, Subdivision 1; 488.05, Subdivision 1; 488A.01, Subdivision 7; 488A.18, Subdivision 8; 508.06; 518.551; 525.081, Subdivision 3; and 576.13; repealing Minnesota Statutes 1976, Sections 517.01; 517.02; 517.03; 517.04; 517.05; 517.06; 517.07; 517.071; 517.08; 517.09; 517.10; 517.13; 517.14; 517.15; 517.16; 517.17; 517.18; 517.19; 518.002; 518.01; 518.02; 518.03; 518.04; 518.05; 518.06; 518.07; 518.09; 518.10; 518.11; 518.12; 518.13; 518.14; 518.15; 518.16; 518.165; 518.17; 518.175; 518.18; 518.24; 518.25; 518.27; 518.29; 518.54; 518.55; 518.57; 518.58; 518.59; 518.61; 518.62; 518.63; 518.64; 518.65; 518.66; 518.67; and 519.07.

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

Esau, Sherwood, Den Ouden, McDonald and Nelsen, M., introduced:

H. F. No. 1648, A bill for an act relating to public health and welfare; establishing a state advisory council for home and family; prescribing its membership, powers, and duties; appropriating money.

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

Searles, McDonald, McCollar and Heinitz introduced:

H. F. No. 1649, A bill for an act relating to the Lake Minnetonka Conservation District; amending Laws 1967, Chapter 907, Sections 1; 2, Subdivision 2, as amended; and 5, as amended.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Casserly, Petrafeso, Savelkoul, Pehler and Vanasek introduced:

H. F. No. 1650, A bill for an act relating to taxation; providing for valuation of certain buildings; providing for reimbursement of certain property taxes; appropriating money.

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

HOUSE ADVISORIES

Pursuant to rule 5.3, the following House Advisories were introduced:

Braun, Laidig and Johnson introduced:

H. A. No. 39, A proposal for partition fence study.

The advisory was referred to the Committee on Agriculture.

Lemke and Friedrich introduced:

H. A. No. 40, A proposal to study feedlot pollution control.

The advisory was referred to the Committee on Agriculture.

Fugina introduced:

H. A. No. 41, A proposal to salvage timber on certain condemned lands and weather damaged state lands.

The advisory was referred to the Committee on Environment and Natural Resources.

Swanson and Brinkman introduced:

H. A. No. 42, A proposal for the study of the insurance industry.

The advisory was referred to the Committee on Financial Institutions and Insurance.

REPORT FROM THE COMMITTEE ON RULES AND LEGISLATIVE ADMINISTRATION

Anderson, I., from the Committee on Rules and Legislative Administration, pursuant to rule 1.9, designated the following bills as a Special Order to be acted upon immediately following

the Consent Calendar for today, Wednesday, May 18, 1977: S. F. Nos. 1087 and 1165.

PROGRESS REPORTS ON CONFERENCE COMMITTEES

Pursuant to Joint Rule 2.06, progress on H. F. No. 293 and S. F. Nos. 109, 742, 875, 932, 1290 and 1467 was reported to the House.

The following conference committee reports were received:

CONFERENCE COMMITTEE REPORT ON H. F. NO. 176

A bill for an act relating to drivers licenses; providing that nonqualification certificates may be issued to applicants who are 14 years of age or older; amending Minnesota Statutes 1976, Section 171.07, Subdivision 3.

May 17, 1977

The Honorable Martin O. Sabo
Speaker of the House of Representatives
The Honorable Edward J. Gearty
President of the Senate

We, the undersigned conferees for H. F. No. 176 report that we have agreed upon the items in dispute and recommend as follows:

That the house accede to the senate amendments, and H. F. No. 176 be further amended as follows:

Page 1, line 18, strike "nonqualification".

Page 1, line 19, before the period, strike "certificate" and insert "*Minnesota identification card*".

Page 1, line 19, after "The" strike "certificate" and insert "*card*".

Page 2, line 2, strike "nonqualification certificate" and insert "*Minnesota identification card*".

Page 2, line 4, after the period insert "*The fee for a Minnesota identification card issued to any person who is mentally retarded, as defined in section 252A.02, subdivision 2, shall be 50 cents.*".

Page 2, after line 4, insert:

"Sec. 2. Minnesota Statutes 1976, Section 171.07, Subdivision 4, is amended to read:

Subd. 4. The expiration date of (EACH NONQUALIFICATION CERTIFICATE) *Minnesota identification cards* of applicants under the age of 65 shall be the birthday of the applicant in the fourth year following the date of issuance of the (NONQUALIFICATION CERTIFICATE) *card*. (NONQUALIFICATION CERTIFICATES) *Minnesota identification cards* issued to applicants age 65 or over shall be valid for the lifetime of the applicant.

Sec. 3. Minnesota Statutes 1976, Section 171.07, Subdivision 5, is amended to read:

Subd. 5. The department may provide a donor document to each person making application for a driver's license or a (NONQUALIFICATION CERTIFICATE) *Minnesota identification card* whereby any such person, 18 years of age or more, may execute an anatomical gift, pursuant to the provisions of the uniform anatomical gift act, sections 525.921 to 525.93. The commissioner of public safety shall prescribe the form of the donor document. The donor document must be signed by the donor in the presence of two witnesses who must sign the donor document in the donor's presence. If the donor cannot sign, the donor document may be signed for the donor at the donor's direction, in the donor's presence, and in the presence of two witnesses who must sign the donor document in the donor's presence. The department shall identify donors of anatomical gifts by the designation "donor" on the front side of the donor's driver's license or (NONQUALIFICATION CERTIFICATE) *Minnesota identification card*. The designation "donor" shall constitute sufficient legal authority for the removal of all body organs or parts upon death of the donor for the purpose of transplantation and the designation shall be removed only upon written notice to the department. No designation may be noted upon the driver's license or (NONQUALIFICATION CERTIFICATE) *Minnesota identification card* of any person under 18. Delivery of the license or (NONQUALIFICATION CERTIFICATE) *Minnesota identification card* during the donor's lifetime is not necessary to make the gift valid.

Sec. 4. Minnesota Statutes 1976, Section 340.039, is amended to read:

340.039 [DRIVER'S LICENSE OR MINNESOTA IDENTIFICATION CARD.] Proof of age for purposes of consuming, purchasing, or possessing an alcoholic beverage, the consumption, sale, or possession of which is regulated by age, may only be established by a valid driver's license or a current (NONQUALIFICATION CERTIFICATE) *Minnesota identification card* issued pursuant to (MINNESOTA STATUTES 1971,) section 171.07."

Renumber the remaining section.

Further, amend the title as follows:

Page 1, line 3, delete "nonqualification certificates" and insert "Minnesota identification cards and the use thereof".

Page 1, line 5, delete "Section" and insert "Sections".

Page 1, line 6, delete "Subdivision 3" and insert "Subdivisions 3, 4 and 5; and 340.039".

We request adoption of this report and repassage of the bill.

House Conferees: WAYNE A. SIMONEAU, THOMAS R. BERKELMAN and KENNETH P. ZUBAY.

Senate Conferees: EUGENE E. STOKOWSKI, MIKE MENNING and HOWARD D. OLSON.

Simoneau moved that the report of the Conference Committee on H. F. No. 176 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

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

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

The question was taken on the repassage of the bill and the roll was called. There were 120 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Carlson, D.	Fugina	Kvam	Novak
Adams	Casserly	Gunter	Langseth	Osthoff
Albrecht	Clark	Haugerud	Lehto	Patton
Anderson, B.	Clawson	Heinitz	Lemke	Pehler
Anderson, D.	Cohen	Hokanson	Mangan	Peterson
Anderson, G.	Cummiskey	Jacobs	Mann	Petrafeso
Anderson, I.	Dahl	Jaros	McCarron	Pleasant
Anderson, R.	Dean	Jensen	McCollar	Prahl
Arlandson	Den Ouden	Johnson	McDonald	Reding
Battaglia	Eckstein	Jude	McEachern	Rice
Beauchamp	Eken	Kahn	Metzen	Rose
Begich	Ellingson	Kaley	Moe	St. Onge
Berg	Enebo	Kalis	Munger	Sarna
Berglin	Esau	Kelly, R.	Murphy	Savelkoul
Berkelman	Evans	Kelly, W.	Neisen	Scheid
Biersdorf	Faricy	Kempe, R.	Nelsen, B.	Schulz
Birnstihl	Fjoslien	King	Nelsen, M.	Searles
Brandl	Forsythe	Knickerbocker	Nelson	Sherwood
Byrne	Friedrich	Kostohryz	Niehaus	Sieben, M.
Carlson, A.	Fudro	Kroening	Norton	Simoneau

Skoglund	Stoa	Vanasek	Wenstrom	Williamson
Smogard	Suss	Voss	Wenzel	Wynia
Spanish	Swanson	Waldorf	White	Zubay
Stanton	Tomlinson	Welch	Wieser	Speaker Sabo

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

CONFERENCE COMMITTEE REPORT ON H. F. NO. 324

A bill for an act relating to sheriffs; fees and mileage allowance; amending Minnesota Statutes 1976, Section 357.09, Subdivisions 1, 2, and 4; repealing Minnesota Statutes 1976, Sections 357.09, Subdivision 5; and 357.10.

May 16, 1977

The Honorable Martin O. Sabo
Speaker of the House of Representatives
The Honorable Edward J. Gearty
President of the Senate

We, the undersigned conferees for H. F. No. 324 report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and H. F. No. 324 be amended as follows:

Page 4, line 16, strike "of", delete "20", and insert "provided pursuant to section 43.327, plus four".

Page 4, line 16, after "mile" insert "notwithstanding any other provisions of law to the contrary".

Page 5, after line 3, insert:

"Sec. 5. Section 357.09 shall not relate to or affect the fees of the sheriff of Ramsey county.

Sec. 6. [SPECIAL LAWS SUPERCEDED.] All special laws relating to sheriffs' fees and mileage allowance which are inconsistent with the provisions of this act are superseded to the extent of the inconsistency."

Amend the title as follows:

Page 1, line 2, after "sheriffs;" insert "increasing certain".

Page 1, line 2, delete "allowance" and insert "allowances".

We request adoption of this report and repassage of the bill.

House Conferees: JOHN T. CLAWSON, TED SUSS and ROBERT ANDERSON.

Senate Conferees: ROBERT J. SCHMITZ, WAYNE OLHOFT and ROBERT G. DUNN.

Clawson moved that the report of the Conference Committee on H. F. No. 324 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 324, A bill for an act relating to sheriffs; fees and mileage allowance; amending Minnesota Statutes 1976, Section 357.09, Subdivisions 1, 2, and 4; repealing Minnesota Statutes 1976, Sections 357.09, Subdivision 5; and 357.10.

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

The question was taken on the repassage of the bill and the roll was called. There were 117 yeas and 5 nays as follows:

Those who voted in the affirmative were:

Abeln	Cummiskey	Kahn	Nelsen, M.	Skoglund
Adams	Dahl	Kaley	Nelson	Smogard
Albrecht	Dean	Kalis	Niehaus	Spanish
Anderson, B.	Den Ouden	Kelly, R.	Norton	Stanton
Anderson, I.	Eckstein	Kelly, W.	Novak	Stoa
Anderson, R.	Ellingson	Kempe, R.	Osthoff	Suss
Arlandson	Enebo	King	Patton	Swanson
Battaglia	Erickson	Knickerbocker	Pehler	Tomlinson
Beauchamp	Esau	Kostohryz	Peterson	Vanasek
Begich	Evans	Kroening	Petrafeso	Voss
Berg	Faricy	Langseth	Pleasant	Waldorf
Berglin	Fjoslien	Lehto	Prahl	Welch
Berkelman	Forsythe	Lemke	Rice	Wenstrom
Biersdorf	Friedrich	Mangan	Rose	Wenzel
Birnstihl	Fudro	Mann	St. Onge	White
Brandl	Fugina	McCarron	Sarna	Wieser
Byrne	Gunter	McDonald	Savelkoul	Wigley
Carlson, A.	Heinitz	McEachern	Scheid	Williamson
Carlson, D.	Hokanson	Metzen	Schulz	Wynia
Carlson, L.	Jacobs	Moe	Searle	Zubay
Casserly	Jaros	Munger	Searles	Speaker Sabo
Clark	Jensen	Murphy	Sherwood	
Clawson	Johnson	Neisen	Sieben, M.	
Cohen	Jude	Nelsen, B.	Simoneau	

Those who voted in the negative were:

Anderson, D. Anderson, G. Eken Haugerud Kvam

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

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. 491, A bill for an act relating to retirement; police pensions in the city of Crookston.

H. F. No. 1155, A bill for an act relating to the revisor of statutes; providing for engrossing and enrolling duties; clarifying disclosure of bill drafting records; amending Minnesota Statutes 1976, Sections 482.09; and 482.12, Subdivision 1.

H. F. No. 106, A bill for an act relating to the city of St. Cloud; firemen's widows benefits; amending Laws 1974, Chapter 382, Section 5, Subdivision 2.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 817, A bill for an act relating to highway traffic regulations; weight limitations; providing that weight increases for haulers of raw and unfinished forest products shall be state-wide during certain periods; amending Minnesota Statutes 1976, Section 169.83, Subdivision 1.

H. F. No. 257, A bill for an act relating to banks, trust companies and savings banks; rule making authority; fees for special investigations; accounts maintained by banking division employees; fees; banks minimum organizational capital, surplus and undivided profits; providing for certified deposit of capital funds in a custodial bank; providing for banks annual audit systems, approval and reports; state banks minimum capital requirements, establishing investigatory fee for application to acquire trust authority; trust company minimum capital requirements; relating to boards of directors of financial institutions; clarification of certain language; amending Minnesota Statutes 1976, Sections 46.01; 46.04; 46.05; 46.09; 46.131, Subdivision 2, and by adding a subdivision; 48.02; 48.10; 48.36; 48.37; 48.44; 48.67; 48.69; 300.025 and 300.20.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 460, A bill for an act relating to retirement; adjustment in annuities through the adjustable fixed benefit fund; amending Minnesota Statutes 1976, Section 11.25, Subdivisions 3, 12 and 13.

H. F. No. 1259, A bill for an act relating to the city of Savage; firefighter's service pensions.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 954, A bill for an act relating to juries; enacting the uniform juror selection and service act; providing for the selection and service of grand and petit jurors; providing penalties; repealing Minnesota Statutes 1976, Sections 3.081; 192.24; 357.26; 488A.07; 546.09; 593.03; 593.04; 593.05; 593.06; 593.07; 593.09; 593.10; 593.11; 593.12; 593.13; 593.14; 593.20; 628.42; 628.43; 628.44; 628.45; 628.46; 628.47; 628.49; 628.50; 628.51; 628.52; 628.53; 631.33; and Laws 1959, Chapter 219; and Extra Session Laws 1959, Chapter 19, Section 2.

H. F. No. 972, A bill for an act relating to fire and casualty loss insurance companies; regulating termination of agency contracts; requiring certain notice before termination; prescribing civil penalties.

H. F. No. 1129, A bill for an act relating to Ramsey county; codifying existing laws relating to the composition, terms, selection and redistricting of the board of commissioners; providing for the time and place of certain board meetings; authorizing rules of procedure and the keeping and publication of a board journal; amending Laws 1974, Chapter 435, Section 2.05, and by adding sections; repealing Laws 1974, Chapters 435, Sections 2.01, 2.02 and 2.06; and 576, Section 2, Subdivisions 1, 2, 3 and 5.

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. 921, A bill for an act relating to public employees; designating the number of arbitrators to resolve labor dispute; amending Minnesota Statutes 1976, Section 179.72, Subdivision 6.

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 that the Senate accedes to the request of the House for the appointment of a Conference Committee, consisting of 3 members of the Senate, on the amendments adopted by the Senate to the following House File:

H. F. No. 129, A bill for an act relating to education; encouraging post-secondary institutions to grant comparable credit for comparable work at another institution; directing the higher education coordinating board to perform certain duties.

The Senate has appointed as such committee Messrs. Penny, Nichols and Sillers.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee, consisting of 3 members of the Senate, on the amendments adopted by the Senate to the following House File:

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

The Senate has appointed as such committee Messrs. McCutcheon, Davies and Jensen.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee, con-

sisting of 3 members of the Senate, on the amendments adopted by the Senate to the following House File:

H. F. No. 259, A bill for an act relating to insurance; requiring refund of unearned premium on cancellation of certain automobile insurance policies; amending Minnesota Statutes 1976, Section 65B.14; and Chapter 65B, by adding sections.

The Senate has appointed as such committee Messrs. Solon, Kleinbaum and Engler.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee, consisting of 3 members of the Senate, on the amendments adopted by the Senate to the following House File:

H. F. No. 398, A bill for an act relating to protection of the environment; prohibiting sale of pressurized containers using certain chlorofluorocarbon propellants; prescribing penalties.

The Senate has appointed as such committee Messrs. Humphrey, Willet and Bernhagen.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee, consisting of 3 members of the Senate, on the amendments adopted by the Senate to the following House File:

H. F. No. 856, A bill for an act relating to welfare; authorizing the establishment of a centralized disbursement system for payments and for food stamp benefit documents; amending Minnesota Statutes 1976, Section 256.01, by adding a subdivision.

The Senate has appointed as such committee Messrs. Perpich, Nelson and Kirchner.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee, consisting of 3 members of the Senate, on the amendments adopted by the Senate to the following House File:

H. F. No. 256, A bill for an act relating to insurance; providing for regulation of aircraft and inland marine insurance; amending Minnesota Statutes 1976, Sections 70A.02, Subdivision 2; and 70A.06, Subdivision 3.

The Senate has appointed as such committee Messrs. Humphrey, Sikorski and Kirchner.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee, consisting of 3 members of the Senate, on the amendments adopted by the Senate to the following House File:

H. F. No. 343, A bill for an act relating to obscenity; prohibiting the dissemination of obscene photographs or other similar visual representations which depict minors involved in scenes of patently offensive sexual conduct; prescribing penalties; amending Minnesota Statutes 1976, Chapter 617, by adding a section.

The Senate has appointed as such committee Messrs. Olhoft, Bernhagen and Davies.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee, consisting of 5 members of the Senate, on the amendments adopted by the Senate to the following House File:

H. F. No. 451, A bill for an act relating to banks; authorizing a bank to establish two detached banking facilities; providing for notice and approval procedures; amending Minnesota Statutes 1976, Sections 47.51; 47.52; 47.53; 47.54; and 47.55.

The Senate has appointed as such committee Messrs. Kleinbaum, Solon, Bang, Borden and Davies.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker :

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee, consisting of 3 members of the Senate, on the amendments adopted by the Senate to the following House File:

H. F. No. 544, A bill for an act relating to highways; removing the construction moratorium on a certain interstate route, and extending it through the city of St. Paul; removing a certain route from the trunk highway system; amending Minnesota Statutes 1976, Sections 161.117; 161.12; and 161.123.

The Senate has appointed as such committee Messrs. Vega, Keefe, S., and Coleman.

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. 41, A bill for an act relating to public safety; requiring fire detection devices in certain residential housing; directing the commissioner of administration to amend the state building code; amending Minnesota Statutes 1976, Section 16.85, Subdivision 1; and Chapter 299F, by adding a section.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Knickerbocker moved that the House concur in the Senate amendments to H. F. No. 41 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 41, A bill for an act relating to public safety; requiring fire detection devices in certain residential housing; directing the commissioner of administration to amend the state

building code; amending Minnesota Statutes 1976, Section 16.85, Subdivision 1; and Chapter 299F, by adding a section.

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

The question was taken on the repassage of the bill and the roll was called. There were 122 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Cohen	Jude	Neisen	Simoneau
Adams	Cummiskey	Kahn	Nelsen, B.	Skoglund
Albrecht	Dahl	Kaley	Nelsen, M.	Smogard
Anderson, B.	Dean	Kalis	Nelson	Spanish
Anderson, D.	Den Ouden	Kelly, R.	Niehaus	Stanton
Anderson, G.	Eckstein	Kelly, W.	Norton	Stoa
Anderson, I.	Eken	Kempe, R.	Novak	Suss
Anderson, R.	Ellingson	King	Osthoff	Swanson
Arlandson	Enebo	Knickerbocker	Patton	Tomlinson
Battaglia	Erickson	Kostohryz	Pehler	Vanasek
Beauchamp	Esau	Kroening	Peterson	Voss
Begich	Evans	Kvam	Petrafeso	Waldorf
Berg	Farcy	Laidig	Pleasant	Welch
Berglin	Fjoslien	Langseth	Prahl	Wenstrom
Berkelman	Forsythe	Lehto	Rice	Wenzel
Biersdorf	Friedrich	Lemke	Rose	White
Birnstihl	Fudro	Mangan	St. Onge	Wieser
Brandl	Fugina	Mann	Sarna	Wigley
Byrne	Gunter	McCarron	Savelkoul	Williamson
Carlson, A.	Heinitz	McDonald	Scheid	Wynia
Carlson, D.	Hokanson	McEachern	Schulz	Zubay
Carlson, L.	Jacobs	Metzen	Searle	Speaker Sabo
Cassery	Jaros	Moe	Searles	
Clark	Jensen	Munger	Sherwood	
Clawson	Johnson	Murphy	Sieben, M.	

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. 1193, A bill for an act relating to the city of Bloomington in Hennepin county, the city of South St. Paul in Dakota county and the city of Mankato in Blue Earth county; housing and redevelopment authority; providing that the housing and redevelopment authority may make loans and grants for home improvement, rental assistance, and financial assistance; amending Laws 1971, Chapter 616, Sections 1 and 2.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Abeln moved that the House concur in the Senate amendments to H. F. No. 1193 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1193, A bill for an act relating to the city of Bloomington in Hennepin county and the city of South St. Paul in Dakota county; housing and redevelopment authority; providing that the housing and redevelopment authority may make loans and grants for home improvement; amending Laws 1971, Chapter 616, Sections 1 and 2.

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

The question was taken on the repassage of the bill and the roll was called. There were 121 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Cohen	Jude	Neisen	Skoglund
Adams	Cummiskey	Kahn	Nelsen, B.	Smogard
Albrecht	Dahl	Kaley	Nelsen, M.	Spanish
Anderson, B.	Dean	Kalis	Nelson	Stanton
Anderson, D.	Den Ouden	Kelly, R.	Niehaus	Stoa
Anderson, G.	Eckstein	Kelly, W.	Norton	Suss
Anderson, I.	Eken	Kempe, R.	Novak	Swanson
Anderson, R.	Enebo	King	Osthoff	Tomlinson
Arlandson	Erickson	Knickerbocker	Pehler	Vanasek
Battaglia	Esau	Kostohryz	Peterson	Voss
Beauchamp	Evans	Kroening	Petraleso	Waldorf
Begich	Faricy	Kvam	Pleasant	Welch
Berg	Fjoslien	Langseth	Prahl	Wenstrom
Berglin	Forsythe	Lehto	Rice	Wenzel
Berkelman	Friedrich	Lemke	Rose	White
Biersdorf	Fudro	Mangan	St. Onge	Wieser
Birnstihl	Fugina	Mann	Sarna	Wigley
Brandl	Gunter	McCarron	Savelkoul	Williamson
Byrne	Haugerud	McCollar	Scheid	Wynia
Carlson, A.	Heinitz	McDonald	Schulz	Zubay
Carlson, D.	Hokanson	McEachern	Searle	Speaker Sabo
Carlson, L.	Jacobs	Metzen	Searles	
Casserly	Jaros	Moe	Sherwood	
Clark	Jensen	Munger	Sieben, M.	
Clawson	Johnson	Murphy	Simoneau	

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. 1305, A bill for an act relating to Minnesota Statutes; providing for the correction of erroneous, ambiguous, omitted and obsolete references and text; reenacting a law; eliminating certain duplicitious and conflicting provisions superseded by or conflicting with other provisions of law; amending Minnesota Statutes 1976, Chapter 15, by adding a section; Sections 3.973; 4.12, Subdivision 2; 10.13; 15.55; 16A.129; 33.13; 38.02, Subdivision 2; 38.13; 41.57, Subdivision 1; 43.051, Subdivisions 1 and 2; 55.095; 83.26, Subdivision 3; 116.36, Subdivision 1; 116A.20, Subdivision 6; 121.02, Subdivision 1; 121.11, Subdivision 5; 125.05, Subdivision 3; 144.01, Subdivision 1; 144A.19, by adding a subdivision; 161.14, Subdivision 19; 168.013, Subdivision 17; 168.12, Subdivision 1; 168.27, Subdivision 22; 176.101, Subdivision 3; 179.65, Subdivision 2; 192.551; 193.149; 202A.25, Subdivision 1; 207.19, Subdivision 1; 222.50, Subdivision 5; 246.02, Subdivision 2; 252.24, Subdivision 1; 256B.04, Subdivisions 10 and 11; 260.171, Subdivision 6; 270.50; 273.13, Subdivisions 6 and 7; 297.13, Subdivision 1; 336.9-104; 336.9-105; 336.9-404; 336.9-501; 340.039; 353.01, Subdivisions 2a and 6; 355.30; 375.18, Subdivision 8; 458.19; 462.364; 462A.04, Subdivision 1; 462A.22, Subdivision 10; 465.58; 485.01; 549.06; 609.556, Subdivision 1; and 645.44, Subdivision 5a; reenacting Laws 1976, Chapter 127; repealing Minnesota Statutes 1976, Sections 15.055; 17B.22, Subdivision 3; 43.37; 136A.02, Subdivision 2; 144.952; 169.132; Laws 1971, Chapter 427, Section 17; Laws 1974, Chapters 22, Section 5; and 256.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Hokanson moved that the House concur in the Senate amendments to H. F. No. 1305 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1305, A bill for an act relating to Minnesota Statutes; providing for the correction of erroneous, ambiguous, omitted and obsolete references and text; reenacting a law; eliminating certain duplicitious and conflicting provisions superseded by or conflicting with other provisions of law; amending Minnesota Statutes 1976, Chapter 15, by adding a section; Sections 3.973; 4.12, Subdivision 2; 10.13; 15.55; 16A.129; 33.13; 41.57, Subdivision 1; 43.051, Subdivisions 1 and 2; 55.095; 83.26, Subdivision 3; 116.36, Subdivision 1; 116A.20, Subdivision 6; 121.02, Subdivision 1; 121.11, Subdivision 5; 125.05, Subdivision 3; 144.01, Subdivision 1; 144A.19, by adding a subdivision; 161.14, Subdivision 19; 168.013, Subdivision 17; 168.12, Subdivision 1; 168.27, Subdivision 22; 176.101, Subdivision 3; 179.65, Subdivision 2; 192.551; 193.149; 202A.25, Subdivision 1; 207.19, Subdivision 1; 222.50, Subdivision 5; 246.02, Subdivision 2; 252.24, Subdivision 1; 256B.04, Subdivisions 10 and 11; 260.171, Subdivision 6; 270.50; 273.13, Subdivisions 6 and 7; 297.13, Subdivision 1; 336.9-104; 336.9-105; 336.9-404; 336.9-501; 340.039;

353.01, Subdivisions 2a and 6; 355.30; 375.18, Subdivision 8; 458.19; 462.364; 462A.04, Subdivision 1; 462A.22, Subdivision 10; 465.58; 485.01; 549.06; 609.556, Subdivision 1; and 645.44, Subdivision 5a; reenacting Laws 1976, Chapter 127; repealing Minnesota Statutes 1976, Sections 15.055; 17B.22, Subdivision 3; 43.37; 136A.02, Subdivision 2; 144.952; 169.132; Laws 1971, Chapter 427, Section 17; Laws 1974, Chapters 22, Section 5; and 256.

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

The question was taken on the repassage of the bill and the roll was called. There were 124 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Cohen	Johnson	Murphy	Sieben, H.
Adams	Cummiskey	Jude	Neisen	Sieben, M.
Albrecht	Dahl	Kahn	Nelsen, B.	Simoneau
Anderson, B.	Dean	Kaley	Nelsen, M.	Skoglund
Anderson, D.	Den Ouden	Kalis	Nelson	Smogard
Anderson, G.	Eckstein	Kelly, R.	Niehaus	Spanish
Anderson, I.	Eken	Kelly, W.	Norton	Stanton
Anderson, R.	Ellingson	Kempe, R.	Novak	Stoa
Arlandson	Enebo	King	Osthoff	Suss
Battaglia	Erickson	Knickerbocker	Patton	Swanson
Beauchamp	Esau	Kostohryz	Pehler	Tomlinson
Begich	Evans	Kroening	Peterson	Vanasek
Berg	Faricy	Kvam	Petrafeso	Voss
Berglin	Fjoslien	Langseth	Pleasant	Waldorf
Berkelman	Forsythe	Lehto	Prahl	Welch
Biersdorf	Friedrich	Lemke	Rice	Wenstrom
Birnstihl	Fudro	Mangan	Rose	Wenzel
Brandl	Fugina	Mann	St. Onge	White
Byrne	Gunter	McCarron	Sarna	Wieser
Carlson, A.	Haugerud	McCollar	Savelkoul	Wigley
Carlson, D.	Heinitz	McDonald	Scheid	Williamson
Carlson, L.	Hokanson	McEachern	Schulz	Wynia
Casserly	Jacobs	Metzen	Searle	Zubay
Clark	Jaros	Moe	Searles	Speaker Sabo
Clawson	Jensen	Munger	Sherwood	

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. 676, A bill for an act relating to intoxicating liquor; civil liability for illegal sale, barter or gift thereof; amending Minnesota Statutes 1976, Sections 340.95 and 340.951.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Abeln moved that the House concur in the Senate amendments to H. F. No. 676 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 676, A bill for an act relating to intoxicating liquor; civil liability for illegal sale, barter or gift thereof; amending Minnesota Statutes 1976, Sections 340.95 and 340.951.

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

The question was taken on the repassage of the bill and the roll was called. There were 105 yeas and 16 nays as follows:

Those who voted in the affirmative were:

Abeln	Dahl	Jude	Munger	Searle
Adams	Dean	Kahn	Murphy	Searles
Anderson, B.	Den Ouden	Kaley	Neisen	Sherwood
Anderson, G.	Eckstein	Kalis	Nelsen, B.	Simoneau
Anderson, I.	Eken	Kelly, R.	Nelsen, M.	Smogard
Arlandson	Ellingson	Kelly, W.	Nelson	Spanish
Battaglia	Enebo	King	Niehaus	Stanton
Beauchamp	Erickson	Knickerbocker	Norton	Stoa
Begich	Esau	Kostohryz	Novak	Suss
Berkelman	Evans	Kroening	Osthoff	Tomlinson
Biersdorf	Fjoslien	Kvam	Patton	Vanasek
Birnstihl	Forsythe	Langseth	Pehler	Voss
Byrne	Friedrich	Lehto	Peterson	Waldorf
Carlson, A.	Fudro	Lemke	Petrafeso	Welch
Carlson, D.	Fugina	Mangan	Pleasant	Wenstrom
Carlson, L.	Gunter	Mann	Prahl	Wenzel
Casserly	Haugerud	McCarron	Rose	White
Clark	Heinitz	McCollar	St. Onge	Wieser
Clawson	Jacobs	McDonald	Sarna	Wigley
Cohen	Jensen	McEachern	Scheid	Zubay
Cummiskey	Johnson	Metzen	Schulz	Speaker Sabo

Those who voted in the negative were:

Albrecht	Berglin	Kempe, R.	Skoglund	Williamson
Anderson, D.	Faricy	Moe	Swanson	Wynia
Anderson, R.	Hokanson	Sieben, H.		
Berg	Jaros	Sieben, M.		

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. 1004, A bill for an act relating to worker's compensation; limiting expenses and profit includable in workers' compensation insurance premiums; permitting the commissioner of insurance to employ an actuary; including legislators in coverage; requiring owners to elect non-coverage; excluding certain family corporations and certain nonprofit associations from coverage; increasing benefit levels; vesting certain benefits; excluding certain employment; regulating attorney's fees; providing for depending surviving spouses; providing for supplemental benefits; altering notice requirements; providing for the distribution of physician's reports; providing for adjustments to benefit payments; creating a workers' compensation study commission; appropriating money; amending Minnesota Statutes 1976, Sections 79.07; 79.30; 176.011, Subdivisions 9 and 11a; 176.012; 176.021, Subdivision 3; 176.041, Subdivision 1; 176.051; 176.081, Subdivisions 1, 2, 3, 4, and 6; 176.101; 176.111, Subdivisions 6, 11 and 21; 176.132, Subdivisions 1, 2, and 3; 176.141; 176.155, Subdivision 1; 176.221, by adding a subdivision; 176.511, Subdivision 3; 176.645; and Chapter 79 by adding a section; repealing Minnesota Statutes 1976, Sections 176.111, Subdivision 13; and 176.185, Subdivision 8.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Moe moved that the House concur in the Senate amendments to H. F. No. 1004 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1004, A bill for an act relating to worker's compensation; limiting expenses and profit includable in workers' compensation insurance premiums; permitting the commissioner of insurance to employ an actuary; including legislators in coverage; requiring owners to elect non-coverage; excluding certain family corporations and certain nonprofit associations from coverage; increasing benefit levels; vesting certain benefits; excluding certain employment; regulating attorney's fees; providing for depending surviving spouses; providing for supplemental benefits; altering notice requirements; providing for the distribution of physician's reports; providing for adjustments to benefit payments; creating a workers' compensation study commission; appropriating money; amending Minnesota Statutes 1976, Sections 79.07; 79.30; 176.011, Subdivisions 9 and 11a; 176.012; 176.021, Subdivision 3; 176.041, Subdivision 1; 176.051; 176.081, Subdivisions 1, 2, 3, 4, and 6; 176.101; 176.111, Subdivisions 6, 11 and 21; 176.132, Subdivisions 1, 2, and 3; 176.141; 176.155, Subdivision 1; 176.221, by adding a subdivision; 176.511, Subdivision 3; 176.645; and Chapter 79 by adding a section; repealing Minnesota Statutes 1976, Sections 176.111, Subdivision 13; and 176.185, Subdivision 8.

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

The question was taken on the repassage of the bill and the roll was called. There were 75 yeas and 46 nays as follows:

Those who voted in the affirmative were:

Adams	Clark	Jude	Murphy	Sieben, M.
Arlandson	Clawson	Kahn	Nelsen, M.	Simoneau
Battaglia	Cohen	Kelly, R.	Nelson	Skoglund
Beauchamp	Cummiskey	Kelly, W.	Norton	Spanish
Begich	Dahl	Kempe, R.	Novak	Stanton
Berg	Dean	King	Osthoff	Stoa
Berglin	Ellingson	Knickerbocker	Pehler	Swanson
Berkelman	Enebo	Kostohryz	Petrafeso	Tomlinson
Brandl	Ewald	Kroening	Prahl	Waldorf
Brinkman	Fudro	Lehto	Rice	Wenstrom
Byrne	Fugina	Mangan	St. Onge	Wenzel
Carlson, A.	George	McCarron	Sarna	White
Carlson, D.	Hokanson	McEachern	Scheid	Williamson
Carlson, L.	Jacobs	Metzen	Sherwood	Wynia
Cassery	Jaros	Moe	Sieben, H.	Speaker Sabo

Those who voted in the negative were:

Abeln	Eckstein	Jensen	Neisen	Suss
Albrecht	Eken	Johnson	Nelsen, B.	Vanasek
Anderson, B.	Erickson	Kaley	Niehaus	Welch
Anderson, D.	Esau	Kalis	Patton	Wieser
Anderson, G.	Evans	Kvam	Peterson	Wigley
Anderson, I.	Fjoslien	Langseth	Pleasant	Zubay
Anderson, R.	Forsythe	Lemke	Savelkoul	
Biersdorf	Friedrich	Mann	Searle	
Birnstihl	Gunter	McCollar	Searles	
Den Ouden	Heinitz	McDonald	Smogard	

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. 415, A bill for an act relating to collection and dissemination of data; clarifying information practices; defining terms; prescribing remedies; prescribing penalties; appropriating money; amending Minnesota Statutes 1976, Sections 15.1642; 15.165; Chapters 15, by adding sections; and 138, by adding a section; repealing Minnesota Statutes 1976, Sections 15.162; 15.163; 15.1641; 15.166; 15.167; 15.1671; 15.169; 15.17; 15.171; 15.172; 15.173; 15.174; 138.161; 138.162; 138.163; 138.17; 138.18; 138.19; 138.20; 138.21; and 138.22.

PATRICK E. FLAHAVEN, Secretary of the Senate

Hokanson moved that the House refuse to concur in the Senate amendments to H. F. No. 415, that the Speaker appoint a Conference Committee of 5 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 House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested :

H. F. No. 1180, A bill for an act relating to financial institutions; permitting the establishment and operation of electronic funds transfer facilities; prescribing the powers and duties of the commissioner of banks in relation to funds transfer facilities; protecting the privacy and security of customers of financial institutions who use electronic funds transfer facilities; prescribing penalties.

PATRICK E. FLAHAVEN, Secretary of the Senate

Suss moved that the House refuse to concur in the Senate amendments to H. F. No. 1180, that the Speaker appoint a Conference Committee of 5 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 House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested :

H. F. No. 980, A bill for an act relating to public health; regulations for the preservation of public health; authorizing the state board of health to regulate the establishment, operation and maintenance of certain non-hospital clinical laboratories; amending Minnesota Statutes 1976, Section 144.12, Subdivision 1.

PATRICK E. FLAHAVEN, Secretary of the Senate

Scheid moved that the House refuse to concur in the Senate amendments to H. F. No. 980, 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 House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 848, A bill for an act relating to retirement; Minneapolis municipal employees retirement fund; miscellaneous amendments; establishment of a coordinated program; amending Minnesota Statutes 1976, Sections 422A.01, by adding subdivisions; 422A.06, Subdivision 6; 422A.08, Subdivisions 2 and 5; 422A.09, Subdivision 3; 422A.16, by adding a subdivision; 422A.18, Subdivision 2; 422A.23, Subdivision 7, and by adding a subdivision; and Chapters 355, by adding sections; and 422A, by adding sections.

PATRICK E. FLAHAVEN, Secretary of the Senate

Patton moved that the House refuse to concur in the Senate amendments to H. F. No. 848, 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 that the Senate refuses to concur in the House amendment to:

S. F. No. 695, A bill for an act relating to the Como Park zoo; requiring the metropolitan council to issue bonds for repair, construction, reconstruction, improvement, and rehabilitation of the Como Park zoo by the City of Saint Paul; amending Minnesota Statutes 1976, Chapter 473, by adding a section.

And the Senate respectfully requests that a Conference Committee of 3 members be appointed thereon. Messrs. Stumpf, Lewis and Sieloff have been appointed as such committee on the part of the Senate.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

PATRICK E. FLAHAVEN, Secretary of the Senate

Wynia moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee

of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two Houses on S. F. No. 695. The motion prevailed.

Mr. Speaker:

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

S. F. No. 49.

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

PATRICK E. FLAHAVER, Secretary of the Senate

CONFERENCE COMMITTEE REPORT ON S. F. NO. 49

A bill for an act relating to business or agricultural loans; rate of interest therein; amending Minnesota Statutes 1976, Section 334.011, Subdivisions 1 and 4.

May 16, 1977

The Honorable Edward J. Gearty
President of the Senate
The Honorable Martin O. Sabo
Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 49 report that we have agreed upon the items in dispute and recommend as follows:

That the Senate accede to the House amendments and that S. F. No. 49, the unofficial engrossment, be further amended as follows:

Page 1, line 18, delete "*four*" and insert "*four and one-half*".

We request adoption of this report and repassage of the bill.

Senate Conferees: ROGER LAUFENBERGER, MEL FREDERICK and CLARENCE M. PURFEERST.

House Conferees: TED SUSS, GLEN H. ANDERSON and BRUCE G. NELSEN.

Suss moved that the report of the Conference Committee on S. F. No. 49 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 49, A bill for an act relating to business or agricultural loans; rate of interest therein; amending Minnesota Statutes 1976, Section 334.011, Subdivisions 1 and 4.

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

The question was taken on the repassage of the bill and the roll was called. There were 112 yeas and 11 nays as follows:

Those who voted in the affirmative were:

Abeln	Dahl	Kahn	Nelson	Smogard
Adams	Dean	Kaley	Niehaus	Spanish
Anderson, B.	Den Ouden	Kalis	Norton	Stanton
Anderson, D.	Eckstein	Kelly, W.	Novak	Stoa
Anderson, I.	Eken	Kempe, R.	Patton	Suss
Anderson, R.	Ellingson	King	Pehler	Swanson
Arlandson	Enebo	Knickerbocker	Peterson	Tomlinson
Beauchamp	Erickson	Kvam	Petrafaso	Vanasek
Berg	Esau	Langseth	Pleasant	Voss
Berkelman	Evans	Lehto	Prahl	Waldorf
Biersdorf	Fjoslien	Lemke	Rose	Welch
Birnstihl	Friedrich	Mangan	St. Onge	Wenstrom
Brandl	Fudro	Mann	Samuelson	Wenzel
Brinkman	Fugina	McCarron	Sarna	White
Byrne	George	McCollar	Savelkoul	Wieser
Carlson, A.	Gunter	McDonald	Scheid	Wigley
Carlson, D.	Haugerud	McEachern	Schulz	Williamson
Carlson, L.	Heinitz	Metzen	Searle	Wynia
Casserly	Hokanson	Munger	Searles	Zubay
Clark	Jacobs	Murphy	Sherwood	Speaker Sabo
Clawson	Jensen	Neisen	Sieben, H.	
Cohen	Johnson	Nelsen, B.	Sieben, M.	
Cummiskey	Jude	Nelsen, M.	Simoneau	

Those who voted in the negative were:

Battaglia	Faricy	Kostohryz	Rice	Skoglund
Begich	Forsythe	Kroening		
Berglin	Kelly, R.	Osthoff		

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

Mr. Speaker:

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

S. F. No. 826.

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

PATRICK E. FLAHAVEN, Secretary of the Senate

CONFERENCE COMMITTEE REPORT ON S. F. NO. 826

A bill for an act relating to seaway port authorities; personnel; contracts; authorizing port authorities to employ a certified public accountant to audit the books of the authority and authorizing the state auditor to accept such audits in lieu of his audit; amending Minnesota Statutes 1976, Section 458.18.

May 13, 1977

The Honorable Edward J. Gearty
President of the Senate
The Honorable Martin O. Sabo
Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 826 report that we have agreed upon the items in dispute and recommend as follows:

That the house recede from its amendments.

We request adoption of this report and repassage of the bill.

Senate Conferees: JAMES ULLAND, SAM G. SOLON and FLORIAN CHMIELEWSKI.

House Conferees: THOMAS R. BERKELMAN, MIKE JAROS and ARLENE I. LEHTO.

Berkelman moved that the report of the Conference Committee on S. F. No. 826 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 826, A bill for an act relating to seaway port authorities; personnel; contracts; authorizing port authorities to employ a certified public accountant to audit the books of the authority and authorizing the state auditor to accept such audits in lieu of his audit; amending Minnesota Statutes 1976, Section 458.18.

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

The question was taken on the repassage of the bill and the roll was called. There were 125 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Clawson	Johnson	Murphy	Sherwood
Adams	Cohen	Jude	Neisen	Sieben, H.
Albrecht	Cummiskey	Kahn	Nelsen, B.	Sieben, M.
Anderson, B.	Dahl	Kaley	Nelsen, M.	Simoneau
Anderson, D.	Dean	Kalis	Nelson	Skoglund
Anderson, G.	Den Ouden	Kelly, R.	Niehaus	Smogard
Anderson, I.	Eckstein	Kelly, W.	Norton	Spanish
Anderson, R.	Eken	Kempe, R.	Novak	Stanton
Arlandson	Enebo	King	Osthoff	Stoa
Battaglia	Erickson	Knickerbocker	Patton	Suss
Beauchamp	Esau	Kostohryz	Pehler	Swanson
Begich	Evans	Kroening	Peterson	Tomlinson
Berg	Faricy	Kvam	Petrafeso	Vanasek
Berglin	Fjoslien	Langseth	Pleasant	Voss
Berkelman	Forsythe	Lehto	Prahl	Waldorf
Biersdorf	Friedrich	Lemke	Rice	Welch
Birnstihl	Fudro	Mangan	Rose	Wenstrom
Brandl	George	Mann	St. Onge	Wenzel
Brinkman	Gunter	McCarron	Samuelson	White
Byrne	Haugerud	McCollar	Sarna	Wieser
Carlson, A.	Heinitz	McDonald	Savelkoul	Wigley
Carlson, D.	Hokanson	McEachern	Scheid	Williamson
Carlson, L.	Jacobs	Metzen	Schulz	Wynia
Casserly	Jaros	Moe	Searle	Zubay
Clark	Jensen	Munger	Searles	Speaker Sabo

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

Mr. Speaker:

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

S. F. No. 1489.

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

PATRICK E. FLAHAVEN, Secretary of the Senate

CONFERENCE COMMITTEE REPORT ON S. F. NO. 1489

A bill for an act relating to the organization and operation of state government; appropriating money for maintenance of vari-

ous semi-state activities and for other purposes; amending Minnesota Statutes 1976, Sections 139.08, Subdivision 5; 139.10, by adding a subdivision; 343.08; 343.12; 346.216; Chapter 139, by adding sections; repealing Minnesota Statutes 1976, Sections 343.02; and 343.03.

May 11, 1977

The Honorable Edward J. Gearty
President of the Senate
The Honorable Martin O. Sabo
Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 1489 report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments and that S. F. No. 1489, be amended as follows:

Strike everything after the enacting clause and insert:

“Section 1. [SEMI-STATE ACTIVITIES; APPROPRIATIONS.] The sums set forth in the columns designated “APPROPRIATIONS” are appropriated from the general fund, or any other fund designated, to the agencies and for the purposes specified in the following sections of this act, to be available for the fiscal years indicated for each purpose. The figures “1977”, “1978”, and “1979”, wherever used in this act, mean that the appropriation or appropriations listed thereunder are available for the year ending June 30, 1977, June 30, 1978, or June 30, 1979, respectively.

APPROPRIATIONS
Available for the Year
Ending June 30,

	1978	1979
	\$	\$
Sec. 2. GENERAL GOVERNMENT		
Subdivision 1. Great Lakes		
Commission	31,500	

The governor shall review the functions of this agency and shall, using the procedures of Minnesota Statutes, Section 3.30, determine whether this agency should be funded for the second year of the biennium. There is appropriated to the general contingent ac-

	\$ 1978	\$ 1979
count the sum of \$31,500 which may be utilized for the second year of the biennium.		

Subd. 2. Minnesota-Wisconsin Boundary Area Commission	46,300	
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The amount expended shall not exceed the amount provided for the commission by the state of Wisconsin.

Of this appropriation, \$3,800 is money that was previously appropriated to assess recreational watercraft traffic on the lower St. Croix river, but was not spent.

The governor shall review the functions of this agency and shall, using the procedures of Minnesota Statutes, Section 3.30, determine whether this agency should be funded for the second year of the biennium. There is appropriated to the general contingent account the sum of \$46,000 which may be utilized for the second year of the biennium.

Subd. 3. Uniform Laws Commission	11,000	11,000
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Sec. 3. STATE HORTICULTURAL SOCIETY

For maintenance	40,000	40,000
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Sec. 4. EDUCATION, LIBRARIES, MUSEUMS AND RECREATION

Subdivision 1. Minnesota Historical Society

(a) General Operations and Management	2,618,333	2,579,953
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This appropriation includes money for a seven-day-a-week tour program

	1978	1979
	\$	\$

in the capitol and historical buildings. The historical building shall remain open for public use on Saturdays and, if necessary, adjustments in the remainder of the week day schedule may be effected by the Minnesota historical society. Notwithstanding any other laws to the contrary, the society may purchase fire, wind, hail, and vandalism insurance from this appropriation.

Any unencumbered balance remaining at the end of the first year shall be returned to the state treasury and credited to the general fund.

The Minnesota historical society shall report by January 1 of each year to the governor, the commissioners of finance and administration, and the legislature the amount and purpose for which state money was expended for each fiscal year of the biennium.

\$62,500 each year is for the science museum of Minnesota. This appropriation shall be expended according to the provisions of Minnesota Statutes, Section 138.035.

\$45,000 each year is for the government learning center.

\$50,000 each year is for the center for Minnesota Folklife.

(b) Historic Site Operations	3,737,934	2,010,804
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(1) \$300,000 the first year is to identify significant historic sites on a statewide basis and formulate a plan for their preservation. The plan shall be presented to the governor and the legislature by January 1, 1979.

(2) \$1,450,000 for first year is for interpretive center development, to be expended in accordance with the historic interpretation program plan prepared by the society. This appropriation

	1978	1979
	\$	\$

may also be used for matching grants to localities to plan and construct interpretive centers, provided they can demonstrate their ability to operate and maintain the centers.

Any unencumbered balance remaining in (1) or (2) the first year shall not cancel but is available for the second year of the biennium.

(3) \$500,000 each year is for historic site grants to encourage local historic preservation projects. To be eligible for a grant, a county or local project group must provide a 50 percent match, in accordance with the historical society's guidelines.

(c) Sibley House	15,900	16,200
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This appropriation is available for maintenance of the Sibley House and related buildings on the Old Mendota state historic site owned by the Sibley House Association.

The historical society should seek an agreement with the Sibley House Association whereby the historical society will make payments to the Association for this purpose, will provide the Association with technical assistance in applying for federal grants, and will provide professional architectural services to prepare a report to be submitted by January 1, 1979 to the governor and the legislature on the condition of the Sibley House, the Fari-bault House, and other buildings on the site.

Notwithstanding any laws to the contrary, the Sibley House Association may purchase fire, wind, hail, and vandalism insurance, and insurance coverage for fine art objects from this appropriation.

	1978	1979
	\$	\$
Subd. 2. Minnesota Academy of Science	16,200	16,200
Subd. 3. Board of the Arts		
(a) General Support	293,041	304,310
(b) Subsidies and Grants	1,478,704	1,970,399

\$700,000 the first year and \$900,000 the second year is for subsidies to the major arts organizations of the state.

Subsidies may be allocated to arts organizations with consistent state-wide or multi-region impact. Subsidy grants are for the general purposes of the recipient, not for any specific program project. The state arts board shall set guidelines and shall be responsible for the disbursement of subsidy funds.

The board of the arts shall continue to develop regional arts task forces and regional arts councils serving each of the 13 economic development regions of the state. The board shall recognize one task force from each district. The board shall, with the advice of a citizen advisory committee representing each of the 13 regions, establish guidelines for the regional arts task forces and regional arts councils. The regional arts task forces and regional arts councils may establish policy and make decisions on arts programs and grants of local and regional impact under the guidelines established by the board.

The board shall continue to develop a comprehensive statewide information and publicity system and shall include a progress report on its activities in its annual report to the legislature.

The state arts board shall allocate funds for the above purposes provided that no state appropriated funds may be expended for the general administration of any of the regional arts task forces or regional arts councils.

	1978	1979
	\$	\$

State appropriations for grants shall not be expended unless matched by federal money.

Any unencumbered balance remaining in the first year shall not cancel but is available for the second year of the biennium.

Subd. 4. Minnesota Safety Council	47,500	47,500
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This appropriation is from the trunk highway fund and shall be disbursed by the commissioner of finance on certification of need therefor by the president of the Minnesota safety council. The commissioner of finance shall disburse upon certification 25 percent of the annual appropriation on the first day of July, October, January, and April of each fiscal year.

Sec. 5. SOCIAL SECURITY

Subdivision 1. Disabled American Veterans	10,000	10,000
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For salaries, supplies and expenses to be expended as provided by Laws 1941, Chapter 425.

Subd. 2. Veterans of Foreign Wars

For carrying out the provisions of Laws 1945, Chapter 455	10,500	10,500
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Sec. 6. MINNESOTA SOCIETY FOR THE PREVENTION OF CRUELTY

15,000

For 1977 — \$9,222

No state funds shall be expended for the care, feeding, housing, or disposal of animals.

The governor shall review the functions of this agency and shall, using

1978

1979

\$

\$

the procedures of Minnesota Statutes, Section 3.30, determine whether this agency should be funded for the second year of the biennium. There is appropriated to the general contingent account the sum of \$15,000 which may be utilized for the second year of the biennium.

Sec. 7. COUNTY ATTORNEYS COUNCIL 54,976

The governor shall review the functions of this agency and shall, using the procedures of Minnesota Statutes, Section 3.30, determine whether this agency should be funded for the second year of the biennium. There is appropriated to the general contingent account the sum of \$54,976 which may be utilized for the second year of the biennium.

Sec. 8. SOUTHERN MINNESOTA RIVERS BASIN BOARD 42,453

The governor shall review the functions of this agency and shall, using the procedures of Minnesota Statutes, Section 3.30, determine whether this agency should be funded for the second year of the biennium. There is appropriated to the general contingent account the sum of \$43,688 which may be utilized for the second year of the biennium.

Sec. 9. VOYAGEURS NATIONAL PARK ADVISORY COMMITTEE.... 35,000

Any unexpended balance remaining in the first year shall not cancel but shall be available for the second year of the biennium.

Sec. 10. UNEMPLOYMENT COMPENSATION

For 1977 — \$5,090

	1978	1979
	\$	\$

To the commissioner of finance for transfer to the unemployment compensation fund, in reimbursement for unemployment compensation benefits paid to former employees of the following agencies:

Arts Board	\$1,190
County Attorneys' Council	\$3,900

Sec. 11. Minnesota Statutes 1976, Section 139.08, Subdivision 5, is amended to read:

Subd. 5. [REPORTS.] By November 15 of each year, the board shall prepare and deliver to the legislature and the governor a report which shall include the following:

(a) a financial statement showing receipts and disbursements for the year ending the preceding June 30, including a listing of the donors and amounts of gifts to the board or its advisory committees valued in excess of \$1,000;

(b) a brief description of the activities of the board for the preceding year;

(c) the number of meetings and approximate hours spent by board members in meetings and on other board activities;

(d) the names of board members and their addresses, occupations, and dates of appointment and re-appointment to the board;

(e) the names and job classifications of board employees;

(f) a brief summary of board rules proposed or adopted during the period with appropriate citations to the state register and published rules;

(g) the number of requests for assistance received by the board and the number of written and oral complaints received from residents of the state relating to the activities of the board or the performance of the duties of the board as provided in this chapter;

(h) a summary by category of the substance of the complaints and requests referred to in (g) above and the responses of the board thereto;

(i) a listing of all grants, loans or other forms of assistance given by the board. This listing shall indicate (1) the recipients

of board assistance who are members of the board or its advisory committees, and (2) each recipient sponsoring organization having a member of the board or its advisory committees as a director, officer or employee. The indication required in clause (2) shall also specify the name of the member who is the officer, director or employee. *The listing shall also include the amount of money, number of grants, and the basis for the allocations made to major arts organizations, to individuals, for state-wide distribution, for regional distribution, for sponsor assistance to community organizations, and for sponsor assistance to educational organizations.*

Sec. 12. Minnesota Statutes 1976, Section 139.10, is amended by adding a subdivision to read:

Subd. 3. The board shall be responsible for the administration of the professional touring program.

Sec. 13. Minnesota Statutes 1976, Chapter 139, is amended by adding a section to read:

[139.11] [PUBLICATIONS; LEGEND.] *Every publication, program, or other graphic material prepared by the board or prepared for use by any other organization in connection with an activity paid for by the board shall bear the legend: "This activity is made possible in part by a grant provided by the Minnesota state arts board through an appropriation by the Minnesota state legislature."*

Sec. 14. Minnesota Statutes 1976, Section 343.08, is amended to read:

343.08 [BIENNIAL REPORT.] The state bureau of animal protection shall make a biennial report (BEFORE OCTOBER 1,) *by November 15* in each even numbered year, to the secretary of state *and to the legislature,* (EMBRACING) *describing* its (PROCEEDINGS) *budget, expenditures, and activities* for the two preceding (YEAR) *fiscal years,* (AND) *including* statistics showing its work.

Sec. 15. Minnesota Statutes 1976, Section 343.12, is amended to read:

343.12 [DUTIES OF PEACE OFFICERS; FEES.] Upon application of any appointed agent at large or county agent in his county of appointment, it shall be the duty of, any sheriff or his deputy or any police officer to investigate any alleged violation of the law relative to cruelty to animals, and to arrest any person found violating those laws. It shall also be the duty of those officers to take possession of any animals in their respective jurisdictions which have been cruelly treated, and deliver

the same to the proper officers of the (SOCIETY) county for custody and care. (FOR SUCH CARE EXTENDED, THE SOCIETY SHALL BE ALLOWED ITS REASONABLE COSTS WHICH SHALL CONSTITUTE A PART OF THE COSTS TAXED ON CONVICTION.)

Sec. 16. Minnesota Statutes 1976, Section 346.216, is amended to read:

346.216 [EXPENSES OF INVESTIGATION.] The expenses of the investigation authorized by section 346.215 including the fee of the doctor of veterinary medicine, the expenses of keeping or disposing of any animal taken into custody pursuant to such investigation and all other expenses reasonably incident to such investigation shall be (ASSESSED AGAINST THE PERSON ALLEGED TO HAVE VIOLATED SECTION 346.21, IF THE PERSON IS FOUND GUILTY OF SUCH VIOLATION. IF THE PERSON IS FOUND INNOCENT OF SUCH VIOLATION, THE EXPENSES SHALL BE) paid by the county treasurer from the general fund of the county. *If the person alleged to have violated section 346.21 is found guilty of the violation, the county shall have judgment against the guilty person for the amount of the expenses.*

Sec. 17. [REPEALER.] *Minnesota Statutes 1976, Sections 343.02; and 343.03, are repealed."*

Further, amend the title:

Line 8, delete "sections" and insert "a section".

We request adoption of this report and repassage of the bill.

Senate Conferees: JACK I. KLEINBAUM, CLARENCE M. PURFEERST, PETER P. STUMPF, HARMON T. OGDahl and ROBERT O. ASHBACH.

House Conferees: A. J. ECKSTEIN, HAROLD DAHL, WENDELL ERICKSON, JOHN ARLANDSON and WALTER HANSON.

Eckstein moved that the report of the Conference Committee on S. F. No. 1489 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 1489, A bill for an act relating to the organization and operation of state government; appropriating money for maintenance of various semi-state activities and for other purposes; amending Minnesota Statutes 1976, Sections 139.08, Subdivision 5; 139.10, by adding a subdivision; 343.08; 343.12; 346.216; Chapter 139, by adding sections; repealing Minnesota Statutes 1976, Sections 343.02; and 343.03.

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

The question was taken on the repassage of the bill and the roll was called. There were 122 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Clawson	Johnson	Neisen	Sieben, M.
Adams	Cohen	Jude	Nelsen, B.	Simoneau
Albrecht	Dahl	Kahn	Nelsen, M.	Skoglund
Anderson, B.	Dean	Kaley	Nelson	Smogard
Anderson, D.	Den Ouden	Kalis	Niehaus	Spanish
Anderson, G.	Eckstein	Kelly, R.	Norton	Stanton
Anderson, I.	Eken	Kelly, W.	Novak	Stoa
Anderson, R.	Ellingson	Kempe, R.	Osthoff	Suss
Arlandson	Enebo	Knickerbocker	Patton	Swanson
Battaglia	Erickson	Kostohryz	Pehler	Tomlinson
Beauchamp	Esau	Kroening	Peterson	Voss
Begich	Evans	Kvam	Petrafeso	Waldorf
Berg	Faricy	Laidig	Pleasant	Welch
Berglin	Fjoslien	Langseth	Prahl	Wenstrom
Berkelman	Forsythe	Lehto	Rose	Wenzel
Biersdorf	Friedrich	Lemke	St. Onge	White
Birnstihl	Fudro	Mangan	Samuelson	Wieser
Brandl	Fugina	Mann	Sarna	Wigley
Brinkman	George	McCarron	Savelkoul	Williamson
Byrne	Gunter	McCollar	Scheid	Wynia
Carlson, A.	Heinitz	McDonald	Schulz	Zubay
Carlson, D.	Hokanson	McEachern	Searle	Speaker Sabo
Carlson, L.	Jacobs	Metzen	Searles	
Casserly	Jaros	Munger	Sherwood	
Clark	Jensen	Murphy	Sieben, H.	

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

Mr. Speaker:

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

S. F. No. 160.

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. 597.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

S. F. Nos. 266, 809, 1179 and 1236.

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. 90.

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. 743.

PATRICK E. FLAHAVEN, Secretary of the Senate

ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to the Conference Committee on S. F. No. 695:

Wynia, Casserly and Pehler.

The Speaker announced the appointment of the following members of the House to the Conference Committee on H. F. No. 980:

Scheid, Carlson, L., and Heinitz.

The Speaker announced the appointment of the following members of the House to the Conference Committee on H. F. No. 848:

Patton, Moe and Reding.

The Speaker announced the appointment of the following members of the House to the Conference Committee on H. F. No. 415:

Hokanson, Beauchamp, Berglin, Sieben, H., and Dean.

FIRST READING OF SENATE BILLS

S. F. No. 160, A bill for an act relating to the tax court; establishing the tax court as a full time court; creating a small claims division; providing penalties; appropriating money; amending Minnesota Statutes 1976, Sections 15A.083, Subdivision 4; 124.212, Subdivision 11; 271.01, Subdivisions 1 and 4a, and by adding a subdivision; 271.02; 271.04; 271.06, Subdivisions 1, 2, 3, 4, 6, and by adding a subdivision; 271.07; 271.08; 271.09, Subdivisions 1, 2, and 3; 271.10, Subdivision 2; 271.12; 271.13; 271.15; 271.17; 271.18; 271.20; and 490.121, Subdivision 2; and Chapter 271, by adding sections; repealing Minnesota Statutes 1976, Sections 271.001; 271.01, Subdivisions 2, and 2a; 271.11; 271.14; and 271.16.

The bill was read for the first time.

Suss moved that S. F. No. 160 and H. F. No. 68, now on the Technical General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 266, A bill for an act relating to elections; providing for training of all election officials; requiring training prior to service as an election judge; imposing certain duties on the secretary of state and county auditors; providing for assistance to disabled voters; appropriating money; amending Minnesota Statutes 1976, Sections 204A.13, Subdivision 2, and by adding subdivisions; 204A.14, Subdivision 1; 204A.18, by adding a subdivision; 204A.20; 204A.34, Subdivision 2, as amended and Chapter 204A, by adding a section.

The bill was read for the first time.

Lehto moved that S. F. No. 266 and H. F. No. 843, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 809, A bill for an act relating to veterans; authorizing commissioner of veterans affairs to assist in proceedings for upgrading other than honorable discharges; appropriating money; amending Minnesota Statutes 1976, Section 196.05.

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

S. F. No. 1179, A bill for an act relating to savings associations; investments in certain obligations; amending Minnesota Statutes 1976, Section 51A.35.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

S. F. No. 1236, A bill for an act relating to veterans affairs; providing for a study of the need for a veterans facility.

The bill was read for the first time.

Wenstrom moved that S. F. No. 1236 and H. F. No. 898, now on the Technical General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 90, A bill for an act relating to soil and water conservation; adding the commissioner of natural resources as an ex-officio member of the state soil and water conservation board; authorizing a cost-sharing program; clarifying the powers and duties of the state board and local districts; amending ambiguous or redundant provisions; adding a member to the soil and water conservation board temporarily; appropriating funds; amending Minnesota Statutes 1976, Chapter 40, by adding sections; and Sections 40.01, Subdivision 8, and by adding a subdivision; 40.02; 40.03, Subdivisions 1, 2, 3, and 4; and 40.07, Subdivisions 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 14; repealing Minnesota Statutes 1976, Sections 40.005; and 40.07, Subdivision 13.

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

S. F. No. 743, A bill for an act relating to health; establishing a health program for pre-school children; providing for payments to school districts; appropriating money.

The bill was read for the first time.

SUSPENSION OF RULES

Pursuant to Article IV, Section 19, of the Constitution of the state of Minnesota, Byrne moved that the rule therein be suspended and an urgency be declared so that S. F. No. 743 be given its second and third readings and be placed upon its final passage. The motion prevailed.

Byrne moved that the rules of the House be so far suspended that S. F. No. 743 be given its second and third readings and be placed upon its final passage. The motion prevailed.

S. F. No. 743 was read for the second time.

Byrne moved to amend S. F. No. 743, as follows:

Strike everything after the enacting clause and insert:

"Section 1. [STATEMENT OF PURPOSE.] The legislature finds that early detection of children's health and developmental problems can reduce their later need for costly care, minimize their physical and educational handicaps, and aid in their rehabilitation. The purpose of this act is to assist parents and communities in improving the health of Minnesota children and in planning educational and health programs.

Sec. 2. [SCHOOL BOARD RESPONSIBILITIES.] Subdivision 1. Every school board shall provide for a voluntary health and developmental screening program for children once before entering kindergarten; provided, this section of this act shall not be construed to require school boards to screen children who enter kindergarten during fiscal year 1978. This screening program shall be established either by one board or by two or more boards acting in cooperation. In fiscal years 1978 and 1979, the screening programs shall include at least the following components to the extent the school board determines are financially feasible: developmental assessments, hearing and vision screening, dental assessments, and the review of health history and immunization status. In fiscal year 1979, the screening programs shall include at least the following additional components to the extent the school board determines are financially feasible: laboratory tests and nutritional and physical assessments. All screening components shall be consistent with the standards of the state board of health for early and periodic screening programs.

Subd. 2. If any child's screening indicates a condition which requires diagnosis or treatment, his parents shall be notified of the condition and the school board shall ensure that an appropriate follow-up and referral process are available, in accordance with procedures established pursuant to section 3, subdivision 1.

Subd. 3. The school board shall actively encourage participation in the screening program.

Subd. 4. Every school board shall integrate and utilize volunteer screening programs in implementing sections 2 to 4.

Subd. 5. A school board may contract with health care providers to operate the screening programs and shall consult with local societies of health care providers.

Sec. 3. [RESPONSIBILITIES OF STATE BOARD OF EDUCATION AND STATE BOARD OF HEALTH.] Subdivision 1. The state board of education shall adopt rules establishing procedures to assist school boards in implementing the health and developmental screening programs. Before August 15, 1977, the state board of education shall establish these procedures in emergency rules pursuant to section 15.0412, subdivision 5. The state board of education shall consider the standards of the

state board of health for early and periodic screening programs in establishing these procedures.

Subd. 2. The state board of education, in cooperation with the state board of health and health service providers, shall provide information and consultation services to school boards.

Subd. 3. The state board of education, in cooperation with the state board of health, shall report to the legislature by February 1, 1979, on the results of the screening programs in accomplishing the purposes specified in section 1.

Sec. 4. [DATA USE.] Data on individuals collected in screening programs established pursuant to section 2 is private, as defined by section 15.162, subdivision 5a. Individual and summary data shall be reported to the school district by the health provider who performs the screening services, for the purposes of developing appropriate educational programs to meet the individual needs of children and designing appropriate health education programs for the district; provided, no data on an individual shall be disclosed to the district without the consent of that individual's parent or guardian.

Sec. 5. [STATE AID.] The state board of education shall reimburse each school district for the cost of screening services provided pursuant to this act. The reimbursement shall not exceed \$13 per child screened in fiscal year 1978 and \$22 per child screened in fiscal year 1979. Any district may request and receive an advance payment equal to 50 percent of its estimated reimbursement for screening eligible children.

Sec. 6. [APPROPRIATION.] Subdivision 1. The sums set forth in this section are appropriated from the general fund to the agencies and for the purposes indicated, to be available for the fiscal year ending June 30 in the years indicated. Any unencumbered balance remaining in fiscal year 1978 shall not cancel but is available for fiscal year 1979.

	1978	1979
	\$	\$
Subd. 2. Department of Education		
(a) For consultation with school districts and evaluation of screening programs established pursuant to section 3, subdivision 1 . . .	50,000	50,000
The approved complement of the department of education is increased by 2.5 persons.		
(b) For payments to school districts pursuant to section 5	390,000	660,000

	1978	1979
	\$	\$
Subd. 3. Department of Health	50,000	58,000

For training staff to provide screening services, providing technical assistance to screening programs, and monitoring and evaluation of screening programs, all pursuant to this act.

The approved complement of the department of health is increased by 1 clerical position.”

Further amend by striking the title and inserting:

“A bill for an act relating to health; establishing a health program for pre-school children; providing for reimbursement to school districts; appropriating money.”

The motion prevailed and the amendment was adopted.

S. F. No. 743, A bill for an act relating to health; establishing a health program for pre-school children; providing for payments to school districts; appropriating money.

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

The question was taken on the passage of the bill and the roll was called. There were 107 yeas and 15 nays as follows:

Those who voted in the affirmative were:

Abeln	Clark	Jaros	Munger	Simoneau
Adams	Clawson	Jensen	Murphy	Skoglund
Albrecht	Cohen	Johnson	Neisen	Smogard
Anderson, B.	Cummiskey	Jude	Nelsen, B.	Spanish
Anderson, G.	Dahl	Kahn	Nelsen, M.	Stanton
Anderson, I.	Dean	Kaley	Nelson	Stoa
Anderson, R.	Eckstein	Kalis	Norton	Suss
Arlandson	Eken	Kelly, R.	Novak	Tomlinson
Battaglia	Ellingson	Kelly, W.	Osthoff	Vanasek
Beauchamp	Enebo	Kempe, R.	Patton	Waldorf
Begich	Evans	King	Pehler	Welch
Berg	Faricy	Kostohryz	Petrafeso	Wenstrom
Berglin	Fjoslien	Kroening	Pleasant	Wenzel
Berkelman	Friedrich	Langseth	Prah	White
Biersdorf	Fudro	Lehto	Rice	Wieser
Birnstihl	Fugina	Lemke	St. Onge	Williamson
Brandl	George	Mangan	Sarna	Wynia
Byrne	Gunter	Mann	Scheid	Zubay
Carlson, A.	Haugerud	McCarron	Searles	Speaker Sabo
Carlson, D.	Heinitz	McCollar	Sherwood	
Carlson, L.	Hokanson	Metzen	Sieben, H.	
Casserly	Jacobs	Moe	Sieben, M.	

Those who voted in the negative were:

Anderson, D.	Ewald	Kvam	Niehaus	Schulz
Den Ouden	Forsythe	McDonald	Peterson	Searle
Erickson	Knickerbocker	McEachern	Savelkoul	Wigley

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

FIRST READING OF SENATE BILLS, Continued

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

The bill was read for the first time.

SUSPENSION OF RULES

Pursuant to Article IV, Section 19, of the Constitution of the state of Minnesota, Sieben, H., moved that the rule therein be suspended and an urgency be declared so that S. F. No. 597 be given its second and third readings and be placed upon its final passage. The motion prevailed.

Sieben, H., moved that the rules of the House be so far suspended that S. F. No. 597 be given its second and third readings and be placed upon its final passage. The motion prevailed.

S. F. No. 597 was read for the second time.

Sieben, H., moved to amend S. F. No. 597, as follows:

Strike everything after the enacting clause and insert:

“Section 1. [WATERFOWL HABITAT DEVELOPMENT.] The commissioner of natural resources shall establish a program for projects approved by him for the following purposes:

(a) Development of state wetlands and designated waterfowl management lakes for maximum migratory waterfowl production;

(b) Protection and propagation of migratory waterfowl;

(c) Development, restoration, maintenance or preservation of migratory waterfowl habitat; and

(d) Acquisition of structure sites and access thereto.

Sec. 2. [APPROPRIATIONS.] There is appropriated to the commissioner of natural resources from the game and fish fund the sums of \$210,000 for fiscal year 1978 and \$210,000 for fiscal year 1979 for waterfowl habitat improvement. Of these funds not more than ten percent shall be expended for administrative costs."

Further amend by striking the title and inserting:

"A bill for an act relating to game and fish; providing for a program of waterfowl habitat development; appropriating funds."

The motion prevailed and the amendment was adopted.

Sieben, H., moved to amend S. F. No. 597, as amended, as follows:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1976, Chapter 97, is amended by adding a section to read:

[97.4841] [MIGRATORY WATERFOWL STAMPS.] *Subdivision 1. [DEFINITIONS.] As used in this section, the following terms have the meanings given them:*

(a) *"Migratory waterfowl" means brant, ducks, geese and swans.*

(b) *"Stamp" means the state migratory waterfowl stamp issued by the commissioner.*

(c) *"Development" includes, but is not limited to, the construction of dikes, water control structures and impoundments, nest cover, rough fish barriers, acquisition of sites necessary to allow for development, and any and all facilities for the management of existing migratory waterfowl habitat and the creation of migratory waterfowl management lakes.*

Subd. 2. [STAMP REQUIRED.] No person over the age of 18 and under the age of 65 years who is otherwise required to possess a Minnesota small game license shall hunt or take migratory waterfowl within this state without first purchasing a stamp and having the stamp in his possession while hunting or taking migratory waterfowl. Each stamp shall be validated by the signature of the licensee written across its face. The commissioner shall determine the form of the stamp and shall furnish and distribute stamps to county auditors for sale by them and their authorized subagents as prescribed by order of the commissioner. The commissioner shall encourage the purchase of stamps by nonhunters who are interested in the preservation and development of habitat for migratory waterfowl.

Subd. 3. [FEE.] A stamp shall be issued to each small game hunting license applicant or other person interested in waterfowl conservation upon the payment of a fee of \$3. Stamps shall be issued annually and shall be valid from March 1 through the last day of the following February.

Subd. 4. [USE OF REVENUE.] The commissioner shall approve projects for the following purposes:

(a) Development of state wetlands and designated waterfowl management lakes for maximum migratory waterfowl production;

(b) Protection and propagation of migratory waterfowl;

(c) Development, restoration, maintenance or preservation of migratory waterfowl habitat;

(d) Acquisition of structure sites and access thereto; and

(e) Necessary related administrative costs in an amount not to exceed ten percent of the annual deposits into the game and fish fund attributable to the sale of stamps.

Sec. 2. Minnesota Statutes 1976, Chapter 97, is amended by adding a section to read:

[97.432] [AMENDMENT TO LEECH LAKE SETTLEMENT AGREEMENT.] *The commissioner may enter into an agreement with the reservation business committee of the Leech Lake Indian Reservation to amend the settlement agreement adopted in section 97.431 by providing that in lieu of collecting any additional fee in connection with the state waterfowl stamp for the privilege of hunting waterfowl on the Leech Lake Indian Reservation five percent of the proceeds from the sale of said stamp shall be credited to the Leech Lake Band special license account established by section 97.431 and shall be remitted to the Leech Lake reservation business committee in the manner and subject to the terms and conditions provided in section 97.431.*

Sec. 3. Minnesota Statutes 1976, Section 98.46, Subdivision 2a, is amended to read:

Subd. 2a. *The commissioner of natural resources may issue Minnesota sportsman licenses. The licenses shall be issued to residents only. The fee for licenses shall be \$17 if the angling license is for one person and \$19 if the angling license is a combination husband and wife license. These fees do not include the surcharge authorized pursuant to section 97.482 nor the state waterfowl stamp required by section 1 of this act.*

The license shall authorize the licensee to:

- (1) Take small game;
- (2) Take fish by angling;
- (3) Take deer or bear with firearms during the period in which the licensee may take deer; or take deer or bear with bow and arrow during the period in which the licensee may take deer.

Sec. 4. Minnesota Statutes 1976, Section 98.50, Subdivision 5, is amended to read:

Subd. 5. Any resident desiring to sell the licenses referred to in subdivision 1 may either purchase for cash or obtain on consignment license blanks from a county auditor in groups of not less than five non-resident, and ten resident license blanks. In addition to the basic license fee, he shall collect a fee for issuing each license in the amount of 75 cents for the license to take deer and 50 cents for all other licenses. *The state migratory waterfowl stamp required by section 1 of this act shall be considered to be a "license" within the meaning of this subdivision except when such stamp and a small game license are issued in the same transaction in which case the stamp shall be considered a part of the small game license and only one issuing fee shall be collected.* In selling such licenses, he shall be deemed an agent of the county auditor and the commissioner, and he shall observe all rules and regulations promulgated by the commissioner for the accounting for and handling of such licenses.

The county auditor shall promptly deposit all moneys received from the sale of licenses with the county treasurer, and shall promptly transmit such reports as may be required by the commissioner, together with his warrant on the county treasurer for 100 percent of the surcharge imposed by section 97.482 plus 96 percent of the price to the licensee, exclusively of said surcharge and the issuing fee, for each license sold or consigned by him and subsequently sold to a licensee during the accounting period. The county auditor shall retain as his commission four percent of all license fees, excluding issuing fees for licenses consigned to subagents. In addition, for licenses sold for cash directly to the licensee, the auditor shall collect the same issuing fee as a subagent. Unsold license blanks in the hands of any agent shall be redeemed by the commissioner if presented for redemption within the time prescribed by the commissioner therefor. Any license blanks not presented for redemption within the period prescribed shall be conclusively presumed to have been sold, and the agent possessing the same or to whom they are charged shall be accountable therefor. The commissioner shall collect the same issuing fee as a subagent for licenses sold directly through a license distribution center operated by the department of natural resources. The issuing fees so collected by the commissioner shall

be credited to the game and fish fund.

Sec. 5. [APPROPRIATIONS.] *There is appropriated to the commissioner of natural resources from the game and fish fund the sums of \$400,000 for fiscal year 1978 and \$400,000 for fiscal year 1979 for waterfowl habitat improvement. Of these funds, not more than ten percent shall be expended for administrative costs. This amount of money is intended to approximate the amounts of money raised by the sale of stamps.*

Sec. 6. *This act is effective the day following final enactment."*

Further amend by striking the title and inserting:

"A bill for an act relating to game and fish; requiring a migratory waterfowl stamp; providing for the disposition of proceeds; appropriating funds; amending Minnesota Statutes 1976, Chapter 97, by adding sections; Sections 98.46, Subdivision 2a; and 98.50, Subdivision 5."

A roll call was requested and properly seconded.

George was excused between the hours of 2:30 p.m. and 5:15 p.m.

Carlson, D., moved to amend the second Sieben, H., amendment to S. F. No. 597, as follows:

Page 2, delete Subdivision 2 of Section 1.

Page 2, line 19, after "the" insert "voluntary".

A roll call was requested and properly seconded.

The question was taken on the adoption of the Carlson, D., amendment to the second Sieben, H., amendment and the roll was called. There were 48 yeas and 66 nays as follows:

Those who voted in the affirmative were:

Abeln	Carlson, D.	Jude	McCollar	St. Onge
Albrecht	Corbid	Kaley	McDonald	Smogard
Anderson, D.	Dean	Kalis	Murphy	Spanish
Anderson, G.	Eckstein	Kelly, W.	Nelsen, B.	Voss
Anderson, I.	Eken	Kempe, R.	Nelsen, M.	Waldorf
Anderson, R.	Evans	Kroening	Niehaus	Welch
Battaglia	Fjoslien	Kvam	Patton	Wenstrom
Begich	Fugina	Langseth	Pehler	Wigley
Berkelman	Gunter	Lemke	Prahl	
Brinkman	Hanson	McCarron	Rice	

Those who voted in the negative were :

Adams	Cohen	Kahn	Peterson	Swanson
Anderson, B.	Cummiskey	Kelly, R.	Petrafaso	Tomlinson
Arlandson	Dahl	Knickerbocker	Sarna	Vanasek
Berg	Enebo	Laidig	Savelkoul	Wenzel
Berglin	Erickson	Mangan	Scheid	White
Biersdorf	Esau	Mann	Schulz	Wieser
Birnstihl	Faricy	Metzen	Searles	Williamson
Brandl	Forsythe	Moe	Sherwood	Wynia
Byrne	Friedrich	Munger	Sieben, H.	Zubay
Carlson, A.	Fudro	Neisen	Sieben, M.	Speaker Sabo
Carlson, L.	Hokanson	Nelson	Simoneau	
Casserly	Jacobs	Norton	Stanton	
Clark	Jensen	Novak	Stoa	
Clawson	Johnson	Osthoff	Suss	

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

Nelsen, M., offered an amendment to S. F. No. 597.

POINT OF ORDER

Sieben, H., raised a point of order pursuant to rule 3.9 that the Nelsen, M., amendment was out of order. Norton, as Speaker Pro Tempore, ruled the point of order well taken and the amendment out of order.

The question recurred on the adoption of the second Sieben, H., amendment and the roll was called. There were 74 yeas and 39 nays as follows :

Those who voted in the affirmative were :

Adams	Cummiskey	Kahn	Neisen	Smogard
Anderson, B.	Dahl	Kaley	Nelsen, M.	Stanton
Anderson, R.	Dean	Kelly, R.	Norton	Stoa
Arlandson	Den Ouden	Kempe, R.	Novak	Suss
Beauchamp	Ellingson	King	Peterson	Swanson
Berg	Enebo	Knickerbocker	Petrafaso	Tomlinson
Berglin	Erickson	Kostohryz	Sarna	Vanasek
Berkelman	Esau	Laidig	Savelkoul	Waldorf
Biersdorf	Evans	Lehto	Scheid	Wenzel
Birnstihl	Fjoslien	Lemke	Schulz	White
Brandl	Forsythe	Mann	Searle	Williamson
Byrne	Friedrich	McEachern	Sherwood	Wynia
Carlson, A.	Heintz	Metzen	Sieben, H.	Zubay
Carlson, L.	Hokanson	Moe	Sieben, M.	Speaker Sabo
Clark	Jensen	Munger	Simoneau	

Those who voted in the negative were :

Abeln	Begich	Fugina	Kelly, W.	Murphy
Albrecht	Brinkman	Gunter	Kroening	Niehaus
Anderson, D.	Carlson, D.	Haugerud	Langseth	Patton
Anderson, G.	Eckstein	Jacobs	McCarron	Pehler
Anderson, I.	Eken	Jude	McCollar	Pleasant
Battaglia	Fudro	Kalis	McDonald	Prahl

Rice	Skoglund	Voss	Wenstrom	Wigley
St. Onge	Spanish	Welch	Wieser	

The motion prevailed and the amendment was adopted.

Fjoslien moved to amend S. F. No. 597, as amended, as follows:

Page 2, line 16, after the period add "*People who are hunting on their own property shall not be required to possess a Minnesota Waterfowl Stamp.*".

The motion prevailed and the amendment was adopted.

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

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

The question was taken on the passage of the bill and the roll was called. There were 73 yeas and 46 nays as follows:

Those who voted in the affirmative were:

Adams	Cummiskey	Jensen	Munger	Sieben, M.
Anderson, B.	Dahl	Johnson	Neisen	Simoneau
Anderson, R.	Dean	Kahn	Nelsen, M.	Stanton
Arlanson	Den Ouden	Kaley	Norton	Stoa
Berg	Ellingson	Kelly, R.	Novak	Suss
Berglin	Erickson	Kempe, R.	Peterson	Tomlinson
Berkelman	Esau	King	Pleasant	Vanasek
Biersdorf	Farcy	Knickerbocker	Prahl	Waldorf
Birnstihl	Fjoslien	Laidig	Rose	Wenzel
Brandl	Forsythe	Lehto	Sarna	White
Byrne	Friedrich	Mann	Savelkoul	Wynia
Carlson, A.	Gunter	McCollar	Scheid	Zubay
Carlson, L.	Heinitz	McEachern	Searle	Speaker Sabo
Clark	Hokanson	Metzen	Searles	
Clawson	Jaros	Moe	Sieben, H.	

Those who voted in the negative were:

Abeln	Eckstein	Kroening	Pehler	Voss
Albrecht	Eken	Langseth	Rice	Welch
Anderson, D.	Enebo	Lemke	St. Onge	Wenstrom
Anderson, G.	Evans	Mangan	Samuelson	Wieser
Anderson, I.	Fudro	McCarron	Schulz	Wigley
Battaglia	Fugina	McDonald	Sherwood	Williamson
Begich	Jacobs	Murphy	Skoglund	
Brinkman	Jude	Nelsen, B.	Smogard	
Carlson, D.	Kalis	Niehaus	Spanish	
Corbid	Kelly, W.	Patton	Swanson	

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

There being no objection the order of business reverted to Messages from the Senate.

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 File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 1054, A bill for an act relating to welfare; aid to families with dependent children; changing certain eligibility qualifications; amending Minnesota Statutes 1976, Sections 256.-73, Subdivisions 1, 2, 4, and by adding subdivisions; and 256.79.

PATRICK E. FLAHAVEN, Secretary of the Senate

Brandl moved that the House refuse to concur in the Senate amendments to H. F. No. 1054, 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 House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 562, A bill for an act relating to motor vehicles; requiring informational labels on new pickup trucks; providing penalties.

PATRICK E. FLAHAVEN, Secretary of the Senate

Prahl moved that the House refuse to concur in the Senate amendments to H. F. No. 562, 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.

CONSIDERATION UNDER RULE 1.10

Pursuant to rule 1.10, Norton requested immediate consideration of H. F. No. 1252 and S. F. Nos. 73, 1337 and 311.

H. F. No. 1252, A bill for an act relating to the Minnesota state water pollution control fund; clarifying eligibility for 15 percent matching grants financed by the fund; eliminating certain matching grants; authorizing the issuance of Minnesota state water pollution control bonds; appropriating money; amending Minnesota Statutes 1976, Sections 116.16, Subdivision 6; and 116.18, Subdivisions 1 and 4.

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

The question was taken on the passage of the bill and the roll was called. There were 121 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Corbid	Jude	Nelsen, B.	Simoneau
Adams	Cummiskey	Kahn	Nelsen, M.	Skoglund
Albrecht	Dahl	Kaley	Nelson	Smogard
Anderson, B.	Dean	Kalis	Niehaus	Spanish
Anderson, D.	Den Ouden	Kelly, R.	Norton	Stanton
Anderson, I.	Eckstein	Kempe, R.	Novak	Stoa
Anderson, R.	Eken	King	Osthoff	Suss
Arlandson	Ellingson	Knickerbocker	Patton	Swanson
Battaglia	Enebo	Kostohryz	Pehler	Vanasek
Beauchamp	Erickson	Kroening	Petrafeso	Voss
Begich	Evans	Kvam	Pleasant	Waldorf
Berglin	Ewald	Laidig	Prahl	Welch
Berkelman	Faricy	Langseth	Rice	Wenstrom
Biersdorf	Fjoslien	Lehto	Rose	Wenzel
Birnstihl	Forsythe	Lenke	St. Onge	White
Brandl	Friedrich	Mangan	Samuelson	Wieser
Brinkman	Fudro	McCarron	Sarna	Wigley
Byrne	Fugina	McCollar	Savelkoul	Williamson
Carlson, A.	Gunter	McDonald	Scheid	Wynia
Carlson, D.	Hanson	McEachern	Schulz	Zubay
Carlson, L.	Heinitz	Metzen	Searle	Speaker Sabo
Cassery	Hokanson	Moe	Searles	
Clark	Jacobs	Munger	Sherwood	
Clawson	Jaros	Murphy	Sieben, H.	
Cohen	Jensen	Neisen	Sieben, M.	

The bill was passed and its title agreed to.

S. F. No. 73, A bill for an act relating to weather modification; prohibiting the use of cloud seeding apparatus located on the ground; prescribing a penalty.

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

The question was taken on the passage of the bill and the roll was called. There were 120 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Albrecht	Anderson, D.	Anderson, R.	Battaglia
Adams	Anderson, B.	Anderson, I.	Arlandson	Beauchamp

Begich	Erickson	King	Niehaus	Simoneau
Berg	Evans	Knickerbocker	Norton	Skoglund
Berglin	Ewald	Kostohryz	Novak	Smogard
Berkelman	Faricy	Kroening	Osthoff	Spanish
Biersdorf	Fjoslien	Kvam	Patton	Stanton
Birnstihl	Forsythe	Laidig	Pehler	Stoa
Brandl	Friedrich	Langseth	Peterson	Suss
Byrne	Fudro	Lehto	Petrafeso	Swanson
Carlson, A.	Fugina	Lemke	Pleasant	Tomlinson
Carlson, D.	Gunter	Mangan	Prahl	Vanasek
Carlson, L.	Hanson	Mann	Rice	Voss
Cassery	Haugerud	McCarron	Rose	Waldorf
Clawson	Heinitz	McCollar	St. Onge	Welch
Cohen	Hokanson	McDonald	Sarna	Wenstrom
Corbid	Jacobs	McEachern	Savelkoul	Wenzel
Cummiskey	Jaros	Metzen	Scheid	White
Dean	Jude	Moe	Schulz	Wieser
Den Ouden	Kahn	Murphy	Searle	Wigley
Eckstein	Kaley	Neisen	Searles	Williamson
Eken	Kalis	Nelsen, B.	Sherwood	Wynia
Ellingson	Kelly, R.	Nelsen, M.	Sieben, H.	Zubay
Enebo	Kempe, R.	Nelson	Sieben, M.	Speaker Sabo

The bill was passed and its title agreed to.

S. F. No. 1337 was reported to the House.

Zubay moved to amend S. F. No. 1337, the unofficial engrossment, as follows:

Page 21, line 4, reinstate the stricken "\$19,100".

Page 21, line 4, delete "\$21,500".

Page 21, line 5, reinstate the stricken language.

Page 21, line 6, reinstate the stricken language.

The motion prevailed and the amendment was adopted.

S. F. No. 1337, A bill for an act relating to state employees; providing for wage and fringe benefits for certain state employees; ratifying collective bargaining agreements; providing emergency rule making authority; increasing salary ranges; appropriating money; amending Minnesota Statutes 1976, Chapter 43, by adding a section; Sections 43.09, Subdivision 3; 43.12, Subdivisions 2, 3, 5, 6, 7, 8, 10, 11, 14, 16, 17, and 18, and by adding a subdivision; 43.121, Subdivision 3; 43.122, Subdivision 3, and by adding a subdivision; 43.126, Subdivision 1; 43.323, by adding a subdivision; 43.42; 43.44, Subdivision 1; 43.46; and 43.50, Subdivision 1; repealing Minnesota Statutes 1976, Sections 43.09, Subdivision 7; and 43.12, Subdivisions 4 and 9.

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

The question was taken on the passage of the bill and the roll was called. There were 123 yeas and 2 nays as follows:

Those who voted in the affirmative were:

Abeln	Cummiskey	Johnson	Neisen	Sieben, M.
Adams	Dahl	Jude	Nelsen, B.	Simoneau
Anderson, B.	Dean	Kahn	Niehaus	Skoglund
Anderson, D.	Den Ouden	Kaley	Norton	Smogard
Anderson, G.	Eckstein	Kalis	Novak	Spanish
Anderson, I.	Eken	Kelly, R.	Osthoff	Stanton
Anderson, R.	Ellingson	Kelly, W.	Patton	Stoa
Arlandson	Enebo	Kempe, R.	Pehler	Suss
Battaglia	Erickson	King	Peterson	Swanson
Beauchamp	Esau	Knickerbocker	Petrafeso	Tomlinson
Begich	Evans	Kostohryz	Pleasant	Vanasek
Berg	Ewald	Laidig	Prahl	Voss
Berglin	Faricy	Langseth	Reding	Waldorf
Berkelman	Fjoslien	Lehto	Rice	Welch
Birnstihl	Forsythe	Lemke	Rose	Wenstrom
Brandl	Fudro	Mangan	St. Onge	Wenzel
Brinkman	Fugina	Mann	Samuelson	White
Byrne	Gunter	McCarron	Sarna	Wieser
Carlson, A.	Hanson	McCollar	Savelkoul	Wigley
Carlson, D.	Haugerud	McDonald	Scheid	Williamson
Carlson, L.	Heimitz	McEachern	Schulz	Wynia
Cassery	Hokanson	Metzen	Searle	Zubay
Clark	Jacobs	Moe	Searles	Speaker Sabo
Clawson	Jaros	Munger	Sherwood	
Cohen	Jensen	Murphy	Sieben, H.	

Those who voted in the negative were:

Albrecht Kvam

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

S. F. No. 311, A bill for an act relating to courts; providing for the selection of chief judges; permitting the assignment of judges to serve in other judicial districts; prescribing duties of the chief justice; providing for the rotation of the duties of family court in Hennepin county; providing for the rotation of the duties of juvenile court in Hennepin and Ramsey counties; prescribing duties of the supreme court administrator; providing continuous terms of court; providing for the payment of judges' salaries and expenses; abolishing de novo jurisdiction of district courts when hearing appeals; creating the office of district administrator; abolishing the office of justice of the peace; providing for appellate panels in district court; providing for the compensation of certain judges upon compliance with certain provisions of the law; amending Minnesota Statutes 1976, Sections 2.724; 260.021, Subdivisions 2 and 3; 480.15, by adding subdivisions; 480.17; 480.18; 484.08; 484.34; 484.54; 484.62; 484.63; 484.65, Subdivisions 1 and 6; 484.66; 485.01; 485.018, by adding a subdivision; 487.01, Subdivisions 1, 3, 5 and 6; 487.02, Subdivision 1; 487.08; 487.25, Subdivision 6; 487.35, Subdivision 1; 487.39; 488.20; 488A.01, Subdivision 10 and by adding a subdivision; 488A.021, Subdivision 8; 488A.10, Sub-

divisions 1 and 6; 488.111; 488A.12, Subdivision 5; 488A.18, Subdivision 11 and by adding a subdivision; 488A.19, Subdivision 10; 488A.27, Subdivisions 1 and 6; 488A.281; 488A.29, Subdivision 5; and 525.081, Subdivision 7; Chapters 480, by adding a section; 484, by adding a section; 487, by adding a section; and Laws 1977, Chapter 35, Section 18; repealing Minnesota Statutes 1976, Sections 484.05; 484.09; 484.10; 484.11; 484.12; 484.13; 484.14; 484.15; 484.16; 484.17; 484.18; 484.28; 484.29; 484.47; 485.02; 487.03, Subdivision 4; 487.10, Subdivision 6; 487.35, Subdivisions 2, 3, 4, 5 and 6; 487.39, Subdivision 3; 487.41; 488A.01, Subdivision 11; 488A.021, Subdivision 7; 488A.18, Subdivision 12; 488A.19, Subdivisions 8 and 9; 490.124, Subdivision 7; and Chapters 530; 531; 532; and 633.

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

The question was taken on the passage of the bill and the roll was called. There were 106 yeas and 18 nays as follows:

Those who voted in the affirmative were:

Abeln	Dean	Kelly, R.	Nelsen, B.	Smogard
Adams	Eken	Kelly, W.	Nelson	Spanish
Albrecht	Ellingson	Kempe, R.	Norton	Stoa
Anderson, B.	Enebo	King	Novak	Suss
Anderson, R.	Evans	Knickerbocker	Osthoff	Swanson
Arlandson	Faricy	Kostohryz	Patton	Tomlinson
Battaglia	Fjoslien	Kroening	Pehler	Voss
Beauchamp	Forsythe	Kvam	Peterson	Waldorf
Begich	Friedrich	Laidig	Petrafeso	Welch
Berg	Fudro	Langseth	Pleasant	Wenstrom
Berglin	Fugina	Lehto	Reding	Wenzel
Berkelman	Hanson	Mangan	Rice	White
Birnstihl	Heinitz	Mann	Rose	Wieser
Brandl	Hokanson	McCarron	Sarna	Wigley
Byrne	Jacobs	McCollar	Savelkoul	Williamson
Carlson, D.	Jaros	McDonald	Scheid	Wynia
Carlson, L.	Jensen	McEachern	Schulz	Zubay
Casserly	Johnson	Metzen	Searles	Speaker Sabo
Clark	Jude	Moe	Sieben, H.	
Clawson	Kahn	Munger	Sieben, M.	
Cohen	Kaley	Murphy	Simoneau	
Cummiskey	Kalis	Neisen	Skoglund	

Those who voted in the negative were:

Anderson, D.	Den Ouden	Ewald	Niehaus	Stanton
Anderson, G.	Eckstein	Gunter	Prahl	Vanasek
Anderson, I.	Erickson	Lemke	St. Onge	
Carlson, A.	Esau	Nelsen, M.	Searle	

The bill was passed and its title agreed to.

SPECIAL ORDERS

S. F. No. 1087, A bill for an act relating to nonprofit health service plan corporations; modifying retained surplus requirements; amending Minnesota Statutes 1976, Section 62C.09, Subdivision 3.

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

The question was taken on the passage of the bill and the roll was called. There were 126 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Cohen	Jude	Nelsen, B.	Sieben, M.
Adams	Cummiskey	Kahn	Nelsen, M.	Simoneau
Albrecht	Dahl	Kaley	Nelson	Skoglund
Anderson, B.	Dean	Kalis	Niehaus	Smogard
Anderson, D.	Den Ouden	Kelly, R.	Norton	Spanish
Anderson, G.	Eckstein	Kelly, W.	Novak	Stanton
Anderson, I.	Eken	Kempe, R.	Osthoff	Stoa
Anderson, R.	Ellingson	Knickerbocker	Patton	Suss
Arlandson	Enebo	Kostohryz	Pehler	Swanson
Battaglia	Erickson	Kroening	Peterson	Tomlinson
Beauchamp	Esau	Kvam	Petrafeso	Vanasek
Begich	Evans	Laidig	Pleasant	Waldorf
Berg	Ewald	Langseth	Prahl	Welch
Berglin	Faricy	Lehto	Reding	Wenstrom
Berkelman	Fjoslien	Lenke	Rice	Wenzel
Biersdorf	Friedrich	Mangan	Rose	White
Birnstihl	Fudro	Mann	St. Onge	Wieser
Brandl	Fugina	McCarron	Samuelson	Wigley
Brinkman	Gunter	McCollar	Sarna	Williamson
Byrne	Haugerud	McDonald	Savelkoul	Wynia
Carlson, A.	Heinitz	McEachern	Scheid	Zubay
Carlson, D.	Hokanson	Metzen	Schulz	Speaker Sabo
Carlson, L.	Jacobs	Moe	Searle	
Casserly	Jaros	Munger	Searles	
Clark	Jensen	Murphy	Sherwood	
Clawson	Johnson	Neisen	Sieben, H.	

The bill was passed and its title agreed to.

Swanson was excused for the remainder of today's session. Wenstrom was excused between the hours of 5:00 p.m. and 6:30 p.m.

S. F. No. 1165 was reported to the House.

Munger moved to amend S. F. No. 1165, the unofficial engrossment, as follows:

Page 4, line 4, after the period insert "*The commissioner shall commence the chapter 117 proceeding within twenty days of the rejection by the landowner of the highest offer authorized by law or upon the written request of the landowner.*".

The motion prevailed and the amendment was adopted.

Munger moved to amend S. F. No. 1165, the unofficial engrossment, as follows:

Page 3, line 15, delete "*Any*" and insert "*Except as provided in this subdivision, any*".

Page 4, line 17, delete “, of the first generation”.

The motion prevailed and the amendment was adopted.

Sherwood moved to amend S. F. No. 1165, the unofficial engrossment, as follows:

Page 3, line 23, after the comma insert “and except for church owned camps compatible with and complying with Chapter 86A.05 which were founded before the state park boundaries were established.”.

The motion prevailed and the amendment was adopted.

Gunter moved to amend S. F. No. 1165, the unofficial engrossment, as follows:

Page 2, line 10, delete “; repair, expansion or replacement of” and insert “or a”.

Page 2, line 11, delete “homes” and insert “house or” delete “, and construction, repair or replacement of”.

Page 2, line 12, delete “structures” and after “appurtenant” insert “structures” and delete “to single family homes”.

A roll call was requested and properly seconded.

The question was taken on the adoption of amendment and the roll was called. There were 82 yeas and 29 nays as follows:

Those who voted in the affirmative were:

Abeln	Clawson	Jacobs	Metzen	Sieben, M.
Adams	Dean	Jensen	Murphy	Smogard
Albrecht	Den Ouden	Jude	Neisen	Spanish
Anderson, B.	Eckstein	Kaley	Nelsen, B.	Stanton
Anderson, D.	Eken	Kalis	Nelsen, M.	Stoa
Anderson, G.	Ellingson	Kelly, R.	Niehaus	Suss
Anderson, I.	Erickson	Kempe, R.	Peterson	Waldorf
Anderson, R.	Evans	Knickerbocker	Pleasant	Welch
Battaglia	Ewald	Kroening	Prahl	Wenzel
Begich	Fjoslien	Kvam	Rice	White
Berkelman	Forsythe	Laidig	St. Onge	Wieser
Biersdorf	Friedrich	Langseth	Samuelson	Wigley
Birnstihl	Fudro	Lemke	Savelkoul	Williamson
Brinkman	Fugina	Mangan	Scheid	Zubay
Carlson, A.	Gunter	Mann	Schulz	
Carlson, D.	Haugerud	McDonald	Searles	
Carlson, L.	Heinitz	McEachern	Sieben, H.	

Those who voted in the negative were:

Beauchamp	Byrne	Clark	Dahl	Hanson
Berglin	Casserly	Cummiskey	Enebo	Jaros

Johnson	McCarron	Norton	Sarna	Vanasek
Kahn	Moe	Novak	Searle	Wynia
King	Munger	Osthoff	Skoglund	Speaker Sabo
Lehto	Nelson	Pehler	Tomlinson	

The motion prevailed and the amendment was adopted.

Biersdorf moved to amend S. F. No. 1165, the unofficial engrossment, as amended, as follows:

Page 2, line 19, after "kind" insert ", except existing working gravel pits".

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll was called. There were 102 yeas and 13 nays as follows:

Those who voted in the affirmative were:

Adams	Eckstein	Johnson	Munger	Searles
Albrecht	Eken	Jude	Murphy	Sherwood
Anderson, R.	Ellingson	Kaley	Neisen	Sieben, H.
Battaglia	Enebo	Kalis	Nelsen, B.	Sieben, M.
Beauchamp	Erickson	Kelly, W.	Nelsen, M.	Simoneau
Berg	Esau	Kempe, R.	Nelson	Smogard
Berkelman	Evans	King	Niehaus	Spanish
Biersdorf	Ewald	Knickerbocker	Norton	Stanton
Birnstihl	Fjoslien	Kroening	Novak	Stoa
Brinkman	Forsythe	Kvam	Osthoff	Suss
Byrne	Friedrich	Laidig	Patton	Tomlinson
Carlson, A.	Fudro	Langseth	Peterson	Vanasek
Carlson, D.	Fugina	Lehto	Prahl	Voss
Carlson, L.	George	Lemke	Reding	Wenzel
Clark	Gunter	Mangan	Rose	Wieser
Clawson	Hanson	Mann	St. Onge	Wigley
Cohen	Haugerud	McCarron	Samuelson	Zubay
Cummiskey	Heinitz	McCollar	Sarna	Speaker Sabo
Dahl	Hokanson	McDonald	Savelkoul	
Dean	Jacobs	McEachern	Schulz	
Den Ouden	Jensen	Metzen	Searle	

Those who voted in the negative were:

Anderson, D.	Jaros	Kostohryz	Waldorf	Wynia
Anderson, G.	Kahn	Scheid	White	
Brandl	Kelly, R.	Skoglund	Williamson	

The motion prevailed and the amendment was adopted.

Biersdorf moved to amend S. F. No. 1165, the unofficial engrossment, as amended, as follows:

Page 4, line 12, strike "1976" insert "1977".

The motion prevailed and the amendment was adopted.

Spanish moved to amend S. F. No. 1165, the unofficial engrossment, as follows:

Page 5, after line 27 insert:

"Sec. 2. The provisions of this act shall not apply to McCarthy Beach State Park in St. Louis and Itasca counties."

Further, amend the title:

Page 1, line 2 after "resources;" insert "relating to certain".

Page 1, line 3 after "within" insert "certain".

Page 1, line 7 after "within" insert "certain".

A roll call was requested and properly seconded.

Brinkman moved to amend the Spanish amendment to S. F. No. 1165, the unofficial engrossment, as follows:

After "apply to" insert "Scenic State Park and".

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

The question recurred on the adoption of the Spanish amendment and the roll was called. There were 35 yeas and 82 nays as follows:

Those who voted in the affirmative were:

Albrecht	Carlson, D.	Fugina	Niehaus	Samuelson
Anderson, D.	Den Ouden	Gunter	Novak	Savelkoul
Anderson, I.	Erickson	Heinitz	Patton	Spanish
Anderson, R.	Evans	Kaley	Pleasant	Stoa
Battaglia	Fjoslien	Kvam	Prahl	Wenzel
Begich	Forsythe	McDonald	Rice	Wigley
Brinkman	Friedrich	Nelsen, B.	Rose	Zubay

Those who voted in the negative were:

Abeln	Cummiskey	Jaros	Mangan	Petraleso
Adams	Dahl	Jensen	Mann	Reding
Beauchamp	Dean	Johnson	McCarron	Sarna
Berg	Eckstein	Jude	McEachern	Scheid
Berglin	Eken	Kahn	Metzen	Schulz
Berkelman	Ellingson	Kalis	Moe	Searie
Birnstihl	Enebo	Kempe, R.	Munger	Sherwood
Brandl	Esau	King	Murphy	Sieben, H.
Byrne	Ewald	Knickerbocker	Neisen	Sieben, M.
Carlson, A.	Faricy	Kostohryz	Nelsen, M.	Simoneau
Carlson, L.	Fudro	Kroening	Nelson	Skoglund
Casserly	George	Laidig	Norton	Smogard
Clark	Hanson	Langseth	Osthoff	Stanton
Clawson	Haugerud	Lehto	Pehler	Suss
Cohen	Jacobs	Lemke	Peterson	Tomlinson

Waldorf Welch	White Wieser	Williamson	Wynia	Speaker Sabo
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The motion did not prevail and the amendment was not adopted.

Savelkoul moved to amend S. F. No. 1165, the unofficial engrossment, as amended, as follows:

Page 4, after line 23, add a new subdivision to read:

"Subd. 5. Owners of private lands located within state parks on the effective date of this act shall be compensated by the Commissioner of Natural Resources for any lost earnings resulting from regulations imposed by this section if the subject lands are later removed from within state park boundaries."

Page 4, line 24, strike "5" and insert "6".

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll was called. There were 61 yeas and 40 nays as follows:

Those who voted in the affirmative were:

Albrecht	Dean	Haugerud	McDonald	Savelkoul
Anderson, D.	Den Ouden	Heinitz	McEachern	Spanish
Anderson, G.	Eckstein	Johnson	Murphy	Stanton
Anderson, I.	Erickson	Jude	Nelsen, B.	Tomlinson
Anderson, R.	Evans	Kaley	Nelsen, M.	Wenstrom
Battaglia	Ewald	Kalis	Niehaus	Wenzel
Begich	Faricy	Kelly, W.	Patton	Wieser
Biersdorf	Fjoslien	Knickerbocker	Peterson	Wigley
Brinkman	Forsythe	Kroening	Pleasant	Zubay
Carlson, A.	Friedrich	Kvam	Prahl	
Carlson, D.	Fugina	Laidig	Rose	
Clawson	Gunter	Lemke	St. Onge	
Corbid	Hanson	Mangan	Samuelson	

Those who voted in the negative were:

Abeln	Cohen	King	Novak	Skoglund
Beauchamp	Cummiskey	Kostohryz	Osthoff	Stoa
Berglin	Dahl	Lehto	Pehler	Suss
Berkelman	George	Mann	Sarna	Voss
Byrne	Jaros	McCollar	Schulz	Waldorf
Carlson, L.	Jensen	Munger	Sieben, H.	Williamson
Cassery	Kahn	Neisen	Sieben, M.	Wynia
Clark	Kempe, R.	Nelson	Simoneau	Speaker Sabo

The motion prevailed and the amendment was adopted.

Savelkoul moved to amend S. F. No. 1165, the unofficial engrossment, as amended, as follows:

Page 4, line 23, after "section" insert " *, unless the contract for deed has been filed with the county recorder within 15 days of execution*".

Cummiskey moved to amend the second Savelkoul amendment to S. F. No. 1165, the unofficial engrossment, as amended, as follows:

After "execution" insert "*or within 60 days of the effective date of this act if executed before the effective date of this act*".

The motion prevailed and the amendment to the amendment was adopted.

The question recurred on the Savelkoul amendment, as amended. The motion prevailed and the amendment, as amended, was adopted.

Carlson, A.; Anderson, G.; Battaglia; Fjoslien; McDonald and Wieser moved to amend S. F. No. 1165, the unofficial engrossment, as amended, as follows:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1976, Chapter 85, is amended by adding a section to read:

[85.23] [LANDS, STATE PARKS.] *Subdivision 1. [COMPATIBLE USES.] The use and occupancy of privately owned lands within the boundaries of state parks as designated by the legislature shall be limited to uses compatible with the purposes of the park. No incompatible uses as provided herein shall be permitted. In general, use of land within parks shall be limited to existing uses and to agricultural, recreational and residential uses. Impermissible, incompatible uses include the following:*

(a) *Construction of any new improvements or structures on the land. Provided that construction, repair or replacement of agricultural buildings and other agricultural improvements, or a single family house and appurtenant structures, or existing recreational camps is expressly permitted;*

(b) *Logging or removal of timber unless approved by the state forester under a qualified forest management plan, except for incidental collection of firewood, removal of diseased or dying timber, or removal of timber creating an unsafe condition;*

(c) *Mineral excavation of any kind except existing working gravel pits;*

(d) *Any change in land use to a use different from that specified in these limitations.*

Subd. 2. [EXISTING INCOMPATIBLE USES.] Existing incompatible uses, except for logging or mineral excavation, shall be permitted to continue, but no expansion of such use shall be allowed. The commissioner shall provide written notice 30 days after the effective day of this act to any landowner whose logging or mineral excavation uses are determined to be incompatible as specified in subdivision 1.

Subd. 3. [SALE.] Upon the written request of a landowner of private lands within the legislatively designated boundaries of state parks, the commissioner may purchase such land, the appurtenant structures thereon or both. Upon sale or transfer to the commissioner, the commissioner shall pay to the landowner the fair market value of the property on the date of acquisition, less the fair market value on such date of any right retained by the landowner. In the event the commissioner and landowner or estate cannot agree as to the fair market value acquisition price, the parties by mutual agreement may enter into a condemnation proceeding pursuant to Minnesota Statutes, Chapter 117.

Subd. 4. [DEFINITION.] For purposes of this section, "landowner" means the fee owner, a person purchasing on a contract for deed pursuant to which fee title will be transferred to the purchaser, or the owner of a life estate interest, a leasehold interest, or the owner of a remainder interest in the land, structures thereon or both.

Subd. 5. [INJUNCTIVE RELIEF.] If any provision of this section is violated, the commissioner of natural resources shall have the authority to enjoin violation by applying to the district court of the county in which the land is located for injunctive relief.

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

Further amend by striking the title and inserting:

"A bill for an act relating to natural resources, state parks; requiring compatible uses of private lands within state parks; providing the commissioner of natural resources with authority to enforce compatible use standards; providing for the sale of private land within parks; amending Minnesota Statutes 1976, Chapter 85, by adding a section."

A roll call was requested and properly seconded.

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

The question was taken on the adoption of the amendment and the roll was called. There were 61 yeas and 58 nays as follows:

Those who voted in the affirmative were:

Albrecht	Den Ouden	Heinitz	Murphy	Simoneau
Anderson, B.	Eckstein	Hokanson	Nelsen, B.	Smogard
Anderson, D.	Eken	Johnson	Nelsen, M.	Spanish
Anderson, G.	Erickson	Kaley	Niehaus	Suss
Anderson, R.	Esau	Kalis	Peterson	Welch
Arlandson	Evans	Kelly, W.	Pleasant	Wenzel
Battaglia	Ewald	Kvam	Prahl	Wieser
Begich	Fjoslien	Langseth	Rose	Wigley
Biersdorf	Forsythe	Lemke	St. Onge	Zubay
Birnsthil	Friedrich	Mangan	Samuelson	
Brinkman	Fudro	McDonald	Savelkoul	
Carlson, A.	Gunter	McEachern	Schulz	
Carlson, D.	Haugerud	Metzen	Searles	

Those who voted in the negative were:

Abeln	Cohen	Kahn	Nelson	Skoglund
Anderson, I.	Cummiskey	Kelly, R.	Norton	Stanton
Beauchamp	Dahl	Kempe, R.	Novak	Stoa
Berg	Dean	King	Osthoff	Tomlinson
Berglin	Ellingson	Knickerbocker	Pehler	Vanasek
Berkelman	Enebo	Kostohryz	Petrafeso	Voss
Brandl	Faricy	Laidig	Reding	Waldorf
Byrne	Fugina	Lehto	Sarna	Williamson
Carlson, L.	George	McCarron	Scheid	Wynia
Casserly	Hanson	Moe	Searle	Speaker Sabo
Clark	Jaros	Munger	Sherwood	
Clawson	Jude	Neisen	Sieben, M.	

The motion prevailed and the amendment was adopted.

There being no objection, S. F. No. 1165, the unofficial engrossment, as amended, was continued on Special Orders for one day.

Anderson, I., moved that the remaining bills on Special Orders for today be continued on Special Orders for Thursday, May 19, 1977, immediately following the Consent Calendar. The motion prevailed.

There being no objection the order of business reverted to Reports of Standing Committees.

REPORTS OF STANDING COMMITTEES

Norton from the Committee on Appropriations to which was referred:

H. F. No. 15, A bill for an act relating to parks; appropriating money for the development of recreation facilities for the handicapped at Islands of Peace park.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert the following:

“Section 1. [RECREATION FACILITIES FOR THE HANDICAPPED; APPROPRIATION.] There is appropriated from the general fund in the state treasury to the state planning agency the sum of \$150,000 to be used to develop recreation facilities which demonstrate the feasibility of meeting the special needs of handicapped persons at Islands of Peace park in the city of Fridley. This appropriation is available until the project is completed or abandoned.

The director of the state planning agency shall not allocate any funds to any local unit of government until (1) the commissioner of natural resources has approved a detailed work program proposed by the local unit of government; and (2) the sum of \$50,000 has been raised from other public or private sources for the purposes of this act. Local units of government receiving funds from the state planning agency under this section shall be responsible for the continued operation and maintenance of the land and facilities. If a local unit of government which received funds under this section fails to satisfy this responsibility, the structures and real property within Islands of Peace park purchased with funds under this section and any unexpended funds received pursuant to this section shall revert to the state.”.

With the recommendation that when so amended the bill pass.

The report was adopted.

Norton from the Committee on Appropriations to which was referred:

H. F. No. 26, A bill for an act relating to labor; granting public employees paid leaves of absence to engage in world athletic competition.

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

The report was adopted.

Norton from the Committee on Appropriations to which was referred:

H. F. No. 917, A bill for an act relating to public welfare; appropriating money for the Vinland National Center.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert:

“Section 1. Subdivision 1. Vinland National Center shall be established in Minnesota to serve as a health resource, educa-

tion and training center. The primary focus of the activities of the center shall be in the areas of health education, health promotion, and health recreation. The center shall serve health service providers, handicapped persons and other health service consumers.

Subd. 2. The plans for the Vinland National Center shall be submitted to the chairman of the house appropriations committee and the chairman of the senate finance committee for review and comment prior to the making of any binding commitment for the construction of any facility and prior to the making of any final decision on the plan of operation of the center.

Subd. 3. No money shall be expended for construction of the Vinland National Center until a certificate of need has been obtained pursuant to Minnesota Statutes, Sections 145.72 to 145.83.

Sec. 2. There is appropriated from the general fund to the commissioner of public welfare up to \$200,000 for the purposes of section 1. These funds shall be available to the commissioner of public welfare until expended.”

With the recommendation that when so amended the bill pass.

The report was adopted.

Norton from the Committee on Appropriations to which was referred:

H. F. No. 1547, A bill for an act relating to public welfare; providing for payment of the costs of certain care and treatment for mentally retarded, epileptic and emotionally handicapped children; requiring the parents and child to provide reimbursement for certain care and treatment; amending Minnesota Statutes 1976, Sections 246.51; and 252.27, Subdivisions 1 and 2.

Reported the same back with the following amendments:

Page 2, line 21, delete the new comma and reinstate “or”.

Page 2, line 22, delete “*or who has cerebral palsy*”.

Page 3, line 10, reinstate “or other” and insert “*emotional*”.

With the recommendation that when so amended the bill pass.

The report was adopted.

Norton from the Committee on Appropriations to which was referred:

S. F. No. 65, A bill for an act relating to crimes and corrections; sentencing and post conviction disposition of criminal offenders; transferring the powers and duties of the Minnesota corrections board to the commissioner of corrections; abolishing the Minnesota corrections board; providing for determinate sentencing; providing for a mutual agreement program; appropriating money; amending Minnesota Statutes 1976, Sections 152.15, Subdivisions 1, 2 and 3; 299F.811; 299F.815, Subdivision 1; 401.13; 609.03; 609.10; 609.135, Subdivisions 1 and 2; 609.145, Subdivision 1; 609.165, Subdivision 2; 609.17, Subdivision 4; 609.175, Subdivision 2; 609.18; 609.185; 609.19; 609.195; 609.20; 609.205; 609.21; 609.215; 609.225; 609.235; 609.24; 609.245; 609.25, Subdivision 2; 609.255; 609.26; 609.27, Subdivision 2; 609.31; 609.32; 609.342; 609.343; 609.344; 609.345; 609.355, Subdivision 2; 609.365; 609.375, Subdivision 2; 609.39; 609.395; 609.405, Subdivision 2; 609.42, Subdivision 1; 609.425; 609.445; 609.455; 609.465; 609.466; 609.48, Subdivisions 1 and 4; 609.485, Subdivision 4; 609.495, Subdivision 1; 609.498, Subdivision 1; 609.52, Subdivisions 2 and 3; 609.521; 609.525, Subdivision 1; 609.53, Subdivisions 1 and 3; 609.54; 609.55, Subdivision 2; 609.551, Subdivision 1; 609.561; 609.562; 609.563, Subdivision 1; 609.576; 609.58, Subdivision 2; 609.59; 609.595, Subdivision 1; 609.60; 609.611; 609.615; 609.62, Subdivision 2; 609.625; 609.63; 609.635; 609.64; 609.645; 609.65; 609.67, Subdivision 2; 609.71; 609.713; 609.785; 609.82; 609.825, Subdivision 2; 609.83; and Chapter 609, by adding a section; repealing Minnesota Statutes 1976, Sections 152.15, Subdivisions 4 and 5; 241.045; 242.24; 243.06; 243.14; 243.18; 246.43; 609.11; 609.155; 609.16; 609.293, Subdivisions 2, 3, and 4; and 609.346.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1976, Section 152.15, Subdivision 1, is amended to read:

152.15 [VIOLATIONS; PENALTIES.] Subdivision 1. Any person who violates section 152.09, subdivision 1, clause (1) with respect to:

(1) A controlled substance classified in Schedule I or II which is a narcotic drug, is guilty of a crime and upon conviction (MAY) *shall* be imprisoned for (NOT MORE THAN 15 YEARS OR FINED NOT MORE THAN \$25,000, OR BOTH FOR A FIRST VIOLATION, AND FOR A SECOND OR SUBSEQUENT VIOLATION, UPON CONVICTION, SHALL BE IMPRISONED FOR NOT LESS THAN ONE YEAR NOR MORE THAN 30 YEARS OR FINED NOT MORE THAN \$50,000, OR BOTH) *six years*;

(2) Any other controlled substance classified in Schedule I, II, or III, is guilty of a crime and upon conviction (MAY) *shall* be imprisoned for (NOT MORE THAN FIVE YEARS, FINED NOT MORE THAN \$15,000, OR BOTH FOR A FIRST VIOLATION, AND FOR A SECOND OR SUBSEQUENT VIOLATION, UPON CONVICTION, SHALL BE IMPRISONED FOR NOT LESS THAN ONE YEAR NOR MORE THAN TEN YEARS OR FINED NOT MORE THAN \$30,000, OR BOTH) *two years*;

(3) A substance classified in Schedule IV, is guilty of a crime and upon conviction (MAY) *shall* be imprisoned for (NOT MORE THAN THREE YEARS, FINED NOT MORE THAN \$10,000, OR BOTH FOR A FIRST VIOLATION, AND FOR A SECOND OR SUBSEQUENT VIOLATION, UPON CONVICTION, SHALL BE IMPRISONED FOR NOT LESS THAN SIX MONTHS NOR MORE THAN SIX YEARS OR FINED NOT MORE THAN \$20,000, OR BOTH) *one year and one day*;

(4) A substance classified in Schedule V, is guilty of a crime and upon conviction may be imprisoned for not more than one year, fined not more than \$1,000, or both;

(5) The distribution of a small amount of marijuana for no remuneration, shall be treated as provided in subdivision 2, clause (5).

Sec. 2. Minnesota Statutes 1976, Section 152.15, Subdivision 2, is amended to read:

Subd. 2. Any person who violates section 152.09, subdivision 1, clause (2), with respect to:

(1) A controlled substance classified in Schedule I or II which is a narcotic drug, is guilty of a crime and upon conviction (MAY) *shall* be imprisoned for (NOT MORE THAN FIVE YEARS OR FINED NOT MORE THAN \$5,000, OR BOTH) *two years*;

(2) Any other controlled substance classified in Schedule I, II, or III, except small amounts of marijuana, is guilty of a crime and upon conviction (MAY) *shall* be imprisoned for (NOT MORE THAN THREE YEARS, FINED NOT MORE THAN \$3,000, OR BOTH) *one year and one day*;

(3) A substance classified in Schedule IV, is guilty of a crime and upon conviction (MAY) *shall* be imprisoned for (NOT MORE THAN THREE YEARS, FINED NOT MORE THAN \$3,000, OR BOTH) *one year and one day*;

(4) A substance classified in Schedule V, is guilty of a crime and upon conviction may be imprisoned for not more

than one year, fined not more than \$1,000, or both; provided, however, that any person convicted under this section of possessing a substance classified under Schedule V, and placed on probation may be required to take part in a drug education program as specified by the court;

(5) A small amount of marijuana is guilty of a petty misdemeanor punishable by a fine of up to \$100 and participation in a drug education program unless the court enters a written finding that such a program is inappropriate, said program being approved by an area mental health board with a curriculum approved by the state alcohol and drug abuse authority. A subsequent violation of this clause within two years is a misdemeanor, and a person so convicted shall be required to participate in a chemical dependency evaluation and treatment if so indicated by the evaluation. Upon a first conviction under this section the courts shall forward a report of said conviction to the department of public safety which shall make and maintain a private, nonpublic, record for a period not to exceed two years from the date of conviction. The private, nonpublic record shall be solely for use by the courts in determining the penalties which attach upon conviction under this section.

Additionally a person who is the owner of a private motor vehicle, or the driver of the motor vehicle if the owner is not present, and who possesses on his person or knowingly keeps or allows to be kept in a motor vehicle within the area of the vehicle normally occupied by the driver or passengers more than .05 ounce of marijuana is guilty of a misdemeanor. This area of the vehicle shall not include the trunk of the motor vehicle when such vehicle is equipped with a trunk or another area of the vehicle not normally occupied by the driver or passengers if the vehicle is not equipped with a trunk. A utility or glove compartment shall be deemed to be within the area occupied by the driver and passengers.

(6) In any case in which a defendant is convicted of a petty misdemeanor under the provisions of clause (5) and willfully and intentionally fails to comply with the sentence imposed, said defendant shall be guilty of a misdemeanor.

(7) Compliance with the terms of any sentence imposed for violation of clause (5) before conviction under clause (6) shall be an absolute defense.

Sec. 3. Minnesota Statutes 1976, Section 152.15, Subdivision 3, is amended to read:

Subd. 3. Any person who violates section 152.09, subdivision 2, is guilty of a crime and upon conviction (MAY) *shall* be imprisoned for (NOT MORE THAN FOUR YEARS, OR FINED NOT MORE THAN \$30,000, OR BOTH) *one year and six months.*

Sec. 4. [DEFINITIONS.] *Subdivision 1. For purposes of sections 4 to 12, the following terms shall have the meanings given them.*

Subd. 2. "Inmate" means any person convicted of a felony and confined in a state correctional institution or released from a state correctional institution pursuant to sections 9 or 10.

Subd. 3. "Commissioner" means the commissioner of corrections or his designee.

Subd. 4. "Correctional institution" means any state institution under the operational authority of the commissioner of corrections.

Subd. 5. "Board" means the Minnesota corrections board created by section 241.045.

Subd. 6. "Ombudsman" means the ombudsman for the department of corrections or his designee.

Subd. 7. "Good time" means the period of time by which an inmate's sentence is reduced pursuant to section 8.

Sec. 5. [DETERMINATE SENTENCING.] *After a person has been convicted of a felony and sentenced to imprisonment, the court shall immediately place that person in the custody of the commissioner. That person shall serve the sentence imposed by the court for the crime of his conviction and he shall not be paroled or otherwise released from the correctional institution wherein he is confined until that sentence expires, except as is provided in sections 9 and 10, and except as his sentence is reduced by any good time earned.*

Sec. 6. [MUTUAL AGREEMENT PROGRAMS.] *Subdivision 1. Within seven days after the commissioner assumes custody of an inmate, he shall inform the inmate of the availability and scope of mutual agreement programs and of the fact that participation by the inmate is optional and has no effect on the length of his sentence. If on his own motion the inmate expresses a desire to enter into a mutual agreement program, the commissioner shall draft one for the inmate within 90 days after receiving a request to do so from the inmate. The mutual agreement program shall be drafted after a post-conviction investigation of the inmate has been made by the commissioner. In drafting a mutual agreement program, the commissioner shall also refer to any presentence investigation which has been made of the inmate. The agreement shall provide the following:*

(a) A program of vocational or educational training with specific chronological and achievement objectives, including completion of specified educational and vocational programs;

(b) *Frequent and regular evaluation of the inmate by the commissioner; and*

(c) *A consideration of any educational qualifications or skills of the inmate when specifying certain types of work expectations.*

In addition, the agreement may specify participation of the inmate in noninstitutional or extra-institutional programs pursuant to the provisions of section 9. The participation of inmates in the mutual agreement program shall be limited by the appropriations made for that purpose.

Subd. 2. The inmate may decline to enter into the agreement drafted by the commissioner. Failure to enter into an agreement shall not affect the earning of good time by an inmate pursuant to section 8, nor shall violation of the terms of the agreement by an inmate constitute a disciplinary offense which may result in the loss of good time. Whether or not an inmate consents to participate in a mutual agreement program, he shall serve the sentence imposed by the sentencing court, reduced by good time earned. Failure of an inmate to enter a mutual agreement program shall not effect the board's determination as to whether an inmate should be placed on conditional release.

Subd. 3. The inmate shall have the right to appeal to the ombudsman if he believes the terms of his agreement have been or are being violated. The ombudsman shall promptly investigate any appeal filed under this subdivision and shall recommend that the commissioner take appropriate action if the ombudsman determines the terms of the mutual agreement program have been or are being violated.

Subd. 4. The inmate and his counsel shall be informed of the existence of and have the right to inspect all records and evaluations of the inmate's participation in the mutual agreement program.

Sec. 7. [VOLUNTARY PROGRAMS.] *The commissioner shall provide appropriate mental health programs and vocational and educational programs with employment-related goals for inmates who desire to voluntarily participate in such programs. The selection, design and implementation of programs under this section shall be the sole responsibility of the commissioner, acting within the limitations imposed on him by the funds appropriated for such programs.*

No action challenging the level of expenditures for programs authorized under this subdivision, nor any action challenging the selection, design or implementation of those programs, may be maintained by an inmate in any court in this state.

Sec. 8. [GOOD TIME.] *Subdivision 1. Each sentence imposed by a court for a felony offense shall be reduced in duration by one day for each day during which the inmate violates none of the disciplinary offense rules promulgated by the commissioner pursuant to subdivision 2 of this section.*

If an inmate violates a disciplinary offense rule promulgated pursuant to subdivision 2, good time earned prior to the violation may be taken away or the inmate may be required to serve an appropriate portion of his sentence after the violation without earning good time.

Subd. 2. *By December 31, 1978, the commissioner shall promulgate, pursuant to Minnesota Statutes, Chapter 15, rules specifying disciplinary offenses which may result in the loss of good time and the amount of good time which may be lost as a result of each disciplinary offense. In no case shall an individual disciplinary offense result in the loss of more than 90 days of good time. The loss of good time shall be considered to be a disciplinary sanction imposed upon an inmate, and the procedure for loss of good time and the rights of the inmate in the procedure shall be those in effect for the imposition of other disciplinary sanctions at each state correctional institution.*

Sec. 9. [CONDITIONAL RELEASE.] *Subdivision 1. If an inmate's agreement program requires participation in noninstitutional or extra-institutional programs, or the Minnesota corrections board determines that an inmate should participate in noninstitutional or extra-institutional programs with reintegration, educational or vocational objectives, and the inmate consents to participate in these programs, the Minnesota corrections board may conditionally release the participating inmate. An inmate may be conditionally released as follows: if the inmate is sentenced to less than ten years of imprisonment, he may be released during the last two years of the sentence imposed upon him; if the inmate is sentenced to ten or more years of imprisonment, he may be released during the last three years of his sentence.*

Subd. 2. *When consistent with the public interest, the Minnesota corrections board may grant one or more furloughs not to exceed ten days in length each to an inmate who has been conditionally released pursuant to subdivision 1 of this section.*

Subd. 3. *The commissioner shall promulgate rules for the placement and supervision of inmates who are conditionally released. The rules shall include, but not be limited to, provisions relating to the use of local detention facilities, the distribution of inmate wages or other earnings during the period of conditional release, the payment of room and board by inmates, and procedures for the revocation of conditional releases. Procedures for the revocation of conditional releases shall provide due process of law for the inmate.*

Sec. 10. [FURLOUGHS.] *If consistent with the public interest, the Minnesota corrections board may, under rules prescribed by the commissioner furlough any inmate in his custody to any point within the state for up to five days. A furlough may be granted to assist the inmate with family needs, personal health needs, or his reintegration into society. No inmate may receive more than three furloughs under this section within any 12 month period.*

Sec. 11. [POST-RELEASE PROGRAM.] *Upon the completion of the term to which an inmate has been sentenced, as reduced by any good time earned, the commissioner shall offer to the inmate a voluntary program not to exceed six months in length and designed to facilitate reintegration of the inmate into society. The program may include assistance such as aid in finding employment and housing. The program shall be available only to the extent made feasible by appropriations made for that purpose.*

Sec. 12. [241.046] [LIMITATION OF POWERS AND DUTIES OF MINNESOTA CORRECTIONS BOARD.] *Subdivision 1. Except as provided in this section, the provisions of sections 1 to 102 shall not apply to persons convicted of a felony committed on or before December 31, 1978.*

Subd. 2. The Minnesota corrections board shall retain all powers and duties vested in and imposed upon it with relation to persons sentenced for crimes committed on or before December 31, 1978. After December 31, 1978, the board shall have only those powers and duties imposed upon it by the act.

Subd. 3. The provisions of sections 1 to 102 shall apply to all persons convicted of a felony committed after December 31, 1978.

Subd. 4. Nothing in sections 1 to 106 shall be deemed to limit the powers and duties otherwise provided by law to the commissioner of corrections with regard to the management of correctional institutions or the disposition of inmates unless those powers and duties are inconsistent with the provisions of sections 1 to 106, in which case those powers and duties shall be superseded by the provisions of sections 1 to 106.

Subd. 6. The Minnesota corrections board shall take into consideration, but in no way be bound by the sentence terms provided in sections 1 to 106, and the penal philosophy therein embodied in its deliberations relative to parole, probation, release, or other disposition of inmates who commit the crimes giving rise to their sentences on or before December 31, 1978. Inmates convicted of crimes committed on or before December 31, 1978 for which a minimum sentence is prescribed by the law in effect at the time of the commission of the crime shall serve at least that minimum sentence.

Subd. 7. The board may give extraordinary release to an inmate for reasons of serious health problems or old age. The commissioner shall promulgate rules specifying the circumstances under which extraordinary release shall be granted and the appropriate procedures for granting the same.

Sec. 13. Minnesota Statutes 1976, Section 299F.811, is amended to read:

299F.811 [POSSESSION OF EXPLOSIVES OR INCENDIARY DEVICES.] Whoever possesses, manufactures, or transports any explosive compound, timing or detonating device for use with any explosive compound or incendiary device and either intends to use the explosive or device to commit a crime or knows that another intends to use the explosive or device to commit a crime, (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN FIVE YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$5,000 OR BOTH) *two years*.

Sec. 14. Minnesota Statutes 1976, Section 299F.815, Subdivision 1, is amended to read:

299F.815 [POSSESSION OF A CHEMICAL IGNITING DEVICE OR MOLOTOV COCKTAIL.] Subdivision 1. Whoever shall possess, manufacture, transport, or store a chemical self-igniting device or a molotov cocktail with intent to use the same for any unlawful purpose (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN FIVE YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$5,000 OR BOTH) *two years*.

Sec. 15. Minnesota Statutes 1976, Section 401.13, is amended read:

401.13 [CHARGES MADE TO COUNTIES.] Each participating county will be charged a sum equal to the per diem cost of confinement of those persons committed to the commissioner or the (YOUTH CONSERVATION COMMISSION) *corrections board* after August 1, 1973, and confined in a state institution. Provided, however, that no charge shall be made for those persons convicted of offenses for which the penalty provided by law exceeds (FIVE) *two years*, (NOR SHALL) *or for which mandatory terms of imprisonment are required by law*. The amount charged a participating county for the costs of confinement *shall not exceed the amount of subsidy to which (THE) a county is eligible*. The commissioner shall annually determine costs and deduct them from the subsidy due and payable to the respective participating counties. All charges shall be a charge upon the county of commitment.

Sec. 16. Minnesota Statutes 1976, Section 609.03, is amended to read:

609.03 [PUNISHMENT WHEN NOT OTHERWISE FIXED.] If a person is convicted of a crime for which no punishment is otherwise provided he may be sentenced as follows:

(1) If the crime is a felony, to imprisonment for (NOT MORE THAN FIVE YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$5,000, OR BOTH) *two years*; or

(2) If the crime is a gross misdemeanor, to imprisonment for not more than one year or to payment of a fine of not more than \$1,000, or both; or

(3) If the crime is a misdemeanor, to imprisonment for not more than 90 days or to payment of a fine of not more than \$300, or both; or

(4) If the crime is other than a misdemeanor and a fine is imposed but the amount is not specified, to payment of a fine of not more than \$500, or to imprisonment for a specified term of not more than six months if the fine is not paid.

Sec. 17. Minnesota Statutes 1976, Section 609.095 is amended to read:

609.095 [LIMITS OF SENTENCES.] No other different sentence or punishment shall be imposed for the commission of a crime than is authorized by this chapter or other applicable law. *All dispositions made and sentences imposed shall be with due consideration to the sentencing guidelines approved by the supreme court. The disposition made or sentence imposed shall not be unjustifiably disparate.*

Sec. 18. Minnesota Statutes 1976, Chapter 609, is amended by adding a section to read:

[609.096] [MINNESOTA GUIDELINE COMMISSION ESTABLISHED.] *Subdivision 1. There is hereby established the Minnesota judicial guideline commission which shall be comprised of 18 members.*

Subd. 2. [MEMBERSHIP.] The judicial guideline commission shall consist of the following:

(1) *Ten district judges representing the ten judicial districts appointed by the chief justice;*

(2) *Two members of the supreme court appointed by the chief justice;*

(3) *The chief justice of the supreme court;*

(4) *Two public defenders; appointed by the governor;*

(5) *Two county attorneys appointed by the governor;*

The commissioner of corrections or his designee.

Subd. 3. [TERM OF OFFICE.] Each appointed member shall be appointed for four years. Each member shall continue in office until his successor is duly appointed. Members shall be eligible for reappointment, and appointment may be made to fill an unexpired term. The members of the commission shall elect a chairman and such officers as are necessary for the efficient discharge of their duties.

Subd. 4. [COMPENSATION; EXPENSES.] Each member of the commission shall be reimbursed for all reasonable expenses actually paid or incurred by him in the performance of his official duties in the same manner as other employees of the state.

Subd. 5. [DUTIES.] The judicial commission shall, on or before October 15, 1978, promulgate sentencing guidelines for the district court. Guidelines promulgated herein shall establish for the district court a narrow range within which the imposition of a felony sentence is proper. These guidelines shall be established on the basis of a combination of reasonable offense and offender characteristics which are in consideration of current sentencing practices. The judicial commission shall also study and report to the legislature and the governor on or before December 15, 1978, on the continued need and role of the Minnesota corrections board after implementation of this act.

Subd. 6. [RESEARCH.] The commission, in addition to establishing sentencing guidelines, shall serve as a clearing house and information center for the collection, preparation, analysis and dissemination of information on state and local sentencing practices, and shall conduct ongoing research regarding sentencing guidelines, use of imprisonment and alternatives to imprisonment and other matters relating to the improvement of the criminal justice system. The commission shall from time to time make recommendations to the legislature regarding changes in the criminal code, criminal procedure and other aspects of sentencing.

Subd. 7. [COOPERATION WITH OTHER AGENCIES.] To accomplish the purposes of this act the commission may utilize with their consent, the services, equipment, personnel, information and resources of other state agencies, accept voluntary and uncompensated services, contract with individuals, public and private agencies, and request information, reports and data from any agency of the state, or any of its political subdivisions to the extent authorized by law.

Subd. 8. [GRANTS.] When any person, corporation, the United States government, or any other entity offers funds to the judicial commission by way of gift, grant or loans, for the purpose of assisting the commission to carry out its purpose and duties, the commission may accept the offer by majority vote and upon acceptance the chairman shall receive the funds subject to the terms of the offer, but no money shall be accepted or received as a loan nor shall any indebtedness be incurred except in the manner and under the limitations otherwise provided by law.

Subd. 9. [RESEARCH DIRECTION; EMPLOYEES.] The commission may select and employ a research director who shall perform such duties as the commission directs including the hiring of such clerical help and other employees as the commission shall approve. The research director and other staff shall be in the unclassified service of the state and their salary shall be established by the commission. They shall be reimbursed the expenses necessarily incurred in the performance of their official duties in the same manner as other state employees.

Subd. 10. [APPROVAL BY SUPREME COURT.] The guidelines promulgated by the judicial commission and any subsequent amendments thereto shall be the sentencing guidelines for the district courts upon their adoption and approval by the supreme court.

Subd. 11. [ROLE OF GUIDELINES.] Guidelines promulgated herein shall be advisory to the district court in the imposition of felony sentences. However, the district court shall set forth particularized written reasons specifying the basis for departure from the sentencing guidelines in each case wherein the court imposes a sentence that is not within the range of the sentencing guidelines applicable to the instant case.

Subd. 12. [REVIEW.] The judicial commission shall meet at least three times each year for the purpose of modifying and improving the sentencing guidelines.

Subd. 13. [APPELLATE REVIEW OF SENTENCE.] An appeal to the supreme court may be taken by the defendant or by the state from any sentence imposed or stayed by the district court. An appeal from the district court to the supreme court under this subdivision shall be made according to the rules of appellate criminal procedure for the district court of Minnesota. A dismissal of an appeal brought under this section shall not prejudice an appeal brought under any other section or rule.

When an appeal taken under this subdivision is filed, the clerk of the district court shall certify to the supreme court the transcript of the proceedings and any files or records relating to the

defendant, the offense, and the sentence imposed or stayed, that the supreme court by rule or order may require.

On an appeal pursuant to this subdivision, the supreme court may review the sentence imposed to determine whether the sentence is inconsistent with statutory requirements. Unreasonable, inappropriate, excessive, or unjustifiably disparate. This review shall be in addition to all other powers of review presently existing. The supreme court may dismiss or affirm the appeal, vacate or set aside the sentence imposed and direct entry of an appropriate sentence or order further proceedings to be had as the supreme court may direct.

Subd. 14. [RELEASE PENDING APPEAL.] This section shall not be construed to confer or enlarge any right of a defendant to be released pending an appeal under this subdivision.

Sec. 19. Minnesota Statutes 1976, Section 609.10, is amended to read:

609.10 [SENTENCES AVAILABLE; APPEAL OF SENTENCE.] *Subdivision 1. Notwithstanding the sentence provided by statute, upon conviction of a felony and compliance with the other provisions of (THIS) the chapter, the court, if it imposes sentence, may increase or decrease the statutory sentence (THE DEFENDANT TO THE EXTENT AUTHORIZED BY LAW), with due consideration to the sentencing guidelines, as follows:*

((1) TO LIFE IMPRISONMENT; OR)

((2) TO IMPRISONMENT FOR A MAXIMUM TERM OF YEARS FIXED BY THE COURT; OR)

((3) TO AN INDETERMINATE TERM OF IMPRISONMENT WHICH SHALL BE DEEMED TO BE FOR THE MAXIMUM TERM AUTHORIZED BY LAW; OR)

((4) TO BOTH IMPRISONMENT AND PAYMENT OF A FINE; OR)

((5) TO PAYMENT OF A FINE WITHOUT IMPRISONMENT OR TO IMPRISONMENT IF THE FINE IS NOT PAID.)

(1) A statutory sentence of 50 years may be increased up to a life sentence or decreased by up to 25 years;

(2) A statutory sentence of 40 years may be increased up to a life term or decreased by up to 20 years;

(3) A statutory sentence of 16 years may be increased by up to 16 years or decreased by up to eight years;

(4) A statutory sentence of ten years may be increased by up to ten years or decreased by up to five years;

(5) A statutory sentence of eight years may be increased by up to eight years or decreased by up to four years;

(6) A statutory sentence of six years may be increased by up to six years or decreased by up to three years;

(7) A statutory sentence of four years may be increased by up to four years or decreased by up to two years;

(8) A statutory sentence of three years may be increased by up to three years or decreased by up to 1.5 years;

(9) A statutory sentence of two years may be increased by up to two years or decreased by up to one year;

(10) A statutory sentence of a year and a day may be increased by up to six months. For the purposes of this subdivision, a life term shall be a sentence to a definite number of years in excess of the statutory sentence; provided however, a defendant who is given a life term may be sentenced to imprisonment for an indefinite period of time and shall not be eligible for release except under the extraordinary release provisions of this act.

Subd. 2. If an individual is convicted of a felony which was committed (a) while he is an inmate of a state correctional institution under the control of the commissioner of corrections, or (b) while he is conditionally released or furloughed under the supervision of the commissioner of corrections pursuant to sections 9 or 10, any sentence imposed for the conviction of the felony shall be imposed to run consecutively to the sentence the individual was serving at the time the felony was committed.

Sec. 20. Minnesota Statutes 1976, Section 609.115, Subdivision 1, is amended to read:

609.115 [PRESENTENCE INVESTIGATION.] Subdivision 1. When a defendant has been convicted of a felony (, AND A SENTENCE OF LIFE IMPRISONMENT IS NOT REQUIRED BY LAW,) the court (MAY) shall, before sentence is imposed, cause a presentence investigation and written report to be made to the court concerning the defendant's individual characteristics, circumstances, needs, potentialities, criminal record and social history, the circumstances of the offense and the harm caused thereby to others and to the community. If the court so directs, the report shall include an estimate of the prospects

of the defendant's rehabilitation and recommendations as to the sentence which should be imposed.

The investigation shall be made by a probation officer of the court, if there is one, otherwise by the commissioner of corrections.

Pending the presentence investigation and report, the court with the consent of the commissioner may commit the defendant to the custody of the commissioner of corrections who shall return the defendant to the court when the court so orders.

Sec. 21. Minnesota Statutes 1976, Section 609.11, Subdivision 1, is amended to read:

609.11 [MINIMUM TERMS OF IMPRISONMENT.] Subdivision 1. All commitments to the commissioner of corrections for imprisonment of the defendant are without minimum terms except when sentence is to life imprisonment as required by law (AND EXCEPT THAT ANY COMMITMENT FOLLOWING). Upon the defendant's first conviction of an offense wherein he had possession of a firearm or used a dangerous weapon at the time of the offense, *he* shall be incarcerated for a term of not less than one year (PLUS ONE DAY) nor more than the maximum sentence (PROVIDED BY LAW) *imposed* for the offense for which convicted, (AND EXCEPT THAT ANY COMMITMENTS FOLLOWING). Upon the defendant's second or subsequent conviction of an offense wherein he had in his possession a firearm or used a dangerous weapon at the time of the offense he shall be *imprisoned* for a term not less than three years, nor more than the maximum sentence (PROVIDED BY LAW) *imposed* for the offense for which convicted, and (SUCH) *that* person shall not be eligible for (PAROLE) *conditional release* until he shall have served the full minimum sentence herein provided, notwithstanding the provisions of sections 242.19, 243.05, and 609.12 (AND 609.135). The offenses for which mandatory minimum sentences shall be served (AS HEREIN) provided *pursuant to this section and section 609.135* are: aggravated assault, burglary, kidnapping, manslaughter *in the first degree*, murder in the (SECOND OR) third degree, (RAPE,) *criminal sexual conduct in the second degree*, aggravated robbery, (SODOMY,) escape while under charge or conviction of a felony or *illegal discharge of an explosive or incendiary device*.

Sec. 22. Minnesota Statutes 1976, Section 609.11, is amended by adding a subdivision to read:

Subd. 2a. If during the commission of any of the crimes set forth in subdivision 1, the defendant possessed a firearm or used a dangerous weapon, the prosecution shall allege that matter in the complaint or indictment.

Sec. 23. Minnesota Statutes 1976, Section 609.135, Subdivision 1, is amended to read:

609.135 [STAY OF IMPOSITION OR EXECUTION OF SENTENCE.] Subdivision 1. (EXCEPT WHEN A SENTENCE OF LIFE IMPRISONMENT IS REQUIRED BY LAW) *Except as herein provided*, any court (, INCLUDING A JUSTICE OF THE PEACE TO THE EXTENT OTHERWISE AUTHORIZED BY LAW,) may stay imposition or execution of sentence and place the defendant on probation with or without supervision and on such terms as the court may prescribe. *If the court stays the imposition or execution of sentence for a felony, it may also impose upon the defendant a fine of up to \$2,000 for each year of the sentence provided by statute for the offense.* The court may order the supervision to be under the probation officer of the court, or, if there is none and the conviction is for a felony, by the commissioner of corrections, or in any case by some other suitable and consenting person.

The execution or imposition of sentence may not be stayed upon a conviction for a violation of section 30 or sections 609.185, 609.19, 609.342.

Sec. 24. Minnesota Statutes 1976, Section 609.135, Subdivision 2, is amended to read:

Subd. 2. [PROBATION.] (1) (IN CASE THE CONVICTION IS FOR A FELONY SUCH STAY SHALL BE FOR NOT MORE THAN THE MAXIMUM PERIOD FOR WHICH THE SENTENCE OF IMPRISONMENT MIGHT HAVE BEEN IMPOSED.) *If the court places on probation a defendant who has been convicted of a felony, the period of probation may not exceed one half of the sentence provided by statute for the offense of which the defendant has been convicted. If the probation is subsequently revoked, and sentence is imposed or executed, the statutory sentence for the felony of which the defendant has been convicted shall be reduced by twice the number of days the defendant was on probation prior to committing the act giving rise to the revocation of probation.*

(2) (IN CASE) *If the conviction is for a misdemeanor the stay shall not be for more than one year.*

(3) (IN CASE) *If the conviction is for a gross misdemeanor the stay shall not be for more than two years.*

(4) *At the expiration of (SUCH) the stay, unless the stay has been revoked or the defendant discharged prior thereto, the defendant shall be discharged.*

Sec. 25. Minnesota Statutes 1976, Section 609.145, Subdivision 1, is amended to read:

609.145 [CREDIT FOR PRIOR IMPRISONMENT.] Subdivision 1. When a person has been imprisoned pursuant to a conviction which is set aside and is thereafter convicted of a crime growing out of the same act or omission, the (MAXIMUM) period of imprisonment to which he (MAY BE) is sentenced is reduced by the period of the prior imprisonment and the time earned thereby in diminution of sentence. (IF SENTENCE IS FOR LESS THAN THIS MAXIMUM, THE PRIOR IMPRISONMENT AND TIME EARNED IN DIMINUTION OF SENTENCE SHALL BE CREDITED TOWARD THE SENTENCE UNLESS THE COURT OTHERWISE DIRECTS.)

Sec. 26. Minnesota Statutes 1976, Section 609.165, Subdivision 2, is amended to read:

Subd. 2. The discharge may be:

(1) By order of the court following stay of sentence or stay of execution of sentence; or

(2) By order of the corrections board prior to expiration of sentence; or

(3) Upon expiration of sentence *as reduced by good time earned, if any.*

Sec. 27. Minnesota Statutes 1976, Section 609.17, Subdivision 4, is amended to read:

Subd. 4. *An attempt to commit a crime is punishable as follows: Whoever attempts to commit a crime (MAY) punishable as a felony shall be sentenced (AS FOLLOWS):*

(1) IF THE MAXIMUM SENTENCE PROVIDED FOR THE CRIME IS LIFE IMPRISONMENT, TO NOT MORE THAN 20 YEARS; OR)

(2) FOR ANY OTHER ATTEMPT,) to (NOT MORE THAN) one-half of the (MAXIMUM) imprisonment or *up to one half the fine* (OR BOTH) provided for the crime attempted (, BUT SUCH MAXIMUM IN ANY CASE SHALL NOT BE LESS THAN IMPRISONMENT FOR 90 DAYS OR A FINE OF \$100); *whoever attempts to commit any other crime may be sentenced to one half of the maximum imprisonment or fine provided for the crime attempted, but the maximum in no case shall be less than imprisonment for 90 days or a fine of \$300.*

Sec. 28. Minnesota Statutes 1976, Section 609.175, Subdivision 2, is amended to read:

Subd. 2. [TO COMMIT CRIME.] Whoever conspires with another to commit a crime and in furtherance of the con-

spiracy one or more of the parties does some overt act in furtherance of such conspiracy (MAY BE SENTENCED AS FOLLOWS):

(1) *May be sentenced to imprisonment for not more than 90 days or to payment of a fine of not more than \$300, or both if the crime intended is a misdemeanor (, BY A SENTENCE TO IMPRISONMENT FOR NOT MORE THAN 90 DAYS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$300, OR BOTH); or*

(2) *May be sentenced to imprisonment or to payment of a fine of not more than one half the imprisonment or fine provided if the crime intended is (MURDER IN THE FIRST DEGREE OR TREASON, TO IMPRISONMENT FOR NOT MORE THAN 20 YEARS) a gross misdemeanor; or*

(3) (IF THE CRIME INTENDED IS ANY OTHER FELONY OR A GROSS MISDEMEANOR,) *Shall be sentenced to one half of the imprisonment or up to (PAYMENT OF A FINE OF NOT MORE THAN) one-half the (IMPRISONMENT OR) fine provided for that felony (OR GROSS MISDEMEANOR OR BOTH).*

Sec. 29. Minnesota Statutes 1976, Section 609.18, is amended to read:

609.18 [DEFINITION.] For the purposes of section 30 and sections 609.185 and 609.19, "premeditation" means to consider, plan or prepare for, or determine to commit, the act referred to prior to its commission.

Sec. 30. Minnesota Statutes 1976, Chapter 609, is amended by adding a section to read:

[609.181] [MURDER FOR HIRE.] *Whoever does either of the following is guilty of murder for hire and shall be sentenced to a term of 50 years:*

(1) *Hires or otherwise procures another to cause the death of a human being, if the person so hired or otherwise procured does cause the death of a human being with premeditation and with intent to effect the death of that human being or another; or*

(2) *Is hired or otherwise procured by another to cause the death of a human being, and does cause the death of a human being with premeditation and with intent to effect the death of that human being or another.*

Actual payment or conveyance of, or a promise to pay or convey, money, goods, legal rights or any other consideration in ex-

change for the murder shall constitute hiring or procurement within the meaning of this section.

Sec. 31. Minnesota Statutes 1976, Section 609.185, is amended to read:

609.185 [MURDER IN THE FIRST DEGREE.] Whoever does either of the following is guilty of murder in the first degree and shall be sentenced to (IMPRISONMENT FOR LIFE) *a term of 40 years*:

(1) Causes the death of a human being with premeditation and with intent to effect the death of such person or of another; or

(2) Causes the death of a human being while committing or attempting to commit criminal sexual conduct in the first or second degree with force or violence, either upon or affecting such person or another.

Sec. 32. Minnesota Statutes 1976, Section 609.19, is amended to read:

609.19 [MURDER IN THE SECOND DEGREE.] Whoever causes the death of a human being with intent to effect the death of such person or another, but without premeditation, is guilty of murder in the second degree and (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN 40) *16 years*.

Sec. 33. Minnesota Statutes 1976, Section 609.195, is amended to read:

609.195 [MURDER IN THE THIRD DEGREE.] Whoever, without intent to effect the death of any person, causes the death of another by either of the following means, is guilty of murder in the third degree and (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN 25) *ten years*:

(1) Perpetrates an act eminently dangerous to others and evincing a depraved mind, regardless of human life; or

(2) Commits or attempts to commit a felony upon or affecting the person whose death was caused or another, except (RAPE OR SODOMY) *criminal sexual conduct in the first or second degree* with force or violence within the meaning of section 609.185.

Sec. 34. Minnesota Statutes 1976, Section 609.20, is amended to read:

609.20 [MANSLAUGHTER IN THE FIRST DEGREE.] Whoever does any of the following is guilty of manslaughter in

the first degree and (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN 15 YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$15,000, OR BOTH) *six years*:

(1) Intentionally causes the death of another person in the heat of passion provoked by such words or acts of another as would provoke a person of ordinary self-control under like circumstances; or

(2) Causes the death of another in committing or attempting to commit a crime with such force and violence that death of or great bodily harm to any person was reasonably foreseeable, and murder in the first or second degree was not committed thereby; or

(3) Intentionally causes the death of another person because the actor is coerced by threats made by someone other than his co-conspirator and which cause him reasonably to believe that his act is the only means of preventing imminent death to himself or another.

Sec. 35. Minnesota Statutes 1976, Section 609.205, is amended to read:

609.205 [MANSLAUGHTER IN THE SECOND DEGREE.] Whoever causes the death of another by any of the following means is guilty of manslaughter in the second degree and (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN SEVEN YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$7,000, OR BOTH) *three years*:

(1) By his culpable negligence whereby he creates an unreasonable risk, and consciously takes chances of causing death or great bodily harm to another; or

(2) By shooting another with a firearm or other dangerous weapon as a result of negligently believing him to be a deer or other animal; or

(3) By setting a spring gun, pit fall, deadfall, snare, or other like dangerous weapon or device; or

(4) By negligently or intentionally permitting any animal, known by him to have vicious propensities, to go at large, or negligently failing to keep it properly confined, and the victim was not at fault.

Sec. 36. Minnesota Statutes 1976, Section 609.21, is amended to read:

609.21 [CRIMINAL NEGLIGENCE RESULTING IN DEATH.] Whoever operates a vehicle as defined in section

169.01, subdivision 2, or an aircraft or watercraft, in a grossly negligent manner and thereby causes the death of a human being not constituting murder or manslaughter is guilty of criminal negligence in the operation of a vehicle resulting in death and (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN FIVE YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$5,000, OR BOTH) *two years*.

Sec. 37. Minnesota Statutes 1976, Section 609.215, is amended to read:

609.215 [SUICIDE.] Subdivision 1. [AIDING SUICIDE.] Whoever intentionally advises, encourages, or assists another in taking his own life (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN 15 YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$15,000, OR BOTH) *six years*.

Subd. 2. [AIDING ATTEMPTED SUICIDE.] Whoever intentionally advises, encourages, or assists another who attempts but fails to take his own life (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN SEVEN YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$7,000, OR BOTH) *three years*.

Sec. 38. Minnesota Statutes 1976, Section 609.225, is amended to read:

609.225 [AGGRAVATED ASSAULT.] Subdivision 1. Whoever assaults another and inflicts great bodily harm (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN TEN YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$10,000, OR BOTH) *four years*.

Subd. 2. Whoever assaults another with a dangerous weapon but without inflicting great bodily harm (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN FIVE YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$5,000, OR BOTH) *two years*.

Sec. 39. Minnesota Statutes 1976, Section 609.235, is amended to read:

609.235 [USE OF DRUGS TO INJURE OR FACILITATE CRIME.] Whoever administers to another or causes another to take any poisonous, stupefying, overpowering, narcotic or anesthetic substance with intent thereby to injure or to facilitate the commission of a crime (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN FIVE YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$5,000, OR BOTH) *two years*.

Sec. 40. Minnesota Statutes 1976, Section 609.24, is amended to read:

609.24 [SIMPLE ROBBERY.] Whoever, knowing he is not entitled thereto, takes personal property from the person or in the presence of another and uses or threatens the imminent use of force against any person to overcome his resistance or powers of resistance to, or to compel acquiescence in, the taking or carrying away of the property is guilty of robbery and (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN TEN YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$10,000, OR BOTH) *four years*.

Sec. 41. Minnesota Statutes 1976, Section 609.245, is amended to read:

609.245 [AGGRAVATED ROBBERY.] Whoever, while committing a robbery, is armed with a dangerous weapon or inflicts bodily harm upon another is guilty of aggravated robbery and (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN 20 YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$20,000, OR BOTH) *eight years*.

Sec. 42. Minnesota Statutes 1976, Section 609.25, Subdivision 2, is amended to read:

Subd. 2. [SENTENCE.] Whoever violates subdivision 1 (MAY) *shall* be sentenced as follows:

(1) If the victim is released in a safe place without great bodily harm, to imprisonment for (NOT MORE THAN 20 YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$20,000, OR BOTH) *eight years*; or

(2) Otherwise to imprisonment for (NOT MORE THAN 40 YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$40,000, OR BOTH) *16 years*.

Sec. 43. Minnesota Statutes 1976, Section 609.255, is amended to read:

609.255 [FALSE IMPRISONMENT.] Whoever, knowing he has no lawful authority to do so, intentionally confines or restrains a child not his own under the age of 18 years without his parent's or legal custodian's consent, or any other person without his consent, is guilty of false imprisonment and (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN THREE YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$3,000, OR BOTH) *one year and one day*.

Sec. 44. Minnesota Statutes 1976, Section 609.26, is amended to read:

609.26 [DETAINING OWN CHILD.] Whoever intentionally detains his own child under the age of 18 years outside the state of Minnesota, with intent to deny another's rights under an existing court order (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN TWO YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$2,000, OR BOTH) *one year and one day*.

Sec. 45. Minnesota Statutes 1976, Section 609.27, Subdivision 2, is amended to read:

Subd. 2. [SENTENCE.] Whoever violates subdivision 1 (MAY) *shall* be sentenced as follows:

(1) To imprisonment for not more than 90 days or to payment of a fine of not more than \$300, or both if neither the pecuniary gain received by the violator nor the loss suffered by the person threatened or another as a result of the threat exceeds \$100, or the benefits received or harm sustained are not susceptible of pecuniary measurement; or

(2) To imprisonment for (NOT MORE THAN FIVE YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$5,000, OR BOTH) *two years*, if such pecuniary gain or loss is more than \$100 but less than \$2,500; or

(3) To imprisonment for (NOT MORE THAN TEN YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$10,000, OR BOTH) *four years*, if such pecuniary gain or loss is \$2,500, or more.

Sec. 46. Minnesota Statutes 1976, Section 609.31, is amended to read:

609.31 [LEAVING THE STATE TO EVADE ESTABLISHMENT OF PATERNITY.] Whoever with intent to evade proceedings to establish his paternity leaves the state knowing that a woman with whom he has had sexual intercourse is pregnant or has given birth within the previous 60 days to a living child (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN TWO YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$2,000, OR BOTH) *one year and one day*.

Sec. 47. Minnesota Statutes 1976, Section 609.32, is amended to read:

609.32 [PROSTITUTION.] Subdivision 1. [DEFINITIONS.] (1) "Prostitution" means engaging or offering or agreeing to engage for hire in sexual (INTERCOURSE) *penetration*, as defined in section (609.29, OR SODOMY AS DEFINED IN SECTION 609.293, SUBDIVISION 1) *609.341, subdivision 12*.

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

Subd. 2. [ACTS PROHIBITED.] Whoever intentionally does any of the following (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN TEN YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$10,000, OR BOTH) *four years*:

(1) Solicits or induces another under the age of 18 years to practice prostitution; or

(2) Being a parent, guardian, or other custodian of the person of a child under the age of 18 years consents to his being taken or detained for the purposes of prostitution.

Subd. 3. [OTHER ACTS PROHIBITED.] Whoever intentionally does any of the following (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN FIVE YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$5,000, OR BOTH) *two years*:

(1) Keeps a place of prostitution; or

(2) Leases or otherwise permits premises owned by him or under his control to be used as a place of prostitution; or

(3) Solicits or induces another over the age of 18 years to practice prostitution; or

(4) Solicits another under the age of 18 years to (HAVE) *engage in sexual (INTERCOURSE OR TO COMMIT SODOMY) penetration* with a prostitute or admits him to a place of prostitution; or

(5) Engages as a prostitute in an act of (SEXUAL INTERCOURSE OR SODOMY) *prostitution* with another under the age of 18 years; or

(6) Transports a prostitute from one place of prostitution within the state to another such place within or without the state, or brings a prostitute into the state, for the purpose of prostitution.

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

(1) Engages in prostitution; or

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

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

(4) Hires or offers or agrees to hire another person to engage in sexual (INTERCOURSE OR SODOMY) *penetration*.

Sec. 48. Minnesota Statutes 1976, Section 609.342, is amended to read:

609.342 [CRIMINAL SEXUAL CONDUCT IN THE FIRST DEGREE.] A person is guilty of criminal sexual conduct in the first degree and (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN 20) *eight* years, if he engages in sexual penetration with another person and if any of the following circumstances exists:

(a) The complainant is under 13 years of age and the actor is more than 36 months older than the complainant. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense; or

(b) The complainant is at least 13 but less than 16 years of age and the actor is more than 48 months older than the complainant and in a position of authority over the complainant, and uses this authority to coerce the complainant to submit. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense; or

(c) Circumstances existing at the time of the act cause the complainant to have a reasonable fear of imminent great bodily harm to the complainant or another; or

(d) The actor is armed with a dangerous weapon or any article used or fashioned in a manner to lead the complainant to reasonably believe it to be a dangerous weapon and uses or threatens to use the weapon or article to cause the complainant to submit; or

(e) The actor causes personal injury to the complainant, and either of the following circumstances exist:

(i) The actor uses force or coercion to accomplish sexual penetration; or

(ii) The actor knows or has reason to know that the complainant is mentally defective, mentally incapacitated, or physically helpless; or

(f) The actor is aided or abetted by one or more accomplices within the meaning of section 609.05, and either of the following circumstances exists:

(i) An accomplice uses force or coercion to cause the complainant to submit; or

(ii) An accomplice is armed with a dangerous weapon or any article used or fashioned in a manner to lead the complainant reasonably to believe it to be a dangerous weapon and uses or threatens to use the weapon or article to cause the complainant to submit.

Sec. 49. Minnesota Statutes 1976, Section 609.343, is amended to read:

609.343 [CRIMINAL SEXUAL CONDUCT IN THE SECOND DEGREE.] A person is guilty of criminal sexual conduct in the second degree and (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN 15) *six* years if he engages in sexual contact with another person and if any of the following circumstances exists:

(a) The complainant is under 13 years of age and the actor is more than 36 months older than the complainant. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense; or

(b) The complainant is at least 13 but less than 16 years of age and the actor is more than 48 months older than the complainant and in a position of authority over the complainant, and uses this authority to coerce the complainant to submit. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense; or

(c) Circumstances existing at the time of the act cause the complainant to have a reasonable fear of imminent great bodily harm to the complainant or another; or

(d) The actor is armed with a dangerous weapon or any article used or fashioned in a manner to lead the complainant to reasonably believe it to be a dangerous weapon and uses or threatens to use the dangerous weapon to cause the complainant to submit; or

(e) The actor causes personal injury to the complainant, and either of the following circumstances exist:

(i) The actor uses force or coercion to accomplish the sexual contact; or

(ii) The actor knows or has reason to know that the complainant is mentally defective, mentally incapacitated, or physically helpless; or

(f) The actor is aided or abetted by one or more accomplices within the meaning of section 609.05, and either of the following circumstances exists:

(i) An accomplice uses force or coercion to cause the complainant to submit; or

(ii) An accomplice is armed with a dangerous weapon or any article used or fashioned in a manner to lead the complainant to reasonably believe it to be a dangerous weapon and uses or threatens to use the weapon or article to cause the complainant to submit.

Sec. 50. Minnesota Statutes 1976, Section 609.344, is amended to read:

609.344 [CRIMINAL SEXUAL CONDUCT IN THE THIRD DEGREE.] A person is guilty of criminal sexual conduct in the third degree and (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN TEN) *four* years, if he engages in sexual penetration with another person and any of the following circumstances exists:

(a) The complainant is under 13 years of age and the actor is no more than 36 months older than the complainant. Neither mistake as to the complainant's age nor consent to the act by the complainant shall be a defense; or

(b) The complainant is at least 13 but less than 16 years of age and the actor is more than 24 months older than the complainant and not in a position of authority over the complainant. In any such case it shall be an affirmative defense, which must be proved by a preponderance of the evidence, that the actor believes the complainant to be 16 years of age or older. If the actor in such a case is no more than 48 months but more than 24 months older than the complainant, he (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN FIVE) *two* years. Consent by the complainant is not a defense; or

(c) The actor uses force or coercion to accomplish the penetration; or

(d) The actor knows or has reason to know that the complainant is mentally defective, mentally incapacitated, or physically helpless.

Sec. 51. Minnesota Statutes 1976, Section 609.345, is amended to read:

609.345 [CRIMINAL SEXUAL CONDUCT IN THE FOURTH DEGREE.] A person is guilty of criminal sexual conduct in the fourth degree and (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN FIVE) *two* years, if he engages in sexual contact with another person and if any of the following circumstances exists:

(a) The complainant is under 13 years of age and the actor is no more than 36 months older than the complainant. Neither mistake as to the complainant's age or consent to the act by the complainant is a defense; or

(b) The complainant is at least 13 but less than 16 years of age and the actor is more than 48 months older than the complainant or in a position of authority over the complainant and uses this authority to coerce the complainant to submit. In any such case, it shall be an affirmative defense which must be proved by a preponderance of the evidence that the actor reasonably believes the complainant to be 16 years of age or older; or

(c) The actor uses force or coercion to accomplish the sexual contact; or

(d) The actor knows or has reason to know that the complainant is mentally defective, mentally incapacitated, or physically helpless.

Sec. 52. Minnesota Statutes 1976, Section 609.346, Subdivision 1, is amended to read:

609.346 [SUBSEQUENT OFFENSES.] Subdivision 1. If a person is convicted of a second or subsequent offense under sections 690.342 to 609.346 within 15 years of the prior conviction, the court shall commit the defendant to the commissioner of corrections for imprisonment for a term of not less than three years, nor more than the maximum sentence provided by law for the offense for which convicted; provided, however, that the court may invoke the provisions of section 609.135, if a specific condition of the probationary term under section 609.135 includes the successful completion of a treatment program for anti-social sexual behavior(, AND SUCH PERSON SHALL NOT BE ELIGIBLE FOR PAROLE FROM IMPRISONMENT UNTIL HE SHALL EITHER HAVE SERVED THE FULL MINIMUM SENTENCE HEREIN PROVIDED, OR UNTIL HE SHALL HAVE SUCCESSFULLY COMPLETED A TREATMENT PROGRAM FOR ANTI-SOCIAL SEXUAL BEHAVIOR AS HEREIN PROVIDED NOTWITHSTANDING THE PROVISIONS OF SECTIONS 242.19, 243.05, 609.11, 609.12 AND 609.135).

Sec. 53. Minnesota Statutes 1976, Section 609.355, Subdivision 2, is amended to read:

Subd. 2. [ACTS CONSTITUTING.] Whoever does any of the following is guilty of bigamy and (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN FIVE YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$5,000, OR BOTH) *two years*:

(1) Contracts a marriage in this state with knowledge that his prior marriage is not dissolved; or

(2) Contracts a marriage in this state with knowledge that the prior marriage of the person he marries is not dissolved; or

(3) Cohabits in this state with a person whom he married outside this state with knowledge that his own prior marriage has not been dissolved or with knowledge that the prior marriage of the person he married had not been dissolved.

Sec. 54. Minnesota Statutes 1976, Section 609.365, is amended to read:

609.365 [INCEST.] Whoever has sexual intercourse with another nearer of kin to him than first cousin, computed by rules of the civil law, whether of the half or the whole blood, with knowledge of the relationship, is guilty of incest and (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN TEN) *four years*.

Sec. 55. Minnesota Statutes 1976, Section 609.375, Subdivision 2, is amended to read:

Subd. 2. If the knowing omission and failure without lawful excuse to provide care and support to a minor child or a pregnant wife continues for a period in excess of 90 days such person is guilty of a felony and (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN FIVE) *two years*.

Sec. 56. Minnesota Statutes 1976, Section 609.39, is amended to read:

609.39 [MISPRISION OF TREASON.] Whoever, owing allegiance to this state and having knowledge of the commission of treason against this state, does not, as soon as may be, disclose and make known the same to the governor or a judge of the supreme court or of the district court, is guilty of misprision of treason against this state and (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN FIVE YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$5,000, OR BOTH) *two years*.

Sec. 57. Minnesota Statutes 1976, Section 609.395, is amended to read:

609.395 [STATE MILITARY FORCES; INTERFERING WITH, OBSTRUCTING, OR OTHER.] Whoever, when the United States is at war, does either of the following (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN 20 YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$20,000, OR BOTH) *eight years*:

(1) Intentionally makes or conveys false reports or statements with intent to interfere with the operation or success of the military (OR NAVAL) forces of this state; or

(2) Intentionally causes or incites insubordination, disloyalty, mutiny, or refusal of duty in the military (OR NAVAL) forces of this state, or obstructs the recruiting or enlistment service of this state.

Sec. 58. Minnesota Statutes 1976, Section 609.405, Subdivision 2, is amended to read:

Subd. 2. [ACTS PROHIBITED.] Whoever does any of the following (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN FIVE YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$5,000, OR BOTH) *two years*:

(1) Orally or by means of writing advocates or promotes the doctrine of criminal syndicalism; or

(2) Intentionally organizes or becomes a member of any assembly, group, or organization which he knows is advocating or promoting the doctrine of criminal syndicalism; or

(3) For or on behalf of another person, distributes, sells, publishes, or publicly displays any writing, which is intended by that person to be used to, and which does, advocate or promote the doctrine of criminal syndicalism.

Sec. 59. Minnesota Statutes 1976, Section 609.42, Subdivision 1, is amended to read:

609.42 [BRIBERY.] Subdivision 1. [ACTS CONSTITUTING.] Whoever does any of the following is guilty of bribery and (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN TEN YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$10,000, OR BOTH) *four years*:

(1) Offers, gives, or promises to give, directly or indirectly, to any public officer or employee any benefit, reward or consideration to which he is not legally entitled with intent thereby to influence such officer or employee with respect to the performance of his powers or duties as such officer or employee; or

(2) Being a public officer or employee, requests, receives or agrees to receive, directly or indirectly, any such benefit, reward or consideration upon the understanding that he will be so influenced; or

(3) Offers, gives, or promises to give, directly or indirectly any such benefit, reward, or consideration to a witness or one who is about to become a witness in a proceeding before a judicial or hearing officer, with intent that his testimony be influenced thereby, or that he will absent himself from the proceeding; or

(4) Is, or is about to become such witness and requests, receives, or agrees to receive, directly or indirectly, any such benefit, reward, or consideration upon the understanding that his testimony will be so influenced, or that he will absent himself from the proceeding; or

(5) Accepts directly or indirectly a benefit, reward or consideration upon an agreement or understanding, express or implied, that he will refrain from giving information that may lead to the prosecution of a crime or purported crime or that he will abstain from, discontinue, or delay prosecution therefor, except in a case where a compromise is allowed by law.

Sec. 60. Minnesota Statutes 1976, Section 609.425, is amended to read:

609.425 [CORRUPTLY INFLUENCING LEGISLATOR.] Whoever by menace, deception, concealment of facts, or other corrupt means, attempts to influence the vote or other performance of duty of any member of the legislature or person elected thereto (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN FIVE YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$5,000, OR BOTH) *two years*.

Sec. 61. Minnesota Statutes 1976, Section 609.445, is amended to read:

609.445 [FAILURE TO PAY OVER STATE FUNDS.] Whoever receives money on behalf of or for the account of the state or any of its agencies or subdivisions and intentionally refuses or omits to pay the same to the state or its agency or subdivision entitled thereto, or to an officer or agent authorized to receive the same, (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN THREE YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$3,000, OR BOTH) *one year and one day*.

Sec. 62. Minnesota Statutes 1976, Section 609.455, is amended to read:

609.455 [PERMITTING FALSE CLAIMS AGAINST GOVERNMENT.] A public officer or employee who audits, allows,

or pays any claim or demand made upon the state or subdivision thereof or other governmental instrumentality within the state which he knows is false or fraudulent in whole or in part, (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN FIVE YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$5,000, OR BOTH) *two years*.

Sec. 63. Minnesota Statutes 1976, Section 609.465, is amended to read:

609.465 [PRESENTING FALSE CLAIMS TO PUBLIC OFFICER OR BODY.] Whoever, with intent to defraud, presents a claim or demand, which to his knowledge is false in whole or in part, for audit, allowance or payment to a public officer or body authorized to make such audit, allowance or payment is guilty of an attempt to commit theft of public funds and (MAY) *shall* be sentenced accordingly.

Sec. 64. Minnesota Statutes 1976, Section 609.466, is amended to read:

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

Sec. 65. Minnesota Statutes 1976, Section 609.48, Subdivision 1, is amended to read:

609.48 [PERJURY.] Subdivision 1. [ACTS CONSTITUTING.] Whoever makes a false material statement which he does not believe to be true in any of the following cases is guilty of perjury and (MAY) *shall* be sentenced as provided in subdivision 4:

(1) In or for an action, hearing or proceeding of any kind in which the statement is required or authorized by law to be made under oath or affirmation; or

(2) In any writing which is required or authorized by law to be under oath or affirmation; or

(3) In any other case in which the penalties for perjury are imposed by law and no specific sentence is otherwise provided.

Sec. 66. Minnesota Statutes 1976, Section 609.48, Subdivision 4, is amended to read:

Subd. 4. [SENTENCE.] Whoever violates this section (MAY) *shall* be sentenced as follows:

(1) If the false statement was made upon the trial of a felony charge, or upon an application for an explosives license or use permit, to imprisonment for (NOT MORE THAN FIVE YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$5,000, OR BOTH) *two years*; or

(2) In all other cases, to imprisonment for (NOT MORE THAN THREE YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$3,000, OR BOTH) *one year and one day*.

Sec. 67. Minnesota Statutes 1976, Section 609.485, Subdivision 4, is amended to read:

Subd. 4. [SENTENCE.] Whoever violates this section (MAY) *shall* be sentenced as follows:

(1) If the person who escapes is in lawful custody on a charge or conviction of a felony, to imprisonment for (NOT MORE THAN FIVE YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$5,000, OR BOTH) *two years*.

(2) If such charge or conviction is for a gross misdemeanor, to imprisonment for not more than one year or to payment of a fine of not more than \$1,000, or both.

(3) If such charge or conviction is for a misdemeanor, to imprisonment for not more than 90 days or to payment of a fine of not more than \$300, or both.

(4) If the escape was effected by violence or threat of violence against a person, *and the person who escaped was under lawful custody on a charge or conviction for a felony or gross misdemeanor, the sentence shall be increased to twice that permitted in clause (1) or (2). If the escape was effected by violence or threat of violence against a person, and the person who escaped was under lawful custody on a charge or conviction for a misdemeanor, the sentence may be increased to not more than twice (THOSE) that permitted in (CLAUSES (1), (2), AND) clause (3).*

(5) Unless a concurrent term is specified by the court, a sentence under this section shall be consecutive to any sentence previously imposed or which may be imposed for any crime or offense for which the person was in custody when he escaped.

Sec. 68. Minnesota Statutes 1976, Section 609.495, Subdivision 1, is amended to read:

609.495 [AIDING AN OFFENDER TO AVOID ARREST.]

Subdivision 1. Whoever harbors, conceals or aids another known by him to have committed a felony under the laws of this or another state or of the United States with intent that such offender shall avoid or escape from arrest, trial, conviction, or punishment, (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN THREE YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$3,000, OR BOTH) *one year and one day.*

Sec. 69. Minnesota Statutes 1976, Section 609.498, Subdivision 1, is amended to read:

609.498 [TAMPERING WITH A WITNESS.] Subdivision 1. [TAMPERING WITH A WITNESS IN THE FIRST DEGREE.] Whoever intentionally prevents or dissuades or intentionally attempts to prevent or dissuade by means of force or threats of injury to person, family, or property, a person who is or may become a witness from attending or testifying at any trial, proceeding, or inquiry authorized by law, is guilty of tampering with a witness in the first degree and (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN FIVE YEARS OR TO PAYMENT OF A FINE NOT TO EXCEED \$5,000) *two years.*

Sec. 70. Minnesota Statutes 1976, Section 609.52, Subdivision 2, is amended to read:

Subd. 2. [ACTS CONSTITUTING THEFT.] Whoever does any of the following commits theft and (MAY) *shall* be sentenced as provided in subdivision 3:

(1) Intentionally and without claim of right takes, uses, transfers, conceals or retains possession of movable property of another without his consent and with intent to deprive the owner permanently of possession of the property; or

(2) Having a legal interest in movable property, intentionally and without consent, takes such property out of the possession of a pledgee or other person having a superior right of possession, with intent thereby to deprive the pledgee or other person permanently of the possession of the property; or

(3) Obtains for himself or another the possession, custody or title to property of a third person by intentionally deceiving him with a false representation which is known to be false, made with intent to defraud, and which does defraud the person to whom it is made. "False representation" includes without limitation:

(a) The issuance of a check, draft, or order for the payment of money or the delivery of property knowing that he is not entitled to draw upon the drawee therefor or to order the payment or delivery thereof; or

(b) A promise made with intent not to perform. Failure to perform is not evidence of intent not to perform unless corroborated by other substantial evidence; or

(c) The unauthorized use of a credit card, credit plate, charge plate, or other identification device issued by an organization to a person for use in purchasing goods on credit; or

(d) The preparation or filing of a claim for reimbursement, a rate application, or a cost report used to establish a rate or claim for payment for medical care provided to a recipient of medical assistance under chapter 256B, which intentionally and falsely states the costs of or actual services provided by a vendor of medical care; or

(4) By swindling, whether by artifice, trick, device, or any other means, obtains property from another person; or

(5) Intentionally commits any of the acts listed in this subdivision but with intent to exercise temporary control only and;

(a) The control exercised manifests an indifference to the rights of the owner or the restoration of the property to him; or

(b) He pledges or otherwise attempts to subject the property to an adverse claim; or

(c) He intends to restore the property only on condition that the owner pay a reward or buy back or make other compensation; or

(6) Finds lost property and, knowing or having reasonable means of ascertaining the true owner, appropriates it to his own use or to that of another not entitled thereto without first having made reasonable effort to find the owner and offer and surrender the property to him; or

(7) Intentionally obtains property or services, offered upon the deposit of a sum of money or tokens in a coin or token operated machine or other receptacle, without making the required deposit or otherwise obtaining the consent of the owner; or

(8) Intentionally and without claim of right converts any article representing a trade secret, knowing it to be such, to his own use or that of another person or makes a copy of an article representing a trade secret, knowing it to be such, and intentionally and without claim of right converts the same to his own use or that of another person. It shall be a complete defense to any prosecution under this clause for the defendant to show that information comprising the trade secret was rightfully known

or available to him from a source other than the owner of the trade secret; or

(9) Leases or rents personal property under a written instrument and who with intent to place such property beyond the control of the lessor conceals or aids or abets the concealment of such property or any part thereof, or any lessee of such property who sells, conveys or encumbers such property or any part thereof without the written consent of the lessor, without informing the person to whom he sells, conveys, or encumbers that the same is subject to such lease and with intent to deprive the lessor of possession thereof. Evidence that a lessee used a false or fictitious name or address in obtaining such property or fails or refuses to return such property to lessor within five days after written demand for such return has been served personally in the manner provided for service of process of a civil action or sent by registered or certified mail to the last known address of the lessee, whichever shall occur later, shall be evidence of intent to violate this clause. Service by certified or registered mail shall be deemed to be complete upon deposit in the United States mail of such demand, postpaid and addressed to such person at the address for such person set forth in the lease or rental agreement, or, in the absence of such address, to such person's last known place of residence; or

(10) Alters, removes or obliterates numbers or symbols placed on movable property for purpose of identification by the owner or person who has legal custody or right to possession thereof with the intent to prevent identification, if the person who alters, removes or obliterates the numbers or symbols is not the owner and does not have the permission of the owner to make the alteration, removal or obliteration.

(11) With the intent to prevent the identification of property involved, so as to deprive the rightful owner of possession thereof, alters or removes any permanent serial number, permanent distinguishing number or manufacturer's identification number on personal property or possesses, sells or buys any personal property with knowledge that the permanent serial number, permanent distinguishing number or manufacturer's identification number has been removed or altered.

Sec. 71. Minnesota Statutes 1976, Section 609.52, Subdivision 3, is amended to read:

Subd. 3. [SENTENCE.] Whoever commits theft (MAY) *shall* be sentenced as follows:

(1) To imprisonment for (NOT MORE THAN TEN YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$10,000, OR BOTH) *four years*, if the value of the property or services stolen exceeds \$2,500; or

(2) To imprisonment for (NOT MORE THAN FIVE YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$5,000, OR BOTH) *two years*, if the value of the property or services is more than \$100 but not more than \$2,500; or

(3) To imprisonment for (NOT MORE THAN FIVE YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$5,000, OR BOTH) *two years*, notwithstanding the value of the property or services is not more than \$100, if any of the following circumstances exist:

(a) The property is taken from the person of another or from a corpse, or grave or coffin containing a corpse; or

(b) The property taken is a record of a court or officer, or a writing, instrument or record kept, filed or deposited according to law with or in the keeping of any public officer or office; or

(c) The property is taken from a burning building or upon its removal therefrom, or from an area of destruction caused by civil disaster, riot, bombing, or the proximity of battle; or

(d) The property taken consists of public funds belonging to the state or to any political subdivision or agency thereof; or

(4) To imprisonment for (NOT MORE THAN TEN YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$10,000, OR BOTH) *four years*, if the property stolen is an article representing a trade secret; or if the property stolen is an explosive or an incendiary device; or

(5) In all other cases where the value of the property or services is \$100 or less, to imprisonment for not more than 90 days or to payment of a fine of not more than \$300, or both, provided, however, in any prosecution under clause (1), clause (2), clause (3) (a) and (c), and clause (4) of subdivision 2 the value of the money or property received by the defendant in violation of any one or more of the above provisions within any six month period may be aggregated and the defendant charged accordingly in applying the provisions of this subdivision; provided that when two or more offenses are committed by the same person in two or more counties, the accused may be prosecuted in any county in which one of the offenses was committed for all of the offenses aggregated under this paragraph.

Sec. 72. Minnesota Statutes 1976, Section 609.521, is amended to read:

609.521 [POSSESSION OF SHOPLIFTING GEAR.] Whoever has in his possession any device, gear, or instrument specially designed to assist in shoplifting with intent to use the same to shoplift and thereby commit theft (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN THREE YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$3,000, OR BOTH) *one year and one day*.

Sec. 73. Minnesota Statutes 1976, Section 609.525, Subdivision 1, is amended to read:

609.525 [BRINGING STOLEN GOODS INTO STATE.] Subdivision 1. Whoever brings property into the state which he has stolen outside the state, or received outside of the state knowing it to have been stolen, (MAY) *shall* be sentenced in accordance with the provisions of section 609.52, subdivision 3. He may be charged, indicted, and tried in any county, but not more than one county, into or through which he has brought such property.

Sec. 74. Minnesota Statutes 1976, Section 609.53, Subdivision 1, is amended to read:

609.53 [RECEIVING STOLEN GOODS.] Subdivision 1. Any person who receives, buys or conceals any stolen property or property obtained by robbery, knowing the same to be stolen or obtained by robbery, (MAY) *shall* be sentenced as follows:

(1) If the value of the property received, bought or concealed is \$100 or more, to imprisonment for (NOT MORE THAN TEN YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$10,000, OR BOTH) *four years*;

(2) If the value of the property received, bought or concealed is less than \$100, to punishment as a misdemeanor.

Sec. 75. Minnesota Statutes 1976, Section 609.53, Subdivision 3, is amended to read:

Subd. 3. Any person convicted of a second or subsequent violation under subdivision 2 within a period of one year (MAY) *shall* be sentenced as provided in subdivision 1, clause (1).

Sec. 76. Minnesota Statutes 1976, Section 609.54, is amended to read:

609.54 [EMBEZZLEMENT OF PUBLIC FUNDS.] Whoever does an act which constitutes embezzlement under the provisions of Minnesota Constitution, Article 11, Section 13 (MAY) *shall* be sentenced as follows:

(1) If the value of the funds so embezzled is \$2,500, or less, to imprisonment for (NOT MORE THAN FIVE YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$5,000, OR BOTH) *two years*; or

(2) If such value is more than \$2,500, to imprisonment for (NOT MORE THAN TEN YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$10,000, OR BOTH) *four years*.

Sec. 77. Minnesota Statutes 1976, Section 609.55, Subdivision 2, is amended to read:

Subd. 2. [ACTS CONSTITUTING.] Whoever intentionally takes or drives a motor vehicle without the consent of the owner or his authorized agent (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN THREE YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$3,000, OR BOTH) *one year and one day.*

Sec. 78. Minnesota Statutes 1976, Section 609.551, Subdivision 1, is amended to read:

609.551 [RUSTLING AND LIVESTOCK THEFT; PENALTIES.] Subdivision 1. Whoever intentionally and without claim of right shoots, kills, takes, uses, transfers, conceals or retains possession of live cattle, swine or sheep or the carcasses thereof belonging to another without his consent and with the intent to permanently deprive the owner thereof (MAY) *shall* be sentenced as follows:

(a) If the value of the animals which are shot, killed, taken, used, transferred, concealed or retained exceeds \$2,500, the defendant (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN TEN) *four years* (, AND MAY BE FINED UP TO \$10,000);

(b) If the value of the animals which are shot, killed, taken, used, transferred, concealed or retained exceeds \$100 but is less than \$2,500, the defendant (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN FIVE) *two years* (, AND MAY BE FINED UP TO \$5,000);

(c) If the value of the animals which are shot, killed, taken, used, transferred, concealed, or retained is \$100 or less, the defendant may be sentenced to imprisonment for not more than 90 days or to payment of a fine of not more than \$300 or both.

Sec. 79. Minnesota Statutes 1976, Section 609.561, is amended to read:

609.561 [ARSON IN THE FIRST DEGREE.] Subdivision 1. Whoever unlawfully by means of fire or explosives, intentionally destroys or damages any building that is used as a dwelling at the time the act is committed, whether the inhabitant is present therein at the time of the act or not, or any building appurtenant to or connected with a dwelling whether the property of himself or of another, commits arson in the first degree and (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN 20 YEARS OR TO A FINE OF NOT MORE THAN \$20,000, OR BOTH) *eight years.*

Subd. 2. Whoever unlawfully by means of fire or explosives, intentionally destroys or damages any building not included in subdivision 1, whether the property of himself or another commits arson in the first degree and (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN 20 YEARS OR TO A FINE OF NOT MORE THAN \$20,000, OR BOTH) *eight years* if:

(a) Another person who is not a participant in the crime is present in the building at the time and the defendant knows that; or

(b) The circumstances are such as to render the presence of such a person therein a reasonable possibility.

Sec. 80. Minnesota Statutes 1976, Section 609.562, is amended to read:

609.562 [ARSON IN THE SECOND DEGREE.] Whoever unlawfully by means of fire or explosives, intentionally destroys or damages any building not covered by section 609.561, whether the property of himself or another, (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN TEN YEARS OR TO A FINE OF NOT MORE THAN \$10,000 OR BOTH) *four years*.

Sec. 81. Minnesota Statutes 1976, Section 609.563, Subdivision 1, is amended to read:

609.563 [ARSON IN THE THIRD DEGREE.] Subdivision 1. Whoever unlawfully by means of fire or explosives, intentionally destroys or damages any personal property belonging to another (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN FIVE YEARS OR TO A FINE OF \$5,000 OR BOTH) *two years*, if:

(a) The property intended by the accused to be damaged or destroyed had a value of \$100 or more; or

(b) Property of the value of \$100 or more was unintentionally damaged or destroyed but such damage or destruction could reasonably have been foreseen; or

(c) The property specified in clauses (a) and (b) in the aggregate had a value of \$100 or more.

Sec. 82. Minnesota Statutes 1976, Section 609.576, is amended to read:

609.576 [NEGLIGENT FIRES.] Whoever is culpably negligent in causing a fire to burn or get out of control thereby causing damage or injury to another, and as a result thereof:

(a) A human being is injured and great bodily harm incurred, is guilty of a crime and (MAY) *shall* be sentenced to imprisonment (OF NOT MORE THAN THREE YEARS OR TO A FINE OF NOT MORE THAN \$3,000, OR BOTH) *for one year and one day*; or

(b) Property of another is injured, thereby, is guilty of a crime and, *if the value of the property damaged is under \$10,000*, may be sentenced as follows:

(1) To imprisonment for not more than 90 days or to payment of a fine of not more than \$300, or both, if the value of the property damage is under \$100;

(2) To imprisonment for not less than 90 days, nor more than one year, or to a fine of \$1,000 or both, if the value of the property damaged is at least \$100 and under \$2,500;

(3) To imprisonment for not more than one year, or to a fine of \$1,000, or both, if the value of the property damaged is *at least* \$2,500 and under \$10,000;

(4) TO IMPRISONMENT FOR NOT MORE THAN THREE YEARS OR TO A FINE OF \$3,000 OR BOTH, IF VALUE OF PROPERTY DAMAGED IS \$10,000 OR GREATER.)

(c) *Property of another is injured thereby, is guilty of a crime and shall be sentenced to imprisonment for one year and one day if the value of the property damaged is \$10,000 or greater.*

Sec. 83. Minnesota Statutes 1976, Section 609.58, Subdivision 2, is amended to read:

Subd. 2. [ACTS CONSTITUTING.] Whoever enters a building without the consent of the person in lawful possession, with intent to commit a crime therein, or whoever remains within a building without the consent of the person in lawful authority, with intent to commit a crime therein, commits burglary and (MAY) *shall* be sentenced as follows:

(1) To imprisonment for (NOT MORE THAN 20 YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$20,000, OR BOTH) *eight years*, if:

(a) When entering or while in the building, he possesses an explosive or tool to gain access to money or property; or

(b) The building entered is a dwelling and he possesses a dangerous weapon when entering or while in the building or he commits an assault upon a person present therein; or

(c) The portion of the building entered contains a banking business or other business of receiving securities or other valuable papers for deposit or safekeeping, the entry is with force or threat of force, the intent is to steal or commit a felony therein.

(2) To imprisonment for (NOT MORE THAN TEN YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$10,000, OR BOTH) *four years*, if the building entered is a dwelling and another person not an accomplice is present therein.

(3) In any other case, to imprisonment for (NOT MORE THAN FIVE YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$5,000, OR BOTH) *two years*, if the intent is to steal or commit a felony or gross misdemeanor or to imprisonment for not more than one year or to payment of a fine of not more than \$1,000, or both, if the intent is to commit a misdemeanor.

Sec. 84. Minnesota Statutes 1976, Section 609.59, is amended to read:

609.59 [POSSESSION OF BURGLARY TOOLS.] Whoever has in his possession any device, explosive, or other instrumentality with intent to use or permit the use of the same to commit burglary (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN THREE YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$3,000, OR BOTH) *one year and one day*.

Sec. 85. Minnesota Statutes 1976, Section 609.595, Subdivision 1, is amended to read:

609.595 [DAMAGE TO PROPERTY.] Subdivision 1. [AGGRAVATED CRIMINAL DAMAGE TO PROPERTY.] Whoever intentionally causes damage to physical property of another without the latter's consent (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN FIVE YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$5,000, OR BOTH) *two years*, if:

(1) The damage to the property caused a reasonably foreseeable risk of bodily harm; or

(2) The property damaged belongs to a public utility or a common carrier and the damage impairs the service to the public rendered by them; or

(3) The damage reduces the value of the property by more than \$100 measured by the cost of repair or replacement, whichever is less.

Sec. 86. Minnesota Statutes 1976, Section 609.60, is amended to read:

609.60 [DANGEROUS TRESPASSES AND OTHER ACTS.] Whoever intentionally does any of the following is guilty of a misdemeanor; except, if to his knowledge a risk of death or bodily harm or serious property damage is thereby created, he (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN FIVE YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$5,000, OR BOTH) *two years*:

(1) Smokes in the presence of explosives or inflammable materials; or

(2) Interferes with or obstructs the prevention or extinguishing of any fire, or disobeys the lawful orders of a law enforcement officer or fireman present at the fire; or

(3) Shows a false light or signal or interferes with any light, signal, or sign controlling or guiding traffic upon a highway, railway track, navigable waters, or in the air; or

(4) Places an obstruction upon a railroad track; or

(5) Exposes another or his property to an obnoxious or harmful gas, fluid or substance, with intent to injure, molest, or coerce.

Sec. 87. Minnesota Statutes 1976, Section 609.611, is amended to read:

609.611 [DEFRAUDING INSURER.] Whoever with intent to injure or defraud an insurer, damages any property real or personal, whether his own or that of another, which is at the time insured by any person, firm or corporation against loss or damage;

(a) (MAY) *Shall* be sentenced to imprisonment for (NOT MORE THAN THREE YEARS OR TO PAYMENT OF FINE OF NOT MORE THAN \$3,000, OR BOTH) *one year and one day* if the value insured for is less than \$20,000; or

(b) (MAY) *Shall* be sentenced to imprisonment for (NOT MORE THAN FIVE YEARS OR TO PAYMENT OF FINE OF NOT MORE THAN \$5,000, OR BOTH) *two years* if the value insured for is \$20,000 or greater;

(c) Proof that the actor recovered or attempted to recover on a policy of insurance by reason of the fire is relevant but not essential to establish his intent to defraud the insurer.

Sec. 88. Minnesota Statutes 1976, Section 609.615, is amended to read:

609.615 [DEFEATING SECURITY ON REALTY.] Whoever removes or damages real property which is subject to a mortgage, mechanic's lien, or contract for deed, with intent to impair the value of the security, without the consent of the security holder, (MAY) *shall* be sentenced as follows:

(1) If the value of the property is impaired by \$100 or less, to imprisonment for not more than 90 days or to payment of a fine of not more than \$300, or both; or

(2) If the value of the property is impaired by more than \$100, to imprisonment for (NOT MORE THAN FIVE YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$5,000, OR BOTH) *two years*.

Sec. 89. Minnesota Statutes 1976, Section 609.62, Subdivision 2, is amended to read:

Subd. 2. [ACTS CONSTITUTING.] Whoever, with intent to defraud, does any of the following (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN TWO YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$2,000, OR BOTH) *one year and one day*:

(1) Conceals, removes, or transfers any personal property in which he knows that another has a security interest; or

(2) Being an obligor and knowing the location of the property refuses to disclose the same to an obligee entitled to possession thereof.

Sec. 90. Minnesota Statutes 1976, Section 609.625, is amended to read:

609.625 [AGGRAVATED FORGERY.] Subdivision 1. [MAKING OR ALTERING WRITING OR OBJECT.] Whoever, with intent to defraud, falsely makes or alters a writing or object of any of the following kinds so that it purports to have been made by another or by himself under an assumed or fictitious name, or at another time, or with different provisions, or by authority of one who did not give such authority, is guilty of aggravated forgery and (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN TEN YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$10,000, OR BOTH) *four years*:

(1) A writing or object whereby, when genuine, legal rights, privileges, or obligations are created, terminated, transferred,

or evidenced, or any writing normally relied upon as evidence of debt or property rights; or

(2) An official seal or the seal of a corporation; or

(3) A public record or an official authentication or certification of a copy thereof; or

(4) An official return or certificate entitled to be received as evidence of its contents; or

(5) A court order, judgment, decree, or process; or

(6) The records or accounts of a public body, office, or officer; or

(7) The records or accounts of a bank or person, with whom funds of the state or any of its agencies or subdivisions are deposited or entrusted, relating to such funds.

Subd. 2. [MEANS FOR FALSE REPRODUCTION.] Whoever, with intent to defraud, makes, engraves, possesses or transfers a plate or instrument for the false reproduction of a writing or object mentioned in subdivision 1 (MAY) *shall* be sentenced as provided in subdivision 1.

Subd. 3. [UTTERING OR POSSESSING.] Whoever, with intent to defraud, utters or possesses with intent to utter any forged writing or object mentioned in subdivision 1, knowing it to have been so forged, (MAY) *shall* be sentenced as provided in subdivision 1.

Sec. 91. Minnesota Statutes 1976, Section 609.63, is amended to read:

609.63 [FORGERY.] Subdivision 1. Whoever, with intent to injure or defraud, does any of the following is guilty of forgery and (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN THREE YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$3,000, OR BOTH) *one year and one day*:

(1) Uses a false writing, knowing it to be false, for the purpose of identification or recommendation; or

(2) Without consent, places, or possesses with intent to place, upon any merchandise an identifying label or stamp which is or purports to be that of another craftsman, tradesman, packer, or manufacturer, or disposes or possesses with intent to dispose of any merchandise so labeled or stamped; or

(3) Falsely makes or alters a membership card purporting to be that of a fraternal, business, professional, or other association, or of any labor union, or possesses any such card knowing it to have been thus falsely made or altered; or

(4) Falsely makes or alters a writing, or possesses a falsely made or altered writing, evidencing a right to transportation on a common carrier; or

(5) Destroys, mutilates, or by alteration, false entry or omission, falsifies any record, account, or other document relating to a private business; or

(6) Without authority of law, destroys, mutilates, or by alteration, false entry, or omission, falsifies any record, account, or other document relating to a person, corporation, or business, or filed in the office of, or deposited with, any public office or officer; or

(7) Destroys a writing or object to prevent it from being produced at a trial, hearing, or other proceeding authorized by law.

Subd. 2. Whoever, with knowledge that it is forged, offers in evidence in any trial, hearing or other proceedings authorized by law, as genuine, any forged writing or object (MAY) shall be sentenced as follows:

(1) If the writing or object is offered in evidence in the trial of a felony charge, to imprisonment for (NOT MORE THAN FIVE YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$5,000, OR BOTH) *two years*; or

(2) In all other cases, to imprisonment for (NOT MORE THAN THREE YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$3,000, OR BOTH) *one year and one day*.

Sec. 92. Minnesota Statutes 1976, Section 609.635, is amended to read:

609.635 [OBTAINING SIGNATURE BY FALSE PRETENSE.] Whoever, by false pretense, obtains the signature of another to a writing which is a subject of forgery under section 609.625, subdivision 1, (MAY) shall be punished as therein provided.

Sec. 93. Minnesota Statutes 1976, Section 609.64, is amended to read:

609.64 [RECORDING, FILING OF FORGED INSTRUMENT.] Whoever intentionally presents for filing, registering, or recording, or files, registers, or records a false or forged

instrument relating to or affecting real or personal property in a public office entitled to file, register, or record such instrument when genuine (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN THREE YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$3,000, OR BOTH) *one year and one day*.

Sec. 94. Minnesota Statutes 1976, Section 609.645, is amended to read:

609.645. [FRAUDULENT STATEMENTS.] Whoever, with intent to injure or defraud, does any of the following (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN THREE YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$3,000, OR BOTH) *one year and one day*:

(1) Circulates or publishes a false statement, oral or written, relating to a corporation, association, or individual, intending thereby to give a false apparent value to securities issued or to be issued by, or to the property of, such corporation, association, or individual; or

(2) Makes a false ship's or airplane's manifest, invoice, register, or protest.

Sec. 95. Minnesota Statutes 1976, Section 609.65, is amended to read:

609.65 [FALSE CERTIFICATION BY NOTARY PUBLIC.] Whoever, when acting or purporting to act as a notary public or other public officer, certifies falsely that an instrument has been acknowledged or that any other act was performed by a party appearing before him or that as such notary public or other public officer he performed any other official act (MAY) *shall* be sentenced as follows:

(1) If he so certifies with intent to injure or defraud, to imprisonment for (NOT MORE THAN THREE YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$3,000, OR BOTH) *one year and one day*; or

(2) In any other case, to imprisonment for not more than 90 days or to payment of a fine of not more than \$300, or both.

Sec. 96. Minnesota Statutes 1976, Section 609.67, Subdivision 2, is amended to read:

Subd. 2. [ACTS PROHIBITED.] Except as otherwise provided herein, whoever owns, possesses, or operates a machine gun (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN FIVE YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$5,000, OR BOTH) *two years*.

Sec. 97. Minnesota Statutes 1976, Section 609.71, is amended to read:

609.71 [RIOT.] When three or more persons assembled disturb the public peace by an intentional act or threat of unlawful force or violence to person or property, each participant therein is guilty of riot and may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$1,000, or both, or, if the offender, or to his knowledge any other participant, is armed with a dangerous weapon or is disguised, *he shall be sentenced* to imprisonment for (NOT MORE THAN FIVE YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$5,000, OR BOTH) *two years*.

Sec. 98. Minnesota Statutes 1976, Section 609.713, is amended to read:

609.713 [TERRORISTIC THREATS.] Subdivision 1. Whoever threatens to commit any crime of violence with purpose to terrorize another or to cause evacuation of a building, place of assembly or facility of public transportation or otherwise to cause serious public inconvenience, or in a reckless disregard of the risk of causing such terror or inconvenience (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN FIVE) *two years*.

Subd. 2. Whoever communicates to another with purpose to terrorize another or in reckless disregard of the risk of causing such terror, that explosives or an explosive device or any incendiary device is present at a named place or location, whether or not the same is in fact present, (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN THREE YEARS) *one year and one day*.

Sec. 99. Minnesota Statutes 1976, Section 609.785, is amended to read:

609.785 [FRAUDULENT LONG DISTANCE TELEPHONE CALLS.] Whoever obtains long distance telephone service by intentionally requesting of the operator that the cost thereof be charged to a false or non-existent telephone or credit card number or to the telephone or credit card number of another without his authority may be sentenced to imprisonment for not more than 90 days or to payment of a fine of not more than \$300, or both, when the value of the telephone service obtained is not more than \$100; and *shall be sentenced* by imprisonment for (NOT MORE THAN FIVE YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$5,000, OR BOTH) *two years*, if the value of the telephone service obtained in a single transaction, or in separate transactions within any six month period, is more than \$100.

Sec. 100. Minnesota Statutes 1976, Section 609.82, is amended to read:

609.82 [FRAUD IN OBTAINING CREDIT.] Whoever, with intent to defraud, obtains credit for himself or another from a bank, trust company, savings or building and loan association, or credit union, by means of a present or past false representation as to his or another's financial ability may be sentenced as follows:

(1) If no money or property is obtained by the defendant by means of such credit, to imprisonment for not more than 90 days or to payment of a fine of not more than \$300, or both; or

(2) If money or property is so obtained, the value thereof shall be determined as provided in section 609.52, subdivision 1, clause (3) and he (MAY) *shall* be sentenced as provided in section 609.52, subdivision 3.

Sec. 101. Minnesota Statutes 1976, Section 609.825, Subdivision 2, is amended to read:

Subd. 2. [ACTS PROHIBITED.] Whoever does any of the following (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN FIVE YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$5,000, OR BOTH) *two years*:

(1) Offers, gives, or agrees to give, directly or indirectly, any benefit, reward or consideration to a participant, manager, director, or other official, or to one who intends to become such participant or official, in any sporting event, race or other contest of any kind whatsoever with intent thereby to influence such participant not to use his best effort to win or enable his team to win or to attain a maximum score or margin of victory, or to influence such official in his decisions with respect to such contest; or

(2) Requests, receives, or agrees to receive, directly or indirectly, any benefit, reward or consideration upon the understanding that he will be so influenced as such participant or official.

Sec. 102. Minnesota Statutes 1976, Section 609.83, is amended to read:

609.83 [FALSELY IMPERSONATING ANOTHER.] Whoever does either of the following (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN FIVE YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$5,000, OR BOTH) *two years*:

(1) Assumes to enter into a marriage relationship with another by falsely impersonating a third person; or

(2) By falsely impersonating another with intent to defraud him or a third person, appears, participates, or executes an instrument to be used in a judicial proceeding.

Sec. 103. *In the next and subsequent editions of the Minnesota Statutes the revisor of statutes shall make such changes in terminology as may be necessary to record the functions, powers and duties of the commissioner of corrections as established by this act.*

Sec. 104. [REPEALER.] *Subdivision 1. Minnesota Statutes 1976, Sections 152.15, Subdivisions 4 and 5; 243.06; 243.14; 243.18; 246.43 and 609.11, Subdivision 2, are repealed.*

Subd. 2. Minnesota Statutes 1976, Section 609.293, Subdivisions 2, 3 and 4, are repealed.

Sec. 105. [APPROPRIATION.] *The sums set forth in this section are appropriated from the general fund to the supreme court for increased costs of general operation and management resulting from this act, to be available for the fiscal year ending June 30 in the years indicated.*

1978	1979
\$37,500	\$37,500

There is also hereby appropriated from the general fund to the supreme court to pay the expenses incurred by the judicial guideline commission the sum of \$250,000.

Sec. 106. [EFFECTIVE DATE.] *Subdivision 1. Sections 1 to 98 are effective as to crimes committed on or after December 31, 1978, except as specifically provided in section 12.*

Subd. 2. Section 104, subdivision 1, is effective December 31, 1978.

Subd. 3. Section 104, subdivision 2, is effective the day following final enactment."

Further amend the title as follows:

Strike the title in its entirety and insert the following:

"A bill for an act relating to crimes and corrections; directing the supreme court to promulgate sentencing guidelines; sentencing and post conviction disposition of criminal offenders; transferring the powers and duties of the Minnesota corrections board to the commissioner of corrections; abolishing the Minnesota corrections board; providing for determinate sentencing; providing for a mutual agreement program; appropriating money;

amending Minnesota Statutes 1976, Sections 152.15, Subdivisions 1, 2 and 3; 299F.811; 299F.815, Subdivision 1; 401.13; 609.03; 609.095; 609.10; 609.11, Subdivision 1, and by adding a subdivision; 609.115, Subdivision 1; 609.135, Subdivisions 1 and 2; 609.145, Subdivision 1; 609.165, Subdivision 2; 609.17, Subdivision 4; 609.175, Subdivision 2; 609.18; 609.185; 609.19; 609.195; 609.20; 609.205; 609.21; 609.215; 609.225; 609.235; 609.24; 609.245; 609.25, Subdivision 2; 609.255; 609.26; 609.27, Subdivision 2; 609.31; 609.32; 609.342; 609.343; 609.344; 609.345; 609.346, Subdivision 1; 609.355, Subdivision 2; 609.365; 609.375, Subdivision 2; 609.39; 609.395; 609.405, Subdivision 2; 609.42, Subdivision 1; 609.425; 609.445; 609.455; 609.465; 609.466; 609.48, Subdivisions 1 and 4; 609.485, Subdivision 4; 609.495, Subdivision 1; 609.498, Subdivision 1; 609.52, Subdivisions 2 and 3; 609.521; 609.525, Subdivision 1; 609.53, Subdivisions 1 and 3; 609.54; 609.55, Subdivision 2; 609.551, Subdivision 1; 609.561; 609.562; 609.563, Subdivision 1; 609.576; 609.58, Subdivision 2; 609.59; 609.595, Subdivision 1; 609.60; 609.611; 609.615; 609.62, Subdivision 2; 609.625; 609.63; 609.635; 609.64; 609.645; 609.65; 609.67, Subdivision 2; 609.71; 609.713; 609.785; 609.82; 609.825, Subdivision 2; 609.83; and Chapter 609, by adding sections; repealing Minnesota Statutes 1976, Sections 152.15, Subdivisions 4 and 5; 243.06; 243.14; 243.18; 246.43; 609.11, Subdivision 2; and 609.293, Subdivisions 2, 3, and 4.”

With the recommendation that when so amended the bill pass.

The report was adopted.

Norton from the Committee on Appropriations to which was referred:

S. F. No. 690, A bill for an act appropriating money for educational television facilities in northern Minnesota.

Reported the same back with the following amendment:

Page 1, line 8, delete “\$640,000” and insert “\$440,000”.

With the recommendation that when so amended the bill pass.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 15, 26, 917 and 1547 were read for the second time.

SECOND READING OF SENATE BILLS

S. F. Nos. 65 and 690 were read for the second time.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee, consisting of 5 members of the Senate, on the amendments adopted by the Senate to the following House File:

H. F. No. 415, A bill for an act relating to collection and dissemination of data; clarifying information practices; defining terms; prescribing remedies; prescribing penalties; appropriating money; amending Minnesota Statutes 1976, Sections 15.1642; 15.165; Chapters 15, by adding sections; and 138, by adding a section; repealing Minnesota Statutes 1976, Sections 15.162; 15.163; 15.1641; 15.166; 15.167; 15.1671; 15.169; 15.17; 15.171; 15.172; 15.173; 15.174; 138.161; 138.162; 138.163; 138.17; 138.18; 138.19; 138.20; 138.21; and 138.22.

The Senate has appointed as such committee Messrs. Tennesen; Nelson; Keefe, J.; Merriam and Davies.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee, consisting of 3 members of the Senate, on the amendments adopted by the Senate to the following House File:

H. F. No. 980, A bill for an act relating to public health; regulations for the preservation of public health; authorizing the state board of health to regulate the establishment, operation and maintenance of certain non-hospital clinical laboratories; amending Minnesota Statutes 1976, Section 144.12, Subdivision 1.

The Senate has appointed as such committee Messrs. Vega, Perpich and Mrs. Brataas.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee, consisting of 3 members of the Senate, on the amendments adopted by the Senate to the following House File:

H. F. No. 848, A bill for an act relating to retirement; Minneapolis municipal employees retirement fund; miscellaneous amendments; establishment of a coordinated program; amending Minnesota Statutes 1976, Sections 422A.01, by adding subdivisions; 422A.06, Subdivision 6; 422A.08, Subdivisions 2 and 5; 422A.09, Subdivision 3; 422A.16, by adding a subdivision; 422A.18, Subdivision 2; 422A.23, Subdivision 7, and by adding a subdivision; and Chapters 355, by adding sections; and 422A, by adding sections.

The Senate has appointed as such committee Messrs. Stokowski, Renneke and Strand.

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. 522, A bill for an act relating to energy; extending the application of the state building code to all cities and counties; clarifying state agency rulemaking regarding the building code subject matter; extending and clarifying the expiration of the Minnesota energy agency; requiring promulgation of certain energy conservation standards; revising certain requirements; requiring certain efficiencies for air conditioners; prohibiting certain open flame pilot lights; appropriating money; amending Minnesota Statutes 1976, Sections 16.84; 16.851; 16.86, Subdivision 4; 16.861, Subdivision 4; 116H.02, Subdivision 5; 116H.07, Subdivision 1, and by adding a subdivision; 116H.12, Subdivisions 5 and 10, and by adding subdivisions; 116H.121; 116H.124; 116H.126; 116H.13, Subdivision 4; 126.111; and Chapter 116H, by adding sections; repealing Laws 1974, Chapter 307, Section 19.

PATRICK E. FLAHAVEN, Secretary of the Senate

Munger moved that the House refuse to concur in the Senate amendments to H. F. No. 522, that the Speaker appoint a Con-

ference Committee of 5 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 that the Senate refuses to concur in the House amendment to:

S. F. No. 743, A bill for an act relating to health; establishing a health program for pre-school children; providing for payments to school districts; appropriating money.

And the Senate respectfully requests that a Conference Committee of 3 members be appointed thereon. Messrs. Milton, Sikorski and Keefe, J., have been appointed as such committee on the part of the Senate.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

PATRICK E. FLAHAVER, Secretary of the Senate

Byrne moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two Houses on S. F. No. 743. The motion prevailed.

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendment to:

S. F. No. 1337, A bill for an act relating to state employees; providing for wage and fringe benefits for certain state employees; ratifying collective bargaining agreements; providing emergency rule making authority; increasing salary ranges; appropriating money; amending Minnesota Statutes 1976, Chapter 43, by adding a section; Sections 43.09, Subdivision 3; 43.12, Subdivisions 2, 3, 5, 6, 7, 8, 10, 11, 14, 16, 17, and 18, and by adding a subdivision; 43.121, Subdivision 3; 43.122, Subdivision 3, and by adding a subdivision; 43.126, Subdivision 1; 43.323, by adding a subdivision; 43.42; 43.44, Subdivision 1; 43.46; and 43.50, Subdivision 1; repealing Minnesota Statutes 1976, Sections 43.09, Subdivision 7; and 43.12, Subdivisions 4 and 9.

And the Senate respectfully requests that a Conference Committee of 5 members be appointed thereon. Messrs. Nelson, Moe, Penny, Coleman and Ogdahl have been appointed as such committee on the part of the Senate.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

PATRICK E. FLAHAVEN, Secretary of the Senate

Pehler moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 5 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two Houses on S. F. No. 1337. The motion prevailed.

CALENDAR

There being no objection, the bills on the Calendar for today were continued on the Calendar one day.

GENERAL ORDERS

There being no objection, the bills on General Orders for today were continued on General Orders one day.

MOTIONS AND RESOLUTIONS

Lemke moved that the names of Schulz and White be added as authors on House Advisory No. 40. The motion prevailed.

Sieben, H., moved that the name of Munger be added as an author on H. F. No. 1028. The motion prevailed.

Anderson, I., introduced:

House Concurrent Resolution No. 5, A house concurrent resolution relating to adjournment until 1978.

The resolution was referred to the Committee on Rules and Legislative Administration.

Neisen moved that the action on May 18, 1977, whereby the House refused to concur in the Senate amendments to H. F. No. 1180 and requested a conference committee of 5 members be now reconsidered. The motion prevailed.

ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced that H. F. No. 1180 would be sent for enrolling inasmuch as the second Senate amendment struck the first Senate amendment and the bill, therefore, contained no amendment by the Senate.

The Speaker announced the appointment of the following members of the House to the Conference Committee on H. F. No. 562:

Prahl, Biersdorf and Stanton.

The Speaker announced the appointment of the following members of the House to the Conference Committee on S. F. No. 743:

Byrne, Faricy and Carlson, A.

The Speaker announced the appointment of the following members of the House to the Conference Committee on H. F. No. 1054:

Brandl, Rice and Forsythe.

ADJOURNMENT

Anderson, I., moved that when the House adjourns today it adjourn until 1:00 p.m., Thursday, May 19, 1977. The motion prevailed.

Anderson, I., moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 1:00 p.m., Thursday, May 19, 1977.

EDWARD A. BURDICK, Chief Clerk, House of Representatives